BOROUGH OF SANDY LAKE

MERCER COUNTY, PENNSYLVANIA

ZONING ORDINANCE # 351

OCTOBER 6, 2021

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ARTICLE I

SHORT TITLE - PURPOSE - SCOPE

SECTION 100 - SHORT TITLE

This ordinance shall be known and may be cited as the Borough of Sandy Lake Zoning Ordinance, hereinafter referred to as the "Zoning Ordinance".

The accompanying map is hereby declared to be a part of this ordinance and shall be known and may be cited as the Borough of Sandy Lake Zoning Map, hereinafter referred to as the "Zoning Map".

SECTION 101 – PURPOSE

The regulations of the "Zoning Ordinance" are made in accordance with a comprehensive plan and designed to achieve the following purposes:

a) Promote Orderly Development - To protect the character and maintain the stability of residential, business and manufacturing areas within the Borough, and to promote the orderly and beneficial development of such areas.
b) Limit Street Congestion - To limit congestion in the public streets and to protect the public safety and convenience by providing for off-street parking of motor vehicles, and for the loading and unloading of commercial vehicles.
c) Protect Against Hazards - To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort and the general welfare.
d) Regulate Intensity of Use - To regulate the intensity of use of zone lots, and to determine the area of open spaces surrounding buildings and structures which are necessary to provide adequate light and air circulation around buildings, privacy and convenience of access to property, and to avoid undue concentration of population.
e) Provide Adequate Facilities - To facilitate the adequate provisions of housing, commercial and industrial development, transportation, water supply, sewerage, schools, parks, and other public requirements.
f) Establish Standards of Development - To fix reasonable standards to which buildings or structures shall conform.
g) Prohibit Incompatible Uses - To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.
h) Regulate Alterations of Existing Buildings - To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.
i) Conserve Taxable Value of Land - To conserve the taxable value of land and buildings by encouraging the most appropriate use of land throughout the Borough.

Such regulations are also made with reasonable consideration, among other things, to the character of the districts hereinafter set forth and their peculiar suitability for particular uses, and with a view to encouraging the most appropriate use of land throughout the Borough.

SECTION 102 – SCOPE

The "Zoning Ordinance" establishes zoning districts and regulates and restricts within these districts and the boundaries of the Borough of Sandy Lake.

a) The height, number of stories and size of buildings and other structures including their alteration or extension.
b) All facilities and services in or about such buildings and structures.
c) The percentage of lot that may be occupied by a building or a structure.
d) The size of yards, courts, and other open spaces.
e) The density of population.
f) The location and use of buildings, structures and land for trade, industry, residence or other purposes.
g) The establishment and maintenance of building lines and setback building lines upon any or all public streets or highways.

SECTION 103 - STATEMENT OF COMMUNITY DEVELOPMENT GOALS AND OBJECTIVES

The Zoning Ordinance has been developed as a legislative and administrative tool to help the Borough Council and Planning Commission to carry out the general development goals and objectives as prescribed in the Sandy Lake Comprehensive Plan and contained in Section 1, Volume II, of said Plan. A generalized summary of these Community Development Goals and Objectives follows:

OVERALL GOAL - It is the overall goal of the Borough of Sandy Lake to develop and preserve a pleasant, attractive, healthy, safe, and convenient environment for living, working, shopping, and relaxing.

LAND USE - To provide and perpetuate a land use pattern which includes a wide variety of interrelated land uses in proper proportion, which is able to function efficiently, which features an optimum degree of compatibility between land uses and between development and the natural environment, and which enhances the orderly timing of development.

ENVIRONMENTAL - To preserve and enhance the natural and cultural environment of Sandy Lake so that people and nature will exist in productive harmony.

AESTHETIC - To enrich the lives of all residents by striving to improve the aesthetic quality and visual impact of the man-made environment and by preserving and enhancing the natural environment.

TRANSPORTATION, TRAFFIC AND CIRCULATION - To provide the safe and convenient circulation and movement of goods and people within the community and to points beyond utilizing all methods practical.

ECONOMY - To establish a diversified and enduring economic structure which provides residents with a variety of employment opportunities while at the same time preserving a healthful, secure, and pleasant residential environment.

HOUSING - Provide adequate housing for all the residents of Sandy Lake.

COMMUNITY FACILITIES AND SERVICES - Provide for facilities, services, and utilities of the quantity and quality necessary to meet the physical, social, cultural, recreational, and aesthetic needs of the community and to do so in a timely and fiscally responsible manner.

ENERGY CONSERVATION - To promote the conservation of energy in every way possible as a matter of serious public concern.

HISTORICAL PRESERVATION - To preserve Sandy Lake's historical heritage for the enjoyment, enrichment, and education of future generations, and to engender and perpetuate an appreciation and respect for Sandy Lake's early efforts and achievements.

SECTION 104 - LEGISLATIVE INTENT

It is the intent of the Borough Council to promote regulations, standards and guidance for the development and renewal of the Borough of Sandy Lake through the development of a comprehensive land use plan which is carried out through this Ordinance and other measures.

SECTION 105 – Interpretation

105.1 –

In interpreting and applying the provisions of the Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, and general welfare. Where the Zoning Ordinance imposes greater restrictions than those of any statute, other ordinance or regulations, the provisions of the Zoning Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than the Zoning Ordinance, those provisions shall be controlling.

105.2 –

The Zoning Ordinance is not intended to interfere with, abrogate, or annul any easement, covenant, or other agreement between private parties. However, where the Zoning Ordinance imposes greater restrictions than those imposed by any such easement, covenant or agreement, the provisions of the Zoning Ordinance shall govern. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by the Zoning Ordinance, those shall govern.

SECTION 106 – Application

106.1 –

The provisions of the zoning ordinance shall apply to the use and/or occupancy of all buildings, structures, and/or lots.

106.2 –

Except as provided in this ordinance, no building or part thereof or other structure shall be erected, altered, added to or enlarged; nor shall any land, building, structure, or premises be used for any purpose other than for the uses hereinafter listed as permitted in the zone in which such building, land, or premises is located.

106.3 –

Any use which is not listed in a specific zoning district shall be interpreted as prohibited in that district.

ARTICLE II

ZONING DISTRICTS

SECTION 200 - ZONING DISTRICTS

The Borough of Sandy Lake is hereby divided into the following Zoning Districts:

R-1 - Residential Zoning District
R-2 - Residential Zoning District
C - Central Commercial Zoning District
I - Industrial Zoning District

200.1 – R-1 Residential Zoning District

To provide a Zoning District in which the predominate use will be single-family homes with height and area regulations establishing an intensity of land use designed to effect low density residential development therein.

200.2 – R-2 Residential Zoning District

To provide a zoning district in which the predominate use will be residential, with height and area regulations establishing an intensity of land use designed to encourage medium density residential development.

200.3 – C Central Commercial Zoning District

To provide a Zoning District in which will be encouraged the development of an attractive, functional and efficient central shopping and business district containing offices and retail and service establishments serving the entire community.

200.4 – I Industrial Zoning District

To provide a Zoning District which will:

a. Encourage the establishment and maintenance of industrial establishments for the manufacture, assembly, compounding, processing, or storage of products.
b. Prohibit industrial uses and other uses which are clearly noxious or offensive by reason of odor, smoke, gas, vibration or noise.
c. Not permit residential uses for the purpose of both preserving the area for its appropriate use and for preventing the location of dwelling units in an area inappropriate for residential use.

SECTION 201 - BOUNDARIES OF ZONING DISTRICTS

The boundaries of the Zoning Districts shall be as shown upon the Zoning Map. Where uncertainty exists with respect to the boundaries of the various Zoning Districts the following rules shall apply:

201.1 - Where a Zoning District Boundary Approximately Follows The Center Line of a Street or Alley

The center line of such street or alley shall be interpreted to be the Zoning District boundary.

201.2 - Where a Zoning District Boundary Approximately Parallels a Street Lot Line or Alley Lot Line –

The boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.

201.3 - Where a Zoning District Boundary Approximately Follows a Lot Line -

The lot line shall be interpreted to be the Zoning District boundary.

201.4 - Where a Zoning District Boundary Follows a Body of Water –

The boundary shall be interpreted to be at the limit of the jurisdiction of the Borough unless otherwise indicated.

201.5 - Submerged Areas –

All areas within the Borough which are under water and are bounded by two or more zoning districts, the boundary lines of these districts shall be extended to the center of the body of water.

201.6 - Classification of Annexed Lands –

Any land annexed to or made a part of the Borough subsequent to the adoption of this Ordinance, shall immediately be classified in the same Zoning District as the area to which it is contiguous, as of the effective date of annexation.

201.7 - Vacation of Public Ways –

Whenever any street or alley is vacated the Zoning District or Districts adjoining such side of such street or alley, shall be automatically extended to the center of such vacated area.

201.8 - Lots in Two Zoning Districts –

Where a Zoning District boundary divides an existing lot of record it shall be the responsibility of the Zoning Hearing Board to determine the extent to which the boundary shall be extended to the rest of the lot or if it would be more appropriate to request an amendment to the Zoning Map.

ARTICLE III

SECTION 300 PERMITTED USES

ZONING CATEGORY \ PERMITTED USES	R1	R2	C	I
RESIDENTIAL USES				
Single-Family Dwellings	X	X		
Two-Family/Duplex Dwellings		X		
Dwelling Units(Above Commercial Use) (See 402.3)			X	
Self-Contained Mobile Home(See 401.1)	X			
Mobile Home Park (See 401.3)	X			
Conversion Apartments (See 401.10)		X		
Multi-Family Dwellings (See 401.11)		X		
Churches, Parish Houses, Church Schools and other Church Uses(See 401.2)	X	X		
Library			X	X
Public and Private Schools	X	X		
Public or Private Accredited Schools or Religious Instruction Facilities	X			
Private Garage (See 401.5)	A	A		
Shelter for household pets	A	A		
Fences, walls, retaining walls and similar accessory structures (401.12)	A	A		
Tool or Storage shed, greenhouse, solar heat collectors	A	A		
Tennis Court – Non Commercial (See 401.7)	A	A		
Swimming Pool (See 401.8)	A	A		
Decks and Porches	A	A		
No Impact Home Business	X	X		
Home Occupation (See 401.9)	X	X	X	
Storage or Parking of Commercially licensed vehicles (See 401.6)	X	X		

ZONING CATEGORY \ PERMITTED USES	R1	R2	C	I
BED & BREAKFAST			X	
Hospitals				X
Nursing Homes				X
Public Parks and Playgrounds/Non-Commercial			X	
INDUSTRIAL USES (See 403.6, 403.7, 403.10				
Automobile, Truck, Marine and Recreation Vehicle Sales/Service (See402.5 & 403.2)			X	X
Automotive Service Establishments (See 403.2)			X	X
Building Supplies			X	X
Feed Mill			X	X
Industrial Establishments (See 403.4)				X
Industrial Services				X
Inflammable liquid storage (See 403.5)				X
Laboratory/Research Facilities				X
Light Manufacturing				X
Locker Plant for storage or sales				X
Motor Freight Terminal (See403.3)				X
Warehousing, Wholesaling and Distribution				X
Plumbing, Carpentry and Tinsmith shops				X
Billboards (See SIGN ORDINANCE referenced by Article 5)				X
Building Supply/Material Yards				X
Bulk Distribution of Chemical or Petroleum Products				X
Rental Service/Equipment			X	
Junk Yards				X

ZONING CATEGORY \ PERMITTED USES	R1	R2	C	I
COMMERCIAL USES (See 402.8 & 402.9)				
Adult Entertainment Establishments (See 403.8)				X
Amusement Establishments			X	X
Automotive Sales/Rentals (See402.5)			X	X
Car Washes (See402.6)			X	X
Civic/Cultural Buildings, Museum, Arts Center			X	X
Commercial Recreation			X	X
Convenience Stores			X	X
Day Care Centers			X	X
Drive-in Eating Establishment (See402.7)			X	X
Eating/Drinking Establishments (See 402.1)			X	X
Financial Institutions			X	X
Flea Markets			X	X
Funeral Parlors			X	X
Automotive Gasoline Service Station (See 402.4)			X	X
Hotels/Motels			X	X
Light Repair Services			X	X
Lodges, Fraternal Organizations or Social Clubs			X	X
Medical and Dental Clinics			X	X
Mini-Storage Facilities Medical and Dental Clinics			X	X
Mini-Storage Facilities			X	X
Office(s)				
Parking Lots and or Parking Structure (See 402.2)			X	X
Personal Services			X	X
Printing Establishments			X	X
General and Professional Offices			X	X
Retail Businesses			X	X
Service Establishments			X	X

ZONING CATEGORY \ PERMITTED USES	R1	R2	C	I
Shopping Centers			X	X
Theaters/Shopping Centers			X	X
Theaters			X	X
Gymnasium			X	X
Accessory Structures	A	A	A	A
Accessory Uses (See 401.13, 402.9 & 403.9)	A	A	A	A
ESSENTIAL SERVICES - Public Utilities (See 401.4)	X	X	X	A
Essential Services with No Structure (See 401.4)	X	X	X	X
Radio, Television, Cellular Telephone, Microwave Signal TOWERS (See 403.1)	X	X	X	X
Repair/Service Businesses/Service Stations			X	X

LEGEND		
PERMITTED USE	**X**	ALLOWED AUTOMATICALLY
ACCESSORY USE	**A**	Permitted only subsequent to a Primary, Permitted use
CONDITIONAL USE	**C**	Conditions provided in Ordinance for specific uses, can be reviewed by Zoning Officer, **SEE CONDITIONS SECTIONS**
SPECIAL EXCEPTION	**S**	Requires additional review by Zoning Hearing Board, may attach provisions similar in size or type to other permitted uses, including reuse of existing structures.

