

Leon

**FILE OF COUNCIL**

No. 16 of 2007

Presented in City Council on July 12, 2007

**AN ORDINANCE**

**AMENDING FILE OF COUNCIL NO. 17 OF 1960, AS AMENDED, ENTITLED  
"THE CITY OF WILKES-BARRE ZONING ORDINANCE, AS AMENDED."**

*WHEREAS*, CITY COUNCIL MAY ENACT AMENDMENTS TO THE ZONING ORDINANCE SUBJECT TO SAID AMENDMENTS HAVING PRIOR REVIEW BY THE WILKES-BARRE PLANNING COMMISSION AND THE LUZERNE COUNTY PLANNING COMMISSION AND;

*WHEREAS*, THE SHORT TITLE OF THIS ORDINANCE SHALL BE "EXEMPT RESIDENTIAL STORAGE SHEDS".

*WHEREAS*, IT IS THE DESIRE OF THE CITY OF WILKES-BARRE TO REVIEW AND AMEND, AS DEEMED APPROPRIATE, THE PROVISIONS OF THE WILKES-BARRE CITY ZONING ORDINANCE, AS AMENDED, TO PROVIDE FOR SOUND AND VIABLE RESIDENTIAL COMMUNITIES BY ESTABLISHING AND PRESERVING A SYSTEM OF DENSITY PATTERNS AND FUNCTIONAL USES WHICH ARE IN CHARACTER WITH THE CITY AND COMMUNITY SERVING THE NEEDS OF THE PEOPLE AND CREATING AN ATMOSPHERE CONDUCTIVE TO REHABILITATION, MAINTENANCE AND IMPROVEMENT OF HOUSING.

*WHEREAS*, IT HAS BEEN DETERMINED BY THE OFFICE OF PLANNING AND ZONING THAT A SIGNIFICANT NUMBER OF APPLICANTS EXPRESS FRUSTRATION OVER RESTRICTIVE ZONING REGULATIONS FOR THE CONSTRUCTION OF SMALL RESIDENTIAL STORAGE SHEDS ON THEIR PROPERTY AND APPEALS TO THE ZONING HEARING BOARD FOR WAIVING SETBACK AND AREA REQUIREMENTS FOR SUCH REASONABLE INSTALLATIONS ARE USUALLY GRANTED PERMISSION.

*WHEREAS*, THE INTERNATIONAL RESIDENTIAL CODE 2006 SECTION R105.2, WORK EXEMPT FROM PERMIT, EXEMPTS ONE-STORY DETACHED STRUCTURES USED AS TOOL AND STORAGE SHEDS, PLAYHOUSES AND SIMILAR USES, PROVIDED THE FLOOR AREA DOES NOT EXCEED 120 SQUARE FEET.

*WHEREAS*, IT IS THE DESIRE TO PROVIDE RELIEF FROM CERTAIN ZONING REGULATIONS IN A MANNER CONSISTENT WITH THE ADOPTED INTERNATIONAL RESIDENTIAL CODE 2006 WHILE PRESERVING THE SYSTEM FOR ORGANIZED DEVELOPMENT PATTERNS.

*WHEREAS*, THE CITY COUNCIL OF THE CITY OF WILKES-BARRE HELD A PUBLIC HEARING ON \_\_\_\_\_, 2007 IN ACCORDANCE WITH THE REQUIREMENTS UNDER SECTION 605 OF THE CITY OF WILKES-BARRE ZONING ORDINANCE, AS AMENDED.

*NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT THE FOLLOWING AMENDMENTS OF THE CITY OF WILKES-BARRE ZONING ORDINANCE, AS AMENDED, ARE HEREBY ADOPTED:*

**SECTION 1:**

*ARTICLE 2 OF THE ZONING ORDINANCE, GENERAL PROVISIONS, SHALL BE AMENDED TO INCLUDE A NEW SECTION 205.6 AS FOLLOWS:*

**205.6 LIMITED DETACHED ACCESSORY STORAGE STRUCTURES (Shed)  
REGULATIONS IN RESIDENTIAL AND NON-RESIDENTIAL ZONES**

A limited size *DETACHED ACCESSORY RESIDENTIAL STORAGE STRUCTURE* is an accessory structure hereby further defined as a structure that is used and intended for the storage of household goods, lawn and garden equipment, materials typically found in sufficient limited quantity for residential purposes, and other related goods and machinery intended solely for the use of the residents of a residential property upon which it is located subject to the following specifications:

- 1) Shall have a maximum floor area of no more than 120 square feet;
- 2) Shall have a maximum building wall length of twelve (12') feet;
- 3) Shall not exceed a height of eight (8') feet from established grade;
- 4) Shall have a minimum distance of five (5') feet from any dwelling located on an adjacent lot.

Subject to these requirements, the defined *DETACHED ACCESSORY RESIDENTIAL STORAGE STRUCTURE* shall be a permitted residential accessory structure pursuant to Section 1101 of this Ordinance and shall be subject to the requirements of Section 205.3 with the following exemptions:

- 1) The limited size Detached Accessory Residential Storage Structure shall be located not less than three (3') from one (1) side lot line, except that when the accessory structure abuts an alley, ten (10) feet shall be required;
- 2) The limited size Detached Accessory Residential Storage Structure shall be located not less than three (3') from the rear lot line, except that, when the accessory structure abuts an alley, ten (10') feet shall be required.
- 3) The construction of one (1) a limited size Detached Accessory Residential Storage Structure upon a zoning lot shall be exempt from compliance with building lot coverage requirements in Section 1201 of this ordinance to the extent of the size of the shed.
- 4) The construction of additional shed units shall not be exempt from building lot coverage requirements in Section 1201 of this ordinance; however, the application shall be subject to a building lot area credit equal to the square foot of the exempt structure not to exceed 120 square feet.

**SECTION 2:**

The provisions of this ordinance shall be severable and if any of its provisions shall be deemed invalid for any reason, the validity of the remaining provisions of this ordinance shall not be affected. It is hereby declared as the intention of the City Council that this ordinance would have been adopted had such invalidity not been included therein.

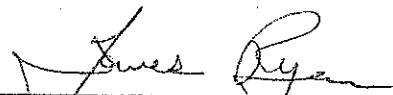
**SECTION 3:**

All other ordinances, or parts thereof, of the City of Wilkes-Barre which is in conflict with this ordinance, to the extent of such conflict, are hereby repealed.

PASSED FINALLY BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE  
ON August 9, 2007

THIS ORDINANCE SHALL BECOME EFFECTIVE ON August 9, 2007

**ATTEST:**

  
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James Ryan, City Clerk