CITY OF READING

ZONING ORDINANCE

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JUNE 2001

CHAPTER 27

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PART 1

SHORT TITLE, PURPOSES AND INTERPRETATIONS

§27-101 SHORT TITLE.

This Ordinance shall be known and may be cited as the **City of Reading Zoning Ordinance.**

§27-102 Intent. The intent of this Zoning Ordinance is to establish a precise and detailed plan for the use of land in the City of Reading (hereinafter referred to as the "City") and is enacted to promote and to protect the public health, safety, morals, comfort, convenience, and general welfare of the people in accordance with the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, and to implement and foster the land development and use policies indicated in the adopted City of Reading Comprehensive Plan.

§27-103 Purposes. The specific purposes of this Ordinance 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.

§27-104 Interpretation. The provisions of this Ordinance 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 Ordinance impose greater restrictions or higher standards than those of any statute, ordinance or regulation, the provisions of this Ordinance shall govern, except where the provisions of this Ordinance do not have jurisdiction. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or higher standards than those enumerated in this Ordinance, the provisions of such statute, ordinance or regulation shall govern.

§27-105 Definition of Terms. Unless otherwise expressly stated, the words and phrases listed in the definition section of this Ordinance shall be construed throughout this Ordinance to have the meaning therein indicated. 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.

§27-106 Validity. If any section, subsection, sentence, clause or phrase of this Ordinance or amendment thereto is for any reason held to be unconstitutional, unenforceable or invalid, such decision shall not affect the remaining portions of the Ordinance. The Reading City Council (hereinafter referred to as "Council") hereby declares that it would have passed this Ordinance 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. Procedures for landowner and municipal curative amendments are outlined in Sections 609.1 and 609.2 of the Municipalities Planning Code, as amended, respectively.

§27-108 Repealer. All previous zoning ordinances or parts of zoning ordinances of the City of Reading are hereby expressly repealed in their entirety.

PART 2

ENFORCEMENT AND ADMINISTRATION.

§27-201 Zoning Administrator.

(a) Appointment. This Ordinance shall be administered and enforcement actions undertaken by an agent of the City to be appointed by the Mayor, with the approval of Council, who shall be known as the Zoning Administrator. The Zoning Administrator may, with the approval of Council, designate a City employee or employees as his or her authorized assistant or assistants who shall exercise all the powers of the Zoning Administrator at such times as the Zoning Administrator indicates and during the absence of the Zoning Administrator.

(b) Duties. The **Zoning** Administrator shall:

(1) Administer the Zoning Ordinance in accordance with its literal terms.

(2) Identify and register nonconforming lots, uses, and building structures, together with the reasons therefore.

(3) Receive and examine all applications required under the terms of this Ordinance.

(4) Issue or refuse permits within thirty (30) days of the receipt of the complete application, except as specifically provided in this Ordinance.

(5) Prepare agendas, schedules and information packets for Zoning Hearing Board meetings.

(6) Receive complaints of violations of this Ordinance.

(7) Issue an enforcement notice to any person violating any provision of this Ordinance, and institute civil enforcement proceedings as a means of enforcing this Ordinance, as hereinafter set forth.

(8) Keep records of applications and permits issued for variances granted by 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, Council, other City officials and staff, and City residents.

(9) Make all required inspections and perform all other duties as called for in this Ordinance.

(10) Have the authority to enter, at any reasonable hour, any structure, building, premises or land in the City to enforce the provisions of this Ordinance.

(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 Ordinance.

(f) Stop Work Orders:

(1) Upon notice from the Zoning Administrator that work on or use or occupancy of any building, structure, sign, land or premises is conducted contrary to the provisions of this Ordinance, such work shall be stopped immediately. The Stop Work Order shall be served to the owner of the property involved, or to the owner's agents, and to the person doing the work, by certified mail, and shall state the conditions under which work may be resumed.

(2) Any person who authorizes or continues any work, use or occupancy in or about any structure, building, 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 Ordinance 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, building, 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 or ordinance.

(4) This Article shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility if, upon petition of the utility, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed condition of the building in question is reasonably necessary for the convenience or welfare of the general public.

(g) Relief From Personal Responsibility. The Zoning Administrator, or any employee charged with the enforcement of this ordinance, 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 Ordinance. 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 Ordinance 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) Council shall appropriate from general funds monies to finance the preparation, administration and enforcement of this Ordinance, 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, 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) Council shall prescribe reasonable fees to be charged with respect to the administration of this Ordinance 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 building 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 either issue the zoning permit, refuse the permit, indicating in writing the reason therefor or defer his or her decision until such time as the required approvals of Council or the Zoning Hearing Board are rendered.

(c) If a request for a permit is denied or deferred, the applicant may appeal that decision 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 immediately undertaken. It is recommended, however, that applicants wait thirty (30) days to begin construction if there is a possibility of an appeal by another party to have the permit revoked.

(f) Prior to occupancy, the applicant shall apply to the Building Inspector for an Occupancy Permit (where such a permit is required)

§27-204 Enforcement Notice.

(a) If it appears to the Zoning Administrator that a violation of any provision of this Ordinance has occurred, enforcement proceedings shall be initiated by sending an enforcement notice as provided in this section.

(b) The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any known occupant (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 against whom the Zoning Administrator intends to take action.

(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 Ordinance.

(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 to the Zoning Hearing Board within thirty (30) days of receipt of the notice.

(6) Any person who authorizes or continues any work, use or occupancy in any structure, building, 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 Ordinance and subject to the remedies set forth in §27-205 and §27-206 hereof.

(7) Any person who has been served with an Enforcement Notice or discontinues or abandons work shall not leave any structure, building, 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.

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

(e) 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 building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provision of this Ordinance, 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 City 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 Ordinance shall, upon being found liable therefor in a civil enforcement proceeding, pay a judgment of not less than One Hundred Dollars ($100.00), and not more than Five Hundred Dollars ($500.00), 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 Ordinance shall be paid over to the City of Reading.

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) No person shall excavate or store material or equipment on a lot in connection with the erection, razing, construction, placement, reconstruction, alteration, repair, extension, replacement, restoration or conversion of any structure, building or sign until the Zoning Administrator issues a zoning permit authorizing such activity.

(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 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 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 (e.g., 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"= 20' 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 reserve line (setback line)

(5) Show the location of all adjacent streets and rights-of-way.

(6) Show all proposed and existing parking and loading areas with any proposed storm drainage facilities.

(7) Show all adjacent properties and/or 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 Ordinance, except for:

(a) Variances to this Ordinance 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 ordinance.

(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 within thirty (30) days after the date such application was made except as specifically provided for in this Ordinance, or if an extension is granted by the applicant.

(2) A zoning permit shall be issued in at least triplicate.

(3) One (1) copy shall be conspicuously posted by the applicant on the premises. No person shall perform building operations of any kind unless a zoning permit is being displayed as required by this Ordinance.

(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 Ordinance or any amendment thereto.

(2) A zoning permit shall be deemed invalid six (6) months after its date of issuance if the authorized work fails to commence or, if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work. The Zoning Administrator may grant one or more extensions of time for additional periods not exceeding ninety (90) days 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 Ordinance, 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 one hundred eighty (180) days of the final action of the Zoning Hearing Board. The applicant may request, in writing, extensions of the one hundred eighty (180) day period stating the reasons for delay. Unless the Zoning Hearing Board finds such reasons for delay justifiable, it may refuse to extend the one hundred eighty (180) day period and may, after expiration of said one hundred eighty (180) day period, rescind or revoke the granted variance, authorization and permit.

§27-302 Certificates of Use and 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 use and occupancy for such structure, building, sign, use or land or portion thereof has been authorized by the Zoning Administrator.

(b) Application. The application for a certificate of use and occupancy shall be in such form as the Building Inspector may prescribe and may be a requisite prior to obtaining a zoning permit. 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 occupancy permit shall be issued until the Zoning Administrator has determined that the structure, building or use conforms to the provisions of this Ordinance and any and all other applicable codes and regulations.

(d) Maintenance of Permit. The certificate of use and occupancy or a true copy thereof shall be kept available for official inspection at all times.

§27-303 Temporary Occupancy Permits.

(a) A temporary occupancy permit 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 occupancy permit 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 Ordinance and any other applicable codes or regulations.

(c) The Zoning Administrator may deny approval of a temporary occupancy permit 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 occupancy permit shall be reviewed whenever conditions for which it was issued change.

(e) Temporary occupancy permits automatically terminate when the final occupancy permit is issued.

§27-304 Denial and Revocation of Permits and Certificates. A request for zoning, occupancy or temporary occupancy permits or certificates shall be denied if the information submitted therewith is incomplete, erroneous or otherwise unsatisfactory, or if the application fee is not remitted in full. The Zoning Administrator may revoke approval issued under the provisions of this Ordinance if it is determined that any false statement or misrepresentation of fact exists on the application or on the plans on which the permit or approval was based.

§27-305 Continuance of Existing Permits. Any alteration of the provisions of this ordinance shall require a change in plans, construction or designated uses of any building for which a permit has been issued if construction has commenced within thirty (30) days after advertisement of this Ordinance, construction shall have been diligently prosecuted, and the entire building shall have been completed within the life of the permit or authorized renewals thereof. In the event that construction has not begun within thirty (30) days after the advertisement of this ordinance 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.

§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 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 open to 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 shall secure a Certificate of Nonconforming Use or Structure from the Zoning Administrator.

(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 shall prepare an annual report by March 31 for Council summarizing all zoning transactions, all complaints of alleged violations, and any action taken regarding such violations.

§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 Ordinance.

(2) All appeals that allege that the Zoning Administrator has made an error shall be filed directly with the Secretary of the Board within thirty (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 Ordinance on which the appeal is based.

(b) Challenges to the Validity of the Ordinance 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 Sections 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 thirty (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 flood plain 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 storm water management insofar as the same relate to development not involving the provisions of the City of Reading Subdivision and Land Development Ordinance.

(4) The Board shall also hear appeals from any Zoning Administrator's determination made under Section 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 the Ordinance inflict unnecessary hardship upon the applicant.

(2) The Board may grant a variance only if the following conditions 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 Ordinance 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 Zoning Ordinance 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; and,

(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 Ordinance.

PART 4

ZONING HEARING BOARD

§27-401 Continuation. The Zoning Hearing Board ("Board") created and existing at the time of adoption of this Ordinance shall continue under and in accordance with the provisions of this section. Matters pending before the Board at the time this Ordinance 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 (5) members who are residents of the City appointed by the Council. Their terms of office shall be five (5) years and shall be so fixed that the term of office of no more than one (1) member shall expire each year. The Board shall promptly notify the Council of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other elected office in the City. At no time, shall there be two (2) members of the Board from the same profession or business. The Zoning Administrator shall serve as Secretary to the Board. Newly appointed Board members shall attend a minimum of four (4) hours of zoning training within the first year of appointment. All Board members shall participate in at least one (1) zoning class or seminar during each two (2) year period.

§27-403 Alternate Membership. Council may appoint by Resolution at least one (1), but not more than three (3), residents of the City to serve as alternate members of the Board. The term of office of an alternate member shall be three (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 Ordinance 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 Council taken after the member has received fifteen (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 than a majority of all regular members of the Board.

(c) If, by reason of absence or disqualification of a member, a quorum is not reached, 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. 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(g)

(g) The Board shall keep full public records of its business and shall submit a report of its activities to the Council at least once a year.

(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 Ordinance and in accordance with such standards and criteria contained in this Ordinance.

(2) In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.

(3) Special Exception Uses shall not be permitted if they:

(a) Substantially increase traffic congestion.

(b) Adversely impact the public safety.

(c) Overcrowd the land or create excessive population densities.

(d) Impair an adequate supply of light and air to an adjacent property.

(e) Are inconsistent with the surrounding zoning and uses.

(f) Adversely affect the comprehensive plan of the City.

(g) Unduly burden public facilities and infrastructure.

(h) Are detrimental to the appropriate use of an adjacent property.

(i) Endanger the safety of persons or property by improper location or design of facilities for ingress or egress.

(i) Otherwise adversely affect the public health, safety, morals or general welfare.

(f) Conduct of Hearings. 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 thirty (30) days after notice thereof shall be final.

§27-407 Expenditures for Services. Within the limitations budgeted by 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 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 additions or changes intended to be made under this application indicating the size, material and general construction 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 thirty (30) days after any application for development, preliminary or final, has been approved by the appropriate City officer, agency or body pursuant to Section 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 thirty (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 two successive weeks, in a newspaper of general circulation in the City.

(b) The first publication shall not be more than thirty (30) days and second publication shall not be less than seven (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 meeting and shall give written notice to the owner, appellant, Mayor, Council, to the governing body of any municipality located within five hundred (500) feet of the property at issue, and to all other interested parties who have registered their names and addresses with the Board, and may give notice to the occupant of every lot within two hundred (200) feet of the lot in question. 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. Council may establish by resolution a reasonable fee schedule to be paid by the applicant.

(c) Time Constraints. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

(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 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 imminent peril to life or property.

(c) Notwithstanding §27-411(b), 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 forty-five (45) days after the last hearing before the Board.

(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 therefor.

(c) Any conclusion based on any provision of the Municipalities Planning Code, as amended, or of this Ordinance, 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 forty-five (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 thirty (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 sixty (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 ten (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 Ordinance as found in §27-301(e) through (h)

(b) Should the appellant or applicant fail to obtain necessary permits within a six (6) month period from the date of approval, or having obtained the permit should he or she fail to commence work thereunder within that six (6) 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 six (6) month period, but should he or she fail to complete such construction or alteration within a twelve (12) month period, the Board may, upon ten (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, if and only if, the Board finds that a good cause appears for the failure to complete within such twelve (12) month period.

§27-415 Mediation Option.

(a) Parties to proceedings authorized in this Ordinance 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 Ordinance 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 Ordinance, 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 Ordinance.

(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 Ordinance or any decision, determination or order of this Board or of Council, or of any of the City's agencies or officers issued pursuant to this Ordinance, 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 Ordinance or the zoning map(s) associated herewith shall be raised by an appeal taken directly from the action of Council to the Berks County Court of Common Pleas filed no later than thirty (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 of 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 Ordinance. 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 and streams, and lot or property lines as they exist on plans of record at the time of the adoption of this Ordinance. Where a district boundary line divides a lot, location of said boundary, unless the same is identified by dimensions, shall be determined by the use of the scale appearing on the map.

(b) Where a district boundary is not fixed by dimensions and where it approximately follows a lot line and where it does not scale more than ten (10) feet therefrom, such lot line shall be construed to be such boundary 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, flood plains, floodways, flood districts, and flood prone areas, as well as planned residential and Penn Square districts described in this Ordinance shall be overlays to the existing districts as shown on the official "Zoning Map of the City of Reading" and, as such, the provisions of these zones 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.

PART 6

DEFINITIONS AND LIMITATIONS OF USES.

§27-601 Classifications of Uses. For the purposes of this Ordinance, the following classes of uses are established:

(a) Permitted Uses.

(b) Accessory Uses.

(c) Temporary Uses.

(d) Special Exception Uses.

(e) Conditional Uses.

(f) Nonconforming Uses.

§27-602 Permitted Uses. Permitted uses are uses permitted by right provided said use is shown as a permitted use in the zoning district schedule for the district in which the use is located or proposed and the use complies with all other provisions of this Ordinance.

§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 Ordinance, 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) The accessory use, building or structure shall not be permitted to exist unless the primary use exists on the same lot or an adjacent lot under common ownership. Private off-street parking areas may be permitted as an accessory use on noncontiguous lots.

(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. It is hereby recognized that certain uses and activities, which might otherwise be prohibited by this Ordinance, are nevertheless such that their establishment and operation for a limited period of time would serve the public interest. For the purpose of this Ordinance, such uses are declared to be temporary uses that may be permitted in any district upon application to and approval by the Zoning Administrator subject to the following:

(a) 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.

(b) The proposed use will contribute to the general welfare and needs of the City of Reading and the general public.

(c) The duration of the proposed use shall be established by the Zoning Administrator to serve the intended purpose of the temporary use.

(d) Security may be required by the Zoning Administrator 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 Codified 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 by reason of their inherent nature or operation and therefore require special and proper 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 the governing body pursuant to public notice, public hearing, planning agency recommendations, and pursuant to express standards and criteria set forth in the zoning ordinances. In allowing a conditional use, the governing body may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this Ordinance.

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

(a) Within the districts established by this Zoning Ordinance or by amendments thereto, there exists, may exist or will exist:

(1) Uses of land,

(2) Buildings and structures,

(3) Lots, and,

(4) Characteristics of use which were lawful before this Ordinance was passed or amended but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment. Inasmuch as these nonconformities are, by definition, alien to the character of a district created under this Ordinance, it is assumed that the ultimate ends of this Ordinance will be accomplished if these nonconformities are permitted only until such time as they are terminated in time by obsolescence, destruction, abandonment or similar factors and thereby the objectives of these zoning district classifications will be achieved. Because nonconformities, so long as they exist, prevent the full realization of the objectives of this Ordinance, it is the intent of this Ordinance to restrict, rather than increase, such nonconformities and to eliminate such uses as speedily as possible.

(b) A use, building, structure or lot that shall be made nonconforming at the time of passage of this Zoning Ordinance or any applicable amendment thereto, may be continued except as otherwise set forth in this article.

(c) In accordance with §27-201(b)(2), the Zoning Administrator may identify and register all nonconforming uses, buildings and structures. The owner of the premises of a nonconforming building or owner of a lawful nonconforming use shall secure within one (1) year of the effective date of this Ordinance a certificate of nonconformance from the Zoning Administrator. The certificate of nonconformity, for the purpose of this Ordinance 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.

(d) Existing nonconforming uses, buildings, structures, or lots shall not be enlarged, reconstructed, substituted, moved or structurally altered 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 Ordinance 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, buildings or structures may be enlarged up to but not more than ten percent (10%) of its floor and/or use area as it existed at the time of passage of this Ordinance, provided that such enlargement shall conform to all other regulations of the district in which it is situated. A nonconforming use, buildings or structures may be enlarged one time.

(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.

(3) Residential nonconforming uses may be altered in any way to improve interior livability, provided that no structural alterations shall be made which would increase the number of dwelling units within the building.

(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 non-conforming use, off-street parking requirements will not change. A substantial increase in use intensity for any conforming use necessitates enforcement of off-street parking requirements.

(6) A nonconforming use may be continued by a parallel or less intensive nonconforming use as determined by the Zoning Administrator.

(7) A nonconforming use shall only be replaced by a more intensive or dissimilar nonconforming use by variance issued by the Zoning Hearing Board, provided that:

(a) The applicant shall show that the nonconforming use cannot reasonably be changed to a permitted use.

(b) The proposed nonconforming use is less detrimental to the general public welfare than the existing nonconforming use with respect to.

(i) Traffic generation and congestion including truck, passenger car, and pedestrian traffic;

(ii) Nuisance characteristics such as emission of noise, odor, dust, smoke, fumes, fire hazards, glare and vibration;

(iii) Hours and manner of operation;

(iv) Waste disposal and storage;

(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 fifty percent (50%) or more of the existing floor area, volume or use of land of a nonconforming building, structure or use is voluntarily razed, legally condemned, structurally changed 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.

(2) In the event that less than fifty percent (50%) of the existing floor area, volume, or use of land of a nonconforming building, structure or use is voluntarily razed, legally condemned, structurally changed 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 (1) year from the date of the damage.

(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 twelve (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 non-compliance) with the provisions of §27-607(g) and shall consider the impact the use will have on the character of the neighborhood.

(3) The following shall be deemed evidence of intent to discontinue and abandon a nonconforming use, building or structure:

(a) Removal of any and all furniture, equipment and machinery and leaving the property to the elements.

(b) Use of the property for a conforming use.

(c) Demolition of the structure.

(d) Failure to apply for licenses and/or permits necessary to continue such nonconforming use.

(e) Failure to market a vacant property for sale or lease.

(f) Failure to appeal the denial of a permit to continue the use.

(g) Failure to file letters of intent as per §27-607(h)

(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 twelve (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 twelve (12) months and every six 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 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.

(e) Notwithstanding any other provision of this Ordinance, 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 variance, 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.

PART 7

ZONING DISTRICTS.

§27-701 Districts. The City of Reading is hereby divided into the following zoning districts and overlay zones:

(a) Residential Class Districts:
- R-1A Residential
- R-1 Residential
- R-2 Residential
- R-3 Residential
- R-O Residential-Outlet
- R-PO Residential-Professional Office

(b) Commercial Class Districts:
- C-C Commercial Core
- C-R Commercial Residential
- C-N Commercial Neighborhood
- C-H Commercial Highway

(c) Manufacturing Class Districts:
- M-C Manufacturing Commercial
- M-H Heavy Manufacturing

(d) Preservation Zoning District.

(e) Flood Plain Zone.

(f) Airport Zone.

(g) Penn Square Zone.

§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 Ordinance:

(a) The **Residential Class 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.

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 medium density R-2 District provides a variety of one-family detached, semi-detached and attached dwellings. The R-3 Districts exhibits the highest residential densities in that it permits one-family attached dwellings and multi-family apartments.

The **Residential-Outlet District** allows for the controlled growth of retail outlet operations and auxiliary uses in the established outlet area while minimizing any adverse impacts such development might have on adjacent residential development. The Outlet District is located in the northeastern portion of the City in former knitting and other industrial building.

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 zones.

(b) The **Commercial Class 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 continuity and homogeneity 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.

The **Commercial Core** is defined as the downtown center for government services, offices, shopping, hotels, entertainment and cultural activity.

The **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.

The **Commercial Neighborhood Districts** allow the continuation of pedestrian oriented business establishments that feature convenience shopping and personal services for a smaller local residential market.

The **Commercial Highway Districts** are located along major roadways and are designed to allow for automobile oriented businesses as well as high intensity linear retail development.

(c) The <u>Manufacturing Class Districts</u> 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 Ordinance 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.

The **Manufacturing Commercial District** provides for light manufacturing and retail and wholesale sales and services.

The **Heavy Manufacturing District** provides for heavy manufacturing, warehousing, transportation and other commercial uses that are incompatible with less intensive non-residential uses.

(d) The **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 flood plain areas.

(e) The **Flood Plain 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 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) The **Penn Square Zone** is designed to preserve, protect and promote the character of the 200 through 500 blocks of Penn Street. The Penn Square Zone is the location of a unique cultural, architectural and retail complex which is vital to the economic health of the City. The special designation may help attract a useful cluster of shops, restaurants and related retail uses that will complement and enhance the area. Promoting the most desirable use of land in this area, thus conserving the value of buildings and land, the substantial public investment in Penn Square and the tax revenues of the City can be protected.

§ 27-801
R-1A

PERMITTED USES:	MIN. LOT SIZE SQ. FT.	MAX. BLDG. COV.	MAX. LOT. COV.	MAX. HEIGHT	MIN. LOT WIDTH	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	COMBINED SIDE YARD SETBACK	REQ. SITE PLAN REVIEW
ONE FAMILY, DETACHED DWELLING	20,000	15%	25%	35	65	25	30	10	20	YES

ACCESSORY USES: (SEE PART 10, UNLESS OTHERWISE NOTED).

ANIMAL SHELTERS	MAXIMUM 15 SQ. FT. - NO COMMERCIAL USE	YES
GARAGES/CARPORTS	MAXIMUM 700 SQ. FT.	YES
GREENHOUSES	MAXIMUM 280 SQ. FT. - NO COMMERCIAL USE	YES
HOME COMPUTER/INTERNET OCCUPATIONS	PURSUANT TO §27-1006	
HOME CRAFTS	PURSUANT TO §27-1007	
STORAGE SHEDS	MAXIMUM 280 SQ. FT.	YES
SWIMMING POOLS	SEE ALSO CITY OF READING PUBLIC HEALTH CODE	YES

SPECIAL EXCEPTION USES: ALL USES LISTED BELOW SHALL BE PURSUANT TO §27-1202 OF THIS ORDINANCE

HOME OCCUPATIONS — A MAXIMUM OF 25% OF BUILDING MAY BE COMMITTED TO THE USE.