SECTION 301: Area-and -Dimensional Requirements

Within each zone district buildings and structures shall be erected or enlarged only in accordance with the following standards establishing dimensions such as minimum lot size and width, minimum setback of buildings, maximum lot coverage by buildings, maximum height and minimum floor area. These requirements are depicted in Table 301.

All dimensions are in feet (ft), square feet (sq. ft.), acres (43,560 sq. ft.) or percent (%).

Table 301 - Area and Height Dimensions

Area and Height Dimensions	R-1 Zoning District	C Zoning District
Minimum Lot Area – Street right-of-way shall not be included in lot area.	20,000 sq. ft.	None
Minimum Lot Width - Interior lot - Corner lot – All lot area that faces a street shall meet the distance requirement.	100 ft. 100 ft.	None
Minimum Front Yard Setback *2	*1	*1A
Minimum Rear Yard Setback - Principal structure - Accessory structure	35 ft. 10 ft.	None
Minimum Side Yard - Principal Use - Accessory Use	10 ft.	None None
Maximum Structure Height - Principal structure - Accessory structure	35 ft. Not to exceed 2/3rds height of principal structure. Or in case of one story buildings no greater than the height of the principal structure.	35 ft.
Maximum Lot Coverage	25%	Subject to parking and loading requirements
Minimum Floor Area of Dwellings	900 sq. ft.	900 sq. ft.

*1 Average of the Setbacks of adjoining properties with the same block. Where no average setback exists on a block or such setback is difficult to determine, the Zoning Officer shall determine the setback in character with the neighborhood. Minimum front year for a subdivision and land development involving new streets shall be 75 feet as measured from the street centerline.

*1A Average of the Setbacks of adjoining properties with the same block. Where no average setback exists on a block or such setback is difficult to determine, the Zoning Officer shall determine the setback in character with the neighborhood.

*2 Corner Lots – All lot area facing a street shall be treated as front yard for the purpose of yard requirements.

Area and Height Dimensions	R-2 Zoning District
Minimum Lot Area	
☐ Single family detached dwelling	☐ 10,000 sq. ft.
☐ Two-family/Duplex dwelling	☐ 20,000 sq. ft.
☐ Multi-family dwelling	☐ 6,000 sq. ft. gross lot area per unit. Minimum parcel size for consideration of multi-family development shall be 40,000 sq. ft.
☐ All Other Uses	☐ 20,000 sq. ft.
Minimum Lot Width	
☐ Single Family Detached Dwellings	60 ft.
☐ Two-Family/Duplex	100 ft.
☐ Multi-Family Development	150 ft.
☐ Other Uses	100 ft.
Minimum Front Yard Setback	75 ft.[1, 2]
Minimum Rear Yard Setback	
☐ Single family detached dwelling	25 ft. Principal Structures, 10 ft. for Accessory Structures
☐ Two-family/Duplex dwelling	25 ft. Principal Structures, 10 ft. for Accessory Structures
☐ Multi-family dwelling	35 ft. – Yard areas may not overlap
☐ All Other Uses	35 ft., 10 ft. for Accessory Structures
☐ Fences, walls similar structures	1 ft. from property line
Minimum Side Yard	
☐ Single family detached dwelling	8 ft.
☐ Two-family/Duplex dwelling	15 ft.
☐ Multi-family dwelling	40 ft. between structures, 20 ft. from any adjoining boundary
☐ All Other Uses	15 ft.
☐ Fences, walls similar structures	1 ft. from property line

Corner Lots All lot area facing a street shall be treated as front yard for the purpose of yard requirements.	
Maximum Structure Height[3] ☐ **Principal Structure** ☐ **Accessory Structure** **Solid Wall or Fence**	**35 ft.** Not to exceed 2/3rds the height of the principal structure or in the case of single story structures not to exceed the height of the principal structure. 6 feet, as measured from the ground and cannot extend past the front of the residential unit with a maximum height of 4' feet.
Maximum Lot Coverage – All Uses including Accessory Structures	**35 %**
Minimum Floor Area of Dwellings	**900 sq. ft.**

[1] Average of the setback of adjoining properties within the same block. Where no average exists on a block or such setback is difficult to determine, the Zoning Officer shall determine the setback in character with the neighborhood. Minimum front yard for subdivision and land development involving new streets shall be 75 feet as measured from the street centerline.

[2] Building Setback shall be measured from the street center line.

[3] See Section 1201.1 for exceptions

Area and Height Dimensions	I Zoning District
Minimum Lot Area	**20,000 sq. ft.**
Minimum Lot Width ☐ **Interior Lot** ☐ **Corner Lot – All lot area that faces a street shall meet the distance requirement.**	**100 ft.** **100 ft.**
Minimum Distance of Principal Structures to a Residential Zoning District	**50 ft.**
Minimum Front Yard Setback, Principal and Accessory Structures ☐ **Fences, walls similar structures**	**50 ft. [1]** **25 feet from the centerline of the street or on the right-of-way line, whichever is greater.**
Minimum Side Yard **Fences, walls similar structures**	**15 ft.** **1 ft. from property line**

Minimum Rear Yard Setback ☐ **Principal Use** ☐ **Accessory Use** ☐ **Fences, walls similar structures**	 **35 ft.** **10 ft.** **1 ft. from property line**
Maximum Structure Height[3]	**35 ft. [2]**
Maximum Lot Coverage	**Subject to parking and loading requirements**

[1] Principal and Accessory Structure setbacks shall be measured from the street centerline or 50' feet from Right-of-Way, whichever is greater.

[2] Accessory structures not to exceed the height of the principal structure.

[3] See Section 1201.1 for exceptions

ARTICLE IV

ADDITIONAL CRITERIA FOR PERMITTED USES, CONDITIONAL USES AND ACCESSORY USES IN EACH DISTRICT

SECTION 400: LAND DEVELOPMENT PLANS

Applications for Zoning Permits for any development of Multifamily, Commercial or Industrial Use shall be accompanied by a complete Land Development Plan according to the Mercer County Subdivision and Land Development Ordinance. Building permits shall be provided as requested subject to UCC code.

The following uses are also subject to specific provisions and plan requirements in Mercer County Subdivision & Land Development Ordinance as amended.

1. All commercial or industrial development as permitted within the Borough, including non-single family residential development.
2. Recreational Vehicle Park - Minimum lot size – 2 acres.
3. Mobile Home Park – Minimum lot size – 5 acres.
4. Planned Residential Development Park - Minimum lot size – 5 acres.
5. Communications Facilities - Minimum lot size determined by zoning district.

SECTION 401: Additional Criteria and Provisions for Residential Uses

401.1: Self-contained mobile homes on individual lots having a floor area of 900 square feet or more, provided:

1. Lot conforms with minimum lot width area standards in the R-1 Zoning District.
2. Self-contained mobile home units must have a floor area of 900 square feet or more, provided they conform to all regulations applicable to single-family dwellings.
3. Mobile Homes shall be skirted at the time of installation.
4. Mobile home square footage shall be determined by the certificate of title of the mobile home. In addition, tip outs may be used in determining mobile home square footage.
5. Mobile homes shall be placed upon a cellar foundation or a mobile home stand made of a concrete pad or concrete piers.
6. Each mobile home foundation or stand shall provide adequate tie downs, able to withstand a wind pressure of 15 lbs. per square foot on an exposed vertical surface. Both "over the top" and frame tie downs shall be required. The strapping for any "over the top" tie downs shall be of 4700 lb. tensile strength.

401.2: Churches, parish houses, church schools and other church uses, provided:

1. Such uses shall be regularly used for church or religious purposes.

401.3: Mobile Home Parks, provided:

1. Subject to the provisions of Article V.

401.4: Essential Services, provided:

1. Provided they shall be necessary to adequate distribution of service and shall not include any type of equipment which will interfere with local radio or television, or otherwise be detrimental to the surrounding area.

401.5: Private Garage, provided:

1. The maximum size of the private garage shall not exceed 864 square feet in size.

401.6: Storage or Parking of Commercially licensed vehicles, to include:

1. Utility trailers and trailers for transporting recreation vehicles or equipment.
2. Trucks – pickup or van type trucks of 1 ton capacity or less.
3. Parking and storage of major recreational equipment. See Article IX.

401.7: Tennis Court, provided:

1. It shall not be used for commercial purposes.

401.8: Swimming Pools, provided:

1. It shall be accessory to a principal noncommercial dwelling.
2. It shall be on the same lot as the principal structure.
3. It shall be erected a distance not less than the minimum setback requirements from property lines as established in the respective residential zoning districts.
4. All swimming pools erected in the ground and all swimming pools erected above ground with sides less than 4 feet and capable of holding 24" inches of water shall be fully enclosed by a minimum 4 foot high chain link or other solid type fence. Such fencing shall be equipped with a self-closing and self-locking gate operable from the inside only and/or detachable key from the outside.
5. All swimming pools erected above ground with sides 4 feet high or higher are not required to be enclosed by fencing but must be equipped with a swing-up locking type safety ladder.
6. All electrical circuits extending to or within 15 feet of any swimming pool shall be protected by a ground vault circuit-interrupter as defined by the current edition of the National Electrical Code. Said electrical circuits shall additionally in all respects conform to the requirements of the National Electrical Code which code is specifically incorporated herein by reference and/or applicable Borough Codes or Ordinances.
7. All pumping, cleaning, filtering, and screening devices and water supply and discharge shall be of a type and source approved by local and/or state health department authorities.
8. Spotlights and/or floodlights shall be so placed and suitably shielded as not to light or reflect light upon adjacent properties.

401.9: Home occupation as defined in this Zoning Ordinance, provided:

1. No persons other than members of the immediate family occupying such dwelling shall be employed.
2. The home occupation shall be incidental and subordinate to its use for residential purposes and that not more than 25% of the floor area of a dwelling unit as defined in Article XV, shall be for home occupations.
3. The home occupation shall not involve the use of advertising signs on the premises which call attention to the fact that the home is used for business purposes, except those permitted in a residential zone as provided for in Article VIII.
4. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.
5. The parking need generated by the conduct of a home occupation shall be met off the street and other than in the required front yard.
6. The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the district. Likewise, it shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
7. Permitted Home Occupations include, but are not necessarily limited to the following:
    a) Dressmakers, seamstresses and tailors.
    b) Homecrafts, such as rug weaving, ceramics, lapidary work, specialty homebaking.
    c) Family day care home.
    d) Photographers, studios excluded.
    e) Artists, sculptors and authors.
    f) Office facilities of an accountant, architect, lawyer, author, land surveyor, engineer, and members of similar professions.
    g) Beauty Shop/Barber Shop
    h) Massage Therapy
8. Permitted Home Occupations shall not include the following:
    a) Motor vehicle repair, minor or major, including painting of vehicles, trailers or boats.
    b) Radio or T.V. repair.
    c) Carpentry work.
    d) Antique Shop.
    e) Gift Shop.
    f) Medical or dental clinic.
    g) Veterinary clinic or hospital including animal kennels or boarding of domestic animals.
    h) Mortuaries,
    i) Real Estate and Insurance Offices.

401.10: Conversion of Existing Single-Family Homes to Apartments, provided:

1. The individual apartment units shall be not less than 900 square feet per unit.
2. Shall provide separate entrances and separation of utilities.
3. Application for permits shall be accompanied by a set of structural floor plans drawn to scale showing conversion improvements.
4. Conversion apartments shall be subject to parking requirements of Article IX and all parking shall be met off street.

