

ORDINANCE NO. 195,2009

AN ORDINANCE OF THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER XXXII, ENTITLED "ZONING" OF THE TOWNSHIP OF TILDEN CODE OF ORDINANCES TO AMEND DEFINITIONS FOR BUFFER YARD, HOTEL, AND STRUCTURE; TO ESTABLISH THE DEFINITIONS OF KENNEL, TREATMENT CENTER, AND WAREHOUSE DISTRIBUTION CENTER; TO AMEND THE DEPTH OF REAR YARD REGULATIONS IN THE R-3 DISTRICT FROM 50 FEET TO 40 FEET; TO ADD CONVENIENCE STORE AND GENERAL SERVICE OR CONTRACTOR'S SHOPS AS USES IN THE C-1 DISTRICTS; TO ADD CONVENIENCE STORE AND KENNEL AS USES PERMITTED BY RIGHT AND WAREHOUSING AS A SPECIAL EXCEPTION IN THE C-2 DISTRICT; TO AMEND RESEARCH, TESTING OR EXPERIMENTAL LABORATORY AS A PERMITTED USE ONLY IF PUBLIC SEWER AND WATER IS AVAILABLE AND TO AMEND COMMERCIAL GREENHOUSE AS A SPECIAL EXCEPTION USE IN THE C-2 DISTRICT; TO ADD WOOD AS A PREVIOUSLY PROCESSED OR PREPARED MATERIAL FOR MANUFACTURING; TO ADD KENNEL AS A USE PERMITTED BY RIGHT IN THE L-1 DISTRICTS; TO AMEND RESEARCH, TESTING, OR EXPERIMENTAL LABORATORY AS A PERMITTED USE ONLY IF PUBLIC WATER AND SEWER ARE AVAILABLE IN THE L-1 DISTRICT; TO ADD WAREHOUSE DISTRIBUTION CENTER AND KENNEL AS A USE PERMITTED BY RIGHT IN THE L-2 DISTRICT; TO AMEND ADULT-ORIENTED USE AS A SPECIAL EXCEPTION IN THE L-2 DISTRICT; TO ADD TREATMENT CENTER AS A SPECIAL EXCEPTION IF PUBLIC WATER AND SEWER IS AVAILABLE IN THE L-2 DISTRICT; TO ADD KENNEL AS A USE REGULATION IN THE A AND A-2 DISTRICTS; TO PROVIDE FOR EXTENSION OF PREMISES OF NON-CONFORMING BUILDINGS; TO DELETE THE PROCEDURE FOR ISSUANCE OF PERMITS UNDER R-4 MULTI-FAMILY AND MOBILE HOME DEVELOPMENTS; TO AMEND THE LOCATION OF POOLS, FILTERS AND EQUIPMENT LOCATION UNDER SWIMMING POOL STANDARDS; TO PROHIBIT RESIDENTIAL FENCES, RETAINING WALLS, VEGETATION, BUSHES AND SHRUBBERY AS AN OBSTRUCTION OF CLEAR SIGHT TRIANGLES; TO REQUIRE TIMER HARVESTING/LOGGING PLANS ACCEPTABLE TO THE TOWNSHIP; AND TO MODIFY ACCESS TO PARKING STANDARDS

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 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 as follows:

Amend and restate in its entirety the following definitions:

"Buffer Yard. A strip of required yard space adjacent to the new boundary of a property or district, not less in width than is designated in this Chapter, upon which is placed suitable plantings, and other screening elements for the purpose of providing a barrier to visibility, glare, noise or airborne particles."

"Hotel. A building or group of buildings designed primarily as a transient abiding place containing individual rooms for rent, primarily for transient guests, with common hallways for all rooms on the same floor and where no provision is made for cooking facilities in any room or suite of rooms. Such establishment furnishes to the guests customary hotel amenities such as maid service and the furnishing and laundering of linen. Eating and drinking establishments may be accessory uses provided they are located entirely within the principal building except that limited outdoor dining may be furnished in an area comprised of no more than twenty-five percent (25%) of the total dining space and shall be attached directly to the rear of the principal building. Such establishments may include additional services, such as meeting rooms, recreation facilities, and indoor entertainment."

"Structure. Anything constructed or erected with a fixed location on or below the ground or attached to something having a fixed location on the ground. A building shall be construed as a structure. Fences under six feet (6') and retaining walls under four feet (4') are excluded from this definition."

Add the following definitions in alphabetical order:

"Kennel. Any structure or premises in which seven (7) or more dogs or cats or any combination thereof, are boarded, kept, or trained."

