TOWNSHIP OF TILDEN

ORDINANCE NO. 143, 2002

AN ORDINANCE OF THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA AMENDING THE TILDEN TOWNSHIP ZONING ORDINANCE OF 1973 AND ZONING MAP, AS AMENDED, BY (1) ADDING THERETO CERTAIN NEW DEFINITIONS, (2) AMENDING AREA REGULATIONS IN THE R-4 MULTI-FAMILY RESIDENTIAL DISTRICT, (3) AMENDING MULTI-FAMILY AND MOBILE HOME PARK DEVELOPMENTS IN THE R-4 MULTI-FAMILY RESIDENTIAL DISTRICT, (4) AMENDING REAR YARD REGULATIONS IN THE C-1 NEIGHBORHOOD COMMERCIAL DISTRICT AND IN THE C-2 HIGHWAY COMMERCIAL DISTRICT, (5) AMENDING LOT AREA AND WIDTH REGULATIONS IN THE C-2 HIGHWAY COMMERCIAL DISTRICT, (6) ADD THERETO REGULATIONS PERTAINING TO PRIVATE ANTENNAS (EXCEPT TELECOMMUNICATIONS ANTENNAS) (7) AMENDING THE REQUIREMENTS FOR NOTICE OF PUBLIC HEARINGS, (8) AMENDING THE CURATIVE AMENDMENTS PROVISIONS BY ADDING THERETO DEEMED APPROVAL REGULATIONS, (9) AMENDING THE TIME REGULATIONS FOR HEARINGS, (10) AMENDING THE TERM OF OFFICE OF ZONING HEARING BOARD MEMBERS FROM THREE YEARS TO FIVE YEARS, (11) ELIMINATING THE RESTRICTION THAT NO MORE THAN ONE MEMBER OF THE ZONING HEARING BOARD MAY ALSO BE A MEMBER OF THE PLANNING COMMISSION, (12) ADDING A NEW ARTICLE XXI CREATING AN A-2 INTENSIVE AGRICULTURE DISTRICT AND REGULATIONS THEREFOR, (13) AMENDING AREA STANDARDS AND ACCESS STANDARDS FOR INDUSTRIAL PARKS, (14) ADDING NEW SECTIONS PERTAINING TO CONDUCT OF AGRICULTURAL ACTIVITIES; GENERAL AGRICULTURAL STANDARDS FOR THE A, R-1, R-2, R-3, L-1, L-2, L-3 AND OS ZONING DISTRICTS; (15) AMENDING REQUIRED OFF-STREET PARKING SPACE REGULATIONS, (16) AMENDING SURFACE REGULATIONS RELATING TO PARKING AND LOADING SPACES; (17) AMENDING THE ZONING MAP BY ADDING THERETO A NEW A-2 INTENSIVE AGRICULTURE DISTRICT AND CHANGING A PORTION OF THE R-3 RESIDENTIAL DISTRICT IN THE AREA OF I-78, S.R. 61 AND MAPLE DRIVE TO THE C-2 HIGHWAY COMMERCIAL DISTRICT; AND (18) REPEALS ALL EXISTING ORDINANCES INCONSISTENT WITH THE ORDINANCE.

WHEREAS, the Township finds that Intensive Agricultural operations are a legitimate land use as prevails in the Township; and

WHEREAS, the Township of Tilden, Berks County, Pennsylvania (the "Township") had adopted the Tilden Township Zoning Ordinance and Zoning Map, Ordinance No. 34-1973, as amended by Ordinance Nos. 38-1975, 44-1980, 46-1980, 50-1982, 51-1984, 52-1984, 54-1985, 55-1985, 61-1987, 62-1987, 68-1988, 70-1989, 71-1989, 72-1989, 77-1990, 78-1990, 83-1991, 84-1991, 89-1992, 91-1992, 96-1993, 112-1997, 114-1997, 117-1997, 122-1998 and 128-2000 (collectively, the "Zoning Ordinance and Zoning Map"); and

WHEREAS, notwithstanding the foregoing, Intensive Agricultural operations would have a direct adverse impact on the public health, safety and welfare; and

WHEREAS, the Township now desires to amend the Zoning Ordinance and Zoning Map by (1) adding thereto certain new definitions, (2) amending area regulations in the R-4 Multi-Family Residential District, (3) amending multi-family and mobile home park developments in the R-4 Multi-Family Residential District, (4) amending rear yard regulations in the C-1 Neighborhood Commercial District and in the C-2 Highway Commercial District, (5) amending lot area and width regulations in the C-2 Highway Commercial District, (6) adding thereto regulations pertaining to private antennas (except telecommunication antennas, (7) amending the requirements for notice of public hearings, (8) amending the curative amendments provisions by adding thereto deemed approval regulations, (9) amending the time regulations for hearings, (10) amending the term of office of Zoning Hearing Board members from three years to five years, (11) eliminating the restriction that no more than one member of the Zoning Hearing Board may also be a member of the Planning Commission, (12) adding a new Article XXI creating an A-2 Intensive Agriculture District and regulations therefor, (13) amending area standards and access standards for industrial parks, (14) adding new sections pertaining to conduct of agricultural activities; general agricultural standards for the A, R-1, R-2, R-3, L-1, L-2, L-3 and OS Zoning Districts; (15) amending required off-street parking space regulations, (16) amending surface regulations relating to parking and loading spaces; (17) amending the Zoning Map by adding thereto a new A-2 Intensive Agriculture District and changing a portion of the R-3 Residential District in the area of I-78, S.R. 61 and Maple Drive to the C-2 Highway Commercial District; and (18) repeals all existing ordinances inconsistent with the Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Tilden, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Section 104, entitled "Definitions of Terms", of Article I, entitled "Objective, Purposes, Interpretation, Short Title, Definitions of Terms", is hereby supplemented by adding thereto the following new definitions:

(bg) Agriculture, Intensive. Specialized agricultural activities including but not limited to mushroom, pig, egg and poultry production, and dry lot livestock production, which due to the intensity of production at or greater than such levels as set forth at Sections 1518 and 2100, or raw material storage needs, necessitate special control of operation, raw material storage and processing, and disposal of liquid and solid wastes.

(bh) Animal Unit. One thousand (1,000) pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit.

(bi) Animal Units/Acre. A mathematical figure representing the number of animal units per acre of crop land or land suitable for application of animal manure.

(bj) A-2 Agricultural Lot. A parcel of land twenty-five (25) or more contiguous acres within the A-2 Intensive Agriculture District used for the production, keeping or maintenance for sale, lease or personal use of plants and animals useful to man, including: mushrooms, forages and soc crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats of any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

(bk) Livestock. Equine animals, bovine animals, sheep, goats, swine and poultry commonly raised upon farms in Berks County, Pennsylvania. "Livestock" does not include dogs, cats or any type of animals which are normally considered to be exotic or wild animals.

(bl) Nursery. A type of agriculture utilizing land or greenhouses to cultivate flowers, plants, shrubs, trees and similar vegetation.

(bm) Piggery. For purposes of this Zoning Ordinance, any property which contains 1.0 animal units/acre and above, of swine. Piggeries are to be considered an Intensive Agricultural activity and are only permitted within the A-2 Intensive Agriculture District on lots that are twenty-five (25) acres or more in size."

Section 2. Subsection (c), entitled "Area Regulations for Multi-Family Residential Districts", of Section 603, entitled "Area and Height Regulations", of Article VI, entitled "R-4 Multi-Family Residential Districts", is hereby supplemented by adding thereto the following new subsection (5):

"(5) Open Space. Twenty-five percent (25%) of open space area shall be provided. Drives, parking, detention ponds or areas with slopes exceeding fifteen percent (15%) shall not be considered open space."

Section 3. Subsection (a), entitled "Multi-Family and Mobile Home Park Developments", of Section 604, entitled "Special Regulations", of Article VI, entitled "R-4 Multi-Family Residential Districts", is hereby amended in its entirety so as to hereafter read as follows:

"(a) Multi-Family and Mobile Home Park Developments.

(1) A buffer strip shall be provided along the entire perimeter of the property of which multi-family dwelling units or mobile homes are erected, of at least fifty feet (50') in width measured inward from the property line and retained in natural woods, or suitable landscaped with grass and/or ground cover, shrubs and trees. No parking or roadways, except roadways crossing at right angles to the buffer area for the purpose of providing access to the property, shall be allowed in this area. The buffer strip area shall not be considered as part of the usable open space or recreation area as required by Ordinance No. 30-1970, as amended.

(2) Streets conforming to the applicable Township ordinances and regulations may be dedicated to the Township after construction. Streets that are not dedicated to the Township and parking areas shall be constructed with a minimum of three inches (3") of bituminous concrete base course and one and one-half inches (1-1/2") of a bituminous wearing course on a stable subgrade as approved by the Township engineer.

(3) Each dwelling shall be served by an approved public water supply and approved central sewage disposal system or systems in conformity with all state, county and Township statutes, ordinances and regulations.

(4) A subdivision plan showing type of construction and the number, spacing, size and arrangement of dwelling clusters and open space must be approved by the Planning Commission and Board of Supervisors and otherwise comply with the provisions of this Ordinance before construction begins.

(5) Professional review by the Township, including legal, engineering and planning, shall be required unless specifically waived by the Board of Supervisors. All review expenses shall be paid by the applicant.

(6) Curbs and sidewalks shall be provided, if required by the Township, for the purpose of promoting pedestrian safety."

Section 4. Subsection (e), entitled "Rear Yard", of Section 703, entitled "Area and Height Regulations", of Article VII, entitled "C-1 Neighborhood Commercial Districts", is hereby amended in its entirety so as to hereafter read as follows:

"(e) Rear Yard. There shall be a rear yard on each lot, which shall be not less than fifty feet (50').

Section 5. Subsection (a), entitled "Lot Area and Width", of Section 803, entitled "Area and Height Regulations", of Article VIII, entitled "C-2 Highway Commercial Districts", is hereby amended in its entirety so as to hereafter read as follows:

"(a) Lot Area and Width. Every lot shall have a lot area of not less than one and one-half (1-1/2) acres, and such lot shall be not less than two hundred feet (200') in width at the building line."

Section 6. Subsection (e), entitled "Rear Yard", of Section 803, entitled "Area and Height Regulations", of Article VIII, entitled "C-2 Highway Commercial Districts", is hereby amended in its entirety so as to hereafter read as follows:

"(e) Rear Yard. There shall be a rear yard on each lot, which shall be not less than fifty feet (50')."

