CITY COUNCIL

Work Session

Work Session ***Monday, June 21, 2010***
Penn Room ***7:00 P.M.***

I. Call to Order

II. Managing Director's Report

III. Review/Discuss Draft Zoning Ordinance (summary attached)

IV. Other Matters

Follow Up Items

- August 2010 – Update Energy Savings from Honeywell Project

City of Reading

City Council

Work Session

Saturday, May 15, 2010
Review & Comments - Draft Act 47 Recovery Plan

Councilors Attending: V. Spencer, M. Goodman-Hinnershitz, D. Sterner, S. Marmarou, D. Reed, J. Waltman, F. Acosta

Others Attending: L. Kelleher, C. Younger, D. Cituk

Mr. Spencer called the work session to order at 8:35 a.m. and announced that the purpose of the meeting was to discuss the draft Act 47 Recovery Plan as a group, as Council will ultimately have to either approve or reject the plan when it is placed in final form.

Mr. Spencer stated that two (2) public meetings are planned; the first on May 19th at 6:30 p.m. at the RACC Miller Center and the second on the Act 47 Community Group suggestions on May 26th at 6:30 p.m. at the RACC Schmidt Center.

The group next questioned the approval timeline. Mr. Younger stated that Council must either approve or reject the plan 25 days after the public meeting. However, it was unsure when the 25 day clock starts ticking; after the first hearing or after the second. The group also questioned how soon the final version would be received.

Ms. Kelleher stated that on Friday, she and Mr. Kersley discussed the timeline. Mr. Kersley noted learning Mr. Reddig's belief that Council must take action on June 13th (a Sunday, therefore the meeting date would be Tuesday, June 15th due to Flag Day), which would require Council to introduce the plan on Monday, May 24th. Ms. Kelleher stated that Mr. Kersley has arranged a conference call on Monday with Mr. Reddig to clarify the timeline. Council stressed the need for Mr. Reddig to place the timeline in writing.

<u>Council Comment on the Draft Plan.</u>
Mr. Waltman redistributed a list of his concerns (attached) in summary:

- The current tax burden is shared by only 56% of the City's residents, caused by mismanagement of governmental operations, lead to the fear that further increases could lead to a financial paradox and implosion

- The need for additional personnel savings to parallel public and private standards
- The need for additional savings administratively, operationally and structurally

- Increased securitization of assets - 200% vs. 75%
- Need for the plan to define the need for accountability of the Administration around the approved initiatives of the Administration and consequences for failure

Mr. Sterner agreed that there is a disportionate burden placed on City taxpayers. He noted the need to develop alternatives to counter reductions in the proposed tax rates. He agreed with the need to identify those who are currently not paying all taxes and fees.

Ms. Reed agreed that City operations have been mismanaged, which has resulted in the imbalance between those who pay and those who do not. She suggested further employee concessions to reduce costs and allow the City to continue providing the current services.

Ms. Goodman-Hinnershitz also agreed with the need for reform of the Administration's structure to ensure the proper collection of taxes and fees. She also noted the impact further increases will have on the economic development of the City, as continued tax increases will have a negative impact on the City's ability to attract and retain businesses. She suggested weighing the pros and cons of the plan's initiatives, along with cost sharing techniques where applicable. She also suggested that essential services be defined as the plan is considered.

Mr. Acosta stated that the tight timeline requires solutions rather than continued complaint and discussion. He stated that the plan proposed provides quick cash infusion, which will place additional stress on taxpayers. He noted the need for defined reliable long-term solutions.

Mr. Waltman agreed and suggested that Council consider developing a variety of solutions that include an increase in revenue from the City's assets. He suggested developing a Sewer Authority or a combined Water Sewer Authority that can better support the City. He noted the current value of the City assets and the foresight of the City's forefathers when they purchased and built this infrastructure.

