

ORDINANCE NO. 216-2014

AN ORDINANCE OF TILDEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TILDEN TOWNSHIP ZONING ORDINANCE, CHAPTER XXXII OF THE CODE OF ORDINANCES OF TILDEN TOWNSHIP, BY MODIFYING THE DEFINITIONS, THE TITLE, AND PERMITTED USES IN THE C-2 DISTRICT; CREATING A C-3 DISTRICT; MODIFYING BUFFER YARDS; MODIFYING THE REQUIREMENTS FOR A HIGHWAY INTERCHANGE COMMERCIAL CENTER; MODIFYING THE MINIMUM LOT AREA AND SETBACKS FOR A RETAIL SHOWROOM; MODIFYING THE GROSS FLOOR AREA FOR RETAIL STORES; AMENDING THE SIGN PROVISIONS FOR RETAIL STORES IN THE C-3 DISTRICT; AND AMENDING THE ZONING MAP TO INCLUDE THE C-3 DISTRICT.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Tilden Township, 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 of Chapter XXXII entitled Zoning of the Code of Ordinances of Tilden Township is amended to add the following definitions:

Fueling Station. A building or facility containing fuel pumps and which sells only fuel products.

Motor Vehicle Maintenance Facility. Any building or premises in which the primary activity includes the maintenance of motor vehicles, including but not limited to oil changes, repairs to tires, brakes and mufflers.

SECTION 2. Section 201 entitled "Classes of Districts" of Part 2 of Chapter XXXII entitled Zoning of the Code of Ordinances of Tilden Township is hereby amended and restated in its entirety as follows:

Section 201. Classes of Districts. For the purpose of this Chapter, Tilden Township is hereby divided into thirteen (13) classes of districts which shall be designated as follows:

- R-1 Rural Residential Districts
- R-2 Residential Districts
- R-3 Residential Districts
- R-4 Multi-Family Residential Districts
- C-1 Neighborhood Commercial Districts
- C-2 General Commercial Districts
- C-3 Highway Commercial Districts
- L-1 Limited Industrial Districts
- L-2 Industrial Districts
- L-3 Educational Industrial Districts
- OS Open Space Districts

- A Agricultural Districts
- A-2 Intensive Agricultural Districts

SECTION 3. PART 8 entitled "C-2 Highway Commercial Districts" of Chapter XXXII, entitled "Zoning," of the Code of Ordinances of Tilden Township is amended and restated in its entirety as follows unless otherwise noted:

PART 8-1

C-2 General Commercial Districts

Section 8-101. Purpose. The C-2 General Commercial District is established to provide for a wide range of commercial activities, which may require highway locations and cater to transient as well as to local customers. Among the purposes of this District are (a) to encourage sound and appropriate commercial development, (b) to provide locations for important highway-oriented type business, and (c) to protect major highways as thoroughfares.

Section 8-102. 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 8-104 of this Part, with the Environmental Performance Standards set forth in Part 16, 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.

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

(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.

(12) Kennel.

(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) Commercial/Industrial park.

(2) Research, testing or experimental laboratory.

Section 8-103 Area and Bulk Regulations.

(a) Lot Area. Every lot shall have a lot area of not less than sixty-five thousand (65,000) square feet.

(b) Lot Width. Every lot shall not be less than one hundred fifty (150) feet in width at the building line.

(c) Building Area. Not more than fifty (50) percent of the area of each lot may be occupied by buildings.

(d) Impervious Coverage. Not more than seventy-five (75) percent of the area of each lot may be covered by impervious surface.

(e) Front Yard. There shall be a setback on each street on which a lot abuts which shall not be less than fifty (50) feet in depth.

(f) Side Yards. There shall be two (2) side yards, neither of which shall be less than twenty-five (25) feet in width.

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

(h) Height Regulations. No building shall exceed thirty-five (35) feet in height. This restriction shall not apply to non-habitable architectural enhancements related to a building or structure, such as decorative building façade or screening of refrigeration units. Non-habitable architectural enhancements, together with buildings or structures to which they are affixed, shall not exceed forty-five feet in total height.

Section 8-104 Special Regulations. In order to encourage sound and attractive development, the following special requirements shall apply to all uses permitted in the C-2 District:

(a) A buffer yard is required along each side or rear property line that directly abuts a residential district, in accordance with Part 16.

