

**BOROUGH OF ALBURTIS  
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 445

(Duly Adopted June 28, 2006)

AN ORDINANCE AMENDING THE BOROUGH'S OFFICIAL ZONING MAP UNDER CHAPTER 21 OF THE ALBURTIS CODIFIED ORDINANCES (RELATING TO ZONING) SO THAT A PORTION OF THE PROPERTY KNOWN AS 380 CHURCH STREET (LEHIGH COUNTY TAX ASSESSMENT PARCEL IDENTIFICATION NUMBER 546395176771 1) IS LOCATED WITHIN THE R-3 HIGH-DENSITY RESIDENTIAL ZONING DISTRICT RATHER THAN THE L-1 LIGHT INDUSTRIAL-OFFICE RESEARCH ZONING DISTRICT; AMENDING CHAPTER 21 OF THE ALBURTIS CODIFIED ORDINANCES (RELATING TO ZONING) TO EXTEND TO CERTAIN RESIDENTIAL DEVELOPMENTS CONTAINING TWO-FAMILY DETACHED DWELLINGS (TWINS) OR SINGLE-FAMILY ATTACHED DWELLINGS (TOWNHOUSES) THE SPECIAL PARKING AREA REQUIREMENTS RELATING TO SCREENING AND THE NUMBER OF VEHICLES WHICH MAY BACK INTO A PUBLIC STREET FROM THE PARKING AREA WHICH ARE CURRENTLY APPLICABLE ONLY TO DEVELOPMENTS CONSISTING ENTIRELY OF SINGLE-FAMILY ATTACHED DWELLINGS (TOWNHOUSES), AND TO PERMIT, BY CONDITIONAL USE, A REDUCTION IN THE REAR YARD REQUIREMENTS APPLICABLE IN THE R-3 HIGH-DENSITY RESIDENTIAL ZONING DISTRICT FROM TWENTY-FIVE (25) FEET TO TWENTY-ONE (21) FEET (OR TO NINETEEN (19) FEET FOR UP TO FIFTEEN PERCENT (15%) OF THE LOTS) IN CERTAIN RESIDENTIAL DEVELOPMENTS; AND AMENDING CHAPTER 22 OF THE ALBURTIS CODIFIED ORDINANCES (RELATING TO SUBDIVISION AND LAND DEVELOPMENT) BY PERMITTING THE MINIMUM RIGHT-OF-WAY WIDTH AND MINIMUM CARTWAY WIDTH OF CERTAIN STREETS WITHIN RESIDENTIAL DEVELOPMENTS CONTAINING TWO-FAMILY DETACHED DWELLINGS (TWINS) OR SINGLE-FAMILY ATTACHED DWELLINGS (TOWNHOUSES) TO BE REDUCED IN THE SAME MANNER CURRENTLY PROVIDED FOR DEVELOPMENTS CONSISTING ENTIRELY OF SINGLE-FAMILY ATTACHED DWELLINGS (TOWNHOUSES) WHERE INCREASED MINIMUM PARKING REQUIREMENTS ARE SATISFIED, AND BY REQUIRING CLUSTER MAILBOXES WITHIN CERTAIN DEVELOPMENTS CONTAINING TWO-FAMILY DETACHED DWELLINGS (TWINS) AND/OR SINGLE-FAMILY ATTACHED DWELLINGS (TOWNHOUSES).

**WHEREAS**, the Borough of Alburtis 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 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 subdivision and land development ordinance, which has been amended from time to time and codified as Chapter 22 of the Alburtis Codified Ordinances, and a zoning ordinance, which has been amended from time to time and codified as Chapter 21 of the Alburtis Codified Ordinances; and

**WHEREAS**, the property known as 380 Church Street is presently included within the L-1 Light Industrial-Office Research Zoning District under the Alburtis Zoning Ordinance; and

**WHEREAS**, Borough Council has received a request on behalf of the owner of the property known as 380 Church Street to rezone a portion of that tract to be included within the R-3 High-Density Residential Zoning District; and