Mr. Spencer agreed with the need to develop short, medium and long term solutions to assure the City's future viability. He noted that cities may be unable to exit Act 47 as Recovery Plans usually address only short term solutions. He also agreed with the need to hold the Administration accountable. He suggested that the Act 47 Coordinator include consequences if the Administration fails to deliver, as Council is limited in its ability to hold the Administration's accountable and responsible. He questioned the ability to provide revenue equal to that imposed by the tax hikes.

Mr. Marmarou suggested limiting today's discussion to the plan's initiatives, so a list of comments/suggestions can be developed.

Mr. Sterner noted the impact the pension situation is causing at the State and local level. He also noted the potential tax problem a reduction in the State subsidy to the Reading School District could impose on the City's taxpayers.

During a discussion on the potential for the Coordinator's Recovery Plan to be rejected by Council, Ms. Reed noted the need to educate the public about the Act 47 process if the plan is rejected. Mr. Spencer stated that if Council rejects the Act 47 Coordinator's Recovery Plan, the Administration must create a plan and present it to Council for approval or rejection. He also noted the need for all to understand what municipal bankruptcy would mean.

Mr. Acosta noted the need for the Administration to provide Council with improved financial reporting that includes cash flow reporting, as the lack of proper financial reporting leaves Council unable to understand the City's true financial picture. He expressed the belief that the reports currently received are almost worthless as the information they contained is mostly incorrect. He questioned the competency of the Finance Department's management staff. He noted the Coordinator's statement regarding the improper methods currently used.

Mr. Waltman observed that the proposed plan forces City Council to make 5 years worth of financial decisions. He recalled his statement during last year's budget cycle regarding the leadership and management crisis created by this Administration. He stated that this crisis is now out of control. He noted the importance of driving direction and implementation around the initiatives adopted in the plan.

Mr. Spencer also noted the need for Council to understand the City's true financial and debt picture. He stated that the "rob Peter to pay Paul" approach used when the Administration "borrows" from other funds without reporting to Council will no longer work or be accepted.
Mr. Spencer and Mr. Waltman noted that the draft plan proposes another bond to fund the Administration's past transgressions.

In response to a statement regarding the City's financial records, Mr. Cituk stated that the City only has one set of books. He agreed with the statements concerning the lack of good leadership and management. He then went on to describe the practice of borrowing money to cover bills by borrowing funds from other accounts.

Mr. Acosta stated that the City cannot continue to make decisions based on faulty information. There was then a discussion on financial practices currently in place and the need to correct improper practices.

Council Comments & Requests on Plan Initiatives

REO1 - Delinquent Tax Collection

It is believed that this initiative is based on the collections outsourced to Linebarger. The recent press release stated that the delinquent Per Capita Tax has a $1.2M value. Mr. Spencer noted the work of Council Staff to identify this lapse, which was originally declared incorrect by the Administration. PFM predicts a collection rate of $300,000 per year.

1. Do these projections include delinquent Per Capita Tax alone?
2. Request for breakout of what this projection includes over a five year period
3. Should consider outsourcing collection and auditing of Business Tax, with annual licensing function to remain with the City.

REO2 - Water Fund Transfer Policy

The need to obtain optimum return on this investment was noted. Also discussed was the need to create a combined Water Sewer Authority to maximize the management of the sewer asset. Although autonomous control would be lost the impact on the City user would be reduced.

1. Explore combined Water-Sewer Authority or separate Authority
2. Review and renegotiate lease agreement with the Water Authority

REO3 - Reading Parking Authority PILOT Payment

1. Consider parking needs City-wide, including residential neighborhood parking lots that are within the range of the Parking Authority's ability to manage.

REO4 - PILOT Payments

1. Provide breakout of what this projection includes and methodology to achieve projections

REO6 - Additional Revenue through Market Based Revenue Opportunity

It was noted that this initiative was attempted in the past with a contractor who was paid based on their success. The initiative was unsuccessful.

1. Provide breakout on projection and steps to undertake this initiative successfully

REO8/9 - Property Tax Increase

There was discussion on the need to convert to Land Value Tax (LVT) vs. the current

property tax method. The need for a reassessment prior to conversion to LVT was discussed along with the Commissioner's repeated refusal to undertake a county reassessment. It was noted that currently only approximately 62% of property owners currently pay property tax. Reduction to the tax increase provided in Charter is equal to approximately $750,000.

