

ZONING ORDINANCE NO. 144

INDIAN LAKE BOROUGH

ARTICLE ONE

PRELIMINARY PROVISIONS

101. ENACTING CLAUSE.

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

102. SHORT TITLE.

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

103. EFFECTIVE DATE.

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

104. VALIDITY AND CONFLICT.

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

105. PURPOSE AND INTENTION OF ORDINANCE.

The purpose of this Ordinance is set forth in general terms in the Act of Legislation which enables the Borough of Indian Lake to enact this Ordinance. The provision of this

Ordinance shall be held to be the minimum requirements for the health, safety and welfare of the people at large and be designed to encourage the establishment and maintenance of reasonable community standards of the physical environment.

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

106. PURPOSE AND COMMUNITY DEVELOPMENT OBJECTIVES.

The purpose of this Zoning Ordinance shall be designed:

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

B. To prevent one or more of the following:

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

107. FILING.

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

ZONING ORDINANCE NO. 144

INDIAN LAKE BOROUGH

ARTICLE TWO

RULES AND DEFINITIONS

201. RULES.

The following rules of construction shall apply to this Ordinance:

A. The particular shall control the general.

B. In case of any difference of meaning or implication between the text of this Ordinance any caption or illustration, the text shall control.

202. DEFINITIONS.

A. Accessory Building or Structure. A building or structure subordinate to the principal building on the property used for purposes customarily incident to those of the principal building but which may not be used as a dwelling or habitable structure. Garages and Gazebos as defined in this section and Boat Houses, as defined in Article Thirteen, Section 1307, are specifically excepted from this definition and are not considered accessory buildings or structures for purposes of this Ordinance.

B. Accessory Use. A subordinate use which is clearly incidental and related to that of the main structure or main use of the land but shall not be construed to permit use of any structure as a dwelling even if temporary.

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

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

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

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

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

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

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

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

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

L. Building Height. The total number of stories in a building and the vertical distance measured from the average elevation of the proposed finished grade at the front of

the building to the highest point of the roof for flat roofs to the deck line for mansard roofs and to the mean height between eave and ridge for gable, hip and gambrel roofs.

M. Building Line. The line established by a building's foundation or for those buildings constructed on a slab, the outermost portion of the slab.

N. Building Line, Front. The building line closest to the front lot line.

O. Building Line, Rear. The building line closest to the rear lot line.

P. Building Line, Side. The building line(s) closest to the side lot line.

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

R. Church, Cathedral or Temple. A place of actual group religious worship.

S. Commercial Boat Dock. An artificial structure that encroaches the water of Indian Lake as a landing place or moorage for powered, non-powered boats or personal watercraft that provides pedestrian access over the lake that is provided to a person other than the owner of the structure for lease or rent.

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

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

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

W. Dock/Lake Walkway. An artificial structure that encroaches the water of Indian Lake that is used by the owner as a landing place or moorage for powered, non-powered boats or personal watercraft that provides pedestrian access over the lake.

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

Y. Dwelling Condominium. A dwelling or group of dwellings divided by a common wall or a portion thereof containing separate living or dwelling homes for two or more families living independently of each other with a common building entrance where the structure as a whole is constructed on a plot of land that is commonly owned by all residents of the building.

Z. Dwelling Single-Family. A detached building designed for and occupied exclusively by one family.

AA. Dwelling Multiple-Family. A dwelling or group of dwellings divided by a common wall or a portion thereof containing separate living or dwelling homes for two or more families living independently of each other with separate dwelling entrances where each dwelling is constructed on a subdivided plot of land that is individually owned by the owner of the Dwelling Unit upon which the Dwelling Unit is constructed.

BB. Dwelling Row. A dwelling or group of dwellings divided by a common wall or a portion thereof containing separate living or dwelling homes for two or more families living independently of each other with separate dwelling entrances where the structure as a whole is constructed on a plot of land that is commonly owned by all residents of the Dwelling Row.

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

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

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

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

GG. Garage, Private. A structure that is detached from a Dwelling for the use of motor vehicle storage, landscaping equipment and other ancillary uses strictly for the residents of the property on which the garage is erected. Attachment of a garage with the dwelling with open roofs, breezeways, bridges, beams, decks or trim does not constitute attachment for purposes of this ordinance and garage structures so attached will be considered a detached structure. To be considered an attached garage, the garage structure shall have a minimum of 15% of at least one wall in common with a wall of the dwelling structure.

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

II. Gazebo/Pavilion. A freestanding roofed structure open on all sides.

JJ. Home Occupations. Any occupation or activity which is incidental and secondary to use of the premises for dwelling and which is carried on by a member of a family residing on the premises for commercial gain.

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

LL. House, Work or Business Trailer. Any portable structure that has or had the capability of being towed and which was designed, intended, or designated to be used for living, sleeping, work or business purposes. This definition of house, work, or business trailer specifically includes but is not limited to construction trailers and/or mobile homes.

MM. Landowner. The legal or beneficial owner of land including the holder of a contract or option to purchase (whether or not such option or contract is subject to any conditions), a lessee if he is authorized under the lease to exercise the rights of a landowner, or other person having a proprietary interest in land.

NN. Loading Spaces. An off street space or girth abutting upon a street or way of other means of access intended for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

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

PP. Lot, Contiguous. Lots sharing a common property line shall be considered contiguous. This shall include lots that are divided by a public roadway. For calculation of lake frontage for lots abutting Indian Lake, the lots must share a common side property line.

QQ. Lot, Corner. A lot abutting two or more intersecting streets that has an interior angle of less than 135 degrees at the intersection of two street lines.

RR. Lot Depth. The mean distance between the front lot line and the rear lot line.

SS. Lot Line, Front. In the case of lot not fronting the waters of Indian Lake or otherwise not defined as a corner lot, the line separating the lot from the street. In the case of a corner lot, the line separating the narrowest frontage of the lot from the street. In the case of a lot fronting the waters of Indian Lake, the front lot line is the waterline.

Commented [MDM1]: Needs changed - typo

TT. Lot Platted. As used in this Ordinance refers to a parcel of land that is defined in the plot plan maintained by the Somerset County planning Commission.

UU. Lot Width. For lots with a dwelling, the lot width is determined by taking the average of the measurements taken between the side lot ~~lines at~~ lines at the front and rear building lines. For lots without a dwelling, the width is the mean width established by taking the average of the measurements taken between the side lot lines at points every twenty (20) feet between the front and rear lot lines.

Commented [MDM2]: Typo correction to be included with next revision

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

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

2. A volume of earth movement exceeding an average of one half (1/2) of a cubic yard per square foot or sixteen thousand (16,000) cubic yards whichever is the lesser;
or

3. A change in ground elevation exceeding five (5) feet.

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

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

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

ZZ. Motorhome: A class A, B or C motorized recreational vehicle that contains a room-like area behind the driver's seat and which is outfitted as living quarters for temporary occupancy.

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

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

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

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

EEE. Outdoor Furnace. Any device used to heat a dwelling or to produce heat for any purpose incidental to the use of the Dwelling Unit using a variety of fuel sources to include wood, oil or coal, and which produces continuous smoke and which is designed to be installed outside of a building and which is located outside of the Dwelling Unit.

FFF. Park, Private. Refers to the areas of open space in the Borough, surrounded by, or which surrounds residential lots and which is owned in common or joint ownership by the said owners of said lots and/or the original developer or the Borough, its successors or assigns.

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

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

III. Permit. Written authorization by the Zoning Officer or Somerset County Building Inspections, as applicable, to proceed with any activity requiring such approval as indicated in this Ordinance.

JJJ. Porch/Deck. ~~An open structure with or without a roof projecting from the front, side or rear wall of a building~~ Artificial surface constructed above grade.

Commented [MDM3]: Changed – Ordinance 167

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

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

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

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

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

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

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

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

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

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

UUU. Story. That part of a building between a floor and a roof above, except that the first story of any building is the lowest story for which at least seventy-five (75%) percent of the area of its outside walls are above the average level of the ground adjacent to the said walls.

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

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

XXX. Trailer, Recreational. A towable vehicle that includes living quarters designed for temporary, recreational use.

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

ZZZ. Yard, Front. The area between the front lot line and the nearest building line of the primary dwelling constructed on the lot. Where no building is constructed, it is the area between the front lot line and a point midway between the front and rear lot lines.

AAAA. Yard, Rear. The area between the rear lot line and the nearest building line of the primary dwelling constructed on the lot. Where no building is constructed, it is the area between the rear lot line and a point midway between the front and rear lot lines.

BBBB. Yard, Side. The area between the front and rear building lines of the primary dwelling and the side lot line.

