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FILE OF COUNCIL

No. 36 of 1999

Presented in City Council on December 9, 1999

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

WHEREAS, THE CITY COUNCIL OF THE CITY OF WILKES-BARRE PASSED FINALLY ON OCTOBER 18, 1960, A ZONING ORDINANCE AND;

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

WHEREAS the conversion of Single Family Dwellings cause overcrowding and congestion in City neighborhoods, conditions that are unfair to existing residents and unattractive to potential residents and;

WHEREAS the conversions also cause more intensive use and reduce maintenance of older buildings, resulting in the deterioration of the City's housing stock, which places a physical blight and economical burden upon the City and;

WHEREAS, City Council seeks to prevent the continued proliferation of single family homes being converted into multi-family residences and commercial or institutions and;

WHEREAS, the Wilkes-Barre Department of Planning and Zoning has directed regulations designed to prohibit the conversion of existing single family dwellings.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the City Council of the City of Wilkes-Barre that the following amendments to the Wilkes-Barre Zoning Ordinance are hereby adopted.

Section 1.

Article 14, Supplemental Requirements is hereby amended to include the following Section:

Section 1431 – Prohibition on the Conversion of Existing Single Family Housing Units.

No existing single family dwelling unit shall be converted into two or more dwelling units or into an institutional or commercial use in the following zoning districts:

- R-1 (Single Family Residential District)
- R-2 (Two Family Residential District)
- R-3 (Multi-Family Residential District)

Section 2.

Section 1101, TABLE OF USE REQUIREMENTS – RESIDENTIAL WHICH CURRENTLY READS AS FOLLOWS:

Section 1101. Table of Use Requirements -- Residential:

	R-1	R-2	R-3	R-A	C-N	C-1	C-2	C-3	C-4	M-1	M-2	S-1	S-2
Single-Family Detached Dwelling	X	X	X										
Two-Family Dwellings, including detached or semi-detached dwellings containing not more than two dwelling units		X	X										
Multi-Family Dwellings		SB	X			X		X					SB
Boarding House/Rooming House (See Section 1425)			SA		SA								
Conversion of structure not designed for residential purposes to residential units (see Section 1417)	SA	SA	SA		SA	SA	SA	SA	SA			SA	SA
Home Occupation (see Section 1409)	SA	SA	SA		X	X	X	X	X	X	X	X	SA
Accessory Residential Uses	X	X	X		X	X	X		X	X	X	X	X
Mobile Home (Section 1415)									X				
Fraternity House or Dormitory												SA	
Housing Complex (Section 1428)				SB									
Dwelling Units on Upper Floors					X	X	X	X				X	X
Garden Apartments (Section 1406)			SB	SB									
Townhouses (Section 1420)		SB	SB	SB									
Group Residences (Section 1408)	SB	SB	SB		SB								

X = Use permitted by right.

SA = Special Exception Use requiring approval by Zoning Hearing Board

SB = Special Exception Use requiring approval by Zoning Hearing Board, preceded by review comment and recommendation from the Planning Commission.

IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 1101. Table of Use Requirements -- Residential:

	R-1	R-2	R-3	R-A	C-N	C-1	C-2	C-3	C-4	M-1	M-2	S-1	S-2
Single-Family Detached Dwelling	X	X	X										
Two-Family Dwellings, including detached or semi-detached dwellings containing not more than two dwelling units		X	X										
Multi-Family Dwellings			X			X		X					SB
Boarding House/Rooming House (See Section 1425)			SA		SA								
Conversion of structure not designed for residential purposes to residential units (See Sections 1201 and 1425)	SA	SA	SA		SA	SA	SA	SA	SA			SA	SA
Home Occupation (see Section 1409)	SA	SA	SA		X	X	X	X	X	X	X	X	SA
Accessory Residential Uses	X	X	X		X	X	X		X	X	X	X	X
Mobile Home (Section 1415)									X				
Fraternity House or Dormitory												SA	
Housing Complex (Section 1428)				SB									
Dwelling Units on Upper Floors					X	X	X	X				X	X
Garden Apartments (Section 1406)			SB	SB									
Townhouses (Section 1420)		SB	SB	SB									
Group Residences (Section 1408)	SB	SB	SB		SB								

X = Use permitted by right.

SA = Special Exception Use requiring approval by Zoning Hearing Board

SB = Special Exception Use requiring approval by Zoning Hearing Board, preceded by review comment and recommendation from the Planning Commission.

Section 3.