NOTE: NO DEVELOPMENT IN THIS ZONE 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 TEN (10) FEET IN HEIGHT, WITH TRUNKS EXCEEDING TWO (2) INCHES IN DIAMETER, MEASURED AT FOUR (4) FEET FROM GROUND LEVEL, WILL BE REPLACED WITH TREES OF LIKE TYPE WITH A MINIMUM HEIGHT OF SIX (6) FEET AND MINIMUM TRUNK DIAMETER OF TWO (2) INCHES, MEASURED SIX (6) FEET FROM GROUND LEVEL.

§27-802
R-1

PERMITTED USES	MIN. LOT SIZE SQ. FT.	MAX. BLDG COV.	MAX. LOT. COV.	MAX HEIGHT	MIN. LOT WIDTH	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	COMBINED SIDE YARD SETBACK	REQ. SITE PLAN REVIEW
ONE FAMILY DETACHED DWELLING	6,600	15%	25%	35	60	25	30	10	20	YES
ACCESSORY USES (SEE PART 10, UNLESS OTHERWISE NOTED).										
ANIMAL SHELTERS	MAXIMUM 15 SQ. FT. NO COMMERCIAL USE									YES
GARAGES/CARPORTS	MAXIMUM 500 SQ. FT.									YES
GREENHOUSES	MAXIMUM 280 SQ. FT. NO COMMERCIAL USE									YES
HOME COMPUTER/INTERNET OCCUPATIONS	PURSUANT TO §27-1006									
HOME CRAFTS	PURSUANT TO §27-1007									
STORAGE SHEDS	MAXIMUM 280 SQ. FT.									YES
SWIMMING POOLS	SEE CITY OF READING PUBLIC HEALTH CODE									YES
SPECIAL EXCEPTION USES: ALL USES LISTED BELOW SHALL BE PURSUANT TO §27-1202 OF THIS ORDINANCE										
BED & BREAKFASTS	6,600	15%	25%	35	60	25	30	10	20	YES
HOME OCCUPATIONS	A MAXIMUM OF 25% OF BUILDING MAY BE COMMITTED TO THE USE									
PLACES OF WORSHIP	25,000	30%	60%	70	125	40	40	15	30	YES
PUBLIC BUILDINGS	45,000	50%	60%	35	150	40	40	15	25	YES
PUBLIC PLAYGROUNDS & TENNIS COURTS	25,000	15%	80%	25	100	40	40	15	25	YES

§27-803
R-2

PERMITTED USES:	MIN. LOT SIZE SQ. FT.	MAX. BLDG. COV.	MAX. LOT. COV.	MAX. HEIGHT	MIN. LOT WIDTH	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	COMBINED SIDE YARD SETBACK	REQ. SITE PLAN REVIEW
ONE FAMILY DETACHED DWELLING	5,500	20%	30%	35	50	20	30	8	16	YES
ONE FAMILY SEMI DETACHED DWELLING	2,500	35%	55%	35	25	20	30	8		YES
ONE FAMILY ATTACHED DWELLING	1,800	60%	75%	35	18	15	20	6		YES
ACCESSORY USES: (SEE PART 10, UNLESS OTHERWISE NOTED).										
ANIMAL SHELTERS	MAXIMUM 15 SQ. FT. NO COMMERCIAL USE									YES
GARAGES/CARPORTS	MAXIMUM 500 SQ. FT.									YES
GREENHOUSES	MAXIMUM 280 SQ. FT. NO COMMERCIAL USE									YES
HOME COMPUTER/INTERNET OCCUPATIONS	PURSUANT TO §27-1006									
HOME CRAFTS	PURSUANT TO §27-1007									
STORAGE SHEDS	MAXIMUM 280 SQ. FT.									YES
SWIMMING POOLS	SEE CITY OF READING PUBLIC HEALTH CODE									YES
SPECIAL EXCEPTION USES: ALL USES LISTED BELOW SHALL BE PURSUANT TO §27-1202 OF THIS ORDINANCE										
ADAPTIVE REUSE	SEE §27-1202(a) OF THIS ORDINANCE									
BED & BREAKFAST	5,500	20%	30%	35	65	20	30	8	16	YES
CEMETERIES	50,000	40%	60%	35	125	40	40	15	30	YES
DAY CARE FACILITIES	5,500	20%	30%	35	65	20	30	10	20	YES
EDUCATIONAL FACILITIES: COLLEGES OR UNIVERSITIES	50,000	40%	60%	35	125	40	40	30	35	YES
EDUCATIONAL FACILITIES: PUBLIC OR PRIVATE FOR DAY STUDENTS	25,000	50%	60%	35	125	40	40	15	30	YES
HOME OCCUPATIONS	A MAXIMUM OF 25% OF BUILDING MAY BE COMMITTED TO THE USE									
PLACES OF WORSHIP	20,000	50%	70%	70	100	35	40	15	30	YES
PUBLIC BUILDINGS	50,000	50%	60%	35	125	40	40	15	30	YES
PUBLIC PARKS	25,000	10%	15%	25	100	40	40	15	30	YES
PUBLIC PLAYGROUNDS & TENNIS COURTS	25,000	15%	80%	25	80	40	40	15	25	YES
SWIMMING POOLS, PRIVATE OR PUBLIC	45,000	15%	50%	30	125	30	40	15	30	YES
CONDITIONAL USES: ALL USES LISTED BELOW SHALL BE PURSUANT TO §27-1203 OF THIS ORDINANCE										
GROUP CARE FACILITIES	5,500	30%	55%	35	65	20	30	10	20	YES

§27-804
R-3

PERMITTED USES·	MIN. LOT SIZE SQ FT.	MAX. BLDG. COV.	MAX LOT COV.	MAX. HEIGHT	MIN LOT WIDTH	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	COMBINED SIDE YARD SETBACK	REQ. SITE PLAN REVIEW
ONE FAMILY ATTACHED DWELLING	1,800	60%	75%	35	18	15	20	6***		YES
ONE FAMILY SEMI-ATTACHED DWELLING	1,800	60%	75%	35	18	15	20	6		YES
MID-RISE APARTMENTS	7,200	30%	55%	60*	72	15	35	15	30	YES
PRIVATE SURFACE PARKING AREA	4,800	0%	80%	0	46	10**	10**	6**	12**	YES
ACCESSORY USES· (SEE PART 10, UNLESS OTHERWISE NOTED)										
ANIMAL SHELTERS	MAXIMUM 15 SQ. FT. NO COMMERCIAL USE									YES
GARAGES/CARPORTS	MAXIMUM 500 SQ FT.									YES
GREENHOUSES	MAXIMUM 280 SQ. FT. NO COMMERCIAL USE									YES
HOME COMPUTER/INTERNET OCCUPATIONS	PURSUANT TO §27-1006									
HOME CRAFTS	PURSUANT TO §27-1007									
OFF-SITE PARKING AREAS, PURSUANT TO §27-1008	4,800	0%	80%	0	46	10**	10**	6**	12**	YES
STORAGE SHEDS	MAXIMUM 280 SQ. FT.									YES
SWIMMING POOLS	SEE CITY OF READING PUBLIC HEALTH CODE									YES
CONDITIONAL USES. ALL USES LISTED BELOW SHALL BE PURSUANT TO §27-1203 OF THIS ORDINANCE										
CONVERSIONS	PURSUANT TO §27-1202(d) OF THIS ORDINANCE									
RESIDENTIAL CARE FACILITIES	5,500	30%	55%	35	65	20	30	10	20	YES
PUBLIC UTILITIES	SEE §27-1202 (I) OF THIS ORDINANCE									
SPECIAL EXCEPTION USES. ALL USES LISTED BELOW SHALL BE PURSUANT TO §27-1202 OF THE ORDINANCE										
BED & BREAKFAST	5,500	20%	30%	35	65	20	30	10	20	YES
CEMETERIES	50,000	40%	60%	35	125	40	40	15	30	YES
DAY CARE FACILITIES	50,000	40%	60%	35	125	40	40	15	30	YES
EDUCATIONAL FACILITIES: PUBLIC OR PRIVATE FOR DAY STUDENTS	25,500	40%	60%	35	125	40	40	15	30	YES
EDUCATIONAL FACILITIES: COLLEGES OR UNIVERSITIES	50,000	40%	60%	35	125	40	40	30	35	YES
EDUCATIONAL FACILITIES: DORMITORIES	10,000	20%	60%	60*	125	40	40	30	35	YES
HOSPITAL	12,000	65%	80%	65	100	20	30	10	20	YES
HOME OCCUPATIONS	A MAXIMUM OF 25% OF BUILDING MAY BE COMMITTED TO THE USE.									
PLACES OF WORSHIP	20,000	50%	75%	70	100	35	40	15	30	YES
PUBLIC BUILDINGS	50,000	50%	60%	35	125	40	40	15	30	
PUBLIC PARKS	10,000	10%	15%	25	100	40	20	15	30	YES
PUBLIC PLAYGROUNDS & TENNIS COURTS	25,000	15%	80%	25	80	40	40	15	25	YES
SWIMMING POOLS, PRIVATE OR PUBLIC	45,000	15%	50%	25	125	30	40	15	30	YES

* HEIGHT INCLUSIVE OF PENTHOUSE ELEVATOR OR SCREENED ROOFTOP MECHANICAL EQUIPMENT AREA
** SETBACKS CAN BE REDUCED TO 3 FEET WITH APPROVED LANDSCAPE BUFFER
*** REQUIRED AT END OF ROW

§27-805
R-0 RESIDENTIAL/OUTLET

PERMITTED USES:

	MIN. LOT SIZE SQ. FT.	MAX. BLDG. COV.	MAX. LOT. COV.	MAX. HEIGHT	MIN. LOT WIDTH	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	COMBINED SIDE YARD SETBACK	REQ. SITE PLAN REVIEW
RESIDENTIAL USES	SHALL CONFORM WITH ALL REQUIREMENTS OF §27-804 OF THIS ORDINANCE									
RETAIL OUTLET STORES	1,800	80%	90%	35	18	10	20	6	12	YES
RESTAURANTS, WITHOUT ENTERTAINMENT	1,800	80%	90%	35	18	10	20	6	12	YES
PRIVATE PARKING SURFACE AREA	4,800	0%	80%	0	46	10**	10**	6**	12**	YES

THE BELOW LISTED SHALL BE PERMITTED ONLY ON PROPERTIES PRIMARILY USED FOR RESIDENTIAL PURPOSES

ACCESSORY USES: (SEE PART 10, UNLESS OTHERWISE NOTED).

ANIMAL SHELTERS	MAXIMUM 15 SQ. FT. NO COMMERCIAL USE									
ENTERTAINMENT	PURSUANT TO §27-1005									
GARAGES/CARPORTS	MAXIMUM 500 SQ. FT.									
GREENHOUSES	MAXIMUM 280 SQ. FT. NO COMMERCIAL USE									
HOME COMPUTER/INTERNET OCCUPATIONS	PURSUANT TO §27-1006									
HOME CRAFTS	PURSUANT TO §27-1007									
OFF-SITE PARKING AREAS, PURSUANT TO §27-1008	4,800	0%	80%	0	46	10**	10**	6**	12**	YES
STORAGE SHEDS	MAXIMUM 280 SQ. FT.									
SWIMMING POOLS	SEE CITY OF READING PUBLIC HEALTH CODE									

CONDITIONAL USES: ALL USES LISTED BELOW SHALL BE PURSUANT TO §27-1203 OF THIS ORDINANCE

CONVERSIONS	PURSUANT TO §27-1203 (d) OF THIS ORDINANCE
PUBLIC UTILITIES	PURSUANT TO §27-1203 (f) OF THIS ORDINANCE

SPECIAL EXCEPTION USES: ALL USES LISTED BELOW SHALL BE PURSUANT TO §27-1202 OF THIS ORDINANCE

ADAPTIVE REUSE	PURSUANT TO §27-1202(a) OF THIS ORDINANCE									
BED & BREAKFAST	5,500	20%	30%	35	65	20	30	10	20	YES
HOME OCCUPATIONS	PURSUANT TO §27-1202(h) OF THIS ORDINANCE									
PLACES OF WORSHIP	20,000	50%	75%	45	100	40	40	15	30	YES

* HEIGHT INCLUSIVE OF PENTHOUSE ELEVATOR AND/OR SCREENED ROOFTOP MECHANICAL EQUIPMENT AREA
** SETBACKS CAN BE REDUCED TO 3 FEET WITH APPROVED LANDSCAPE BUFFER

§27-806
R-PO RESIDENTIAL/PROFESSIONAL OFFICE ZONE

PERMITTED USES·	MIN. LOT SIZE SQ. FT.	MAX. BLDG. COV.	MAX. LOT COV.	MAX. HEIGHT	MIN. LOT WIDTH	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	COMBINED SIDE YARD SETBACK	REQ SITE PLAN REVIEW
RESIDENTIAL USES	SHALL CONFORM WITH ALL REQUIREMENTS OF §27-803 OF THIS ORDINANCE									
PROFESSIONAL OFFICES TO INCLUDE, BUT NOT LIMITED TO, THE FOLLOWING CERTIFIED PROFESSIONS:										
HEALTH CARE PROFESSIONALS, PHYSICIAN, DENTIST, ORAL SURGEON, ORTHODONTIST, PERIODONTIST, OSTEOPATH, CHIROPRACTOR, PHYSICAL THERAPIST, PSYCHOLOGIST, PODIATRIST, OPTOMETRIST, LAWYER, ACCOUNTANT, REAL ESTATE BROKER, FINANCIAL CONSULTANT, MORTGAGE/FINANCIAL BUSINESSES	5,500	40%	60%	35	50	20	30	8	16	YES

NOTE: ON STREET PARKING PERMITTED FOR UP TO THREE (3) EMPLOYEES. SHOULD THERE BE FOUR (4) OR MORE EMPLOYEES, THE FOLLOWING OFF-STREET PARKING REQUIREMENT SHALL APPLY: ONE (1) SPACE PER EACH 150 SQUARE FEET OF FLOOR AREA

HOME PROFESSIONAL OCCUPATIONS	IN ACCORDANCE WITH PROVISIONS IN §27-1202 (b) (1), (2), (3), (4) OF THIS ORDINANCE	
ACCESSORY USES: (SEE PART 10, UNLESS OTHERWISE NOTED).		
GARAGES/CARPORTS	MAXIMUM 500 SQ. FT.	YES
STORAGE SHEDS	MAXIMUM 280 SQ. FT.	
THE BELOW LISTED ACCESSORY USES SHALL BE PERMITTED ONLY ON PROPERTIES PRIMARILY USED FOR RESIDENTIAL PURPOSES		
ANIMAL SHELTERS	MAXIMUM 15 SQ. FT. NO COMMERCIAL USE	YES
GREENHOUSES	MAXIMUM 280 SQ. FT. NO COMMERCIAL USE	YES
SWIMMING POOLS	SEE CITY OF READING PUBLIC HEALTH CODE	YES
SPECIAL EXCEPTION USES.	ALL USES LISTED BELOW SHALL BE PURSUANT TO §27-1202 OF THIS ORDINANCE	

DAY CARE CENTER	5,500	30%	55%	35	65	20	30	10	20	YES
PLACES OF WORSHIP	20,000	50%	75%	70	100	35	40	15	30	YES

§27-807
C-C COMMERCIAL CORE

PERMITTED USES:	MIN. LOT SIZE SQ. FT.	MAX. BLDG. COV.	MAX. LOT. COV.	MAX. HEIGHT	MIN. LOT WIDTH	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	COMBINED SIDE YARD SETBACK	REQ. SITE PLAN REVIEW††
ALL USES UNLESS OTHERWISE NOTED	2,500	75%	85%	†	25	NONE	NONE	NONE	NONE	
DEPARTMENT STORES	20,000	75%	90%	40'	100					
HIGH-RISE APARTMENTS†*	25,000	70%	80%	†	72	25	25	15		
MOVIE THEATERS & PERFORMING ARTS FACILITIES	20,000	75%	90%	40'	100					
MID-RISE APARTMENTS**	7,200	70%	80%	†	72					
PASSENGER TERMINAL FACILITIES	20,000	65%	70%	40'	80					
PUBLIC GARAGES & PARKING LOTS OPERATED BY READING PARKING AUTHORITY	12,000	75%	80%	50'	65					
PUBLIC OFFICE BUILDINGS AND FACILITIES	50,000	50%	60%	35	125					
SPORTS ARENA	60,000	80%	90%	40'	250'					

THE LISTED USES SHALL PRESCRIBE TO THE PARKING REQUIREMENTS SET FORTH IN §27-1603 OF THIS ORDINANCE
NOTE: RETAIL USES SHALL NOT EXTEND INTO THE PUBLIC RIGHT-OF-WAY. DRIVE-THRU SERVICES PERMITTED AS ACCESSORY TO FIDUCIARY USES.

COMMERCIAL USES SUCH AS THE FOLLOWING:
AUTOMOTIVE ACCESSORY STORES (RETAIL ONLY)
BAKERIES (LIMITED TO 1,000 SQ. FT. PRODUCTION FLOOR AREA) & RETAIL BAKED GOODS
BANK & FIDUCIARY INSTITUTIONS
BARBER & BEAUTY SHOPS
BUSINESS & PRINTING SERVICES
BUSINESS & PROFESSIONAL OFFICES (SEE §27-807 OF THIS ORDINANCE)
CAMERA SHOPS & PHOTO FINISHING SERVICES
CIVIC/CONVENTION CENTER & SPORTS ARENA
PROFESSIONAL, TECHNICAL/VOCATIONAL, TRADE, BUSINESS AND/OR FINE ART SCHOOLS, WHETHER PUBLIC OR PRIVATE, FOR DAY STUDENTS.
CONFECTIONERY STORES
DRUG STORES AND PHARMACIES
DRY CLEANERS (LIMITED TO 2000 SQ.FT. OF SERVICE/PRODUCTION AREA) & TAILORS
FLOWER, CARD & GIFT SHOPS
FURNITURE & HOUSEHOLD SUPPLY STORES
GENERAL MERCHANDISE, DISCOUNT, VARIETY & DRY GOODS STORES
GROCERY STORES, MEAT, FISH, POULTRY & PRODUCE MARKETS
HABERDASHERY, APPAREL, SHOE & JEWELRY STORES
HARDWARE, PLUMBING & ELECTRICAL SUPPLIES (RETAIL ONLY)
HOTELS, BED & BREAKFAST INNS
LIQUOR STORES
OFFICE SUPPLY & STATIONERY STORES
RADIO & TELEVISION STATIONS
RECREATIONAL FACILITIES, ATHLETIC CLUBS & FITNESS CENTERS, PUBLIC & PRIVATE
RESTAURANTS (EAT IN OR TAKE OUT), DELICATESSENS, WITH ENTERTAINMENT
SHOE REPAIR
SMALL APPLIANCE SALES, REPAIR & SERVICE STORES
SOCIAL CLUBS AND ASSOCIATIONS (NON-PLCB LICENSED)
SPECIAL MERCHANDISE STORES SUCH AS NEWSSTANDS, BOOK, MUSIC & VIDEO STORES,
TOBACCO SHOPS
SPORTING GOODS & TOY AND HOBBY STORES

§27-807
C-C COMMERCIAL CORE

ACCESSORY USES· (SEE PART 10, UNLESS OTHERWISE NOTED).

AMUSEMENT DEVICES	PURSUANT TO §27-1010 OF THIS ORDINANCE
ENTERTAINMENT	PURSUANT TO §27-1005

SPECIAL EXCEPTION USES: ALL USES LISTED BELOW SHALL BE PURSUANT TO §27-1202 OF THIS ORDINANCE

EDUCATIONAL FACILITIES: COLLEGE OR UNIVERSITY	50,000	50%	70%	50	150
DAY CARE CENTER	2,500	75%	85%	35	25
PAWN SHOP	2,500	75%	85%	35	25
PLACES OF WORSHIP	5,000	80%	90%	45	100

CONDITIONAL USES: ALL USES LISTED BELOW SHALL BE PURSUANT TO §27-1203 OF THIS ORDINANCE

TAVERNS, BARS, PUBS – PURSUANT TO §27-1203(h)	2,500	75%	85%	35	25

† HEIGHT REQUIREMENT PURSUANT TO §27-1103 OF THIS ORDINANCE
†† SITE PLAN/FLOOR PLAN REQUIRED UNLESS OTHERWISE NOTED
†* RESIDENTIAL USES NOT TO OCCUPY FIRST FLOOR

§27-808
C-R COMMERCIAL RESIDENTIAL

PERMITTED USES:	MIN. LOT SIZE SQ. FT.	MAX. BLDG. COV.	MAX. LOT. COV.	MAX. HEIGHT	MIN. LOT WIDTH	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	COMBINED SIDE YARD SETBACK	REQ. SITE PLAN REVIEW††
ONE-FAMILY ATTACHED DWELLING	1,800	60%	75%	40	18					
MID-RISE OR GARDEN APARTMENTS	7,200	30%	55%	40'	72					
HIGH-RISE APARTMENTS†*	25,000	70%	80%	†	72	25	25	15		
ALL USES LISTED BELOW, UNLESS OTHERWISE NOTED	2,200	75%	90%	40	30					

NOTE: DRIVE-THRU SERVICES PERMITTED AS ACCESSORY TO FIDUCIARY USES.

AUTOMOTIVE ACCESSORY STORES (RETAIL ONLY)
BAKERIES (LIMITED TO 750 SQ. FT. PRODUCTION FLOOR AREA) & RETAIL BAKED GOODS
BARBER & BEAUTY SHOPS
BUSINESS & PROFESSIONAL OFFICES (SEE §27-807 OF THIS ORDINANCE)
BUSINESS, PROFESSIONAL, TECHNICAL/VOCATIONAL, AND/OR FINE ARTS SCHOOLS (PROVIDED THERE IS NOT USE OF HEAVY EQUIPMENT OR HEAVY MACHINERY IN CONNECTION THEREWITH), FOR DAY STUDENTS
CONFECTIONERY STORES
CONVENIENCE STORES WITHOUT FUEL SALES
DRUG STORES AND PHARMACIES
DRY CLEANERS, SELF-SERVICE LAUNDRIES (LIMITED TO 2000 SQ.FT. OF SERVICE/PRODUCTION AREA) & TAILORS
DRY GOODS & VARIETY STORES
FLOWER, CARD & GIFT SHOPS
FURNITURE & HOUSEHOLD SUPPLY STORES
GROCERY STORES, MEAT, FISH, POULTRY & PRODUCE MARKETS, FARMERS MARKETS
HABERDASHERY, APPAREL, SHOE AND JEWELRY STORES
HARDWARE, PLUMBING & ELECTRICAL SUPPLIES (RETAIL ONLY)
LIQUOR STORES
MEDICAL & DENTAL OFFICES, CLINICS & LABORATORIES

MOVIE THEATERS/PERFORMING ARTS FACILITIES	20,000	75%	90%	40'	100				
OFFICE & STATIONERY SUPPLIES									
PRIVATE SURFACE PARKING FACILITY	4,800	0%	80%	0	46	10**	10**	6**	12**
PUBLIC PARKING GARAGES & LOTS (OPERATED BY RDG. PARKING AUTHORITY)	12,000	75%	80%	60	50				
PUBLIC OFFICE BUILDINGS & FACILITIES	7,200	30%	55%	40	72				

RADIO & TELEVISION STATIONS
RECREATIONAL FACILITIES, ATHLETIC CLUBS & FITNESS CENTERS, PUBLIC & PRIVATE
RESTAURANTS (EAT IN & TAKE OUT) & DELICATESSENS, WITHOUT ENTERTAINMENT
SHOE REPAIR SHOPS
SMALL APPLIANCE SALES, REPAIR & SERVICE SHOPS
SPECIAL MERCHANDISE STORES SUCH AS NEWSSTANDS, BOOK, MUSIC & VIDEO STORES, TOBACCO SHOPS
SPORTING GOODS & TOY AND HOBBY STORES

ACCESSORY USES: (SEE PART 10, UNLESS OTHERWISE NOTED).

