ORDINANCE 47 - 2010

AN ORDINANCE REPEALING AND ENACTING THE CITY OF READING ZONING ORDINANCE AND ZONING MAP, CHAPTER 27 OF THE CITY OF READING CODIFIED ORDINANCES AS ATTACHED AS EXHIBIT A.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Repealing and enacting the City of Reading Zoning Ordinance and Zoning Map, Chapter 27 of the City of Reading Codified Ordinances as attached as Exhibit A.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted July 26, 2010

Vaughn D. Spencer /s/

_____

President of Council

Attest:

Linda A. Kelleher /s/

_____

City Clerk

(Council Office)

LAK 7-27-10

Submitted to Mayor: _____

Date: _____

LR 7-27-10

Received by the Mayor's Office: _____

Date: _____

TMM 7-27-10

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

CHAPTER 27

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ZONING MAP

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PART 1
SHORT TITLE, PURPOSES AND INTERPRETATIONS

§27-101. Short Title.

This Chapter shall be known and may be cited as the "City of Reading Zoning Ordinance" of 2010, as amended.

§27-102. Intent.

The intent of this Chapter is to establish a precise set of policies and regulations for the use of land and structures in the City of Reading (hereinafter referred to as the "City"). This Chapter is enacted to promote and to protect the public health, safety, comfort, convenience, and general welfare of the people in accordance with the Pennsylvania Municipalities Planning Code, as reenacted and amended, and to implement and foster policies that are generally consistent with the adopted City of Reading Comprehensive Plan.

§27-103. Purposes.

The purposes of this Chapter are:

A. To protect the established character and the social and economic well being of both private and public property.
B. To promote, in the public interest, the utilization of land for the purposes for which it is most appropriate.
C. To prevent loss from fire, panic or other danger.
D. To provide adequate light and air.
E. To provide convenience of access.
F. To prevent overcrowding of land and buildings.
G. To avoid undue concentration of population.
H. To lessen and, where possible, to prevent traffic congestion on public streets and highways.
I. To preserve and enhance the value of buildings and land.
J. To preserve and enhance the visual character and natural beauty of the City.
K. To minimize the impact incompatible uses have on individual neighborhood character.
L. To carry out goals, policies and recommendations in the Berks County Comprehensive Plan.
M. To serve the authorized purposes for zoning regulations as provided in the Pennsylvania Municipalities Planning Code, as amended.
N. To serve the purposes provided for each zoning district.
O. To carry out the purposes of the Pennsylvania Floodplain Management Act, as amended.
P. To carry out the City of Reading and Berks County Comprehensive Plans.

§27-104. Interpretation.

The provisions of this Chapter shall be construed to be the minimum requirements necessary to serve the community development objectives of the City of Reading. Where the provisions of this Chapter impose greater restrictions upon use or development or higher standards regarding a specific matter than those of any statute, ordinance or regulation, the provisions of this Chapter shall govern, except where the provisions of this Chapter do not have jurisdiction. Where the provisions of any statute, other

ordinance or regulation impose greater restrictions upon use or development or higher standards than those enumerated in this Chapter, the provisions of such statute, ordinance or regulation shall govern.

§27-105. Applicability to City.

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.

§27-106. Validity and Severability.

If any Section, subsection, sentence, clause or phrase of this Chapter or amendment thereto is for any reason held to be unconstitutional, unenforceable or invalid, such decision shall not affect the remaining portions of the Chapter. The Reading City Council (hereinafter referred to as "City Council") hereby declares that it would have passed this Chapter and each remaining Section and subsection and amendment thereof irrespective of the fact that any one or more of its Sections, subsections, clauses, phrases or amendments may be found to be unconstitutional or otherwise invalid.

§27-107. Curative Amendments.

Provisions of the Pennsylvania Municipalities Planning Code shall apply. As of the enactment date of this Ordinance, such provisions included §§609.1 and 609.2 of such Code..

§27-108. Repealer.

All previous zoning ordinances or parts of zoning ordinances of the City of Reading are hereby expressly repealed in their entirety.

§27-109. Applicability to Utilities.

This Chapter shall apply to utilities that are not owned or operated by the City of Reading, except as provided in Section 619 of the Pennsylvania Municipalities Planning Code and except that public utility poles, lines and pipes are not regulated by this Article.

PART 2
ENFORCEMENT AND ADMINISTRATION

§27-201. Zoning Administrator.

A. **Appointment**. This Chapter shall be administered and enforcement actions undertaken by an agent of the City to be appointed by the Mayor, with the approval of City Council; who shall be known as the Zoning Administrator. The terms "Zoning Administrator" and "Zoning Officer" shall have the same meaning. The Director of the Department of Community Development, or his / her successor, may designate a City employee or employees to serve as Assistant Zoning Officer(s) who shall exercise all the powers of the Zoning Administrator at such times or for such matters as the Zoning Administrator indicates and/or during the absence of the Zoning Administrator. Such Assistant Zoning Officers shall include the Zoning Inspector and Zoning Technician or their successor positions.

B. **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 leasee.
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.

C. **Conflicts**. The Zoning Administrator shall not hold any elective office within the City.

D. **Qualifications**. The Zoning Administrator shall demonstrate a working knowledge of municipal zoning and shall meet all qualifications established by the Mayor and City Council.

E. **Limitations of Authority**. The Zoning Administrator shall not have the power to permit any construction, use or change of use that does not conform to this Chapter.

F. **Stop Work Orders**.

1. Upon notice from the Zoning Administrator that work on or use or occupancy of any structure, sign, land or premises is conducted contrary to the provisions of this Chapter, the Zoning Administrator may require that such work shall be stopped immediately. The stop work order shall be served to the owner of record of the property, or to the designated owner's agent, by certified mail and be posted on the property.
2. Any person who authorizes or continues any work, use or occupancy in or about any structure, sign, land or premises after having been served with a stop work order, except such work as is directed by the City to be performed, shall be in violation of this Chapter and subject to the penalties as set forth in §27-206 hereof.
3. Any person who has been served with a stop work order or discontinues or abandons work shall not leave any structure, sign, land or premises in such condition as to be hazardous to the public health, safety and welfare. In the event any structure, sign, land or premises is abandoned or left in a condition which, in the opinion of the Zoning Administrator, constitutes a hazard to the public health, safety and welfare, the Zoning Administrator may declare the same to be a nuisance. Such hazard shall thereafter be abated as permitted by statute or ordinance.

G. **Relief From Personal Responsibility**. The Zoning Administrator or any employee charged with the enforcement of this Chapter, while acting in such capacity, shall not be personally liable for any actions, effects, consequences or results undertaken in furtherance of the provisions of this Chapter. Additionally, the Zoning Administrator shall be indemnified against any cost and/or damage occurred as a result of the execution of his or her official duties. Any suit instituted against the Zoning Administrator or any employee because of an act performed in the lawful discharge of his or her duties pursuant to the Chapter in good faith and without malice shall be defended by the legal representative of the City and all costs associated with such action or actions shall be borne by the City.

§27-202. Finances and Fees.

A. City Council shall appropriate from general funds monies to finance the preparation, administration and enforcement of this Chapter, to finance the work of the Zoning Hearing Board, and to support or oppose, upon appeal to the courts, decisions of the Zoning Hearing Board. For the same purposes, City Council may accept gifts and grants of money and services from private sources and from County, State and Federal governments which are not prejudicial to the fair and impartial enforcement and administration hereof.

B. City Council shall prescribe reasonable fees to be charged with respect to the administration of this Chapter and all applications filed hereunder.

§27-203. General Administrative Procedures.

A. All persons or entities desiring to undertake any new construction, structural or site alteration, razing, grading or changes in the use of a structure or lot shall apply to the Zoning Administrator for a zoning permit by completing the appropriate application form and by paying all required fees. No application shall be accepted or deemed complete until all forms, materials and plans are filed and any fees are fully paid.

B. The Zoning Administrator shall as applicable: a) issue the zoning permit; b) require submittal of additional information; c) refuse the permit, indicating in writing the reason therefore; and/or d) defer his or her decision until such time as the required approvals of City Council or the Zoning Hearing Board are rendered.

C. If a request for a permit is denied or deferred, or a determination is made by the Zoning Administrator, the applicant may appeal that action to the Zoning Hearing Board in accordance with the provisions of this Section.

D. Until a permit is issued, no construction shall be undertaken, and any construction that has occurred prior to the issuance of the permit shall, if requested by the Zoning Administrator, be removed.

E. If a permit has been issued, the action proposed may be undertaken. It is recommended, however, that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit or approval revoked.

F. Prior to occupancy, the applicant shall apply to the Building Inspector for a Certificate of Occupancy (where such is required under the Construction Codes).

§27-204. Enforcement Notice.

A. If it appears to the Zoning Administrator that a violation of any provision of this Chapter has occurred, an investigation shall occur. The Zoning Administrator shall then initiate enforcement proceedings against a violation by sending an enforcement notice as provided in this Section. Prior to sending a formal Enforcement Notice, the Zoning Administrator may seek compliance in a less formal manner.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to a known occupant involved in a violation (if different from the owner), or to any person who has filed a written request to receive enforcement notices regarding that property.

C. An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person known by the Zoning Administrator to be involved in the violation.
2. The location of the property in violation.
3. The specific violation(s), with a description of the requirements that have not been met, citing in each instance the applicable provisions of this Chapter.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal in writing to the Zoning Hearing Board within 30 days of receipt of the notice.

D. Any person who authorizes or continues any work, use or occupancy in any structure, sign, land or premises after having been served with an enforcement notice, except such work as is directed by the City to be performed, shall be in violation of this Chapter and subject to the remedies set forth in §27-205 and §27-206 hereof.

E. Any person who has been served with an enforcement notice or discontinues or abandons work shall not leave any structure, sign, land or premises in such condition as to be hazardous to the public health, safety and welfare. In the event any structure, building, sign, land or premises is abandoned or left in a condition which, in the opinion of the Zoning Administrator, constitutes a hazard to the public health, safety and welfare, the Zoning Administrator may declare the same to be a nuisance. Such hazard shall, thereafter, be abated as permitted by statute, ordinance or law.

F. In any appeal of an enforcement notice to the Zoning Hearing Board, the City shall have the responsibility of presenting its evidence first.

G. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the City if the Zoning Hearing Board or any court in a subsequent appeal rules in the appealing party's favor.

§27-205. Causes of Action.

In the event any structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provision of this Chapter, the City, through its designated staff, or any aggrieved owner or tenant of real property who can show that his or her property or person will be substantially affected by the alleged violation, may institute any appropriate legal, equitable or otherwise, action or proceeding to prevent, restrain, correct or abate such building, structure, or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Zoning Administrator with a copy of the complaint thereon. No such action may be maintained until such notice has been given.

§27-206. Enforcement Remedies.
Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding, pay a judgment of not less than $100, and not more than $500, plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the City of Reading. This Article does not authorize imprisonment.

PART 3
PERMITS AND CERTIFICATES

§27-301. Zoning Permit.

A. **Scope**.

1. No person shall commence to erect, alter or convert any structure, building, lot or sign, nor alter the use of any land or structure until the Zoning Administrator has reviewed such change or construction and has issued a zoning permit or has determined that a permit is not required. Repairs and renovations (such as painting) shall not require Zoning Administrator review.
2. Zoning Permit Required. A Zoning Permit indicates that a zoning application complies with this Ordinance to the best knowledge of the applicable municipal staff.
   a. A Zoning Permit is required to be issued prior to the start of any of the following activities:
      1) Erection, construction, movement, placement or expansion of a structure, building or sign,
      2) Change of the type of use or expansion of the use of a structure or area of land,
      3) Creation of a new use,
      4) Demolition of a building,
      5) Establishment of mineral extraction or an outdoor business storage area,
      6) Construction or expansion of a vehicle parking area, and/or
      7). Increase the number of dwelling units or boarding house units.
3. No person shall expand or change a nonconforming use, nor add to a nonconforming structure, nor change the use of land on which a nonconforming use or structure is situated, until the Zoning Administrator issues a zoning permit authorizing such activity.

B. **Types of Uses**.

1. A zoning permit for a permitted by right use may be issued by the Zoning Administrator.
2. A zoning permit for a use requiring a special exception or variance shall be issued by the Zoning Administrator only upon the written order of the Zoning Hearing Board after a hearing.
3. A zoning permit for a conditional use shall be issued by the Zoning Administrator only upon the written order of the City Council following a review by the Planning Commission.

C. **Application**.

1. **Form**. All applications for a zoning permit shall be in writing on a form provided by the Zoning Administrator and shall be submitted to the Zoning Administrator, together with the required fee.
2. **By Whom Applications Are Made**. All requests for permits shall be made in writing by the legal or equitable owner of the subject property or their authorized agents or appointees. The applicant shall execute an affidavit through which he/she states that he/she is authorized to make the application pursuant to this Section.
3. **Review**. The Zoning Administrator may submit a copy of any plan and application to any appropriate agency and/or individual (such as Planning Commission, Department of Public Works, etc.) for review and comment.

D. **Plans and Specifications**. Requests for zoning permits shall be accompanied by two copies of a plot plan that shall conform to the following requirements:

1. Drawn to the scale 1 inch = 20 feet, 1 inch = 50 feet, or a scale deemed appropriate by the Zoning Administrator.
2. Show the size and location of all new construction, as well as the location of all existing buildings, structures and signs.
3. Show the dimensions and area, in square feet, of the lot and buildings situated thereon.
4. Show the distance of all lot lines to the building setback line.
5. Show the location of all adjacent streets, alleys and rights-of-way.
6. Show all proposed and existing parking and loading areas with any proposed storm drainage facilities.
7. Describe adjacent land uses.
8. Show all required buffer zones and/or landscape areas.

E. **Conditions of Permit**. The Zoning Administrator shall not issue a zoning permit unless the following conditions have been met or are satisfied:

1. The use, building, structure or lot conform to the provisions of this Chapter, except for:
   (a) Variances to this Chapter granted or special exceptions allowed and approved by the Zoning Hearing Board as here in before set forth.
   (b) Legal nonconforming buildings or uses existing prior to the enactment of this Chapter.
2. Written approval, where required, from the Zoning Hearing Board with all conditions required.
3. Written statement from the Zoning Administrator that the conditions as listed in the Zoning Hearing Board's written approval have been met, satisfied or are substantially complete.
4. All applications and documents have been revised in accordance with the conditions of any approval given by the Zoning Hearing Board.

F. **Issuance**.

1. The Zoning Administrator shall issue or refuse an application for a zoning permit for a use permitted by right after receiving a complete application except as specifically provided for in this Chapter.
2. A zoning permit shall be issued in at least triplicate.
3. One copy shall be conspicuously posted by the applicant on the premises. No person shall perform development, construction or renovation activities regulated by this Ordinance of any kind unless a zoning permit is being displayed as required by this Chapter.
4. After the issuance of a zoning permit by the Zoning Administrator, no changes of any kind shall be made to the application, permit, plans, specifications or other documents submitted with the application without the written consent of the Zoning Administrator.

G. **Compliance With Permit**. All work to or any use of any building, structure, sign or land shall conform to the approved application and plan for which the zoning permit was issued and any approved amendments thereto. The permit shall not be construed as authority to violate, cancel or set aside the provisions of this or any other ordinance unless otherwise expressly stated upon the zoning permit.

H. **Duration of Permit**.

1. A zoning permit shall be valid until such time as there is a change in use, condition, owner or lessee for which the permit was originally issued, except where the duration of the use or building is limited by action of the Zoning Hearing Board or provisions of this Chapter or any amendment thereto.
2. A zoning permit shall be deemed invalid 12 months after its date of issuance if the authorized work fails to commence within such time or, if the authorized work is suspended or abandoned for a period of 12 months or more after commencing the work. The Zoning Administrator may grant one or more extensions of time for additional periods not exceeding 6 months each, based upon an applicant's request. Upon expiration or invalidation of the zoning permit, all other permits issued thereon shall become invalid.
3. Where the duration of the use or building has been limited by action of the Zoning Hearing Board or provisions of this Chapter, or any amendment thereto, the life of the zoning permit shall be equally limited. In the event that a variance has been granted or other action has been authorized by the Zoning Hearing Board, the applicant shall secure the necessary permits and commence the authorized action, construction or alteration within 12 months of the final action of the Zoning Hearing Board. The applicant may request, in writing, extensions of the 12 month period stating the reasons for delay. Unless the Zoning Administrator finds such reasons for delay justifiable, it may refuse to extend the 180-day period and may, after expiration of said 180-day period, rescind or revoke the granted variance, authorization and permit.

§27-302. Certificates of Occupancy.

A. **Certificate Requirement**. It shall be unlawful to use or occupy any structure, building, sign or land, or portion thereof, for which a permit is required herein until a certificate of occupancy for such structure, building, sign, use or land or portion thereof has been authorized by the City.

B. **Application**. The application for a certificate of occupancy shall be in such form as the Building Inspector may prescribe. The application shall set forth the intended use or occupancy of any structure, building, sign or land or portion thereof, for which a permit is required herein.

C. **Inspection**. The Zoning Administrator may inspect any structure, building or sign for conformity and compliance with the work listed in the issued permit and all other pertinent laws. No certificate of occupancy shall be issued if the Zoning Administrator has determined that the structure, building or use does not conform to the provisions of this Chapter.

D. **Maintenance of Permit**. The certificate of occupancy or a true copy thereof shall be kept available for official inspection at all times.

§27-303. Temporary Certificate of Occupancy.

A. A temporary Certificate of Occupancy may be secured from the Building Inspector when it is necessary to continue a pre-existing activity during modification, alteration or expansion of a building. A temporary Certificate of Occupancy may also be secured when it is necessary to occupy a portion of a large building or project before the entire building or project is completed.

B. The permit shall indicate that the portion occupied complies with the terms and the intent of the zoning permit and with the provisions of this Chapter and any other applicable codes or regulations.

C. The Zoning Administrator may deny approval of a temporary Certificate of Occupancy if it is apparent that the intended occupants or the general public will be subject to hazards that may result from the continued construction activity or any other cause.

D. A temporary Certificate of Occupancy shall be reviewed whenever conditions for which it was issued change.

E. Temporary Certificates of Occupancy automatically terminate when the final Certificate of Occupancy is issued, or when the time period on such certificate expires.

§27-304. Denial and Revocation of Permits and Certificates.

A. A request for zoning permits or certificates of occupancy shall be denied if the information submitted therewith is incomplete, erroneous or otherwise unsatisfactory, or if the application fee is not remitted in full.

B. Revocation.

1. The Zoning Administrator shall have the authority to revoke a zoning permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
   a. any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
   b. upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance or imposed by City Council upon a conditional use;
   c. any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application;
   d. if the applicant has used the premises for felony criminal activity;
   e. if the Zoning Administrator becomes aware that a zoning permit was mistakenly issued in violation of this Zoning Ordinance; and/or
   f. for any other just cause set forth in this Ordinance.

2. Prior to the effective date of a revocation of a permit or approval, an Enforcement Notice shall be first provided to the applicant, and the applicant shall be notified that they have a right of appeal to the Zoning Hearing Board.

3. The Zoning Administrator shall also have the authority to withhold or suspend a zoning permit or other approval under this Ordinance if one of the conditions exist that are listed in subsection "B.1." above until such time as the applicant shows they have resolved a violation or inaccuracy.

§27-305. Continuance of Existing Permits.

The enactment of this Chapter or amendment shall not require a change in plans, construction or designated uses for which a zoning permit has been issued prior to this enactment or amendment if construction has commenced within 6 months, construction is diligently continued, and the entire building or use shall have been completed within the life of the permit or authorized renewals thereof. In the event that construction has not begun within 6 months or is not diligently prosecuted or is not completed within the life of the permit or any authorized renewal, the permit shall lapse and the construction shall be subject to the zoning regulations existing at the time of said lapse, unless otherwise provided under State law.

§27-306. Records.

It shall be the duty of the Zoning Administrator to keep a record of all applications for zoning permits, and records of all known registered nonconforming uses. The Zoning Administrator shall file and safely keep copies of all plans submitted which shall form a part of the records of his or her office. All records and permits issued shall be available for public inspection at reasonable times.

§27-307. Certificate of Nonconforming Use or Structure.

A. The owner of a premises occupied by a lawful nonconforming use or structure may secure a certificate of nonconforming use or structure from the Zoning Administrator, after providing evidence that it is a lawful nonconformity.

B. Such certificate shall be authorized by the Zoning Administrator and shall certify to the owner his or her right to continue such nonconforming use or structure, within the applicable limits of City ordinances and statutory and Pennsylvania case law.

C. Copies of certificates shall be maintained by the Zoning Administrator in accordance with the provisions of §27-306 hereof.

§27-308. Report.

The Zoning Administrator should prepare an annual report by March 31 for City Council summarizing all zoning transactions, all complaints of alleged violations, and any action taken regarding violations.

PART 4
ZONING HEARING BOARD

§27-401. Continuation.

The Zoning Hearing Board ("Board") created and existing at the time of adoption of this Chapter shall continue under and in accordance with the provisions of this Section. Matters pending before the Board at the time this Chapter becomes effective shall continue, and be completed under the Zoning Ordinance in effect at the time the Board took jurisdiction of said matters.

§27-402. Membership and Filling of Vacancies.

The members of the Board shall consist of five members who are residents of the City appointed by the City Council. Their terms of office shall be 5 years and shall be so fixed that the term of office of no more than one member shall expire each year. The Board shall promptly notify the City Council of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members and alternate members of the Board shall hold no other elected or appointed office in the City and shall not be an employee of the City. The Zoning Administrator or designee shall serve as the non-voting Secretary to the Board. Newly appointed Board members should attend a minimum of 4 hours of zoning training within the first year of appointment. All Board members should participate in at least one zoning class or seminar during each 2-year period.

§27-403. Alternate Members.

City Council may appoint by resolution at least one, but not more than three, residents of the City to serve as alternate members of the Board. The term of office of an alternate member shall be 3 years. When seated pursuant to the provisions of this Section, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other office in the City. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to §27- 405.C. hereof. On the resignation of a voting member of the Board, an alternate member shall automatically become a voting member, in order of his or her appointment, to the unexpired term of the member who resigned.

§27-404. Removal of Members.

Any member or alternate member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of City Council taken after the member has received 15 days advanced written notice of the intent to take such vote. A public hearing shall be held in connection with the vote if the member shall request the same in writing.

§27-405. Organization.

A. The Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.

B. For the conduct of any hearing and taking of any action, a quorum shall be not less three voting members of the Board.

C. If, by reason of absence or disqualification of a member, a quorum is not possible, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. An alternative may also serve as may be otherwise allowed under the Pennsylvania Municipalities Planning Code. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

D. The Board may make, alter and rescind rules and forms, for its procedure, consistent with all applicable City ordinances and laws of the Commonwealth.

E. The fees for all proceedings, hearings and actions by the Board shall be paid by the applicant.

F. The Board may appoint a hearing officer from its own membership to conduct any hearing on its own behalf, and the parties may waive further action by the Board as provided in §27-410(H).

G. The Board shall keep full public records of its business and should submit a report of its activities to the City Council at least once a year.

§27-406. Zoning Hearing Board Functions.

The Zoning Hearing Board shall be responsible for the following:

A. **Appeals from the Determination of the Zoning Administrator**.
   1. The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Administrator has failed to follow prescribed procedures, failed to grant or deny a permit, failed to act on an application for a permit, failed or refused to register a nonconforming building, lot, structure or sign, has improperly issued a cease and desist order, or has misinterpreted or misapplied any valid provision of this Chapter.
   2. All appeals that allege that the Zoning Administrator has made an error shall be filed directly with the Secretary of the Board within 30 days of the Zoning Administrator's alleged error.
   3. Such appeals shall be in writing, shall explain fully the facts, parties in the case, and shall clearly state the reasons or provisions of the Part on which the appeal is based.

B. **Challenges to the Validity of this Chapter or Map**.
   1. The Board shall hear substantive challenges to the validity of any land use ordinance, except those brought before City Council pursuant to §§609.1 and 916.1(a)(2) of the Municipalities Planning Code, as amended.
   2. The Board shall hear challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.
   3. Within 45 days, the Board shall decide all contested questions and shall make findings on all relevant issues of fact, which shall become part of the record on appeal to the Court.

C. **Other Appeals**.

1. The Board shall also hear appeals from a determination by the Department of Public Works or Zoning Administrator with reference to the administration of the City floodplain ordinance.
2. The Board shall also hear appeals regarding the administration of any transfers of development rights.
3. The Board shall also hear appeals from the determination of the Zoning Administrator or Department of Public Works in the administration of any ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving the provisions of the City of Reading Subdivision and Land Development Ordinance [Chapter 22].
4. The Board shall also hear appeals from any Zoning Administrator's determination made under §916.2 of the Municipalities Planning Code, as amended.

D. **Variances**.

1. The Board may hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant.
2. The Board may grant a variance only if all of the following conditions, where relevant, are determined to exist:

   (a) There are unique physical circumstances or conditions (including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Part in the neighborhood or district in which the property is located.

   (b) Because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

   (c) Such unnecessary hardship has not been created by the appellant.

   (d) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

   (e) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
3. In granting any variance, the Board may attach such reasonable conditions and safeguards, as it may deem necessary, to implement the purposes of this Part.

E. **Special Exceptions**.

1. The Board shall hear and decide requests for all special exceptions filed with the Board in writing by any landowner (or any authorized agent) as provided in this Part and in accordance with such standards and criteria contained in this Chapter.
2. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes and intent of this Chapter.
3. Special exception use standards are provided in Sections 27-1201 and 27-1202.

F. **Conduct of Hearings**. The Zoning Hearing Board ("the Board") shall conduct hearings and make decisions in accordance with the provisions of §27-410 hereof and of the Municipalities Planning Code, as amended.

G. **Reporting Requirements**. The Board shall keep full public records of its business, which is the property of the City, and shall submit an annual report of its activities to the City Council.

H. **Court Appeals**.
   1. In the case of an appeal from the Board to the Court of Common Pleas, the Board shall make the return or file the certiorari required by law, and shall promptly notify the City Solicitor of such appeal and furnish him with a copy of the return including the transcript of testimony.
   2. Any decision of the Board not appealed within 30 days after notice thereof shall be final, unless otherwise provided under State law.

§27-407. Expenditures for Services.

Within the limitations budgeted by City Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. The members of the Board may receive compensation for the performance of their duties as may be fixed by City Council.

§27-408. 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.
F. Submittal of appropriate fees.

§27-409. Time Limitations, Persons Aggrieved.

The time limitations for raising certain issues and filing certain proceedings with the Board shall be the following:

A. No person shall be allowed to file any proceeding with the Board later than 30 days after any application for development, preliminary or final, has been approved by the appropriate City officer, agency or body pursuant to §914.1 (a) of the Municipalities Planning Code, as amended.
B. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

§27-410. Hearing Procedures.

The Board shall conduct hearings and make decisions in accordance with the following:

A. **Notice of Hearings**. Notice of all hearings of the Board shall be given as follows:
   1. **Advertisement**.
      (a) Notice to the public shall be published once each week for 2 successive weeks, in a newspaper of general circulation in the City.
      (b) The first publication shall not be more than 30 days and second publication shall not be less than 7 days from the date of the hearing.
      (c) The Notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
   2. **Posting**. Written notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
   3. **Notification Requirements**. The Board shall give public notice of all matters to be heard at any given hearing and shall give written notice to the owner, appellant, Mayor, City Council, to the governing body of any municipality located within 500 feet of the property at issue, and to all other interested parties who have registered their names and addresses in writing with the City for notices on such matter.
      (a) Notice shall also be provided to the last known primary owner of every lot that is abutting, directly across the street or at least partially within 100 feet of the lot in question. However, failure of such notice to be provided shall not delay or negate the hearing and the decision and shall not be a grounds for appeal.
      (b) The notices herein required shall state the location of the building or lot, the general nature of the question involved and the time and place of the hearing.

B. **Fees and Costs**. City Council may establish by resolution a reasonable fee schedule to be paid by the applicant.

C. **Time Constraints**. The first hearing shall be held before the Board or Hearing Officer within 60 days from the date of receipt of the applicant's complete application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record.

D. **Persons Entitled to Present Appeals before the Board**. An appeal of the decision of the Zoning Administrator must be presented before the Zoning Hearing Board by one or more of the following persons:
   1. The landowner.
   2. A party with equitable interest in the property.
   3. An attorney licensed to practice in the Commonwealth of Pennsylvania.
   4. A person with a properly executed power of attorney.

E. **Parties**. The parties to the hearing shall be the applicant(s), the City and any person affected by the application. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

F. **Oaths and Subpoenas**. The chairman or acting chairman of the Board presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

G. **Representation by Counsel**. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witness on all relevant issues.

H. **Conduct of Hearings**. Hearings shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision, or where no decision is called for, the findings, shall be made by the Board. The parties may, however, waive the decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.

I. **Evidence**. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

J. **Record**.
1. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board.
2. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

K. **Ex Parte Communications**.
1. The Board shall not communicate, directly or indirectly, with any party or its representative in connection with any issues involved, except upon notice and opportunity for all parties to participate.
2. The Board shall not take notice of any communication, reports, staff memoranda or other materials (except advice from its solicitor), unless the parties are afforded an opportunity to contest the material so noticed.
3. After the commencement of hearings, the Board shall not inspect the site or its surroundings with any party or its representative, unless all parties are given an opportunity to be present.

L. **Conflicts of Interest**. No member of the Board shall vote upon or participate in deliberations concerning any application for which the member has a conflict of interest. Grounds for disqualification on an individual appeal include, but are not restricted to, the following:
1. Direct or indirect financial or property interest.
2. Direct business association with one of the parties involved.
3. A close familial relationship with one of the parties involved.
4. An overt expression or affiliation with an organization whose ideology expresses a predisposition toward the parties or the intent of the parties involved.

§27-411. Stay of Proceedings.

A. Upon filing of any proceeding referred to in §27-408 and while pending before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Administrator or of any agency or body, and all official action thereunder shall be stayed.

B. Action by appropriate City officials shall not be stayed if the Zoning Administrator or any other appropriate agency or body certifies as to the Board facts indicating that such stay would cause peril to life or property.

C. Notwithstanding subsection B. above, a restraining order may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Administrator or other appropriate agency or body.

1. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post a bond as a condition to continuing the proceedings before the Board.
2. The granting of a petition presented pursuant to §27-411.C.(1) and the amount of any bond related thereto shall be within the sound discretion of the court.

§27-412. Decision/Findings.

A. The Board shall render a written decision or make written findings (when no decision is called for) on the application, within 45 days after the last hearing before the Board. See Section 908 of the Municipalities Planning Code.

B. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore.

C. Any conclusion based on any provision of the Municipalities Planning Code, as amended, or of this Chapter, shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

D. If the hearing is conducted by a Hearing Officer and there has been no stipulation that his or her decision or findings are final, the Board shall make his or her report and recommendations available to the parties within 45 days and the parties shall be entitled to make written recommendations thereon to the Board prior to final decision or entry of findings. The Board's decision shall be entered no later than 30 days after the decision of the hearing officer.

E. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.

§27-413. Notice of Decision.

A. A copy of the final decision or a copy of the findings (when no decision is called for) shall be delivered to the applicant personally or mailed to him or her no later than one working day following its date.

B. The Board shall provide (by mail or otherwise) a brief notice of the decision or findings and a statement of the place where the full decision or findings may be examined to all other persons who have filed their names and addresses with the Board.

C. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a timely decision, as required by §27-410.C. or §27-412.E. hereof, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in §27-410.A. If the Board shall fail to provide such notice, the applicant may do so.

§27-414. Effect of Board's Decision.

A. If a variance is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun according to the stipulations set forth in this Part as found in §27-301 E. through H..

B. Should the appellant or applicant fail to obtain necessary permits within a 12-month period from the elate of approval, or having obtained the permit should he or she fail to commence work thereunder within that 12-month period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn or abandoned its appeal or application, and all provisions, variances and permits granted to him or her shall be deemed rescinded by the Board without further action.

C. Should the appellant or applicant commence construction or alteration within said 12-month period, but should he or she fail to complete such construction or alteration within a 12-month period, the Board may, upon 10 days notice in writing, rescind or revoke the granted variance, or the issuance of the permit, or the other action authorized to the appellant or applicant. The Board may grant a time extension, if and only if, the Board finds that a good cause appears for the failure to complete within such 12-month period.

§27-415. Mediation Option.

A. Parties to proceedings authorized in this Part may utilize mediation as an aid in completing such proceedings. The Board shall neither initiate mediation nor participate as a mediating party in any proceeding pending before the Board. Mediation shall supplement, not replace, those procedures in this Chapter once said procedures have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting City police powers or as modifying any principles of substantive law.

B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Board shall not initiate mediation proceedings until the City shall have assured that, in such case, the mediating parties, assisted by the mediator as appropriate, have developed terms and conditions for:

1. Funding mediation.
2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and demonstrated skills in mediation.
3. Completing mediation, including time limits for such completion.
4. Suspending time limits otherwise authorized in this Part, provided there is written consent by the mediating parties and by an applicant or City decision-making body if either is not a party to the mediation.

5. Identifying all parties and affording them the opportunity to participate.
6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
7. Assuring that mediation solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the other Sections of this Chapter.

C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

§27-416. Appeals.

A. 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.

B. 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.

PART 5
ZONING MAP AND BOUNDARIES

§27-501. Zoning Map and Boundaries.

The boundaries on the districts enumerated in §27-701 are hereby established on a map entitled "Zoning Map of the City of Reading," which map accompanies and is hereby declared to be a part of this Chapter. Where uncertainty exists as to the precise location of the boundaries shown on said map, the following rules shall apply:

A. District boundary lines generally follow the center line of streets, alleys and streams, and lot or property lines as they exist on plans of record at the time of adoption of this Chapter. Where a district boundary line divides a lot, the location of said boundary, unless the same is identified by dimensions, shall be determined by use of the scale on the map.

B. Where a district boundary is not fixed by dimensions and where it approximately follows a lot line, such lot line shall be construed to be along such lot line unless specifically shown otherwise.

C. In case any further uncertainty exists, the Zoning Administrator shall interpret the intent of the map as to the location of the district boundary lines.

§27-502. Overlays.

Any and all airport zones, floodplains, floodways, flood districts, and flood prone areas, as any other overlay districts described in this Chapter shall be overlays to the existing districts as shown on the official "Zoning Map of the City of Reading" or any amendatory map, and, as such, the provisions of these overlay districts shall serve as a supplement to the underlying districts. Where any conflict exists between the provisions of the aforementioned Sections and the underlying districts, the more restrictive provision shall be applied.

A. However, the RR Overlay District shall function in relation to the underlying zoning district as provided in Section 27-815.

PART 6
TYPES OF USES

§27-601. Classifications of Uses.

For the purposes of this Part, the following classes of uses are established:

A. Permitted by Right Uses.
B. Accessory Uses.
C. Temporary Uses.
D. Special Exception Uses.
E. Conditional Uses.
F. Nonconforming Uses.

§27-602. Permitted by Right Uses.

Permitted by right uses may be approved by the Zoning Administrator, provided said use is shown as a permitted by right use in the applicable zoning district and the use complies with all other provisions of this Chapter.

§27-603. Accessory Uses.

Accessory uses are uses permitted by right provided said use is shown as an accessory use in the zoning district schedule for the district in which the accessory use is located or proposed and the use thereof complies with all other provisions of this Chapter, and further provided that:

A. The proposed accessory use, building or structure is customarily associated with or incidental to the permitted use existing on the lot.
B. The extent, size and intensity of such proposed accessory use, building or structure is in keeping with the scale, nature and characteristics of the permitted use on the lot.
C. An accessory use or building shall not be allowed unless the principal use exists on the same lot or an adjacent lot under common ownership. Off-street parking areas serving a use allowed in that zoning district may be permitted as an accessory use on noncontiguous lots, except as restricted otherwise in the C-C district.
D. The proposed accessory use, building or structure is not contrary to the intent of the zoning district in which the lot is situated.

§27-604. Temporary Uses.

A. The Zoning Administrator may issue a permit for customarily accessory temporary uses, such as a construction trailer while on-site construction is actively underway.
B. It is hereby recognized that certain uses and activities, which might otherwise be prohibited by this Chapter, are nevertheless such that their establishment and operation for a limited period of time would serve the public interest. This subsection "B" applies for temporarily uses that are not clearly customary and incidental. For the purpose of this Chapter, such uses are declared to be temporary uses that may be approved in any district upon application to and approval by the Zoning Hearing Board subject to the following:

1. The proposed use is of such a nature that at the time of application that it would not exert a detrimental effect upon the use of neighboring properties.
2. The proposed use will contribute to the general welfare and needs of the City of Reading and the general public.
3. The duration of the proposed use shall be established by the Zoning Hearing Board to serve the intended purpose of the temporary use.
4. Security shall be required by the Zoning Hearing Board in an amount necessary to restore the property on which the temporary use was located to a condition that complies with the requirements of the Code of Ordinances of the City of Reading.

§27-605. Special Exception Uses.

It is hereby recognized that certain uses may be necessary to serve the needs and convenience of the City but which uses may become detrimental to the public health, safety and general welfare if not controlled under proper conditions and therefore require special consideration of existing and probable future conditions and characteristics of the surrounding area. Such uses are hereby declared to be special exception uses and may be permitted upon application to and approval by the Zoning Hearing Board, provided said use is shown as a special exception use in the zoning district schedule for the district in which the use is located and subject to the considerations as set forth in §27-408.

§27-606. Conditional Uses.

Conditional uses shall be allowed or denied by City Council pursuant to public notice, public hearing, Planning Commission recommendations, and pursuant to standards and criteria set forth in this Chapter. In allowing a conditional use, City Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter.

§27-607. Nonconforming Uses, Buildings, Structures and Lots.

A. Within the districts established by this Chapter or by amendments thereto, there exists, may exist or will exist: uses of land, structures and lots which were lawful before this Chapter was passed or amended but which would be prohibited, to be newly established under the terms of this Chapter or future amendment. Inasmuch as these nonconformities are, by definition, alien to the character of a district created under this Chapter, it is desirable to control these nonconformities. Over time, these nonconformities are intended to be reduced in number by obsolescence, destruction, abandonment or similar factors. Because nonconformities, so long as they exist, may conflict with the objectives of this Chapter, such uses are limited in their expansion and changes.

B. A lawful existing use, building, structure or lot that is made nonconforming at the time of passage of this Chapter or any applicable amendment thereto, may be continued except as otherwise set forth in this Chapter.

C. In accordance with Section 27-201.B.(2), the Zoning Administrator may identify and register nonconforming uses, buildings and structures. The owner of the premises of a nonconforming structure or owner of a lawful nonconforming use may, upon providing sufficient evidence, secure a certificate of nonconformance from the Zoning Administrator. Other sections of this Ordinance may require a certificate of nonconformance for certain uses (such as Section 27-1203.K. for Student Homes). The certificate of nonconformance, for the purpose of this Chapter shall be

considered the zoning permit. Such certificate shall be authorized by the Zoning Administrator and shall be for the purpose of ensuring to the owner the right to continue such nonconforming use or structure.

