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William C. Harris
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OFFICE OF PLANNING AND ZONING
REBUILDING/RESTORATION OF NONCONFORMING USES
CITY OF WILKES-BARRE ZONING ORDINANCE EXCERPTS
(\$25.00 Zoning Determination Fee Required)

DATE: ___ / ___ / ___ : PROPERTY ADDRESS:- _____

ZONING DISTRICT: _____

SECTION 809 RESTORATION OF USE AND/OR STRUCTURE

A nonconforming use and/or structure which has been damaged or destroyed by fire, explosion, windstorm, flood or other similar act or cause to the extent of more than sixty (60%) percent of its reproduction value at the time of the damage shall not be restored except in-conformity with the regulations of the zoning district in which it is located.

When damage is less than sixty (60%) percent of its reproduction value, a nonconforming building or other structure may be repaired or reconstructed and used as before the time of the damage, provided such repairs or reconstruction are completed within one (1) year of the date of such damage.

A conforming residential use, which is constructed on a lot that is nonconforming with respect to lot area, lot width, and/or yard areas, may be reconstructed on the same lot subject to receiving approval from the Zoning Hearing Board for any necessary variances.

SECTION 810 TERMINATION OF NONCONFORMING USE AND/OR STRUCTURE

810.1 Nonconforming Structures

A nonconforming structure shall not be reconstructed where destroyed by fire or other casualty to an extent greater than sixty (60) percent of the replacement value.

PLEASE BE ADVISED THAT YOU HAVE THE RIGHT TO APPEAL TO THE ZONING HEARING BOARD OR TO A COURT OF COMPETENT JURISDICTION WITHIN THIRTY 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 Zoning Hearing Board at their discretion, however, only if deemed appropriate by the Board pursuant to the applicable zoning ordinance regulations at the time of submission.

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