

ZONING ORDINANCE NO 99

INDIAN LAKE BOROUGH

ARTICLE ONE

PRELIMINARY PROVISIONS

101. ENACTING CLAUSE.

Be it ordained and enacted by the Borough of Indian Lake assembled and it is hereby ordained and enacted by the authority of the same, that from and after the passage and approval of this ordinance the several classes or districts specified herein shall be established and the following regulations shall be in full force and effect.

102. SHORT TITLE

This ordinance shall be known as the Zoning Ordinance, and the map referred to herein and made a part of this ordinance shall be known as the Zoning District Map.

103. EFFECTIVE DATE

The effective date of this ordinance shall be the date of its ordination and enactment by the Borough of Indian Lake.

104. VALIDITY AND CONFLICT

Should any section or provision of this ordinance be declared invalid, the same shall be affect the validity of the ordinance as a whole now any part thereof other than the part so declared to be invalid. Where a provision of this ordinance is found to be in

conflict with a provision of any building or housing code, or in any applicable health regulations, or in any other ordinance of the Borough of Indian Lake existing on the effective date of this ordinance, the provision which establishes the higher standard for the protection of health, safety and welfare shall prevail.

105. PURPOSE AND INTENTION OF ORDINANCE

The purpose of this ordinance is set forth in general terms in the Act of Legislation which enables the Borough of Indian Lake to enact this Ordinance. The provision of this ordinance shall be held to be the minimum requirements for the health, safety and welfare of the people at large and be designed to encourage the establishment and maintenance of reasonable community standards of the physical environment.

It is fundamental to the purpose of this ordinance to recognize that existing lots of properties throughout the Borough of Indian Lake are less adequate than others because of their location, size, shape, different topography or any combination of these factors and limitations. A claim of hardship under this ordinance therefore shall not be allowed on behalf of any lot because of the physical characteristics of the lot prevent it from being built upon exactly as on another lot abutting it or close to it in the same zoning district. The regulations herein permit most such lots to be built upon through variances (minor concessions) granted by the Zoning Hearing Board when such physical conditions make literal enforcement of the regulations either unsatisfactory to the interest of the people at large or actually impossible.

106. PURPOSE AND COMMUNITY DEVELOPMENT OBJECTIVES

The purpose of this Zoning Ordinance shall be designed:

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

B. To prevent one or more of the following:

Overcrowding of land, blight danger and congestion in travel and transportation, loss of health, life or property from fire, flood panic or other dangers. This Zoning Ordinance has been made in accordance with an overall guiding Plan which has given consideration to the character of the municipality, its various parts, the suitability of the various districts for particular uses and structures, and the various legal decisions respecting the types of housing required.

C. To facilitate the development of the Borough in an orderly fashion, fulfilling its overall objectives primarily as a single-family residential and recreational area, together with promotion of its various recreational facilities, all of which must be done in a way which will preserve the natural beauty of the area and in a way which will provide continual sound fiscal growth.

07. FILING.

This ordinance including the Zoning District Map, together with any succeeding amendments thereto, shall be on file and may be viewed by any interested party in the Borough Office.

ZONING ORDINANCE NO. 99

INDIAN LAKE BOROUGH

ARTICLE TWO

RULES AND DEFINITIONS

201. RULES

The following rules of construction shall apply to this ordinance:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.

202. DEFINITIONS

A. Accessory Building or Structure. A building or structure subordinate to the principal building on the property used for purposes customarily incident to those of the principal building.

B. Accessory Use. A subordinate use which is clearly incidental and related to that of the main structure or main use of the land.

C. Agriculture. Any use of land or structures for farming, dairying, pasturage, agronomy, horticulture, floraculture, arborculture, forestry, lumbering, animal or poultry husbandry. Accessory uses permitted may include barns, stables, cribs, silos and any other use that is clearly an agricultural operation.

D. Alterations. As applied to a building or structure, a building or structure, a change or rearrangement in the structural parts or in the exit facilities or an enlargement whether by extending the side or increasing the height or the moving from one location to another, or any change in use from that of one zoning district classification to another.

E. Alterations Structural. Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams, girders or foundations.

F. Awning. A temporary or permanent structure extending out and over the upper part of a door, window or porch and serving as a protection from sun or rain. A covering which extends more than 48 inches from the building shall not be considered an awning for the purposes of this ordinance.

G. Board. All references to the Board are to be Zoning Hearing Board for the purposes of this ordinance.

H. Boat. The term boat shall include all self propelled motor vehicles used in or on the water, all sailboats and all other water craft of any length.

I. Borough. All references to the Borough are to the Borough of Indian Lake.

J. Borough Zoning Enabling Act. The Borough zoning enabling act is the Pennsylvania Municipalities Planning Code, Act of 1968, July 31, P.L. 805, as amended; 53 P.S. Sections 10101 et seq.

K. Building. A structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

L. Building Height. The total number of stories in a building, and the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs and to the mean height between eave and ridge for gable, hip and gambrel roofs.

M. Building Official. The duly authorized executive officer appointed by the Borough Council under the building code of this Borough, Ordinance Number 10 and amendments thereto who shall also serve under this ordinance as Zoning Officer.

N. Church, Cathedral or Temple. A place of actual group religious workshop.

O. Committee or Commission. The duly authorized members of the Planning Commission or Planning Committee as appointed by the Borough Council.

P. Council. The Council of the Borough of Indian Lake.

Q. Curb Level. The elevation of the established curb opposite a point midway between the extremes of the plane of the existing or proposed structure which faces the curb.

R. Dwelling. A building or portion thereof designed for and used exclusively for residential occupancy, including one-family, two family and multiple family dwellings but not including hospitals, hotels, boarding houses, institutional homes, rooming houses, motels, tourist courts, trailers (except for Mobile Homes as defined herein in Section 202, 00) and the like.

S. Dwelling One-Family. A detached building designed for and occupied exclusively by one family.

T. Dwelling Two-Family. A building designed for or occupied exclusively by two families living independently of each other with separate dwelling entrances.

U. Dwelling Multiple-Family. A dwelling or group of dwellings on one plot containing separate living or dwelling homes for three or more families but which may have joint services or facilities or both.

V. Dwelling, Row. A multiple-family dwelling divided by a common wall or a portion thereof into distinct and non communicating homes, each home of which has direct access to the outdoors.

W. Dwelling Unit. A portion of a building providing one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, having no sanitary or cooking facilities in common with any other unit but having a common entrance or entrances to the outdoors.

X. Family. One or more persons related by blood, marriage or adoption or two or more unrelated persons living as a household which may include servants or gratuitous guests.

Y. Fish and Wildlife Preserve. Areas within the Borough left in open space but in its natural state with no construction other than paths or wildlife feeding stations, for the use of Borough residents.

Z. Garage, Community. A single building or a group of minor garages erected for the use of adjacent property owners or residents of multiple or row dwellings, used for the storage of motor vehicles but not for repair or maintenance thereof.

AA. Garage, Private. An accessory building attached or detached from a Dwelling for the use of motor vehicle storage, landscaping equipment and other ancillary uses strictly for the residents of the property on which the garage is erected.

BB. Garage, Public. Any building used for the storage and/or repair of motor vehicles not defined as a garage under the above Section 202, and AA.

CC. Home Occupations. Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling and which is carried on by a member of a family residing on the premises. A home occupation includes, but is not limited to the following:

1. Art Studio;
2. Dressmaking;
3. Professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent or other similar occupation;
4. Teaching, including musical instruction.

DD. Hotel. A building designed for occupancy primarily as a temporary abiding place of individuals who are lodged with or without meals. Such a building may also have public rooms, ballrooms, public dining facilities and services such as maids, housekeeping and business facilities.

EE. House Trailer. Any vehicle or portable structure used for living or sleeping purposes.

FF. Landowner. The legal or beneficial owner of land including the holder of a contract or option to purchase (whether or not such option or contract is subject to any

conditions), a lessee if he is authorized under the lease to exercise the rights of a landowner, or other person having a proprietary interest in land.

GG. Loading Space. An off street space or berth abutting upon a street or way or other means of access, intended for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

HH. Lot. A parcel, tract or area of land accessible by means of a public street. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder of Deeds, or it may include parts of or a combination of such parcels when adjacent to one another and used as one parcel under one ownership.

II. Lot Corner. A lot at the point of intersection of and abutting on two or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of two street lines.

JJ. Lot Depth. The means horizontal distance between the front lot line and the rear lot line measured midway between the side lot lines.

KK. Lot Line Front. In the case of an interior lot, the line separating the lot from the street. In the case of a corner lot, the line separating the narrowest frontage of the lot from the street.

LL. Lot Platted. As used in the Zoning Ordinance refers to a lot, whether the same appears in a recorded deed or appears upon a recorded or unrecorded plat or plan, which was laid out by the original developers of the Indian Lake Borough, Allegheny Mountain Lakes Inc. and Wenatchee, Inc.

MM. Lot Width: The dimension of a lot as measured between the side lot lines on the building line.

NN. Major Traffic Thoroughfare. A main traffic artery designed on the Zoning District Map as "Major Traffic Thoroughfare".

OO. Major Excavating, Grading or Filling. Any operation (other than in connection with the foundation for a structure) involving:

1. Major alteration of the ground surface so as to affect streets, recreation sites, other public facilities and private property within one thousand (1000) feet of the intended operation or:
2. A volume of earth movement exceeding an average of one half (1/2) of a cubic yard per square foot or sixteen thousand (16000) cubic yards whichever is the lesser; or
3. A change in ground elevation exceeding five feet.

PP. Mobile Home. A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of being separated for repeated towing which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

QQ. Mobile Home Lot. A parcel of land in a Mobile Home Park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

RR. Mobile Home Park. A parcel of contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

SS. Nonconforming Use. A use, whether of land or structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

TT. Nonconforming Lot. A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

UU. Nonconforming Structure. A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include but are not limited to signs.

VV. Office Building. A building designed or used primarily for office purposes no part of which is used for manufacturing or a dwelling other than living quarters for a watchman or janitor.

WW. Park, Private. Refers to the areas of open space in the Borough, surrounded by, or which surrounds residential lots and which is owned in common or joint ownership

by the said owners of said lots and/or the original developer or the Borough, their successors or assigns.