Section 7. Article XV entitled "General Regulations" is hereby supplemented by adding thereto the following new Subsection 1519:

"Section 1519. Regulations Pertaining to Private Antennas (Except Telecommunication Antennas)

(a) Antenna Height. The antenna height shall not exceed eighty (80) feet above ground level, unless approved by special exception granted by the Zoning Hearing Board, in which case the antenna height shall not exceed one hundred fifty (150) feet above ground level. Among other things, when considering the special exception, the Zoning Hearing Board shall ensure that any antenna exceeding eighty (80) feet height above ground level will be constructed to ensure its ability to sustain winds of up to seventy(70) mph and gusts up to one hundred twenty five (125) mph and so that the antenna will not pose a threat to the health and safety of persons and will not pose a danger to neighboring properties.

(b) Setbacks From Base of Antenna Support Structure. If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure on a building), the minimum distances between the base of the support structure or any guy-wire anchors

and any property line or right-of-way line shall be the largest of the following:

(1) Fifty percent (50%) of antenna height; or

(2) The minimum front yard setback in the underlying zoning district."

Section 8. Subparagraph (a), entitled "Procedure", of Section 1804, entitled "Amendments", of Article XVIII, entitled "Administration", is hereby amended to delete in its entirety Subparagraph (a)(3) entitled "Curative Amendments".

Section 9. Subparagraph (c), entitled "Public Hearing", of Section 1804, entitled "Amendments", of Article XVIII, entitled "Administration", is hereby amended and restated in its entirety as follows:

"(c) Public Hearing. Before voting on the enactment of an amendment, the governing body shall hold a public hearing, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

In addition to the requirement that notice be posted above, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty days prior to the date of the hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this section. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.

If, after any public hearing held upon an amendment or change, the proposed amendment or change is changed substantially or is revised to include land previously not affected by it, the Township Supervisors shall hold another public hearing pursuant to public notice prior to voting on the amendment or change. The Township Supervisors shall vote on the proposed amendment within ninety (90) days after the last public hearing. Enactment of amendments shall be in accordance with the procedures established in the Pennsylvania Municipalities Planning Code."

Section 10. Section 1804, entitled "Amendments", of Article XVIII, entitled "Administration", is hereby amended to add a new Subsection (d) as follows:

"(d) Curative Amendments. The procedure upon curative amendments shall be as established in the Pennsylvania Municipalities Planning Code.

The Hearing shall be conducted in accordance with the Pennsylvania Municipalities Planning Code and all references therein to the Zoning Hearing Board shall, for purposes of this section be references to the Governing Body provided, however, that the deemed approval provisions of Section 908 of the Pennsylvania Municipalities Planning Code shall not apply and the provisions of Section 916.1 of the Pennsylvania Municipalities Planning Code shall control. If the Township does not accept a Landowner's Curative Amendment brought in accordance with the Pennsylvania Municipalities Planning Code and a Court subsequently rules that the challenge has merit, the Court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the Landowner's Curative Amendment and Challenge."

Section 11. Section 1900, entitled "Establishment and Membership", of Article XIX, entitled "Zoning Hearing Board", is hereby amended in its entirety so as to hereafter read as follows:

"Section 1900. Establishment and Membership. A Zoning Hearing Board, consisting of five (5) members appointed by the Supervisors for overlapping terms of five (5) years each, is established for the purpose of carrying out the functions of a Zoning Hearing Board as provided by law. Members of the Board shall be residents of the Township."

Section 12. Section 1902, entitled "Hearings", of Article XIX, entitled "Zoning Hearing Board", is hereby amended and restated in its entirety as follows:

"Section 1902. Hearings. The Board shall meet as needed to hear and consider all such matters which shall properly come before it. All such meetings shall be open to the public.

The first hearing shall be commenced within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant. Any party aggrieved by the schedule or progress of the hearings may apply to the Court of Common Pleas for judicial relief. The hearing shall be completed

no later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas."

Section 13. The Zoning Ordinance is hereby supplemented by adding thereto the following new Article XXI:

"ARTICLE XXI. A-2 INTENSIVE AGRICULTURE DISTRICT

Section 2100. Purpose and Intent. The purpose of the Intensive Agricultural District is to provide land to be utilized for intensive type agricultural purposes. The District is composed of areas used predominantly for intensive agricultural activities allowing for more concentrated agricultural use.

Section 2101. Use Regulations. A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

(a) Single-family detached dwelling, provided that such use is related to the intensive agricultural use and shall not be subdivided from the parent tract.

(b) Intensive Agriculture, General Agriculture, and processing of Farm Products in accordance with Section 1518(c), provided that any building used for keeping or raising livestock or poultry shall be situated not less than one hundred feet (100') from any street line, proposed street line or dwelling other than the owner's dwelling and not less than fifty feet (50') from any other property line.

(c) Roadside stand for the sale of farm or nursery products, seventy-five percent (75%) of which are produced on the property where offered for sale, provided (1) any stand shall be situated not less than fifteen feet (15') from any street line or proposed street line, (2) that any such stand shall be removed or kept in good condition during seasons when products are not being offered for sale, and (3) that sufficient off-street space be provided to allow for parking and maneuvering vehicles without the need to back vehicles onto a street or road .

(d) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses.

(e) Home occupations as defined, when conducted in accordance with the provisions of Section 1512.

(f) Telephone office or utility substation when authorized as a special exception.

