



# CITY COUNCIL

## Zoning Hearing

**Zoning Public Hearing  
Council Chambers 5:00 p.m.**

**Wednesday, February 18, 2009**

### **I. Opening Matters**

### **II. Purpose**

This Public Hearing has been called in accordance with section 609 of the Municipalities Planning Code (MPC) to obtain public input on the proposed amendment to the City of Reading Zoning Ordinance that will create a Planned Residential Development (PRD) overlay. This PRD zoning amendment is a proposed set of development regulations to control the possible future redevelopment of the southwest industrial area of the City - south of Penn Street, along both sides of 2nd Street, under the Bingaman Street bridge, along both sides of Canal Street and then extending to east of 7th Street. The proposed PRD overlay amendment would be an optional set of provisions that could be used, in place of the current zoning provisions. The proposed amendment would allow a mix of residential, recreation and light commercial uses. This public hearing is not about any one particular development or one developer. The PRD overlay zoning amendment, if adopted, would apply to any developer or applicant who controlled land within the corridor. The City has not received any official development applications under this proposed zoning change.

### **III. Presentation by City Administration**

### **IV. Public Comment**

*Citizens wishing to comment on the proposed amendment need to register with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or becoming unruly while addressing Council may be called to order by the Presiding Officer, and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council. Those commenting shall limit their remarks to 3 minutes. No comments shall be made*

*from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyones presentation. Citizens may not ask questions of Council member or other elected or public official in attendance. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.*

## **V. Expected Date of Decision**

## **VI. Adjourn**

BILL NO. \_\_\_\_

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 27 – ZONING - CREATING A RIVERFRONT PLANNED RESIDENTIAL DEVELOPMENT (PRD) REDEVELOPMENT OVERLAY ZONING DISTRICT, MAKING THE REQUIRED AMENDMENTS TO THE NECESSARY PARTS OF THE ZONING ORDINANCE AND APPLYING THE NEW DISTRICT TO LANDS FROM THE CENTERLINE OF THE SCHUYLKILL RIVER TO AREAS TO THE EAST AND NORTHEAST OF THE RIVER, INCLUDING AREAS GENERALLY SOUTH AND SOUTHWEST OF FRANKLIN ST, ALONG BOTH SIDES OF S. 2<sup>ND</sup> ST. AND RIVERFRONT DR., AND ALONG BOTH SIDES OF CANAL STREET INCLUDING AREAS SOUTH OF LAUREL ST., SOUTH OF WILLOW ST., WEST OF S. 7<sup>TH</sup> ST. AND NORTH OF SOUTH ST. AND AS SHOWN IN MORE DETAIL ON THE ATTACHED RR ZONING OVERLAY DISTRICT MAP.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

Section 1. Under the authority of the Pennsylvania Municipalities Planning Code, as amended, the City Council of the City of Reading, Berks County, Pennsylvania hereby adopts the following amendment to the Zoning Ordinance of the City of Reading:

Part 1. The following new definition is added to Section 27-2202:

“Tract, Total Area of the” the total lot area of a single lot(s) in common ownership or common equitable ownership at the time of submittal for subdivision, land development or planned residential development approval. The Total Area of the Tract shall not include areas within the existing rights-of-way of existing streets, but may include portions of the lot proposed for new streets or proposed for new common open space or recreation land.”

Part 2. The following is added to Section 27-701:

“H. RR Riverfront Redevelopment Overlay District”

In Section 27-502, add the following: “A. However, the RR Overlay District shall

function in relation to the underlying zoning district, as provided in Section 27-815.”

Part 3. The following is added as Section 27-702.H., regarding purposes:

“H. RR Riverfront Redevelopment Overlay District - This district recognizes an area of Reading that is uniquely situated compared to other areas of the City. This district allows optional types of future development and adaptive reuses consistent with such uniqueness. This area is also unique in terms of its size because it potentially includes over 20 acres of redevelopment land. This RR Overlay District is intended to:

1. Promote redevelopment that enhances the Schuylkill Riverfront, in recognition of its value to the City, while making better use of underutilized lands.
2. Promote appropriate mixtures of compatible uses that provide for a variety of employment opportunities and housing types, including mixtures of business and residential uses in the same building.
3. Improve the public’s access to the river and maximize the visibility of the riverfront.
4. Allow persons to live, shop and work on the same tract of land, in order to reduce total vehicle traffic in the City and reducing commuting distances, while promoting use of public transit.
5. Carry out the purposes of the Traditional Neighborhood Development (TND) and the purposes of the Planned Residential Development (PRD) provisions of the State Municipalities Planning Code, which are hereby included by reference.
6. Encourage new development to occur in a compact neighborhood-oriented manner that will be consistent with traditional patterns and scale of development, and that creates a sense of place.
7. Promote housing that serves various types of households.
8. Allow modification of certain requirements through the PRD process by the Planning Commission.
9. Promote a pedestrian-orientation through the development that includes a mix of commercial and residential uses.”

Part 4. The following is added as a new Section 27-815:

“27-815. RR Riverfront Redevelopment Overlay District.

