

### Amendments to this Ordinance

A copy of the ordinances are available for review in the Zoning Office.

Note: This list might not contain all amendments.

<b>Date Adopted</b>	<b>Description</b>	<b>Affected page numbers</b>
3-30-94 #1	S. portion of Montage Mtn from R-1C to C-G	Zoning Map Change
4-6-94 #2	Parcel of land changed from R-3 to C-N	Zoning Map Change
3-15-95 #3	Parcel of land changed from R-3 to C-N	Zoning Map Change
9-13-95 #4	2100 blk Washburn St, from R-1A to C-N	Zoning Map Change
5-15-96 #5	2040 Cedar Ave from R-1A To I-L	Zoning Map Change
1-29-97 #6	Gated community, or Planned Development, Shared ownership Facility, definitions, uses, requirements added	Article II, Definitions, 306B. Tables, 306.E, F &H
12-15-97 #7	1524 Ross Ave, from R-2 to C-G	Zoning Map Change
5-20-98 #8	Home Occupation, Maternity shelter, definitions and uses added	Article II, Definitions, Pg 2-18, 2-9, 306.B table
1-4-99 #9	Basilica, definition and use added	Article II, Definitions, pg 3-4 Table 306.B uses
12-14-01 #10	Nursing homes, uses added	uses 306.B Table
7-22-02 #11	Transit shelters, uses added	uses 306.B Table

11-04-02 #12	Change KK to II, typo error	Zoning Map Change
4-03 #13	Bottle & Dance Clubs, definition and uses added	Article II, Definitions, pg 3-9, table 6 Article 4-6
10-03 #14	Zoning Change R-1A to I-L, Luzerne St	Zoning Map Change
9-29-05 #15	Surface Parking, uses	pg 3-6, 306.B Table
4-4-06 #16	Parcel of Land Olyphant & Blvd Ave, from R-2 to I-L	Zoning Map Change
5-11-07 #17	Zoning Hearing Board fee schedule changes	Section 104 A5 pg 1-2
7-12-07 #18	Non-Conforming Use changes	Sec 806B.1, 806E.1, 806E.3 pgs 8-7 & 8-10

FILE OF COUNCIL NO. 40  
1994

AMENDING FILE OF COUNCIL NO. 74, 1993, AS AMENDED, ENTITLED "CITY OF SCRANTON ZONING ORDINANCE OF 1993", BY CHANGING THE ZONING MAP FROM R-1C (CLUSTERED LOW DENSITY RESIDENTIAL) TO C-G (GENERAL COMMERCIAL) IN AN AREA OF MONTAGE MOUNTAIN IN THE SOUTHERN PORTION OF THE CITY OF SCRANTON.

Introduced in Council on above date  
and referred to Committee on February 23, 1994.  
RULES

*Frank J. Naylton*

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON AND  
IT IS HEREBY ORDAINED BY AND WITH THE AUTHORITY OF THE SAME THAT

File of Council No. 74, 1993, as amended, is hereby amended to read as follows:

**"SECTION 303. ZONING MAP**

This section is amended by changing the Official Zoning Map from R-1C (Clustered Low Density Residential) to C-G (General Commercial) in an area of Montage Mountain located in the southern portion of the City of Scranton. The specific area to be changed is described as follows:

"All that certain piece or parcel of land situate in the City of Scranton, County of Lackawanna and State of Pennsylvania, bounded and described as follows, to wit:

Beginning at a stone monument at the southeasterly corner of lands N/F of the Heirs of P.J. Lydon, et ux, said corner also being common to lands N/F of the Pennsylvania Gas and Water Company and to lands of Hemingway Development Corporation Limited Partnership;

Thence along said Pennsylvania Gas and Water Company lands the following two (2) courses:

1. ) South 02 -41' -01" East, two thousand six hundred twenty-seven and ten hundredths (2627.10) feet to a stone monument;
2. ) South 87 -56' -17" West, one thousand one hundred forty-one and twenty-three hundredths (1141.23) feet to a point;

Committee on Rules reports favorably  
on the within ordinance.

*W. J. ...*

Chairman

CERTIFIED COPY

*Frank J. Naylton* City Clerk

Thence through the lands of said Hemingway Development Corporation Limited Partnership, North 20 -53' -41" East, two thousand eight hundred fifty-two and eighty-nine hundredths (2852.89) feet to the point and place of beginning.

The above described parcel contains 34.4 acres +/- of land, more or less and is shown on a map entitled "Lands to be rezoned, Owned by Hemingway Development Corporation Limited Partnership", dated 2/94, attached hereto and made a part hereof."

SECTION 1. In all other respects, File of Council No. 74, 1993, as amended, shall remain in full force and effect.

SECTION 2. If any section, clause, provision or portion of this ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes & intent of this ordinance, & the effective administration thereof.

SECTION 3. This Ordinance will take effect immediately upon passage.

SECTION 4. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law" and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by The Council

MARCH 30, 1994

receiving the affirmative votes of Council Persons

HOLMES, POCIUS, HAZZOURI, NOONE & BARRETT

Negative

NONE

Approved March 31 1994

*W. J. Boy*

Mayor

Certified Copy

*W. J. Boy*  
President

*Frank J. ...*  
City Clerk

3-31-94

#3

announced at which all above laws and referred to Committee on FEBRUARY 23, 1994

RULES

*Frank J. Knight*  
City Clerk

Committee of Rules reports favorably on the within ordinance.  
*Wynne E. Barlett*  
Chairman

FIFTH ORDER:  
3/2/94

FILE OF THE COUNCIL NO. 35  
1994

AN ORDINANCE  
(AS AMENDED)

AMENDING FILE OF THE COUNCIL NO. 74, 1993, THE ZONING ORDINANCE FOR THE CITY OF SCRANTON, BY CHANGING A PARCEL OF LAND AS DESCRIBED IN EXHIBIT "A", ATTACHED TO THIS ORDINANCE FROM R-3 (MULTI-FAMILY RESIDENTIAL) TO C-N (COMMERCIAL).

WHEREAS, the Council of the City of Scranton adopted the City of Scranton Zoning Ordinance of 1993; and

WHEREAS, Judge McClure of the U.S. District Court for the Middle District of Pennsylvania has ordered that the City must Re-Zone this property to Commercial Neighborhood; and

WHEREAS, the City Administration did not take any remedial action to challenge Judge McClure's Order to change the Zone on this property; and

WHEREAS, City Council has been left with no alternative but to comply with the Court's Order or suffer sanctions should they disregard the Court's directive; and

WHEREAS, it is in the best interest of the City of Scranton that the parcel of land described in Exhibit "A", more specifically, Lots 2A, 2B, 2C, 1B, Lot 3 and Lot 4, which are presently zoned R-3, as a result of prior legislative action of the Council of the City of Scranton, be designated as a C-N (Commercial) area. Exhibit "A" is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON that File of the Council No. 74, 1993 is hereby amended to be read as follows:

continued. . . . .

CERTIFIED COPY  
*Frank J. Knight*  
City Clerk

"ARTICLE III. SECTION 303. ZONING MAP"

This Section is amended by changing the Zoning Map from R-3 (Multi-Family Residential) to C-N (Commercial) with respect to the lands described in Exhibit "A", specifically, Lots 2A, 2B, 2C, 1B, Lot 3 and Lot 4, as described in the City of Scranton Tax Assessment Map.

Section 1. In all other respects, File of Council No. 74, 1993 shall remain in full force and effect.

Section 2. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

Section 3. This Ordinance shall become effective immediately upon approval.

SECTION 4. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of the Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by The Council

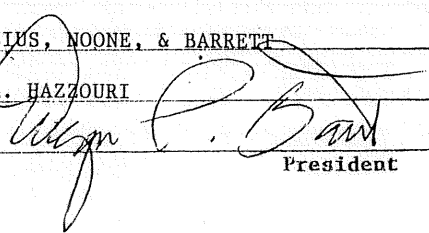
APRIL 6, 1994

receiving the affirmative votes of Council Persons

HOLMES, POCLUS, NOONE, & BARRETT

Negative

MR. HAZZOURI

  
President

Approved 4-8 1994

 Mayor

Certified Copy

 City Clerk

4-8-94

*Rite Aid*

Introduced by Councilman [unclear] and referred to the Committee on Rules  
FEBRUARY 1, 1995

Scranton, Pa. MARCH 15, 1995  
Committee on Rules  
on the written report of [unclear]

*Frank J. Neughton*  
*Feb 8, 1995*

RULES  
*Frank J. Neughton*  
City Clerk

FILE OF COUNCIL NO. 17

1995

AN ORDINANCE

AMENDING FILE OF COUNCIL NO. 35, 1994, ENTITLED "AN ORDINANCE AMENDING FILE OF COUNCIL NO. 74, 1993, THE ZONING ORDINANCE FOR THE CITY OF SCRANTON, BY CHANGING A PARCEL OF LAND DESCRIBED IN EXHIBIT "A", ATTACHED TO THIS ORDINANCE FROM R-3 (MULTI-FAMILY RESIDENTIAL) TO C-N (COMMERCIAL)" BY CHANGING A PORTION OF SAID PARCEL TO R-3 (MEDIUM HIGH DENSITY RESIDENTIAL).