AMUSEMENT DEVICES	PURSUANT TO §27-1010 OF THIS ORDINANCE								
ENTERTAINMENT	PURSUANT TO §27-1005 OF THIS ORDINANCE								
OFF-SITE PARKING AREAS, PURSUANT TO §27-1008	4,800	0%	80%	0	46	10**	10**	6**	12**

§27-808
C-R COMMERCIAL RESIDENTIAL

CONDITIONAL USES: ALL USES LISTED BELOW SHALL BE PURSUANT TO §27-1203 OF THIS ORDINANCE

BOARDING HOUSES	PURSUANT OF §27-1203(b) OF THIS ORDINANCE									
GROUP CARE FACILITIES	5,500	30%	55%	35	65	20	30	10	20	YES
PUBLIC UTILITIES	PURSUANT TO §27-1203 (e) OF THIS ORDINANCE									
TAVERNS, BARS, PUBS – PURSUANT TO §27-1203(h)	2,500	75%	85%	35	25					

SPECIAL EXCEPTION USES: ALL USES LISTED BELOW SHALL BE PURSUANT TO §27-1202 OF THIS ORDINANCE

ADAPTIVE REUSE	PURSUANT OF §27-1202 (a) OF THIS ORDINANCE								
DAY CARE FACILITIES	2,500	75%	85%	35	25				
EDUCATIONAL FACILITIES: COLLEGE OR UNIVERSITY	50,000	40%	60%	35	150	40	40	15	35
EDUCATIONAL FACILITIES: PUBLIC OR PRIVATE FOR DAY STUDENTS	25,000	40%	60%	35	125				
HOSPITAL	12,000	65%	80%	65	100				
PLACES OF WORSHIP	5,000	80%	90%	45	100				

** SETBACKS CAN BE REDUCED TO 3 FEET WITH APPROVED LANDSCAPE BUFFER
† HEIGHT REQUIREMENT PURSUANT TO §27-1103 OF THIS ORDINANCE
†† SITE PLAN/FLOOR PLAN REQUIRED UNLESS OTHERWISE NOTED
†* RESIDENTIAL USES NOT TO OCCUPY FIRST FLOOR

§27-809
C-N COMMERCIAL NEIGHBORHOOD

PERMITTED USES:	MIN. LOT SIZE SQ. FT.	MAX. BLDG. COV.	MAX. LOT. COV.	MAX. HEIGHT	MIN. LOT WIDTH	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	COMBINED SIDE YARD SETBACK	REQ. SITE PLAN REVIEW††
RESIDENTIAL USES SHALL CONFORM WITH ALL REQUIREMENTS OF §27-804 OF THIS ORDINANCE										
ALL USES LISTED BELOW, UNLESS OTHERWISE NOTED	1,800	65%	75%	35	18	5	20	6***		
BAKED GOODS STORE (RETAIL ONLY)										
BANKING INSTITUTIONS										
BARBER & BEAUTY SHOPS										
BUSINESS & PROFESSIONAL OFFICES (SEE §27-807 OF THIS ORDINANCE)										
CONFECTIONERY STORES										
CONVENIENCE STORES WITH FUEL SALES	7,500	40%	80%	30	50	15	20	12	20	
DRUG STORES (WITHOUT DRIVE-THRU)										
DRY CLEANERS, SELF-SERVICE LAUNDRIES (LIMITED TO 2000 SQ.FT. OF SERVICE/PRODUCTION AREA) & TAILORS										
FLOWER SHOPS										
GROCERY STORES, MEAT, FISH, POULTRY & PRODUCE MARKETS										
HABERDASHERY, APPAREL, SHOE & JEWELRY STORES										
HOUSEHOLD SUPPLIES STORES										
RESTAURANTS (EAT IN & TAKE OUT) & DELICATESSENS										
SHOE REPAIR SHOPS										
SMALL APPLIANCE, SALES, SERVICE AND REPAIR SHOPS										
CONDITIONAL USES: ALL USES LISTED BELOW SHALL BE PURSUANT TO §27-1203 OF THIS ORDINANCE										
TAVERNS, BARS, PUBS – PURSUANT TO §27-1203(h)	1,800	65%	75%	35	18	5	20	6		

†† SITE PLAN/FLOOR PLAN REQUIRED UNLESS OTHERWISE NOTED
*** REQUIRED AT END OF ROW

§27-810
C-H COMMERCIAL HIGHWAY

	MIN. LOT SIZE SQ FT.	MAX. BLDG. COV.	MAX LOT. COV.	MAX. HEIGHT	MIN. LOT WIDTH	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	COMBINED SIDE YARD SETBACK	REQ SITE PLAN REVIEW††
PERMITTED USES:										
ALL USES UNLESS OTHERWISE NOTED	7,500	40%	80%	30	50	15	20	12	20	

AUTOMOBILE ORIENTED ACTIVITIES SUCH AS: AUTOMOTIVE FUEL AND SERVICE STATIONS, NEW AND USED AUTOMOTIVE SALES & SERVICE CENTERS, DRIVE-THRU PHARMACIES & RESTAURANTS, CAR WASH
BANKS AND FINANCIAL INSTITUTIONS, INCLUDING DRIVE-THRU
BEVERAGE DISTRIBUTORS, BEER & SOFT DRINKS
CONVENIENCE STORES, AUTO FUEL SALES PERMITTED AS ACCESSORY USE
DAY CARE CENTER (SEE §27-1202 (e) OF THIS ORDINANCE)
EMERGENCY HEALTH CARE FACILITY/OFFICE
HOME & GARDEN SUPPLY CENTERS
MINIATURE GOLF COURSE
MOTELS & HOTELS
NIGHTCLUBS
PASSENGER TERMINAL FACILITIES
RADIO & TELEVISION STATIONS
REAL ESTATE OFFICES
RECREATIONAL FACILITIES, ATHLETIC CLUBS & FITNESS CENTERS, PUBLIC & PRIVATE
RESIDENTIAL USES — SHALL CONFORM WITH ALL REQUIREMENTS OF §27-804 OF THIS ORDINANCE
RESTAURANTS, INCLUDING EAT-IN, TAKE-OUT, DRIVE-THRU
RETAIL AND WHOLESALE SALES AND SERVICES, SUPERMARKETS
SOCIAL CLUBS AND ASSOCIATIONS, PLCB AND NON-PLCB LICENSED
TEMPORARY EMPLOYMENT AGENCIES & SERVICES, TRANSPORTATION PROVIDED
VETERINARY HOSPITALS

ACCESSORY USES: (SEE PART 10, UNLESS OTHERWISE NOTED).

AMUSEMENT DEVICES	PURSUANT TO §27-1010 OF THIS ORDINANCE								
DRIVE-THRU SERVICES	PURSUANT TO §27-1004 OF THIS ORDINANCE								
ENTERTAINMENT	PURSUANT TO §27-1005								
OFF-SITE PARKING AREAS, PURSUANT TO §27-1008	4,800	0%	80%	0	46	10**	10**	6**	12**

CONDITIONAL USES: ALL USES LISTED BELOW SHALL BE PURSUANT TO §27-1203 OF THIS ORDINANCE

ADULT BUSINESSES	PURSUANT TO §27-1203(a) OF THIS ORDINANCE
BOTTLE CLUBS	PURSUANT TO §27-1203(c) OF THIS ORDINANCE
PUBLIC UTILITIES	PURSUANT TO §27-1203(e) OF THIS ORDINANCE
TAVERNS, BARS, PUBS	PURSUANT TO §27-1203(h) OF THIS ORDINANCE

SPECIAL EXCEPTION USES: ALL USES LISTED BELOW SHALL BE PURSUANT TO §27-1202 OF THIS ORDINANCE

ADAPTIVE REUSE	PURSUANT TO §27-1202(a) OF THIS ORDINANCE								
GAME ROOM	PURSUANT TO §27-1202(g) OF THIS ORDINANCE								
PAWN SHOP	7,500	40%	80%	30'	50'	15'	20'	12'	20
PLACES OF WORSHIP	10,000	60%	80%	45'	100	35	40	12'	20'
PRIVATE SURFACE PARKING FACILITY	50,000	1%	90%	35	125	15	15	10	10
TELECOMMUNICATIONS TOWERS & ANTENNAS	PURSUANT TO PART 21 OF THIS ORDINANCE								

** SETBACKS CAN BE REDUCED TO 3 FEET WITH APPROVED LANDSCAPE BUFFER
†† SITE PLAN/FLOOR PLAN REQUIRED UNLESS OTHERWISE NOTED

§27-811
M-C MANUFACTURING/COMMERCIAL

PERMITTED USES:	MIN. LOT SIZE SQ. FT.	MAX. BLDG. COV.	MAX. LOT. COV.	MAX. HEIGHT	MIN. LOT WIDTH	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	COMBINED SIDE YARD SETBACK	REQ. SITE PLAN REVIEW†
ALL USES LISTED BELOW, UNLESS OTHERWISE NOTED	25,000	50%	80%	50	125	25‡	30	20	40	

NOTE: SEE §27-1106 REGARDING ADDITIONAL REQUIREMENTS AND PERFORMANCE STANDARDS

LIGHT MANUFACTURING, WHICH ARE FREE FROM OBJECTIONABLE ODORS, FUMES, DIRT, VIBRATIONS OR NOISE, INCLUDING:
CHEMICALS AND ALLIED PRODUCTS
ELECTRONIC AND OTHER ELECTRIC EQUIPMENT
FABRICATED METALS PRODUCTS
FOOD AND KINDRED PRODUCTS
FURNITURE AND FIXTURES
INDUSTRIAL MACHINERY AND EQUIPMENT
INSTRUMENTS AND RELATED PRODUCTS
LEATHER AND LEATHER PRODUCTS(EXCEPTING CURING, TANNING, AND FINISHING OF HIDES)
LUMBER AND WOOD PRODUCTS
MOTOR FREIGHT TRANSPORTATION AND WAREHOUSING
NON-PUC TELECOMMUNICATIONS FACILITIES SUCH AS DIAL EQUIPMENT CENTERS AND SWITCHING STATIONS
PAPER AND ALLIED PRODUCTS
PETROLEUM AND COAL PRODUCTS
POTTERY & CERAMICS (USING ONLY PREVIOUSLY PULVERIZED CLAY
AND KILNS FIRED ONLY BY GAS OR ELECTRICITY)
PRIMARY METALS INDUSTRIES
RAILROAD TRANSPORTATION
RUBBER, PLASTIC AND MISCELLANEOUS PRODUCTS
SCIENTIFIC LABORATORIES DEVOTED TO RESEARCH, DESIGN, AND
EXPERIMENTAL OPERATION OF EQUIPMENT
SPORTING GOODS
STONE, CLAY AND GLASS PRODUCTS
TEXTILE MILL, APPAREL & OTHER TEXTILE PRODUCTS
TOBACCO PRODUCTS
TRANSPORTATION EQUIPMENT

COMMERCIAL USES SUCH AS THE FOLLOWING:	20,000	40%	80%	45	100	25‡	20	12	20	YES

ADMINISTRATIVE AND BUSINESS OFFICES
BANKS AND FIDUCIARY INSTITUTIONS
CONVENIENCE STORES WITH FUEL PUMPS
EMPLOYEE AGENCIES & SERVICES
LUMBER & BUILDING MATERIAL SUPPLY CENTER, RETAIL ONLY
NON-PUC TELECOMMUNICATIONS FACILITIES, SUCH AS DIAL EQUIPMENT CENTERS AND SWITCHING STATIONS. Lot size may be reduced to 2,500 square feet when on leased parcel. Structure may not be located in setback areas.
RADIO & TELEVISION STATIONS
RESTAURANTS

RETAIL AND WHOLESALE SALES AND SERVICES	50,000	40%	60%	35	150	40	25‡	15	35

VOCATIONAL & TRADE SCHOOLS
WAREHOUSE AND STORAGE FACILITIES
TELECOMMUNICATIONS TOWERS & ANTENNAS — PURSUANT TO PART 21 OF THIS ORDINANCE

§27-811
M-C MANUFACTURING/COMMERCIAL

ACCESSORY USES: (SEE PART 10, UNLESS OTHERWISE NOTED).

DRIVE-THRU SERVICES	PURSUANT TO §27-1004 OF THIS ORDINANCE								
ENTERTAINMENT	PURSUANT TO §27-1005 OF THIS ORDINANCE								
CONDITIONAL USES: ALL USES LISTED BELOW SHALL BE PURSUANT TO §27-1203 OF THIS ORDINANCE									
JUNKYARD	PURSUANT TO §27-1203(d) OF THIS ORDINANCE								
PUBLIC UTILITIES	PURSUANT TO §27-1203(e) OF THIS ORDINANCE								
TAVERNS, BARS, PUBS - SEE ALSO §27-1203(h)	4,000	50%	80%	35'	40'	15	15	12	20
SPECIAL EXCEPTION USES: ALL USES LISTED BELOW SHALL BE PURSUANT TO §27-1202 OF THIS ORDINANCE									
DAY CARE CENTERS	7,500	40%	80%	30'	50'	15	20	12	20
KENNELS	25,000	50%	80%	50'	125'	25	30	20	40
SWIMMING POOLS, PRIVATE OR PUBLIC	45,000	15%	50%	25	125	30	40	15	30

‡REQUIRED FRONT YARD MAY BE REDUCED TO TEN (10) FEET WHERE A LANDSCAPED BUFFER STRIP IS PROVIDED IN ACCORDANCE WITH §27-1401 OF THIS ORDINANCE.
†† SITE PLAN/FLOOR PLAN REQUIRED UNLESS OTHERWISE NOTED

§27-812
H-M HEAVY MANUFACTURING

PERMITTED USES:	MIN. LOT SIZE SQ. FT.	MAX. BLDG. COV.	MAX. LOT. COV.	MAX. HEIGHT	MIN. LOT WIDTH	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	COMBINED SIDE YARD SETBACK	REQ. SITE PLAN REVIEW††
ALL USES LISTED BELOW, UNLESS OTHERWISE NOTED	40,000	40%	60%	50	275	45‡	30	30		

NOTE: SEE §27-1106 REGARDING ADDITIONAL REQUIREMENTS AND PERFORMANCE STANDARDS

HEAVY MANUFACTURING, WAREHOUSING, TRANSPORTATION AND OTHER COMMERCIAL USES WHICH CREATE OR POSSESS OBJECTIONABLE ODORS, FUMES, DIRT, VIBRATIONS OR NOISE, INCLUDING: (AS LISTED IN THE STANDARD INDUSTRIAL CLASSIFICATION MANUAL ISSUED BY THE OFFICE OF MANAGEMENT AND BUDGET)

CHEMICALS AND ALLIED PRODUCTS
ELECTRONIC AND OTHER ELECTRIC EQUIPMENT
FABRICATED METALS PRODUCTS
FOOD AND KINDRED PRODUCTS
FURNITURE AND FIXTURES
INDUSTRIAL MACHINERY AND EQUIPMENT
INSTRUMENTS AND RELATED PRODUCTS
LEATHER AND LEATHER PRODUCTS
LUMBER AND WOOD PRODUCTS
MOTOR FREIGHT TRANSPORTATION AND WAREHOUSING
PAPER AND ALLIED PRODUCTS
PETROLEUM AND COAL PRODUCTS
PRIMARY METALS INDUSTRIES
RAILROAD TRANSPORTATION
RUBBER, PLASTIC AND MISCELLANEOUS PRODUCTS
STONE, CLAY AND GLASS PRODUCTS
TEXTILE MILL, APPAREL & OTHER TEXTILE PRODUCTS
TOBACCO PRODUCTS
TRANSPORTATION EQUIPMENT

OTHER USES:
LANDING AREA FOR A HELICOPTER, AUTOGYRO OR LIGHTER-THAN-AIR CRAFT, PROVIDED THAT SUCH LANDING AREA SHALL HAVE A LANDING AND OPERATIONAL AREA NOT LESS IN AREA AND DIMENSIONS THAN THE MINIMUM RECOMMENDED BY THE CIVIL AERONAUTICS ADMINISTRATION OR ANY OTHER

NON-PUC TELECOMMUNICATIONS FACILITIES, SUCH AS DIAL EQUIPMENT CENTERS AND SWITCHING STATIONS. Lot size may be reduced to 2,500 square feet when on leased parcel. Structure may not be located in setback areas.

RADIO & TELEVISION STATIONS
TELECOMMUNICATIONS TOWERS & ANTENNAS — PURSUANT TO PART 21 OF THIS ORDINANCE
VOCATIONAL & TRADE SCHOOLS

ALL USES NOT LISTED ELSEWHERE : DIMENSIONAL REQUIREMENTS SHALL BE DETERMINED BY THE ZONING ADMINISTRATOR BASED ON SIMILAR USES.

CONDITIONAL USES:

JUNKYARD — PURSUANT TO §27-1203(j) OF THIS ORDINANCE

‡REQUIRED FRONT YARD MAY BE REDUCED TO TEN (10) FEET WHERE A LANDSCAPED BUFFER STRIP IS PROVIDED IN ACCORDANCE WITH §27-1401 OF THIS ORDINANCE.
†† SITE PLAN/FLOOR PLAN REQUIRED UNLESS OTHERWISE NOTED

§27-813
P PRESERVATION ZONE

PERMITTED USES:	MIN. LOT SIZE SQ. FT.	MAX. BLDG. COV.	MAX. LOT. COV.	MAX. HEIGHT	MIN. LOT WIDTH	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	COMBINED SIDE YARD SETBACK	REQ. SITE PLAN REVIEW
GARDENS AND SIMILAR AREAS OF CULTIVATION	45,000	1%	10%	10'	125'	40	40	40		YES
PRIVATE GROVES OR SIMILAR RECREATION FACILITIES	45,000	2%	25%	10'	125'	40	40	40		YES
PUBLIC PARKS & PLAYGROUNDS	50,000	5%	25%	10'	125'	40	40	40		YES
PUBLIC WATER & SEWAGE TREATMENT FACILITIES	50,000	15%	25%	35'	125'	40	40	40		YES
PUBLIC WATER & SEWER DRAINAGE FACILITIES	50,000	15%	25%	25'	125'	40	40	40		YES

ACCESSORY USES· (SEE PART 10, UNLESS OTHERWISE NOTED).

GREENHOUSES — MAXIMUM 280 SQ. FT. NO COMMERCIAL USE

PARKING FACILITIES THAT ARE ACCESSORY TO THE PRINCIPAL USE LOCATED ON THE SAME LOT. THE PARKING LOT SHALL BE SCREENED BY VEGETATION IN SUCH A MANNER THAT IT CANNOT BE VIEWED FROM BEYOND THE LOT, EXCEPT THROUGH REQUIRED MEANS OF ACCESS.

STORAGE SHEDS, PAVILIONS — MAXIMUM 280 SQ FT.

§27-814
PENN SQUARE

	MIN. LOT SIZE SQ. FT.	MAX. BLDG. COV.	MAX. LOT. COV.	MAX. HEIGHT	MIN. LOT WIDTH	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	COMBINED SIDE YARD SETBACK	REQ. SITE PLAN REVIEW††
PERMITTED USES:										
DEPARTMENT STORES	12,000	80%	90%	60'	60	NONE	NONE	NONE	NONE	
MOVIE THEATRES	12,000	80%	90%	40'	60	NONE	NONE	NONE	NONE	
HOTEL OR MULTI-FAMILY APARTMENTS †*	7,200	80%	90%	60'	35	NONE	NONE	NONE	NONE	
PROFESSIONAL OFFICE BUILDINGS	12,000	80%	90%	60'	35	NONE	NONE	NONE	NONE	

NOTE: RETAIL USES SHALL NOT EXTEND INTO THE PUBLIC RIGHT-OF-WAY.
NOTE: DRIVE-THRU SERVICES NOT PERMITTED.

COMMERCIAL USES SUCH AS THE FOLLOWING:	2,500	80%	90%	40'	25	NONE	NONE	NONE	NONE	

APPAREL, HABERDASHERY, SHOE & JEWELRY STORES
BAKED GOODS, RETAIL ONLY
BANK & FIDUCIARY INSTITUTIONS
BARBER & BEAUTY SHOPS
DRUG STORES AND PHARMACIES
FITNESS & HEALTH CENTERS
FLOWER, CARD & GIFT SHOPS, CONFECTIONERY STORES
GENERAL MERCHANDISE, DISCOUNT, VARIETY & DRY GOODS STORES
HOME FURNISHINGS
OFFICE SUPPLY & STATIONERY STORES, BUSINESS & PRINTING SERVICES
PERFORMING ARTS FACILITIES
RESTAURANTS (EAT IN OR TAKE OUT), CAFES, DELICATESSENS, WITH ENTERTAINMENT
SPECIAL MERCHANDISE STORES SUCH AS NEWSSTANDS, BOOK, MUSIC & VIDEO STORES, TOBACCO SHOPS
SPORTING GOODS & TOY AND HOBBY STORES
TAVERNS, BARS, PUBS - SEE ALSO §27-1203(h)

ACCESSORY USES:	
AMUSEMENT DEVICES	PURSUANT TO §27-1010 OF THIS ORDINANCE
ENTERTAINMENT	PURSUANT TO §27-1005
RESIDENTIAL (UPPER FLOORS ONLY)	

†* RESIDENTIAL USES NOT TO OCCUPY FIRST FLOOR (STREET LEVEL)

PART 9

GENERAL PROVISIONS.

§27-901 Application to all Zoning Districts. The following regulations shall be applicable to all buildings, structures, uses and lots wherever situated.

§27-902 Limit of One Principal Use. No more than one (1) principal use shall be permitted on a lot, unless specifically permitted by this Ordinance. A principal use shall not be located in an accessory building or structure.

§27-903 Multiple Occupancy. Occupancy of a principal commercial or industrial building by more than one (1) use of similar type, as determined by the Zoning Administrator, is specifically allowed, provided that all other requirements of this Ordinance are satisfied. Each use within a multiple use building shall be required to apply for separate zoning permits.

§27-904 Side Yard Setback. Side yard setback distances for single family dwellings and legal nonconforming commercial buildings in the R-3 residential and C-N commercial neighborhood districts may be reduced to zero, when attached to abutting structure.

§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 right-of-way as specified in the City Topographical Survey.

§27-906 Emergency Access. Emergency access shall be provided by way of paved streets, alleys or sidewalks, at the front and rear of all buildings that have a width exceeding two hundred fifty (250) feet. No emergency access shall be located more than two hundred (200) feet from the building it services. If emergency access requirements are satisfied by constructing a sidewalk, such sidewalk shall be at least ten (10) feet wide and shall have a minimum radius of fifty (50) feet at turns and intersections.

§27-907 Frontage on Public Streets. No lot shall be created that does not contain the minimum required frontage (lot width) on a public street, except lots fronting on a cul-de-sac. No building, structure or use shall be utilized or occupied unless the lot upon which the building, structure or use is situated has the minimum required frontage (lot width) on a public street as specified in the tables in Part 8 of this Ordinance. Every building in which a dwelling unit is located shall have its own frontage on a public street as mentioned herein and without requiring travel in or around another lot, use or building. Townhouses or apartment complexes may abut private streets provided that such private streets are approved by the Department of Public Works.

