

Borough Zoning Ordinance in the manner prescribed in said Ordinance.

6.15296 Plans submitted for final approval shall be prepared in accordance with current Subdivision Regulations of Plymouth Borough and all other codes and ordinances of the Borough of Plymouth and Luzerne County, except those excluded under this section.

6.16 Public and Parochial Schools and Colleges, and Private Schools and Colleges for Academic Instruction

These structures shall be located not less than 50 feet from any other lot in an "S-1" or "R-1" district, and not less than 20 feet from any lot in an "R-2" or "R-3" district.

6.17 Race Track (Horse)

Commercial race tracks must have all activities, including all buildings, not less than 400 feet from any residence district or any lot occupied by a dwelling, school, church, or institution for human care.

Traffic in connection with race tracks, must be arranged to cause a minimum of congestion.

6.18 Race Tracks (Automobile, Including Go-Cart Areas and Midget Race Tracks)

6.181 Automobile race tracks shall require the approval of the Board.

6.1811 Automobile race tracks shall be located a minimum of 500 feet from any Residence District.

6.1812 The Board shall consider the noise factor, and require noise deadening devices, or other means, to prevent the noise from becoming objectionable to surrounding areas.

6.19 Sanitary Landfill Areas

Plans for sanitary landfill areas shall be in harmony with existing surrounding uses or those proposed in the land use plan, and the opinion of the State Department of Health as to proper drainage, cover, and the operation as a whole, shall be obtained.

6.20 Sewage Disposal Plants

Plans for sewage disposal plants must be in harmony with surrounding uses and the written approval of the State Department of Health must be obtained.

6.21 Swimming Pools, Private, or Community or Club

6.211 Private Swimming Pools

A private swimming pool, but not including farm ponds, as regulated herein, shall be any pool, lake or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1½) feet.

No such swimming pool shall be allowed in a "C-1", "A-1" or any "R" District except as an accessory use and unless it complies with the following conditions and requirements:

6.2111 The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located, and their guests, and no fee shall be charged.

6.2112 Yard requirements shall be the same as under 7.24 for unattached accessory structures.

6.2113 The swimming pool, or the entire property on which it is located, shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties, said fence or wall to be not less than four (4) feet in height and maintained in good conditions.

6.212 Community or Club Swimming Pools

A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club solely for use and enjoyment by members of the association or club and their families and guest of members. Community and club swimming pools shall comply with the following conditions and requirements.

6.2121 The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than one hundred (100) feet to any property line of the property on which it is located.

6.2122 The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than four (4) feet in height, and maintained in good condition.

The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees, and maintained in good condition.

6.22 Tourist Homes

Tourist homes are required to be along State or Federal highways. In "R-2" and "R-3" districts, not more than four guests are permitted, as well as an unlighted sign not exceeding 12 square feet in area, or a lighted sign not exceeding three square feet in area with enclosed lighting through translucent glass or by blue or green neon.

6.23 Trailer Parks and Trailers

- 6.231 No trailer, trailer coach or mobile home shall be used outside of a permitted trailer park, to provide living quarters or space for the conduct of business, except that it may be used temporarily for office purposes during the construction of a principal building or a road, on the issuance of a temporary permit by the Zoning Officer.
- 6.232 Except for trailers offered for sale on trailer sales lots, the parking of a trailer, trailer coach or mobile home outside of a permitted trailer park in any district for 48 hours or more, shall be prohibited.
- Small utility trailers are excluded from this provision.
- 6.233 Trailer parks were permitted shall observe the following requirements:
- 6.2331 No trailer park shall have an area less than five acres, nor an average gross area per trailer of less than 3,000 square feet.
- 6.2332 Every trailer shall be supplied with a potable water service and shall be connected to a sanitary sewer and an approved sewage disposal system.

- 6.2333 A safe, usable recreation area shall be conveniently located in every trailer park and shall contain a total area equivalent to an allowance of 300 square feet per trailer, which shall not be less than ten per cent of the gross area of the trailer park.
- 6.2334 No trailer shall be located less than 50 feet from any abutting property in a "C-1", "A-1", Residence or "M-1" district.
- 6.2335 The trailer park shall be permanently landscaped and maintained in good condition.
- 6.2336 All requests to make temporary mobile home parks permanent, which mobile home parks occurred as a result of the flood caused by Hurricane Agnes during the time zoning was suspended for housing for flood sufferers by the State Council of Civil Defense, must first be submitted to the Zoning Hearing Board for consideration as a Use by Special Exception, in conformity with Section 8.42 of this Ordinance and all other Sections of this Ordinance regulating Special Exceptions. After action is taken upon the application by the Zoning Hearing Board said application and decision shall then be Certified to the Zoning Officer to comply with the procedure

for rezoning as set forth in this Ordinance under Article Ten (10) and all Sections thereof.