**WHEREAS**, the area requested to be rezoned is located along the municipal boundary between the Borough of Alburtis and Lower Macungie Township and abuts to the east a residential zoning district in Lower Macungie Township which is currently being developed residentially as “The Hills at Lock Ridge” development, and to the west lands of the County of Lehigh utilized as a public park known as “Lock Ridge Park”; and

**WHEREAS**, the Borough Comprehensive Plan, as recently adopted by Resolution 2005-3 (January 26, 2005) in the form of the “Southwestern Lehigh County Comprehensive Plan – Alburtis, Emmaus and Macungie Boroughs and Lower Milford, Lower Macungie and Upper Milford Townships,” shows in its Draft Land Use Plan (dated October 25, 2004) that most of the area to be rezoned is recommended for residential zoning, and thus this rezoning is generally consistent with the Comprehensive Plan; and

**WHEREAS**, Borough Council desires to amend the zoning map as requested to place a portion of the property known as 380 Church Street within the R-3 High-Density Residential Zoning District; and

**WHEREAS**, by Ordinance 396 (adopted April 24, 2002), Borough Council amended the zoning ordinance and the subdivision and land development ordinance with respect to off-street parking, street width, and related requirements in townhouse developments because the then-existing ordinance provisions resulted in inadequate on-street parking and discouraged developers from providing additional off-street parking for the benefit of residents *in lieu of* on-street parking; and

**WHEREAS**, Borough Council has determined that the considerations which justified Ordinance 396 also apply to certain other residential developments containing two-family detached dwellings (twins) or single-family attached dwellings (townhouses), so that some of the provisions originally enacted by Ordinance 396 should be extended to such developments; and

**WHEREAS**, Borough Council has determined that the rear yard requirements applicable within the R-3 High-Density Residential District should be permitted to be reduced a small amount by conditional use in certain residential developments where development in conformity with the general rear yard requirements would substantially reduce the number of dwelling units otherwise permitted due to the dimensions and/configuration of the development tract, the locations of nearby public streets, and the potential for future extensions of public streets over nearby property; 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 Alburty 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 reviewed this Ordinance at its meeting on March 21, 2006 and recommended its adoption; and

**WHEREAS**, the Lehigh Valley Planning Commission reviewed this Ordinance at its meeting on March 30, 2006 and found the proposed amendments to be matters of local concern only and voted to offer no comments about them; 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 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 recent Southwestern Lehigh County Comprehensive Plan Inter-Governmental Agreement and Ordinance. The Upper Milford Township Planning Commission discussed the ordinance on April 3, 2006 and responded that they feel the Ordinance is a matter of local concern and do not feel the need to comment. The Macungie Borough Planning Commission reviewed the ordinance on April 11, 2006 and recommended a medium density residential zoning district or being consistent with the initial definition of the high density residential zoning district. The Macungie Borough Planning Commission also asked, at the request of Macungie Borough Council, that the Borough consider the impact the traffic from additional dwellings will have on adjoining road systems when approving the zoning change. By letter dated May 2, 2006, Lower Milford Township notified the Borough that the Lower Milford Township Planning Commission and Board of Supervisors discussed this ordinance and have no comments to offer. No other comments were received. With regard to an earlier draft of this Ordinance, the Upper Milford Township Planning Commission responded that the change is consistent with the regional Comprehensive Plan; and the Lower Macungie Township Board of Supervisors met with Borough representatives on August 30, 2005, and asked the Borough to consider obtaining open space/recreation land to the north of the proposed relocated Church

Street and contributing towards roadway improvements to the boundary street in Lower Macungie Township which will be impacted by the rezoning; and

**WHEREAS**, on June 14, 2006 and June 21, 2006, the Borough published a public notice in the *East Penn Press*, a newspaper of general circulation in the Borough of Albutis, of its intention to conduct a hearing on this Ordinance on June 28, 2006 at 7:00 P.M. in the Borough Hall, 260 Franklin Street, Albutis, 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 Albutis Planning Commission, the Lehigh Valley Planning Commission, or other municipalities;