- A. Boundary. The RR District is hereby established, which shall include the geographic area shown in Exhibit A, which is attached and incorporated herein by reference. The Official Zoning Map shall be considered to have been amended to show the boundaries of the new RR Overlay District.
- B. Applicability and Phasing.
1. The RR Overlay District is an optional zoning district that overlays the underlying zoning district. An applicant shall have the option of developing property under the RR District or under the underlying district. Once a final Planned Residential Development (PRD) plan is approved under the RR District, such land shall be developed under the RR District provisions and not the underlying zoning district, unless the Planning Commission approves a zoning application to abandon the PRD approval, after the applicant has provided notice in writing to the Zoning Officer and the Planning Office.
    - a. Until such time as development is underway within a phase of development that was granted Final PRD approval, uses shall be allowed under the regulations of the underlying zoning district. Once a Final PRD Plan has been approved for a phase, then within the land area of that phase, only uses that are allowed in the RR Overlay District shall be allowed, provided that other lawful pre-existing uses may be continued as non-conforming uses.
  2. Development in the RR Overlay District shall first require tentative and then final approval as a Planned Residential Development (PRD). The PRD approval process replaces the conventional subdivision and land development approval process. Once a PRD has been granted final approval by the City Planning Commission, then individual uses allowed in the RR Overlay District shall be permitted by right, provided they are consistent with the approved PRD Plan. If uses or development are proposed that are inconsistent with the approved PRD Plan, then the proposed PRD Plan revisions shall first be approved by the Planning Commission.
  3. The provisions of this RR Overlay District shall only be available to be utilized if the “total area of the tract” is greater than 10 acres in common ownership or common equitable ownership at the time of tentative PRD

plan submission. For the purposes of the RR Overlay District, a tract may include lots that are separated from each other by a street, a railroad, a park, or an alley.

a. Once a Final PRD Plan has been approved, then individual buildings may be undertaken by various entities, provided there is overall compliance with the Final PRD approval and provided there is compliance with the City-approved phasing plan and a development agreement that have been approved by the City.

b. *See additional phasing provisions in Section 27-815.F. below.*

C. Use Regulations. Within the RR Overlay District, land and/or structures may be used for any of the following permitted by right uses listed below and be combined together in one or more buildings, provided final PRD approval has been previously granted.

1. Single family detached dwellings
2. One family semi-detached dwellings or Duplex dwelling.
3. Apartment/Multi-Family Dwellings, which may include Mid-Rise or High-Rise apartments, provided the height requirement is met.
4. One family attached dwellings (townhouses)
5. Adaptive reuse of a building to convert building space into dwelling units and/or to increase the number of dwelling units, provided the density requirements of this Section are met
6. Amusement Arcade
7. Bed and Breakfast Inn
8. Surface, underground or structured parking areas as an accessory or principal use, provided that the area of surface parking lots shall not comprise more than 50 percent of the total area of all lots within the tract, *and provided that underground parking shall not be allowed within the 100 year floodplain*
9. Business Services, which may include but is not limited to photocopying and custom printing
10. Catering, Preparation of Food for
11. Commercial Communications Tower/Antenna, that are attached to a building and that extend less than 25 feet above a principal building
12. Custom Crafts, manufacture and sale of (such as jewelry and handicrafts), or Artisan's Studio, or Retail craft shops such as, but not limited to,

artisan shops, glass blower shops, ceramic tile maker shops.

13. Exercise Club, or Fitness facility
14. Financial Institution (which includes a bank but which does not include a check cashing establishment or pawn shop, each of which shall be considered a retail store)
15. Hotel or Motel, which may include a restaurant and conference center
16. Massage Therapy by a trained person certified by a recognized professional organization, not including an Adult Business
17. Newspaper Publishing and Printing
18. Offices of business, institution, profession, medical, or similar entity (see also Home Occupation)
19. Personal Services (such as barber shops, beauty shops, laundry and dry cleaning pick-up and delivery, and closely similar uses)
20. Recreation, Commercial, Indoor or Outdoor, other than an outdoor motor vehicle race track.
21. Restaurant, which may include entertainment, provided that drive-through service shall be prohibited.
22. Municipal buildings and uses and other governmental facilities, but not including prisons, other correctional facilities and solid waste facilities
23. Retail store(s), which may include but is not limited to a supermarket or a farmers market, but not including an Adult Business
24. Tavern or Nightclub, which may include a Brew Pub that manufactures alcoholic beverages for on-site and off-site sale
25. Theater (not including an "Adult Business"), Performing Arts Facilities, Civic and/or Cultural Facility, Arena, Museum, Canal, Amusement Park, Water Park, Aquarium, Sports Stadium, Gymnasium or Auditorium
26. Trade School or Similar Educational Institution
27. Veterinarian, other than Kennel
28. Research and Development, Engineering or Testing Facility or Laboratory
29. Adult day Care Center
30. Day care facilities, which may also include Nursery School, Pre-School or "Head Start" program center
31. College or University, which may include dormitories for full-time students and staff.
32. Museum or Visitor's Center, and which include accessory retail sales
33. Nursing Home or Personal Care/Assisted Living Home or Congregate Care Housing Retirement Community
34. Community Center or Resident/Employee Recreation Center, Non-Profit
35. Social club meeting facilities

36. Public Park, Playground or other publicly-owned or publicly-operated recreation facilities or non-commercial outdoor recreation areas
37. Boat Dock, Wharf or Marina
38. Swimming Pools, public or private
39. Bus stops, bus passenger shelters and taxi waiting areas
40. Indoor vending and amusement machines, not including gambling machines
41. Public Utilities meeting Section 27-1203, including but not limited to electric substations and sanitary sewage facilities, but not including vehicle garages, warehouses, storage yards or freestanding commercial communications towers
42. Accessory use and/or structure on the same lot and customarily incidental to a lawful principal use
43. Community special event facilities, which may include tents, awnings and displays
44. Family Child Care Home
45. Group Child Care Home or Child Day Care as a principal use
46. Home crafts under the provisions of Section 27-1007
47. Home computer/internet occupations under Section 27-1006, or Home Professional Occupations under Section 27-1202 or Home Occupation, or No Impact Home Based Businesses as defined by the Pennsylvania Municipalities Planning Code. If a dwelling unit is designated on the Final PRD Plan as being a "Live Work Unit", then the requirement that the home occupation area is limited to 25 percent of the dwelling unit floor area may be increased to 50 percent.
48. Sales or rental office, which may include model units, provided that any temporary modular sales/rental building shall be limited to use during the first year of construction
49. Warehousing as an accessory use to the permitted principal use of the lot, provided the warehousing does not occupy more than 25 percent of the floor area of the building
50. Places of Worship
51. *Private or Public Primary or Secondary School*

D. Site Layout and Dimensional Regulations.

1. The following Area, Yard and Building Regulations shall apply for all uses approved within a PRD, whichever is most restrictive.

