

**BOROUGH OF ALBURTIS  
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 365

(Duly Adopted February 24, 1999)

AN ORDINANCE AMENDING THE BOROUGH OF ALBURTIS ZONING ORDINANCE BY MODIFYING THE REQUIREMENTS APPLICABLE TO BANKS AND OTHER FINANCIAL INSTITUTIONS, MOTELS, HOTELS, MOTOR INNS, DRIVE-IN SERVICE EATING AND DRINKING PLACES, MORTUARIES, FUNERAL HOMES, DRIVE-IN OR DRIVE-THROUGH FACILITIES, FAST FOOD RESTAURANTS, AND NEIGHBORHOOD CONVENIENCE STORES; AND MODIFYING LIGHT CONTROL STANDARDS AND OFF-STREET LOADING AND BUFFER STRIP REQUIREMENTS.

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

**WHEREAS**, Borough Council has reviewed the current zoning provisions applicable to commercial development in the Borough, including, without limitation, neighborhood convenience stores, and has determined that such provisions are too restrictive and tend to discourage uses which are beneficial to the public health, safety, and welfare, considering the existing features and limitations of the Borough; and

**WHEREAS**, Borough Council desires to amend the provisions of the Zoning Ordinance relating to commercial development in the manner set forth in this Ordinance in order to encourage beneficial commercial development yet protect neighboring uses from certain potential problems associated with that development; 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 Lehigh Valley Planning Commission, 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 approval of this Ordinance by a unanimous vote at its meeting on January 19, 1999; and

**WHEREAS**, the Lehigh Valley Planning Commission voted at its meeting on \_\_\_\_\_, 1999 to offer no comment on this Ordinance; and

**WHEREAS**, on February 10, 1999 and February 17, 1999, 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 February 24, 1999 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 Alburdis Planning Commission or the Lehigh Valley Planning Commission;

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

**SECTION 1.** Section 137-40 of Chapter 137 of the Code of the Borough of Alburdis (relating to Zoning Ordinance—Regulations for C-1 Commercial District—Area and Height Regulations) shall be amended as follows (with deletions indicated in ~~strike-outs~~ and insertions indicated by double underlining):

**§ 137-40 Area and height regulations.**

The following dimensional requirements in this section apply to each use permitted in this C-1 District by right, by condition and by special exception, subject to further applicable provisions of this Article,

Article IX, General Regulations, and Article XII, Conditional Uses and Special Exception Uses. The most restrictive dimensional requirements for each use shall apply. All uses in the C-1 District shall hook up with the existing public centralized water and sewerage systems.

<b>Principal Use</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width (feet)</b>	<b>Maximum Building Coverage (%)</b>	<b>Maximum Building Height (feet)</b>
Crop farming	1 acre	—	10	35
Bank or other financial institution	1 acre	100	35	35
Hotel, motel	2 acres	150	25	50
Planned shopping center	2 acres	150	25	50
Planned medical or dental center	1 acre	100	35	50
Automobile, truck, mobile and modular home, boat, etc., sales:				
With storage in buildings	1 acre	100	40	35
With storage outdoors	2 acres	150	30	35
Wholesale and distribution activities	1 acre	100	30	35
Places of worship	2 acres	150	25	35
Hospital	3 acres	150	30	50
All other uses	5,000 ft <sup>2</sup>	100	35	50

**SECTION 2.** Section 137-58 of Chapter 137 of the Code of the Borough of Alburty (relating to Zoning Ordinance—General Regulations—General Performance Standards) shall be amended by adding the following new subsections (G) and (H) at the end of the existing section:

**G. Light control.**

(1) **Height.** No luminaire, spotlight, or other light source that is within 200 feet of a dwelling unit or residential district shall be placed at a height exceeding 30 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature.

(2) **Diffusion.** All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from abutting streets or lots. No spotlight shall be directed such that the bulb itself is directly visible from a public street or dwelling.