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

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

EEEE. Zoning Approval. Review of a permit application and agreement by the Zoning Officer that the proposed construction conforms with the requirements of this Ordinance.

ZONING ORDINANCE NO. 144
INDIAN LAKE BOROUGH
ARTICLE THREE
DISTRICT AND DISTRICT MAP

301. GENERAL CLASSIFICATION

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

- | | | |
|------------------------------|-----|---|
| <u>Residence Districts:</u> | R-1 | Single Family Detached Dwelling |
| | R-2 | Mobile Homes, Condominium, Multiple Family or Row Dwellings |
| <u>Recreation Districts:</u> | P-1 | Private Parks |
| | P-2 | Public Parks |
| <u>Business Districts:</u> | C-R | Commercial Recreational |
| | C-M | Commercial Marina |
| | C-G | Commercial General |
| | A | Agricultural |

302. ZONING DISTRICT MAP

The boundaries of said Districts shall be shown upon the Zoning District Map. The Zoning District Map shall be kept on file at the office of the Borough of Indian Lake and shall be available for examination by the public at such times as the office is open for business. Copies of said Zoning District Map shall be made for the use of the Borough Council, the

Planning Commission and the Zoning Board upon the order of their respective Presidents or Chairman.

303. ZONING DISTRICT BOUNDARIES

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

304. MINIMUM LIVING AREA FOR DWELLING UNITS

~~In R-1 Districts the minimum living area of private dwellings shall be Twelve Hundred Fifty (1250) square feet on the first floor exclusive of porches, basements and garages.~~ In R-2 Districts the minimum area of dwelling unit whether a single family, two family or row dwelling shall be Nine Hundred (900) square feet of living area exclusive of porches, basements and garages. In any "A" Frame type structure the loft area may not be included in calculating the square feet of living area. Mobile Homes in a designated Mobile Home District must have a minimum of Six Hundred Fifty (650) square feet of living area exclusive of porches, basements and garages.

Commented [MDM4]: Changed via Ordinance #175 to make consistent with other provisions of the Ordinance.

305. MOBILE HOMES, HOUSE, WORK OR BUSINESS TRAILERS, RECREATIONAL TRAILERS, MOTORHOMES OR TENTS

In all Districts, no Mobile Homes, except where expressly permitted in the Zoning District are permitted. Additionally, House, Work or Business Trailers; Recreational Trailers; Motor Homes; or Tents, or their equivalent are not permitted to be occupied within the Borough of Indian Lake. Additionally, none of the above may be placed on any Platted Lot that does not contain a Dwelling Unit.

306. SHORELINE ENCROACHMENT

The natural shore line of Indian Lake shall not be altered, extended or diminished without prior written encroachment permit from the Zoning Officer. It shall be the responsibility of the applicant to demonstrate compliance with any Department of Environmental Protection or Army Corps of Engineers regulations related to encroachment.

307. SUBDIVISION OF LAND

In all districts, no Platted Lot may be subdivided except as permitted in Article Twelve of this Ordinance. Any lot which is created by subdividing an existing tract and where such lot borders Indian Lake, the dimension of the lot at the lake front shall be not less than one hundred (100) feet.

308. CONSTRUCTION ON UNDEVELOPED PLATTED LOTS

From and after the date of ordination and enactment of this Ordinance, no Accessory Building or Structure, Garage, Boat House, or Gazebo shall be built on any lot within the Borough unless and until, or at the same time, a Dwelling Unit has been built or is being built upon said lot or an additional Platted Lot within the Borough owned by the same person. This provision shall not prohibit the owner of a Platted Lot in an R-1 Zoning District, without a Dwelling Unit built thereon, from constructing a Private Garage or Boat House, and/or one storage shed or storage locker if he or she owns a Platted Lot with a Dwelling Unit thereon within the Borough. In such cases, construction of the Private Garage, Boat House, Storage Shed, and/or Storage Locker must conform with the provisions associated with these structures contained within this ordinance.

309. AGRICULTURAL DESIGNATION.

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

310. HOME OCCUPATIONS

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

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

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

C. Exterior parking and/or exterior storage of more than one work-related vehicle related to a Home Office is prohibited. This prohibition shall not apply to unlettered family vehicles. A work related vehicle shall include a vehicle registered as a commercial vehicle by the Pennsylvania Department of Transportation or any vehicle with business-related lettering or signage. The parking or storage of any commercial vehicle, business related or non-family vehicle over twenty thousand pounds (20,000 lbs.) gross vehicle weight (GVW) is also specifically prohibited.

311. OUTDOOR FURNACES

In all Districts, no OUTDOOR FURNACE shall be permitted.

ZONING ORDINANCE NO.144

INDIAN LAKE BOROUGH

ARTICLE FOUR

GENERAL PROVISIONS

401. CONFORMANCE AND PERMITS.

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

402. COMPLIANCE WITH REGULATIONS.

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

403. YARDS.

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

404. SUBSTANDARD DWELLINGS.

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

B. Any structure, including those that are incidental to the primary dwelling such as accessory buildings, boat docks, boat houses, garages, storage sheds or the like, that is in need of such major structural repair such that it is unsafe for its intended use as of the date of enactment of this ordinance or at any time thereafter, such structure shall be considered non-conforming and a violation of this ordinance subjecting the property owner to sanction as detailed in Article Nine, Section 906.

405. SITE PLAN APPROVAL.

Except where subdivision planning is required under Article Twelve, an application for a Building Permit in any district shall require, in addition to the specific requirements of the district regulations, a site plan drawn to accurate scale that indicates the following:

A. Location of the property with respect to adjacent streets and property owners and their respective zoning classification.

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

C. The location of vehicular access to the site.

D. The dimensions and location of structures, location of all signs, fences, and walls to be constructed on the site.

E. Where required by the Department of Environmental Protection, a soil and sediment erosion control plan shall also be submitted. Where Department Approval is required, the approval must be submitted prior to the grant of any Zoning Approval.

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

406. PUBLIC UTILITY USES.

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

407. LOTS OF RECORD NOT MEETING REQUIREMENTS.

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

408. SITE RESTORATION BOND.

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

409. CONTINUANCE.

The lawful use of a building, property or land existing at the time of the effective date of this Ordinance may be continued, even though such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building or land may be changed to another non-conforming use of the same, a more restricted use or to a conforming use; however, such use shall not be hereafter changed to a less restricted one.

Whenever the use of a building, property or land becomes non-conforming through a change in the zoning ordinance or district boundaries, such use may be continued. If no structural alterations are made, it may be changed to another or more restrictive classification. ~~Such a determination shall be made and property certified by the Zoning Hearing Board prior to the issuance of a building or occupancy permit.~~

Commented [MDM5]: Deleted – Ordinance 170

410. DISCONTINUANCE OF USE.

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

411. Reserved.

~~411. ALTERATIONS, EXTENSIONS AND/OR ENLARGEMENTS.~~

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

Commented [MDM6]: Deleted Ordinance 170

412. PROVISIONS FOR RECONSTRUCTION.

Any building or structure devoted to a non-conforming use which is damaged by fire, flood, wind or other natural or man made catastrophe, to the extent of seventy five (75) percent or more of its fair market value immediately prior to the damage, shall not be repaired except in such manner as makes the building conform to the requirements of the District in which such building or premises is located. In the event that the Zoning Officer's estimate of the damage of fair market value is not acceptable to the applicant for the building permit to repair or reconstruct such building or structure, the applicant may appeal to the Zoning Hearing Board in such cases.

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

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

413. CONSTRUCTION IN PROGRESS.

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

414. DECORATIVE STRUCTURES.

Decorative structures, including but not limited to statues, arbors, decorative fencing to enclose a flower garden or similar structure on a lot in districts zoned R-1 may be permitted under the following conditions:

A. The height shall not exceed eleven (11) feet and the Gross Area shall not exceed one hundred fifty (150) square feet. With respect to decorative fencing, such fencing must conform to the requirements of Section 1303 of this Ordinance.

B. A Building Permit must be obtained prior to construction or placement of any decorative structure.

415. CUTTING OR REMOVAL OF TREES.

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

ZONING ORDINANCE NO.144
INDIAN LAKE BOROUGH
ARTICLE FIVE
PROVISION 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” – Single Family Detached Dwellings

A. Permitted Uses

1. One Single Family Detached Dwelling

2. Accessory uses customarily incidental to the above permitted uses and including:

(a) One detached private garage.

(b) One gazebo or one pavilion may be permitted provided there are not blinds or other type of hanging material that would create a visual impairment even if temporary. A gazebo or pavilion is permitted in the front yard.

(c) One Accessory Building or Structure.

(1) Where the Accessory Building or Structure is a storage shed, the size of the storage shed shall not exceed one hundred sixty-eight (168) square feet in floor area.

