

**INDIAN LAKE BOROUGH
ZONING ORDINANCE
ORDINANCE NO. 99**

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1 ZONING ORDINANCE NO 99

2 INDIAN LAKE BOROUGH

3 ARTICLE ONE

4 PRELIMINARY PROVISIONS

5 101. ENACTING CLAUSE.

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

12 102. SHORT TITLE

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

16 103. EFFECTIVE DATE

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

19 104. VALIDITY AND CONFLICT

20 Should any section or provision of this ordinance be
21 declared invalid, the same shall not affect the validity of the
22 ordinance as a whole nor any part thereof other than the part so
23 declared to be invalid. Where a provision of this ordinance is
24 found to be in conflict with a provision of any building or
25 housing code, or in any applicable health regulations, or in any
26 other ordinance of the Borough of Indian Lake existing on the
27 effective date of this ordinance, the provision which establishes
28 the higher standard for the protection of health, safety and
29 welfare shall prevail.

30 105. PURPOSE AND INTENTION OF ORDINANCE

31 The purpose of this ordinance is set forth in general terms
3 in the Act of Legislature which enables the Borough of Indian

1 Lake to enact this ordinance. The provisions of this ordinance
2 shall be held to be the minimum requirements for the health,
3 safety and welfare of the people at large and be designed to
4 encourage the establishment and maintenance of reasonable
5 community standards of the physical environment.

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

20 106 PURPOSE AND COMMUNITY DEVELOPMENT OBJECTIVES

21 The purpose of this Zoning Ordinance shall be designed:

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

32 B. To prevent one or more of the following:
33 overcrowding of land, blight danger and congestion in
34 travel and transportation, loss of health, life or
35 property from fire, flood panic or other dangers. This
36 Zoning Ordinance has been made in accordance with an
37 overall guiding Plan which has given consideration to
38 the character of the municipality, its various parts,

1 the suitability of the various districts for particular
2 uses and structures, and the various legal decisions
3 respecting the types of housing required.

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

12 07. FILING.

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

1 ZONING ORDINANCE NO 99
2 INDIAN LAKE BOROUGH
3 ARTICLE TWO

4 RULES AND DEFINITIONS

5 201. RULES

6 The following rules of construction shall apply to this
7 ordinance:

8 A. The particular shall control the general.

9 B. In case of any difference of meaning or implication
10 between the text of this ordinance and any caption or
11 illustration, the text shall control.

12 202. DEFINITIONS

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

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

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

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

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

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

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

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

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

16 J.Borough Zoning Enabling Act. The Borough zoning enabling
17 act is the Pennsylvania Municipalities Planning Code, Act of
18 1968, July 31, P.L. 805, as amended; 53 P.S. Sections 10101 et
19 seq.

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

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

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

33 N.Church, Cathedral or Temple. A place of actual group
3 religious worship.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 FF.Landowner. The legal or beneficial owner of land
35 including the holder of a contract or option to purchase (whether

1 or not such option or contract is subject to any condition), a
2 lessee if he is authorized under the lease to exercise the rights
3 of a landowner, or other person having a proprietary interest in
4 land.

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

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

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

19 JJ.Lot Depth. The mean horizontal distance between the front
20 lot line and the rear lot line measured midway between the side
21 lot lines.

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

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

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

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

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

4 1. Major alteration of the ground surface so
5 as to affect streets, recreation sites, other
6 public facilities and private property within
7 one thousand (1000) feet of the intended
8 operation or:

9 2. A volume of earth movement exceeding an
10 average of one half (1/2) of a cubic yard per
11 square foot or sixteen thousand (16000) cubic
12 yards whichever is the lesser; or

13 3. A change in ground elevation exceeding five
14 feet.

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

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

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

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

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

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

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

17 WW.Park, Private. Refers to the areas of open space in the
18 Borough, surrounded by, or which surrounds residential lots and
19 which is owned in common or joint ownership by the said owners of
20 said lots and/or the original developer or the Borough, their
21 successors or assigns.

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

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

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

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

33 BBB.Public Hearing. A formal meeting held pursuant to public
34 notice by the governing body or planning agency, intended to
35 inform and obtain public comment prior to taking action in

1 accordance with this act.

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

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

8 EEE.Public Notice. Notice published once each week for two
9 successive weeks in a newspaper of general circulation in the
10 municipality. Such notice shall state the time and place of any
11 hearing for which such notice is required by statute or by the
12 Zoning Ordinance and the particular nature of the matter to be
13 considered at such hearing. The first publication shall be not
14 more than thirty (30) days and the second publication not less
15 than seven (7) days from the date of such hearing.

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

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

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

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

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

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

1 of its outside walls are above the average level of the ground
2 adjacent to the said walls.

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

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

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

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

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

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

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

34 SSS. Yard, Side. A yard between the side of the building and
35 the side lot line extending from the front yard or the front lot

1 line where no front yard is required to the rear yard. The width
2 of said side yard is measured horizontally and at ninety degrees
3 (90) with the side lot line from the nearest part of the
4 principal building.

