



# *CITY COUNCIL*

## ***Evidentiary Hearing***

**Zoning Amendment  
Re Conditional Use Process  
Monday, March 23, 2015  
5:00 p.m.**

**Bill No. 13-2015** - Amending the Zoning Ordinance, Chapter 27, §27-1204 C providing for Conditional Use applications and procedures eliminating the ability of the City and property owner to waive a decision made by City Council. ***Introduced at the February 23 regular meeting; Advertised March 9<sup>th</sup> and March 16<sup>th</sup>; Public Hearing March 23<sup>rd</sup> at 5 pm***

### **I. Testimony from City Staff**

During the hearing process, applicants are cautioned not to address the Administrative staff present but to make their presentation directly to City Council. The applicant may ask the President of Council or the Hearing Master to relay a question to Administrative staff.

- **Council's Cross Examination**

### **II. Testimony from City Staff (No more than 10 minutes)**

- **Zoning Administrator**
- **Planning Commission**
- **Council's Cross Examination**

### **III. Other Testimony and Evidence**

### **IV. Public Comment (No More than 3 minutes per speaker)**

### **V. Rebuttal by Applicant (No more than 5 minutes)**

### **VI. Announcement of expected date of decision**

City Council will render a decision at the regular business meeting scheduled for Monday, March 23<sup>rd</sup>.

## VII. Adjourn

Drafted by	City Clerk
Sponsored by/Referred by	City Council
Introduced on	February 23, 2015
Advertised on	March 9 <sup>th</sup> , March 16 <sup>th</sup> , 2015

**BILL NO. \_\_\_\_\_-2015**  
**A N O R D I N A N C E**

**AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 27, §27-1204 C PROVIDING FOR CONDITIONAL USE APPLICATIONS AND PROCEDURES ELIMINATING THE ABILITY OF THE CITY AND PROPERTY OWNER TO WAIVE A DECISION MADE BY CITY COUNCIL.**

**SECTION 1.** Amending the City of Reading Codified Ordinances Chapter 27, Zoning Section §27-1204 C Conditional Use Applications and Procedures as follows:

**§27-1204 Conditional Use Applications and Procedures.**

- C. If the Zoning Administrator has determined that the conditional use sought is one which is specifically authorized as a conditional use in the Zoning District wherein the applicant's property is located, one copy of the Application shall be forwarded to the City Planning Commission for its review; one copy shall be retained by the Zoning Administrator and one copy shall be forwarded to the City Clerk for review by City Council or its designated member or independent attorney appointed as a hearing officer pursuant to 53 P.S. § 10913.2.
1. The application shall be reviewed at one (1) or more advertised hearings of City Council or its designated hearing officer with the initial hearing being commenced within sixty (60) days of receipt of the completed application, unless the applicant agrees in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing. The City Council shall either approve or disapprove the application in writing within forty-five (45) days after the date of the

final hearing. If a hearing officer is so designated and appointed by City Council the hearing officer shall submit written findings and recommendations to City Council in sufficient time to permit a decision by Council or findings, where no decision is called for, within the allotted time for decision as provided herein.

2. Notices of all hearings shall be given in accordance with the requirements of Section 410 A. of this Chapter (§27-410)
3. The hearing shall be conducted by the designated hearing officer or City Council in accordance with the same procedures and safeguards as those specified in Section 410 D. through L of this Chapter (§27-410)
4. The Decision and/or Findings of City Council shall be made in accordance with the same requirements as those set forth for the Zoning Hearing Board in Section 412 of this Chapter (§27-412).
5. Notice of the Decision and/or Findings by the hearing officer or City Council shall be made in accordance with the same requirements as those set forth for the Zoning Hearing Board in Section 413 of this Chapter (§27-413)
6. In the case of a proposed Conditional Use that may be subject to additional regulation and control by State or Federal regulation(s) or statute(s), City Council may defer a final decision for up to 30 additional days or longer upon receipt of written request therefor from the applicant.
- ~~7. In cases where a hearing officer is appointed the applicant, in addition to the City, may, prior to the decision of City Council, waive decision or findings by City Council and accept such decision or findings of the hearing officer as final.~~
8. The granting of permission to conduct a Conditional Use does not exempt the applicant from acquiring all approvals required by the Subdivision and Land Development provisions of the City of Reading Consolidated Code.
9. All appeals from the Decision of City Council shall be made in compliance with the provisions of the Pennsylvania Municipalities Planning Code, as amended.

**SECTION 2.** All other parts of the Ordinance remain unchanged.

**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 \_\_\_\_\_, 2015

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

Attest:

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City Clerk

*(Council Office)*

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

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

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

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

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

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

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

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