

DESCRIPTION OF SECTION OF PROPERTY
OWNED BY HECKTOWN DAIRIES, INC. AND
REZONED INTO GC DISTRICT

All that certain piece, parcel, or tract of land situate in the Township of Lower Nazareth, County of Northampton, Commonwealth of Pennsylvania, being part of the property belonging to Hecktown Dairies, Inc. and being that portion of land situate in the GC Zoning District, bounded and described more fully as follows to wit:

Beginning at a point along the existing easterly right-of-way line of Nazareth Pike (Pa. Route No. 191), said point being the northwesterly corner in the lands N/F Hecktown Dairies, Inc., thence leaving the road right-of-way, North 86 degrees 30 minutes 00 seconds East 141.91 feet to a point.

Thence, North 03 degrees 50 minutes 35 seconds West 27.57 feet to a point,

Thence, North 84 degrees 30 minutes 00 seconds East 681.50 feet to a point along the common boundary line between the LDR and GC zoning districts,

Thence along the common boundary line between the aforementioned zoning districts, South 04 degrees 00 minutes 00 seconds East 231.00 feet to a point,

Thence along the common boundary line between the aforementioned zoning districts and through the lands N/F Hecktown Dairies, Inc., South 05 degrees 38 minutes 46 seconds East 164.98 feet to a point, said point being a corner in the lands N/F Hecktown Dairies, Inc.,

Thence continuing along the common boundary line between the aforementioned zoning districts and along lands N/F Hecktown Dairies, Inc., South 05 degrees 30 minutes 00 seconds East 940.50 feet to a point,

Thence leaving the common boundary line between the aforementioned zoning districts and continuing along the lands N/F Hecktown Dairies, Inc., South 83 degrees 30 minutes 00 seconds West 512.33 feet to a point,

Thence, North 10 degrees 00 minutes 00 seconds West 208.47 feet to a point,

Thence, North 06 degrees 45 minutes 30 seconds West 304.00 feet to a point,

Thence, North 06 degrees 44 minutes 00 seconds West 200.00 feet to a point,

Thence, South 84 degrees 30 minutes 00 seconds West 402.14 feet to a point,

Thence along the existing easterly right-of-way line of Old Route 191, the following three (3) courses and distances:

- (1) North 09 degrees 44 minutes 53 seconds West 213.41 feet to a point,
- (2) North 58 degrees 50 minutes 56 seconds West 42.62 feet to a point of curvature,
- (3) Along a Curve to the Right, having a Radius of 45.00 feet and an Internal Angle of 83 degrees 53 minutes 19 seconds, a Length of 65.89 feet to a point along the existing right-of-way line of Nazareth Pike (Pa. Route No.191),

Thence along the aforementioned right-of-way of Nazareth Pike, North 25 degrees 02 minutes 23 seconds East 364.33 feet to a point, said point being the place of the Beginning.

Containing 962,594.41 square feet or 22.0981 acres more or less.

DECLARATION OF RESTRICTIVE USE COVENANT

This Restrictive Use Covenant, dated this _____ day of _____, 1991, by Hecktown Dairy Farms, Inc., a Pennsylvania corporation, the fee simple owners of the real property hereinafter described, (hereinafter referred to as "Declarant").

WITNESSETH:

WHEREAS, Declarant owns a certain tract of land in Lower Nazareth Township, Northampton County, Pennsylvania, known as 198 Nazareth Pike as more particularly described in a deed from _____ to Declarant, dated _____ and recorded in the Northampton County Recorder of Deeds Office at Deed Book Volume _____, page _____ (the "Premises"); and

WHEREAS, the Premises have been zoned by the Lower Nazareth Township Zoning Ordinance of 1989 (hereinafter the "Zoning Ordinance"), with approximately one-half of the Premises lying in the GC (General Commercial) Zone and the balance of the Premises lying in the LDR (Low Density Residential) Zone; and

WHEREAS, Declarant submitted to the Supervisors of Lower Nazareth Township (hereinafter, "Township") a Petition to Amend the Township Zoning Ordinance Map by re-zoning the majority of the Premises to the GC-Zone; and

WHEREAS, the GC District schedule of uses as set forth in the

EXHIBIT "D"

Zoning Ordinance (a true and correct copy of which is attached hereto as Exhibit "A" and made a material part hereof) permits a wide variety of uses which may or may not be compatible with uses on or adjoining the Premises; and

WHEREAS, with the rezoning of Declarant's tract to GC as aforesaid, Declarant intends to limit certain future uses on the Premises in accordance with representations made to said Township;

NOW, THEREFORE, intending to be legally bound, the Declarant does hereby impose upon, encumber and subject the Premises described herein and declares that all property included within the Premises, shall be and is hereby to be held, conveyed, hypothecated or encumbered, occupied and/or improved, subject to the provisions of this Declaration and this Declaration is established for the purpose of enhancing, maintaining and protecting the value, desirability, and compatibility of the Premises as well as adjoining and surrounding lands.

