

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 449

(Duly Adopted November 8, 2006)

AN ORDINANCE AMENDING CHAPTER 21 OF THE ALBURTIS CODIFIED ORDINANCES (RELATING TO ZONING) TO REMOVE FROM THE LISTS OF USES PERMITTED AS A CONDITIONAL USE THE CONVERSION OF A SINGLE-FAMILY DETACHED DWELLING INTO SINGLE-FAMILY ATTACHED DWELLINGS (TOWNHOUSES) IN THE R-2 AND R-3 RESIDENTIAL ZONING DISTRICTS, AND ANY CONVERSION OF A SINGLE-FAMILY DETACHED DWELLING INTO MULTIPLE DWELLING UNITS IN THE C-1 COMMERCIAL ZONING DISTRICT; TO PROHIBIT THE OUTDOOR STORAGE OF RAW MATERIALS, PRODUCTS, AND EQUIPMENT IN ANY DISTRICT OTHER THAN THE L-1 LIGHT INDUSTRIAL-OFFICE RESEARCH DISTRICT; TO ADD A REQUIREMENT THAT MOTOR VEHICLE REPAIR SHOPS MAY NOT PERMIT ANY PARTICULAR VEHICLE OR PART OF A VEHICLE TO BE LOCATED OUTSIDE OF AN ENCLOSED BUILDING FOR MORE THAN THIRTY (30) DAYS OR PARTS OF DAYS IN ANY PERIOD OF NINETY (90) CONSECUTIVE CALENDAR DAYS (WITH AN EXCEPTION FOR CERTAIN OWNER AND EMPLOYEE VEHICLES); TO INCREASE THE REQUIRED AMOUNT OF OFF-STREET PARKING FOR RESIDENTIAL USES TO THREE (3) SPACES PER DWELLING UNIT (EXCEPT THAT ONLY TWO (2) SPACES ARE REQUIRED FOR APARTMENT UNITS WITH FEWER THAN THREE BEDROOMS); AND TO AMEND THE PARKING AREA DESIGN STANDARDS TO PROVIDE THAT ALL AISLES SHALL BE ONE-WAY ONLY UNLESS THE PARKING ANGLE IS NINETY DEGREES (90°), AND TO PERMIT A REDUCTION IN THE WIDTH OF A PARKING AISLE TO TWENTY (20) FEET IF PARKING IS ONLY PROVIDED ON ONE SIDE OF THE AISLE AND THE PARKING ANGLE IS NINETY DEGREES (90°).

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 Southwestern Lehigh County Comprehensive Plan adopted by the Borough in 2005 recommends, at page 47: “To promote home ownership and neighborhood stability, and to avoid parking problems, the conversions of existing one family homes into additional numbers of housing units should be prohibited or very strictly regulated in most of the region”; and

WHEREAS, Borough Council desires to implement that recommendation and promote its goals by eliminating the conversion of single-family detached dwellings into townhouses and by prohibiting conversions that would create a dwelling unit of less than 1,250 square feet; and

WHEREAS, Borough Council desires to promote commercial uses in the commercial zoning district and encourage the transition of existing non-conforming residential uses in that district to commercial uses, rather than an increase of residences in that district by the conversion of non-conforming single-family detached dwellings to multiple dwelling units; and

WHEREAS, Borough Council finds that the existing zoning regulations do not provide adequate off-street parking for residential uses considering the increased numbers of vehicles utilized by a typical residence over the past several decades, and thus cause excessive demand for on-street parking and congestion of the streets for both parking and vehicular travel, as well as an incentive for illegal or improper parking; and

WHEREAS, Borough Council desires to insure that motor vehicle repair shops do not become long-term outdoor vehicular storage locations, whether the vehicles are waiting to be repaired, in the process of being repaired, already repaired, or otherwise left on-site; and

WHEREAS, Borough Council desires to amend the zoning ordinance as set forth in this ordinance, and this amendment is generally consistent with the Borough Comprehensive Plan; 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. §§ 10609(c) and 10609(e); and

WHEREAS, the Alburty Planning Commission reviewed this Ordinance at its meeting on November 6, 2006 and recommended its adoption; and

WHEREAS, the Lehigh Valley Planning Commission reviewed this Ordinance at its meeting on September 28, 2006 and voted to return the following comments for the Borough’s use:

The zoning provisions are intended to implement the Southwestern Lehigh County Comprehensive Plan recommendation that seeks to prohibit or strictly regulate residential conversions. This Southwestern Lehigh plan recommendation is inconsistent with *the Comprehensive Plan – Lehigh Valley . . . 2030*. Our February 24, 2004 review of the draft Southwestern Lehigh Comprehensive Plan stated that “(W)e recommend that a more moderate approach that ties regulations to problems associated with conversions be employed instead.”