6.234 Except for trailers or mobile homes offered for sale on trailer or mobile home sales lots, or those for which the necessary permits have been obtained, the parking of a trailer or mobile home outside of a permitted trailer or mobile home park in any district for 48 hours or more shall be prohibited, except as permitted in Section 6.2341 below:

6.2341 Camping and Recreational Equipment

Any owner of camping and recreational equipment, including, but not limited to, travel trailers, pick-up coaches, motorized homes, and boat trailers, may park or store such equipment on private residential property subject to the following conditions:

6.23411 Such parked or stored camping and recreational equipment shall never be occupied or used for living, sleeping or housekeeping purposes.

6.23412 If the camping or recreational equipment is parked or stored outside of a building, it shall be parked or stored, if possible, to the rear of the building line of the lot, and

in all cases shall at least be parked or stored to the rear of the front building line of the lot.

6.23413 Notwithstanding the provisions of Section 6.23412 carrying and recreation equipment may be parked anywhere on the premises while actually being loaded or unloaded.

6.24 Camps

The Borough shall require approval of the Pennsylvania Department of Environmental Resources.

6.25 Storage of Explosives

The Borough shall determine that the use does not conflict with any State or Federal laws, and shall check to see that the utmost in safety is provided for, that the area is not developed or developing, and enough space acquired by the applicant to protect nearby properties.

6.26 Accessory Structures

6.261 Attached Accessory Structures

Accessory structures which are attached to the principal building shall comply with all the yard requirements for a principal structure.

6.262 Unattached Accessory Structures in "B-3", "M-1", "M-2", "M-3", "C-1", "A-1" and "R" Districts may be erected within a rear yard, provided they conform with the following:

- 6.2621 An unattached accessory structure shall be located not less than ten (10) feet from a principal structure.
- 6.2622 Maximum height - one and one-half stories or 15 feet except in "A-1" districts.
- 6.2623 An unattached accessory structure shall not be less than five (5) feet from the side lot line, except by written consent of adjoining owner and the approval of the Planning Commission.
- 6.2624 Side yard (corner lot) - same as for a principal structure.
- 6.2625 An unattached accessory structure shall be not less than five (5) feet from the rear lot line, except when the structure abuts an alley, in which case ten (10) feet shall be required.
- 6.2626 Not more than two accessory structures, including a private garage, shall be located in any "R" District, on one lot.
- 6.263 Unattached Non-Residential Accessory Structures shall comply with the front and side yard requirements for the principal structure. They shall have a rear yard of at least ten (10) feet, except as otherwise specified in this Ordinance.

ARTICLE 7 - EXCEPTIONS AND MODIFICATIONS

7.1 Existing Lots of Record

Any lot of record existing at the effective date of this Ordinance in any "C-1", "A-1" or "R" district, may be used for the erection of a single family dwelling, even though its area and width is less than the minimum requirements set forth herein, except as set forth hereafter. Where yard spaces do not meet the requirements of the "C-1", "A-1", or "R" districts as given Table 5, variances may be requested of the Board as indicated in Section 8.44. Where two (2) adjacent lots of record with less than the required area and width are held by one (1) owner, the request for a permit shall be referred to the Board, which may require that the two (2) lots be combined and used for one (1) main building. Where three (3) or more adjacent lots of record with less than the required area and width are held by one (1) owner, the Board may require replatting to fewer lots which would comply with the minimum requirements of this Ordinance.

7.2 Yards

7.21 Front Yards

7.211 Residence Districts

7.2111 Principal Buildings

In any "A-1", or "R" district,
the front yard depth for any

residential building hereafter erected, shall be the average of half of the front yard depths of all the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situated within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots in the same block front within 200 feet on each site thereof, provided that no dwelling shall be required to set back more than 60 feet in the "C-1", and "A-1" districts or more than 50 feet in "R" districts, and shall not be less than 10 feet.

7.2112 Garages Where Steep Slopes Exist

In any "C-1", "A-1", or "R" district, where the natural

grade of a lot within the required front yard is so steep, perpendicular to the front lot line at every point along said line, that it is not practicable to provide a driveway with a grade of 12 percent or less to a private garage conforming to the requirements of this Ordinance, such garage may be located within such front yard, but not in any case closer than six feet to the street line.

7.2113 Through Lots

In any "R" district, where a lot runs through a block from street to street, a front yard as required by this Ordinance shall be provided along each street lot line which is not a side street lot line.

7.212 Business Districts

In any "B" district, the front yard setback of any building or other

structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side, provided such adjoining lots are improved with permanent commercial buildings constructed of fire resisting materials situated within 100 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall not be less than the average depth of the front yards of all lots within 100 feet on each side thereof which are improved as described above.

7.22 Side Yards

7.221 Width of One Side Yard May Be Reduced

The Board may authorize the required width of one side yard for a single or two-family dwelling to be reduced to not less than three feet, provided that the combined side yards shall not be less than the required minimum, and provided the distance between the proposed dwelling, and another dwelling,

existing or proposed on an adjacent lot, is not less than the required minimum sum of the two side yards.

7.222 Side Yard Width May Be Varied

Where the side wall of a building is irregular, or not parallel with the side lot line, the average width of the side yard shall not be less than the otherwise required lease width, provided that the side yard shall not be narrower at any point than five feet, where the Ordinance would ordinarily require five feet or more.

7.223 Side and Rear Yard Requirements for Non-Residential Uses Abutting or Within a "C-1", "A-1", or "R" district

7.2231 Minimum Yard Requirements:

Non-residential buildings constructed or uses hereafter established shall not be located or conducted closer to any lot line in a "C-1", "A-1", or "R" district than the distance specified in the following schedule, except as provided in Section 7.2232 hereafter or Section 6.14322:

Minimum Side
or Rear Yard

Use

<u>20 feet</u>	Off-street parking spaces and access drives for non-residential uses.
<u>30 feet</u>	Churches, Schools and public or semi-public buildings.
<u>50 feet</u>	Recreation facilities, entertainment facilities, motels, trailer camps, strip mining, culm banks.
<u>100 feet</u>	Facilities for the commercial boarding or care of domestic animals, outside sale of storage of building material or construction equipment, auto salvage operations, breakers, and truck terminals.

7.2232 Landscaping or Screening Provisions:

For non-residential uses listed in 7.2231 abutting a lot in a "C-1", "A-1", or "R" district, the minimum yards may be reduced to ten percent of the above requirements if acceptable landscaping or screening, approved by the Zoning Officer, is provided. Such screening shall be a masonry wall or solid fence, between five and six feet in height, maintained in good condition and free from all

advertising or other signs. Landscaping, provided in lieu of such wall or fence, shall consist of a strip of land not less than five (5) feet in width, planted with an evergreen hedge or dense planting of evergreen shrubs that will reach a height of not less than five feet within three years.

7.23 Projections Into Yards and Courts

7.231 A wall or fence under six feet in height, or higher of a retaining wall, may be erected within the limits of any yard or outer court.

7.232 Patios, terraces and open porches may be located in side and rear yards, not closer than three feet to any adjacent property line. If located closer than eight feet in any District except an R-3 District, or five feet in an R-3 District, they shall be adequately screened from the adjoining lot.

7.233 Architectural Projections Chimneys, leaders, cornices, eaves, gutters and bay windows, and the like, may extend not more than 18 inches into any required yard.

ARTICLE 8 - ZONING HEARING BOARD

8.1 Organization and Procedure

8.11 Organization

The Zoning Hearing Board shall consist of three members to be appointed by the Borough Council, one of whom shall be designated to serve until the first day of January following the adoption of the Zoning Ordinance, one until the first day of the second January thereafter, and one until the first day of the third January thereafter. On the expiration of their appointed terms, their successors shall be appointed for a five year term. Vacancies shall be filled for the unexpired term of any member. At the expiration of a member's term, he shall remain in office until he is reappointed or replaced.

8.12 Procedure

The Board shall organize and adopt rules of procedure not inconsistent with this Ordinance or the Pennsylvania Municipalities Planning Code.

8.121 Meetings

Meetings of the Board shall be held at the call of the chairman and at such other times as the Board, in its rules

or procedure may specify. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. The records of the Board shall be kept in the office of the Zoning Inspector, and shall be a public record.

8.122 Quorum

Two members of the Board shall constitute a quorum. The Board shall act by Resolution. The concurring vote of two or more members of the Board shall be necessary to reverse any order, requirement, decision or determination by the Zoning Officer or other administrative official or agency or to decide in favor of the appellant. The Board may appoint a Hearing Officer from its membership to conduct any hearing on

its behalf and the parties may waive future action by the Board as provided in Section 908, Act 247, Pennsylvania Municipalities Planning Code.

8.2 Applications and Appeals to the Board

8.21 Applications, by Whom Taken

Applications for special exception, in cases in which the Board has original jurisdiction, under the provisions of this Ordinance, shall be filed with the Zoning Officer who shall transmit same to the Board.

8.22 Appeals

8.221 Appeals, When and By Whom Taken

Appeals may be taken by an officer of the Borough, or by any other person aggrieved by any decision of the Zoning Officer or other administrative official or agency.

Such appeal shall be taken within 30 days after said decision, by filing with the Zoning Officer a notice of appeal specifying the grounds thereof.

The Zoning Officer shall arrange for the proper notices, and shall bring the appeal before the Board at its next meeting. Nothing contained herein

shall be construed to deny to the appellant the right to proceed directly to court, where appropriate, pursuant to PA Rules of Civil Procedure, Sections 1091 to 1098 relating to mandamus.

8.222 Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer shall certify to the Board, after the notice of appeal shall have been filed with it, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Common Pleas Court, after notice to the officer from whom the appeal is taken, and on due cause shown.

8.223 Decision of the Board

The Board may in conformity with the provisions of this Article reverse or affirm, wholly or partly, or may modify

the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made and to that end, shall have all powers of the Zoning Officer from whom the appeal is taken.

8.224 Refiling of Disapproved or Withdrawn Cases

If a case is disapproved by the Board, thereafter the Board shall take no further action on another case for substantially the same proposal on the same property, until one year after the date of such disapproval. If a case before the Board is advertised, and thereafter withdrawn by the applicant before or at the meeting of the Board, he shall be precluded from filing another application for substantially the same proposal on the same premises for six months.

8.23 Filing

The Board may require the applicant to furnish such information as it deems necessary, when filing an application or appeal, and may require specific forms to be used.