D. Existing nonconforming uses, buildings, structures, or lots shall not be enlarged, reconstructed, substituted or moved so as to extend or increase the nonconformity other than as specified in §27-607.D(1); nor shall they be extended or enlarged after passage of this Chapter by attachment to a building or premises or by the addition of other uses of a nature which would be prohibited generally in the district involved. Nonconforming uses are further subject to the following:

1. Upon review by the Zoning Administrator, a nonconforming use may be enlarged up to but not more than 20% of its floor area and land area, whichever is more restrictive, as such existed at the time the use first became nonconforming; provided that such enlargement shall conform to all other regulations of the district in which it is situated. Such 20 percent shall be a cumulative maximum over the lifetime of the use. Access for persons with disabilities or fire egress may be added without being restricted by the 20 percent maximum expansion. A nonconforming building or structure may be expanded, provided the expansion conforms to this Ordinance.
2. Normal maintenance, repairs and incidental alterations of a building or other structure containing a nonconforming use are permitted provided they do not extend the area or volume of space occupied by the nonconforming use unless subsection "A" is met.
3. Residential nonconforming uses may be altered in any way to improve interior livability, provided that there is no increase the number of dwelling units on the lot.
4. A nonconforming use shall not displace or replace a conforming use.
5. A nonconforming use may be changed into a conforming use at any time. If the conforming use is equal to or less intensive than the prior nonconforming use, off-street parking requirements will not change. A substantial increase in use intensity for any conforming use necessitates provision of the net number of required off-street parking space.
6. A nonconforming use may be replaced by a nonconforming use that is equally intense or less intense. The Zoning Administrator shall have the authority to approve a change within the same type of nonconforming use, such as from one personal service use to another personal service use, provided the applicant agrees to comply with all of the same conditions that applied to the previous use. This Zoning Administrator approval may be permitted by right. If the Zoning Administrator has doubts about the comparative intensity of the new vs. previous use, special exception approval shall be required. All other proposed changes in a nonconforming use shall need special exception approval by the Zoning Hearing Board.
7. A determination regarding the intensity of a replacement nonconforming use shall consider the following:
   (a) Traffic generation and congestion including truck and passenger car traffic.
   (b) Nuisance characteristics such as emission of noise, odor, dust, smoke, fumes, fire hazards, glare and vibration.
   (c) Hours and manner of operation.
   (d) Waste disposal and storage.
   (e) Parking demand, considering the proposed hours of the use.
8. Buildings or structures, regardless of conformity or ownership, shall not be combined for the purpose of extending an existing nonconforming use or for creating a different nonconforming use.

E. Replacing/restoring nonconforming use, building or structure.

1. In the event that 50% or more of the existing floor area or use of land occupied by a nonconforming use is voluntarily razed, legally condemned, or destroyed by fire, explosion or flood, it may not be restored, reconstructed or used as before except in strict compliance with the zoning regulations of the zoning district in which it is situated, unless special exception approval is granted for such use or activity.
2. In the event that less than 50% of the existing floor area or use of land occupied by a nonconforming use is voluntarily razed, legally condemned, or destroyed by fire, explosion, flood or other phenomenon, it may not be restored, reconstructed or used as before unless such restoration, reconstruction or use commences within one year from the date of the damage.
3. In any case, an existing lawful one-family dwelling (such as a one-family attached dwelling) may be reconstructed or replaced with a new one-family dwelling as a permitted by right use, provided the new dwelling is not more nonconforming in any measure than the existing dwelling. In such case, the construction shall be started within 12 months after the existing dwelling was damaged, destroyed or demolished.

F. Termination and abandonment of nonconforming uses, buildings or structures shall be subject to the following:

1. Any nonconforming use, building or structure that is replaced by a conforming use, building or structure shall be deemed immediately abandoned and cannot thereafter be revived.
2. A nonconforming use, building or structure discontinued for a period of 12 consecutive months shall be presumed abandoned and shall not thereafter be revived without proof, satisfactory to the Zoning Administrator, that the owner did not intend its abandonment through disuse. In making its determination, the Zoning Administrator shall take into account the owner's compliance (or noncompliance) with the provisions of this subsection "G." and shall consider the impact the use will have on the character of the neighborhood.
3. One or more of the following shall be deemed evidence of intent to discontinue and abandon a nonconforming use, building or structure:
   (a) Failure to properly secure windows, walls and/or doors of the property.
   (b) Use of the property for a conforming use.
   (c) Demolition of the structure.
   (d) Failure to apply for any licenses and/or permits that may be required to continue such nonconforming use.
   (e) Failure to market a vacant property for sale or lease, during periods when the property is not actively under renovation.
   (f) Failure to appeal the denial of a permit to continue the use.
   (g) Failure to file letters of intent as per §27-607.G..
4. A nonconforming use, building or structure shall not be deemed abandoned under the following circumstances:
   (a) The consequent restrictions imposed upon the use by a governmental authority during wartime.
   (b) Destruction of the property by natural disaster (other than fire, flood or explosion).
   (c) Cessation of business during any permitted repair to a structure or to the property.

G. Any use that has been discontinued for a period of 12 continuous months shall be deemed abandoned, unless the owner or the owner's authorized agent submits to the Zoning

Administrator, at the end of 12 months and every 6 months thereafter, a letter of intent which clearly indicates that attempts to secure a buyer or tenant for the use are ongoing.

§27-608. Prohibited Uses, General.

The following uses are expressly prohibited:

A. Those uses that are not listed in a zoning district schedule shall be prohibited in that zoning district.
B. Any purpose that is or may become obnoxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination or noise or that is detrimental or injurious to the public health, safety or welfare or used for any purpose that constitutes unusual public hazard due to fire, explosion or any other similar cause.
C. The open dumping or burning of trash, garbage, rubbish or other waste products.
D. The housing and/or breeding of any animal, domesticated, feral or wild, not normally considered a family pet. See the separate Animal section of the Codified Ordinances.
E. Notwithstanding any other provision of this Chapter, no use may be made of any land or water within any zoning district that adversely affects the activity at the Reading Regional Airport.

§27-609. Similar Uses.

The Zoning Hearing Board may, by special exception determine that a proposed use is sufficiently similar in character and impact to that of a listed use and that the proposed use may be treated the same as the listed use. The applicant shall have the burden of proof to show that the proposed use would not be a threat to public health and safety and would not generate significant nuisances to adjacent residential areas. This provision shall only apply to a use that is not listed as being prohibited in the applicable district.

PART 7
ZONING DISTRICTS

§27-701. Districts.

The City of Reading is hereby divided into the following zoning districts and overlay zones:

A. **Residential Districts**.
   1. R-1A Residential.
   2. R-1 Residential.
   3. R-2 Residential.
   4. R-3 Residential.
   5. R-PO Residential-Professional Office.

B. **Commercial Districts**.
   1. C-C Commercial Core.
   2. C-R Commercial Residential.
   3. C-N Commercial Neighborhood
   4. C-H Commercial Highway.

C. **Manufacturing Districts**.
   1. M-C Manufacturing Commercial.
   2. M-H Heavy Manufacturing.

D. **P Preservation Zoning District**.

E. **FP Floodplain Overlay Zone**.

F. **Airport Overlay Zone**.

G. **RR Riverfront Redevelopment Overlay District**

H. **Municipal Use district (MU)**

I. **P-S Penn Square Corridor Overlay District**.

J. **INS Institutional Overlay District**

§27-702. Intent of Districts.

The intended objectives of the various zoning districts are described as follows and shall be relied upon for interpretation and administration of this Part:

A. The Residential Districts are intended to provide sufficient area in appropriate locations for residential uses and development in an effort to meet the housing needs of the City without sacrificing desirable established residential patterns.
   1. The R-1A, R-1, R-2 and R-3 Residential Districts allow for varying residential densities. The R-1A and R-1 Districts preserve and enhance low density areas composed of one-family

detached dwellings on relatively large lots. The R-2 Medium Density District provides a variety of one-family detached, semi-detached and attached dwellings. The R-3 District allows the highest residential densities and permits multi-family apartments.

2. The Residential-Professional Office District provides for the controlled growth of professional offices along Kenhorst Boulevard between Lancaster Avenue and Pershing Boulevard, where similar uses are already in existence. The professional nature of the services provided shall have minimum impact on the neighboring residential districts.

B. The Commercial Districts are intended to provide sufficient area in appropriate locations for various forms and types of business uses and development; to satisfy the needs of modern business development by providing off-street parking, loading and unloading areas, safe and efficient means of vehicle ingress and egress, and compatible forms of business development; to encourage the development of attractive, functional and economic forms of commercial buildings under proper standards; to encourage the enhancement and beautification of commercial areas; and to minimize any negative effects of commercial areas on adjoining residential areas. Recognizing the mixed use character of the City of Reading, it is intended that existing residential uses be permitted in Commercial Class Districts in accordance with standards established for specified residential districts.

1. The C-C Commercial Core District is the downtown center for government services, offices, shopping, hotels, entertainment and cultural activity.
2. The C-R Commercial Residential District provides for multi-family dwellings as well as offices, business services, consumer services and smaller retail stores that relate to the Commercial Core.
3. The C-N Commercial Neighborhood District allows the continuation of pedestrian oriented business establishments that feature convenience shopping and personal services for a smaller local residential market.
4. The C-H Commercial Highway District includes locations along major roadways and are designed to allow for automobile oriented businesses as well as high intensity linear retail development.

C. The Manufacturing Districts are intended to provide suitable space for industrial and commercial types of business and development not ordinarily found nor desirable in commercial or neighborhood districts, to satisfy the needs for this type of development by providing for off-street parking and loading and unloading areas in the course of the development of attractive functional and economic forms of commercial and offices as well as industrial development; and to minimize any negative effects of industrial commercial areas on the adjoining residential areas. Recognizing the opportunity for adaptive reuse of existing manufacturing buildings and for reuse of vacant industrial lands for other purposes, it is the intent of this Chapter that the Manufacturing-Commercial District permit such adaptive reuse of industrial buildings for commercial enterprises and offices where existing buildings are appropriate for these uses. The Manufacturing Class Districts are not intended to contain residences. In the event that there is an existing single-family detached or semi-detached dwelling in a manufacturing class district, the expansion of said building for the establishment of accessory uses for said dwellings may be permitted provided the proposal is in compliance with the minimum standards of any of the Residential districts.

1. The M-C Manufacturing Commercial District provides for light manufacturing and retail and wholesale sales and services.

2. The H-M Heavy Manufacturing District provides for heavy manufacturing, warehousing, transportation and other commercial uses that are incompatible with less intensive nonresidential uses.

D. The P Preservation District is designed to conserve the natural quality of land at, adjacent to, or near streams, ponds, lakes, water courses or similar geologic features, including those geologic features that contain water only during times of extreme flooding. The Preservation District protects the habitat of wildlife in areas of little human intrusion, protects areas that environmentally are fragile because of soil structure, slope or type of vegetation or wildlife habitation, and protects places having unique natural, architectural or historic interest or value; to protect public buildings and public grounds. Development within the Preservation District shall prevent the blockage of stream valleys, minimize erosion, prevent the diversion of natural water courses, and minimize flood related damage in and around floodplain areas.

E. The FP Floodplain Overlay Zone is intended to reduce the loss of property and life, to minimize health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause increases in flood heights, velocities and frequencies; restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding; requiring all those uses, activities and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage; and protecting individuals from buying lands and structures that are susceptible to flood hazards.

F. The Airport Overlay Zone is designed to insure and promote the health, safety and welfare of the general public and property in and about the Reading Regional Airport, to protect the users, facilities and services of the airport, to prevent hazardous conditions to the users, facilities or services of the airport and to eliminate, remove, mitigate, mark or light any existing hazard which cannot be completely abated.

G. 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.

H. Municipal Use District (MU) is intended as a relatively isolated area, reserved for those uses and services traditionally provided by local governments, but whose associated nuisances, and/or security concerns warrant a separation, to the extent practical, from publicly accessible and occupied areas. Permitted by right uses within the Municipal Use district are those operated by the City of Reading, alone or in partnership with other government entities.

I. The P-S Penn Square Corridor Overlay District is intended to maintain the historic and pedestrian-friendly environment and promote retail and service businesses along key blocks of Penn Street in Center City Reading.

J. The INS Institutional Overlay District is intended to provide for the main campuses of colleges, universities, health care facilities and certain other institutional uses. The intent is to allow greater flexibility and permitted by right approvals within the core campuses of institutions.

PART 8
DISTRICTS

Abbreviations: "Min." = Minimum "Max." = Maximum "Bldg. Cov." = Building Coverage "Imp. Cov." = Impervious Coverage

§27-801. R-1A. Residential District.

1. Dimensional Requirements.

Uses	Min. Lot Size Sq. Ft.	Max. Bldg. Cov.	Max. Imp. Cov.	Max. Height	Min. Lot Width	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Side Yard Setback (each)
Allowed Use, unless otherwise stated	20,000	15%	25%	38	65	25	30	10

2. Allowed Uses.

a. Permitted by Right Uses:
Gardens, Crop Farming and Forestry
One Family Detached Dwelling
Public parks, nature preserves and non-motorized recreation trails

b. Accessory Uses: In compliance with Part 10, Unless Otherwise Noted
Animal Shelters -Maximum 25 Sq. Ft. - No Commercial Use
Garages/carports - Maximum 700 Sq. Ft. floor area unless it meets principal building setbacks
Greenhouses - Maximum 280 Sq. Ft. - No Commercial Use
Home Occupations, Minor - In compliance with Section §27-1006
Storage Sheds - Maximum 280 Sq. Ft.
Swimming Pools, Accessory -See Also City of Reading Public Health Code and Section 27-1001

c. Special Exception Uses: In compliance with §27-1202
Home Occupations, Major - In compliance with Section §27-1006

d. Conditional Use: In compliance with §27-1203
Student Home, which shall only be allowed in an existing lawful apartment dwelling.

R-1A District Continued:

3. Additional Requirements

a. No development in this district requiring the removal of trees shall occur unless and until appropriate assurances are provided by the developer, backed by security acceptable to the city solicitor, that all trees exceeding 10 feet in height, with trunks exceeding 2 inches in diameter, measured at 4 feet from ground level, will be replaced with trees of like type with a minimum height of 6 feet and minimum trunk diameter of 2 inches, measured 6 feet from ground level.

b. A new principal building shall not be allowed if it will require the regrading of more than 3,000 square feet of land area that has a natural slope of greater than 25 percent.

§27-802. R-1. Residential District.

1. Dimensional Requirements.

Uses	Min. Lot Size Sq. Ft.	Max. Bldg. Cov.	Max. Imp. Cov.	Max. Height	Min. Lot Width	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Side Yard Setback (each)
Other Allowed Use, unless otherwise stated	6,600	30%	40%	35	60	25	30	7

2. Allowed Uses.

a. Permitted by Right Uses:

Gardens, Crop Farming and Forestry
One Family Detached Dwelling
Public parks, nature preserves and non-motorized recreation trails

b. Accessory Uses: In compliance with Part 10, unless otherwise noted.

Animal Shelters - Maximum 25 Sq. Ft. - No Commercial Use
Garages/carports - Maximum 500 Sq. Ft.
Greenhouses - Maximum 280 Sq. Ft. - No Commercial Use
Home Occupation, Minor - In compliance with §27-1006
Storage Sheds - Maximum 280 Sq. Ft.
Swimming Pools, Accessory - See City of Reading Public Health Code and Section 27-1001

c. Special Exception Uses: In compliance with §27-1202

Bed and Breakfast Inns
Home Occupations, Major - In compliance with §27-1006

d. Conditional Use: In compliance with §27-1203

Student Home, which shall only be allowed in an existing lawful apartment dwelling.

§27-803. R-2. Residential District.

1. Dimensional Requirements.

Uses	Min. Lot Size Sq. Ft.	Max. Bldg. Cov.	Max. Imp. Cov.	Max. Height	Min. Lot Width	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Side Yard Setback (each)
Place of Worship, Cemetery or Public or Private School	25,000	50%	70%	50	125	15	40	15
One Family, Detached Dwelling	3,000	40%	50%	35	30	15	25	4
One Family Semi-detached Dwelling (per dwelling unit)	2,500	35%	55%	35	25	15	25	4
One Family Attached Dwelling (Town-house)(per dwelling unit)	1,800	60%	75%	35	18	15	20	4
College or University Non-Residential Uses	5,500	40%****	70%****	35	40	15	25	15
College or University Residential Uses*	50,000	40%****	70%****	35	80	15	25***	15***
Other Allowed Use, unless otherwise stated	5,500	40%	50%	35	60	15	25	8

2. Allowed Uses.

a. Permitted by Right Uses:
Gardens, Crop Farming and Forestry
One Family Detached Dwelling
One Family Semi-detached Dwelling
One Family Attached Dwelling
Public parks and non-motorized recreation trails

b. Accessory Uses: In compliance with Part 10, unless otherwise noted.
Animal Shelters - Maximum 25 Sq. Ft. – No Commercial Use allowed.
Private Garages/carports - Maximum 500 Sq. Ft. – See Section 27-1002.
Greenhouses - Maximum 280 Sq. Ft. - No Commercial Use allowed. See Section 27-1003.

R-2 District Continued:

Home Occupations, Minor – See Section §27-1006.
Storage Sheds – Maximum 280 Sq. Ft. – See Section 27-1003.
Swimming Pools, Accessory – See Also City of Reading Public Health Code and Section 27-1001

c. Special Exception Uses: In compliance with Section 27-1202
Adaptive Reuse – See Section 27-1202.A..
Bed and Breakfast Inn
Cemeteries
College or University, which may include Dormitories, Fraternities, Sororities and Other Student and/or Staff Residential Uses provided each residential use is: 1) owned and/or operated by the College or University and 2) such residential uses are on lots of 50,000 square feet or greater. See also Section 27-817, which includes alternative provisions within the INS Overlay District.
Day Care Homes as an Accessory Use – See Section 1202.
Home Occupations, Major – See Section 27-1006
Life Care Retirement Facility
Nursing Home
Personal Care Center
Places of Worship
Municipal Buildings
Public or Private Schools, not including Dormitories
Swimming Pool, as a Principal Use

d. Conditional Uses: In compliance with Section 27-1203
Group Care Home
Student Home, which shall only be allowed in an existing lawful apartment dwelling.

* Not including pre-existing dwelling units which are owned by a college or university and which are regulated as individual dwelling units and meet the definition of occupancy by one "family" or which meet the requirements for a "student home".

*** For a new or expanded building housing students, a 40 feet minimum building setback shall apply from the lotline of every dwelling that is not owned by the college or university.

**** For abutting lots in common ownership, the maximum building and impervious coverage may apply to all such lots combined.

***** A side yard setback is not required where a new building is replacing a building that was previously attached to another building along that lot line. New dwelling units that are allowed to be attached to each other do not need a side yard setback between the new dwellings.

3. The conversion of an existing one family detached dwelling, one family attached dwelling or one family semi-detached dwelling into 2 or more dwelling units shall be prohibited.

§27-804. R-3. Residential District

1. Dimensional Requirements.

Uses	Min. Lot Size Sq. Ft.	Max. Bldg. Cov.	Max. Imp. Cov.	Max. Height	Min. Lot Width	Min. Front Yard Setback ******	Min. Rear Yard Setback	Min. Side Yard Setback (each)
Place of Worship, Cemeteries and Private or Public Schools	20,000	50%	75%	60	125	5	30	10
One Family, Detached Dwelling	2,000	60%	75%	35	20	5	20	3****
One Family Semi-detached Dwelling (Per dwelling unit)	1,800	60%	75%	35	18	5	20	3****
One Family Attached Dwelling (Per dwelling unit)	1,800	60%	75%	35	18	5	20	3****
Two Family Detached Dwelling (Per building)	3,000	60%	75%	35	30	5	20	5****
Low Rise Apartments	3,000	60%	75%	35	30	5	20	5
College or University Non-Residential Uses	5,500	40%*****	70%*****	35	40	15	25	15
College or University Residential Uses*	50,000	40%*****	70%*****	35	80	15	25	15***
Mid-Rise Apartments	7,200	30%	55%	60	60	10	30	30
Other Allowed Use, unless otherwise stated	5,500	60%	80%	35	30	5	20	6

2. Allowed Uses.

a. Permitted by Right Uses:

Gardens, Crop Farming and Forestry
One Family Detached Dwelling

R-3 District Continued:

One Family Semi-detached Dwelling
One Family Attached Dwelling (Townhouse)
Low-Rise Apartments, with a maximum density of 1,500 square feet of lot area per dwelling unit, but not including a "Conversion" which is addressed in Subsection "C." below.
Public parks and non-motorized recreation trails
Surface Parking Area as a principal or accessory use, provided it serves a use allowed in the R-3 district and does not serve the general public. See also Section 27-1008.
Note: In the R-3 District, Student Homes shall be allowed in any lawful dwelling without needing to meet the additional requirements of Section 27-1203.

b. Accessory Uses: (See Part 10, Unless Otherwise Noted).

Animal Shelters	--	Maximum 25 Sq. Ft. – No Commercial Use Allowed.
Private Garages/carports	–	Maximum 500 Sq. Ft.
Greenhouses	–	Maximum 280 Sq. Ft. – No Commercial Use Allowed.
Home Occupations, Minor	–	See Section 27-1006
Storage Sheds	–	Maximum 280 Sq. Ft.
Swimming Pools, Accessory	–	See Also City of Reading Public Health Code

c. Conditional Uses: In Compliance with Section 27-1203

Conversions	--	Shall also meet Subsection "3d." below.
Group Care Home		
Public Utilities		

d. Special Exception Uses: In compliance with §27-1202.

Adaptive Reuse
Bed and Breakfast Inn
Cemeteries
College or University, which may include Dormitories, Fraternities, Sororities, and Other Full-time Student and/or Staff Residential Uses, provided that each residential use is: 1) owned and/or operated by the College or University and 2) such residential uses are on a lot of 50,000 square feet or greater. See also Section 27-817, which includes alternative provisions within the INS Overlay District.***
Day Care Facilities
Home Occupations, Major - In compliance with Section 27-1006
Life Care Retirement Facility
Mid-rise Apartments, with a maximum density of 1,500 square feet of lot area per dwelling unit, which may be decreased to 1,000 square feet if all units (other than a manager) are limited to occupancy by persons age 62 or older and the physically disabled.

R-3 District Continued:

Municipal Buildings
Nursing Homes
Personal Care Centers
Places of Worship
Public or Private Schools, not including dormitories
Swimming Pool, as a Principal Use
Parking Garage to serve a use allowed in the R-3 District

3. Additional Requirements in the R-3 District.

a. If an existing rear or side alley is available or could be feasibly extended, it shall be used for access to off-street parking spaces and/or garage door(s) for the lot instead of a front yard driveway and/or a front garage door(s).
b. This subsection (b) is mainly designed to address situations where use of a rear or side alley is not feasible. If 2 or more side-by-side off-street parking spaces are located in the front yard of a single family attached dwelling (townhouse) or if garage door(s) for 2 or more vehicles face onto the street in the front of the single family attached dwelling (townhouse), then the minimum building width per dwelling along such street shall be a minimum of 24 feet.
c. A maximum of 60 percent of the land area between the front of each residential use and the street right-of-way line shall be used for vehicle parking and driveways.
d. The conversion of an existing one family detached dwelling, one family attached dwelling or one family semi-detached dwelling into 2 or more dwelling units shall be prohibited.

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* Not including pre-existing dwelling units which are owned by a college or university and which are regulated as individual dwelling units and meet the definition of occupancy by one "family" or which meet the requirements for a "student home".

*** For a new or expanded building housing students, a 40 feet minimum building setback shall apply from the lotline of every dwelling that is not owned by the college or university.

**** A side yard setback is not required along a lotline where: a) principal buildings were previously attached, or b) as part of dwellings built as part of the same subdivision or land development, provided the requirements of the Construction Code are met for separation from an exiting window or door. See applicable fire ratings. A side yard setback is also not required for new dwelling units that are allowed to be attached to other new dwelling units.

*****For abutting lots in common ownership, the maximum building and impervious coverage may apply to all such lots combined.

******See Section 27-909, which may require a certain front yard setback.

§27-805. Reserved

§27-806. R-PO Residential/Professional Office Zone.

1. Dimensional Requirements.

Uses	Min. Lot Size Sq. Ft.	Max. Bldg. Cov.	Max. Imp. Cov.	Max. Height	Min. Lot Width	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Side Yard Setback (each)
Allowed Residential Uses			Shall meet regulations of the R-2 District					
Place of Worship	20,000	50%	75%	35	60	25	30	7
Other allowed use, unless otherwise stated	5,500	40%	70%	35	50	20	30	7

2. Allowed Uses.

a. Permitted by Right Uses:

Residential Uses – The same uses shall be allowed as are allowed in the R-2 District.
Gardens, Crop Farming and Forestry
Offices *(Such as but Not Limited To, the Following:
Health Care Professionals, Physicians, Dentist,
Oral Surgeon, Orthodontist, Periodontist,
Osteopath, Chiropractor, Physical Therapist,
Psychologist, Podiatrist, Optometrist,
Lawyer, Accountant, Real Estate Broker,
Financial Consultant, Mortgage/Financial
Businesses)

* With on-street parking permitted for up to 3 employees. Should there be 4 or more employees, the following off-street parking requirement shall apply: One Space per Each 150 Square Feet of Floor Area.

Fire and Ambulance Station
Home Occupations, Minor, in Accordance with §27-1006
Public parks and non-motorized recreation trails

R-PO District Continued:

b. Accessory Uses: (See Part 10, Unless Otherwise Noted).

Garages/carports – Maximum 500 Sq. Ft.
Storage Sheds – Maximum 280 Sq. Ft.
The Following Uses Shall Be Permitted Only on Properties Primarily Used for Residential Purposes:
Animal Shelters – Maximum 15 Sq. Ft. and with No Commercial Use Allowed.
Greenhouses – Maximum 280 Sq. Ft. and with No Commercial Use Allowed.
Swimming Pools, Accessory – See City of Reading Public Health Code

c. Special Exception Uses: Pursuant to §27-1202

Day Care Facilities
Home Occupations, Major – See Section 27-1006
Place of Worship

§27-807. C-C Commercial Core District.

1. Dimensional Requirements.

Uses	Min. Lot Size Sq. Ft.	Max. Bldg. Cov.	Max. Imp. Cov.	Max. Height	Min. Lot Width	Min. Front Yard Setback*	Min. Rear Yard Setback	Min. Side Yard Setback (each)
Apartments of 6 or More Stories	25,000	70%	90%	100*	72	0	25	15
Passenger Bus Terminal	20,000	65%	90%	40	80	0	25	15
Other uses, unless otherwise stated	2,500	80%	95%	100*	20	0	0	0

* See Section 27-909, which may require a certain front yard setback.

2. Allowed Uses.

a. Permitted by Right Uses:

High-rise Apartments **
Movie Theaters and Performing Arts Facilities
Low-rise or Mid-rise Apartments**
One Family Attached Dwellings (Townhouses) or One Family Semi-Detached Dwellings meet the regulations of the R-3 District
Gardens, Crop Farming and Forestry
Amusement Arcade
Municipal Building
Passenger Bus or Train Terminal

Public Parking Garages and Parking Lots that are owned/or operated by a City-authorized Parking Authority or another governmental entity.
A new parking garage with a street frontage of more than one hundred feet shall include at least one street level commercial use.

Non-public Parking Garages and Parking Lots that serve a use located within the C-C District, as opposed to being available to the general public.

If such parking involves 10 or more new parking spaces, then special exception approval shall be required. As a criteria of special exception approval, the applicant shall show that the parking: a) will not cause a loss of a significant historic building, b) will not create a serious traffic congestion or a traffic hazard for pedestrians, and c) will include suitable landscaping between the parking and a public sidewalk. See also Section "3" below. A new parking garage with a street frontage of more than one hundred feet shall include at least one street level commercial use.

* See additional height requirement in Section 3. below.

** The street level floor shall include at least one principal business establishment.

Bakeries (Limited to 2,000 Sq. Ft. Production Floor Area) and Retail Sale of Baked Goods

C-C District Continued:

Bank and other Financial Institutions, which may include drive-through facilities
Business and Printing Services
Civic/Convention Center and Sports Arena
College or University, Other Than Residential Uses.
Conversion of Existing Building Space into One or More Dwelling Units, which shall meet the requirements listed for "Conversions" in Section 27-1203.D., even though the use is not a conditional use. Such conversion shall only be allowed if the lot includes at least one street level principal business establishment.
Creation and Retail Sales of Art and Crafts Items, which may include multiple vendors
Dry Cleaners (Limited to 2,000 Sq. Ft. of Service/production Area).
Fire and Ambulance Station
Fitness Centers / Exercise Clubs
Funeral Homes
Hotels, Motels and Bed and Breakfast Inns
Offices
Personal Services, such as barber or beauty shop (See Section 27-1103), tailors, nail salons (See Section 27-1103) and certified massage therapy (See Section 27-1103), and not including a Massage Parlor.
Photo Finishing Services
Radio and Television Stations
Recreational Facilities, Public Parks and non-motorized recreation trails
Restaurants (Eat in or Take Out) which may include Entertainment but shall not include drive-through service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.
Retail Stores
Small Appliance Sales, Repair and Service Stores
Social Clubs and Associations (Non-PLCB Licensed), which shall not be allowed fronting on Penn Street between 2nd and 6th Streets and which shall not operate between 2 AM and 6 AM. For any use that also meets the definition of a BYOB, Ordinances 35-2007 and 37-2007 shall also be met.
Trade, Vocational and Hobby Schools, not including Residential Uses

b. Accessory Uses: See Part 10, Unless Otherwise Noted.

Amusement Devices – Pursuant to §27-1010 of this Chapter
Entertainment – Pursuant to §27-1005
Home Occupations – Major or Minor – See Section 27-1006
Storage as an accessory use to a use located within the C-C District.

C-C District Continued:

c. Conditional Uses: See Section 27-1203

Banquet Hall
Gaming Facility
Taverns and Nightclubs

d. Special Exception Uses: Pursuant to §27-1202 of this Chapter

Day Care Facilities
Dormitory or Other Residential Uses Owned or Operated by a College or University, other than permitted by right dwelling units that are occupied by a "family"
Place of Worship

3. Additional Requirements in the C-C District.

a. Retail Uses Shall Not Extend into the Public Right-of-way, except as may be specifically approved under another City ordinance

b. Drive-thru Services shall only be Permitted as Accessory to Financial Institutions. A drive-through facility shall not have an entrance or exit onto Penn Street.

c. Height Requirements.

(1) Structures may be increased in height up to 175 feet by special exception, provided the applicant provides an analysis to show that the additional height will allow sunlight to reach the street during mid-day hours considering any proposed setbacks and an analysis of how the building will be setback from windows of existing adjacent buildings to provide compatibility.

d. See parking requirements in Section 27-1603.

e. A building shall not have a street level building wall longer than 50 feet unless such wall is interspersed with a window or door at least every 50 feet, artistic displays, changes in building setback or rooflines of more than 3 feet variation, and/or architectural features.

f. Wind turbines shall be allowed that are attached to a roof of a building and do not extend a total of more than 25 feet above the roof of the building.

g. A principal or accessory parking lot or parking garage shall not be allowed that is open to the general public, unless the structure is owned and/or operated by the City, Berks County, another governmental entity, or a City-authorized parking authority.

§27-808. C-R Commercial Residential District.

1. Dimensional Requirements.

Uses	Min. Lot Size Sq. Ft.	Max. Bldg. Cov.	Max. Imp. Cov.	Max. Height	Min. Lot Width	Min. Front Yard Setback**	Min. Rear Yard Setback	Min. Side Yard Setback (each)
Allowed Residential Uses	Allowed under the provisions of the R-3 District regulations.							
High-Rise Apartments	25,000	70%	80%	100	72	10	25	15
Life Care Retirement Facility, Personal Care Home, or Nursing Home	2,500	75%	85%	40	40	10	20	8
All Other Allowed Uses	2,500	75%	90%	50	25	0	10*	0*

* Except 20 feet rear setback and 5 feet side yard setback shall apply for any use adjacent to an existing principally residential use, unless: a) a new building is replacing a building that was previously attached along that lotline, or b) unless the buildings are built as part of the same subdivision or land development. See requirements of the Construction Code, including separation from windows and doors. New dwelling units that are allowed to be attached to each other do not need a side yard setback between the new dwellings..

** See Section 27-909, which may require a certain front yard setback.

2. Allowed Uses.

a. Permitted by Right Uses:

The same Residential uses shall be allowed as are allowed in the R-3 district.
High-rise Apartments, provided at least one principal business establishment required to be located on the street level.
Bakeries (Limited to 2,000 Sq. Ft. Production Floor Area) and Retail Sale of Baked Goods.
Drive-through Services shall only be Permitted as Accessory to a Financial Institution or a Pharmacy.
College or University, provided that any residential uses shall meet the requirements for that type of residential use
Conversion of Existing Building Space into One or More Dwelling Units, which shall meet the requirements listed for "Conversions" in Section 27-1203.D., even though the use is not a conditional use. Such conversion shall only be allowed if the lot includes at least one street level principal business establishment.
Exercise Clubs and Fitness Centers
Fire and Ambulance Station
Funeral Homes
Gardens, Crop Farming and Forestry
Movie Theaters / Performing Arts Facilities
Municipal Buildings
Nursing Homes or Personal Care Centers

C-R District Continued:

Offices, Clinics and Laboratories
Parking Garages and Lots. See also Section 27-1008 for off-premises parking.
Personal Services, such as barber or beauty shop (See Section 27-1103), tailors, nail salons (See Section 27-1103) and certified massage therapy (See Section 27-1103) , and not including a Massage Parlor.
Radio and Television Stations
Recreational Facilities, Public Parks and non-motorized recreation trails
Restaurants (Eat in or Take Out) Without Entertainment and Without Drive-Through Service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.
Retail Stores, with Drive-Through Facilities Limited to a Pharmacy, and with Vehicle Fuel Sales and Vehicle Sales Being Prohibited
Small Appliance Sales, Repair and Service Shops
Social Clubs and Associations (Non-PLCB Licensed), Provided Such Use shall not be Open Between 2 AM and 6 AM. For any use that also meets the definition of a BYOB, Ordinances 35-2007 and 37-2007 shall also be met.
Trade, Vocational and Hobby Schools, not including Residential Uses, and provided there is not exterior use of heavy equipment or heavy machinery in connection therewith.

b. Accessory Uses: (See Part 10, Unless Otherwise Noted).

Amusement Devices Pursuant to §27-1010 of this Chapter
Entertainment Pursuant to §27-1005 of this Chapter
Home Occupations – Major or Minor – See Section 27-1006

c. Conditional Uses: All Uses Listed below Shall Be Pursuant to §27-1203 of this Chapter

Banquet Hall
Boarding Houses
Group Care Facility
Public Utilities
Taverns and Nightclubs
Temporary Shelter
Group Care Facility

C-R District Continued:

d. Special Exception Uses: All Uses Listed below Shall Be Pursuant to §27-1202 of this Chapter

Adaptive Reuse
Amusement Arcade
Day Care Facilities
Life Care Retirement Facility
Primary or Secondary School, Public or Private
Hospital
Places of Worship

3. Additional Requirement in the C-R District.

a. A drive-through facility shall not have an entrance or exit onto Penn Street.

§27-809. C-N Commercial Neighborhood District.

1. Dimensional Requirements.

Uses	Min. Lot Size Sq. Ft.	Max. Bldg. Cov.	Max. Imp. Cov.	Max. Height	Min. Lot Width	Min. Front Yard Setback**	Min. Rear Yard Setback	Min. Side Yard Setback (each)
Allowed Residential Uses	Shall meet the provisions of the R-3 District.							
All Other Allowed Uses	1,800	70%	90%	60	20***	0	10*	0*

* Except 20 feet rear setback and 6 feet side setback shall apply adjacent to an existing principally residential use.

** See Section 27-909, which may require a certain front yard setback.

*** An existing principally residential building shall not be converted to a principal commercial use unless this lot width requirement is met, unless the building is not adjacent to any existing dwellings.

2. Allowed Uses.

a. Permitted by Right Uses:

Residential Uses – The same residential uses shall be allowed as are allowed in the R-3 District.
Bakery
Banking and Financial Institutions, which may include drive-through service
Convenience Stores, with Fuel Sales only allowed as a conditional use
Day Care Home
Drug Stores, which may include drive-through service
Dry Cleaners, Self-service Laundries (Limited to 2,000 Sq. Ft. of Service/production Area)
Exercise Clubs
Fire and Ambulance Station
Funeral Home
Gardens, Crop Farming and Forestry
Home Occupations, Major or Minor – See Section 27-1006
Municipal Buildings
Offices
Nursing Homes or Personal Care Centers
Parking lots other than parking areas that primarily serve tractor-trailer trucks
Personal Services, such as barber or beauty shop (See Section 27-1103), tailors, nail salons (See Section 27-1103) and certified massage therapy (See Section 27-1103), and not including a Massage Parlor.
Recreation Facilities, Public Parks and Non-Motorized Recreation Trails

C-N District Continued:

Restaurants (Eat in and Take Out), but not including drive-through service, provided that such uses shall not be developed in a building is attached to a principally residential building on another lot that is not in common ownership. This use shall not allow outdoor sale of ready-to-eat food on a regular basis on a lot that is not operated from a building on the lot.
Retail Stores without drive-through service, provided that such uses shall not be developed in a building is attached to a principally residential building on another lot that is not in common ownership.
Self-Storage Facilities
Small Appliance Sales, Service and Repair Shops
Storage or Warehousing as a principal or accessory use.
Wholesale Sales

b. Conditional Uses: Pursuant to §27-1203.

Banquet Hall
Taverns and Nightclubs, provided that such uses shall not be developed in a building that abuts a principally residential lot unless the lots are in common ownership.
Vehicle Fuel Sales, which shall only be allowed if the applicant proves the use will be designed to avoid conflicts with pedestrian travel and to provide compatibility with adjacent uses, and provided the use is not adjacent to a principally residential lot.

c. Special Exception Uses:

Day Care Facilities, Other than Day Care Homes
Adaptive Reuse in compliance with Section 27-1202.
Amusement Arcade

§27-810. C-H Commercial Highway District.

1. Dimensional Requirements.

Uses	Min. Lot Size Sq. Ft.	Max. Bldg. Cov.	Max. Imp. Cov.	Max. Height	Min. Lot Width	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Side Yard Setback (each)
Manufactured / Mobile Home	20,000	40%	80%	35	100	30	30	30
Parks, with a maximum average density of 5 dwelling units per acre and a 25 feet separation between dwellings (other than unenclosed attached structures)								
Allowed Residential Uses	Shall meet the regulations of the R-3 District.							
All Other Allowed Uses	7,500	50%	90	50	50	10	10*	5*

* Except 20 feet rear setback and a 10 feet side setback shall apply adjacent to an existing principally residential use.