(b) No goods, articles, or equipment shall be stored, displayed or offered for sale beyond the front lines of a building, except for the display of motor vehicles not less than ten (10) feet from the street line. This restriction shall not apply to nursery, greenhouse, building materials sales yard, or motor vehicle repair facility uses.

(c) Off-street parking and loading in accordance with Part 18.

SECTION 3. A new Section 8-2 entitled "C-3 Highway Commercial Districts" of Chapter XXXII, entitled "Zoning," of the Code of Ordinances of Tilden Township is to be added and is stated in its entirety as follows:

PART 8-2

C-3 Highway Commercial Districts

Section 8-201. Purpose. The C-3 Highway Commercial District is established to provide for a wide range of highway-oriented retail, motor vehicle, and heavier service-type commercial activities, which generally require main highway locations and cater to transient as well as to local customers. Among the purposes of this District are (a) to encourage the sound and appropriate commercial development of compact segments of major highway frontage, (b) to provide locations for important highway-oriented type business, and (c) to protect major highways as thoroughfares.

Section 8-202. 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 8-204 of this Part, with the Environmental Performance Standards set forth in Part 16, and with the applicable provisions of Part 17, Performance Standards.

(a) The following uses are permitted by right:

- (1) Retail store less than twenty thousand (20,000) square feet of total floor area.
- (2) Personal service shop, but not including laundry, dry cleaning, or clothes pressing establishment.
- (3) Retail service shop less than twenty thousand (20,000) square feet of total floor area.
- (4) Office less than thirty thousand (30,000) square feet of total floor area.
- (5) Studio.
- (6) Financial institution.
- (7) Forestry.
- (8) Cultural facility.
- (9) Governmental use.
- (10) Veterinarian's office.
- (11) Medical/Dental office less than thirty thousand (30,000) square feet of total floor area.

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

(1) Eating and drinking places, including drive-in service, that would generally result in fewer than six hundred (600) new trips during an average day.

(2) Laundry, dry cleaning or clothes pressing establishment.

(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 less than twenty thousand (20,000) square feet of total floor area.

(2) Telephone central office.

(3) Utility substation.

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

(5) Self Storage facility

(6) Passenger terminal.

(7) Warehousing less than sixty thousand (60,000) square feet of total floor area.

(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) Commercial greenhouse

(3) Care facility, extended

(4) Care facility, intermediate

(5) Care facility, long term

(6) Shopping center less than twenty thousand (20,000) square feet of total floor area.

- (7) Nursery.
- (8) Wholesale business establishment including wholesale bakery.
- (9) Community recreation building.
- (10) Place of worship.
- (11) Funeral home
- (12) Club, lodge or social building.
- (13) Clinic.
- (14) Commercial park less than twenty thousand (20,000) square feet of total floor area.

(f) The following uses are permitted when authorized as a conditional use by the Township Board of Supervisors:

- (1) Retail store twenty thousand (20,000) square feet or more of total floor area.
- (2) Retail service shop twenty thousand (20,000) square feet or more of total floor area.
- (3) Office thirty thousand (30,000) square feet or more of total floor area.
- (4) Convenience store.
 - (a) Motor vehicle wash.
- (5) Medical/Dental office thirty thousand (30,000) square feet or more of total floor area.
- (6) Eating and drinking places, including drive-in service, that would generally result in six hundred (600) or more new trips during an average day.
- (7) Retail Showroom in accordance with Section 1727.
- (8) Highway Interchange Commercial Center in accordance with Section 1715.
- (9) Building materials sales yard twenty thousand (20,000) square feet or more of total floor area.

- (10) Warehousing sixty thousand (60,000) square feet or more of total floor area.
- (11) Shopping center twenty thousand (20,000) square feet or more of total floor area.
- (12) Motel or hotel.
- (13) Commercial park twenty thousand (20,000) square feet or more of total floor area.
- (14) Motor or recreational vehicle sales establishment.
- (15) Motor or recreational vehicle repair facility.

In addition to other applicable requirements of this Ordinance, including but not limited to the requirements of Section 2106 of this Ordinance relating to conditional use approvals, the following standards shall be met for any conditional use approval in the C-3 District:

(A) The Township finds, based on existing development and traffic conditions in and around the C-3 District, that additional requirements for transportation impact studies are necessary to determine if the travel demands of new land development can be accommodated by the Township's existing roadway system. This type of assessment is necessary to promote public safety, ensure reasonable traffic conditions following new development, and protect previous investments in the transportation system.