"Treatment Center. A use (other than a prison or a permitted accessory use in a hospital) providing housing facilities for persons who need specialized housing, treatment, training, and/or counseling for stays in most cases of less than one year and who need such facilities because of:

- (1) Criminal rehabilitation, such as a criminal halfway house/criminal transitional living facility or a treatment/housing center for persons convicted of driving under the influence of alcohol;

(2) Chronic abuse of or addiction to alcohol and/or other controlled substance;

(3) A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others;

(4) Probation, parole, or early release from correctional institutions."

"Warehouse Distribution Center. A building or group of buildings primarily used for the indoor storage, transfer, and distribution of products and materials not manufactured on-site, and not including retail sales or a truck terminal."

SECTION 2. Subsection (e), of Section 503, entitled "Area and Height Regulations", of Part 5, entitled "R-3 Residential District", 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:

"(e) Rear Yards. There shall be a rear yard, the depth of which shall be at least forty feet (40')."

SECTION 3. Subsection (a) of Section 702, entitled "Use Regulations", of Part 7, entitled "C-1 Neighborhood Commercial Districts", of Chapter XXXII, entitled "Zoning", of the Code of Ordinances of the Township of Tilden is hereby amended by adding thereto the following:

"(11) Convenience Store, but not including the sale of gasoline and motor vehicle accessories.

(12) General Service or Contractor's Shops, with a maximum of six (6) employees including owners."

SECTION 4. Section 802, entitled "Use 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:

"Section 802. Use Regulations. A detached building may be erected or used and a lot may be used or occupied for any of the following purposes. Such uses shall be in conformity with the Special Regulations set forth in Section 804 of this Part, with the Environmental Performance Standards set forth in Section 1621, and with the applicable provisions of Part 17, Performance Standards.

(a) The following uses are permitted by right:

- (1) Retail store.
- (2) Personal service shop, but not including laundry, dry cleaning, or clothes pressing establishment.
- (3) Retail service shop.
- (4) Office.
- (5) Studio.
- (6) Financial institution.
- (7) Forestry.
- (8) Cultural facility.
- (9) Governmental use.
- (10) General service or contractor's shop.
- (11) Dwelling quarters for watchman or caretaker employed on the premises.
- (12) Convenience Store.
- (13) Kennel

(b) The following uses are permitted provided that public sewer and water system is available:

- (1) Eating and drinking places, including drive-in service.
- (2) Laundry, dry cleaning or clothes pressing establishment.
- (3) Retail Showroom in accordance with Section 1727.
- (4) Highway Interchange Commercial Center in accordance with Section 1715.

(5) Research, testing, or experimental laboratory.

(c) The following accessory uses are permitted by right:

(1) Accessory use on the same lot and customarily incidental to the above permitted uses.

(2) No-impact home-based business.

(d) The following uses are permitted when authorized as a special exception by the Zoning Hearing Board:

(1) Building materials sales yard.

(2) Telephone central office.

(3) Utility substation.

(4) Outdoor place of amusement, recreation or assembly.

(5) Self-storage facility.

(6) Passenger terminal.

(7) Motor vehicle service station.

(8) Motor vehicle sales establishment.

(9) Motor vehicle repair facility.

(10) Commercial greenhouse.

(11) Warehousing.

(e) The following uses are permitted when authorized as a special exception by the Zoning Hearing Board, provided that public sewer and water service is available:

(1) Automatic self-service laundry.

(2) Motor vehicle wash establishment.

(3) Care facility, extended.

- (4) Care facility, intermediate.
- (5) Care facility, long-term.
- (6) Shopping center.
- (7) Nursery.
- (8) Motel or hotel.
- (9) Wholesale business establishment including wholesale bakery.
- (10) Vocational school.
- (11) Community recreation building.
- (12) Place of worship.
- (13) Funeral home.
- (14) Club, lodge, or social building.
- (15) Veterinarian office.
- (16) Clinic.
- (17) Medical/dental office.
- (19) Commercial/Industrial park."

SECTION 5. Section 902, entitled "Use 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 and restated in its entirety as follows:

"Section 902. Use Regulations. A building may be erected or used and a lot may be used or occupied for any of the following uses and no other, provided that any use permitted in the District shall conform with the Environmental Performance Standards set forth in Section 1621 of this Chapter, and with the applicable provisions of Part 17, Performance Standards:

- (a) The following uses are permitted by right:

- (1) Governmental use.
- (2) Motor vehicle service station.
- (3) Motor vehicle repair facility.
- (4) Forestry.
- (5) General service or contractor's shop.
- (6) Research, testing, or experimental laboratory.
- (7) Dwelling quarters for watchman or caretaker employed on the premises.
- (8) Kennel

(b) The following uses are permitted by right, provided that public sewer and water service is available:

- (1) Laundry, dry cleaning or clothes pressing establishment.
- (2) Wholesale business establishment including wholesale bakery.
- (3) Research, testing, or experimental laboratory.