1. Increase collection rate prior to increasing property taxes for those already paying
2. Balance reduction with increased contribution from water/sewer;

REO8B - Parking Surcharge

There was discussion on impact on Sovereign Center, etc. events along with the belief that a surcharge would kill economic development and business in downtown Reading.

1. Consider increase in fines and decrease in surcharge
2. Will not agree to paid parking for City employees

REO9B - Expand Earned Income Tax

It was noted that Mr. Geffken agreed to provide information on Friday on 1) the number of EIT forms mailed out, 2) the number of returns processed and 3) the revenue collected in 2009, 2008 and 2007. The information was not provided. There was discussion on impact to rental properties vs. owner occupied properties. Also discussed was the impact on the increased ability of tenants to move from the City quickly to avoid paying this tax vs. homeowners.

1. Unwilling to increase tax burden on those already paying
2. Increase collection rate of those currently not filing a City tax return

DSO1 - Unfunded Debt Transaction

1. Suggest increased operational adjustments to avoid further debt

WFO7 - Three Year Wage and Step Freeze

It is believed that this applies only to the City's collective bargaining units. It was noted that the unions have received pay increases, while management salaries have been frozen and reduced over the past two (2) to three (3) year period. The supervisor collective bargaining unit contract expired last year. The IAFF contract expires at the end of this year. The FOP and Rank and File contracts expire at the end of 2011.

1 Agree with the need for updating of all collective bargaining unit job descriptions.

WFO9 - 2.5 Reduction in Management Salaries

There was discussion on management salaries. There was also discussion on the need to contain management salaries that Council does not have control over.

1. Request salary study with other comparably sized cities and make adjustments to bring Reading management salaries back in line.
2. Require Council approval of all management level (exempt employee) salaries

WF24 - Redesign Employee Heath Care

There was discussion on current Administrative plan to form a consortium with four (4) third class cities.

1. Request basis for recommended 15% employee contribution
2. Suggest exploring redesign (alteration) of health care package that will allow employee to select the level of health care he needs and can afford.
3. Suggest formation of consortium with County or School District

F108 - Transfer Tax Collection Duties to other entities

1. Request break out of taxes included in projection
2. Should include Per Capita, Property, EIT tax collection
3. Request outsourcing of Business tax collection with licensing to remain under City control

FD11 - Develop Performance Management System

1. Request percentage of down time vs. time responding to calls for service in Fire and EMS.
2. Develop deployment plan of Fire personnel for other duties within range of fire station during down time

Other Requests-Suggestions

Council expressed hope that if the Recovery Plan is rejected the Administration would work with Council to develop an alternative plan.

Mr. Younger stated that an alternative plan would need Council's approval. He added that the approved alternative plan would require approval from the Secretary of the DCED.

1. Require residency for all employees at all levels after July 1, 2010 to rebuild tax base and increase accountability of all personnel

2. Request breakout of all potential savings via renegotiation of all collective bargaining contracts
3. Explore affect of original Library agreement and 2000 agreement on outsourcing the City's library responsibility
4. Request County relief from settlement agreements with PSLC and NAACP re Police and Fire Diversity Boards
5. Develop deployment plan for all personnel during downtime
6. Develop performance based pay increase system for all personnel

Council Staff Comments & Suggestions:
In addition to serving the seven (7) members of Council, Council staff also provides support to the Reading LRA, the Blighted Property Review Committee, the Board of Ethics, the Charter Board, the Environmental Advisory Council, the Park and Recreation Advisory Committee (PARC) and the Board of Health. The Council Office has also operated an internship program with the Albright College Political Science Department for approximately ten (10) years.