(3) **Shielding.** All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating an annoyance to a reasonable person in a nearby dwelling or residentially-zoned area, and to prevent the lighting from shining into the eyes of passing motorists.

(4) **Flickering.** Flashing, flickering, or strobe lighting is prohibited, except for non-advertising seasonal lights between November 15<sup>th</sup> and January 3<sup>rd</sup>.

(5) **Maximum candlepower.** No lighting source, including signs, shall be operated in such a way as to cause an illumination of greater than any of the following amounts, measured on the surface at the lot line of the receiving lot or street:

(a) 0.1 foot-candles spillover at the lot line of a lot used for residential purposes or located in a residential district, between the hours of 10:00 P.M. and 7:00 A.M.;

(b) 0.5 foot-candles spillover at the lot line of a lot used for residential purposes or located in a residential district, between the hours of 5:00 P.M. and 10:00 P.M.;

(c) 4.0 foot-candles spillover at any other lot line or street right-of-way line.

(6) **Measurement.** The maximum illumination levels set forth in paragraph (5) shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye. The standards of the International Commission on Illumination shall serve as a general guide in measurements in case of uncertainty. A foot-candle is defined as a unit of measurement equaling the illumination on a surface one square foot in area where there is a distribution of light having a candlepower of one candela.

(7) **Street Lighting Exempted.** This subsection (G) shall not apply to street lighting that is owned or maintained by the Borough or the Commonwealth of Pennsylvania.

**H. Exterior speakers or microphones.** Any exterior speaker or microphone shall be located, directed, and/or screened to prevent objectionable noise impact on adjoining residential properties. No exterior speaker or microphone shall be located within thirty (30) feet of any lot which is used for residential purposes or is located in a residential zoning district, and no exterior speaker or microphone which is located within one hundred (100) feet of any lot which is used for residential purposes or is located in a residential zoning district shall be operated between the hours of 9:00 P.M. and 8:00 A.M.

**SECTION 3.** Subsections (K), (M), (U), (DD), and (EE) of Section 137-72 of Chapter 137 of the Code of the Borough of Alburtis (relating to Zoning Ordinance—Conditional Uses and Special Exception Uses—Specific Requirements) shall be amended as follows (with deletions indicated in ~~strike-outs~~ and insertions indicated by double underlining):

**§ 137-72 Specific requirements.**

\* \* \*

**K. Motel, hotel or motor inn.** The following minimum requirements shall be met:

- ~~(1) There shall be a minimum lot area.~~
- ~~(2) The total floor area of principal and accessory buildings shall not exceed twenty five percent (25%) of the lot area.~~
- ~~(3) No structure, except a permitted sign, shall be nearer any lot line than one hundred (100) feet.~~
- ~~(4) A minimum twenty foot buffer strip along side, front and rear property lines shall be provided, except for entrance and exit drives. The buffer strip shall comprise evergreen trees and foliage and other appropriate ground cover. The entrance and exit drive crossing the street right-of-way shall be limited to two (2) along the frontage of any street.~~
- ~~(5) All lighting shall be shielded so as not to shine on abutting properties.~~

\* \* \*

**M. Drive-in service eating and drinking place.** [RESERVED]  
The following minimum requirements shall be met:

- ~~(1) Signs and outdoor lighting shall be in accordance with specific provisions of this chapter.~~
- ~~(2) Access points shall be limited to two (2) on each road abutting the lot.~~
- ~~(3) On lot traffic circulation channels and parking areas shall be clearly marked.~~
- ~~(4) Provisions for proper and convenient disposal of refuse shall be demonstrated.~~

\* \* \*

**U. Mortuary or funeral home.** The following minimum requirements shall be met:

(1) A minimum of one (1) acre should be provided.

**U. Drive-in or drive-through facilities.** In addition to all other applicable requirements of this Section 137-72 and the rest of the Zoning Ordinance, the following requirements shall be satisfied by all uses which provide any goods or services to persons who remain within a vehicle throughout their visit to the subject property:

(1) The subject property shall front on a street designated by the Borough as a collector street.