2. Allowed Uses.

a. Permitted by Right Uses:
Banks and Financial Institutions, Including Drive-through
Beverage Distributors, Beer and Soft Drinks
Car Wash
College or University, not including residential uses, unless such dwellings meet the requirements for a dwelling occupied by a "family"
Convenience Stores, with or without Auto Fuel Sales
Emergency Health Care Facility/office
Exercise Clubs
Fire and Ambulance Station
Funeral Homes
Gardens, Crop Farming and Forestry
Home and Garden Supply Centers
Miniature Golf Course
Motels and Hotels
Municipal Uses
Nursing Homes or Personal Care Centers
Offices
Parking Lots and Structures
Passenger Terminal Facilities
Radio and Television Stations

C-H District Continued:

Recreational Facilities, Public Parks and Non-Motorized Recreation Trails
Residential Uses – The same residential uses shall be allowed as are allowed in the R-3 District.
Restaurants, Including Eat-in, Take-out, Drive Through Service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.
Retail Stores which may include drive-through facilities
Social Clubs and Associations, PLCB and Non-PLCB Licensed. Such use shall not be open between the hours of 2 AM and 6 AM. For any use that also meets the definition of a BYOB, Ordinances 35-2007 and 37-2007 shall also be met.
Taxi Headquarters
Temporary Employment Agencies and Service
Vehicle Sales or Rental
Veterinary Hospitals
Wholesale Sales and Services

b. Accessory Uses: (See Part 10, Unless Otherwise Noted)

Amusement Devices – Pursuant to §27-1010 of this Chapter
Drive-thru Services – Pursuant to §27-1004 of this Chapter
Entertainment – Pursuant to §27-1005
Home Occupations, Major or Minor – See Section 27-1006
Off-site Parking Areas, Pursuant to §27-1008
Telecommunications Antenna – See Section 2106.3.c.

c. Conditional Uses: In compliance with §27-1203.

Banquet Hall
Bottle Clubs
Group Institution
Public Utilities
Taverns and Nightclubs
Treatment Center

d. Special Exception Uses: In compliance with §27-1202

Adaptive Reuse
Amusement Arcade
Auto Service Stations or Auto Repair
Day Care Facilities
Manufactured / Mobile Home Park

Pawn Shop
Place of Worship
Surface Parking Facility
Telecommunications Towers and Facilities Pursuant to Part 21 of this Chapter
Vehicle Fuel Sales

§27-811. M-C Manufacturing Commercial District.

1. Dimensional Requirements.

Uses	Min. Lot Size Sq. Ft.	Max. Bldg. Cov.	Max. Imp. Cov.	Max. Height	Min. Lot Width	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Side Yard Setback (each)
All Uses, unless Otherwise Noted	20,000	50%	90%	60	80	15*	20**	10**

* Required Front Yard may be reduced to 10 feet where a landscaped buffer strip is provided in accordance with §27-1401 of this Chapter.

** Except 30 feet rear and 20 feet side setback shall apply for an industrial use or tractor-trailer loading dock adjacent to a lot of a principally residential use.

2. Allowed Uses.

a. Permitted by Right Uses:
Manufacture or industrial processing within an enclosed building involving the following: (As listed on the North American Industrial Classification System, as applicable)

Assembly and Packaging
Electronic and Electrical Equipment
Fabricated Metals Products
Food and Beverage Products
Leather and Leather Products (Not including Curing, Tanning and Finishing of Hides)
Machinery
Medical and Scientific Equipment and Related Products
Motor Freight Transportation and Warehousing
Non-PUC Telecommunications Facilities
Paper and Allied Products (other than raw paper pulp)
Petroleum and Coal Products, Other than Asphalt Manufacture or Petroleum Refining
Pottery and Ceramics
Primary Metals Industries
Railroad Transportation
Research and Development Facilities
Rubber, Synthetic Rubber, Resins and Miscellaneous Products

M-C District Continued:

Sporting Goods, Toys, Jewelry
Stone, Clay and Glass Products
Textiles and Apparel
Tobacco Products
Transportation Equipment
Transportation and Public Utilities
Wood Products and Furniture

Banks and Financial Institutions
College or University, not including residential uses
Convenience Stores with Fuel Sales
Employee Agencies and Services
Exercise Club
Fire and Ambulance Stations
Flex Space Buildings that include one or more permitted by right business uses
Gardens, Crop Farming and Forestry
Lumber and Building Material Supply Center, Retail or Wholesale
Municipal Uses
Offices and Medical Laboratories
Radio and Television Stations
Recreation Facilities, Public Parks and Non-Motorized Recreation Trails
Restaurants, which may not include drive-through service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.
Retail and Wholesale Sales and Services
Self-Storage Facilities
Swimming Pool as Principal Use
Taxi Headquarters
Telecommunications Towers and Facilities, pursuant to Part 21 of this Chapter. Facilities may be placed on a leased area.
Trade, Vocational and Hobby Schools, not including Residential Uses
Vehicle Sales or Rental
Warehouse, Distribution and Storage Facilities

M-C District Continued:

b. Accessory Uses: (See Part 10, Unless Otherwise Noted.)

Drive Through Services for allowed principal uses – Pursuant to §27-1004 of this Chapter
Entertainment – Pursuant to §27-1005 of this Chapter
Swimming Pools, Accessory
Telecommunications Antenna – See Section 2106.3.c.
Wind Turbine as an accessory use in compliance with Section §27-1012

c. Conditional Uses: In compliance with §27-1203.

Banquet Hall
Public Utilities, other than City-owned or City-operated uses and other than utility lines
Taverns and Nightclubs

d. Special Exception Uses: In compliance with §27-1202.

Day Care Facilities
Kennels
Manufacture or Industrial Processing of Chemicals and Allied Products
Manufacture of Plastics and Polymers

3. Additional Requirements.

A. A minimum of 10% of the lot shall be devoted to areas landscaped with trees and shrubs and vegetative ground cover. This area shall not be used for any other purpose.
B. All activities shall take place indoors; all outdoor storage shall be screened from public streets and adjacent off-street parking areas by fencing, landscaping or other appropriate measures.
C. Landscaped buffer strips, meeting Part 14 with a minimum of 10 feet wide in M-C zones and 25 feet wide in H-M zones, and plant screening shall be provided in every case where an industrial use abuts a principally residential use. In addition, where a residential district is located across a street or alley from a new or expanded industrial use, a 10 feet wide landscaped buffer strip shall be provided alongside such street or alley along such adjacent front, side or rear lotline.
D. Truck loading and unloading areas shall be provided in an amount sufficient to permit the transfer of goods in other than a public street or front yard setback areas.
E. Entrance and exit to permitted uses shall be clearly marked.
F. Any glare, vibration or noise resulting from the use shall not be evident beyond the boundaries of the zoning district.

M-C District Continued:

G. The operation shall not result in the dissemination of smoke, dust, chemicals or odors into the air to such a degree as to be detrimental to the health, safety and welfare of any adjacent residents.

H. Wind turbines shall be allowed that are attached to a roof of a building and do not extend a total of more than 25 feet above the roof of the building.

I. A minimum 75 feet setback shall apply from the average water level of the Schuylkill River for any new or expanded vehicle parking, outdoor storage area or building. This requirement shall not apply for recreational uses open for free for use by the general public.

§27-812. H-M Heavy Manufacturing District.

1. Dimensional Requirements.

Uses	Min. Lot Size Sq. Ft.	Max. Bldg. Cov.	Max. Imp. Cov.	Max. Height	Min. Lot Width	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Side Yard Setback (each)
All Uses Allowed, unless Otherwise Noted	40,000	50%	80%	70	100	20*	20**	20**

* Required Front Yard may be reduced to 10 feet where a landscaped buffer strip is provided in accordance with §27-1401 of this Chapter. See §27-1106 regarding Additional Requirements and Performance Standards.

** Except 30 feet rear and 20 feet side setback shall apply for an industrial use or tractor-trailer loading dock adjacent to a lot of a principally residential use.

a. Permitted by Right Uses:

Manufacturing or Industrial Processing involving the following:
(As listed in the North American Industrial Classification System, where applicable)

- Assembly and Packaging
- Electronic and Electrical Equipment
- Fabricated Metals Products
- Food and Beverage Products
- Instruments and Related Products
- Leather and Leather Products
- Machinery
- Paper and Allied Products
- Petroleum and Coal Products, other than Asphalt
- Primary Metals Industries
- Railroad Transportation
- Rubber, Synthetic Rubber, Resins and Miscellaneous Products
- Stone, Clay and Glass Products
- Textile and Apparel Products
- Tobacco Products
- Transportation Equipment
- Transportation and Public Utilities
- Wood Products and Furniture

Banks and Financial Institutions

H-M District Continued:

College or University, not including residential uses
Exercise Clubs
Fire and Ambulance Station
Flex Space Buildings, including 2 or more permitted business uses
Gardens, Crop Farming and Forestry
Landing Area for a Helicopter, Provided it meets requirements of State and Federal Aviation Agencies
Municipal Uses
Offices
Radio and Television Stations
Recreation Facilities, Public Parks and Non-Motorized Recreation Trails
Research and Development Facilities
Self-Storage Facilities
Telecommunications Facilities Other than Towers and Antennas. Lot Size May Be Reduced to 2,500 Sq. Ft. When on Leased Parcel, provided the Structure May Not Be Located in Setback Areas.
Telecommunications Towers and Antennas Pursuant to Part 21 of this Chapter. For accessory antenna, see Section 2106.3.c.
Trade, Vocational and Hobby Schools, not including Residential Uses
Warehousing, Storage, Distribution, Trucking or Inter-modal Transfer Facilities
Wind Turbine as an Accessory Use in compliance with Section 27-1012.

b. Conditional Uses: See Section 27-1203

Group Institution
Junkyard
Manufactured Home Parks
Massage Parlor (Not Including "Massage Therapy"), which shall meet the same regulations as a Sexually Oriented Business, in addition to the Codified Ordinance requirements
Sexually Oriented Business – Pursuant to Section 27-1203
Temporary Shelter
Treatment Center

c. Special Exception Uses:

Manufacture of Plastics and Polymers
Manufacture and Industrial Processing of Chemicals and Allied Products
Manufacture of Asphalt
Solid Waste Transfer Facility
Such other manufacturing and industrial uses as the applicant proves to the satisfaction of the Zoning Hearing Board will be similar to allowed uses and will not create hazards to public health and safety.

3. Additional Requirements. Section 811.3 shall also apply to the H-M District.

§27-813. P Preservation District.

1. Dimensional Requirements.

Uses	Min. Lot Size Sq. Ft.	Max. Bldg. Cov.	Max. Imp. Cov.	Max. Height	Min. Lot Width	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Side Yard Setback (each)
Allowed Uses unless stated Otherwise	30,000	10%	20%	35	50	10	20	10

2. Allowed Uses.

a. Permitted by Right Uses:

Bicycle and/or watercraft rentals, and boat launching facilities
Gardens, Crop Farming and Forestry
Nature Preserves, Non-Motorized Recreation Trails or Similar Recreation Facilities, provided that a setback shall not apply for a non-motorized recreation trail or related fencing.
Offices, Cultural Centers, Visitors Centers, Arts Exhibition Areas or Museums within a building that existed prior to the adoption of this Ordinance
Public Parks and Playgrounds and Public Recreation Buildings
Public Water and Sewage Treatment Facilities
Public Water and Sewer Drainage Facilities

b. Accessory Uses: (See Part 10, Unless Otherwise Noted)

Greenhouses – Maximum 280 Sq. Ft. with No Commercial Use
Parking Facilities That Are Accessory to the Principal Use Located on the Same Lot, provided the Parking Lot Shall Be Screened by Vegetation to filter Views from Beyond the Lot, Except Through Required Means of Access.
Storage Sheds or Pavilions – Maximum 280 Sq. Ft. of Floor Area

§27-814. P-S Penn Square Corridor Overlay District.

Within the P-S Overlay District, the same regulations shall apply as apply within the C-C District, except for the following:

1. The street level floor area abutting Penn Street for a depth from the front of the building of at least 60 feet shall not be occupied by any of the following uses:
   a. Day Care Facilities
   b. Dwelling Units, Dormitories or Other Residential Uses
   c. Storage
   d. Places of Worship
   e. Pawn Shops
   f. Surface off-street parking spaces or off-street truck loading spaces or docks
   g. Social Clubs, Private Clubs, Bottle Clubs and Bring Your Own Beverage Clubs

2. No new vehicle entrances or exits shall be allowed directly onto the 200, 300, 400 or 500 blocks of Penn Street, except that the City may approve the relocation of an existing entrance or exit.

3. The P-S Overlay District shall apply to lots that abut Penn Street between Second and Sixth Streets.

§27-815. RR Riverfront Redevelopment Overlay District.

A. Boundary. The RR District is hereby established, which shall include the geographic area shown on Exhibit A, which is considered to be part of the Zoning Map.

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. Telecommunications 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 a Sexually Oriented 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 and beauty shops (see Section 27-1103), nail salons (See Section 27-1103), 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 a "Sexually Oriented 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 or residence halls 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, or Non-Motorized Recreation Trails
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. Reserved
47. Minor Home occupations meeting Section 27-1006. 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. <u>Site Layout and Dimensional Regulations</u>.

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 a new building from an abutting lot line at the perimeter of the tract	15 Feet, except a minimum of 30 feet from a residential district boundary for 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	Yes

Planning Commission

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 curbline 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 curbline. 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.

§27-816. MU Municipal District.

1. Dimensional Requirements.

Uses	Min. Lot Size Sq. Ft.	Max. Bldg. Cov.	Max. Imp. Cov.	Max. Height	Min. Lot Width	Min. Front Yd Setback	Min. Rear Yard Setback	Min. Side Yard Setback (each)
Allowed Uses, unless stated otherwise	43,560	40%	80%	80 ft.		40 feet	40 feet	40 feet

2. Allowed Uses.

a. Permitted by Right Uses:
Wastewater Treatment Operations
Law Enforcement Operations
Fire Fighting and Rescue Service Operations
Recycling Operations
Multiple principal uses and occupancies on single parcels within the Municipal Use district are expressly authorized, where common (City) ownership makes subdivision otherwise unnecessary; 'area and bulk' standards shall apply to the property as a whole. The adequacy of separations between uses shall be established by agreement between the City's representative and a qualified design professional, and to the satisfaction of the incumbent tenants and their continuing operations. Municipal use parcels are not required to front on a public street, though sufficient (driveway) access must nonetheless be provided.
Governmental Offices and Public Works Facilities
Public Recreation Facilities
Non-Motorized Recreation Trails

§27-817. INS Institutional Overlay District

1. Applicability. The INS district overlays the underlying zoning district(s) as shown on the INS Zoning Maps. Within the INS Overlay District, an applicant shall have the option of making an application under the regulations of the INS District or the underlying zoning district regulations in Part 8. All other provisions of this Ordinance shall apply.

2. Dimensional Requirements.

Uses	Min. Lot Size Sq. Ft.	Max. Bldg. Cov.	Max. Imp. Cov.	Max. Height	Min. Lot Width	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Side Yard Setback (each)
College or University or Hospital Non-Residential Uses	3,000	40%****	70%****	40**	30	15***	25***	15***
College, University or Hospital Residential Uses*	3,000	40%****	70%****	40**	30	15***	25***	15***
Other Allowed Use, unless otherwise stated	10,000	40%	50%	40	50	15	25	15

Note: The term "College or University" shall be interpreted to include similar accredited institutions of higher education, such as Nursing Schools. and other professional health care educational facilities.

2. Allowed Uses.

a. Permitted by Right Uses:

Cemeteries, not including a crematorium
College or University Offices, Education, Dining, Recreational, Athletic, & Maintenance Uses & their customarily accessory uses.
Museums
Nursing Home or Personal Care Center
Offices or Clinics of a Hospital or similar health care organization
Police, fire and ambulance stations and related training facilities
Residential facilities owned and/or operated by a college, university or hospital for their staff and/or enrolled students, which may include dormitories, sororities, fraternities, dwelling units and other residence halls. Sororities, fraternities, dormitories and boarding houses that are not owned and/or operated by a college, university or nursing school shall be prohibited.

INS District Continued:

b. Conditional Uses: In compliance with Section 27-1203

Temporary Shelter

* Not including pre-existing dwelling units which are owned by a college or university and which are regulated as individual dwelling units under the regulations of the underlying district and which shall meet the definition of occupancy by one "family".

** Except a maximum height of 60 feet shall be allowed for portions of a building that are a minimum of 100 feet from the lotline of every dwelling that is not owned by the college or university.

*** Where a college or university building would be across a street or an alley or directly abutting an existing principal dwelling that is not owned by the college or university, a minimum 40 feet wide yard shall be required. Where such situation exists along a street or alley, the 40 feet yard shall be measured from the right-of-way.

**** For abutting lots in common ownership, the maximum building and impervious coverage may apply to all such lots combined.

***** A side yard setback is not required where a new building is replacing a building that was previously attached to another building along that lot line. New dwelling units that are allowed to be attached to each other do not need a side yard setback between the new dwellings.

PART 9
GENERAL PROVISIONS

§27-901. Application to all Zoning Districts.

This Part 9 shall be applicable to all buildings, structures, uses and lots, regardless of zoning district.

§27-902. Limit of One Principal Use Per Lot; Limit on Dwellings Per Lot; Limit on Dwelling Occupancy; Alley Frontage.

A. No more than one principal use shall be permitted on a lot in a residential district, unless specifically permitted by this Chapter. Where more than one principal use is allowed on a lot, the most restrictive requirement shall apply.
B. Off-street parking shall be required for the total of all uses on the lot, unless provided otherwise in this Ordinance.
C. A lot shall only be occupied by one dwelling unit unless the provisions of this Ordinance specifically allow 2 or more dwelling units. This provision shall not limit condominium ownership where the dwellings would be able to meet all of the same dimensional requirements as if fee simple lotlines would be drawn for non-condominium ownership.
D. An accessory building shall not be converted into a dwelling unit unless specifically allowed by this Ordinance.
E. A new principal building shall not be allowed if the lot only abuts an alley and not a street, unless the applicant proves to the Zoning Hearing Board as a special exception that no other reasonable use of the property is feasible.
F. Unless otherwise stated, each dwelling unit shall be limited to occupancy by one household, which shall meet the definition of one "Family" in Section 27-2202.

§27-903. Multiple Occupancy.

Occupancy of a principal commercial or industrial building or lot by more than one use is specifically allowed, provided that all other requirements of this Chapter are satisfied. Each use within a multiple use building shall be required to apply for separate zoning permits. The parking requirements shall be met for each use, and the dimensional requirements for the most restricted use shall apply. This provision by itself shall not be used to allow outdoor vending.

§27-904. Side Yard Setback in R-3 and C-R Districts.

See also note "****" in Section 27-804.3 for the R-3 District and note "*" in Section 27-808.1 for the C-R District.

§27-905. Proposed Right-of-Way.

When a lot has frontage on a public street which is or will be subject to a widening of the right-of-way, all required dimensional requirements, restrictions and limitations shall be measured from the edge of the public or established ultimate right-of-way as specified on official County Geographic Information System records, or where not available in such source, in the City Topographical Survey or the City's adopted Official Map.

§27-906. Emergency Access.

Emergency access shall be provided by way of paved streets, alleys, hard surface and/or marked stabilized turf driveways along at least 3 of four sides of all buildings that have a width or length exceeding 250 feet. No emergency access shall be located more than 200 feet from the building it services. If emergency access requirements are satisfied by constructing a sidewalk, such sidewalk shall be at least 10 feet wide and shall have a minimum radius of 50 feet at turns and intersections and be able to support an emergency vehicle.

§27-907. Frontage along a Street.

A new lot shall be only be allowed if it will abut a public street, or a private street or parking court that the City approves as meeting such purpose after a review by the City Law Department and Department of Public Works. A new apartment building or commercial or industrial building shall not be constructed unless it is on a lot that is adjacent to such a street or approved parking court. An alley with a cartway width of less than 16 feet or a right-of-way width of less than 20 feet shall not, by itself, be used to meet the requirements of this section.

§27-908. Front Yards.

All areas fronting a public street shall be considered as front yards, with all uses, buildings or structures regulated accordingly. For corner lots, the rear yard will be considered the yard opposite the street address on the maps in the Department of Public Works office.

§27-909 Front Yard Exception.

A. By administrative review of the Zoning Administrator, the front yard of a proposed building may be decreased in depth to the average alignment of a majority of existing buildings on the same block frontage (same side) located within 100 feet of the proposed building.

B. This section "B." applies in place of the standard front yard setback requirements in certain cases in the R-3, C-C, C-N and C-R districts so that the front yard building setback is consistent with the average existing setback. This Section shall only apply if more than 75 percent of the lots within the block frontage are occupied by a principal building. The required front yard building setback shall apply from a public street right-of-way for a new principal building. A majority of the front building wall and/or the front porch of such new building shall meet such required building setback. An area used for outdoor seating of a restaurant shall be considered the same as a front porch.

   1. The required front yard building setback shall be based upon the average setback of all existing principal buildings that are on the same side of the same block frontage of the street. The required front yard building setback shall not vary from the average setback by more than 5 feet to the front or to the back of the average setback.
      (a) For example, if two lots on one side have existing 5 feet setbacks, and two lots on the second side have existing 15 feet setbacks, the average shall be 10 feet. Therefore, if the average setback is 10 feet, the minimum front yard building setback for a new building shall be 5 feet and the maximum front yard building setback shall be 15 feet.
   2. If one existing building on another lot has a front setback that is more than 25 feet different in setback from the average of the other buildings, it shall not be considered in the average. A lot that is not occupied by a principal building shall not be considered in the average.

3. If a lot includes more than one principal building, this provision shall apply to the building that is closest to the front. For a corner lot, this provision shall apply to the one street line that has the most principal buildings fronting upon it, and shall not require a smaller setback that is otherwise required along the second street line.
4. If the Zoning Administrator determines that there is not an average front yard building setback, then the minimum front yard building setback shall apply.
5. A larger setback may still be required if necessary to comply with City sight clearance regulations at an intersection.

C. An unenclosed stoop or steps may intrude into the front yard setback.

D. The removal or enclosure of a front porch shall need special exception approval. The Zoning Hearing Board shall consider whether the change would harm the character of the block, considering the presence of porches on other buildings within the block. The Board may place conditions upon the design of an enclosure or a replacement porch to maintain consistency with other buildings on the block.

1. This requirement shall not apply in any of the following cases: a) if the porch removal or enclosure will require City approval under the Historic District Ordinance, b) if the porch includes less than 20 square feet of floor area, c) if the porch covers historic architectural details of the facade and the porch was not original to the structure, or d) if the porch was added after 1950.

§27-910. Projections.

A. Porches, decks, patios and stoops that are open on all sides (except the side attached to a building) and which may have a roof or awning, may be placed in a required front yard and rear yard, provided they do not extend for a distance into more than one-third of the required front yard and/or rear yard area. In any case, such feature may intrude up to 10 feet into a front yard setback. A raised deck shall still meet side yard setbacks. An open or lattice enclosed fire escape or fire-rated outside stairway may project into any yard not more than 50% of the distance from the building wall to the lot line. Drive-thru canopies shall conform to §27-1004 of this Chapter.

B. An unenclosed ramp for wheelchairs shall be allowed to intrude into a required setback as is necessary to provide access to the building or facility. Where access is possible using a ramp to the side or rear of a building, such side or rear access shall be used instead of intruding into a required minimum front yard setback.

C. A standard chimney connected to the heating source and connected to the principal building may intrude up to 3 feet into a setback. An eave or similar overhang of a roof may intrude up to 3 feet into a setback.

§27-911. Height Exceptions.

The maximum structure height specified for each district shall not apply to: water towers, decorative clock or bell towers, steeples and religious symbols attached to places of worship, electrical transmission lines, elevator shafts, skylights, chimneys, heating/ventilation/air conditional equipment, industrial mechanical equipment areas that are not occupied by humans, or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. However, all features shall still comply with the height regulations within the airport approach zones. Wind turbines and telecommunications towers and antenna, where allowed, shall meet the applicable height limits for such uses, as opposed to the height limit of the district. See Section 27-918 for solar collection devices.

§27-912. Lighting Control. See also sign lighting provisions in Section 27-1714.

A. Lighting (other than street lights and natural sources) shall be shaded, shielded and directed to prevent the creation of glare or a light intensity that will be nuisance to residents, pedestrians or motorists.

B. Spillover. Between the hours of 10 PM and 6 AM, a sign or other illumination utilized on private property shall not cause a spillover of light of an intensity in excess of 2.0 horizontal foot candles onto another lot that is not in common ownership. This maximum intensity shall be reduced to 1.0 horizontal foot candles between 10 PM and 7 AM on a principally residential lot in a residential zoning district. The spillover shall be measured at a height of 5 feet above grade. Overhead lighting of public recreational facilities, beyond what is necessary for security, shall not shine directly onto dwellings between 10 PM and 7 AM.

C. Street Lighting Exempted. This Section shall not apply to: a) street lighting that is owned, financed or maintained by a public utility, the City or the State, or b) an individual porch light (not including a spot light).

D. Height of Lights. No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation shall not apply to: 1) lights needed for air safety, 2) lights intended solely to illuminate an architectural feature of a building, 3) lighting of outdoor public recreation facilities or stadiums, or 4) lighting of a wall-mounted sign that is allowed to placed at a taller height.

E. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover or shielded to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots. This provision shall not apply to LED lights or to bulbs of 25 or less watts.

F. Shielding. All light sources, including signs, shall be carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.

G. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal flashing lights between October 30th and January 10th.

H. Gasoline Sales Canopies. Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.

I. Lighting of Horizontal Surfaces. For the lighting of predominantly horizontal surfaces such as parking areas and vehicle sales areas, lighting fixtures shall be aimed downward and shall include full cut-off measures as needed to properly direct the light and to meet the maximum spillover requirements of subsection B. and to prevent glare onto streets. The City may require that light fixtures for non-residential uses be placed along the street and be aimed away from the street in a manner that also minimizes light shining onto residential lots, or that shielding and reflective devices be used with light fixtures to aim the light away from the dwellings.

J. Lighting of Non-Horizontal Surfaces. For lighting of predominantly non-horizontal surfaces, such building walls and wall signs, lighting fixtures shall be fully shielded and shall be aimed so as to not project light: 1) towards neighboring residences, 2) past the object being illuminated or 3) skyward. Any lighting of a flag shall use a beam no wider than necessary to illuminate the flag. Any lighting of a new billboard should be attached to the top of the billboard and project downward.

K. Upward Lighting and Lasers. Spotlights shall not be directed upwards into the sky. Laser lights shall not be directed into the sky to attract attention to a business or activity. This Section "K." shall not apply to theaters, arenas or performing or visual arts centers in the C-C district, or as part of a City-sponsored special event.

L. Neon and Similar Lighting. The use of neon, argon and similar lighting shall be prohibited within residential districts for commercial advertising purposes if it is visible from a dwelling on another lot.

§27-913. Shade Tree Requirement.

A minimum of one shade tree per newly constructed principal residential unit and/or business establishment shall be required, which shall meet species and planting requirements set forth by the City Shade Tree Commission and City Subdivision and Land Development Ordinance [Chapter 22]. If a new principal commercial, industrial or institutional building is constructed, a minimum of one shade tree shall be required for each 50 feet of abutting street length. Such trees are not required to be evenly spaced. The location of the trees shall be subject to approval by the designated City staffperson, and do not necessarily need to be placed within a street right-of-way. If an application will be required by the Subdivision and Land Development Ordinance to provide similar tree planting, then the SALDO requirement shall apply in place of this Zoning Ordinance requirement.

§27-914. Urban Renewal Projects.

In recognition that enabling statutes are not intended to give to municipalities authority to control the Commonwealth of Pennsylvania or its agents, and in recognition that the United States is supreme when it operates within its powers, and that neither a State nor its political subdivisions may interfere with it, the City hereby declares that this Chapter shall yield to the use, height, bulk and area controls, and other such controls contained within this Chapter, established by either the Commonwealth of Pennsylvania or the United States of America when such controls are lawfully established pursuant to legislation governing urban renewal, consistent with a City-approved urban renewal plan. The City acknowledges that the strict enforcement of the regulations contained herein would, if those regulations were inconsistent with lawful urban renewal controls, constitute interference with the United States and/or the Commonwealth of Pennsylvania in the legitimate exercise of its/their constitutional duties.

A. This Section shall extend to a Redevelopment Authority, where authorized by City Council and which is operating under authority granted to it by the Commonwealth of Pennsylvania.
B. In the event that there are no urban renewal parcel controls specified, the zoning district standards established in this Chapter shall apply.

§27-915. Odors and Dust.

No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot.

§27- 916. Garbage Dumpster Screening and Location.

A. Site plans submitted to the City shall show the proposed location of any garbage dumpsters. The Zoning Administrator may require that such proposed location be modified to provide compatibility with adjacent uses.

B. Garbage dumpsters shall be surrounded on all sides by a solid fencing, wall, landscaping and compatible gate with a minimum height of 5 feet if the dumpster would be visible from a street or a residential lot. This section 27-1012 is not intended to regulate temporary dumpsters for construction or renovation debris, while a permit for the lot is active. This section 27-1012 shall also not regulate the use of a dumpster on a lot for up to 30 total days per calendar year.

§27-917. Noise Control.

A. No principal or accessory use its operations or activities shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/ District

LAND USE OR ZONING DISTRICT RECEIVING THE NOISE	HOURS/ DAYS	MAXIMUM SOUND LEVEL
1. At a Lot Line of a Residential Use in a Residential District	1) 7 a.m. to 10 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day 2) 10 p.m. to 7 a.m. plus all of the following days: Sundays, Christmas, Thanksgiving, New Years, Easter Sunday, Labor Day and Memorial Day	1) 62 dBA 2) 55 dBA
2. Lot Line of a Principal Residential Use that is not in a Residential District	1) Same as above 2) Same as above	1) 65 dBA 2) 62 dBA
3. Any Lot Line other than "1." or "2."	All times and days	70 dBA

Note- dBA means "A" weighted decibel.

B. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:

1. Sound needed to alert people about an emergency.
2. Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7 a.m. and 10 p.m., except for clearly emergency repairs which are not restricted by time.
3. Lawnmowers, snowblowers, leaf blowers, and household power tools.
4. Agricultural activities, livestock and other animals.

5. Public celebrations specifically authorized by City Council or a County, State or Federal Government agency or body.
6. Unamplified human voices.
7. Routine ringing of bells and chimes by a place of worship or municipal clock.
8. Vehicles lawfully operating on a public street, railroads and aircraft.
9. Matters that are regulated by the City Health Code, Chapter 10, Part 2 entitled "Noise Control."

§27-918. Green Incentives.

A. Areas of a balcony or the roof over a building or parking structure that are primarily covered by attractive vegetation and accessory walkways and are accessible to and usable by persons, and are designed to absorb significant runoff shall not count as impervious area for the purposes of calculating impervious coverage under this Ordinance. (See the City stormwater regulations to determine whether these areas would be considered impervious for the purposes of the stormwater requirements.)
   1. However, in no case shall this incentive reduce the amount of ground level vegetative area to less than 5 percent of a lot in a commercial or industrial district, or 10 percent in an R-3 district or 25 percent in another district.

B. Areas above underground parking that are covered by attractive vegetation and are accessible to and usable by persons, and are designed to absorb significant runoff shall not count as building coverage for the purposes of calculating building coverage under this Ordinance.

C. 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 beyond the maximum building coverage requirement.
   1. If a building is approved to be certified as a condition of an incentive under this Ordinance and Certification is not met after completion, then the applicant is required to make modifications to the project until such Certification is received. The City may require that a LEED certified professional and the building owner provide written evidence during the construction process that the features are being installed that were part of the proposed Certification.
   2. However, in no case shall this incentive reduce the amount of ground level vegetative area to less than 5 percent of a lot in a commercial or industrial district, or 10 percent in an R-3 district or 25 percent in another district.

D. Solar collection devices may extend a maximum of 15 feet above the maximum height limit and are a permitted by right use in all districts. Solar collection devices serving signs may extend 10 feet above the maximum height of the sign.

E. If solar collection devices are installed above vehicle parking, such structures shall not be regulated as part of building coverage.

PART 10
ACCESSORY USES

§27-1001. General Requirements.

The following regulations shall apply to any and all accessory uses, buildings and structures wherever situated:

A. Buildings or structures attached to or forming an integral part of a principal building or structure and utilized for an accessory use shall not be considered as accessory buildings or structures and shall conform to all requirements for a principal structure for the district in which situated.
B. Accessory buildings, structures or uses shall not be located between the principal building and any public street right-of-way, except that a detached vehicle garage of a dwelling may be allowed within the second front yard on a corner lot, provided it is behind the dwelling.
C. Offices to sell dwellings in a development are permitted accessory uses, but such uses must be removed or converted to an allowed use upon the sale of the last onsite residential unit offered for sale. A sales office may also be temporarily located in a permanent dwelling that is later used as a dwelling.
D. All in-ground swimming pools, as defined in §27-2202, shall conform to all requirements as a structure for the district in which situated. The water surface of a pool shall not be less than 7 feet from the side and rear property lines. Pools shall meet the fence and gate requirements of the Construction Codes.
E. In-ground pools as defined and regulated in Chapter 23, Part 1, "Private Swimming Pools," of the Code of Ordinances of the City of Reading shall be included in computing impervious coverage. The water surface of a swimming pool shall be setback a minimum of 10 feet from any lot line or street right-of-way line.
F. Human habitation in accessory buildings is prohibited.

§27-1002. Private Garages.

A private garage (which may include a carport) for vehicle parking and household storage that is accessory to a dwelling is allowed within the rear setback, provided any vehicle garage door is setback a minimum of 3 feet from an alley and provided the following additional requirements are met:

A. The garage structure shall not exceed 25 feet in height.
B. The garage shall not exceed one story, except a second story may be used for household storage.
C. A garage that is larger than 600 square feet in building floor area shall meet the principal building setbacks.

§27-1003. Storage Sheds, Gazebos and Greenhouses.

Storage sheds and greenhouses located within a required yard shall not exceed 280 square feet in floor area and 10 feet in height. Accessory animal shelters for pets shall not exceed 15 square feet in floor area. A 3 feet minimum rear and side yard setback shall apply to such storage sheds, greenhouses and shelters, except no setback is required if the principal buildings are attached along the same lot line. The maximum building coverage requirement for the district shall still be met.

§27-1004. Drive-Through Service Lanes and Canopies.

The following shall apply to drive-through lanes and canopy structures:

A. A drive-thru lane or canopy shall not be located within a required front yard.

B. No drive-through lane or canopy shall be situated less than 2 feet from a lot line, other than as provided in C. below.
C. A drive-through lane or canopy situated adjacent to a residential property shall be no less than 10 feet from the lot line, with a buffer strip 10 feet in width and screening provided accordance with §27-1401 of this Chapter.
D. No canopy shall be less than 8 feet 6 inches above grade.
E. All signage, except clearance or directional signs, are prohibited from portions of canopies that are located with a minimum setback.

§27-1005. Entertainment (as an accessory use).

Live entertainment may be permitted as accessory to a restaurant, tavern or nightclub use in the C-C, C-R, C-N, C-H and M-C zoning districts, provided that the use meets the following requirements:

A. The principal use shall be a permitted, special exception, conditional or legal nonconforming use.
B. All performances on a property in the C-R or C-N districts that can be heard at a principal residential use on another lot shall begin no earlier than 7:00 a.m. and terminate no later than 12:00 midnight and be limited to Friday and/or Saturday.

§27-1006. Home Occupations.

The district regulations, the "Home Occupation" definitions and this Section distinguish between Minor Home Occupations, which are typically permitted by right, and Major Home Occupations, which typically need special exception approval by the Zoning Hearing Board.

A. All home occupations shall meet the following requirements:
    1. The use shall only be conducted by permanent residents of the dwelling and a maximum of one employee working on the premises at a time, or operating a vehicle that is parked at the dwelling overnight, who do not live within the dwelling.
    2. The use shall be conducted indoors, in a principal and/or accessory building. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
    3. The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
    4. For a Major Home Occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
    5. The use shall not routinely require delivery by tractor-trailer trucks.
    6. No excavating equipment shall be parked outside overnight on a residential lot or an adjacent street as part of a home occupation. See truck parking restrictions in the "Health and Safety" Chapter of the Codified Ordinances.
    7. No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.
    8. A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.
    9. Any tutoring or instruction shall be limited to a maximum of 4 students at a time.
    10. A barber or beauty shop shall be considered a major home occupation and not include any non-resident employees. See also Section 27-1103.

11. The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
12. See sign requirements in Section 27-1703.B.
13. The Zoning Hearing Board shall deny a Major Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of deliveries needed, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
14. The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
15. The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall be prohibited, except for sales of hair care products as accessory to a barber/beauty shop.
16. A zoning permit shall be required for any home occupation.

B. Both Major and Minor Home Occupations shall meet the requirements listed in "A" above. The following additional requirements shall apply to a "Minor Home Occupation:"
   1. The use shall not routinely involve routine daily visits to the home occupation by customers.
   2. The use shall only involve the following activities:
      (a) work routinely conducted within an office,
      (b) custom sewing and fabric and basket crafts,
      (c) cooking and baking for off-site sales and use,
      (d) creation of visual arts (such as painting or wood carving),
      (e) repairs to and assembly of computers and computer peripherals, and
      (f) a construction tradesperson, provided that no non-resident employees routinely operate from the lot.
   3. A zoning permit shall not be required for a Minor Home Occupation.

§27-1007. Portable Home Storage Units. See Chapter 10, Part 15 of the Codified Ordinances.

§27-1008. Off-Premises Parking Areas in the R-3 and C-R districts.

Off-premises off-street parking areas shall be permitted in the R-3 and C-R zoning districts as accessory to lawful uses, provided the design and construction of the parking area complies with the standards set forth in §27-1602 of this Chapter and meets the buffering requirements of this Ordinance. See restrictions in the C-R district provisions in Section 27-808 concerning service of the general public. Prior to the issuance of a permit, a site plan shall be reviewed and approved by the Department of Public Works.

§27-1009. Vending Machines and Used Clothing Receptacles.

A. No commercial vending machine(s) shall be permitted outside or inside of any principally residential property located in any zoning district within the City limits. However, vending machines may be located inside a multi-unit building if they are intended to only serve residents of that building. Vending machines, which for the purpose of this Chapter shall include, but not be limited to, soft drink and snack machines, newspaper and similar periodical boxes and pay telephones, shall not occupy more than 25% of the sidewalk width in the public right-of-way, and shall be located to maintain a minimum of 4 feet of clear wheelchair-accessible sidewalk width. Automatic transaction machines shall not be allowed within a public street right-of-way.
B. Outdoor receptacles for receipt of used clothing shall only be placed on a lot if the landowner or tenant has provided permission. Such receptacles shall not be placed less than 50 feet from a dwelling on another lot and not less than 30 feet from the curb of a public street.

