

# **ZONING ORDINANCE**

## **BOROUGH OF PLYMOUTH**

**ADOPTED JULY 10, 1979**

### **AMMENDMENTS**

ORDINANCE NO. 1 OF 1995: AN ORDINANCE OF THE BOROUGH OF PLYMOUTH SUBDIVIDING PARCEL NO. 1, A 3.442 ACRES TRACT OF LAND OWNED BY THE BOROUGH OF PLYMOUTH, AND FURTHER TO AMEND THE MAP AND THE ZONING ORDINANCE OF THE BOROUGH OF PLYMOUTH TO REDESIGNATE THE SUBDIVIDED PARCEL FROM C-1 CONSERVATION DISTRICT TO M-2 LIGHT INDUSTRIAL DISTRICT. AMMENDEED JULY 25, 1998

ORDINANCE NO. 1 OF 2017: AN ORDINANCE OF THE BOROUGH OF PLYMOUTH AMENDING AND REPEARLING PORTIONS OF THE BOROUGH'S ZONING ORDINANCE ADOPTED ON JULY 1, 1979 DEALING WITH THE M-2 LIGHT INDUSTRIAL DISTRICT CLASSIFICATION. AMMENDEED MARCH 6, 2017.

### **DISCLAIMER**

IT IS ADVISED TO OBTAIN SERVICES FROM PROFESSIONAL ENGINEERS AND/OR ATTORNEYS WHEN IN DOUBT AS TO THE UNDERSTANDING OF THE BOROUGH OF PLYMOUTH'S ZONING ORDINANCE. IT IS ENCOURAGED TO OBTAIN CERTIFICATION FROM A PENNSYLVANIA LICENSED SURVEYOR TO DOCUMENT COMPLIANCE WITH ZONING REGULATIONS. PLEASE CONTACT THE PLYMOUTH BOROUGH ZONING OFFICER WITH ANY QUESTIONS OR CONCERNS. DUE TO FACT THE ORDINANCES ARE UPDATED AND AMMENDEED PERIODICALLY, IT IS ADVISED TO CONTACT THE PLYMOUTH BOROUGH ZONING OFFICER AT 570-779-1011.

ZONING ORDINANCE  
BOROUGH OF PLYMOUTH

Edward F. Burns, Mayor

BOROUGH COUNCIL

Edward Saroscek, President, Police  
John Chervenitski, Fire Department  
Joseph R. Conniff, Buildings  
William DeRemer, Recreation  
Joseph Lukavitch, Levee & Dam Protection  
George McDaniels, Sanitation  
Robert Soha, Streets