XX. Parking Area. An open space other than a street or way used for parking of only automobiles.

YY. Park, Public. An area owned or operated by the Borough or a Borough Recreational Authority used for the enjoyment of the residents of the Borough but not confined in use as stated in Section 202, Y "Fish and Wildlife Preserve" above, but which may have other restrictions and regulations for use.

ZZ. Porch. A roofed open structure projecting from the front, side or rear wall of a building.

AAA. Professional Office. A room or rooms used for the carrying on of a professional occupation.

BBB. Public Hearing. A formal meeting held pursuant to public notice by a governing body or planning agency, intended to inform and obtain public comment prior to taking action in accordance with this act.

CCC. Public Building. A building or structure owned or leased by a government agency and used for a public purpose.

DDD. Public Meeting. A forum held pursuant to notice under the act of July 3, 1986, P.L.388, No.84, S S 1, et seq., as amended, known as the "Sunshine Act," 65 P.S. S S 271, et seq., as amended.

EEE. 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 any hearing for which such notice is required by statute or by the Zoning Ordinance and the particular nature of the matter to be considered at such hearing. The first publication shall be not more than thirty (30) days and the second publication not less than seven (7) days from the date of such hearing.

FFF. Sign. Any surface, fabric or device being lettered, pictorial or sculpted matter designed to convey information visually and exposed to public view, or any structure designed to carry the above visual information.

GGG. Sign, Area of. The entire surface on each plane or planes on which the letters, numbers, words or symbols or any pictorial matter appear and shall include any border.

HHH. Sign Illuminated. A sign lighted by means of lamp or other lighting devices constructed within or outside away from the sign but which is an integral part of the advertising effect.

III. Sign, Nonconforming. A sign lawfully existing on the effective date of this ordinance or subsequent amendments hereto which does not completely conform to the sign regulations applicable in the district in which it is located.

JJJ. Sign, Overhanging. Any sign suspended from a building, pole or other object irrespective of any restraining bracing.

KKK. Story. That part of a building between a floor and a roof above, except that the first story of any building is the lowest story for which at least seventy five

percent of the area of its outside walls are above the average level of the ground adjacent to the said walls.

LLL. Story Half. A story with a cubic content of not more than fifty (50%) percent of the first story of a building.

MMM. Street. A strip of land at least thirty three (33) feet in right of way width over which the owners of abutting property have the right of light, air and access. Such a strip of land used for the same purpose as a street but less than thirty three feet in right of way width shall be referred to as an Alley.

NNN. Terrace. A natural embankment between a building and its lot lines. The height of a terrace shall be the difference in elevation between the lot lines and the finished grade at the time of building.

OOO. Use. The specific purpose for which land or a building is designed or for which it may be occupied or maintained. The term permitted Use shall not be deemed to include any non-conforming use.

PPP. Yard Corner. A front yard extending the full length of a street line. The set back requirements for corner lots or yards shall conform to the set back requirements of each of the intersecting streets.

QQQ. Yard, Front. A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lampposts, landscaping or similar structures the depth of which is the least distance between the lot line and the building line.

RRR. Yard, Rear. A yard extending across the full width of the lot between the rear of the principal building and the rear lot line, unoccupied by other than accessory buildings which do not occupy more than thirty (30%) percent of the space, steps, walks, terraces, driveways, lampposts and similar structures and a depth of which is the least distance between the lot line and the rear of such building.

SSS. Yard, Side. A yard between the side of the building and the side lot line extending from the front yard or the front lot line where no front yard is required to the rear yard. The width of said side yard is measured horizontally and at ninety degrees (90) with the side lot line from the nearest part of the principal building.

TTT. Zoning, Hearing Board. A Board appointed by the Council to perform the functions of a Zoning Hearing Board under the Pennsylvania Municipalities Planning Code.

UUU. Zoning Administrator or Officer. The officer appointed by the Council to administer this Zoning Ordinance and also known as the Building Official.

ZONING ORDINANCE NO 99

INDIAN LAKE BOROUGH

ARTICLE THREE

DISTRICT AND DISTRICT MAP

301. GENERAL CLASSIFICATION

For the purpose of this Ordinance, the Borough of Indian Lake is hereby divided into classes of Districts which are designated as follows:

<u>Residence Districts:</u>	R-1	One family Detached Dwelling
	R-2	One Family Detached Dwelling (including, Mobile Homes); Two Family Dwelling, Row Dwelling
<u>Recreation Districts:</u>	P-1	Private Parks
	P-2	Public Parks
<u>Business Districts:</u>	C-R	Commercial Recreational
	C-M	Commercial Marina
	C-G	Commercial General
	A	Agricultural

302.

The boundaries of said districts shall be shown upon the Zoning District Map. The Zoning District Map shall be kept on file at the office of the Borough of Indian Lake and shall be available for examination by the public at such times as the office is open for business. Copies of said Zoning District Map shall be made for the use of the Borough Council; The Planning Commission and the Zoning Board upon the order of their respective Presidents or Chairman.

303.

The boundaries between Districts are, unless otherwise indicated, on the centerline of streets or roads, boundary lines of separate tracts of land, delineated by the shoreline of Indian Lake, the shoreline of streams or a line having as its location a natural boundary.

304.

In R-1 Districts the minimum living area of private dwellings shall be Twelve Hundred (1200) square feet on the first floor exclusive of porches, basements and garages. In R-2 Districts the minimum area of a dwelling unit whether a single family, two family or row dwelling shall be Nine Hundred (900) square feet of living area exclusive of porches, basements and garages. In any "A" Frame type structure the loft area may not be included in calculating the square feet of living area. Mobile Homes in a designated Mobile Home District must have a minimum of Six Hundred Fifty (650) square feet of living area exclusive of porches, basements and garages.

305.

In all Districts no mobile homes, excepting where zoning permits, house trailer, camper, trailer, motor home, vans, tents, or their equivalent are permitted to be occupied within the Borough of Indian Lake. None of the above may be placed on any tract or lot on which no construction has taken place excepting that there may be parked up to two (2) boat trailers which may be parked on owner's property and not on any road or right of way of the Borough or adjacent property owners.

306.

On all lots that boarder Indian Lake, no portion of a storage shed may be constructed closer to the Lake than the rear building line of the dwelling on the lot.

307.

The natural shore line of Indian Lake shall not be altered, extended or diminished without a prior written encroachment permit from the Borough Council of Indian Lake or its assigns.

308.

In all districts all land which has been designated a lot on a record lot plan or on an unrecorded plan laid out by Allegheny Mountain Lakes, Inc. or Wenatchee, Inc. or designated as a lot in a recorded deed or as provided in Section 310, below, as lots may not be subdivided. Any lot which is created by subdividing an existing tract and where such lot borders Indian Lake, the dimension of the lot at the lake front shall be not less than one hundred feet.

309.

As of the date of ordination and enactment of this ordinance all parcels of land two (2) acres or less in size, are herewith designated as lots within the meaning of Section 309 above.

310.

As of the date of ordination and enactment of this ordinance all parcels of land two (2) acres or more in size which have one dwelling built upon said parcel shall not be sub-divided further excepting by application for designation and approval as a Planned Residential Community under the meaning and provisions as set forth in Article Twelve (12) of this ordinance.

311.

As of the date of ordination and enactment of this ordinance all parcels of land two (2) acres or more in size which do not have any dwellings built upon said parcel shall be permitted to subdivide said parcel into one two acre parcel, on which one dwelling

may be built in conformance with Article Five of this ordinance, and one residue of said parcel. No further subdivision of the residue may take place unless and until application is made and approval is received to have the residue designated as a Planned Residential Community under the meaning and provisions as set forth in Article Twelve (12) of this ordinance.

312.

From and after the date of ordination and enactment of this Ordinance, no secondary structure such as, but not limited to, a private garage, shall be built on any lot within the Borough unless and until, or at the same time, a dwelling house has been built or is being built upon said lot, except that the owner of a lot without a dwelling house on it may build thereon one boat dock and/or boathouse, one boat slip, one storage shed and one storage locker, as described in Section 501 hereof, if he or she owns a dwelling house on another lot within the Borough; in such cases, the lot upon which the boat dock or boathouse is to be built and the lot upon which the owner's dwelling house is situated need not be contiguous. (Amended December 8, 1999 by Ordinance No. 115; and on February 12, 2003 by Ordinance No. 128).

313. AGRICULTURAL DESIGNATION.

Land that has been historically used for agriculture purposes including, but not limited to the growing of crops, raising and/or pasturing any form of livestock and forestry purposes has been zoned Agricultural. On land which has been zoned A-Agricultural the Borough Council will support a petition by the landowner to the County Assessment Board to reduce the tax assessment on the land concerned to the county wide agricultural rate.

314. HOME OCCUPATIONS

There shall be no home occupations permitted within any district except that the following home occupations shall be permitted in R-1 and R-2 Residential Districts:

A. The operation of a Home Office in a R-1 or R-2 Residential District shall be permitted, including the routine activity of operating a business involving the receipt and sending of letters and packages; the receipt and sending of electronic mail; the conduct of electronic commerce via the world wide web/internet; the making and receiving of telephone calls; the publishing of the phone number and/or internet address of such business; and keeping and storing business records, supplies or products in the interior of the home. The exterior display of nameplates or signage indicating the name or nature of the business is prohibited.

B. The conduct of a Home Occupation in a Home Office may include; the accessory use of the structure for a sale or service related business capable of being conducted within or from a residential dwelling by its residents which is clearly secondary to the residential use of the dwelling. The business activities defined in this Section 314 shall only be conducted by persons who reside in the dwelling where the Home Office is operated. Any business or professional activity which creates a flow of consumers, clients and/or other traffic to the home office is prohibited. The use of business equipment in a Home Office which creates offensive noise, vibration, dust, odors, heat or smoke is prohibited.

C. Exterior parking and/or exterior storage of more than one work-related vehicle related to a Home Office is prohibited. This prohibition shall not apply to un-lettered family vehicles. A work related vehicle shall include a vehicle registered as a commercial vehicle by the Pennsylvania Department of Transportation or any vehicle with business-related lettering or signage. The parking or storage of any commercial vehicle, business related or non-family vehicle over twenty thousand pounds (20,000 lbs.) gross vehicle weight (GVW) is also specifically prohibited. (Added July 11, 2001 by Ordinance No. 123.)

ZONING ORDINANCE NO 99

INDIAN LAKE BOROUGH

ARTICLE FOUR

GENERAL PROVISIONS.