(B) The applicant shall provide the Board with a traffic impact study prepared by a qualified traffic engineer and/or transportation planner. The traffic impact study shall be prepared in accordance with all applicable Township ordinances and the then-current policies and procedures suggested by the Pennsylvania Department of Transportation (PennDOT) for transportation impact studies related to highway occupancy permits. In the case of conflicts, the most restrictive, non-discretionary requirements of PennDOT or the Township's ordinances shall apply. The traffic impact study shall identify the locations where traffic related to the proposed development is likely to impact level-of-service (LOS)/travel delay within the traffic impact study area and shall demonstrate that:

- (1) levels-of-service will not deteriorate below LOS D if pre-development traffic operates at LOS D or better conditions, will be maintained if pre-development traffic operates at LOS D or LOS E, and will be maintained at pre-development levels of average travel delay if pre-development traffic operates at LOS F. A change in average travel delay of least 10 seconds per vehicle must occur with respect to the overall intersection average before the level-of-service is determined to have been impacted.

(C) For purposes of subsection 8-202(f)(B):

(1) The traffic impact study area shall include all existing and proposed streets and intersections expected to accommodate six hundred (600) or more new trips during an average day and shall, at a minimum, include the following intersections: (1) State Route 61/Jetson Drive/Cabela's Drive; (2) State Route 61/Lowland Road; (3) Cabela's Drive/Drive A/Wilderness; (4) Cabela's Drive/Mountain Road; (5) Laurel Avenue/Holly Road; and (6) Laurel Avenue/Pine Road. The study area for all traffic impact studies shall include the driveway access points between the proposed development and the external roadway system.

(2) "Level of service" or "LOS" means level of service as described in the most recent edition of the Highway Capacity Manual by the Transportation Research Board.

(D) Nothing in subsection 8-202(f) of the Ordinance shall be construed to require, obligate or compel the applicant to construct or pay for any off-site transportation or road improvements in order to demonstrate compliance with the standards imposed by subsection 8-202(f) of the Ordinance.

Section 8-203. Area and Bulk Regulations.

(a) Lot Area. Every lot shall have a lot area of not less than sixty-five thousand (65,000) square feet.

(b) Lot Width. Every lot shall not be less than one hundred fifty (150) feet in width at the building line.

(c) Building Area. Not more than fifty (50) percent of the area of each lot may be occupied by buildings.

(d) Impervious Coverage. Not more than seventy-five (75) percent of the area of each lot may be covered by impervious surface.

(e) Front Yard. There shall be a setback on each street on which a lot abuts which shall not be less than fifty (50) feet in depth.

(f) Side Yards. There shall be two (2) side yards, neither of which shall be less than twenty-five (25) feet in width.

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

(h) Height Regulations. No building shall exceed thirty-five (35) feet in height. This restriction shall not apply to non-habitable architectural enhancements related to a building or structure, such as decorative building façade or screening of

refrigeration units. Non-habitable architectural enhancements, together with buildings or structures to which they are affixed, shall not exceed forty-five feet in total height.

Section 8-204. Special Regulations. In order to encourage sound and attractive development, the following special requirements shall apply to all uses permitted in the C-3 District:

(a) A buffer yard is required along each side or rear property line that directly abuts a residential district, in accordance with Part 16 and along all property lines that directly abut a residential district along Holly Road between the intersection of Mountain Road and Laurel Avenue and along Laurel Avenue from the intersection with Holly Road to the point where it terminates in a dead end, in accordance with Part 16.

(b) No goods, articles, or equipment shall be stored, displayed or offered for sale beyond the front lines of a building, except for the display of motor vehicles not less than ten (10) feet from the street right-of-way. This restriction shall not apply to nursery, greenhouse, building materials sales yard, or motor vehicle repair facility uses.

(c) Off-Street Parking and Loading in accordance with Part 18.

(d) All proposed structure(s) must relate harmoniously to the terrain and to existing buildings that have a visual relationship to the proposed structure(s). To achieve this favorable relationship between existing and proposed uses, create focal points with respect to avenues of approach, terrain features or other buildings and relate open space between all existing and proposed structure(s).

(e) For vehicular and pedestrian circulation, special attention must be given to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of safe and convenient parking areas. Design vehicular and pedestrian areas to enhance the appearance of and access to the proposed building(s) and structure(s) and to the neighboring properties.