WHEREAS, the City of Scranton amended the Zoning Ordinance of the City of Scranton, in accordance with the Order of Judge McClure of the U.S. District Court for the Middle District of Pennsylvania, by enacting File of Council No. 35 of 1994 in April of 1994; and

WHEREAS, the property described in Exhibit "A" was rezoned from R-3 (Medium High Density Residential) to C-N (Commercial); and

WHEREAS, the owner of the property and the abutting property owners are desirous of having the premises described in Exhibit "A" restored to R-3 (Medium High Density Residential); and

WHEREAS, it would be in the best interests of the citizens of the City of Scranton to have this property restored to R-3 (Medium High Density Residential).

NOW THEREFORE, be it ordained by the Council of the City of Scranton

CERTIFIED COPY  
*Frank J. Neughton*  
City Clerk



that File of Council No. 35 of 1994 is hereby amended, changing a portion of said property rezoned to C-N (Commercial) to R-3 (Medium High Density Residential).

SECTION 1. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 2. In all other respects File of Council No. 35 of 1994 shall remain in full force and effect.

SECTION 3. This Ordinance shall become effective immediately upon approval.

SECTION 4. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of the Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by The Council

MARCH 15, 1995

receiving the affirmative votes of Council Persons

HOLMES, HAZZOURI, NOONE, BARRETT

Negative - NONE, MR. POCTUS - ABSTAINED

Approved James 3/23 1995

James P. Gannon Ma

Certified Copy

Frank J. Noyes City Cl

Frank J. Noyes  
President

3-27-95

Scranton, Pa. SEPTEMBER 13, 1995

FIFTH ORDER:

9-6-95

Committee on Rules reports favorably

on the within ordinance.

Introduced in Council on above date  
and referred to Committee on July 26, 1995

RULES

*Frank J. Neughton*  
City Clerk

*Gene P. Smith*  
Chairman

FILE OF COUNCIL NO. 121

1995

AN ORDINANCE

AMENDING FILE OF COUNCIL NO. 74, 1993, (AS AMENDED), ENTITLED "CITY OF SCRANTON ZONING MAP FROM R1-A (MEDIUM DENSITY RESIDENTIAL) TO C-N (NEIGHBORHOOD COMMERCIAL) IN AN AREA BOUNDED BY WASHBURN STREET TO THE NORTH, 22ND AVENUE TO THE WEST, THE NORTHERN PROPERTY LINE OF THE WASHBURN STREET CEMETERY TO THE EAST AND A LINE PARALLEL TO, AND APPROXIMATELY 600 FEET SOUTH OF WASHBURN STREET TO THE SOUTH.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON AND IT IS HEREBY ORDAINED BY AND WITH THE AUTHORITY OF THE SAME THAT File of Council No. 74, 1993, as amended, is further amended to read as follows:

"SECTION 303. ZONING MAP

This section is amended by changing to Official Zoning Map from R-1A (Medium Density Residential) to C-N (Neighborhood Commercial) in an area on the south side of the 2100 Block of Washburn St. The specific area to be changed is described as follows:

The area bounded by Washburn Street to the north, 22nd Avenue to the west, the northern property line of the Washburn Street Cemetery to the east and a line parallel to, and approximately 600 feet South of Washburn Street to the south."

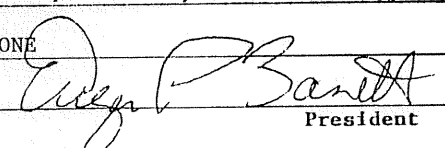
SECTION 1. If any section, clause, provision or portion of this

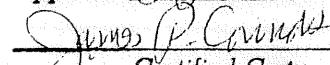

CERTIFIED COPY  
*Frank J. Neughton*  
City Clerk

Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 2. This Ordinance shall become effective immediately upon approval.

SECTION 3. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of the Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by The Council  
SEPTEMBER 13, 1995  
receiving the affirmative votes of Council Persons  
HOLMES, POCIUS, HAZZOURI, NOONE & BARRETT  
negative - NONE  
  
President

Approved Sept. 21 19 95  
 Mayor  
Certified Copy  
 City Clerk  
9.21-95

Introduced in Council on above date  
and referred to Committee on APRIL 3, 1996

RULES

*Frank J. Naydton*  
City Clerk

Scranton, Pa. MAY 15, 1996  
Committee on Rules reports favorably  
on the within ordinance.

*John J. P...  
Committee*

*Lyette ...  
May 8, 1996*

FILE OF COUNCIL NO. 66

1996

AN ORDINANCE

AMENDING FILE OF COUNCIL NO. 74, 1993, (AS AMENDED), ENTITLED "THE ZONING ORDINANCE FOR THE CITY OF SCRANTON", BY CHANGING A PARCEL OF LAND KNOWN AS 2040 CEDAR AVENUE, SCRANTON, PENNSYLVANIA, AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO FROM R-1A (MEDIUM LOW DENSITY RESIDENTIAL) TO I-L (LIGHT INDUSTRIAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON AND IT IS HEREBY ORDAINED BY AND WITH THE AUTHORITY OF THE SAME THAT File of Council No. 74, 1993, as amended, is further amended to read as follows:

"SECTION 303. ZONING MAP

This section is amended by changing the Official Zoning Map from R-1A (Medium Density Residential) to I-L (Light Industrial) in an area known as 2040 Cedar Avenue, Scranton, Pennsylvania. A description of the specific area is attached hereto as Exhibit "A".

SECTION 1. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend

CERTIFIED COPY

*Frank J. Naydton* City Clerk

this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 2. This Ordinance shall become effective immediately upon approval.

SECTION 3. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of the Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by The Council

MAY 15, 1996

receiving the affirmative votes of Council Persons

WALSH, HAZZOURI, NOONE & POCIUS

Negative - NONE (MR. BARRETT - ABSENT)

*John J. Pocius*

President

Approved 5/17 1996

*James P. Connors*

Certified Copy

*Frank J. Nayth*

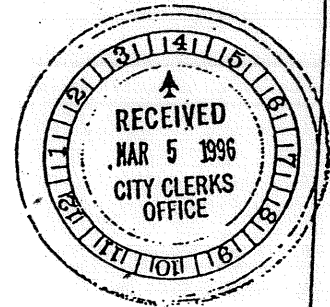
5-17-96

# City of Scranton

Made the 6th day of January  
Nineteen hundred and Seventy-one (1971)

Between <sup>E.</sup> LOUIS DeVIRGILIS and PATRICE DeVIRGILIS, his wife, both  
residents of Waverly, Lackawanna County, Pennsylvania, and LOUIS E. DeVIRGILIS and  
THOMAS J. DRIEBE, Partners, trading as D & D MOTORS, hereinafter called GRANTORS

<sup>A</sup>  
<sup>B</sup>  
<sup>D</sup>  
THOMAS DRIEBE, a resident of the City of Scranton, Lackawanna County, Pennsylvania,  
hereinafter called GRANTEE



Witnesseth, That in consideration of SIX THOUSAND SIX HUNDRED (\$6,600.00)-----

in hand paid, the receipt whereof is hereby acknowledged, the said grantors do hereby grant  
and convey to the said grantee, his heirs and assigns

All ~~the~~ the surface or right of soil  
only of that certain lot, piece, parcel or tract of land, situate, lying and being  
in the 20th Ward, City of Scranton, County of Lackawanna and State of Pennsylvania,  
bounded and described as follows, to wit:

BEGINNING at a corner in the Northwesterly side line of Cedar Avenue, said  
corner being distant 170 feet Northeasterly from the Northeasterly side line of  
a 16-foot alley running along the Northeasterly side line of Lot No. 19, Block  
No. 12, as designated in the deed from the Meadow Brook Land Company to the  
Delaware, Lackawanna and Western Railroad Company, dated April 8, 1915, and re-  
corded in Lackawanna County, Pennsylvania, in Deed Book No. 269, page 42, Moffat  
Coal Company surface survey station No. 14002, thence

(1) along the aforesaid Northwesterly side line of Cedar Avenue South 46  
degrees 55 minutes West 150 feet to a corner distant 20 feet Northeasterly from the  
Northeasterly side line of aforesaid 16-foot alley, thence

(2) along lands of previous grantor herein by the following courses and  
distances: North 32 degrees 32 minutes West 233.80 feet to a corner, thence North  
70 degrees 57 minutes East 151.66 feet to a corner, thence South 32 degrees 32  
minutes East 171 feet to a corner, the place of beginning.