1. Elimination of all take home vehicles and eliminate use of city-owned vehicles on city time by non-emergency personnel; consider change to using personal vehicles and mileage reimbursement where for all non-emergency personnel (current County operation).
2. Reduce vacation time provided to Department Directors (currently 4 weeks at hire) to that provided to all City employees.
3. Renegotiate all employment contracts with all Department Directors & management employees.
4. City Hall maintenance not contracted out; provided by Part-time employees. (Public Works section pg 202)
5. Temporary wages of $180,000 in 2009 - Summer Youth Employment Program - was funded by a federal grant. (Human Resources section pg 126)
6. Provide CDBG funding to cover Library programs and reduce burden on General Fund.
7. Seek ability to assess abatement and demolition costs on owner's property tax bill.
8. Eliminate the annual contribution to the Reading Redevelopment Authority.
9. Increase employee contribution to health care package, but only incrementally until 1) the wage freeze ends and 2) until the City redesigns the healthcare package to a "cafeteria" model that allows the employee to choose the type of coverage he can afford.

Ms. Kelleher was asked to arrange a meeting with Mr. Kaplan during the upcoming week. Ms. Kelleher suggested rearranging Monday's schedule to free some time if Mr. Kaplan's schedule allows.

Mr. Spencer reminded everyone about the Public Hearing on May 19th at 6:30 p.m. at the RACC Miller Center and the Public Hearing with the Act 47 Community Group on May 25th at 6:30 p.m. at the RACC Schmidt Center. He also noted the need for the definition of the timeline for the approval or rejection of the plan.

As no further business was brought forward, the work session was adjourned.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

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May 28, 2010

TO: Citizens and Officials of the City of Reading

FROM: URDC, Charlie Schmehl (cschmehl@urdc.com)

SUBJECT: **Summary of Major Issues Regarding the Zoning Ordinance**

This memo summarizes major policy issues regarding the proposed New Zoning Ordinance. The Zoning Map is intended to be re-adopted without any changes, except for the addition of Institutional Overlay Districts, described below.

This discussion is not intended to provide legal advice. It is essential to continue to have the City's Legal Department involved in reviewing the proposed ordinance changes.

URDC is assisting the City in the preparation of an Official Map and the updating of the Subdivision and Land Development Ordinance (SALDO). The Zoning Ordinance is much more policy oriented than the SALDO, which is more a technical document used by engineers and surveyors on larger developments.

Overview of Zoning

The zoning ordinance primarily regulates: a) the uses of land and buildings, and b) the densities of development. Different types of land uses and different densities are allowed in various zoning districts. A zoning ordinance also regulates: the distance buildings can be placed from streets and lot lines, the heights and sizes of signs, and the amount of parking that must be provided by new development.

Zoning is primarily intended to protect existing residential neighborhoods from incompatible development. However, it also can be used to avoid traffic problems, improve the appearance of new development, preserve historic buildings, and protect important natural features.

The Pennsylvania Municipalities Planning Code (the "MPC") provides municipalities with the authority to regulate development. The MPC establishes limits on the ways zoning can be used and requires that certain procedures be followed.

Ways to Address Different Uses

In each zoning district, different uses are allowed or prohibited. There are three different ways that a use can be allowed:

- as a permitted by right use, with the zoning approved by the Zoning Officer,
- as a special exception use, with the zoning approved by the Zoning Hearing Board, and
- as a conditional use, with the zoning approved by the City Council.

Intense and potentially controversial uses should only be permitted as special exception or conditional uses. This results in a public meeting that allows public comment. The Zoning Hearing Board or City Council can carefully review the application to make sure that it meets City ordinances. Also, conditions can be placed upon any approval, such as conditions to protect public safety.

- However, a special exception or conditional use is still an "allowed" use. Therefore, under the law, it is difficult to reject a special exception or conditional use if the applicant proves they meet all of the specific requirements of the zoning ordinance. Generally, in such case, the application could only be rejected if an opponent or the City was able to prove that the application violated a "general" requirement of the Ordinance. For example, it might be possible to prove that a certain type of industrial use would generate a major public safety hazard.

