

Public Hearing
Tuesday, July 20, 2010
New Zoning Ordinance and Zoning Map
Council Chambers

Vaughn D. Spencer, President of Council, called the hearing to order at approximately 5:15 p.m.

Purpose

Council President Spencer announced that the purpose of this public hearing is to obtain public comment on the provisions of the newly proposed zoning ordinance and zoning map.

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 for 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.

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 complies with the City ordinances. Also, conditions can be placed upon any approval, such as conditions to protect public safety.

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.

Attendance

Council President Spencer

Councilor Marmarou

Councilor Reed

Councilor Sterner

Councilor Waltman

Councilor Acosta

City Clerk Linda Kelleher

Legal Specialist Michelle Mayfield

Consultant C. Schmehl, URDC

City Planner A. Miller

Zoning Administrator J. Guckin

Council President Spencer introduced Charlie Schmehl from URDC, who was retained as a consultant to assist the City in the preparation of the new zoning documents, the SALDO and the City’s Official Map. Mr. Schmehl noted that the City obtained a grant from the DCED to fund this project. He noted that copies of the Institutional Zone overlay map and a summary of the ordinance are available. He also stated that a full copy of the ordinance is available on the City’s website, along with hard copies at the Reading Public Library, Law Library and the Reading Eagle. He also stated that the City and County Planning Commissions have reviewed the zoning ordinance. Any major changes would require a new review by both Planning Commissions.

Mr. Schmehl highlighted some of the major ordinance provisions such as:

- The new ordinance deters further conversion of single family properties into multi family rentals.
- The new ordinance and map creates an Institutional Overlay Zone for the colleges, hospital, museum and the Navy Marine parcel located on Kenhorst Blvd.
- The new ordinance adds controls on excessive lighting and noise, adds new regulations for pawn shops, gaming uses and treatment centers and moves adult uses to the HM (Heavy Manufacturing) zoning district.
- The new ordinance controls the size of billboards, controls setbacks and lighting and limits the placement of new billboards in only the Municipal and Manufacturing Commercial zones.

Mr. Schmehl stated that overall the new ordinance targets concerns identified by a variety of officials and individuals and make the application process easier in some areas and more difficult in others. For example, the new ordinance eases the regulations in the business districts but provided more stringent controls on various uses in low density residential zones.

Public Comment

Council President Spencer opened the floor for public comment.

Alan Shuman, of North 5th Street, expressed his support of the new ordinance but requested clarification on the restriction on the ability of privately owned parking lots to provide public parking.

Mr. Schmehl explained that the Zoning Committee discussed this issue at length over several sessions and decided that privately owned parking lots should not compete with the Reading Parking Authority but could use private lots to serve their own permitted use with some limitation. The Committee also desired to limit the demolition of historic buildings in the downtown.

Mr. Shuman suggested that a definition of historic building be added to the new ordinance.

William Vitale, of Hill Rd, agreed with the need to add the definition of historic building in the zoning ordinance. He also expressed his belief in the need for the City to retain its urban character and deter de-densification. He also suggested improving the definition of non-conforming use. Mr. Schmehl explained that language for non-conforming use has been updated.

Council President Spencer closed the Public Comment period as no other citizens were registered to speak.

Staff Comment

City Planner Miller stated that the Planning Commission reviewed the new ordinance and approved it. He also expressed his belief in the process used to draft the proposed ordinance and in the end product. He added that the new ordinance will only be as good as those who enforce it.

Legal Specialist Mayfield noted that the Planning Commission approved the new zoning ordinance in June and only modified it by removing Kelchner Field from the Institutional overlay zone.

Zoning Administrator Guckin also noted her satisfaction with the end product. She stated that the new ordinance properly corrects and adds clarity to a number of irregularities in the current ordinance.

Legal Specialist Mayfield stated that the DCED funded the consultant. A Zoning Committee was formed by City Council. The committee, composed of City staff, members of the Planning Commission, Zoning Hearing Board and general citizens met monthly over the past 1 ½ years to draft the new ordinance.

Councilor Acosta stated that the Reading Berks Conference of Churches has concerns with the definition of “church” in the ordinance. He suggested addressing these concerns before enacting the ordinance.

Legal Specialist Mayfield stated that making changes at this point would require new review by the Berks County and City Planning Commissions and would start a rather lengthy amendment process.

City Clerk Kelleher suggested enacting the ordinance as is and making follow-up amendments separately.

Mr. Schmehl agreed noting that a member of the Zoning Hearing Board also asked for some changes. Apart from editorial changes, his suggestions could also be considered with those requested by the Reading Berks Conference of Churches.

Mr. Schmehl also explained the committee’s work to consider and address the application of privately owned parking facilities in the downtown. The committee felt strongly that these privately owned facilities should not compete with the Reading

Parking Authority, for obvious reasons.

Councilor Reed inquired if that provision could be challenged. Mr. Schmehl replied that that provision, as well as many other provisions of the new ordinance could be challenged.

Legal Specialist Mayfield stated that this hearing was held pursuant to advertisement in the Reading Eagle on July 9th and July 12th. Notice of Council's intent to vote on the new ordinance was advertised July 17th and 19th and copies of the new ordinance were posted at the Reading Eagle, Berks County Law Library and the Reading Public Library. She noted receiving written communications from the City and Berks County Planning Commissions, and Lamar Advertising.

Council President Spencer stated that Council will consider the enactment of the new zoning ordinance and zoning map at the regular business meeting scheduled for Monday, July 26, 2010.

The hearing adjourned at approximately 5:50 p.m.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk