



CITY COUNCIL

Public Hearing

Public Hearing
Council Chambers

Thursday, November 7, 2013
5:00 p.m.

I. Opening Matters

II. Purpose

The purpose of this hearing is to obtain public comment on the amendment of the City of Reading Zoning Ordinance, Chapter 600 of the City's Code.

III. Presentation by City Administration

F. Ordinance – Amending the City of Reading Zoning Ordinance by making corrections and clarifications throughout **(Council Staff/Bus Analyst)**

IV. Public Comment

Citizens wishing to comment on the proposed amendment need to register with the City Clerk before 5 pm the day 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 anyone's 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. Adjourn

BILL NO. _____-2013

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODE, CHAPTER 600 ZONING MAKING CORRECTIONS AND CLARIFICATIONS

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

Section 1. Amending the City of Reading Code, Chapter 600 Zoning making corrections and clarifications as attached in Exhibit A.

Section 2. Any and all ordinances which are contrary to the amendment are hereby repealed.

Section 3. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2013

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: _____

EXHIBIT A

§600-105. Applicability to City – Buildings for Public Purposes.

~~This Chapter shall not regulate uses or structures owned or operated by the City of Reading that serve valid public purposes, such as for public works, stormwater or recreation purposes. See Section 1202 L Special Exceptions - Parks, Playgrounds and Public Buildings~~

§ 600-109. Applicability to utilities.

~~This chapter shall apply to utilities that are not owned or operated by the City of Reading, except as provided in § 619 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10619, and except that public utility poles, lines and pipes are not regulated by this chapter. See 1203 H Conditional Use~~

§ 600-201. Zoning Administrator.

Duties. The Zoning Administrator shall:

- (1) Administer this chapter in accordance with its literal terms.
- (2) Be available to register nonconforming lots, uses, and structures, upon request of the owner or lessee.
- (3) Receive and examine all applications required under this chapter.
- (4) Issue or refuse permits after receiving a complete application, except as specifically provided in this chapter.
- (5) Prepare agendas, schedules and information packets for Zoning Hearing Board meetings.
- (6) Receive complaints of violations of this chapter.
- (7) Issue an enforcement notice to any person violating any provision of this chapter, and institute civil enforcement proceedings as a means of enforcing this chapter, as hereinafter set forth.
- (8) Keep records of applications and permits issued for actions of the Zoning Hearing Board, complaints received, inspections made, reports rendered, and notice or orders issued. Such records shall be and are the property of the City, and shall be available for the use of the Zoning Hearing Board, City Council, other City officials and staff, and City residents.
- (9) Make all required inspections and perform all other duties as called for in this chapter.
- (10) Have the authority to enter, at any reasonable hour, any structure, premises or land in the City to enforce the provisions of this chapter, within the limitations of state law. If refused entry, the Zoning Administrator shall have the authority to seek an administrative warrant.

- (11) Complete such other roles as provided in this chapter.
- (12) In accordance with Chapter 308, Housing, of the Code of the City of Reading, as amended, the Zoning Administrator shall be empowered to perform the duties described and imposed herein.
- (13) *Have the authority to enforce the Historic District Ordinance.*

§ 600-408. Applications.

Every application for a variance, special exception or interpretation of a ruling of the Zoning Administrator shall be made in writing on a form prepared by the Zoning Hearing Board. Such application shall be filed with the Board, and shall include the following:

- A. The name, address and signature of the applicant or appellant.
- B. The name and address of the owner of the property.
- C. A brief description and location of the property to be affected by such proposed change or appeal.
- D. A statement of the present zoning classification of the property in question and the present use thereof.
- E. A reasonably accurate description of the new construction, additions or changes intended to be made under this application indicating the size, height and uses of such proposed improvements. A plot plan of the property to be affected, indicating the location and size of the lot and the size of existing and intended improvements, shall be attached to the description. Plot plans shall be clear, legible and accurately drawn to scale.
- G. Submittal of appropriate fees.
- H. Applicants may ask the Zoning Administrator to delay or continue their hearing before the Zoning Hearing Board no later than three (3) days before the date of the hearing and no more than two (2) times if a continuance fee to be established by the Zoning Administrator is paid when the request is made. Third requests for a delay or a continuance must be made to and approved by the Chair of the Zoning Hearing Board.*