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

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

1 ZONING ORDINANCE NO 99

2 INDIAN LAKE BOROUGH

3 ARTICLE THREE

4 DISTRICT AND DISTRICT MAP

5 301. GENERAL CLASSIFICATION

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

9 Residence Districts: R-1 One Family Detached Dwelling

10 R-2 One Family Detached Dwelling
11 (including, Mobile Homes);
12 Two Family Dwelling, Row Dwelling

13 Recreation Districts P-1 Private Parks

14 P-2 Public Parks

15 Business Districts C-R Commercial Recreational

16 C-M Commercial Marina

17 C-G Commercial General

18
19 A Agricultural

20
21 302. The boundaries of said districts shall be shown upon the
22 Zoning District Map. The Zoning District Map shall be kept on
23 file at the office of the Borough of Indian Lake and shall be
24 available for examination by the public at such times as the
25 office is open for business. Copies of said Zoning District Map
26 shall be made for the use of the Borough Council; The Planning
27 Commission and the Zoning Board upon the order of their
28 respective Presidents or Chairman.

1 303.

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

7 304.

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

19 305.

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

28 306.

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

32 307.

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

1 308.

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

10 309.

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

14 310.

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

21 311.

22 As of the date of ordination and enactment of this ordinance
23 all parcels of land two (2) acres or more in size which do not
24 have any dwellings built upon said parcel shall be permitted to
25 sub-divide said parcel into one two acre parcel, on which one
26 dwelling may be built in conformance with Article Five of this
27 ordinance, and one residue of said parcel. No further sub-
28 division of the residue may take place unless and until
29 application is made and approval is received to have the residue
30 designated as a Planned Residential Community under the meaning
31 and provisions as set forth in Article Twelve (12) of this
32 ordinance.

33 312.

34 As of the date of ordination and enactment of this Ordinance
35 no ancillary structure such as, but not limited to, garages,
36 sheds or boat docks shall be built upon any lot unless and until,
37 or at the same time, a home has been built, or is being built,
38 upon said lot.

1 313. AGRICULTURAL DESIGNATION.

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

10 314. HOME OCCUPATIONS

11 There shall be no Home Occupations permitted within any
12 District.

ZONING ORDINANCE NO 99
INDIAN LAKE BOROUGH
ARTICLE FOUR

GENERAL PROVISIONS.

1
4
5 401. CONFORMANCE AND PERMITS.

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

11 402. COMPLIANCE WITH REGULATIONS.

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

17 403 YARDS.

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

22 404. SUBSTANDARD DWELLINGS

23 No structure shall be used or occupied as a dwelling if such
24 structure is in need of such major structural repairs as to
25 render it unsafe or unsanitary, or if the premises do not have
26 connection with a municipal sewer system or alternative sanitary
27 sewage facilities approved by the local public health authorities
28 having jurisdiction. No structure shall be occupied as a dwelling
29 place unless said structure is permanently attached to the ground
30 by a permanent foundation or slab built with concrete footers
31 below the frost line, except as otherwise provided herein.

1 405. USES REQUIRING SITE PLAN APPROVAL

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

12 A. Location of the property with respect to adjacent
13 streets and property owners.

14 B. Critical dimensions of all required setbacks,
15 paving, driveways, parking areas, landscaped areas and
16 other pertinent features.

17 C. Traffic circulation within the site and location of
18 vehicular access to the site.

19 D. The height and bulk of structures, location of all
20 signs, fences, and walls to be constructed on the site.

21 E. Provision for storm drainage including flow, catch
22 basins, location and size of sewers and discharge
23 points from the site.

24 F. Location of all connections to utilities serving the
25 site.

26 G. Upon approval of the plans by the Planning
27 Commission and/or the Zoning/Building Officer the
28 construction must be started within ninety (90) days
29 from the date of issuance of the permit and shall
30 expire one (1) year from date of issuance unless a
31 specific extension has been granted by the Commission
32 because of weather, size of the project or special
33 circumstances where undue hardship may exist.

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

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

11 406. PUBLIC UTILITY USES

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

17 407. LOTS OF RECORD NOT MEETING REQUIREMENTS.

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

25 408. SITE RESTORATION BOND.

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

1 409. CONTINUANCE

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

16 410. DISCONTINUANCE OF USE.

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

22 411. ALTERATIONS, EXTENSIONS AND/OR ENLARGEMENTS.

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

29 412. PROVISIONS FOR RECONSTRUCTION.

30 Any building or structure devoted to a non-conforming use
31 which is damaged by fire, flood, wind or other natural or man
32 made catastrophe, to the extent of seventy five (75) percent or
33 more of its fair market value immediately prior to the damage
34 shall not be repaired excepting in such manner as will not be
35 detrimental to the character of the neighborhood. In the event
36 that the Zoning Officer's estimate of the damage of fair market

1 value is not acceptable to the applicant for the building permit
2 to repair or reconstruct such building or structure the applicant
3 may appeal to the Zoning Hearing Board. In such case:

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

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

10 413. CONSTRUCTION IN PROGRESS.

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

20 414. CLEARING OF VEGETATION.

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

26 415. DECORATIVE STRUCTURES.

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

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

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

3 416. CUTTING OR REMOVAL OF TREES.