BOROUGH SECRETARY

Robert A. Mundy

BOROUGH PLANNING COMMISSION

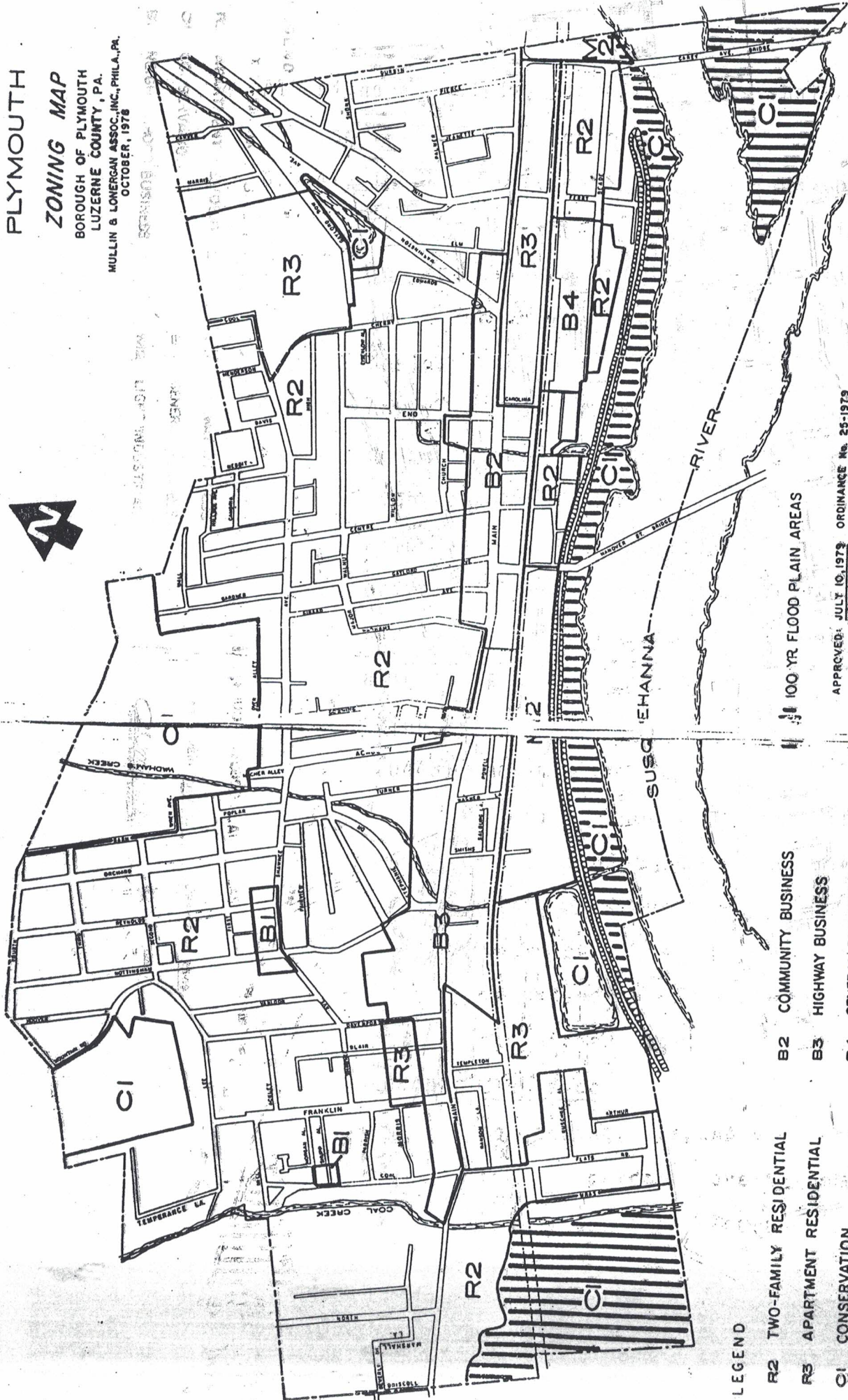
Albert Dobrowalski, Chairman  
Stephen Senko, Secretary  
David Davis  
Vince Dougherty  
Al Kraynak

MULLIN & LONERGAN ASSOCIATES, INC.  
COMMUNITY DEVELOPMENT CONSULTANTS  
Philadelphia, Pennsylvania

