

BILL NO. 53 -2011
AN ORDINANCE

AMENDING THE CITY OF READING CODIFIED ORDINANCES
CHAPTER 27, ZONING SECTION §27-201 B ZONING ADMINISTRATOR
DUTIES RELATING TO THE 2011 AMENDMENT TO THE HOUSING
PERMIT ORDINANCE AND ADOPTING A NEW CHAPTER 27, ZONING
SECTION §27-1204 PROVIDING FOR CONDITIONAL USE APPLICATIONS
AND PROCEDURES

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 27,
Zoning Section §27-201 B Zoning Administrator Duties as follows:

Section §27-201 Zoning Administrator

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

I, LINDA A. KELLEHER, City Clerk of the City
of Reading, Pa., do hereby certify, that the fore-
going is a true and correct copy of the original
ordinance passed by the Council of the City of
Reading, on the day of
A. D. 2011. Witness my hand and seal of the
said City this day of A. D. 2011.

LINDA A. KELLEHER
CITY CLERK

Zoning Administrator shall have the authority to seek an Administrative Warrant.

11. Complete such other roles as provided in this Chapter.
12. In accordance with City of Reading Codified Ordinances Chapter 11, as amended,¹ the Zoning Administrator shall be empowered to perform the duties described and imposed therein.

SECTION 2. Amending the City of Reading Codified Ordinances Chapter 27, to include an additional section, 1204, as follows:

§27-1204 Conditional Use Applications and Procedures.

- A. Application. Applications for approval of a proposed conditional use shall be made in writing and submitted in triplicate on forms prepared and provided by the City of Reading. The Application shall be accompanied by payment of the applicable fee as determined and approved from time to time by resolution of City Council and a copy of the deed to the subject property. Such forms shall require, but shall not be limited to the following information:
 1. The name, address and signature of the applicant or appellant.
 2. The name and address of the owner of the property.
 3. A brief description and location of the property to be affected by such proposed change or appeal.
 4. A statement of the present zoning classification of the property in question and the present use thereof.
 5. 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.
 6. 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 conform to the requirements for Plans and Specifications specified for a zoning permit application in § 301 subsection D of this Chapter.
 7. Such other information necessary to allow the City Council to determine that all requirements of this Chapter have been met.
 8. The Application shall be signed and sworn to by the owner of such property.

¹ Section 11-104, subsection 2, enacted _____ 2011 Bill #

- B. When the Application is deemed by the Zoning Administrator to be complete the Zoning Administrator shall determine whether or not the conditional use sought is one which is specifically authorized as a conditional use in the Zoning District wherein the applicant is seeking a conditional use. If the Zoning Administrator determines that the conditional use sought is not one which is specifically authorized in the applicable Zoning District the Application shall be denied and a written report of such finding shall be submitted to the Zoning Hearing Board and City Council. Any applicant aggrieved by such determination of the Zoning Administrator shall have the right to appeal said determination to the Zoning Hearing Board in accordance with the procedures set forth in Sections 406 through 410 (§27-406 to §27-410) of this Chapter.
- C. If the Zoning Administrator has determined that the conditional use sought is one which is specifically authorized as a conditional use in the Zoning District wherein the applicant's property is located, one copy of the Application shall be forwarded to the City Planning Commission for its review; one copy shall be retained by the Zoning Administrator and one copy shall be forwarded to the City Clerk for review by City Council or its designated member or independent attorney appointed as a hearing officer pursuant to 53 P.S. § 10913.2.
1. The application shall be reviewed at one (1) or more advertised hearings of City Council or its designated hearing officer with the initial hearing being commenced within sixty (60) days of receipt of the completed application, unless the applicant agrees in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing. The City Council shall either approve or disapprove the application in writing within forty-five (45) days after the date of the final hearing. If a hearing officer is so designated and appointed by City Council the hearing officer shall submit written findings and recommendations to City Council in sufficient time to permit a decision by Council or findings, where no decision is called for, within the allotted time for decision as provided herein.
 2. Notices of all hearings shall be given in accordance with the requirements of Section 410 A. of this Chapter (§27-410)

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

D. Standards.

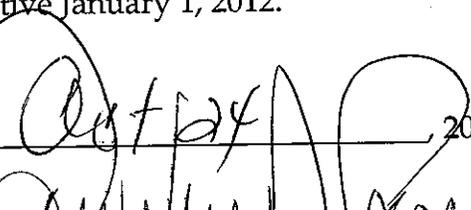
Conditional uses shall meet the specific standards established for each use by this Chapter and all other applicable Zoning District requirements and General Regulations established by this Chapter. In addition, the following standards shall be met:

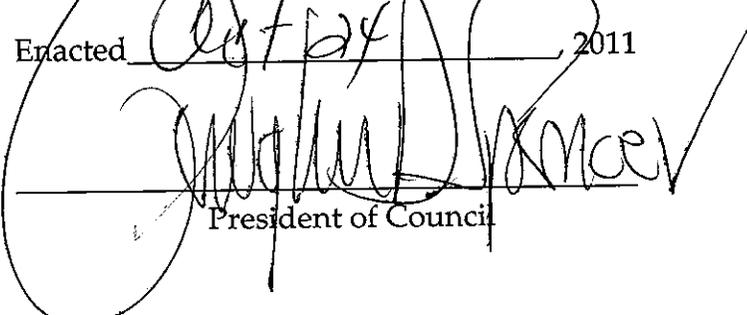
1. The use shall be one which is specifically authorized as a conditional use in the Zoning District wherein the applicant is seeking a conditional use.
2. Services and utilities shall be made available to adequately service the proposed use.

3. The use will not generate traffic such that hazardous or unduly congested conditions will result.
4. The use is appropriate to the site in question.
5. The use shall not adversely affect the character of the general neighborhood, or the health and safety of residents or workers on adjacent properties and in the general neighborhood.
6. The applicant shall demonstrate, as a condition to approval of his application, that the standards in Subsection D and those specified elsewhere in this Chapter for the use in question would be met.
7. The City Council may impose such additional safeguards as are necessary to protect the public health, safety and welfare.

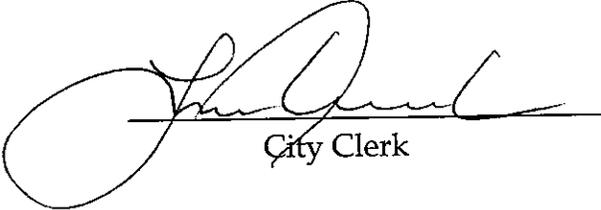
SECTION 3. All other parts of the Ordinance remain unchanged.

SECTION 4. This ordinance shall be effective January 1, 2012.

Enacted , 2011


President of Council

Attest:


City Clerk

(Council Office)

Submitted to Mayor: 

Date: 10/25/11

Received by the Mayor's Office: 

Date: 10-25-11

Approved by Mayor: 

Date: 10/28/11

Vetoed by Mayor: _____

Date: _____

City of Reading
Zoning/Subdivision Ordinance Processing Control Sheet
To be completed by City Clerk

Ord. Title: Zoning Amendment Ord. # 52-2011 Hearing date: 10-18-11
(Attach draft until adoption; after adoption replace draft with a fully executed copy)

1. Provide copy to City Council at least 30 days in advance of hearing. Date completed: 9-23-11

2. Submit to Planning Commission at least 30 days in advance of public hearing date (not required if ordinance is proposed by Planning Commission) Date submitted: 9-23-11

3. Submit to County Planning Commission at least 30 days in advance of public hearing. Date submitted: 9-23-11 (attach County review letter when received)

4. Advertise public hearing once a week for two successive weeks, not fewer than 7 days nor more than 30 days in advance of public hearing. Dates advertised: 10-3 and 10-10 2011 (attach proof of publication)

5. Mail copy of advertisement and proposed ordinance to affected property owners with explanation letter (map change only) Date completed: N/A (attach one copy of letter and list of addresses) N/A

6. Post properties affected (map change only) Date posted: N/A (attach certification letter from official who posted properties)

7. Schedule court reporter (when required by Solicitor) Date completed: N/A

8. Public Hearing action taken: 10/18 adopted _____ failed (attach minutes or court transcript)

9. After adopted, supply a copy of the adopted ordinance to the following:

County Planning Commission	date: _____	(attach transmittal letter)
City Solicitor	date: _____	(attach transmittal letter)
City of Reading	date: _____	(attach transmittal letter)
County Law Library	date: _____	(attach transmittal letter)

10. Obtain permit history (zoning & PM) and number of units registered to the property. Date requested N/A



CITY OF READING, PENNSYLVANIA

LINDA A. KELLEHER CMC
CITY CLERK

CITY COUNCIL
ROOM 2-24
815 WASHINGTON STREET
READING, PA 19601-3690
(610) 655-6204

September 23, 2011

Mr. Andrew Miller
City of Reading Planning Commission
815 Washington Street
Reading, PA 19601

Dear Mr. Miller:

Attached you will find a copy of the proposed amendment to the City Zoning Ordinance, which corresponds with the amendment to the Housing Permit Ordinance (also attached).

The hearing is scheduled for Tuesday, October 18, 2011 in Council Chambers at 5 p.m. We would appreciate if you could provide your comments on the proposed amendment before the hearing.