401.11: Multiple-Family Dwellings, new construction subject to the following plan submission requirements:

1. APPLICATION REQUIREMENTS - All applicants for building permits for multiple-family residential development shall make application to the Zoning Officer. The application form shall be accompanied by the necessary supporting documentation as specified in item #2 following.
2. PLAN REQUIREMENTS -
   a) SITE DEVELOPMENT PLAN - The Developer shall submit three (3) copies of a detailed site plan showing the development proposal in conformance with all applicable provisions of this Ordinance. Plans shall be prepared at a scale of 1" = 50' or larger.
   b) PROPERTY SURVEY - The Developer shall submit property survey and/or deed description describing, by metes and bounds, all property proposed for development. Acreage shall be shown on plan or deed.
   c) TOPOGRAPHICAL MAPS - The Developer shall submit an Existing and Proposed Topographical Map (Grading Plan) of the property. Contours shall be provided at a 2' contour interval and shall show the existing natural features and proposed changes thereto.
   d) UTILITY PLANS - The developer shall submit a sewer and water plan. Such plan shall be prepared in conformance with all applicable regulations of the Pennsylvania Department of Environmental Protection and shall be approved by the Department prior to final consideration of the plan by the Borough.
   e) STREET/THOROUGHFARE AND PARKING PLAN - The Developer shall submit a plan of proposed streets and parking areas, including profiles, typical cross sections and design specifications of proposed improvements, including Road Surface, Shoulders, Ditches and Drainage Structures. Streets shall be constructed to the minimum specifications of the Borough and/or the minimum standards of the Mercer County Subdivision and Land Development Regulations, whichever is applicable. Improvements shall be installed according to the design specifications prior to issuance of occupancy permits.
   f) OPEN SPACE AND LANDSCAPE PLANS - The Developer shall submit an open space and landscaping plan. Plan shall include any proposed improvements to and within the open space areas plus typical planting plans for all structures.
   g) TYPICAL BUILDING ELEVATIONS AND FLOOR PLANS
   h) RESTRICTIONS - The substance of covenants, grants, easements, or other restrictions imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities, storm water retention facilities, open space facilities, etc.
   i) PHASED DEVELOPMENT PLAN - Development plans which call for construction over a period of years, must be accompanied by a Phased Development Plan showing when each and all sections of the development will be filed (submitted) for final approval. This schedule must be updated annually on the anniversary of its approval until the development is completed and accepted.
   j) SOIL EROSION AND SEDIMENTATION CONTROL PLAN - Prior to final approval of the plan, the Developer shall submit a Soil Conservation Service approved Soil Erosion and Sedimentation Control Plan.
   k) STORM WATER MANAGEMENT PLAN - Prior to final approval of the plan, the Developer shall submit a National Resources Conservation Service approved Storm Water Management Plan. Such plan shall be prepared in accord with locally adopted Storm Water Management Plans and/or the guidelines of the Pennsylvania Storm Water Management Act.
   l) CONDOMINIUMS - Where the condominium form of ownership is proposed the development shall conform to all applicable sections of Act 82 of 1980, of the Pennsylvania Legislature entitled the "Uniform Condominium Act", in addition to the requirements of this Ordinance.

m) ACTION ON APPLICATION - Within forty-five (45) days the Zoning Officer shall approve or deny said application indicating in writing to the applicant in the case of denial reasons for said denial citing those sections of the Ordinance violated. The Zoning Officer may refer the application including all plans to the Planning Commission for review and report. In any event action on the application shall be completed within the forty-five day time period unless an extension of time is agreed to by all parties.

401.12: Fences, walls, retaining walls and similar accessory structures, provided:

1. Setbacks for the side and rear yard shall be 1" foot from property line.
2. Setback for the front yard shall be 25' feet from the centerline of the street or on the right-of-way line whichever is greater.
3. Maximum height shall not be greater than 6 feet, as measured from the ground and cannot extend past the front of residential unit with a maximum of 4 feet in height.

401.13: Any Other Accessory Use, provided:

1. It shall be customarily incidental and subordinate to a permitted principal use.
2. It shall be located on the same lot as the principal use.

Section 402: Additional Criteria and Provisions for Central Commercial Uses

402.1: Eating and Drinking establishments, such as:

1. Restaurants, cafes, taverns, provided all kitchen windows or exhaust fans are a minimum of fifty (50) feet from a residential structure.

402.2: Parking lot and/or parking structure, provided:

1. There shall not be any vehicle parked within fifteen (15) feet of any Residential Zoning District.
2. There shall not be any automotive repair facilities located on the lot or any automotive repairs made on any vehicle located thereon.
3. There shall not be any storage of material, junk, or any equipment on the lot.
4. There shall not be any vehicle parked in front of the front or side street setback building line.
5. Any such use shall comply with the provisions set forth in Article IX.

402.3: Dwelling Units, provide:

1. They shall be located above the first floor of the commercial occupant or use, or in the case of commercial uses which occupy more than one floor, above the last occupied floor of the commercial use.
2. Entrance shall be separate from the commercial use.

402.4: Automotive gasoline service station, provided:

1. The site shall have a minimum frontage of one-hundred (100) feet and a minimum area of ten thousand (10,000) square feet.
2. Any such use, or vehicular access thereto shall not be located within one hundred (100) feet of any Residential district, nor any school, playground, church, hospital, or public library if the use is located along the same street and on the same block.

3. Separate entrance and exit driveways shall be provided, and these shall be limited to a maximum of one of each on each abutting street or alley. The entrance and exit driveways shall not be less than fifty (50) feet apart at the street or alley right-of-way.
4. Entrance and exit driveways shall be located no closer than twenty-five (25) feet from the intersecting right-of-way lines of street intersections, and these access driveways shall not exceed twenty (20) feet in width nor be less than ten (10) feet in width within ten (10) feet of the street or alley right-of-way.

402.5: Automotive Dealer Establishments, provided:

1. The site shall have a minimum frontage of one-hundred (100) feet and a minimum area of ten thousand (10,000) square feet.
2. Any such use, or vehicular access thereto shall not be located within one hundred (100) feet of any Residential district, nor any school, playground, church, hospital, or public library if the use is located along the same street and on the same block.
3. Separate entrance and exit driveways shall be provided, and these shall be limited to a maximum of one of each on each abutting street or alley. The entrance and exit driveways shall not be less than fifty (50) feet apart at the street or alley right-of-way.
4. Entrance and exit driveways shall be located no closer than twenty-five (25) feet from the intersecting right-of-way lines of street intersections, and these access driveways shall not exceed twenty (20) feet in width nor be less than ten (10) feet in width within ten (10) feet of the street or alley right-of-way.
5. The repair shop shall be to the rear of the sales room or display areas.
6. The area of the lot used for the display and sale of vehicles shall be kept dust-free and well-drained.

402.6: Carwashes, provide:

1. The site shall have a minimum frontage of one-hundred (100) feet and a minimum area of ten thousand (10,000) square feet.
2. Any such use, or vehicular access thereto shall not be located within one hundred (100) feet of any Residential district, nor any school, playground, church, hospital, or public library if the use is located along the same street and on the same block.
3. Separate entrance and exit driveways shall be provided, and these shall be limited to a maximum of one of each on each abutting street or alley. The entrance and exit driveways shall not be less than fifty (50) feet apart at the street or alley right-of-way.
4. Entrance and exit driveways shall be located no closer than twenty-five (25) feet from the intersecting right-of-way lines of street intersections, and these access driveways shall not exceed twenty (20) feet in width nor be less than ten (10) feet in width within ten (10) feet of the street or alley right-of-way.
5. They shall provide sufficient off-street parking for waiting cars. The parking or standing area shall be situated on the property outside the washing facilities and be of sufficient size to accommodate at least one-third the hourly capacity (or hourly turn-over) of the car wash plus a reserve of twenty (20) percent of the hourly capacity to accommodate peak demand periods. Hourly capacity in this instance, shall mean the greatest number possible of automobile washes that can be provided in one hour. Minimum width of driveways and stacking lanes for waiting cars shall be ten (10) feet.
6. They shall provide an area of at least eight hundred (800) square feet beyond the exit end of the washing building to be used for hand finishing operations of the washing process.

402.7: Drive-in eating establishments, provided:

1. The site shall have a minimum frontage of one-hundred (100) feet and a minimum area of ten thousand (10,000) square feet.
2. Any such use, or vehicular access thereto shall not be located within one hundred (100) feet of any Residential district, nor any school, playground, church, hospital, or public library if the use is located along the same street and on the same block.
3. Separate entrance and exit driveways shall be provided, and these shall be limited to a maximum of one of each on each abutting street or alley. The entrance and exit driveways shall not be less than fifty (50) feet apart at the street or alley right-of-way.
4. Entrance and exit driveways shall be located no closer than twenty-five (25) feet from the intersecting right-of-way lines of street intersections, and these access driveways shall not exceed twenty (20) feet in width nor be less than ten (10) feet in width within ten (10) feet of the street or alley right-of-way.

402.8: Accessory Uses Permitted:

1. Uses customarily incidental to the permitted principal use, provided the accessory use shall be on the same lot as the permitted principal use.
2. Parking and Loading facilities, as provide for in Article IX.
3. Processing, cleaning, servicing, testing or repair, provided:
   a. It shall be limited to the principal structure.
   b. It shall be entirely within a structure
4. Any other accessory use, provided it shall be approved by the Zoning Hearing Board.

402.9: Provisions of Use – Any permitted principal and/or accessory use in the Central Commercial District shall be subject to the following use regulations.

1. For commercial uses located on corner lots where the side street is predominantly residential and the main street commercial, any commercial structure shall front on the main street.
2. Any business, servicing, or processing shall be conducted within a completely enclosed building, except for parking and loading facilities and for "drive-in" type establishments offering goods or services to customers waiting in parked motor vehicles.
3. All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment, including automobile, truck, or other vehicle parts shall not be permitted except within a completely enclosed structure.
4. It shall be carried on only in buildings classified as fire-resistant and be carried on in such a manner with such precautions against fire and explosion hazards as to produce no exposure hazards to an adjacent property.
5. It shall not emit any noxious, toxic, or corrosive fumes or gasses.
6. It shall not emit any offensive odors.
7. "it shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment, or uses or processes with electrical apparatus.
8. Where any permitted use abuts a Residential (R) District suitable screening (as defined in Article XV) shall be installed.

Section 403: Additional Criteria and Provisions for Industrial Uses

403.1: Communication Towers

1. Cannot be erected within the Tower height of any roadway, highway, street or structure.

403.2: Automotive Service Establishment, such as: automotive gasoline service station, automotive repair garage, provided:

1. Any such use or vehicular access thereto shall not be located within one hundred (100) feet of any "R" District, school, playground or church, if the use is located along the same street and on the same block.
2. Means of ingress and egress shall be located no closer than one-hundred (100) feet from the intersecting right-of-way lines of street intersections.
3. Access drives shall not exceed twenty (20) feet in width within ten (10) feet of the street right-of-way line.
4. Access drives shall not exceed two (2) per lot on any one (1) street frontage.
5. No equipment, such as gas or 0.1 pumps, shall be within fifteen (15) feet of the street right-of-way.
6. There shall not be any vehicle parked within fifteen (15) feet of any Residential Zoning District or street right-of-way.

403.3: Motor freight terminal, provided:

1. Any such use, or vehicular access thereto shall not be located within two-hundred (200) feet of any "R" District, nor any school, playground or church if the use is located along the same street and on the same block.

403.4: Industrial Establishments

Industrial Establishments for manufacturing, processing, packing or bottling are permitted, but not such uses or processes which produce or emit dust, smoke, toxic or noxious odors, gases and fumes, excessive noise or vibration, similar substances and conditions.

403.5: Inflammable liquid storage, provided:

1. It shall be approved by the Fire Chief and the Commonwealth of Pennsylvania.
2. It shall not be located within two-hundred (200) feet of any lot line in any "R" Zoning District, or within thirty (30) feet of any adjoining lot line.
3. When above ground the area shall be enclosed on all sides by a fence or wall not less than six (6) feet high and maintained in good condition.

403.6: Any other principal use equivalent to the above permitted principal uses, provided:

1. It shall be subject to any special provisions of use that may be attached to the particular listed use, and it shall be approved by the Zoning Hearing Board.

403.7: Industrial uses specifically prohibited are:

1. Dead animal or offal reduction; fertilizer manufacture; the manufacturing of highly explosive chemicals, materials or products; salvage yards, junk yards and mining operations; and other similar noise, odor, dust, hazard or nuisance bearing manufacturing processes or materials.

403.8: ADULT ENTERTAINMENT ESTABLISHMENTS

A. Purpose and legislative intent

   a. The location of adult entertainment establishments is of vital concern to the Sandy Lake Borough Council especially when the location is in or near areas where minors may learn, play, pass by, or would be exposed to the advertising, window displays, or general atmosphere accompanying the operation. Also, Council acknowledge that adult entertainment establishments may have adverse secondary effects including but not limited to unhealthy conditions, the spread of diseases, illegal sexual activities, sexual harassment, obscenity, crime, and neighborhood deterioration.
   b. Sandy Lake Borough Council in enacting these regulations exercise the power which has been granted to them and do not attempt or intend to absolutely prohibit adult entertainment establishments in the Township, but rather seek to regulate matters to promote, protect, and facilitate the public health, safety, and general welfare of all of Borough residents.

B. Specified anatomical areas as used herein shall mean and include any of the following:
   1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, or;
   2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

C. Specified sexual activities include the following:
   1. Showing of human genitals in a state of sexual stimulation or arousal;
   2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any other specified sexual activity prohibited by law;
   3. Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

D. Minimum spacing and proximity requirements
   1. No adult entertainment establishment shall be located within 1,000 feet of the following:
      a. Any other adult entertainment establishment.
      b. A dwelling.
      c. Any parcel of land which contains any one or more of the following specified land uses:
      d. Amusement park;
      e. Camp (for minors' activities);
      f. Child care facility;
      g. Church;
      h. Community center;
      i. Museum;
      j. Park or playground;
      k. School and school bus stops;
      l. Other lands where minors congregate.

2. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of each establishment. The distance between any adult entertainment establishment and any land use specified in subparagraphs b. and c. above shall be measured in a straight line, without regard to intervening structures, from the nearest point on the property line of the adult entertainment establishment to the closest point on the property line of said land use.

E. Height and Area Regulations
   1. Principal Structures shall not exceed 30 feet in height.
   2. Accessory Structures shall not exceed 20 feet in height.
   3. Maximum lot coverage shall not exceed 60%.

F. Visibility from the street – No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or relates to specified sexual activities and/or specified anatomical areas as defined herein, to be viewed from the street, sidewalk or highway.

403.9: Accessory Uses Permitted

1. Uses customarily incidental to the permitted principal use, provided the accessory use shall be on the same lot as the permitted principal use.
2. Signs, as provided for in Article VIII.
3. Parking and Loading Facilities, as provided for in Article IX.
4. Processing, cleaning, servicing, testing or repair.
5. Walls, fences, and landscaping not to exceed 8'.
6. Storage of inflammable liquids on a lot occupied by an automotive service establishment, provided:
   a. It shall be stored in underground tanks.
   b. It shall be approved by the Commonwealth of Pennsylvania.
7. Office, restaurant, recreation use, and hospital use, provided it shall be incidental to a particular industry and on the same lot as the industrial use it serves.

403.10: Provisions of Use Industrial

Any permitted principal and/or accessory use shall be subject to the following use regulations:

1. All accessory storage of junk, waste, discarded, or salvaged material, machinery or equipment, including automobile, truck or other vehicle parts shall not be permitted except within a completely enclosed structure, or if the lot area devoted to such use is over 200 square feet in area, the owner may have the alternative of enclosing it on all sides except for an exit and entrance not over 25 feet in width by a solid fence or wall at least 6 feet in height and maintained in good condition or by a cyclone or equal wire fence at least 6 feet in height and surrounded, except for an exit and entrance not over 25 feet in width, by evergreens at least 6 feet in height and planted not further apart than 6 feet so as to form a solid screen.
2. It shall be carried on only in buildings classified as fire-resistant and be carried on in such a manner with such precautions against fire and explosion hazards as to produce no exposure hazards to an adjacent property.
3. It shall not emit any noxious, toxic or corrosive fumes or gases.
4. It shall not emit any offensive odors.

5. It shall not exhaust into the air any dust or smoke created by an industrial operation in excess of permissible standards.
6. It shall not discharge any wastes, whether liquid or solid into the waters of the Commonwealth of Pennsylvania including any surface and underground waters both natural and artificial.
7. It shall provide necessary shielding or other protective measures against interference occasioned by mechanical and nuclear equipment, or uses or processes with electrical apparatus, to nearby residences.
8. Sewage treatment shall be provided as approved by Pennsylvania Department of Environmental Resources.

ARTICLE V

MOBILE HOME PARKS

SECTION 500 MOBILE HOME PARK DEVELOPMENT STANDARDS

1. They shall comply with all applicable provisions of the Mercer County Subdivision and Land Development Ordinance.
2. A copy of the final plan of the mobile home park indicating approval by the Mercer County Regional Planning Commission shall be submitted to the Zoning Officer prior to issuance of a permit.

ARTICLE VI

SIGN REGULATIONS

Section 600: Purpose

Signs may be erected and maintained only in compliance with all applicable provisions of the Sandy Lake Borough Signage Ordinance _____ as amended, and any regulations of the Borough relating to the location, size, height, lighting, alteration or maintenance of signs as defined.

The purpose of sign regulations are:

A. to encourage the effective use of signs as a means of communication in the Borough;
B. to maintain and enhance the aesthetic environment in character with the historic values of the community, and the Borough's ability to attract sources of economic development and growth;
C. to improve pedestrian and traffic safety;
D. to minimize the possible adverse effect of signs on nearby public and private property;
E. to enable the fair and consistent enforcement of these sign restrictions.

ARTICLE VII

PARKING AND LOADING REGULATIONS

SECTION 700 - OFF-STREET PARKING AND/OR LOADING FACILITY REQUIREMENTS

700.1 – New Use of a Structure and/or Land –

For the use of any new structure and any use of land established, parking and/or loading facilities shall be provided in accordance with section 700.6.

700.2 –Increase in Intensity or Use of an Existing Structure and/or Land –

The intensity of use of a structure and/or land shall not be increased through the addition of dwelling units, rooming units, gross floor area, lot area, or other units of measurement prescribed in the following schedules unless accessory parking and/or loading facilities shall be provided in accordance with said schedules.

700.3 –Change in Use of an Existing Structure and/or Land –

An existing use of a structure and/or land shall not be changed to a new use, unless parking and/or loading facilities shall be provided as required in section 700.6 for such new use. However, if said use of a structure and/or land was established prior to the effective date of the Zoning Ordinance additional parking and/or loading facilities shall be required only in the amount by which the requirements for the new or expanded use would exceed those for the existing use, if the latter were subject to the following schedule and space requirements.

700.4 –Waiver of Parking and Loading Requirements - C - Central Commercial Zoning District

Where it is clearly impractical to provide off-street parking and loading facilities within the C - Central Commercial Zoning District and where in the opinion of the Zoning Officer such requirements are adequately met in existing on-street or public parking facilities such parking and loading requirements as contained herein may be waived.

700.5 - Size of Parking, and Loading Spaces –

a. Parking Space - Not less than nine (9) feet wide and twenty (20) feet long.
b. Loading Space - Not less than ten (10) feet wide and forty-five (45) feet long and fourteen (14) feet high.

700.6 - Required Parking_ Spaces for Each Use –

Residential Uses	Required Parking Spaces
One and Two Dwelling Structures	2.0 for each dwelling unit
Multi-Family Structures	1.5 per dwelling unit
Housing for Elderly Persons	.25 for each dwelling unit
Boarding, Lodging or Rooming House	1.5 for each sleeping room
Home Occupation in One and Two-Family Dwellings	2.0 plus 2.0 for each dwelling unit

Business Uses	Required Parking Spaces
Retail or Personal Services Establishments	1.0 for each 200 square feet of gross floor area
Office Establishment (Other than Personal Services)	1.0 for each 400 square feet of gross floor area.
Eating and/or Drinking Establishment	1.0 for each 400 square feet of gross floor area
Business School, Business College	1.0 for each 3 units of classroom and auditorium seating capacity
Hotel, Motel, Tourist Court	1.0 for each sleeping room plus 1.0 for each 3 units of restaurant seating capacity
Amusement Establishment (other than Bowling Alleys)	1.0 for each 400 square feet of gross floor area, or if an auditorium, theatre or other public assembly room 1.0 for each 3 units of seating capacity
Bowling Alleys	5.0 for each alley
Mortuary or Funeral Home	A minimum of 15.0 for each chapel used for mortuary purposes, plus 2.0 for each dwelling unit and 1.0 for each employee
Clubs (Fraternal, Social, etc.)	1.0 for each 400 square feet of gross floor area
Motor Vehicle Sales Rooms, Garages, Repair Shops, and Services	1.0 for each 200 square feet of gross floor area
Wholesale, Warehouse and Industrial Establishment	1.0 for each employee not to exceed two shifts

Community Facilities	Required Parking Spaces
Governmental or Governmental Authority Facility, Service Structure, and/or Use (Other than a place of	1.0 for each employee plus 1.0 for each 400 square feet of floor area

public assembly)	
Church, Synagogue or Other Place of Worship	1.0 for each 3 units of seating capacity
Public Utility Facility, Service Structure, and/or Use (Other than an office Establishment)	1.0 for each employee but not less than 3.0 spaces
College, Day Nursery School, Public School	1.0 for each classroom plus 1.0 for each 3 units of seating capacity of an auditorium or assembly room plus in a high school or college 1.0 additional space for each 3 units of classroom seating capacity
Dormitory, Fraternity House, Sorority House, Nurses House or Similar Institutional Housing	1.5 for each sleeping room, or 1.0 for 400 square feet of floor area, which ever requires the greater number of spaces
Convalescent Home, Hospital, Sanatorium, Institutional Home, Nursing Homes	1.0 for each bed
Place of Public Assembly such as an Auditorium, Hall or Theatre	1.0 for each 3 units of seating capacity

Mixed Uses	Required Parking Spaces
Any Mixed Use	The sum of the various uses computed separately

700.7 - Required Loading Spaces for Each Use –

Uses	Required Loading Spaces
Multi-Family Structures with More than Five (5) Dwelling Units	1.0

Uses	Required Loading Spaces
Retail and Wholesale Merchandising, Manufacturing Storage or Processing	5,000 to 25,000 square feet of gross floor area 1.0 space
Retail and Wholesale Merchandising, Manufacturing Storage or Processing	25,000 to 40,000 square feet of gross floor area 2.0 spaces
Retail and Wholesale Merchandising, Manufacturing Storage or Processing	40,000 to 60,000 square feet of gross floor area 2.0 spaces
Retail and Wholesale Merchandising, Manufacturing Storage or Processing	60,000 to 100,000 square feet of gross floor area 2.0 spaces
Retail and Wholesale Merchandising, Manufacturing Storage or Processing	For each additional 50,000 square feet of gross floor area or major fraction

	there of 1.0 additional space(s)

Uses	Required Loading Spaces
Schools having 15,000 square feet or more of gross floor area	1.0

Use(s)	Required Loading Spaces
Hospitals (In addition to space for ambulances)	10,000 to 30,000 square feet of gross floor area 1.0 space; For each additional 30,000 square feet of gross floor area or major fraction thereof 1.0 additional space(s)

Use(s)	Required Loading Spaces
Mortuary or Funeral Home	3,000 to 5,000 square feet of gross floor area 1.0 space; For each additional 5,000 square feet of gross floor area or major fraction thereof 1.0 additional space(s)

Use(s)	Required Loading Spaces
Hotels, Motels and Offices with 5,000 or more square feet of gross floor area	1.0

SECTION 701 - GENERAL PROVISIONS

701.1 -

All parking areas for the storage of 3 or more automobiles in any zoning district shall be constructed in compliance with the following minimum standards:

a. Parking and driving areas shall be graded to shed surface water to street or alley and to prevent drainage onto adjacent properties.
b. Sub-surface shall be a minimum of 5" thick after rolling of crushed slag or washed gravel.
c. Bituminous Surface - Base course shall be 1 1/2" when 'loaned of hot-mix blacktop, covered with a one inch thick hot-mix wearing surface, rolled smooth and graded to drain without puddles.
d. Entrance and/or Exit - Curb cut shall be 15 feet for two-way traffic and 9 feet for one-way traffic, with concrete approach ramp and concrete curb returns at a minimum 5-foot radius on each side. Ramps shall slope to street gutter.
e. Striping and Bumpers - Each parking space shall be designated by 4 inch wide painted strips, nine-foot center to center by 18 feet long, angled to best advantage for each of ingress and egress. Bumpers (wheel stops) shall be installed when necessary to prevent vehicle encroachment upon abutting pedestrian walks, public roads, or private property.

f. Screening or Fencing - Where parking abuts residential property on any side, adequate screening of car lights shall be provided by a thick hedge or solid ifa minimum of 4 feet high but no higher than 6 feet.
g. Area Lighting - Where lots are to be used at night, adequate area lighting shall be provided as approved by the Zoning Officer. Lighting shall be installed in strict accord with the National Electric and/or applicable local code requirements.

701.2 - Location of Required Parking Facilities –

The parking spaces required for the use listed in section 700.6 shall be off-street and on the same lot as the use they are intended to serve.

701.3 - Location of Required Loading Facilities –

The loading spaces required for the uses listed in section 700.6 shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading space be part of the area used to satisfy the parking requirements of the Zoning Ordinance.

701.4 - Use of Required Parking and/or Loading Facilities by Another Use –

Any part of the parking and/or loading facilities required for any use for the purpose of complying with the regulations of the Zoning Ordinance shall not be included as part of a parking and/or loading facility similarly required for another use unless the type of use indicated that the periods of usage shall not be simultaneous with each other as determined by the Zoning Officer upon review by the Zoning Hearing Board.

701.5 - Encroachment and Reduction –

A required parking and/or loading space shall not be encroached upon by a structure, storage or any other use, nor shall the number of spaces be reduced.

701.6 - Off-Street Parking and Loading Spaces For Uses Not Specifically Mentioned –

For any use not specifically mentioned in the above sections, the requirements for off-street parking and off-street loading facilities are the same as for a similar use that is specifically mentioned. In such a case, either the Zoning Officer or the applicant for the Certificate of Occupancy or Building Permit may apply to the Zoning Hearing Board for an interpretation of the provisions of this Ordinance for such off-street parking and off-street loading requirements, and the Zoning Hearing Board shall render a decision in writing in the manner provided for in this Ordinance for such action.