401. CONFORMANCE AND PERMITS.

No building or land, after the effective date of this ordinance, except for existing non-conforming uses, shall be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified and/or required by all laws and ordinances.

402. COMPLIANCE WITH REGULATIONS.

No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater or lesser percentage or lot area, or to have a narrower or smaller rear, side or front yard than is specified herein for the district in which the building is located.

403. YARDS.

No part of a yard or other open space around a building required for compliance with the provisions of this ordinance shall be included as a part of a yard or open space similarly required for another building.

404. SUBSTANDARD DWELLINGS.

No structure shall be used or occupied as a dwelling if such structure is in need of such major structural repairs as to render it unsafe or unsanitary, or if the premises do not have connection with a municipal sewer system or alternative sanitary sewage facilities approved by the local public health authorities having jurisdiction. No structure shall be

occupied as a dwelling place unless said structure is permanently attached to the ground by a permanent foundation or slab built with concrete footer below the frost line, except as otherwise provided herein.

405. USES REQUIRING SITE PLAN APPROVAL.

Building permits issued for any use in any district shall require site plan approval by the Indian Lake Planning Commission, and/or its Zoning Officer. The plan shall, if submitted to the Commission, be at least fourteen (14) days prior to any regular scheduled meeting. In addition to conforming to all specific requirements in this ordinance the Commission may recommend changes in the site plan which they deem necessary to promote orderly development of the area. In addition to the specific requirements of the district regulations the site plan drawn to accurate scale will indicate the following:

- A. Location of the property with respect to adjacent streets and property owners.
- B. Critical dimensions of all required setbacks, paving, driveways, parking areas, landscaped areas and other pertinent features.
- C. Traffic circulation within the site and location of vehicular access to the site.
- D. The height and bulk of structures, location of all signs, fences, and walls to be constructed on the site.
- E. Provision for storm drainage including flow, catch basins, location and size of sewers and discharge points from the site.
- F. Location of all connections to utilities serving the site.
- G. Upon approval of the plans by the Planning Commission and/or the Zoning/Building Officer the construction must be started within ninety (90) days from the date of issuance of the permit and shall expire one (1) year from date of issuance unless a specific extension has been granted by the Commission because of weather, size of the project or special circumstances where undue hardship may exist.

H. The Planning Commission in considering any plan will consider the safety, convenience, traffic, beneficial relationship to adjacent buildings and sites and overall development in a manner not detrimental to the public at large. The Planning Commission shall report its findings and recommendations to the Zoning/Building Officer within two weeks following the review meeting.

I. The Planning Commission may delegate to the Zoning/Building Officer any approval of applications under this section of the Ordinance.

406. PUBLIC UTILITY USES.

Public utility uses for the transportation, distribution and control of water, sewage, gas, electricity, oil, stream, telephone communications, cable television and their supporting members shall not be required to be located on a zoning lot nor be held to reduce yard dimensions for buildings on a lot.

407. LOTS OF RECORD NOT MEETING REQUIREMENTS.

Nothing in the district regulations shall be held to prohibit the erection of a Single Family Detached Dwelling upon a lot whose size is inadequate to meet the lot area requirements set for the district providing such lot on the effective date of this ordinance was held under separate ownership from the adjoining lots or is a lot in a recorded plan which complies with all district regulations excepting lot area requirements.

408. SITE RESTORATION BOND.

A site or road restoration bond to assure restoration of the site or road to an approved condition in the event proposed construction of a development in accordance with approved plans and zoning requirements does not occur may be required at anytime in an amount to be determined and approved by the Borough of Indian Lake.

409. CONTINUANCE.

The lawful use of a building, property or land existing at the time of the effective date of this ordinance may be continued, even though such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building or land may be changed to another non-conforming use of the same, a more restricted use or to a conforming use; such use shall not be hereafter changed to a less restricted one. Whenever the use of a building, property or land becomes non-conforming through a change in the zoning ordinance or district boundaries, such use may be continued and if no structural alterations are made it may be changed to another or more restrictive classification. Such a determination shall be made and property certified by the Zoning Hearing Board prior to the issuance of a building or occupancy permit.

410. DISCONTINUANCE OF USE.

Whenever a non-conforming use of property, building, sign, structure or part has been discontinued for a period of twelve (12) consecutive months said non-conforming use shall be presumed to have been abandoned and the use of the premises thereafter shall be in conformance with the regulations of the district.

411. ALTERATIONS, EXTENSIONS AND/OR ENLARGEMENTS.

No existing building or premises devoted to a use not permitted in the district in which such building or premises is located shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted in the district in which such building or premises is located or unless approved by the Zoning Hearing Board.

412. PROVISIONS FOR RECONSTRUCTION.

Any building or structure devote to a non-conforming use which is damaged by fire, flood, wind or other natural or man made catastrophe, to the extent of seventy five (75) percent or more of its fair market value immediately prior to the damage shall not be repaired excepting in such manner as will not be detrimental to the character of the

neighborhood. In the event that the Zoning Officer's estimate of the damage of fair market value is not acceptable to the applicant for the building permit to repair or reconstruct such building or structure the applicant may appeal to the Zoning Hearing Board. In such cases.

A. The owner shall obtain a building permit and submit a plan to be approved by the Planning Commission or Zoning Officer.

B. The Building construction shall commence within ninety (90) days from the date the building was destroyed and shall be continued without interruption.

413. CONSTRUCTION IN PROGRESS.

No building or structure designed or intended to be used for a non-conforming use shall be allowed unless construction is already underway at the time of the enactment or subsequent amendment of this ordinance, and is being diligently prosecuted so that such building will be completed within eighteen (18) months from said time. All outstanding building permits for construction which do not meet the requirements provided herein are hereby rendered null and void. Said structures must be completed before an occupancy certificate is granted.

414. CLEARING OF VEGETATION.

In any private part district no living vegetation shall be cleared therefrom except on the issuance of a permit which permit shall be issued only by a showing to the Zoning Officer that the said clearing has been assented to in writing by a majority of the persons owing an interest in said private park.

415. DECORATIVE STRUCTURES.

Decorative structures, defined as a gazebo, a statue, a decorative fence enclosing a flower or garden or a similar structure on a lot in districts zoned R-1 may be permitted under the following conditions:

A. The height shall not exceed eleven (11) feet and the Gross Area shall not exceed one hundred fifty (150) square feet.

B. A Building Permit must be obtained after review of the application by the Planning Commission.

416. CUTTING OR REMOVAL OF TREES.

No trees over three (3) inches in diameter, as measured at a point two (2) feet above the level of the ground, may be cut in any district in Indian Lake Borough unless a Clearing Permit has first been obtained from the Zoning Officer. A Clearing Permit shall be in force for no more than six (6) months from the date of issue. No Clearing Permit shall be issued unless a Building Permit has been issued excepting in cases where the removal of a tree or trees is necessary to provide for the public health, safety, welfare or where removal would prevent property damage of the applicant.

ZONING ORDINANCE NO 99

INDIAN LAKE BOROUGH

ARTICLE FIVE

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

501. USE.

In this district the land and structures may be used and structures may be erected, altered, enlarged and maintained for the following uses only:

"R-1" - One Family Detached Dwellings

A. Permitted Uses

1. One family Detached Dwelling
2. Cultivation of Plants on a non-commercial basis.
3. Accessory uses customarily incidental to the above permitted uses and including:

- (a) a private garage with a capacity of not over three (3) nor less than one (1) car(s) nor over eleven hundred (1100) square feet in area.
- (b) A name plate not exceeding four (4) square feet in area.
- (c) One storage shed not exceeding one hundred forty four (144) square feet in floor area and/or one storage locker not to exceed thirty-two (32) square feet in area and four (4) feet in height will be permitted. Under no circumstances will metal storage sheds or storage lockers be permitted. Approval will be required from the Zoning Officer as to the location, design and type of material to be used in conjunction with boat docks, boat slips, storage sheds and storage lockers so as to protect the aesthetic value of the lake and its surroundings. **(Amended February 12, 2003 by Ordinance No. 128.)**

(d) Owners of developed and undeveloped lake front lots are permitted to have a boat dock/or boat slip. Under no circumstances shall a docked boat or personal watercraft encroach in front of an abutting owner's property. **(Amended February 12, 2003 by Ordinance No. 128.)**

(e) A tennis court, a swimming pool and children's playground equipment.

4. Home offices as defined in Article Three, Section 314 of this Ordinance. **(Added July 11, 2001 by Ordinance No. 123.)**

B. **Height.** The maximum height of buildings hereafter erected or altered shall be as follows:

1. One family detached dwelling - Thirty five (35) feet.
2. Boat House or Boat Life - Fifteen (15) feet above the normal pool level of Indian Lake.
3. Boat Dock - Four (4) feet in height above the normal pool level of Indian Lake.
4. Accessory Building - twenty (20) feet.

C. **Building Area.** The building area or floor area of buildings hereafter erected shall be as follows:

1. One Family detached dwelling - the minimum living area of a private dwelling house, exclusive of porches, basements and garages shall be twelve hundred (1200) square feet on the first floor. In an "A" frame type structure the loft may not be used in calculating the minimum square footage.

2. A boat house shall not exceed twenty six (26) feet in width or the water front and must be built over an excavated slip and not extend out into the lake.
3. A Storage shed may not exceed one hundred forty four (144) square feet in floor area.

D. Lot Area. The minimum lot area for any building hereafter erected or altered shall be as follows:

1. The same size with the same dimensions as shown of the plot plan of the original developer or -
2. Where any lot is subdivided from an existing larger tract within the Borough, the lot must be a minimum of $\frac{3}{4}$ (.75) Acre in size with a minimum road frontage which meets or exceeds the Somerset County Zoning Ordinance requirements. For lake lots, the lake frontage must be at least 100 feet. (Amended August 14, 2002 by Ordinance No. 125.)
3. Where a boat dock is constructed it must not extend into the Lake more than thirty (30) feet.

E. Yard Area and Set Backs. No building may be erected or enlarged unless the minimum yard area and set back of buildings are provided as follows:

1. Front Yard-Not less than one third the lot depth or in any case not less than one hundred (100) feet from the lot line bordering the street, or in the case of a Lake Front Lot, the lot line bordering the Lake.
2. Side Yard-Not less than ten (10) feet at any point along the side lines.
3. Composite minimum width for both side yards - not less than twenty (20) feet at any point.