- a. Maximum Residential Density 75 Dwelling Units/Acre \*
- b. Minimum Lot Area 10,000 square feet, provided that 1,600 square feet for townhouses and for commercial uses fronting upon a pedestrian-oriented commercial street
- c. Minimum Lot Width 50 feet, provided that 20 Feet shall be allowed for townhouses and commercial uses fronting upon a pedestrian-oriented commercial street\*\*
- d. Minimum Building Setback for 15 Feet, except a minimum of 30 feet a new building from an abutting from a residential district boundary for lot line at the perimeter of the tract a building of greater than 40 feet in height.
- e. Minimum Front Yard Setback 0 Feet
- f. Minimum Rear Yard Setback 0 Feet
- g. Minimum Side Yard Setback 0 Feet
- h. Maximum Building Coverage 80%\*\*\*
- I. Maximum Building Height 140 Feet, except 200 feet for portions of buildings that are more than 200 feet from a principally residential lot that is outside of the PRD.
- j. Buffer Yard Required No, except an 8 feet wide buffer yard shall be required if a pre-existing principal dwelling in a residential district is adjacent or across a street or alley from a new principal business use and such dwelling is not within the RR Overlay District
- k. Site Plan Review by City Planning Commission Yes
- l. River Front Building Setback Minimum of 50 feet from the top of the bank of the Schuylkill River or a structural wall or

improved water's edge along the Schuylkill River, based upon conditions that will exist after the development is completed, based upon the approved Final PRD Plan. Pedestrian access may be placed within this setback.

- m. Each single family detached, single family semi-detached or single family attached dwelling shall have a private outdoor area including a minimum area of 300 square feet for the exclusive use of that dwelling unit. Such outdoor area may be a rear or side yard, a porch, a balcony, a deck, an improved rooftop recreation area with railings, or a similar feature.
- \* The Maximum Residential Density shall be based upon the total area of the tract, before the deletion of rights-of-way of proposed streets and before the deletion of open space. Dwelling units may be located within the same building as allowed non-residential uses, provided such mixture of uses is consistent with the Tentative PRD Plan.
- \*\* Individual uses or buildings may be owned in a condominium arrangement, without each condominium unit needing to meet the minimum dimensional requirements (such as lot width and yards), provided that the applicant shows that the development would have been able to meet the dimensional requirements if individual lot lines had been established.
- \*\*\* The Maximum building coverage shall be based upon the ground level footprint of all buildings on the tract divided by the total area of the tract. Individual lots may have a higher building coverage, provided that the maximum is not exceeded for the tract. Underground parking that is covered by vegetation or a pedestrian plaza shall not count as building area for the purposes of this Section. The City may require that certain lots include a deed restriction limiting their maximum coverage to ensure that the maximum overall coverage requirement is met across the tract over time. For each 1,000 square feet of building floor area that achieves

Certification or a higher level under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, an additional 300 square feet of building coverage shall be allowed above the maximum.

2. Fire Access. The applicant shall prove to the satisfaction of the Planning Commission, after a review by the City Fire Department, that all buildings will be adequately accessible by fire apparatus. The applicant should use a computer program to show that adequate access will be available for the largest vehicles used by the Fire Department, including provisions for turn-arounds. The City may require that buildings be sufficiently separated to allow firefighting access. Where streets or parking areas do not provide adequate access to various sides of a building, the City may require that a pedestrian pathway be constructed with sufficient paving depth and width so that the pathway will be suitable for use by fire trucks. Where there is no need for a pathway, the City may require other provisions for fire truck access, such as a stabilized surface under grass.
3. Minimum Business Uses. A minimum of 5 percent of the total floor area of all enclosed buildings after completion of the development of the tract shall be occupied by business uses. Areas used for vehicle parking shall not be considered in this calculation.
4. Open Land. A minimum of 10 percent of the total lot area of the tract shall be set aside in open land that is available for active and passive outdoor recreational use by the residents and employees of the tract, or by the general public. Such open land shall be maintained in existing trees or may be planted with new trees and shrubs or improved for outdoor recreational facilities. Such open land shall be regulated by a Conservation Easement or Deed Restriction established by the applicant and enforceable by the City of Reading, which prohibits the construction of buildings and the further subdivision of the required open land.
  - a. Outdoor recreational facilities shall be landscaped and may include *pathways, pedestrian outdoor courtyards* and structures typically included in active and passive recreational areas. Areas *within a street right-of-way and areas* used for buildings or vehicle parking shall not count towards the open land requirement, except rooftop

active recreation facilities that are available to all residents of the building and/or tract *may count towards up to 50 percent of the required open land areas. Required open land areas may be designed to be under a roof during inclement weather or under a awning or similar feature.*

- b. Unless dedicated to and accepted by the City of Reading as part of a final PRD plan, such open land shall be owned and maintained by a legally binding association of property owners on the Tract. The form of the property owners legal documents shall be subject to review by the City Department of Law. If there is mutual written agreement between the applicant and the City, part or all of the open land may be maintained as a public park.
  - c. The open land shall be focused on taking advantage of the riverfront by providing for substantial public access along the banks of the river. Some of the open land may also serve the purpose of buffering residences from high traffic roads.
  - d. The Planning Commission may approve a portion of the open land requirement being met by the applicant making recreation improvements to existing adjacent City-owned parkland, provided the extent of the improvements are specified and provided that the City Council approves a list of such improvements. The City Council may approve a lease of parkland for the purposes of allowing an applicant to make improvements to City parkland.
5. Riverfront Access. The RR Overlay District offers great flexibility to the developer as an optional form of development. In return for such flexibility, a developer shall only be eligible to use this RR Overlay District if the developer commits to providing public access to and along all portions of the Schuylkill Riverfront that are under the control of the applicant. The tract shall be designed to provide continuous public pedestrian and bicycle access from sunrise to sundown, at a minimum, from public streets to the riverfront, and then along the length of the riverfront along the entire tract. Such public access shall be provided upon completion of each phase for land in that phase adjacent to the riverfront. Complete public access along the entire riverfront shall be provided upon completion of the development, including provisions for future extension of public pathways from the edges of the tract. The Planning Commission may approve alternative access through the tract if public access at a particular part of the riverfront is not feasible.