§27-1010. Amusement Devices.

Electronic amusement devices shall be permitted as accessory uses to a principal commercial use, at a ratio of one amusement device per 400 square feet of area accessible to customers within the business. This minimum ratio shall not apply to a use that is approved as an amusement arcade. For the purpose of this Section, kitchens, storage areas, rest facilities, office areas and passageways shall not be included in computing customer accessible area. Each public and private restaurant or tavern, regardless of its size, shall be permitted at least two amusement devices. No amusement device shall be audible beyond the premises within which it is located.

§27-1011. Yard and Garage Sales.

Yard and garage sales shall only be allowed as accessory to a dwelling unit on the same lot. Customarily incidental accessary yard and garage sales are permitted, provided the following requirements are met in residential districts:

A. Yard and garage sales in residential zones shall occur on a maximum of 2 total days in any 3-month period. Properties where sales are held more frequently than once per 3-month period shall only be allowed if they meet the requirements for a retail store.
B. Only used items may be sold in a residential district.
C. Hours of operation shall be between 8:00 a.m. and 6:00 p.m.
D. At no time shall any part of the sale activity obstruct pedestrian and wheelchair access along a public sidewalk.

§27-1012. Wind Turbines.

This Section 27-1012 shall not apply to roof-mounted wind turbines that are specifically allowed in certain districts in Part 8. Wind turbines shall only be allowed as an accessory use in districts where it is listed as being allowed in Part 8 of this Ordinance. Only one wind turbine shall be allowed per lot. Wind turbines shall meet the following additional requirements:

A. All wind turbines shall be set back from all lot lines and street rights-of-way a minimum distance equal to the total maximum height to the top of the extended blade, unless a written waiver is provided by the owner of such adjacent lot. All wind turbine setbacks shall be measured from the center of the base of the turbine.
B. The audible sound from the wind turbine shall not exceed 45 A-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
C. The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine is no longer used to generate electricity.
D. A wind turbine shall not be climbable for at least the first 12 feet above the ground level.
E. If support wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
F. The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.
G. The maximum total height above the ground level to the tip of the extended blade shall be 150 feet.
H. New electrical wiring to the wind turbine shall be placed underground, to the maximum extent feasible.

PART 11
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES OR ZONING DISTRICTS

§27-1101. Mid-Rise or Low-Rise Apartments.

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

A. Any dwelling unit constructed by or subsidized by an agency of the government of the United States or of the Commonwealth of Pennsylvania and which has restrictions on occupancy by reason of age, income or other unique condition, shall meet the minimum habitable floor area standards established by that agency, or, in the absence of such standard, shall meet the standards set forth in subsection D. hereof. Any dwelling unit which, pursuant to this Section, is constructed with less habitable floor area than that required by subsection D., shall not thereafter be occupied by persons not having the unique condition upon which the special permit was based unless it is conclusively demonstrated to the Board that the intended change in occupancy will not result in overcrowding or cause an increase in density or traffic congestion.

B. Part 16 allows reduced parking for housing limited to older persons. In addition, the Zoning Hearing Board may authorize a reduction in the number of off-street parking spaces required, as follows:

Publicly or Privately Subsidized Housing	**Number of Dwelling Units per space**
Low Income Elderly	15
Moderate Income Elderly	9
Low Income Non-elderly	1

Units other than those described, whether located within the same building or within a separate building, shall conform to the off-street parking requirements relevant to their use and size, as specified in this Part.

C. No dwelling units shall be constructed, erected or established that are 50% below the adjacent grade.

D. Each dwelling unit shall contain complete kitchen, toilet, bathing and sleeping facilities and shall have a minimum habitable area as follows:

Apartment Square Feet	
Each apartment shall have a separate bathroom, a separate kitchen and at least one separate bedroom.	
One Bedroom	550
Two Bedrooms	700
Three or More Bedrooms	850

E. Sufficient laundry, drying, garbage pick-up and other utility areas shall be provided and screened from view according to §27-1401.

F. The facade of any building or structure shall not exceed 70 feet in length unless making an angle turn or having an offset of at least 5 feet within each 70 feet of length.

G. A strip of land at least 5 feet in width surrounding each building shall be kept completely open except for foundation plantings and sidewalk and driveway crossings, except within the C-C and C-R districts. Open space adjacent to, around or between buildings not surfaced as walkways, driveways, parking area or utility areas, shall be graded and landscaped.

H. Courtyards bounded on three or more sides by the wings of a single building or by the walls of separate buildings shall have a minimum court width of 2 feet for each 1 foot in height of the tallest adjacent onsite building, except within the C-C and C-R districts.

I. Detached vehicle garages that are not part of a dwelling structure, but intended for the use of the residents in addition to all other accessory buildings, shall be located at least 25 feet from the nearest dwelling structure, except within the C-C and C-R districts.

J. Every building shall have a minimum setback of 10 feet from any and all interior roads, driveways and parking areas and 25 feet from any other building, except such setbacks shall not apply within the C-C and C-R districts.
K. A 10 foot wide buffer strip with screening shall be provided along all abutting property lines of non-apartment dwellings.
L. Minimum of 10% of the total tract area, exclusive of the required yards, buffer strips and parking areas, shall be designated for active or passive recreational purposes. No recreational area shall be less than 4,000 square feet in area and less than 40 feet in width, except within the C-C or C-R districts.
M. Driveways, parking areas, dwelling entrance ways and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and motor vehicles utilizing the same. Light sources shall be shielded to avoid glare disturbing to occupants of apartments and of adjacent properties.
N. All new on-site electric utility lines shall be installed below ground level.

§27-1102. High Rise Apartments.

When permitted, high rise apartments shall conform to the following:

A. Subsection 27-1101 shall also apply to High-Rise Apartments, except for subsections F. and J.
B. The Zoning Hearing Board may permit an increase in the number of stories of a high rise apartment after review of the proposal by the Planning Commission if it is determined that the overall density of the area, the character of the area, traffic flow and congestion, and the welfare of the community-at-large will not be adversely impacted.
C. Storage space having a minimum of 50 square feet and no less than 5 feet in height shall be provided in each building for each apartment in addition to the habitable floor area requirement.
D. A high rise apartment shall not be located within 30 feet of any accessory structure or 50 feet of any building on another lot which contains dwelling units, except within the C-C or C-R districts.
E. No high rise apartment shall be located less than 20 feet from any interior road, driveway or parking area, except within the C-C or C-R districts.
F. Accessways shall be limited to two per development, plus one additional accessway for each 150 feet of street frontage.

§27-1103. Barber and Beauty Shops ; Massage Therapy; and Nail Salons.

A. A State-licensed Barber or Cosmetologist shall be on the premises during all hours that the use is open, and proof of such license is required to be shown to any State or City employee immediately upon request.
B. A Massage Therapy business shall have a person on the premises during all hours that the use is open who meets the requirements to conduct such work as provided in Section 10-1401 of the City's Codified Ordinances. Proof of such certification is required to be shown to any State or City employee immediately upon request.
C. A Nail Salon business shall have a person on the premises during all hours that the use is open who is a State license Nail Technician, or who holds such successor or equivalent license. Proof of such certification is required to be shown to any State or City employee immediately upon request.

§27-1104. Manufactured Home Parks.

Manufactured (mobile) home parks shall only be allowed as provided in Part 8 and shall conform to the following:

A. All manufactured home parks shall contain a minimum of 2 acres.
B. Each dwelling space in an approved manufactured home park shall contain a minimum of 5,000 square feet.

C. The maximum density in each manufactured home park shall not exceed 5 manufactured homes per acre.
D. All manufactured home parks shall provide safe and convenient vehicular access from abutting public streets to each manufactured home space.
E. All interior streets in the manufactured home park shall be paved with a paving material in accordance with City regulations, shall be of adequate width to accommodate anticipated traffic, and shall meet the following minimum requirements:
   1. All internal streets shall have a cartway width of not less than 20 feet.
   2. All cul-de-sac streets shall conform to the criteria set forth in the City Subdivision and Land Development Ordinance [Chapter 22].
F. All water supplied to a manufactured home park shall be obtained from the City water system.
G. The sanitary sewage system serving any manufactured home park shall be connected to the City sewage disposal system in a manner approved by the Department of Public Works. All dwellings shall be connected to this system.
H. The installation of electrical, telephone and television cable service lines shall be approved underground methods.
I. Each manufactured home park shall provide fire hydrants within 400 feet of each building. These hydrants shall be at a capacity and pressure approved by the Department of Public Works and the Reading Area Water Authority.
J. All manufactured home parks shall provide screening along all sides abutting public streets or other properties. At least one shade tree (as approved by the Shade Tree Commission) must be planted on each manufactured home lot. Ten percent of all manufactured home parks, exclusive of rights-of-way, shall be provided for recreational use by the residents and open space buffer areas.
K. Each manufactured home lot shall be provided with a minimum of two off-street parking spaces.

§27-1105. Auto Service Stations, Auto Repair and Car Washes.

Where allowed in Part 8, the following standards shall be met:

A. The site plan must indicate the number and location of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth the tanks will be placed below ground, the number and location of pumps to be installed, the type of structure and accessory buildings to be constructed, and the number of autos to be garaged.
B. Any repair and servicing of motor vehicles shall be performed in a fully enclosed building and no motor vehicle parts or partially dismantled motor vehicles shall be stored overnight outside of an enclosed building.
C. Where such uses abut a residential property in a zone, there shall be a screened buffer strip not less than 10 feet in width. Buffer strips and screening shall be in accordance with §27-1401 of this Chapter.
D. The entire area of the site traveled by motor vehicles shall be paved.
E. Off-street parking areas shall be provided exclusive of pump areas or travel lanes. For auto service stations and auto repair, two parking spaces shall be provided for each service bay.
F. Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans and/or antifreeze and similar products may be displayed on the respective island if provided for in a suitable metal stand or rack.
G. No auto service station or auto repair garage shall be located nearer than 300 feet from any school, library or hospital. This is to maintain a safety zone in order to reduce the adverse effects of such activities on the above-mentioned institutions.

§27-1106. Reserved.

§27-1107 Additional Requirements and Performance Standards for Permitted Uses in the MU Zoning District

A. Wastewater Treatment Operations: an application for a "wastewater treatment operation" shall include a general explanation of the treatment processes, including the technologies involved, noise and odor mitigating measures, and the receiving water body of the treated effluent. The area of wastewater treatment equipment which is open to precipitation from above need not be counted in the calculation of building and impervious coverage percentages.

B. Law Enforcement Operations: an application for a "firing range" shall include a description of the design of the berm/backstop, and other safety measures. Designs shall implement the Environmental Protection Agency's Best Management Practices (BMPs) "for lead at firing ranges".

C. Fire and Rescue Service Operations: an application for a "live-fire training facility" shall include a description of the different training structures/evolutions designed. Water towers, simulation buildings, and other buildings specifically designed for their height, may exceed the building height maximum, where such increased height is related to the instruction or practice of fire-fighting and/or rescue techniques.

D. Recycling Operations: an application for a "recycling operation" shall include a description of the types and quantities of materials to be collected and the loading areas.

PART 12
PROVISIONS FOR SPECIAL EXCEPTION AND CONDITIONAL USES

§27-1201. Criteria and Limitations.

A. No conditional or special exception use shall be approved if it:

1. Substantially increases traffic congestion along a street or creates a traffic safety hazard;
2. Creates an undue concentration of population;
3. Impairs an adequate supply of light and air to adjacent property;
4. Creates a significant threat to the public health or safety;
5. Is detrimental to the appropriate use of adjacent property through the generation of significant nuisances or hazards; and/or
6. Does not meet the requirements of this Ordinance.

B. Persons With Disabilities. After the Zoning Administrator receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.

1. Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
2. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
3. Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.

C. Expansions. An existing lawful use that is listed in the applicable zoning district as being a special exception use may be expanded for the same use as a by right use if all of the following conditions are met:

1. The total building floor area of the use is not expanded by more than 25 percent;
2. The expansion is on the same lot;
3. The expansion shall be governed by the same conditions, if any, that were previously established by the Zoning Hearing Board, as applicable; and
4. All other requirements of this Ordinance are met.

§27-1202. Conditions for Special Exception Uses.

A. **Adaptive Reuse**. This section provides an alternative process to seek zoning approval for new uses of certain buildings. Existing principal institutional, industrial or manufacturing buildings may be converted to residential use in the C-N, R-2 and R-3 districts or residential, commercial or office uses in the C-R, C-N and C-H districts as special exceptions, provided that the following requirements are met as well as any other requirements identified by the Zoning Hearing Board:

1. A site plan and front facade architectural plans, drawn to scale, shall be submitted. These plans shall show the location and dimensions of off-street parking, private entrances, walkways,

landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

2. Residential uses shall meet the minimum floor area requirements of Section 27-1101.D.
3. The Zoning Hearing Board as part of the special exception approval may grant reasonable modifications to specific dimensional, parking and sign requirements that are necessary to allow reasonable reuse of the building, without needing proof of hardship, provided the Zoning Hearing Board determines such modifications will not adversely affect any adjacent residential neighborhood.
4. Documents indicating to the Zoning Hearing Board's satisfaction that all parking and vehicle access facilities are adequate and appropriate for the proposed use.

B. **Bed and Breakfast Inn**. A bed and breakfast inn may be permitted as a special exception in the R-1A, R-1, R-2 and R-3 residential zones, provided such use is within an existing residential dwelling designed to accommodate transient overnight guests for rent. In addition to any additional stipulations the Zoning Hearing Board may require, the following shall apply:

1. No more than four persons may occupy one rental unit.
2. At least one bathroom shall be provided for each two guest rooms in addition to at least one bathroom provided for the principal residential use.
3. Single family dwellings that are converted must maintain the appearance of a single-family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. Exterior stairways and fire escapes shall be located on the rear wall in preference to either side wall and in no case on a front or side wall facing a street.
4. Any existing historic architectural features visible from a public street shall be maintained.
5. There shall be no use of advertising visible from outside the premises except a single non-illuminated sign no larger than 6 square feet (writing on both sides is permitted), constructed and placed in accordance with the requirements of §27-1703.
6. The use shall be owned or operated by a resident of the premises.
7. There shall be no separate cooking facilities in any guestroom. Restaurant facilities open to people who are not staying overnight are not permitted in a residential zone.

C. **Cemeteries**. Cemeteries shall be allowed as provided in Part 8 and shall meet the following standards:

1. The use shall meet all dimensional standards of the zoning district.
2. Cemeteries may include mausoleums, crypts and tombs above and below ground level.
3. A 10 feet wide landscaped strip shall be provided abutting existing dwellings.
4. Any building (including a mausoleum) shall meet principal building setback requirements.

D. **Day Care Facilities**. Day care facilities, which include day care homes and day care centers, where permitted, shall meet the following standards along with any other requirements deemed necessary by the Zoning Hearing Board:

1. Day care homes, for children and adults, where allowed in Part 8 as an accessory use, shall meet the following requirements:
   (a) There may be permitted up to six children in family child day care homes, and up to six adults in adult day care homes in addition to sons or daughters of the on-site caregiver.
   (b) Where Zoning Hearing Board approval is required, the Board shall determine whether the use will be detrimental to the surrounding area and the design of any structures erected in connection with such use shall be in keeping with the general character of the area, and such lot shall meet the requirements of the available zone as set forth in Part 8 of this Chapter.
   (c) A minimum of 480 square feet of habitable floor area exclusive of halls, bathrooms, offices, kitchens, locker rooms, and related areas must be maintained on the premises.

2. Day care centers, for children and adults as a principal use, and group child care homes where allowed in Part 8 shall meet the following standards:
   (a) There may be permitted seven or more children in a child day care center, seven or more adults in an adult day care center, and between seven and 16 children in a group child care home.
   (b) Where special exception approval is required, the Zoning Hearing Board shall determine whether such structure or use will be detrimental to the surrounding area and such lot shall meet the requirements of the available zone as set forth in Part 8 of this Chapter.

3. The following standards are for all day care facilities:
   (a) Prior to grant of an Certificate of Occupancy, the applicant shall present evidence that any required State license or certification has been obtained.
   (b) There shall be provided off-street parking for all vehicles used directly in the operation of such, plus one space for every employee not living on the premises. In addition, a secure area must be provided to ensure the safe transferal of patrons to and from the premises.

E. **Colleges, Universities, Primary and Secondary Schools and Trade/Hobby Schools.** Such uses shall be allowed as provided in the zoning district regulations. Dormitories shall only be allowed where specifically provided in the zoning district regulations.

1. A detailed plot and complete set of architectural plans, drawn to scale, indicating the location and untended use of existing and proposed buildings, location of recreation areas, the relationship of the proposed use to existing streets and adjacent properties. The application shall indicate the grade levels of the pupils to be housed in the buildings, the planned student capacity of such buildings and the contemplated eventual enrollment of the school.
2. No driveway shall open onto a public street within 50 feet of an intersection of two public streets.
3. Illumination for night athletic activities shall be shielded from illuminating residential areas. See Section 27-912.

F. **Amusement Arcade.** The following standards shall be met:

1. No amusement arcade shall be located within 300 feet of a residential district or sexually-oriented business.
2. No amusement device shall be audible beyond the premises within which it is situated.
3. One off-street parking space for each 100 square feet of net floor area.

G. **Home Occupations, Major**. The provisions in Section 27-1006 shall apply.

H. **Hospitals and Centers for the Care of Children**. Hospitals and Centers for the Care of Children may be allowed as provided the following standards are met:

1. A statement setting forth full particulars on the operation to be conducted within the structure shall be filed by applicant with the Zoning Administrator.
2. No structure shall be erected nearer than 50 feet of any street line nor nearer than 30 feet of any property line; and all other requirements as set forth in this Chapter for the zone in which it is to be located shall be observed.
4. Buffer strips as required by §27-1401 shall be provided where the use abuts dwellings that are not in common ownership.

I. **Kennels**. Kennels shall be allowed as provided in Part 8, provided that the following conditions are met in addition to any conditions set forth by the Zoning Hearing Board:

1. No kennel shall be situated within 600 feet of a residential building.
2. A valid kennel license shall be secured from the Pennsylvania Department of Agriculture for all facilities as applicable.

J. **Life Care Retirement Facility and Nursing Home.** Such uses shall meet the following standards, all requirements therefor under this Ordinance, and any other conditions set forth by the Zoning Hearing Board:

1. A site plan and architectural plans, drawn to scale. These plans must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.
2. The Life Care Retirement Facility and Nursing Home must meet the standards of the City of Reading building, plumbing, mechanical, electrical and fire codes as required for the type of use. The owner must verify to the Zoning Administrator on an annual basis that the building meets all of the plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.
3. Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.
4. No basement or cellar shall be used as a habitable bedroom except by special exception approval or variance.
5. No Life Care Retirement Facility and Nursing Home shall be located within 500 linear feet of any other lot on which is established a Life Care Retirement Facility and Nursing Home or Residential Care Facility, except by variance, measured by the shortest distance between the two lots where the proposed life care retirement facility and nursing home is located (including but not limited to each existing life care retirement facility and nursing home or residential care facility use located in any district which is of a different designation than the district in which the new life care retirement facility and nursing home use is proposed).
6. See parking in Part 16.
7. The use shall acquire the necessary certificate, sanction and/or license by the Commonwealth of Pennsylvania.

K. **Nursing Homes**. See "Life Care Retirement Facility and Nursing Home" in this Section.

L. **Parks, Playgrounds and Public Buildings**. This term includes parks and playgrounds operated by the Federal, State or local government or non-profit organizations as well as public buildings operated by governmental agencies. Such uses shall meet the following additional standards:

1. A statement shall set forth full particulars on the operation of the use. If applicable, evidence may be required that a non-profit organization is legitimate.
2. The proposed use shall be operated by a governmental agency or bona-fide non-profit organization operated solely for public use or for the recreation and enjoyment of members of such organization.
3. Sufficient landscaping including trees, shrubs, and lawn shall be provided to serve as a buffer between such use and adjoining properties, and to insure an attractive appearance for the use.
4. The appropriate area and number of off-street parking spaces shall be established and met as set forth in §27-1603. Parks, playgrounds and game courts shall be required to have one space per 5,000 square feet of outdoor recreation area.

M. **Pawn Shops**. Pawn shops shall only be allowed where provided by the zoning district regulations, and provided that the following conditions are met in addition to any stipulations set forth by the Zoning Hearing Board:

1. All pawn shops shall provide proof of all applicable permits and licenses.
2. All pawn shops shall be registered with the City of Reading Police Department.
3. All signage shall conform to the sign requirements of that zoning district.
4. Prior to the receipt of pawned or purchased used items with a retail value of more than $5, the operator of the Pawn Shop shall require that a photo identification be shown and the Pawn Shop operator shall maintain a written list of the name of such person and a description of the items. Such list shall be available for inspection by a City Police Officer.

N. **Places of Worship**. The proposed use shall be a bona fide non-profit religious use. Places of worship shall be allowed as provided in the zoning district regulations provided that where special exception approval is required, the following additional standards shall be met:

1. A new place of worship shall not be allowed in the R-1, R-2 or R-3 districts in building space that is attached to a principal dwelling on another lot, unless such adjacent lots are in common ownership.
2. The intended use in the proposed location will not adversely affect the comfortable enjoyment of property rights and otherwise adversely affect the value of adjacent properties; that the design of any structure to be erected in connection with such use is in keeping with the general character of the area; and that sufficient landscaping, including trees, shrubs and lawn are provided to appropriately buffer these from adjoining properties and to insure an attractive appearance for the use.
3. No new place of worship with a seating capacity of 300 persons or more shall front on a minor street as defined in Part 2 of the City Subdivision and Land Development Ordinance [Chapter 22].
4. If a place of worship is on a lot of greater than 10,000 square feet, then a child day care center shall be a permitted by right accessory use. If a place of worship is on a smaller lot, then all of the requirements for a day care center shall be met.

O. **Private Surface Parking Facilities (Lot or Structure).** Private surface parking facilities shall meet the following additional standards:

1. The facility is to be used primarily for the parking of passenger automobiles.
2. The facility shall not be used for the sales, long term storage, repair or servicing of automobiles.
3. Entrances to and exits from the facility are to be located to respect the character of the area.
4. No advertising sign may be located on the facility.
5. There shall be provided curbing, a wheel block securely anchored into the ground or similar measure for each peripheral parking space.
6. The parking facility shall be adequately screened from the street and adjoining properties as required by §27-1402 of this Chapter.
7. All surface parking facilities shall meet the design and construction standards set forth in §27-1602 of this Chapter.

P. **Swimming Pools, As a Principal Use**. Swimming pools owned and/or operated by the City of Reading, swimming pool associations, or a club shall be allowed as provided in the zoning district regulations, and shall meet the following standards are met and any other requirements as are deemed necessary by the Zoning Hearing Board where the use requires special exception approval:

1. A statement setting forth full particulars on the operation.
2. Sufficient landscaping including trees, shrubs, and lawn shall be provided to serve as a buffer between such use and adjoining properties, and to insure an attractive appearance for the use.
3. The appropriate area and number of off-street parking spaces shall be established and met.

Q. **Telecommunications Towers and Facilities**. Telecommunications towers and facilities shall be allowed as provided in the zoning district regulations, provided they meet the standards outlined in Part 21 of this Chapter in addition to any stipulations set forth by the Zoning Hearing Board. See Section 2106.3.C. for antenna attached to a building.

R. **Roommate Housing Arrangements**. (as defined in §27-2202, "roommate households"), when exceeding three non-related persons living in one dwelling unit, require review and approval by the Zoning Hearing Board as a special exception review. The applicant must present to the hearing board:

1. A site plan and architectural plans, drawn to scale. These plans must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.
2. The roommate housing arrangement must meet the standards of the City of Reading building, housing and fire codes as required for residential rental properties. The owner must verify to the City of Reading on an annual basis that the building meets all of the plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.
3. No cooking facilities of any kind shall be located in any room except the central kitchen.
4. Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.
5. No basement or cellar shall be used as a habitable bedroom except by special exception approval or variance.
6. No roommate housing arrangement shall be located within 800 feet of another roommate housing arrangement except by special exception approval or variance.

§27-1203. Conditions for Conditional Uses.

A. **Adult Business.** See Sexually Oriented Business in this Section.

B. **Boarding Houses**. Such uses shall only be allowed where listed in the zoning district regulations, provided that the following conditions are met in addition to any conditions set forth by City Council:

1. A site plan and architectural plans, drawn to scale, shall be submitted. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.
2. One off-street parking space shall be provided for each two occupants of the dwelling.
3. Each boarding house shall contain complete bath facilities and a central kitchen with complete cooking and washing facilities. The facilities shall be available to the occupants of the boarding house at all hours. No cooking facilities of any kind shall be located in any room except the central kitchen.
4. The applicant shall document to City Council that the boarding house meets all of the plumbing, electrical, heating, building, fire and similar standards set by the City and by the Commonwealth of Pennsylvania.
5. Every rooming unit shall contain a minimum of 150 square feet of floor area and may be occupied by one person. In every rooming unit, the bedroom thereof shall contain at least 70 square feet of floor area.
6. In any dwelling in which water closet, lavatory basins, bathtubs or shower facilities are shared by the occupants of more than one rooming unit, such facilities shall be so located within the dwelling as to be accessible without going through another dwelling unit or rooming unit.
7. No basement or cellar shall be used as a habitable room or dwelling unit unless:
   (a) Floors and walls are substantially watertight.

(b) The total window area, total open area and ceiling height are in accordance with the City of Reading Health Code.
(c) The required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area, not including stairwells and access ways.

8. See also provisions for "Roommate Housing Arrangements", which is a separate use.

C. **Bottle Clubs**. Bottle clubs shall only be allowed where listed in the zoning district regulations, and provided the following standards are met along with any other conditions set forth by City Council:

1. Parking requirements shall be met as set forth in §27-1603 of this Chapter.
2. A site plan and architectural plans, drawn to scale, shall be submitted. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.
3. A statement must be presented setting forth the full particulars of the use, including the hours of operation and any proposed entertainment and dancing.
4. The applicant must demonstrate that the proposed use in the intended location will not adversely affect the value, or the safe and comfortable enjoyment of property rights for adjacent property owners.
5. Any building of a Bottle Club shall not be located within 1000 feet of any primary or secondary school, place of worship, day care facility, municipal park, playground, library, sexually-oriented business, or other bottle club.
6. After Hours Clubs that allow on-site consumption of alcoholic beverages between 2:30 AM and 6 AM in return for an admission charge or an annual membership fee are effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes). In the event that such use would be determined to be allowed, a 200 feet setback shall apply from the building and any parking areas from any residential zoning district. The applicant shall prove that adequate on-site security will be in place.
7. See also Chapter 6, Part 1 of the Codified Ordinances, or the successor section. Where that provision and this Ordinance may differ, the strictest provision shall apply.

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:

1. A site plan, drawn to the scale, showing the location and dimensions of all off-street parking, private entrances, walkways and landscaping, shall be submitted, as well as, architectural plans showing the dimensions and square footage of all rooms and storage spaces and indicating the intended use of all rooms.
2. The conversion shall have the minimum floor area as designated by the following schedule:

Apartment Square Feet	
Efficiency or Studio	Not Allowed
One Bedroom	550
Two Bedroom	700
Three or More Bedroom	850

3. For each dwelling unit, there shall be a minimum 1.5 off-street parking spaces per unit.
4. Documents indicating to the City Codes Staff's satisfaction that all plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use. The entire building shall also be made available for a code inspection.

E. **Fire and Ambulance Stations.** A Fire and/or Ambulance Station may be permitted as provided in the zoning district regulations, provided that the following standards are met:

1. A proposed social hall and/or benefit association shall be considered as an additional "principal use" for the purposes of this Part.
2. A complete plan of proposed traffic signalization and disruption devices, lighting, alarms, sirens, public address systems, and other infrastructure commonly associated with fire or ambulance stations, shall be provided to the Planning Commission as part of the review required by §303.a.2. of the Pennsylvania Municipalities Planning Code and/or land development plans.
3. Fire fighting, ambulance and rescue vehicles and apparatus may be staged / displayed within their station's front yard. Fire and ambulance stations are hereby exempted from the driveway width standards set forth in §§27-1503.2.B. and -1503.3.A., and the setback consideration of §27-1602.2.

F. **Gaming Facility.**

1. The applicant shall seek input from the local public bus service provider regarding bus stops. Any transit shelter shall be placed such that it does not impede the normal pedestrian functions of the sidewalk.
2. Sidewalks shall be provided adjacent to public streets and from any adjacent arterial street to a pedestrian entrance of the use. At least one ADA-accessible pedestrian path shall be provided from a main pedestrian entrance through the main on-site parking area. This pedestrian path shall be demarcated by pavement markings or differing colors or materials and be separated from adjacent parking spaces by curbing, curb stops or similar barriers.
   (a) Pedestrian sidewalks shall be provided in front of and along all public pedestrian entrances to business buildings and all bus unloading locations. Pedestrian routes and customer and employee parking areas shall be sufficiently illuminated for safety and security. Pedestrian routes and sidewalks shall be a minimum of 5 feet in width. Crosswalks shall be well-marked and be ADA-accessible.

G. **Junkyards**. Junkyards may be allowed in the H-M zone and shall need conditional use approval, provided, that the following conditions are met in addition to any stipulations set forth by City Council:

1. All junkyards shall establish and maintain a 50-foot wide buffer strip in accordance with §27-1401 of this Chapter. No junk material or accessory structures shall be stored or placed in the setback area.
2. All junk shall be completely screened from public streets and adjacent off-street parking areas by fencing, landscaping and other appropriate measures, in accordance with the provisions established in §27-1402 of this Chapter, and City Planning recommendations.
3. All junk shall be stored or arranged to permit access by emergency equipment and personnel, and to minimize the accumulation of water.
4. Any junkyard shall be maintained in such a manner to minimize public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, or other vectors.

H. **Public Utilities**. Public utility uses such as telephone equipment centers and electric substations (but not including service storage yards), may be allowed where provided in the zoning district regulations, provided that the following standards are met:

1. The entity shall be regulated by the Pennsylvania Public Utilities Commission.
2. The proposed installation in a specific residential location is necessary for efficient service to the public in the neighborhood or area in which the particular use is to be located.

3. The design of any building in connection with such a facility conforms to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights.
4. Approved fencing and other security devices shall be provided.
5. A buffer strip 10 feet in width and screening are provided and shall be continually maintained in accordance with Part 14 of this Chapter.
6. Adequate off-street parking is provided.
7. All area yard and building coverage requirements of the zoning district in which the use is located shall be met.
8. These provisions shall not apply to sanitary sewage pumping stations, which shall be considered a "Municipal Use".

I. **Residential Care Facility, Including Group Care Facilities and Group Care Institutions**. See the zoning district regulations concerning which types are allowed in various districts.

1. The following standards shall be for all residential care facilities:
   (a) A site plan and architectural plans, drawn to scale, shall be submitted. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.
   (b) No residential care facility shall be located within 800 feet of another group care facility, group institution, school, day care home, or day care center.
   (c) One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for each four patient/client beds.
   (d) The premises at which the residential care facility is located shall be owned or leased by the social service agency sponsoring the group care facility.
   (e) The sponsoring entity shall document to the Zoning Administrator that all building, fire, plumbing, heating, electrical and similar systems meet the standards set by the City and by the Commonwealth of Pennsylvania.
   (f) See also Section 27-1201.B.

2. The following standards are for all group care facilities:
   (a) Group care facilities, by design and intent, shall provide for the temporary needs of transient residents.
   (b) No group care facility shall have more than 10 residents at any given time, not including live in supervisors.
   (c) The only physical changes to the dwelling shall be those required by law. When the use is abandoned, any subsequent use shall conform to permitted uses in that zoning district.
   (d) No more than two live-in supervisors shall reside in the group care facility.
   (e) Although live-in supervision is not required, the sponsoring social service agency shall document to the Board that the agency shall provide the residents of the group care facility with the physical safety and the emotional support they require. Because residents of a group care facility are likely to be suffering from personal crises, some form of immediate contact with a counselor should be available at all hours. Likewise, immediate contact with sponsoring social service agency should be available to members of the public who may be in need of the services of the group care facility.
   (f) The following standards are for all group care institutions.
   (g) The group institution, by design and intent, shall provide for the long term needs of its residents and shall not accommodate the needs of transient individuals.
   (h) A licensed physician, psychologist, counselor or social worker in the employ of or under contract to the social service agency shall be responsible for the assignment of residents to the group institution.

(i) At least one supervisor shall be on call during all hours during which any resident of the group institution is on the premises.
(j) The dwelling unit shall not be altered in any manner that would change the original dwelling unit character of the group institution.

J. **Sexually Oriented Businesses**. Sexually-oriented Businesses shall only be allowed where provided under the zoning district regulations and shall need conditional use approval and shall meet the following standards, along with any other conditions set forth by City Council:

1. Such businesses shall include, but not be limited to, book and video stores, movie theaters, cabarets and massage parlors.
2. No sexually oriented business shall be established within 1,000 feet of a place of worship, a primary or secondary school, lotline of a dwelling, residential zoning district boundary, child daycare, nursery school, park, playground, recreation trail, recreational facility open to community use, or existing sexually oriented business.
3. No pornographic material or other material deemed offensive to the general public shall be visible from the outside of the premises.
4. Any use established or approved after the effective date of this Ordinance shall not be open to customers or patrons between the hours of 12 midnight and 6 AM.
5. See also Chapter 10, Part 11 of the Codified Ordinances, including but not limited to the statement of purposes and findings.

K. **Student Home.** The following regulations shall apply to Student Homes in the R-1A, R-1 and R-2 districts. In all other districts and in the Institutional Overlay District, 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 Ordinance.
3. Where a Student Home is lawfully nonconforming because it is occupied by 4 or more college or university students, 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 Ordinance or a zoning amendment that made the use non-conforming.
4. A site plan and architectural plans, drawn to scale. These plans must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.
5. The housing arrangement must meet the standards of the City of Reading building, housing and fire codes as required for residential rental properties. The owner must verify to the Zoning Administrator on an annual basis that the building meets all of the plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.
6. No cooking facilities of any kind shall be located in any room except the central kitchen.
7. Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.
8. No basement or cellar shall be used as a habitable bedroom except by special exception approval or variance.
9. No Student Home shall be located within 500 linear feet of any other lot on which is established a Student Home, except by variance, measured by the shortest distance between the two lots where the proposed student home is located (including but not limited to each existing student home use located in any district which is of a different designation than the district in which the new student home use is proposed).

10. A one-family dwelling used as a student home shall have a floor area of at least 1,000 square feet exclusive of basements, garages and accessory buildings.
11. A student home shall meet the area and bulk requirements for the type of dwelling in the applicable zoning district where such use is proposed.
12. The owner of the student home, or the agent or manager of the student home, shall annually register the student home with the Codes Enforcement Division on a form provided by the City of Reading. If the owner of the student home fails to maintain a current registration of his or her student home, the Codes Enforcement Division in conjunction with the Zoning Administrator shall enforce such condition in accordance with §27-201 et seq of this chapter.
13. If the one family dwelling where the student home is proposed cannot meet the parking requirements set forth in §27-1603.D.D. herein, the Governing Body may still authorize the conditional use with the condition that the number of occupants which may reside at the student home shall be limited to the number of off-street parking spaces provided for the dwelling.
14. See the regulations of the R-1A, R-1 and R-2 districts, which may limit the types of dwellings that may be used as a "Student Home".

L. **Taverns and Nightclubs.** Taverns and Nightclubs shall be allowed as provided in Part 8 of this Ordinance, in addition to any conditions set forth by the City Council where conditional use approval is needed:

1. For the purpose of this Chapter, taverns are reputable, PLCB licensed establishments designed primarily for the on-site consumption of alcoholic beverages by consenting adults.
2. The term taverns also includes bars, pubs, beer gardens, cocktail lounges, saloons, and taprooms. See the definition of "nightclub."
3. Except in the C-C district, no tavern or nightclub shall be located within 500 feet of another tavern or other PLCB licensed establishment.
4. Except in the C-C district, no tavern or nightclub shall be located within 1,000 feet of a school, place of worship, playground, hospital, day care facility, residential care facility or charitable institution.
5. All taverns or nightclubs shall hold a valid license for the premises in which the establishment is located.
6. All taverns and nightclubs, except for food sales if the establishment holds a State Extended Hours Food license, shall only operate between the hours of 7:00 a.m. and 2:00 a.m. the following day.
7. No tavern or nightclub shall contain less than 300 square feet of usable floor area.
8. Entertainment shall be permitted as an accessory use.
9. All taverns and nightclubs shall comply with all State and local codes regulating such establishments.

M. **Treatment Center.**

1. See definition.
2. The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional conditional use approval.
3. The applicant shall prove to the satisfaction of the City Council that the use will involve adequate on-site supervision and security measures to protect public safety. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
4. City Council may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.

5. A methadone treatment center or other drug treatment center or a use involving housing of 2 or more persons required to register their place of residence under Megan's Law II shall be setback a minimum of 500 feet from each of the following: a primary or secondary school, a public park or playground, or a child day care center.
6. See also Section 27-1201.B.

PART 13
FENCES AND WALLS; SIGHT TRIANGLES

§27-1301. Fence and Wall Permits.

No fence, wall or similar structure greater than 3 feet in height shall be erected without first obtaining a permit from the Zoning Administrator. See also the Construction Code requirements for any retaining wall.

§27-1302. Fence and Wall Heights.

Fences, walls and similar structures in the minimum front yard of a residential or R-PO district shall not exceed 4 feet in height. In all other cases, fences, walls or similar structures exclusive of ornamentation shall not exceed 6 feet in height in any district, except: 1) the manufacturing or C-H districts as provided in "A" below, or 2) where the applicant proves to the satisfaction that the taller fencing is needed to secure an electric substation or similar safety or health hazard. Decorative posts and similar ornamentation of a fence or wall may extend an additional one foot above the maximum height, provided the ornamental features are not continuous in a way that effectively extends the overall height of the fence or wall.

A. Fences in manufacturing or C-H districts may be taller than 6 feet, provided that such fences shall not exceed 8 feet in height if the fence is to be located within 20 feet from a residential zone or a residential use.

§27-1303. Required Sight Triangle.

On a corner lot, no building, fence, wall, fence-like or wall-like structure shall be erected or permitted which exceeds a height of 30 inches above the elevation of the intersecting streets and is located within a sight triangle measured 75 feet from the point of intersection of the centerlines. Features that have a clearance of greater than 10 feet shall not be regulated, such as the trimmed canopy of a shade tree or the sign face of a pole-mounted sign. A fence that allows more than 75 percent visibility through it (such as a typical open chain link fence) shall not be regulated by this section.