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

**SECTION 1.** The Official Zoning Map of the Borough under the Albutis Zoning Ordinance of 1975 (chapter 21 of the Codified Ordinances) is hereby amended as shown on the attached **Exhibit A**, so that a portion of the property known as 380 Church Street in the Borough of Albutis (Lehigh County Tax Assessment Office Parcel Identifi-

cation Number 546395176771 1) will be within the R-3 High-Density Residential Zoning District instead of the L-1 Light Industrial-Office Research Zoning District. The property to be so rezoned is bounded and described as follows:

BEGINNING at a point in the westerly boundary of The Hills At Lock Ridge subdivision, said point being distant 183.37 feet, measured on a course South 8°57'02" East along the westerly right-of-way line of Lock Ridge Drive (to be renamed Furnace Drive) from the intersection with the centerline of Scenic View Drive;

THENCE (1) along the westerly right-of-way line of Lock Ridge Drive (to be renamed Furnace Drive) and along the westerly boundary of The Hills At Lock Ridge Subdivision, South 08°57'02" East 1,735.68 feet to a point at the easterly property corner of other lands of Fred J. Jaindl t/a Jaindl's Turkey Farm;

THENCE (2) along the northerly property line of the other lands of Fred J. Jaindl t/a Jaindl's Turkey Farm, North 87°37'09" West 210.77 feet to a point in line of lands now or formerly of the Catasauqua and Fogelsville Railroad;

THENCE along the lands now or formerly of the Catasauqua and Fogelsville Railroad the following two courses:

(3) North 36°14'23" West 213.97 feet to an iron pipe (found); and

(4) North 11°12'18" West 230.95 feet to an iron pin (found) at the southeasterly property corner of lands of the County of Lehigh;

THENCE (5) along the easterly property line of the lands of the County of Lehigh, North 08°41'49" West 1,161.00 feet to a point;

THENCE through the lands of Fred J. Jaindl t/a Jaindl's Turkey Farm the following two courses:

(6) North 41°05'51" East 174.96 feet to a point; and

(7) North 81°02'58" East 174.59 feet to a point, the place of BEGINNING.

SHOWN AS the shaded "Area to be Rezoned" and "Proposed R-3 High Density Residential Zoning District" on the attached **Exhibit A** (plan

entitled “Lands to be Rezoned from (L-1) Light Industrial–Office Research Zoning District to (R-3) High Density Residential Zoning District, over property of Fred. J. Jaindl, t/a Jaindl’s Turkey Farm, located in Borough of Alburdis, Lehigh County, PA”, dated April 18, 2005, revised March 1, 2006, file #S-10566, prepared by The Pidcock Company, Civil Engineers, Architects, Land Planners, Surveyors, Allentown, Pennsylvania).

**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.

The Zoning Map was amended by Section 1 of Ordinance 445 (6/28/06) to place certain property along the eastern boundary of the Borough which was previously in the L-1 zoning district (being the southern portion of property then known as 380 Church Street) in the R-3 zoning district.

Such ordinance provisions are incorporated herein by reference.

**SECTION 3.** Codified Ordinances § 22-802 (relating to Subdivision and Land Development—Streets, Curbs, and Sidewalks—Street Right-of-way and Cartway Widths) is amended by amending subsections (c) and (d) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 22-802 Street Right-of-way and Cartway Widths.**

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

\* \* \*

(c) ~~Streets within developments of~~ A street within a development which includes two-family detached dwellings (twins) and/or 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:

(1) there are at least two (2) off-street parking spaces provided on each building lot within the development;

(2) for each block of the street (or portion of the block which is within the Borough):

(A) the total number of off-street and on-street parking spaces provided within the development on that block of the street and on building lots which front on that block of the street 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 which front on that block of the street;

(B) both sides of the street abut property within the development for the entire length of the block (or portion of the block within the Borough);

(C) at least fifty percent (50%) of the lots which abut that block of the street (or portion of the block within the Borough) are improved or to be improved with two-family detached dwellings (twins) and/or single-family attached dwellings (townhouses); and

(D) none of the lots which abut that block of the street (or portion of the block within the Borough) are used for any commercial, industrial, or institutional purpose (except permitted accessory uses to a residential use); and

(3) 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~~ the street.