The most problematic standard in the draft ordinance is the increase in the minimum floor area from 650 to 1,250 square feet. This increase is exclusionary in effect. The basis of the standard is not apparent. The proposed standard exceeds the standards for other housing types allowed in the Borough. Apartments not created by conversion have a 650 square foot standard. Two family dwellings have an 800 square foot standard. The 1,250 square foot standard even exceeds the standard for single family detached dwelling (900 square feet). We recommend that the current standard be retained. The current standard is in line with the recommendations in our Zoning Guide report.

The eleventh “whereas” of the draft ordinance states that the LVPC has “determined it to be a matter of local concern and voted to offer no com-

ment . . .” This “whereas” should be modified or eliminated as it is not accurate.

; and

WHEREAS, prior to advertising, the eleventh “whereas” clause of this Ordinance was revised from the draft submitted to the Lehigh Valley Planning Commission to reflect the comments submitted by the Lehigh Valley Planning Commission, as set forth above; and

WHEREAS, on October 25, 2006 and November 1, 2006, 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 November 8, 2006 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. Codified Ordinances § 21-504 (relating to Zoning—Regulations for R-2 Medium-Density Residential District—Conditional Uses) is amended by amending subsection (h) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 21-504 Conditional Uses.

The following conditional uses and their accessory uses may be permitted following a review and recommendation by the Planning Commission in accordance with the provisions of Article XIII (relating to Conditional Uses and Special Exceptions), any other applicable provisions of this Chapter, and approval by Council:

* * *

(h) Conversion of existing single-family detached dwelling to a two-family detached dwelling, ~~single-family attached~~, or multifamily dwelling limited to three (3) dwelling units.

* * *

SECTION 2. Codified Ordinances § 21-604 (relating to Zoning—Regulations for R-3 High-Density Residential District—Conditional Uses) is amended by amending subsection (h) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 21-604 Conditional Uses.

The following conditional uses and their accessory uses may be permitted following a review and recommendation by the Planning Commission in accordance with the provisions of Article XIII (relating to Conditional Uses and Special Exceptions), any other applicable provisions of this Chapter, and approval by Council:

* * *

(h) Conversion of existing single-family detached dwelling to a two-family detached dwelling, ~~single-family attached~~, or multifamily dwelling limited to three (3) dwelling units.

* * *

SECTION 3. Codified Ordinances § 21-704 (relating to Zoning—Regulations for C-1 Commercial District—Conditional Uses) is amended by deleting and reserving subsection (l) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 21-704 Conditional Uses.

The following conditional uses and their accessory uses may be permitted following a site plan review and recommendation by the Planning Commission in accordance with the provisions of Article XIII (relating to Conditional Uses and Special Exceptions), any other applicable provisions of this Chapter, and approval by Council:

* * *

(l) [RESERVED] ~~Conversion of existing single family detached dwelling to a two family, single family attached, or multifamily dwelling limited to three (3) dwelling units.~~

* * *

SECTION 4. Codified Ordinances § 21-913 (relating to Zoning—General Regulations—Storage and Disposal) is amended by adding a new subsection (e) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 21-913 Storage and Disposal.

The following regulations shall apply to the storage of materials and the disposal of materials:

(a) No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances, located and operated on the same lot as the tanks or drums of fuel.

(b) All outdoor storage facilities for fuel, raw materials, and products, and all fuel, raw materials, and products stored outdoors, shall be enclosed by an approved safety fence.

(c) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

(d) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

(e) No raw materials, products, or equipment shall be stored outside of an enclosed building in any district other than the L-1 Light Industrial-Office Research District.

