

2024

AN ORDINANCE

AMENDING THE SCRANTON-ABINGTONS PLANNING ASSOCIATION ("SAPA") INTERGOVERNMENTAL COOPERATIVE IMPLEMENTATION AGREEMENT.

WHEREAS, the City of Scranton entered into an Intergovernmental Cooperative Implementation Agreement ("ICIA") on October 9, 2015 for implementing a multi-municipal comprehensive plan (Exhibit "A");

WHEREAS, Section 14 ("Amendment to this Agreement") of the ICIA provides for an amendment process to the agreement, which requires all nine municipalities to agree to identical language;

WHEREAS, the ICIA was amended in July 2017 (Exhibit "B"); and

WHEREAS, all nine municipalities—including the City of Scranton and facilitated by the Lackawanna County Department of Planning and Economic Development—wish to further amend the ICIA with the following language.

NOW, THEREFORE, BE IT ORDAINED that the City of Scranton hereby agrees to the following amendments to the Scranton-Abingtons Planning Association Intergovernmental Cooperative Implementation Agreement:

Revise SECTION 4: ADOPTION OF CONFORMING ORDINANCES to read:

By May 16, 2021, each Participant shall complete the review of their respective zoning ordinances, and by June 30, 2021, enact a comprehensive zoning amendment, pursuant to Sections 609 and 610 of the Pennsylvania Municipalities Planning Code, that provides for the cooperative provision of land-uses among the Participants based on general consistency with the Scranton-Abingtons Multi-Municipal Comprehensive Plan.


Add SECTION 8A: AGREEMENT TO MAINTAIN ADEQUACY to read:

The Participants agree to maintain a combined inventory of all lawful land-uses within the geographical area of the municipalities of the SAPA Multi-Municipal Planning Region adequate to meet the current and future combined needs of these municipalities, as prescribed by the Adoption of Conforming Ordinances under Section 4, for a minimum period of three (3) years from the date of the last adopting Participant, or no later than June 30, 2021.

After the initial three (3)-year period, if any Participant wishes to consider the elimination, reduction, or a significant increase on the level of restriction of a lawful land-use(s) provided for in its zoning ordinance or amend the official zoning map in a manner that would eliminate, reduce, or significantly increase the level of restriction on a lawful land-use(s) provided for in its zoning ordinance, written notice shall be provided to the county planning agency at least 180 days prior to consideration of said land-use elimination, reduction, or increase on the level of restriction or zoning map amendment. The county planning agency shall review the adequacy of the provisions for the proposed land-use(s) within the remaining municipalities and provide

Introduced in Council on above date and referred to Committee on May 28, 2024


City Clerk

Scranton, PA June 11, 2024
Committee on Rules reports favorably on the
with ordinance

Chair

SIXTH ORDER:
June 4, 2024

CERTIFIED COPY


City Clerk

comments to the requesting Participant and the Land Use Advisory Committee within 60 days of receipt of said notice.

If the county planning agency determines that the elimination, reduction, or increase on the level of restriction of the lawful land-use(s) or zoning map amendment will result in the combined inventory not being adequate to meet the current and future needs of the Participants, it shall provide written notice to all Participants. The Participant considering the elimination, reduction, or increase on the level of restriction or zoning map amendment shall either (1) dismiss the proposed consideration; (2) refer the issue to Dispute Resolution as provided in Section 11 of this Agreement; or (3) initiate termination of this Agreement as provided in Section 13. The county planning agency may also determine, on a case-by-case basis, that a de minimus reduction or revision does not require the formal process otherwise provided in this Section 4A.

Revise SECTION 13: EXECUTION, EFFECTIVE DATE AND TERMINATION,

§§D. to read:

- D. In the event that any Participant withdraws from this Agreement, the following shall be required:
- (1) Official written notice shall be provided to all remaining Participants and the county planning agency a minimum of one (1) year prior to termination;
 - (2) All costs associated with the review, preparation, and implementation of the Participant's zoning ordinance utilizing the cooperative provision of land-uses, and administered by Lackawanna County, shall be paid back to Lackawanna County based on the municipality's percentage of the total project cost for those portions of the funding provided by Lackawanna County and the Pennsylvania Department of Economic Development (See Appendix A). The paid-back funds will be used to cover the cost of reviewing the Plan and amending the remaining Participants' zoning ordinances to resolve the inadequacy of the land-use cooperative provisions.

Add SECTION 13A: REVIEW RELATED TO CONFORMING ORDINANCES to

read:

- A. This amended agreement shall be in effect for a period of five (5) years from the date of the last adopting Participant, or no later than June 30, 2021, at which time, a comprehensive review of the SAPA Multi-Municipal Comprehensive Plan and Participant zoning ordinances shall be undertaken by the Participants through the Land Use Advisory Committee.

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

June 11, 2024

Receiving the Affirmative votes of Council Persons

KING, SCHUSTER, FOTHCHILD, MCANDREW, SMUHL

Negative

NONE

[Signature]
President

Approved 6/12/2024

[Signature] Mayor

[Signature] City Clerk

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