4 No trees over three (3) inches in diameter, as measured at a
5 point two (2) feet above the level of the ground, may be cut in
6 any district in Indian Lake Borough unless a Clearing Permit has
7 first been obtained from the Zoning Officer. A Clearing Permit
8 shall be in force for no more than six (6) months from date of
9 issue. No Clearing Permit shall be issued unless a Building
10 Permit has first been issued excepting in cases where the removal
11 of a tree or trees is necessary to provide for the health,
12 safety, welfare or removal or preventing property damage of the
13 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 (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. Also one storage locker not to exceed thirty two(32) square feet in area or four (4) feet in height which must be an integral part of a boat house, dock or boat slip, a permit for which may be issued only to a property owner who has a dwelling completely erected complying with all ordinances of the Borough.

1 (d) One (1) boat dock, boat house or boat
 2 lift only on property which in its deed
 3 contains a specific ownership to lake
 4 frontage or a specific right of way to use
 5 lake frontage and which shall be marked with
 6 the name and lot number. Existing boat
 7 docks, slips, lifts and boat houses must be
 8 kept in good repair and condition so as not
 9 to adversely affect the health, general well
 10 being and welfare of the residents of the
 11 Borough. Failure to comply, after
 12 notification of violation will result in the
 13 removal of said structures and no permit will
 14 be issued for replacement.

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

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

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

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

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

1 2. A boat house shall not exceed twenty six (26)
 2 feet in width on the water front and must be built
 3 over an excavated slip and not extend out into the
 4 lake.

5 3. A Storage shed may not exceed one hundred forty
 6 four (144) square feet in floor area.

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

9 1. The same size with the same dimensions as shown
 10 of the plot plan of the original developer or -

11 2. Where any lot is subdivided from any existing
 12 larger tract within the Borough, the lot must be a
 13 minimum of two (2) acres in size with a road
 14 frontage of a minimum of two hundred (200) feet,
 15 or conform fully to provisions of Article Twelve

16 3. Where a boat dock is constructed it must not
 17 extend into the Lake more than thirty (30) feet.

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

21 1. Front Yard-Not less than one third the lot
 22 depth or in any case not less than one hundred
 23 (100) feet from the lot line bordering the street,
 24 or in the case of a Lake Front Lot, the lot line
 25 bordering the Lake.

26 2. Side Yard-Not less than ten (10) feet at any
 27 point along the side lines.

28 3. Composite minimum width for both side yards -
 29 not less than twenty (20) feet at any point.

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

3 502. USE.

4 A. Permitted Uses.

5 1. Single and Two Family Detached Dwellings.

6 2. Row Dwellings.

7 3. No platted lots subdivided by the original
8 developer as shown on the existing Plot Plans
9 shall be used for any structure other than a One
10 Family Detached Dwelling.

11 4. Any other lots created or subdivided shall
12 conform with all provisions of Article Twelve (12)
13 of this ordinance

14 5. In the case of One Family Dwellings in an R-2
Area all of the provisions of Section #501 above
shall apply.

17 6. No accessory buildings shall be built in an R-2
18 Area such as those permitted to One Family
19 Detached Dwellings, unless such buildings are for
20 Community or Group use and conform to the
21 provisions of Article 12, Section 1203, D., and to
22 all of the relevant requirements of Section Twelve
23 on Planned Residential Communities.

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

26 1. No dwelling or group of dwellings shall exceed
27 35 feet in height.

28 C. Lot Area. The minimum land area for a dwelling unit
29 in an R-2 District shall be not less than twenty five thousand
30 (25,000) square feet. This area is to be determined by dividing
the total land area utilized for the group of dwelling units by

1 the number of units which participate in the joint holding of the
2 land.

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

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

13 F.Mobile Homes. Mobile Homes will be permitted only in
14 that district specifically allocated to Mobile Homes.
15 Requirements in this area shall conform to all of the applicable
16 requirements relating to single family detached homes and all of
17 the sub-division 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 or erected in or 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 deck, 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. Each boat dock or lift shall be required to have a deeded twenty-five (25) feet of shore line to be used only in conjunction with the deeded park lot. No dock may be built unless the owner also has a home within

1 Indian Lake Borough.

602. USE OF PUBLIC PARKS (P-2)

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

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

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

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

19 D. No living vegetation shall be cleared or removed
20 from these districts unless by proper permit obtained from the
21 Zoning Officer. It being the purpose of this section of the
22 Zoning Ordinance to save as much of the land within the Borough
23 in its natural state, no activity will be permitted which would
24 adversely affect the land, the water, the vegetation, the air,
25 the sub-surface or the natural resources of these districts.

26 E. As an exception to the above Section 602 the
27 construction of new wetlands which are designed to improve the
28 quality of the water flowing into Indian Lake will be permitted
29 providing they have been designed in accordance with the rules
30 and regulations established by the Department of Environmental
31 Resources of the Commonwealth of Pennsylvania and have been
32 permitted by them if required. Where land has been designated as
33 "Fish or Wildlife Preserve" it must be left in its natural state
34 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 of 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, publication, 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 or 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

1 Planning Commission and the Borough of Indian Lake
2 stating that all of this ordinance has been complied
3 with and that the following documents have accompanied
4 the application and have been approved.

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

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

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

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

33 A - AGRICULTURE

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

1 702. USE AND CONFORMANCE

3 All present structures on land within these districts are
4 accepted as being conforming within the meaning of this
5 ordinance. Any further structures should generally conform to the
6 restrictions contained in the definition of an Agricultural
7 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. Retail 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 where 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.

