

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 537

(Duly Adopted April 26, 2017)

AN ORDINANCE AMENDING SECTION 21-1305 OF THE ALBURTIS CODIFIED ORDINANCES (RELATING TO MULTI-FAMILY DWELLINGS AND SINGLE-FAMILY ATTACHED DWELLINGS UNDER THE ZONING ORDINANCE) TO PERMIT THREE (3) FLOORS OF LIVING AREAS IN A BUILDING RATHER THAN ONLY TWO (2) FLOORS, TO LIMIT THE REQUIREMENT FOR MAXIMUM NUMBER OF FAMILY UNITS IN AN UNBROKEN BUILDING STRUCTURE LINE TO APPLY ONLY TO SINGLE-FAMILY ATTACHED DWELLINGS, AND TO MAKE TECHNICAL CORRECTIONS REGARDING CASH CONTRIBUTIONS IN LIEU OF OPEN SPACE AND RECREATION REQUIREMENTS.

WHEREAS, the Borough of Alburtis 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 amended from time to time and codified as Chapter 21 of the Alburtis Codified Ordinances; and

WHEREAS, the zoning ordinance contains provisions regulating Multifamily Dwellings and Single-Family Attached Dwellings; and

WHEREAS, Borough Council desires to amend the zoning ordinance provisions regarding Multifamily Dwellings and Single-Family Attached Dwellings as described below, including a technical correction of a cross-reference; and

WHEREAS, this zoning amendment is generally consistent with the Borough's Comprehensive Plan (the Southwestern Lehigh County Comprehensive Plan – Alburdis, Emmaus and Macungie Boroughs and Lower Milford, Lower Macungie and Upper Milford Townships); and

WHEREAS, the Alburdis Planning Commission initiated this Ordinance at its meeting on March 21, 2017 and recommended its adoption; 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 Lehigh Valley Planning Commission, to provide them with an opportunity to submit recommendations, in accordance with the provisions of 53 PA. STAT. ANN. § 10609(e); and

WHEREAS, the planning staff of the Lehigh Valley Planning Commission reviewed this Ordinance and returned the following comments for the Borough's use by letter dated April 18, 2017:

The proposed amendment consists primarily of matters of local concern, though the revised building standard increasing the number of floors that can be used for dwelling units or living quarters is consistent with the County Plan goal of achieving growth in the cities and boroughs of the Lehigh Valley (p. 47).

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 Boroughs of Macungie and Emmaus, and to the Townships of Lower Macungie, Lower Milford, and Upper Milford to provide them with an opportunity to submit comments, in accordance with paragraph 6 of the Southwestern Lehigh County Comprehensive Plan Inter-Governmental Agreement and Ordinance. The Lower Macungie Township Planning Commission considered the

ordinance at its April 18, 2017 meeting, and informed the Borough that it has no comment. No other responses were received; and

WHEREAS, on April 12, 2017 and April 19, 2017, 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 April 26, 2017 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 or the comments of the Lehigh Valley Planning Commission or other municipalities;

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

SECTION 1. Codified Ordinances § 21-1305 (relating to Zoning—Conditional Uses and Special Exceptions—Multifamily Dwelling and Single-Family Attached Dwellings) is amended by amending subsections (d) and (g) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 21-1305 Multifamily Dwellings and Single-Family Attached Dwellings.

The following minimum requirements shall be met for multifamily dwellings (“**MPD**”) and single-family attached dwellings (“**SFAD**”):

* * *

(d) Open Space and Recreation. A minimum of ten percent (10%) of the gross site area shall be designated for active or passive recreation activities. Where a recreation area exists or is planned within one-half (1/2) mile of the development site, the Borough shall have the option of receiving a donation of cash for open space/recreation purposes in lieu of Developer providing on-site open space/recreation areas, the amount of the contribution to be calculated ~~and determined in accordance with the provisions of~~ in the same manner as contributions to the Borough in lieu of park and open space land dedication and expenditures on the land for recreational improvements under § 22-610(e)(2)(B) 22-706(b) and (d) (relating to Subdivision and Land Development—General Design Standards—Open Space, Playlots, Neighborhood and Community Parks and Recreation Facilities, and/or Cash Contributions).

* * *

(g) Building Standards. The following building standards shall be required:

(1) Maximum building size shall be restricted to no more than twelve (12) family units in any one (1) continuous structure, and, for an SFAD, there shall not be more than six (6) family units in any unbroken building structure line. A setback of more than ten (10) feet shall be considered as an acceptable break in the building structure line. No more than ~~two (2)~~ three (3) floors, one above the other, may be used for dwelling units or living quarters in any building. The maximum length of a building shall be two hundred (200) feet).

* * *

SECTION 4. The Borough Manager 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. § 10609(g).

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Albur-
tis, this 26th day of April, 2017, in lawful session duly assembled.

BOROUGH COUNCIL
BOROUGH OF ALBURTIS

Ronald J. DeIaco, President

Attest:

Sharon Trexler, Borough Manager

AND NOW, this 26th day of April, 2017, the above Ordinance is hereby **APPROVED**.

Kathleen Palmer, Mayor