# PLYMOUTH

## ZONING MAP

BOROUGH OF PLYMOUTH  
LUZERNE COUNTY, PA.  
MULLIN & LONGERAN ASSOC. INC., PHILA., PA.  
OCTOBER, 1978



### LEGEND

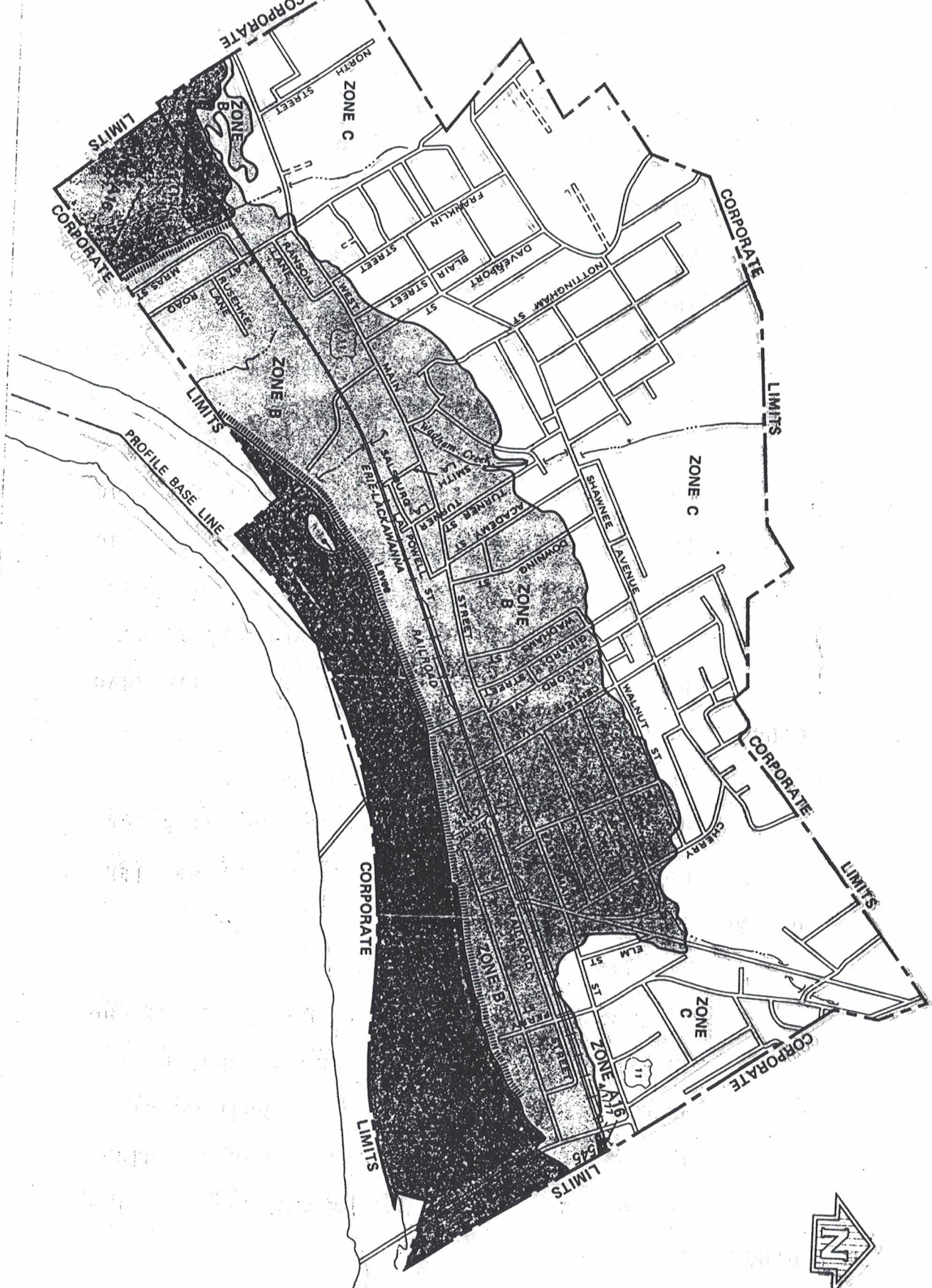
- R2 TWO-FAMILY RESIDENTIAL
- R3 APARTMENT RESIDENTIAL
- CI CONSERVATION
- BI NEIGHBORHOOD BUSINESS
- B2 COMMUNITY BUSINESS
- B3 HIGHWAY BUSINESS
- B4 GENERAL BUSINESS
- M2 LIGHT INDUSTRIAL

100 YR FLOOD PLAIN AREAS

APPROVED: JULY 10, 1979 ORDINANCE No. 25-1979

*Edmund J. [Signature]*  
Mayor





DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Federal Insurance Administration  
**BOROUGH OF PLYMOUTH, PA**  
(LUZERNE CO.)

APPROXIMATE SCALE  
0 800 1600 2400 3200 FEET  
**FLOOD HAZARD BOUNDARY MAP H - 01**  
**FLOOD INSURANCE RATE MAP I - 01**

EFFECTIVE DATE  
**APRIL 1, 1977**

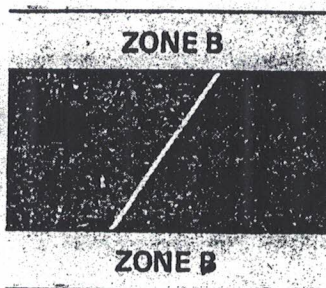


# KEY TO SYMBOLS



ZONE DESIGNATIONS\* WITH  
DATE OF IDENTIFICATION  
12/2/74

ZONE  
A1



Base Flood Elevation Line

513

Base Flood Elevation

(513' MSL)

Elevation Reference Mark

RM7 X

River Mile

M1.5

## \*EXPLANATION OF ZONE DESIGNATIONS

A flood insurance map displays the zone designations for a community according to areas of designated flood hazards. The zone designations used by FIA are:

Zone Symbol	Category
A	Area of special flood hazards (SFH) and without base flood elevations determined.
A1 through A30	Area of special flood hazards (SFH) with base flood elevations. Zones are assigned according to flood hazard factors, and dates of SFH identification.
AO	Area of special flood hazards that have shallow flood depths (less than two feet) and/or unpredictable flow paths. Base flood elevations are not determined.
V	Area of special flood hazards, with velocity, that are inundated by tidal floods. Zones are assigned according to flood hazard factors and dates of SFH identification.
B	Area of moderate flood hazards.
C	Area of minimal flood hazards.
D	Area of undetermined, but possible, flood hazards.