§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. By administrative review by 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 one hundred (100) feet of the proposed building.

§27-910 Projections. Open porches may be placed in a required front yard and rear yard providing they do not extend for a distance of more than one-third (1/3) of the required front yard and/or rear yard area. An open or lattice enclosed fire escape or fireproof outside stairway may project into any yard not more than fifty (50%) percent of the distance from the building wall to the lot line. Drive-thru canopies shall conform to §27-1004 of this Ordinance.

§27-911 Church Spires. Church spires are exempt from any and all height limitations except those of the airport zones.

§27-912 Illumination. All illumination shall be subject to the following rules and regulations:

(a) No exposed reflective type bulb or incandescent lamp that exceeds fifteen (15) watts shall be used in a way that exposes the luminance to any public street or to the living area of any residential structure.

(b) No illumination utilized on private property shall transmit light of an intensity **in excess of five (5) foot candles** onto any abutting property.

§27-913 Shade Tree Requirement. A minimum of one shade tree per newly constructed residential and/or commercial unit shall be required in addition to any stipulations set forth by the City Shade Tree Commission and City Subdivision and Land Development Ordinance regarding the planting of shade trees.

§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 Zoning Ordinance shall yield to the use, height, bulk and area controls, and other such controls contained within this Zoning Ordinance, 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. 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. This subsection shall extend to municipal corporations or authorities which are carrying on functions of the Commonwealth of Pennsylvania or the United States or which are acting pursuant to a mandate of either. It shall also extend to any public corporation or authority created by the Commonwealth o Pennsylvania or the United States to carry out the functions of either and to any public corporation or authority acting pursuant to a mandate of either the Commonwealth of Pennsylvania or the United States. In the event that there are no urban renewal parcel controls specified, the zoning district standards established in this Ordinance shall apply.

PART 9

GENERAL PROVISIONS.

§27-901 Application to all Zoning Districts. The following regulations shall be applicable to all buildings, structures, uses and lots wherever situated.

§27-902 Limit of One Principal Use. No more than one (1) principal use shall be permitted on a lot, unless specifically permitted by this Ordinance. A principal use shall not be located in an accessory building or structure.

§27-903 Multiple Occupancy. Occupancy of a principal commercial or industrial building by more than one (1) use of similar type, as determined by the Zoning Administrator, is specifically allowed, provided that all other requirements of this Ordinance are satisfied. Each use within a multiple use building shall be required to apply for separate zoning permits.

§27-904 Side Yard Setback. Side yard setback distances for single family dwellings and legal nonconforming commercial buildings in the R-3 residential and C-N commercial neighborhood districts may be reduced to zero, when attached to abutting structure.

§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 right-of-way as specified in the City Topographical Survey.

§27-906 Emergency Access. Emergency access shall be provided by way of paved streets, alleys or sidewalks, at the front and rear of all buildings that have a width exceeding two hundred fifty (250) feet. No emergency access shall be located more than two hundred (200) feet from the building it services. If emergency access requirements are satisfied by constructing a sidewalk, such sidewalk shall be at least ten (10) feet wide and shall have a minimum radius of fifty (50) feet at turns and intersections.

§27-907 Frontage on Public Streets. No lot shall be created that does not contain the minimum required frontage (lot width) on a public street, except lots fronting on a cul-de-sac. No building, structure or use shall be utilized or occupied unless the lot upon which the building, structure or use is situated has the minimum required frontage (lot width) on a public street as specified in the tables in Part 8 of this Ordinance. Every building in which a dwelling unit is located shall have its own frontage on a public street as mentioned herein and without requiring travel in or around another lot, use or building. Townhouses or apartment complexes may abut private streets provided that such private streets are approved by the Department of Public Works.

§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. By administrative review by 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 one hundred (100) feet of the proposed building.

§27-910 Projections. Open porches may be placed in a required front yard and rear yard providing they do not extend for a distance of more than one-third (1/3) of the required front yard and/or rear yard area. An open or lattice enclosed fire escape or fireproof outside stairway may project into any yard not more than fifty (50%) percent of the distance from the building wall to the lot line. Drive-thru canopies shall conform to §27-1004 of this Ordinance.

§27-911 Church Spires. Church spires are exempt from any and all height limitations except those of the airport zones.

§27-912 Illumination. All illumination shall be subject to the following rules and regulations:

(a) No exposed reflective type bulb or incandescent lamp that exceeds fifteen (15) watts shall be used in a way that exposes the luminance to any public street or to the living area of any residential structure.

(b) No illumination utilized on private property shall transmit light of an intensity **in excess of five (5) foot candles** onto any abutting property.

§27-913 Shade Tree Requirement. A minimum of one shade tree per newly constructed residential and/or commercial unit shall be required in addition to any stipulations set forth by the City Shade Tree Commission and City Subdivision and Land Development Ordinance regarding the planting of shade trees.

§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 Zoning Ordinance shall yield to the use, height, bulk and area controls, and other such controls contained within this Zoning Ordinance, 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. 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. This subsection shall extend to municipal corporations or authorities which are carrying on functions of the Commonwealth of Pennsylvania or the United States or which are acting pursuant to a mandate of either. It shall also extend to any public corporation or authority created by the Commonwealth o Pennsylvania or the United States to carry out the functions of either and to any public corporation or authority acting pursuant to a mandate of either the Commonwealth of Pennsylvania or the United States. In the event that there are no urban renewal parcel controls specified, the zoning district standards established in this Ordinance shall apply.

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 primary 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 zone in which situated.

(b) Accessory buildings, structures or uses shall not be located between the primary building structure or use and any street right-of-way.

(c) Residential sales offices are permitted accessory uses, but such uses must be removed upon the sale of the last onsite residential unit offered for sale.

(d) All in-ground swimming pools, as defined in §27-2202, shall conform to all requirements as a structure for the zone in which situated. All aboveground pools must be situated in rear yards so as to provide a minimum of three (3) feet open space area around the entire perimeter of the pool.

(e) In-ground pools as defined and regulated in Article 1121 of the City of Reading Codified Ordinances shall be included in computing lot coverage.

(f) Human habitation in accessory buildings is prohibited.

§27-1002 Garages. The following shall apply to private garages situated in rear yard setback areas of lots upon which a dwelling has been erected previous to the enactment and not meeting the requirements of this Ordinance:

(a) The accessory garage structure shall not exceed twenty (20) feet in height.

(b) Garages and carports shall not exceed five hundred (500) square feet in size.

(c) Garages shall be no closer than two (2) feet to any property line.

§27-1003 Storage Sheds and Greenhouses. Storage sheds and greenhouses shall not exceed two hundred eighty (280) square feet in size and ten (10) feet in height; and animal shelters shall not exceed fifteen (15) square feet in size.

§27-1004 Drive-Thru Service Lanes and Canopies. The following shall apply to drive-thru service lanes and canopy structures:

(a) Drive-thru lane or canopy shall only be located in side yard or rear yard setback areas.

(b) No drive-thru lane or canopy shall be situated less than two (2) feet from any lot line.

(c) A drive-thru lane or canopy situated adjacent to a residential property shall be no less than ten (10) feet from the lot line, with a buffer strip ten (10) feet in width and screening provided accordance with §27-1401 of this Ordinance.

(d) No canopy shall be less than eight (8) feet six (6) inches above grade.

(e) All signage except clearance or directional signs are prohibited from canopies.

§27-1005 Entertainment (as an accessory use) Entertainment may be permitted as an accessory use in the R-3, R-O, C-C, C-R, C-N, C-H and M-C zoning districts, as well as the Penn Square overlay zone, provided that the use meets the following requirements.

(a) The primary use shall be a permitted, Special Exception or legal non-conforming use.

(b) No establishment shall have more than four (4) performances per week (Monday thru Sunday).

(c) All performances in the R-3, R-O, C-R and C-N zoning districts shall begin no earlier than 7:00 a.m. and terminate no later than 12:00 a.m. and be limited to Friday, Saturday and/or Sunday.

§27-1006 Home Computer/Internet Occupations. Computer/Internet businesses are permitted as accessory uses in any residential zoning district provided said use meets the following requirements. For the purpose of this

Ordinance Computer/Internet businesses are home based businesses involving the use of computers and/or the internet, conducted entirely within a dwelling unit by members of the family residing therein, which is clearly secondary to the residential use of the dwelling, does not change the residential character thereof, and requires no parking for patrons and employees.

(a) The home business shall be conducted entirely within the principal building and shall not exceed twenty percent (20%) of the total habitable floor area.

(b) No exterior alterations of the principal structure shall be permitted.

(c) No advertising display shall be permitted other than a name plate, which shall not exceed one and one half (1.5) square feet. The name plate shall not be internally illuminated.

(d) No display, sale, storage or transfer of goods or services in connection with the computer business shall be permitted.

(e) Only members of the family living within the residence shall be permitted to conduct the home business.

§27-1007 Home Crafts. Home crafts are permitted as an accessory use in any residential zoning district provided said use meets the following requirements:

(a) The home craft use shall be conducted entirely within the principal building and shall not exceed twenty percent (20%) of the total habitable floor area.

(b) No interior or exterior alterations of the principal structure shall be permitted.

(c) No advertising display shall be permitted other than a name plate, which shall not exceed one and one-half (1.5) square feet.

(d) No display of goods shall be permitted.

(e) No commodities shall be sold at the home.

(f) The craft shall not generate noise, odors, smoke or other nuisances discernible from the exterior of the dwelling or from a contiguous dwelling unit.

(g) Only members of a family living within the principal structure shall be permitted to conduct the home craft.

(h) Commercial vehicles connected with the home craft may be parked or stored on the site, unless such vehicles contain signs, advertising displays or other business markings.

§27-1008 Off-Premise Parking Areas. Off-premise, off-street parking areas shall be permitted in the R-3 and C-R zoning districts as accessory to legal nonconforming or special exception uses provided the design and construction of the parking area complies with the standards set forth in §27-1602 of this Ordinance. 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. No commercial vending machine(s) shall be permitted in front of or on any residential property located in any zoning district within the City limits. Vending machines, which for the purpose of this Ordinance, shall include, but not be limited to, soft drink and snack machines, newspaper and similar "honor" boxes, and pay telephones, shall not occupy more than 25 % of the sidewalk width in the public right-of-way.

§27-1010 Video and Other Entertainment Devices. Amusement devices shall be permitted as accessory uses to public and private eating establishments at a ratio of one (1) amusement device per four hundred (400) square feet of customer service area. For the purpose of this section, kitchens, storage areas, restrooms, office areas and passageways shall not be included in computing customer service area. Each public and private eating establishment, regardless of its size, shall be permitted at least two (2) amusement devices. No amusement device shall be audible beyond the premises within which it is located. Amusement devices shall not be permitted in establishments providing take-out service only,

§27-1011 Yard and Garage Sales. Yard and garage sales are permitted in residential zones provided the following requirements are met:

(a) Yard and garage sales in residential zones shall not exceed one (1) in any three (3) month period, nor exceed a total of four (4) sales annually per property. Properties where sales are held more frequently than once per three (3) month period or in excess of four (4) per year shall be deemed commercial uses, thereby requiring Zoning Hearing Board approval;

(b) Each yard and garage sale may not extend beyond a two consecutive day period;

(c) Hours of operation shall be between 8:00 a.m. and 6:00 p.m.; and

(d) At no time shall any part of the sale activity obstruct the public right of way.

PART 11

ADDITIONAL REQUIREMENTS FOR SPECIFIC USES OR ZONING DISTRICTS

§27-1101 Mid-Rise or Garden 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) Notwithstanding any other provision in this Ordinance, the 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 Ordinance.

(c) No dwelling units shall be constructed, erected or established that are fifty percent (50%) below 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
Efficiency or Studio	400
One Bedroom	550
Two Bedroom	700
Base Apartment Unit	800
Three Bedroom	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 seventy (70) feet in length, unless making an angle turn or having an offset of at least five (5) feet within each seventy (70) feet of length.

(g) A strip of land at least five (5) feet in width surrounding each building shall be kept completely open except for foundation plantings. 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 (3) or more sides by the wings of a single building or by the walls of separate buildings shall have a minimum court width of two (2) feet for each one (1) foot in height of the tallest adjacent on-site building.

(i) 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 twenty (25) feet from the nearest dwelling structure.

(j) Every building shall have a minimum setback of ten (10) feet from any and all interior roads, driveways and parking areas and twenty-five (25) feet from any other building.

(k) A ten (10) foot wide buffer strip with screening shall be provided along all apartment property lines.

(l) Minimum of ten percent (10%) of the total tract area, exclusive of the required yards, buffer strips and parking areas, shall be designated for passive recreational purposes. No recreational area shall be less than 4,000 square feet in area and less than forty (40) feet in width.

(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 on-site utility services shall be installed below ground level.

§27-1102 High Rise Apartments. When permitted, high 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 (g) hereof. Any dwelling unit which, pursuant to this section, is constructed with less habitable floor area than that required by subsection (g), 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) Notwithstanding any other provision in this Ordinance, the 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 Ordinance.

(c) 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.

(d) There shall be no dwelling located below the ground floor unless there is a seven (7) foot or more differential in grade between the front, rear or any side of the building.

(e) Each dwelling unit shall contain complete kitchen, toilet, bathing and sleeping facilities.

(f) Dwelling units shall have minimum habitable floor areas as follows:

Apartment	Square Feet
Efficiency or Studio	400
One Bedroom	550
Two Bedroom	700
Base Apartment Unit	800
Three Bedroom	850

(g) Storage space having a minimum of fifty (50) square feet and no less than five (5) feet in height shall be provided in each building for each apartment in addition to the habitable floor area requirement.

(h) Sufficient laundry, drying, garbage pick-up and other utility areas shall be provided and screened according to §27-1401.

(i) Courtyards bounded on three (3) or more sides by the wings of a single building or by the walls of separate buildings shall have a minimum dimension of one (1) foot for each two (2) feet in height of the tallest adjacent on-site building.

(j) A high rise apartment shall not be located within thirty (30) feet of any accessory structure or fifty (50) feet of any building which contains dwelling units.

(k) No high rise apartment shall be located less than twenty (20) feet from any interior road, driveway or parking area.

(l) A fifteen (15) feet wide buffer strip with landscaping shall be maintained on all high rise apartment property boundary lines.

(m) Accessways shall be limited to two (2) per development, plus one (1) additional accessway for each one hundred fifty (150) feet of street frontage.

(n) Ten percent (10%) of the tract as approved by the Planning Commission shall be designed and used for functional recreational purposes.

(o) All on-site utility services shall be installed below grade.

§27-1103 Height Requirements for Specific Uses in the C-C Zone. Office buildings, high-rise apartment structures, civic centers and hotels are subject to the following height requirements:

(a) Structures adjacent to any right of way greater than eighty feet (80') in width may have a maximum height limitation of eight (8) stories or one hundred feet (100')

(b) Structures adjacent to any right of way eighty feet (80') or less in width shall have a maximum height limitation of six (6) stories or eighty feet (80')

(c) Structures may be increased in height up to fifteen (15) stories or one hundred seventy-five (175) feet, provided that any additional floors located above the maximum building height established in Sections (a) or (b) hereof are stepped back from any adjacent property line at a distance of one (1) foot for every two (2) feet of increased vertical height.

§27-1104 Manufactured Home Parks. Manufactured home parks may be permitted in the M-C manufacturing-commercial district and shall conform to the following:

(a) All manufactured home parks shall contain a minimum of five (5) acres.

(b) Each lot in an approved manufactured home park shall contain a minimum of 2,500 square feet.

(c) The maximum density in each manufactured home park shall not exceed twelve (12) manufactured homes, travel trailers, house trailers or mobile offices per acre.

(d) All manufactured home parks shall provide safe and convenient vehicular access from abutting public streets to each manufactured home lot.

(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 twenty (20) feet.

(2) All cul-de-sac streets shall conform to the criteria set forth in the City Subdivision and Land Development Ordinance.

(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 manufactured homes, house trailers, travel trailers and mobile offices shall be connected to this system.

(h) The installation of electrical, telephone and television cable service lines shall be provided for in approved underground conductors. All transformers related to these services shall be installed flush with grade level or below, or adequately screened.

(i) Each manufactured home park shall provide fire hydrants within two hundred fifty (250) feet of each grouping of twelve (12) manufactured homes, travel trailers, house trailers or mobile offices. These hydrants shall be at a capacity and pressure approved by the Department of Public Works and the Reading Area Water Authority. The requirements of this section shall apply to service buildings, recreation or other service buildings in the park.

(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 (10%) of all manufactured home parks, exclusive of rights-of-way, shall be dedicated to open space.

(l) Each manufactured home lot shall be provided with a minimum of two (2) off-street parking spaces.

§27-1105 Motor Vehicle Service Stations, Specialized Auto Service Shops, and Car Washes. Motor vehicle service stations and specialized auto service shops that sell and install specialized auto products such as tires, batteries, mufflers, transmissions and other accessories may be permitted in all C-H zones. When permitted, the following standards shall be met along with any other requirements deemed necessary:

(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 outside of an enclosed building.

(c) Where such uses abut another property in a zone where such use is a legal non-conforming use, there shall be a screened buffer strip not less than ten feet in width. Buffer strips and screening shall be in accordance with §27-1401of this Ordinance.

(d) The entire area of the site traveled by motor vehicles shall be paved.

(e) Two off-street parking spaces shall be provided for each service bay, exclusive of pump areas or travel lanes, for motor vehicle service stations and specialized auto service shops.

(f) For motor vehicle service stations, accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans and/or anti-freeze and similar products may be displayed on the respective island if provided for in a suitable metal stand or rack. No accessory goods may be sold or displayed out-of-doors at specialized auto service shops or car washes.

(g) No motor vehicle service station or public garage shall be located nearer than 500 feet from any school, library, hospital or church. This is to maintain a safety zone in order to reduce the adverse effects of such activities on the above mentioned institutions.

§27-1106 Additional Requirements and Performance Standards for Permitted Uses in the M-C and H-M zoning districts.

(a) A minimum of twenty percent (20%) in the M-C district and forty percent (40%) in the H-M district of the lot shall be devoted to lawn, planting or other landscaping. 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) Buffer strips, twelve (12) feet wide in M-C zones and twenty-five (25) feet wide in H-M zones, and screening shall be provided in every case where an industrial use abuts a residential use in an M-C zone or a residential and/or a commercial use in an H-M zone.

(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 zone.

(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.

PART 12

PROVISIONS FOR SPECIAL EXCEPTION AND CONDITIONAL USES

§27-1201 General Criteria and Limitations. No conditional or special exception use shall be permitted if it:

(a) Substantially increases traffic congestion in the streets.

(b) Adversely impacts the public safety.

(c) Creates an undue concentration of population.

(d) Impairs an adequate supply of light and air to adjacent property.

(e) Unduly burdens public facilities and infrastructure.

(f) Is detrimental to the appropriate use of adjacent property.

(g) Endangers the safety of persons or property by improper location or design of facilities for ingress or egress.

(h) Otherwise adversely affects the public health, safety, morals or general welfare.

§27-1202 Conditions for Special Exception Uses.

(a) **Adaptive Reuse**. Industrial or manufacturing buildings may be converted to residential use in the R-2 and R-3 districts or residential or office uses in the R-O, C-R, 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 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) The conversion shall have minimum floor area committed to residential use which conform to the following schedule:

Apartment	Square Feet
Efficiency or Studio	400
One Bedroom	550
Two Bedroom	700
Base Apartment Unit	800
Three Bedroom	850

(3) For each dwelling unit, there shall be a minimum of one (1) parking spaces on-site. Parking requirements for office uses shall conform to the requirements of §27-1603 of this Ordinance.

(4) Documents indicating to the Zoning Hearing Board's satisfaction that all plumbing, heating and electrical equipment, parking and facilities are adequate and appropriate for the proposed use.

(b) **Bed and Breakfast**. A bed and breakfast use may be permitted as a special exception in the R-1A, R-1, R-2, R-3, and R-O 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 (4) persons may occupy one (1) rental unit.

(2) At least one (1) bathroom shall be provided for each two (2) guest rooms in addition to at least one (1) bathroom provided for the principal residential use.

(3) Dwellings that are converted must maintain the appearance of a single family detached 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) Except as may be necessary for purposes of safety in accordance with the preceding paragraph, there shall be no major structural change in the exterior of the building in connection with the bed and breakfast use. After conversion to such use, the building shall maintain the appearance of a single family dwelling.

(5) There shall be no use of advertising visible from outside the premises except a single non-illuminated sign no larger than six (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 carried on by members of a family who must reside on the premises.

(7) There shall be no separate cooking facilities in any guestroom. Restaurant facilities are not permitted in a residential zone.

(c) **Cemeteries.** Cemeteries shall be permitted as a special exception in the R-2 and R-3 residential districts provided that the following standards are met and any other requirements as are deemed necessary by the Zoning Hearing Board.

(1) The use shall meet all dimensional standards in §27-803 and §27-804.

(2) Cemeteries may include mausoleums, crypts and tombs above and below ground level.

(3) A landscaped buffer shall comply with §27-1401 of this Ordinance.

(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, may be permitted as a special exception use in the R-2, R-3, and C-R zoning districts provided that the following standards are met and any other requirements as are deemed necessary by the Zoning Hearing Board.

(a) There may be permitted up to six (6) children in Family Child Day Care Homes, and up to six (6) adults in Adult Day Care Homes.

(b) 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 §27-800 of this Ordinance.

(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, and Group Child Care Homes may be permitted in the R-3, R-PO, C-C, C-R, and M-C zones as special exception use, provided that the following standards are met and any other requirements deemed necessary by the Zoning Hearing Board.

(a) There may be permitted seven (7) or more children in a Child Day Care Center, seven (7) or more adults in an Adult Day Care Center, and between seven (7) and sixteen (16) children in a Group Child Care Home.

(b) 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 Chapter 27, Part 8 of this Ordinance.

(3) The following standards are for all Day Care Facilities.

(a) A statement setting forth the full particulars on the operation to be conducted within the structures, and to include the approvals of the Pennsylvania Departments of Health, Labor and Industry, State and Public Welfare, Human Relations Commission as well as to Title VI of the Civil Rights Act of 1964, shall be filed with the Zoning Administrator.

(b) There shall be provided off-street parking for all vehicles used directly in the operation of such, plus one (1) 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.

(f) **Educational Facilities.** Public or Private Schools for day students, grades K-12 may be permitted in the R-2 and R-3 residential zones, and colleges or universities, with or without boarding students housed in dormitories, may be permitted in the R-2, R-3, C-C, C-H, C-R, and M-C zones as special exception uses, provided that the following standards are met and any other requirements as are deemed necessary by the Zoning Hearing Board. Educational uses such as, but not limited to, nursery schools, trade or business schools, secretarial schools, beautician schools and drafting schools for day students only shall be permitted uses in the C-C, C-H, C-R, and M-C zones.

(1) A detailed plot and complete set of architectural plans, drawn to scale, indicating the location and intended 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 pupil capacity of such buildings and the contemplated eventual

enrollment of the school.

(2) The following off-street parking requirements shall apply:

(a) Elementary, Middle, and Junior High Schools shall provide on premise, one off-street parking space for each staff member and/or employee, and adequate space for buses and delivery vehicles

(b) All other schools or institutions of learning shall provide on premise, one (1) off-street parking space for every fifteen (15) classroom seats. These requirements may be increased if, in judgement of the Zoning Hearing Board and/or the Planning Commission, the unavailability of bus service, the particular locations or a relatively high percentage of pupils driving or anticipating to be driving cars to school make increased requirements desirable.