701.7 - Parking, Storage, or Use of Major Recreational Equipment -

a. Major recreational equipment as defined for purposes of these regulations, includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, and the like, and cases or boxes used for transporting recreational equipment whether occupied by such equipment or not.
b. Occupancy - No such equipment shall be used for living, sleeping or housekeeping purposes except as provided for under the following conditions:

   Travel trailers, pickup campers, or coaches, motorized dwellings and tent trailers may be temporarily parked and occupied for sleeping purposes only, by visitors and house guests in accordance with the following provisions:

1) The temporary parking and occupancy period shall not exceed 14 days.

c. Such vehicles and/or trailers shall have adequate off-street parking areas. Permanent Parking and Storage of Camping and Recreational Equipment - Permanent storage of such equipment shall be permitted in any Zoning District provided parking of the unit conforms with all applicable yard setback requirements of the Zoning District.
d. Spacing - Major recreational equipment six feet or more in average height above the ground shall be governed as to spacing with respect to buildings on the lot as though it were a building.
e. Lot Coverage - Major recreational equipment six feet or more in average height shall be included on the same basis as buildings for regulation of lot coverage by all buildings, with area covered computed on the basis of the largest horizontal area covered by such equipment.
f. Derelicts - No major recreational equipment shall be stored out of doors on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state.

ARTICLE VIII

NON-CONFORMING USES, STRUCTURES AND LOTS

SECTION 800 - INTENT AND STANDARDS

Within the districts established by this Ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited under the terms of this Ordinance or future amendment.

It is the intent of this Ordinance to permit these non-conformities to continue until they are removed. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. Non-conformities may be enlarged and expanded as determined by the Zoning Hearing Board.

A non-conforming use of a structure, a non-conforming use of land, or nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by:

a. the addition of other uses, if such additions are of a nature which would be prohibited generally in the district,

Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been continuously carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work shall be continuously carried on until the completion of the building involved.

SECTION 801 - NON-CONFORMING LOTS OF RECORD

There may exist lots of record which by virtue of this ordinance do not conform with the established minimum lot width and area standards. Single, non-conforming lots, may be utilized without the granting of a variance provided all minimum yard requirements as established by this Ordinance are met. Where by virtue of lot area or width or both yard requirements cannot be met in accord with this Ordinance permits shall only be issued upon granting of a variance by the Zoning Hearing Board. If two or more lots with contiguous frontage in single ownership, and if all or part of the lots do not meet the requirements for lot width and area in the respective district, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance. No portion of said parcel shall be used which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

SECTION 802 - NON-CONFORMING USES OF LAND

Where lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, subject to the following provisions:

802.3 - If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations for the district in which such land is located.

SECTION 803 - NON-CONFORMING STRUCTURES

Where a lawful structure exists that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

803.1 - A structure may be enlarged or altered in a reasonable amount as approved by the Zoning Hearing Board.

803.2 - Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance unless a variance is granted by the Zoning Hearing Board.

803.3 - Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after moved.

SECTION 804 - NON-CONFORMING USES OF STRUCTURES

If a lawful use of a structure or of a structure and premises in combination exist that would not be allowed in the district, the lawful use may be continued subject to the following provisions:

804.1 - An existing structure devoted to a use not permitted in the district in which it is located may be enlarged, extended, constructed, reconstructed, or structurally altered upon granting of a variance by the Zoning Hearing Board.

804.3 - If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Hearing Board shall find that the proposed use is equally or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require additional conditions and safeguards.

804.4 - Once a non-conforming use is superseded by a permitted use, the non-conforming use shall not be resumed.

804.5 - When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months, they shall not be used except in conformance with the regulations of the district in which it is located.

804.6 - Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

SECTION 805 - REPAIRS AND MAINTENANCE

On any building, devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing without the requirement of a zoning permit.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 806 - USES GRANTED UNDER SPECIAL EXCEPTION PROVISIONS

Any use for which a special exception is granted shall be deemed a conforming use.

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT

SECTION 900 - OFFICE OF ZONING OFFICER

900.1 - Creation of Office –

The office of Zoning Officer is hereby created.

900.2 - Appointment –

The Zoning Officer shall be appointed by the Borough Council.

900.3 - Official Records –

An Official Record shall be kept of all business of the Zoning Officer and shall be open to public inspection at all appropriate times.

900.4 - Compensation of the Zoning Officer –

The compensation of the Zoning Officer shall be determined by the Borough Council.

SECTION 901 - DUTIES AND POWERS OF THE ZONING OFFICER

The Zoning Officer shall interpret and enforce all provisions of the Zoning Ordinance.

901.1 - Permits and Certificates of Use and Occupancy –

The Zoning Officer shall issue Permits and Certificates of Use and Occupancy. Permits and Certificates of Use and Occupancy for construction and uses which are a special exception or variance from the Zoning Ordinance shall be issued only upon order of the Zoning Hearing Board.

901.2 - Annual Report –

The Zoning Officer shall annually submit to the Borough Council a report of all Permits and Certificates of Use and Occupancy, Notices issued and Orders.

901.3 - Right of Entry –

The Zoning Officer shall have the authority to enter during normal business hours any structure and/or land in the Borough to inspect and to enforce the provisions of the Zoning Ordinance. Before entering, he shall provide proper identification.

SECTION 902 - APPLICATION FOR PERMIT AND CERTIFICATE OF USE AND OCCUPANCY

902.1 - When a Permit is Required –

It shall be unlawful to erect, enlarge, construct, reconstruct or structurally alter any building and/or other structure or change the use, intensity of use, or extend or displace the use of any building, other structure, and/or land in the Borough without filing an application with the Zoning Officer in writing and obtaining the required Permit.

902.2 - When a Certificate of Use and Occupancy is Required –

It shall be unlawful to use and/or occupy any building, other structure and/or land for which a Permit is required until a Certificate of Use and Occupancy for such building, other structure and/or land has been issued by the Zoning Officer. The application for issuance of a Certificate of Use and Occupancy shall be made at the same time an application for a Permit is filed with the Zoning Officer.

902.3 - Forms of Application –

The Application for a Permit and a Certificate of Use and Occupancy shall be submitted in such form as the governing body may prescribe and shall be accompanied by the required fee as established by resolution of Borough Council.

902.4 - Plot Diagram –

Applications shall be accompanied by a plot plan diagram (in duplicate) drawn to suitable scale showing all dimensions of lands or buildings to provide accurate means of review of the material in the application. One copy shall be returned to the applicant indicating approval or disapproval, one copy shall be retained by the Zoning Officer.

902.5 - Amendments to a Permit –

Amendments to a permit or other records accompanying it may be filed at any time before completion of the work. Such amendments shall be deemed a part of the original application.

902.6 - Expiration of Permits –

If work described in any permit has not begun within 90 days from the date of issuance, it shall expire. A written notice shall be given by the Zoning Officer to the persons affected.

If permitted work has not been substantially completed within one year of the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected. A new permit shall be required.

SECTION 903 - ACTION ON PERMITS AND CERTIFICATES OF USE AND OCCUPANCY

903.1 - Action on Permit Application –

The Zoning Officer shall act on all applications for Permits and amendments thereto within 10 days after filing. He shall conduct an inspection of all structures and/or land for which an application has been filed for a Permit. If the application and inspection indicate compliance with the Zoning Ordinance, a Permit shall be issued. Disapproval of a Permit shall be in writing to the applicant.

903.2 Posting of Permit –

The Permit issued by the Zoning Officer shall be posted at the work site and be visible from the street until the completion of the permitted work.

903.3 - Revoking a Permit –

The Zoning Officer may revoke an issued Permit in case of any false statement in the application for the Permit.

903.4 - Action upon Completion –

Upon completion of the permitted work and prior to use and occupancy, the holder of the permit shall notify the Zoning Officer of such completion. Within 10 days after receiving notice of completion, the Zoning Officer shall conduct a final inspection of all permitted structures and/or land. All violations of the approved permit and plans shall be recorded and presented in writing to the holder of the permit.

If the Zoning Officer is satisfied that the completed work conforms with the issued Permit and complies with the Zoning Ordinance, he shall issue a Certificate of Use and Occupancy for the use indicated in the Permit.

SECTION 904 - FEE SCHEDULE

904.1 - Payment of Fees –

No Permit or Certificate of Use and Occupancy shall be issued until the fee(s) prescribed by resolution of the governing body have been paid.

SECTION 905 - NOTICE OF VIOLATION

Where the Zoning Officer finds that the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, ordering the action and maximum number of days necessary to correct it, and providing the appropriate procedure for appealing the Zoning Officer's decision.

SECTION 906 - STOP-WORK ORDER

906.1 - Notice to Owner –

Upon notice from the Zoning Officer that work on or use of any building, other structure and/or land is contrary to the Zoning Ordinance, such work shall be immediately stopped. The Stop-Work Order shall be in writing to the owner of the property involved and shall state the conditions under which work or use may be resumed.

906.2 - Conditions of Discontinued Work –

Any person who has been served with a Stop-Work Order or discontinues or abandons work shall not leave any building, other structure and/or land in such condition as to be a hazard to the public. The Zoning Officer shall have the power to require that such building, other structure and/or land shall be put in such condition as he directs and the work on it shall be at the full expense of the person who has been served with a Stop-Work Order.

SECTION 907 - PROSECUTION OF VIOLATION

If the Notice of Violation is not complied with, the Zoning Officer may request the Borough Solicitor to institute the appropriate proceedings to correct such violations.

SECTION 908 - ENFORCEMENT PENALTIES

Any person, who shall violate the provisions of this Zoning Ordinance and are convicted thereof in a summary proceeding, shall be subject to fine or imprisonment as prescribed in Section 616 Enforcement Penalties of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended.

ARTICLE X

SUPPLEMENTARY REGULATIONS

SECTION 1000 - SUPPLEMENTARY USE REGULATIONS, ADDITIONAL CODES AND ORDINANCES

1000.1 - MERCER COUNTY SUBDIVISION & LAND DEVELOPMENT ORDINANCE

Mercer County Subdivision and Land Development Ordinance (SALDO) as adopted or amended shall apply to all non-single family development including commercial or industrial development. The following specific development types have additional site plan and review requirements within the SALDO:

A. **Planned Residential Development** - Within Sandy Lake Borough such development shall have a minimum area of 3 Acres.

B. **Mobile Home Parks** - Permitted in the "R-1" residential zoning district only and are hereby deemed to be a conditional use wherein the park is subject to the approval of the Sandy Lake Borough Council, with additional standards set forth in the Mercer County SALDO.

C. **Recreational Vehicle Parks** (RV Park) - Permitted in the commercial zoning district and are deemed to be a conditional use wherein the park is subject to the approval of the Sandy Lake Borough Council, with additional standards set forth in the Mercer County SALDO.

1000.2 STORMWATER MANAGEMENT and FLOODPLAIN ORDINANCES

Requirements shall apply to all development as reviewed by the Borough as specified in Stormwater Management Ordinance #319 as adopted 7/6/2011 and as may be amended.
In addition, all development must meet requirements of the [FEMA] Flood Plain /Management Act Ordinance #327 as adopted 5/7/2014 as may be amended.

1000.3 SIGN REGULATIONS

Signs may be erected and maintained only in compliance with all applicable provisions of the Sandy Lake Borough Ordinance #Insert when we know____ as amended, and any regulations of the Borough relating to the location, size, height, lighting, alteration or maintenance of signs as defined.

A. **The purpose of sign regulations are:**
1. to encourage the effective use of signs as a means of communication in the Borough;
2. to maintain and enhance the aesthetic environment in character with the historic values of the community, and the Borough's ability to attract sources of economic development and growth;
3. to improve pedestrian and traffic safety;
4. to minimize the possible adverse effect of signs on nearby public and private property;

5. to enable the fair and consistent enforcement of these sign restrictions.

B. **Required Identification Sign** - One sign shall be required for the purpose of emergency (911) identification and must include the street number for the building or property. May be located upon the structure or near the street on separate signage provided it is of sufficient size to be seen adequately in an emergency.

1000.4 BUILDING CODES

Sandy Lake Borough adopted Building Codes UCC Construction Code: Ordinance #304 as adopted 5/3/2006; Subject to the following requirements;

A. All permitted uses shall submit Site Plan for review by the Planning Commission and approval by the Sandy Lake Borough Council prior to the issuance of a building permit.

B. Building permits shall not be released until all site, utility or other requirements have been met. The Sandy Lake Borough Council may review the documents prior to approval.

SECTION 1002 - SUPPLEMENTARY HEIGHT REGULATIONS

1002.1 - Exceptions to Height Requirements –

The maximum height limitations of this Ordinance shall not apply to:

a. Appurtenant Structures:

   Church spire, belfry, cupola, dome, monument, smokestack, derrick, conveyor, flag pole, radio tower, television tower, mast, antenna, aerial, roof tank, ventilating air conditioning and similar building aerial, roof tank, ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided:

   1) Any such structure shall set back from the vertical plane of the permitted building line 1 foot horizontally for each 2 feet of height which exceeds the maximum height permitted in the Zoning District in which it is located.

b. Existing Designed Structures:

   The vertical extension of a structure existing at the effective date of the Zoning Ordinance may be erected to such height as the original drawings of said building indicated, provided:

   1) The building was actually designed and constructed to carry the additional stories necessary for such height.