- a. Such public access shall include a pedestrian pathway with a minimum hard-surfaced width of 10 feet and a public pedestrian access easement with a minimum width of 14 feet. Such pathway may also be open to maintenance vehicles and bicycles. Such pathway may be gated and may be closed to the public between *10 p.m. and sunrise on land that is privately controlled. Access to land that is controlled by a public agency shall be governed by that public agency.* Such riverfront pathway shall be illuminated and landscaped and shall connect with any existing or planned public trail adjacent to the tract.
  - b. The applicant shall describe how parking will be made available for members of the public who wish to use the riverfront recreation trail and any recreation facilities open to the public. This may include on-street parking with time limits, but does not necessarily need to involve free parking provided by the applicant.
  - c. Pedestrian public access points to the riverfront trail shall be available a maximum of 1,000 feet apart from each other, with each access point connecting to a street open to the public. Sufficient access shall also be available to the riverfront trail for maintenance vehicles. Except for police, motorized wheelchair and maintenance access, no motorized vehicles shall be allowed along the riverfront trail.
6. Surface Parking Location. If a new principal building is constructed that will be occupied primarily by retail uses, no new vehicle surface parking spaces shall be located in the area between the front wall of such building and the curblineline of the nearest public street. If such lot is adjacent to two or more streets, this restriction shall only apply to one street. This provision shall not restrict parking that is located to the side or rear of such building.
- E. Site and Building Layouts. The following provisions shall be applied to the tract to the satisfaction of the Planning Commission:
1. The tract shall include at least one pedestrian-oriented commercial street, with pedestrian entrances and pedestrian amenities along that street and with no off-street surface outdoor parking spaces located between such

pedestrian-oriented street and the front of abutting principal buildings, except for loading/unloading spaces. Commercial establishments shall be placed along at least a portion of the street level building space along such pedestrian-oriented commercial street.

2. Along this pedestrian-oriented commercial street, a minimum of 50 percent of the front wall of each principal building shall not have a setback of greater than 40 feet from the curblineline. The Planning Commission may approve a wider setback where appropriate to provide room for pedestrian amenities or an outdoor café.
3. The Final PRD Plan shall specify locations for garbage collection, business truck unloading areas and similar building services. Such locations shall be subject to approval by the Planning Commission to minimize conflicts with the pedestrian-oriented commercial street and dwellings.
4. The PRD shall have at least *one central focal point for each 2,000 feet of length of the development. Examples of such a focal point include a landscaped central green space and/or a pedestrian-friendly street that includes commercial uses.*
5. Feasibility of Addressing Site Issues. As part of a Tentative PRD application, the applicant shall provide written material describing methods that will be used to provide compatibility with any adjacent sanitary sewage facilities and to address safety with any underlying natural gas infrastructure.

F. Approval Process and Phasing. Development under the RR Overlay District shall require approval by the Planning Commission as a Planned Residential Development (PRD). The requirements and procedures for a PRD of the Pennsylvania Municipalities Planning Code are hereby included by reference.

1. A Tentative Plan submittal shall be made that includes the entire tract. *The Tentative Plan submittal shall state the following for the entire development and for each tentative phase: proposed number of dwelling units, the floor area of non-residential uses, the amount and locations of open land, the proposed locations and heights of buildings, the proposed locations of off-street parking areas, the locations of loading areas, and sufficient other information to show the*

*feasibility of the proposed development. A map shall show the tentative phasing plan.*

- a. The Tentative Plan submittal shall meet all of the requirements that would apply to a Preliminary Plan under the City Land Development and Subdivision Ordinance, *except that Tentative Plans do not need to be drawn at a scale larger than one inch equals 100 feet*, and except that the following submission requirements shall be deferred from the Tentative Plan to the Final Plan stage. Such deferral shall only occur if the applicant: a) shows the general feasibility of such features and b) commits to not construct improvements that will be dedicated to the City prior to receiving Final PRD Plan approval for the area that includes such improvements. *Such deferral may include the following:*
    - (1) Stormwater calculations
    - (2) Detailed grading and erosion and sedimentation control plans
    - (3) Proposed monuments
    - (4) Exact locations and species of plantings for landscaping plans
    - (5) Utility and street profiles
    - (6) Designs of culverts, man-holes, catch-basins and similar construction details
    - (7) Locations of proposed electric, telephone and cable television lines and water and sewage laterals
2. After review by the City Planning Office, City Engineer and Law Department, or their designees, and after the Tentative Plan has been offered for review by the County Planning Commission, the Tentative Plan shall be approved, approved with conditions or denied by the Planning Commission within the maximum time limits provided by the Pennsylvania Municipalities Planning Code, unless the applicant provides a written time extension.
    - a. The Tentative Plan may include a range of allowed uses in various areas, as opposed to identifying each specific use. The Tentative Plan shall show the preliminary layout of proposed streets, alleys, cartway widths, lots, public trails, recreation areas, major pedestrian and bicycle pathways, heights and uses of buildings, parking areas, major detention basins and proposed types of housing and non-residential uses.