Containing 0.69 acres, be the same more or less.

Subject to the same conditions, exceptions, and reservations as are contained  
in prior deeds in the chain of title.

Being the same premises conveyed by deed of Bernard W. Camins, et ux. to  
Louis E. DeVirgilis, the male grantor herein, and Thomas J. Driebe, the grantee  
herein, by deed dated January 27, 1965, recorded in the office of Recorder of  
Deeds in and for Lackawanna County in Deed Book 619, page 83.



CITY OF SCRANTON  
 \$50.00  
 REALTY TRANSFER TAX  
 JAN 31 1972

CITY OF SCRANTON  
 \$10.00  
 REALTY TRANSFER TAX  
 JAN 31 1972

CITY OF SCRANTON  
 \$5.00  
 REALTY TRANSFER TAX  
 JAN 31 1972

CITY OF SCRANTON  
 \$1.00  
 REALTY TRANSFER TAX  
 JAN 31 1972

## NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color consistent with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

*Hans J. Dribe*

is 6th day of January, 1972

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE LAND AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE OBTAINED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth in accordance with Act No. 255, approved September 10, 1905, as amended.)

And the said grantors do hereby warrant generally the property hereby conveyed,

In Witness Whereof, said grantors have hereunto set their hands and seal on the day and year first above written.

Signed, Sealed and Delivered  
In the Presence of

Carl H. Strobel

Louis E. DeVirgilis

LOUIS E. DeVIRGILIS

Patrice DeVirgilis

PATRICE DeVIRGILIS

Louis E. DeVirgilis

LOUIS E. DeVIRGILIS, trading as  
D & D MOTORS

Thomas J. Driebe

THOMAS J. DRIEBE, trading as  
D & D MOTORS



Commonwealth of Pennsylvania

County of LACKAWANNA

SS:

On this, the 6th day of January 19 74 before me a Notary Public

the undersigned officer, personally appeared Louis E. DeVirgilis and Patrice DeVirgilis, his wife, and Louis E. DeVirgilis and Thomas J. Driebe, Partners, trading as D & D MOTORS, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

MY COMMISSION EXPIRES  
March 8 1975

Mary A. Hunt

Notary Public

MY COMMISSION EXPIRES MAR. 8, 1975  
SCRANTON, LACKAWANNA COUNTY, PA.

I hereby certify, that the precise address of the grantors herein is  
1112 6720 Stafford Avenue, Scranton, Pennsylvania.

Carl H. Strobel





LOUIS DEVIRGILIS ET UX.  
ET AL.

TO

THOMAS DRIEBE

Dated, January 6 19 72

FILED FOR RECORD

JAN 7 11 00 AM '72

7.00 STAMPS

STATE TAX 66.00

66.00

Karl H. Strohl, Esq.  
Mears Building  
Scranton, Penna. 18503

Commonwealth of Pennsylvania

County of Lacka.

SS:

Recorded on this 7th day of Jan. A.D. 19 72

in the Recorder's Office of said County

in DEED Book Vol. 761 PAGE s 746-749 Inc 1.

Given under my hand and seal of the said office  
the date above written.

*with order*  
Scranton, Pa. JANUARY 29, 1997  
Committee on  
reports favor  
ordinance. *Daniel Noon*

Introduced in Council on above date  
and referred to Committee on DECEMBER 18 1996

COMMUNITY DEVELOPMENT  
*Frank J. Naughton*  
City Clerk

FILE OF THE COUNCIL NO. 148

1996

AN ORDINANCE  
(AS AMENDED)

AMENDING FILE OF THE COUNCIL NO. 74, 1993 (AS AMENDED), ENTITLED "AN ORDINANCE: A) DIVIDING THE CITY OF SCRANTON INTO DISTRICTS AND REGULATING THE USE AND THE LOCATION USE AND DENSITY OF BUILDINGS WITHIN THESE DISTRICTS; B) PROVIDING FOR THE ADMINISTRATION, IMPLEMENTATION AND ENFORCEMENT OF THIS ORDINANCE; C) PERMITTING, PROHIBITING, REGULATING AND DETERMINING THE USES OF LAND, WATERCOURSES AND OTHER BODIES OF WATER, THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES, THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES, AS WELL AS AREAS, COURTS, YARDS AND OTHER SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; D) ESTABLISHING THE MAXIMUM DENSITY AND INTENSITY OF DEVELOPMENT; AND E) ESTABLISHING PROVISIONS FOR SPECIAL EXCEPTIONS AND VARIANCES TO BE ADMINISTERED BY A ZONING HEARING BOARD" BY PROVIDING FOR A GATED COMMUNITY OR PLANNED DEVELOPMENT COMMUNITY AS PROVIDED HEREIN.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY SCRANTON AND IT IS HEREBY ORDAINED BY AND WITH THE AUTHORITY OF THE SAME THAT FILE OF COUNCIL NO. 74, 1993, as amended, is hereby amended as follows:

- (1) Section 202. Terms Defined.

CERTIFIED COPY  
*Frank J. Naughton*  
City Clerk

The following definitions should be added:

Gated Community or Planned Development Community

A coordinated residential development on a tract of land having a minimum of (50) acres (prior to post-development sales), the majority acreage of which is located in a residential-cluster zone (R-1C), which tract is to be developed and maintained by a single developer or its successor property owner association, having one or more controlled access points as its only access, whereby said single developer or its successor property owner association would be responsible for road maintenance, garbage collection, snow-removal, and utility installation within said community. Said community ~~may~~ consist of single family detached dwellings, single family semi-detached dwellings, townhouses, condominiums, and shared ownership facilities, or any combination thereof.

Shared Ownership Facility

A hotel whose individual units may be sold as residential units. Each residential unit may have one owner or multiple owners.

(2) Section 306.B. Tables

The Table is amended to reflect that as to R-1C uses as single family semi-detached, townhouses and low-rise apartments are all permitted uses under Section 308.E.

The Table is further amended so as to add "shared ownership facility" to be a permitted use in R-1C when it is located within a gated community/planned development community.

The Table for a C-G District is amended that single family detached, single family semi-detached, townhouses and shared ownership facility are permitted uses in C-G when it is located within a gated community/planned development community.

(3) Section 308.E. Permitted Uses

(1) Amended to permitted uses "and shared ownership facilities when located within a gated community/development community".

(4) Section 308.E. (1) (a) contains an error and is amended so as to state the following: "a minimum building length of not less than 18 feet".

(5) Section 308.F. (4) is amended to include: "The following maximum average density shall be permitted on any tract in the R-1C District: 2.5 dwelling units per acre, except within a gated community/planned development community which shall be 5.0 dwelling units per acre. The maximum number of dwelling units permitted on a tract shall be calculated based upon the "Total Area of the Tract" (in acres) multiplied by 2.5 (or 5.0 in a gated community/planned development community)."

(6) Section 308.H. (6) is amended as follows: "The maximum height of any shared ownership facility shall be (6) stories".

SECTION 1. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 2. In all other respects, File of the Council No. 74, 1993 (as amended) is in full force and effect.

SECTION 3. This ordinance shall become effective immediately upon approval.

SECTION 4. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of the Legislature, April 13, 1972, Act. No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by The Council

JANUARY 29, 1997

receiving the affirmative votes of Council Persons Approved 1/30 1997

WALSH, BARRETT, HAZZOURI, & NOONE

Negative - NONE (MR. POCIUS - ABSTAINED)

*John J. Pocius*

President

*James D. Carruso* Ma  
Certified Copy  
*Frank J. Naughton* City Cl

1-30-97

Introduced in Council on above date  
and referred to Committee on **SEPTEMBER 17, 1997**

Scranton, Pa. **DECEMBER 15, 1997**  
Committee on Rules reports favorably  
on the within ordinance.