- Reading currently mainly uses the special exception use processes, which is proposed to be continued. (Note - With a special exception, the City Council can provide testimony before the Zoning Hearing Board, and can appeal their decisions.) A few uses are proposed to be conditional uses.

Nonconformities

Zoning primarily regulates **new** development, expansions of uses and changes in uses. Generally, an existing use that was legal when it was first established can continue to operate regardless of zoning regulations. An existing use that would not be permitted under current zoning regulations is known as a "nonconforming use." Generally, nonconforming uses can: a) be sold to a new operator, b) be expanded within certain limits, and c) be changed to a different nonconforming use, as long as the new use is not more intense than the old use.

For example, an auto repair garage may have existed before the City adopted zoning. It is located in a residential district. It may be changed to a store, which would be less intense. However, it could not be changed to an asphalt plant, which would be more intense.

Likewise, in most cases, existing vacant lots that were legally established may be built upon – even if they do not meet the minimum size requirements of a zoning ordinance. However, any building would still need to meet setback requirements, wetland regulations and sewage requirements.

However, if a use was not legal when it first started, it has no right to continue.

Lot Sizes

Please keep the following lot sizes in mind:

One acre = 43,560 square feet (such as 150 by 290 feet)
One-half acre = approximately 22,000 square feet (such as 125 by 175 feet)
One-quarter acre = approximately 11,000 square feet (such as 80 by 135 feet)

Major Goals and Objectives

The following major goals and objectives provide direction for the Zoning Ordinance. These are generally based upon the City's Comprehensive Plan.

– Provide for compatibility between different types of development, particularly to protect residential areas from very intense business uses and nuisances.

– Encourage types of housing that are most likely to be owner-occupied, such as single family detached houses, side-by-side twin houses and townhouses.

– Seek coordinated development and traffic patterns with adjacent municipalities.

– Strengthen the sense of community in various neighborhoods.

– Seek appropriate adaptive reuses of historic buildings.

– Promote a pedestrian friendly environment that allows people to walk to nearby stores.

– Promote appropriate types of businesses in business zoning districts to attract employers and generate additional tax revenue, while avoiding the most intense business uses next to residential areas.

– Seek an attractive vegetative buffer along the Schuylkill River, the Tulpehocken Creek and Angelica Creek, and maintain Mt. Penn and Neversink Mountains in woodland.

– Meet obligations under State law to provide opportunities for various land uses.

Summary of the Proposed Zoning Districts

The following summarizes the proposed provisions for each zoning district in the City:

<u>P Preservation District</u>

a. This zoning district primarily includes the portions of Mt. Penn and Neversink Mountain that are within the City, as well as the lands along the Schuylkill River, Tulpehocken Creek and Angelica Creek. This district also includes the larger parks in the City. Almost all of these lands are unsuitable for development because of proneness to flooding or the steepness of the slopes. Most of this land is in public ownership or is preserved by a conservancy or a trust, except for some areas that are intended to be turned into public recreation land. The goal is to make sure that waterways and mountains serve as amenities that tie into regional recreation, water quality and tourism efforts. This district is proposed to continue to not allow housing and to mainly allow recreational uses.

b. Much of this district is also within the 100 year floodplain. These are areas expected to be flooded during the worst storm in an average 100 period. The City has an ordinance to carry out Federal and State regulations on this matter. That ordinance greatly limits new construction of buildings within flood prone areas, and in some cases requires that new buildings be elevated or flood-proofed.

R-1A Low Density Residential District

This district includes the east side of Mt. Penn. It is proposed to continue to allow single family detached houses on 20,000 square feet (½ acre) lots. Removal of mature woodlands would continue to be limited. A new provision would limit construction of new principal buildings on very steeply sloped areas (over 25 percent).