(c) The following accessory uses are permitted by right:

- (1) Accessory use on the same lot with and customarily incidental to any of the above permitted uses.

(d) The following uses are permitted when authorized as a special exception by the Zoning Hearing Board:

- (1) Telephone central office.
- (2) Utility substation.
- (3) Outdoor place of amusement.
- (4) Passenger terminal.

(e) The following uses are permitted when authorized as a special exception by the Zoning Hearing Board, provided that sewer and water service is available:

(1) Manufacturing of products from the following previously processed and prepared materials: bone, ceramics, cork, feathers, felt, fur, glass, hair, horn, leather, metal, paper, plaster, plastics, precious and semiprecious stones, rubber, shells, textiles, tobacco and wood.

(2) Manufacturing of electrical appliances and supplies; small or hand tools; hardware; toys; jewelry; clocks and watches; musical, professional and scientific instruments; optical goods; machinery and machine tools; electric equipment; motors; iron and steel products, including fabrication and assembly.

(3) Compounding of pharmaceutical products.

(4) Hospital."

SECTION 6. Section 1002, entitled "Use 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 and restated in its entirety as follows:

"Section 1002. Use Regulations. A building may be erected or used and a lot may be used or occupied for any of the following uses and no other, provided that any use permitted in the District shall conform with the Environmental Performance Standards set forth in Section 1621 of this Chapter, and with the applicable provisions of Part 17, Performance Standards:

(a) The following uses are permitted by right:

(1) Research, testing, or experimental laboratory.

(2) Office.

(3) Building materials sales yard.

(4) Forestry.

(5) Governmental use.

(6) Motor vehicle service station.

- (7) Motor vehicle repair facility.
- (8) General service or contractor's shop.
- (9) Dwelling quarters for watchman or caretaker employed on the premises.
- (10) Warehouse Distribution Center.
- (11) Kennel

(b) The following uses are permitted by right, provided that public sewer and water service is available:

- (1) Wholesale business establishment including wholesale bakery.
- (2) Laundry, dry cleaning or clothes pressing establishment.

(c) The following accessory uses are permitted by right:

- (1) Accessory use on the same lot with and customarily incidental to any of the above permitted uses.

(d) The following uses are permitted when authorized as a special exception by the Zoning Hearing Board:

- (1) Telephone central office.
- (2) Utility substation.
- (3) Self-storage facility.
- (4) Passenger terminal.
- (5) Railroad station, engine house, ash pit, passenger facility and other related railroad operations.
- (6) Junk yard.
- (7) Communication tower/antenna.
- (8) Mining.

- (9) Warehousing.
- (10) Adult-oriented use.

(e) The following uses are permitted when authorized as a special exception by the Zoning Hearing Board, provided that public sewer and water service is available:

- (1) Motor vehicle wash establishment.

(2) Manufacturing of products from the following previously processed and prepared materials: bone, ceramics, cork, feathers, felt, fur, glass, hair, horn, leather, metal, paper, plaster, plastics, precious and semiprecious stones, rubber, shells, textiles and tobacco.

(3) Manufacturing of electrical appliances and supplies; small or hand tools; hardware; toys; jewelry; clocks and watches; musical, professional and scientific instruments; optical goods; machinery and machine tools; electric equipment; motors; iron and steel products, including fabrication and assembly.

- (4) Compounding of pharmaceutical products.

- (5) Manufacturing/assembling.

- (6) Commercial/Industrial park.

- (7) Methadone treatment facility.

- (8) Treatment Center.

(f) The following uses are permitted when authorized as a special exception by the Zoning Hearing Board, provided that a privately owned central sewage treatment system is available:

- (1) Milk or soft drink bottling establishment.

(2) Packing, processing and canning of meat, fish, and food products.

- (3) Manufacture of nonalcoholic beverages.

- (4) Laundry, dry cleaning, and dyeing plant.

(5) Metal and metal products treatment and processing, such as enameling, lacquering, galvanizing, electroplating, finishing, grinding, sharpening, polishing, cleaning, rust proofing, painting, and heat treating."

SECTION 7. Subsection (b), of Section 1104, entitled "Uses Permitted by Special Exception", 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:

"(b) Manufacture of products from the following previously processed and prepared materials: bone, ceramics, cork, feathers, felt, fur, glass, hair, horn, leather, metal, paper, plaster, plastics, precious and semiprecious. stones, rubber, shells, textiles, tobacco and wood."