(3) No driveway shall open onto a public street within fifty (50) feet of an intersection of two public streets.

(4) Illumination for night athletic activities shall be shielded from illuminating residential areas.

(f) **Game Room.** Game Rooms may be permitted in the C-H commercial highway district provided that the following standards are met and any other requirements as are deemed necessary by the Zoning Hearing Board.

(1) No Game Room shall be located within five hundred (500) feet of another game room or an adult business, church, school, park or recreation facility.

(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.

(h) **Home Occupations.** Home occupations shall be permitted by special exception in any residential zoning district provided that the use meets the following standards along with any other requirements deemed necessary by the Zoning Hearing Board.

(1) Home occupations shall be professional or service businesses similar to those listed in §27-806, and be the primary residence of the business's principal.

(2) The use shall be conducted entirely within the principal building and shall not exceed twenty-five percent (25%) of the total habitable floor area of the building.

(3) No more than two (2) employees who are not permanent residents of the principal structure shall be employed to work at the site.

(4) No advertising display shall be permitted other than a name plate, which shall not exceed one and one-half (1.5) square feet.

(5) Two (2) off-street parking spaces shall be provided for visitors, and one (1) off-street parking space for employees, in addition to those available for the residential use.

(6) No commercial vehicles connected with the home profession shall be parked or stored on the site in any residential zone.

(7) Home Occupations such as Notary Public, insurance, tax preparation, and similar uses, where the sole employee is an occupant of the residence, shall provide one (1) off-street parking space for visitors.

(i) **Hospitals, Philanthropic and Eleemosynary Uses.** Hospitals, philanthropic and eleemosynary uses may be permitted as special exception uses in the C-R and R-3 zones provided that the following standards are met along with any other stipulations set forth by the Zoning Hearing Board.

(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) The structure or use will serve a useful purpose to the general welfare of the City and will not be detrimental to surrounding property.

(3) Lot area sufficient to meet the needs of the particular type of institution shall be provided. However, such lot area shall not be less than that required for the applicable zone in §27-804 and §27-809 of this Ordinance. No structure shall be erected nearer than fifty (50) feet of any street line nor nearer than thirty (30) feet of any property line; and all other requirements as set forth in this Ordinance for the zone in which it is to be located shall be observed.

(4) Buffer strips as required by §27-1401 shall be provided.

(j) **Kennels.** Kennels shall be permitted in the M-C zone by special exception provided that the following conditions are met in addition to any stipulations set forth by the Zoning Hearing Board:

(1) No kennel shall be situated within 1000 feet of a residential property.

(2) A valid Kennel License shall be secured from the Pennsylvania Department of Agriculture for all facilities with more than twenty-six (26) dogs.

(k) **Parks, Playgrounds, Tennis Courts and Public Buildings.** Public buildings, parks, playgrounds, and tennis courts operated by the Federal, State or local government or non-profit organizations where permitted as-special exception uses shall meet the following standards in addition to any stipulations set forth by the Zoning Hearing Board.

(1) A statement setting forth full particulars on the operation of the use. If applicable, a complete list of the proposed charter membership including the names and resident addresses shall be filed.

(2) The proposed use is a bona-fide governmental agency or 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 are 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.

(l) **Pawn Shops.** Pawn Shops may be permitted in the C-C and C-H commercial zones by special exception, 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.

(l) **Places of Worship.** Places of worship may be permitted in the R-1, R-2, R-3, R-O and R-PO residential zones, and C-C, C-R and C-H commercial zones by special exception only, provided that the following standards are met and any other requirements as are deemed necessary by the Zoning Hearing Board.

(1) The proposed use is a bona fide nonprofit religious use.

(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 such place of worship front on a minor street as defined in Part 2 of the City Subdivision and Land Development Ordinance.

(4) There shall be provided one (1) off-street parking space per four (4) seats or one (1) space per ten (10) lineal feet of pews.

(5) No place of worship shall be located in the Penn Square Zone or front on Penn Street.

(m) **Private Surface Parking Facilities (Lot or Structure)** Private surface parking facilities ~~are~~ may be permitted in all commercial zones and the R-O zone as a special exception, provided said uses meet the following standards and any other requirements deemed necessary by the Zoning Hearing Board.

(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 a wheel block securely anchored into the ground 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 Ordinance.

(7) All surface parking facilities shall meet the design and construction standards set forth in §27-1602 of this Ordinance.

(o) **Swimming Pools, Public & Quasi-Public.** Swimming Pools owned and operated by the City of Reading, swimming pool associations, or a social club as defined in §27-2202 may be permitted as a special exception use in R-2, R-3 and M-C zoning districts provided that the following standards are met and any other requirements as are deemed necessary by the Zoning Hearing Board.

(1) A statement setting forth full particulars on the operation and a complete list of the proposed charter membership including the names and resident addresses shall be filed.

(2) Sufficient landscaping including trees, shrubs, and lawn are 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 permitted as a special exception in the C-H, M-C and H-M zones provided they meet the standards outlined in Part 21 of this Ordinance in addition to any stipulations set forth by the Zoning Hearing Board.

§27-1203 Conditions for Conditional Uses.

(a) **Adult Businesses.** Adult businesses may be permitted as a conditional use in the C-H, Commercial Highway Zone, provided the following standards are met along with any other stipulations set forth by Council:

(1) Adult businesses shall include, but not be limited to, book and video stores, movie theaters, cabarets, and massage parlors.

(2) No adult business shall be established within one thousand (1000) feet of an church, school, day care or residential care facility, park, playground, recreational facility, game room, or existing adult business,

(3) No material that may be deemed offensive to the general public shall be visible from the outside of the premises.

(b) **Boarding, Rooming and Lodging Houses.** Boarding Houses may be permitted as conditional uses in the C-R zone, provided, that the following conditions are met in addition to any stipulations set forth by 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 (1) 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 the Zoning Hearing Board 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 one hundred and fifty (150) square feet of floor area and may be occupied by one (1) person. In every rooming unit, the bedroom thereof shall contain at least seventy (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 (1) 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.

(c) **Bottle Clubs.** Bottle clubs may be permitted as a conditional use in the C-H, Commercial Highway Zone, provided the following standards are met along with any other stipulations set forth by Council.

(1) Parking requirements shall be met as set forth in §27-1603 of this Ordinance.

(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) The club shall not be located within 1000 feet of any school, church, day or residential care facility, municipal park, playground, recreation facility, adult business, game room or other bottle club.

(d) **Conversions.** Single family attached or detached dwelling units and two-family attached or detached dwelling units may be converted to more intense residential uses in the R-3 and R-O residential zoning districts, provided the following requirements are met as well as any other requirements identified by City Council.

(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	400
One Bedroom	550
Two Bedroom	700
Base Apartment Unit	800
Three Bedroom	850

(3) For each dwelling unit, there shall be a minimum one and one-half (1.5) off-street parking spaces per unit.

(4) Documents indicating to the Board's satisfaction that all plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use.

(e) **Junkyards.** Junkyards may be permitted as conditional uses in the H-M zone, provided, that the following conditions are met in addition to any stipulations set forth by Council.

(1) All junkyards shall establish and maintain a fifty (50) foot wide buffer strip in accordance with §27-1401 of this Ordinance. 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 Ordinance, 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.

(f) **Public Utilities.** Public utility uses such as dial equipment centers, high voltage transmission lines, towers and substations (but not including service storage yards), may be permitted as conditional uses by Council approval in the R-3, R-O, C-R, C-H, M-C and H-M zones, provided that the following standards are met.

(1) The use shall be licensed by the Pennsylvania Public Utilities Commission.

(2) The proposed installation in a specific 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 ten (10) feet in width and screening are provided and shall be continually maintained in accordance with Part 14 of this Ordinance.

(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.

(g) **Residential Care Facility.** Residential Care Facilities, which shall include Group Care Facilities and Group Care Institutions, may be permitted in the R-3 zoning district as a conditional use, provided that the following standards are met along with any other requirements deemed necessary by City Council. Group care facilities shall be permitted in the R-2 and C-R zoning districts by conditional use.

(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 eight hundred (800) feet of another group care facility, group institution, school, day care home, or day care center.

(c) One (1) 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 (1) space for each four (4) 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 social service agency 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.

(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 ten (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 (2) 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.

(3)The following standards are for all Group Care Institutions.

(a) 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.

(b) 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.

(c) At least one (1) supervisor shall be on call during all hours during which any resident of the group institution is on the premises.

(d) The dwelling unit shall not be altered in any manner that would change the original dwelling unit character of the group institution.

(h) **Taverns, Bars, and Pubs.** Taverns, bars, and pubs may be permitted in the C-C, C-R, C-N, R-O and M-C zoning districts by conditional use, provided that the following conditions are met in addition to any stipulations set forth by the City Council:

(1) For the purpose of this Ordinance, taverns, bars and pubs are reputable, PLCB licensed establishments designed primarily for the on-site consumption of alcoholic beverages by consenting adults.

(2) In addition to taverns, bars and pubs the use may include, but not be limited to, beer gardens, cocktail lounges, saloons, and taprooms. A nightclub, where entertainment is the primary use, shall not be included in this definition.

(3) Except in the C-C district, no tavern, bar or pub shall be located within 500 feet of another Tavern, Bar or Pub or other PLCB licensed establishment.

(4) Except in the C-C district, no tavern, bar or pub shall be located within 1000 feet of a school, church, playground, hospital, day care facility, residential care facility or charitable institution.

(5) All taverns, bars and pubs shall hold a valid license for the premise in which the establishment is located.

(6) All taverns, bars and pubs, unless the establishment holds an EHF license, shall only operate between the hours of 7:00 a.m. and 2:30 a.m. the following day.

(7) No tavern, bar or pub shall contain less than 300 square feet of usable floor area.

(8) Entertainment shall be permitted as an accessory use.

(9) All taverns, bars and pubs shall comply with all state and local codes regulating such Establishments.

PART 13

FENCES AND WALLS

§27-1301 Permit. No fence, wall or similar structure shall be erected without first obtaining a permit from the Zoning Administrator.

§27-1302 Maximum Height. Fences, walls or similar structures exclusive of ornamentation shall not exceed six (6') feet in height in any zone except the manufacturing districts. Ornamentation shall not consist of any continuous feature that effectively extends the overall height of the fence or wall.

(a) Fences in manufacturing districts shall not exceed eight (8') feet in height if the property on which the fence is to be located immediately abuts a residential zone or a residential use.

§27-1303 Required Sight Triangle. On a corner lot, no fence, wall, fence-like or wall-like structure shall be erected or permitted which exceeds a height of thirty (30") inches above the elevation of the intersecting streets and is located within a sight triangle measured seventy-five (75') feet from the point of intersection of the centerlines.

§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 zone, associated with a residential use, or abuts a residential property; is located in the C-N, R-O, and R-PO zones; or is located in a front yard area or abuts a street (as defined in Part 2 of the City of Reading Subdivision and Land Development Ordinance) in the C-C and C-R zones;

(2) When the barbed wire would be located less than six (6) feet above grade,

(3) When the barbed wire would extend beyond the exterior facade of the fence, wall or similar structure;

(4) When the fence, wall, or similar structure is not properly buffered in accordance with §27-1401 of this Ordinance;

(b) Fabric.

(c) Electrically charged fences.

(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 BOCA requirements.

(f) Razor wire.

§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 districts.

§27-1306 Exceptions. The foregoing restrictions shall not be applied to prevent the erection of an open wire fence around public park, public playground or public school properties. These restrictions shall not be applied as to restrict the erection of a wall for the purpose of retaining earth.

PART 14

BUFFER STRIPS AND SCREENING

§27-1401 General. Where required, buffer strips shall:

(a) Be established and maintained on all lot lines, except when the lot is used for single family detached dwellings, semi-detached dwellings and townhouses unless these uses are erected adjacent to an existing non-conforming use.

(b) Be free from buildings, structures, accessory buildings, signs, driveways, parking areas, outdoor storage areas, recreation facilities and all activity areas.

(c) Be landscaped with trees, shrubs, plants or grass lawns.

(d) Be at least ten (10) feet in width or the minimum required depth for a yard setback.

§27-1402 Screening. Screening shall be provided and maintained in all buffer strips so as to provide a visual and/or partial acoustical barrier to conceal the view or sounds of various utilitarian operations and uses from the street or adjacent properties. All utilitarian areas such as delivery and service areas, outdoor storage areas, and waste disposal storage and pick-up areas for apartments, business uses and industrial uses shall be screened. Screening, where required, shall consist of any of the following:

(a) Dense hedges of shrubbery or evergreens at least four (4) feet in height, planted thirty (30) inches on center in a single row or five (5) feet on center in two (2) staggered rows and vegetation must mature to a minimum height of six feet and at no time shall be trimmed to less than four (4) feet of height.

(b) A fence at least sixty percent (60%) solid, uniformly painted.

(c) A fence of a durable wooden material not less than six (6) feet in height above grade and open to the ground to a height of not more than four (4) inches above grade.

(d) A solid masonry wall not less than four (4) feet or more than six (6) feet in height.

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 storm water runoff measures must be approved by the Department of Public Works and the 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.

§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 and be constructed to Department of Public Works standards.

(b) Driveways in residential zones and/or for residential uses shall not be less than forty (40) feet from any street intersection, measured from the point of intersection of the respective curblines, nor more than fifteen (15) feet from any alleyway intersection.

(1) Residential driveways shall not be less than eight (8) feet or more than fourteen (14) feet in width at the curbline.

(2) Commercial driveways for two-way traffic shall be twenty (20) feet in width.

(c) Driveways in commercial or manufacturing zones shall be no closer than fifty (50) feet to the nearest curbline intersection of two (2) streets.

(1) Driveways in commercial or manufacturing zones shall not be less than twenty (20) feet nor more than thirty-six (36) feet in width at the curbline.

(2) Driveways for two-way traffic shall have a minimum width of twenty (20) feet.

§27-1504 Access Driveways: Each permitted use shall not have more than two access driveways. Insofar as possible, the use of common accessways by two (2) or more adjoining premises shall be encouraged in order to reduce 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 requirements 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) drained, (3) permanently surfaced with concrete, macadam, brick or other paving material, and (4) maintained adequately. Gravel, stone and similar loose materials are not permitted.

(b) In no case shall parking spaces be located in a required setback. However, open parking spaces on residential properties may be located in a required rear yard, provided that fifteen (15) feet of open rear yard space is maintained at all times.

(c) Parking areas shall be designed so that a vehicle may proceed to and from it without requiring the movement of any other vehicle.

(d) All nonparallel parking spaces shall be at least nine (9) feet wide and eighteen (18) feet long, exclusive of aisle space. Uses attracting large vehicles shall provide proportionately larger spaces.

(e) All parallel parking spaces shall be at least twenty (20) feet long and nine (9) 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 (feet)
Parallel to 44 degrees	12 (one-way traffic)
45 to 60 degrees	16 (one-way traffic)
61 to 90 degrees	22 (one-way or two-way traffic)

(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 grass or screening as set forth in §27-1402.

(i) Parking areas shall not be closer to the street line than the applicable front yard setback for principal structures situated in that zoning district or on the condition that approved screening is provided according to §27-1402.

(j) Concrete or macadam curbing, guardrails or anchored wheel blocks shall be installed adjacent to all public rights-of-way.

(j) Concrete or macadam curbing may be required to control storm water runoff as determined by the Department of Public Works.

(k) No part of any surface parking area for more than five (5) vehicles shall be closer than ten (10) feet to any dwelling, school, hospital or other institution for human care. This distance may be reduced to three (3) feet on the condition that appropriate screening is provided according to §27-1402 and parking is limited to forward parking only.

(l) All parking areas of five (5) spaces or more shall be adequately illuminated between the hours of sunset and sunrise. Lighting shall not spill onto adjacent properties or rights-of-way.

(m) All off-street parking areas for ten (10) or more vehicles shall be planted with shade trees, which shall be located in a dispersed manner within the interior of the parking area in a quantity equal to not less than one (1) shade tree for every ten (10) parking spaces.

(n) All non-residential off-street parking areas designed for more than five (5) vehicles, and all off-street loading areas, 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 four feet and no solid portion shall be more than six feet in height and shall be maintained in good condition and shall provide year-round screening.

(o) No parking area of more than five (5) spaces shall exceed a slope of five percent (5%) grade.

(p) All parking areas of more than five (5) spaces shall be approved by the Department of Public Works.

(q) All parking areas of more than ten (10) spaces shall be approved by the Department of Public Works and the City of Reading Planning Commission.

§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) Banks and fiduciary institutions: one (1) space for each three hundred (300) square feet of net customer area and one space for each two (2) employees.

(2) Bed and breakfast facilities: one (1) space for each guest bedroom plus two (2) additional parking spaces.

(3) Bingo halls: one (1) space for each two (2) permitted seats, based upon legal limits established by the state fire code.

(4) Boarding, rooming, or lodging house: one (1) space for every two (2) occupants the dwelling building is designed to house.

(5) Bowling alleys: four (4) spaces for each bowling lane.

(6) Business offices: one (1) space for each one hundred fifty (150) square feet of floor area.

(7) Churches and similar establishments: one (1) space for each four (4) seats or one (1) space for every ten (10) linear feet of pews.

(8) Clubs, lodges, social buildings: one (1) space for each three (3) permitted seats, based upon legal limits established by the state fire code.

(9) Educational Facilities:

- Elementary, middle, and junior high schools,: one (1) space for each staff member and/or employee, and adequate space for buses and deliveries.
- High Schools and all other types of educational/vocational institutions: one (1) space for each staff member and/or employee, one (1) space for every 15 classroom seats, and adequate space for buses and deliveries.
- Dormitories, fraternities, sororities: one (1) space for each (2) beds.

(10) Hospitals, convalescent homes, homes for the aged and similar uses: one (1) space per employee computed on the basis of the estimated maximum number of employees at any one time and one (1) space for every four (4) beds.

(11) Laundromats: one (1) space for every three (3) washing machines.

(12) Manufacturing and industrial establishments: one (1) space for each employee of the maximum working shift.

(13) Medical and dental clinics: three (3) spaces for each doctor or dentist, plus one (1) additional space for each employee.

(14) Mortuaries and funeral homes: two (2) spaces for each fifty (50) square feet of floor area of slumber rooms and parlors.

(15) Motor vehicle sales and repair: one (1) space for each two hundred fifty (250) square feet of floor area and one (1) space for each service bay.

(16) Motels and hotels: one (1) space per rental unit and an additional one (1) space for each two (2) employees.

(17) Parking garages, in addition to that provided for parking of customers' vehicles: one (1) space for each employee on the maximum work shift.

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 four feet and no solid portion shall be more than six feet in height and shall be maintained in good condition and shall provide year-round screening.

(o) No parking area of more than five (5) spaces shall exceed a slope of five percent (5%) grade.

(p) All parking areas of more than five (5) spaces shall be approved by the Department of Public Works.

(q) All parking areas of more than ten (10) spaces shall be approved by the Department of Public Works and the City of Reading Planning Commission.

§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) Banks and fiduciary institutions: one (1) space for each three hundred (300) square feet of net customer area and one space for each two (2) employees.

(2) Bed and breakfast facilities: one (1) space for each guest bedroom plus two (2) additional parking spaces.

(3) Bingo halls: one (1) space for each two (2) permitted seats, based upon legal limits established by the state fire code.

(4) Boarding, rooming, or lodging house: one (1) space for every two (2) occupants the dwelling building is designed to house.

(5) Bowling alleys: four (4) spaces for each bowling lane.

(6) Business offices: one (1) space for each one hundred fifty (150) square feet of floor area.

(7) Churches and similar establishments: one (1) space for each four (4) seats or one (1) space for every ten (10) linear feet of pews.

(8) Clubs, lodges, social buildings: one (1) space for each three (3) permitted seats, based upon legal limits established by the state fire code.

(9) Educational Facilities:

- Elementary, middle, and junior high schools: one (1) space for each staff member and/or employee, and adequate space for buses and deliveries.
- High Schools and all other types of educational/vocational institutions: one (1) space for each staff member and/or employee, one (1) space for every 15 classroom seats, and adequate space for buses and deliveries.
- Dormitories, fraternities, sororities: one (1) space for each (2) beds.

(10) Hospitals, convalescent homes, homes for the aged and similar uses: one (1) space per employee computed on the basis of the estimated maximum number of employees at any one time and one (1) space for every four (4) beds.

(11) Laundromats: one (1) space for every three (3) washing machines.

(12) Manufacturing and industrial establishments: one (1) space for each employee of the maximum working shift.

(13) Medical and dental clinics: three (3) spaces for each doctor or dentist, plus one (1) additional space for each employee.

(14) Mortuaries and funeral homes: two (2) spaces for each fifty (50) square feet of floor area of slumber rooms and parlors.

(15) Motor vehicle sales and repair: one (1) space for each two hundred fifty (250) square feet of floor area and one (1) space for each service bay.

(16) Motels and hotels: one (1) space per rental unit and an additional one (1) space for each two (2) employees.

(17) Parking garages, in addition to that provided for parking of customers' vehicles: one (1) space for each employee on the maximum work shift.

(18) Places of public assembly, such as auditoriums, arenas, stadiums, theaters:

- With fixed seating: one (1) space for every four (4) seats.
- Without fixed seating: one (1) space for every four (4) persons who may legally be admitted therein at one time under the State fire prevention laws.

(19) Public (Municipal) buildings: one (1) space for each two hundred (200) square feet of total floor area.

(20) Recreation facilities:

- Indoor: one (1) space for each one hundred (100) square feet of net floor area or one (1) space for each four (4) persons using the facility at the projected peak hour of use.
- Outdoor: Parks, playgrounds, playing fields, and game courts: one (1) space for each 5,000 square feet of outdoor recreation area

(21) Residential uses:

- Conversions: one and one-half (1.5) space for each family or dwelling unit.
- Attached dwellings: one and one-half (1.5) space for each family or dwelling unit.
- Detached dwellings: two (2) spaces for each family or dwelling unit.
- Multi-family dwellings: one and one-half (1.5) space for each family or dwelling unit.

(22) Residential Care Facilities: one (1) space per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for each three patient/client beds.

(23) Restaurants

- Indoor service, taverns and nightclubs: one (1) space for each two and one half (2.5) seats permitted.
- Drive-in restaurants: one (1) space for each twenty (20) square feet of the building's floor area.
- Drive-thru restaurants: one (1) space for each one hundred (100) square feet of the building's floor area

(24) Retail stores, group stores and shops (except department stores): one (1) space for each one hundred fifty (150) square feet of floor area. The Zoning Administrator may determine a reduction in off-street parking spaces for neighborhood oriented retail uses.

(25) Supermarkets and department stores: one (1) space for each one hundred (100) square feet of floor area.

(26) Swim clubs: one (1) space per each three (3) family memberships.

(27) Wholesale establishments or warehouses: one (1) space for each employee of a maximum working shift

(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 (2) 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.

(d) Variances shall be granted by the Zoning Hearing Board to the aforementioned off-street parking standards only when the applicant proves that the requirements would create unneeded parking.

(f) For the purposes of this article, the number of employees of a use shall be based on the estimated maximum daily or maximum eight (8) hour shift requirements in a twenty-four (24) hour period.

§27-1604 Off-street Loading Spaces

(a) Any and all off-street loading spaces shall have dimensions not less than twelve (12) feet in width, thirty-five (35) feet in length and fourteen (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 and alleys.

(c) Off-street loading spaces shall be provided according to the following table:

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 for the first 20,000 square feet plus 1 space for each additional 20,000 square feet up to 100,00 square feet
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 gross 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 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.