"R-2" One Family (including, Mobile Homes); Two Family or Row Dwellings

502. USE.

A. Permitted Uses.

1. Single and Two Family Detached Dwellings.
2. Row Dwellings.
3. No platted lots subdivided by the original developer as shown on the existing Plot Plans shall be used for any structure other than a One Family Detached Dwelling.
4. Any other lots created or subdivided shall conform with all provisions of Article Twelve (12) of this ordinance.
5. In the case of One Family Dwellings in an R-2 Area all of the provisions of Section #501 above shall apply.
6. No accessory buildings shall be built in an R-2 Area such as those permitted to One Family Detached Dwellings, unless such buildings are for Community or Group use and conform to the provisions of Article 12, Section 1203, D., and to all of the relevant requirements of Section Twelve on Planned Residential Communities.
7. Home Offices as defined in Article Three, Section 314 of this Ordinance. (Added July 11, 2001 by Ordinance No. 123.)

B. Height. The maximum height of buildings hereafter erected or enlarged shall be as follows:

1. No dwelling or group of dwellings shall exceed 35 feet in height.

C. Lot Area. The minimum land area for a dwelling unit in an R-2 District shall be not less than twenty five thousand (25,000) square feet. This area is to be determined

by dividing the total land area utilized for the group of dwelling units by the number of units which participate in the joint holding of the land.

D. Setbacks. The setbacks for any group of dwelling units in this area shall be that as set forth in Article 12, Section 1205.

E. Building Area. The minimum living area for any dwelling except Mobile Homes shall be not less than Nine Hundred (900) square feet exclusive of porches, basements, and garages. In an "A" Frame structure the loft may not be used to calculate the minimum square footage. The minimum living area for Mobile Homes shall be not less than Six Hundred Fifty (650) square feet exclusive of porches, basements, and garages.

F. Mobile Homes. Mobile Homes will be permitted only in that district specifically allocated to Mobile Homes. Requirements in this area shall conform to all of the applicable requirements relating to single family detached homes and all of the subdivision requirements of the Planned Residential Community in Section Twelve (12) of this ordinance.

ZONING ORDINANCE NO 99

INDIAN LAKE BOROUGH

ARTICLE SIX

PROVISIONS GOVERNING PUBLIC AND PRIVATE PARKS

601. USE OF PRIVATE PARKS. (P-1)

In this district the land shall remain in its natural state and be subject to the following restrictions:

A. Permitted Uses.

1. No structures, temporary or permanent shall be placed on any park property with the exception that one boat dock or boat lift and a storage locker not to exceed thirty two (32) square feet in area and is an integral part of the dock lift or stairway may be allowed for each park lot owner providing a building permit has been obtained from the Borough Zoning Officer.
2. No tents, trailers, sheds or mobile homes may be placed on park property and no roads may be built thereon. No motor vehicles are permitted on park property other than those actually required during construction of boat facilities.

B. Height

1. Boat lift may not exceed eleven (11) feet in height above the normal pool level of the Lake.

C. Lot Area

1. A boat dock shall not extend more than thirty (30) feet from the natural shoreline.
2. Owners of developed and undeveloped park lots are permitted to have one boat dock or boat slip per each 25 feet of lake frontage owned. The said dock shall be

no wider than 60 inches in width and shall be located in the center of the 25 feet of the subject park lot's lake frontage, terrain permitted. Under no circumstance shall a docked boat or personal watercraft encroach in front of an abutting owner's property. One storage locker not exceeding fifteen (15) square feet in area five (5) feet wide by three (3) feet deep and four (4) feet in height will also be permitted, as long as it is built as an integral part of the boat dock. Under no circumstances will metal storage lockers be permitted. Approval will be required from the Zoning Officer as to the location of said boat dock and/or storage locker. Approval is also required as to the design and type of material to be used in conjunction with the storage locker. (Amended February 12, 2003 by Ordinance No. 128.)

602. USE OF PUBLIC PARKS (P-2)

In these districts the land shall remain in its natural state and be subject to the following restrictions:

A. No structures, temporary or permanent, shall be placed on or in this district excepting where the preserve is owned by the municipality, in which case a structure for shelter may be built by the municipality.

B. No roads shall be built thereon and no tents, trailers, sheds, mobile homes or vehicles or any sort shall be used or placed thereon other than work vehicles used during construction or clearing for which a proper permit shall have been issued by the Zoning Officer. Hiking trails will be permitted only when designed and built by the Municipality.

C. No activity shall be permitted which would adversely affect these districts or affect the use thereof by any fish or wildlife presently existing in the district or that may be introduced into the district.

D. No living vegetation shall be cleared or removed from these districts unless by proper permit obtained from the Zoning Officer. It being the purpose of this section of the Zoning Ordinance to save as much of the land within the Borough in its natural state,

no activity will be permitted which would adversely affect the land, the water, the vegetation, the air, the sub-surface or the natural resources of these districts.

E. As an exception to the above Section 602 the construction of new wetlands which are designed to improve the quality of the water flowing into Indian Lake will be permitted providing they have been designed in accordance with the rules and regulations established by the Department of Environmental Resources of the Commonwealth of Pennsylvania and have been permitted by them if required. Where land has been designated as "Fish and Wildlife Preserve" it must be left in its natural state with no construction, trails or vegetation disturbed.

ZONING ORDINANCE NO 99

INDIAN LAKE BOROUGH

ARTICLE SEVEN

PROVISIONS GOVERNING BUSINESS DISTRICTS

C-G Commercial General

The General Commercial Districts are intended for the conduct of general business to which the residents of Indian Lake have direct and frequent access, but which is not characterized by constant heavy trucking or by any nuisance factor other than that occasioned by incidental light noise of a congregation of people and/or vehicles.

701. USE

A. In this district the land and structures may be used and the structures may be erected, altered, enlarged and maintained for commercial uses listed hereunder:

1. Medical Offices or Clinic
2. Offices, Business or Professional
3. Aircraft Hangers or Fixed Base Operation
4. Fueling and Maintenance or Aircraft
5. Garden Supplies or Nursery
6. Post Office
7. Sporting Goods Store
8. Theater, Lecture Hall or Meeting Rooms
9. Club or Fraternal Organization
10. Churches and Religious Organizations
11. Light Industrial
 - a. Animal Hospital
 - b. Bakery

- c. Cabinet making establishments and carpenter shops
- d. Clothing Factory
- e. Computer Software Manufacturer
- f. Dairy
- g. Laundry
- h. Optical goods factory
- i. Printing, publications, and engraving plant
- j. Research and development organization
- k. Storage firm
- l. Any other type manufacturing - light industrial use as approved by the Zoning Hearing Board.
- m. Accessory use or building customarily incidental to the above permitted uses and as regulated by this ordinance.

12. General Retail Sales

B. Height. The maximum height of buildings in these districts shall be thirty five (35) feet.

C. Lot of Yard Area. No building shall be hereinafter erected, enlarged or altered unless the following areas are provided:

- 1. Front Yard-Not less than one hundred (100) feet to street.
- 2. Side Yards-Not less than fifty (50) feet where abutting a street or alley; not less than fifteen (15) feet from any side property line and a rear yard of not less than twenty five (25) feet from any property line.
- 3. An overall area of property not less than one half (1/2) acre and any building erected thereon shall not cover more than forty (40) per cent of the total lot area.
- 4. Sewer and Water-Rest Room must be provided within the building and no building may be used as a residence or used for habitation. Adequate facilities for sanitation and water must be provided before an occupancy permit may be given.

5. All activities shall be conducted within a completely closed building excepting nurseries.

D. An occupancy permit for a commercial building and use in this area may be obtained from the Zoning Officer after proper application and approval by the Planning Commission and the Borough of Indian Lake stating that all of this ordinance has been compiled with and that the following documents have accompanied the application and have been approved.

1. Traffic Study-Must include a comparative analysis of present capacity of street(s) adjacent to proposed business with potential capacity and volume generated by the proposed business together with off street parking adequate for the maximum potential predicted plus off-street loading where such loading is required by the business.

2. Landscape Development Plan-Must include a plan of landscaping which shall have a distance of at least five (5) feet in width along all streets and walks, with exception of entrances, to be planted with trees, shrubbery and/or other landscape material or an ornamental fence or wall serving as a visual screen for parking, loading and service areas. In addition a landscaped screen must be provided whenever the property abuts a residential area including a residential area separated by a street.

3. A Site Plan which may include the landscape plan together with the location, size and design of all signs which are proposed to be installed. Any signs must conform with the conditions of signs contained in other sections of this ordinance.

4. Other Permits-Copies of all other permits which may be required by various health, safety or other similar regulatory bodies must be submitted and accompany applications for a building or occupancy permit.

A-AGRICULTURE

The Districts zoned Agriculture are those which have been historically used for those purposes and are presently used as such or are large tracts ten (10) acres or more in area with a single home constructed thereon.

702. USE AND CONFORMANCE

All present structures on land within these districts are accepted as being conforming within the meaning of this ordinance. Any further structures should generally conform to the restrictions contained in the definition of an Agricultural District insofar as possible considering the use to which they will be put.

ZONING ORDINANCE NO 99

INDIAN LAKE BOROUGH

ARTICLE EIGHT

PROVISIONS GOVERNING RECREATIONAL DISTRICTS

C-R Commercial Recreational

801. USE

The Commercial Recreational Districts are intended to govern the two major recreational land areas within Indian Lake Borough i.e. The Peninsula Golf Course Area and the Indian Lake Lodge Area. Any uses not conforming to this ordinance and presently existing are uses which conform to the Zoning Ordinance #50 as amended, which this Ordinance replaces or were in existence prior to the adoption of Zoning Ordinance #50 as amended. As such those non-conforming uses are accepted as prior existing uses under this ordinance. The following uses and buildings and structures may be erected or altered and the land used for the following purposes and no other:

A. Permitted Uses

1. Golf Course and Driving Range
2. Golf Pro-Shop
3. Golf Cart Storage Building
4. Golf Course Maintenance Building
5. Rental Recreational Equipment Sales and Service
6. Clubhouse
7. Restaurant and Lounge
8. Swimming Pool both Indoors and Outdoors
9. Archery Range
10. Tennis Courts and Incidental Accessory Uses both Indoor and Outdoor

11. Meeting Rooms and Lecture Halls
12. Professional Offices where used in existing Buildings
13. Gift Shops were used in or attached to existing structures.
14. Delicatessen or Retail Food Establishments when used in conjunction with, but not necessarily adjacent to a restaurant and used primarily for retail sales.
15. Accessory uses customarily incidental to any of the above uses not detrimental to the adjacent residential neighbors.