*Frank J. Nangle*  
City Clerk

*Samuel Moore*  
Chairman

FILE OF COUNCIL NO. 111

1997

AN ORDINANCE

AMENDING FILE OF COUNCIL NO. 74, 1993, (AS AMENDED), ENTITLED "THE ZONING ORDINANCE FOR THE CITY OF SCRANTON", BY CHANGING TWO (2) PARCELS OF LAND KNOWN AS 1524 ROSS AVENUE AND 1526-1528 ROSS AVENUE, SCRANTON, PENNSYLVANIA, AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO C-G (GENERAL COMMERCIAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON AND IT IS HEREBY ORDAINED BY AND WITH THE AUTHORITY OF THE SAME THAT File of Council No. 74, 1993, as amended, is further amended to read as follows:

"SECTION 303. ZONING MAP

This section is amended by changing the Official Zoning Map from R-2 (Medium Density Residential) to C-G (General Commercial) in an area known as 1524 Ross Avenue and 1526-1528 Ross Avenue, Scranton, Pennsylvania. A description of the specific area is attached hereto as Exhibit "A".

SECTION 1. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 2. This Ordinance shall become effective immediately upon approval.

SECTION 3. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of the Legislature, April 13, 1972, Act No. 62,

CERTIFIED COPY  
*Daniel W. ...* City Clerk

known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by The Council

DECEMBER 15, 1997

receiving the affirmative votes of Council Persons

Approved 12/23 1997

WALSH, BARRETT, HAZZOURI, & NOONE

*James P. Carrara*

Negative - NONE (MR. POCIUS - ABSTAINED)

Certified Copy

*John J. Pocius*

President

*Frank J. Neuglitz*

City Clerk

12-23-97

*Juste Owen  
May 13, 1998*

Scranton, Pa. MAY 20, 1998  
Committee on Public Works formally  
on the whole ordinance.

Introduced in Council on above date  
and referred to Committee on APRIL 8, 1998

RULES

*[Signature]*  
City Clerk

FILE OF THE COUNCIL NO. 46

1998

AN ORDINANCE

AMENDING FILE OF COUNCIL NO. 74, 1993, (AS AMENDED), ENTITLED CITY OF SCRANTON ZONING ORDINANCE TO REFLECT CERTAIN CHANGES TO THE DEFINITION SECTION OF THE AFORESAID ORDINANCE (ARTICLE II) AS WELL AS THE TYPES OF USES IN ARTICLE III.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON, AND IT ITS HEREBY ORDAINED BY AND WITH THE AUTHORITY OF THE SAME THAT File of the Council No. 74, 1993, as amended, is further amended to read as follows:

(ARTICLE II) page 2-13-Definitions

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building that:

- A. is conducted primarily by a permanent resident of the dwelling;
- B. meets the definition, standards and limitations of a "general home occupation" or a "light home occupation" within the following definitions and Section 403;
- C. only include uses that are clearly incidental and secondary to the principal residential use;
- D. does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use (other that custom crafts and sewing) nor a "treatment center";
- E. specifically does not include the following: hotel, motel, nursing home, homeless shelter\*, boarding house, restaurant, stable kennel, auto repair, retail sales, painting of vehicles, tractor repair, lawn mower and engine repair, manufacturing (other than custom crafts) or bulk welding.

\*reflects the change to the Ordinance as requested by the Commission.

(ARTICLE II) pages 2-18-Definitions

Maternity Shelter. "A non-profit residential use in which rooms are provided to serve as a temporary safe and supportive environment for persons who for varied physical and mental

reasons, are forced to leave their previous living arrangements."\*

\*Added as a definition

(ARTICLE II) pages 2-9-Definitions

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home, home, shelter\* or dormitory. A dwelling may include a use that meets the definition of a "sectional home."

\*added the word shelter as requested by the Commission

<u>Types of Uses</u>	<u>Business District</u>				
	C-D	C-N	C-G	I-L	G

(See definitions in Article II)

Commercial Uses (Cont.)

*Homeless Shelter	SE	N	N	N	N
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\*reflects change as requested by the Commission

Section 1. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

Section 2. This Ordinance shall become effective immediately upon approval.

Section 3. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of the Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by The Council

MAY 20, 1998

receiving the affirmative votes of Council Persons

WALSH, REAP, HAZZOURI, DOHERTY & POCIUS

Negative - NONE

Approved May 21 1998

James P. Curran M.

Certified Copy

John J. Pocius City Cl

John J. Pocius

President



*Justtt Borden  
Nov-25, 1998*

Scranton, Pa. JANUARY 4, 1999  
Committee on Rules reports favorably  
on the within ordinance.

Introduced in Council on above date  
and referred to Committee on NOVEMBER 18, 1998  
RULES

*[Signature]*  
Acting Chairman

*[Signature]*  
City Clerk

FILE OF THE COUNCIL NO. 115

1998

AN ORDINANCE  
(AS AMENDED)

AMENDING FILE OF COUNCIL NO. 35, 1994, ENTITLED "AN ORDINANCE (AS AMENDED) AMENDING FILE OF COUNCIL NO. 74, 1993, THE ZONING ORDINANCE FOR THE CITY OF SCRANTON", BY CHANGING ARTICLE II DEFINITION SECTION TO INCLUDE "BASILICA" AND ARTICLE III DISTRICTS TO INCLUDE A BASILICA AS A COMMERCIAL AND INSTITUTIONAL USE.

WHEREAS, the City of Scranton adopted the City of Scranton Zoning Ordinance of 1993;

WHEREAS, the City of Scranton amended the Zoning Ordinance of the City of Scranton, in accordance with the Order of Judge McClure of the U.S. District Court for the Middle District of Pennsylvania, by enacting File of Council No. 35 of 1994 in April of 1994; and

WHEREAS, the Definition Section (Article II) will be amended to be defined as follows:

A Basilica is one of the seven main churches of Rome, or another Roman Catholic Church that has been accorded the same religious privileges. In addition to a civic hall for Christian worship, a Basilica may include a Monastery in the form of a 2-story home, a plaza at the front entrance of the Basilica, off-street parking, a rear entrance to the Basilica, a dining room where visitors may gather, a Shrine Center, offices and a small television studio to permit services to be broadcast to a national congregation of elderly and infirmed parishioners.

WHEREAS, The Districts Section (Article III) will be amended, specifically on page 3-4 to include a Basilica as a commercial and institutional use permitted in a R-1A residential district.; and

WHEREAS, it would be in the best interests of the citizens of the City of Scranton to amend the Definition and District Sections.

NOW THEREFORE, be it ordained by the Council of the City of Scranton

CERTIFIED COPY

*[Signature]* City Clerk

that File of Council No. 35 of 1994 is hereby amended, changing the Definition Section to add the definition of "Basilica" and to including a Basilica as a commercial and institutional use.

SECTION 1. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 2. In all other respects File of Council No. 35 of 1994 shall remain in full force and effect.

SECTION 3. This Ordinance shall become effective immediately upon approval.

SECTION 4. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of the Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by The Council

JANUARY 4, 1999

receiving \_\_\_\_\_ of Council Persons

WALSH, REAP & HAZZOURI

Negative - NONE (MR. POCIUS & MR. DOHERTY ABSTAINED)

Approved Jan. 5 1999

*James P. Gunn* Mi

Certified Copy

*John J. Pocius*

President

*James P. Gunn* City C

*Super Order  
Nov 24, 2001*

Scranton, Pa. DECEMBER 14, 2001  
Committee on Rules reports favorably  
on the within ordinance.

Introduced in Council on above date  
and referred to Committee on NOVEMBER 19, 2001

RULES

*[Signature]*  
Clerk

*[Signature]*  
City Clerk

FILE OF THE COUNCIL NO. 84

2001

AN ORDINANCE

AMENDING FILE OF THE COUNCIL NO. 74, 1993, AN ORDINANCE, (AS AMENDED) ENTITLED "THE ZONING ORDINANCE FOR THE CITY OF SCRANTON", BY ADDING NURSING HOMES AS A PERMITTED USE IN ALL R-3 ZONES.

WHEREAS, Scranton City Council adopted a Zoning Ordinance in 1993 which regulates certain zoning and land use issues in the City of Scranton; and

WHEREAS, the Zoning Ordinance currently allows for Personal Care Homes as a permitted use in an R-3 Zone but does not allow a Nursing Home as a permitted use in the R-3 Zone; and

WHEREAS, Scranton City Council has determined that a Nursing Home is a less intrusive use than a Personal Care Home and it further finds that permitting Nursing Homes as a permitted use in the R-3 Zone will not jeopardize the health, safety or welfare of the residents of the City nor will it thwart the intent of File of Council No. 74, 1993.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON THAT File of the Council No. 74, 1993, An Ordinance, (As Amended), is hereby amended as follows: Nursing Homes shall be listed as a permitted use in all R-3 Zoning Districts in the City of Scranton.

