

TOWNSHIP OF TILDEN

ORDINANCE NO. 144, 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 THE NEW DEFINITION OF RETAIL SHOWROOM; (2) ESTABLISHING USE REGULATIONS UNDER THE C-2 HIGHWAY COMMERCIAL DISTRICTS FOR RETAIL SHOWROOMS; (3) ESTABLISHING REQUIRED OFF-STREET PARKING SPACE REQUIREMENTS UNDER OFF-STREET PARKING AND LOADING REGULATIONS FOR RETAIL SHOWROOMS WITH FLOOR AREA GREATER THAN 200,000 SQUARE FEET; (4) ESTABLISHING REGULATIONS FOR SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS UNDER SIGNS FOR SIGNS ADVERTISING RETAIL SHOWROOMS EXCEEDING 200,000 SQUARE FEET OF GROSS FLOOR AREA; (5) AMENDING THE ZONING MAP BY CHANGING A PORTION OF THE R-2 RESIDENTIAL DISTRICT IN THE AREA OF I-78, S.R. 61 AND MOUNTAIN ROAD TO THE C-2 HIGHWAY COMMERCIAL DISTRICT; (6) PROVIDING FOR THE REPEAL OF ALL EXISTING ORDINANCES INCONSISTENT WITH THE ORDINANCE; (7) REAFFIRMING THE PRESENT ZONING ORDINANCE AND ZONING MAP EXCEPT TO THE EXTENT BEING AMENDED HEREBY; (8) PROVIDING FOR A SEVERABILITY CLAUSE; AND (9) PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Township finds that Retail Showrooms exceeding 200,000 square feet of gross floor area are a legitimate land use 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, the Township now desires to amend the Zoning Ordinance and Zoning Map by (1) adding thereto the new definition of Retail Showroom; (2) establishing use regulations under the C-2 Highway Commercial Districts for Retail Showrooms; (3) establishing required off-street parking space requirements under off-street parking and loading regulations for Retail Showrooms with floor area greater than 200,000 square feet; (4) establishing regulations for signs permitted in commercial and industrial districts under signs for signs advertising Retail Showrooms exceeding 200,000 square feet of gross floor area; (5) amending the Zoning Map by changing a portion of the R-2 residential district in the area of I-78, S.R. 61 and Mountain road to the C-2 Highway Commercial District; (6)

providing for the repeal of all existing ordinances inconsistent with the ordinance; (7) reaffirming the present Zoning Ordinance and Zoning Map except to the extent being amended hereby; (8) providing for a severability clause; and (9) providing for an effective date.

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", of the Zoning Ordinance is hereby supplemented by adding thereto the following new definitions:

"Retail Showroom. A commercial enterprise contained in one building, including but not limited to, the display and sale of commodities to the general public and rendering services incidental to the sale of such goods."

SECTION 2. Section 802, entitled "Use Regulations", of Article VIII, entitled "C-2 Highway Commercial Districts", of the Zoning Ordinance, is hereby supplemented by adding thereto the following new subsection (v):

"(v) Retail showroom with floor area greater than 200,000 square feet, providing the following regulations are satisfied.

(1) Lot Area and Width. Every lot area shall have a lot area of not less than fifty (50) acres, and such lot shall be not less than four hundred feet (400') in width at the building line.

(2) Building Area. Not more than thirty percent (30%) of the area of each lot may be occupied by buildings.

(3) Front Yard. There shall be a setback on each street on which a lot abuts which shall not be less than one hundred feet (100') in depth.

(4) Side Yards. For every building or use there shall be two (2) side yards, neither less than seventy-five feet (75') in depth.

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

(6) Height. No building shall exceed seventy-five feet (75') in height.

(7) Public Sewage Facilities are provided.

(8) Access Street. An access street shall be used for access to the lot. The access street shall be curbed with a minimum paved width of roadway of thirty-four feet (34'). 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 3. Section 804(c) of Section 804, entitled "Special Regulations", of Article VIII, entitled "C-2 Highway Commercial Districts", of the Zoning Ordinance, is hereby amended and restated in its entirety as follows:

"(c) Off-Street Parking and Loading in accordance with Article XVI."

