

ORDINANCE NO. 70, 1989

AN ORDINANCE AMENDING THE TILDEN TOWNSHIP ZONING ORDINANCE OF OCTOBER 20, 1987, CHANGING THE MINIMUM LOT SIZES IN R-1 AND R-2 ZONING DISTRICTS, CHANGING FRONT YARD DEPTH REQUIREMENTS IN R-1 AND R-2 ZONING DISTRICTS, CHANGING SIDE YARD REQUIREMENTS IN R-1 ZONING DISTRICTS, AMENDING THE PROCEDURE FOR GAINING PERMISSION TO ALTER TO ERECT BUILDINGS ON NON-CONFORMING LOTS, AND AMENDING THE PROVISION FOR ZONING FEES.

WHEREAS, the Township of Tilden, in August, 1988, adopted a Comprehensive Plan pursuant to Article III of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended; and

WHEREAS, that Plan sets forth objectives at Chapter 2 thereof calling for the preservation of the scenic beauty, open character, use of Blue Mountain area for open space, and encouragement of low density rural land use throughout the developed portion of the Township and agricultural use generally throughout the Township; and

WHEREAS, the Township Planning Commission, after thorough review and consideration of the Objectives called for in that Plan, have made certain recommendations for changes to the Zoning Ordinance in order to allow that Ordinance to more fully effect the purposes, plans, and guidelines as set forth in the Plan, pursuant to Section 100 of the Township Zoning Ordinance; and

WHEREAS, likewise, the Board of Supervisors, after its own consideration of the Plan, proposed changes, and other relevant information adduced at hearing upon such proposed changes, desires

to keep the Zoning Ordinance and in conformance with the Plan and the County Comprehensive Plan; and

Section 1. It is hereby enacted and ordained that pertinent section, as set forth below, of the Tilden Township Zoning Ordinance of October 20, 1987, is amended as follows:

Section 302.1. Lot area and width, shall read:

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 (200) feet at the building line, shall be provided for each dwelling and for every other principal use or building permitted in this district.

Section 302.3. Front yard, shall read:

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 (60) feet 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 (35) feet.

Section 402.1.A. shall read:

For every principal building hereafter erected or used for any permitted use in this district, a lot without an approved public sewer and approved public water shall have an area of not less than seventy thousand (70,000) square feet. Lots with approved public sewer and approved public water shall have an area of not less than twenty-five thousand (25,000) square feet and shall include curbing along any street frontage. Lots having approved public sewer and on-lot water shall have an area of not less than forty thousand (40,000) square feet.

Section 402.1.B. shall read:

For every principal building hereafter erected or used for any use permitted in this district, a lot served by both approved public sewer and approved public water shall have a lot width not less than one hundred twenty-five (125) feet at the building line. A lot having approved public sewer and on-lot water shall have a lot width of not less than one hundred forty (140) feet at the building line. A lot that has on-lot sewer

and on-lot water, shall have a lot width of not less than one hundred seventy-five (175) feet at the building line.

Section 402.3. Front yards, shall read:

There shall be a front yard on each street or road which the lot abuts, the depth of which shall be at least fifty (50) feet measured from the street or road line.

Section 402.4. Side yards, shall read:

A. For any building or use served with on-lot water and on-lot sewer, there shall be two side yards not less than ninety (90) feet in aggregate width and neither less than forty (40) feet in width.

B. For any building or use served with on-site water and an approved public sewer, there shall be two side yards not less than seventy-five (75) feet in aggregate width and neither less than thirty (30) feet in width.

C. For any building or use served with approved public water and approved public sewer, there shall be two side yards not less than forty-five (45) feet in aggregate width and neither less than twenty (20) feet in width.

Section 1403.1. Lots held in single and separate ownership, shall read:

A building may be erected or altered on any lot held at the effective date of this Ordinance in single and separate ownership which is not of the required minimum area or width or is of such unusual dimensions that the owner would have difficulty in providing the required open spaces for the district in which such lot is situated, provided plans for the proposed work shall be approved by the Zoning Hearing Board by Special Exception. Condition for approval of such Special Exception shall include assurance of compliance otherwise with use regulations, height regulations, building area regulations, other applicable zoning restrictions, proof that deviations from front yard, side yard, and rear yard requirements will be limited to the extent feasible, that such non-conformance will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. Otherwise, any such Special

Exception will be considered and determined in accordance with Section 1819 of this Ordinance.

Section 1705, shall read:

Fees for zoning permits, zoning hearing board matters, petitions for re-zoning and curative amendments pursuant to Section 609.1 of the Municipalities Planning Code, shall be paid in accordance with a fee schedule adopted by resolution of the Board of Supervisors and all such fees shall be paid into the Township's treasury. All applications, with the accompanying plans and documents, shall be a public record after the permit is issued or denied. All such fees charged to any applicant shall be for the purpose of the administration of this Ordinance.

Section 2. In the event that one or more provisions, sections, sentences, clauses, or other parts of this Ordinance shall be held to be invalid, such invalidity shall not effect or impair any remaining provision, section, clause or part of this Ordinance, it being the intent of the Township of Tilden that such remainder of this Ordinance shall be and remain in full force and effect.

Section 3. All of the terms and provisions of the Tilden Township Zoning Ordinance of 1987, other than as amended by this Ordinance, shall be and remain in full force and effect.

Section 4. Any ordinance, ordinances, or parts of an ordinance or ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same are inconsistent with this Ordinance.

Section 5. This Ordinance shall become effective in accordance with law.

Duly enacted at a public meeting of the Board of Supervisors
of the Township, held on the 7th day of February , 1989.

BOARD OF SUPERVISORS OF
TILDEN TOWNSHIP, BERKS COUNTY

William R. Ketter
Earl L. Kottman
Harry L. Wilhelm

Attest

Anna M. Schellinger