A. Where two alleys intersection or a street intersects with an alley, a similar sight triangle shall apply based upon the following lengths:

    1. one side of the triangle shall be measured 15 feet along the right-of-way line of any street,
    2. one side of the triangle shall be measured 10 feet along the right-of-way line of any alley,
    3. where two alleys intersect, the two shorter sides of the triangle shall only be 5 feet in length,
    4. the longer side of the triangle shall connect lines drawn under "1.," "2." or "3.",
    5. in the case of a rounded property corner, the two shorter sides of the triangle shall be drawn from the intersection of the property lines extended.

B. On any lot where a private driveway enters a street, no obstruction between 30 inches above curb level and 10 feet above curb level shall be located within the triangular area formed by the street right-of-way line, the private driveway paving and a line connecting them at points 10 feet from their intersection.

C. A utility pole or a pole for a permitted sign may be located within a clear sight triangle provided it does not have a diameter greater than 20 inches. A trunk of an existing tree may continue to be located in a clear sight triangle, provided the adjacent landowner trims the branches to minimize sight obstructions.

D. An existing building may be replaced with a new building without needing a larger setback to comply with this subsection.

E. See also the City Subdivision and Land Development Ordinance, which may require a larger sight triangle in cases regulated by such Ordinance.

§27-1304. Prohibited Fences, Walls, Materials or Similar Structures.

The following fences, walls, similar structures or fencing and wall materials shall be prohibited:

A. Barbed wire.
   1. When the fence, wall or similar structure is located in any residential district, associated with a residential use, or abuts a residential property; is located in the C-N or R-PO zones; or is located in a front yard area or abuts a street (as defined in the Subdivision and Land Development Ordinance) in the C-C and C-R zones.
   2. When the barbed wire would be located less than 6 feet above grade.
   3. When the barbed wire would extend beyond the exterior facade of the fence, wail or similar structure.
   4. When the fence, wall, or similar structure is not properly buffered in accordance with §27-1401 of this Chapter.

B. Fabric.
C. Electrically charged fences, other than invisible fences for animals.
D. Broken glass affixed to or on any wall, fence or similar structure.
E. Junk, including but not limited to discarded vehicles, appliances, and anything not in accordance with Construction Code requirements.
F. Razor wire, except around a prison or correctional institution.

§27-1305. Temporary Fences, Walls or Similar Structures.

Temporary fences, walls or similar structures may be used on construction sites, provided such fences, walls or similar structures are removed upon completion of the construction project. The Zoning Administrator may request a timetable for construction from the contractor. All temporary fences, walls or similar structures shall meet the requirements of that zoning district.

§27-1306. Exceptions.

This Part 13 shall not regulate fences or walls around a City-owned use, public park, public playground, public school properties or water or sewage facilities.

PART 14
BUFFER STRIPS AND SCREENING

§27-1401. Buffer Strips.

A. A buffer strip shall be provided where required by another section of this Chapter or where a new or expanded principal commercial or industrial use is proposed abutting an existing principal residential use on another lot in a residential district. Where required, a buffer strip shall meet the following:

1. Be established and maintained along the side and rear lot lines that are not abutting a street and that are adjacent to a residential district.
2. Be free from buildings, structures, accessory buildings, signs, driveways, parking areas, outdoor storage areas, recreation facilities and all activity areas, except for any necessary perpendicular crossings.
3. Be landscaped with primarily evergreen trees and shrubs in addition to lawn or other attractive vegetative ground cover.
4. Be at least 6 feet in width, unless a wider width is specified by another section of this Chapter.

B. In addition, a buffer strip along a public street or lot line of a dwelling shall be required where 3 or more tractor-trailers or trailers of tractor-trailer combinations will be kept overnight on a regular basis and will be visible from the street or dwelling.

C. In addition, an 6 feet minimum width buffer strip along a public street shall be required where new parking spaces for 8 or more vehicles are proposed to be adjacent to and visible from a public street. Such buffer strip shall include plants with a anticipated mature height of 4 feet and deciduous shade trees. Such buffer shall be designed so that it is possible to have views into the parking area for security reasons. Such buffer strip and trees may be allowed by the City to intrude into the right-of-way width, provided sufficient sidewalk width remains for pedestrians and wheelchairs.

D. Where a buffer strip is required under the Subdivision and Land Development Ordinance (SALDO), such SALDO requirement shall apply instead of the Zoning Ordinance requirement. In such case, the Planning Commission may approve a modification under the SALDO.

§27-1402. Screening.

Screening shall be provided and maintained in all buffer strips so as to provide a visual barrier to reduce views from various operations and features from a public street or adjacent dwellings. All utilitarian areas such as delivery and service areas, truck parking areas, outdoor storage areas, and waste disposal storage and pick-up areas for principal business uses shall be screened. Except for screening required by Section 27-1401.C. above, screening where required shall consist of the following:

A. Dense hedges of shrubbery or evergreens at least 4 feet in height, planted with spacing that can reasonably be expected to result in a continuous visual screen with minimum height of 6 feet within 3 years. Where the width of the buffer strip allows, the plants shall be placed in staggered rows to allow room for future growth.
B. Where the Zoning Administrator determines that a noise conflict may occur, the screening shall also be accompanied by a durable fence or masonry wall at least 70% solid of uniform color(s) and with a height of 6 feet.

PART 15
PRIVATE ROADS, DRIVEWAYS AND PARKING AREAS

§27-1501. Private Roads and Driveways.

A. All private roads and driveways shall be approved by the Department of Public Works.
B. All private roads and driveways shall be properly maintained by the property owner.

§27-1502. Private Parking Areas.

A. All private parking areas shall be constructed to standards in §27-1602.
B. All private parking areas shall be properly graded, constructed and surfaced. Adequate stormwater runoff measures must by approved by the Department of Public Works and Codes Services Office.
C. All private parking areas including all required landscaping and/or buffering shall be properly maintained.
D. All private parking areas shall have direct access to a public street, unless use of a private street, parking court or similar feature is approved by the City, with guaranteed rights of access.
E. Any new, relocated or expanded driveway or parking lot entrance or exit onto a public street shall need review and approval by the City Department of Public Works or their designee. Such entrances and exits shall comply with Parts 15 and 16 of this Ordinance.

§27-1503. Private Driveways.

A. All private driveways shall have clear sight triangles as determined in §22-502(6)(g) of the City's Subdivision and Land Development Ordinance [Chapter 22].

B. Driveways in residential districts and/or for residential uses shall not be less than 40 feet from any street intersection, measured from the point of-intersection of the respective curblines, nor less than 15 feet from any intersection of a street and an alley.

    1. Residential driveways shall not be less than 8 feet or more than 14 feet in width, unless specifically approved otherwise by the City or PennDOT.
    2. Commercial driveways for two-way traffic shall be 20 feet in width, unless specifically approved otherwise by the City or PennDOT.

C. Driveways in commercial or manufacturing districts (other than for residential uses) shall be no closer than 50 feet to the nearest curbline intersection of two streets.

    1. Driveways in commercial or manufacturing zones shall not be less than 20 feet nor more than 36 feet in width at the curbline, unless specifically approved otherwise by the City or PennDOT.
    2. Driveways for two-way traffic shall have a minimum width of 20 feet, unless specifically approved otherwise by the City or PennDOT.

D. Section 27-1502.E. shall apply.

§27-1504. Access Driveways.

Each permitted use shall not have more than two access driveways onto any one street. Insofar as possible, the useof common accessways by two or more adjoining premises shall be encouraged in order toreduce the number of access points along the street.

PART 16
OFF-STREET PARKING AND LOADING

§27-1601. New and Existing Uses.

Adequate off-street parking spaces and loading areas shall be provided for all new construction and uses where required.

A. Every parcel or lot used as a public or private parking garage, lot or loading area and all off-street parking and loading areas shall be developed, maintained and used in accordance with the provisions set forth in this Section.

B. All uses shall meet the off-street parking and loading requirements set forth in this Section, except that there shall be no off-street parking required for non-residential uses in the C-C and C-R zoning districts.

§27-1602. Design and Construction.

A. All parking areas shall be (1) adequately graded, (2) properly drained, (3) permanently surfaced with concrete, macadam or paving block, or other paving material approved by the City Engineer (such as porous concrete or porous asphalt), and (4) maintained adequately. Stone, dirt and similar loose materials are not permitted, except that the City Engineer may approve crushed stone parking in specific areas of occasional and/or seasonal use and/or in public recreational areas. A lawful existing stone driveway and/or parking spaces for a single family detached dwelling is not required to be paved, provided it is maintained in stone.

B. Where a rear or side alley exists or can be feasibly extended, vehicle parking shall be accessed from the alley, as opposed to creating a new driveway entrance onto a public street, except where required otherwise by PennDOT along a State road or where approved otherwise by the City Planning Commission. This provision shall only apply to alleys with a minimum width of 10 feet. For dwellings in the R-1 district, a minimum of 15 feet of depth of open rear yard or recreational patio space shall be maintained, such as between the dwelling and any parking space along the alley.

C. Parking areas shall be designed so that a vehicle may proceed to and from it without requiring the movement of any other vehicle, except for parking for a one family dwelling.

D. Non-parallel off-street parking space stalls shall include a rectangular area with a minimum width of 9 feet and a minimum length of 18 feet. If a lot or structure includes 40 or more off-street spaces, a maximum of 20 percent of the spaces may include a minimum rectangular area of 8.5 by 16 feet, if such spaces are marked "compact cars only" and are distributed so that they are not the most convenient spaces on the lot or structure.

E. All off-street parallel parking spaces shall be at least 20 feet long and 8 feet wide. Uses attracting large vehicles shall provide proportionately larger spaces.

F. The minimum width of aisles providing access to parking spaces shall be:

Angle of Parking	Minimum Aisle Width For One-Way Traffic	Minimum Aisle Width For Two-Way Traffic
Parallel	12 feet	20 feet
1 to 34 Degrees	12 feet	20 feet
35 to54 Degrees	16 feet	22 feet
55 to 89 Degrees	18 feet	22 feet
90 Degrees	22 feet	22 feet

Within a parking structure of two or more levels or underground parking, the above aisle widths may each be reduced by two feet.

G. All parking spaces shall be clearly defined by painted lines or wheel blocks.

H. The space between any parking area and the property line of the premises shall be landscaped with vegetative ground cover. Plant screening may also be required under §27-1402.

I. See requirements for buffer strips and plant screening in Sections 27-1401 and 27-1402. See Section 27-816 for parking setbacks in the Penn Square Overlay District.

J. Curbing, guardrails, a landscaped strip or anchored wheel blocks shall be installed adjacent to all public rights-of-way.

K. Curbing may be required to control stormwater runoff as determined by the Department of Public Works.

L. No part of any surface parking area for more than 5 vehicles shall be closer than 10 feet to any dwelling, primary or secondary school, hospital or other institution for human care. This distance may be reduced to 6 feet on the condition that appropriate screening is provided according to §27-1402.

M. All parking areas of five spaces or more shall be adequately illuminated for security purposes between the hours of sunset and sunrise. Lighting shall not spill onto adjacent properties and shall not shine into the eyes of motorists.

N. All off-street parking areas for 10 or more vehicles shall be planted with shade trees, which shall be located to maximize the visibility of the trees and the amount of paving that is shaded in a quantity equal to not less than one shade tree for every 10 parking spaces. The species of such trees shall be approved by the City and such trees shall have a minimum trunk diameter of 2 inches. The trees shall be protected from damage by vehicles by a setback from paving, curb stops, curbing or similar methods.

O. See screening requirements along a street in Sections 1401 and 1402. All off-street truck loading docks shall be effectively screened on any side facing a public right-of-way, and shall be screened on each side which adjoins or faces premises situated in any residential zone or premises used for residential, hospital or institutional purposes in any zone by a fence of acceptable design, wall or compact hedge. Such fence, wall or hedge shall be not less than 4 feet and no solid portion shall be more than 6 feet in height and shall be maintained in good condition and shall provide year-round screening. The City may also approve an architectural wall to serve as a screen, if the exterior design of such wall is approved in advance.

P. No parking area of more than five spaces shall exceed a slope of 5% grade.

Q. All parking areas of more than five spaces shall need approval by the Department of Public Works after a site plan is submitted.

R. All parking areas of more than 10 spaces shall be approved by the Department of Public Works and the City Planning Commission.

S. All areas between a sidewalk and the curb of a street shall be maintained in vegetation, except at approved driveway crossings. Tree grates may be used.

T. See also restrictions in the C-C and C-R district regulations regarding parking open to the general public and certain other parking. See also 27-1008 regarding parking in the R-3 and C-R districts.

§27-1603. Off-Street Parking Standards.

A. Off-street parking shall be provided in accordance with the provisions of this subsection. In the case of mixed occupancies or uses, the Zoning Administrator shall compute separately the requirements as set forth in this Section, for each occupancy or use, and then add the requirements of the individual occupancies or uses to obtain the total parking requirements.

1. Sexually-oriented business or massage parlor: one parking space for every 30 square feet of building floor area that is accessible to customers.
2. Auto repair and other service establishments: parking or storage space for all vehicles used directly in the conduct of the business plus one parking space for each 1.5 employees.
3. Banks and fiduciary institutions: one space for each 300 square feet of net customer area and one space for each two employees.
4. Bed and breakfast facilities: one space for each guest rental unit plus two additional parking spaces.
5. Bingo halls: one space for each 3 permitted seats, based upon legal limits established by the State fire code.
6. Boarding house: one space for every two occupants age 18 or older that the building is designed to house.
7. Bowling alleys: 2 spaces for each bowling lane, plus spaces for other on-site uses.
8. Clubs, lodges, social buildings: one space for each three permitted seats, based upon legal limits established by the fire code.
9. Day care center or adult day care center: one parking space for every 12 persons cared for, with these spaces designed for safe and convenient drop-off and pick-up, plus one additional parking space for every 2 employees.
10. Fire and ambulance stations: one space for each employee on the largest working shift, in addition to any spaces reserved for City-owned vehicles and apparatus. An additional 20 percent shall be provided for visitors.
11. Fire and Rescue Service Operations (other than Fire Stations): off-street parking shall be provided at the rate of at least one space for every four classroom seats. When located in the Municipal Use district, a common parking area may be delineated.
12. Funeral homes: one space for each 50 square feet of floor area of the largest viewing room.
13. Gas station: parking or storage space for all vehicles used directly in the conduct of the business plus 4 spaces for each vehicle service bay and one space for every 1.5 persons employed on the premises at maximum employment on a single shift.
14. Group or family day care home: parking for the dwelling unit plus one parking space for each non-resident employee.
15. Hospitals and similar uses: one space per 1.2 employee computed on the basis of the estimated maximum number of employees at any one time and one space for every four beds.
16. Housing for persons 62 years and older and/or persons with disabilities: one space for every 2 employees, plus 1.5 spaces for every 10 dwelling units.
17. Laundromats: one space for every three washing machines.
18. Law Enforcement Operations: off-street parking shall be provided at the rate of at least one space for every four classroom seats/shooting lanes. When located in the Municipal Use district, a common parking area may be delineated.
19. Libraries, museums, visitor centers, post offices, civic centers and similar establishments: parking or storage space for all vehicles used directly in the operation of such establishment plus 4 parking spaces for the first 1,000 square feet of total floor area and one additional space for every 250 square feet of floor area.
20. Manufacturing and industrial establishments: one space for each 1.2 employees of the maximum working shift.

21. Motor vehicle sales and repair: one space for each 250 square feet of building floor area and one space for each service bay.
22. Motels and hotels: one space per rental unit and an additional one space for each two employees.
23. Nursing home or life care retirement facility: One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every three patient / client beds.
24. Offices: one space for each 200 square feet of floor area.
25. Parking garages, in addition to that provided for parking of customer vehicles: one space for each employee on the maximum work shift.
26. Places of public assembly, such as auditoriums, arenas, stadiums, theaters:
    (a) With fixed seating: one space for every four seats.
    (b) Without fixed seating: one space for every four persons who may legally be admitted to the largest room at one time under fire prevention laws.
27. Places of worship and similar establishments: one space for each four seats or one space for every 10 linear feet of pews.
28. Public (municipal) buildings: one space for each 200 square feet of total floor area.
29. Recreation facilities:
    (a) Indoor: one space for each 100 square feet of net floor area or one space for each four persons using the facility at the projected peak hour of use.
    (b) Outdoor parks, playgrounds, playing fields, and game courts: one space for each 5,000 square feet of outdoor recreation area.
30. Residential care facility: one off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every 4 patient / client beds.
31. Residential uses:
    (a) Conversions: 1.5 space for each dwelling unit.
    (b) Attached dwellings: 1.5 space for each dwelling unit.
    (c) Detached dwellings: two spaces for each dwelling unit.
    (d) Multi-family dwellings: 1.5 space for each dwelling unit.
32. Restaurants, taverns and nightclubs: one space for each 4 seats permitted and one space per 2 employees. A restaurant without seats shall include a minimum of 5 spaces for customers.
33. Retail stores (except shopping centers): one space for each 250 square feet of floor area. The Zoning Administrator may reduce off-street parking spaces to one space per 500 square feet for neighborhood oriented retail uses. For retail sales areas of furniture, lumber, carpeting, bedding or floor coverings, only one space per 800 square feet of floor area shall be required.
34. Schools, Primary or Secondary:
    (a) Elementary, middle, and junior high schools: one space per 1.2 employees, and adequate space for buses and deliveries.
    (b) High schools and all other types of educational/vocational institutions: one space per 1.2 employees, plus one space for every 10 classroom seats designed for students 16 years and older, and adequate space for buses and deliveries.
35. Shopping center: one space for each 250 square feet of floor area accessible to customers.
36. Student home:
    (a) R-1A and R-1: one space per every occupant which would be permitted to reside in the dwelling up to a maximum of 3, plus one additional, subject to the provisions of Part 12.
    (b) R-2: one space per every occupant which would be permitted to reside in the dwelling up to a maximum of 3, plus one additional, subject to the provisions of Part 12.
37. Recycling Operations: off-street parking shall be provided at the rate of at least one space per employee, if any. Rather, a minimum of two loading spaces, exclusive of driveways and sized according to the largest vehicles permitted, shall be provided for every container placed. When located in the Municipal Use district, a common parking area may be delineated.
38. Swim clubs: one space per each 400 square feet of water surface.

39. Trade, vocational or hobby schools: one space per 2 students age 16 or older on premises during peak times plus one space per 1.5 employees.
40. Treatment center: one space per 2 residents age 16 or older plus one space per on-resident intended to be treatment at peak times, plus one space per 1.5 employees.
41. Universities and colleges: one parking space for every 2 persons employed at peak periods at the institution, plus one space for each 5 non-resident students on the premises at peak times, plus parking for on-campus housing, plus additional space as required by this parking schedule because of any supplementary parking generating activities at the institution. The City may approve the use of off-site parking if the institution provides a regular shuttle service.
    (a) Dormitories, residence halls, fraternities, sororities: one space for each two beds, except for students who are not allowed by the institution to have vehicles.
42. Wholesale establishments or warehouses: one space for each 1.2 employee of a maximum working shift.
43. Wastewater Treatment Operations: off-street parking shall be provided at the rate of at least one space per full-time employee on the largest shift, plus 10% for visitors, inspectors, shift change flexibility, et cetera. When located in the Municipal Use district, a common parking area may be delineated.

B. When a computation of the number of required spaces results in a fraction, such fraction shall be resolved to the next highest whole number.

C. The collective provision for off-street parking by two or more buildings or uses located on adjacent industrial or commercial lots is permitted, provided there is a written agreement between the property owners and that the total number of spaces shall not be less than the sum required when computed separately, except as approved below.

D. For the purposes of this Chapter, the number of employees of a use shall be based on the estimated maximum daily or maximum 8-hour shift requirements in a 24-hour period.

E. Structures and uses in existence at the date of adoption of this Ordinance shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, and provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.

F. <u>Change in Requirements and Modifications to Parking Requirements.</u> Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards of this Article, the total additional parking required for the alteration, change or extension shall be provided within 120 days.

1. If a non-residential use expands by an aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.
2. As a special exception, the Zoning Hearing Board is authorized to approve modifications to the off-street parking requirements for a lot if the applicant proves to the satisfaction of the Zoning Hearing Board that such modifications are necessary to allow appropriate adaptive reuse of an existing principal non-residential building into a new approved use.
3. <u>Reduction of Parking Requirements</u>.

(a) Purposes - To minimize the amount of land covered by paving, while making sure adequate parking is provided. To recognize that unique circumstances may justify a reduction in parking.

(b) As a special exception, the Zoning Hearing Board may authorize a reduction in the number of off-street parking spaces required to be provided for a use if the applicant proves to the satisfaction of the Zoning Hearing Board that a lesser number of spaces would be sufficient.

(c) The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The applicant shall also provide relevant data, such as numbers of employers, peak expected number of customers/visitors and similar data.

(d) In addition, an applicant may prove that parking needs will be reduced or that off-site parking is feasible because the applicant agrees to make a long-term commitment to a shuttle service for residents or employees and/or to subsidize use of public transit for employees.

(e) Reserved Area for Additional Parking. Under this section, the Zoning Hearing Board may require that a portion of the required parking be met through a reservation of an area for future parking. The Board may require the reservation for a certain number of years or an indefinite period corresponding to the years the buildings are in use.

(i) Such reservation shall be in a form acceptable to the Zoning Hearing Board Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and then to provide the additional parking if the City determines it is necessary. A deed restriction is recommended.

(ii) If approved under this subsection "(e).", the applicant shall present a site plan to the Zoning Administrator that shows the layout that will be used for the additional parking if the parking is required to be provided in the future. The site plan shall show that the additional parking is integrated with the overall traffic access and pedestrian access for the site, and that the additional parking will be able to meet City requirements.

(iii) The additional parking that is "reserved" under this subsection shall be required to be kept as landscaped open area, until such time as the Zoning Hearing Board decision may authorize the land's release from the restriction, or until the City may require that the land be developed as parking.

(iv) The Zoning Administrator shall periodically review the sufficiency of the parking that is provided. If the Zoning Administrator in the future determines that the reserved parking is needed to meet actual demand, he/she shall provide written notice to the property-owner. The property-owner shall then have one year to develop the reserved area into off-street parking in compliance with this Ordinance.

G. Conflict with Other Uses. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.

H. Joint Use.

1. Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. If a parking area includes principal non-residential use(s) that all are routinely are not occupied outside of the hours of 8 AM and 6 PM and dwelling units, and all of the spaces are shared among all of the uses, then the total number of required off-street parking may be reduced by 20 percent.
2. The number of spaces required in a shared parking facility may be also be reduced below the total required by approval by the Planning Commission if it can be demonstrated to the Commission that the hours or days of peak parking needed for the various uses are so different that a lower total will provide adequately for all uses served by the facility.

I. Location of Parking Spaces. Required off-street parking spaces shall be on the same lot or premises with the principal use served, except as follows:

1. Required off-street parking spaces may be on a separate lot from the use served by the parking if the applicant proves to the satisfaction of the Zoning Administrator that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation and will be within 300 feet walking distance from the entrance of the principal use being served. Such distance may be increased to 500 feet for employee parking of a non-residential use. A written and signed lease shall be provided, if applicable. For customer parking, a sign shall direct persons to the parking spaces. The zoning permit shall be conditioned upon the continued availability of the parking, unless the applicant provides evidence of suitable replacement parking.

J. Parking for Persons With Disabilities/Handicapped Parking.

1. Number of Spaces. See requirements under the Federal Americans With Disabilities Act for parking for persons with disabilities. The following is a summary of some of the relevant requirements in effect as of the enactment of this Ordinance.

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF ADA-ACCESSIBLE PARKING SPACES
1 to 25	1 van-accessible
26 to 50	2, 1 of which must be van-accessible
51 to 75	3, 1 of which must be van-accessible
76 to 100	4, 1 of which must be van-accessible
101 to 150	5, 1 of which must be van-accessible
151 to 200	6, 1 of which must be van-accessible
201 to 300	7, 1 of which must be van-accessible
301 to 400	8, 1 of which must be van-accessible
401 to 500	9, 2 of which must be van-accessible
501 to 1,000	2% of total number of spaces, 1/8th of which must be van-accessible
1,001 or more	20 plus 1% of spaces for each 100 over 1000 spaces, 1/8 of which must be van-accessible

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size and Slope. See requirements of the Americans With Disabilities Act regulations.
4. Marking. All required handicapped spaces shall be well-marked in compliance with the Americans With Disabilities Act. Such signs and/or markings shall be maintained over time.
5. Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

K. Bicycle Parking. If a use will involve a new principal non-residential building of 3,000 or more square feet of building floor area or a lot will include 10 or more new multi-family/apartment dwelling units, then at least one bicycle hitch, rack or locker shall be required. The current landowner shall be responsible to ensure that the hitch, rack or locker continues to be available and is well-maintained and is replaced if damaged or removed. For dwelling units, such facilities may be limited to use by residents. For a commercial use, at least one hitch, rack or locker shall be designed for use by the general public. If the hitch, rack or locker is within a street right-of-way, a City encroachment permit shall be required.

L. Parking of Trucks, Trailers and Recreational Vehicles. See Chapter 10, Section 407 of the Codified Ordinance.

§27-1604. Off-Street Loading Spaces.

A. Any and all off-street loading spaces shall have dimensions not less than 12 feet in width, 35 feet in length and 14 feet in height. Off-street loading spaces shall be provided in addition to off-street parking spaces and shall not be counted as or considered as off-street parking spaces.

B. Off-street loading spaces shall be designed so as to provide adequate space for standing, turning, loading and unloading and shall not interfere with the public use of the streets.

C. Off-street loading spaces shall be provided according to the following table:

Non-Residential Building Floor Area (square feet)	Loading and Unloading Space Required
0 to 4,000	None
4,001 to 20,000	1 space
20,000 to 100,000	1 space, provided that an office building of 20,000 square feet or less is not required to provide an off-street parking space.
100,000 to 500,000	5 spaces plus 1 space for each 40,000 square feet in excess of 100,000 square feet up to 500,000 square feet.
Over 500,000	15 spaces plus 1 space for each 80,000 square feet in excess of 500,000 square feet.

D. Floor area, as used in §27-1604.C. above, for offices, trade or service types of uses shall mean the cross floor area used or intended to be used for service to the public and shall also include areas occupied by fixtures and equipment used for display or sale of merchandise. The term "net floor area" shall not include areas used principally for nonpublic purposes such as storage, incidental repair, processing or packaging of merchandise, show windows, offices incidental to the management or maintenance of storage or buildings, rest rooms, utilities, dressing rooms, fitting or alteration rooms.

§27-1605. Miscellaneous.

It shall be a violation of this Chapter for any entity to use any structure without providing vehicle parking and loading spaces that meet the requirements of this Part. See Section 27-1603.9. regarding off-site parking.

PART 17
SIGNS

(See also Chapter 19, "Signs and Billboards," including Part 1, "Political Campaign Matter."and Part 2 "Unauthorized Roadside and Utility Pole Signs Prohibited".)

§27-1701. Sign Purposes and Scope.

A. This Part is enacted:

1. To control the erection, location and maintenance of outdoor signs in a manner designed to protect the public health, safety and morals, and to promote the public welfare.
2. To promote economic development, but in a way that avoids conflicts between advertising signs themselves and between advertising signs and traffic regulating devices.
3. To provide equality in displaying identification signs by establishing regulations on size and location of such signs.
4. To seek that official traffic regulating devices be easily visible and free from such nearby visual obstructions as blinking signs and excessive number of signs, or signs in any way resembling official signs.
5. To avoid uncontrolled erection and maintenance of large signs that could seriously detract from the enjoyment and pleasure of the natural scenic beauty and historic character of the City.
6. To recognize that the ability of a community to attract and keep residents and desirable businesses and industries could be seriously impaired by the uncontrolled proliferation of signs.

B. Therefore, this Part is enacted to provide for fair and equal treatment of sign users. This Part shall apply to the design, quality of materials, construction, location, electrification, illumination and maintenance of all signs and sign structures located within the City. Within a Historic District, an additional approval may be required concerning the design of a sign.

C. Scope. This part regulates outdoor signs located within a building, or signs that are arranged, intended or designed, used or placed for exterior observance.

§27-1702. Sign Policies.

A. Sign standards are based on the following concepts:

1. The primary purpose of signs is to identify principal uses and/or services available at such premises.
2. Uncontrolled use of signs interferes with this primary purpose of signs for identification.
3. It is necessary to protect residential neighborhoods from the destruction of residential atmosphere that results from the glare and confusion that the uncontrolled proliferation of signs.

B. Only signs as prescribed herein shall be permitted to be erected or maintained on a lot located in the specified zoning district. Where a building, lot or parcel of land is bounded by two or more streets, the number of signs permitted on each street frontage shall be as established herein.

C. When a single business exists on lots separated by a street or a public alley, each lot shall be treated separately for sign purposes.

D. Permits. A zoning sign permit shall be required for any sign with a sign area of more than 2 square feet, except such limit shall be 10 square feet for a temporary sign that is posted less than 60 days per year and no permit is required for non-illuminated temporary signs placed inside a window.

E. PennDOT Approval. Where a sign along a State road is required to have a PennDOT approval, the applicant shall submit evidence of such approval to the Zoning Administrator.

§27-1703. Signs Allowed in Residential Districts (R-1A, R-1, R-2, and R-3) and the INS Institutional Overlay District.

In these districts, signs should be designed for pedestrians or for vehicles moving at 25 miles per hour. The following signs shall be permitted on properties located within areas designated as R-1A, R-1, R-2, and R-3 districts, within the following regulations:

A. Lighting. See Sections 27-1714 and 27-912.

B. Allowed Signs.

1. Wall signs shall be located no higher than the height of the building wall to which the sign is attached. Maximum horizontal projection from a building for a wall sign shall not exceed 18 inches. A sign shall not be located as so to obscure the cornice, windows, transom or similar architectural features of the building.
2. Roof signs and off-premises signs are prohibited in any residential district unless specified otherwise by this Part.
3. Signs for a home occupation shall be limited to one non-internally illuminated name plate. Such name plate shall not exceed 1.5 square feet in surface area and shall be a flat wall sign. Home occupations including offices are permitted to erect a projecting sign or ground sign, not to exceed 3 square feet in total surface area, in lieu of a wall sign. A ground sign shall have a maximum height of 6 feet.
4. Each multiple family dwelling property containing 10 or more dwelling units (including rental, condominium or cooperative apartments, or rental, condominium or cooperative townhouses) shall be limited to one identification sign not exceeding 32 square feet in total surface area (per side if double faced). Such sign shall be either ground-mounted, extending not more than 8 feet above grade, or a flat wall sign.
5. New Development Signs. The following signs shall be permitted in conjunction with proposed new development involving more than 10 dwelling units or more than 5 business establishments:
   (a) Signs announcing the subdivision and improvement of property, when located on the property to be improved, shall be single-faced, with a maximum surface area for each sign of 64 square feet. The maximum height of such development signs shall be 8 feet.
   (b) Development signs shall not be erected until zoning approval and subdivision approval, if required, have been given by the City. Such signs may be maintained for a period of one year from the date of erection of such signs. If the development is not completed within one year after erection of the sign, the sign permit may be renewed for periods not exceeding one year, provided the sign is maintained in accordance with the provisions of this Chapter.
   (c) Signs not located on the advertised property, which are a maximum 6 square feet in area of less, may be allowed during construction and for a period of 30 days thereafter, upon application to the Zoning Administrator. Other off-premises advertising signs are prohibited.

C. Off-premises signs shall be prohibited in residential districts, except for signs that are specifically allowed by this Part 17.

D. Public, semi-public and private recreational uses shall be limited to one sign not exceeding 20 square feet in surface area per sign face. Such sign shall be either ground-mounted with up to two sides, to extend not more than 6 feet above grade, or a flat wall sign.

E. Lawful principal commercial, public utility or industrial use in a residential district shall be limited to one of the following:
   1. One wall sign not to exceed 32 square feet in surface area;
   2. One pole-mounted sign not to exceed 12 square feet in area (per side if double faced), contained totally within the property line, and placed no more than 10 feet above grade;
   3. One projecting sign not to exceed 12 square feet in area (per side if double faced), and placed no higher than the uppermost portion of the second floor of the building to which attached and which meets the minimum vertical clearance of the Construction Code.

F. A lawful principal non-residential use may also include directional signs of up to 4 square feet each, as required for the safe and orderly flow of traffic on the property. These signs, if free-standing, shall not extend more than 4 feet above grade.

G. If one or more retail stores are located in a building built for a principal industrial use, each such store may have, along each street upon which the building fronts, one identity sign which may be projecting, V-shaped, or a flat wall sign. Such sign may have no more than two faces and no single face may exceed 20 square feet in surface area, except for an overall identity sign described in the next subsection.
   1. There shall be no sign projecting above the second floor occupancy area as defined in §27-2205. Below such point, signs may project in the following manner: A sign projection may occupy the vertical space created by drawing an imaginary line 4 feet from and parallel to the vertical building walls.
   2. If four or more stores occupy a single building, such building may contain one overall identity wall sign per street front, in addition to the individual identity signs just described. Each overall identity sign face shall not exceed 40 square feet in surface area.

H. 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 wall sign or a ground mounted sign not to extend into the public right of way.

I. Window identity signs are permitted in commercial storefronts located in all 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 30 day maximum.

J. Each principal building of a college or university may have a wall sign area of 40 square feet per building side. A college or university may include the following ground-mounted signs with a maximum height of 6 feet each, provided the signs are not internally illuminated:
   1. One sign at each major entrance to the campus with a maximum sign area of 60 square feet on each of 2 sides.
   2. One sign of 20 square feet per street frontage for each principal building.

K. See also additional signs allowed under Section 27-1712, such as signs for places of worship, and under Section 27-1711, such as temporary signs.

§27-1704. Signs Allowed in the Residential-Professional Office District (R-PO).

In the R-PO District, signs should be designed for pedestrians or for vehicles moving at 25 miles an hour. It is the intent that businesses in a residential area should be treated in a manner to make them as nearly compatible as possible with their surrounding residential environment.

A. General. Section 27-1703.A. and B.(1) and (2) shall also apply to the R-PO District.

B. Signs.
   (1) Permitted Signs. Each principal non-residential use is permitted one wall mounted sign not to exceed 8 square feet.
   (2) Each principal non-residential lot is allowed one free-standing sign. The total surface area for free-standing or ground-mounted signs shall not exceed 12 square feet on each of 2 sides.
   (3) No signs shall extend into the public right of way. No sign shall exceed 6 feet in total height above grade level. All ground-mounted and free-standing signs are subject to landscape requirements as specified in §27-1713.B. of this Part.
   (4) Wall signs exceeding 8 square feet, roof signs, marquee signs, projecting signs, off-premise signs, and portable signs are not permitted in the R-PO district.
   (5) Signs allowed by Section 27-1703 shall also be allowed in the R-PO district.

§27-1705. Signs Allowed in the Commercial Core and Commercial Residential Districts (C-C, C-R).

Sign heights, locations and dimensions are generally based on the visibility needs of pedestrians and of traffic moving at approximately 20 miles per hour.

A. Allowed Signs.
   (1) Sign Surface Area. The total surface area of all faces of all wall signs shall not exceed 3 square feet for each lineal foot of building wall to which the signs are attached. Maximum horizontal projection from a wall should not exceed 18 inches except it may extend 6 feet if integrated with an awning. Signs shall not be located so as to obscure the windows, cornice, transom or other historic architectural features of the building.
   (2) Projecting Signs. One projecting sign is permitted on each separate street frontage of a lot, provided such signs shall not exceed the height of the attached building wall, and shall meet the minimum clearance above the adjacent sidewalk or grade line as provided in the Construction Code. Signs shall have a total surface area not in excess of 24 square feet (per side if double faced). Signs shall be configured to form an angle of 90º to the building face and projection from the building face shall be limited to 6 feet. No sign shall project within 2 feet of a street curbline or driveway.
   (3) Marquee Signs. Marquee signs are permitted for theaters, performing arts centers and hotels. The surface area of marquee signs shall be considered as part of the total allowable wall sign surface area. The marquee sign shall be located a minimum of 2 feet from a street curbline, provided a City encroachment permit is approved.
   (4) Under-marquee Signs. Under-marquee signs are permitted provided such signs shall not project more than 12 inches below an allowed marquee, and shall not be less than the clearance above the sidewalk or grade line required by the Construction Code. The surface area of under-marquee signs shall not be considered as part of the total allowable sign surface area.
   (5) Ground-mounted and Free-standing Signs. In place of an allowed projecting sign, one ground-mounted or free-standing sign is permitted on each separate street frontage. Such signs shall have a surface area not in excess of 1 square foot per every lineal foot of property frontage, or a maximum of 36 square feet (per side if double faced). Such sign shall not be higher than 4 feet from grade and may be located no closer than 4 feet from any property line and shall not be located within a street right-of-way.

B. Off-Premises Signs. Off-premises signs are not permitted, except for signs posted by the City of Reading or PennDOT within a street right-of-way.

C. 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 in width and 4 feet in height, shall not obstruct the main pedestrian pathway, and shall be moved inside when the business is not open.

D. See also additional signs allowed under Section 27-1712, such as signs for places of worship.

§27-1706. Signs Allowed in the Commercial Neighborhood District (C-N).

The following signs shall be permitted on properties located within the C-N district:

A. General. Section 27-1703.A. and B.(1) and (2) shall also apply to the C-N district.
   (1) Neither roof signs nor off-premises signs are permitted in the C-N district unless specified otherwise.
   (2) Signs allowed by Section 27-1703 shall also be allowed in the C-N district.

B. See also additional signs allowed under Section 27-1712, such as signs for places of worship.

C. Public, semi-public and private recreational uses shall be limited to one single-faced sign not exceeding 20 square feet in surface area. Such sign shall be either ground-mounted, to extend not more than 6 feet above grade, or a flat wall sign.

D. Allowed principal commercial, public utility or industrial uses, other than uses listed separately, shall be limited to wall signs not to exceed a total of 3 square feet of sign area per each linear foot of building wall to which the signs are attached. Part or all of the wall sign area may be integrated with an awning that extends a maximum of 6 feet from the building. In addition, one of the following signs is allowed per lot per street frontage: one free-standing sign not to exceed 32 square feet in area (per side if double faced), contained totally within the property line, and placed no more than 16 feet above grade, or one projecting sign not to exceed 12 square feet in area (per side if double faced), and placed no higher than the wall of the building to which attached and extending a maximum of 6 feet from the building wall.

E. As needed, a principal non-residential use may include, at each point of ingress or egress, one directional sign not to exceed 6 square feet (per side if double faced). An allowed drive-through may also include lane and window directional signs, and ATM designation signs, as required for the safe and orderly flow of traffic on the property. These directional signs, if free-standing, shall not extend more than 4 feet above grade.

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.

G. Window identity signs are permitted in commercial storefronts given the following conditions:
   (1) Signs on 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 30-day maximum.