SECTION 4. Section 1600, entitled "Required Off-Street Parking Space", of Article XVI, entitled "Off-Street Parking and Loading", of the Zoning Ordinance, is hereby supplemented by adding thereto the following new subsection (j):

"(j) Retail Showroom with Floor Area Greater than 200,000 Square Feet. One (1) parking space for every one hundred seventy-five (175) square feet of gross floor area. This total number of parking spaces shall be considered adequate to accommodate all passenger car, recreation vehicle, bus and employee vehicle parking."

SECTION 5. Section 1702, entitled "Signs Permitted in Commercial and Industrial Districts", of Article XVII, entitled "Signs", of the Zoning Ordinance, is hereby supplemented by adding thereto the following new subsection (e):

"(e) Signs advertising a retail showroom exceeding 200,000 square feet of gross floor area, provided that:

(1) Such sign is located on the site where such use is conducted.

(2) One sign, not integral to the building's exterior walls, shall be permitted to be erected on each frontage. One sign permanently attached to each side of the building's exterior walls, with a maximum of six signs, shall be permitted to be erected. There shall be no limit to the number of signs throughout the site giving general information or to assist in directing visitors, employees, deliveries, etc. to destinations to, from or within the site, or dedication plaques or signs and the like.

(3) The total area of signs not integral to the building's exterior walls shall not exceed six hundred (600) square feet. Signs presenting general information, dedication plaques and the like shall be limited to twelve (12) square feet each.

(4) The total area of all signs shall not exceed three-thousand five hundred (3,500) square feet when the sign is constructed of letters with the letters becoming an integral part of the construction of the building wall. Each sign shall be permanently secured to the building wall.

(5) Signs may be illuminated by means of lighting integral to the sign or by other means so as to not present a nuisance or safety hazard to adjacent properties or individuals. When a sign is facing a residential district or residential property, said sign shall be illuminated by shielded lighting mounted to the top of the sign directing light onto the sign.

(6) No freestanding sign shall exceed sixty feet (60') in height.

(7) The provisions of this Subsection are in addition to and not in lieu of the General Sign Regulations set forth in Section 1703.

SECTION 6. The Zoning Map is hereby amended to include the properties known as Tax I.D. #84-4485-04-50-4841, #84-4485-03-41-8747, and #84-4485-03-40-8086, and #84-4485-03-42-1096 in the C-2 Highway Commercial District and remove them from the R-2 Residential District as set forth on Exhibit "A" attached hereto and made a part hereof. Said new portion of the C-2 Highway Commercial District shall be bounded on the East by lands now or late of H. Kenneth Myhre and Maureen H. Myhre, Charles M. Reinsel, and Alvin J. Bowers and Grace E. Bowers.

SECTION 7. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed, insofar but only insofar as the same are inconsistent herewith.

SECTION 8. Except to the extent to which this Ordinance amends the Zoning Ordinance and the Zoning Map, the Zoning Ordinance and the Zoning Map shall remain in full force and effect and are hereby ratified and reaffirmed.

SECTION 9. 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 10. This Ordinance shall become effective five (5) days following the date of adoption.