1. Declarant, intending to be forever bound hereby, for itself, its successors and assigns, incorporates the foregoing recitals as a material part of this Agreement, covenants that the Premises shall not be used for any of the following enumerated uses which correspond to those numbered and lettered use descriptions set forth on Exhibit "A", which is a copy of Sections 901, 902 and 903 of the said Zoning Ordinance:

Uses Which Shall Not Be Permitted on Premises

1, 3, 4, 5, 8, 10, 14, 16, 20, 30, 31, 36, 47, 49, 50, 51 and 52.

Special Exception Uses

A, B, E, F, G.

2. All uses listed on Exhibit "A", or similar thereto, and not specifically prohibited at Paragraph 1 above, are permissible on the Premises. The Declarant retains the right to change or modify the scope of this Restrictive Use Covenant in the event of future amendment(s) by Township to the Zoning Ordinance subsequent to the date of this Restrictive Use Covenant; however, such amendment(s) shall not be construed to restrict or otherwise limit the scope of permitted uses set forth in Exhibit "A" and not specifically excluded in the preceding Section 1 of this Declaration.

3. Declarant, Declarant's successors in interest to the Premises, or Township may proceed at law or in equity to prevent the occurrence, continuation or violation of any provisions of this Restrictive Use Covenant.

4. Declarant and Declarant's successors in interest retain a right of entry and access onto the Premises for purposes of enforcing the provisions of this Restrictive Use Covenant.

5. The invalidity of any part of this Restrictive Use Covenant shall not impair or affect in any manner the validity, enforceability or effect of the balance of this Restrictive Use Covenant which shall remain in full force and effect, and shall be construed as running with the land for a period of fifty (50) years from date hereof, at which time this Declaration and the Covenant created hereunder shall be deemed to expire and terminate.

6. This Restrictive Use Covenant shall be construed in accordance with the laws of the Commonwealth of Pennsylvania and jurisdiction of any disputes or claims arising hereunder shall lie with the Court of Common Pleas of Northampton County, Pennsylvania.

IN WITNESS WHEREOF, the Declarant has executed this Restrictive Use Covenant the day and year first above written.

ARTICLE IX

GC GENERAL COMMERCIAL DISTRICT

901. PURPOSE. To provide for a wide range of needed commercial uses in locations that are less likely to involve conflicts with existing residences. To use special care and control on access onto arterial and collector streets to avoid traffic hazards.
902. PERMITTED BY RIGHT USES. Only the following uses are permitted by right in the GC District, provided that the requirements for specific uses in Article XV are met:
- A. The following uses as principal or accessory uses:
- ~~1. Auto Service Station*~~
 2. Financial Institution with or without drive-thru service*
 - ~~3. Car Wash*~~
 - ~~4. Bus Station or Taxi Terminal~~
 - ~~5. Hotel or Motel*~~
 6. Convenience Store
 7. Drive-thru Service or Delivery Service as an accessory use
 - ~~8. Supermarket~~
 9. General Merchandise Store
 - ~~10. Funeral Home*~~
 - ✓11. Commercial Indoor or Outdoor Recreation, including mini-golf course, bowling alley, exercise club, indoor or outdoor movie theater or skating rink
 - ✓12. Animal Hospital, Small*
 13. Building Contractor's Office and Storage
 - ~~14. Home Occupation** or Home Office**~~
 15. Retail Store
 - ~~16. Standard Restaurant with or without drive-thru service~~
 17. Personal Services
 18. Printing and Bookbinding
 19. Trade School
 - ~~20. Flea Market~~
 21. Nursing Home*
 22. Indoor Storage as an accessory use
 - ✓23. Self-Storage Development*
 24. Beverage Distributor
 25. Personal Care Center*
 26. Essential Services**
 27. Wholesale Sales or Warehousing, not including a truck terminal as a principal use

*See additional requirements in Section 1502.