R-1 Low Density Residential District

a. This district includes areas near the City border in the southwest, northwest and northeast parts of the City, as well as along Eckert Avenue south of Mt. Penn.
b. This district is proposed to continue to allow 6,000 square feet lots for single family detached houses. No other housing types are proposed to be allowed.
c. To avoid over-regulation of expansions of homes and other routine changes, the draft ordinance proposes to require smaller side yard setbacks (7 feet each) and to allow higher percentages of a lot to be covered by buildings. New provisions would also make it easier to construct an unenclosed deck in a rear yard of a home.

R-2 Medium Density Residential District

a. This district includes areas in the northeast and southwest parts of the City, including areas north and east of Lancaster Avenue.
b. To make it easier to construct single family detached houses, the minimum lot size is proposed to be reduced to 3,000 square feet. Currently, the ordinance discourages construction of singles because they need much larger lot sizes than other housing types. This district would continue to allow for side-by-side twin homes on 2,500 square feet lots per unit and 1,800 square feet lots for townhouses.
c. The draft ordinance would specifically prohibit the conversion of a one family home (including a single, twin or rowhouse) into two or more housing units. Apartment conversions can harm neighborhood stability, reduce property maintenance, increase transiency, increase fire hazards and cause parking shortages.
d. Side yards are proposed to be reduced and building coverages proposed to be increased to encourage improvements to homes, and reduce the need for variances. These adjustments will also make it easier to construct rear garages.
e. College uses and dormitories are proposed to continue to be allowed as special exception uses in R-2 and R-3. A new Institutional Overlay zoning district is described below.
f. Churches and other places of worship would continue to be special exception uses in residential districts, except new churches would not be allowed in R-1. The minimum lot size is beneficial to a house in the middle of a block from being converted into a church. Federal and State laws generally require that places of worship be allowed in most areas of a municipality, unless there is a strong justification to not allow them in certain areas.

R-3 Residential District

a. This district includes most of the residential neighborhoods in Reading, particularly including most of the rowhouse neighborhoods.
b. The draft ordinance would specifically prohibit the conversion of a one family home (including a single, twin or rowhouse) into two or more housing units.
c. This district would continue to allows all types of housing.
d. The draft ordinance would include a density bonus for housing that is limited to older persons (such as age 62 and older).
e. With special exception approval, this district (and R-2) would allow the adaptive reuse of an industrial or institutional building into residential or commercial uses. The goal is to have a process that allows the Zoning Hearing Board to approve desirable types of reuses of older buildings without an having applicant having to prove there is a legal hardship.
f. A maximum building setback would be established. The goal is to have most parking placed to the side or rear of buildings, with the building placed close to the street. The goal is to also maintain a consistent streetscape. Currently, there are cases where a building may be required to have a 15 feet front yard, even though a zero front setback may be more appropriate.
g. Where a rear alley of 10 feet or more of width exists or could be extended, it would be required to be used as access for parking and garages. The goal is to keep front sidewalks free of turning vehicles and avoiding the removal of on-street parking spaces for driveway cuts. The front yard setbacks would be reduced, in order to promote a usable rear yard area.
h. To make it easier to build additions on existing homes, in the R-3 district, the minimum side yard is proposed to be decreased to 3 feet on each side, where buildings are not attached to each other.

Home Based Businesses/ Home Occupations

In all residential districts, all home occupations currently need Zoning Hearing Board approval, except for home computer work and home crafts. The draft ordinance would require the most intensive types of home occupations to obtain special exception approval from the Zoning Hearing Board. However, additional low intensity home occupations would be allowed by right. No more than one employee who does not live in the dwelling would be allowed to work in the home occupation at one time.

Student Homes

Student Homes would only be allowed in the R-1A, R-1 and R-2 districts if they are in an existing apartment unit. Therefore, a single family home in these districts could not be turned into a Student Home. The provisions for numbers of students living within a dwelling unit would be relaxed for units owned by a college or university within the proposed Institutional Overlay District.