- b. The Tentative Plan is intended to show the inter-relationships and compatibility of various elements of the PRD. The Tentative Plan shall be to scale and be designed to show how the PRD will comply with the Zoning Ordinance.
3. After a Tentative Plan has been approved, a Final Plan shall be submitted, with any phasing occurring in logical self-sufficient phases. The Final Plan shall meet all of the same requirements that would apply to a Final Plan under the City Subdivision and Land Development regulations. The Final Plan shall need approval by the Planning Commission.
  - a. No sale of lots or construction of buildings (other than one temporary modular sales/rental building) shall occur until after all of the following requirements are met: (1) an approved Final PRD Plan for that phase has been approved by the Planning Commission and has been recorded, (2) the applicant has proven they have met any conditions upon approval, and (3) acceptable financial guarantees for improvements have been established.
4. *A Final Plan submittal shall be accompanied by an updated plan of the entire PRD at a Tentative Plan level of detail, which shall show portions previously approved, portions that have been built, the locations affected by the current Final Plan submittal, and the remaining phases of development. This overall plan shall also show compliance with density and open space land requirements.*
5. Phasing. As each phase of development is approved, the applicant shall provide evidence that the requirements of this RR Overlay District will be met at the conclusion of that phase, even if later phases of development would not be completed. This shall include, but not be limited to, providing evidence of compliance with the density, bulk, and open land requirements. The City Planning Commission may permit variations in specific requirements of these provisions for an individual phase, provided there will be compliance after the completion of the next phase. Each phase of development shall be developed in full coordination with prior and future phases, to ensure that proper traffic circulation and utility services will be provided, and to ensure general compliance with the Tentative Plan. For each phase, the applicant shall prove that the PRD will be able to properly function and will include

suitable vehicle and pedestrian access and utilities even if later phases of the PRD are not built.

- a. *A tentative phasing plan shall be submitted as part of the Tentative Plan and be updated as part of any Final Plan and should be updated at least once a year afterwards. The phasing plan shall show the geographic area of each phase and the anticipated order of the various phases and an approximate timeline for start and completion of construction. The applicant shall prove to the City Planning Commission that any changes to the phasing plan comply with this Ordinance.*
- b. *After final plan approval, the developer shall be required to enter into a development agreement with the City to ensure the timely completion of required improvements, in coordination with the Phasing Plan.*
- c. If new dwellings are proposed adjacent to an existing industrial use, then the Planning Commission shall have authority to require provisions for transitional buffering and setbacks between those dwellings and any adjacent industrially zoned land. Such buffering and setbacks are intended to make sure that there will be a compatible border between dwellings and industrial uses, in case later phases are not developed.
  - (1) The Planning Commission may require that financial guarantees be provided by the developer to fund buffer plantings if adjacent phases are not built.
  - (2) The Planning Commission may require that a building setback be provided for dwellings from the edge of a future phase.
  - (3) If such future adjacent phase is completed in conformance with the Tentative PRD Plan, then such buffer and setback requirement is eliminated.
- d. If a particular Final Plan is not generally consistent with the approved Tentative Plan, then the applicant shall submit a revised Tentative Plan for acceptance by the City Planning Commission. However, the approved Tentative Plan is not required to be revised for matters addressed in the Final Plan that do not affect zoning ordinance compliance, such as adjustments in street alignments or changes in building shapes to reflect more detailed design.

G. Additional Requirements for a PRD.

1. Other Requirements. A PRD shall meet all of the requirements of the Zoning Ordinance and Subdivision and Land Development Ordinance that are not specifically modified by this Section or by the provisions of the Pennsylvania Municipalities Planning Code that governs PRDs.
2. Architecture. To carry out the intent of Traditional Neighborhood Development, as part of the final PRD submittal, the applicant shall submit a set of preliminary architectural sketches and the substance of draft architectural covenants to the Zoning Officer, the Planning Office, the City Department of Law and the City Planning Commission for review and comment. The applicant shall also submit a Manual of Written and Graphic Design Guidelines. Such provisions shall be prepared with the involvement of a Registered Architect. The applicant shall establish a set of architectural covenants as a condition of final plan approval, prior to the recording of such plan.
  - a. No new principal building shall have a front facade that is primarily constructed using vinyl siding.
  - b. New street lights within the PRD shall have a decorative design with a maximum total height of 22 feet using a design pre-approved by the City.
  - c. The applicant should describe any environmental friendly and energy efficient measures that are intended to be incorporated into the construction, such as use of rooftop gardens or green roofs.
3. Covenants. The City may also require covenants or conditions upon the plan to address setbacks, landscaping, pedestrian access, fire access, street improvements, utility improvements, access by the public to certain recreation areas, park improvements and other matters necessary to carry out the intent of this Overlay District.
4. Public Access. The Tentative Plan and Final Plan shall each describe the locations and extent of public access to the Schuylkill Riverfront.

5. Traffic Study and Improvements. As part of the Tentative Plan submittal, the applicant shall submit a Traffic Impact Study to the City. Such study shall assess current traffic conditions, the amount of traffic expected to be generated by the total development *during peak hours, the impacts of the development upon traffic in the surrounding area, any resulting reductions in levels of service below a level of "C" at intersections and highway ramps,* and measures that the applicant proposes to complete or fund to mitigate the impacts, *such as street improvements and/or assistance in funding transit services.* Such Traffic Impact Study shall be updated as needed as each phase is submitted. If diagonal parking is proposed along a street, the Traffic Impact Study shall assess the safety of such parking in that location.

- a. The Traffic Impact Study shall analyze issues involving truck traffic, particularly to avoid conflicts between new dwellings and late night truck traffic, while also addressing peak hour congestion.
- b. *The Traffic Impact Study shall be prepared under the direction of a professional with substantial experience in preparing traffic impact studies. The qualifications of such person shall be included in the report.*

6. *For lots within a Historic District that is regulated by the City of Reading Historic Districts Ordinance, the applicant shall also comply with such Ordinance.*

H. PRD Modifications. As authorized by the TND and PRD provisions of the Pennsylvania Municipalities Planning Code, specific zoning and subdivision and land development regulations that apply to a PRD application may be modified by the Planning Commission after receiving a written request from the applicant. Such modifications shall be allowed where the applicant proves that an alternative standard would meet the same public objective and would serve the purposes for a PRD and/or TND as provided in State law. Such modifications shall be limited to street standards, setback requirements, sidewalk and curb standards, improvement requirements, and technical engineering requirements. The Planning Commission shall consider recommendations of the City Engineer or designee before approving any modifications to street, improvement and rights-of-way requirements.