CERTIFIED COPY

*[Signature]*  
City Clerk

SECTION 1. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 2. This Ordinance shall become effective immediately upon approval.

SECTION 3. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of the Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by The Council

DECEMBER 14, 2001

receiving the affirmative votes of Council Persons

REAP, MURPHY, DOHERTY, HAZZOURI (MR. POCIUS-ABSENT)

Negative - NONE

Approved

12/19/01

*James P. Linnell* Mayor

*John W. ...* City Clerk

Certified Copy

*[Signature]*  
President

July 22, 2002

*Archie Under*

Scranton, Pa. Committee on Rules reports favorably on the within ordinance.

Introduced in Council on above date and referred to Committee on JUNE 24, 2002

RULES

*[Signature]*

City Clerk

FILE OF THE COUNCIL NO. 47

2002

AN ORDINANCE (AS AMENDED)

APPROVING A CONDITIONAL USE UNDER THE SCRANTON ZONING ORDINANCE FOR THE INSTALLATION OF STATE-OF-THE-ART TRANSIT SHELTERS AT VARIOUS STOPS ALONG THE EXISTING COUNTY OF LACKAWANNA TRANSIT SYSTEM ("COLTS") BUS ROUTES IN THE CITY OF SCRANTON.

WHEREAS, the Zoning Ordinance of the City of Scranton provides for the approval of conditional uses by the governing body, i.e. the Council of the City of Scranton; and

WHEREAS, Lamar Advertising has entered a public-private partnership with COLTS for the installation of COLTS-operated bus shelters located throughout the City of Scranton; and

WHEREAS, the installation of these needed shelters requires the revenue generated by advertising from signs on the shelters; and

WHEREAS, it is in the best interest of the City of Scranton to approve such use as a conditional use and promote the installation of needed bus shelters throughout the City; and

WHEREAS, the exact location and design specifications of the shelters are attached.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON that the Conditional Use application of Lamar Advertising Company is hereby approved as said application pertains to the locations attached hereto and made a part hereof.

SECTION 1. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 2. This Ordinance shall become effective immediately upon approval.

CERTIFIED COPY

*[Signature]* City Clerk

SECTION 3. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Option Plans Law" and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by The Council

July 22, 2002

receiving the affirmative votes of Council Persons Approved Ch. Dole  
GILHOOLEY, HAZZOURI, DIBILEO, MURPHY (MR. REAP-ABSENT) 7/24/02 Ma

Negative NONE

Kevin P. Murphy President  
Mary Ann Kettle, Asst. City Cl  
Certified Copy

FILE OF THE COUNCIL NO. 79

2002

AN ORDINANCE

AMENDING FILE OF THE COUNCIL NO. 74, 1993, (AS AMENDED), ENTITLED "THE ZONING ORDINANCE FOR THE CITY OF SCRANTON" BY MAKING A CORRECTION TO THE ZONING MAP.

WHEREAS, The City Planning Commission was requested by the Council of the City of Scranton to review the Zoning Map in the area of Mulberry St. and Clay Ave; and

WHEREAS, The City Planning Commission has determined that some typographical errors were made on the map that create confusion as to the proper delineation of the zoning districts in that area; and

WHEREAS, The City of Scranton has reviewed the recommendations of the Planning Commission and determined that the "KK" appearing on the zoning map near the area of Mulberry Street and Clay Avenue was a typographical error.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON AND IT IS HEREBY ORDAINED BY AND WITH THE AUTHORITY OF THE SAME THAT File of the Council No. 74, 1993, as amended, is further amended as follows:

SECTION 303. ZONING MAP

This Zoning Map is amended as follows:

The "KK" reference on the zoning map in the vicinity of Clay Ave. and Mulberry St. is replaced with the proper reference "II" indicating the reference to NOTES AND MEASUREMENTS : section on the map with "II" being the proper reference for this area of the map, as shown below:

Introduced in Council on above date and referred to Committee on OCTOBER 21, 2002

RULES

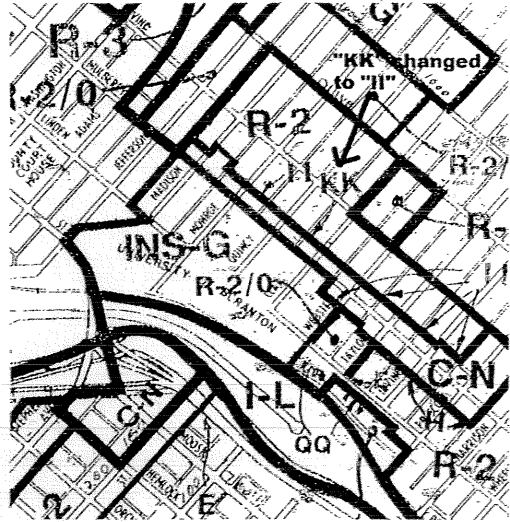
Committee on Rules reports favorably on the within ordinance.

Sept Order: Oct 28, 2002

[Signature] City Clerk

[Signature]

CERTIFIED COPY [Signature] Clerk



SECTION 1. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 2. This Ordinance shall become effective immediately upon approval.

SECTION 3. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of the Legislature, April 13, 1972, Act No.62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by The Council

NOVEMBER 4, 2002

receiving the affirmative votes of Council Persons Approved 11/07/02

McCORMICK, GILHOOLEY, HAZZOURI, DIBILEO, MURPHY

*Chris P. Doherty* Mayor

Negative - NONE

*Thomas P. Murphy*  
President

*Jay D. ...* City Clerk  
Certified Copy



ZONING AMENDMENT #13

Introduced in Council on above date  
and referred to Committee on March 24, 2003

Rules

City Clerk

FILE OF THE COUNCIL NO. 145

2003

AN ORDINANCE

AMENDING FILE OF COUNCIL NO. 74, 1993, AN ORDINANCE, AS AMENDED, KNOWN AS THE "ZONING ORDINANCE OF THE CITY OF SCRANTON", BY PROVIDING FOR THE ADDITIONAL USES OF BOTTLE CLUBS AND DANCE HALLS, DEFINING THOSE USES AND PRESCRIBING ADDITIONAL REGULATIONS.

WHEREAS, the City of Scranton has adopted a Comprehensive Zoning Ordinance to comply with various State and Federal Laws in order to protect property values, protect existing desirable residential neighborhoods from incompatible intrusions, and to regulate businesses and uses of property within the City; and

WHEREAS, the City of Scranton Zoning Ordinance, although comprehensive when adopted could not envision any and all potential uses of property within the City; and;

WHEREAS, the purpose of this Amendment is to protect the health, safety and welfare of the citizens of the City and to establish reasonable and uniform regulations for the location and operation of "Bottle Clubs" and "Dance Halls" to prevent the deterioration of neighborhoods and to preserve the residential character of certain Sections of the City and to protect the right of its citizens to the quiet enjoyment and use of their property; and

WHEREAS, "Bottle Clubs" and "Dance Halls" as defined herein are not regulated by any other law in the City nor are they regulated by the Pennsylvania State Police or its Bureau of Liquor Control Enforcement; and

5-C  
6-B

Scranton, Pa. \_\_\_\_\_  
Committee on Rules reports favorably  
on the within ordinance.

Chairman

WHEREAS, THE City of Scranton has determined that it is in the best interests of the City and its residents to amend the Zoning Ordinance, As Amended, by adopting regulations for "Bottle Clubs" and Dance Halls".

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SCRANTON that File of the Council No. 74, 1993, City of Scranton Zoning Ordinance, (As Amended) be amended as follows:

Amend ARTICLE II, SECTION 202, DEFINITIONS, by adding Definitions for the follows:

BOTTLE CLUB - An establishment operated for profit or pecuniary gain, which has a capacity for the assemblage of twenty (20) or more persons and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a license under the Act of April 12, 1951 (P.L. 90, No. 21) known as the Liquor Code or any organization as set forth in Section 6 of the Act of December 19, 1990 (P.L. 1200, No. 202) known as the Solicitation of Funds for Charitable Purposes Act.

DANCE HALL - An establishment operated for profit or pecuniary gain which has the capacity for the assemblage of twenty (20) or more persons for dancing, regardless of whether dancing is the primary or intended purpose of the building, establishment or place of assembly, and alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include an establishment that has a valid license for the sale of alcohol pursuant to the Liquor Code, 47, P.S. 1-101 et seq.

Add BOTTLE CLUB and DANCE HALL to Article 4-6.