CONSULT NFIA SERVICING COMPANY OR LOCAL INSURANCE

INITIAL IDENTIFICATION DATES:

MARCH 30, 1973 AND MARCH 29, 1974

CONVERSION TO REGULAR PROGRAM:

APRIL 1, 1977

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Federal Insurance Administration

FLOOD HAZARD BOUNDARY MAP H - 01  
FLOOD INSURANCE RATE MAP I - 01

MAP INDEX

BOROUGH OF PLYMOUTH, PA  
(LUZERNE CO.)

COMMUNITY NO 4206220

ZONING ORDINANCE  
BOROUGH OF PLYMOUTH

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BOROUGH COUNCIL

Edward Saroscek, President, Police  
John Chervenitski, Fire Department  
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COMMUNITY DEVELOPMENT CONSULTANTS  
Philadelphia, Pennsylvania



# TABLE OF CONTENTS

	<u>PAGE</u>
PREAMBLE - - - - -	1-1
Statement of Objectives- - - - -	1-3
ARTICLE 1 - TITLE - - - - -	2-1
ARTICLE 2 - GENERAL PROVISIONS - - - - -	2-1
Definitions Reference- - - - -	2-1
Compliance With Ordinance Required - - - - -	2-1
Accessory Buildings in Residence Districts - - - - -	2-1
Conversion of Dwellings- - - - -	2-2
Excavation of Sand, Gravel, Coal or Other Minerals, Rock, and Peat Moss, For Sale - - - - -	2-3
Non-conforming Buildings - - - - -	2-10
Non-conforming Uses of Land- - - - -	2-12
Pending Applications for Building Permits or Structures Already Begun - - - - -	2-13
Rear Dwellings and Easements Required Therewith - - - - -	2-13
Road Frontage Required - - - - -	2-14
Traffic Visibility Across Corner Lots- - - - -	2-14
Certain Buildings and Land Uses Excepted - - - - -	2-14
Time Limitation - - - - -	2-15
Notice of Starting Work- - - - -	2-15
Refiling of Disapproved or Withdrawn Cases - - - - -	2-15
ARTICLE 3 - ESTABLISHMENT OF DISTRICTS - - - - -	3-1
Types of Districts - - - - -	3-1
Zoning Map - Interpretation of Boundaries- - - - -	3-1
Flood Plain Areas - - - - -	3-2
ARTICLE 4 - USES PERMITTED IN DISTRICTS - - - - -	4-1
"C-1" - Conservation Districts - - - - -	4-1
"A-1" - Agricultural Districts - - - - -	4-1
"S-1" - Suburban Residence Districts - - - - -	4-1
"R-1" - Single-Family Residence Districts- - - - -	4-1
"R-2" - Two-Family Residence Districts - - - - -	4-2
"R-3" - Apartment Residence Districts- - - - -	4-2
"B-1" - Neighborhood Business Districts- - - - -	4-3
"B-2" - Community Business Districts - - - - -	4-3
"B-3" - Highway Business Districts - - - - -	4-3
"B-4" - General Business Districts - - - - -	4-3
"M-1" - Mining Districts - - - - -	4-3
"M-2" - Light Industrial Districts - - - - -	4-5
"M-3" - Heavy Industrial Districts - - - - -	4-11