1. As another option, the applicant shall also have the additional option of submitting an application for a zoning variance to the Zoning Hearing

Board, in the same manner as would apply to other sections of the zoning ordinance.

2. Such modification may include, but is not limited to, the following street rights-of-way and cartway widths:
  - a. A collector street with two-way traffic may be constructed with two travel lanes of 11 feet each, 8 feet wide parallel parking lanes, a 4 feet wide planting strip with street trees on each side of the street (which may utilize tree wells), pedestrian sidewalks on each side of the street that are a minimum of 5 feet in width *except 8 feet in width in front of principal commercial uses*, and a right-of-way width that includes the width of the required sidewalk.
  - b. A local street with two-way traffic may be constructed with two travel lanes of 10 feet each, 8 feet wide parallel parking, a 4 feet wide planting strip (which may utilize tree wells) with street trees on each side of the street, pedestrian sidewalks on each side of the street that are a minimum of 5 feet and a minimum right-or-way width that includes the required width of the sidewalk.
  - c. An alley serving two-way traffic may be constructed with a 16 feet wide cartway and a 5 feet wide minimum setback between the travel lane and any rear garage, *provided that parking is prohibited within the cartway. Along any side of an alley along which parallel parking is allowed, an additional 8 feet of paved width shall be required.*
  - d. The Planning Commission may require wider cartway widths as needed, considering the results of the Traffic Impact Study.
  
3. Any street within the RR Overlay District, whether public or private, shall meet the same minimum construction material requirements as any new street intended to be dedicated to the City under City ordinances, or as otherwise approved by the City.
  - a. Pedestrian sidewalks with a minimum width of 5 feet and street trees meeting requirements of the City shall be required on each side of every street, unless the applicant proves to the Planning Commission that an alternative pathway open to the public will provide the same level of pedestrian access. *The minimum width of sidewalks shall be increased to 8 feet in front of principal commercial uses. Tree grates or similar measures may be used and permitted outdoor cafes*

*may intrude into the sidewalk, provided a 4 feet continuous pedestrian and wheelchair accessible pathway is provided along the sidewalk. A minimum average of one street tree shall be required for each 40 feet of street length, unless existing trees will be preserved to serve the same purpose.*

- I. Off-Street Parking and Loading Regulations. The requirements of Part 16 of the Zoning Ordinance shall apply, except for the following modifications:
  1. Off-street parking may be shared by various uses and lots within the RR Overlay District provided that the developer shall demonstrate to the Planning Commission that sufficient parking is provided on the Tract that is within 500 feet of walking distance from the pedestrian entrance of the use that is served by the parking. The applicant shall prove that shared parking will continue to be available to all of the uses that are served by the parking during the life of those uses.
  2. The amount of Off-Street Loading requirements shall be determined by the Planning Commission upon review of the proposed uses of each Phase of the Tentative PRD Plan.
  3. Under the authority to modify requirements as part of a PRD, the Planning Commission may reduce the required amount of off-street parking by up to 30 percent based upon:
    - a. *the applicant's traffic study and parking study, provided the parking study analyzes current and anticipated on-street and off-street parking demand and supply within the PRD and at least one block in each direction,*
    - b. the ability of various uses to share parking, particularly if those uses have different period time periods of peak parking demand,
    - c. commitments by the applicant to fund or provide transit services for residents, customers and patrons, such as connections to an off-site parking area, and
    - d. the availability of public transit and/or any shuttle or trolley service that may be provided during periods of peak parking demand.
  4. For development under the RR Overlay District, new off-street vehicle parking spaces shall not be located within 100 feet from the top of the

bank of the Schuylkill River or a structural wall along the Schuylkill River, based upon conditions that will exist after the development is completed, based upon the approved Final PRD Plan.

5. An applicant may meet a maximum of 25 percent of the off-street parking space requirements for each use by counting new on-street spaces adjacent to the curb along a street adjacent to the use.
- K. Preserved Open Land. The method of ownership and maintenance of the preserved open land shall be approved by the Planning Commission as part of the PRD approval. Any later changes to the preserved open land ownership or use that was not part of the PRD approval shall need Planning Commission approval.
1. Required preserved open land shall be preserved through a permanent conservation easement that is enforceable by the City. The legal form of the documents concerning the preserved open land shall be approved by the City Department of Law, or designee.
  2. The preserved open land shall be improved so that it is suitable for its intended use, including the planting of trees and shrubs where existing trees and shrubs will not be maintained.
  3. Methods for ownership of the preserved open land shall utilize one of the following: a) dedication to the City for public recreation if the City agrees in advance to accept it, b) dedication to a property-owners association, with each owner of property within the PRD legally required to annually fund their share of the maintenance of the open land, c) retention by the owner of a rental housing development, or d) another suitable method that is specifically approved by the Planning Commission.

#### Part 5. Sign Regulations

The following is added as a new Section 27-1726:

“Signs Within the RR Overlay District.