(2) Where the Accessory Building or Structure is a storage locker, the size of the storage locker shall not to exceed thirty-two (32) square feet in area and four (4) feet in height.

(3) Under no circumstances will metal storage sheds or storage lockers be permitted.

(4) Approval will be required from the Zoning Officer as to the location, design, and type of material to be used in conjunction with boat docks, boat slips, storage sheds, and storage lockers so as to conform to the provisions of this ordinance.

(5) Multiple contiguous R-1 lots deeded as one property with water or road frontage of at least one hundred eighty (180) feet, one additional accessory building is permitted.

(d) Owners of lake front lots with or without a dwelling are permitted, subject to section 308 of this ordinance for lake front lots without a dwelling, to have boathouses, boatlifts, lake walkways (docks), boat slips, seawalls and storage lockers only as permitted in section 1307 of this ordinance. Under no circumstances shall these structures or a boat or personal watercraft docked thereto encroach in front of an abutting owner's property.

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

3. Inside boat storage is permissible in a garage or accessory building. Additionally, Temporary external boat parking for maintenance. Temporary storage is storage for a period of less than two (2) weeks. For purposes of this section, long-term storage is storage for longer than two (2) weeks. Long term external storage of boats shall be prohibited except as follows: Winter external storage of boats between October 1 and May 30 of the following year is permitted provided that the following requirements are met.

(a) boats may not be stored along the public roadway in an area that is within the Borough road easement;

(b) boats to be stored must have a current Pennsylvania Boat License; and

~~(c) where boats are stored on a trailer, the trailer must have a valid Pennsylvania registration.~~

Commented [MDM7]: Provision deleted in Ordinance #175 for reasons of enforcement.

4. Home offices as defined in Article Three, Section 313 of this Ordinance.

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

1. Single family detached dwelling – Thirty-five (35) feet.
2. Detached Garage – Twenty (20) feet.
3. Boathouse or Boat Lift – as defined in section 1307 of this ordinance.
4. Boat Dock – Four (4) feet in height above the normal pool level of Indian Lake.
5. Accessory Building – twelve (12) feet.
6. Gazebos or pavilions shall not exceed eighteen (18) feet in height as measured

from the level of the ground to the peak of the roof.

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

1. Single Family detached dwelling – the minimum living area of a private dwelling house, exclusive of porches, basements, and garages shall be one thousand two hundred and fifty (1250) square feet on the first floor. In an “A” frame type structure the loft may not be used in calculating the minimum square footage.

2. Detached Garage – the maximum square footage is One Thousand Two Hundred and Eighty (1280) Square Feet.

3. Boathouse - as defined in section 1307 of this ordinance.

4. A Storage Shed may not exceed one hundred sixty eight (168) square feet in floor area.

5. A Gazebo or Pavilion cannot extend in either length or width greater than twenty-five (25) feet.

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

1. The same size with the same dimensions as shown on the plot plan of the original developer; or

2. where any lot is subdivided from an existing larger tract within the Borough as permitted by Article Twelve of this ordinance, the lot must be a minimum of three-fourth (.75) acre in size with a minimum road frontage which meets or exceeds the Somerset County Zoning Ordinance requirements. For lake lots, the lake frontage must be at least one hundred (100) feet.

E. Yard Area and Set Backs. No building may be erected or enlarged unless the minimum yard area and set back of the building is met as provided in the following subsections:

1. Single Family detached dwelling

(a) Front Yard: For lots where the front yard abuts the street, the set back shall be no less than fifty (50) feet from the lot line bordering the street. Where the front yard abuts the lake front, the set back shall be not less than one third the lot depth or in any case not less than one hundred (100) feet from the lot line bordering the lake shoreline.

(b) Rear Yard: In all cases not less than twenty five (25) feet.

(c) Side Yard: Not less than ten (10) feet at any point along the side lines.

(d) Composite minimum width for both side yards – not less than twenty (20) feet at any point.

2. Garages

(a) Front Yard: For lots where the front yard abuts the street, the set back shall be no less than twenty-five (25) feet from the lot line bordering the street. Where the front yard abuts the lake front, set back shall be no less than one hundred (100) feet from the lot line bordering the lake shoreline.

(b) Rear Yard: In all cases are ten (10) feet.

(c) Side Yard: Not less than ten (10) feet at any point along the side lines.

3. Accessory Buildings

(a) Front Yard: With the exception of the provisions of Section 501.E.5 relating to gazebos, for lots where the front yard abuts the street, the set back shall be no less than twenty-five (25) feet from the lot line bordering the street. Where the front yard abuts the lake front, the set back shall be no less than one hundred (100) feet from the lot line bordering the lake shoreline.

(b) Rear Yard: In all cases ten (10) feet.

(c) Side Yard: Not less than ten (10) feet at any point along the side lines.

4. Storage Sheds

a. For all lots, no portion of a storage shed may be placed between the front building line of a single family dwelling and the front property line. Any storage sheds so located at the time of adoption of this Ordinance may remain if placed under a properly authorized permit. Where such structures are damaged or fall into disrepair such that they require replacement as required by section 412, the location of the replacement shall conform to the requirements of this section and a permit shall be required as indicated in section 412.A.

5. Gazebos or Pavilions – ~~Twenty (20)~~ **Ten (10)** feet from side property line. There is no setback requirement from the front property line for lakefront properties.

6. Boathouse – As defined in section 1307 of this ordinance.

Commented [MDM8]: Changed Ordinance 170

"R-2" Mobile Homes, Condominium, Multiple Family or Row Dwellings

502. USE

A. Permitted Uses.

1. Multi-Family Dwellings.
2. Row Dwellings.
3. Condominiums.

4. No One Family Dwellings may be constructed in an R-2 zone with the exception of Mobile Homes. Mobile Homes may be placed only in expressly designated areas in the district.

5. Any lots subdivided to create an R-2 zone shall conform to the provisions of Article Twelve (12) of this Ordinance.

6. Accessory buildings or Garages for Community or Group use provided that the setback requirements of subsection D of this section are met.

7. Home Offices as defined in Article Three, Section 313 of this Ordinance.

8. Inside boat storage is permissible in a garage or accessory building. Additionally, temporary external boat parking for maintenance. Temporary storage is storage for a period of less than two (2) weeks. For purposes of this section, long-term storage is storage for longer than two (2) weeks. Long term external storage of boats shall be prohibited except as follows: Winter external storage of boats between October 1 and May 30 of the following year is permitted provided that the following requirements are met.

(a) boats may not be stored along the public roadway in an area that is within the Borough road easement;

(b) boats to be stored must have a current Pennsylvania Boat License; and

~~(c) where boats are stored on a trailer, the trailer must have a valid Pennsylvania registration.~~

Commented [MDM9]: Provision deleted in Ordinance #175 for reasons of enforcement.

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

1. No dwelling or group of dwellings shall exceed thirty-five (35) feet in height.

2. Accessory Structures where permitted shall not exceed twelve (12) feet in height.

C. Lot Area. The minimum land area for a Multi-Family or Row Dwelling in an R-2 District shall be not less than twenty five thousand (25,000) square feet per unit. The minimum land area for a Condominium Dwelling shall be not less than fifteen thousand (15,000) square feet per unit. For Row and Condominium Dwellings, this area is to be determined by dividing the total land area owned in common by residents of the Row or Condominium Dwelling by the number of units that participate in the joint holding of the land.

D. Setbacks.

1. Front Yard: For lots where the front yard abuts the street, the set back shall be no less than ten (10) feet from the lot line bordering the street. Where the front yard abuts the lake front, the set back shall be no less than one hundred (100) feet from the lot line bordering the lake shoreline.

2. Rear Yard: In all cases the set back shall be no less than ten (10) feet from the rear lot line.

3. Side Yard: Not less than ten (10) feet at any point along the side lines and not less than twenty-five feet from the closest building.

4. Composite minimum width for both side yards – not less than twenty (20) feet at any point.

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

F. Mobile Homes. Mobile Homes will be permitted only in that District specifically allocated to Mobile Homes. Requirements in this area shall conform to all of the applicable requirements relating to single family detached homes and all of the subdivision

requirements of the Planned Residential Community in Article Twelve (12) of this Ordinance.

ZONING ORDINANCE NO 144
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 constructed on any park property with the exception of boathouses, boatlifts, lake walkways (docks), boat slips, seawalls and storage lockers and only as permitted in section 1307 of this ordinance.

