

**BOROUGH OF ALBURTIS  
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 318

(Duly Adopted August 30, 1995)

AN ORDINANCE AMENDING THE BOROUGH OF ALBURTIS ZONING ORDINANCE BY PERMITTING CERTAIN FENCES WITHIN FRONT YARDS OF PROPERTIES WHICH FRONT ON MORE THAN ONE STREET.

**WHEREAS**, the Borough of Albutris 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 Albutris (1981), as amended; and

**WHEREAS**, Borough Council desires to amend the provisions of the Zoning Ordinance relating to fences 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 Albutris 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 Albutris Planning Commission recommended adoption of this Ordinance by a unanimous vote at its meeting on August 15, 1995; and

**WHEREAS**, the staff of the Joint Planning Commission of Lehigh and Northampton Counties, by letter dated August 2, 1995, offered no comment regarding this ordinance, and no other comments were received from the Joint Planning Commission prior to the adoption of this ordinance; and

**WHEREAS**, on August 16, 1995 and August 23, 1995, the Borough published a public notice in the *East Penn Press*, a newspaper of general circulation in the Borough of Alburtis, of its intention to conduct a hearing on this Ordinance on August 30, 1995 at 7:00 p.m. in the Borough Hall, 260 Franklin Street, Alburtis, 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 Alburtis, Lehigh County, Pennsylvania, as follows:

**SECTION 1.** Section 137-15(D) of Chapter 137 of the Code of the Borough of Alburtis (relating to Zoning Ordinance—Regulations for the R-1 Low Density Residential Zoning District—Accessory Uses—Fences; and which is referred to in establishing permitted Accessory Uses in the R-2 Medium Density and the R-3 High Density Residential Zoning Districts) shall be amended as follows (with deletions indicated in ~~strike-outs~~ and insertions indicated by double underlining):

**§ 137-15 Accessory uses.**

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~~**D.**—Fences not to exceed six (6) feet in height may be placed along the side and rear property line no closer than one (1) foot from the property line. No fences shall be placed in the front yard area between the building setback line and front lot line.~~

**D. Fences.** Fences not to exceed six (6) feet in height may be placed within a required yard area, provided that:

(1) No part of any fence shall be closer than one (1) foot from any property line;

(2) No part of any fence shall be located closer than twenty-five (25) feet from the legal right-of-way line of the street or alley on which the principal structure of the lot fronts.

(3) No part of any fence shall be closer than ten (10) feet from the legal right-of-way line of any street or alley; and

(4) No part of any fence shall be within any of the clear sight triangles established under § 137-56(A) or (B).

**SECTION 2.** Section 137-60 of Chapter 137 of the Code of the Borough of Alburis (relating to Zoning Ordinance—Fencing) is hereby deleted and repealed.

**SECTION 3.** 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 Alburdis, this 30th day of August, 1995, in lawful session duly assembled.

**BOROUGH COUNCIL  
BOROUGH OF ALBURDIS**

\_\_\_\_\_  
Carlton R. Raines, President

Attest:

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Louise Stahley, Secretary

**AND NOW**, this 30th day of August, 1995, the above Ordinance is hereby APPROVED.

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Ronald J. DeIaco, Mayor