

**TOWNSHIP OF LOWER NAZARETH
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 236-12-20

AN ORDINANCE

**ADOPTING AN OFFICIAL MAP OF THE TOWNSHIP OF
LOWER NAZARETH PURSUANT TO THE
PENNSYLVANIA MUNICIPALITIES PLANNING CODE.**

WHEREAS, Article IV of the Pennsylvania Municipalities Planning Code authorizes the Board of Supervisors of Lower Nazareth Township to make or cause to be made an Official Map of the Township; and

WHEREAS, agencies of the Township working in conjunction with the Lehigh Valley Planning Commission and Nazareth Area Council of Governments, and upon consideration of the Comprehensive Plan heretofore adopted by the Board of Supervisors of Lower Nazareth Township and the Nazareth Area Council of Governments Multimunicipal Comprehensive Plan, with supporting documentation, studies, review, and analysis, have undertaken the drafting of an Official Map consistent with the provisions of Section 401 of the Pennsylvania Municipalities Planning Code; and

WHEREAS, the Official Map has been submitted for review and comment to the agencies and municipalities as required by the Pennsylvania Municipalities Planning Code.

NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of Lower Nazareth Township pursuant to the authority granted it under the Pennsylvania Municipalities Planning Code, and it is enacted and ordained as follows:

SECTION 1. The Official Map for Lower Nazareth Township, Northampton County, Pennsylvania, attached hereto, made a part hereof, and marked Exhibit "A", draft dated August, 2020, is hereby adopted as the Official Map of Lower Nazareth Township pursuant to Article IV of the Municipalities Planning Code.

SECTION 2. After adoption of the Official Map, all streets, watercourses, public grounds and elements listed in Section 401 of the Municipalities Planning Code on final, recorded plats which are subsequently approved as provided by the Pennsylvania Municipalities Planning Code shall be deemed amendments to the Official Map.

SECTION 3. The adoption of any street, street lines, or other public lands as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of any land, nor shall it obligate the Township to improve or maintain any such street or land. The adoption of the proposed watercourses or public grounds as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute the taking or acceptance of any land of the Township.

SECTION 4. For the purposes of preserving the integrity of the Official Map of Lower Nazareth Township, no permit shall be issued for any building within the lines of any street, watercourse, or public ground shown or laid out on the Official Map. No person shall recover any damages for the taking for public use of any building or improvements constructed within the lines of any street, watercourse, or public ground after the same shall have been included in the Official Map, and any such building or improvement shall be removed at the expense of the owner. However, when the property of which the reserved location

forms a part, cannot yield a reasonable return to the owner unless a permit shall be granted, the owner may apply to the Board of Supervisors of Lower Nazareth Township for the grant of a Special Encroachment Permit to build. Before granting any Special Encroachment Permit authorized in this section, the Board of Supervisors may submit the application for Special Encroachment Permit to the Lower Nazareth Township Planning Commission and allow the Planning Commission thirty (30) days for review and comment and shall give public notice and hold a Public Hearing at which all parties in interest shall have an opportunity to be heard. A refusal by the Board of Supervisors to grant the Special Encroachment Permit applied for may be appealed by the applicant to the Zoning Hearing Board in the same manner, and within the same time limitation, as provided by the Pennsylvania Municipalities Planning Code.

SECTION 5. Adoption of the Official Map shall be subject to the provisions of Section 406 of the Pennsylvania Municipalities Planning Code providing for Time Limitations on Reservation for Future Taking, and Section 407 of the Pennsylvania Municipalities Planning Code providing for Release of Damage Claims or Compensation. The Official Map provides designation of parcel boundaries, public recreation land, Township facilities, public paths, existing roadway classifications, and proposed greenways to be reserved for open space. Subsequent to the adoption of this Ordinance and Official Map, any Subdivision or Land Development Plan submitted to the Township must incorporate the identified features and classifications.

SECTION 6. If any provision, sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the

remaining provisions of this Ordinance. It is hereby declared as the intent of Lower Nazareth Township that this Ordinance would have been adopted had such stricken provisions not been included herein.

SECTION 7. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 8. This Ordinance shall become effective five (5) days after adoption thereof.

DULY ENACTED AND ORDAINED this 9th day of December, 2020.

**TOWNSHIP OF LOWER NAZARETH
BOARD OF SUPERVISORS**

BY: James S. Pennington
JAMES PENNINGTON, Chairman

ATTEST:

Sammi Dravos