~~2. No tents, trailers, sheds, boats, vehicles or mobile homes may be placed or stored on park property and no roads may be built thereon. Motor vehicles are not permitted on park property other than those actually required during construction of boat facilities or for transportation to a park owner's docking area. Motor vehicles including golf carts or other all-terrain style utility vehicles may be parked in the area of the park owner's dock during periods of boat usage provided that access of other park owners is not impeded; however, overnight parking shall not be permitted.~~
2. No tents, trailers, sheds, boats, vehicles or mobile homes may be placed or stored 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.

Commented [MDM10]: Changed via Ordinance # 175 to correct publication error in passage of #144.

B. Height – As defined in section 1307 of this ordinance.

C. Lot Area – As defined in section 1307 of this ordinance.

602. USE OF PUBLIC PARKS (P-2)

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

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

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

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

D. No living vegetation shall be cleared or removed from these Districts unless by prior approval of the Borough Council. It being the purpose of this section of the Zoning Ordinance to save as much of the land within the Borough in its natural state, no activity will be permitted which would adversely affect the land, the water, the vegetation, the air, the subsurface or the natural resources of these Districts.

E. As an exception to the above, the construction of new wetlands that are designed to improve the quality of the water flowing into Indian Lake will be permitted providing they have been designed in accordance with the rules and regulations established by the Department of Environmental Protection of the Commonwealth of Pennsylvania and have been permitted by that entity if required. Where land has been designated as "Fish and Wildlife Preserve", it must be left in its natural state with no construction, trails or vegetation disturbed without prior approval of the Borough Council.

ZONING ORDINANCE NO 144
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 including but not limited to:
 - a. Animal Hospital
 - b. Bakery
 - c. Cabinet making establishments and carpenter shops
 - d. Clothing Factory
 - e. Computer Software Manufacturer
 - f. Dairy

- g. Laundry
- h. Optical goods factory
- i. Printing, publications, and engraving plant
- j. Research and development organization
- k. Storage firm

1. Any other type manufacturing - light industrial use as approved by the Zoning Enforcement Officer.

12. Accessory use or building customarily incidental to the above permitted uses and as regulated by this Ordinance.

13. General Retail Sales

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

C. Lot and Yard Areas. Commercial buildings shall not be erected, enlarged or altered except as consistent with the provisions of this section.

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

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

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

4. Composite minimum width for both side yards – not less than thirty (30) feet at any point.

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

6. 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) percent of the total lot area.

7. 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.

8. All activities shall be conducted within a completely closed building except refueling of aircraft and nurseries.

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

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

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

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

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

702. USE AND CONFORMANCE

All present structures on land within these Districts are accepted as being conforming within the meaning of this ordinance. Any further structures should generally conform to the

restrictions contained in the definition of an Agricultural District insofar as possible considering the use to which they will be put.

A-AGRICULTURE

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

703. Use

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

B. Surface Mining of Coal is permitted within, and only within, Districts zoned for Agriculture as a Conditional Use. Such mining shall be subject to permitting by the Department of Environmental Protection (DEP), must be a temporary versus permanent use, and must include reclamation provisions and assurances by bonding. Such use must be the subject of separate and specific agreement regarding monitoring and reporting to the permit requirements, the protection of the Borough's land and water resources from mining impacts, and any royalties negotiated so as to mitigate risks associated with such potential impacts.

Commented [M11]: Provision added as a result of Ordinance 177 enacted 10 Aug 2016.

ZONING ORDINANCE NO.144
INDIAN LAKE BOROUGH
ARTICLE EIGHT
PROVISIONS GOVERNING RECREATIONAL DISTRICTS
C-R Commercial Recreational

801. USE

The Commercial Recreational Districts are intended to govern the three major recreational land areas within Indian Lake Borough; i.e., the Peninsula Golf Course Area, the Public Golf Course Area and the Indian Lake Lodge Area. For these Areas, any uses not conforming to this Ordinance but which are presently existing, or uses which conformed to the Borough Zoning Ordinance in effect when the permit for construction was issued, are considered non-conforming uses that are accepted as prior existing uses under this Ordinance. Additionally, uses subject to prior contractual commitments by the Borough are considered conforming for purposes of this Ordinance. The following uses and buildings and structures may be erected or altered and the land used for the following purposes and no other:

A. Permitted Uses

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

15. General Maintenance and Storage

16. Commercial Boat Docking

17. Condominium and Multiple Family Dwellings

18. Accessory uses customarily incidental to any of the above uses not detrimental to the general health, safety, and public welfare of the neighboring community.

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

C. Lot and Yard Areas.

1. Commercial Buildings. Commercial buildings shall not be erected, enlarged, or altered except as consistent with the provisions of this section.

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

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

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

(d) Composite minimum width for both side yards – not less than thirty (30) feet at any point.

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

2. Condominium and Multi-Family Dwellings. Condominium and Multi-Family Dwellings shall not be erected, enlarged, or altered except as consistent with the provisions of this section.

(a) Front Yard: For lots where the front yard abuts the street, the set back shall be no less than ten (10) feet from the lot line bordering the street. Where the front yard abuts the

lake front, the set back shall be no less than one hundred (100) feet from the lot line bordering the lake shoreline.

(b) Rear Yard: In all cases the set back shall be no less than ten (10) feet from the rear lot line.

(c) Side Yard: Not less than ten (10) feet at any point along the side lines and not less than twenty-five feet from the closest building.

(d) Composite minimum width for both side yards – not less than twenty (20) feet at any point.

D. Commercial Docking. Docks used for Commercial Docking shall be constructed only on the 300 feet of remaining CR zoned lake frontage at the time of adoption of this ordinance. The point of maximum encroachment shall be determined as follows: from the southernmost corner of the frontage area, a line shall be established that is perpendicular to the existing natural shoreline and shall extend to a point not more than fifty (50) feet from the existing natural shoreline; the line shall proceed at ninety (90) degrees toward the northernmost end of the frontage area one-hundred and twenty-five (125) feet to a second point; from this point the line shall proceed directly to a point seventy (70) feet from the existing natural shoreline as measured perpendicularly from the northernmost corner of the frontage area. This specification as to the location of measurement specifically permits docks to be constructed so as to take advantage of the natural recession of the shoreline in this area. Nothing in this section shall be construed to preclude encroachment of the existing natural shoreline provided that a valid encroachment permit is issued in accordance with the requirements of Article Three Section 306. The width of the docks as constructed may not exceed eight (8) feet. For commercial docks that extend beyond fifty feet from the shoreline, lighting shall be required to permit identification of the dock structure at night.

E. External Boat Storage. Long term external storage of boats is not permitted except as permitted by this section. Temporary external boat parking for maintenance is permitted. For purposes of this section, long-term storage is storage for longer than two (2) weeks. Temporary storage is storage for a period of less than or equal to two (2) weeks. This provision shall not be construed to prohibit winter external storage of boats between

October 1 and May 30 of the following year provided that the following requirements are met.

1. boats are shrink wrapped;
2. boats are stored in an area screened from public view, either by natural or man made screening (fencing) as approved by the Zoning Officer. Fencing necessary to comply with this section shall be exempt from the height requirements of Article Thirteen, Section 1303 of this Ordinance but shall not exceed eight (8) feet in height. All other provisions of Article Thirteen, Section 1303 shall apply;

3. boats to be stored have a current Pennsylvania Boat License; and

~~4. where boats are stored on a trailer, the trailer must have a valid Pennsylvania registration.~~

Commented [MDM12]: Provision deleted in Ordinance #175 for reasons of enforcement.

C-M Commercial Marina

802. USE

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

A. Permitted Uses.

1. Commercial Docking, boat repair, sales, service and temporary external boat parking for maintenance, external parking of boats to display for sale and inside storage of boats, and motors for long-term storage. For purposes of this section, long-term storage is storage for longer than two (2) weeks. Temporary storage is storage for a period of less than or equal to two (2) weeks. This provision shall not be construed to prohibit winter external storage of boats between October 1 and May 30 of the following year provided that the following requirements are met.

(a) boats are shrink wrapped;

(b) boats are stored in an area screened from public view, either by natural or man made screening (fencing) as approved by the Zoning Officer. Fencing necessary to comply with this section shall be exempt from the height requirements of Article Thirteen, Section

1303 of this Ordinance but shall not exceed eight (8) feet in height. All other provisions of Article Thirteen, Section 1303 shall apply;

(c) boats to be stored have a current Pennsylvania Boat License; and

~~(d) where boats are stored on a trailer, the trailer must have a valid Pennsylvania registration.~~

Commented [MDM13]: Provision deleted in Ordinance #175 for reasons of enforcement.

2. Incidental retail sales to the above uses including boating and recreational supplies, delicatessen items, and beverages for sale to the boating customers.

3. Sales of gasoline and oil for boats.

4. Professional offices where used in existing buildings.

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

C. Lot and Yard Areas. Commercial buildings shall not be erected, enlarged or altered except as consistent with the provisions of this section.