Section 2102. Area Regulations.

(a) Lot Area and Width. A lot area of not less than twenty-five (25) acres, with a width of not less than one hundred seventy-five feet (175') at the building line, shall be provided for each dwelling and for every principal use or building permitted in this District, in the event multiple principal uses are permitted upon a lot, each such use shall require at least twenty-five (25) acres.

(b) Building Area. Not more than ten percent (10%) of the area of any lot shall be occupied buildings.

(c) Front Yard. There shall be a front yard along each street or proposed street on which a lot abuts which shall have a depth of not less than sixty feet (60').

(d) Side Yards. There shall be two (2) side yards on each lot neither of which shall be less than forty feet (40') in width with an aggregate of ninety feet (90').

(e) Rear Yard. There shall be a rear yard on each lot which shall be not less than fifty feet (50') in depth.

(f) Height Regulations. The height of any building shall not exceed fifty feet (50') in the case of agricultural buildings, eighty feet (80') for silos and thirty-five feet (35') for any other building.

(g) Additional Setback Requirement. All intensive agricultural uses shall be located not less than three hundred feet (300') from the boundary of any other non-agricultural zoning district or five hundred feet (500') from any residential dwelling, unless permitted within the scope of the nutrient management plan.

Section 2103. Intensive Agricultural Standards.

(a) Unless specifically stipulated within this Zoning Ordinance, intensive agricultural activities are a permitted use by right within the A-2 Intensive Agriculture District. Intensive agricultural activities shall be prohibited in all other Zoning Districts.

(b) All of the regulations and restrictions of Section 1518 of this Zoning Ordinance apply to agricultural activities within the A-2 Intensive Agriculture District except as noted below.

(c) Large and small domestic animal operations as described in Section 1518 of this Zoning Ordinance are permitted in accordance with the following table:

No. of Acres	Animal Units Per Acre* (1 Animal Unit = 1,000 Lbs.)
More than 1 but less than and up to and including 25	2.0 (2,000 lbs./acre)
More than 25	4.0 (4,000 lbs./acre)

(d) Any combination of large and small domestic animal operations per permitted use, but in no instance shall any combination exceed the animal units/acre in the chart in Subsection (c) above (example: a tract of 5 acres can have a combination of large and/or small animals which does not exceed 10,000 pounds which is equal to 5 (acres) x 2,000 (pounds) = 10,000 pounds

*The animal/units as stated above are permitted only if all other criteria of this Section are met.

(e) Any concentration of swine equal to or greater than 1,000 lbs./acre shall be considered an intensive agricultural use and shall be limited to those lands of twenty-five (25) acres or more and is subject to Article XXI of this Zoning Ordinance.

(f) All areas utilized for grazing purposes shall be completely fenced in.

(1) The fence setback requirements of Section 1518(e)(2) and 1518(f)(2) do not apply to the general agricultural standards in the A-2 District.

(g) The production, processing or cultivation of mushrooms shall be construed as an intensive agricultural activity and will be considered a use permitted by right subject to the following:

(1) Mushroom houses and complexes will be allowed as a use by right up to fifty thousand (50,000) square feet total gross building space for growing. Any use including more than fifty thousand (50,000) square feet of mushroom house space will be permitted only by special exception.

(2) Mushroom houses as allowed in Subsection (1) above will be operated under the guidelines as set forth in "Best Practices for

Environmental Protection in the Mushroom Farm Community", draft of December, 1996, as may be amended, revised or adopted, which is incorporated herein by reference thereto.

(3) Mushroom industry housing for workers will not be allowed except permitted as a single-family residence as regulated by this Zoning Ordinance.

(h) Piggeries and mink farms shall be construed as an intensive agricultural activity.

(i) A nutrient management plan shall be prepared and approved under the guidelines of Title 25, Chapter 83, Subchapter D, Pennsylvania Code for all proposed intensive agricultural uses, for all operations exceeding 2AEU, or as required by the Pennsylvania Nutrient Management Act. A copy of the approved nutrient management plan shall be submitted to the Township.

(j) A stormwater management plan shall be prepared pursuant to the Township Subdivision and Land Development Ordinance and approved by the Township Engineer for all proposed intensive agricultural uses.

(k) No construction or other improvements required to support intensive agricultural activities shall be permitted except pursuant to an approved land development plan.

(l) An erosion and sediment pollution control plan shall be prepared for and approved by the Berks County Conservation District for all proposed intensive agricultural uses. A copy of the approved erosion and sediment pollution control plan shall be submitted to the Township.

(m) A conservation plan shall be prepared and approved by the Berks County Conservation District for all proposed intensive agricultural uses. The approved conservation plan shall be submitted to the Township.

(n) A landscaping and buffer yard plan shall be prepared for and approved by the Township pursuant to Section 1508 of this Zoning Ordinance and such rules and regulations as may be adopted for all proposed intensive agricultural uses.

(o) Solid and liquid wastes, including but not limited to offal, shall be disposed of in a manner that will avoid creating insect or rodent problems and will be consistent with the nutrient management plan.

(p) Persons engaged in intensive agriculture shall prepare an odor abatement plan which shall be reviewed by the Penn State Extension Service of Berks County and approved by the Township Supervisors.

(q) No discharges of liquid wastes and/or sewage, including but not limited to offal, shall be permitted into a reservoir, sanitary sewer or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with any permits approved by the applicable local, state and/or federal regulatory agencies.

