COUNTY of LUZERNE
PENNSYLVANIA
ESTABLISHED 1786

LUZERNE COUNTY COUNCIL
PUBLIC HEARING

April 23, 2019
Council Meeting Room
Luzerne County Courthouse
200 N. River Street
Wilkes-Barre, PA 18701

5:30 CALL TO ORDER

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

ROLL CALL

PUBLIC COMMENT ON PROPOSED ORDINANCE amending the Luzerne County Zoning Map to re-zone parcels of property in the Borough of Pringle from Light Industrial (M-2) Zone to Two Family Residence District (R-2) Zone

Each speaker shall have three (3) minutes to address the Agenda item. Each speaker is asked to submit a Speaker Card before the first speaker is called and to limit individual comments to three (3) minutes. Speakers may not yield or transfer their time to another speaker.

ADJOURNMENT

AGENDA SUBMITTAL TO LUZERNE COUNTY COUNCIL

ITEM TITLE Ordinance to amend the zoning ordinance and map to rezone three parcels in Pringle Borough.	**COUNCIL MEETING DATE**	**AGENDA NUMBER**
Dept: **Contact:** **Phone:**	Planning Department Heath Eddy, Director 570-825-1560	

SUMMARY:

Property owners William Fuches, John Fuches, and Charlotte Wojtas have filed a request to rezone three lots of land, located in a M-2 Light Industrial District, to a R-2 Two Family Residence District zone to match the contiguous property uses across Grove Street from their properties in Pringle Borough.

FINANCING:

No additional funds are required for the implementation of this ordinance.

DISCUSSION:

The property owners seek to include their properties fronting on Grove Street in Pringle Borough in the R-2, Two Family Residence District, zone to match the zoning of similar properties immediately across the street.

As stated above, the properties are located on Grove Street and there are other R-2 Two Family Residence properties directly across the street. The properties are more specifically identified as follows:

Parcel Identification Numbers	Location	Owners' Name
52-G9S1-009-002-000	477 Grove Street	John Fuches
52-G9S1-009-003-000	479-481 Grove Street	William Fuches
52-G9S1-009-005-000	485 Grove Street	Charlotte Wojtas

The Luzerne County Zoning Ordinance ("the Ordinance") sets forth the procedure for a change to the Zoning designation of property and the Zoning Map. The request is to be considered by the Planning Commission of Luzerne County ("Commission"). If the Commission determines that the proposed change is consistent with the overall goals and intentions of the Ordinance, it may recommend approval of the request. The Commissions' decision, whether in favor of or against the proposal, is communicated to the County Council as a recommendation. County Council may choose to amend the Luzerne County Zoning Ordinance by Ordinance after a duly advertised public meeting is held.

The Planning Commission met to consider the requested change at a duly advertised public hearing held March 14, 2019, and recommended approval after substantial discussion. The basis for the applicants' application is how the Zoning Ordinance treats lawfully existing nonconforming uses that might suffer significant damage due to fire, earthquake, tornadoes, etc. Briefly, upon sustaining damage to the extent of 60% or more of its pre-event value, a nonconforming structure may not be reconstructed and returned to that nonconforming use. This presents a burden to the owners when attempting to sell their residential property, as mortgage lenders are reluctant to lend under such restrictions. The adjacent property owner, the International Brotherhood of Electrical Workers, Local 1319, expressed concerns about how extending the district boundary closer to their facilities might impact their ability to sustain their use compliant with the performance standards required in the M-2 Light Industrial District zone. After some discussion among the parties and agreement that the IBEW would be allowed to continue to operate under the current regulations for noise and building setbacks, the Commission voted to recommend approval of the application to Council.

Council is now to consider the recommendation of the Commission after a public hearing. If a majority of council members present votes for the change, the Ordinance and Zoning Map will be amended to reflect the reclassification of the aforementioned parcels from M-2 to R-2.

ALTERNATIVES:

The County Council may choose to deny the request to rezone. The lots would continue to be subject to the Ordinance requirements as is.

OTHER AGENCY INVOLVEMENT:

This Ordinance was submitted for legal review to the Luzerne County Office of Law.

No. 2019- _____

ORDINANCE

An Ordinance of Luzerne County Council Amending the Luzerne County Zoning Map to Re-Zone Parcels of Property in the Borough of Pringle from Light Industrial (M-2) Zone to Two Family Residence District (R-2) Zone

WHEREAS, on February 22, 2019, William Fuches, 479-481 Grove, John Fuches, 477 Grove, and Charlotte Wojtas, 485 Grove, applied for re-zoning of their properties located on Grove Street in the Borough of Pringle from Light Industrial (M-2) to Two Family Residence District (R-2); and

WHEREAS, at a public meeting held on March 14, 2019, the Luzerne County Planning Commission reviewed the application for re-zoning and recommended approval of the re-zoning amendment to the Luzerne County Zoning Map; and

WHEREAS, having been duly advertised in accordance with all requirements of the Luzerne County Zoning Ordinance, the Luzerne County Council held a Public Hearing on the aforesaid re-zoning applications and amendment to the Luzerne County Zoning Map on _____, 2019; and

WHEREAS, Luzerne County Council believes it is in the best interest to approve the re-zoning applications of W. Fuches, J. Fuches, and C. Wojtas.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE LUZERNE COUNTY COUNCIL:

The following properties in the Borough of Luzerne, as more fully identified below, shall be re-zoned to the Two Family Residence District (R-2) Zone and the Luzerne County Zoning Map shall be amended to reflect the re-zoning:

Parcel Identification Numbers	Location	Owner's Name
52-G9S1-009-002-000	477 Grove Street	John Fuches
52-G9S1-009-003-000	479-481 Grove Street	William Fuches
52-G9S1-009-005-000	485 Grove Street	Charlotte Wojtas

This Ordinance shall become effective fifteen (15) days after adoption.

ADOPTED at a meeting of the Luzerne County council held on _____, 2019.

LUZERNE COUNTY COUNCIL

By:_____
Tim McGinley, Chair

Attest:_____
Sharon Lawrence, Clerk of Council

By:_____
Eugene Kelleher, Vice-Chair