(f) No building or structure except a retail showroom shall exceed two hundred twenty-five thousand square feet (225,000 sq. ft.). Included in the square footage area shall be any permanently fenced open areas for garden centers or similar uses.

(g) Loading and unloading areas shall be designed and located so as not to interfere with circulation and parking areas.

(h) No overnight parking allowed.

(i) Truck deliveries, truck staging and trash pickup shall be prohibited within three hundred feet (300') of any existing residential use unless conditional use approval is obtained from the Board of Supervisors.

- (j) 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.
- (k) Storage areas for trash and rubbish shall be completely screened. All organic rubbish shall be stored within airtight, vermin-proof containers until such rubbish is collected. No such storage areas shall be permitted within any required buffer yard.
- (l) Establishments furnishing shopping carts shall provide definite areas on the site for the storage of said carts. Storage areas shall be clearly marked and designated for the storage of shopping carts.

SECTION 4. Section 1609 entitled "Buffer Yards of Part 16 entitled "General Regulations" of Chapter XXXII entitled Zoning of the Code of Ordinances of Tilden Township is amended and restated in its entirety as follows unless otherwise noted:

Section 1609. Buffer Yards. Where buffer yards are required by the terms of this Chapter, they shall be provided in accordance with the following standards:

- (a) No structure, manufacturing or processing activity, sewage system, or storage of materials shall be permitted in the buffer yard. However, parking of motor vehicles may be permitted in the portion of the buffer yard exclusive of the exterior fifty (50) feet width.
- (b) All buffer yards shall be maintained and kept clean of all debris and rubbish and shall include a six (6) foot fence and a six (6) foot berm with a dense screen of evergreen trees or shrubs with a minimum height of six (6) feet, the full length of the lot to serve as a barrier to visibility, air borne particles, glare and noise. Such fence, berm and screen planting shall be located within the exterior fifty (50) feet of the buffer yard. Buffer yards shall be planted with an all season ground cover and shall be in accordance with the following requirements:
 - (1) Plant materials used in the screen planting shall be such species and sizes that will produce, within three (3) years, a year-round visual screen of at least seven (7) feet in height.

(2) A fence, berm and screening when erected as a screen, shall be not less than twelve (12) feet in height and shall be placed no closer than three (3) feet from any street or property line. The berm shall have a slope of not greater than 2:1 and shall be permanently stabilized.

(3) The screen planting shall be maintained permanently, and any plant material that does not live shall be replaced within one (1) year.

(4) The screen planting shall be so placed that, at maturity, it will be no closer than three (3) feet from any street or property line. All plantings shall be placed on the residential side of the fence.

(5) The screen planting fence and berm shall be broken only at points of vehicular or pedestrian access. Screens may be interrupted where necessary for pedestrian path crossings, to avoid obstructing safe sight distances, to allow for stormwater swale crossings, and to avoid wetland intrusions. If such intrusions occur, the screen shall be arranged to maintain a visual barrier as if not interrupted.

(6) A clear-sight triangle shall be maintained at all street intersections and at all points where commercial or industrial accessways intersect public streets. Such triangles shall be established by measuring seventy-five (75) feet from the point of intersections of centerlines, except for any intersections with arterial streets, in which case the triangles are established by measuring one hundred fifty (150) feet.

(7) Prior to the issuance of any zoning permit, the Board of Supervisors shall approve complete plans that show the arrangement of all buffer yards and the placement, species, and size of all plant materials to be placed within such buffer yards. The Board of Supervisors shall certify to the Zoning Officer that the plans are in conformance with the terms of this Chapter. This section shall be satisfied if the buffer yard, species and location of plant materials are shown on the landscaping plan approved with the land development or subdivision plan.

(8) No outdoor processing or manufacturing activity and no outdoor storage of materials shall be so located as to be visible from an adjacent Residential District or a residential use.

(9) Only the front of any proposed building shall be visible from an adjacent Residential District or a residential district. The Zoning Officer shall determine which side of any building shall be considered the front.

(10) The fence shall be maintenance free and be constructed to prevent trash and debris from leaving the property. The fence shall be located on the interior side of the buffer.