SECTION 5. Codified Ordinances § 21-1320 (relating to Zoning—Conditional Uses and Special Exceptions—Motor Vehicle Repair Shop) is amended by adding a new subsection (e) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 21-1320 Motor Vehicle Repair Shop.

The following minimum requirements shall be met for a motor vehicle repair shop:

* * *

(e) No particular vehicle or part of a vehicle may be located outside of an enclosed building for more than thirty (30) days or parts of days in any period of ninety (90) consecutive calendar days, except vehicles utilized by owners or employees of the motor vehicle repair shop to commute to the shop and which are not left at the shop overnight.

SECTION 6. Codified Ordinances § 21-1325 (relating to Zoning—Conditional Uses and Special Exceptions—Conversion of Single-family Detached Dwelling) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 21-1325 Conversion of Single-family Detached Dwelling.

The following requirements shall be met for the conversion of an existing single-family detached dwelling to a two-family detached dwelling, ~~a single-family attached dwelling~~, or a multifamily dwelling limited to three (3) units:

- (a) The property shall comply with the yard and building area requirements for the district.
- (b) Required off-street parking shall be available.
- (c) The floor area per dwelling unit shall not be less than ~~six hundred fifty (650)~~ one thousand two hundred fifty (1,250) square feet.
- (d) The Borough Engineer shall assure that adequate water and sewerage facilities are available.

SECTION 7. Codified Ordinances § 21-1415 (relating to Zoning—Off-Street Parking and Loading—Off-Street Parking Schedule) is amended by amending subsection

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

§ 21-1415 Off-street Parking Schedule.

All uses permitted by this Chapter or hereafter permitted in any of the district herein established, shall provide as a minimum the number of off-street parking spaces specified in this section. Parking space for employees shall be computed on the basis of maximum employment, including seasonal and part-time, on the largest shift. For uses not specified in this section, the same requirements as for the most similar use specified in this section shall apply. Where calculations of spaces results in a fractional space, any fraction under one-half (1/2) may be disregarded and any fraction one-half (1/2) and over shall be construed as one (1) whole space:

(a) Residences, Apartments, and Conversions (except as hereinafter modified).

~~(1) One (1) parking space for each efficiency unit.~~

~~(2) One and one quarter (1.25) parking spaces for each one-bedroom apartment unit.~~

~~(3) One and one half (1.50) parking spaces for each two-bedroom apartment unit.~~

~~(4) Two (2) parking spaces for each three or more bedroom apartment unit, townhouse, or two family dwelling, or for single family detached or two family dwelling structures which are expanded or converted to include more than one (1) or two (2) dwellings respectively, in which case the Zoning Hearing Board may permit the parking for at least one (1) unit to take place on the street, *provided* it can be clearly demonstrated that sufficient space for all required off-street parking is not possible and that on-street parking is permitted, and that such on-street parking will not increase traffic congestion in the neighborhood.~~

(1) Two (2) parking spaces for each dwelling unit in a multi-family dwelling which has fewer than three (3) bedrooms.

(2) Three (3) parking spaces for each dwelling unit other than a dwelling unit described in paragraph (1).

* * *

SECTION 8. Codified Ordinances § 21-1418 (relating to Zoning—Off-Street Parking and Loading—Parking Design Standards) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 21-1418 Parking Design Standards.

(a) In General. The minimum dimensions of stalls and aisles shall be as follows:

* * *

(b) One Way Aisles. All aisles shall be one-way only unless the Parking Angle (item “A” in the Parking Table in subsection (a)) is ninety degrees (90°).

(c) Parking On Only One Side of Parking Aisle. If parking is only provided on one side of an aisle, and the Parking Angle (item “A” in the Parking Table in subsection (a)) is ninety degrees (90°), then the minimum Aisle Width (item “D” in the Parking Table in subsection (a)) shall be reduced to twenty (20.0) feet.

SECTION 9. 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. § 10609(g).

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Al-
burtis, this 8th day of November, 2006, in lawful session duly assembled.

**BOROUGH COUNCIL
BOROUGH OF ALBURTIS**

Cathy Moyer, Vice President

Attest:

Melanie Hansen, Executive Secretary

AND NOW, this 8th day of November, 2006, the above Ordinance is hereby
APPROVED.

Russell J. Afflerbach, Mayor