INS Institutional Overlay District

a. The bulk of the campus of Albright College is in the R-3 district, while the bulk of the Alvernia University campus is in the R-2 district, and the bulk of the RACC campus is in the C-C Commercial Core District.
b. A new Institutional Overlay District is proposed for the core campuses of these institutions. This proposed district would provide alternative provisions for the core of the campuses of Alvernia University, RACC and Albright College, as well as the Health Sciences building of Reading Hospital and the proposed Reading Hospital nursing dormitory on Kenhorst Blvd.
c. This Overlay District would provide an optional process for zoning approval that would allow higher education uses as a by right use, vs. needed special exception approval. The intent is to also allow dimensional flexibility in the centers of these campuses.

    -Outside of the overlay district, special exception approval would continue to be needed for college uses. In these areas, additional setbacks would be required between college dormitories and other housing.
    -Building heights for colleges would vary with the distance from privately owned houses. The goal is to encourage taller buildings towards the center of college campuses.
d. Colleges would be permitted by right in most commercial and industrial districts, except college residential uses would not be allowed in industrial districts.
e. Fraternities and sororities would not be allowed unless their building was owned or operated by a college.

<u>MU Municipal Use District</u>

This district was added last year to allow various City government uses and utility uses on Fritz Island.

<u>R-PO Residential Professional Office</u>

This district would continue to allow offices, day care centers and residential uses under the regulations of the R-2 district. This district applies along Kenhorst Boulevard from south of Pershing Boulevard to north of Lancaster Avenue..

<u>R-O Residential Outlet District</u>

This district was removed when the former outlet area was recently changed to the C-N district.

<u>C-N Neighborhood Commercial District</u>

a. It is appropriate to maintain two commercial districts: a) a Highway Commercial District that allows a wide variety of commercial uses, such as auto repair, gas stations, restaurants with drive-through service, and other heavier commercial uses, and b) a Neighborhood Commercial District that mainly allow lighter types of

commercial uses. The C-N district includes scattered areas of commercial uses, including the area around 5th and Spring Streets, and the area around 9th and Spring Streets.

b. The intent of the C-N district is to control the development of very intense commercial uses immediately next to residential neighborhoods, and to promote the reuse of older buildings.
c. The C-N district would continue to allow offices, retail stores, personal services, restaurants without drive-through service and similar uses. The C-N district also allows the same housing as the R-3 district. Taverns would continue to need conditional use approval from City Council.
d. The former outlet centers in the vicinity of Oley and 9th Streets were previously changed to the C-N district to allow a wider ranges of uses.
e. In the C-N district, vehicle fuel sales would need conditional use approval instead of currently being allowed by right. Drive-through restaurants would be specifically prohibited.
f. Existing rowhomes would be limited in their ability to be converted to commercial businesses if they are adjacent to existing dwellings. New restaurants would not be allowed in the middle of attached dwellings.

Riverfront Redevelopment Overlay District

This district was added 2 years ago to allow more intensive mixed use residential/ commercial/ recreational development of areas between Center City and Schuylkill River. Most of these areas are also in the M-C district. This area extends from south of Penn Avenue, along both sides of 2nd Street, along both sides of Canal Street, to east of 7th Street.

Penn Square Overlay District

This is an “overlay district” that includes some slightly different regulations for properties along Penn Square/Penn Avenue between 2nd and 6th Streets. The Penn Square Overlay District is proposed to be re-written to emphasize control on street level uses of lots fronting on these core blocks..

C-H Highway Commercial District

a. This district allows a wide range of commercial uses along Lancaster Avenue. The allowed uses include auto sales, banks, offices, day care, gas stations and motels.
b. Bottle clubs and taverns would continue to need conditional use approval.
c. Manufactured home parks must be allowed in at least one district in each municipality. For lack of a better location, they are proposed to be allowed in the C-H District, at a maximum of 5 homes per acre, if they have obtained special exception approval.

C-C Commercial Core District

a. This district applies to the Downtown and immediately adjacent areas. The area around the Google Works was recently added to this district. It purposefully includes few dimensional regulations because the intent is to maximize use of sites in the Downtown.
c. This district would allow a density bonus for senior apartments, and not allow new apartment buildings unless the first floor includes a commercial use on the street level.
d. The St. Joseph's Hospital Downtown Campus is within this district.
e. In the C-C district, the maximum height would be 100 feet, except that a 175 feet height would be allowed by special exception.
f. The City has to have a location that allows Gaming Facilities, if they would ever be allowed under State law. The proposed location is C-C, as a conditional use.

