

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 416

(Duly Adopted December 29, 2003)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP UNDER THE BOROUGH OF ALBURTIS ZONING ORDINANCE SO THAT THE PROPERTY KNOWN AS 109 NORTH MAIN STREET IS LOCATED WITHIN THE C-1 COMMERCIAL ZONING DISTRICT RATHER THAN THE R-1 RESIDENTIAL ZONING DISTRICT.

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, the property known as 109 North Main Street is presently included within the R-1 Residential Zoning District under the Alburdis Zoning Ordinance; and

WHEREAS, Borough Council has received a request on behalf of the owner of the property known as 109 North Main Street to rezone that tract to be included within the C-1 Commercial Zoning District; and

WHEREAS, the property which abuts 109 North Main Street to the south is currently within the C-1 Commercial Zoning District and is improved with a gas station/neighborhood convenience store; and

WHEREAS, the properties across North Main Street to the west of 109 North Main Street are also within the C-1 Commercial Zoning District and used for commercial purposes; and

WHEREAS, Borough Council desires to amend the zoning map and R-1/C-1 district boundary as requested to place the property known as 109 North Main Street within the C-1 Commercial Zoning District; and

WHEREAS, at least thirty (30) days prior to the Council's adoption of this Ordinance, the Borough submitted a copy of this Ordinance to the Alburdis Planning Commission and the Lehigh Valley Planning Commission, to provide them with an opportunity to submit recommendations, in accordance with the provisions of 53 PA. STAT. ANN. §§ 10505(a), 10609(c), and 10609(e); and

WHEREAS, the Alburdis Planning Commission reviewed this Ordinance at its meeting on December 16, 2003 and recommended its adoption; and

WHEREAS, the Lehigh Valley Planning Commission reviewed this Ordinance at its meeting on December 18, 2003 and considers it to be a matter of local concern; and

WHEREAS, on December 10, 2003 and December 17, 2003, 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 December 29, 2003 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, at least thirty (30) days prior to the hearing on this Ordinance, the Borough provided written notice of the public hearing by first class mail to the owners of all property in the area being rezoned, to the addresses to which real estate tax bills are sent; and

WHEREAS, at least one (1) week prior to the hearing on this Ordinance, the Borough posted written notice of the public hearing along the area being rezoned at points deemed sufficient by the Borough; 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. §§ 10505(a) and 10609(b), and did not substantially change or revise this Ordinance as a result of the hearing or the comments of the Alburtis Planning Commission or the Lehigh Valley Planning Commission;

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

SECTION 1. The Official Zoning Map of the Borough under the Alburtis Zoning Ordinance of 1975 (chapter 21 of the Codified Ordinances) is hereby amended to relocate the zoning district boundary line between the R-1 Residential Zoning District and C-1 Commercial Zoning District as shown on the attached **Exhibit A**, so that the property known as 109 North Main Street in the Borough of Alburtis (plus the abutting portion of North Main Street to the centerline of that street) will be within the C-1 Commercial Zoning District instead of the R-1 Residential Zoning District. The property known as 109 North Main Street is bounded and described as follows:

BEGINNING at a point on the eastern curbline of North Main Street distant 73.88 feet on a course North 19 degrees 53 minutes 14 seconds West from the intersection of the centerline of Penn Avenue with the extension of the eastern curbline of North Main Street; THENCE extending along the eastern curbline of North Main Street North 19 degrees 53 minutes 14 seconds West a distance of 63.30 feet to a point; THENCE extending along the southern line of other lands now or formerly of Paul J. Siegfried, Jr. and Barbara Ann Siegfried North 70 degrees 6 minutes 46 seconds East a distance of 177.58 feet to a point; THENCE continuing along line of other lands now or formerly of Paul J. Siegfried, Jr. and Barbara Ann Siegfried South 19 degrees 26 minutes 58 seconds East a distance of 64.50 feet to an iron pin in the northern line of lands now or formerly of Norman L. Hillegass and Betty J. Hillegass; THENCE extending along the same South 70 degrees 41 minutes 47 seconds West a distance of 84.50 feet to an iron

pin; thence continuing along the same South 70 degrees 18 minutes 2 seconds West a distance of 92.61 feet to a point, the place of BEGINNING.

SECTION 2. Codified Ordinances ¶ 21-A is amended by revising the language at the end (after the map) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

The Zoning Map was amended by Section 2 of Ordinance 403 (4/9/2003) to place all of 164 North Main Street in the L-1 zoning district and all of 210 North Main Street in the R-1 zoning district.