(r) Any and all intensive agricultural uses and activities shall be reviewed and/or permitted by the Township, the Berks County Conservation District, the Berks County Cooperative Extension, and any and all applicable Federal and State regulatory agencies prior to the commencement of any activities associated with said use.

Section 10. Subsection (a), entitled "Area", of Section 1515, entitled "Standards for Industrial Parks", of Article XV, entitled "General Regulations", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

"(a) Area. Each industrial park shall have an area of not less than ten (10) acres. Individual lots within the park limits shall be not less than one and one-half (1-1/2) acres.

(1) Principal and accessory buildings will occupy not more than forty percent (40%) of the lot area."

Section 11. Subsection (b), entitled "Access", of Section 1515, entitled "Standards for Industrial Parks", of Article XV, entitled "General Regulations", of the Zoning Ordinance is hereby amended in its entirety so as to hereafter read as follows:

"(b) Access.

(1) A common driveway or access street shall be used for access for the individual lots. Access to and from the individual lots to an existing public road is prohibited.

(2) The access street shall be curbed with a minimum paved width of roadway of thirty-four feet (34').

(3) The access street shall be constructed with a base of six inches (6") of Type 2A Aggregate for the full width of roadway and shoulders, six inches (6") of a bituminous base course and one and one-half inches (1-1/2") of a Bituminous Wearing Course, ID-2. All materials and workmanship shall

be in accordance with the latest specifications of the Pennsylvania Department of Transportation."

Section 14. Article XV, entitled "General Regulations", of the Zoning Ordinance is hereby supplemented by adding thereto the following new Sections 1517 and 1518:

"Section 1517. Conduct of Agricultural Activities. Agricultural activities are permitted by right to be conducted within the R-1, R-2, R-3, L-1, L-2, L-3, OS, A and A-2 Zoning Districts within the Township and may be conducted even though those activities may create an annoyance or inconvenience to neighboring residential use due to sights, sounds, smells or other conditions resulting from the agricultural activities, provided that the agricultural activities are conducted in accordance with any and all of the requirements of the Township and the State and are not conducted in a manner which creates a definite danger to the health or safety of neighboring property owners.

Section 1518. General Agricultural Standards for the A, R-1, R-2, R-3, L-1, L-2, L-3 and OS Zoning Districts.

(a) It is the intent of these requirements that agricultural activities in the A, R-1, R-2, R-3, L-1, L-2, L-3 and OS Zoning Districts be regulated for the purpose of protecting the public health, safety and welfare.

(b) Unless otherwise stipulated within this Zoning Ordinance, General Agricultural activities/uses as described below are permitted by right in the A, R-1, R-2, R-3, L-1, L-2, L-3 and OS Zoning Districts. Intensive agricultural activities are allowed only within the A-2 Intensive Agriculture District.

(c) Processing of farm products for sale, where such use is accessory to the raising or growing of such products and is located on the property on which the products are grown or raised is permitted by right.

(d) Signs displaying information for the sale of farm products are permitted, subject to Sections 1702 and 1703 of this Zoning Ordinance.

(e) Certain small domestic animal operations are permitted by right provided the following conditions are met (for purposes of this Subsection, small domestic animals shall include animals such as rabbits, guinea pigs and chinchilla; and fowl such as chickens, turkeys, geese, ducks and pigeons):

(1) The area within which small domestic animals are kept shall be enclosed by a fence designed for containment.

(2) Such fence shall be at least ten feet (10') from any lot line and not closer than fifty feet (50') to the nearest dwelling other than that of the owner.

(3) The area within which small domestic animals are maintained shall be kept in a suitable grass cover and shall not be allowed to degrade to an erodible condition.

(4) The owner of the small domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt or odor.

(f) Certain large domestic animal operations are permitted provided the following conditions are met. For purposes of this Subsection, large domestic animals shall include animals of the bovine, equine, swine and sheep families.

(1) The area within which large domestic animals are kept shall be enclosed by a fence designed for containment.

(2) No building, corral, fence or stable shall be closer than one hundred feet (100') to the nearest dwelling other than that of the owner.

(3) The area within which large domestic animals are maintained shall be kept in a suitable grass cover of at least two (2) acres in area and shall not be allowed to degrade to an erodible condition.

(4) The owner of the large domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt or odor.

(g) Large and small domestic animal operations are permitted in accordance with the following table:

No. of Acres	Animal Units Per Acre (1 Animal Unit = 1,000 Lbs.)
More than 1 but less than 10	0.5 (500 lbs./acre)
10 but less than 25	1.0 (1,000 lbs./acre)
25 but less than 100	1.5 (1,500 lbs./acre)
More than 100	2.0 (2,000 lbs./acre)

(h) Any combination of large and/or small domestic operations except as noted below are permitted, but in no instance shall any combination exceed the animal units/acre in the chart in Subsection (g) above. The standard weight for each type animal and the method of calculating animal units shall be in accordance with 25 PA. Code Subchapter 83.262 as most recently amended, or such other statutory or regulatory provisions issued by the Commonwealth of Pennsylvania from time to time.

The animal units/acre are permitted if all other criteria of this Section are met.

(i) Any concentration of swine equal to or greater than 1,000 lbs/acre shall be considered an intensive agricultural use and is not permitted in the A, R-1, R-2, R-3, L-1, L-2, L-3 and OS Zoning Districts.