**See additional requirements in Section 1503.

- 28. Lumber Yard
- 29. Crafts or Artisan's Studio
- ~~30. Kennel*~~
- ~~31. Campground*~~
- 32. U. S. Postal Service Facility
- 33. Auditorium, Commercial*
- 34. Plant Nursery*
- 35. Nursery School/Day Care Center*
- ~~36. Recycling Collection Center*~~
- 37. Adult Day Care Center*
- 38. Business, Professional, Medical, Dental or Governmental Offices
- 39. Bakery
- 40. Laundromat
- 41. Membership Club
- 42. Group Home*
- ✓43. Public or Private Primary or Secondary School*
- ✓44. Cultural/Community Center*
- ✓45. Crop Farming
- ✓46. Golf Course*
- ~~47. Swimming Pool, Public~~
- 48. Publicly-owned Recreation
- ~~49. Wildlife Sanctuary~~
- ~~50. Place of Worship*, but not including any dwelling~~
- ~~51. Cemetery*~~
- ~~52. Township owned Use~~
- 53. Accessory Use or Structure clearly customary and incidental to a permitted by right, approved special exception or conditional use.**
- 54. Accessory Use or Structure permitted under Section 1503.C.**

*See additional requirements in Section 1502.

**See additional requirements in Section 1503.

903. SPECIAL EXCEPTION USES. Only the following are permitted by special exception in the GC District, provided that the requirements for specific uses in Article XV are met:

- ~~A. Auto Repair Garage*~~
- ~~B. Auto, Boat or Mobile/Manufactured Home Sales*~~
- C. Fast-Food Restaurant*, with or without Drive-Thru Service
- D. Tavern
- ~~E. Commercial Outdoor Storage or Display**, not including an auto sales use or nursery/greenhouse~~
- ~~F. Boarding House*~~
- ~~G. Motor Vehicle Race Track*, with a minimum lot area of 15 acres.~~

904. CONDITIONAL USES. Only the following use is a permitted conditional use in the GC District, provided that the requirements for this use in Article XV are met:

- A. Emergency Services Station*

*See additional requirements in Section 1502.

TOWNSHIP OF LOWER NAZARETH
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 110

AN ORDINANCE

AMENDING THE LOWER NAZARETH TOWNSHIP
OFFICIAL ZONING MAP.

BE IT ENACTED AND ORDAINED By the Board of Supervisors of Lower Nazareth Township, Northampton County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, pursuant to the provisions of Act 247 of 1968, as amended by Act 170 of 1988, as follows:

SECTION 1: The Official Zoning Map of Lower Nazareth Township is hereby amended to incorporate the lands designated herein and marked Exhibit "A" in the Low Density Residential Zoning District.

SECTION 2: The Official Zoning Map of Lower Nazareth Township is hereby amended to incorporate the lands designated herein and marked Exhibit "B" in the General Commercial Zoning District.

SECTION 3: The lands designated herein and marked Exhibit "A" and Exhibit "B" are reflected upon a Plan attached hereto and marked Exhibit "C."

SECTION 4: Any future land development and/or subdivision of lands designated in Exhibit "B" herein shall require the submission

and approval of Traffic Studies pursuant to the Lower Nazareth Township Subdivision And Land Development Ordinance.

SECTION 5: Declaration of Restrictive Use Covenant attached hereto and designated Exhibit "D" shall be filed and recorded in the Office for the Recording of Deeds in and for Northampton County.

SECTION 6: In all other respects, the Lower Nazareth Township Official Zoning Map is hereby ratified and confirmed.

DULY ENACTED AND ORDAINED this 9th day of October, 1991.

BOARD OF SUPERVISORS OF LOWER NAZARETH
TOWNSHIP

BY: Robert C. Hoyer
ROBERT C. HOYER, CHAIRMAN

ATTEST:

Mary Ann McCarthy
MARY ANN McCARTHY, SECRETARY

DESCRIPTION OF SECTION OF PROPERTY

OWNED BY HECKTOWN DAIRIES, INC. AND

REZONED INTO LDR DISTRICT

All that certain piece, parcel, or tract of land situate in the Township of Lower Nazareth, County of Northampton, Commonwealth of Pennsylvania, being part of the property belonging to Hecktown Dairies, Inc. and being that portion of land situate in the LDR Zoning District, bounded and described more fully as follows to wit:

Beginning at a point in the centerline of Hecktown Road, said point being the northeasterly corner in the land described herein, thence along the centerline of Hecktown Road, South 04 degrees 30 minutes 00 seconds East 165.00 feet to a point,

Thence, South 84 degrees 30 minutes 00 seconds West 656.70 feet to a point, said point being a corner in the lands N/F Hecktown Dairies, Inc., and being along the common boundary line between the GC and LDR zoning districts,

Thence, along the zoning district boundary line and through the lands N/F Hecktown Dairies, Inc., North 05 degrees 38 minutes 46 seconds West 164.98 feet to a point, said point being a corner in the lands N/F Hecktown Dairies, Inc.,

Thence, North 84 degrees 30 minutes 00 seconds East 660.00 feet to a point, said point being the place of the Beginning.

Containing 108,611.21 square feet, or 2.4934 acres more or less.