§27-1605 Miscellaneous. It shall be a violation of this Zoning Ordinance for any firm or corporation to use any structure without acquiring such land as is necessary to permit vehicle parking and loading space that meets the requirements of this Ordinance. When off-street parking is required and cannot be provided within the principal structure or on the same lot as the principal structure, but can be provided on another parcel or property, such parcel or property provided for and utilized for off-street parking shall be owned by the owner of the principal structure or, in the alternative, shall be restricted by recorded agreement to off-street parking purposes during the lifetime of the principal structure, or as long as off-street parking is required for such principal structure in accordance with the terms of this section.

PART 17

SIGNS

(See also Chapter 19, "Signs and Billboards," Part 1, "Political Campaign Matter.")

§27-1701 Purpose and Scope.

(a) The purpose of sign regulations is to protect the health, safety, property and welfare of the public by establishing standards for the design, construction, location, electrification, illumination and maintenance of all outdoor signs located within the City. For the purpose of this article, outdoor signs are "signs", herein described, not located completely within a building or, when located completely within a building, arranged, intended or designed, used or placed for exterior observance. The term "sign" in this article refers to "outdoor signs". This article is enacted pursuant to the following findings and declarations:

(1) That the people of the City of Reading have a primary interest in controlling 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) That the economic development of the City has resulted in the location of businesses, with a marked increase in the number and size of signs advertising such business activities, so as to create conflicts between advertising signs themselves and between advertising signs and traffic regulating devices.

(3) That it is necessary to provide equality in displaying identification signs by establishing regulations on size and location of such signs.

(4) That it is necessary to the public safety 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) That the uncontrolled erection and maintenance of large signs seriously detracts from the enjoyment and pleasure of the natural scenic beauty.

(6) That the ability of a community to attract and keep residents, and desirable businesses and industries, is seriously impaired by the uncontrolled proliferation of signs.

(b) Therefore, this article is enacted to provide for fair and equal treatment of sign users. This article shall apply to the design, quality of materials, construction, location, electrification, illumination and maintenance of all signs and sign structures to be located within the City.

§27-1702 Sign Standards by Zoning District.

(a) Sign standards are based on the following concepts:

(1) The primary purpose of signs is to identify business premises and/or to advertise the existence and availability of commodities and/or services available at such premises. The public has a right to see and the entrepreneur has a right to have this identification or advertising visible.

(2) Uncontrolled use of signs for advertising interferes with this primary purpose of signs for identification. Exterior wall signs should primarily emphasize business identification and services offered.

(3) The best means of realizing the primary purpose of this article will depend on the predominant traffic in the area: foot, automobile or a combination of these. Zoning districts do not necessarily reflect this concept, so sign regulations should not be based solely on zoning districts. Likewise, traffic patterns do not necessarily reflect the nature of a given zoning district, so sign regulations should not be based solely on traffic patterns. Therefore, the regulations contained herein are imposed in recognition of the purposes of zoning and of the effect of traffic patterns in the City.

(4) 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 introduce.

(b) Only signs as prescribed herein shall be permitted to be erected or maintained on a building lot or parcel of land located in the following districts shown upon a map entitled "Official Zoning Map, City of Reading," attached to and made a part of this Zoning Ordinance. 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 parcels separated by a street or an alley, each parcel shall be treated separately for sign purposes.

§27-1703 Residential Districts (R-1A, R-1, R-2, R-3 and R-O)

In the residential districts, signs should be designed for pedestrians or for vehicles moving at twenty-five (25) miles per hour. It is the intent of this article that businesses in a residential area should be treated by the operators in a manner to make them as nearly compatible as possible with their surrounding environs. The following signs shall be permitted on properties located within areas designated as R-1A, R-1, R-2, R-3 and R-O on the Zoning Map.

(a) General. All signs within residential zoning districts shall be subjected to the following provisions:

(1) Illumination at a property line abutting residential properties, resulting from all signs and lighting on any nonresidential use property; shall not exceed five (5) foot candles at a height of five (5) feet from grade. When a street intervenes between residential property and any nonresidential use property, the illumination measurements just described shall be taken at the curbline closest to the residential property.

(2) Lighting from all light sources other than street lights and natural sources, shall be so shaded, shielded or directed that the light intensity or brightness will not be a nuisance, and shall be turned off, or reduced to not more than two (2) foot candles at the closest street or business property line between the hours of 10:00 p.m. of one day and 6:00 a.m. of the succeeding day (prevailing time - standard or saving); except that, if the premises are open for business after 10:00 p.m., the lighting shall be reduced as above at the close of business.

(3) Wall signs shall be located no higher than twenty-four (24") inches below the second story window sill line, or twelve (12") inches below the building cap on a single story building. Maximum projection for a wall sign should not exceed twelve (12") inches, nor be located as so to obscure the basic architectural character of the building.

(4) Neither roof signs or off-premises signs are permitted in any residential district unless specified otherwise

(b) Special Provisions.

(1) Home craft occupations and home professional occupations located in single, duplex, and multiple family dwellings containing fewer than ten (10) dwelling units shall be limited to one, non-internally illuminated name plate per dwelling unit. Such name plate shall not exceed one and one-half (1.5) square feet in surface area and shall be a flat wall sign. A ground-mounted sign of less than twelve (12) square feet is a permissible alternative to the name plate if the sign can be located so as to project into the public right of way. Home professional offices are permitted to erect a projecting sign, not to exceed six (6) square feet in total surface area, in lieu of a wall or ground-mounted sign.

(2) Each multiple family dwelling property containing ten (10+) or more dwelling units, including rental, condominium or cooperative apartments but not including rental, condominium or cooperative town houses or mid-rise apartments, shall be limited to one (1) identification sign not exceeding thirty-two (32) square feet in total surface area (per side if double faced) Such sign shall be either ground-mounted, to extend not more than eight (8) feet above grade, or a flat wall sign.

(3) Subdivision Signs. The following signs shall be permitted in conjunction with new subdivision development:

(i) 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 sixty-four (64) square feet. The maximum height of such subdivision signs shall be eight (8) feet.

(ii) Subdivision 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 (1) year from the date of erection of such signs. If subdivision is not completed within one (1) year after erection of the sign, the sign permit may be renewed for periods not exceeding one (1) year, provided the sign is maintained in accordance with the provisions of this Zoning Ordinance.

(iii) Signs not located on the advertised property, which are six (6) square feet in area of less, may be allowed during construction and for a period of thirty (30) days thereafter, upon application to the Zoning Administrator. Signs not located on the property advertised, which exceed six (6) square feet in surface area, directing attention to a subdivision, are deemed to be billboards or off-premises signs.

(c) Permanent signs for subdivision shall be as follows:

(1) Identification signs for rental, condominium or cooperative apartment properties containing ten (10) or more dwelling units and located on a property of one (1) acre or less shall conform to subsection (b)(2) hereof.

(2) Rental, condominium or cooperative apartment properties containing ten (10+) or more dwelling units and located on a property of more than one (1) acre; mid-rise apartments; rental, condominium or cooperative town house developments shall be limited to forty-eight (48) square feet of total sign surface area (per side if double faced) per each separate street frontage. Such signs may not exceed one (1) per separate street

frontage and may be either ground-mounted, in which case they may extend not more than nine (9) feet above grade, or be configured as flat wall signs.

(d) Public utility uses, including offices, maintenance buildings, and equipment storage yards shall be limited to one (1) single-faced identification sign not exceeding twenty (20) square feet in surface area. Such sign shall be either ground-mounted, to extend not more than six (6) feet above grade, or a flat wall sign.

(e) Public, quasi-public and private recreational uses shall be limited to one (1) single-faced sign not exceeding twenty (20) square feet in surface area. Such sign shall be either ground-mounted, to extend not more than six (6) feet above grade, or a flat wall sign.

(f) Grocery stores, self-service laundries, and similar nonresidential neighborhood uses shall be limited to one (1) wall sign not to exceed thirty-two (32) square feet in surface area, or as an alternate, one (1) pole-mounted sign not to exceed twenty-four (24) square feet in area(per side if double faced), contained totally within the property line, and placed no more than sixteen feet (16) above grade; or one (1) projecting sign not to exceed twelve (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. shall not be less than eight feet six inches (8'6") above the sidewalk or grade line.

(g) Drive-in restaurants and gasoline service stations shall conform to the following sign standards when such uses conform to all parking, setback and other provisions of the zoning district within which it is located:

(1) Two (2) identity signs, only one (1) of which may be free-standing, shall be permitted per street frontage. The free-standing sign shall not extend more than twenty (20) feet above grade and shall not extend beyond any property line.

(2) The maximum area for any one (1) sign shall be fifty (50) square feet (per side of double faced) If price or trade information is portrayed on the identity sign, an additional allowance of twelve (12) square feet per sign (per side if double faced) will be permitted for the display of such information.

(3) The total sign area, excepting identity signs, shall not exceed one hundred twelve (112) square feet (per side of double faced)

(h) A bank or other financial institution shall be limited to one single-faced flat-wall identification sign per separate street frontage placed parallel to each fronting street and not exceeding fifty (50) square feet. In addition, one (1) free standing sign shall be permitted, provided that such sign does not exceed forty (40) square feet (per side if double faced), does not extend beyond any property line, and does not extend more than twenty (20) feet above grade. Additionally, there may be at the property line, at each point of ingress or egress, one (1) directional sign, not to exceed six (6) square feet (per side if double faced), nor extend more than four (4) feet above grade. There may also be lane and window directional signs, and ATM designation signs, as required for the safe and orderly flow of traffic on the property. These signs, if free standing, shall not extend more than four (4) feet above grade.

(i) Vehicle sales lots shall be subject to subsection (h) hereof.

(j) Factories and light industrial uses located in the R-1A, R-1, R-2, R-3, and R-O residential zoning districts shall be limited to signs which conform to subsection (h) hereof, except that, if one or more factory outlet stores are located on the premises, each such outlet may have, along each street upon which the outlet 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 twenty (20) square feet in surface area except for an overall identity sign described in the next paragraph.

There shall be no sign projection 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 four feet from and parallel to the vertical building walls.

If four (4+) or more outlet 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 forty (40) square feet in surface area. No less than fifty percent (50%) of such sign shall contain only the group name and one graphic element, if desired. The rest of the sign shall contain only the names of the tenants.

(k) Private parking lots shall have no signs except for directional signs, warning signs, and one (1) identification sign not exceeding twelve (12) square feet in surface area for each fronting street. Such sign shall be a ground-mounted sign not to extend into the public right of way.

(l) Other commercial establishments shall be permitted one (1) identity flat wall sign per street frontage for each operating business. All flat wall signage is to be contained entirely within the first floor occupancy area as defined in §27-2105, and total wall signage per street frontage shall be limited to not more than one (1) square foot for each lineal foot of that building wall. All other signs shall be contained wholly within the structure.

(m) 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 thirty percent (30%) of the glass area, or six hundred (600) square inches, whichever is greater.

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

(n) All uses in residential zoning districts not specifically alluded to in this section shall be governed by subsection (l) hereof.

(o) Off-site advertising shall not be permitted except as provided in §27-1717(b)(3)

§27-1704 Residential-Professional Office District(R-PO)

In the Residential-Professional Office District, signs should be designed for pedestrians or for vehicles moving at twenty-five (25) miles an hour. It is the intent of this article that professional businesses in a residential area should be treated by the operators in a manner to make them as nearly compatible as possible with their surrounding residential environment.

(a) General. All signs within the R-PO zoning district shall be subjected to the following provisions:

(1) Illumination at a property line abutting residential properties, resulting from all signs and lighting on any nonresidential use property; shall not exceed five (5) foot candles at a height of five (5) feet from grade. When a street intervenes between residential property and any nonresidential use property, the illumination measurements just described shall be taken at the curbline closest to the residential property.

(2) Lighting from all light sources other than street lights and natural sources, shall be so shaded, shielded or directed that the light intensity or brightness will not be a nuisance, and shall be turned off, or reduced to not more than two (2) foot candles at the closest street or business property line between the hours of 10:00 p.m. of one day and 6:00 a.m. of the succeeding day (prevailing time - standard or saving); except that, if the premises are open for business after 10:00 p.m., the lighting shall be reduced as above at the close of business.

(3) Wall signs shall be located no higher than twenty-four (24") inches below the second story window sill line, or twelve (12") inches below the building cap on a single story building. Maximum projection for a wall sign should not exceed twelve (12") inches, nor be located as so to obscure the basic architectural character of the building.

(4) Roof signs, pole signs, marquee signs, projecting signs, off-premise signs, portable signs, and wall signs exceeding eight (8) square feet are not permitted in the R-PO zone.

(b)

(1) Permitted Signs. Each permitted occupancy is permitted one (1) wall mounted sign not to exceed eight (8) square feet and one (1) ground-mounted or free-standing identity sign.

(2) Sign Area. The total surface area for free-standing or ground-mounted signs shall not exceed twelve (12) square feet.

(3) Ground-mounted and free-standing signs. No signs shall extend into the public right of way. No sign shall exceed six (6) feet in height from grade level. All ground-mounted and free-standing signs are subject to landscape requirements as specified in §27-1713(b) of this Ordinance.

§27-1705 Commercial Core and Commercial Residential Districts (C-C, C-R)

This section shall govern signs located in the C-C and C-R districts. Sign heights, locations and dimensions in the C-C and C-R districts are based on the visibility needs of pedestrians and of traffic moving at approximately twenty (20) miles per hour. As much allowance as possible has been provided to permit individuality in the design of the sign.

(a) Signs on Building Walls Located Parallel to and Adjacent to Street Property Lines.

(1) Sign surface area. The total surface area of all faces of all wall signs shall be limited to not more than three (3) square feet for each lineal foot of street frontage on each separate street on which the property fronts, or alternatively, fifteen percent (15%) of the building facade applicable to the occupancy to which the signs apply, whichever is greater, for the first floor occupancy(ies) In the case of buildings containing multiple occupancies other than on the first floor, these occupancies shall be permitted one (1) wall sign per street elevation no larger than five percent (5%) of the building facade applicable to such occupancies, and in no case, larger than fifty (50) square feet. Maximum projection should not exceed eighteen (18) inches, nor be located so as to obscure the basic architectural character of the building

(2) Projecting signs. One (1) projecting sign is permitted on each separate street frontage of a building provided such signs shall be located below the uppermost point of the building parapet or roof, and no less than eight feet six inches (8'6") above the adjacent sidewalk or grade line. Signs shall have a total surface area not in excess of one (1) square foot per each lineal foot of the building frontage on which the sign is placed, or a maximum of thirty-six (36) square feet (per side if double faced), whichever is less. Signs shall be configured to form an angle of ninety (90) degrees to the building face and projection from the building face shall be limited to four (4) feet if such sign is located within six (6) lineal feet of either end point of the building, or six (6) feet if such sign is located more than six (6) lineal feet from either end point of the building. No sign shall project within two (2) feet of any street line or driveway.

(3) Marquee signs. Marquee signs are permitted. The surface area of marquee signs shall be considered as part of the total allowable sign surface area except that marquee reader board signs on theaters or hotels shall be permitted to occupy ninety percent (90%) of the marquee in addition to the permitted surface area.

(4) Under-marquee signs. Under-marquee signs are permitted provided such signs shall not project more than twelve (12) inches below the marquee, and shall not be less than eight feet six inches (8'6") above the sidewalk or grade line. The surface area of under-marquee signs shall not be considered as part of the total allowable sign surface area.

(b) Signs Where Buildings Are Not Adjacent to Street Property Lines.

(1) Signs may be flat wall, projecting or free-standing, subject to the limitations set forth in this subsection.

(2) Signs on a building wall located parallel to a street property line shall have the same permitted sign area as defined in subsection (a)(1) hereof.

(3) Projecting signs. Projecting signs shall be subject to the provisions of §27-1705(a)(2) hereof.

(4) Ground-mounted and Free-standing signs. 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 one (1) square foot per every lineal foot of property frontage, or a maximum of thirty-six (36) square feet (per side if double faced) Such sign shall not be higher than four (4) feet from grade and may be located no closer than four (4) feet from any property line.

(5) Group identity signs. Group identity signs are subject to §27-1705(a)(1) hereof. No group identity sign or its structure shall project within two (2) feet of any street line or driveway, nor shall any such sign be erected within ten (10) feet of an adjacent wall or of any sign when measured as specified in subsection (a)(2) hereof.

(c) Off-Premise Signs. Off-premise signs are not permitted.

§27-1706 Commercial Neighborhood District (C-N)

The intent of this article is to protect the surrounding residential areas and to preserve their residential values. The following signs shall be permitted on properties located within areas designated as C-N on the Zoning Map:

(1) General. All signs within the C-N district shall be subjected to the following provisions:

(2) Illumination at a property line abutting residential properties, resulting from all signs and lighting on any nonresidential use property; shall not exceed five (5) foot candles at a height of five (5) feet from grade. When a street intervenes between residential property and any nonresidential use property the illumination measurements just described shall be taken at the curbline closest to the residential property.

(3) Lighting from all light sources other than street lights and natural sources, shall be so shaded, shielded or directed that the light intensity or brightness will not be a nuisance, and shall be turned off, or reduced to not more than two foot candles at the closest street or business property line between the hours of 10:00 p.m. of one day and 6:00 a.m. of the succeeding day (prevailing time - standard or saving); except that, if the premises are open for business after 10:00 p.m., the lighting shall be reduced as above at the close of business.

(4) Wall signs shall be located below the second story window sill line, or twelve (12") inches below the building cap on a single story building. Maximum projection for a wall sign should not exceed twelve (12") inches, nor be located as so to obscure the basic architectural character of the building.

(5) Neither roof signs or off-premises signs are permitted in the C-N district unless specified otherwise.

(b)

(1) Home craft occupations and home professional occupations located in single, duplex and multiple family dwellings containing fewer than ten dwelling units shall be limited to one name plate per dwelling unit. Such

name plate shall not exceed one and one-half (1.5) square feet in surface area and shall be a flat wall sign. A ground-mounted sign of less than six (6) square feet is a permissible alternative to the name plate if the sign can be located a minimal distance of fifteen (15) feet or more behind the front property line, and in no instance be erected in any yard setback area. Home professional offices are permitted to erect a projecting sign, not to exceed four (4) square feet in total surface area, in lieu of a wall or ground-mounted sign.

(2) Each multiple family dwelling property containing ten or more dwelling units, including rental, condominium or cooperative apartments but not including rental, condominium or cooperative town houses or mid-rise apartments, shall be limited to one (1) identification sign not exceeding thirty-two (32) square feet in total surface area (per side if double faced. Such sign shall be either ground-mounted, to extend not more than eight (8) feet above grade, or a flat wall sign.

(c) Public utility uses, including offices, maintenance buildings, and equipment storage yards shall be limited to one single-faced identification sign not exceeding twenty (20) square feet in surface area. Such sign shall be either ground-mounted, to extend not more than six (6) feet above grade, or a flat wall sign.

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

(e) Grocery stores, self-service laundries, and similar neighborhood uses shall be limited to one (1) wall sign not to exceed thirty-two (32) square feet in surface area, or as an alternate, one (1) ground mounted sign not to exceed thirty-two (32) square feet in area (per side if double faced), contained totally within the property line, and placed no more than sixteen (16) feet above grade; or one (1) projecting sign not to exceed twelve (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.

(f) Drive-in restaurants and gasoline service stations shall conform to the following sign standards when such uses conform to all parking, setback and other provisions of the zoning district within which it is located:

(1) Two identity signs, only one (1) of which may be free-standing, shall be permitted per street frontage. The free-standing sign shall not extend more than twenty (20) feet above grade and shall not extend beyond any property line.

(2) The maximum area for any one (1) sign shall be fifty (50) square feet (per side if double faced) If price or trade information is portrayed on the identity sign, an additional allowance of twelve (12) square feet per sign (per side if double faced) will be permitted for the display of such information.

(3) The total sign area, excepting identity signs, shall not exceed one hundred twelve (112) square feet (per side if double faced)

(g) A bank or other financial institution shall be limited to one single-faced wall identification sign per separate street frontage placed parallel to each fronting street and not exceeding forty (40) square feet. In addition, one (1) free standing sign shall be permitted, provided that such sign does not exceed fifty (50) square feet (per side if double faced), does not extend beyond any property line, and does not extend more than twenty (20) feet above grade. Additionally, there may be at the property line, at each point of ingress or egress, one (1) directional sign not to exceed six (6) square feet (per side if double faced), nor extend more than four (4) feet above grade. There may also be lane and window directional signs, and ATM designation signs, as required for the safe and orderly flow of traffic on the property. These signs, if free standing, shall not extend more than four (4) feet above grade.

(h) Vehicle sales lots shall be subject to subsection (g) hereof.

(i) Private parking lots shall have no signs except for directional signs, warning signs, and one identification sign not exceeding twelve (12) square feet in surface area for each fronting street. Such sign shall be a ground-mounted sign not extending more than four (4) feet above ground or into the public right of way.

(j) Other commercial establishments shall be permitted one (1) identity flat wall sign per street frontage for each operating business. All flat wall signage is to be contained entirely within the first floor occupancy area as defined in §27-2205, and total wall signage per street frontage shall be limited to not more than two (2) square foot for each lineal foot of that building wall. All other signs shall be contained wholly within the structure.

(k) Window identity signs are permitted in commercial storefronts given the following conditions:

(1) Signs on window glass shall be limited to thirty percent (30%) of the glass area, or six hundred (600) square inches, whichever is greater.

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

(l) All uses in residential zoning districts not specifically alluded to in this section shall be governed by subsection (g) hereof.

(m) Off-site advertising shall not be permitted except as provided in §27-1717(b)(2).

§27-1707 Commercial Highway Districts (C-H)

Commercial Highway district signs are related to automobiles approaching at higher speeds, in excess of thirty (30) miles per hour. In order to make it easier for persons driving cars moving at these speeds to find the premises they seek, higher signs are allowed here than in most other districts and a limit of one majority identity sign for each commercial activity has been designated with a common maximum size for this sign.

(a) Sign Area: The total surface area of all signs, except pole signs, shall not exceed three (3) square feet of surface area for each lineal foot of building wall, except that any property under separate occupancy shall be permitted no less than thirty-two (32) square feet of signage. Signs on show window glass shall be limited to 30% of the glass area.

(b) Sign Height. No part of any sign shall be higher than thirty (30) feet from grade.

(c) Pole or free-standing signs. Each property under separate occupancy shall be permitted one (1) pole or free-standing identity sign per street frontage not to exceed two (2) square feet per every lineal foot of property frontage, provided that no such sign shall exceed a maximum of one hundred (100) square feet (per side if double faced), and that all portions of any such sign shall be contained within the property lines of the property. Such signs shall be separate and not part of any other signs allowed on the property. Excluding pole, no part of pole mounted sign shall not be less than eight feet six inches (8'6") above the sidewalk or grade line.

(d) Projecting Signs. No projecting signs shall be permitted in the C-H District.

(e) Roof Signs. No roof signs shall be permitted in the C-H District.

(f) Flat Wall Signs. Flat wall signs may be erected pursuant to subsection (a) hereof. Maximum height shall not exceed twelve (12) inches below the building cap or parapet.

(g) Marquee Signs. Marquee signs may be erected pursuant to §27-1704(a)(4).

(h) Under-Marquee Signs. Under-marquee signs are permitted provided such signs shall not project more than twelve (12) inches below the marquee, shall have a maximum length of four (4) feet, and shall not be less than eight feet six inches (8'6") above the sidewalk or grade line. The surface area of under-marquee signs shall not be considered as part of the total allowable sign surface area.

(i) Incidental Information.

