

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 396

(Duly Adopted April 24, 2002)

AN ORDINANCE AMENDING THE BOROUGH OF ALBURTIS SUBDIVISION AND LAND DEVELOPMENT ORDINANCE BY PERMITTING THE MINIMUM RIGHT-OF-WAY WIDTH AND MINIMUM CARTWAY WIDTH OF STREETS WITHIN DEVELOPMENTS OF SINGLE-FAMILY ATTACHED DWELLINGS (TOWNHOUSES) TO BE REDUCED BY EIGHT FEET PROVIDED THAT INCREASED MINIMUM PARKING REQUIREMENTS ARE SATISFIED WITHIN THOSE DEVELOPMENTS, AND BY REQUIRING CLUSTER MAILBOXES WITHIN DEVELOPMENTS OF SINGLE-FAMILY ATTACHED DWELLINGS (TOWNHOUSES); AND AMENDING THE BOROUGH OF ALBURTIS ZONING ORDINANCE TO PERMIT WITHIN DEVELOPMENTS OF SINGLE-FAMILY ATTACHED DWELLINGS (TOWNHOUSES), BY CONDITIONAL USE, UP TO TEN VEHICLES IN A PARKING AREA WHICH REQUIRES OR ENCOURAGES CARS TO BACK INTO A PUBLIC STREET IF THERE IS NO PARKING ON THE SAME SIDE OF THE PUBLIC STREET, AND THE WAIVER OF SCREENING REQUIREMENTS FOR PARKING AREAS WHERE COUNCIL DETERMINES THAT THE SCREENING IS MORE DETRIMENTAL THAN BENEFICIAL.

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 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 zoning ordinance, which has been codified as Chapter 137 of the Code of the Borough of Alburtis (1981), as amended; 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 Alburtis (1981), as amended; and

WHEREAS, on-street parking in townhouse developments within the Borough has proven to be inadequate to serve the parking needs of residents beyond those already provided by off-street parking, because driveway accesses, fire hydrants, and mail boxes greatly restrict the places where parking can be permitted on the street; and

WHEREAS, current off-street parking requirements and street width requirements discourage developers from providing additional off-street parking for the benefit of townhouse residents *in lieu of* on-street parking; and

WHEREAS, Borough Council desires to amend the provisions of the Zoning Ordinance and the Subdivision and Land Development Ordinance in order to provide additional options for satisfying off-street parking requirements in townhouse developments, and to require cluster mailboxes in townhouse developments; 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 Alburtis 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 Alburtis Planning Commission recommended that this Ordinance be approved by a unanimous vote at its meeting on April 16, 2002; and

WHEREAS, the Lehigh Valley Planning Commission reviewed this Ordinance at its meeting on March 28, 2002 and considers it to be a matter of local concern; and

WHEREAS, on April 10, 2002 and April 17, 2002, 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 April 24, 2002 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. §§ 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 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 113-20(B) of Chapter 113 of the Code of the Borough of Alburdis (relating to Subdivision and Land Development Ordinance—Design Standards—Street Design Standards—Street Right-of-Way and Cartway Widths) shall be amended as follows (with deletions indicated in ~~strike-outs~~ and insertions indicated by double underlining):

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~~ Except as provided in paragraph (3), the minimum right-of-way width shall be sixty (60) feet.

(2) ~~The~~ Except as provided in paragraph (3), 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.

(3) Streets within developments of single-family attached dwellings (townhouses) may be reduced to a minimum right-of-way width of fifty-two (52) feet and a minimum cartway width of thirty-two (32) feet if:

(a) there are at least two (2) off-street parking spaces provided on each building lot;

(b) the total number of off-street and on-street parking spaces provided within the development is greater than or equal to the product of three and one-half (3.5) multiplied by the total number of building lots within the development.

(c) there is no parking on at least one side of each street that has a right-of-way width less than sixty (60) feet or a cartway width less than forty (40) feet.