The Zoning Map was amended by Section 1 of Ordinance 416 (12/29/2003) to place all of 109 North Main Street in the C-1 zoning district.

Such ordinance provisions are incorporated herein by reference.

SECTION 3. The Secretary of the Borough shall send a certified copy of this Ordinance to the Lehigh Valley Planning Commission within thirty (30) days after the date of enactment, as required by 53 PA. STAT. ANN. §§ 10505(b) and 10609(g).

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Al-
burtis, this 29th day of December, 2003, in lawful session duly assembled.

**BOROUGH COUNCIL
BOROUGH OF ALBURTIS**

Steven R. Hill, President

Attest:

Melanie Hansen, Secretary

AND NOW, this 29th day of December, 2003, the above Ordinance is hereby
APPROVED.

Russell J. Afflerbach, Mayor

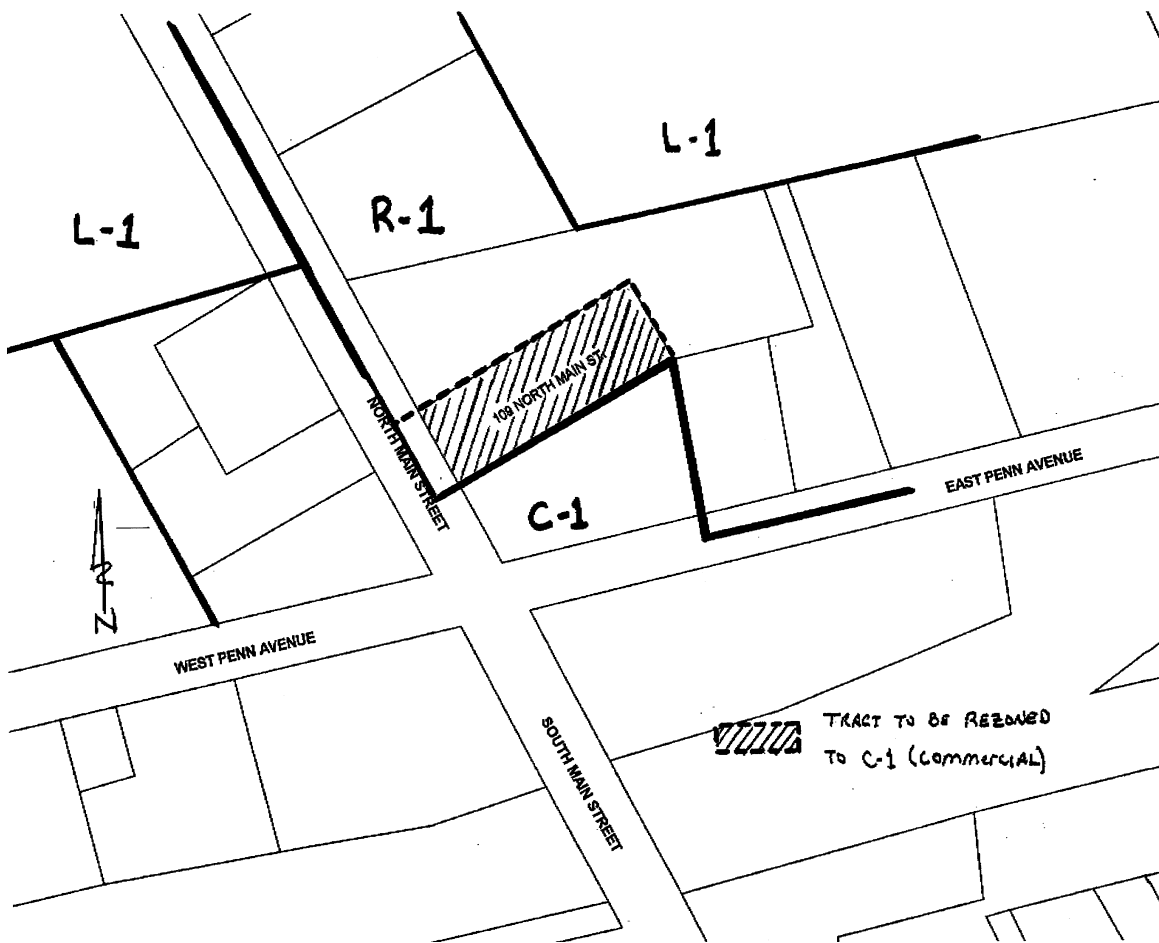


EXHIBIT A