

ORDINANCE NO. 172 2007

AN ORDINANCE OF THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA AMENDING THE TILDEN TOWNSHIP ZONING ORDINANCE, CHAPTER XXXII OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF TILDEN BY AMENDING THE DEFINITION OF HEIGHT OF BUILDING TO ESTABLISH THAT THE HEIGHT IS MEASURED FROM THE LOWEST EXPOSED PART OF THE BUILDING; TO ESTABLISH A MAXIMUM BUILDING HEIGHT OF 35 FEET OR 2 STORIES IN THE R-1 RURAL RESIDENTIAL DISTRICT, R-2 RESIDENTIAL DISTRICT, R-3 RESIDENTIAL DISTRICT, R-4 MULTI-FAMILY RESIDENTIAL DISTRICT, C-2 HIGHWAY COMMERCIAL DISTRICT, L-1 LIMITED INDUSTRIAL DISTRICT, L-2 INDUSTRIAL DISTRICT, AND L-3 EDUCATIONAL INDUSTRIAL DISTRICTS; TO AMEND THE BUILDING HEIGHT REGULATIONS IN THE GENERAL REGULATIONS TO ESTABLISH THAT NO BUILDING IN THE TOWNSHIP OTHER THAN A FARM BUILDINGS SHALL EXCEED 35 FEET OR 2 STORIES IN HEIGHT; TO AMEND THE DESIGN REQUIREMENTS FOR THE STANDARDS FOR INDUSTRIAL PARKS TO ESTABLISH A MAXIMUM BUILDING HEIGHT OF 35 FEET; AND TO ESTABLISH THAT SHOPPING CENTERS SHALL NOT EXCEED 2 STORIES OR 35 FEET IN HEIGHT

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. The definition of "Height of Building", of Section 105, entitled "Definition of Terms", of Part 1, entitled "Objective, Purposes, Interpretation, Short Title, Definition of Terms", of Chapter XXXII, entitled "Zoning" of the Code of Ordinances of the Township of Tilden, is hereby amended and restated in its entirety as follows:

"Height of Building. The vertical distance measured from the lowest exposed part of the building as determined by the complete perimeter to the highest point on the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridges for gable, hip and gambrel roofs; provided that chimneys, spires, towers, mechanical penthouses, tanks and similar projections of the building not intended for human occupancy shall not be included in calculating the height. If there are two (2) or more separate roofs on a single building, the height of such building shall be calculated from the highest roof."

SECTION 2. Section 303, entitled "Area Regulations", of Part 3, entitled "R-1 Rural Residential Districts", of Chapter XXXII, entitled "Zoning" of the Code of Ordinances of the Township of Tilden, is hereby amended and restated in its entirety as follows:

"Section 303. Area and Height Regulations.

(a) Lot Area and Width. A lot area of not less than five (5) acres since it is primarily mountainous area, with a width of not less than two hundred feet (200') at the building line, shall be provided for each dwelling and for every other principal use or building permitted in this District.

(b) Building Area. Not more than fifteen percent (15%) of the area of any lot shall be occupied by 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') in depth provided that the front yard on the long side of a corner lot may be reduced to a depth of not less than thirty-five feet (35').

(d) Side Yards. There shall be two (2) side yards on each lot neither of which shall be less than forty feet (40') feet 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 thirty-five feet (35') or two (2) stories."

SECTION 3. Subsection (h), entitled "Height Regulations", of Section 403, entitled "Area and Height Regulations", of Part 4, entitled "R-2 Residential Districts", of Chapter XXXII, entitled "Zoning" of the Code of Ordinances of the Township of Tilden, is hereby amended and restated in its entirety as follows:

"(h) Height Regulations. The height of any building shall not exceed thirty-five feet (35') or two (2) stories and the height of any accessory building shall not exceed twenty feet (20')."

SECTION 4. Subsection (h), entitled "Height Regulations", of Section 503, entitled "Area and Height Regulations", of Part 5, entitled "R-3 Residential Districts", of Chapter XXXII, entitled "Zoning" of the Code of Ordinances of the Township of Tilden, is hereby amended and restated in its entirety as follows:

"(h) Height Regulations. The height of any building shall not exceed thirty-five feet (35') or two (2) stories and the height of any accessory building shall not exceed twenty feet (20')."

SECTION 5. Paragraph (4) entitled "Height Regulations", of Subsection (c), of Section 604, entitled "Area and Height Regulations", of Part 6, entitled "R-4 Multi-Family

Residential Districts", of Chapter XXXII, entitled "Zoning" of the Code of Ordinances of the Township of Tilden, is hereby amended and restated in its entirety as follows:

"(4) Height Regulations. No building in a Multi-Family Residential Development shall exceed thirty-five feet (35') or two (2) stories in height."

SECTION 6. Subsection (h), entitled "Height Regulations", of Section 803, entitled "Area and Bulk Regulations", of Part 8, entitled "C-2 Highway Commercial Districts", of Chapter XXXII, entitled "Zoning" of the Code of Ordinances of the Township of Tilden, is hereby amended and restated in its entirety as follows:

"(h) Height Regulations. No building shall exceed thirty-five feet (35') or two (2) stories in height."