10A. BOTTLE CLUBS (SEE DEFINITION IN ARTICLE II) are permitted uses in a C-D District and a Special Exception Use in a C-G District but shall not be permitted in any other District.

1. In any District that a Bottle Club is a permitted use or a special exception use, it shall not be located within 500 feet of the following:

- a) Places of worship, primary or secondary schools;
- b) Commercial Enterprises catering primarily to persons under 18 years of age;
- c) A public library;
- d) A child care facility or nursery school; and/or
- e) A public park, including but not limited to a National Historic Site or National Historic Park.

2. No Bottle Club shall operate between the hours of 2:00 A.M. to 8 A.M..

3. Limit of Use. It shall be a violation of this Ordinance for any person to cause or permit the operation, establishment or maintenance of more than one (1) Bottle Club in the same building, structure or portion thereof.

10B. DANCE HALL (SEE DEFINITION IN ARTICLE II) are permitted uses in a C-D District and a Special Exception Use in a C-G District but shall not be permitted in any other District.

1. In any District that a Dance Hall is a permitted use or a special exception use, it shall not be located within 500 feet of the following:

- a) Places of worship, primary or secondary schools;
- b) Commercial Enterprises catering primarily to persons under 18 years of age;
- c) A public library;
- d) A child care facility or nursery school; and/or
- e) A public park, including but not limited to a National Historic Site or National Historic Park.

2. No Dance Hall shall operate between the hours of 2:00 A.M. to 8 A.M..

3. Limit of Use. It shall be a violation of this Ordinance for any person to cause or permit the operation, establishment or maintenance of more than one (1) Dance Hall in the same building, structure or portion thereof.

Amend Article III, Types of Uses Table by inserting a Bottle Club and Dance Hall under Commercial uses on Page 3-9 and insert a "P" under the C-D column and an "SE" under the C-G column. Also insert an "N" under the C-N, I-L, and I-G columns.

SECTION 1. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 2. This Ordinance shall become effective immediately upon approval.

SECTION 3. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of the Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by the Council

receiving the affirmative votes of Council Persons

Negative

\_\_\_\_\_  
President

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Certified Copy

Introduced in Council on above date  
and referred to Committee on September 29, 2003

Scranton, Pa. October 27, 2003  
Committee on Rules reports favorably  
on this within ordinance.

Sixth Order:  
October 6, 2003

RULES  
*[Signature]*  
City Clerk

FILE OF THE COUNCIL NO. 220

2003

AN ORDINANCE

AMENDING THE ZONING MAP OF THE CITY OF SCRANTON TO REDESIGNATE  
A PORTION OF PARCEL NO. 14420.010.022 ABUTTING THE STAUFFER  
INDUSTRIAL PARK AS LIGHT INDUSTRIAL (I-L) FROM R-1A.

WHEREAS, the parcel in question located off Luzerne Street and in or abutting the  
Stauffer Industrial Park contains a portion which was re-zoned residential; and

WHEREAS, the residential portion of this parcel, as identified on the attached maps, is  
more appropriately designated as light industrial to conform with the surrounding zoning; and

WHEREAS, the Planning Commission of the City of Scranton and the Lackawanna  
Regional Planning Commission both have reviewed and support this redesignation as documented  
by the attached letters.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
SCRANTON that the zoning map is hereby changed and a portion of parcel no.14420.010.022  
shown as R-1A on the attached map is hereby designated I-L.

**SECTION 1.** If any section, clause, provision or portion of this Ordinance shall be held  
invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect  
any other section, clause, provision or portion of this Ordinance so long as it remains legally  
enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any  
portion thereof from time to time as it shall deem advisable in the best interest of the promotion of  
the purposes and intent of this Ordinance, and the effective administration thereof.

**SECTION 2.** This Ordinance shall become effective immediately upon approval.

CERTIFIED COPY  
*[Signature]*  
City Clerk

**SECTION 3.** This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Option Plans Law" and any other applicable law arising under the laws of the State of Pennsylvania.

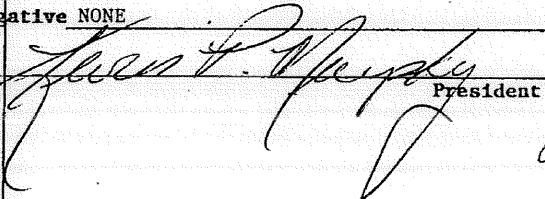
Passed by The Council

October 27, 2003

receiving the affirmative votes of Council Persons

McCormick, Pocius, Hazzouri, DiBileo, Murphy

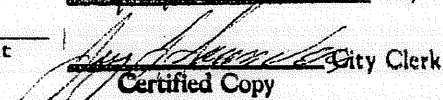
Negative NONE

  
President

Approved 

10/28/03

Mayor

  
City Clerk  
Certified Copy

5B

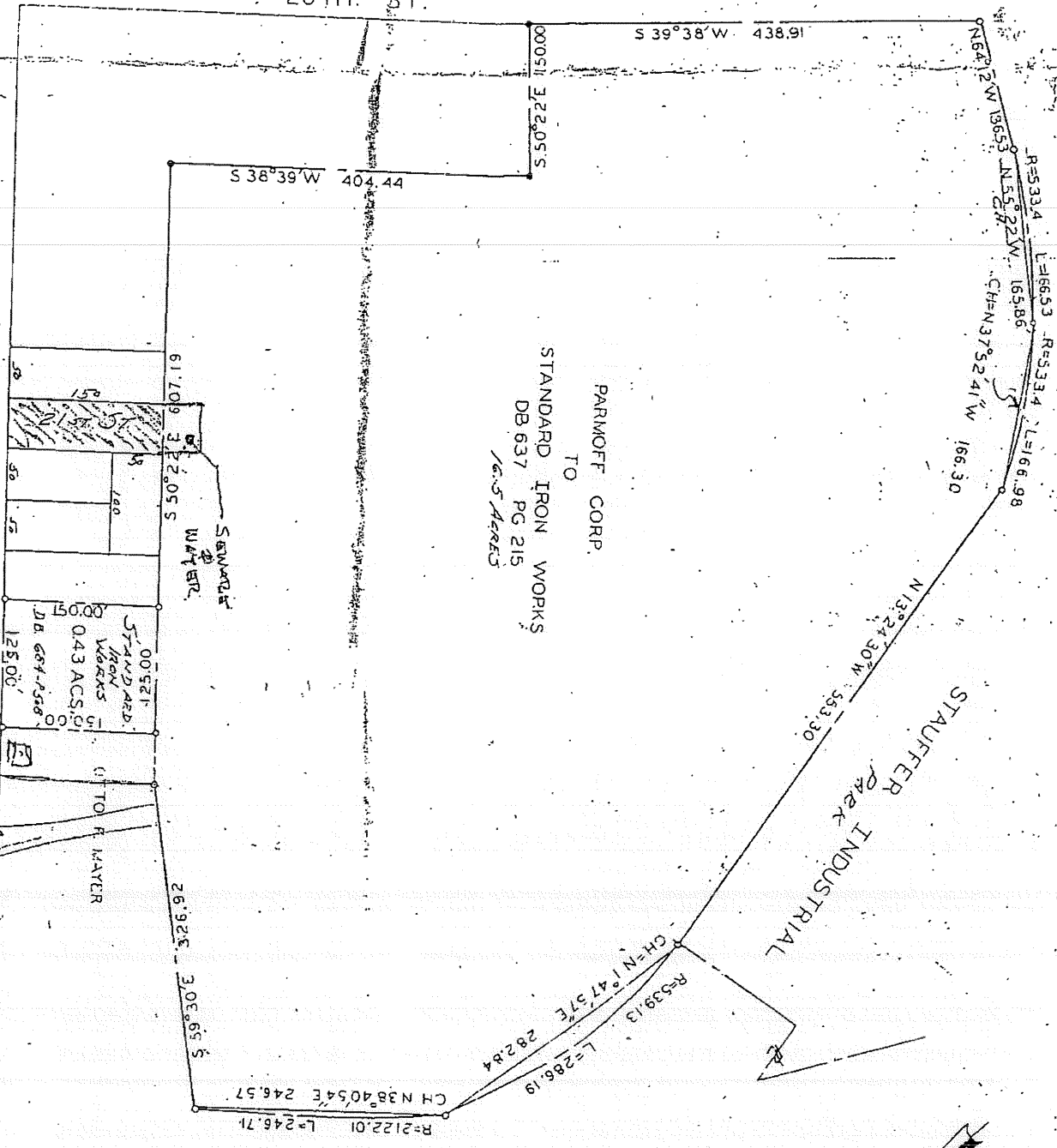
20TH. ST.

