

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 309

(Duly Adopted September 14, 1994)

AN ORDINANCE AMENDING THE BOROUGH OF ALBURTIS ZONING ORDINANCE BY CHANGING THE REQUIREMENTS FOR PLACEMENT OF BUFFER YARDS FOR MULTIFAMILY DWELLINGS AND SINGLE-FAMILY ATTACHED DWELLINGS FROM PROPERTY LINES WHICH ADJOIN RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL DISTRICT BOUNDARIES TO PROPERTY LINES WHICH ADJOIN EXISTING NONRESIDENTIAL USES THAT DO NOT HAVE A BUFFER STRIP.

WHEREAS, the Borough of Alburdis is empowered to enact, amend, and repeal zoning ordinances under Article VI of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10601 *et seq.*; and

WHEREAS, Borough Council has enacted a zoning ordinance, which has been codified as Chapter 137 of the Code of the Borough of Alburdis (1981), as amended; and

WHEREAS, Borough Council desires to amend the provisions of the Zoning Ordinance relating to buffer strips for multifamily dwellings and single-family attached dwellings in the manner set forth in this Ordinance; and

WHEREAS, more than thirty (30) days prior to the date of the enactment of this Ordinance, the Borough submitted a copy of this Ordinance to the Alburdis Planning Commission and the Joint Planning Commission of Lehigh and Northampton Counties, to provide them with an opportunity to submit recommendations, in accordance with the provisions of 53 PA. STAT. ANN. § 10609(c) and (e); and

WHEREAS, the Alburdis Planning Commission recommended adoption of this Ordinance by a unanimous vote at its meeting on August 16, 1994; and

WHEREAS, the Joint Planning Commission of Lehigh and Northampton Counties voted at its meeting on August 25, 1994 to offer no comment on this Ordinance; and

WHEREAS, on August 31, 1994 and September 7, 1994, the Borough published a public notice in the *East Penn Press*, a newspaper of general circulation in the Borough of Alburdis, of its intention to conduct a hearing on this Ordinance on September 14, 1994 at 7:00 p.m. in the Borough Hall, 260 Franklin Street, Alburdis, Pennsylvania, and to consider the adoption of this Ordinance thereafter. The notice stated the particular nature of the matter to be considered at the hearing, as provided in the title of this Ordinance; and

WHEREAS, immediately prior to the vote of Borough Council enacting this Ordinance, Borough Council conducted a hearing on this Ordinance, pursuant to 53 PA. STAT. ANN. § 10609(b), and did not substantially change or revise this Ordinance as a result of the hearing;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburdis, Lehigh County, Pennsylvania, as follows:

SECTION 1. Section 137-72(A)(5) of the Code of the Borough of Alburdis (relating to Zoning Ordinance—Conditional Uses and Special Exception Uses—Multifamily Dwellings & Single-family Attached Dwellings—Buffer Yards), shall be amended as follows (with deletions indicated in ~~strike-outs~~ and insertions indicated by double underlining):

§ 137-72 Specific requirements.

* * *

A. Multifamily dwellings (MFD) and single-family attached dwellings (SFAD). The following minimum requirements shall be met:

* * *

(5) Buffer yards. ~~Along each side or rear property line which adjoins a residential, commercial or industrial district boundary a fifty foot buffer yard shall be provided. Such buffer yard shall meet the~~

requirements of Article XIV. A fifty-foot buffer yard which satisfies the requirements of Article XIV shall be provided along each side or rear property line which adjoins any lot that contains a nonresidential use not subject to the buffer yard requirements of Article XIV with respect to the boundary between the nonresidential lot and the proposed MFD or SFAD development.

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SECTION 2. The Secretary of the Borough shall send a certified copy of this Ordinance to the Joint Planning Commission of Lehigh and Northampton Counties within thirty (30) days after the date of enactment, as required by 53 PA. STAT. ANN. § 10609(g).

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Alburtis, this 14th day of September, 1994, in lawful session duly assembled.

BOROUGH COUNCIL
BOROUGH OF ALBURTIS

Carlton R. Raines, President

Attest:

Louise Staub, Secretary

AND NOW, this 14th day of September, 1994, the above Ordinance is hereby
APPROVED.

Ronald J. DeIaco, Mayor