(2) Access to areas providing such drive-in or drive-through services shall be restricted to two (2) locations on each abutting collector street.

(3) All drive-through lanes shall be separated from the parking lot's interior driveways and shall be clearly marked.

(4) All exterior speakers and microphones shall comply with Section 137-58(H).

\* \* \*

**DD. Drive-in, Drive-Through and/or Fast Food Restaurants.**

The following minimum requirements shall be ~~met~~ satisfied:

(1) The subject property shall front on a street designated by the Borough as a collector street as identified in Section 113-20(B) of the Borough Code of Ordinances.

(2) Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. Such trash receptacles shall be emptied into a central trash storage receptacle, or dumpster, which shall be kept behind the restaurant and out of public view in a walled or fenced area under lock. Such walls or fences shall be at least eight (8) feet in height. All applications shall include a description of a working plan for the clean-up of litter.

(3) ~~All drive-through window lanes shall be separated from the parking lot's interior driveways.~~

~~(4) Any exterior speaker/microphone system, if any, shall be arranged and/or screened to prevent objectionable noise impact on adjoining residential properties.~~

~~(5)~~ (3) All exterior seating/play seating or play areas shall be completely enclosed by a three-foot-high fence. No exterior seating or play area shall be located within fifty (50) feet of any lot which is used for residential purposes or is located in a residential zoning district, and no exterior seating or play area which is located within one hundred (100) feet of any lot which is used for residential purposes or is located in a residential zoning district shall be used after dusk or before 9:00 A.M.

~~(6) No part of the subject property shall be located within two hundred (200) feet of any residentially zoned land.~~

~~(7) A buffer yard shall be required as set forth in Subsection 21-72(CC)(1) along all lot lines adjoining residential uses and along all public streets.~~

~~(8) All exterior lights shall be arranged and designed to prevent light from shining on adjoining residential properties and public streets.~~

(4) Access points shall be limited to two (2) on each collector street abutting the lot.

(5) On-lot traffic circulation channels and parking areas shall be clearly marked.

(6) No outdoor storage shall be permitted.

**EE. Neighborhood Convenience Stores.** The following minimum requirements shall be met satisfied:

(1) Convenience Neighborhood convenience stores shall be located only on streets designated by the Borough as collector streets as identified in Section 113-20(B) of the Borough Code of Ordinances.

(2) The proposed neighborhood convenience store shall be designed for sales of goods for personal or household uses. No vehicular uses, other than the sale of gasoline sales and other automotive fluids and



accessories, shall be permitted nor shall adult-related uses be permitted on the premises.

(3) ~~The proposed convenience store shall not be located adjacent to a residential zoning district. [RESERVED]~~

(4) All activities except those to be performed at the fuel pumps and/or air pumps, if any, shall be performed within a completely enclosed building.

(5) Other than cars of employees of the store, no vehicle shall be parked on the premises for more than one (1) hour.

(6) There shall be provided the following minimum parking spaces: one (1) parking space for each employee, one (1) parking space for each gasoline pump fueling position and for each air pump, plus ~~six (6)~~ one (1) parking spaces space for each ~~one thousand (1,000)~~ one hundred fifty (150) square feet of usable retail sales area or fraction thereof. The area provided at each gasoline fueling position for a vehicle to park while refueling shall count as one (1) parking space so long as it satisfies the minimum dimensional requirements for a parking space. For purposes of this paragraph, the term "usable retail sales area" shall mean the interior area of a structure or building utilized for retail sales and readily accessible to customers, excluding restrooms.

(7) Fuel pumps, if any, shall be located at least twenty-five (25) feet from any street right-of-way.

(8) ~~The minimum lot size shall be one (1) acre. [RESERVED]~~

(9) No neighborhood convenience store shall be located within one thousand (1,000) feet of another neighborhood convenience store.