B. Height. The maximum height of any building hereafter constructed, altered or enlarged shall be not more than two stories or thirty five (35) feet, whichever is the lesser.

C. Lot and Yard Areas. No building shall be hereafter erected, enlarged or altered unless the following yards are provided and maintained in connection with such a building:

1. Front Yard - Not less than one hundred (100) feet.
2. Side Yard - Not less than fifty (50) feet where abutting a street or an alley, not less than fifteen (15) feet from any side property line.
3. Rear Yard - Not less than twenty five (25) feet.
4. Wherever a building is built adjacent to any residential area no portion of the building may be closer than one hundred (100) feet to the property line at the nearest point of such residential district and a landscaped buffer along the zone boundary must be planted and maintained, by the C-R property owner, consisting of, but not limited to, trees, plants, shrubbery and/or an ornamental fence or wall.

C-M Commercial Marina

802. USE

In these districts the land may be used and buildings may be erected, altered or used for the following purposes and no other:

A. Permitted Uses

1. Boat repair, sales, service and long term boat and motor storage.
2. Incidental retail sales to the above uses including delicatessen items and beverages for sale to the boating customers.
3. Sales of gasoline and oil for boats.
4. Professional offices where used in existing buildings.

B. Height. The maximum height of buildings hereafter erected, altered or enlarged shall be two stories or thirty five (35) feet, whichever is the lesser, with the exception of buildings used for rack storage of boats which may not be higher than those rack storage buildings already in existence.

C. Set backs and Set Ins. A minimum distance of not less than Thirty (30) feet shall be provided between buildings and such area shall not be obstructed in any way in order to provide space for trucks in case of fire. In addition such space may be used as an easement for sewer and/or water lines if required.

803. SITE AND LANDSCAPE PLAN

A Plan showing location and type of buildings and landscaping to be provided shall be filed prior to the issuance of any Building Permit and shall be in conformance with the provisions of Article 7, Section D, in its entirety.

ZONING ORDINANCE NO. 99

INDIAN LAKE BOROUGH

ARTICLE NINE

ADMINISTRATION AND ENFORCEMENT

901. ZONING OFFICER

A. Zoning Enforcement. A Zoning Officer shall be appointed by the Council of the Borough of Indian Lake to administer and enforce this Zoning Ordinance. This Zoning Officer shall not hold any elective office in the municipality. The Zoning Officer shall administer this ordinance in accordance with its literal terms and shall not have the power to permit any construction, use or change of use which does not conform to the Zoning Ordinance.

B. Duties and Powers of the Zoning Officer. It shall be the duty of the Zoning Officer to enforce literally the provisions of this ordinance, as amended, and shall have such duties and powers as are conferred by this ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include but are not limited to the following:

1. Receive applications for and issue permits and be authorized to sign permits.
2. Keep an official record of all applications, disposition thereof and all activities pertaining thereto including all complaints of zoning or permit violations and of the actions taken consequent to each complaint. File copies of all permits issued, reports and inspections made in connection with any structure, building, sign or land shall be retained as long as they remain in existence.

3. Make inspections as required to fulfill the duties. The Zoning Officer shall have the right to enter any building or structure and enter upon any land at any reasonable hour in the course of duties.
4. Issue permits for special exceptions and variances only after such uses and or buildings have been approved by the Zoning Hearing Board or Planning Commission in accordance with the provisions of this ordinance.
5. Be responsible for keeping this Ordinance and the Zoning Map up to date as to include any amendments thereto.

C. Notice of Violations. The Zoning Officer shall upon discovery of a violation of this ordinance shall initiate enforcement proceedings by sending a notice to the person, firm, corporation or partnership responsible for violating any of the provisions of this ordinance, or in violation of a detailed statement or plan approved hereunder. Notice of such violation shall be in writing and shall contain at least the following:

1. The name of the owner of record and any other person against whom the municipality intends to take action.
2. The location of the property in violation.
3. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the ordinance.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the provisions set forth in the ordinance.

6. That failure to comply with the notice within the time specified unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions clearly described.

902. BUILDING PERMIT

No building, structure or sign shall be erected, constructed, moved, added to or structurally altered nor shall any land be put to use without a permit thereto issued by the Zoning Officer. No such permit shall be issued except in conformity with the provisions of this ordinance or upon written order from the Zoning Hearing Board in the form of an administrative review, special exception or variance as provided by this ordinance or by the Court.

A. Form of Application. All applications shall be made in writing in such form as the Zoning Officer shall prescribe and shall be accompanied by two sets of plans showing the following information:

1. Actual dimensions and shape of the lot to be built upon.
2. The exact size and location on the lot of the building, structure or signs existing and/or proposed thereto as staked out upon the ground by the applicant or his engineer or contractor. The drawing must also show the height of the building, structure or sign.

3. The methods of sewage disposal together with a copy of the sewage inspector's approval report with the location of the system staked out upon the ground.

4. Location and size of parking spaces together with their location staked out upon the ground.

5. All other information necessary for the Zoning Officer to determine conformance with the Zoning Ordinance.

B. Procedures to be Followed.

1. One copy of the plans shall be returned to the applicant by the Zoning Officer for his records.

2. One copy of the plans shall be retained by the Zoning Officer for the Borough's permanent records.

The Building Permit shall be issued or refused within thirty (30) days from date of application. In case of refusal the applicant shall be informed of his right of appeal to the Zoning Hearing Board.

902. BUILDING PERMIT

No building, structure or sign shall be erected, constructed, moved, added to or structurally altered nor shall any land be put to use without a permit thereto issued by the Zoning Officer. No such permit shall be issued except in conformity with the provisions of this ordinance or upon written order from the Zoning Hearing Board in the form of an administrative review, special exception or variance as provided by this ordinance or by the Court.

A. Form of Application. All applications shall be made in writing in such form as the Zoning Officer shall prescribe and shall be accompanied by two sets of plans showing the following information:

1. Actual dimensions and shape of the lot to be built upon.
2. The exact size and location on the lot of the building, structure or signs existing and/or proposed thereto as staked out upon the ground by the applicant or his engineer or contractor. The drawing must also show the height of the building, structure or sign.
3. The methods of sewage disposal together with a copy of the system staked out upon the ground.
4. Location and size of parking spaces together with their location staked out upon the ground.
5. All other information necessary for the Zoning Officer to determine conformance with the Zoning Ordinance.

B. Procedures to be Followed.

1. One copy of the plans shall be returned to the applicant by the Zoning Officer for his records.
2. One copy of the plans shall be retained by the Zoning Officer for the Borough's permanent records.

The Building Permit shall be issued or refused within thirty (30) days from date of application. In case of refusal the applicant shall be informed of his right of appeal to the Zoning Hearing Board.

C. Expiration of Building Permit. A Building Permit shall expire within ninety (90) days of issuance if the work described in the permit has not commenced. If in any cases all building permits shall expire one year from date of issuance.

903. CERTIFICATE OF USE AND OCCUPANCY

A Certificate of Use and Occupancy shall be required upon the completion of the work contemplated. It shall be unlawful to use and/or to occupy any structure, building and/or land or portions thereof in any manner until such a Certificate has been issued by the Zoning Officer.

A. Form of Application. The application for the Occupancy Certificate shall be in such a form as the Zoning Officer may require.

B. Issuance of Certificate. The Zoning Officer shall inspect any structure, building, sign and/or land, or portions thereof and shall determine the conformity with the appropriate sections of the Zoning Ordinance. Upon a finding by the Zoning Officer that the work conforms with the Ordinance and the Building Permit that was issued, a Certificate of Use and Occupancy shall be issued, or refused if found to be non-complying, within ten (10) days from date of application.

904. SCHEDULE OF FEES

Each application for a Building Permit shall be accompanied with cash, a check or money order payable to the Borough of Indian Lake in accordance with the schedule of fees as has been set by the Borough which schedule is on file at the Borough office.

A. Refunds. Payment of permit fees does not obligate the Zoning Officer or the Borough of Indian Lake to grant a permit to the applicant. In the event a permit is not issued the application fee will be returned to the applicant.

905. CAUSES OF ACTION

In case any building, structure, landscaping is or proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this ordinance, the governing body or with the approval of the governing body, an officer or the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served up on the municipality at least 30 days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

906. ENFORCEMENT REMEDIES

1. Any person, partnership, corporation or organization which shall violate the provisions of this Ordinance shall upon being found liable therefor in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than \$500.00 plus all court costs including a reasonable attorney fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of determination of a violation by the district judge. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments,

costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

2. Any person, partnership, corporation, entity, organization, or legal person who violates the provisions of §416 of this Ordinance by cutting a tree three (3) inches in diameter as measured at a point two (2) feet above the level of the ground without having obtained a permit from the Borough shall be guilty of a summary offense, and upon conviction thereof shall be fined \$250.00 for each tree cut or removed in violation of §416 of this Ordinance No. 99. (Added May 14, 1996 by Ordinance No. 102.)

3. The court of common pleas, upon petition, may grant an order of stay upon cause shown tolling the per diem fine pending a final adjudication of the violation and judgment.

4. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

907. CHANGES, AMENDMENTS, AND SPECIAL EXCEPTIONS

Whenever it shall be deemed desirable in order to meet the public needs, promote the general convenience and welfare, conform with good zoning practices, correct errors, and further and intent the provisions of this ordinance, and adhere to the guiding plans and principles and the community objectives, the Borough of Indian Lake may by Ordinance after report thereon by the Planning Commission and subject to the procedures outlined herein amend, supplement or change the regulations, district boundaries or classifications of properties now or hereafter established by this Ordinance; and the Zoning Board may grant special exceptions as provided for the Article Ten. Changes, amendments or special exceptions may be initiated in the following manners:

A. The Planning Commission may initiate action or changes or amendments by filing a report to the Borough Council of the Borough of Indian Lake.

B. The owner or owners of fifty one percent (51%) or more of the frontage of the properties and fifty one percent (51%) of the number of properties, between two

intersecting streets, proposed to be changed or amended, may submit a petition, acknowledged in due form before a Notary Public, to the Borough Council of the Borough of Indian Lake.