	<u>PAGE</u>
ARTICLE 5 - AREA AND HEIGHT REGULATIONS - - - - -	5-1
ARTICLE 6 - SUPPLEMENTARY PROVISIONS- - - - -	6-1
Amusement Centers - - - - -	6-1
Animal Hospital and Similar Uses- - - - -	6-1
Animals in Residence Districts - - - - -	6-1
Outdoor Advertisements and Signs- - - - -	6-1
Cemeteries, Crematories, Columbaria and Mausoleums - - - - -	6-9
Community Buildings, Social Halls, Lodges, Fraternal Organizations, Clubs and Similar Social or Recreational Establish- ments - - - - -	6-9
Day Nursery, Nursery School, Private Kindergarten, or Child Welfare Center- - - - -	6-9
Drive-In Theatres - - - - -	6-10
Golf Driving Ranges and Miniature Golf- - - - -	6-10
Home Occupations - - - - -	6-10
Hospitals and Related Uses - - - - -	6-11
Junkyards and Similar Storage Areas (Including Automobile Wrecking)- - - - -	6-12
Motels- - - - -	6-12
Off-Street Loading and Parking- - - - -	6-12
Planned Building Groups - - - - -	6-19
Public and Parochial Schools and Colleges and Private Schools and Colleges for Academic Instruction - - - - -	6-65
Race Track, Horse - - - - -	6-65
Race Track, Automobile- - - - -	6-65
Sanitary Land Fill Areas- - - - -	6-66
Sewage Disposal Plants- - - - -	6-66
Swimming Pools, Private, or Community or Club- - - - -	6-66
Tourist Homes - - - - -	6-68
Trailer Parks and Trailers- - - - -	6-69
Camping and Recreational Equipment- - - - -	6-71
Camps - - - - -	6-72
Storage of Explosives - - - - -	6-72
Accessory Structures - - - - -	6-72
ARTICLE 7 - EXCEPTIONS AND MODIFICATIONS - - - - -	7-1
Existing Lots of Record - - - - -	7-1
Yards- - - - -	7-1



	<u>PAGE</u>
ARTICLE 8 - ZONING HEARING BOARD	8-1
Organization and Procedure- - - - -	8-1
Applications and Appeals to the Board - - - - -	8-3
Hearings- - - - -	8-6
Powers and Limitations of Powers of the Board- - - - -	8-7
Court Review- - - - -	8-12
ARTICLE 9 - ADMINISTRATION AND ENFORCEMENT- - - - -	9-1
Administration- - - - -	9-1
Zoning Permits and Certificates of Occupancy- - - - -	9-3
Enforcement - - - - -	9-6
Complaints Regarding Violations - - - - -	9-6
Fees - - - - -	9-6
Enforcement: Penalties and Remedies - - - - -	9-7
ARTICLE 10 - AMENDMENTS TO MAP OR TEXT- - - - -	10-1
General - - - - -	10-1
Procedure for Change in Zoning District - - - - -	10-1
ARTICLE 11 - DEFINITIONS - - - - -	11-1
ARTICLE 12 - INTERPRETATION AND VALIDITY - - - - -	12-1
Interpretation - - - - -	12-1
Validity - - - - -	12-1
Repeal - - - - -	12-1
Effective Date- - - - -	12-2

## ZONING ORDINANCE FOR PLYMOUTH BOROUGH, PENNSYLVANIA

Whereas, the Plymouth Borough Zoning Ordinance is based on the Comprehensive Plan of Plymouth Borough as a means of working towards it, particularly the section known as the Land Use Plan; and

Whereas Section 603 of Act 247, the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, as amended, Article VI states as follows:

"Ordinance Provisions - Zoning Ordinance may prohibit, regulate, restrict and determine:

- (1) Uses of land, watercourses and other bodies of water;
- (2) Size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures;
- (3) Areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards and other open spaces and distances to be left unoccupied by uses and structures;
- (4) Density of population and intensity of use.

In addition, zoning ordinances may contain:

1. Provisions for special exceptions and variances administered by the zoning hearing board, which provisions shall be in accordance with this act;
2. Provision for conditional uses to be allowed or denied by the governing body after recommendations by the planning agency, pursuant to express standards and criteria set forth in the ordinances;



3. Provision for the administration and enforcement of such ordinances;

4. Such other provisions as may be necessary to implement the purposes of this act, "and

Whereas Section 604 of Act 247 states as follows:

"Zoning Purposes - The provisions of zoning ordinances shall be designed:

(1) To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other requirements, as well as

(2) To prevent one or more of the following:

overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

Zoning ordinances shall be made in accordance with an overall program, and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures."

Now, therefore, this Ordinance is in accordance with these heretofore stated purposes.

