

**BOROUGH OF ALBURTIS  
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 567

(Duly Adopted June 30, 2021)

AN ORDINANCE AMENDING ALBURTIS CODIFIED ORDINANCES SECTION 21-1415(r) TO CHANGE THE AMOUNT OF REQUIRED OFF-STREET PARKING SPACES UNDER THE ZONING ORDINANCE FOR RESTAURANTS, NIGHTCLUBS, BARROOMS, LUNCH COUNTERS, OR THE LIKE TO ONE SPACE FOR EVERY FIVE (5) EMPLOYEES AND ONE SPACE FOR EVERY TWENTY (20) SEATS FOR CUSTOMERS.

**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 zoning ordinance contains provisions establishing minimum off-street parking requirements; and

**WHEREAS**, Borough Council believes that the existing off-street parking requirements for restaurants (and similar uses) discourage the establishment and continuation of restaurants (and similar uses) in the Borough unnecessarily, considering the availability of and demand for on-street parking in the Borough's commercial district; and

**WHEREAS**, Borough Council believes that the relaxed off-street parking requirements for restaurants (and similar uses) set forth below, when considering the amount of and demand for on-street parking in the Borough's commercial district, are sufficient for ordinary purposes, encourage the establishment and maintenance of desirable restaurant and similar uses which are in demand in the Borough, and thus promote the public health, safety, and welfare; and

**WHEREAS**, this zoning amendment is generally consistent with the Borough's Comprehensive Plan (the 2017 Southwestern Lehigh County Comprehensive Plan – Alburtis, Emmaus and Macungie Boroughs and Lower Milford, Lower Macungie and Upper Milford Townships); and

**WHEREAS**, under the first draft of this Ordinance, it was proposed to change the off-street parking requirements for restaurants (and similar uses) to one space for every five (5) employees and one space for every thirty (30) seats for customers; and

**WHEREAS**, at least thirty (30) days prior to the Council's adoption of this Ordinance, the Borough submitted a copy of the first draft 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. §§ 10609(c) and 10609(e); and

**WHEREAS**, the Alburtis Planning Commission reviewed the first draft of this Ordinance at its meeting on May 18, 2021 and had three concerns with the proposal: (1) a concern about future use in the area, (2) lack of parking currently in the Borough, and (3) lack of parking when there is a large venue. The Planning Commission had no issue with the proposal of one space for every five employees, but the concern is with having only one space for every thirty seats. Thus, the Planning Commission voted to recommend that

the requirement be changed to one space for every five employees and one space for every twenty seats; and

**WHEREAS**, the Lehigh Valley Planning Commission reviewed this Ordinance at its Comprehensive Planning Committee meeting on May 25, 2021 and its Full Commission meeting on May 27, 2021, and returned the following comments for the Borough's use:

This minor proposal is a matter of local concern and is generally consistent with *FutureLV: The Regional Plan*.

**WHEREAS**, prior to the Council's submission of the first draft of this Ordinance to the Lehigh Valley Planning Commission, the Borough submitted a copy of the first draft 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 Southwestern Lehigh County Comprehensive Plan Inter-Governmental Agreement and Ordinance. The Borough of Macungie responded that the Borough of Macungie Planning Commission unanimously recommended at its meeting on May 18, 2021 to make no comment with regard to the proposed change. No other comments were received; and

**WHEREAS**, upon review of the comments of the Alburtis Planning Commission at the Alburtis Borough Council meeting on May 26, 2021, Borough Council revised the proposed Ordinance as recommended by the Planning Commission, and as set forth below, and authorized the advertisement of the proposed Ordinance as so revised; and

**WHEREAS**, on June 16, 2021 and June 23, 2021, 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 June 30, 2021 at 7:00 P.M. at the public Borough Council meeting held that date and time, 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 further (beyond the changes made prior to the advertisement of this Ordinance) as a result of the hearing or the comments of any reviewing organization;

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

**SECTION 1.** Codified Ordinances § 21-1415 (relating to Zoning—Off-Street Parking and Loading—Off-street Parking Schedule) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 21-1415 Off-street Parking Schedule.**

Except as otherwise provided in § 21-1415.1 (relating to Special Rules for Off-street Parking in the Commercial District), all uses permitted by this Chapter or hereafter permitted in any of the districts 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 result 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.

\* \* \*

(r) **Restaurants, Nightclubs, Barrooms, Lunch Counters, or the Like:** one (1) parking space for every ~~two (2)~~ five (5) employees, plus one (1) space for every ~~three (3)~~ twenty (20) seats for customers.

\* \* \*

**SECTION 2.** The Borough Manager 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 Albur-tis, this 30<sup>th</sup> day of June, 2021, in lawful session duly assembled.

BOROUGH COUNCIL  
BOROUGH OF ALBURTIS

\_\_\_\_\_  
Ronald J. DeIaco, President

Attest:

\_\_\_\_\_  
Sharon Trexler, Borough Manager

**AND NOW**, this 30<sup>th</sup> day of June, 2021, the above Ordinance is hereby APPROVED.

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Kathleen Palmer, Mayor