The identity sign may include, within the surface area permitted, the message of "open" or "open 24 hours" or prices in the case of service station or restaurant occupancies and the term "vacancy" or "no vacancy" in the case of motels. Incidental information indicating services, products, prices, trade information or other information shall be displayed as a separate sign located directly beneath an identity pole or free-standing sign, provided its surface area does not exceed twelve (12) square feet and it is no higher than twelve (12) feet from grade.

(j) Billboard Signs and Other Off-Premises Signs. Billboards and other off-premises signs are permitted only along all traffic routes within the C-H Districts subject to the regulations set forth in §27-1717 except as provided in §27-1717(b)(3).

(k) Portable Signs. Portable signs are permissible only in the C-H zone. Signs are not to exceed twenty (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.

§27-1708 Heavy Manufacturing and Manufacturing/Commercial Districts (H-M and M-C)

Provisions in the H-M and M-C districts reflect the fact that the criterion used for sign area calculation in other districts, (i.e., street frontage), often is not an adequate measure for uses commonly associated with manufacturing or support services thereof. Industries often have very small street frontages, extensive tract frontage, and occupy large sites. To account for these factors one identity sign is allowed for visibility from nearby highways or arterials, and additional sign area is related to building wall length, rather than to street frontage. An industry in any other district, is subject to the regulations of the district within which it is located, unless otherwise specified. The following signs shall be permitted on properties located within areas designated as manufacturing districts on the Zoning Map:

(a) General. All signs, except flat wall signs and roof signs, shall be located at least ten (10) feet from the public right of way.

(b) Identity Signs. Each separate occupancy may have one ground-mounted identity sign not to exceed six (6) feet total height above grade. One roof-mounted or one (1) wall identity sign may be used in addition to the above described pole identity sign.

(1) Ground-mounted sign. The ground-mounted sign shall not exceed fifty (50) square feet of surface area for one face or one hundred (100) square feet of surface area for two (2) or more faces. The sign shall not exceed six (6) feet in height.

(2) Roof sign or wall sign. The roof sign or wall sign shall be limited to three (3) square feet of surface area for each lineal foot of building wall for each single occupancy area. The occupant may elect to use either a roof sign or a wall sign but may not use both. No roof sign may extend beyond any vertical wall and no roof sign shall be any higher, when measured from the roof, than twenty (20) feet or half the height of the building - whichever is less. Roof signs shall consist solely of internally-lighted channel-type free-standing letters mounted on a roof structure and shall contain only the name of either the building or one of its tenants including one graphic element if desired.

(c) Billboards and Other Off-Premises Signs. Billboards and other off-premises signs are permitted only along all traffic routes within the M-C district subject to the regulations set forth in §27-1717 except as provided in §27-1717(b)(3).

§27-1709 Preservation District.

No signs shall be permitted in the Preservation District except those specified in §27-1712(b)

§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.

(b) Roof signs may be permitted by the Board in any C-C and C-R districts when it is shown to the satisfaction of the Board that a flat wall sign on a parapet wall is not feasible and that the sign is necessary to identify a building of general interest to the public. Such buildings shall include hotels, motels, schools, national or regional companies having national or regional headquarters in the building to be identified, or buildings which exceed ten (10) floors in height. Such roof signs shall not extend beyond any vertical wall and shall be as harmonious with the architecture of the building as possible.

(c) All painted exterior wall signs, whether deemed on-site identification or off-premise advertisement. Provisions set forth in this Ordinance regarding off-premise signage or billboards do not automatically apply to any signs painted directly on exterior walls without Zoning Hearing Board approval.

(d) 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 article difficult, may be permitted by the Board when the Board finds such signs to be in conformity with the intent of this article 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 entirely located on private property, are exempted from §27-1703 to §27-1708. Such signs shall not be illuminated:

(a) Announcing Signs. One sign announcing the names of architects, engineers 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 thirty-two (32) square feet in surface area. Flat-wall signs or pole-mounted signs may have a maximum height of eight (8) feet above grade. Such signs may have a maximum surface area of sixty-four (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 four (4) square feet in surface area, advertising the sale, rental or lease of the premises on which displayed in the residential districts; sixteen (16) square feet in the C-N districts; thirty-two (32) feet for the C-C, C-R, C-H, H-M, and M-C districts. Such signs will be pole-mounted, except in C-C and C-R, or wall-mounted, with a maximum height of eight (8) feet above grade.

(c) Political Campaign Signs. Signs or posters not exceeding thirty-two (32) square feet in surface area, announcing candidates seeking political office may be erected two (2) months prior to an election. Such signs shall be removed within two (2) weeks after the election for the office sought. Such signs shall be wall-mounted or pole-mounted, shall not be located within any public area or right of way, and shall not be affixed in any manner to any street tree as defined by Article 917 of the Codified Ordinances.

(d) Directional Signs. Signs to open house, and other temporary occasions, not exceeding six (6) square feet in surface area.

§27-1712 Exempt Signs.

The following signs are exempted from all the provisions of this Zoning Ordinance, except regulations pertaining to construction and safety.

(a) Institutional Signs. Any sign or bulletin board setting forth or denoting the name of any public, charitable or religious institution, when located on the premises of such institution, provided such sign or bulletin board shall not exceed thirty-two (32) square feet in surface area, and is indirectly lighted. Reader board signs are permitted with a maximum surface area of thirty-two (32) square feet, either wall-mounted or ground-mounted, with a maximum height of eight (8) 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 and all signs erected by a public officer in the performance of a public duty.

(c) Traffic Directing Signs. Directional signs, indicating traffic movement onto a premise, or within a premise, not exceeding six (6) square feet of surface area for each sign face, and one (1) such sign per entrance to the premises.

(d) Memorial Signs and Tablets. Non-illuminated memorial signs or tablets indicating the name of a building or date of erection, not exceeding two (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 twelve (12) square feet of surface area, which are part of the building construction, or are attached as wall signs.

(f) Seasonal Decorations. Seasonal decorations shall be permitted from Thanksgiving to the following January 10th, for display purposes on public or private property, providing such demonstrations are maintained safely.

(g) Temporary Signs. Signs announcing parades or other special events, grade openings, special sales or the like may be permitted. Such temporary signs shall be permitted for only sixty (60) days without special permission from the Zoning Hearing Board.

§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 article.

(b) All ground-mounted, free-standing, and billboard signs are subject to landscape requirements as specified by the Zoning Administrator and are subject to the City Planning Bureau approval.

§27-1714 Illumination. All signs and other illumination within the City shall be subject to the following restrictions upon illumination:

(a) No exposed reflective type bulb or incandescent lamp which exceeds fifteen watts shall be used so as to expose the face of the bulb, light or lamp to any public street; provided, however, the total light intensity must still comply with the illumination requirements and limitations of §27-1704(a)(2) and provided, however, a reflective type lamp bulb may be used, if not exposed to direct view from a public street, for the illumination of the surface of a sign or facade of any building or structure or any display of landscaping feature.

(b) A blinking or flashing light or group of lights shall be allowed as part of a sign only in the C-H district. Such a device in C-H district shall conform to the following requirements:

(1) Such device is, or was, constructed as an integral part of a sign, and is not merely attached thereto.

(2) The flashing impulse shall not exceed twenty-five (25) flashes per minute for single flashing segments of the sign, and 250 flashes per minute for bulbs with chasing or scintillating actions. Only one (1) of such actions shall be permitted on any sign.

(3) The brightness of bulbs with chasing or scintillating actions shall not exceed eleven (11) watts.

§27-1715 Projection of Signs.

(a) All signs shall be located to comply with all yard and/or special setback requirements of the Zoning Ordinance unless specified otherwise.

(b) No sign shall project more than two-thirds (2/3) the distance from the property line to the topographic curbline, nor shall any projecting sign, over-sidewalk canopy, marquee or similar structure project to within less than two (2) feet of any curb or driveway line. This regulation shall take precedence over any other regulation in this article 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 article.

(e) Which rotates or has a rotating or moving part or parts that revolve at a speed in excess of five revolutions per minute. Signs with fewer revolutions per minute shall be permitted only in the C-H district. Reader board signs shall not be allowed to rotate.

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

(g) Which represents any article or thing that is of unartistic nature, or which is in itself unsightly, grotesque, of offensive character, or a monstrosity, it being the intent and purpose of this section that all signs shall be attractive in appearance.

(h) 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 four 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. Because the advertising of goods, products or services is considered incidental to the primary purpose of signs for identification, billboards and other off-premises signs are allowed only where they can be located without unduly adding to the density of signs, creating distractions or conflicting with residential uses.

(b) Regulations. Billboards and other off-premises signs including those painted on building walls shall conform to the following regulations:

(1) General. Billboards and other off-premises signs shall comply with §27-1717 in addition to other sections specifically referred to in this section.

(2) Location

(i) Billboards and other off-premises signs shall be permitted only along traffic routes, as defined in §27-2205 in the C-H and M-C zoning districts.

(ii) Billboards and other off-premises signs shall be located to conform with all yard and special setback requirements of the Zoning Ordinance.

(iii) Billboards and other off-premises signs shall be placed in such a manner that no part of the printed copy displayed on the billboard is visible to automobile or pedestrian traffic approaching the sign from the direction opposite to that to which the sign is oriented.

(iv) Any such sign or sign structure located adjacent to a building, on another lot, containing windows in the facing wall shall be located in a manner that it presents no more vision obstruction from within the adjacent building than would a building constructed in compliance with the zoning requirements of the district.

(v) No part of any billboard or other off-premises sign shall be located more than one hundred (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.

(vi) No part of any of signs, creating distractions or conflicting with residential uses.such billboard or other off-premises sign shall be located less than one hundred (100) feet from a residential use or residential zone or five hundred (500) feet of any preservation zone or district, historic billboard is visible to automobile or pedestrian traffic approaching the sign from the direction opposite district, park, school, church, hospital, or cemetery in any direction.

(vii) 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 double- and V-faced billboards as addressed in subsection (7) hereof.

(3) Surface area

(i) The total surface area of all signs, including billboard signs and other off-premises signs, shall not exceed four (4) square feet for each lineal foot of street frontage. However, an individual lot with less than one hundred twenty (120) but more than fifty (50) lineal feet of highway frontage and which, therefore, might not accommodate a standard outdoor advertising sign may, nonetheless, have one billboard structure with 300 square feet maximum surface area, provided total sign surface area on the lot does not exceed 400 square feet.

(ii) The maximum surface area for a billboard, including frame and trim, shall be three hundred (300) square feet. All other off-premises signs shall be limited to thirty-two (32) square feet of surface area.

(4) Height. The maximum height of any off-premises free standing sign shall be thirty-five (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 twelve hundred (1,200) feet apart along any City street as defined in the Codified Ordinances of the City of Reading as well as the Pennsylvania Municipalities Planning Code, Act 247, as amended. 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

(i) 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.

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

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

(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 may not exceed three-hundred (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 (3) equally spaced eight (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 one mile distance from its business location, provided such sign contains not over thirty-two (32) square feet of surface area which shall be included within the surface area permitted by subsection (b)(4) hereof, and is located in either the C-H, C-M or H-M zones.

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

§27-1718 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 Zoning Ordinance:

(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 article 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.

§27-1719 Inspections.

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

§27-1720 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 signs 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 even 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 thirty 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, thirty 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 thirty 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 article.

§27-1723 Illegal Sign Removal.

If any person who owns or leases any sign which was erected in violation of this article 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, thirty 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 thirty 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 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 thirty 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

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 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 article 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 Ordinance.

PART 18

FLOOD PLAIN DISTRICTS.

§27-1801 Purpose. The purpose of this section is 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 that 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 Zoning Map as being located within the boundaries of any Flood Plain 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 Flood Plain 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.

(a) 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, or the most recent revision thereof. 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. These districts include:

(1) The Floodway District (FW), as shown on the accompanying Flood Boundary and Floodway Map.

(2) The Flood-Fringe District (FF), as shown on the accompanying Flood Boundary and Floodway Map.

(3) The General Flood Plain District (FA), as shown on the Maps accompanying the Flood Insurance Study prepared by the Federal Insurance Administration.

(b) 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, the Flood Insurance Rate Map, Flood Plain Information Reports prepared by the U.S. Army Corps of Engineers, Flood Prone Quadrangles prepared by the U.S. Geological Survey, County Soil Surveys (Alluvial Soils) prepared by the U.S. Department of Agriculture, Soil Conservation Service, and known high-water marks from past floods. 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.

(c) The Flood Plain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Map, and as such, the provisions for the Flood Plain Districts shall serve as a supplement to the underlying district provisions.

(d) Where any conflict exists between the provisions or requirements of any of the Flood Plain Districts and those of any underlying district, the more restrictive provisions shall apply.

§27-1806 Zoning Map. The boundaries of the Flood Plain Districts are established as shown on the Official Floodplain Map 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 Flood Plain Districts may be revised by the City, subject to approval by the Federal Insurance Administration, when natural or man-made changes have occurred or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers River Basin Commission or other qualified agency or individual indicate that a revision is appropriate.

§27-1808 Interpretation of District Boundaries. Initial interpretations of the boundaries of the Flood Plain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Zoning Hearing Board or the Planning Commission shall make the necessary determination.

§27-1809 District Provisions Compliance. All uses, activities and development occurring within any Flood Plain 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.

A permit shall be obtained from the Department of Environmental Resources, 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 Ordinance 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 Flood Plain District (FA) In the General Flood Plain 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.

(a) Prior to issuing special exceptions, the Zoning Hearing Board shall consider all relevant factors and procedures specified in other sections of this Zoning Ordinance and:

(1) 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.

(2) The danger that material may be swept onto other lands or downstream to the injury of others.

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent diseases, contamination and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(5) The importance of the services provided by the proposed facility to the community.

(6) The requirements of the facility for a waterfront location.

(7) The availability of alternative locations not subject to flooding for the proposed use.

(8) The compatibility of the proposed use with existing development and development anticipated in the near future.

(9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

(10) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

(12) 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.

(13) Such other factors which are relevant to the purposes of this section.

(b) 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.

(c) Special exceptions shall not be granted if the Zoning Hearing Board determines that granting the same will result in:

(1) Unacceptable or prohibited increases in flood heights.

(2) Additional threats to public safety.

(3) Extraordinary public expense.

(4) Nuisances.

(5) Fraud or victimization of the public.

(6) Creation of obstructions.

(7) Conflict with local laws or ordinances.

§27-1814 Activities Requiring a Special Exception. The following activities are prohibited when located wholly or partially within any flood district or flood prone area, unless a Special Exception has first been issued by the Zoning Hearing Board.

(a) The commencement of any of the following activities; or the construction, enlargement or expansion of any structure used, or intended to be used, for any of the following activities:

(1) hospitals;

(2) nursing homes; and

(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.

(c) The creation of any new residential use.

§27-1815 Special Exception Application Requirements. Applicants for Special Permits shall provide five (5) 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 one (1) inch being equal to one hundred (100) feet or less, showing the following:

(1) North arrow, scale and date;

(2) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (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 man-made features affecting, or affected by, the proposed activity or development;

(6) The location of the flood plain boundary line, information and spot elevations concerning the one hundred (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; and

(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 one hundred (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; and

(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 one hundred (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 one hundred (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 one hundred (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 one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;

(6) A statement certified by a professional engineer or architect 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 Resources' "Planning Module for Land Development";

(8) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources 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 Resources under Section 302 of Act 1978-166; and

(10) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (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 five (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 five (5) working days after the date of approval.

(e) Before issuing the Special Exception, the Zoning Hearing Board shall allow the Department of Community Affairs thirty (30) days, after receipt of the notification by the Department, to review the application and the decision made by the City.

(f) If the City does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, it may issue a Special Exception to the applicant.

(g) If the Department of Community Affairs should decide to refuse an application, it shall notify the City and the applicant, in writing, of the reasons for the disapproval, and the City shall not issue the Special Exception.

§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::

(i) The structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation;

(ii) The bottom of the lowest horizontal structural member (including basement) will be at least one and one half (1-1/2) feet above the one hundred (100) year flood elevation; and

(iii) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (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.

(a) Any new or substantially improved building 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 five hundred fifty (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 subject to the provisions of this section, in addition to all other applicable provisions:

(1) Acetone;

(2) Ammonia;

(3) Benzene;

(4) Calcium Carbide;

(5) Carbon Disulfide;

(6) Celluloid;

(7) Chlorine;

(8) Hydrochloric Acid;

(9) Hydrocyanic Acid;

(10) Magnesium;

(11) Nitric Acid and oxides of nitrogen;

(12) Petroleum products (gasoline, fuel oil, etc.);

(13) Phosphorus;

(14) Potassium;

(15) Sodium;

(16) Sulfur and sulfur products;

(17) Pesticides (including insecticides, fungicides and rodenticides);

(18) Radioactive substances, insofar as such substances are not otherwise regulated.

(b) Any building or use of the kind or nature described in §27-1818(a) above shall be prohibited absolutely in any flood prone area and any flood plain district.

§27-1819 Existing Structures in Flood Plain 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 Flood Plain District to an extent or amount of less than fifty percent (50%) of its market value, shall be elevated and/or floodproofed to the greatest extent possible regardless of its location in the Flood Plain District.

(c) The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use regardless of its location in a Flood Plain District to an extent or amount of fifty percent (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.

(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. No variances to any regulations established hereby or amendments hereto shall be permitted.

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 thirty-two (32) feet in diameter.

(c) Be approachable from two (2) 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 two hundred (200) feet wide and five hundred (500) feet outward from the outer edge of the landing pad.

(g) If located near or adjacent to water, have a boat positioned at a landing to aid in rescue operations.

(h) Have a wind direction indicator and appropriate lighting.

(i) 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 an operator or 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 thirty (30) days of being notified of such defect or nonconformity.

PART 20

AIRPORT DISTRICTS.

§27-2001 Purpose. 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 zoning map as being located within the boundaries of any airport zone.

§27-2003 Airport Zones. Airport zones shall be overlays to the existing zoning districts as shown on the official zoning map and, as such, the provisions of this section shall supplement any and all provisions of any zoning district of which an airport zone is a part. If there is any conflict between the provisions or requirements of this section or those of any other zoning district, the more restrictive provision shall be applied.

§27-2004 Zone Identification. The airport zones as shown on the official 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 Non-precision Instrument Approach Zone.

(f) Transitional Zone.

(g) Utility Runway - Visual Approach Zone.

§27-2005 Height Limitations.

(a) 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.

(b) The height limitations for each zone are as follows:

(1) Conical Zone. One hundred fifty (150) feet above the airport elevation at the intersection with the horizontal zone and extending thereafter twenty (20) feet horizontal for each foot of vertical elevation extending to a height of 350 feet above the airport elevation.

(2) Horizontal Zone. One hundred fifty (150) feet above the airport elevation.

(3) Precision Instrument Runway Approach Zone. Beginning at the end of and at the same elevation as the primary surface and extending fifty (50) feet horizontal for each one (1) foot vertical for a distance of 10,000 feet along the extended runway centerline and thereafter forty (40) feet horizontal for each foot vertical to a horizontal distance of 40,000 feet along the extended runway centerline.

(4) Runway Larger Than Utility Visual Approach Zone. Beginning at the end of and at the same elevation as the primary surface and extending twenty (20) feet horizontally for each foot vertically to a distance of 5,000 feet along the extended runway centerline.

(5) Runway Larger Than Utility With a Visibility Minimum Greater Than Three-Quarters of a Mile Non-precision Instrument Approach Zone. Beginning at the end of and at the same elevation as the primary surface and extending fifty (50) feet horizontally for each one (1) foot vertical extending to a horizontal distance of 10,000 feet along the extended runway centerline and thereafter forty (40) feet horizontal for each one (1) foot vertical to an additional horizontal distance of 40,000 feet along the extended runway centerline.

(6) Transitional Zone. Beginning at the sides of and at the same elevation as the primary surface and the approach surface extending seven (7) feet horizontal for each foot vertical and extending to a height of one hundred (100) feet above the airport elevation and extending to the intersection with the conical surface.

(7) Utility Runway Visual Approach Zone. Beginning at the end of and at the same elevation as the primary surface and extending twenty (20) feet horizontal for each foot vertical a distance of 5,000 along the

extended runway centerline.

(c) 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 seven (7) feet horizontal for each foot vertical extending a distance of 5,000 feet horizontal measured at ninety (90) degree angles to the extended runway centerline.

§27-2006 Exceptions. Nothing in this section shall be construed as to prohibit the construction or maintenance of any building, structure or part thereof or obstruction at a maximum height of thirty-five (35) feet.

§27-2007 Use Restrictions. No use may be made of land, buildings, structures, objects or water within any zone 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 Nonconforming Uses. Nothing in this section 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.

(a) 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.

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

(c) 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 seventy-five (75) feet in height, provided that such building, structure, part thereof or obstruction does not exceed the height limitations as prescribed hereinbefore.

(d) 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 seventy-five (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. No use, building, structure, part thereof or obstruction shall be permitted to be altered or changed to become nonconforming or more nonconforming in height.

§27-2011 Variances. Variances to the provisions of this section may be granted by the Zoning Hearing Board. In addition to the requirements as established by this Ordinance and the Municipalities Planning Code, as amended, the following shall also be considered and required:

(a) A determination from the Federal Aviation Administration as to the effect of the proposal on the operation of their navigation facilities and 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 airport manager shall respond within fifteen (15) days after receipt of the application. Failure of the manager to respond shall create a presumption that the airport manager has approved the proposal. 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

(a) All tower types including lattice, monopole and guy wired are principal permitted uses in the M-C and H-M zones, special exceptions in the C-H zone, and not permitted in any other zoning district. No other principal use is permitted on a lot with a tower unless the tower is located on a leased parcel within the lot and meets minimum lot size and setback requirements.

(b) Satellite dishes less than twenty-five (25) square feet, including base unit, shall be permitted in all zoning districts, except the Preservation zoning district.

§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 (6) categories.

(b) Types:

(1) Monopoles
(2) Self-supporting lattice towers
(3) Guy-wired
(4) Satellite dishes
(5) Roof-top and façade mounted antennas and antenna Structures
(6) Alternative tower structures

§27-2104 Applicability. All new towers or antennas in the City of Reading shall be subject to the following regulations, except as provided in §27-2106(b) through (d).

(a) This ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (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 ordinance, other than §27-2106(d)(4) and (h)

(c) For purposes of implementing this ordinance, 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 wireless communications 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) Required documentation

(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 $1,000,000.00 per occurrence and property damage coverage in the minimum amount of $1,000,000.00 per occurrence covering the Communications Tower and Communications Antenna.

(2) Copy of 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) Copy of lease or sales agreement.

(5) A technical description of the facility to include:

(i) A description of the tower and the technical, and other design factors of the tower.

(ii) A description of the capacity of the tower, including the number and types of antennas that it can accommodate.

(6) A statement from the FCC, FAA (Federal Aviation Administration), and State Aeronautics Division that the proposed tower complies with applicable regulations or that the tower is exempt from those regulations.

(7) A wind-loading analysis, certified by a Licensed Professional Communications Engineer, or Licensed Professional Civil/Structural 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) An inter modulation analysis certified by a Professional Communications Engineer, which demonstrates that the proposed new equipment will not cause undue RF interference to existing tower or transmitting facilities or communication service reception by other property owners. 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) A description of feasible location(s) for future towers or antennas within the City of Reading based upon the existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(10) 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 jurisdiction of the City or within one 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 administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the City.

(11) Landscape and fencing plan showing specific landscape and fencing materials and locations.

(12) Detailed site plan, see §27-2105(b) below.

(b) Site plan requirements

(1) Drawn to a scale of 1inch = 20 feet;

(2) Location map with a scale of 1' = 800', 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

(a) Location.

(1) Applicant shall confer with the City's Planning staff prior to site selection.

(2) Applicant shall satisfactorily demonstrate that the requested location is necessary to satisfy its function within the company grid system.