## STATEMENT OF OBJECTIVES

The Plymouth Borough Objectives include those listed in the 1978 Comprehensive Plan prepared by the Borough of Plymouth Planning Commission, plus the following:

Housing - To provide an adequate supply of decent, sanitary and safe housing in the Borough for all income groups regardless of race or color background, including the rehabilitation of existing structures.

Economics - To decrease unemployment and underemployment and economic disinvestment in Plymouth through promotion of new and expanded economic development, especially business and light industrial uses.

Recreation - To improve and develop new recreational facilities offering access to all Borough residents.

Public Buildings - To provide sufficient facilities for adequate public services including fire protection, schools, library, governmental and maintenance services.

Utilities - To insure that necessary public and private utilities are provided to all residents of Plymouth.

Land Use and Comprehensive Plan - To use the Zoning Ordinance as a tool to help implement the Land Use and Comprehensive Plan of Plymouth Borough.

To provide adequate safety to life and property through flood control measures.

To provide safe and convenient pedestrian and vehicular transportation systems in the Borough.



To limit densities of population to reasonable standards, depending on location, to provide attractive surroundings, have sufficient parking and avoid congestion of traffic movement.

Health - To improve the health of the residents of Plymouth by controlling (and reducing where feasible) pollution, separating residences for adequate light, sun and air, and the provision of adequate services at the lowest possible cost.

## ARTICLE 1 - TITLE

- 1.01 This Ordinance shall be known and may be cited as the Zoning Ordinance of Plymouth, Pennsylvania.

## ARTICLE 2 - GENERAL PROVISIONS

### 2.01 Definitions Reference

Definitions for words or terms used in this Ordinance are given in Article 11.

### 2.02 Compliance with Ordinance Required

Except as hereinafter provided, no land, building, structure or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, converted, altered or moved except in conformity with the regulations herein specified for the district in which it is located. No yard space or minimum area required for a building or use shall be considered as any part of the yard space or minimum area for another building or use.

### 2.03 Accessory Buildings in Residence Districts

- 2.031 No accessory building shall be erected in any required court or any yard other than a rear yard, except as provided hereafter. An accessory building may be erected as part of a principal building, or, if at least six (6) feet therefrom, may be connected thereto by a breezeway or similar structure, provided all yard requirements of this Ordinance for a principal building are complied with. See also Section 6.26.



2.032 Corner Lots in Conservation, Agricultural and Residence Districts

In any Conservation, Agricultural or Residence District, where a corner lot adjoins in the rear a lot fronting on the side street, no part of any accessory building on such corner lot within twenty-five (25) feet of the common lot line shall be nearer a side road lot line than the least depth of the front yard required along such side street for a dwelling on such adjoining lot, and in no case shall any part of such accessory building be nearer to the side road lot line than the least width of the side yard required for the principal building to which it is accessory.

2.04. Conversion of Dwellings

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit,

percentage of lot coverage, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter with the article applying to greater such district.

2.05 Excavation of Sand, Gravel, Coal or Other Minerals and Rock and Peat Moss, for Sale

2.051 Excavations of sand, gravel, coal stripping or other minerals, and rock and peat moss shall be considered a temporary use, and new excavations shall be permitted only in Mining, Agricultural, Conservation or Heavy Industrial Districts. Deep coal mining shall be permitted in any district. All new excavations of materials listed above shall require the approval of the Board.

2.0511 In the case of coal mining, new excavations shall be defined as those specific limited areas not now operating under a State permit at the time this Ordinance becomes effective. For strip mining, applications shall not exceed ten (10)



acres in area, and the Board shall require such measures as will protect the public interest including conformance with the following:

2.05111 Map. Submission of a map which will outline the entire proposed area to be strip mined, said map to contain the surface features showing buildings, dwellings, churches, schools, railroads, highways, and lot lines of public and semi-public uses within a distance of 500 feet from the perimeter of the proposed strip mining operation. In addition, said map will indicate the approximate or proposed depth of said strip mining operation.

2.05112 Bond and Backfilling. That a bond in the sum of \$2,500,000 per acre of land to be excavated, be filed with the Board, to guarantee the complete backfilling of any overburden removed, and to guarantee 50 percent of survival of all trees planted for a year's period in connection with the State Law in Anthracite Strip Mining. Backfilling is to

restore the land to a useable condition. If, after complete backfilling of all overburden, the land is not approximately level with the unexcavated area, the slopes of the edge of the excavated area shall not be steeper than one foot of vertical distance for each one and one-half feet of horizontal distance. On sloping hillsides, the final grade of this stripped area shall range from seven to fifteen percent. At the time of request for Board approval a backfill plan shall be submitted.