1 15. Accessory uses customarily incidental to any of the
2 above uses and not detrimental to the adjacent
3 residential neighborhoods.

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

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

12 1. Front Yard - Not less than one hundred (100) feet.

13 2. Side Yard - Not less than fifty (50) feet where
14 abutting a street or an alley, not less than fifteen
15 (15) feet from any side property line.

16 3. Rear Yard - Not less than twenty five (25) feet.

17 4. Wherever a building is built adjacent to any
18 residential area no portion of the building may be
19 closer than one hundred (100) feet to the property line
20 at the nearest point of such residential district and a
21 landscaped buffer along the zone boundary must be
22 planted and maintained, by the C-R property owner,
23 consisting of, but not limited to, trees, plants,
24 shrubbery and/or an ornamental fence or wall.

25 C-M Commercial Marina

26 802. USE

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

1 A. Permitted Uses

3 1. Boat repair, sales, service and long term boat and motor storage.

4 2. Incidental retail sales to the above uses including
5 delicatessen items and beverages for sale to the
6 boating customers.

7 3. Sales of gasoline and oil for boats.

8 4. Professional Offices where used in existing
9 buildings.

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

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

22 803. SITE AND LANDSCAPE PLAN

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

ZONING ORDINANCE NO 99
INDIAN LAKE BOROUGH
ARTICLE NINE

ADMINISTRATION AND ENFORCEMENT

5 901. ZONING OFFICER

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

13 B. Duties and Powers of the Zoning Officer. It shall be the
14 duty of the Zoning Officer to enforce literally the provisions of
15 this ordinance, as amended, and shall have such duties and powers
16 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:

- 19 1. Receive applications for and issue permits and be
20 authorized to sign permits.

- 21 2. Keep an official record of all applications,
22 disposition thereof and all activities pertaining
23 thereto including all complaints of zoning or permit
24 violations and of the actions taken consequent to each
25 complaint. File copies of all permits issued, reports
26 and inspections made in connection with any structure,
27 building, sign or land shall be retained as long as
28 they remain in existence.

- 29 3. Make inspections as required to fulfill the duties.
30 The Zoning Officer shall have the right to enter any
31 building or structure and enter upon any land at any
32 reasonable hour in the course of duties..

1 4. Issue permits for special exceptions and variances
2 only after such uses and or buildings have been
3 approved by the Zoning Hearing Board or Planning
4 Commission in accordance with the provisions of this
5 ordinance.

6 5. Be responsible for keeping this Ordinance and the
7 Zoning Map up to date as to include any amendments
8 thereto.

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

17 1. The name of the owner of record and any other person
18 against whom the municipality intends to take action.

19 2. The location of the property in violation.

20 3. The specific violation with a description of the
21 requirements that have not been met, citing in each instance
22 the applicable provisions of the ordinance.

23 4. The date before which the steps for compliance must be
24 commenced and the date before which the steps must be
25 completed.

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

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

1 902. BUILDING PERMIT

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

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

14 1. Actual dimensions and shape of the lot to be
15 built upon.

16 2. The exact size and location on the lot of the
17 building, structure or signs existing and/or proposed
18 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.

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

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

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

29 B. Procedures to be Followed.

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

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

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

1 C. Expiration of Building Permit. A Building Permit
 2 shall expire within ninety (90) days of issuance if the
 3 work described in the permit has not commenced. In any
 4 case all building permits shall expire one year from
 5 date of issuance.

6 903. CERTIFICATE OF USE AND OCCUPANCY

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

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

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

25 904. SCHEDULE OF FEES

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

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

1 905. 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 of 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.

19 906. 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 judgement of not more than \$500.00 plus all court costs including a reasonable attorney fees incurred by the municipality as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the municipality may enforce the judgement 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 judgements, costs and reasonable attorney fees collected for the violation of

1 zoning ordinances shall be paid over to the municipality whose
2 ordinance has been violated.

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

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

10 907. CHANGES, AMENDMENTS, AND SPECIAL EXCEPTIONS

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

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

27 B. The owner or owners of fifty one percent (51%) or more of
28 the frontage of the properties and fifty one percent (51%) of the
29 number of properties, between two intersecting streets, proposed
30 to be changed or amended, may submit a petition, acknowledged in
31 due form before a Notary Public, to the Borough Council of the
32 Borough of Indian Lake.

33 C. The owner of a tract of land may submit a petition,
34 acknowledged in due form before a Notary Public, for
35 consideration of a special exception as provided for in Article
36 Ten. Such petition shall be made to the Zoning Hearing Board.

1 The procedure upon such petition shall be as set forth in Article
2 Eleven (11).

3 908. PETITION FOR MAP CHANGE OR AMENDMENT

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

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

22 909. ACTION BY THE INDIAN LAKE BOROUGH COUNCIL

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

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

1 1. By giving public notice as defined by this
ordinance.

2 2. Posting of a similar notice at the Borough Office.