§600-416 Appeals

1. All appeals for securing review of this Chapter or any decision, determination or order of this Board or of City Council, or of any of the City's agencies or officers issued pursuant to this Chapter, shall be in conformance with the Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.*
2. Questions of an alleged defect in the process of enactment or adoption of this Chapter or the Zoning Map(s) associated herewith shall be raised by an appeal taken directly from the action of City Council to the Berks County Court of

Common Pleas filed no later than 30 days from the effective date of such ordinance or map.

~~3. No person may file a new zoning application of any type with the Zoning Administrator if there is currently an appeal or litigation relating to any part of the Zoning Ordinance for the same property pending before the Zoning Hearing Board or any of the local, state or federal Court systems.~~

3. No person may file a subsequent zoning application with the Zoning Administrator if there is currently an appeal or litigation relating to the same property pending before the Zoning Hearing Board or any of the local, state or federal Court systems requesting the same or substantially similar relief.

§ 600-1013. Accessory Uses – Creating a new section “Swimming Pools”

- A. All in-ground swimming pools, as defined in § 600-2202, shall conform to all requirements as a structure for the zone in which it is situated, shall be included in computing the lot coverage and shall be in conformance with Chapter 180 Construction Codes.
- B. All above ground pools, as defined in § 600-2202, must be situated in rear yards so as to provide a minimum of three (three) feet open space area around the entire perimeter of the pool
- C. All pools must be enclosed with a permanent barrier or fence not less than four (4) feet in height, such fence having no opening with a dimension greater than four (4) inches on a side (or in diameter in the case of round openings). Walls of buildings may serve as a part of the fence or barrier. Where such pools are of the type having above ground construction, that portion of the pool wall extending above the ground may be included as part of the barrier or fence. Fences shall have a gate, which shall be securely locked when not in use. Above ground pools shall have a ladder or stairway, which can be removed or rendered unusable, and the entrance to the pool shall be capable of being securely closed to a height of four (4) feet. When draining or backwashing swimming pools, water shall not be drained onto other properties without the owner's consent. Hot tubs/spas and inflatable pools in lieu of four (4) foot fence, must have covers that secure to prevent access when not in use.

§ 600-1101. Mid-rise or Low-rise apartments.

When permitted, *low-rise and* mid-rise apartments shall conform to the following:

§ 600-1006. Home Occupations

B. Both major and minor home occupations shall meet the requirements listed in Subsection A above. *A zoning permit is required for both major and minor home occupations; however, the zoning permit for the minor home occupation shall be issued without a fee.* The following additional requirements shall apply to a "minor home occupation":

§ 600-1203. Conditions for Conditional Use.

D. Conversions. This section applies to an existing building where it is allowed by the zoning district regulations to be converted into new dwelling units. ~~*Conversion of a single family property properties into a multi-unit property rentals is not permitted under this act.*~~ *The conversion of an existing one-family detached dwelling, one-family attached dwelling or one-family semidetached dwelling into two or more dwelling units shall be prohibited, as per § 600-803 and 804*

§ 600-1203. Conditions for Conditional Use

K. Student home. ~~The following regulations shall apply to student homes in the *Student Homes in the R-1A, R-1 and R-2 Districts are permitted only in an existing lawful apartment dwelling, as per sections 801, 802 and 803.*~~ In all other districts and in the Institutional Overlay Zone, the student home regulations shall not apply and instead the occupancy of a dwelling shall be regulated by the definition of a "family."

- (1) A student home shall meet the same regulations as apply to the type of dwelling unit, in addition to the student home regulations.
- (2) The owner of any existing student home shall register its location with the Zoning Administrator within one year after the enactment of this chapter.
- (3) ~~Where a student home is lawfully nonconforming because it is occupied by four or more college or university students~~ *at least two (2) with a maximum of three (3) college or university students, Where a property is used for student housing and has been legally established as a nonconforming use,* the use shall only be allowed to continue in such nonconforming manner if the owner registers such nonconformity with the Zoning Administrator within one year after the effective date of this chapter or a zoning amendment that made the use nonconforming.