(j) All large and small domestic animal operations are subject to Article XIV, Flood Plain Controls; all other sections of this Zoning Ordinance as applicable; any and all ordinances adopted by the Township; and all county, state and federal regulations as they apply to these operations.

(k) All areas utilized for grazing purposes shall be completely fenced in.

(l) No slaughter area, spent mushroom compost storage area, manure storage area, or structure designed or designated for the raising of pigs shall be established closer than one hundred feet (100') to any lot line.

(m) Any building erected for agricultural uses in the A, R-1, R-2, R-2, L-1, L-2, L-3 and OS Zoning Districts must meet all the setback requirements of the respective Zoning Districts as well as any other setback requirement set forth in this Ordinance.

Section 15. Section 1600, entitled "Required Off-Street Parking Space", of Article XVI, entitled "Off-Street Parking and Loading", is hereby supplemented by adding thereto the following new Subsection (j):

"(j) Warehousing. Three (3) parking spaces for every four (4) employees on the two (2) major shifts plus one (1) space for each company vehicle normally stored on the premises."

Section 16. Subsection (c), entitled "Surface", of Section 1602, entitled "Area and Design Standards and Other General Requirements Relating to Parking and Loading Spaces", of Article XVI, entitled "Off-Street Parking and Loading", is hereby amended in its entirety so as to hereafter read as follows:

"(c) Except for farms and residences, all driveways, parking areas and loading spaces shall be paved with a minimum of three inches (3") of a bituminous concrete base course and one and one-half inches (1-1/2") of a bituminous wearing course on a stable subgrade as approved by the Township engineer."

Section 17. The Tilden Township Zoning Map is hereby amended as set forth on Exhibit "A" attached hereto and made a part hereof.

Section 18. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed, insofar but only insofar as the same are inconsistent herewith.

Section 19. Except to the extent to which this Ordinance amends the Zoning Ordinance and Zoning Map, the Zoning Ordinance and Zoning Map shall remain in full force and effect and are hereby ratified and reaffirmed.

Section 20. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Supervisors of the Township of Tilden that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 21. This Ordinance shall become effective five (5) days following the date of adoption.

ENACTED and ORDAINED this 9th day of October, 2002.