LÚZERNE ST.

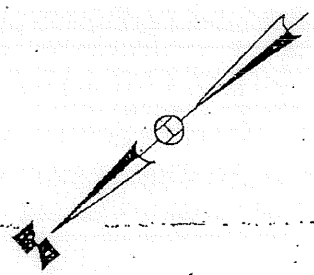
SHERMAN AVENUE

PARMOFF CORP.  
TO  
STANDARD IRON WORKS  
DB 637 PG 215  
16.5 ACRES

STAUFFER INDUSTRIAL  
Park

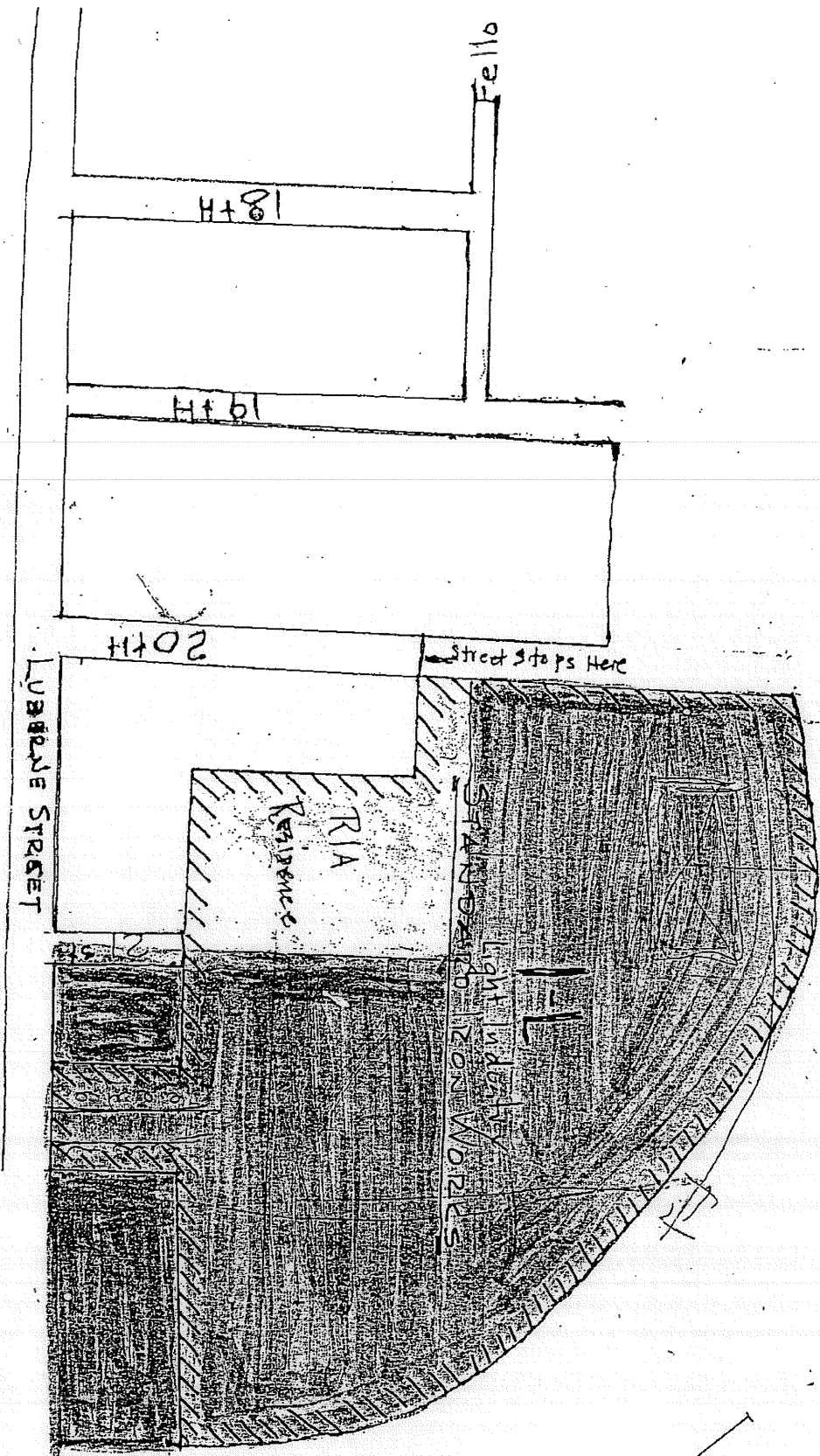


ERIE-LAKE  
Now  
COM. RAIL





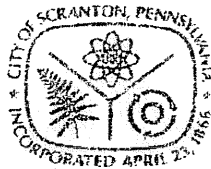
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# City of Scranton

Pennsylvania

(570) 348-4280



50

## City Planning Commission

340 N. Washington Avenue, Scranton, Pennsylvania 18503

September 11, 2003

Scranton City Council  
Municipal Building  
Scranton, PA 18503

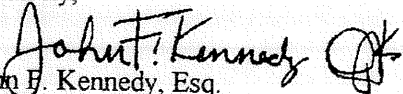
Re: Zoning Change Request, Standard Irons Works

Honorable Members of City Council:

The City Planning Commission (CPC) members at its September 4, 2003 passed a motion 7-0 to recommend the zoning change from R-1A to I-L so that the whole parcel could be under one zoning designation.

Thank you for your time and attention to this matter.

Sincerely,

  
John F. Kennedy, Esq.  
Chairman

2005

AN ORDINANCE

AMENDING THE ZONING ORDINANCE OF THE CITY OF SCRANTON TO ALTER THE USES TABLE FOUND AT PAGE 3-6 OF THE ORDINANCE, SPECIFICALLY MISCELLANEOUS USES, TO REQUIRE A SPECIAL EXCEPTION FOR THE CREATION OF SURFACE PARKING LOTS FOR INSTITUTIONAL USES ON LOTS ON WHICH A PRINCIPAL STRUCTURE DID NOT STAND AS OF JANUARY 1, 1993.

WHEREAS, the Zoning Ordinance of the City of Scranton, effective December 31, 1993, contains a Uses table which includes regulation of various uses in the classes of agricultural, residential, commercial, institutional, public/semi-public, miscellaneous, and accessory uses; and

WHEREAS, the section on Miscellaneous uses allows for the creation of a surface parking lot for an institutional use in certain zones, including R-1A, R2 and R2/O, and R-3, provided that the lot did not have upon it a principal structure as of January 1, 1993 or if it contained a structure, the structure was either condemned or the subject of condemnation proceedings; and

WHEREAS, the creation of such a surface parking lot is not a permitted use in a C-R or R-1/R-1C zone; and

WHEREAS, the creation of surface parking lots creates increased surface water runoff issues in the neighborhoods surrounding these lots; and

WHEREAS, converting these lots into parking, without any review by the Zoning Hearing Board, and without the input of impacted neighbors through a public hearing deprives the impacted neighbors of the ability to speak on the issue based on the arbitrary date set in the ordinance of January 1, 1993.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON that the Zoning Ordinance of the City of Scranton is hereby amended to change the table of uses, specifically Miscellaneous Uses, found on page 3-6 of the Ordinance, to require

Introduced in Council on above date and referred to Committee on June 2, 2005

[Signature]  
City Clerk

Scranton, Pa. September 29, 2005  
Committee on Rules reported favorably on the within ordinance

[Signature]  
Chairman

Sixth Order:  
June 9, 2005

CERTIFIED COPY  
[Signature] City Clerk

a special exception for surface parking for an institutional use on a lot that as of January 1, 1993 did not include a principal building or which was condemned or the subject of condemnation proceedings, when such surface parking use is contemplated in the following zones: R-1A, R-2 and R2/O, and R-3.

**SECTION 1.** If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

**SECTION 2.** This Ordinance shall become effective immediately upon approval.

**SECTION 3.** This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Option Plans Law" and any other applicable law arising under the laws of the State of Pennsylvania.