H. Off- premises signs and roof signs shall not be permitted.

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 in width and 4 feet in height, shall not obstruct the main pedestrian pathway, and shall be moved inside when the business is not open.

§27-1707. Signs Allowed in the Commercial Highway Districts (C-H).

C-H district signs are generally related to automobiles approaching at higher speeds, in excess of 30 miles per hour.

A. Sign Area. The total surface area of all signs, except free-standing signs, shall not exceed 3 square feet of surface area for each lineal foot of building wall of the wall to which the signs are attached. Signs on window glass shall be limited to 30% of the glass area.

B. Sign Height. No part of any sign shall be higher than 25 feet from grade. A sign attached to a building shall not exceed the height of the attached building wall.

C. Free-standing Signs. Each lot shall be permitted one free-standing sign structure per street frontage, provided that such sign area shall include a maximum of 60 square feet for a lot occupied by one establishment and 100 square feet for a lot occupied by two or more establishments (per side if double faced). All portions of any such sign shall be contained within the property lines of the property. Sign area shall not be less than the minimum clearance above the sidewalk required by the Construction Code or obstruct a sight triangle.
   (1) In addition, restaurants with drive-through service shall be allowed to have menu boards, provided the text is not readable from a street or dwelling, and each menu board has a maximum sign area of 60 square feet.
   (2) In addition, gas stations may have an additional sign area of 60 square feet that can be used for free-standing sign area or signs on a canopy.

D. Projecting Signs. A projecting sign with a maximum sign area of 12 square feet on each of 2 sides may be used in place of a free-standing sign. Such sign shall not extend more than 6 feet from the building wall.

E. Roof Signs. No roof signs shall be permitted in the C-H District.

F. Marquee Signs. Marquee signs and under marquee signs may be erected in compliance with the provisions of the C-C District.

G. Billboard Signs and Other Off-Premises Signs. Section 27-1717 shall apply.

H. Portable Signs. Portable signs are permissible only in the C-H zone. Signs are not to exceed 20 square feet and must be located within established setback areas. No portable sign may be located within the public right-of-way at any time and no sign shall obstruct sight triangles. Such sign shall not be illuminated.

I. See also additional signs allowed under Section 27-1712, such as signs for places of worship.

J. Signs allowed by Section 27-1703 shall also be allowed.

§27-1708. Signs Allowed in the Heavy Manufacturing and Manufacturing/Commercial Districts (H-M and M-C).

Within the H-M and M-C districts, the same sign regulations shall apply as within the C-H district except the maximum height of a free-standing sign shall be 16 feet, and except as provided in Section 27-1717.

§27-1709. Signs Allowed in the Preservation District.

No signs shall be permitted in the Preservation District except those specified in §27-1712(B) and signs erected by the City of Reading or PennDOT.

§27-1710. Special Exception Signs.

After proper notice and hearing, the Zoning Hearing Board may, by special exception, authorize the following signs:

A. Time, temperature and/or public information signs may be erected in any zoning district without regard to regulations governing occupancy, height projections or movement, except that all such signs shall conform to §27-1713 through §27-1715, if it is shown to the satisfaction of the Board that such sign, which may also be an identity sign, has the primary function of informing the public. Such signs may also be erected by right if they conform to the regular sign requirements.

B. Other signs which do not lend themselves to the ordinary processes of measurement, because they are integrated in the design of the building structure, or signs designed for a special purpose which makes strict application of this Part difficult or signs that recreate landmark historic signs, may be permitted by the Board when the Board finds such signs to be in conformity with the intent of this Part and appropriate to the type of development or structure to which they are related.

§27-1711. Temporary Signs on Private Property.

The following types of signs, if not located within a street right-of-way, are allowed in addition to other allowed signs. Such signs shall not be illuminated:

A. **Announcing Signs**. One sign announcing the names of architects, engineers, financing entities and/or contractors of a building under construction, alteration or repair, and signs announcing the character of the building, enterprise or the purpose for which the building is intended, provided such signs shall not exceed 8 square feet of surface area for a one or two family dwelling and 32 square feet in surface area in other circumstances. Flat-wall signs or free-standing signs may have a maximum height of 8 feet above grade. Such signs may have a maximum surface area of 64 square feet, if combined with the sign permitted in subsection (B) hereof. Signs on show window glass shall be limited to 30% of the glass area.

B. **Real Estate Signs and Room and Board Signs**. Signs not exceeding 6 square feet in surface area, advertising the sale, rental or lease of the premises on which displayed in the residential districts; 16 square feet in the C-N districts; and 32 feet for the C-C, C-R, C-H, H-M, and M-C districts. Such signs may be free-standing or wall-mounted, with a maximum height of 8 feet above grade.

C. **Political Campaign Signs**. Signs or posters that each do not exceed 32 square feet in surface area, announcing candidates seeking political office or providing an opinion on a political matter may be erected. Political campaign signs do not need a zoning permit if they are less than 32 square feet in sign area. Such signs shall be removed within 2 weeks after the election for the office sought. Such signs shall:

(1) be wall-mounted or free-standing,
(2) not be located within any public area, public park or street right of way, except as allowed outside a polling place on election day, and
(3) not be affixed in any manner to any tree . See also the Political Campaign Matter section in Chapter 19 of the City Codified Ordinances.

D. **Directional Signs**. Up to 3 signs may direct persons to a real estate open house auction, and similar temporary occasions, not exceeding 6 square feet in surface area. Such signs shall not be posted more than 10 days per year, and shall be removed within 1 day after the event.

§27-1712. Additional Allowed Signs.

The following signs are allowed in addition to other allowed signs.

A. **Institutional Signs**. A maximum of one wall sign per building side and one free-standing sign for a cemetery, governmental use, primary or secondary school, hospital, place of worship or similar charitable or religious institution, when located on the premises of such use, provided each such sign shall not exceed 32 square feet in surface area, and is not internally illuminated in a residential district. A maximum of one free-standing sign shall be allowed per street frontage. Free-standing signs shall have a maximum height of 6 feet.

B. **Public Signs**. Signs of a public, noncommercial nature, which shall include safety signs, danger signs, no trespassing signs, signs indicating scenic or historical points of interest shall be allowed if erected by a public officer in the performance of a public duty.

C. **Traffic Directing Signs**. Directional signs shall be allowed that indicate traffic movement onto a premises, or within a premises, not exceeding 6 square feet of surface area for each sign face, with 2 sign faces allowed per entrance to the premises. Such signs shall not exceed 4 feet in height.

D. **Memorial Signs and Tablets**. Non-illuminated memorial signs, cornerstones or tablets indicating the name of a building or date of erection, not exceeding 2 square feet in surface area, which are part of the building construction, or are attached as wall signs.

E. **Name Plates and Directories**. Non-illuminated name plates and building directories relating only to the use or occupancy of the building to which attached and not exceeding 12 square feet of surface area, which are part of the building construction, or are attached as wall signs.

F. **Seasonal Decorations**. See Section 27-912.

G. **Temporary Signs**. One sign per lot of up to 30 square feet on each of 2 sides announcing parades or other special events, grand openings of businesses, special sales or the like may be permitted. Such temporary signs shall be permitted for a total of only 60 days per calendar year, unless special exception approval is granted from the Zoning Hearing Board for a longer period.

§27-1713. Landscape Designs and Landscaping Requirements.

A. Floral arrangements or other landscape designs which depict a symbol, device, name or the like shall not be considered signs and shall not be governed by any regulations contained within this Chapter.

B. Except within the CC District, all free-standing and billboard signs that are more than 60 square feet in sign area shall be surrounded by a minimum 12 square feet of area beneath the sign that is landscaped with shrubs and vegetative ground cover.

§27-1714. Illumination and Electronically Changing Message Signs.

All signs and other illumination within the City shall be subject to the following restrictions upon illumination:

A. See also Section 27-912.

B. Flashing, blinking, electronically moving, or animated lighting of signs shall be prohibited. An electronic sign shall not change its message more than once every six seconds, except a changeable message sign of more than 100 square feet shall not change more than once every 10 seconds. This subsection "B" shall not apply to theaters, arenas or visual or performing arts centers in the C-C district. If a sign has a sign area of more than 20 square feet, it shall not have a scrolling message.

C. No sign will be permitted which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of any public street or which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle, or which interferes with any driver's operation of a motor vehicle.

D. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

E. Signs which contain, include or are illuminated by any flashing, intermittent or moving light(s) are prohibited, except those giving public service information such as time, date, temperature, weather or similar public service information.

F. Where a LED or an internally illuminated sign is allowed in a residential district (such as for a place of worship), such illuminated sign area shall not exceed 20 square feet on each of 2 sides.

G. The aggregate output of the light sources from any sign shall not exceed 500 initial lumens per square foot of sign face per side. LED sign surfaces or other internally illuminated sign faces shall not be allowed if they exceed 100 square feet per side and are located within 400 feet of a residential district. Off-premises signs with LED or other internally illuminated sign faces that are within 300 feet from a residential district and that face onto that residential district shall not be internally illuminated between 11 PM and 6 AM.

§27-1715. Projection of Signs.

A. A sign shall not project horizontally more than 18 inches from a building, except for allowed projecting, awning and marquee signs.

B. Only an official sign, projecting sign or marquee sign shall be allowed to intrude into a street right-of-way. Any allowed projecting sign or marquee sign shall not project within less than 2 feet of any curb or driveway line. This regulation shall take precedence over any other regulation in this Part governing sign projection.

§27-1716. Prohibited Signs.

No sign shall be constructed, erected or maintained:

A. Which bears or contains statements, words or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.

B. Which purports to be, or is an imitation of, or resembles an official traffic sign or signal, which bears the words "STOP," "GO," "SLOW," "CAUTION," "DANGER," "WARNING" or similar words.

C. Which, by reason of its size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control device, or which hides from view any traffic or street sign or signal.

D. Which advertises or publicizes an activity, business, product or service not conducted on the premises upon which such signs are maintained, except as specified otherwise in this Chapter.

E. Which rotates or has a rotating or moving part or parts that revolve.

F. Which consists of ribbons, streamers, strings of light bulbs, spinners or elements creating sound or smell which are signs defined by this Part, except seasonal decorations as per §27-1712(F).

G. Which shall be located so as to obstruct two-thirds of the view of a sign on adjoining property when viewed from a distance of 200 feet at a point 4 feet above the roadway grade of the traffic lane closest to the street property line.

§27-1717. Billboards and Other Off-Premises Signs.

A. **General**. See the definition of "Off-Premises Signs" in Section 27-2205.
   (1) No part of any billboard or other off-premises sign shall be located more than 100 feet from the nearest street line of any traffic route and no billboard or other off-premises sign shall be oriented primarily toward any street other than a traffic route as defined herein.

B. **Regulations**. Billboards and other off-premises signs, including those painted on building walls, shall conform to the following regulations, in addition to other applicable requirements:
   (1) Exemptions. A sign that includes occasional public service messages shall not by itself be considered an Off-Premises Sign. Signs that are authorized by PennDOT or the City of Reading to direct persons to visitor attractions shall not be considered Off-Premises Signs.
   (2) Location.
      (a) Billboards and other off-premises signs shall be permitted only along "Traffic Routes," as defined in §27-2205 in the MU, H-M and C-H zoning districts. An off-premises sign in the C-H, MU and H-M Districts shall not exceed 300 square feet on each of a maximum of 2 sides.
      (b) Billboards and other off-premises signs shall be located to conform with all yard and special setback requirements of this Chapter.
      (c) Any such sign located adjacent to a building, on another lot, containing windows facing such billboard or other off-premises sign shall be located a minimum of 50 feet from such windows. Any billboard or off-premises sign that is illuminated or more than 50 square feet in sign area shall be located a minimum of: 1) 300 feet from an existing dwelling in a residential district, and 2) 500 feet from any City-recognized historic preservation district or any public park, primary or secondary school or hospital in any direction.
      (d) No billboard structure shall be located on or over the roofs of buildings situated on the same lot. No billboard structure shall be located on or adjacent to another billboard structure at the same site, with the exception of two billboard sign areas that are approximately back-to-back.
   (3) Reserved.
   (4) Height. The maximum height of any off-premises free standing sign shall be 35 feet above grade. When the topography is such that the point at which a billboard must be erected is lower in

grade than the fronting street or highway, the elevation of the street or highway shall be considered grade.

(5) No two billboard sign structures shall be spaced less than 1,200 feet apart along any City street. The distance between sign structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along the same side of traveled way. The spacing requirement applies to signs located on both sides of the street. The distance between billboard signs shall be measured radially from the base of the sign structure nearest to the base of any other billboard sign structure along the same street, regardless of whether the relevant sign structures are on the same or opposite sides of the street.

(6) Lighting. See Section 27-1714.

(7) Billboards and other off-premises signs may be single-faced, double-faced, or V-shaped structures. Double-faced and/or V-shaped billboard structures shall not exceed 300 square feet per display area regardless of street frontage or length of building wall.

C. **Landscaping Requirements**.

(1) Single-faced billboards with the rear viewable from a public right-of-way or other public property shall have three equally spaced 8-foot tall evergreen trees planted in the rear of the billboard and the reverse side of the sign shall be of one color.

(2) All landscaping surrounding signage shall be maintained in a neat, attractive and clean condition.

D. **Other Off-Premises Sign Provisions**. In addition to the provisions of subsection B hereof, the following provisions shall apply to other off-premises signs.

(1) A business may have one directional off-premises sign within 1 mile distance from its business location, provided such sign contains not over 32 square feet of surface area which shall be included within the surface area permitted by subsection B hereof, and is located in either the C-H, M-C or H-M zones.

(2) Any off-premises sign exceeding 32 square feet in surface area shall be deemed a billboard.

§27-1718. Sign Permit and Fee Exceptions.

The following signs and operations shall not require a sign permit or fee, but shall conform to all other applicable provisions of this Chapter:

A. Advertising copy or message on a painted or printed sign or a billboard sign or on a theater or marquee and similar signs specifically designed for the use of replaceable copy.

B. Painting, repainting, cleaning and normal maintenance and repair of a sign or sign structure, including electrical equipment, unless a structural change is made, except that signs painted on walls which are made nonconforming by this Part shall not be repainted unless such repainting is done to eliminate that sign. No new sign shall be painted in its place.

C. Signs as provided by §27-1711 and §27-1712, other than 27-1712.A.

D. See permit requirements in Section 27-1702.D.

§27-1719. Sign Inspections.

Signs for which a permit is required shall be inspected by the Zoning Administrator for conformance with the requirements of this Chapter.

§27-1720. Sign Maintenance.

All signs, together with all of their supports, braces, guys, anchors and electrical equipment, shall be kept fully operable, in good repair and maintained in safe condition and in a neat, clean and attractive condition. The display surfaces of all signs shall be kept neatly painted or posted.

§27-1721. Unsafe Sign Removal.

If the Zoning Administrator finds that any sign or structure by reason of its condition presents an immediate and serious danger to the public, he or she may order its immediate removal or repair within a reasonable period of time. The Zoning Administrator may remove or authorize others to remove the sign, in the event that the person responsible for the sign cannot be found, or if the persons, after notification, refuse to repair or remove it within the specified time.

§27-1722. Abandoned Sign Removal.

Any person who owns or leases a sign shall remove the sign within 30 days after notification by the Zoning Administrator when either the business it advertises has discontinued business in the City, or the business it advertises is no longer conducted in or upon the premises on which the sign is located. If the person who owns or leases the sign fails to remove it as provided in this Section, the Zoning Administrator shall give the owner of the building, structure or premises on which the sign is located, 30 days written notice to remove it. If the owner of the building, structure or premises on which the sign is located fails to remove the sign within 30 days after receipt of written notice from the Zoning Administrator, the Zoning Administrator may remove the sign or cause it to be removed. The following signs need not be removed in accordance with this Section:

A. Billboards, where a person has merely leased or contracted advertising space thereon.

B. Signs which the successor to a person's business location or business agrees to maintain, as provided in this Part.

§27-1723. Illegal Sign Removal.

If any person who owns or leases any sign which was erected in violation of this Part after its enactment fails to remove it within the time specified on a notification from the Zoning Administrator shall give the owner of the building, structure or premises upon which the sign is located, 30 days written notice to remove it. If the owner of the building, structure or premises upon which the sign is located fails to remove the sign within 30 days after receipt of written notice from the Zoning Administrator, the Zoning Administrator or his duly authorized representative may remove the sign or cause it to be removed.

§27-1724. Cost of Sign Removal.

Whenever the Zoning Administrator or his or her representative removes or causes to be removed a sign pursuant to §27-1721 to §27-1723, the cost of such removal shall be paid by the owner of the property on which such sign is or was located. The cost of removal shall be certified to the Managing Director. Upon filing of such certification, the City Clerk shall cause 30 days written notice to be given by certified mail to the person or persons against whose property an assessment has been made. The notice shall state the amount of the assessment and the time and place of payment, and shall be accompanied by a copy of the certificate. The expense of such notice shall be borne by the City. The amount assessed against the real estate shall be a lien from the time of filing of the certificate with City Council and, if not paid within the time stipulated, a claim may be filed and collected in the same manner as municipal claims are filed and collected.

§27-1725. Sign Appeals to the Zoning Hearing Board.

The Zoning Hearing Board is empowered to grant special exceptions in order to prevent or to lessen such practical difficulties and unnecessary physical or economic hardships inconsistent with the objectives of this Part as would result from a strict or literal interpretation and enforcement of certain of the regulations herein prescribed. A practical difficulty or unnecessary physical hardship may result from the size, shape or dimensions of a site or the locations of existing structures thereon; from geographic, topographic or other physical conditions on the site or in the immediate vicinity; from population densities, street locations or traffic conditions in the immediate vicinity; or from the location or height of the sign in question. The power to grant a special exception does not extend to an economic hardship related to the cost, size or location of a new sign, or to the convenience of the applicant; nor is it intended to extend to the convenience of regional or national businesses that wish to use a standard sign, when it does not conform to the provisions of this Chapter.

§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 18
FLOODPLAIN DISTRICTS

§27-1801. Purpose.

The purposes of this Section are to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

A. Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause increases in flood heights, velocities and frequencies.
B. Restricting or prohibiting certain uses, activities and development within areas subject to flooding.
C. Requiring all those uses, activities and developments that do occur in flood-prone areas to be protected and/or flood proofed against flooding and flood damage.
D. Protecting individuals from buying lands and structures which are unsuited for their intended purposes because of flood hazards.

§27-1802. Applicability.

These provisions shall apply to all lands within the jurisdiction of the City of Reading and shown on the Official Floodplain Maps as being located within the boundaries of any Floodplain District.

§27-1803. Compliance.

No building, structure or part thereof or land shall hereafter be used and no building, structure or part thereof shall be located, relocated, constructed, reconstructed, enlarged or altered except in full compliance with the terms and provisions of this Section and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Section.

§27-1804. Warning and Disclaimer of Liability.

The degree of flood protection sought by the provisions of this Section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Section does not imply that areas outside the Floodplain Districts, or that land uses permitted within such districts will be free from flooding or flood damages. This Section shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder, as no such reliance is authorized or justified.

§27-1805. Description of Districts.

1. The various districts shall include areas likely to be inundated by flood waters during a 100-year design frequency storm, dated December 5, 1997, as prepared by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof officially issued by FEMA. The basis for the delineation of these districts shall be the Flood Insurance Study Report and the Flood Insurance Rate Map, both dated December 5, 1997, as prepared by the Federal Emergency Management Agency, as may be officially amended by such Agency. These districts include:

   A. The Floodway District (FW), as shown on the accompanying Flood Boundary and Floodway Map.
   B. The Flood-Fringe District (FF), as shown on the accompanying Flood Boundary and Floodway Map.
   C. The General Floodplain District (FA), as shown on the maps accompanying the Flood Insurance Study prepared by the Federal Insurance Administration.

2. The districts shown above shall be plotted on appropriate maps. The elevations to be used for the purposes of this Section shall be based upon the above-referenced Flood Insurance Study Report or the Flood Insurance Rate Map. If otherwise unknown, the elevation of a proposed site shall be deemed the elevation at a given point on the boundary of the FA District which is closest to the site in question.

3. The Floodplain Districts as shown on the Official Floodplain Maps described above shall be overlays to the existing underlying districts as shown on the Official Zoning Map, and as such, the provisions for the Floodplain Districts shall serve as a supplement to the underlying district provisions.
4. Where any conflict exists between the provisions or requirements of any of the Floodplain Districts and those of any underlying district, the more restrictive provisions shall apply.

§27-1806. Floodplain Zoning Map.

The boundaries of the Floodplain Districts are established as shown on the Official Floodplain Maps of the City of Reading which is declared to be a part of this Section and which shall be kept on file at the office of the City Clerk.

§27-1807. District Boundary Changes.

The boundaries of any of the Floodplain Districts shall be considered to be revised if the Federal Emergency Management Agency determines that their requirements for revisions have been met.

§27-1808. Interpretation of District Boundaries.

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the Floodplain Districts, the Zoning Administrator may require that an applicant provide additional documentation for review by the City Engineer, who shall then advise the Zoning Administrator.

§27-1809. District Provisions Compliance.

1. All uses, activities and development occurring within any Floodplain District shall be undertaken only in strict compliance with the provisions of this Section and with all other applicable City, State and Federal codes and ordinances. At no time shall any use, activity or development be permitted to adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

2. A permit shall be obtained from the Department of Environmental Protection, Dams and Encroachments Division, prior to the alteration or relocation of any stream, watercourse or other drainage area. All other affected municipalities shall also be notified and copies of such notifications shall be forwarded to the Federal Insurance Administration and the Pennsylvania Department of Community and Economic Development.

§27-1810. Floodway District (FW).

In the Floodway District, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and State authorities.

A. In the Floodway District the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials and equipment:
   (1) Accessory residential uses such as yard areas, gardens, play areas, and pervious parking areas.
   (2) Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas and airport landing strips.

B. The following uses and activities may be permitted by special exception; provided, that they are in compliance with the provisions of this Chapter relating to the underlying zoning district, that they will not constitute hazards in periods of flooding, either as obstructions or as movable hazards, and that they are not prohibited by any other ordinance:
   (1) Nonresidential structures accessory to the uses and activities in §27-1810.A(1).
   (2) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.
   (3) Water-related uses and activities such as marinas, docks, wharves and piers.
   (4) Extraction of sand, gravel and other materials.
   (5) Temporary uses such as circuses, carnivals and similar activities.
   (6) Storage of materials and equipment provided that they are not buoyant, flammable or explosive, they are not subject to major damage by flooding, that they are firmly anchored to prevent flotation or movement, and that they will not obstruct flood waters or debris.
   (7) Other similar uses and activities provided they cause no increase in flood heights and/or velocities, that they are firmly anchored to prevent flotation or movement, and that they will not obstruct flood waters or debris. All uses, activities and structural developments shall be undertaken in strict compliance with the flood proofing provisions contained in all other applicable codes and ordinances.

§27-1811. Flood-Fringe District (FF).

In the Flood-Fringe District, the development and use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities and/or development shall be undertaken in strict compliance with the flood proofing and related provisions contained in all other applicable codes and ordinances.

§27-1812. General Floodplain District (FA).

In the General Floodplain District, the development and use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities and/or development shall be undertaken in strict compliance with the flood proofing and related provisions contained in all other applicable codes and ordinances.

§27-1813. Special Exceptions.

1. Prior to issuing special exceptions, the Zoning Hearing Board shall consider all relevant factors and procedures specified in other Sections of this Chapter and:

   A. The danger to life and property due to increased flood heights or velocities caused by encroachments. A special exception shall not be granted for any proposed use, development or activity that will cause any increase in flood levels during the 100- year flood.
   B. The danger that material may be swept onto other lands or downstream to the injury of others or will become an obstruction to flood waters.
   C. The proposed water supply and sanitation systems and the ability of these systems to prevent diseases, contamination and unsanitary conditions.
   D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
   E. The importance of the services provided by the proposed facility to the community.
   F. The requirements of the facility for a waterfront location.
   G. The availability of alternative locations not subject to flooding for the proposed use.
   H. The compatibility of the proposed use with existing development and development anticipated in the near future.
   I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
K. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
L. The likelihood that the use will obstruct water flow or permit the accumulation of debris, which could obstruct water flow or jeopardize the use in question.
M. Such other factors which are relevant to the purposes of this Section.

2. The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception to any engineer or other qualified person or entity or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

3. Special exceptions shall not be granted if the Zoning Hearing Board determines that granting the same will result in:

A. Unacceptable or prohibited increases in flood heights.
B. Additional threats to public safety.
C. Extraordinary public expense.
D. Nuisances.
E. Fraud or victimization of the public.
F. Creation of obstructions.
G. Conflict with local laws or ordinances.

§27-1814. Prohibited and Special Exception Activities.

1. The following activities shall not be allowed to be located within any floodplain district:

A. The construction, enlargement or expansion of any building used, or intended to be used, for any of the following activities:
(1) Hospitals.
(2) Nursing homes.
(3) Jails or prisons.
B. The commencement of, or any construction of, a new manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

2. The development or placement of a new dwelling within any floodplain district shall need special exception approval. The applicant for special exception approval shall prove that the requirements of this Article have been met. A dwelling shall not be allowed in a designated 100-year floodway.

§27-1815. Special Exception Application Requirements.

Applicants for special permits shall provide five copies of the following items:

A. A written request, including a completed building permit application form.
B. A small-scale map showing the vicinity in which the proposed site is located.
C. A plan of the entire site, clearly and legibly drawn at a scale of 1 inch being equal to 100 feet or less, showing the following:
(1) North arrow, scale and date.
(2) Topography based standard datum, showing existing and proposed contours at intervals of 2 feet.
(3) All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet.
(4) The location of all existing streets, drives, other accessways and parking areas, with information concerning widths, pavement types and construction, and elevations.

(5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and manmade features affecting, or affected by, the proposed activity or development.
(6) The location of the floodplain boundary line, information and spot elevations concerning the 100-year flood elevations, and information concerning the flow of water, including direction and velocities.
(7) The location of all proposed buildings, structures, utilities and any other improvements.
(8) Any other information that the municipality considers necessary for adequate review of the application.

D. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
(1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections and exterior building elevations, as appropriate.
(2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.
(3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100-year flood.
(4) Detailed information concerning any proposed flood proofing measures.
(5) Cross-section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-way and pavement widths.
(6) Profile drawings for all proposed streets, drives and vehicular accessways, including existing and proposed grades.
(7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.

E. The following data and documentation:
(1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel owned by the applicant or the client he represents.
(2) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100-year flood.
(3) A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person, containing a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100-year flood, including a statement concerning the effects such pollution may have on human life.
(4) A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on 100-year flood elevations and flows.
(5) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100-year flood elevation and the effects such materials and debris may have on 100-year flood elevations and flows.
(6) A statement certified by a professional engineer that the proposed development will not obstruct fluctuations in a 100-year design frequency storm, or create obstructions through the accumulation of debris, in a manner which is likely to adversely impact other property or any structure proposed to be created.
(7) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
(8) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.
(9) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under §302 of Act 1978-166.

(10) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100-year flood.

§27-1816. Application Review Procedures.

Upon submittal of an application for a special exception to the Zoning Hearing Board, the following procedures shall apply in addition to all other applicable permit procedures that are already established:

A. Within 5 working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the City Planning Commission and the Department of Public Works for review and comment.
B. If an application is received that is incomplete, the Zoning Administrator shall notify the applicant in writing, stating in what respects the application is deficient.
C. If the Zoning Administrator decides to refuse an application, it shall notify the applicant in writing of the reasons for the refusal.
D. If the Zoning Administrator approves an application, he or she shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered mail, within 5 working days after the date of approval.
E. Before issuing the special exception, the Zoning Hearing Board shall allow the Department of Community and Economic Development (DCED) 30 days, after receipt of the notification by DCED, to review the application and the decision made by the City.
F. If the City does not receive any communication from DCED during the 30-day review period, it may issue a special exception to the applicant.
G. If the DCED provides a written statement that the application as submitted would violate State or Federal floodplain laws or regulations, the City shall not issue the special exception approval.

§27-1817. Technical Requirements for Development Requiring a Special Exception.

In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a special exception. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply:

A. No application for a special exception shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner that will:
   (1) Fully protect the health and safety of the general public, any occupants of the structure, and any participants in the activity. At a minimum, all new structures shall be designed, located and constructed so that:
      (a) The structure will survive inundation by waters of the 100-year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the 100-year flood elevation.
      (b) The bottom of the lowest horizontal structural member (including basement) will be at least 1½ feet above the 100-year flood elevation.
      (c) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100- year flood.
   (2) Prevent any significant possibility of pollution, increased flood levels or flows, or obstructions endangering life and property.

B. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the City and the Department of Community and Economic Development.

§27-1818. Development Which May Endanger Human Life.

1. Any new or substantially improved structure or facility which will be used for the production or storage of any of the following materials or substances, and any use requiring the maintenance of a supply (defined as more than 550 gallons or other comparable volume of non-radioactive substances, or any amount of radioactive substances) of any of the following materials or substances on the premises, shall be prohibited within all portions of the 100-year floodplain:

    A. Acetone.
    B. Ammonia.
    C. Benzene.
    D. Calcium carbide.
    E. Carbon disulfide.
    F. Celluloid.
    G. Chlorine.
    H. Hydrochloric acid.
    I. Hydrocyanic acid.
    J. Magnesium.
    K. Nitric acid and oxides of nitrogen.
    L. Petroleum products (gasoline, fuel oil, etc.).
    M. Phosphorus.
    N. Potassium.
    O. Sodium.
    P. Sulfur and sulfur products.
    Q. Pesticides (including insecticides, fungicides and rodenticides).
    R. Radioactive substances, insofar as such substances are not otherwise regulated.

§27-1819. Existing Structures in Floodplain Districts.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

A. Existing structures and/or uses located in any Floodway District shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
B. Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any Floodplain District to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible regardless of its location in the Floodplain District.
C. The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use regardless of its location in a Floodplain District to an extent or amount of 50% or more of its market value shall constitute a "substantial improvement" and shall be undertaken only in full compliance with the provisions of this and any other applicable ordinance.
    (1) See the definition for "Historic Structures" and the exception for "Historic Structures" under the definition of "Substantial Improvement".
D. No new land area shall be committed to any nonconforming use, except for the purpose of expanding existing structures pursuant to the provisions of this subsection.
E. Uses or adjuncts thereof which are or become nuisances shall not be permitted to continue.

§27-1820. Variances.

If a variance is requested to this Part 18, the application shall only be approved if it meets all of the standards for a special exception under this Part 18, in addition to meeting all of the requirements of the Municipalities Planning Code for a zoning variance.

PART 19
HELIPORTS

§27-1901. Where Permitted.

Heliports shall be permitted as an accessory use, building or structure in the M-C Manufacturing/ Commercial, H-M Heavy Manufacturing zoning districts and on hospital properties in all zoning districts, provided that a license is obtained from the Pennsylvania Department of Transportation, Bureau of Aviation.

§27-1902. General Requirements.

All heliports shall:

A. Have a minimum landing size of twice the length of the helicopter used.
B. Have a landing pad not less than 32 feet in diameter.
C. Be approachable from two directions.
D. Provide sufficient clearances, 8:1 ratio, so as to permit landings and takeoffs from the outer limits of the landing pad.
E. Have 8:1 ratio approach lanes.
F. Have flight paths 200 feet wide and 500 feet outward from the outer edge of the landing pad.
G. Have a wind direction indicator and appropriate lighting.
H. Conform to all regulations as promulgated by the Pennsylvania Department of Transportation, Bureau of Aviation.

§27-1903. Permits.

No heliport shall be used, maintained or operated until a permit is secured from the Zoning Administrator.

§27-1904. Revocation of Permits.

Permits shall automatically be revoked if:

A. The Pennsylvania Department of Transportation, Bureau of Aviation, revokes or refuses to re-license the primary operator or the heliport.
B. An operator of a heliport fails to cure any defect or nonconformity with regulations as established by this Section or the Pennsylvania Department of Transportation, Bureau of Aviation, within 30 days, of being notified of such defect or nonconformity.

PART 20
AIRPORT OVERLAY DISTRICTS

§27-2001. Purposes.

This Section is enacted to insure and promote the health, safety and welfare of the general public and property in and about the Reading Regional Airport, to protect the users, facilities and services of the airport, to prevent hazardous conditions to the users, facilities or services of the airport and to eliminate, remove, mitigate, mark or light any existing hazard which cannot be completely abated.

§27-2002. Applicability.

The provisions of this Section shall apply to all lands within the City that are shown on the official Airport Approach Zoning Map as being located within the boundaries of any airport zone.

§27-2003. Airport Zones.

Airport zones shall be overlays to the underlying zoning districts as shown on the official zoning map. If there is any conflict between the provisions or requirements of this Part and any other zoning provision, the more restrictive provision shall apply.

§27-2004. Airport Approach Zone Identification.

The airport zones as shown on the official Airport Approach Zoning Map are:

A. Conical Zone.
B. Horizontal Zone.
C. Precision Instrument Runway Approach Zone.
D. Runway Larger Than Utility Visual Approach Zone.
E. Runway Larger Than Utility With a Visibility Minimum Greater Than Three-quarters of a Mile Nonprecision Instrument Approach Zone.
F. Transitional Zone.
G. Utility Runway - Visual Approach Zone.

§27-2005. Airport Height Limitations.

1. No building, structure or portion thereof or any other obstruction shall be erected, altered or maintained in excess of the height limitations as established hereinafter for each zone.

2. The height limitations for each zone are as follows:

   A. Conical Zone. 150 feet above the airport elevation at the intersection with the horizontal zone and extending thereafter 20 feet horizontal for each foot of vertical elevation extending to a height of 350 feet above the airport elevation.
   B. Horizontal Zone. 150 feet above the airport elevation.
   C. Precision Instrument Runway Approach Zone. Beginning at the end of and at the same elevation as the primary surface and extending 50 feet horizontal for each 1 foot vertical for a distance of 10,000 feet along the extended runway centerline and thereafter 40 feet horizontal for each foot vertical to a horizontal distance of 40,000 feet along the extended runway centerline.

D. Runway Larger Than Utility Visual Approach Zone. Beginning at the end of and at the same elevation as the primary surface and extending 20 feet horizontally for each foot vertically to a distance of 5,000 feet along the extended runway centerline.
E. Runway Larger Than Utility With a Visibility Minimum Greater Than Three-Quarters of a Mile Nonprecision Instrument Approach Zone. Beginning at the end of and at the same elevation as the primary surface and extending 50 feet horizontally for each 1 foot vertical extending to a horizontal distance of 10,000 feet along the extended runway centerline and thereafter 40 feet horizontal for each 1 foot vertical to an additional horizontal distance of 40,000 feet along the extended runway centerline.
F. Transitional Zone. Beginning at the sides of and at the same elevation as the primary surface and the approach surface extending 7 feet horizontal for each foot vertical and extending to a height of 100 feet above the airport elevation and extending to the intersection with the conical surface.
G. Utility Runway Visual Approach Zone. Beginning at the end of and at the same elevation as the primary surface and extending 20 feet horizontal for each foot vertical a distance of 5,000 along the extended runway centerline.

3. Where the precision instrument runway approach zone projects beyond the conical zone, the height: limit shall begin at the side of and at the same elevation as the approach surface extending 7 feet horizontal for each foot vertical extending a distance of 5,000 feet horizontal measured at 90º angles to the extended runway centerline.

§27-2006. Airport Exceptions.

Nothing in this Part shall be construed as to prohibit the construction or maintenance of any building, structure or part thereof or obstruction at a maximum height of 35 feet.

§27-2007. Airport Use Restrictions.

No use may be made of land, buildings, structures, objects or water within any district that:

A. Creates electrical interference with navigational signals or radio communication between the airport and aircraft.
B. Makes it difficult for pilots to distinguish between airport lights and others.
C. Results in glare to pilots using the airport.
D. Impairs visibility in the vicinity of the airport.
E. Creates bird strike hazards.
F. Endangers or interfere with the landing and taking off or maneuvering of aircraft.

§27-2008. Airport Nonconforming Uses.

Nothing in this Part shall be construed to require the removal, alteration or change of existing buildings, structures or parts thereof or obstruction not conforming to the regulations as herein set forth. In the event any building, structure or part thereof or obstruction shall violate and/or exceed the limitations as heretofore set forth and is deemed to be a nonconforming use, the owner or lessee thereof shall permit the installation, operation and maintenance thereon of any marker or light that shall be deemed necessary by the airport authority to indicate to the operators of aircraft in the vicinity of the presence of such building, structure, part thereof or obstruction.

§27-2009. Special Airport Zone Permits.

1. No land, building, structure, part thereof, or obstruction shall be established or changed in any of the airport zones unless a permit therefor has been obtained from the Zoning Administrator.

2. Within the horizontal and conical zones, a permit shall not be required for any building, structure, part thereof or obstruction less than 75 feet in height, provided that such building, structure, part thereof or obstruction does not exceed the height limitations as prescribed hereinbefore.

3. Within the approach zones, and at a horizontal distance not less than 4,200 feet from each end of a runway, a permit shall not be required for any building, structure, part thereof or obstruction less than 75 feet in height, provided that such building, structure, part thereof or obstruction does not exceed the height limitations as prescribed hereinbefore.

4. Within the transition zones beyond the perimeter of the horizontal zone, a permit shall not be required for any building, structure, part thereof or obstruction less than 75 feet in height, provided that such building, structure, part thereof or obstruction does not exceed above the height limitations as prescribed hereinbefore.

§27-2010. Existing Uses in Airport Zones.

No use, building, structure, part thereof or obstruction shall be permitted to be altered or changed to become nonconforming in height or more nonconforming in height.

§27-2011. Airport Variances.

Variances to the provisions of this Part may be granted by the Zoning Hearing Board. In addition to the requirements as established by this Chapter and the Pennsylvania Municipalities Planning Code, the following shall also be considered and required:

A. The application shall be submitted to the Federal Aviation Administration and the Pennsylvania Bureau of Aviation for review. The application shall not be approved if either entity provides a written statement that the proposal would interfere with the operation of air navigation facilities and/or the safe efficient use of navigable air space.
B. Comments of the Airport Manager. A copy of the application shall be furnished to the airport manager for advice as to the aeronautical effects of the proposal. The Board is only required to consider comments received prior to the Board's last hearing on the matter. An unfavorable report by the airport manager or failure to respond shall not bind the Board, but may be a factor in its decision.

PART 21
TELECOMMUNICATIONS TOWERS AND ANTENNAS

§27-2101. Purpose and Scope.

In an effort to facilitate efficient and adequate communications services and protect the interests of its residents, City Council desires to regulate the construction and the placement of communications towers and antennae. The City recognizes that Federal and State statutes and regulations impose certain limitations on the City's ability to regulate the placement and construction of communications towers and antennae. The purpose of these regulations is to:

A. Direct the location of wireless communications facilities.
B. Protect residential and preservation areas and land uses.
C. Minimize adverse visual and environmental impacts through careful design, siting, landscape screening, and innovative camouflaging techniques.
D. Accommodate growing need.
E. Promote co-location in order to minimize the total number of towers throughout the community.
F. Avoid potential damage to adjacent property through careful engineering and siting.
G. Enhance the ability of licensed telecommunications carriers to provide such services to the community quickly, effectively and efficiently.

