

**BOROUGH OF ALBURTIS  
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 313

(Duly Adopted December 28, 1994)

AN ORDINANCE AMENDING THE BOROUGH OF ALBURTIS SUBDIVISION AND LAND DEVELOPMENT ORDINANCE BY CHANGING THE MINIMUM STREET RIGHT-OF-WAY REQUIREMENT TO SIXTY (60) FEET FOR ALL STREETS, AND THE MINIMUM STREET CARTWAY WIDTH REQUIREMENT TO FORTY (40) FEET FOR ALL STREETS.

**WHEREAS**, the Borough of Albutis is empowered to enact, amend, and repeal subdivision and land development ordinances under Article V of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10501 *et seq.*; and

**WHEREAS**, Borough Council has enacted a subdivision and land development ordinance, which has been codified as Chapter 113 of the Code of the Borough of Albutis (1981), as amended; and

**WHEREAS**, Borough Council desires to amend the provisions of the Subdivision and Land Development Ordinance relating to the widths of street rights-of-way and street cartways; 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 Albutis 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. § 10505(a); and

**WHEREAS**, the Albutis Planning Commission has not held a meeting attended by a quorum of members from the time of the submission of this Ordinance to the Albutis Planning Commission through the date of the enactment of this Ordinance, and has there-

fore not submitted any timely recommendations or comments to Borough Council with regard to this Ordinance; and

**WHEREAS**, the Joint Planning Commission of Lehigh and Northampton Counties voted at its meeting on December 22, 1994 to offer the following comments: “The proposed amendment is inconsistent with the JPC Suggested Municipal Subdivision Ordinance. The proposed minimum street right-of-way and cartway width requirements are excessive. The original standards contained in the current Borough Subdivision and Land Development Ordinance are consistent with model provisions. As such, the proposed amendment is not supported.”; and

**WHEREAS**, Borough Council is of the opinion that the public safety needs of the Borough for wider street right-of-way and cartway widths outweigh the general planning concerns expressed by the Joint Planning Commission; and

**WHEREAS**, on December 14, 1994 and December 21, 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 December 28, 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 public hearing on this Ordinance, pursuant to 53 PA. STAT. ANN. § 10505(a), 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 113-20(B) of the Code of the Borough of Alburtis (relating to Subdivision and Land Development Ordinance—Design Standards—Street Design Standards—Street Right-of-Way and Cartway Widths), shall be amended by *replacing* the existing language, as shown below:

**B. Street right-of-way and cartway widths.** Street right-of-way and cartway widths in proposed subdivisions shall conform to the general standards in the following table:

Type of Subdivision	Classification of Street	Right-of-Way Width* (feet)	Cartway Width (feet)	Curbs and Sidewalks**
R-1	Local	50	30	Required
	Collector	60	36	Required
R-2	Local	50	30	Required
	Collector	60	36	Required
R-3	Local	50	30	Required
	Collector	60	36	Required
C-1 and L-1	Local	60	36	Required
	Collector	60	36	Required

\* Paved street sections, including parking lanes or shoulders, shall be centered within the street right-of-way.

\*\* All curbing, parking lane and shoulder requirements are required, subject to review and final determination by the Planning Commission at the sketch plan review stage.

with the following new language:

**B. Street right-of-way and cartway widths.** Street right-of-way and cartway widths in proposed subdivisions shall conform to the following standards:

- (1) The minimum right-of-way width shall be sixty (60) feet.

(2) The minimum cartway width shall be forty (40) feet. Paved street sections, including parking lanes or shoulders, shall be centered within the street right-of-way. Paved parking lanes and/or shoulders may be required by Borough Council when warranted based on traffic volumes, sight distances, geometric configurations, a capacity analysis, or other engineering and traffic considerations.

**SECTION 2.** Section 113-20(A) of the Code of the Borough of Alburtis (relating to Subdivision and Land Development Ordinance—Design Standards—Street Design Standards—General Requirements), shall be amended by *adding* the following new paragraph (8):

(8) Curbing and sidewalks are required along both sides of all streets in proposed subdivisions.

**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. § 10505(b).

**DULY ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburtis, this 28th day of December, 1994, in lawful session duly assembled.

BOROUGH COUNCIL  
BOROUGH OF ALBURTIS

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Carlton R. Raines, President

Attest:

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Louise Stahley, Secretary

**AND NOW**, this 28th day of December, 1994, the above Ordinance is hereby  
APPROVED.

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Ronald J. DeIaco, Mayor