SECTION 7. Section 903, entitled "Area and Bulk Regulations", of Part 9, entitled "L-1 Limited Industrial Districts", of Chapter XXXII, entitled "Zoning" of the Code of Ordinances of the Township of Tilden, is hereby amended by adding thereto the following new subsection:

"(i) Height Regulations. No building shall exceed thirty-five feet (35') or two (2) stories in height."

SECTION 8. Section 1003, entitled "Area and Bulk Regulations", of Part 10, entitled "L-2 Industrial Districts", of Chapter XXXII, entitled "Zoning" of the Code of Ordinances of the Township of Tilden, is hereby amended by adding thereto the following new subsection:

"(i) Height Regulations. No building shall exceed thirty-five feet (35') or two (2) stories in height."

SECTION 9. Section 1105, entitled "Area Regulations", of Part 11, entitled "L-3 Educational Industrial Districts", of Chapter XXXII, entitled "Zoning" of the Code of Ordinances of the Township of Tilden, is hereby amended and restated in its entirety as follows:

"Section 1105. Area and Bulk Regulations.

(a) Lot Area and Width. Each lot shall have an area of not less than ten (10) acres, and a width of not less than two hundred fifty feet (250') feet at the building line.

(b) Floor-Area Ratio. The total floor area of principal and accessory buildings excluding cellar area, shall not exceed fifty percent (50%) of the lot area.

(c) Lot Area Ratio. Principal and accessory buildings shall occupy not more than twenty-five percent (25%) of the lot area. All structures including outdoor storage shall occupy not more than fifty percent (50%) of the lot area.

(d) Yard Requirements.

(1) Front Yard. There shall be a front yard along each street or proposed street on which a lot abuts which shall be not less than seventy-five feet (75') in depth.

(2) Side and Rear Yards. There shall be two (2) side yards on each lot neither of which shall be less than twenty-five feet (25') in width with an aggregate of no less than one hundred feet (100'). There shall be a rear yard on each lot which shall be not less than fifty feet (50') in depth.

(3) Buffer Yard. Along Residential District boundary lines, a buffer yard shall be provided which shall be not less than one hundred feet (100') feet in width, measured from such boundary line or from the street line, where such street constitutes the district boundary line, and shall be in accordance with the provisions of Section 1609. Such buffer yard may be conterminous with any required yard in this District, and in case of conflict, the larger yard requirement shall apply.

(e) Off-Street Parking and Loading Facilities shall be provided in accordance with the provisions of Part 18.

(f) Height Regulations. No building shall exceed thirty-five feet (35') or two (2) stories in height."

SECTION 10. Section 1601, entitled "Building Height Regulations", of Part 16, entitled "General Regulations", of Chapter XXXII, entitled "Zoning" of the Code of Ordinances of the Township of Tilden, is hereby amended and restated in its entirety as follows:

"Section 1601. Building Height Regulations. No building in the Township, other than a farm building, shall exceed thirty-five feet (35') or two (2) stories in height, measured from the lowest exposed part of the building as determined by the complete perimeter."

SECTION 11. Paragraph (5) of Subsection (d), entitled "Design Requirements", of Section 1616, entitled "Standards for Industrial Parks", of Part 16, entitled "General Regulations", of Chapter XXXII, entitled "Zoning" of the Code of Ordinances of the Township of Tilden, is hereby amended and restated in its entirety as follows:

"(5) The maximum building height shall be thirty-five feet (35')."

SECTION 12. Subsection (h), of Section 1730, entitled "Shopping Centers", of Part 17, entitled "Performance Standards", of Chapter XXXII, entitled "Zoning" of the Code of Ordinances of the Township of Tilden, is hereby amended and restated in its entirety as follows:

"(h). No building shall exceed two (2) stories or thirty-five feet (35') in height."

SECTION 13. 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 Board of Supervisors of Tilden Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 14. All prior ordinances of the Township of Tilden, insofar as they deal with the regulation herein are repealed and declared unenforceable insofar as they are inconsistent with or identical to any provision of this Ordinance.

SECTION 15. This Ordinance shall take effect five (5) days after its enactment.

SECTION 16. The Code of Ordinances, as amended, of the Township of Tilden, Berks County, Pennsylvania, shall be and remain unchanged and in full effect except as amended, supplemented and/or modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances, as amended, of the Township of Tilden, Berks County, Pennsylvania, upon adoption.

DULY ENACTED AND ORDAINED this 2nd day of January, 2007.

TILDEN TOWNSHIP
BOARD OF SUPERVISORS

Troy R. Neff
Supervisor

Russell H. Wally
Supervisor

Judy E. Romig
Supervisor

Attest: Cheryl A. Haus
Secretary

MUNICIPAL CERTIFICATION

I, CHERYL A. HAUS, Secretary of the TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance 172,2007 was advertised in the Reading Eagle/Times, a daily newspaper of general circulation in Tilden Township, on 12/12/06 + 12/19/06, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on January 2, 2007.

(SEAL)

Cheryl A. Haus
Secretary

Date: Jan. 2, 2007