(10) ~~Such convenience store shall be screened from adjoining residences and public street fronts by a buffer yard as set forth in Subsection 21-72(CC)(1). [RESERVED]~~

(11) No outdoor storage shall be permitted. Dumpsters shall be enclosed out of public view by an eight (8) foot high wall or fence kept under lock.

**SECTION 4.** Section 137-76 of Chapter 137 of the Code of the Borough of Alburdis (relating to Zoning Ordinance—Off-Street Parking and Loading—Off-Street Loading) shall be amended as follows (with deletions indicated in ~~strike-outs~~ and insertions indicated by double underlining):

**§ 137-76 Off-street loading.**

Off-street loading sufficient to accommodate the maximum demand generated by the use of the lot and with proper access from the street or alley as ~~determined by the Zoning Officer or another applicable review agent for the borough~~ shall be provided on any lot on which a building for business or industry is hereafter erected. All off-street loading and unloading spaces shall be graded, surfaced with asphalt or other suitable material and drained to the satisfaction of the Borough Engineer to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property. Each off-street loading and unloading space shall be a minimum of twelve by ~~fifty~~ thirty (12 x ~~50~~ 30) feet (or, if greater, the minimum size necessary to accommodate the largest delivery vehicle to service the property) and, in addition, have sufficient maneuvering room separate from other parking to eliminate traffic conflicts within and between off-street loading and parking areas.

**SECTION 5.** Section 137-78 of Chapter 137 of the Code of the Borough of Alburdis (relating to Zoning Ordinance—Buffer Strips—Applicability) shall be amended as follows (with deletions indicated in ~~strike-outs~~ and insertions indicated by double underlining):

**§ 137-78 Applicability.**

**A. L-1 District.** All lots or parts of lots in the L-1 Light Industrial–Office Research District which are improved with a predominantly nonresidential use and whose side or rear lines are adjacent to a residential zone or existing residential or related uses ~~which are not commercial, light industrial, office or related uses~~ shall be screened from such uses by a fifty-foot (50') landscaped buffer strip area in accordance with Section 137-79 in the Light Industrial–Office Research District and eight (8) feet in width within the Commercial District. For uses under Articles VII and VIII, ~~other such screening along said side or rear lines may be required by the Borough Planning Commission and/or the Zoning Hearing Board in accordance with this Article.~~

**B. Other Districts.** All lots or parts of lots in the C-1 Commercial District or any Residential District which are improved with a predominantly nonresidential use and whose side or rear lines are adjacent to property in a residential zone or with existing residential or related uses shall be screened from such uses by either—

**(1) a five-foot (5') landscaped buffer strip area in accordance with Section 137-79; or**

**(2) a buffer yard at least two (2) feet in width, which is not located within three (3) feet of any vehicular driving or parking area, and which contains a solid fence at least six (6) feet in height. All such fences shall comply with all other applicable requirements of this Chapter.**

**SECTION 6.** Section 137-79(C) of Chapter 137 of the Code of the Borough of Alburdis (relating to Zoning Ordinance—Buffer Strips—General Regulations) shall be amended as follows (with deletions indicated in ~~strike-outs~~ and insertions indicated by double underlining):

**§ 137-79 General regulations.**

\* \* \*

C. The entire buffer strip area shall be graded and planted with grass seed or sod. It shall also be planted with shrubbery or trees to a minimum of eight (8) feet in width (or, if less, the entire width of the buffer strip area). The entire area shall be attractively maintained and kept clean of all debris and rubbish.

\* \* \*

**SECTION 7.** 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. § 10609(g).

**DULY ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburtis, this 24<sup>th</sup> day of February 24, 1999, in lawful session duly assembled.

BOROUGH COUNCIL  
BOROUGH OF ALBURTIS

\_\_\_\_\_  
Steven R. Hill, President

Attest:

\_\_\_\_\_  
Louise Stahley, Secretary

**AND NOW**, this 24<sup>th</sup> day of February, 1999, the above Ordinance is hereby APPROVED.

\_\_\_\_\_  
Ronald J. DeIaco, Mayor