SECTION 1003 - SUPPLEMENTARY AREA REGULATIONS, FENCES, VISIBILITY, USE OF YARDS

1003.1 - Determination of Yards and Minimum Distance to Lot Lines on Irregularly Shaped Lots –

When any main wall of a structure does not parallel the lot line which the wall faces, the yard or minimum distance to the lot line, from any given point along the face of the wall, shall be equal to the minimum dimension required for that yard or distance to lot line, whichever is applicable.

1003.2- Planned Commercial or Industrial Building Groups –

Under controlled conditions, more than one principal structure may be permitted on a lot and required area regulations and yard requirements may be waived.

1003.3 - Projections into and Occupancy of Yards, Courts, or Other Open Spaces –

The following projections into and the occupancy of required yards, courts, or other open spaces, except a porch, deck, and/or similar attached or semi-detached accessory structure, shall be permitted subject to the following provisions.

a. Steps, Stoop, Window Sill, Eaves, Similar Architectural Feature, Rain Leader and/or Chimney - provided:
    1) It shall not project more than six (6) feet beyond the face of the wall.

b. Exterior Stairway, Fire Tower, Balcony, Fire Escape or Other Required Means of Egress - provided:
    1) It shall not project more than six (6) feet beyond the face of the wall.

c. Tree, Shrub, Lawn, Flowers, All Other Vegetation - provided:

    1) No vegetation shall obstruct visual clearance at intersecting streets by being over three feet in height above the curb line within the triangular area formed by the intersection of the curb lines and a straight line adjoining said curb lines at points which are fifteen (15) feet distance from the point of intersection, measured along said intersecting curb lines.

1003.4 - Fences

Except as provided in the next paragraph, the yard requirements of this ordinance shall not be deemed to prohibit any otherwise lawful fence or wall, provided that in any Residential District no fence or wall shall exceed six (6) feet in height, as measured from the ground and cannot extend past the front of the residential unit with a maximum of 4' feet in height.

1003.5 - Visibility at Intersections

On a corner lot in any Residential District, no structure, sign, fence, wall, hedge or other planting shall be erected, placed or maintained at a height of more than thirty (30) inches above the curb line within the triangle formed by the street lines and a straight line joining said street lines at points which are thirty (30) feet distant from the point of intersection.

1003.6 - Use of Yards for Driveways and Parking

a. Residential – Yard areas for residential uses may contain a paved driveway and turnaround area.
b. Other Uses - Yard areas for other uses may contain permitted driveways and turnaround areas and may also include off-street parking spaces subject to the following restrictions:
    1) Where such uses are in a Residential District:
        I. Front yards shall be kept free of parking except in permitted driveways.
        II. Such parking shall be related to the use of the lot, and not provided for other uses.
    2) Where such uses are in Commercial or Industrial Districts, a front or side yard may be used for parking provided the parking shall comply with the parking regulations contained in Article IX.

SECTION 1004 - GENERAL CONTROL OF OUTDOOR ILLUMINATION

1004.1 - Illumination of Buildings –

Buildings and uses in Commercial and Industrial zones may be illuminated by reflected light provided that the source of such light shall be suitably shielded so as not to detract from the quiet enjoyment of surrounding uses. The Zoning Officer may, at any time, require existing lights to be rearranged or shielded to conform. Such order may be appealed to the Zoning Hearing Board, but otherwise, must be complied with within thirty (30) days from the date of notification.

SECTION 1005 - SCREENING OF NON-RESIDENTIAL USES - APPLICABLE TO ALL COMMERCIAL AND INDUSTRIAL DISTRICTS

1005.1 - Specific Areas Affected –

Suitable screening (as defined in Section 1204.2 below) shall be installed in every case in every Commercial and Industrial District where any permitted non-residential use in any such District abuts any Residential District.

1005.2 - Suitable Screening Defined –

Suitable screening shall be either a thick hedge, or a solid fence or wall four (4) feet to six (6) feet in height.

SECTION 1006 – ANIMALS IN ALL ZONING DISTRICTS –

a. Nothing herein shall be construed to permit the keeping of large animals in the Residential/Commercial boundaries of the Borough. Large animals shall include: Livestock, Horses, Cattle, Sheep, Goats, Pigs, Roosters, Fighting Cocks, Llamas, Turkeys, Guineafowl,

Peacocks, Exotic animals or any other animal for which the zoning officer and or the Borough Council feels to be a nuisance.

b. Small animals allowed shall be kept and maintained within the owners/keepers property and not to roam freely on other properties and streets. The total number of small animals allowed shall not exceed 12.

SECTION 1007 – OUTDOOR BURNERS –

a. Outdoor burners shall not be allowed in any Zoning Districts.
b. Any existing outdoor burners should they need replacing shall meet current PA Environmental Standards.

ARTICLE XI

ZONING HEARING BOARD

SECTION 1100 – CREATION

A Zoning Hearing Board shall be created for the purpose of reviewing applications for variances or exceptions to the Zoning Ordinance and deciding whether there is a legitimate reason for granting relief or exception to a specific provision or provisions of the Ordinance when requested. It shall be created and maintained in accordance with applicable provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968) as amended or subsequently amended and perform duties, and exercise all powers vested in it by the provisions of said Act.

SECTION 1101 - PARTIES APPELLANT BEFORE BOARD

Appeals may be filed with the Board in writing by any officer or agency of the municipality or any person aggrieved. Requests for a variance may be filed with the Board by any landowner or any tenant with the permission of such landowner.

SECTION 1102 - TIME LIMITATIONS; PERSONS AGGRIEVED

No person shall be allowed to file any proceeding with the board later than thirty days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval be bound by the knowledge of his predecessor in interest.

The failure of anyone other than the landowner to appeal from an adverse decision on a tentative or preliminary plan or from an adverse decision by a zoning officer on a challenge to the validity of an ordinance or map shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative or preliminary approval.

SECTION 1103 - PUBLIC HEARINGS AND NOTICES

The board shall conduct hearings and make decisions in accord with Section 608 of the Pennsylvania Municipalities Planning Code - Act 247 of 1968, as amended.

1103.1 - Public Notice –

Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty days or less than fourteen days from the date of the hearing.

1103.2 - Notice to Appellant –

By mailing a notice thereof to the appellant.

1103.3 - Notice to Local Officials –

By mailing a notice to the Borough Council, Mayor and Planning Commission.

1103.4 - Notice to Adjacent Property Owners and Occupants –

By mailing a notice to adjacent property owners and occupants of lots on the same street within two hundred (200) feet of the lot or building in question and to every lot not on the same street within one hundred (100) feet. Failure to send or receive such notice as required in this paragraph shall not invalidate any action of or by the Board.

1103.5 - Representation at Hearings –

Parties at hearings may be represented by agents, attorneys, or appear in person.

1103.6 - Decision Upon Appeal –

Whenever an appeal shall be taken the Zoning Hearing Board shall render its decision upon such appeal within thirty (30) days from the date of the hearing on such appeal.

SECTION 1104 - TERMINATION AND MODIFICATION OF PERMIT

1104.1 - Termination of Permits –

If after a Permit has been authorized by the Board, such permit is not applied for and not lifted within a period of six (6) months from the date of authorization, then such authorization shall be null and void and no Permit shall be issued thereunder.

1104.2 - Modification of a Permit –

Any Permit so issued shall not be modified except by action of the Board.

SECTION 1105 - FUNCTIONS OF THE BOARD

1105.1 - Appeals from the Zoning Officer –

The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer. Nothing contained herein shall be construed to deny to the appellant the right to proceed directly in court, where appropriate, pursuant to Pa. R.C.P., Sections 1091 to 1098 relating to mandamus.

1105.2 - Challenge to the Validity of any Ordinance or Map –

The Board shall hear challenges to the validity of a Zoning Ordinance or map except as indicated in Section 1003 and subsection (1) (b) of Section 1004 of the PA Municipalities Planning Code. In all such challenges, the Board shall take evidence and make a record thereon as provided in Section 908 of the

Planning Code. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

1105.3 - Variances –

The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflect unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:

a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
c. That such unnecessary hardship has not been created by the appellant;
d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.

SECTION 1106 - UNIFIED APPEALS

Where the Board has jurisdiction over a zoning matter, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in Section 908 of the Planning Code. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

SECTION 1107 - SPECIAL EXCEPTIONS

Upon application in accordance with the provisions of the Zoning Ordinance and the rules of the Board, the Board will determine the reasonableness and propriety in particular cases of any one of the following special exceptions to the Zoning District regulations of the Zoning Ordinance. The proposed use shall also conform with all the provisions for the use in the particular Zoning District in which it is to be located, and all other pertinent provisions of the Zoning Ordinance, except as wherein prescribed in this Article. The Board shall consider, explain and record its findings and determination in conformity with the spirit of the Zoning Ordinance and may authorize the issuance of a Permit for the following:

a. Special Exception to Permit a Small Personal Care Boarding Home, provided:
    1) No fewer than three (3) and not more than eight (8) clients shall occupy such dwelling. (At least 80% of such clients shall be 62 years old or older).

2) The operator shall obtain a license from the Commonwealth of Pennsylvania Department of Public Welfare and Department of Labor and Industry.
3) It shall not involve the use of advertising signs on the premises or any local advertising media which calls attention to the fact that the home is used for business purposes, except those permitted in a residential zone as provided for in Article VIII.
4) In no way shall the appearance of the structure be altered or occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.
5) The parking need generated by the conduct of a personal care boarding house shall be met off the street and other than in the required front yard at a rate of 1 stall for each three (3) residents including clients.
6) If the dwelling structure to be converted is not served by public sewer, the request for a building permit must be accompanied by a statement from an officer of the Pennsylvania Department of Environmental Protection certifying that proposed on-lot sewage disposal system is adequate.

b. Special Exceptions in Off-Street Parking Facility Requirements

For the modification of Off-Street Parking Facility Requirements in any Zoning District, provided:

1) The Zoning Hearing Board shall hear and decide such requests for modifications as provided for in this Article.
2) Such modification shall be consistent with the purpose and intent of such requirements.
3) It shall be satisfactory to the Zoning Hearing Board that public or private transportation facilities shall be sufficient to accommodate the travel needs of those employed on the premises.
4) If after the investigation by the Zoning Hearing Board, it shall be found that such modification shall be necessary to prevent unreasonable hardship or to secure an appropriate development of a specified parcel of land which has such peculiar or exceptional geographical or topographical conditions, or is of a size, shape, dimension, or location that it cannot be reasonably developed in accordance with the regulations and provisions of the Zoning Ordinance as herein specified

c. Extraction of Natural Resources

1) General - Extraction and excavation of sand, gravel, coal, oil, natural gas, or other minerals from the ground may be permitted only as a conditional use approved by Borough Council, after referral to the Sandy Lake Borough Planning Commission for their comments and recommendations.
2) Conditions - Prior to approval of the extraction activities by Borough Council, the applicant for a conditional use shall comply with the following conditions:
    I. An approved permit from the Pennsylvania Department of Environmental Protection shall be presented to Borough Council.
    II. A site plan showing the proposed extraction and excavation activities shall be presented to Council. Upon review of the site plan, Council may require compliance with* any other conditions deemed necessary in order to protect the health, safety, and welfare of the residents of the Borough.
    III. The applicant shall guarantee that a notice of the final inspection conducted by the Department of Environmental Protection will be provided to Borough

Council in order that Council have the opportunity to participate in the inspection.

ARTICLE XII

AMENDMENT, SUPPLEMENT, OR CHANGE

SECTION 1200 - PROCEDURE FOR AMENDMENTS

Whenever deemed desirable and to meet the public needs, and in conformity with good zoning practice, the zoning regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified, or repealed by the Borough Council in accordance with provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended, and with the following general procedures:

a. Any amendment, supplement, change, modification or repeal may be initiated by:
    1) The Borough Planning Commission
    2) The Borough Council
    3) A petition to the Borough Council by the owner of the property involved or by one having an interest therein.
b. Amendments shall be submitted to the Borough Council at a regular or special meeting of the Council.
c. Before voting on the enactment of an amendment, the Council shall hold a public hearing on the proposed amendment, pursuant to public notice as defined in Section 107 (18) "Public Notice" of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended.
d. All amendments shall be submitted to the Borough Planning Commission and the Mercer County Regional Planning Commission for review and recommendation prior to the public hearing as prescribed in Section 609 - Enactment of Zoning Ordinance Amendments and Section 609.1 - Procedure Upon Curative Amendments, of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended.

ARTICLE XIII

DEFINITIONS

SECTION 1300 - GENERAL INTERPRETATION

For the purposes of the Zoning Ordinance, certain terms, phrases and words shall have the meaning given herein. The following words or phrases, when used in this Ordinance, shall have the meanings given to them in this Article unless the context or Pennsylvania Municipalities Planning Code, Act 247, as amended, indicates otherwise.

Words not defined in this Ordinance, Article or the Pennsylvania Municipalities Planning Code shall have meanings as in a standard dictionary.