C. The owner of a tract of land may submit a petition, acknowledged in due form before a Notary Public, for consideration of a special exception as provided for in Article Ten. Such petition shall be made to the Zoning Hearing Board. The procedure upon such petition shall be as set forth in Article Eleven (11).

908. PETITION FOR MAP CHANGE OR AMENDMENT

A. Form and Content. Petitions for changes of district boundaries or reclassification of districts as shown on the Official Zoning Map shall be made to the Planning Commission. A narrative description shall be submitted which states the reasons for such changes, defines the limits of said change and states the specific use type of development and type(s) of structures to be erected under the proposed change. A map and/or preliminary site plan of the area to be rezoned shall also be submitted to the Commission for reference and review.

B. Preliminary Review by the Planning Commission. After the facts, data and information from the petition are reviewed and studied by the Planning Commission, the Commission shall within fifteen (15) days after the regularly scheduled meeting, submit the petition with its preliminary recommendations to the Borough of Indian Lake Council. This report by the Commission is not intended to establish final approval but rather to serve as a means for providing a format for action and review by the Council.

909. ACTION BY THE INDIAN LAKE BOROUGH COUNCIL

A. Referral to the County Planning Commission. At least 30 days prior to the public hearing on the amendment by Borough Council, the Borough Secretary shall submit the proposed amendment to the Somerset County Planning Commission for recommendations, which recommendations shall be advisory only, and non-binding.

B. Public Hearing. Subsequent to the submission of the petition for Zoning Change and the Preliminary Report by the Planning Commission to the Council the Borough Council shall fix a date for a public hearing. Notice of the time and date of the public hearing for consideration of the proposed petition and amendment which states when and where a copy of the proposed will be available for public inspection and briefly describing the said proposal shall be given by the following method:

1. By giving public notice as defined by this ordinance.
2. Posting of a similar notice as the Borough Office.
3. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the perimeter of the tract or area to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

910. CONDUCT OF THE PUBLIC HEARING

The Borough Council of the Borough of Indian Lake or a Hearing Officer appointed by the Council shall be responsible for the conduct of the hearing as follows:

A. Purpose. The purpose of the public hearing is to receive relevant data, facts and other material desirable and necessary for a decision on the petition for change.

B. The President of the Council or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents including witnesses and documents requested by the parties.

C. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument on all relevant issues. Formal rules of evidence shall not apply but irrelevant, immaterial or unduly repetitious evidence may be excluded, in the sole discretion of the President of Council or the Hearing Officer presiding.

D. The Council or the Hearing Officer, as the case may be, shall keep a record of the proceedings either stenographically or by sound recording and a transcript of the proceedings and/or copies of written material received shall be made available to any part at cost.

911. FINAL REPORT OF THE PLANNING COMMISSION

A. Within thirty (30) days following the public hearing the Planning Commission shall receive all material, data, testimony and facts submitted for consideration in the petition for change. The Commission shall make a final report on each bill setting forth in detail wherein public necessity, convenience and the general welfare of the municipality do or do not justify the proposed change and determining that the change is or is not in accord with the general objectives of the then existing Comprehensive Plan and good zoning practices. The Commission shall within aforesaid thirty (30) days forward its findings and recommendations to the Council of the Borough of Indian Lake.

B. If the Planning Commission fails to file such a report within the specified time in the specified manner it shall be presumed that the Planning Commission has approved the proposed amendment, supplement or change. In any case the recommendation of the Planning Commission shall be regarded as advisory in nature and shall not be binding on the Borough of Indian Lake or other parties to the issue.

912. FINAL ACTION BY THE BOROUGH OF INDIAN LAKE

A. The passage of an ordinance amending, supplementing or changing the district boundaries or classification of property now or hereafter established by this ordinance shall require the majority vote of the members of the Borough Council and in any case the affirmative vote of not fewer than three (3) members of the Council and be in full accordance with Sections 610, et seq., of the Municipalities Planning Code, as amended, 53 P.S. Section 10601, et seq.

B. Any ordinance amending supplementing or changing the regulations, district boundaries or classification of property now or hereafter established by this ordinance, if

not passed by the Borough of Indian Lake within sixty days (60) after the required public hearing shall require a new public hearing as prescribed above.

913. FEES

Any person other than the Borough of Indian Lake or the Planning Commission requesting an amending of the Zoning Ordinance shall pay a fee as may be set by the Borough Council from time to time. The fee is payable at the time the request is filed with the Secretary of the Borough. All fees shall be paid to the Borough of Indian Lake to be deposited in the General Fund. No fees shall be refundable.

ZONING ORDINANCE NO 99

INDIAN LAKE BOROUGH

ARTICLE TEN

SPECIAL EXCEPTIONS

1001. GENERAL PROVISIONS

The special exceptions stated in this Ordinance may be granted or denied by the Zoning Hearing Board pursuant to the standards and criteria provided in this Article. The Board shall hear and decide requests for such special exceptions in accordance with the procedure outlined under Section 907, "Changes, Amendments and Special Exceptions", of this Ordinance.

Special exceptions shall be granted or denied in accordance with basic principals as follows:

A. Such use shall be one which is specifically authorized as a special exception in the district in which it is to be located.

B. Such permits shall only be granted subject to any additional conditions and safeguards deemed by the Board to be advisable and appropriate.

C. Such use shall be found by the Board to be in harmony with the general purpose and intent on this Ordinance.

D. Such use shall not adversely affect the character of the District, the conservation in property values, and the health and safety of residents or workers on adjacent properties and in the general neighborhood.

E. Such use shall be of such appropriate size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.

F. Such use shall not conflict with the direction of building development in accordance with any comprehensive plan, community development objectives or portion thereof which have been adopted by the Planning Commission.

1002. SPECIAL EXCEPTIONS

Special exceptions may include the following in the following districts:

A. Community or group sewage treatment facilities. Transport and treatment of sewage must conform to and comply with all Federal, State, County and Municipal regulations and controls; and be compatible and harmonious to the architectural environment of the community. Further, the location, routing and all other physical aspects of sewage requires approval of the Zoning Hearing Board; and set-backs, landscape buffers, and other architectural standards, as specified under Article Seven, Section 701, shall apply.

B. One Family Detached Dwelling (R-1) and One Family Detached Dwelling; Two Family Detached Dwelling (R-2) Districts:

1. Community/Group Docks for Private Parks

a. Must comply with all buildings and other specifications defined under Article Five, Sections 501 and 502, and Article Six, Section 601.

b. Design must be compatible with surrounding natural and architectural environment of the community area, and capable of equally serving the needs of all dock and park owners.

c. Designs must have the approval of all dock and park owners; and it must be approved by the Zoning Hearing Board.

C. One Family detached Dwelling; Two Family Detached Dwelling (R-2) District:

1. Community/Garages.

a. Must comply with Article Twelve, Sections 1201-1206, and be approved by the Zoning Hearing Board.

2. Group. Multiple Family Swimming Pools.

a. Multiple family pools including any walks, paved areas and accessory structures, serving a group of residents on a tract where

clustered homes have been built, may not be located closer than one-hundred (100) feet from any property line.

b. All pools shall conform to and comply with all state standards and regulations, as specified in Article Thirteen, Section 1034, A.1, A.2, and A.3.

D. Commercial General (C-G) District:

1. Light Industrial businesses other than those specifically listed under Article Seven (7), C-G Commercial General, Section 701, which are fully compatible with the spirit and intent of the general provisions of Article Seven (7).

E. Commercial General (C-G) and Commercial Recreation (C-R) Districts:

1. Hotels and Public Garages. Such facilities must complete the infrastructure of the community, and be fully compatible with the spirit and intent of the general provisions of this ordinance; comply with definitions, as specified in Section 202, CC; comply with the provisions outlined in Commercial General, Article Seven, Section 701 and/or in Commercial Recreation, Article Eight, Section 801; and comply with all state and local government standards and regulations.

a. Height. Maximum height shall be three stories or forty-two (42) feet.

ZONING ORDINANCE NO 99

INDIAN LAKE BOROUGH

ARTICLE ELEVEN

APPEALS AND ZONING HEARING BOARD

1101. CREATION, APPOINTMENT AND ORGANIZATION

A. A Zoning Hearing Board is hereby established. The Board shall consist of three (3) members selected from among Borough residents and who shall be appointed by Indian Lake Borough Council. The members of the first Board shall be appointed for terms of one, two and three years. Thereafter each member shall be appointed for a term of three (3) years. Any vacancies shall be filled for unexpired terms only. Members may be removed by the Borough Council in compliance with Section 905 of the Pennsylvania Municipalities Planning Code.

B. The Board shall elect its own chairman, vice chairman and secretary who shall serve for one year. The Board shall adopt such rules and regulations as it may deem necessary to effect the provisions of this ordinance.

C. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Board shall keep a complete record of its proceedings including the attendance of each member and the vote or failure to vote of each member upon each issue. All of these records and records and minutes of all other official actions shall be filed as a public record in the office of the Borough of Indian Lake. The Board shall meet at least twice during a year and will submit to the Borough of Indian Lake a semi-annual report of its activities.

D. Members of the Board shall hold no other office in the Borough. The Board may employ secretaries, counsel and other personnel within the limits of funds which may have been appropriated by the Borough Council.

E. The members of the Board shall not receive compensation for their services.

1102. JURISDICTION

A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. Substantive challenges to the validity of any land use ordinance except those brought before the governing body pursuant to Sections 609.1 and 916.1 (a) (2) of the Pennsylvania Municipalities Planning Code, as amended, 53 PS. Sections 10609.1 and 10916.1 (a) (2), as amended.
2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
3. Appeals from the determination of the zoning officer, including but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
4. Appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
5. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance pursuant to Section 910.2 of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. Section 10910.2, as amended.
6. Applications for special exceptions under the zoning ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance pursuant to Section 912.1 of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. Section 10912.1, as amended.

7. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. Section 10916.2, as amended.

8. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article Five or Article Seven applications of the Pennsylvania Municipalities Planning Code.

B. Special Exceptions. Where the governing body in the zoning ordinance has stated special exceptions to be granted or denied by the board pursuant to express standards and criteria, the board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this zoning ordinance.

1103. PROCEDURE

A. Appeals to the Zoning Hearing Board. Any persons, Corporations, Partnership or individuals aggrieved by any decision on modification, amendment or special exception by the Borough of Indian Lake, may within thirty (30) days after the date of such decision, seek a review and hearing by the Zoning Hearing Board in a manner provided under this section, Section 1103, of this Ordinance.

