

ORDINANCE NO. 173, 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 MODIFYING THE DEFINITION OF OPEN SPACE, ADDING A DEFINITION FOR ROADSIDE SIGN; PROVIDING FOR ADDITIONAL USES BY RIGHT IN A HIGHWAY INTERCHANGE COMMERCIAL CENTER; AMENDING THE OPEN SPACE, OFF STREET PARKING LOT SPACE REQUIREMENTS, PARKING LOT LANDSCAPING, LIGHTING, TEMPORARY STORAGE AND OUTDOOR DISPLAY PROVISIONS FOR A HIGHWAY INTERCHANGE COMMERCIAL CENTER; CREATING PARKING LOT LANDSCAPING PROVISIONS FOR A HIGHWAY INTERCHANGE COMMERCIAL CENTER; AMENDING LOADING SPACE AREA REQUIREMENT AND AMENDING THE SIGN PROVISIONS FOR A HIGHWAY INTERCHANGE COMMERCIAL CENTER

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, Purpose, 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:

(a) By deleting the current definition of "Open Space" and restating it in its entirety as follows:

"Open Space. Area of a lot unoccupied by buildings, streets, driveway and/or parking lots, but including areas occupied by walkways, patios, outdoor recreation, gardens, trees or stormwater management facilities."

(b) By adding in alphabetical order the following:

"Sign, Roadside. A permanent sign which the entire bottom of the sign is affixed to the ground, not to a building, and not exceeding eight feet (8') in height."

SECTION 2. The following subsections of Section 1715, entitled "Highway Interchange Commercial Center", of Part 17, entitled "Performance Standards", of

Chapter XXXII entitled "Zoning" of the Code of Ordinances of the Township of Tilden are hereby amended and restated in their entirety as follows unless otherwise noted:

"(b) The following uses are permitted within a Highway Interchange Commercial Center: anchor stores in conformity with subparagraph (i) below, restaurants, indoor theaters, retail business, family entertainment facilities, financial institutions, convenience stores and gas stations and uses permitted by right in Section 802(a) of Part 8, entitled "C-2 Highway Commercial Districts" of Chapter XXXII entitled "Zoning" of the Code of Ordinance of the Township of Tilden."

"(g) Not more than seventy-five percent (75%) of the lot area boundaries may be covered by impervious surface. Pervious areas, including stormwater management areas, shall be designed to enhance the rural setting of the area."

"(h)" Deleted in its entirety and reletter (i) through (p) to be (h) through (o) consecutively.

"(o) Lighting for buildings, structures, signs, access ways, and parking and loading areas shall be so designed and positioned as to not reflect upwards or towards public streets or cause any unreasonable annoyance to surrounding properties. The maximum mounting height of all luminaries shall be twenty-five feet (25'). Lighting fixtures shall be designed to meet IESNA full-cutoff criteria."

(p) Illumination levels shall have intensities, uniformities and glare control in accordance with this Chapter, except as may otherwise be directed by the Township. Minimum intensity shall be 0.5 footcandles and the Uniformity Ratio (Maximum to Minimum) shall be 10:1."

"(t) Temporary storage containers or trailers shall be allowed as long as they are placed in the rear of the building area, or in another suitable location that limits visibility from the general public with the storage area to be screened with fencing material of a height sufficient to screen up to and including the top of the containers in the storage area. There may be no sale activities directly from any such containers. In addition, there shall be no outside display of merchandise or outside vendors without a special permit pursuant to Township ordinances, unless contained within the area between the building and the building curb line and clearly marked on the project's land development plan. Such area may not be used in a way that limits pedestrian traffic along the intended walking areas outside of the store and may not overflow into the driveways or parking areas as of the shopping center. Such display and vendor

areas must be well maintained on a regular basis to ensure merchandise displays are clean and orderly.

SECTION 3. Section 1715, entitled "Highway Interchange Commercial Center", 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 new sections:

"(aa) The guidelines set forth in Section 1803(a) of this Ordinance shall not be applicable to a Highway Interchange Commercial Center and the following guidelines for parking space area shall apply:

(1) Parking Space Area - Each off-street parking space shall contain a net area of no less than one hundred eighty (180) square feet, with a minimum width of ten (10) feet and a minimum length of eighteen (18) feet.

(bb) The guidelines set forth in Sections 1803(j)(2)(i) and 1803(j)(2)(ii) of this Ordinance shall not be applicable to a Highway Interchange Commercial Center and the following guidelines shall apply:

(1) Curbed, landscaped traffic islands having the same dimensions as a single parking space are required on the end-cap of each parking row in order to separate rows of parking from any internal collector drive. The requirement will be waived for the end of a row of parking where the intended space is used for handicapped parking striping. In addition, parking areas which contain over two hundred (200) parking spaces must include one (1) curbed, landscaped traffic island for every five (5) rows of parking; such traffic islands to be eight (8) feet wide by the entire length of the parking row. Curbed, landscaped areas shall include grass, decorative flowers and low lying shrubs, selected to promote an aesthetically pleasing design, while creating a safe and easily maintainable parking area."

SECTION 4. Subsection (b), entitled "Loading Space Area", 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:

"(b) Loading Space Area. Each off-street loading space shall be a minimum of fourteen (14) feet by seventy-five (75) feet and have sufficient maneuvering room separate from other parking to eliminate traffic conflicts

within off-street loading and parking areas. Each loading berth within a truck dock or truck well shall be a minimum of twelve (12) feet by seventy-five (75) feet."

SECTION 5. Section 1914 entitled "Signs Permitted in Highway Interchange Commercial Centers", of Part 19, entitled "Signs", of Chapter XXXII, entitled "Zoning" of the Code of Ordinances of the Township of Tilden are hereby amended and restated in its entirety as follows:

"Section 1914. Signs Permitted in Highway Interchange Commercial Centers.

(a) Building Signs

(1) Front building signs, wall signs and permanent window signs shall be limited to a maximum of ten percent (10%) of the building front wall area, but in no case shall the total of all such signage on a front wall exceed one thousand (1000) square feet.

(2) Side Building Signs shall be limited to a maximum of three hundred (300) square feet and shall not be limited in number per use provided the total area of all side building signs does not exceed three hundred (300) square feet.

(b) Center Sign shall be a maximum of sixty feet (60') in height and four hundred fifty square feet (450 sq. ft.) on each side and shall be limited to one sign per road frontage and/or access entry drive. Said sign(s) may be off-premises, as long as such sign is within five hundred (500) feet from the closest portion of the premises.

(c) Roadside Signs shall not exceed eight (8) feet in height above ground level, shall be a maximum of eighty square feet (80 sq. ft.) and shall be limited to a maximum of one sign per vehicle entrance to the Center, except that the total number of proposed signs may be increased and/or decreased, provided that the total square footage of the sum of the Roadside signage does not exceed the total square footage of Roadside signage permitted by the number of allowable Roadside signs.

(d) Direction Signs shall be a maximum of twenty square feet (20 sq. ft.).

(e) The remainder of the provisions of Part 19 Shall apply."

SECTION 6. 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 7. 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 8. This Ordinance shall take effect five (5) days after its enactment.

SECTION 9. 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. Hatt
Supervisor

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 #173, 2007 was advertised in the Reading Eagle/Times, a daily newspaper of general circulation in Tilden Township, on 12/12/06, 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