Words used in the present tense include the future; the singular includes the plural.
The word "used" shall be construed as though followed by the words "or intended or designed to be used"; the words "building", "structure", and "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "structure" includes the word "building".
The word "person" includes an individual or any other legal entity including a corporation, unincorporated association and a partnership. An "agency" shall be construed to include its successors or assigns.

The words "shall" and "will" are mandatory and not merely directory; the word "may" is permissive.

SECTION 1301 - DEFINITION OF TERMS

Abutting - Having property or district lines in common; e.g., two lots are abutting if they have property lines in common.

Access - A way of approaching or entering a property.

Accessory Building or Use - A building or use which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal uses served; (3) contributes to comfort, convenience, or necessity of occupants of the principal building or principal use; and (4) is located on the same zoning lot as the principal building or principal use.

Addition - Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.

Adult Use Definitions - Adult entertainment establishments are defined as follows

> **Adult bookstore** – Any establishment having as a substantial or significant portion (25% or greater) of its stock in:
> Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of

specified sexual activities or specified anatomical areas; Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

Adult Cabaret – (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

Adult mini motion picture theater – An enclosed or unenclosed building with a capacity of more than five (5) but less than fifty (50) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

Adult model studio – Any place where, for any form of compensation or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance of or conferring of, and is in fact authorized there under to issue, a diploma.

Adult motel – A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.

Adult motion picture arcade – An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

Adult motion picture theater – An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

Adult news rack – Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

Adult theater – A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

Bath House – An establishment or business which provides the services of baths of all kind, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner for the purpose of this Ordinance shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

Body painting studio – Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.

Massage Parlor – Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by medical practitioner, chiropractor or professional physical or massage therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Out call service activity – An establishment or business which provides an out call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

Sexual encounter center – Any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical area, excluding psychosexual workshops, operated by a medical practitioner, licensed by the Commonwealth, to engage in sexual therapy.

Including:

Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Agent or Owner - Any person who can show written proof that he has authority to act for the property owner.

Alley - The space or area between the rear or side lot lines of lots which has a minor right-of-way width of twenty (20) feet or less which is dedicated for the public use of vehicles and pedestrians and which affords secondary access to an abutting lot.

Alteration - As applied to a building or structure is a change or rearrangement in the structural parts of or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or moving from one location or position to another.

Alteration, Structural - A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing wall, columns, beams and girders.

Amusement Establishment – Amusement and recreation services where any portion of the activity takes place outdoors or indoors.

Automotive Garage/Service Establishment - A premises used for repair of automotive vehicles but not including automotive wrecking (including therewith may be facilities supplying gasoline, oil, accessories and services to automotive vehicles at retail direct to the motorist consumer).

Automotive Gasoline Service Station - Any premises used for supplying gasoline, oil, minor accessories and services for automotive vehicles at retail direct to the motorist consumer, including the making of minor repairs, but not including major repairs, such as spray painting; body fender clutch, transmission, differential, axel, spring, and frame repairs, major overhauling of engines requiring removal therefrom of cylinder-head or crankcase pan, repairs of radiator requiring removal thereof, or complete recapping or retreading of tires.

Automotive and/or Trailer Sales Area - An open space, other than a public or private street, used for the display or sale of new or used automobiles, trailers, trucks, or farm equipment and where no repair work is done except that which is minor and incidental (not including body and fender work).

Basement - A portion of a building partly underground, and having one-half (1/2) or more than one-half (1/2) of its floor-to-ceiling height above the average grade of adjoining ground.

Bed & Breakfast – Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

Billboards – A commercial sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Boarding Unit (also Rooming Unit) - Living quarters which, unlike a Dwelling Unit, do not contain complete housekeeping facilities and are typically used for sheltering and feeding paying occupants who are not members of the proprietor's family.

Borough - The Borough of Sandy Lake.

Building - An enclosed structure built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, and protection of persons, animals, or property of any kind, including mobile homes.

Building, Accessory - A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Building, Attached - A building where both side walls of all except the end structures are party walls.

Building, Detached - A building which has no party wall.

Building, Principal - A building in which is conducted the principal use of the lot on which it is situated.

Building Supplies – Those materials used primarily in the construction industry.

Building Supply/Material Yards – A facility that stocks building materials such a wood, bricks, aggregates and other similar materials used for construction.

Bulk Distribution of Chemical or Petroleum Products – An establishment engaged in the receipt, storage, and distribution of Chemical or Petroleum products, cargo, and materials, including shipment by boat, rail, air, or motor vehicle.

Car Wash – Any building or premises used for washing motor vehicles.

Certificate of Use and Occupancy - A statement, based on an inspection and signed by the Zoning Officer, indicating that a building, structure, and/or land conforms with the provisions prescribed in the Zoning Ordinance and may lawfully be occupied or used for a specific use or uses.

Church - A building for public worship.

Civic/Cultural Buildings – Establishments that document the social and religious structures and intellectual and artistic manifestations that characterize a society and include museums, art galleries, and botanical and zoological gardens of a natural, historic, education, or cultural interest.

Clinic - Any professional medical building or establishment where people are examined or treated by doctors or dentists, but are not hospitalized overnight.

Club, Lodges and Fraternal Organizations - An establishment operated for social, recreational, or educational purposes, and open only to members and their guests, but not the general public.

Commercial Vehicle - A commercial vehicle shall be any vehicle other than a private passenger vehicle, including trucks, trailers and construction equipment.

Commission - The Sandy Lake Borough Planning Commission.

Construction - The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

Convenience Store – A retail establishment of up to five thousand square feet selling primarily food products, beverages, newspapers and magazines, candy, cigarettes, household items, and a limited amount of freshly prepared foods such as sandwiches and salads for consumption.

Conversion - Changing the original purpose of a building to a different use or increase in intensity of use.

Covenant - A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.

Coverage - That percentage of the lot or site area covered by principal and accessory structures.

Curb Line - The line establishing the width of a cartway in a right-of-way. Where curbs do not exist the edge of pavement shall be the curb line.

Day Care Center – A building or structure where care, protection and supervision are provided on a regular schedule for a fee.

Deck – An unroofed platform, either freestanding or attached to a building that is supported by pillars or posts; a pier or landing for a boat.

Dedication - The transfer of property from private to public ownership. Deed Restriction - See covenant.

Development - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the subdivision of land, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

District - A district or a zone shall be any portion of the territory of the Borough of Sandy Lake within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Dormitories - A building, whether public or private, associated with a school, college or university designed for, used and arranged with rooms providing sleeping, studying and living accommodations for students.

Drive-in Eating Establishment – An establishment where food or drink is served to and consumed by a customer in an automobile while parked on the premises.

Driveways - An open space located on a private lot built for access to a private garage or to any structure located on the lot.

Dwelling - A building arranged and used for residential occupancy containing a dwelling unit or units, including a one-family, two-family, and multiple-family dwelling.

Dwelling, Multiple-Family - A building having three (3) or more dwelling units and designed to be used or occupied as a residence by three (3) or more families living independently of each other and each with its own exterior entrance door or own entrance door from an interior hallway.

Dwelling, Single-Family - A detached building designed for and used exclusively for occupancy by one family.

Dwelling, Two-Family - A building have two (2) dwelling units, each with its own exterior entrance door and containing but two families. The Dwelling Units may be either semi-detached with one (1) family living on either side of a common party wall, or stacked with one (1) family living over the other.

Dwelling, Unit - Dwelling Unit – A structure or portion thereof that is used exclusively for human habitation.

Easement - A right given by the owner of land to another party for specific limited use of that land.

Eating/Drinking Establishment – An establishment where food and drink are prepared, served, and consumed, mostly within the principal building.

Enlargement - A construction activity which increases the size of a building or other structure.

Essential Services - The erection, construction, alteration or maintenance by public utilities or municipal departments or municipal authorities of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably

necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

Family - One or more persons related by blood or marriage, or a group of not more than five persons, excluding servants, who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

Feed Mill – A retail establishment dealing primarily with agricultural products, that include animal feed.

Financial Institutions – Establishments such as banks and financial institutions, credit agencies, investment companies, brokers of and dealers in securities and commodities, security and commodity exchanges, insurance agents, lessors, lessees, buyers, sellers, agents, and developers of real estate.

Flea Markets – A temporary or seasonal market that can be held indoors or outdoors, where secondhand or inexpensive goods are sold or bartered.

Floor Area, Gross - The total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.

Floor Area, Residential - The total area of all floors of a residential building devoted solely to residential use, measured between interior faces of walls, and exclusive of entrance ways, porches, breezeways and roofed terraces, whether enclosed or not, and excluding cellars, basements and garages.

Frontage - The frontage, or front of a lot is the side nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards in this Article and the specific use provisions of this Ordinance.

Funeral Parlor/Home – A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

Garage, Private - A detached accessory building or a portion of a principal building used only for the storage of automobiles by the families resident upon the premises; and provided that such garage shall not be used for offering commercial automotive repair or servicing to the public.

General, Office – An office for the use of a public or private business.

Gymnasium – An enclosed facility for exercise and athletics.

Hardship - An unusual situation or condition that relates to a particular property and which denies that property owner full utilization of his property if the strict application of the Ordinance is followed. A hardship exists only when it is not self-created or when it is not economic in nature. In other words, a true hardship exists only when the literal interpretation of the requirements of the Ordinance would place an individual in an unusual circumstance and, in doing so, would deny him the right to use his property for any permitted use or create an unnecessary burden on him. See also Section 912, Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

Height of Wall - The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

Home Occupation - Any use customarily conducted entirely within a dwelling and carried on by occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and which does not change the residential character thereof.

Hospital – An institution providing primary health services and medical or surgical care to persons suffering from illness, disease, injury, deformity, and other abnormal physical or menta conditions and including inpatient and outpatient services institution-related facilities, such as diagnostic and treatment facilities, laboratories, training facilities, medical offices, and staff residences.

Hotel – A facility offering transient lodging accommodations to the general public and that may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

Household Pet - Animals integrated into and which become part of and may be housed as part of the normal household unit for the purpose of pleasure and companionship. Traditionally dogs, cats and small birds.

Household Unit - Same as Dwelling Unit.

Industry/Establishment – Those fields of economic activity including forestry, fishing, hunting, and trapping; mining; construction; manufacturing; transportation, communication, electric, gas, and sanitary services; and wholesale trade.

Industrial Services – Establishments primarily engaged in providing assistance, as opposed to products to individuals, business, industry, government, and other enterprises.

Inflammable Liquid Storage – The storage of inflammable liquids in above ground or below the surface containers.

Junk - Any worn, cast off, or discarded articles or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use.
Junk Yard - The use of more than two hundred (200) square feet of the area of any lot, outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk. A "junk yard" shall include an automotive wrecking yard.

Junk Yard – Any lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

Laboratory/Research Facilities – A facility for investigation into the natural, physical, or social sciences, which may include engineering and product development.

Land - The solid portion of the earth's surface which is capable of being used or occupied.

Land, Developed - "Improved land" with buildings.

Land, Improved - "Raw Land" which has been provided with basic utilities such as water and sewerage, and streets.

Land, Raw - Vacant land un-subdivided and unimproved (without utilities or streets).

Landscaping - Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

Library – A place containing books and other research materials for reading, study and research.

Loading Spaces - An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access to a public right-of-way and which is not less than ten (10) feet in width, forty-five (45) feet in length and fourteen (14) feet in height.

Locker Plant – a refrigeration and storage establishment consisting of quick-freezing equipment and storage lockers rentable for food storage.

Lodges, Fraternal Organization or Social Clubs – A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

Lot - The basic development unit - an area with fixed boundaries, used or intended to be used by one building and its accessory building(s) and not divided by any public road or alley. The lot shall not include any portion of the road right-of-way.

Lot Area - The computed area contained within the lot lines.

Lot, Corner - A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the "corner".

Lot Coverage - See "Coverage".

Lot Depth - The mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot line and the midpoint of the rear lot line.

Lot, Double Frontage - An interior lot whose front and rear lot lines or a corner lot with two (2) opposite lot lines abutting a street.

Lot Frontage - See "Frontage".

Lot, Interior - A lot whose sides do not abut a street.

Lot Lines - The property lines bounding the lot.

Lot Line, Front - The line separating the lot from a street.
Lot Line, Rear - The lot line opposite and most distant from the front lot line.
Lot Line, Side - Any lot line other than a front or rear lot line; a side lot line separating a lot from a street is called a side street lot line.

Lot, Non-Conforming - A lot lawfully existing at the effective date of the Zoning Ordinance, or by subsequent amendment thereto, which does not conform with the area regulations and other provisions prescribed for the Zoning District in which it is located.

Lot of Record - A lot which is part of a recorded subdivision or a parcel of land which has been recorded or registered in the Office of the Recorder of Deeds, Mercer County, Pennsylvania.

Lot Width - The horizontal distance between the side lot lines as measured at the building setback line.

Manufacturing, Light – An establishment engaged in the transformation of finished products or parts into new products, including assembling, converting, altering, and finishing of component parts; or the manufacture of products and the blending of materials of a light nature including paper, wood, or food products and light machinery.