1. Front Yard - Not less than thirty (30) feet.

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

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

4. Composite minimum width for both side yards – not less than thirty (30) feet at any point.

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

D. Commercial Docking. Docks used for commercial docking shall not extend beyond one-hundred (100) feet from the natural shoreline. Commercial docking shall also be permitted on the lake side of the island and shall not extend further than forty feet from the island seawall. Commercial docking may not exceed eight (8) feet in width. For commercial docks that extend beyond fifty feet from the natural shoreline, lighting shall be required to permit identification of the dock structure at night.

E. Conditional Use – Restaurant. A restaurant may be permitted in the C-M zone subject to specific approval by Borough Council as a Conditional Use. Such approval will be based upon a submitted plan with sufficient detail to ensure the following concerns are addressed, at a minimum:

1. Patron Parking, both by land and water
2. Sewage disposal (numbers of patrons and kitchen waste)
3. Unfettered access to the public boat ramp(s)
4. Emergency access, such as fire trucks and ambulances, etc.
5. Vehicular/traffic issues
6. Signage
7. Alcohol/Liquor sales anticipated
8. Sufficient Resources; availability to complete the work in a timely and proper fashion

Council may approve such use with specific conditions on these items, or others, such as time limits.

Commented [M14]: Added via Ordinance 179 Jan 11, 2017

803. SITE AND LANDSCAPE PLAN

A. With each application for a permit to construct a commercial building in a C-R, C-M or C-G zone, a plan showing the location and type of buildings and landscaping to be provided shall be filed prior to the issuance of any Building Permit and shall be in conformance with the provisions of Article 7, Section 701.D, in its entirety.

ZONING ORDINANCE NO.144
INDIAN LAKE BOROUGH
ARTICLE NINE
ADMINISTRATION AND ENFORCEMENT

901. ZONING OFFICER

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

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

1. Receive applications for and issue permits and be authorized to sign permits. For Building Permits and any other permit application where review and grant of a permits is required by Somerset County Building Inspections, the Zoning Officer is permitted to grant Zoning Approval as a component of the permit package that is sent to Somerset County Building Inspections.

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

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

4. Issue permits for Special Exceptions and Variances only after such uses and or buildings have been approved by the Zoning Hearing Board in accordance with the provisions of Article Ten of this Ordinance.

5. Be responsible for keeping the Borough copy of this Ordinance and the Zoning Map up to date as to include any amendments thereto.

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

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

2. The location of the property in violation.

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

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

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

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

902. BUILDING PERMIT

No building, structure or sign shall be erected, constructed, moved, added to or structurally altered nor shall any land be put to use without a permit thereto issued by the Zoning Officer or Somerset County Building Inspections as applicable. No such permit shall be issued except in conformity with the provisions of this Ordinance or upon written order

from the Zoning Hearing Board in the form of an Administrative Review, Special Exception or Variance as provided by this Ordinance or by the Court.

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

1. Actual dimensions and shape of the lot to be built upon.
2. The exact size and location on the lot of the building, structure or signs existing and/or proposed thereto as staked out upon the ground by the applicant or his engineer or contractor. The drawing must also show the height of the building, structure or sign.
3. The methods of sewage disposal together with a copy of the sewage enforcement officer's or DEP permit with the location of the system staked out upon the ground.
4. Location and size of parking spaces together with their location staked out upon the ground.
5. Where required by the Department of Environmental Protection, a soil and sediment erosion control plan shall also be submitted. Where Department Approval is required, the approval must be submitted prior to the grant of any permit.
6. All other information necessary for the Zoning Officer to determine conformance with the Zoning Ordinance.
7. Where review and approval of a permit application is required by Somerset County Building Inspections, the Zoning Officer must grant Zoning Approval prior to the submission of a permit application to Somerset County Building Inspections. Where such review and approval is required, an application form provided by Somerset County Building Inspections must be completed and approved as evidenced by Somerset County Building Inspections' grant of a permit by prior to the initiation of construction.

B. Procedures to be Followed.

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

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

3. One copy of the Zoning Approval shall be forwarded along with the appropriate application and fee to Somerset County Building Inspections where the permit involves the construction of any structure.

The Borough's determination shall be issued or refused within thirty (30) days from date of application. In case of refusal, the applicant shall be informed of his right of appeal to the Zoning Hearing Board. Where

C. Expiration of Building Permit. A Building Permit issued by the Borough shall expire within ninety (90) days of issuance if the work described in the permit has not commenced. In any case, all building permits issued by the Borough shall expire one year from date of issuance, unless application for extension is filed prior to expiration. An extension may be approved for up to one (1) additional year upon a showing of good cause.

903. CERTIFICATE OF USE AND OCCUPANCY

A Certificate of Use and Occupancy shall be required upon the completion of the work contemplated. Where a permit is required from Somerset County Building Inspections, a Certificate of Use and Occupancy from Somerset County Building Inspections shall be required upon the completion of the permitted construction. It shall be unlawful to use and/or to occupy any structure, building and/or land portions thereof in any manner until such a Certificate has been issued by the Zoning Officer or Somerset County Building Inspections as applicable.

A. Form of Application. The application for the Occupancy Certificate shall be in such a form as the Zoning Officer or Somerset County Building Inspections, as applicable, may require.

B. Issuance of Certificate. The Zoning Officer or Somerset County Building Inspections, as applicable, shall inspect any structure, building, sign and/or land, or portions

thereof, and shall determine the conformity with the appropriate sections of the Zoning Ordinance or building code. Where a Certificate of Use and Occupancy may be granted by the Zoning Officer, upon a finding by the Zoning Officer that the work conforms to the Ordinance and the Permit that was issued, a Certificate of Use and Occupancy shall be issued or refused if found to be non-complying, within ten (10) days from date of application.

904. SCHEDULE OF FEES

Each application for a Permit shall be accompanied with cash, a check or money order payable to the Borough of Indian Lake in accordance with the schedule of fees as has been set by the Borough which schedule is on file at the Borough office. For Permits requiring review and approval by Somerset County Building Inspections, consult the fee schedule established by Somerset County Building Inspections for applicable permit application fees.

A. Refunds. Payment of permit fees does not obligate the Zoning Officer or the Borough of Indian Lake to grant a permit to the applicant. There shall be no refunds for Building Permit fees regardless of whether permit is issued or denied.

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, and 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 upon the municipality at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

906. ENFORCEMENT REMEDIES

A. Any person, partnership, corporation or organization which shall violate the provisions of this Ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than \$500.00 plus all court costs including a reasonable attorney's fee incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of determination of a violation by the district judge. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district judge, determining that there has been a violation, further determines that there was 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 judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Borough.

B. Any person, partnership, corporation, entity, organization, or legal person who violates the provisions of §415 of this Ordinance by cutting a tree three (3) inches in diameter as measured at a point two (2) feet above the level of the ground without having obtained a permit from the Borough shall be guilty of a summary offense, and upon conviction thereof shall be fined \$250.00 for each tree cut or removed in violation of §415 of this Ordinance No. 99.

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

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

907. CHANGES, AMENDMENTS, AND SPECIAL EXCEPTIONS

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

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

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

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

908. PETITION FOR MAP CHANGE OR AMENDMENT

A. Form and Content. Petitions for changes of district boundaries or reclassification of districts as shown on the Official Zoning Map shall be made to the Planning Commission. A narrative description shall be submitted which states the reasons for such changes, shall define the limits of the change and state the specific use contemplated for the land area to be

changed. A map and/or preliminary site plan of the area to be rezoned shall also be submitted to the Commission for reference and review.

B. Preliminary Review by the Planning Commission. After the facts, data and information from the petition are reviewed and studied by the Planning Commission, the Commission shall within fifteen (15) days after the regularly scheduled meeting submit the petition with its preliminary recommendations to the Borough Council. This report by the Planning Commission is advisory and additionally serves as a means of providing a mechanism for action and review by the Council.

909. ACTION BY THE INDIAN LAKE BOROUGH COUNCIL ON PETITION FOR MAP CHANGE OR AMENDMENT

A. Referral to the County Planning Commission. At least thirty (30) days prior to the public hearing on a Petition for Map Change or Amendment, the Borough Secretary shall submit the proposed Petition for Map Change or Amendment to the Somerset County Planning Commission for recommendations. The recommendations of the County Planning Commission shall be advisory only, and non-binding.