(d) For purposes of subsection (c):

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

(2) 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 if the width of the driveway is less than seventeen (17) feet at any point, and shall be considered two (2) required off-street parking spaces if the width of the driveway is at least seventeen (17) feet at all points. In the absence of sidewalk, the preceding sentence shall be modified by replacing the term “edge of sidewalk” with “street right-of-way line” each time the former appears therein;

(3) 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;

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

(5) 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 paragraph (5), 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 Protected 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 4.** Codified Ordinances § 22-707 (relating to Subdivision and Land Development—General Design Standards—Cluster Mailboxes Within Townhouse De-

velopments) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 22-707 Cluster Mailboxes Within Certain Townhouse Developments.**

(a) Within developments described in subsection (b) ~~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.

(b) A development is subject to the requirements of subsection (a) if it—

(1) includes any single-family attached dwellings (townhouses); or

(2) includes at least forty (40) dwelling units in two-family detached dwellings (twins) and the total number of off-street parking spaces allocated to the two-family detached dwellings (twins) within the development is less than three and three-quarters (3.75) multiplied by the number of dwelling units in two-family detached dwellings (twins) within the development.

**SECTION 5.** Codified Ordinances § 21-1416 (relating to Zoning—Off-Street Parking and Loading—Parking Area Design) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 21-1416 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 shall be at least forty (40) feet between all access points, and no access point shall be closer than thirty (30) feet from any street intersection.

(b) Except as provided in subsection (d), 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 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 which include two-family detached dwellings (twins) and/or 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, and at least part of the parking area is within one hundred fifty (150) feet of a lot improved or to be improved with a two-family detached dwelling (twin) or single-family attached dwelling (townhouse). 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 an-

other parking area, nor closer than thirty feet (30') to any street intersection.

(e) Within developments of ~~of~~ which include two-family detached dwellings (twins) and/or 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 6.** Codified Ordinances § 21-608 (relating to Zoning—Regulations for R-3 High-Density Residential District—Minimum Yard Requirements) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 21-608 Minimum Yard Requirements.**

(a) Except as provided in subsection (b), the ~~The~~ following are the minimum yard requirements for principal uses in the R-3 District.

Principal Use	Front Yard (feet)	Side Yard (feet)		Rear Yard (feet)
		One	Both	
Single-family detached dwelling	25	6	12	25
Two-family detached dwelling	25	8	15	25
All other uses	25	10	20	25

(b) The minimum rear yard of a residential dwelling within a development described in subsection (c) may be reduced, as a conditional use, to the extent appropriate to satisfy the concerns described in subsection (c)(4), provided that the rear yard shall not be less than twenty-one (21) feet for at least eighty-five percent (85%) of the dwelling units in the development, and shall not be less than nineteen (19) feet for any dwelling unit in the development.

(c) A development qualifies for a conditional use under subsection (b) if Council determines—

(1) there are at least forty (40) dwelling units within the development;

(2) each dwelling unit is within two thousand (2,000) feet of the boundary of one or more tracts of public or private park, open space, or recreation land which may be utilized by residents of the dwelling unit, and the total area of such tracts of public or private park, open space, or recreation land is at least fifty percent (50%) of the gross area of the residential portion of the development;

(3) each dwelling satisfies all of the other dimensional requirements of this Chapter without a variance; and

(4) due to the dimensions and/or configuration of the development tract (and also considering the locations of nearby public streets and the potential for future extensions of public streets over nearby property), the number of dwelling units which could reasonably be placed in the development if all dwelling units satisfied the rear yard requirements of subsection (a) and all other applicable requirements of this Chapter and Chapter 22 (relating to Subdivision and Land Development) is less than seventy-five percent (75%) of the number of dwelling units which could be placed in the development if a conditional use were granted under subsection (b).

**SECTION 7.** The Executive 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 28<sup>th</sup> day of June, 2006, in lawful session duly assembled.