Manufacturing, Heavy – An establishment engaged in basic processing and manufacturing of materials or products predominately from extracted or raw materials into new products, including assembling, converting, altering, finishing of component parts, or the manufacture of such products, and the storage and/or blending of large volumes of materials of a heavy nature, including but not limited to metal, concrete, plastic, petrochemicals and heavy machinery.

Medical/Dental Clinic – An establishment where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical personnel, psychologists, or social workers and where such examination and treatment generally require a stay of less than twenty-four hours.

Mini-Storage Facility – A facility for the storing of an item(s) in a fixed location for a specific or unspecified period of time.

Mobile Home - A transportable, self-contained single-family dwelling designed to be transported on its own wheels or on a flatbed or other trailer or detachable wheels; and which may be temporarily or permanently affixed to real estate; used for non-transient residential purposes; constructed with the same, or similar electrical, plumbing and sanitary facilities as immobile housing; and upon arrival at the site where the mobile home is to be situated for occupancy, as a residence, it is complete and ready for occupancy except for minor and incidental unpacking operations, location on foundation supports, connections to utilities and the like. Prefabricated units designed to be assembled or joined together, upon arrival at the site and requiring extensive finishing operations prior to occupancy (excluding location on foundation and connection to utilities) shall be considered as a prefabricated home rather than a mobile home.

Mobile Home Park – A property containing sites with required improvements and utilities that are leased for the long-term placement of mobile homes or manufactured houses, which may or may not include services and facilities for the residents.

Motel - (Also Motor Court, Auto Court, Motor Hotel, Tourist Court, Cabin and/or Motor Lodge) - Any group of attached, semi-attached or detached buildings (not including a trailer) located on a single lot containing individual sleeping or housekeeping units, designed for or used by transients.

Motor Freight Terminal - A lot maintained by a motor freight company which is the origin and/or destination point of short and long-distance hauling and which is used for the purpose of storing, transferring, loading and unloading of merchandise and truck parking and storage facilities.

No-impact home-based business - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
b. The business shall employ no employees other than family members residing in the dwelling.
c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
f. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
g. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
h. The business may not involve any illegal activity.

Nursing Homes/Long Term Care Facility – An institution or a part of an institution that is licensed or approved to provide health care under medical supervision for twenty-four or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption.

Office(s) – A building or portion of a building used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity. It may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and child- care facilities.

Open Space - An area of land unoccupied by a building and/or other structure which is maintained to permit human use, occupancy, recreation, and enjoyment.

Owner - The duly authorized agent, attorney, purchaser, devisee, fiduciary, or any person having vested or contingent interest in the lot, building, or structure in question.
Parking Area - An open space on a lot used as an accessory use for the parking of automotive vehicles.
Parking Space - An off-street space having an area of not less than one hundred and eighty (180) square feet, whether outside or inside a structure, to be used exclusively as a parking stall for one (1) motor vehicle.

Outdoor Wood Burner – A heating unit that provides heat for a building and is located outside of the structure.

Parking Lot – An off-street, ground-level open area that provides temporary storage for motor vehicles.

Parking Structure – A building or structure consisting of more than one level and used to store motor vehicles.

Permit - A license, issued by the Zoning Officer, which permits the applicant to proceed with the work specified in the permit application as approved by the Zoning Officer.

Person - An individual, association, co-partner or corporation.

Personal Care Residence - A building where food, shelter and personal assistance or supervision are provided for at least one full day for three or more ambulatory adults who are not relatives of the operator and who may require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self-administration but do not require hospitalization or care in a skilled nursing or intermediate care facility.

Personal Services – Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

Plat - A map, plan or chart of a section or subdivision of the Borough of Sandy Lake indicating the location and boundaries of individual lots.

Plot - A parcel of land consisting of one or more which portions thereof is described by reference to a recorded plat or by metes and bounds.
Porch - A roofed-over structure projecting from the front, side, or rear wall of a building. A porch is considered a part of the principal building and is not permitted to extend into any required yards.

Plumbing, Carpentry and Tinsmith Shops – Businesses or facilities to provide Plumbing, Carpentry or Tinsmith services and products.

Porch – A roofed, open area, which may be screened, attached to or part of a building, and with direct access to or from it.

Printing Establishment – An establishment primarily used for the printing of reading material.

Professional Office – The office of a member of a recognized profession, maintained for the conduct of that profession.

Projections (into yards) - Parts of buildings such as architectural features which are exempted, to a specified amount, from the yard requirements of the Zoning Ordinance.

Recreation, Uses -

Recreation, Commercial - Recreational facilities operated as a business and open to the general public for a fee.

Recreation, Private/Non-Commercial - Clubs or recreation facilities operated by a non-profit organization and open only to bonafide members of such organization.

Recreation, Public - Recreation facilities operated as a non-profit enterprise by the Borough, any other governmental entity or any non-profit organization which is open to the general public.

Recreation Equipment - Major recreational equipment, as defined for purposes of these regulations, includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Recreational Vehicle - A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

Rental Service/Equipment Establishment – Facility that provides equipment for short or long-term lease.

Repair, Light/Service Businesses/Service Stations – A retail station for servicing automobiles and other motor vehicles.

Retail Business – Establishment engaged in the selling or rental of goods or merchandise and in rendering services incidental to the sale of such goods.

Road - Any street, highway, or other public roadway which is dedicated to public use by governmental authority.

Schools Public, Private, –

> Public – Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.
>
> Private – Any building or group of buildings, the use of which meets stated requirements for elementary, secondary, or higher education and that does not secure the major part of its funding from any governmental agency.

Self-Storage Facility – A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

Service Establishment – Establishments primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

Setback - The required distance which must be maintained between the road centerline and the nearest principal and/or accessory structure.

Shed – An accessory structure or building used primarily for storage purposes.

Shelter for household pets – A shelter for household pets such as dogs.

Shopping Center – A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, protection from the elements, and landscaping and signage in accordance with an approved plan.

Sign - A principal or accessory structure which is arranged, intended, designed or used as an advertisement, announcement, or direction; and which includes a sign screen, billboard, poster panel and advertising, business and identification device of any kind.

Sign, Advertising - A sign which directs attention to a business, commodity, service, or entertainment, conducted or sold or offered only elsewhere than upon the same premises where the sign is displayed.

Sign, Announcement - A sign of temporary character indicating the names of persons associated with, or events conducted upon the premises upon which the sign is maintained. In districts where business or industry is permitted, an announcement sign shall also include a sign of temporary or permanent character indicating products or services offered upon the premises where the sign is maintained.

Sign, Identification - A sign, indicating the name of a permitted use, the name or address of a building, or the name of the management thereof.

Sign, Instructional - A sign conveying instruction with respect to the premises on which it is maintained, such as a sign designating the entrance to or exit from a parking area, a trespassing sign, a danger sign, and similar signs.

Site - A plot of land intended or suitable for development.

Site Plan (Development Plan) - A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features - both natural and man-made and the locations of proposed utility lines.

Special Exception - A provision which permits, under specified terms and conditions, particular uses to locate in a zoning district without detriment to the routine and orderly development as provided for that zoning district. The provision is granted by the Zoning Hearing Board.

Story - A part of a building comprised between a floor and a floor or roof next above, including a basement.

Story, Half - A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area immediately below it.

Structure - A combination of materials forming a construction for occupancy and/or use including, among others, a building, stadium, gospel tent, circus tent, reviewing stand, platform, staging, observation tower, radio tower, water tank, trestle, open shed, coal bin, shelter, fence, wall and a sign.

Structure, Accessory - An attached, semi-detached or detached structure whose use is customarily incidental and subordinate to the principal structure or use, and is located on the same lot as the principal structure or use.

Structure, Non-Conforming - A legal structure existing at the effective date of adoption or subsequent amendment of this Ordinance, which does not conform to the height regulations, area regulations, and/or other provisions prescribed for the Zoning District in which it is located.

Structure, Principal - A structure housing the principal use.

Subdivision - The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development.

Swimming Pool – A water-filled enclosure, permanently constructed or portable above or below ground, having a depth of more than twenty-four (24) inches; designed, used, and maintained for swimming and bathing.

Tennis Court – A firm, rectangular surface with a low net stretched across the center, where the sport of tennis is played.

Theaters – A building or part of a building used to show motion pictures or for drama, dance, musical, or other stage performances.

Tower, Antenna – A structure that is intended to support antennas and related equipment used to transmit and /or receive wireless communication signals.

Travel Trailer - See Recreation Equipment.

Use, Accessory - A use customarily incidental and subordinate to the principal use of a building, structure, and/or land, except parking and/or loading facilities as herein provided.

Use, Non-Conforming; - A legal use of a building, structure, and/or land existing at the effective date of adoption or subsequent amendment of this Ordinance, which does not completely conform with the use regulations and other provisions prescribed for the Zoning District in which it is located.

Use, Principal - The main or primary purpose for which a building, structure, and/or land is designed, arranged, or intended; or, for which it may be used, occupied, or maintained under the Zoning Ordinance. All other structures or uses on the same lot, and incidental or supplemental thereto and permitted under the Zoning Ordinance; shall be considered accessory uses.

Variances - Relief granted by the Zoning Hearing Board upon appeal in specific cases, from the terms of the Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Regulations will result in unnecessary hardship, and so that the spirit of the Zoning Regulations will be observed and substantial justice done. See definition of Hardship.

Visual Obstruction - Any fence, wall, tree, hedge, or shrub, or a combination of them which limits visibility.

Warehousing, Wholesaling and Distribution – A building used primarily for the storage of goods and materials and available to the general public for a fee.

Yard - An open unoccupied space, other than a court, on the same lot with a building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

Yard, Front - A yard across the full width of the lot, extending from any point of a principal building or structure to the road centerline.

Yard, Rear - A yard across the full width of the lot, extending from any point of a wall of a principal building or structure to the rear lot line of the lot.

Yard, Side - A yard between the principal building or structure and the adjacent side lot line of the lot, extending from the front yard to the rear yard.

Zoning - Is the legal and administrative process of dividing the community into Districts or Zones and regulating within such Districts the use of land, and the height, and area of buildings for the purpose of conserving and promoting the health, safety, morals, convenience and general welfare of the people of the community. Zoning is the instrument for giving effect to that part of the Comprehensive Land Use Plan which is concerned with the private uses of, and the private developments on, privately owned land as distinguished from that part which is concerned with public uses and facilities.

Zoning Hearing Board - A group of individuals, created officially by the adoption of the Ordinance and appointed by the governing body, whose purpose and function is to review applications for variances or

exceptions and to decide whether there is legitimate reason for granting the applicant the relief which he desires or the exception which he has requested.

Zoning Map - The Zoning District Map or Maps of the Borough of Sandy Lake together with all amendments subsequently adopted.

Zoning Officer - The agent, or official designated by the Borough of Sandy Lake and charged by law with the administration and enforcement of the Zoning Ordinance.

Zoning Ordinance - The Zoning Ordinance of the Borough of Sandy Lake together with all amendments subsequently adopted.

ARTICLE XIV

APPEALS

SECTION 1400 - ZONING APPEALS

The review or appeal of any provision of this Ordinance or decision, determination, order, or finding of the Borough Council or its agencies or officers shall follow the procedures set forth in Article X Appeals of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended.

ARTICLE XV

VALIDITY

SECTION 1500 – SEVERANCE

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance or the Zoning District boundaries as shown on the Zoning Map, shall be for any reason, declared to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not effect or impair the validity of the Zoning Ordinance as a whole or any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the Zoning Ordinance.

The Borough Council hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, and word thereof, and each Zoning District boundary of the Zoning Map irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, words, or boundaries may be declared illegal, unconstitutional or invalid.

ARTICLE XVI

REPEAL

SECTION 1600 – REPEAL OF THE 1984 ZONING ORDINANCE

The enactment of this Zoning Ordinance contained herein shall hereby repeal in its entirety the Sandy Lake Borough Zoning Ordinance #201 - 1984 as adopted and subsequently amended. No article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the 1984 Zoning Ordinance shall be valid or applicable as law in the Borough.

ARTICLE XVII

CERTIFICATION

SECTION 1700 – CERTIFICATION

I do hereby certify that the foregoing is a true copy of Ordinance Number ____, approved by the Council of Sandy Lake Borough,
Mercer County, Pennsylvania on
BOROUGH SECRETARY

ARTICLE XVIII

EFFECTIVE DATE

SECTION 1800 - EFFECTIVE DATE

The Zoning Ordinance shall take effect ten (10) days after the date of adoption by the Borough Council, Sandy Lake Borough, Mercer County, Pennsylvania.

We hereby certify that the Borough of Sandy Lake Zoning Ordinance was adopted by the Council of Sandy Lake Borough, Mercer County, Pennsylvania this day of A.D., 2021
BOROUGH OF SANDY LAKE
MERCER COUNTY, PENNSYLVANIA

MEMBER OF COUNCIL _____

MEMBER OF COUNCIL _____

MEMBER OF COUNCIL _____

MEMBER OF COUNCIL _____

MEMBER OF COUNCIL _____

MEMBER OF COUNCIL _____

MEMBER OF COUNCIL _____

BOROUGH SECRETARY _____

Sandy Lake Borough
Zoning Map
Proposed 7/12/2021