B. Public Hearing. A public hearing shall be required prior to adoption of any Petition for Map Change or Amendment to the Zoning Ordinance. Subsequent to the submission of the Petition for Map Change or proposed Amendment of this Ordinance to the County Planning Commission, the Borough Council shall fix a date for a public hearing. Notice of the time and date of the public hearing, the location of where a copy of the proposal will be available for public inspection and a summary description of the said proposal shall be given by the following method:

1. Notice as required by the Municipalities Planning Code.
2. Posting of a similar notice at the Borough Office.
3. Posting of the description of the proposed change on the Borough website.
4. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the

municipality along the perimeter of the tract or area to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

910. CONDUCT OF THE PUBLIC HEARING

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

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

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

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

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

911. FINAL REPORT OF THE PLANNING COMMISSION

A. Within thirty (30) days following the public hearing for changes to the Official Zoning Map, the Planning Commission shall review all material, data, testimony, and facts submitted for consideration in the petition for change and submit a final report to the Borough Council setting forth its recommendation for or against the change based on

whether the change is consistent with the intended use of the land and purpose of this Ordinance as expressed in Article One, Section 106.

B. If the Planning Commission fails to file such a report within the specified time in the specified manner, it shall be presumed that the Planning Commission has no comment on the proposed Petition for Map Change. In any case, the recommendation of the Planning Commission shall be regarded as advisory in nature and shall not be binding on the Borough Council.

912. FINAL ACTION BY THE BOROUGH COUNCIL

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

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

913. FEES

Any person other than the Borough of Indian Lake or the Planning Commission requesting an 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 filed with the Secretary of the Borough. All fees shall be paid to the Borough of Indian Lake to be deposited in the General Fund. No fees shall be refundable.

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ZONING ORDINANCE NO 144

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 that is consistent with the specifically identified uses 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, property values in the surrounding area, or 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 welfare of the 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 that has been recommended by the Planning Commission and approved by the Borough Council.

1002. SPECIAL EXCEPTIONS

Special exceptions may include the following in the following districts and may be permitted with the prior approval of the Zoning Hearing Board:

A. Private Parks (P-1) Public Parks (P-2) Districts:

1. Community/Group Docks for Private or Public Parks

(a) Special Exception for the construction of Community/Group Docks may be granted where the proposed dock structure complies with the general provisions of Article Ten, Section 1001, all specifications defined in Article Three, Article Four, Article Six, Section 601 and Article Thirteen, Section 1307.

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

(c) Community/Group Docks may be used only by park owners.

(d) The application and design must have the approval of all park owners prior to submission of an application for Special Exception.

B. Mobile Homes, Condominium, Multiple Family, or Row Dwellings (R-2) District:

1. Group/Multiple Family Swimming Pools. Special Exception for the construction of Group/Multiple Family Swimming Pools may be granted where the following requirements are met.

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

(b) The proposal conforms with the provisions of Article Ten, Section 1001 and complies with the requirements at Article Thirteen, Section 1304 of this Ordinance.

C. Commercial General (C-G) District:

1. Special Exception for the operation of light industrial businesses other than those specifically listed under Article Seven, Section 701 may be granted where the business operation proposed is fully compatible with the spirit and intent of the general provisions of this ordinance, conforms to the provisions of Article Ten, Section 1001, and otherwise complies with the requirements of Article Seven (7).

D. Commercial Recreation (C-R) Districts:

1. Hotels. Special Exception for the construction of a Hotel may be granted where such facilities complete the infrastructure of the community and are fully compatible with the spirit and intent of the general provisions of this Ordinance; comply with the definition of a Hotel as specified in Section 202 KK; conforms to the provisions of Article Ten, Section 1001, and additionally complies with the provisions outlined in Article Eight, Section 801 with the exception of the height requirement.

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

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

1. Public Garages. Special Exception for the construction of a Public Garage may be granted where such facilities complete the infrastructure of the community and are fully compatible with the spirit and intent of the general provisions of this Ordinance; conform to the provisions of Article Ten, Section 1001, comply with the definition of a Public Garage as specified in Section 202 HH; and comply with the provisions outlined in Article Seven, Section 701, and Article Eight, Section 801, as appropriate.

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

ZONING ORDINANCE NO 144
INDIAN LAKE BOROUGH
ARTICLE ELEVEN
APPEALS AND ZONING HEARING BOARD

1101. CREATION, APPOINTMENT AND ORGANIZATION

A. A Zoning Hearing Board is hereby established. The Board shall consist of three (3) members selected from among Borough residents and who shall be appointed by Indian Lake Borough Council. The members of the first Board shall be appointed for terms of one (1), two (2) and three (3) years. Thereafter each member shall be appointed for a term of three (3) years. Any vacancies shall be filled for unexpired terms only. Members may be removed by the Borough Council in compliance with Section 905 of the Pennsylvania Municipalities Planning Code as amended 53 P.S. §10905.

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

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

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

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

1102. JURISDICTION

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

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

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

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

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

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

6. Applications for special exceptions under the zoning ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance pursuant to Section 912.1 of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. Section 10912.1, as amended.

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

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

B. The Borough Council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. All applications for approvals of planned residential developments under Article Twelve pursuant to the provisions of section 702 of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. § 10702

2. Applications for conditional use under the express provisions of the zoning ordinance pursuant to section 603(c)(2) of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. § 10603(c)(2)

3. Applications for curative amendment to a zoning ordinance pursuant to sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. Sections 10609.1 and 10916.1(a)(2).

4. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Article Nine and Section 609 of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. Sections 10609. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.

5. Appeals from the determination of the zoning officer or the municipal engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to application for land development under Article Twelve. Where such

determination relates only to development not involving an Article Twelve application, the appeal from such determination of the Zoning Officer shall be to the zoning hearing board pursuant to subsection A.9 of this section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Borough Council, all appeals from determinations under this paragraph shall be to the Borough Council and all appeals from the decision of the Borough Council shall be to court.

6. Applications for a special encroachment permit pursuant to Article Three Section 306 of this Ordinance.

C. Special Exceptions. Where a special exceptions is permissible under Article Ten of this Ordinance, the Board may grant or deny the request only pursuant to the express standards and criteria specified in Article Ten. The board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. The applicant need not demonstrate a hardship to qualify for a grant of a Special Exception. In granting a special exception, the board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this zoning ordinance.

1103. PROCEDURE

A. Appeals to the Zoning Hearing Board. Any persons, Corporations, Partnership or individuals aggrieved by any decision for which the Zoning Hearing Board has jurisdiction as defined in Article Eleven Section 1102 A, may within thirty (30) days after the date of such decision, seek a review and hearing by the Zoning Hearing Board in a manner provided under this section.

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

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

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

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

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

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

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

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

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

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

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

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

(a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions, peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.

(b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(c) That such unnecessary hardship has not been created by the appellant.

(d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

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

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

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

12. Where the Board fails to render the decision within the period required by this section or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant, because of the failure of the Board to meet or render a decision as herein provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in accordance with the provisions herein. If the Board shall fail to provide such

notice, the applicant may do so. Nothing in this subparagraph shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

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

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

G. Upon approval of any matter coming before the Zoning Board, the approved construction may begin provided that a Permit is issued in accordance with Article Nine of this Ordinance. Construction must be started within ninety (90) days of the issuance of the necessary Permit and must be completed within one (1) year from date of issuance, unless an extension is granted after a showing of good cause.

ZONING ORDINANCE NO 144
INDIAN LAKE BOROUGH
ARTICLE TWELVE
PLANNED RESIDENTIAL COMMUNITIES

1201. GENERAL PROVISIONS

Where subdivision of a platted lot that is more than two (2) acres in size in any district occurs, such that at least one new platted lot of a minimum of three quarter (.75) acres is created for which the construction of residential dwelling units are planned, this shall be considered a development and an application must be made for the development to qualify as a Planned Residential Community under the requirements set forth in this Article. Approval of the application shall be granted or denied in accordance with basic principles as follows:

A. Use shall be one that is authorized in the district in which it is to be located. Where rezoning is required to conform to this provision, the rezoning of the area may occur coincident to an application under this section; however, rezoning must be complete prior to the grant of any building permit.

B. Approval may be granted subject to additional conditions and safeguards that may be deemed to be advisable and appropriate so that the development conforms 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 recommended by the Planning Commission and adopted by the Borough Council. Where no Comprehensive Development plan has been adopted, the Somerset County Subdivision and Land Development Ordinance of May 28, 1991, as amended shall be used for guidance.

F. Where there is conflict between a provision of this Article and the Somerset County Subdivision and Land Development Ordinance, this Article shall control.

G. Applications for development under this Article shall require review by the Borough Planning Commission. The application shall be submitted for Planning Commission review at least ten (10) days prior to its regularly scheduled monthly meeting. The Planning Commission, in considering any plan, will consider the safety, convenience, traffic, beneficial relationship to adjacent buildings and sites and overall development in a manner not detrimental to the public at large. The Planning Commission shall conduct its review and shall report its findings and recommendations to the Zoning Enforcement Officer within thirty (30) days of its regularly scheduled meeting.