B. The Board shall hear and decide appeals filed with the Board in writing when it is alleged by any person aggrieved or by a proxy of the Borough 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 actions of the Zoning Officer.

C. The Board may also hear all challenges to the validity of the zoning ordinance or district map under the provisions of Section 910 of the Pennsylvania Municipalities Planning Code, and shall hear all requests for variances and special exceptions filed with the Board by any landowner or any tenant with the permission of such landowner.

D. The Zoning Hearing Board or Hearing Officer appointed by the Board, shall conduct hearings and make decisions in accordance with the following requirements:

1. Public notice, as defined herein shall be given and written notice shall be given to the applicant, the Planning Commission, the Borough Council, the County Planning Commission and the Zoning Officer and such other persons or agencies as the governing body may designate and to any person who has made timely request for the same. Hearing notices shall be given at such time and in such a manner as may have been established by ordinance or in absence of such ordinance in the manner prescribed by the rules of the Board. Reasonable fees may be established based on cost to be paid by the applicant and by persons requesting notice, not required by ordinance.
2. Written notice of said hearing shall be conspicuously posted on and affected tract of land at least seven (7) calendar days prior to the hearing.
3. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
4. The chairperson of the Board and any acting chairperson or the Hearing Officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents including witnesses and documents requested by the parties.
5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross examine adverse witnesses on all relevant issues.
6. Formal rules of evidence shall not apply but irrelevant, immaterial or unduly repetitious evidence may be excluded in the sole discretion of chairperson of the Board or the Hearing Officer presiding.

7. The Board or the Hearing Officer as the case may be, shall keep a record of the proceedings stenographically and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost. In this connection the Board may require that all statements shall be submitted to the hearing in written form from which the parties may read and offer into evidence. This requirement, if used must be stated in the notice of hearing.

8. The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or their representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, report, staff memoranda or other materials unless the parties are offered the opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party unless all parties are given the opportunity to be present.

9. Regarding variances, the Board may grant a variance, provided that all of the following 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.

E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the lease modification possible of the regulation in issue.

F. In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and the zoning ordinance.

10. The Board or the Hearing Officer as the case may be shall render a written decision, or when no decision is called for, make written findings on the application within forty five (45) days after the last hearing. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reason therefor. Such conclusions shall contain a reference to the provision of the ordinance relied upon and the reason why it is felt appropriate in the light of the fact brought forth. If the hearing is conducted by a Hearing Officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties and the parties shall be entitled to make written recommendations thereon to the Board prior to a final decision or entry or findings. The Hearing Officer's report must be given within forty five (45) days of the last hearing and the Board's decisions must be given within 30 days of the Hearing Officer's report.

11. A copy of the final decision or of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board may provide by mail or otherwise brief notice of findings and a statement of the place where the full decision or findings

may be examined. If such notice is not provided it shall be assumed by the parties that such decision or findings will be available in full at the Borough office.

12. Where the Board fails to render the decision within the period required by this section or fails to hold the required hearing within sixty (60) days from the date of the applicants request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant, because of the failure of the Board to meet or render a decision as herein provided, the Board shall given public notice of said decision within ten (10) days from the last day it could have met to render a decision in accordance with the provisions herein. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subparagraph shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

E. Upon the filing of any proceeding with the Board challenging an ordinance under Section 916.1 of the Pennsylvania Municipal Planning Code, Act 247, all proceedings and all official action pursuant to the completed ordinance shall be stayed unless the Zoning Officer certifies to the Board that such stay would cause imminent peril to life or property in which event a restraining order may be granted by the Board.

F. A fee as set by the Borough Council shall be paid by the applicant at the time any appeal or request for a hearing is filed. A fee may be charged by the Borough for the reproduction, clerical services, materials, supplies or other costs incurred by the Borough in supplying such materials, exhibits or other documents requested by any party. All fees shall be payable to and deposited in the Indian Lake Borough General Fund.

G. Upon approval of any matter coming before the Zoning Board, the approved construction must be started within one year from date of approval.

ZONING ORDINANCE NO 99

INDIAN LAKE BOROUGH

ARTICLE TWELVE

PLANNED RESIDENTIAL COMMUNITIES

1201. GENERAL PROVISIONS

In any district, to subdivide a parcel of land of more than two acres in area into development of other than one single two acre lot, or, within an R-2 Residential Area, to develop two family detached dwellings or row dwellings, an application must be made for the development to qualify as a Planned Residential Community under the requirements set forth in this ordinance. Approval of the application shall be granted or denied in accordance with basic principles as follows:

- A. Use shall be one which is authorized in the district in which it is to be located.
- B. Approval may only be granted subject to any additional conditions and safeguards which may be deemed to be advisable and appropriate and in harmony with the general purposes and intent of this Ordinance.
- C. Such use shall not adversely affect the character of the district, conservation of property values or the health and safety of residents in the general neighborhood.
- D. Such use shall be so located and laid out relative to its access that vehicular and pedestrian traffic to and from said use will not create undue congestion or hazards prejudicial to the general neighborhood.
- E. Such use shall not conflict with the direction of development in accordance with any Comprehensive Plan or Community Objectives which has been adopted by the Planning Commission and the objectives of the Somerset County Subdivision and Land Development Ordinance of May 28, 1991, as amended.
- F. Applications for changes shall have been presented to the Planning Commission for review and comment and the Planning Commission shall forward

the application for changes to the Zoning Hearing Board for action within thirty (30) days following initial submission to the Planning Commission.

1202. SPECIFIC CONDITIONS FOR PLANNED RESIDENTIAL COMMUNITIES.

The following conditions shall apply to Planned Residential Communities that are permitted in certain specified districts. Any proposed development in which the proposed tract or tracts, when carried to completion shall be over two (2) acres in size shall be governed by the conditions stated forthwith.

A. Planned Residential Development. A planned residential development may be required in a residential district subject to the requirements set forth in this ordinance and as provided by Article VII, Pennsylvania Municipal Planning Code, Act 247 as Amended.

B. Initial Application Requirements. A developer desiring to construct a development under this Article shall first submit an application to the Planning Commission which application shall include the following detail:

1. A site plan showing the dimensions and square footage of the land to be developed together with a copy of the deed showing the ownership of said tract and any indebtedness thereon. The site plan must also show general detail as to then umber and location of dwellings to be erected.
2. Floor plans and elevation drawings of the types of dwellings to be built with notations as to the square footage of all floors of said dwellings.
3. Narrative statements as to the use and control of any common property that may be held by groups of dwellings together with the size and location of such common property and its allocation to individual dwellings.
4. Narrative statements outlining the proposed provisions for sewerage disposal and water supply.
5. The Planning Commission shall forward to the Indian Lake Water Authority and to the Indian Lake Sewer Authority copies of the

application with respect to the provisions for sewage disposal and water supply and request a written report which when received shall become a part of the proposed plan.

6. Where application is being made for a Mobile Home Park it shall conform to all of the provisions contained in this section with the exception that the minimum square footage for the Mobile Home to be placed within the park shall be not less than Six Hundred Fifty (650) square feet of living area exclusive of porches, basements and garages.

C. Within 60 days after the filing of an application for tentative approval of a planned residential development pursuant to this article, a public hearing shall be held by the governing body or the planning commission in the manner heretofore prescribed in this ordinance and in accord with Sections 708, 709 and 710, of the Municipalities Planning Code, as amended, 53 P.S. S S 10708, 10709, and 10710, as amended.

1203. GOVERNING REGULATIONS

The following regulations and requirements shall govern Planned Residential Communities.

1. The minimum parcel or tract size shall be more than two (2) acres in area.
2. The permitted uses and types of buildings shall be limited to:
 - A. Single Family detached dwellings on individual lots which must conform to the requirements set forth in Article Three and Five of this ordinance.
 - B. Single Family detached dwellings built in clusters with adjacent or surrounding property owned in undivided interests by the dwelling owners providing however that the jointly held property may not be built upon unless the jointly held property is adjacent to Indian Lake in which case boat docks are allowed when they conform to Section Five of this Ordinance.
 - C. Two-Family or Row Dwellings which conform to the provisions of Sections Three and Five of this Ordinance.

D. Community Buildings which are for the social, cultural or recreational use of the residents of the development.

E. Open space and recreational facilities developed and maintained principally for use of residents of the development.

F. In the event that development of the entire project is to be divided into several phases the developer may be required to construct all or parts of the open space facilities, the road and utilities and any community buildings in the initial phase of development.

G. The Planning Commission may require in the case of any clustered dwelling developments that the developer provide in the deed of conveyance as a covenant running with the land, provisions for exterior maintenance of the land buildings and utilities contained in the development together with a maintenance charge assessable to the residents of such development.

1204. DENSITY.

The dwelling unit density shall conform to the following:

A. Single Family Detached or Individual Lot not less than Two (2) Acres per Unit.

B. Single Family Detached built in clusters - 30,000 Square Feet per dwelling; Two-Family Dwellings and Row Dwellings - 25,000 Square Feet per dwelling; Mobile Homes - 20,000 Square Feet per dwelling. Area which is jointly owned may be counted if the joint area is divided by the number of dwelling owners and that area added to the actual area owned under the Dwelling. Area covered by roads may be included if they are roads which have been built by the developer of the area even if the roads will be dedicated to the Borough at a future date.

1205. SET BACK AND SET IN REQUIREMENTS.

A. Single Family detached built on individual lots are set forth in Article Five.

B. Single Family clustered, Two-Family and Row Dwellings shall have a minimum perimeter front and rear set back of Seventy (70) feet form the closest building to the closest property line. No building may be constructed in the set back area, however parking lot and/or outdoor recreational facilities may be built upon the set-back area but must not be closer than forty (40) feet to the closest property line.

C. In the case of Clustered dwellings no more than eight (8) Single Family Dwellings may be built in a cluster. Space between dwellings shall be no closer than that required for exterior building maintenance and or air movement, fire protection and general safety of the residents. The closest dwelling shall be at least seventy (70) feet from the closest cluster perimeter property line. Special attention must be paid to providing adequate room for utilities while considering the number and size of trees that will be removed.

D. Row-Dwellings shall not exceed three (3) dwellings in a single building. No jointly held land parcel shall have more than one building constructed within said jointly held parcel. No building shall be closer than seventy (70) feet to any jointly held property line.