§27-2102. Permitted Uses and Special Exceptions.

1. Telecommunications towers and facilities shall be allowed as provided in the zoning district regulations. No other principal use is permitted on a lot with a tower unless the tower is located on a leased parcel within the lot.

2. Satellite dishes with a maximum diameter of 4 feet shall be permitted in residential zoning districts and satellite dishes with a maximum diameter of 10 feet shall be allowed in all other districts.

3. For individual antenna attached to an existing structure, see Section 27-2106.3.

§27-2103. Tower and Antenna Classifications.

All tower, antenna and accessory facilities may be permitted for the following uses if they comply with all of the requirements of this Section:

A. Uses:
   (1) Personal wireless communications.
   (2) FM/Television broadcasting.
   (3) Land mobile radio systems.
   (4) Cellular telephones.
   (5) Fixed point-to-point microwave.
   (6) Lease tower.
   (7) Any other communications use not specifically listed or covered in any of the above six categories.
B. Types:
   (1) Monopolies.
   (2) Self-supporting lattice towers.
   (3) Guy-wired.

(4) Satellite dishes.
(5) Roof-top and facade mounted antennas and antenna structures.
(6) Alternative tower structures.

§27-2104. Applicability.

All new towers or antennas shall be subject to the following regulations, except as provided in §27-2106.B. through D.:

A. This Part shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a Federally-licensed amateur radio station operator or is used exclusively for receive-only antennas.
B. Preexisting towers and antennas shall not be required to meet the requirements of this Part, other than §27-2106.D.(4) and G.
C. For purposes of implementing this Part, an AM array, consisting of one or more tower units and supporting ground system which functions as one. AM broadcasting antenna shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

§27-2105. Submission Requirements.

Prior to the construction of a new telecommunications tower or antenna structure, or the installation of an antenna on an existing tower, the applicant shall obtain a zoning permit from the City. The application for such a permit shall include:

A. <u>Required Documentation.</u>
(1) The applicant shall submit a copy of its current Federal Communications Commission (FCC) license; the name, address and emergency telephone number for the operator of the proposed telecommunications facility; a certificate of insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering a new communications tower.
(2) Copy of any FCC construction permit.
(3) Copy of FAA Form 7460-1, "Notice of Proposed Construction or Alteration," if applicable. (See §27-2106.D.(3) for details.)
(4) Reserved.
(5) A technical description of the facility to include:
(a) A description of the tower and the technical and other design factors of the tower.
(b) A description of the capacity of the tower, including the number and types of antennas that it can accommodate.
(6) Evidence of compliance with the Airport Approach regulations if a tower or structure is within an Airport Approach Overlay Zone.
(7) A wind-loading analysis certified by a licensed professional engineer which demonstrates that the proposed telecommunications equipment will not exceed the structural capacity of the new or existing tower, building or other structure.
(8) The applicant shall be responsible to resolve all instances of interference caused by the actual operation of the tower that occurs after its installation.
(9) An inventory of existing towers, antennas or sites approved for towers or antennas that are owned or operated by the applicant, and are either within the City or within 1 mile of the border thereof, including specific information about the location, height, and design of

each tower. Such information may be shared with other applicants applying for tower or antenna approvals or permits under this Chapter to promote co-location.

(10) Landscape and fencing plan showing specific landscape and fencing materials and locations.

(11) Detailed site plan, see subsection (B) below.

B. Site Plan Requirements.

(1) Drawn to a scale of 1 inch = 20 feet.

(2) Location map with a scale of 1 inch = 800 feet, showing site differentiated by tone or pattern.

(3) Site boundary showing bearings and distances.

(4) Names and addresses of all adjacent property owners.

(5) Location of proposed tower and antenna structure.

(6) Location of guy wire anchors, if applicable.

(7) All existing and proposed structures.

(8) Existing vegetation to be retained, removed or replaced.

(9) Uses, structures, and land-use designations on the site and abutting parcels.

§27-2106. General Requirements.

1. **Location**.

A. The applicant shall confer with the City's planning staff prior to site selection.

B. The applicant shall satisfactorily demonstrate that the requested location is necessary to satisfy its function within the company grid system.

C. The applicant shall satisfactorily demonstrate that existing tall structures including, but not limited to, residential and commercial buildings, water tanks, and utility towers within a ¼-mile radius of the proposed operation will not accommodate the applicant's proposed operation for one or more of the following reasons:

(a) No existing towers or structures are located within the geographic area that meets engineering requirements.

(b) The proposed antenna and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

(c) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for the existing structure and the interference cannot be prevented at a reasonable cost.

(d) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

(e) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(f) A commercially reasonable agreement could not be reached with the owners of such structures.

D. Before receiving approval for a new tower, the applicant shall satisfactorily demonstrate that all efforts to co- locate antenna(s) have been exhausted.

2. **Setbacks**.

A. Telecommunication tower setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located.

B. Telecommunication towers shall comply with the minimum setback requirements of the zoning district or be set back at least half its height plus 10%, whichever is greater.

C. Guy wire anchors, if used, shall be set back a minimum of 20 feet from any lot line.

D. If additional towers are present on the same lot, exclusive of AM array, the distance from the base of the proposed tower to the base of the nearest tower, if it is self-supporting, or the nearest guy anchor of a non self supporting tower, shall not be less than one-half the height of the tallest tower.
E. No communications tower may be located within 500 feet of any residential zoning district, as measured from base of tower.
F. No communications tower may be located within 1000 feet of any preservation zoning district, as measured from base of tower.

3. **Height**.

A. Measurement of telecommunication tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel.
B. Height not to exceed 100 feet in areas where tower use is permitted, except a 200 feet height shall apply in the H-M District.
C. Antennas, antenna structures and satellite dishes attached to buildings, smokestack, water tank, place of worship steeple, high voltage electric tower or similar existing structures shall not exceed a height of 25 feet above the existing height of such structure and shall be permitted by right in all districts without needing to meet additional setbacks.
D. An applicant shall request the minimum tower height necessary to satisfy its function in the company's grid system.

4. **Structural Design**.

A. All telecommunications towers and antenna structures shall be constructed in accordance with ANSI Standards.
B. The applicant shall submit certification from a Pennsylvania registered professional engineer that the proposed telecommunications facility will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industry Association/Telecommunications Industry Association.
C. All wireless communications towers and antenna structures with a height in excess of 100 feet and within 10,000 feet of nearest airport facility, airport approach, landing strip or heliport shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration.
D. All wireless communications facilities shall meet all applicable construction codes. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance shall constitute grounds for the removal of the tower or antenna at the owner's expense.
E. All new telecommunications towers permitted after the effective date of this Chapter must be engineered to accommodate additional new users.

5. **Finished Color/Markings**.

A. All telecommunications towers, antennas and antenna structures shall have a galvanized finish; or be painted blue, gray or a non-contrasting color; unless FAA markings are required.
B. All guy wires associated with guyed towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

6. A minimum of one off-street parking space shall be provided for all commercial telecommunications towers.

7. Access shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust free, all weather surface for its entire length.

8. All telecommunications towers and antenna structures shall comply with all applicable FCC, FAA, Federal, State and local regulations as may apply.

9. **Screening, Buffering and Landscaping**.

   A. All ground-mounted telecommunications towers, and any accessory building shall be surrounded by a secure fence with a height of 8 feet, and shall be equipped with an appropriate anti-climbing device.
   B. In addition to the fence, the area surrounding the communications tower, antenna, and any accessory structure shall be landscaped in accordance with recommendations from the City of Reading Planning Office.
   C. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least 4 feet wide.
   D. Screening of equipment cabinets or structures for antennas mounted on utility or light Poles in residential areas shall consist of an evergreen hedge with an ultimate height of at least 8 feet and a planted height of at least 36 inches.
   E. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
   F. All screening and buffering must be maintained in good condition and repair at all times. Vegetation must be maintained in a healthy growing condition, free of refuse and debris. All screening and buffering must be maintained so as not to obscure the vision of traffic.
   G. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

10. **Illumination**.

   A. Lighting shall only be installed on a tower if it is required by the FAA. Only the minimum lighting necessary to meet governmental requirements shall be permitted. Strobe lights shall not be allowed, but a conventional flashing light is permitted.
   B. Lighting of facility shall comply with §27-919 of this Chapter.

11. No signs shall be allowed on an antenna or tower.

§27-2107. Accessory Facilities.

1. One or more accessory facilities containing equipment and control devices for the continuing operation of a tower/antenna may be located on the lot, provided the accessory facilities are clustered together.

2. Accessory facilities may be lighted for security or for maintenance purposes. Any such lighting shall be shielded and no lights shall be emitted upward or spill over onto adjacent properties, and shall comply with §27-919 of this Chapter.

3. At the tower site, the design of the buildings and related structures shall use, to the extent possible, materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

4. No equipment cabinet or other accessory structure shall contain more than 100 square feet of gross floor area or be more than 10 feet in height, unless it meets principal building setbacks.

5. The related unmanned equipment structure for antennas located on towers shall be located in accordance with the minimum yard requirements of the zoning district in which located.

6. Equipment storage buildings or cabinets shall comply with all applicable building codes.

7. The requirements of this section may be modified by the Zoning Administrator in the case of administratively approved or uses permitted by special exception to encourage co-location.

§27-2108. Telecommunications Environmental Impact.

1. All new telecommunications towers and antenna structures proposed in the City shall conform to the following environmental impact guidelines:

   A. Existing on-site vegetation shall be preserved to the maximum extent practicable.
   B. If the proposed tower is less than 200 feet high, and is exempt from any special FAA marking requirements, the tower shall be painted as stated in §27-2106.E.(1) of the part above the tree line level and painted green below the tree line level in forested or wooded areas.
   C. Where the site abuts a public street or a lot that is either zoned residential or used for residential purposes, and where the base of the tower can be seen from the public street or from a dwelling on the residential lot, the site perimeter shall be buffered by planting natural screening which blends in with existing vegetation to provide an effective screen. Such screening shall meet the requirements §27-1402 and §27-2106.I. of this Chapter. Existing vegetation, fences or walls may be used if the Zoning Hearing Board finds:
      (1) They achieve about the same amount of screening as described in §27-1402.
      (2) New plantings would have a detrimental effect on the stability, security or maintenance of the tower and/or guy wires.

§27-2109. Co-location.

1. Proposed antenna may, and are encouraged to, co-locate on existing telecommunications towers, public utility structures, silos, water tanks, existing tall multi-family or nonresidential buildings, and other appropriate structures. Provided such co-location is accomplished in a manner consistent with §27-2106, "General Requirements," then such co-locations are permitted by right and new or additional variance/special exception approval shall not be required.

2. Applications for adding anew antenna to an existing tower shall comply with §27-2104.

3. A tower, which is modified to accommodate co-location, shall be of the same tower type as existing, unless it is reconstructed as a monopole. Any tower reconstructed to accommodate co-location shall be a monopole

4. Height.

   A. Existing towers may be modified or rebuilt to a taller height, not to exceed 10% of pre-existing height, to accommodate the co-location of additional antenna structure(s)
   B. Height change may occur one time.
   C. Additional height shall not require additional setback and separation distance set forth in §27-2105(B). The tower's pre-modification height shall be used to calculate such distances.

5. Accessory structure(s) shall comply with standards set forth in §27-2107.

§27-2110. Removal of Abandoned/Unused Structures.

If a telecommunications facility remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the facility within 6 months of notice to do so by the City. Further, the owner or operator of the tower and/or antenna shall post security in a form acceptable to the City favoring the City in an amount to cover tower and/or antenna removal and site clean up. The security shall be utilized by the City in the event that the owner or operator of the tower and/or antenna fails to remove the tower and/or antenna within 6 months of notification by the City.

§27-2111. Telecommunications Facility Exemption.

1. A commercial telecommunications tower or antenna necessary for and clearly primarily used for emergency communications by the City of Reading Police or Fire Departments, emergency medical services and other similar public safety organizations is exempt from these requirements.

2. All PUC regulated corporations are exempt from these regulations.

§27-2112. City Owned Property.

1. Telecommunications towers and antennas on City owned property within the City limits shall comply with this Chapter, unless exempt as described in §27-2111 of this Part.

2. Telecommunications towers and antennas on City owned property within the jurisdiction of a municipality other than the City of Reading shall comply with that municipality's regulations.

3. All proposals for a new telecommunications tower on City-owned property shall be reviewed by the City of Reading Planning Commission.

§27-2113. Telecommunications Facility Fees.

City Council may establish, by ordinance, a reasonable fee schedule to be paid by the applicant.

PART 22
DEFINITIONS

§27-2201. General Interpretation.

1. Words in the present tense shall include the future tense.
2. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."
3. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
4. "Sale" shall also include rental.
5. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
6. The words "such as," "includes," "including," and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
7. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.
8. If a term is not defined by this Ordinance, but is defined in the Subdivision and Land Development Ordinance (SALDO), then such SALDO definition shall apply.
9. Except as provided in subsection 8 above, any word, term or phrase used in this Chapter, but not specifically defined herein, shall be given its plain and ordinary meaning within the context of the provision.
10. The singular shall include the plural and the plural the singular. The present tense shall include the future tense. The word "shall" is always mandatory.

§27-2202. General Definitions.

The following words and phrases shall have the meanings hereinafter indicated, unless the text clearly states an alternative or different meaning:

ABUT OR ABUTTING – Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway. See definition of "adjacent."

ACCESSORY APARTMENT – One dwelling unit that is created within part of a principal dwelling or above a vehicle garage on a residential lot.

ACCESSORY BUILDING OR STRUCTURE – a building or structure detached from and subordinate to the main building situated on the same lot and used for purposes customarily incidental to the main building. Drive-thru windows and associate canopy, attached or detached from the main building, are an accessory use and structure.

ACCESSORY USE – a use separated from, subordinate to and customarily incidental to the use of the main building and situated on the same lot.

ADJACENT – two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

ADULT BUSINESS OR ADULT USE – The definition of "Sexually Oriented Business" in this Part shall apply.

ADULT DAY CARE CENTER– a use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

AFTER HOURS CLUB – a use that permits the consumption of alcoholic beverages by 5 or more unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

AGRICULTURE – the use of a lot, parcel or tract of land for animal husbandry, raising, keeping or selling of truck, field and tree crops. The term "agriculture" does not include riding academies, liveries or boarding stables, commercial dog kennels or the raising of fur-bearing animals.

AIRPORT – a lot, parcel, tract or area of land used for the taking off and landing of airplanes or similar aircraft. See Airport Approach definitions in Section 27-2203.

AIRPORT ELEVATION – an elevation established at 344 feet above the mean sea level.

ALLEY – a thoroughfare having a right-of-way width of 24 feet or less, that primarily serves vehicle traffic and is available for use by the public, but which is not identified as a street on the City's official Street Mapping.

ALLUVIAL SOILS – soils deposited by floodwaters in the past that are categorized as Alluvial Soils by the Berks County Soil Survey or successor soils information.

ALTERATION – a change or rearrangement in any structural part of an existing facility, building or structure or in an exit or entrance, or an enlargement thereof, whether by extension of a side or by an increase in height or by a movement of any or all of a structure from one location or orientation to another.

AMUSEMENT – all manner and form of entertainment, all forms of rides and entertainment at fairgrounds and amusement parks, athletic contests, all other forms of diversion, sport, recreation, pastime, shows, exhibitions, contests, displays and games.

AMUSEMENT ARCADE – a place where amusement devices are provided and utilized as the principal use of the premises.

AMUSEMENT DEVICE – a device, other than a jukebox, that is used or designed to be used to provide amusement or entertainment to the user for a fee, and shall include but shall not be limited to pinball machines, video display games, billiard tables, simulated sport machines and bio-rhythm machines. Video and computer game devices that permit more than two players shall be considered one device for each two players.

ANIMAL SHELTER, ANIMAL BREEDING FACILITY – these uses shall be considered a type of "kennel."

APARTMENT – a dwelling unit contained in a building, structure or part thereof that is not a semi-detached dwelling, a single family attached dwelling or a single family detached dwelling.

ASSISTED LIVING FACILITY – this term shall have the same meaning as a "personal care home."

ATHLETIC CLUBS – see "recreational facilities."

AUTO REPAIR – a use involving the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

AUTO SERVICE STATION – a place where gasoline or other motor fuel or lubricating oil or grease for operating motor vehicles are offered for sale at retail to the public. An auto service station may also include supplying services generally required for the operation and maintenance of vehicles, including the sale or dispensing of gasoline or fuel, and/or sale and installation of tires, batteries, automotive accessories and replacement items; providing washing and lubrication services; and performing minor automotive maintenance. Auto service stations shall not be used for painting or repair of vehicle body parts, unless the requirements for Auto Repair are also met.

AUTO SALES – a building or lot where more than two motor vehicles for sale to the public may be parked, stored, or displayed.

BARBER SHOP OR BEAUTY SHOP - A type of personal service use involving the cutting and styling of human hair and which is operated by a State-licensed Barber or Cosmetologist. Such use may also include related activities, involving nails, facials and similar personal appearance services. See Section 27-1103.

BANQUET HALL - a facility that is rented for wedding receptions and similar special events and which does not meet the definition of a Tavern or Nightclub. This use may also occur as an accessory use to a hotel/ motel.

BASEMENT – a portion of a building or structure that is completely or partially beneath the average elevation of the finished grade.

BEAUTY SHOP - See "Barber Shop or Beauty Shop."

BED AND BREAKFAST INN – an owner-occupied establishment where the public may, for consideration, obtain sleeping accommodations and a meal served in the guest's room or a public dining room.

BETTING USE – a place used for lawful gambling activities, including but not limited to off-track pari-mutual betting and any use of electronic gambling devices. This term shall not regulate State Lottery sales or lawful "Small Games of Chance."

BILLBOARD – See Section 27-2205.

BOARDER, ROOMER OR LODGER – one who pays a stipulated sum to a homeowner for lodging for a definite time period.

BOARDING HOUSE – a building or structure used to shelter persons who are not "relatives" of the operator, and who live in the building by pre-arrangement and for definite periods of time and compensation, and which may or may not provide meals for residents, and which does not involve individual dwelling units that are each occupied by a "family." This term shall not include a commercial hotel/motel that serves transient visitors to the area, a personal care home, a nursing home, a dormitory or residence hall owned or operated by a college or university, or a Group Institution.

BOTTLE CLUB – the definition in Chapter 6, Part 1 of the City's Codified Ordinances shall apply. For the purposes of this Ordinance, a Bottle Club shall not include a Restaurant in which customers bring their own wine, provided such wine consumption is not allowed between Midnight and 6 AM and provided the primary use is the serving of food for consumption on the premises.

BUFFER STRIP – a continuous strip of land, either landscaped or green space, clear of all buildings, structures and parking areas, established to protect one type of land use from another, incompatible use.

BUILDING – any structure, either open or enclosed, having a roof supported by columns, piers or walls, including but not limited to tents, lunch wagons, trailers, dining cars, camp cars or other structures on wheels

or having other supports, and unroofed porches, platforms and terraces having vertical faces exceeding 3 feet above grade. Any structure having an independent entrance or an independent electrical, mechanical, or heating system shall be considered a single building. Any structure used to enclose an area, such as a wall, fence, barricade or stockade shall not be considered a building.

BUILDING AREA – the aggregate area of any and all floor area of enclosed or roofed buildings or structures. Such area shall be computed by using outside building or structure dimensions of the ground floor measured on a horizontal plane.

BUILDING COVERAGE – the percentage of a lot covered by buildings.

BUILDING HEIGHT – the vertical dimension of a building measured from the average elevation of the finished grade at the perimeter of the building to the highest point of the building. See exceptions in Section 27-911.

BUILDING SETBACK LINE – a line that designates the minimum distance between any building and the adjacent street right-of-way or property line, whichever is closer. This line shall be measured from a point or points formed by the intersection of a vertical building wall with the ground (or in the case of a cantilevered building, at the vertical plane which coincides with the most projected surface), to the property line, whichever is closer.

BUSINESS – any enterprise, occupation, trade or profession engaged in, either continuously or temporarily, for remuneration or gain or the occupancy or use of a building or premise or any portion thereof for the transaction of business or the rendering or receiving of professional services.

CABARET, ADULT – the definition in Part 11 of the Codified Ordinances shall apply.

CANOPY – see "marquee."
CAR WASH – a building or portion thereof used for the manual or mechanical washing of automobiles and other similar vehicles.

CARTWAY – that portion of a street, alley or highway used for vehicular traffic as specified on the City Topographical Survey.

CENTER LINE OF STREET, ROAD, ALLEY OR HIGHWAY – a line equidistant from and parallel to the street, road, alley or highway right-of-way lines.

CERTIFICATE OF OCCUPANCY – official certification that a premises conforms to provisions of this Chapter and the Construction Codes to the best knowledge of the City Staff and may be used or occupied. Such a certificate is granted for, new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a building cannot be occupied.

CHILD CARE FACILITIES –

(1) **Day Care Centers**.
   - (a) **Child Day Care Centers**. A building or structure, or part thereof, used for the care, at any one time, for part of a 24-hour day, of seven or more children unrelated to the operator, as licensed and regulated by the Pennsylvania Department of Public Welfare.
   - (b) **Family Child Day Care Homes**. A building or structure, or part thereof, other than the child's own home, operated for profit or not for profit, in which child day care is provided at any one time, for part of a 24-hour day, to four, five or six children unrelated to the operator, as licensed and regulated by the Pennsylvania Department of Public Welfare.
   - (c) **Group Child Care Homes**. A building or structure, or part thereof, in which out of home care is provided, at any one time, for part of a 24- hour day, to more than 6 but fewer than 16 older school age level children, or more than 6 but less than 13 children of any age level, as licensed and regulated by the Pennsylvania Department of Public Welfare.

CHURCH – a type of "place of worship."

CINEMA, MOVIE THEATER – see "theater."

CLEAR SIGHT TRIANGLE – an area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a predetermined distance from the intersection of the center lines.

CLUB, LODGE OR SOCIAL BUILDING – a building or structure, or part thereof, used to house a club or social organization not conducted for profit and which is not an adjunct to, operated by, or in connection with a public tavern, café or other public place.

COMMERCIAL DISTRICTS – the C-C, C-R, C-N and C-H Districts.

CONDITIONAL USE – a use listed as a conditional use by this Ordinance, which is only allowed after review by the City Planning Commission and approved by City Council.

CONDOMINIUM – real estate, portions of which are designated for separate ownership for residential purposes and the remainder of which is designated for common ownership solely by the owners of those portions, in compliance with the Pennsylvania Uniform Condominium Act or the Pennsylvania Planned Communities Act. "Real estate" is not a condominium unless the undivided interests in the common elements (portions of a condominium other than the residential units) are vested in the unit owners.

CONVENIENCE STORE – a building, structure or part thereof, containing 12,500 sq. ft. or less floor area, which stores and sells, primarily, prepackaged food, grocery and beverage items. Gasoline sales shall only be allowed if it is specifically permitted in the zoning district.

CONVERSION (Residential) – The alteration of existing building space to result in a change of building space from a principal non-residential use to one or more dwelling units, or to increase the number of dwelling units within the building.

CORNER LOT – a lot fronting on two intersecting streets. On corner lots, for the purpose of determining setback areas, the front yard shall be considered that area which fronts on the streets; the rear yard is the area opposite the property address.

DEVELOPMENT – any manmade change to improved or unimproved land including but not limited to buildings, structures, manufactured homes, streets, parking lots, paving, utilities, filing, grading, excavation, mining, dredging or drilling operations, and the subdivision of land.

DORMITORY – a building, structure or portion thereof containing living quarters for full-time students or staff of a college, university, theological school, or medical training program, or religious leaders of a religious order, and which is either owned or managed by said organization.

DWELLING – any building that is designed or used, in whole or in part, for residential purposes.

DWELLING, DUPLEX – a building divided horizontally into two dwelling units.

DWELLING, MULTIPLE FAMILY OR APARTMENTS – a building designed and used for three or more dwelling units. See also "Mid-Rise Apartments" and "High Rise Apartments".

DWELLING, ONE-FAMILY ATTACHED (TOWNHOUSE OR ROW HOUSE) – one dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit.

DWELLING, ONE FAMILY DETACHED – a single residential building containing one dwelling unit entirely surrounded by open space on the same lot and which is not attached to any other building.

DWELLING, SEMI-DETACHED – a one-family dwelling unit accommodating one family that is attached to a second one-family dwelling unit by a common vertical wall.

DWELLING, TWO FAMILY DETACHED (DUPLEX) – a building designed and used for two dwelling units and which is not attached to any other building and is not a semi-detached dwelling.

DWELLING UNIT – one or more rooms providing living facilities for only one family or an individual, used or intended to be used for sleeping, cooking, bathing and other day-today residential activity. Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities; and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include 2 or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another. Each dwelling unit shall only have one kitchen, except for a dwelling unit that lawfully included a second kitchen before the enactment of this Ordinance.

EASEMENTS – a liberty, privilege or advantage which one has in the lands of another for a precise and definite purpose not inconsistent with and subordinate to the owner's general property rights.

EMPLOYEES – the highest number of workers (including both part-time and full-time, both compensated and volunteer, and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

ENTERTAINMENT, ACCESSORY USE – live simulated or recorded musical and/or theatrical performances, which are accessory to the primary use.

ENTERTAINMENT, PRIMARY USE – live simulated or recorded musical and/or theatrical performances, which are the primary function and purpose of the premises. Primary use entertainment shall be limited to nightclubs, theaters and cinemas.

ESSENTIAL UTILITIES – cable television and gas, water, sanitary sewer, telephone and electric utilities, whether owned, operated or maintained by a private, public or municipal corporation, authority or agency, including but not limited to all buildings, poles, wires, mains, drains, sewers, pipes, conduits, cable, hydrants and other similar equipment and accessways associated therewith owned, operated or maintained by said private, public or municipal corporation, authority or agency.

FACADE – a building's exterior surface, including doors or windows as viewed by persons not within the building.

FAMILY – one or more persons related by blood, marriage, adoption or foster relationship, legal custody, guardianship or written permission of a person with custody or are the great-grandparent, great-grandchild, grandparent, grandchild, parent, child, brother, sister, aunt, uncle, niece, nephew, great uncle, great aunt, great nephew or great niece, living together as a single housekeeping unit; or a group of not more than three unrelated persons over the age of 14 years, who are living together in a single dwelling unit and maintaining a common household with a single cooking facility.

A. A roomer, boarder or lodger shall not be considered a member of the family.
B. Shared housing arrangements, where the individuals are permanent or temporary "roommates," do not constitute family arrangements.
C. The term "family" shall also not include the occupants of a clubhouse, hotel, motel, student home or student housing, fraternity house, sorority house or dormitory.

FENCE – a barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected as an enclosure or to separate areas of land.

FIRE AND RESCUE SERVICE OPERATIONS – includes live-fire training facilities, the educational, vehicular and administrative facilities necessary to the initial and continuing training, qualification and accreditation of fire fighters, emergency medical and disaster responders, and their supporting staff operated by either the City's Department of Fire and Rescue Services or the County of Berks.

FIRE STATION – any building owned, occupied or managed by the City's Department of Fire & Rescue Services, used primarily for the housing and readiness of fire fighting and rescue vehicles and apparatus, including but not necessarily limited to engines, ladders and ambulances. Fire stations may include residential accommodations for on-duty personnel, when limited to 20% of the station's total gross floor area and in compliance with applicable building codes.

FITNESS/HEALTH CENTERS – facilities providing fitness, health and dietary instruction and training by certified professionals. Aerobic, cardio-vascular and weight training instruction and equipment may be available as well as martial arts instruction, aquatic activities, and massage and other physical therapy.

FLOODPLAIN – See Section 27-2204.

FLOOR AREA, GROSS – the total area of all floors of a building as measured to the outside surfaces of exterior walls.

FLOOR AREA, NET – the total floor area of a building excluding areas used principally for non-public purposes such as storage, incidental repair, processing or packaging of merchandise, show windows, offices incidental to the management or maintenance of storage or buildings, rest rooms, utilities, dressing rooms, fitting or alteration rooms as well as hallways, corridors, stairways, elevators and entry vestibules.

FRONTAGE – that part of a lot abutting a street right-of-way (as specified on the City's Official Street Mapping), commonly referred to in terms of "feet of frontage."

GAMING FACILITY – A licensed gaming facility as authorized by the Commonwealth of Pennsylvania, pursuant to 4 PA C.S., Ch. 11, entitled "Pennsylvania Race Horse Development and Gaming Act," as amended from time to time, including but not limited to a facility allowed to operate slot machines and/or table games.

GARAGE, PRIVATE – a building or part thereof, whether or not enclosed, used for the storage of vehicles or used for the convenience of the owner or occupants of the main building and in which no business, use or service is rendered, provided or conducted for the benefit of the general public.

GARAGE, PUBLIC – building or part thereof used for the storage of one or more vehicles for remuneration which may include facilities and equipment for servicing, repairing, washing or reconditioning vehicles, as well as any and all services or equipment provided by or at an auto service station.

GAZEBO – a freestanding roofed accessory structure with mostly open sides that shall be regulated as an accessory building.

GOVERNING BODY – shall mean "City Council" of the City of Reading.

GRADE – the surface of the ground, lawns, walks or streets adjoining the exterior walls of any building.

GRADE, FINISHED – the completed surface of the ground, lawns, walks or streets adjoining the exterior walls of any building.

GROUP CARE FACILITY – A household facility of more than three persons, but fewer than 10 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 non-profit 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 Section 27-1201.B.

GROUP INSTITUTION – a facility housing 10 or more persons excluding supervisors (not necessarily related by blood, marriage, adoption or legal guardianship), who because their physical or emotional condition or their social or interpersonal skills would otherwise limit, inhibit or prevent their ability to function as useful or productive members of society, and who are provided supportive services and supervision through a non-profit social service agency or other established entity. This term shall not include a "Treatment Center."

HABITABLE FLOOR AREA – the floor area within a building which is maintained for human occupancy. The terra "habitable floor area" shall not include basements, garages or accessory building space.

HAZARDOUS WASTE – any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semi-solid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or any combination of the above but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under the Federal Water Pollution Control

Act, or source, special nuclear, or by-product material as defined by the U.S. Atomic Energy Act of 1954, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population.
(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

The term "hazardous waste" shall not include coal refuse as defined in the "Coal Refuse Disposal Control Act" and shall not include treatment sludge from coal mine drainage treatment plants, the disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the "Clean Streams Law."

HELIPORT – an area used for helicopters to land and take off, including all auxiliary, service and maintenance facilities related thereto.

HIGH RISE APARTMENTS – a building or group of buildings containing therein 3 or more multi-family dwellings designed as an integrated development, exceeding a height of 60 feet and with the dwellings therein, leased to the occupants for a definite period of time of 30 days or more.

HOME OCCUPATION – a routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the requirements for a Home Occupation provided in Section 27-1006.

A. Major Home Occupation. A Home Occupation that does not meet the additional standards for a Minor Home Occupation in Section 27-1006.
B. Minor Home Occupation. A Home Occupation that meets the additional standards for a Minor Home Occupation as provided in Section 27-1006. Among other provisions, Section 403 requires that a Minor Home Occupation not routinely involve visits to the home occupation by customers or more than one non-resident employee at a time. A Minor Home Occupation also includes, but is not limited to, a use that meets all of the requirements for a "No Impact Home-Based Business" as provided in the State Municipalities Planning Code.

(Note - In most cases a Minor Home Occupation is permitted by right while in most cases a Major Home Occupation requires Zoning Hearing Board approval as a special exception.

1. No Impact Home-Based Business - A type of Minor Home Occupation that meets the following definition as provided in the State Municipalities Planning Code: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
   a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
   b) The business shall employ no employees other than family members residing in the dwelling.
   c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
   d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
   e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
   f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
   g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
   h) The business may not involve any illegal activity.

HOTEL – establishments where the public may, for consideration, obtain sleeping accommodations. Such establishment shall have at least 10 permanent bedrooms for the use of guests, and may provide additional services, such as a restaurant, meeting rooms, and recreational facilities.

IMPROVEMENT – to excavate for or store material, machinery or equipment on a lot in connection with the erection, construction, placement, reconstruction, alteration, repaint, extension, replacement, restoration or conversion of any structure, building and/or sign, except if specifically excluded by this Chapter; or to change the use, area of use, or percentage of use; or to extend or displace the use in part or in total of any structure, building, sign and/or land.

IMPERVIOUS COVERAGE – the impervious coverage is the percentage of the lot area of a lot that is covered by building roofs, stone, concrete or asphalt, and/or other man-made surfaces having a coefficient of runoff of 0.6 or greater. The City Engineer shall determine whether a surface would meet this definition.

INDUSTRIAL DISTRICTS – the M-C and M-H Districts.

JUNKYARD – a lot, building or part thereof, which is used to collect and/or store waste paper, rags, scrap material or discarded material, or which is used to collect, dismantle, store or salvage machinery or vehicles which are unlicensed and are not in operating condition, and shall also include the sale, resale, salvage or conversion to some other use, of the parts of machinery or vehicles.

KENNEL – an establishment for the boarding and/or breeding of animals and which involves the keeping of 8 or more dogs age 3 months or older at any one period of time.

LAW ENFORCEMENT OPERATIONS – includes firing ranges, accessory buildings and activities related to firing ranges, facilities for the disposal of regulated/controlled substances, the educational, vehicular and administrative facilities necessary to the initial and continuing training, qualification and accreditation of law enforcement officers and their supporting staff, operated by the City's Department of Police.

LIFE CARE RETIREMENT FACILITY – a residential community developed according to a unified plan for persons of retirement age, which shall include residential dwelling units, and which may also include a "personal care home" and/or a "nursing home," and which has communal dining, recreation areas, open space, parking and related facilities.

LOADING SPACE – an off-street area used for loading and unloading of goods from trucks or trailers and having a direct access to a public street or alley.

LODGE – see "club" or "social club."

LOT – parcel or tract of land occupied or intended to be occupied, by buildings, accessory buildings, uses or accessory uses as permitted by this Chapter. Existing lot sizes shall be determined by reference to any recorded subdivision plan, deed or other record found in the office of the Berks County Recorder of Deeds.

LOT AREA – an area of land that is determined by the limits of the property lines bounding that area and expressed in terms of square feet or acres. Any portion of a street right-of-way shall not be included in determining lot area, based upon the width of the street right-of-way that will exist after development is completed.

LOT COVERAGE – this term shall have the same meaning as "Impervious Coverage."

MANUFACTURED (MOBILE) HOME – a transportable single unit usable as a permanent dwelling, office or place of assembly, or multiple units designed to be joined into one integral unit capable of being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation or attachment to essential utilities. Manufactured homes comply with a Federal Manufactured Housing Construction Code, as opposed to the Uniform Construction Codes.

MANUFACTURED (MOBILE) HOME PARK – a parcel of land that has been planned and improved for the placement of mobile manufactured homes for non-transient use, consisting of two or more mobile manufactured home lots.

MANUFACTURING – the treatment or processing of raw products or the production or assembly of finished products from raw or prepared materials into new forms or qualities.

MARQUEE – a roof-like structure which projects from and is supported by the building to which it is attached. Marquees may project over entrances and ground floor windows, provided there is compliance with the Construction Codes and provided that an Encroachment Permit is received for any portion within a public right-of-way.

MASSAGE PARLOR – An establishment that does not meet the requirements for a "Massage Therapy" use but does meets all of the following criteria:

(a) Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.

(b) The use does not involve a person licensed or certified by the State as a massage therapist or a health care professional or a massage therapist certified by a recognized professional organization that requires a minimum of 80 hours of professional training. Massage therapy by such a certified professional shall be considered "personal service."

(c) The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.

(d) The massages are conducted within private or semi-private rooms.

MASSAGE THERAPY – A type of personal service use that meets Section 10-1401 of the City's Codified Ordinances. See also Section 27-1103.B.

MEDICAL/DENTAL CLINIC – building, or a part thereof, containing the offices of licensed physicians or dentists and limited to outpatient treatment.

MID-RISE APARTMENTS – a building or group of buildings containing therein one or more multi-family dwellings, designed as an integrated development, limited to a height of 60 feet, with the dwellings therein leased to the occupants for a definite period of time of at least 30 days.

MOBILE HOME - SEE MANUFACTURED HOME.

MODULAR HOME – a dwelling unit made of one or more prefabricated sections and erected on a permanent foundation, the essential utilities for which may be either prefabricated or installed onsite, and which is constructed to comply with the Uniform Construction Codes..

MOTEL – establishments where the public may, for consideration, obtain sleeping accommodations, having at least eight permanent bedrooms for the use of guests and onsite, off-street parking.

MUNICIPAL, MUNICIPALITY – of or pertaining to the County or City government, or an agency thereof and/or a City-authorized fire company.

MUNICIPALITIES PLANNING CODE OR STATE PLANNING CODE – the Pennsylvania Municipalities Planning Code, as reenacted and amended.

MUNICIPAL BUILDING – a building owned, used or managed by the City of Reading or an agency of a municipality.

NIGHTCLUB – an establishment that offers amplified music after 12 midnight, sells alcoholic beverages primarily for on-site consumption, includes hours open to patrons after 12 midnight, has a building capacity of over 150 persons, and has less than 20 percent of its total sales in food and non-alcoholic beverages.

NONCONFORMING BUILDING - a type of "Nonconforming Structure" which is a building.

NONCONFORMING LOT – a lot, parcel, or tract of land which does not conform to the dimensional requirements of the zoning district in which said lot, parcel, or tract is situated. To be considered nonconforming, the lot, parcel, or tract of land shall also have predated the implementation of zoning in the City of Reading or was lawfully conforming prior to the enactment of zoning regulations that resulted in the nonconformity.

NONCONFORMING STRUCTURE – a structure or portion thereof which, in its design or location upon a lot, does not conform to the zoning regulations for the district in which it is situated. To be considered nonconforming, the use shall also have predated the implementation of zoning in the City of Reading or was lawfully conforming prior to the enactment of this Chapter.

NONCONFORMING USE – any use of a lot, parcel, tract, building, structure or part thereof which does not conform to the use requirements of the zoning district in which said lot, parcel, tract, building, structure or part thereof is situated. To be considered nonconforming, the use shall also have predated the implementation of zoning in the City of Reading or was lawfully conforming prior to the enactment of zoning regulations that resulted in the nonconformity. A use approved by a use variance shall not be considered to be a Nonconforming Use.

NURSING HOME – a facility licensed by the Commonwealth of Pennsylvania as a Nursing Home.

OCCUPANCY – use of a building or lot for a specific purpose.