Section 1201, Table Of Area And Bulk Requirements -- Residential which currently reads as follows:

ARTICLE 12. TABLES OF AREA AND RULE REQUIREMENTS

Section 1201. Table of Area and Bulk Requirements -- Residential:

	DISTRICT		
	RESIDENTIAL		
	R-1	R-2	R-3
Minimum Lot Area per dwelling unit (sq. ft.)	5000	5000 SF 3500 TF 2500 MF	5000 SF 3500 TF 1500 MF
Lot Width (feet)	50 SF	50 SF	50 SF
Lot Depth (feet)	100	100	100
Minimum Yard Size (feet):			
Front Yard	25	20	20
Rear Yard	25	20	20
One Side Yard	8	8 SF	8 SF
Both Side Yards Combined	20	20 SF	20 SF
Maximum Building Height (stories)	2.5	2.5 SF 3.5 TF 4.0 MF	2.5 SF 3.5 TF 15.0 MF
(feet)	35	60	180
Maximum Building Coverage of Lot %	40	50	60
SF - SINGLE FAMILY TF - TWO FAMILY MF - MULTI-FAMILY			

IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 1201. Table of Area and Bulk Requirements -- Residential:

	DISTRICT		
	RESIDENTIAL		
	R-1	R-2	R-3
Minimum Lot Area per dwelling unit (sq. ft.)	5000	5000 SF 3500 TF	5000 SF 3500 TF 2500 MF
Lot Width (feet)	50 SF	50 SF 75 TF	50 SF 75 TF 100 MF
Lot Depth (feet)	100	100	100
Minimum Yard Size (feet):			
Front Yard	25	20	20
Rear Yard	25	20	20
One Side Yard	8	8 SF 8 TF	8 SF 8 TF 8 MF
Both Side Yards Combined	20	20 SF 18TF	20 SF 18TF 16 MF
Maximum Building Height (stories)	2.5	2.5 SF 3.5 TF 4.0 MF	2.5 SF 3.5 TF 15.0 MF
(feet)	35	60	180
Maximum Building Coverage of Lot %	40	50	60
SF - SINGLE FAMILY TF - TWO FAMILY MF - MULTI-FAMILY			

Section 4.

Section 1202, Table Of Area Bulk Requirements -- additional dwellings which currently reads as follows:

Section 1202. Table of Area and Bulk Requirements -- Additional Dwellings:

In a structure the number of dwelling units may be increased, without structural change, as follows:

District	Maximum Dwelling Units Permitted	Lot Area Per Unit (sq. ft.)
R-1	2	3000
R-2	5	2500
R-3	8	2000
S-1, S-2, C-1	4	1500
C-N, C-2, C-4	8	2000
M-1, M-2	8	2000
C-3	No Limit	Not Required

For each dwelling unit added, one additional off-street parking space shall be provided on the zoning lot (see Section 1676). In a C-3 zone, structures shall be exempt from meeting off-street parking requirements.

IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 1202-A. Table of Area and Bulk Requirements -- Additional Dwellings Units in R-2 and R-3 Districts:

The number of dwelling units in an existing residential structure, containing two or more dwelling units, may be increased without any structural change that increases the total gross floor area of the structure, as follows:

District	Maximum Dwelling Units Permitted	Lot Area Per Dwelling Unit (Square Feet)
R-2	3	3,500
R-3	5	2,500

For each dwelling unit added, one additional off-street parking space shall be provided on the zoning lot (see Section 1676).

Section 1202-B. Table of Area and Bulk Requirements -- Additional Dwellings Units in Nonresidential Districts:

The number of dwelling units in an existing structure, containing two or more dwelling units, may be increased without any structural change that increases the total gross floor area of the structure, as follows:

District	Maximum Dwelling Units Permitted	Lot Area Per Dwelling Unit (Square Feet)
S-1, S-2, C-1	4	1500
C-N, C-2, C-4	8	2000
C-3	No Limit	Not Required

For each dwelling unit added, one additional off-street parking space shall be provided on the zoning lot (see Section 1676). In a C-3 zone, structures shall be exempt from meeting off-street parking requirements.

Section 5.

Section 525, Nonconformity – Changes, are hereby amended to include the following within subsection 525.4

- (f) There will be no reduction in minimum lot area requirements as a result of the proposed change, if applicable.

Section 6.

Section 530, Nonconformity – Enlargement is hereby amended to include the following subsection.

- (e) Nonconforming or confirming residential dwelling uses shall not be enlarged to Accommodate additional dwelling units unless in full compliance with other applicable provisions of this Ordinance, if applicable.

Section 7.

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 at such invalidity not been included therein.

Section 8.

All other ordinances or parts thereof, of the City of Wilkes-Barre which are 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 1/13/00.

This Ordinance shall become effective on 1/23/00.

ATTEST:

William G. Brace, City Clerk