H. The requirements of this Article shall apply to the portion of the land subdivided for which the construction of residential structures is planned and shall not apply to the residual.

1202. SPECIFIC CONDITIONS FOR PLANNED RESIDENTIAL COMMUNITIES.

The following conditions shall apply to Planned Residential Communities.

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

B. Initial Application Requirements. A developer desiring to construct a development under this Article shall first submit an application to the Planning Commission at least ten (10) days prior to its regularly scheduled monthly meeting and the application shall include the following detail:

1. A site plan showing the dimensions and square footage of the land to be developed together with a copy of the deed showing the ownership of said tract and any indebtedness thereon. The site plan must also show general detail as to the number and location of dwellings to be erected and their location with respect to adjacent streets and property owners and the zoning classification of the property and that of adjoining properties.

2. Where appropriate, an application for rezoning of the parcel to be developed shall be included with the application.

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

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

5. Narrative statements outlining the proposed provisions for sewerage disposal and water supply.

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

7. The Planning Commission shall forward its comments and recommendations to the Indian Lake Borough Council within thirty (30) days along with copies of the application which when received shall become a part of the proposed plan.

C. Within sixty (60) days after the filing of an application for tentative approval of a planned residential development pursuant to this article, a public hearing shall be held by the Borough Council in the manner heretofore prescribed in this Ordinance and in accord

with Sections 708, 709 and 710, of the Municipalities Planning Code, as amended, 53 P.S. §§ 10708, 10709, and 10710, as amended.

D. The Borough Council, within thirty days of the public hearing, shall vote to approve or reject the proposed development plan.

1. If approved, the developer shall be required to submit necessary building permit applications for any residential dwelling to be constructed to the Zoning Officer who will review such applications for conformance to the requirements of the applicable zone as detailed in Article Three and Five of this Ordinance.

2. If approval is granted contingent upon correction of deficiencies, the Council shall provide to the developer a detailed list of deficiencies and an opportunity to cure any deficiencies in the plan. The corrected plan shall be submitted to the Planning Commission for review if required by the Council. The corrected plan shall not require an additional public hearing. Upon final approval by the Council, the developer shall be required to submit necessary building permit applications for any residential dwelling to be constructed to the Zoning Officer who will review such applications for conformance to the requirements of the applicable zone as detailed in Article Three and Five of this Ordinance.

3. If disapproved, the Council shall provide to the developer a detailed list of deficiencies. The developer may then make necessary modifications to the proposed plan. Application subsequent to a disapproval shall be considered an initial application and Planning Commission review and public hearing requirements shall be met consistent with subsections B and C of this section.

1203. GOVERNING REGULATIONS

The following regulations and requirements shall govern Planned Residential Communities. The minimum subdivided parcel or tract size to be developed shall be more than two (2) acres in area. Additionally, the permitted uses and types of buildings shall be limited to the following:

A. Single Family detached dwellings on individual lots are permitted on platted lots zoned as R-1, which must conform to the requirements set forth in Article Three and Five of this Ordinance.

B. Multi-Family and Row Dwellings, which conform to the provisions of Sections Three and Five of this Ordinance are permitted on platted lots zoned as R-2; however, the jointly held property may not be built upon except as permitted by Section 502 of this Ordinance. Where the jointly held property abuts the natural shoreline of Indian Lake, boat docks are permitted only by Special Exception as detailed in Section 1002 of this Ordinance.

C. Open space retained by the developer for construction of recreational facilities where permitted by the zoning classification of the retained area is permitted where the facilities are constructed and maintained principally for use of residents of the development.

D. In the event that development of the entire project is to be divided into several phases, the developer may be required to construct the road and utilities serving each phase of the residential development in the initial phase of development.

E. For Multi-Family and Row Dwellings, the developer must provide in the deed of conveyance for any commonly owned property as a covenant running with the land, provisions for maintenance of the commonly owned land, buildings, and utilities through a community association having the authority to charge appropriate fees for such maintenance.

1204. LOT AND BUILDING SIZE REQUIREMENTS.

Each dwelling unit constructed within the planned subdivision shall conform to the following as applicable:

A. Minimum lot size for a Single Family Detached Dwelling Unit is three-quarter (.75) Acres per Unit.

B. Minimum lot size for a Multi-Family or Row Dwelling is twenty five thousand (25,000) square feet per unit. The minimum lot size for a Condominium Dwelling shall be not less than fifteen thousand (15,000) square feet per unit. For Row and Condominium Dwellings, this area is to be determined by dividing the total land area owned in common by residents of the Row or Condominium Dwelling by the number of units that participate in the joint holding of the land. The minimum lot size for Multi-Family Dwellings may be met by taking the land area that is jointly owned divided by the number of dwelling owners added to the actual area owned under the Dwelling Unit. For Row Dwellings and Condominium Dwellings where the land is owned in common, the per dwelling square footage shall be calculated by taking the area which is jointly owned divided by the number of dwelling owners. Commonly owned area covered by roads may be included if they are roads that have been built by the developer of the area even if the roads will be dedicated to the Borough at a future date.

C. The minimum size of a Single Family Dwelling is 1,250 Square Feet; Multi-Family Dwellings and Row Dwellings is 900 Square Feet per dwelling unit and Mobile Homes is 650 Square Feet per dwelling unit.

1205. SET BACK REQUIREMENTS.

A. Setback requirements for a Single Family detached home built on an individual subdivided lot shall be as follows:

1. One Family detached dwelling

(a) Front Yard: For lots where the front yard abuts the street, the set back shall be no less than fifty (50) feet from the lot line bordering the street. Where the front yard abuts the lake front, the set back shall be not less than one third the lot depth or in any case not less than one hundred (100) feet from the lot line bordering the lake shoreline.

(b) Rear Yard: In all cases not less than twenty five (25) feet.

(c) Side Yard: Not less than ten (10) feet at any point along the side lines.

(d) Composite minimum width for both side yards – not less than twenty (20) feet at any point.

2. Garages

(a) Front Yard: For lots where the front yard abuts the street, the set back shall be no less than twenty-five (25) feet from the lot line bordering the street. Where the front yard abuts the lake front, set back shall be no less than one hundred (100) feet from the lot line bordering the lake shoreline.

(b) Rear Yard: In all cases are ten (10) feet.

(c) Side Yard: Not less than ten (10) feet at any point along the side lines.

3. Accessory Buildings

(a) Front Yard: With the exception of the provisions of Section 501.E.5 relating to gazebos, for lots where the front yard abuts the street, the set back shall be no less than twenty-five (25) feet from the lot line bordering the street. Where the front yard abuts the lake front, the set back shall be no less than one hundred (100) feet from the lot line bordering the lake shoreline.

(b) Rear Yard: In all cases ten (10) feet.

(c) Side Yard: Not less than ten (10) feet at any point along the side lines.

4. Storage Sheds

(a) For all lots, no portion of a storage shed may be placed between the front building line of a single family dwelling and the front property line. Any storage sheds so located at the time of adoption of this Ordinance may remain if placed under a properly authorized permit. Where such structures are damaged or fall into disrepair such that they require replacement as required by section 412, the location of the replacement shall conform to the requirements of this section and a permit shall be required as indicated in section 412.A.

5. Gazebos or Pavilions – ~~Twenty (20)~~ **Ten (10)** feet from side property line. There is no setback requirement from the front property line for lakefront properties.

Commented [MDM15]: Changed – Ordinance 170

6. Boathouse – As defined in section 1307 of this ordinance.

B. Setback Requirements for Multi-Family and Row Dwellings shall be as follows:

1. Front Yard: For lots where the front yard abuts the street, the set back shall be no less than ten (10) feet from the lot line bordering the street. Where the front yard abuts the lake front, the set back shall be no less than one hundred (100) feet from the lot line bordering the lake shoreline.

2. Rear Yard: In all cases, the set back shall be no less than ten (10) feet from the rear lot line.

3. Side Yard: Not less than ten (10) feet at any point along the side lines and not less than twenty-five feet from the closest building.

4. Composite minimum width for both side yards – not less than twenty (20) feet at any point.

C. Multi-Family or Row dwellings, shall not exceed four (4) dwellings in a single building. No jointly held land parcel shall have more than one building constructed within said jointly held parcel except as permitted in Section 502 of this Ordinance. No building shall be closer than ten (10) feet to any jointly held property line.