M-C Manufacturing-Commercial District

a. This district allows most manufacturing uses, as well as warehousing and truck terminals. The intent was to limit heavier types of industrial uses to the H-M district. Most industrial areas, former railroad lands and areas along Heister Lane/Rockland Street are within the M-C district. The types of manufacturing uses that are allowed by right vs. special exception has been updated.
b. This district would continue to allow many types of commercial uses, such as trade schools, banks and exercise clubs. Junkyards would no longer be allowed.
d. There is a 50 feet maximum height, which is proposed to be increased to 60 feet.
e. Currently, 20% of every lot in the M-C district is required to be in lawn, plantings or landscaping. This percentage would be reduced to 10% and instead emphasize trees vs. grass.
f. Minimum setbacks would increase for a business next to a dwelling, but decrease for a business next to a business.

H-M Heavy Manufacturing District

a. This district currently includes Carpenter Technologies facilities on both sides of the Schuylkill River, as well as areas east of Wyomissing Boulevard that are west of Schlegal Park and south of Holy Name High School.
b. This district allows a wide range of industrial uses as by right uses.
c. Section 1106 currently requires that 40% of each lot must be maintained in lawn, plantings or other landscaping. That is an unusually high percentage. It is proposed to be reduced to 10% and instead emphasize trees vs. grass.
d. In the H-M district, the maximum height would be increased to 70 feet. Minimum setbacks would increase for a business next to a dwelling, but decrease for a business next to a business.
e. A few uses are proposed to be moved to needing special exception approval, such as Trash Transfer Stations, Chemical Plants and Asphalt Plants.

Control of Nuisances and Controversial Uses

Additional controls on excessive lighting and noise are proposed. The noise limit would vary by whether the noise is heard in a dwelling and by time of day.

New regulations are proposed for Pawn Shops, Gaming Uses and Treatment Centers (including alcohol and drug treatment and criminal halfway houses). A new section would send applicants to the Zoning Hearing Board where there is a claim that a zoning provision must be modified to comply with the Americans With Disabilities Act or the Federal Fair Housing Act.

Adult Uses

Unfortunately, many adult uses must be allowed in each municipality under numerous Federal and State court decisions. Adult uses mainly include adult bookstores, massage parlors and strip clubs. If they are not specifically regulated, they can get a zoning permit as a regular commercial use. The current zoning ordinance includes an appropriate set of provisions that are based upon many Federal court decisions. The existing provisions limit adult uses to the H-C district, require conditional use approval, and establish a 200 feet wide setback from a residential district. Adult uses are proposed to be moved to the H-M Heavy Manufacturing district. A few additional provisions would be added, such as limits on hours of operation.

Landscaping and Green Building Design

Incentives are proposed for green roofs and other types of green construction. Updates have been proposed of various landscaping and buffering provisions.

Parking

The Zoning Hearing Board would have additional authority to provide some flexibility in parking requirements, such as if different uses are sharing parking. Otherwise, a hardship variance would be needed.

Signs

Political sign provisions have been streamlined to make them more resistant to challenge. New limits are proposed on the frequency of change by large electronically changing signs. Billboards would be limited to the H-M, H-C and MU districts, and no longer be allowed in the M-C district. Internally lit signs in residential districts would be limited to a maximum of 20 square feet of sign area.

Economic Development

The zoning provisions have been reviewed to address unnecessary regulations that may delay or obstruct desirable types of economic development. For example, one section of the current ordinance says that only one type of principal use is allowed per lot. Multiple uses are often needed to support the rehabilitation of large old buildings.

The draft proposes to allow small setbacks between two business uses, or between two institutional buildings, but a larger setback between a intensive business use and a residential district.

Please contact us if there are any questions or comments.