OFFICE – a commercial establishment or use involving clerical, professional or administrative work, which may include the provision of customer services. No storage or display of goods and products for sale shall be permitted in any office.

OFF-STREET PARKING AREA, PRIVATE – an area on private property designed and used for the parking or storage of one or more passenger vehicles as an accessory use. Private off-street parking areas shall include private garages, carports and improved accessory parking spaces.

OFF-STREET PARKING AREA, PUBLIC – an open space, other than a street or other public right-of-way, designed and used by the general public for the parking of vehicles.

OWNER – any person, agent, firm or corporation having any legal, equitable or leasehold interest in property.

PARKING SPACE – an area designed and used for the parking of a motor vehicle, exclusive of passageways, driveways and accessways appurtenant thereto.

PAWN SHOP - An establishment engaged in retail sales of secondhand merchandise and that offers personal loans secured by consumer goods, jewelry and other personal property held by the Pawn Shop. See the record-keeping requirements of the State Pawnbrokers License Act.

PERFORMING ARTS FACILITY – any facility, whether or not operated for profit, primarily engaged in providing live theatrical performances.

PERMIT, BUILDING – a certificate issued by the Building Inspector for the construction, reconstruction, remodeling, alteration or repair of a building, structure or part thereof.

PERMIT, SPECIAL EXCEPTION – a certificate issued by the Zoning Administrator, after approval by the Zoning Hearing Board, for the conduct of a special exception use, which indicates thereon that the requirements governing special exceptions in this Chapter and all other applicable zoning requirements have been met.

PERMIT, TEMPORARY USE – a certificate issued by the Zoning Administrator, for the conduct of a use for a limited time period indicating the duration of the permit and indicating that all special requirements governing such use and all other applicable zoning requirements have been met.

PERMIT, ZONING – a certificate issued by the Zoning Administrator stating that the purpose for which a building or land is to be used is in conformity with all requirements of this Chapter for the zoning district in which the use is situated.

PERMITTED USE – a use of a lot, parcel, tract, building, structure, sign or part thereof which is permitted as of right in a particular zoning district.

PERSON – any natural person, association, partnership, corporation or other similar entity.

PERSONAL CARE HOME – a facility licensed as such or as an "Assisted Living Facility" by the Commonwealth of Pennsylvania.

PERSONAL SERVICE – An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, travel agencies, shoe repair shops, household appliance repair shops, massage therapists, and other similar establishments, but shall not include any "adult uses," as herein defined.

PET SHOP - A type of retail store that is a approved by the City as a Pet Shop and which involves the retail sales of animals to the public, but which does involve the on-site breeding of dogs or the boarding of dogs, unless the requirements for a Kennel are also met. See requirements in State law for keeping of "Exotic Wildlife."

PETS – for the purpose of this Chapter, "pets" means any number of animals traditionally found in a household for the enjoyment, companionship and/or protection of the family. Pets means an animal legally obtained, such as from a licensed pet dealer. Livestock, including but not limited to, horses, cows, goats, chickens and other poultry and foul, indigenous or exotic wild animals such as opossums, skunks, raccoons, squirrels, and endangered, threatened and protected species are strictly prohibited. See the Animal regulations of the City's Codified Ordinances.

PLACE OF WORSHIP – a building or group of buildings that is primarily used for regularly scheduled public assembly for religious purposes.

PLANNING COMMISSION – the Planning Commission of the City of Reading, unless otherwise stated.

PRINCIPAL BUILDING – the building in which the principal or main use of a lot is conducted.

PRIVATE CLUB – any building which serves as a meeting place for a selected membership together with any recreation and dining facilities located therein.

PRIVATE SURFACE PARKING FACILITY – privately owned and operated parking facility with spaces available for short-term and long-term lease.

PROPERTY – a lot.

PROPERTY LINE – the perimeter line of a lot.

PUBLIC NOTICE – notice given in accordance with the provisions of this Chapter and of the Municipalities Planning Code, as amended.

PUBLIC RIGHT-OF-WAY – land dedicated to and accepted by a municipality for street or roadway purposes and for the installation of public utilities as specified on the City Topographical Survey. A public right-of-way shall include the cartway and all sidewalk areas, paved or not.

PUBLIC STREET – any right-cf-way intended for use as a means of vehicular and pedestrian circulation and to provide access to more than one lot, as shown on official street mapping of the City of Reading.

PUBLIC USES – uses conducted by a municipality, an agency of a municipality, a public utility, a Commonwealth agency or a federal agency.
PUBLIC UTILITY – any use that is owned, operated or managed by a public utility regulated by the Public Utilities Commission or by a municipal authority.

RECREATIONAL FACILITY, PRIVATE – any privately owned and operated athletic facility, whether or not operated for profit, such as health and fitness centers, tennis clubs, gymnastic training centers and the like, and any private membership organization holding a current club license from the Commonwealth of Pennsylvania Liquor Control Board. This category does not include commercially operated game rooms, video arcades and the like, although such amusement devices maybe located on the premises when they are clearly incidental to the primary use.

RECREATIONAL FACILITY, PUBLIC – any public park or playground. Any activity center, gymnasium, natatorium or similar athletic facility owned and operated by a public body.

RECREATIONAL FACILITY, SEMI-PUBLIC – any facility, operated by a non-profit club licensed by the Commonwealths of Pennsylvania or by any organization granted tax exempt status by the United States of America Internal Revenue Service, which clearly has as its primary purpose athletic activity and physical exercise. This category also includes neighborhood centers operated by religious or civic associations and which offer a program of instruction and which are not operated for profit. The category does not include amusement centers such as game rooms, video arcades, or the like, although such amusement devices may be located on the premises when they are clearly incidental to the primary use.

RECREATIONAL VEHICLE – a vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles include travel trailers, truck-mounted campers, motor homes, folding tent campers and automobiles, buses or trucks adapted for vacation use, snowmobiles, mini-bikes, all-terrain vehicles, go-carts and boat trailers, and other vehicles not suitable for daily conventional family transportation on City streets and highways.

RECYCLING OPERATIONS – includes facilities for the collection and organization of recyclable materials, and/or the composting of organic materials. It may include collection events for the general public, where sufficient loading and staging areas are delineated operated by either the City's Department of Public Works or the Berks County Solid Waste Authority.

RESIDENTIAL DISTRICTS – the R-1A, R-2, R-3 and R-PO Districts.

RESTAURANT – any establishment at which food is sold for consumption on the premises. The term "restaurant" shall not include any snack bar at a public or community playground, play field, park or swimming pool operated by a governmental agency or municipal agency for the convenience of the patrons of those facilities.

RESTAURANT, DRIVE-IN OR DRIVE-THRU – an establishment where patrons are served food, soft drinks, ice cream and similar confections for principal consumption off the premises or in automobiles parked upon the premises.

RIGHT-OF-WAY – a strip of land occupied, or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or by another public or semi-public use.

ROOF – structural covering of any material, being supported by columns, piers, metal rods, walls or cantilevered from a principal structure.

ROOMMATE HOUSEHOLDS – a shared housing arrangement where at least two, and no more than three persons not related by blood, marriage, adoption or foster relationship or are not the great-grandparent, great grandchild, grandparent, grandchild, parent, child, brother, sister, aunt, uncle, niece, nephew, great uncle, great aunt, great nephew or great niece, of each other live together in a single dwelling unit and/or a single housekeeping unit on a permanent or temporary arrangement. Any exception to this definition in number of persons in the occupancy arrangement requires approval as a special exception review by the Zoning Hearing Board. Said definition or arrangement shall not include any such use that falls within the definition of Residential Care Home or Student Home.

SCHOOL – a building or part thereof maintained for the purpose of offering instruction, or in which classes are conducted, whether or not for a consideration or tuition, to five or more pupils at one and the same time, or to 25 or more pupils during any school year, the purpose of which is to educate an individual generally or specially or to prepare an individual for more advanced study, and shall include all schools engaged in such education, whether private, public or parochial. The term "school" shall not include any private trade schools, private business schools, private correspondence schools, private music schools, private dance schools, private art schools, private dramatic art schools, private schools of charm or poise, private driver training schools or any type of private school which is non-academic in character.

SCREENING – the formation of a visual or acoustical barrier using such materials as dense evergreen shrubbery or solid fencing of durable wood or masonry construction.

SETBACK – the required minimum horizontal distance between the building line and the related front, side, or rear property line or right-of-way line.

SETBACK LINE – a line designating the minimum setback from a particular lot boundary or right-of-way line.

SEWER – a public or private utility system designed to collect, centrally treat and dispose of sewage from customers, in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the City, whichever is more stringent.

SEXUALLY ORIENTED BUSINESS – an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, spa or sexual encounter center, as each term is defined in Part 11 of the City's Codified Ordinances. This term shall also regulate a "Massage Parlor" as defined by this Ordinance. Massage therapy performed by a certified massage therapist under Section 10-1401 of the City's Codified Ordinances is not included in this definition. The term "Sexually Oriented Business" and "Adult Use" shall have the same meaning.

SIGNS – See definitions in Section 27-2205.

SITE PLAN – a drawing of a building, structure and/or lot, showing information including, but riot limited to, lot and building size and coverage, setbacks, landscaping and uses. Architectural elevations and floor plans are sometimes included.

SITE PLAN REVIEW – a review of proposed development plan by the Zoning Administrator, City Planning Commission or City Council, or all, that is necessary before permission to commence or complete a project can be given.

SOCIAL CLUB OR ASSOCIATION (NON-PLCB LICENSED) – any organization, not conducted for profit, which has a membership defined by its charter bylaws, and is not a licensee of the Pennsylvania Liquor Control Board. No alcoholic beverages are to be sold, stored or consumed on the premises, unless the requirements for a BYOB use are met. For any use that also meets the definition of a BYOB, Ordinances 35-2007 and 37-2007 shall also be met.

SOCIAL CLUB (PLCB LICENSED) – any organization, not conducted for profit, which has a membership defined by its charter bylaws, and is a licensee of the Pennsylvania Liquor Control Board.

SOLID WASTE – any waste including, but not limited to, municipal, residual or hazardous waste, including solid liquid, semi-solid or contained gaseous materials. The term "solid waste" does not include coal ash or drill cuttings.

SOLID WASTE DISPOSAL – the incineration, deposition, injection, dumping, spilling, leaking or placing of solid wastes into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the municipality.

SOLID WASTE OR SANITARY LANDFILL – a tract, parcel or lot used for the disposal of garbage, refuse or ashes by depositing them in layers of controlled depth and width in trenches or depressions and covering each layer promptly on all sides with a compact layer of clean earth and other inorganic material of sufficient thickness to exclude rodents and to prevent the escape of odors or outbreak of fires.

SOLID WASTE STORAGE – the containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. The containment of any waste in excess of one year constitutes disposal.

SOLID WASTE TREATMENT – any method, technique or process, including neutralization, designed to change the physical, chemical, biological, character or composition of any waste so as to neutralize such waste or so as to render such waste non-hazardous, safer for transport, suitable for recovery, suitable for storage, or reduced in volume. The term "solid waste treatment" includes any activity or processing designed to change the physical form or chemical composition of waste so as to render it neutral or non-hazardous.

STATE – the government of the Commonwealth of Pennsylvania.

STORMWATER RUNOFF – drainage runoff from the surface of the land resulting from precipitation or snow or ice melts.

STORY – that part of a building between the surface of any floor and the next floor above it, or in its absence, then the finished ceiling or roof above it. A split-level story shall be considered a second story if its floor level is 6 feet or more above the level of the line of the finished floor next below it, unless the next lower floor is a basement. Any floor under a sloping roof with a ridge pole extending more than 7 feet in height above the floor shall also be considered as a story.

STREET – a thoroughfare primarily for vehicle traffic which has been or will be dedicated or deeded to the public for public uses and includes, but is not limited to roads and highways as specified on the City's Official Street Mapping, or that has been approved by the City as a Private Street, but not including an "alley.".

STRUCTURE – any manmade object, including a building, radio or television tower, fences, walls, carports, porches and decks, and permanent signs, constructed or erected on or in the ground or water or upon another structure or building and having an ascertainable stationary location. The term "structure" shall not include walks, sidewalks or driveways.

STUDENT – for the purposes of regulating a Student Home, this term shall mean an individual who is enrolled at a university, college or trade school and whose primary occupation is as a student or who is on a semester or summer break from studies at a college, university or trade school or any combination of such persons. The term "student" shall not apply to students who have completed a bachelor or equivalent degree or persons enrolled in a single course at a time. The residents of a student home may or may not live and cook as a single housekeeping unit.

STUDENT HOME – a living arrangement for at least 2 students, up to a maximum of 3 students (as defined in this chapter) and who are unrelated to each other by blood, marriage or legal adoption. The term Student Home shall not include dormitories owned or operated by an institution of higher education, fraternity house, or sorority house. The term Student Home shall be used interchangeable with the term Student Housing. This term shall not include one or more students living in the same dwelling as their parent. This term shall not be used to regulate residential uses owned or operated by a college or university within the Institutional Overlay District.

STUDENT HOUSING – shall have the same meaning as a Student Home.

SUBDIVISION – the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease transfer of ownership or building or lot development.

SUPERMARKET – a store occupying in excess of 12,500 square feet which sells fresh and prepackaged food, groceries, housewares and toiletries, but not clothing except as incidental items, and is designed to provide the full range of products customarily required to provide sustenance for a household.

SWIMMING POOL, ACCESSORY – an artificially constructed body of water and any lake or pond maintained for bathing by the residents of the property and their invited guests, located on a lot as an accessory use. A wading pool, with a depth of less than 24 inches shall not be regulated by this Ordinance as a swimming pool. A portable pool, located above ground level, with an area of less than 125 square feet and a

water depth of less than 2 feet, temporary in character and constructed of a material other than concrete or masonry, capable of being moved from one place to another, shall not be regulated by this Ordinance as a swimming pool.

SWIMMING POOL, AS A PRINCIPAL USE – an artificially constructed pool or any lake or pond maintained by a club or public agency for the use of club members and guests or the general public. A wading pool owned by a club or public agency, with a depth of less than 24 inches shall not be regulated by this Ordinance as a swimming pool. A portable pool owned by the association or public agency, located above ground level, with an area of less than 125 square feet and a water depth of less than 3 feet, temporary in character and constructed of a material other than concrete or masonry, capable of being moved from one place to another, shall not be regulated by this Ordinance as a swimming pool.

TATTOO PARLOR - A use that involves permanent marking of human skin with words or designs.

TAVERNS (Includes but Is Not Limited to Bars and Pubs) – reputable, Pennsylvania Liquor Control Board licensed establishments primarily engaged in the retail sale and the on-site consumption of alcoholic beverages by consenting adults. This definition includes, but is not limited to, beer gardens, cocktail lounges, saloons and taprooms. Restaurants that serve alcoholic beverages but are primary engaged in the retail sale of prepared food are not included in this definition. See also "Nightclub."

TEMPORARY SHELTER – a facility operated by a non-profit agency providing temporary lodging, with or without meals, for persons of limited income with no ordinary or regular residence or to persons who need such shelter to avoid an abusive situation or because of a sudden event, such as fire, flood, domestic violence, condemnation, or court-ordered eviction.

THEATER – an enclosed building used for the presentation of live performances or motion pictures. Included in this definition are cinemas, other venues for the projection of film, dinner theaters, and theaters with stages for live theatrical, musical performances, as well as circuses and ceremonies, such as graduation and awards.

TOWNHOUSE – see "Dwelling, One-Family Attached."

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.

TREATMENT CENTER – a use involving any one or a combination of the following:

A. A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:
   1. criminal rehabilitation, such as a criminal halfway house;
   2. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
   3. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

B. A Methadone Treatment Facility, which shall be defined as a facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

C. A lot upon which resides 2 or more persons who are required to register their place of residence with the Pennsylvania State Police as a requirement of the Pennsylvania Megan's Law II, or its successor law, as amended.

See standards in Section 1203. Also, a group home that exceeds the number of residents allowed by this Ordinance within a Group Home shall be regulated as a Treatment Center, unless approved otherwise under Section 27-1201.B.

USE – includes the phrases "arranged," "designed" and "intended to be used" and shall mean a specific purpose for which land, buildings or structures are designed, arranged, intended, occupied or maintained, or any activity, occupation, business or operation which may be conducted at a given location.

UTILITY – equipment or facilities for producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity or steam for the production of light, heat or power to or for the public for compensation; diverting, developing, pumping, pounding and distributing or furnishing water to or for the public for compensation; transporting passengers or property as a common carrier; equipment or facilities for use as a canal, turnpike, tunnel, bridge, wharf and the like for the public for compensation; transporting or conveying natural or artificial gas, crude oil, gasoline or petroleum products, materials for refrigeration or oxygen or nitrogen or other fluid substance by pipeline or conduit for the public for compensation; conveying or transmitting messages or communications by telephone or telegraph or domestic public land mobile radio service including, but not limited to, point-to-point microwave radio service for the public for compensation; and sewage collection treatment or disposal for the public for compensation. See also "Essential Service."

VARIANCE – a written authorization, from the Zoning Hearing Board for a particular property to depart from the literal requirements of one or more specific zoning regulations.

WALL – a structure which permanently or temporarily prohibits or inhibits travel between properties or portions of properties or between the street or public right-of-way and a property.

WASTEWATER TREATMENT OPERATIONS – includes all infrastructure, equipment and activities related to the collection, conveyance, treatment, monitoring, sampling and discharge of wastewater, regardless of its source…, including, but not necessarily limited to, the pipes, manholes, junction boxes, valves, pumps, grinders, grit chambers, screening facilities, presses, centrifuges, clarifiers, settling tanks, physical, biological and chemical treatments, laboratories, vehicular and administrative facilities necessary to consistently remediate wastewater according to current regulatory standards operated by the City's Department of Public Works.

YARD, FRONT – a space between the building restriction line, or front main wall of a building, and the closer of the front street right-of-way or lot boundary. The front yard of a property located at the corner of two intersecting streets shall be considered the area fronting both streets.

YARD, REAR – the space between the rear building restriction line and the closer of any street right-of-way or lot boundary. The rear yard of a property located at the corner of two intersecting streets shall be considered the area opposite the street containing the property address.

YARD, SIDE – the space between the side building restriction line and the closer of any street right-of-way or lot boundary.

ZONING ADMINISTRATOR AND ZONING INSPECTOR – the person or persons who are charged by the City with enforcement of this Chapter. The terms "Zoning Administrator" and "Zoning Inspector" shall have the same meaning as "Zoning Officer."

ZONING HEARING BOARD – the Reading Zoning Hearing Board, as established by Part 4 of this Chapter.

§27-2203. Airport Zone Definitions.

The following words and phrases shall be used to interpret Part 19 and Part 20 of this Chapter, as it specifically applies to Airport and Heliport Zones; otherwise, the general definitions given in §27-2202 shall apply:

APPROACH SURFACE - a surface longitudinally centered on the runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope as the perimeter of the approach surface shall coincide with the perimeter of the approach zone.

APPROACH ZONE - that area of land and air in and about approach surface.

CONICAL SURFACE - the surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one for a horizontal distance of 4,000 feet.

CONICAL ZONE - that area located at 150 feet above the airport elevation at the intersection with the horizontal zone and extending thereafter 20 feet horizontal for each. The conical zone extends outward from the periphery of the horizontal zone a horizontal distance of 4,000 feet.

HAZARD TO AIR NAVIGATION - a building, structure, part thereof or obstruction determined to have a substantial adverse effect on the safe and efficient use of the navigable airspace.

HORIZONTAL SURFACE - a horizontal plane 150 feet above the established airport elevation, the perimeter of which coincides with the perimeter of the horizontal zone.

HORIZONTAL ZONE - the area of 150 feet above the airport elevation established by swinging arcs of 5,000 feet radii for all runways designated utility or. visual and 10,000 feet radii for all other runways from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. This zone specifically does not include the approach and transitional zones.

LARGER THAN UTILITY RUNWAY - a runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds gross weight and by jet-powered aircraft.

NON-PRECISION INSTRUMENT APPROACH - an approach and landing of an aircraft using air navigation facilities with only horizontal guidance or area type navigation equipment.

NON-PRECISION INSTRUMENT RUNWAY - a runway used by aircraft utilizing a non-precision instrument approach.

OBSTRUCTION - any structure, growth or object, whether or not fixed to the ground, which exceeds the maximum height prescribed by the regulations of a particular zoning district.

PRECISION INSTRUMENT APPROACH - an approach and landing of an aircraft using an Instrument Landing System (ILS) or Precision Approach Radar (PAR).

PRECISION INSTRUMENT RUNWAY - runway which requires or will require the use of an Instrument Landing System (ILS) or Precision Approach Radar (PAR).

PRIMARY SURFACE - especially prepared hard surface longitudinally centered on a runway extending 200 feet beyond the end of the runway, having a width of and an elevation equal to the elevation of the runway centerline.

RUNWAY - a defined area designed and used for the taking off and landing of aircraft.

TRANSITIONAL SURFACE - a surface extending outward at a ninety degree angle to the runway centerline with the runway centerline extended at a slope of 7 feet horizontal for each foot vertical from the

sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. With respect to precision approach surfaces, transition surfaces project through (and beyond) the limits of the conical surface, extending a distance of 5,000 feet measured horizontally from the edge of the approach surface and at ninety degree angles to the extended runway centerline.

TRANSITIONAL ZONE - a zone consisting of the areas beneath the transitional surfaces. This zone begins at the sides of and at the same elevation as the primary surface and approach surface extending seven feet horizontal for each foot vertical and extending to a height of 100 feet above the airport elevation and extending to the intersection with the conical surface.

UTILITY RUNWAY - a runway designed and used by propeller-driven aircraft of 12,500 pounds gross weight or less.

VISUAL RUNWAY - a runway designed and used by aircraft using visual approach procedures.

§27-2204. Flood Zone Definitions.

The following words and phrases shall be used to interpret Part 18 of this Chapter, as it specifically applies to flood zones. Otherwise, the general definitions given in §27-2202 shall apply:

DEPARTMENT OF PUBLIC WORKS - Department of Public Works shall be the Director of the Department of Public Works or an authorized designee.

FLOOD - a temporary inundation by surface water of land areas not continually inundated.

FLOOD FRINGE - that portion of the floodplain outside of the floodway.

FLOODPLAIN - a relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation during a 100-year design frequency storm or an area subject to the accumulation or runoff of surface waters from any source.

FLOODPLAIN AREAS - areas within the 500-year floodplain and areas containing alluvial soils.

FLOODWAY - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge flood waters in a 100-year design frequency storm without cumulatively increasing the water surface elevation more than 1 foot at any point.
ONE HUNDRED YEAR FLOODPLAIN - an area of land that is inundated by a storm that, on the average, is likely to occur once every 100 years.

§27-2205. Sign Definitions.

The following words and phrases shall be used to interpret Part 17 of this Chapter, as it specifically applies to signs; otherwise, the general definitions given in §27-2202 shall apply:

BACK-TO-BACK SIGN - a sign with two parallel faces oriented in opposite directions and located not more than 10 feet apart. A back-to-back sign shall constitute one outdoor advertising sign.

BANNER SIGN - a sign made of fabric or any non-rigid material with no enclosing framework.

BILLBOARD - a nonidentity sign, exceeding 32 square feet in surface area, which advertises goods, products or services which are not sold, manufactured, offered or provided on or from the premises on which the sign is located.

BUILDING LINE - a line formed by the intersection of a vertical wall with the ground at average grade level. In case of a cantilevered building, the vertical plane will coincide with the most projected surface. A building line shall not be closer to the lot line the required yard requirements.

BUILDING OCCUPANCY - that portion of a building occupied by one specific tenant, measured by floors inhabited.

BUILDING PERIMETER - the horizontal linear measures, at grade, of all the walls of a building.

BUILDING WALL - the horizontal lineal measures at grade of a single building wall. When the permitted surface area of a sign is related to building frontage or building wall, only the wall which is parallel to the sign face shall be used in computing sign area. If the sign face is not parallel to a wall, the wall to which it is more nearly parallel shall be used in computing sign area.

CODE - the City of Reading Zoning Ordinance [this Chapter] or any Section thereof.

CURB OR CURBLINE - the line in a public right of way, constructed or proposed, which separates the portion of the right of way dedicated to vehicular traffic from that dedicated to pedestrian traffic. The official City Map, on file in the Office of the Department of Public Works, shall be the final authority on the location of curblines, should a dispute arise.

DIRECTIONAL SIGN - an incidental sign designed to guide or direct pedestrian or vehicular traffic.

DOUBLE-FACED SIGN - a sign with two adjacent faces oriented in the same direction and not more than 10 feet apart at the nearest point between the two faces. A double-faced sign may be referred to as a side-by-side or stacked sign. A double-faced sign shall constitute one outdoor advertising sign.

EAVELINE - see "roof line."

FREE-STANDING SIGN - a permanent sign which is supported by one or more columns, uprights or braces in or upon the ground and not attached to any building, and that does not exceed a total of 20 feet in height above grade, unless a differing height is specified in this Ordinance.

FRONT PROPERTY LINE - see "street property line."

GRADE - the lowest point of elevation of the finished surface of the ground between a point directly below or at the sign location and any point 5 feet distant from the sign location, or, if the sign, or any projection thereof, is less than 5 feet distant from the property line, the lowest point of elevation of the finished surface of the ground between a point directly below or at the sign location and the property line. In case the sign or any projection thereof is within 5 feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

GRAPHIC ELEMENT - a word, an abbreviation, a symbol, a geometric shape, or a person's or firm's initials or logo containing up to seven letters. Punctuation marks are not counted in computing the number of graphic elements.

GROUND-MOUNTED SIGN - a type of free-standing sign which is anchored to the ground similar to a pylon, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top.

HEIGHT OR HEIGHT OF SIGN - the vertical distance from the grade to the highest point of a sign or any vertical projection thereof.

IDENTITY OR IDENTIFICATION SIGN - a sign which carries only the firm name, major enterprise or principal product or service situated or furnished on the premises on which the sign is located.

ILLUMINATED SIGN - a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

IMPROVEMENT - any of the following acts: to excavate for or store material, machinery or equipment on a lot in connection with the erection, construction, placement, reconstruction, alteration, repair, extension, replacement, restoration or conversion of any structure, building and/or sign, except if specifically excluded by this Chapter; or to change the use, area of use, or percentage of use; or to extend or displace the use in part or in total of any structure, building, sign and/or land.

LOCATION OR SIGN LOCATION - a lot, premises, building, wall or any place whatsoever upon which a sign is erected, constructed or maintained.

LOT OF RECORD - a parcel of land, the dimensions of which are shown on a recorded subdivision plan on file with the Recorder of Deeds of Berks County, Pennsylvania, and which actually exists as so shown; or, if no recorded subdivision exists, land which is described in a deed legally recorded with the Recorder of Deeds and which actually exists as so described.

MAINTAIN - to allow to exist or continue.

MAINTENANCE - the cleaning, painting, repair, or replacement of defective parts of a sign in a mariner that does not alter the basic display area, design or structure of the sign.

MARQUEE SIGN - any flat wall identity sign painted on, attached to or constructed in a marquee, provided the sign shall be contained entirely within the limits of the marquee surface to which it is attached and provided further that the sign is in the same plane as such surface.

NAMEPLATE - a sign which contains only the name and occupation of the occupant of a building and does not exceed one and 1.5 square feet in size.

NONCONFORMING SIGN - a sign or sign display area that was erected legally but does not conform to the regulations of this Chapter nor of the zone in which it is located.

OCCUPANCY AREA - the first floor occupancy area for a one-story building shall extend from the sidewalk or grade line to 3 feet above the roof line at the wail line or to the top of the parapet wall, whichever is higher. For buildings which are two or more floors in height, the first floor occupancy shall extend to 3 feet above the second floor line. The second and subsequent floor occupancies shall extend from 3 feet above the occupied story floor line to 3 feet above the floor line of the story above, or to 3 feet above the roof line at the wail line or to the top of the parapet wall, whichever is higher.

OFF-PREMISES SIGN - a sign which directs attention to a business, industry, profession, commodity, service or entertainment not sold or offered upon the premises where the sign is located.

OUTLET STORE - a retail store which sells merchandise directly from the manufacturer, often at reduced or discounted prices.

PERMIT OR SIGN PERMIT - a certificate issued by the Zoning Administrator for the erection of replacement of any sign in the City except as otherwise specified in this Chapter. Regulations governing sign permits, penalties, nonconformity, appeals and other administrative matters are found in this section and in other sections.

POLE SIGN - a sign shall have the same meaning as a "free-standing sign."

PORTABLE SIGN - any sign that is not attached to a structure or structures, is intended, by design, use, or construction, to be used by resting upon the ground for support and may be easily moved or relocated for

reuse. This shall include signs mounted upon or designed to be mounted upon a trailer or a wheeled carrier as well as A-frame signs.

PROJECTING SIGN - a sign which uses as its main source of support a building wall or anything attached thereto and which, for signs located entirely more than 8 feet 6 inches above the sidewalk or grade, projects more than 18 inches, or which, for signs located less than 8 feet 6 inches above the sidewalk or grade, projects more than four inches. Such projection always shall be measured from the building wall itself.

PROJECTION - the maximum distance between any part of a sign and the wall to which it is attached.

PROPERTY - a lot.

PROPERTY LINE - the perimeter line of a lot.

PUBLIC PROMENADE - an outdoor open space devoted to public pedestrian traffic only. Such open space may contain open-air cafes, kiosks, bazaars, benches, statuary, fountains, telephone booths, and vendor or information structures not exceeding 200 square feet of ground coverage.

ROOFLINE - the lowest point of any part of a roof or the point on any vertical surface of a building which is closest to the lowest point of any part of a roof.

ROOF SIGN - a sign erected upon or above a roof or roofline of a building and which is wholly or partially supported by such building or roof. A sign attached to a parapet wall shall not be considered a roof sign as long as no part of the sign projects above the top of the parapet wall. If a building contains several roofs at varying grades, the roof supported by the vertical surface upon which the sign is attached shall be used to determine whether or not such sign is a roof sign.

SIGN - any permanent or temporary structure or part thereof, or any device attached, painted or represented directly or indirectly on or in a structure or other outdoor surface that shall display or include any letter, word, insignia or representation used as, or which is in the nature of, an advertisement, announcement, visual communication, direction, or is designed to bring the subject to the attention of the public. The term "sign" shall not include the flag of any public, semi-public, civic, charitable or religious group.

SIGN AREA OR SIGN DISPLAY AREA -

1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the area of a common geometric form that could encompass all signs.
2. The sign area shall not include any structural supports that do not include a message.
3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.
4. The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.
5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

SIGN DISPLAY AREA - the two-dimensional area included on one side of a sign, which includes the frame or edge of the sign, if any. For measurement purposes, the sign display area shall be deemed the smallest two-dimensional square, rectangle, triangle, circle or combination thereof which will encompass the entire side of the sign.

SIGN STRUCTURE - any structure which supports or is capable of supporting any sign, as defined in this Part. A sign structure may or may not be an integral part of the building.

STREET, ROADWAY OR TRAVELED WAY - a public thoroughfare which has been or will be dedicated or deeded to the public for public uses. As used in this Section, a street, roadway or traveled way is that portion of the right of way located between curblines. The topographic survey, located in the Department of Public Works office, shall be the final authority should the existence or location of any street be disputed.

STREET FRONTAGE - the linear measure of the street property line.
STREET PROPERTY LINE - that portion of a lot line that is coincident with the public right of way.

TRAFFIC ROUTES - the following streets shall be considered traffic routes only where they occur within the City of Reading as described below, and only where located in the C-H and H-M and MU zones:
(1) North Fifth Street (Business U.S. Route 222) north of Amity Street to the City boundary line.
(2) Warren Street By-Pass (Route 12) north of Wayne Avenue.
(3) Lancaster Avenue (Business U.S. Route 222) from Morgantown Road to Funston Avenue.
(4) West Shore By-Pass (U.S. Route 422).
(5) Centre Avenue (Pennsylvania Route 61) north of Bern Street to the City boundary line.
(6) Morgantown Road (Pennsylvania Route 10) south of Lancaster Avenue.
(7) Greenwich/Oley Streets between North Sixth and North Eighth Streets.
(8) Kutztown Road north of Rockland Street to the City boundary line.
(9) North Eighth Street between Walnut and Green Streets.
(10) North Third Street between Buttonwood and Greenwich Streets.
(11) Richmond Street/Hiester's Lane/Rockland Street between North Fifth Street and North Eleventh Street.
(12) South Second Street between Chestnut and Bingaman Streets.
(13) Spring Street between North Sixth and Nicolls Streets.
(14) Washington Street between North Front and North Third Streets.

TRIM - the moldings, battens, cappings, nailing strips, latticing and platforms that are attached to the sign structure.

UNDER-MARQUEE SIGN - an identification sign displayed below a marquee.

V-SHAPED SIGN - any sign having two or three faces in the shape of the latter "V" or in the shape of a triangle when viewed from above, with the faces oriented in different directions and located not more than 10 feet apart at the closest points. A "V-type" sign shall constitute one outdoor advertising sign.

WALL SIGN OR FLAT WALL SIGN - any sign painted upon or attached to or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of such wall and projecting not more than twelve inches, for signs located entirely more than 8 feet 6 inches above the sidewalk or grade line, or not more than 4 inches for signs located less than 8 feet 6 inches above the sidewalk or grade line. A sign on a window or porch awning shall be considered a flat wall sign.

§27-2206. Telecommunications Definitions.

The following words and phrases shall be used to interpret Part 21 of this Chapter, as it specifically applies to telecommunications towers; otherwise, the general definitions given in §27-2202 shall apply:

ALTERNATIVE TOWER STRUCTURES - manmade trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) - a national organization which formulates guidelines and standards. ANSI standards are recognized as authoritative by the FCC.

ANTENNA - any exterior transmitting and/or receiving device, including wires rods, discs, or similar devices, that transmits or receives electromagnetic waves, digital and/or analog signals, radio frequencies

(excluding radar signals), wireless communications signals or other communications signals, mounted on a tower, building or structure.

ANTENNA STRUCTURE - includes, but not limited to, towers, poles, brackets and similar devices used to hold and support antenna(s) and/or dish(es).

ANTENNA, VERTICAL - a vertical type of antenna with no horizontal components other than a small radial component at its base.

ATTACHED COMMERCIAL TELECOMMUNICATION FACILITY - a commercial telecommunications antenna which is affixed, fastened, or joined to a residence, business, or similar structure other than another telecommunication facility, and which does not include a tower.

CELLULAR TELEPHONE - a system providing portable telephone service to specific subscribers. The system works on a line of sight principle. Each company must set up a grid system of antennas on hilltops to provide complete coverage.

CHANNEL - a segment of a frequency band assigned to a specific used.

CO-LOCATED TELECOMMUNICATIONS FACILITY - a telecommunications facility which is comprised of a single tower containing a combination of antenna owned or operated by more than one public or private entity.

COMMERCIAL COMMUNICATIONS TOWER - a structure, partially or wholly exterior to a building, used for mounting antennas that transmit or retransmit radio signals.

COMMERCIAL MOBILE SERVICES - defined in Section 332 of the Communications Act and the FCC's rules, and include cellular telephone services regulated under Part 22 of the FCC's rules, SMR services regulated under Part 90 of the FCC's rules, and PCS regulated under Part 24 of the FCC's rules.

COMMUNICATIONS EQUIPMENT CABINET/BUILDING - any unmanned, accessory building or structure, on the same lot as a tower or antenna structure, housing equipment to allow the facility to perform its intended function.

CONSTRUCTION PERMIT - a document issued by the FCC to a broadcast applicant giving permission to construct a radio or TV broadcast station. It is not the same as a station license.

ELECTROMAGNETIC RADIATION (EMR) - a technical term for the nature of energy emitted by a transmitting antenna.

FAA - Federal Aviation Administration.

FCC - Federal Communications Commission.

FM/TELEVISION BROADCASTING - transmission of radio and/or television programs intended for reception by the general public. An FM/television broadcasting tower shall mean a tower maintaining the primary or main transmitter of an FCC licensed broadcast station.

HEIGHT - when referring to a tower or other structure means the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna(s).

HEIGHT ABOVE AVERAGE TERRAIN (HART) - a technical term used by the FCC to determine the effective height of an antenna by considering the effects of terrain variations in the coverage area provided by the antenna.

INTERMODULATION - a technical term referring to the possible mixing of two transmitted signals which creates unwanted, and potentially interfering signals.

LAND-MOBILE SYSTEMS - radio communication service for mobile or stationary units in which each user is assigned a particular, frequency. It includes conventional two-way radio, special mobile radio service and one way paging.

LEASE TOWER - a tower whose owner's principal business is the leasing of tower space to other users.

MULTIPLE-USER TELECOMMUNICATIONS FACILITY - a telecommunication facility which is comprised of multiple towers containing a combination of antennas owned and operated by more than one public or private entity.

NON-COMMERCIAL TELECOMMUNICATIONS FACILITY - a telecommunication facility which is operated solely for personal use and not for commercial purposes.

PERSONAL WIRELESS COMMUNICATIONS - digital or analog telecommunications for individual and/or personal use.

PERSONAL WIRELESS SERVICES - commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

POINT-TO-POINT MICROWAVE - communication between specific points using frequencies above 900 Mhz; normally transmitted between two towers optimally located for line of sight transmission. Uses low power levels.

RF (RADIO FREQUENCY) INTERFERENCE - disturbances in reception caused by intruding signals or electrical current.

ROOF - the exterior surface on the top of a building or structure.

SILHOUETTE - calculation of the exposed surface area of the towers and antennas associated with a telecommunications facility, as seen from an elevation perspective.

STRUCTURAL CAPACITY - a term describing the physical ability of a tower and associated antennas to withstand design loading without collapsing.

STRUCTURE RIDGE LINE - the long narrow crest at the top of a juncture of two or more surfaces making up the roof of a building or structure.

TELECOMMUNICATIONS - the science and technology of communication by electronic transmission of impulses, as by telegraphy, cable, telephony, radio or television.

TELECOMMUNICATIONS FACILITY - a facility that transmits and/or re-transmits electronic signals such as television and radio broadcasts, cellular telephone and wireless data, and which includes, but is not limited to, antennas and towers to support transmitting and/or receiving devices along with accessory and/or utility buildings and structures, and the land on which they are all situated.

TOWER/TELECOMMUNICATIONS TOWER - the support structure, including guyed, monopole and lattice types, upon which antennas are located as part of a telecommunications facility. Tower does not include mounting brackets or similar devices utilized to attach an antenna directly onto the roof or side of a building.

UNLICENSED WIRELESS SERVICES - the offering of telecommunications services using duly authorized devices which do not require individual licenses; direct to home satellite services are excluded from this definition.

WIRELESS COMMUNICATIONS DEVICES - devices used for telecommunication without the need for wires or cables. Also see "antenna."

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This index is not officially part of the Zoning Ordinance and is not intended to be all-inclusive.

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