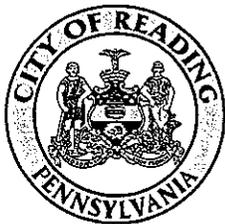
If you need more information or more detail about the proposed ordinance, please call me at 610 655 6204. Thank you very much for your continued assistance!

Best regards,
City of Reading

Linda A. Kelleher, City Clerk

C: City Council
Zoning Administrator
Solicitor





CITY OF READING, PENNSYLVANIA

LINDA A. KELLEHER CMC
CITY CLERK

CITY COUNCIL
ROOM 2-24
815 WASHINGTON STREET
READING, PA 19601-3690
(610) 655-6204

September 23, 2011

Mr. Glenn Knoblach, Executive Director
Berks County Planning Commission
633 Court Street
Reading, PA 19601

Dear Mr. Knoblach:

Attached you will find a copy of the proposed amendment to the City Zoning Ordinance, which corresponds with the amendment to the City's housing permit ordinance (also attached).

The hearing is scheduled for Tuesday, October 18, 2011 in Council Chambers at 5 p.m. We would appreciate having your comments in writing prior to the hearing

If you need more information or more detail about the proposed ordinance, please call me at 610 655 6204. Thank you very much for your continued assistance!

Best regards,
City of Reading

Linda A. Kelleher, City Clerk

C: City Council,
Zoning Administrator
Solicitor





CITY OF READING, PENNSYLVANIA

LINDA A. KELLEHER CMC
CITY CLERK

CITY COUNCIL
ROOM 2-24
815 WASHINGTON STREET
READING, PA 19601-3690
(610) 655-6204

DATE: September 23, 2011
FROM: Linda A. Kelleher CMC, City Clerk

Please place the following ad in the Reading Eagle Times in the Public Notice Section on Monday, October 3rd and Monday, October 10th.

City of Reading Zoning Ordinance Amendment

The City of Reading City Council introduced an amendment to the City's Zoning Ordinance, enacted on February 14, 2011, at their September 26th regular business meeting in Council Chambers, City Hall. The heading from the Zoning Ordinance amendment is as follows:

AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 27, ZONING SECTION §27-201 B ZONING ADMINISTRATOR DUTIES RELATING TO THE 2011 AMENDMENT TO THE HOUSING PERMIT ORDINANCE AND ADOPTING A NEW SECTION §27-1204 PROVIDING FOR CONDITIONAL USE APPLICATION AND PROCEDURES

City Council will hold the required public hearing on Tuesday, October 18, 2011 at 5 p.m. in Council Chambers. City Council intends to vote on the proposed amendment at their regular business meeting scheduled for Monday, Monday, October 24, 2011. A copy of the proposed Ordinance is available for review in the offices of the City of Reading Law Department or City Clerk during their regular business hours, in City Hall. Copies of all or portions of the Ordinance will be made available for purchase at the cost of reproduction. The Ordinance can also be viewed at www.readingpa.gov. Persons who wish to purchase a complete copy of the Zoning Ordinance or a copy on CD are asked to call the Law Department in advance at 610-655-6208.

Linda Kelleher CMC
City Clerk





County of Berks
Planning Commission

(610) 478-6300
FAX: (610) 478-6316

Berks County Services Center
633 Court Street, 14th Floor
Reading, PA 19601-4309

Joseph Griffin, Chairman
Peter F. Giorgi, Vice-Chairman
James C. McCarthy, Secretary
Lloyd Hopkins
James L. Mason
Lee C. Olsen
Douglas Paul Rauch
Barry L. Schiouch
Mark C. Scott

Glenn R. Knoblauch, Executive Director
Heidi B. Masano, Asst. County Solicitor

October 13, 2011

City of Reading
City Council
815 Washington Street
Reading, PA 19601

Re: Act 247 Review, Zoning Ordinance

Dear City Council:

In accordance with the provisions of the Pennsylvania Municipalities Planning Code, the Berks County Planning Commission has reviewed the proposal amending the duties of the Zoning Administrator and creating Conditional Use applications and procedures. The following comments are offered for consideration:

1. Section 1204 B refers to Section 408 regarding applications for appeals of a determination made by the Zoning Administrator. Should this reference also refer to Section 406 which outlines timeframes for such appeals, and Section 410 regarding hearing procedure?
2. Section 1204 C.3. Staff questions why Section 410 D is referenced? Section 1204 C relates to a Conditional Use hearing while Section 410 D is associated with an appeal of a decision of the Zoning Administrator.
3. Section 1204 C includes references to Section 410, 412 and 413 which include procedures to be carried out by the Zoning Hearing Board. Since a Conditional Use is a function of City Council, it should be clarified in these references that the activities will be carried out by City Council or a hearing officer, and not the Zoning Hearing Board.