2.05113

Insurance. That a certificate of insurance with limits of \$1,000,000 per person and \$3,000,000 per accident per personal injuries, and \$3,000,000 for property damage, be filed with the Board both for the benefit of all persons who might be injured or suffer property damage as a result of said mining operations, and to save the County of Luzerne, the Borough of Plymouth and its officials harmless from any and all claims, suits or demands caused by the mining operations.



2.05114 Supervision of blasting. The use of explosives for the purpose of blasting in connection with strip mining shall be done in accordance with regulations promulgated by and under the supervision of a representative of the Pennsylvania Department of Mines and Mineral Industries.

2.05115 Distance Provisions. The perimeter of any excavation under this section shall not be nearer than 2,000 feet from any building or road, except that owned by the excavator, or 2,000 feet from any, or any other, public or semi-public use.

2.05116 Timing. Primary blasting in any excavation shall occur only between the hours of 8:30 a.m. and 4:00 p.m., on either Eastern Standard or Eastern Daylight Time, as the case may be.

2.05117 Location of Processing Equipment. To reduce airborne dust, dirt and noise, all structures for sorting, crushing, grinding, loading, weighing,

washing, and other operations shall not be built closer than 300 feet from the right-of-way of any public highway, or 300 feet from the boundary of residential, commercial or light industrial districts.

2.05118 Drainage. All excavations both during operations and after completion shall be adequately drained to prevent the formation of pools of water and reduce the seepage of water into underground mines, both for safety, and to reduce formation of mine acid water polluting the streams and rivers. Prior to any excavation for stripping operations a ditch shall be excavated on the outside of the proposed pit for the purpose of conveying the drainage from the watershed above the stripping pit to the regular creek channels to reduce seepage of surface water into underground mines.



2.05119 Compliance with State Requirements. Permits under the provisions of this Ordinance will not be issued until the required license or permit has been secured from the Department of Mines and Mineral Industries, Commonwealth of Pennsylvania.

2.0512 In the case of quarries, sand and gravel pits, and peat moss bogs, the Board shall require conformance with the following:

2.02121 Map. Submission of a map which will outline the entire area proposed to be excavated, said map to contain the surface features showing dwellings, churches, schools, railroads and highways, and lot lines of public and semi-public uses, within a distance of 500 feet from the perimeter of any quarrying operation, and a distance of 300 feet from any sand and gravel pit or peat bog. In addition, said map will indicate the approximate or proposed depth of said excavating operation.

2.05122

Slopes and Drainage. After excavations are completed, the slopes of the edge of the excavated area of sand and gravel pits and peat bogs shall not be steeper than one foot of vertical distance for each one and one-half feet of horizontal distance. The surface of the area excavated shall be leveled, and drained to the extent feasible.

2.05123

Blasting. The use of explosives for the purpose of quarrying shall be done in accordance with regulations promulgated by and under the supervision of a representative of the Pennsylvania Department of Labor and Industry.

2.05124

Distance Provisions. The perimeter of any excavation under this section shall not be nearer than 2,000 feet in the case of quarrying, 2,000 feet for sand and gravel pits, or 2,000 feet in the case of peat bogs, from any building or road, except that owned by the excavator, or 2,000 feet from any, or any other, public or semi-public use.



2.05125 Location of Processing Equipment.

to reduce airborne dust, dirt and noise, all structures for sorting, crushing, grinding loading, weighing, washing, and other operations shall not be built closer than 300 feet from the right-of-way of any public highway, or 300 feet from the boundary of residential, commercial or light industrial districts.

2.06 Non-conforming Buildings

2.061 Any lawful use of any dwelling, building or structure existing at the effective date of this Ordinance may be continued, even though such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The non-conforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. No non-con-

forming building or structure shall be extended, or enlarged except when authorized by the Board of Adjustment which may permit one enlargement or extension up to 25 percent of the floor area of the structure as it existed at the time of passage of this Ordinance.