3 3. If the proposed amendment involves a zoning map change,
4 notice of said public hearing shall be conspicuously posted by
5 the municipality at points deemed sufficient by the municipality
6 along the perimeter of the tract or area to notify potentially
7 interested citizens. The affected tract or area shall be posted
8 at least one week prior to the date of the hearing.
9

10 910.CONDUCT OF THE PUBLIC HEARING

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

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

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

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

29 D. The Council or the Hearing Officer, as the case may be,
30 shall keep a record of the proceedings either stenographically or
31 by sound recording and a transcript of the proceedings and/or
32 copies of written material received shall be made available to
33 any party at cost.
34

1 911. FINAL REPORT OF THE PLANNING COMMISSION

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

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

20 912. FINAL ACTION BY THE BOROUGH OF INDIAN LAKE

21 A. The passage of an ordinance amending, supplementing or
22 changing the district boundaries or classification of property
23 now or hereafter established by this ordinance shall require the
24 majority vote of the members of the Borough Council and in any
25 case the affirmative vote of not fewer than three (3) members of
26 the Council and be in full accordance with Sections 610, et seq.,
27 of the Municipalities Planning Code, as amended, 53 P.S. Section
28 10601, et seq.

29 B. Any ordinance amending supplementing or changing the
30 regulations, district boundaries or classification of property
31 now or hereinafter established by this ordinance, if not passed
32 by the Borough of Indian Lake within sixty days (60) after the
33 required public hearing shall require a new public hearing as
34 prescribed above.

35 913. FEES

Any person other than the Borough of Indian Lake or the

1 Planning Commission requesting an amendment 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
4 filed with the Secretary of the Borough. All fees shall be paid
5 to the Borough of Indian Lake to be deposited in the General
6 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 principles 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 of this Ordinance.

D. Such use shall not adversely affect the character of the District, the conservation of 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:

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

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

12 1. Community/Group Docks for Private Parks.

13 a. Must comply with all building and other
14 specifications defined under Article Five,
15 Sections 501 and 502, and Article Six,
16 Section 601.

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

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

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

27 1. Community/Garages.

28 a. Must comply with Article Twelve, Sections
29 1201 - 1206, and be approved by the Zoning
30 Hearing Board.

31 2. Group.Multiple Family Swimming Pools.

32 a. Multiple family pools including any walks,
33 paved areas and accessory structures, serving
34 a group of residents on a tract where
35 clustered homes have been built, may not be
36 located closer than one-hundred (100) feet
37 from any property line.

38 b. All pools shall conform to and comply with
all state standards and regulations, as
specified in Article Thirteen, Section 1304,
A.1, A.2, and A.3.

1 D. Commercial General (C-G) District:

- 2
3
4
5 1. Light Industrial businesses other than those
6 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).

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

- 9 1. Hotels and Public Garages. Such facilities must
10 complement the infrastructure of the community,
11 and be fully compatible with the spirit and intent
12 of the general provisions of this ordinance;
13 comply with definition, as specified in Section
14 202, CC; comply with the provisions outlined in
15 Commercial General, Article Seven, Section 701
16 and/or in Commercial Recreation, Article Eight,
17 Section 801; and comply with all state and local
18 government standards and regulations.
- 19 a. Height. Maximum height shall be three
20 stories or forty-two (42) feet.

1 ZONING ORDINANCE NO 99
2 INDIAN LAKE BOROUGH
3 ARTICLE ELEVEN

4 APPEALS and ZONING HEARING BOARD.

5 1101. CREATION, APPOINTMENT AND ORGANIZATION

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

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

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

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

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

1 1102. JURISDICTION

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

5 1. Substantive challenges to the validity of any land use
6 ordinance except those brought before the governing body
7 pursuant to Sections 609.1 and 916.1(a)(2) of the
8 Pennsylvania Municipalities Planning Code, as amended, 53
9 P.S. Sections 10609.1 and 10916.1 (a) (2), as amended.

10 2. Challenges to the validity of a land use ordinance
11 raising procedural questions or alleged defects in the
12 process of enactment or adoption which challenges shall
13 be raised by an appeal taken within 30 days after the
14 effective date of said ordinance. Where the ordinance
15 appealed from is the initial zoning ordinance of the
16 municipality and a zoning hearing board has not been
17 previously established, the appeal raising procedural
18 questions shall be taken directly to court.

1 3. Appeals from the determination of the zoning officer,
2 including but not limited to, the granting or denial of any
21 permit, or failure to act on the application therefor, the
22 issuance of any cease and desist order or the registration
23 or refusal to register any nonconforming use, structure or
24 lot.

25 4. Appeals from a determination by a municipal engineer or
26 the zoning officer with reference to the administration of
27 any flood plain or flood hazard ordinance or such provisions
28 within a land use ordinance.

29 5. Applications for variances from the terms of the zoning
30 ordinance and flood hazard ordinance or such provisions
31 within a land use ordinance pursuant to Section 910.2 of the
32 Pennsylvania Municipalities Planning Code, as amended, 53
33 P.S. Section 10910.2, as amended.

34 6. Applications for special exceptions under the zoning
3 ordinance or flood plain or flood hazard ordinance or such
3 provisions within a land use ordinance pursuant to Section

1 912.1 of the Pennsylvania Municipalities Planning Code, as
2 amended, 53 P.S. Section 10912.1, as amended.

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

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

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

22 1103. PROCEDURE

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

30 B. The Board shall hear and decide appeals filed with the
31 Board in writing when it is alleged by any person aggrieved or by
32 a proxy of the Borough that the Zoning Officer has failed to
33 follow prescribed procedures or has misinterpreted or misapplied
34 any provision of a valid ordinance or map or any valid rule or
35 regulation governing the actions of the Zoning Officer.