§ 600-1203. Conditions for Conditional Use

I. Residential Care Facility, Including Group Care Facilities and Group Care Institutions

2. b. No group care facility shall have more than ~~10~~ *nine (9)* residents at any given time, not including live-in supervisors.

§ 600-1705. Signs allowed in Commercial Core and Commercial Residential Districts (CC, C-R).

Window identity signs are permitted in commercial storefronts located in all Commercial Core and Commercial Residential zones given the following conditions:

- (1) Signs on show window glass shall be limited to 30% of the glass area, or 600 square inches, whichever is greater.*
- (2) Temporary signs on window glass (e.g., "sale") shall be limited to 35% of the glass area, or 700 square inches, whichever is greater, for a thirty-day maximum.*

§600-1706. Signs Allowed in the Commercial Neighborhood District (C-N)

F. Private parking lots shall have no signs except for directional signs, warning signs, and one identification sign not exceeding 12 square feet in surface area for each fronting street. Such sign shall be a ground-mounted sign not extending more than 4 feet above ground or a wall sign and shall not extend into the public right-of way. *Retail Stores 1,500 gross square feet or larger that have an onsite, off-street parking lot, that meets the requirements under §600-1603.33 shall be permitted to have one sandwich board sign as defined in §600-1706. I below.*

§600-1706. Signs Allowed in the Commercial Neighborhood District (C-N).

I. In addition to other signs, one sandwich board sign shall be allowed for each lot occupied by a commercial use. Such sign shall not exceed ~~2 feet~~ *32 inches* in width and ~~4 feet~~ *48 inches* in height, shall not obstruct the main pedestrian pathway, and shall be moved inside when the business is not open. In addition:

1. *The height of such signs may not be artificially increased above the allowed maximum by placing material underneath the base of such sign.*
2. *A sandwich board sign may be placed no closer than 150' from another such sign.*
3. *Sandwich board signs must be secured to withstand strong winds and to prevent a roadway hazard.*
4. *No sandwich board sign shall be placed in the public street right-of-way or in any public parking space.*
5. *Sandwich board signs may be used only during the hours when the business is open to the public.*
6. *No sandwich board sign shall be placed so as to obstruct vehicular traffic sight distance triangle requirements.*
7. *All sandwich boards signs shall be constructed of weather resistant material and shall comply with design standards for material and color.*
8. *No sandwich board sign shall contain foil, mirrors, bare metal or other reflective materials which could create hazardous conditions to motorists, bicyclists, or pedestrians.*
9. *No sandwich board sign may contain lights of any kind.*

§ 600-2202. General Definitions

Awning/Canopy – a temporary hood or roof-like cover, often of fabric, metal, or glass, that projects from the wall of a building and designed and intended for protection from weather or as a decorative element that may include a type which can be retracted, folded or collapsed against the face of a supporting building

Group-Care Facility — ~~A household facility of more than three persons, but fewer than 10 persons~~ *no more than nine (9) persons*, other than persons related by blood, marriage, adoption or legal guardianship, who because of their physical or emotional condition or their social or interpersonal skills otherwise would limit, inhibit or prevent their ability to function as useful or productive members of society, are provided supportive services and supervision through a nonprofit social service agency or other established entity. This use is also known as a "group home." This use shall not include a treatment center. See also § 600-1201B.

Institutional Use - An establishment, especially one of an organized society or corporation, which is anticipated to remain in public use, including government-owned administration buildings and offices, fire stations, public hospitals and health care facilities, public schools, colleges and educational research lands. Cemeteries, churches, and other religious facilities not designated in Low Density Residential or Low

Medium Density Residential are included in this land use category. Institutional uses in residential areas will continue as the current use. If an institutional use vacates property in residential areas then the property should be redeveloped as a low density residential use.

Low-rise Apartment – buildings that have no more than forty-six (46) feet containing one or more multi-unit family dwellings, with the dwellings therein leased to occupants for a definite period of time of at least 30 days.