SECTION 5. 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 Tilden Township, 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 (h) below, indoor theaters, family entertainment facilities, gas stations, motor vehicle maintenance facility as an accessory use, motor vehicle repair facility as an accessory use and fueling stations as an accessory use and uses permitted in Section 8-202(a), 8-202(b) and 8-202(f) of Part 8-2, entitled "C-3 Highway Commercial Districts" of Chapter XXXII, entitled "Zoning," of the Code of Ordinance of Tilden Township.

(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 as recommended by the township's engineer.

(j) No building shall exceed thirty-five (35) feet in height. This restriction shall not apply to non-habitable architectural enhancements related to a building or structure, such as decorative building façade or screening of refrigeration units. Non-habitable architectural enhancements, together with buildings or structures to which they are affixed, shall not exceed forty-five feet in total height.

(w) Signs shall be in accordance with Section 1914.

(x) Establishments furnishing shopping carts shall provide definite areas on the site for the storage of said carts. Storage areas shall be clearly marked and designated for the storage of shopping carts.

(y) Any proposed Highway Interchange Commercial Center shall be subject to the provisions of the Township's Subdivision and Land Development Ordinance.

(z) 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.

(aa) 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 requirements 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 maintained parking area.

(bb) The guidelines set forth in Section 8-203 (Area and Bulk Regulations) and Section 8-204 (Special Regulations) of this Ordinance shall not apply to uses permitted within a Highway Interchange Commercial Center, which instead shall be governed by the area, bulk and other special regulations set forth in this Section.

SECTION 6. The following subsections of Section 1727 entitled "Retail Showroom", of Part 17 entitled "Performance Standards" of Chapter XXXII, entitled "Zoning" of the Code of Ordinances of Tilden Township, are hereby amended and restated in their entirety as follows unless otherwise noted:

(b) Every lot shall have a lot area of not less than forty (40) acres, and such lot shall be not less than four hundred feet (400') in width at the building line.

(c) There shall be a front yard setback on each street on which a lot abuts which shall not be less than fifty feet (50') in depth.

(d) For every building or use there shall be two (2) side yard setbacks, neither less than fifty feet (50') in depth.

(f) No building shall exceed thirty-five (35) feet in height. This restriction shall not apply to non-habitable architectural enhancements related to a building or structure, such as decorative building façade or screening of refrigeration units. Non-habitable architectural enhancements, together with buildings or structures to which they are affixed, shall not exceed forty-five feet in total height.

SECTION 7. Section 1728 entitled "Retail Stores", of Part 17, entitled "Performance Standards", of Chapter XXXII, entitled "Zoning" of the Code of Ordinances of Tilden Township, is hereby amended and restated in its entirety as follows unless otherwise noted:

(a) Gross floor area is not to exceed the allowable building area of the zoning district within which the retail stores are located.

SECTION 8. Paragraph (i) of Section 1905 entitled "Signs Prohibited in All Districts" of Part 19, entitled "Signs" of Chapter XXXII entitled "Zoning of the Code of Ordinances of Tilden Township" is hereby amended and restated in its entirety as follows:

(i) Flashing, blinking, twinkling, animated, or moving message displays of any type, except on emergency signs, those signs related to road or other construction activities, those portions of signs which indicate time and/or temperature, and where otherwise specifically allowed for in this Chapter.

SECTION 9. The introductory paragraph of Section 1908 entitled "Signs Permitted in Commercial and Industrial Districts by Permit" of Part 19, entitled "Signs" of Chapter XXXII entitled "Zoning of the Code of Ordinances of Tilden Township" is hereby amended and restated in its entirety as follows unless otherwise noted:

Section 1908. Signs Permitted in Commercial and Industrial Districts by Permit. In Commercial C-1, C-2 and C-3 and in Industrial L-1, L-2 and L-3 Districts, the following types of signs shall be permitted by permit:

SECTION 10. The introductory paragraph of Section 1909 entitled "Signs Permitted in Commercial and Industrial Districts Without a Permit" of Part 19, entitled "Signs" of Chapter XXXII entitled "Zoning of the Code of Ordinances of Tilden Township" is hereby amended and restated in its entirety as follows unless otherwise noted:

Section 1909. Signs Permitted in Commercial and Industrial Districts Without a Permit. In Commercial C-1, C-2 and C-3 and in Industrial L-1, L-2 and L-3 Districts, the following types of signs shall be permitted without a permit:

SECTION 11. Subsection (a) of Section 1913 entitled "Off-Premises Signs" of Part 19, entitled "Signs" of Chapter XXXII entitled "Zoning of the Code of Ordinances of Tilden Township" is hereby amended and restated in its entirety as follows unless otherwise noted:

(a) Location of Off-Premises Signs. Off-premises signs which conform with the provisions of this Section shall be permitted only in the C-3 Highway Commercial and the L-2 Industrial Districts. In no event shall any portion of any off-premises sign be erected within one hundred (100) feet of any property zoned for or in residential use. No off-premises sign shall be erected within one thousand five hundred (1,500) feet of any other off-premises sign on the same side of any street. No off-premises sign shall be erected closer than ten (10) feet to a street right-of-way line or a property line. No off-premises sign shall be located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or physically interfere with a driver's view of approaching or intersecting traffic.

SECTION 12. Section 1914 to be entitled Signs Permitted for Retail Stores and in Highway Interchange Commercial Centers in the C-3 Districts of Part 19 entitled "Signs" of Chapter XXXII entitled "Zoning of the Code of Ordinances of Tilden Township" is hereby amended and restated in its entirety as follows unless otherwise noted:

Section 1914. Signs Permitted in the C-3 District.

(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.

Multi-use or tenant structures shall be limited to a maximum of ten percent (10%) per use or tenant front wall area. The one thousand (1000) square foot limit shall not apply to the multi-use or tenant structures.

(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 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 with a maximum of two (2) center signs. 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. A Center Sign shall be defined as a free standing sign representing a single commercial property or a collection of contiguous commercial properties having a total of at least thirty-five (35) acres within the C-3 zone.

(c) The maximum height of a Center Sign shall be sixty (60) feet and the top of sign elevation shall not be higher than elevation 550, except that signs may be higher than elevation 550 provided that the height of the sign does not exceed thirty-five feet (35'). Ground elevation shall be established by USGS topographical survey benchmarks.

(d) Roadside Signs shall not exceed eight (8) feet in height above ground level, shall be 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.

(e) Directional Signs shall be a maximum of twenty square feet (20 sq. ft.) per sign.

(f) Lighting of signs.

(1) Signs may be illuminated either internally or externally and shall be in conformance with all standards contained within this Chapter. Signs shall contain no flashing, laser, blinking, twinkling, animation or movement.

(2) On-premises signs may include electronically changeable messages so long as messages shall remain unchanged for a minimum of ten (10) seconds and the time for each change between messages shall be one (1) second or less.

(3) Notwithstanding (2) above, on-premises signs may include electronic messages which indicate customary public information such as time, date, temperature and on site gasoline prices.

(4) The brightness of an electronic changeable copy sign shall not exceed an illumination of 5,000 nits (candelas per square meter) during daylight hours, and 400 nits between dusk and dawn, as measured from the sign's face at maximum brightness. The sign shall have an automatic dimmer switch control to produce a distinct illumination change from a higher illumination level to a lower illumination level for the period of time between one half hour before sunset and one half hour after sunrise. Electronic changeable copy signs shall also be equipped with automatic monitors and dimmer features to adjust brightness levels based upon ambient light. At no time shall the sign be operated at a brightness level greater than the manufacturer's recommended levels.

The lamp wattage and luminance level in nits (candelas per square meter) shall be provided at the time of permit application. Permit applications for electronic changeable copy signs shall also include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for brightness, and a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with all applicable Township regulations and that the owner or operator shall provide proof of such conformance upon request of the Township.

SECTION 13. The Zoning Map for Tilden Township is hereby amended to show the C-3 District as set forth on Exhibit "A" attached hereto.

SECTION 14. 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 include herein.

SECTION 15. All prior ordinances of Tilden Township, 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 16. This Ordinance shall take effect five (5) days after its enactment.

SECTION 17. The Code of Ordinances, as amended, of Tilden Township, 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 part of the Code of Ordinances, as amended, of Tilden Township, Berks County, Pennsylvania, upon adoption.

DULY ENACTED AND ORDAINED this 10th day of April, 2014.