36 C. The Board may also hear all challenges to the validity of

1 the zoning ordinance or district map under the provisions of
2 Section 910 of the Pennsylvania Municipalities Planning Code, and
3 shall hear all requests for variances and special exceptions
4 filed with the Board by any landowner or any tenant with the
5 permission of such landowner.

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

9 1. Public notice, as defined herein shall be given and
10 written notice shall be given to the applicant, the
11 Planning Commission, the Borough Council, the County
12 Planning Commission and the Zoning Officer and such
13 other persons or agencies as the governing body may
14 designate and to any person who has made timely request
15 for the same. Hearing notices shall be given at such
16 time and in such a manner as may have been established
17 by ordinance or in absence of such ordinance in the
18 manner prescribed by the rules of the Board. Reasonable
19 fees may be established based on cost to be paid by the
20 applicant and by persons requesting notice, not
21 required by ordinance.

22 2. Written notice of said hearing shall be
23 conspicuously posted on the affected tract of land at
24 least seven (7) calendar days prior to the hearing.

25 3. The hearing shall be held within sixty (60) days from the
26 date of the applicant's request, unless the applicant has
27 agreed in writing to an extension of time.

28 4. The chairperson of the Board and any acting
29 chairperson or the Hearing Officer presiding shall have
30 the power to administer oaths and issue subpoenas to
31 compel the attendance of witnesses and the production
32 of relevant documents including witnesses and documents
33 requested by the parties.

34 5. The parties shall have the right to be represented
35 by counsel and shall be afforded the opportunity to
3 respond and present evidence and argument and cross
3 examine adverse witnesses on all relevant issues.

1 6. Formal rules of evidence shall not apply but
2 irrelevant, immaterial or unduly repetitious evidence
3 may be excluded in the sole discretion of chairperson
4 of the Board or the Hearing Officer presiding.

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

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

26 9. Regarding variances, the Board may grant a variance,
27 provided that all of the following findings are made
28 where relevant in a given case:

- 29 A. That there are unique physical circumstances or
30 conditions, including irregularity, narrowness, or
31 shallowness of lot size or shape, or exceptional
32 topographical or other physical conditions,
33 peculiar to the particular property and that the
34 unnecessary hardship is due to such conditions and
35 not the circumstances or conditions generally
36 created by the provisions of the zoning ordinance
37 in the neighborhood or district in which the
38 property is located.

- 1 B. That because of such physical circumstances or
2 conditions, there is no possibility that the
3 property can be developed in strict conformity
4 with the provisions of the zoning ordinance and
5 that the authorization of a variance is therefore
6 necessary to enable the reasonable use of the
7 property.
- 8 C. That such unnecessary hardship has not been
9 created by the appellant.
- 10 D. That the variance, if authorized, will not alter
11 the essential character of the neighborhood or
12 district in which the property is located, nor
13 substantially or permanently impair the
14 appropriate use or development of adjacent
15 property, nor be detrimental to the public
16 welfare.
- 17 E. That the variance, if authorized, will represent
18 the minimum variance that will afford relief and
19 will represent the least modification possible of
20 the regulation in issue.
- 21 F. In granting any variance, the board may attach
22 such reasonable conditions and safeguards as it
23 may deem necessary to implement the purposes of
24 the Pennsylvania Municipalities Planning Code and
25 the zoning ordinance.

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

1 written recommendations thereon to the Board prior to a
2 final decision or entry of findings. The Hearing Officer's
3 report must be given within forty five (45) days of the last
4 hearing and the Board's decisions must be given within 30
5 days of the Hearing Officer's report.

6 11. A copy of the final decision or of the findings shall be
7 delivered to the applicant personally or mailed to him not
8 later than the day following its date. To all other persons
9 who have filed their name and address with the Board not
10 later than the last day of the hearing, the Board may
11 provide by mail or otherwise brief notice of findings and a
12 statement of the place where the full decision or findings
13 may be examined. If such notice is not provided it shall be
14 assumed by the parties that such decision or findings will
15 be available in full at the Borough office.

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

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

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

8 G. Upon approval of any matter coming before the Zoning
9 Board, the approved construction must be started within one year
10 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 a 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 change to the Zoning Hearing Board for action within thirty (30) days following initial submission to the Planning Commission.

1 1202.SPECIFIC CONDITIONS FOR PLANNED RESIDENTIAL COMMUNITIES.

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

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

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

16 1. A site plan showing the dimensions and square
17 footage of the land to be developed together with a
18 copy of the deed showing the ownership of said tract
19 and any indebtedness thereon. The site plan must also
20 show general detail as to the number and location of
21 dwellings to be erected.

22 2. Floor plans and elevation drawings of the types of
23 dwellings to be built with notations as to the square
24 footage of all floors of said dwellings.

25 3. Narrative statements as to the use and control of
26 any common property that may be held by groups of
27 dwellings together with the size and location of such
28 common property and its allocation to individual
29 dwellings.

30 4. Narrative statements outlining the proposed
31 provisions for sewerage disposal and water supply.

32 5. The Planning Commission shall forward to
33 the Indian Lake Water Authority and to the
34 Indian Lake Sewer Authority copies of the
35 application with respect to the provisions
36 for sewerage disposal and water supply and
37 request a written report which when received
38 shall become a part of the proposed plan.