In the RR – Riverfront Redevelopment Overlay District, signs shall meet the

requirements that apply in the C-C district, except that the Planning Commission may approve modifications to sign provisions under the PRD provisions, in response to a written request from the applicant. In no case shall more than one freestanding sign be allowed per building per street frontage. In addition, a professional sports stadium may also include one 200 square feet freestanding sign with up to 2 sides. Signs that are not readable from a street and from beyond the property line are not regulated by this Section. "

Part 6. Table of Contents

*The table of contents of the Zoning Ordinance shall be revised to incorporate this zoning ordinance amendment, including the following:*

*Add the new Section 27-1726 entitled "Signs Within the RR Overlay District."*

*Add the new Section 27-815 entitled "RR Riverfront Redevelopment Overlay District."*

SEVERABILITY. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Amendment to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Amendment shall continue to be separately and fully effective. The City Council hereby declares that it would have passed this Amendment and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

REPEALER. Any specific provisions of the City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance or any other City ordinance or resolution that is in direct conflict within this Zoning Amendment are hereby repealed as they affect the RR Overlay District.

ENACTMENT. Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the City Council of Reading hereby enacts and ordains into an Ordinance this Zoning Ordinance Amendment. This Ordinance shall take effect ten (10) days after adoption in accordance with City of Reading Home Rule Charter, as amended, Sections 219 and 221.

Date of City Council Public Hearing: \_\_\_\_\_.

Enacted by the City of Reading City Council on \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Draft -

EXHIBIT A

Land Area to Be Included in the  
RR Riverfront Redevelopment Overlay District

(610) 478-6300  
FAX: (610) 478-6316



Robert B. Ludgate, Jr., Chairman  
Douglas Paul Rauch, Vice-Chairman  
Joseph Griffin, Secretary  
Peter F. Giorgi  
Lloyd W. Hopkins, Jr.  
Robin F. Koch  
James L. Mason  
Clyde A.B. Myers  
Mark C. Scott

Glenn R. Knoblauch, Executive Director  
Heidi B. Masano, Asst. County Solicitor

September 9, 2008

City of Reading Planning Commission  
c/o Andrew Miller  
815 Washington Street  
Room 3-03  
Reading, Pa 19601-3690

Re: Act 247 Review, Proposed Zoning  
Ordinance Amendment

In accordance with the provisions of the Pennsylvania Municipalities Planning Code, the Berks County Planning Commission has reviewed the proposal creating the Riverfront Redevelopment Overlay District which provides an option of developing property as a PRD. The following comments are offered for consideration:

A. Conformity of the proposal with Berks Vision 2020: A Comprehensive Plan for the County of Berks:

The majority of the proposed Riverfront Redevelopment Overlay District area is identified as an Environmental Hazard Area on the County's Future Land Use Plan. This designation is due to the presence of the 100-year floodplain, as designated by FEMA. Berks Vision 2020 recommends, generally, that construction of significant permanent structures should be avoided in the floodplain in order to sustain its natural functions and values.

The Commission notes that development activity within the floodplain is regulated by federal, state and the City's floodplain management provisions. Careful attention should be given to assure that any new construction and substantial improvements to existing structures will not cause an increase in flood heights and are properly flood proofed. Of particular concern is development activity that could occur within the floodway, such as flood control structures. Analyses should be performed to determine that such structures will not adversely impact property located up or downstream.

FEMA has notified the Commission (see attached letter) that they are updating their maps for Berks County. This presents an opportunity for the City to work with

FEMA, regarding your concerns with the present boundary location.

The Berks County Greenway, Park & Recreation Plan identifies the area along the Schuylkill River as a priority greenway corridor, as well as a destination HUB. The overriding recreation strategy within this corridor is to establish a regional trail network and the spine of this network is the Schuylkill River Land and Water Trails. Through a system of tributary trails that link to the Schuylkill River Trail (SRT), we can connect our communities and provide access to our parks, natural resources, historic and cultural districts, and economic destinations. Specific recommendations in the greenway plan reflecting this strategy that fall within the proposed overlay district are as follows:

- Establish the “Penn Corridor” urban trail and link to the SRT;
- Connect Reading’s Riverfront Park to the SRT;
- Provide access to the Schuylkill River Water Trail by enhancing and creating new landings for canoes and kayaks;
- Establish the Neversink Connector Trail which will connect Neversink Mountain Preserve to the SRT via Reading’s Riverfront Park; and
- Encourage a riverfront renaissance intended to establish new signature parks and regenerate the riverfront as a human realm, which will further enhance the urban area with new economic and tourism opportunities.

By requiring public riverfront access the proposal is consistent with the plan’s Schuylkill River Greenway Corridor strategy.

#### B. General Planning Comments:

1. The Commission questions whether the proposal refers to the correct sections.
  - Part 1 refers to Section 27-2702. Should the reference be to Section 27-2202?
  - Part 3 refers to Section 27-2702.H. Should the reference be to Section 27-702.H?
  - Part 5 refers to Section 27-1725 (Appeals to the ZHB). Is this the intended section?
2. The overlay district should also be added to the table of contents.
3. Section 27-815.B.3.a. refers to a phasing plan and development agreement, however, neither are elaborated upon. It is unclear whether the development agreement is required to be approved as part of the PRD process. If not, is it appropriate to require its compliance within the PRD process? The proposal should specifically require that a phasing plan be submitted as part of the tentative plan. It is recommended that the provisions also require that a development schedule showing the proposed time frames within which applications for final approval for each phase of the PRD are intended to be submitted. This schedule should be

updated annually by the anniversary of the tentative plan approval.