SECTION 8. Section 1302, entitled "Use Regulations", of Part 13, entitled "A Agricultural Districts", of Chapter XXXII, entitled "Zoning", of the Code of Ordinances of the Township of Tilden is hereby amended by adding the following new subsection:

"(i) Kennel."

SECTION 9. Section 1402, entitled "Use Regulations", of Part 14, entitled "A-2 Intensive Agricultural Districts", of Chapter XXXII, entitled "Zoning", of the Code of Ordinances of the Township of Tilden is hereby amended by adding the following new subsection:

"(i) Kennel."

SECTION 10. Subsection (b), entitled "Extension", of Section 1603, entitled "Non-Conforming Building or Use", of Part 16, entitled "General Regulations", of Chapter XXXII, entitled "Zoning", of the Code of Ordinances of the Township of Tilden is hereby amended by adding thereto the following new paragraph:

"(3) A dwelling which lawfully does not conform with the set-back or yard regulations of the district in which it is located may be extended, provided that the extension will not extend farther into the front yard, side yard or rear yard than the existing non-conforming dwelling and the proposed use or function of the extension is substantially identical with the use or function of the non-conforming portion of the dwelling."

SECTION 11. Section 1611, entitled "Procedure for Issuance of Permits under R-4 (Multi-family and Mobile Home Development)", of Part 16, entitled "General Regulations", of Chapter XXXII, entitled "Zoning", of the Code of Ordinances of the Township of Tilden is hereby deleted and replaced with following:

"Section 1611. (Reserved for Future Use.)"

SECTION 12. Section 1615, entitled "Swimming Pool Standards", 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 1615. Swimming Pool Standards.

(a) No private swimming pool, including filters and other mechanical equipment, shall be allowed within the front yard. Pool, filters and equipment shall not be located within twenty feet (20') of the side property lines.

(b) A dense planting of trees and shrubs shall be established and maintained between the pool and all property lines to protect the adjoining properties from noise arising from mechanical equipment and activities in and around the pool. This requirement is not applicable in the R-1 and R-2 Zoning Districts.

(c) Any floodlights used in conjunction with the pool shall be shielded in such a manner to prevent glare on adjoining properties."

SECTION 13. Section 1702, entitled "Accessory Buildings/Structures", of Part 17, entitled "Performance Standards", of Chapter XXXII, entitled "Zoning", of the Code of Ordinances of the Township of Tilden is hereby amended by adding thereto the following:

"(d) Residential fences, retaining walls, vegetation, bushes and shrubbery shall be permitted in the required front yard provided they do not extend into the street right-of-way nor obstruct the clear sight triangle at the intersection of streets and driveways as required by Sections 1606 and 1607 of this Chapter.

(e) Residential fences and retaining walls shall be permitted in the required rear yard or side yard to a distance of not less than six (6) inches of a property line, unless a recorded Agreement is entered into with the adjoining property owner to place the fence or wall on the property line."

SECTION 14. Section 1710, entitled "Convenience Stores", of Part 17, entitled "Performance Standards", of Chapter XXXII, entitled "Zoning", of the Code of Ordinances of the Township of Tilden is hereby amended by deleting subsection (d).

SECTION 15. Subsection (a) of Section 1713, entitled "Forestry", 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:

"(a) Logging or harvesting of timber on a parcel of land greater than one (1) acre shall require that a Timber Harvesting/Logging Plan acceptable to the Township be implemented by the property owner."

SECTION 16. Paragraph (8) of Subsection (e), entitled "Design Standards" of Section 1803, entitled "Area and Design Standards and Other Requirements Relating to Parking and Loading Spaces", of Part 18, entitled "Off-Street Parking and Loading", 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:

"(8) Each aisle providing access to parking spaces for one-way traffic only shall be at least the minimum width as follows:

Angle of Parking	Minimum Aisle Width
45°	14 feet
60°	18 feet
90°	24 feet

Each aisle providing access to stalls for two-way traffic shall be at least 24 feet in width."

SECTION 17. 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 the 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 18. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 19. This Ordinance shall become effective in accordance with the law.

SECTION 20. The Code of Ordinances of the Township of Tilden, Berks County, Pennsylvania, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance. This Ordinance shall become a part of the code of Ordinances of the Township of Tilden, Berks County, Pennsylvania, as amended, upon adoption.

DULY ENACTED AND ORDAINED this 14th day of July, 2009.

TOWNSHIP OF TILDEN
BOARD OF SUPERVISORS

Russell H. Werby
Judy E. Romig
Troy R. Hatt

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 195,2009 was advertised in the Reading Eagle/Times, a daily newspaper of general circulation in Tilden Township, on June 15 / June 22, 2009 and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on July 11, 2009.

(SEAL)

Cheryl A. Haus
Secretary

Date: July 11, 2009