

FILE OF COUNCIL

No. 8 of 2005

Presented in City Council on Jne 21, 2005

AN ORDINANCE

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 THE LUZERNE COUNTY PLANNING COMMISSION AND;

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 A MORE CENTRALIZED COLLEGE AND UNIVERSITY GROWTH AND DEVELOPMENT PATTERN WITHIN THE SPECIAL PURPOSE ZONES AND CENTRAL BUSINESS DISTRICTS AS DEFINED AND DESIGNATED BY THE ZONING ORDINANCE.

WHEREAS, IT IS THE DESIRE OF THE CITY COUNCIL TO AMEND THE ZONING ORDINANCE AND;

WHEREAS, THE CITY COUNCIL OF THE CITY OF WILKES-BARRE HELD A PUBLIC HEARING ON MAY 24, 2005 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 TO THE WILKES-BARRE ZONING ORDINANCE ARE HEREBY ADOPTED.

SECTION 1

Section 801.2 of the Zoning Ordinance, S-2 Central Office Zones, which currently reads as follows:

801.2 S-2 Central Office Zones:

The provisions for the S-2 zones are intended to create, preserve, and enhance areas intended for use by the public which are similar in nature to the uses in the S-1 ones. It is also the intent of these zones to include central offices and residential uses of a high density. Because of the unique nature of these zones, special controls concerning landscaping, transportation services and off-street parking are designed to protect a stable, healthy and safe environment.

IS HEREBY AMENDED TO READ AS FOLLOWS:

801.2 S-2 Central Office Zones:

The provisions for the S-2 zones are intended to create, preserve, and enhance areas intended for use by the public which are similar in nature to the uses in the S-1 ones. *Such uses to include colleges or universities.* It is also the intent of these zones to include central offices and residential uses of a high density. Because of the unique nature of these zones, special controls concerning landscaping, transportation services and off-street parking are designed to protect a stable, healthy and safe environment.

Section 801.9 of the Zoning Ordinance, C-3 Commercial Central Zones, which currently reads as follows:

801.9 C-3 Commercial, Central Zones:

The provisions for the C-3 zones are intended to create, preserve and enhance the central business district as a regional center of shopping, employment, office, financial, government, hotels, entertainment and culture.

IS HEREBY AMENDED TO READ AS FOLLOWS

801.9 C-3 Commercial, Central Zones:

The provisions for the C-3 zones are intended to create, preserve and enhance the central business district as a regional center of shopping, employment, office, financial, government, hotels, entertainment, *culture and colleges and university uses.*

Is hereby amended to read as follows:

SECTION 1112 TABLE OF USE REQUIREMENTS -- INSTITUTIONAL

	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
Church, Parish House or Convent	SB	SB	SB		SB	SB						SB	SB
College or University								SB				SB	SB
Municipal Buildings	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB
Fire or Police Station (see 1404)	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB
Public Schools	SB	SB	SB	SB		SB							
Hospitals	SB	SB	SB			SB						SB	SB
Religious, Sectarian and Non-Sectarian Denomination Private Schools (non-profit)	SB	SB	SB			SB	SB						
Library	SB	SB	SB		X	X	X	X				SB	SB
Museum, Art Gallery					X	X	X	X				SB	SB
Park (municipal governmental)	SB	SB	SB	SB	SB							SB	
Nursing, Convalescent or Rest Home and similar Health Services		SB	SB			SB							
Day Care Center (see 1418)				SB	SB	SB	SB						
Group Day Care Home (see 1418)	SB	SB	SB	SB	SB	SB	SB						
Private Vocational / Technical Schools						X	X	X	X			SB	SB
Institutional Use									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 1101. 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			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 - 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									
Townhouse - Section 1420		SB	SB	SB									
Group Residence - 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 1101 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 section 1417)	SA	SA	SA		SA	SA	SA	SA	SA			SA	SA
Home Occupation - 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								SB				SB	SB
Housing Complex - Section 1428				SB									
Dwelling Units on Upper Floors					X	X	X	X				X	X
Garden Apartments - Section 1406			SB	SB									
Townhouse - Section 1420		SB	SB	SB									
Group Residence - 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 4

THE PROVISIONS OF THIS ORDINANCE SHALL BE SEVERABLE AND IF ANY OF ITS PROVISIONS SHALL BE DEEMED TO BE INVALID FOR ANY REASON, THE VALIDITY OF ANY 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 NO BEEN INCLUDED THEREIN.


SECTION 5

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 July 14, 2005.

THIS ORDINANCE SHALL BECOME EFFECTIVE ON July 24, 2005.

ATTEST:



JIM RYAN, CITY CLERK