39 6. Where application is being made for a Mobile Home
40 Park it shall conform to all of the
41 provisions contained in this section with the
42 exception that the minimum square footage

1 for any Mobile Home to be placed within the
2 park shall be not less than Six Hundred Fifty
3 (650) square feet of living area exclusive of
4 porches, basements, and garages.

5 C. Within 60 days after the filing of an application for
6 tentative approval of a planned residential development
7 pursuant to this article, a public hearing shall be
8 held by the governing body or the planning commission
9 in the manner heretofore prescribed in this ordinance
10 and in accord with Sections 708, 709, and 710, of the
11 Municipalities Planning Code, as amended, 53 P.S. S S
12 10708, 10709, and 10710, as amended, .

13 1203.GOVERNING REGULATIONS

14 The following regulations and requirements shall govern
15 Planned Residential Communities.

16 1. The minimum parcel or tract size shall be more than
17 two (2) acres in area.

18 2. The permitted uses and types of buildings shall be
19 limited to:

20 A. Single Family detached dwellings on individual lots
21 which must conform to the requirements set forth in
22 Articles Three and Five of this ordinance.

23 B. Single Family detached dwellings built in clusters with
24 adjacent or surrounding property owned in undivided
25 interests by the dwelling owners providing however that
26 the jointly held property may not be built upon unless
27 the jointly held property is adjacent to Indian Lake in
28 which case boat docks are allowed when they conform to
29 Section Five of this Ordinance.

30 C. Two-Family or Row Dwellings which conform to the
31 provisions of Sections Three and Five of this
32 Ordinance.

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

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

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

1 initial phase of development.

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

9 1204.DENSITY.

10 The dwelling unit density shall conform to the following:

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

13 B. Single Family Detached built in Clusters - 30,000 Square
14 Feet per dwelling; Two- Family Dwellings and Row Dwellings -
15 25,000 Square Feet per dwelling; Mobile Homes - 20,000
16 Square Feet per dwelling. Area which is jointly owned may be
17 counted if the joint area is divided by the number of
18 dwelling owners and that area added to the actual area owned
19 under the Dwelling. Area covered by roads may be included
20 if they are roads which have been built by the developer of
21 the area even if the roads will be dedicated to the Borough
22 at a future date.

23 1205.SET BACK AND SET IN REQUIREMENTS.

24 A. Single Family detached built on individual lots as
25 set forth in Article Five.

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

3 C. In the case of Clustered dwellings no more than

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

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

16 1206.SITE IMPROVEMENT STANDARDS.

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

21 A. Engineering site plan is required and shall be prepared
22 by either a registered engineer, registered architect, or
23 registered surveyor and filed with Indian Lake Borough prior
24 to the start of any construction of an approved Planned
25 Residential Development. The plan shall indicate the
26 location of buildings, streets, sidewalks, walls, fences,
27 right of way lines, proposed sewer and water lines, electric
28 utility rights of way and lines and television cable lines
29 to be constructed on the site. A topographic map shall be
30 included with a contour interval of not less than five (5)
31 feet and shall indicate all existing and final grades for
32 the site plus spot elevations for streets, storm and
33 sanitary sewers and other elevations as are deemed necessary
34 by the Planning Commission. All drawings must be to scale
35 adequate to determine all distances and sizes where
36 dimensions are not shown.

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

9 C. Street Paving-The engineering, installation and
10 construction of all streets shall be the sole responsibility
11 of the developer of the Planned Residential Community. Upon
12 completion the said streets shall be offered for dedication
13 to the Borough of Indian Lake. Should the Borough not accept
14 said streets, for any reason, the developer shall be
15 responsible for all maintenance in accordance with an
16 agreement between the developer and the Borough to which all
17 land owners in the Planned Residential Community shall be
18 3rd party beneficiaries as to enforcement thereof against
19 the developer, his heirs, successors and assigns, which
20 covers road access and maintenance to the properties being
21 developed. To be accepted for dedication:

2 (1) All streets shall have a right of way of Fifty
3 (50) feet within which the cartway and all utilities
4 must be placed.

5 (2) All streets shall have a minimum paved width of
6 Eighteen Feet (18) Feet.

7 (3) All streets, whether dedicated or not, constructed
8 on the site shall have a minimum base of No.4 slag or
9 limestone compacted to a depth of Eight (8) inches; a
10 binder course shall consist of one and one half (1-1/2)
11 inches of hot pre-mixed Asphalt and a finish coat of
12 One (1) inch pre-mixed Asphalt compressed. Asphalt
13 must be Penn Dot approved.

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

1 D. Street Signs shall be installed by the developer and
2 shall be of a type approved by the Borough representative
3 and the names selected for the streets shall be approved by
4 the Planning Commission.

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

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

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

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

1 ZONING ORDINANCE NO 99
2 INDIAN LAKE BOROUGH
3 ARTICLE THIRTEEN

4 SUPPLEMENTARY PROVISIONS

5 1301.OFF STREET PARKING AND LOADING REQUIREMENTS

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

11 1. All buildings and structures erected after the date
12 of this ordinance, or any building or structure which
13 has undergone or will undergo any structural additions
14 or changes in size, shall provide off street parking
15 and/or loading facilities as required hereinafter for
16 the use thereof.