(4) For purposes of paragraph (3):

(a) each full space in a garage which is reserved for parking purposes shall be considered one required off-street parking space;

(b) each driveway which is at least forty (40) feet long from the garage to the edge of the sidewalk closest to garage shall be considered two required off-street parking spaces, and each other driveway which is at least twenty (20) feet long from the garage to the edge of the sidewalk closest to the garage shall be considered one required off-street parking space;

(c) each on-street parking space which is adjacent to another parking space at the front end of the parking space and also adjacent to another parking space at the back end of the parking space shall have a minimum length of twenty-two (22) feet, and each other on-street parking space shall have a minimum length of twenty (20) feet;

(d) no portion of any parking space may extend into an area where parking is prohibited by law or ordinance; and

(e) no portion of any on-street parking space may extend along any portion of the curb (or edge of cartway) which is within a Protected Mail Zone. For purposes of this subparagraph (e), there shall be one Protected Mail Zone for each mailbox (individual or cluster) which is accessed by the United States Postal Service from the street. Each Pro-

tected Mail Zone shall extend twenty (20) feet along the curb (or edge of cartway) of the street, and the mid-point of the Protected Mail Zone shall be that point along the curb (or edge of cartway) which is closest to the center of the mailbox.

SECTION 2. Section 113-27 of Chapter 113 of the Code of the Borough of Alburtis (relating to Subdivision and Land Development Ordinance—Design Standards—Improvement Specifications—Detailed Specifications) shall be amended by adding the following new subsection (H) as follows:

H. Cluster Mailboxes Within Townhouse Developments.
Within developments of single-family attached dwellings (townhouses), cluster mailboxes serving multiple units within the development shall be installed. The number of cluster mailbox facilities within the development shall be equal to the number of dwelling units within the development divided by forty (40), with any fractional amount rounded up to the next highest whole number (the “target number”). However, if the United States Postal Service shall not permit that exact number of cluster mailboxes within the development, the number of cluster mailboxes within the development shall be the number closest to the target number that is permitted by the United States Postal Service.

SECTION 3. Section 137-75 of Chapter 137 of the Code of the Borough of Alburtis (relating to Zoning Ordinance—Off-Street Parking and Loading—Parking Area Design) shall be amended as follows (with deletions indicated in ~~strike-outs~~ and insertions indicated by double underlining):

§ 137-75 Parking area design.

A. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle. The width of entrance and exit drives shall be:

(1) A minimum of twelve (12) feet and a maximum of fifteen (15) feet at the curblineline for one-way use only.

(2) A minimum of twenty (20) feet and a maximum of thirty (30) feet at the curblineline for two-way use. Except as provided in subsection D, there There shall be at least forty (40) feet between all access points, and no access point shall be closer than thirty (30) feet to any street intersection.

B. Except as provided in subsection D, in ~~In~~ no case shall parking areas for three (3) or more vehicles be designed to require or encourage cars to back into a public street in order to leave the lot.

C. Except as provided in subsection E, in ~~In~~ the case of any parking or off-street loading area of five (5) or more spaces, all spaces not within buildings shall be provided with a suitable fence, wall, or evergreen planting at least four (4) feet in height, designed to screen visibility and headlight glare, and located between such parking spaces and any lot in a residential district that abuts directly or across a street.

D. Within developments of single-family attached dwellings (townhouses), as a conditional use, Council may permit the requirements of subsection B to be modified by replacing the number “three (3)” with the number “ten (10)” if there is to be no parking on the side of the public street in question where the vehicles back into the street. Each of the vehicles in such a parking area may back directly into the street, without satisfying the access point separation requirements of subsection A(2). However, no portion of such a parking area may be closer than fifteen feet (15’) to any portion of another parking area, nor closer than thirty feet (30’) to any street intersection.

E. Within developments of single-family attached dwellings (townhouses), as a conditional use, Council may waive the requirements of subsection C if it determines that the screening in the particular case is more detrimental than beneficial.

SECTION 4. 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 24th day of April, 2002, in lawful session duly assembled.

BOROUGH COUNCIL
BOROUGH OF ALBURTIS

Steven R. Hill, President

Attest:

Melanie Hansen, Secretary

AND NOW, this 24th day of April, 2002, the above Ordinance is hereby **APPROVED**.

Russell J. Afflerbach, Mayor