Thank you for the opportunity to comment. If you have any questions regarding this review, do not hesitate to contact me at 610-478-6300, Ext 6311. Section 609(g) of the Pennsylvania Municipalities Planning Code requires that a certified copy of the amendment be forwarded to our office within thirty days of enactment.

Yours truly,

Cheryl A. Auchenbach
Planner III
Berks County Planning Commission

cc: City of Reading Planning Commission
City of Reading Solicitor
City Clerk, Linda Kelleher

LAW OFFICES OF
STEPHEN G. WELZ
A PROFESSIONAL CORPORATION

STEPHEN G. WELZ
sgwelz@welzlaw.com

999 BERKSHIRE BOULEVARD
SUITE 290
WYOMISSING, PENNSYLVANIA 19610-1254

TELEPHONE (610) 378-5272
TELEFAX (610) 378-1804

October 17, 2011

VIA FAX (610) 478-6316

Ms. Cheryl A. Achenbach
Planner III
Berks County Planning Commission
Berks County Services Center
633 Court Street, 14th Floor
Reading, PA 19601-4309

Re: Act 247 Review, Zoning Ordinance – City of Reading

Dear Cheryl:

Enclosed is a copy of the proposed amendment to the City of Reading Zoning Ordinance that I have been working on as Special Counsel to the City. This draft includes the clarifications addressed in your review letter of October 13, 2011 and the changes in Sections 1204 B, C.3 and C.4 are underlined. Please let City Clerk Linda Kelleher or this writer know if the Commission's concerns have been adequately addressed in this draft. Thank you.

Very truly yours,

LAW OFFICES OF STEPHEN G. WELZ, P.C.

Stephen G. Welz

Enclosure
SGW:alw

Cc: Tonya Butler, Asst. City Solicitor – via email with enclosure
Linda Kelleher, City Clerk – via email with enclosure

Linda A. Kelleher

From: Auchenbach, Cheryl [CAuchenbach@countyofberks.com]
Sent: Tuesday, October 18, 2011 12:19 PM
To: Linda A. Kelleher; Stephen Welz
Cc: Knoblauch, Glenn
Subject: FW: City of Reading - Proposed Zoning Amendment
Attachments: Berks County Planning Commission let Oct17.pdf; Zoning Amendment re Housing Permit Ord 9-2011 SGW Oct17.doc

Linda/Stephen

I have reviewed the Oct 17th changes you have made to the Zoning Amendment establishing Conditional Use Application and Procedures, in response to the Commission's Oct. 13th, 2011 review. These changes adequately address the Commission's concerns. Thank you for the opportunity to comment.
Cheryl

Cheryl Auchenbach
Planner III
Berks County Planning Commission
Berks County Services Center
633 Court Street, 14th Floor
Reading, PA 19601

Ph: 610 478-6300 Ext 6311
Fax: 610 478-6316
e-mail: cauchenbach@countyofberks.com

Explore Berks County's Future at
<http://www.co.berks.pa.us/planning>

Note: The comments on and attachment to this e-mail are intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this in error, please contact sender and delete the original message, any attachment(s) and copies. Thank you for your cooperation.

From: Knoblauch, Glenn
Sent: Monday, October 17, 2011 1:37 PM
To: Auchenbach, Cheryl
Subject: FW: City of Reading - Proposed Zoning Amendment

FYI....

Glenn R. Knoblauch
Executive Director
Berks County Planning Commission
Berks County Services Center - 14th Floor
633 Court Street
Reading, PA 19601

Ph: 610 478-6300 ext 6310
Fax: 610 478-6316
e-mail: gknoblauch@countyofberks.com

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From: Stephen Welz [<mailto:SGWelz@welzlaw.com>]
Sent: Monday, October 17, 2011 12:37 PM
To: Knoblauch, Glenn
Cc: linda.kelleher@readingpa.org
Subject: City of Reading - Proposed Zoning Amendment

Good Afternoon Glenn:

Attached is a copy of a cover letter and revised ordinance that I faxed to Cheryl Achenbach today. I understand that she is on vacation this week. The revisions add the clarifications that Cheryl and the staff sought in her review letter of October 13, 2011 addressed to City Council. The City Council will be discussing the ordinance at this evening's workshop session so I wanted to be sure to include the requested clarifications in the updated draft in time for tonight's meeting.

Steve

Stephen G. Welz, Esquire
Law Offices of Stephen G. Welz, P.C.
999 Berkshire Blvd., Ste 290
Wyomissing, PA 19610-1254
(610) 378-5272 - telephone
(610) 378-1804 - telefax