4. "Adult use" is referred to several times in Section 27-815.C. Since "adult business" is defined in Section 27-2202, should the references to adult use be to adult business?
5. Section 27-815.C. Under normal circumstances, the size of the overlay district and its residential development potential would require consideration of allowing schools. The siting of a school in a floodplain is probably not appropriate. However, consideration should be given to permitting schools in those areas of the overlay district that are located outside of the floodplain.
6. Section 27-815.C.8 allows for underground parking areas. Since a majority of the overlay district area is within the 100 year floodplain, it is suggested that underground parking areas only be permitted in those areas located outside of the floodplain.
7. Section 27-815.C.30 contains a spelling error. Should "ay" be "may"?
8. Section 27-815.D.3. The City should determine that the required percentage of commercial use is adequate to balance the potential tax burden of intensive residential development.
9. Section 27-815.D.4. Recognizing that high density buildings place additional burdens on public space, strong consideration should be given to increasing the minimum ten percent open land requirement. It is clear that the focus of the open land will be the riverfront, however, the section should also clarify whether sidewalks in general, and other amenities such as plazas and enclosed courtyards will be included in this minimum area calculation. It is also suggested that the amount of rooftop open land be limited to a percentage of the overall open land area. The Commission notes that existing City parks/greenways located within the overlay district total at least 17 acres or 21 percent of the overlay district.
10. Section 27-815.D.5. Public access to the riverfront should be unrestricted and not subject to closure. Reference to time frames, gates and closure should be deleted. The opportunity exists for the entire riverfront, not just the overlay district area, to become a major destination providing dynamic public spaces, and a variety of entertainment, hospitality, and other tourism-related activity. By assuring unrestricted public access along the entire riverfront, destinations within the overlay district and adjacent areas can be linked.
11. Section 27-815.E.4. Based on the configuration of the overlay district and if the entire district is developed as a PRD, consideration should be given to requiring at least two focal points. The Bingaman Street Bridge provides a break between two distinct areas of development, and each area should contain a focal point. Since one of the objectives is to promote a pedestrian-oriented development, consideration could also be given to requiring a focal point/gathering space within each phase.

12. Section 27-815.F.1. Drawing scales required by the City's SALDO for the preliminary plan may not be appropriate for a tentative plan that encompasses the entire overlay district.
13. Section 27-815.F.2. It is suggested that the tentative plan submission include the proposed number of dwelling units, the amount of non-residential square-footage proposed, total floor area proposed, and the amount of open land proposed for the overall development, in order to establish compliance with the PRD requirements. If the development will occur in phases, the tentative plan should also include the above mentioned data, approximated for each phase, and a map depicting the general delineation of each proposed phase.
14. Section 27-815.G. Subsection 2 is missing.
15. Section 27-815.G.6. This section should specify that the study will be prepared by a qualified traffic engineer. Unless details of what shall be included in the study are contained in the City's SALDO, such details should be outlined in this section.
16. Section 27-815.H.2.c. No parking should be permitted within the cartway of an alley.
17. Section 27-815.H.3. Consideration should be given to requiring a greater sidewalk width along a "pedestrian-friendly commercial street."
18. The PRD should be designed to meet ADA requirements for accessibility.
19. Section 27-815.I.3.a. makes reference to a parking study. Where in these provisions is this study required and what information should be included within the study? Unless a parking study requirement is contained in the City's SALDO, such details should be outlined in this section.
20. Section 27-815.I.3.b. An extra "period" is included in the phrase and should be deleted.
21. Consideration should be given to requiring final plans be accompanied by an updated overall development (tentative) plan that accurately depicts all phases of the PRD that have been built (as-built drawings), highlights the area of the current final plan, depicts remaining phases of the PRD, and contains updated figures of the items discussed in comment #13 above. This would enable the City to maintain an up-to-date record of the project's status and determine compliance with the overall requirements of the PRD provisions.
22. In general, the organization of the PRD proposal is confusing. Some provisions appear under inappropriate headings (i.e. "Feasibility of Addressing Site Issues" which deals with utilities is located under "Area, Yard and Building Regulations" or "Traffic Study and Improvements" which falls under the heading of "Phasing and

Deed Restrictions”). The process and requirements of a tentative plan, those of final plans, and development standards should each be contained in separate sections. As written, procedures and plan requirements will be drawn from three documents (zoning ordinance, SALDO, and the PaMPC). Most municipalities include all procedures and requirements within the PRD provisions.

23. Should parcels owned by RACC and Cedarpak, Inc. be included in the overlay district as depicted in Exhibit A?

Thank you for the opportunity to comment. If you have any questions regarding this review, do not hesitate to contact me. Section 609 (g) of the Pennsylvania Municipalities Planning Code requires that a certified copy of the amendment be forwarded to our office within thirty days of enactment.

Very truly yours,

Cheryl A. Auchenbach  
Planner III  
Berks County Planning Commission

Attachment

cc: Linda Kelleher, City Clerk  
Michelle Mayfield, Legal Specialist  
Charles Jones, City Engineer

Douglas Paul Rauch, Vice-Chairman  
Joseph Griffin, Secretary  
Peter F. Giorgi  
Lloyd W. Hopkins, Jr.  
James L. Mason  
James C. McCarthy  
Clyde A.B. Myers  
Mark C. Scott

Glenn R. Knoblauch, Executive Director  
Heidi B. Masano, Asst. County Solicitor

December 23, 2008

City of Reading Council  
815 Washington Street  
Reading, PA 19601

Re: Act 247 Review, Proposed Zoning  
Ordinance Amendment

Dear Council Members:

In accordance with the provisions of the Pennsylvania Municipalities Planning Code, the Berks County Planning Commission has reviewed the amendment to the Riverfront Redevelopment Overlay District which provides an option of developing property as a PRD.

The following comments are offered for consideration:

24. The previous comments submitted on September 24, 2008 and September 9, 2008 that have not been addressed in this amendment are still pertinent.

25. There are no further comments at this time.

Thank you for the opportunity to comment. If you have any questions regarding this review, do not hesitate to contact me. Section 609 (g) of the Pennsylvania Municipalities Planning Code requires that a certified copy of the amendment be forwarded to our office within thirty days of enactment.

Very truly yours,

Shannon L. Rossman  
Intergovernmental Planner  
Berks County Planning Commission

Attachment

cc: Andrew Miller, Bureau of Planning  
City of Reading Managing Director  
Linda Kelleher, City Clerk  
Michelle Mayfield, Legal Specialist  
Charles Jones, City Engineer

[www.co.berks.pa.us/planning](http://www.co.berks.pa.us/planning)