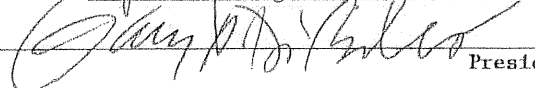
Passed by The Council

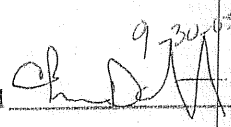
September 29, 2005

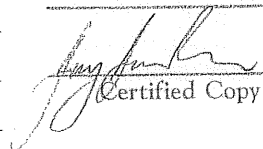
receiving the affirmative votes of Council Persons

McTiernan, Evans, Pocius, DiBileo

Negative Absent-Courtright

  
President

9/30/05  
Approved 

  
City Clerk  
Certified Copy

FILE OF COUNCIL NO. 18

2006

AN ORDINANCE

AMENDING FILE OF COUNCIL NO.74, 1993, (AS AMENDED), ENTITLED "THE ZONING ORDINANCE FOR THE CITY OF SCRANTON", BY CHANGING A PORTION OF A PARCEL OF LAND KNOWN AS PARCEL NUMBER 13501060019, LOCATED BETWEEN OLYPHANT AND BOULEVARD AVENUES, NORTH OF PARKER STREET, SCRANTON, PENNSYLVANIA, AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO I-L (LIGHT INDUSTRIAL).

WHEREAS, an Application pursuant to section 108.E. of the Zoning Ordinance for the City of Scranton has been submitted (Exhibit "B) requesting a zoning change on a parcel of land which is divided by a zoning line; and

WHEREAS, the majority of the parcel is zoned I-L (Light Industrial) with a small area being zoned R-2 (Medium Density Residential); and

WHEREAS, the proposed change is consistent with surrounding uses.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON AND IT IS HEREBY ORDAINED BY AND WITH THE AUTHORITY OF THE SAME THAT File of Council No. 74, 1993, as amended, is further amended to read as follows:

"SECTION 303. ZONING MAP

This section is amended by changing the Official Zoning Map from R-2 (Medium Density Residential) to I-L (Light Industrial) on a portion of a parcel of land known as Parcel Number 13501060019, located between Olyphant and Boulevard Avenues, north of Parker Street, Scranton, Pennsylvania, as Described in Exhibit "A". Attached Hereto.

SECTION 1. In all other respects, File of Council No. 74, 1993, as amended, shall remain in full force and effect.

SECTION 2. If any section, clause, provision or portion of this ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes & intent of this ordinance, & the effective administration thereof.

RECORDED IN COUNCIL ON ABOVE CASES and referred to Committee on February 16, 2006

Rules

City Clerk

Committee on Zoning Ordinance forwarded on the within subject

City Clerk

Sixth Order: March 30, 2006

CERTIFIED COPY ASST. City Clerk

SECTION 3. This Ordinance will take effect immediately upon passage.

SECTION 4. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law" and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by The Council

April 6, 2006

receiving the affirmative votes of Council Persons:

Evans, Panucci, McTiernan, Courtright, Gatelli

Negative None

Judy Gatelli  
President

Approved 4-07-06  
Chris Doherty Mayor  
Ned Corlivan ASST. City Clerk  
Certified Copy

RESOLUTION NO. 145

2007

**AUTHORIZING CHANGES TO THE FEE SCHEDULE OF SECTION 104 (A)(5) OF THE ZONING ORDINANCE OF 1993 TO INCREASE THE FILING FEES AND CHANGE THE SPECIAL HEARING FEES.**

**WHEREAS**, the fees set forth in the City of Scranton Zoning Ordinance are contained in Section 104; and

**WHEREAS**, changes to that fee schedule are to be made by Resolution as set forth in that section; and

**WHEREAS**, the fees charged do not cover the expenses of the Zoning Hearing Board; and

**WHEREAS**, it is in the best interest of the City to increase the filing and hearing fees to more accurately reflect the costs incurred by the City in this process.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SCRANTON** that the schedule of fees found at Section 104 (A)(5) of the City of Scranton Zoning Ordinance is hereby amended as follows:

- 5. Fees for submittal to the Zoning Hearing Board for a variance or special exception or to the City Council as a conditional use shall be as follows:

<u>Construction/Alteration Cost</u>	<u>Permit Charge</u>
\$0 - \$150,000	\$400
\$150,000 - \$1,000,000	\$750
\$1,000,000 -	\$750 per million dollars of construction cost or fraction thereof up to a maximum fee of \$5,000

Special hearings requested require a filing fee of \$800 and if over \$1,000,000, then \$800 per million.

**SECTION 1.** If any section, clause, provision or portion of this Resolution shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Resolution so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Resolution or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intend of this Resolution and the effective administration thereof.

and referred to Committee on May 3, 2007  
 Rules  
 Kay Harvey  
 City Clerk

Scranton, PA May 10, 2007  
 Committee on Rules reports favorably  
 on the within Resolution.  
 Judy Battelli  
 Chairman

**CERTIFIED COPY**  
 Kay Harvey  
 City Clerk

**SECTION 2.** This Resolution shall become effective immediately upon approval.

**SECTION 3.** This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

**Passed by The Council**

May 10, 2007

receiving the affirmative votes of Council Persons

Evans, Fanucci, McGoff, Courtright, Gatelli

Negative None

Judy Gatelli  
President

Approved 5-11-07  
[Signature] Mayor

Kay Harvey City Clerk  
Certified Copy



FILE OF THE COUNCIL NO. 92

2007

AN ORDINANCE  
(AS AMENDED)

AMENDING FILE OF COUNCIL NO.74, 1993, (AS AMENDED), ENTITLED "THE ZONING ORDINANCE FOR THE CITY OF SCRANTON", BY CHANGING CERTAIN SECTIONS TO ALLOW FOR THE IMPROVED ADMINISTRATION OF THE ORDINANCE. SPECIFICALLY SECTIONS 806.B.1 AND SECTIONS 806.E.1 AND 806.E.3.

WHEREAS, The City Planning Commission in conjunction with the Zoning Enforcement Office has reviewed the Zoning Ordinance and has determined that the following Amendments will aid in the enforcement and administration of the Zoning Ordinance; and

WHEREAS, The Planning Commission of the City of Scranton has recommended such Amendments.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON AND IT IS HEREBY ORDAINED BY AND WITH THE AUTHORITY OF THE SAME THAT File of the Council No. 74, 1993, as Amended, is further Amended as follows:

SECTION 806.B.1

It shall be the responsibility of a party asserting a nonconformity to provide evidence that the nonconformity was lawfully created and was and continues to be in compliance with all city laws, regulations and codes in effect at the time it was created and thereafter. With respect to nonconforming dwelling units, in addition to the above requirements, evidence must be provided to show the use is in compliance with the Rental Registration Ordinance (File of Council #38, 2001) or any successor ordinance and the dwelling units are in compliance with all building codes.

Failure to properly register the property in accordance with the said Rental Registration Ordinance or any successor ordinance, the failure to maintain said registration, or the failure to maintain the premises in compliance with all building codes shall be considered both an intent to

and referred to Committee on May 3, 2007

Rules  
*Kay Harvey*  
City Clerk

Committee on Rules reports favorably on the within ordinance.  
*Judy Grillo*  
Chairman

Fifth Order:  
June 7, 2007

CERTIFIED COPY  
*Kay Harvey*  
City Clerk

abandon the nonconforming use and an actual abandonment of such nonconforming use and shall make any subsequent nonconforming use illegal.

A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence as stated above. The Zoning Officer may, but is not required to, prepare a partial or complete list of existing non-conformities.

**SECTION 806.E.1**

If a nonconforming use of a building or land is discontinued for a period of 6 months or more, or is discontinued for a period of 12 or more months in any 2 year period the use is considered abandoned, except:

- a. as provided for in the "Damaged or Destroyed Nonconformities" section (§ 806.D) or
- b. if a nonconforming off-premise junkyard, outside storage area or similar nonconforming use of open land is discontinued for 30 days or more, the nonconforming use shall not be continued, repaired or reconstructed.

Regarding residential properties, failure to properly register the property in accordance with the Rental Registration Ordinance (File of Council #88, 2001, as Amended) or any successor ordinance, maintain said registration and maintain the premises in conformance with City building codes shall be considered intent to abandon the nonconforming use.

**SECTION 806.E.3**

Any future use of such building or land shall be in full conformity with the provisions of this Ordinance.

**SECTION 1.** In all other respects, File of Council No. 74, 1993, as amended, shall remain in full force and effect.

**SECTION 2.** If any section, clause, provision or portion of this ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this ordinance, and the effective administration thereof.

**SECTION 3.** This Ordinance will take effect immediately upon passage.

SECTION 4. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law" and any other applicable law arising under the laws of the State of Pennsylvania.

**Passed by The Council**

July 12, 2007

**receiving the affirmative votes of Council Persons**

Evans, Fanucci, McGoff, Courtright, Gatelli

**Negative** None

Judy Gatelli

**President**

Approved 7-13-07

[Signature]

**Mayor**

[Signature]

**ASST.  
City Clerk**

**Certified Copy**