(3) Applicant shall satisfactorily demonstrate that existing tall structures, including but not limited to, residential and commercial buildings, water tanks, and utility towers within a one-quarter (1/4) mile radius of the proposed operation will not accommodate the applicant's proposed operation for one or more of the following reasons:

(i) No existing towers or structures are located within the geographic area that meets engineering requirements.

(ii) 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.

(iii) 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.

(iv) 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.

(v) 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.

(vi) A commercially reasonable agreement could not be reached with the owners of such structures.

(4) Applicant shall satisfactorily demonstrate that all efforts to co- locate antenna(s) have been exhausted.

(b) Setbacks.

(1) Communication tower setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located.

(2) Communication 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.

(3) Guy wire anchors, if used, shall be set back a minimum of 20 feet from any lot line.

(4) 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.

(5) No communications tower may be located within 500 feet of any residential zoning district, as measured from base of tower.

(6) No communications tower may be located within 1000 feet of any preservation zoning district, as measured from base of tower.

(c) Height.

(1) Measurement of communication tower height shall include antenna, base pad, and other appurtenances and, shall be measured from the finished grade of the parcel.

(2) Height not to exceed one hundred (100) feet in areas where tower use is permitted.

(3) Antennas, antenna structures and satellite dishes attached to buildings or other structures shall not exceed a height of twenty-five (25) feet above the existing roof line or the maximum height limit for that particular zoning district, whichever is less, and including roof and chimney mounted structures.

(4) Antennas, antenna structures and satellite dishes attached to buildings or other structures in excess of the maximum height for that zoning district shall be considered expansion of a nonconforming use, and shall comply with §27-607 of the City of Reading Zoning Ordinance.

(5) Applicant shall request the minimum tower height necessary to satisfy its function in the company's grid system.

(d) Structural Design.

(1) All wireless communications towers and antenna structures shall be constructed in accordance with ANSI Standards and EIA-22-D.

(2) 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.

(3) 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.

(4) All wireless communications facilities shall meet all applicable state and local building 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 thirty (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.

(5) All new wireless communications towers permitted after the effective date of this ordinance must be engineered to accommodate additional new users.

(e) Finished color/markings.

(1) All wireless communications 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.

(2) 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.

(f) A minimum of one (1) off-street parking space shall be provided for all commercial communications facilities.

(g) Access shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust free, all weather surface for its entire length.

(h) All wireless communications towers and antenna structures shall comply with all applicable FCC, FAA, federal, state and local regulations as may apply.

(i) Screening, buffering and landscaping.

(1) All ground-mounted communications towers, antennas, and any accessory structure shall be surrounded by a secure fence with a height of eight (8) feet, and shall be equipped with an appropriate anti-climbing device.

(2) 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.

(3) 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 four (4) feet wide.

(4) 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 eight feet and a planted height of at least 36 inches.

(5) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(6) 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.

(7) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

(j) The applicant shall demonstrate that the proposed transmitting facility will not cause RF (radio frequency) interference to any existing communications services (including but not limited to other towers or transmitting facilities, communication services reception by other property owners, etc.) in accordance with FCC requirements for the applicant's class of operation.

(k) The applicant shall demonstrate that the proposed RMS field intensity of EMR from the applicant's antenna(s), measured at the nearest point on the boundary of the applicant's site from the proposed antenna, will not exceed the levels allowed under ANSI standard C95.3.

(l) Illumination.

(1) 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. If strobe lights or flashing mechanisms are not required by such government agencies, then such lighting shall not be permitted.

(2) Lighting of facility shall comply with §27-919 of this Zoning Ordinance.

(m) No signs shall be allowed on an antenna or tower.

§27-2107 Accessory Facilities

(a) A single accessory facility containing equipment and control devices for the continuing operation of a tower/antenna may be located on the lot.

(b) 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 Zoning Ordinance.

(c) 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.

(d) No equipment cabinet or other accessory structure, either for tower mounted or rooftop antennas, shall contain more than 100 square feet of gross floor area or be more than 10 feet in height.

(e) 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.

(f) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not be greater than 100 square feet nor occupy more than 10 percent of the roof area.

(g) Equipment storage buildings or cabinets shall comply with all applicable building codes.

(h) 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 Environmental Impact

(a) All new telecommunications towers and antenna structures proposed in the City shall conform to the following environmental impact guidelines:

(1) Existing on-site vegetation shall be preserved to the maximum extent practicable.

(2) 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 Zoning Ordinance above the tree line level and painted green below the tree line level in forested or wooded areas.

(3) 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 Ordinance. Existing vegetation, fences or walls may be used if the Zoning Hearing Board finds:

(i) They achieve about the same amount of screening as described in §27-1402.

(ii) New plantings would have a detrimental effect on the stability, security or maintenance of the tower and/or guy wires.

§27-2109 Co-location

(a) Proposed antenna may, and are encouraged to, co-locate on existing communications towers, public utility structures, silos, water tanks, residential and non-residential 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.

(b) Applications for adding a new antenna to an existing tower shall comply with §27-2104.

(c) 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

(d) Height

(1) 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)

(2) Height change may occur one time.

(3) 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.

(e) Accessory structure(s) shall comply with standards set forth in §27-2107.

§27-2110 Removal of abandoned/unused structures. If a communications facility remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the facility within six (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 six (6) months of notification by the City.

§27-2111 Exemption.

(a) A commercial wireless communications 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.

(b) All PUC regulated corporations are exempt from these regulations.

§27-2112 City Owned Property

(a) Wireless communications towers and antennas on City owned property within the City limits shall comply with this Ordinance, unless exempt as described in §27-2111 of this Ordinance.

(b) Wireless communications 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.

(c) All proposals for wireless communications facilities on City owned property shall be reviewed by the City of Reading Planning Commission.

§27-2113 Fees. Council may establish, by ordinance, a reasonable fee schedule to be paid by the applicant.

PART 22

DEFINITIONS/SPECIFIC WORDS AND PHRASES DEFINED.

§27-2201 Intent. Any word, term or phrase used in this Ordinance, but not specifically defined herein, shall be given its normal, customary meaning.

§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:

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.

Adult Business. Any business that purveys sex in one form or another. Entertainment, retail and service businesses such as, but not limited to, theaters and cabarets, bookstores, video rental and sales, hotels and motels, escort agencies, massage parlors and peep shows.

Products and services may include movies, videos, photographs, books, magazines, sexual devices, live or simulated performances, and tactile services, such as massages. Massage therapy performed by a certified massage therapist is not included in this definition.

A business shall be considered adult in nature when sexually oriented products or services are promoted or advertised, and sexually oriented products are visible and accessible to the general public.

Adult Care Facilities.

(a) **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 six (6) or more adults.

(b) **Residential Care Facilities.**

(1) **Group Care Facility.** A household facility of more than three (3) persons, but fewer than ten (10) persons not necessarily 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 through a non-profit social service agency. Also Group Home and Group Lodge.

(2) **Group Institution.** A residential collective of ten (10) or more members 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, are provided supportive services through a non-profit social service agency.

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, jets or similar aircraft.

Airport Elevation. An elevation established at 344 feet above the mean sea level.

Alley. A thoroughfare having a right-of-way width of twenty-four (24) feet or less, dedicated to public passage, but unidentified as a street on the City's official Topographic Survey Map.

Alluvial Soils. Water deposited soils.

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 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 (2) players shall be considered one (1) device for each two (2) players.

Animal Shelter, Animal Breeding Facility – See Kennel

Apartment. A dwelling unit contained in a building, structure or part thereof, leased to an occupant for residential purposes.

Arcade, Video Arcade. See Game Room.

Assisted Living Facility. See Life Care Retirement Facility.

Athletic Clubs. See Recreational Facilities.

Automotive Repair Facility. A building used for the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

Automotive Sales. A building or lot where more than two (2) motor vehicles for sale to the public may be parked, stored, or displayed.

Basement. A portion of a building or structure that is completely or partially beneath the average elevation of the finished grade.

Bed and Breakfast ~~Facility~~. 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.

Billboard. A panel type sign having a sign display area exceeding thirty-two (32) square feet, advertising goods, persons, products or services which are not sold, manufactured, distributed or provided on the premises where the sign is situated.

Boarder, roomer or lodger. One who pays a stipulated sum to a homeowner for lodging for a definite time period.

Boarding, Rooming or Lodging House. A building or structure used to shelter and/or feed in excess of two (2) individuals not members of the operator's family, by pre-arrangement and for definite periods of time and compensation.

Bottle Club. Business premises not licensed by the Pennsylvania Liquor Control Board permitting the consumption and/or storage of alcoholic beverages as provided in Section 7327 of Title XVIII, Pennsylvania Consolidated Statutes. Said use to be in accordance with and subject to the requirements and limitations provided in said act of assembly and amendments thereto.

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 or structures.

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.

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. A club, bar, tavern, theater, peep show, hall or similar place that presents lewd entertainment, whether live, recorded or simulated, for observation by consenting patrons.

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 Occupancies. Official certification that a premise conforms to provisions of the Zoning Ordinance (and Building Code) 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 structure cannot be occupied.

Child Care Facilities.

(a) **Day Care Centers**

(1) 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 (7) or more children unrelated to the operator, as licensed and regulated by the Pennsylvania Department of Public Welfare.

(2) 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 (4), five (5) or six (6) children unrelated to the operator, as licensed and regulated by the Pennsylvania Department of Public Welfare.

(3) 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 six (6) but fewer than sixteen (16) older school age level children, or more than six (6) but less than thirteen (13) children of any age level, as licensed and regulated by the Pennsylvania Department of Public Welfare.

(b) **Residential Care Centers.** See Adult Care Facilities.

Church. A 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, cafe or other public place.

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. 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.

Conversion. The change of a building or structure, or part thereof, from a less intensive use category to a more intensive use category.

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 man-made 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 students, staff or members of a college, university, boarding school, theological school, hospital, religious order or comparable organization and 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. A building designed and used for three or more dwelling units.

Dwelling, One-Family Attached (townhouse or row house) A residential building designed and used as one dwelling unit, but connected or attached to another residential building also used as one dwelling unit.

Dwelling, One Family Detached. A single residential building containing one dwelling unit entirely surrounded by open space on the same lot.

Dwelling, Semi-Detached. One dwelling unit designed and used for residential purposes having three or fewer walls in common with an adjacent building also designed and used for one dwelling unit.

Dwelling, Two Family Detached (duplex) A building designed and used for two dwelling units.

Dwelling Unit. One or more rooms providing living facilities for one family or an individual, used or intended to be used for sleeping, cooking, bathing and other day-to-day residential activity.

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.

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 premise. Primary use entertainment shall be limited to nightclubs, theaters, and cinemas.

Essential Utilities. The following specific, CATV and utilities (gas, water, sewer, telephone and electric), 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.

Façade. 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, living together as a single housekeeping unit; or a group of not more than five (5) unrelated persons who are living together in a single, nonprofit dwelling unit and maintaining a common household with a single cooking facility. A roomer, boarder, or lodger shall not be considered a member of the family. The term "family" shall also not include the occupants of a clubhouse, hotel, motel, or fraternity house.

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.

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.

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 Topographical Survey), commonly referred to in terms of "feet of frontage."

Game Room, Video Arcade. A place where amusement devices are provided and utilized as the principal use of the premises.

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. A 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 a motor vehicle service station.

Gasoline or automotive 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, which may include sale of fuel, oiling, greasing, washing and light motor vehicle repairs on the premises.

Governing Body. Shall be taken to 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.

Habitable Floor Area. The floor area within a building which is maintained for human occupancy. The term "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:

(a) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or

(b) 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 Apartment. A building or group of buildings containing therein one or more multi-family dwellings designed as an integrated development, serviced by an elevator, exceeding a height of thirty-five (35) feet and with the dwellings therein, leased to the occupants for a definite period of time of thirty (30) days or more.

Home Computer/Internet Occupation. A home based business involving the use of computers and/or the internet, conducted entirely within a dwelling unit by members of the family residing therein, which is clearly secondary to the residential use of the dwelling, does not change the residential character thereof, and requires no parking for patrons and employees.

Home Craft. Any use conducted entirely within a dwelling unit by members of the family residing therein, which is clearly incidental and secondary to the residential use of the dwelling, does not change the residential character thereof, and does not emit any sound or noise discernible outside of the dwelling unit and requires no parking for patrons or employees.

Home Occupation. The office, studio or occupational room of a licensed or certified medical, engineering, and financial professionals engaged in direct personal services, when such a use is within a dwelling which is the bonafide principal residence of the practitioner. Home occupations may include, but not limited to, notary public, massage or physical therapist, chiropractor, performing and visual arts teachers and tutors, physician, surgeon, dentist, lawyer, architect, engineer, surveyor, oral surgeon, orthodontist, periodontist, osteopath, psychologist, podiatrist, optometrist, accountant, or veterinarian.

Hotel. Establishments where the public may, for consideration, obtain sleeping accommodations. Such establishment shall have at least ten (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 Zoning Ordinance; 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.

Inn. See Hotel.

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 boarding, breeding and/or training animals.

Lewd Material or Entertainment. Material or entertainment that features topless or bottomless dancers, entertainers, employees or strippers; that shows simulated sex acts or live or actual sex acts; that shows or suggests human genitals in a state of sexual stimulation or arousal; that shows or suggests the act of masturbation, sexual intercourse or sodomy; that shows or suggests the fondling or erotic touching of human genitals, pubic region, buttock or female breast; that shows human genitals, pubic region, buttock or female breast below the top of the areola; or that shows human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Life Care Retirement Facility. A planned residential community for persons of retirement age, which shall include residential dwelling units, with communal dining, recreation areas, open space, parking and related facilities. Includes retirements homes, assisted or independent living facilities and similar uses.

Loading Space. An off-street area used for loading and unloading of goods and having a direct access to a public street or alley.

Lodge. See Club or Social Club.

Lot. A parcel or tract of land occupied or intended to be occupied, by buildings, accessory buildings, uses or accessory uses as permitted by this Ordinance. Lot size 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 lot included in a street right-of-way shall not be included in determining lot area.

Lot Coverage. The percentage of a lot covered by impervious surfaces, which are surfaces that do not absorb moisture, water or rain and includes roofs, buildings, parking areas, driveways, roads, streets and any areas covered by concrete or asphalt.

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.

Medical/Dental Clinic. A building, or a part thereof, containing the offices of licensed physicians or dentists and limited to outpatient treatment.

Mid-rise Apartment. A building or group of buildings containing therein one or more multi-family dwellings, designed as an integrated development, not served by an elevator, limited to a height of forty-eight (48) feet, with the dwellings therein leased to the occupants for a definite period of time of at least thirty (30) days.

Mobile (Manufactured) Home. A transportable single unit usable as a permanent dwelling, office or place of assembly, or multiple units designed to be joined into one (1) 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.

Mobile (Manufactured) Home Lot. A parcel of land in a manufactured home park used for the siting of a single manufactured home and improved with utility connections and other necessary appurtenances.

Mobile (Manufactured) 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.

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. See also Mobile (Manufactured) Homes above.

Motel. Establishments where the public may, for consideration, obtain sleeping accommodations, having at least eight permanent bedrooms for the use of guests and on-site, off-street parking.

Motor Vehicle Service/Inspection Station. Any building or part thereof which is used for supplying services generally required for the operation and maintenance of vehicles, including the sale or dispensing of gasoline or fuel. Motor Vehicle Service Stations may: sell petroleum products; sell and service tires, batteries, automotive accessories and replacement items; provide washing and lubrication services; perform minor automotive maintenance; and supply products for the operation and maintenance of vehicles. Motor Vehicle Service Stations shall not be used for painting or repair of vehicle body parts.

Municipal, Municipality. Of or pertaining to a Federal, State or local government or an agency thereof, including local school districts, water and sewer authorities and police and fire departments.

Municipal Building. A building owned, used or managed by a municipality or an agency of a municipality.

Nightclub. Establishments primarily engaged in the presentation of live or recorded musical or theatrical entertainment. No alcoholic beverages can be served without a valid license from the PLCB.

Nonconforming Building/Structure. A building, 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 ordinance.

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 this ordinance.

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 this ordinance.

Nursing Home. A building or part thereof used for the lodging, boarding and nursing care, on a 24-hour basis, of four (4) or more persons. The term "Nursing Home" shall include nursing and convalescent homes, skilled nursing facilities, intermediate care facilities, and infirmaries contained within homes for the aged.

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.

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 use, which indicates thereon that the requirements governing special exceptions in the Zoning Ordinance 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 the Zoning Ordinance 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.

Pets. For the purpose of this Ordinance, pets means any number of animals traditionally found in a household for the enjoyment, companionship and/or protection of the family. Pets means any animal legally obtained 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.

Place of Worship. A building or group of buildings that include areas designed, intended or used for public assembly for religious purposes.

Planned Residential Development. A tract of land or lot under a single landowner, planned and developed as permanent, year-round residential units and supporting commercial services, utilizing a reasonable degree of flexibility in the placement and interrelationship of buildings and uses, while at the same time maintaining adequate overall intensity of land use, density of population and amounts of light, air, access and open space.

Planning Commission. The Planning Commission of the City of Reading.

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 Ordinance 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-of-way intended for use as a means of vehicular and pedestrian circulation and to provide access to more than one lot, as shown on the Topographic Survey 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.

Publicly Subsidized Housing. Housing funded by governmental agencies and dedicated for occupancy by low- and moderate-income individuals and families, as defined by HUD.

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 may be 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, quasi-public. Any facility, operated by a social club licensed by the Commonwealth of Pennsylvania or by any organization granted tax exempt status by the United States of American Internal Revenue Service, which clearly has as its primary purpose athletic activity. This category includes, but is not limited to, the YMCA, the YWCA, the Jewish Community Center, the Police Athletic League, the Olivet Boys and Girls Clubs, and the Slovak Catholic Sokol. 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.

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 quasi-public use.

Roof. A structural covering of any material, being supported by columns, piers, metal rods, walls or cantilevered from a principal structure.

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.

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 nonacademic 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 Resources regulations or regulations of the City, whichever is more stringent.

Site Plan. A drawing of a building, structure and or lot, showing information including, but not limited to, lot and building size and coverage, setbacks, landscaping and uses. Architectural elevations and floor plans are sometimes included.

Site Plan Review. Any review of land development, building design or subdivision plans by the Zoning Administrator, Planning Commission or City Council, or all, 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 by-laws, and is not a licensee of the Pennsylvania Liquor Control Board. No alcoholic beverages to be sold, stored or consumed on premises.

Social Club (PLCB licensed) Any organization, not conducted for profit, which has a membership defined by its charter by-laws, 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 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.

Storm Water 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 six (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 seven (7) feet in height above the floor shall also be considered as a story.

Street. A public thoroughfare which has been or will be dedicated or deeded to the public for public uses and includes, but is not limited to roads, alleys, lanes and highways as specified on the City Topographical Survey.

Structure. Any man-made 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.

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, Private. Any artificially constructed body of water and any lake or pond maintained by an individual for bathing by the members of the household and guests, located on a lot as an accessory use to the residence. A wading pool, with a depth of less than eighteen (18) inches shall not be deemed 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 two (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 deemed a swimming pool. Such pools shall not be less than seven (7) feet from the side and rear property lines, with a continuous fence and lockable gate not less than forty-two (42) inches in height above ground.

Swimming Pool, Public or Semi-Public. Any artificially constructed pool or any lake or pond maintained by an association or public agency for the use of association members and guests or the general public either for a fee or for free. A wading pool owned by an association or public agency, with a depth of less than eighteen (18) inches shall not be deemed 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 three (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 deemed a swimming pool.

Taverns, Bars, 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.

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. One of three or more buildings designed to be used or capable of being used as dwelling buildings and divided by party or partition walls but with no horizontal division. Townhouses include end-of-row houses.

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.

Variance. An authorization, from the Zoning Hearing Board to a legal or equitable property owner, to depart from the literal requirements of applicable 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.

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. The person or persons who are charged with enforcement of the zoning ordinance.

Zoning Hearing Board. The Reading Zoning Hearing Board, as established by Part 4 of this Ordinance.

§27-2203. Airport Zone Definitions. The following words and phrases shall be used to interpret Part 19 and Part 20 of this Ordinance, 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 foot of vertical elevation extending to a height of 350 feet above the airport elevation. 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. A runway which requires or will require the use of an Instrument Landing System (ILS) or Precision Approach Radar (PAR)

Primary Surface. A specially 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 seven 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 Ordinance, 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 flood plain outside of the floodway.

Flood Plain. 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.

Flood Plain Areas. Areas within the 500 year flood plain 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 one (1) foot at any point.

One Hundred Year Flood Plain. 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 Ordinance, 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 ten (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 thirty-two (32) square feet in surface area, which advertises goods, products or services which are not sold, manufactured, offered or distributed on or from the premises or facilities 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 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 (2) adjacent faces oriented in the same direction and not more than ten (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 less than twenty (20') feet in height above grade.

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 five feet distant from the sign location, or, if the sign, or any projection thereof is less than five 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 five 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 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 Zoning Ordinance; 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, premise, 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 manner 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 one-half (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 Ordinance 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 three feet above the roof line at the wall 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 three feet above the second floor line. The second and subsequent floor occupancies shall extend from three feet above the occupied story floor line to three feet above the floor line of the story above, or to three feet above the roof line at the wall 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 article. Regulations governing sign permits, penalties, nonconformity, appeals and other administrative matters are found in this section and in other sections.

Pole sign. A sign supported permanently in or upon the ground by one or more columns, uprights or braces, not attached to any building, and twenty (20) or more feet in height above grade.

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 eight feet six inches (8'6") above the sidewalk or grade, projects more than twelve (12") inches, or which, for signs located less than eight feet six inches (8'6") 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. In the case of a specified pole sign, the maximum distance between any part of the sign and the vertical plane of the setback line or property line, whichever is applicable.

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.

Reader board sign. A sign on which the display surface copy may be changed by persons using such signs. Such copy shall be related only to the business, service or products offered on the premises on which the sign is located, or to the announcement of recognized community events.

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, quasi-public, civic, charitable or religious group.

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 article. 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 are located in the C-H and M-C zones:

(a) North Fifth Street (U.S. traffic route 222) north of Amity Street to the City boundary line;
(b) Warren Street By-Pass (U.S. traffic route 222) north of Wayne Avenue;
(c) Lancaster Avenue (U.S. traffic route 222) from Morgantown Road to Funston Avenue;
(d) West Shore By-Pass (U.S. traffic route 422);
(e) Centre Avenue (Pennsylvania traffic route 61) north of Bern Street to the City boundary line;
(f) Morgantown Road (Pennsylvania traffic route 10) south of Lancaster Avenue;
(g) Greenwich/Oley Streets between North Sixth and North Eighth Streets;
(h) Kutztown Road north of Rockland Street to the City boundary line;
(i) North Eighth Street between Walnut and Green Streets;
(j) North Second Street between Washington and Walnut Streets;
(k) North Third Street between Buttonwood and Greenwich Streets;
(l) Richmond Street/Hiester's Lane/Rockland Street between North Fifth Street and North Eleventh Street;
(m) South Second Street between Chestnut and Bingaman Streets;
(n) Spring Street between North Sixth and Nicolls Streets;
(o) 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 ten (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 eight feet six inches above the sidewalk or grade line, or not more than four inches for signs located less than eight feet six 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 Towers Definitions. The following words and phrases shall be used to interpret Part 21 of this Ordinance, as it specifically applies to telecommunications towers; otherwise, the general definitions given in §27-2202 shall apply.

Alternative tower structures. Man-made trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

American Nation 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 (HAAT) 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. A 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 receives electromagnetic signals, including, but 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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