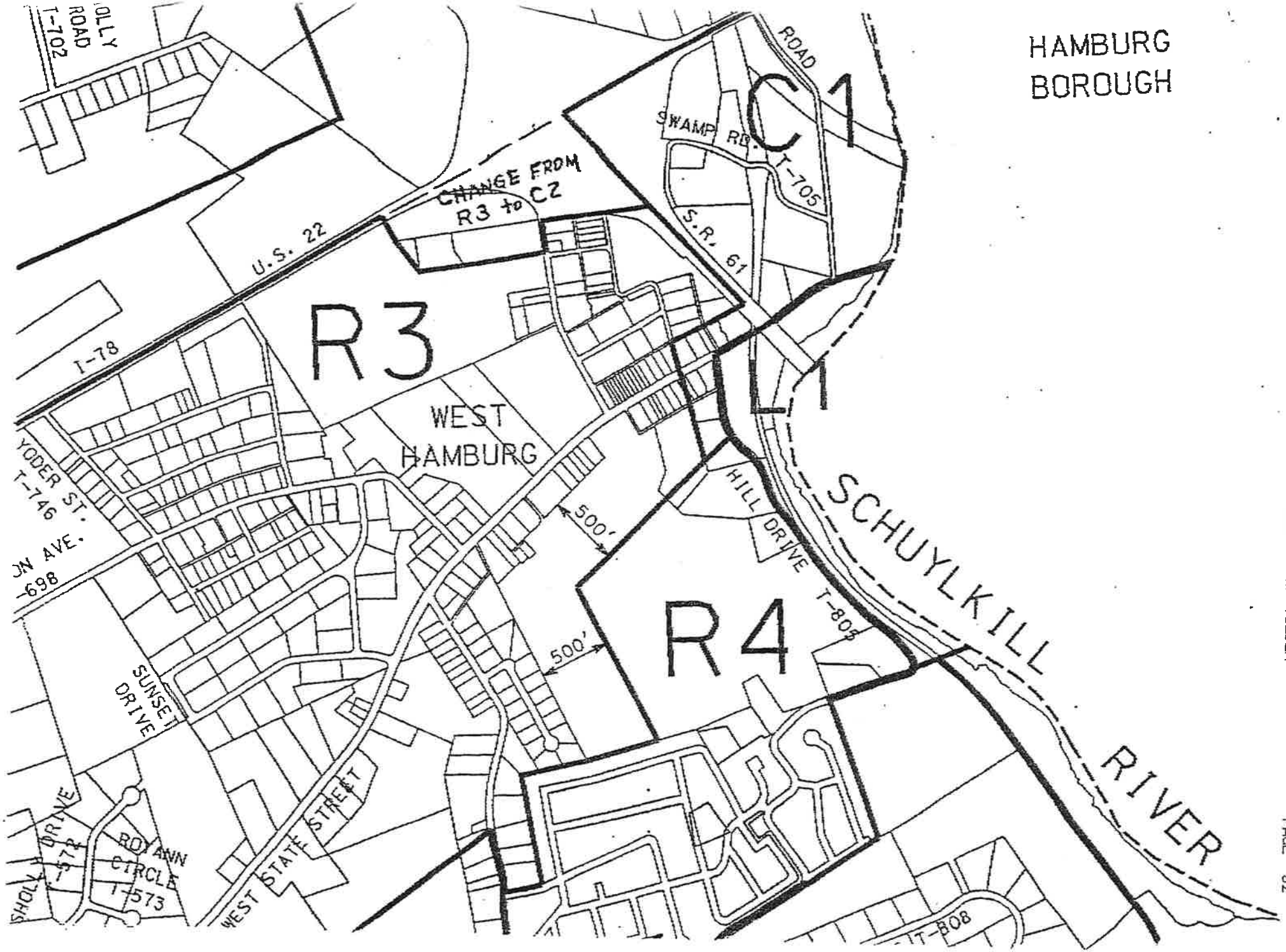
TOWNSHIP OF TILDEN

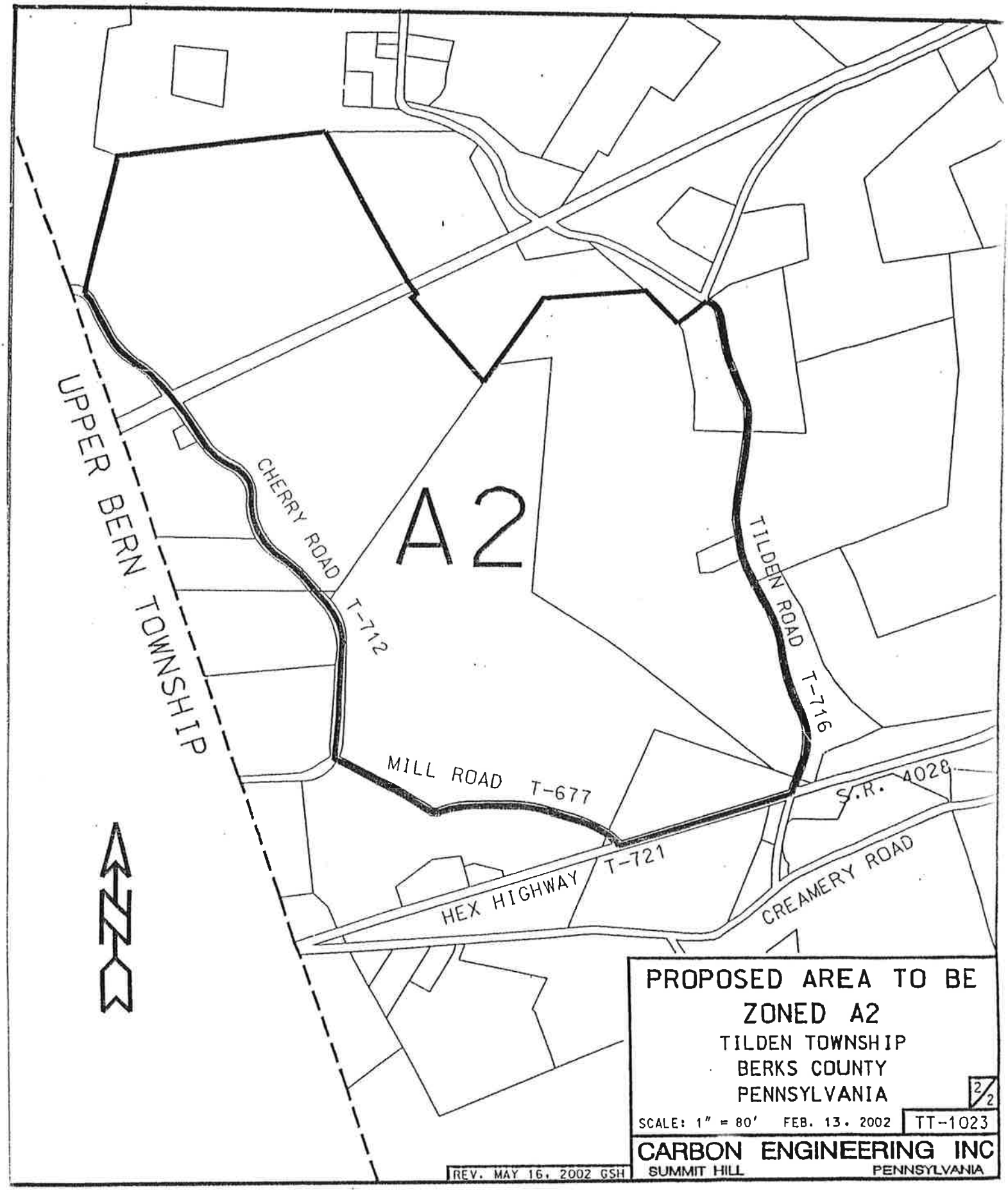
By: Marilyn K. Nelson
Supervisor

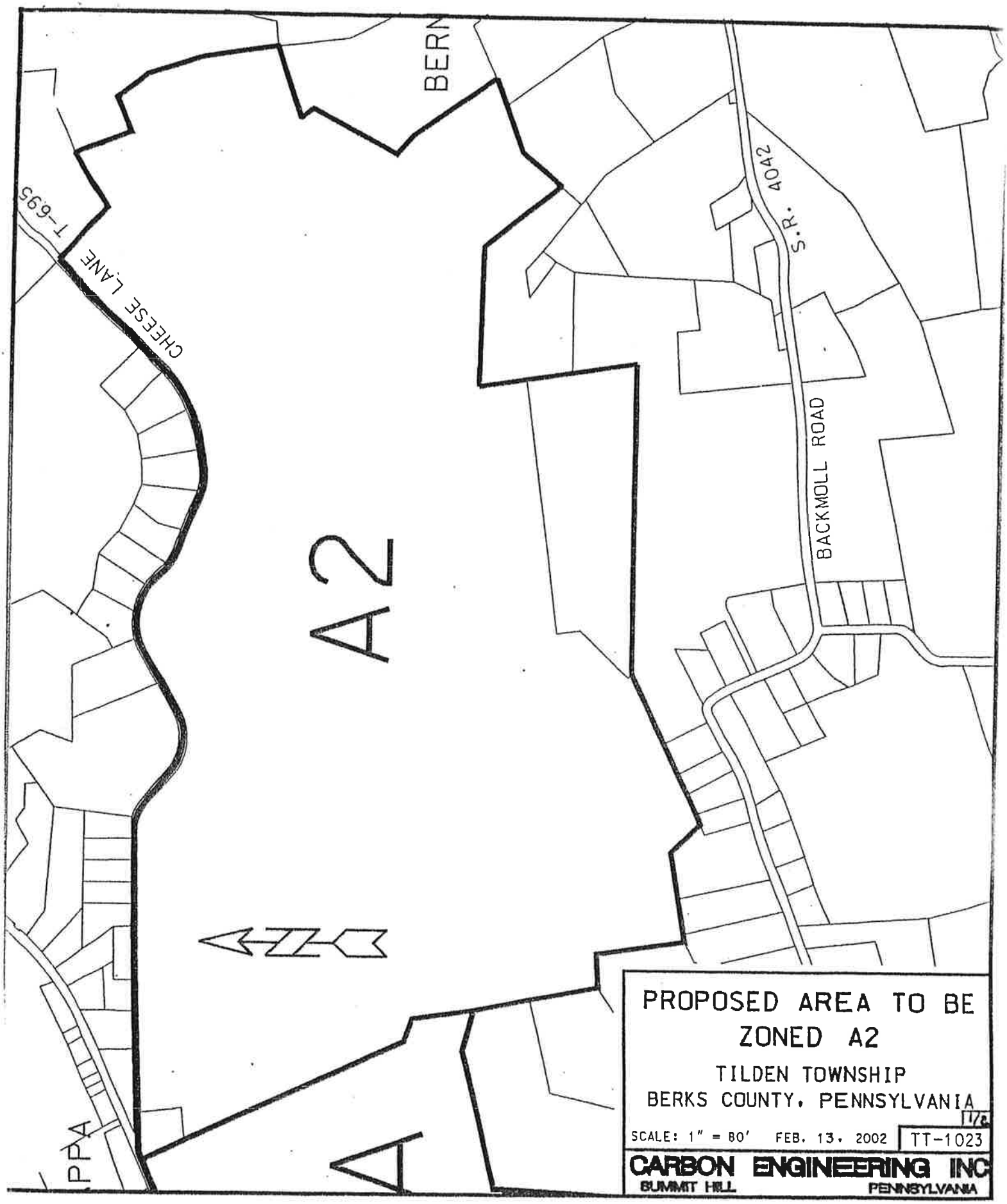
By: Ry W. Burke
Supervisor

Attest: Anna M. Schellenberger
Secretary

By: Russell H. Wolf
Supervisor


HAMBURG
BOROUGH
C1
R3
L1
R4
CHANGE FROM
R3 to C2
U.S. 22
I-78
WEST
HAMBURG
SWAMP RD.
T-705
S.R. 61
ROAD
HILL DRIVE
T-808
SCHUYLKILL
RIVER
500'
500'
YODER ST.
T-746
SUNSET
DRIVE
ROYANN
CIRCLE
T-573
WEST STATE STREET
T-808


UPPER BERN TOWNSHIP
CHERRY ROAD
T-712
A2
TILDEN ROAD
T-716
MILL ROAD
T-677
S.R. 4028
HEX HIGHWAY
T-721
CREAMERY ROAD
N
PROPOSED AREA TO BE
ZONED A2
TILDEN TOWNSHIP
BERKS COUNTY
PENNSYLVANIA
2/2
SCALE: 1" = 80'
FEB. 13. 2002
TT-1023
CARBON ENGINEERING INC
SUMMIT HILL
PENNSYLVANIA
REV. MAY 16. 2002 GSH


BERN
T-695
CHEESE LANE
S.R. 4042
BACKMOLL ROAD
A2
A
PPA
PROPOSED AREA TO BE
ZONED A2
TILDEN TOWNSHIP
BERKS COUNTY, PENNSYLVANIA
SCALE: 1" = 80'
FEB. 13, 2002
TT-1023
CARBON ENGINEERING INC
SUMMIT HILL
PENNSYLVANIA

MUNICIPAL CERTIFICATION

I, Anna M. Shollenberger, Secretary of TILDEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance #143, 2002 was advertised in the Reading Eagle/Times, a daily newspaper of general circulation in the Township of Tilden, on October 2, 2002, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on October 9, 2002.

(SEAL)

Anna M. Shollenberger
Secretary

Date: October 9, 2002