TILDEN TOWNSHIP
BOARD OF SUPERVISORS

Shere L. Schappell
Supervisor

André A. Hume
Supervisor

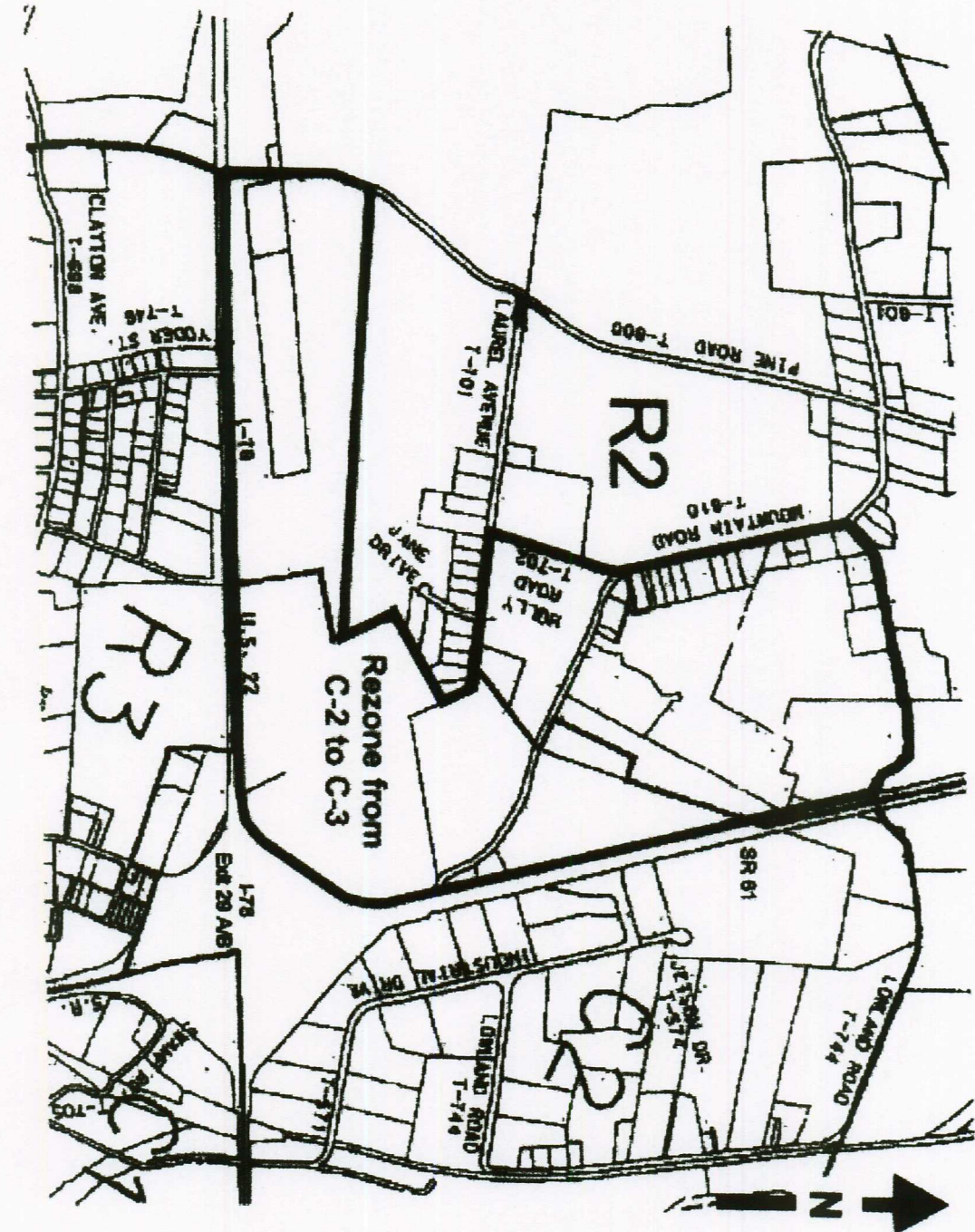
Carl Spatz
Supervisor

Attest:

Stacy L. Degler
Stacy L. Degler, Asst. Secretary

EXHIBIT "A"

ZONING MAP - REZONE FROM C-2 TO C-3



MUNICIPAL CERTIFICATION

I, Stacy L. Degler, Assistant Secretary of TILDEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance 216-2014 was advertised in the Reading Eagle, a daily newspaper of general circulation in Tilden Township, on Wednesday, March 5, 2014, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on Thursday, April 10, 2014.

Date: _____

4/29/14

Stacy L. Degler

Stacy L. Degler, Assistant Secretary

[SEAL]