

Drafted by	Deputy City Clerk
Sponsored by/Referred by	Environmental Advisory Council
Introduced on	September 28, 2015
Advertised on	October 5 and 12, 2015
Public Hearing on	October 19, 2015

BILL NO. 57-2015
AN ORDINANCE

AMENDING THE CITY OF READING CODE OF ORDINANCES CHAPTER 600, BY ADOPTING A NEW SECTION §600-818 PROVIDING FOR A RIPARIAN BUFFER OVERLAY DISTRICT AND AMENDING §600-2202 DEFINITIONS

WHEREAS, Riparian buffers adjacent to Watercourses and Impoundments provide numerous environmental and resource management benefits including without limitation:

- 1) Restoring and maintaining chemical, physical and biological integrity of water resources;
- 2) Removing pollutants from urban storm water;
- 3) Reducing erosion and controlling sedimentation;
- 4) Stabilizing stream banks;
- 5) Providing a natural impediment to floods;
- 6) Contributing organic material that is a source of nutrients and energy for aquatic ecosystems;
- 7) Maintaining tree canopies that serve to stabilize stream temperatures and therefore aquatic ecosystems;
- 8) Providing riparian wildlife habitat; and
- 9) Furnishing scenic value and recreational opportunities.

WHEREAS, Because of the benefits identified above, as well as others which may not be listed, the City of Reading Zoning Ordinance shall be amended to include a Riparian Buffer Overlay District that will accomplish the following objectives:

- 1) Prevent the further loss of the benefits to property and the community provided by protecting existing riparian buffers along water courses and impoundments by requiring new development to take place in such a manner so as to preserve and enhance the beneficial functions of the areas within the Riparian Buffer Setbacks;
- 2) Reduce the ongoing damage to public and private property and the community from

the presence of buildings and structures and other impervious surfaces within the Riparian Buffer Setback by encouraging redevelopment in a manner designed to reduce or limit the extent of buildings, structures and impervious surfaces within the Riparian Buffer Setback;

- 3) Educate owners of properties that include Riparian Buffers Setbacks regarding the benefits of restoring the important functions of these areas by identifying desirable maintenance practices that could be voluntarily employed within Riparian Buffer Setbacks by any landowner.;

SECTION 1: This Ordinance amends the City of Reading Code of Ordinances Chapter 600 Zoning by adding section 600-818 Riparian Buffer Overlay District in order to regulate development and redevelopment near Watercourses and Impoundments and mitigate issues that accompany such development and redevelopment and section 600-2202 Definitions.

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

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

SECTION 4: This Ordinance shall be effective in ten (10) days in accordance with Charter Section 219 after passage.

Enacted Oct 26, 2015

President of Council

Attest:

City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original _____ passed by the Council of the City of Reading, on the 26 day of Oct, A. D. 20 15. Witness my hand and seal of the said City this 27 day of Oct, A. D. 20 15.

CITY CLERK

Submitted to Mayor: _____

Date: 10/27/15

Received by the Mayor's Office: _____

Date: 10/27/15

Approved by Mayor: _____

Date: 10/27/15

Vetoed by Mayor: _____

Date: _____

§600-818: Riparian Buffer Overlay District

A. Applicability

This Ordinance is intended to modify the location of certain development in relation to Watercourses and Impoundments but not to modify the overall density of such development. The regulatory provisions apply to development and redevelopment of property located within the Riparian Buffer Setback, and make recommendations for the maintenance of any other properties within the Riparian Buffer Setback, to protect both water resources and property from stormwater damage, flash flooding, erosion and sedimentation, and pollution.

B. Creation of Riparian Buffer Setbacks

A Riparian Buffer Setback is an area extending alongside and adjacent to watercourses and impoundments which must be designed, managed and maintained as a Riparian Buffer to protect stability of banks and edges, improve water quality, reduce the effects of erosion, flash flooding and contaminated runoff, and to act as a transitional zone between upland and aquatic habitat.

The following Riparian Buffer Setback is required within the following zoning districts:

- 1) R -1 – 35 feet
- 2) R-1 A – 35 feet
- 3) R-2 – 25 feet
- 4) R-3 – 15 feet
- 5) R-PO – 25 feet
- 6) C-C – 15 feet
- 7) C-R – 15 feet
- 8) C-H – 25 feet
- 9) M-C – 35 feet
- 10) H-M – 35 feet
- 11) P – 35 feet

C. Regulations that Apply to Areas that Contain Riparian Buffer Setbacks

- 1) The regulations in this section shall apply to all lots, regardless of size, that include Watercourses and Impoundments. In lots which qualify for development in the Riverfront Redevelopment Overlay District, those optional regulations shall take precedence.
- 2) Areas within the Riparian Buffer Setback along watercourses and impoundments must be used as a Riparian Buffer; they must be properly graded and stabilized, and managed as open space with permanent vegetation consisting of at least 20% shrub or tree cover.
- 3) Development. Development shall be designed to preserve the integrity and function of any existing Riparian Buffer. All areas within the Riparian Buffer Setback shall be designed and managed as a Riparian Buffer, except as specifically provided in this section. In an application for development, the applicant shall design the development without encroaching upon the

Riparian Buffer Setback, in accordance with the following limitations:

- a) The principal building and use shall not be located on the area of the lot within the Riparian Buffer Setback;
 - b) Other structures, accessory uses and equipment shall also, to the extent feasible, not be located on or extend into the Riparian Buffer Setback;
 - c) Other impervious coverage shall not extend into the Riparian Buffer Setback, unless the City Engineer finds that:
 - 1) constraints unique to the property prevent the reasonable development of the property without encroaching upon the Riparian Buffer Setback, and
 - 2) the development plan minimizes the encroachment and provides compensating mitigation to reduce the impacts of the encroachment into the Riparian Buffer Setback.
- 4) Redevelopment. For the purposes of this section, redevelopment shall mean any physical improvement that involves earth moving, removal, or addition of impervious surfaces to a lot which contains pre-existing development within the overlay district. In an application for development of property, the applicant shall design the land development plan in a manner that maintains and restores riparian buffer functions to areas in the Riparian Buffer Setback to the extent feasible, including the following:
- a) No new buildings or structures shall be added in the portion of the lot located within the Riparian Buffer Setback;
 - b) Restoration and improvement of existing buildings and structures located within the Riparian Buffer Setback shall not be expanded beyond their existing footprint;
 - c) Accessory uses and equipment should be located or relocated, to the extent feasible, so as not to encroach upon the Riparian Buffer Setback;
 - d) Impervious coverage shall not be added in the Riparian Buffer Setback, and, except for access roads and necessary parking areas, redevelopment plans shall, to the extent feasible, remove existing impervious surfaces from the Riparian Buffer Setback and grade and revegetate the Riparian Buffer Setback Area as a Riparian Buffer.
- 5) Application Information. In order to determine compliance with the applicable Riparian Buffer Setback requirements, an application for land development shall include the following information with respect to the portion of the lot within a Riparian Buffer Setback:
- a) Maps and schematic plans identifying the location of watercourses and impoundments on and adjacent to the property under development;

- b) Location, dimensions and footprint of any proposed or existing building or structure, equipment and impervious coverage;
- c) Slopes and grading plan;
- d) A Planting Plan that includes plant species, locations and coverage of shrubs and trees;
- e) A Riparian Buffer Maintenance Plan providing for the maintenance of permanent vegetation, stable slopes and grading, and integrity of the Riparian Buffer.

D. Permitted Land Disturbances in Riparian Buffer Setback

- 1) The area within the Riparian Buffer Setback established in this ordinance for each zoning district shall be managed as a Riparian Buffer.
- 2) The following land disturbances shall be permitted without limitation when located within a Riparian Buffer Setback:
 - a) Implementation of an approved Riparian Buffer Maintenance Plan, which may include vegetation and open space management and which provides for the maintenance of permanent vegetation, Watercourse and Impoundment banks, edges and water quality.
 - b) Activities regulated by the Commonwealth of Pennsylvania, such as permitted stream or wetland crossings or other obstructions and encroachments, in accordance with a valid permit.
 - c) Installation of pervious-surfaced trails along or providing access to a Watercourse or Impoundment, or an impervious-surfaced trail providing access when required or authorized by federal, state or local regulations.
 - d) Gardening and exterior yard maintenance, not including mowing or tilling, unless done in accordance with an approved Riparian Buffer Maintenance Plan.

E. Maintenance and Protection of Riparian Setback Areas

All owners of property that includes a Riparian Buffer Setback are encouraged to develop and implement a Riparian Buffer Maintenance Plan and are encouraged to use best management practices within the Riparian Buffer Setback area to maximize the functions and benefits for their property and downstream properties to restore the functions of the Riparian Buffer area over time.

Such practices include, without limitation:

- proper grading to reduce erosion of banks
- mulching of exposed soils
- establishing permanent vegetative cover including shrubs and trees

- the use of native plants adapted to the edge of waterway habitat
- removal of invasive plants
- limiting mowing and restoring the natural habitat
- protection and stabilization of banks and impoundment edges
- water quality protection, including regular cleanup and spill prevention
- reduction of runoff volumes and velocity to prevent downstream damages and flooding
 - installation of rain barrels and other rain water harvesting
 - encouraging rain water infiltration with rain gardens or terraces
- voluntary removal of obstructions, unused equipment, and accessory uses
- removal of impervious surface cover
- use of porous paving materials
- responsible storage of fuels and chemicals and other potential pollutants

F. Boundary Determination – The applicant is responsible for the measurement of the applicable Riparian Buffer Setback established in 600-818B along any watercourses or impoundments located on the lot, and delineation of such Riparian Buffer Setbacks on any plans for land development. Measurement is from the edge of bank at the time of a permit application.

The Zoning Administrator, in consultation with the City Engineer, shall be responsible for reviewing the location of the Riparian Buffer Setback, as applicable to any specific permit or approval. An applicant shall provide all plans, maps, and other information that may be necessary to make such a determination.

G. Violations and Penalties

Any person who or partnership or corporation that has violated or permitted the violation of the provisions of this chapter shall be subject to zoning enforcement remedies as described in Section 600-201.

§600-2202 Definitions

By adding the following definitions:

Impoundments – any body of surface water formed by the construction or excavation of a basin or the obstruction of stream flow in such a manner as to cause the collection of a body of water which would not have formed under natural conditions.

Riparian Buffer - a permanently vegetated open space, including at least 20% trees and shrub cover, on graded and stabilized slopes, extending along and adjacent to a watercourse or impoundment that is managed to protect stability of banks and edges; improve water quality; to reduce the effects of erosion, flash flooding and contaminated runoff; and to act as a transitional zone between upland and aquatic habitat.

Riparian Buffer Maintenance Plan – A landscape management and maintenance plan that provides best management practices for the establishment of permanent vegetation and property maintenance in Riparian Buffers, including mulching, mowing, weed control, selection and restoration of herbs, shrubs and trees, and protection of stability and integrity of banks and edges of the watercourse or impoundment.

Riparian Buffer Setback – The measured distance from the edge of the banks of a watercourse or impoundment which is required to be maintained as a Riparian Buffer, as required for the zoning district in which said watercourse is located.

Watercourses -A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow, including, without limitation, streams and stream systems, brooks, ponds, waterways, creeks and any other such channel or collection point for flowing or standing water.