**BOROUGH COUNCIL  
BOROUGH OF ALBURTIS**

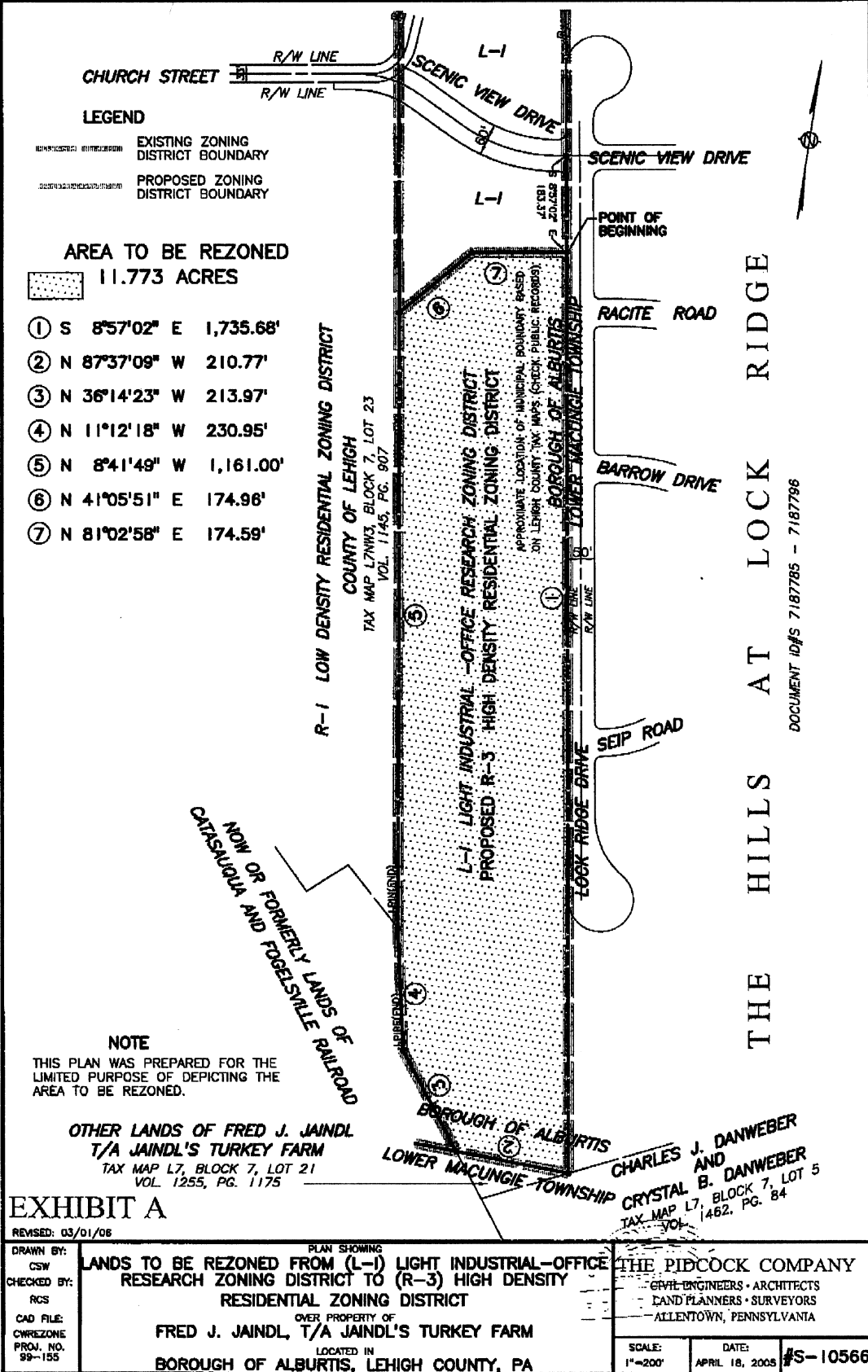
\_\_\_\_\_  
Steven R. Hill, President

Attest:

\_\_\_\_\_  
Melanie Hansen, Executive Secretary

**AND NOW**, this 28<sup>th</sup> day of June, 2006, the above Ordinance is hereby **APPROVED**.

\_\_\_\_\_  
Russell J. Afflerbach, Mayor



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