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

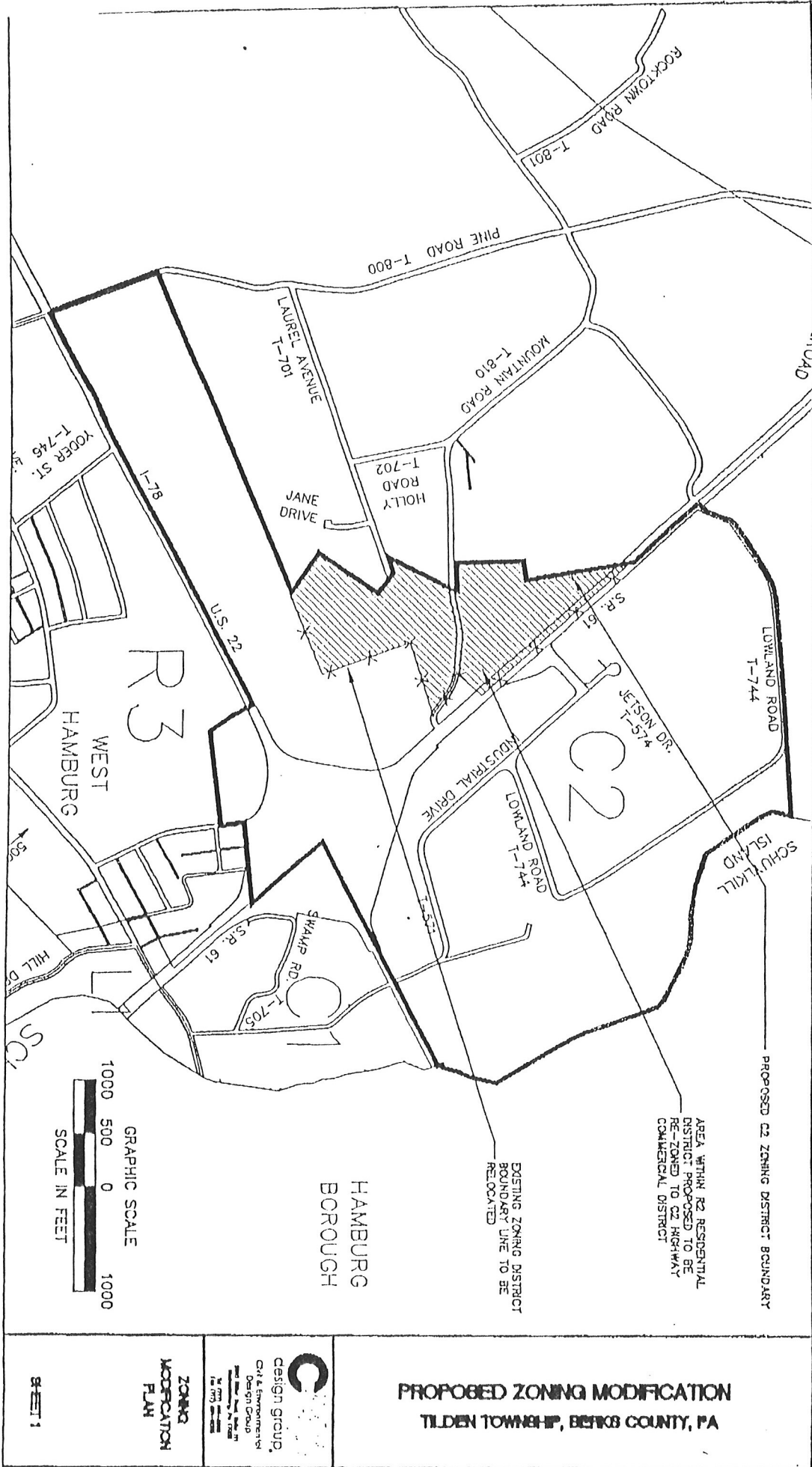
TOWNSHIP OF TILDEN

By: Marilyn K. Nelson
Supervisor

By: R. W. Borby
Supervisor

Attest: Laura M. Shalinski By: Kim A. May
Secretary Supervisor

EXHIBIT "A"
AMENDED ZONING MAP



PROPOSED ZONING MODIFICATION TILDEN TOWNSHIP, BERKS COUNTY, PA

design group.
CIVIL & ENVIRONMENTAL
DESIGN GROUP
1000 N. 10TH ST.
PO BOX 1000
P.O. BOX 1000
P.O. BOX 1000

**ZONING
MODIFICATION
PLAN**

MUNICIPAL CERTIFICATION

I, Anna M. Shollenberger, Secretary of TILDEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance #144, 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