2.062 Whenever the use of a building shall become nonconforming through a change in the Zoning Ordinance or in the district boundaries, such use may be continued; and if no structural alterations are made, may be changed to another non-conforming use of the same or of a more restricted classification.

2.063 A non-conforming use of a building or portion thereof which is hereafter discontinued for a continuous period of one (1) year shall not again be used except in conformity with the regulations of the district in which such building is located.

2.064 Except for residential structures as hereinafter provided, a non-conforming building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than sixty (60) percent of its reproduction value at the time of damage, shall not be restored except in conformity with the regulations of the district in which it is located.



When damaged by less than sixty (60) percent of its reproduction value, a non-conforming building may be repaired or reconstructed, and used as before the time of damage, provided such repairs or reconstruction are completed within one (1) year of the date of such damage. For residential structure non-conforming only as to yard spaces, in residential zones where most of the residential structures nearby are similarly non-conforming, the structure may be rebuilt similar to the yard spaces of the adjoining lots, or a majority of the lots in the particular block front.

2.065 Non-conforming trailers or mobile homes located on a lot in any district when once removed shall not be relocated on such lot and shall not be replaced with another trailer or mobile home.

#### 2.07 Non-conforming Uses of Land

The non-conforming use of land not involving any principal building or structure existing on the effective date of this Ordinance may be continued for a period of not more than three (3) years, provided, however, that no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property. If such non-conforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.

2.08 Pending Applications for Building Permits or Structures  
Already Begun

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure, or part thereof, for which official approval and required permits have been granted, or where no approvals or permits are necessary, where construction has been legally started, before the enactment of this Ordinance, and completed within a one year period.

2.09 Rear Dwellings and Easements Required Therewith

In all districts except the industrial districts, no building in the rear of a principal building on the same lot shall be used for residence purposes unless it conforms to the open space requirements of this Ordinance, and for the purpose of determining the front yard in such case, the rear line of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear. In addition, there must be provided for any such rear dwelling an unoccupied and unobstructed access way not less than fifteen (15) feet wide to a road, and there shall not be more than one dwelling housing not more than two (2) families for each such easement, except that a common easement of access at least forty (40) feet wide may be provided for two or more dwellings housing any number of families.



2.10 Road Frontage Required

No lot shall contain any dwelling unless it abuts at least twenty (20) feet on a public street, or unless it conforms to the easement of access required in Section 2.09 of this Article.

2.11 Traffic Visibility Across Corner Lots

On any corner lot in any district, no fence, structure or planting shall be erected or maintained within twenty (20) feet of the "Corner" so as not to interfere with traffic visibility across the corner.

2.12 Certain Buildings and Land Use Excepted

2.121 Agricultural Uses

Except for compliance with minimum yard requirements, visibility across corner lots, and for the commercial raising of fur-bearing animals or hog farms, nothing in this Ordinance shall prohibit the use of any land for agricultural purposes as defined herein, or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, in any Agricultural or Conservation District.

2.122 Public or Semi-Public Uses

Nothing in this Ordinance shall prohibit the erection, construction, alteration or maintenance of essential services, by public utilities, or County, City, Borough, Township or other governmental agencies,

and no zoning certificate shall be required for any such structure; provided, however, that the provisions of this paragraph shall not apply to buildings, towers, or storage yards of such public utilities or governmental agencies except when conforming to the procedure specified by Pennsylvania Municipalities Planning Code, Act No. 247, Article VI, Section 619.

2.13 Time Limitation

No Zoning Permit for construction, erection, or alteration of any building or structure or part thereof, or for signs or outdoor advertisements, or part thereof, shall be valid for more than one (1) year unless work at the site has commenced within such period.

2.14 Notice of Starting Work

The Zoning Officer shall be given at least twenty-four (24) hours notice by owner or applicant prior to commencement of work at site under zoning permits.

2.15 Refiling of Disapproved or Withdrawn Cases

If a case is disapproved by the Zoning Hearing Board of Plymouth, thereafter the Zoning Hearing Board shall take no further action on another case for substantially the same proposal on the same property, until one (1) year after the date of such disapproval. If a case before the Zoning Hearing Board is advertised, and thereafter withdrawn by the



applicant before or at the meeting of the Zoning Hearing Board, he shall be precluded from filing another application for substantially the same proposal on the same premises for six (6) months, and the case shall be readvertised.