17 2. Buildings built in either R-1 or R-2 districts shall
18 provide sufficient parking space in and around the
19 buildings in the interior of the lot or parcel to
20 accommodate the number of vehicles that can reasonably
21 be expected to be parked on the lot or parcel. On lots
22 or parcels where the topography is such that parking as
23 stated above is impractical because of winter snow or
24 ice, parking facilities may be built adjacent to the
25 public roadway even if such facilities encroach on the
26 road right of way. Such encroachment must however be so
27 placed as to not interfere with snow plowing or
28 maintenance of the road. Facilities built must conform
29 to the plan provided with the application for a
30 building permit and be inspected by the Zoning Officer
31 before such Permit is approved.

32 3. Buildings built in C-G Commercial districts, in
33 C-R Commercial Recreational Districts, or in C-M
34 Commercial Marina districts must provide off street
3 parking and loading facilities adequate for the type of

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

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

11 1. A required off street parking space should be not
12 less than twenty (20) feet in length and nine (9) feet
13 in width. Where multiple spaces are built, any aisle or
14 access roadway should be not less than twelve (12) feet
15 wide when parking spaces are built at a forty five (45)
16 degree angle, and twenty (20) feet wide where spaces
17 are built at a ninety (90) degree angle.

18 2. Where parking surfaces are paved the individual
19 spaces should be striped by durable paint at least four
20 (4) inches wide extending the entire perimeters of the
21 parking spaces.

22 3. The Zoning Officer may require changes in the
23 location of parking facilities where such change will
24 result in buffer areas between the parking facility and
25 the roadway and improve the appearance of the area.

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

32 1302.SIGNS.

33 A. General Provisions.

1 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
5 be required for all permanent signs.

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

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

14 B. Size. All signs must conform to the following limitations
15 in size.

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

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

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

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

1 5. All Real Estate Sales Signs shall be removed within
2 forty eight (48) hours after the closing is held on the
3 property on which the sign is located takes place. The
4 sign must be removed by the owner of the sign or the
5 owner of the property. In the event the sign is not
6 removed as set forth above the Zoning Officer shall
7 prepare a notice which shall describe the sign and
8 state that if the sign is not removed within five days
9 of the receipt of the notice it will be removed by the
10 Borough of Indian Lake and all costs incidental to said
11 removal shall be considered a debt owed to the Borough
12 by the owner of the sign and the owner of the property
13 and may be recovered in an appropriate court action by
14 the Borough. Notice by certified mail to the owner of
15 the property on which the sign is located shall
16 constitute adequate legal notice.

17 1303. FENCES.

18 A. General Provisions.

19 1. A building permit shall be required for the erection
20 of all fences in any district.

21 2. Fences may be constructed as Metal or Plastic, green
22 colored chain link where they are used to confine
23 animals or children to a certain area; or may be of
24 split rail or board construction in other areas.

25 3. Fences shall be no more than four (4) feet high in
26 any location with the exception of fences surrounding
27 swimming pools which shall be a minimum of Six (6) feet
28 high. No fence shall be constructed parallel to the
29 lake front on lake front property closer than one
30 hundred feet to the lake front. Fences built
31 perpendicular to the lake front may be built to the
32 actual lake front as long as they are constructed on a
33 property line.

34 4. Any type of fence construction or location other
35 than that set forth above shall require the written
36 approval of all of the adjacent property owners prior
to application for a building permit.

1 5. Any fence violating the provisions of this ordinance
2 may be removed by the Borough at the owner's cost after
3 adequate legal notice of the violation has been made to
4 the owner of the fence.

5 1304. SWIMMING POOLS

6 A. General Provisions

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

9 1. The pool is to be used solely by the occupants of the
10 home and their guest and no fee is to be charged.

11 2. The pool shall be so walled or fenced so as to prevent
12 uncontrolled access by children from adjacent properties.
13 The wall or fence shall be not less than six (6) feet in
14 height and shall be maintained in good condition.

15 3. All pools shall conform to the Pa. Dept. of Health
16 standards and existing pools shall have ninety days from the
17 date of enactment of this ordinance to conform to said
18 standards.

19 4. In the case of a private single family pool it shall be
20 located not closer than forty (40) feet from any property
21 line and if it is a pool serving a larger group of residents
22 on a tract where clustered homes have been built the pool
23 shall be not closer than one hundred (100) feet from any
24 property line.

1 ZONING ORDINANCE NO 99
 INDIAN LAKE BOROUGH
 ARTICLE FOURTEEN

4 INTERPRETATION OF ORDINANCE

5 1401. INTERPRETATION

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

1
2
3 ZONING ORDINANCE NO 99
INDIAN LAKE BOROUGH
ARTICLE FIFTEEN

4 REPEALING CLAUSE

5 1501. REPEALING CLAUSE.

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

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

17 It is the intention of this ordinance, or any amendments or
18 supplements hereto to furnish a complete and exclusive system of
19 Zoning and regulations for Zoning within the Borough of Indian
20 Lake, Somerset County, Pennsylvania.

21 Ordained and Enacted this 13th day of April 1994

22 BOROUGH OF INDIAN LAKE

23 By: Robert B. Langley
24 President of Council

25 ATTEST:

26 Theresa A. Keegan
27 Secretary-Treasurer