

Thomas M. Leighton
Mayor
CITY of WILKES-BARRE
Pennsylvania

William C. Harris
Director of Planning

Leon S. Schuster
Director of Zoning



40 East Market Street
Wilkes-Barre, PA 18711-0451
Telephone (570) 208-4163
Fax: (570) 208-4187

OFFICE OF PLANNING & ZONING

Post Date: April 5, 2010

RE: REBUILDING RESTORATION OF NONCONFORMING USES
CITY OF WILKES-BARRE ZONING ORDINANCE EXCERPTS

To Whom It May Concern:

"SECTION 540. NONCONFORMITY - RESTORATION:

Where a nonconforming structure or structure containing a nonconforming use is partially destroyed by fire, explosion, flood or other phenomenon to an extent not exceeding fifty (50) percent of its replacement value at the time of reconstruction, the nonconforming structure may be reconstructed for such purpose provided that reconstruction shall be commenced within one (1) year from the date the building was damaged."

"SECTION 545. NONCONFORMITY - TERMINATION:

545.1. NONCONFORMING STRUCTURES:

A nonconforming structure shall not be reconstructed where destroyed by fire or other casualty to an extent greater than fifty (50) percent of the replacement value.

545.2. NONCONFORMING STRUCTURE:

The right to resume the nonconforming use in a nonconforming structure shall be deemed abandoned and shall be terminated if the structure is altered so that it is designed for a conforming use."

PLEASE BE ADVISED THAT YOU HAVE THE RIGHT TO APPEAL TO THE ZONING HEARING BOARD OR TO A COURT OF COMPETENT JURISDICTION WITHIN THIRTY (30) DAYS OF A DETERMINATION. Please note that you have the right to apply for a zoning permit to reconstruct a terminated use or structure. Please be advised that the zoning hearing board could entertain a request for a zoning variance if a nonconforming structure is completely destroyed by fire or otherwise. The grant of any variance for rebuilding a terminated nonconforming use or structure may be granted by the board at their discretion, however, only if deemed appropriate by the board pursuant to the applicable zoning ordinance regulations at the time of submission.

OFFICE OF PLANNING & ZONING CITY OF WILKES-BARRE