1206. SITE IMPROVEMENT STANDARDS.

The developer or owner of any Planned Residential Development shall be responsible for the engineering, construction, installation and maintenance of site improvements as follows:

A. Engineering site plan is required and shall be prepared by either a registered engineer, registered architect, or registered surveyor and filed with Indian Lake Borough prior to the start of any construction of an approved Planned Residential Development. The plan shall indicate the location of buildings, streets, sidewalks, walls, fences, right of way lines, proposed sewer and water lines, electric utility rights of way and lines and television cable lines to be constructed on the site. A topographic map shall be included with a contour interval of not less than five (5)

feet and shall indicate all existing and final grades for the site plus spot elevations for streets, storm and sanitary sewers and other elevations as are deemed necessary by the Planning Commission. All drawings must be to scale adequate to determine all distances and sizes where dimensions are not shown.

B. Perimeter Survey of the tract to be developed as a Planned Residential Development shall be prepared by a registered engineer or surveyor and may be shown either by a separate map or included in the plan set forth in (a) above. Permanent concrete corner markers with a minimum size of six by six inches and thirty (30) inches deep shall be set with a copper rod installed in the concrete. The survey shall tie directly into adjoining properties.

C. Street Paving-The engineering, installation and construction of all streets shall be the sole responsibility of the developer of the Planned Residential Community. Upon completion of said streets shall be offered for dedication to the Borough of Indian Lake. Should the Borough not accept said streets, for any reason, the developer shall be responsible for all maintenance in accordance with an agreement between the developer and the Borough to which all land owners in the Planned Residential Community shall be 3rd party beneficiaries as to enforcement thereof against the developer, his heirs, successors and assigns, which covers road access and maintenance to the properties being developed. To be accepted for dedication:

- (1) All streets shall have a right of way of Fifty (50) feet within which the cartway and all utilities must be placed.
- (2) All streets shall have a minimum paved width of Eighteen (18) Feet.
- (3) All streets, whether dedicated or not, constructed on the site shall have a minimum base of No. 4 slag or limestone compacted to a depth of Eight (8) inches; a binder course shall consist of one and one half (1-1/2) inches of hot pre-mixed Asphalt and a finish coat of One (1) inch pre-mixed Asphalt compressed. Asphalt must be Penn Dot approved.

(4) All parking areas shall be constructed with a minimum base of No 4 slag or limestone compacted to six (6) inches with a One (1) inch binder plus a one (1) inch finish cost of material as set forth in (3) above.

D. Street signs shall be installed by the developer and shall be of a type approved by the Borough representative and the names selected for the streets shall be approved by the Planning Commission.

E. Installation of all water lines and fire plugs shall be in accord with requirements and specifications of the Indian Lake Water Authority. Detailed plans and specifications shall be filed with both the Planning Commission and the Water Authority of their successors.

F. Sanitary Sewers if required, shall be installed in accordance with plans and specifications submitted to and approved by Indian Lake Borough Water Authority, Sewer Authority, and the Pennsylvania Department of Environmental Resources.

G. Storm Sewers where required, shall be designed in accord with plans and specifications which have been approved by the Planning Commission.

H. All trees that are to be removed shall be marked with a suitable tape. An application for a tree cutting permit must be made and the Zoning Officer must inspect on the site the actual trees to be removed prior to approval and issuance of the permit.

ZONING ORDINANCE NO 99

INDIAN LAKE BOROUGH

ARTICLE THIRTEEN

SUPPLEMENTARY PROVISIONS

1301. OFF STREET PARKING AND LOADING REQUIREMENTS

A. General Provisions. An application for a building permit for a new or enlarged building, structure or use shall include a plot plan, drawn to scale, which shall show any off-street parking or loading facilities to be provided. Such facilities shall conform to the following requirements:

1. All buildings and structures erected after the date of this ordinance, or any building or structure which has undergone or will undergo any structural additions or changes in size, shall provide off street parking and/or loading facilities as required hereinafter for the use thereof.
2. Buildings built in either R-1 or R-2 districts shall provide sufficient parking space in and around the buildings in the interior of the lot or parcel to accommodate the number of vehicles that can reasonably be expected to be parked on the lot or parcel. On lots or parcels where the topography is such that parking as stated above is impractical because of winter snow or ice, parking facilities may be built adjacent to the public roadway even if such facilities encroach on the road right of way. Such encroachment must however be so placed as to not interfere with snow plowing or maintenance of the road. Facilities built must conform to the plan provided with the application for a building permit and be inspected by the Zoning Officer before such Permit is approved.
3. Buildings built in C-G Commercial districts, in C-R Commercial Recreational Districts, or in C-M Commercial Marina districts must provide off street parking and loading facilities adequate for the type of

building and business use proposed. A plan drawn to scale setting forth the amount of these facilities to be built and their location, size and type must be attached to the plan required as set forth in Article Seven (7) and Article Eight (8) respectively.

B. Design and Maintenance. In providing for the design of parking areas and facilities the designer and the Zoning Officer should be guided by the following specifications within considerations of topography and numbers of trees which must be removed:

1. A required off street parking space should be not less than twenty (20) feet in length and nine (9) feet in width. Where multiple spaces are built, any aisle or access roadway should be not less than twelve (12) feet wide when parking spaces are built at a forty five (45) degree angle, and twenty (20) feet wide where spaces are built at a ninety (90) degree angle.
2. Where parking surfaces are paved the individual spaces should be striped by durable paint at least four (4) inches wide extending the entire perimeters of the parking spaces.
3. The Zoning Officer may require changes in the location of parking facilities where such change will result in buffer areas between the parking facility and the roadway and improve the appearance of the area.

C. Use. The parking facilities constructed shall be used as space for the parking of vehicles customary to the use for which the land has been put. Passenger vehicles and Pick-up trucks only are permitted on parking facilities in residential districts. No commercial service or repair work shall be conducted on parking areas in any district.

1302. SIGNS

A. General Provisions.

1. A building permit shall be required for all signs whether permanent or temporary. Such permits may be obtained from the Borough Office. A drawing

of such sign together with a location map showing the proposed location of the sign shall be required for all permanent signs.

2. All signs must be erected and maintained in a safe and orderly condition. Any sign found to be in violation of this ordinance may be removed by the Borough at the owner's expense.

3. Temporary signs erected for directional reasons must not exceed six (6) inches by twenty four (24) inches in size and must be removed within twenty four (24) hours after use.

B. Size. All sign must conform to the following limitations in size.

1. House and Residential Name signs no more than twenty four (24) inches by twenty four (24) inches must be erected in such a manner and in such location that they do not interfere in any way with snow plowing or road maintenance vehicles. Where it is possible and suitable for mail service, mail boxes and signs should be held back from the roadway.

2. Commercial Location signs shall be no more than thirty six (36) inches by sixty (60) inches and must not be erected on the Borough road right of way.

3. Real Estate Sales Signs shall be no more than twenty four (24) inches by thirty six (36) inches and must be located on the property being sold.

4. Directional signs shall be no more than six (6) inches by thirty (30) inches, shall be used to indicate the direction or distance to a public or business facility and shall be erected at a point approved by the Zoning Officer which shall be a common point for other signs of that type where possible.

5. All Real Estate Sales Signs shall be removed within forty eight (48) hours after the closing is held on the property on which the sign is located takes place. The sign must be removed by the owner of the sign or the owner of the property. In the event the sign is not removed as set forth above the Zoning Officer shall prepare a notice which shall describe the sign and state that if the sign is not removed within five days of the receipt of the notice it will be removed by the

Borough of Indian Lake and all costs incidental to said removal shall be considered a debt owed to the Borough by the owner of the sign and the owner of the property and may be recovered in an appropriate court action by the Borough. Notice by certified mail to the owner of the property on which the sign is located shall constitute adequate legal notice.

1303. FENCES.

A. General Provisions.

1. A building permit shall be required for the erection of all fences in any district.
2. Fences may be constructed as Metal or Plastic, green colored chain link where they are used to confine animals or children to a certain area; or may be of split rail or boat construction in other areas.
3. Fences shall be no more than four (4) feet high in any location with the exception of fences surrounding swimming pools which shall be a minimum of Six (6) feet high. No fence shall be constructed parallel to the lake front on lake front property closer than one hundred feet to the lake front. Fences built perpendicular to the lake front may be built to the actual lake front as long as they are constructed on a property line.
4. Any type of fence construction or location other than that set forth above shall require the written approval of all of the adjacent property owners prior to application for a building permit.
5. Any fence violating the provisions of this ordinance may be removed by the Borough at the owner's cost after adequate legal notice of the violation has been made to the owner of the fence.

1304. SWIMMING POOLS

A. General Provisions.

Swimming Pools shall not be allowed except as an accessory structure and then only upon the following conditions:

1. The pool is to be used solely by the occupants of the home and their guest and no fee is to be charged.
2. The pool shall be so walled or fenced so as to prevent uncontrolled access by children from adjacent properties. The wall or fence shall be not less than six (6) feet in height and shall be maintained in good condition.
3. All pools shall conform to the PA. Dept. of Health standards and existing pools shall have ninety days from the date of enactment of this ordinance to conform to said standards.
4. In the case of a private single family pool it shall be located not closer than forty (40) feet from any property line and if it is a pool serving a larger group of residents on a tract where clustered homes have been built the pool shall be not closer than one hundred (100) feet from any property line.

ZONING ORDINANCE NO 99

INDIAN LAKE BOROUGH

ARTICLE FOURTEEN

INTERPRETATION OF ORDINANCE

1401. INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or variances, the most restrictive or that imposing the higher standards shall govern.

ZONING ORDINANCE NO 99

INDIAN LAKE BOROUGH

ARTICLE FIFTEEN

REPEALING CLAUSE

1501. REPEALING CLAUSE.

If any sentence, clause or section of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this ordinance. It is hereby declared as the intent of the Borough Council of the Borough of Indian Lake that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentences, clauses or sections thereof not been included herein.

All other ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

It is the intention of this ordinance, or any amendments or supplements hereto to furnish a complete and exclusive system of Zoning and regulations for Zoning which the Borough of Indian Lake, Somerset County, Pennsylvania/

Ordained and Enacted this 13th day of April, 2004.

BOROUGH OF INDIAN LAKE

By: _____

President of Council

ATTEST:

Secretary-Treasurer