1206. SITE IMPROVEMENT STANDARDS.

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

A. Engineering site plan is required and shall be prepared by either a registered engineer, registered architect, or registered surveyor and filed with Indian Lake Borough prior to the start of any construction of an approved Planned Residential Development. The plan shall indicate the location of buildings, streets, sidewalks, walls, fences, right of way lines, proposed sewer and water lines, electric utility rights of way lines and the location of telephone and television cable lines to be constructed on the site. A topographic map shall be included with a contour interval of not less than five (5) feet and shall indicate all existing and final grades for the site plus spot elevations for streets, storm and sanitary sewers and other elevations as are deemed necessary by the Planning Commission. Where required by the Department of Environmental Protection, a soil and sediment erosion control plan approved by the Department shall also be submitted. All drawings must be to scale adequate to determine all distances and sizes where dimensions are not shown.

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

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

1. All streets shall have a right of way of thirty-three (33) feet within which the cartway and all utilities must be placed.

2. All streets shall have a minimum paved width of sixteen (16) feet and a minimum cartway of twenty (20) feet.

3. All streets, whether dedicated or not, constructed on the site, shall have a minimum base of No. 4 slag or limestone compacted to a depth of eight (8) inches; an additional base of 2RC compacted to three inches and asphalt paving of a minimum of four inches prior to rolling using nineteen (19) millimeter superpave mixture. Asphalt material must be PennDot approved.

4. All parking areas shall be constructed with a minimum base of No. 4 slag or limestone compacted to six (6) inches with two (2) inches of asphalt material as set forth in (3) above.

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

E. Installation of all water lines and fire plugs (if supportable) shall be in accord with requirements and specifications of the Indian Lake Borough Council. Detailed plans and specifications shall be filed with both the Planning Commission and the Council or their successors.

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

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

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

ZONING ORDINANCE NO 144
INDIAN LAKE BOROUGH
ARTICLE THIRTEEN
SUPPLEMENTARY PROVISIONS

1301. OFF STREET PARKING AND LOADING REQUIREMENTS

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

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

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

3. Buildings built in C-G Commercial Districts, in C-R Commercial Recreational Districts, or in C-M Commercial Marina Districts must provide off street parking and loading facilities adequate for the type of building and business use proposed. A plan drawn to scale setting forth the amount of these facilities to be built and their location, size and type must be attached to the plan required as set forth in Article Seven (7) and Article Eight (8) respectively.

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

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

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

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

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

1302. SIGNS

A. General Provisions.

1. A building permit shall be required for all signs whether permanent or temporary. Such permits may be obtained from the Borough Office. A drawing of such sign together with a location map showing the proposed location of the sign shall be required for all permanent signs.

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

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

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

1. House and Residential Name signs no more than forty-eight (48) inches by forty-eight (48) inches must be erected in such a manner and in such location that they do not interfere in any way with snow plowing or road maintenance vehicles. Only one (1) sign shall be permitted at the roadway and for properties that abut Indian Lake, one (1) additional sign shall be permitted at the shoreline. Signs erected near the public roadway shall not encroach upon the Borough road easement.

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

3. Real Estate Sales Signs shall be no more than twenty-four (24) inches by thirty-six (36) inches and must be located on the property being sold and may also be placed at a nearby intersection so as to permit directional guidance to the property being sold. A maximum of two signs shall be permitted per property. Additionally, placement of one receptacle for enclosure of sale brochures is permitted at the property or at a nearby intersection.

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

5. All Real Estate Sales Signs shall be removed within forty-eight (48) hours after the closing is held on the property on which the sign is located takes place. The sign must be removed by the owner of the sign or the owner of the property. In the event the sign is not removed as set forth above, the Zoning Officer shall prepare a notice which shall describe the sign and state that if the sign is not removed within five (5) days of the receipt of the notice, it will be removed by the Borough of Indian Lake and all costs incidental to said removal shall be considered a debt owed to the Borough by the owner of the sign and the owner of the property and may be recovered in an appropriate court action by the Borough.

Notice by certified mail to the owner of the property on which the sign is located shall constitute adequate legal notice.

1303. FENCES.

A. General Provisions.

1. Retaining walls, and decorative split rail fences, or walls less than two (2) feet in height, do not require a permit but must be constructed of plastic, wood, stone, or decorative concrete.

2. A building permit shall be required for the erection of all fences and walls in any zoned area except for those fences and walls identified in subsection A.1. of this section.

3. Fences must be constructed of plastic, wooden split rails, or wooden boards. Wrought iron decorative fences are permitted provided that the surface coating is maintained in good repair. Under no circumstances are chain link fences permitted. Walls must be constructed of stones, bricks, decorative concrete blocks or wood.

4. Fences and walls shall be no more than four (4) feet above ground level in any location with the exception of fences surrounding swimming pools. No fence or wall shall be constructed parallel to the lake front closer than one hundred (100) feet from the natural shore line. Fences or walls built perpendicular to the lake front may be built to the natural shore line provided that it does not encroach the side property. If a property owner elects to construct a fence within the easement area (10' from side property line), they will be required to bear any costs associated with removal or displacement should the Borough require access within the area of easement.

5. Fences and walls shall be at least twenty-five (25) feet from the center of a Borough road where the fence is installed parallel to the property line that abuts a Borough road.

1304. SWIMMING POOLS

A. General Provisions.

Above ground pools exceeding two (2) feet in depth are prohibited. In-ground pools are permitted only upon the following conditions:

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

2. The pool shall be enclosed in a gated see-through fence not less than six (6) feet in height and maintained in good condition. The materials used for construction of such a fence are constrained by the provisions of Section 1303. A. 3. of this Ordinance. Subject to the restrictions of this Ordinance in Sections 1303 and 1304, pool fences shall otherwise comply with state regulations relating to pool fences. Where more restrictive, this Ordinance shall control. The gate must be locked at all times when pool is unattended.

3. All pools shall conform to the Pennsylvania Department of Health standards and existing pools shall have ninety (90) days from the date of enactment of this Ordinance to conform to said standards.

4. In the case of a private single family pool, it shall be located no closer than forty (40) feet from any property line and if it is a pool serving a larger group of residents on a tract where clustered homes have been built, the pool shall be not closer than one hundred (100) feet from any property line.

1305. SPAS/HOT TUBS

A. General Provisions.

Above ground spas or hot tubs are permitted upon the following conditions:

1. The spa or hot tub does not exceed sixty-five (65) square feet.
2. The spa or hot tub is to be used solely by the occupants of the home and their guests and no fee is to be charged.
3. The spa or hot tub must be covered when not being used.

1306. PORTABLE TOILETS

A. Definition.

Portable Toilets are defined as self-contained sewage facilities that are moveable and require pumping as a means of sewage disposal.

B. Requirement for a permit.

Permits for placement and use of a Portable Toilet are required in all districts. Use is permissible as a Conditional Use in the following circumstances:

1. Portable toilets for private use that will be on-site for more than one week are permissible as a Conditional Use in all districts. The requirements for approval by

the Indian Lake Borough Council shall include but not be limited to the following criteria.

(a). Visibility. Portable toilets shall not be visible or recognizable from the Lake, Borough roads, or neighboring properties. The specific type of decorative enclosure to be used must be disclosed in the application for the Conditional Use.

(b). Placement. Portable toilets must be securely anchored to prevent inadvertent disturbance and placed so as to permit access by pumping trucks. The application for conditional use must specifically detail the location and placement of the Portable Toilet on a lot plan and detail distances to front, rear and side property lines as well as identify any existing structures on the property.

(c). Schedule. Applicant must present, as part of the application for the Conditional Use of a Portable Toilet, plans for pumping to include the frequency and identity of the contractor to perform this service. An appropriate pumping schedule must be at least monthly during periods of use. Additionally, Portable Toilets must be pumped prior to the winter season. The applicant is responsible to maintain records of pumping as a continuing condition of use and provide such records to the Borough upon request.

(d). Security. Applicant must present, as part of the application for the Conditional Use of a Portable Toilet, plans for precluding access to the Portable Toilet during periods of non-use.

2. No permit is required for portable toilets at construction sites in any district where construction is continuing under an active building permit.

3. In zoned park areas, only one portable toilet shall be permitted in the park area provided that the provisions of this Ordinance are met. In addition, the following additional provisions shall apply:

(a). The application for the Conditional Use of a Portable Toilet must include evidence of approval of the application by a majority of park lot owners prior to submission of the application to the Borough Council for consideration. Indian Lake Borough, as an owner of a lot within each park, shall abstain with regard to approval required by this section.

(b). A permit may be requested by one or more park lot owners; however, all persons joining in the submission of an application for the Conditional Use of a Portable Toilet shall be jointly and severally liable for continued compliance with the conditions of the permitted Conditional Use, for any remediation that is required or for any fines assessed for non-compliance.

Commented [M16]: Section 1306 Replaced in its entirety by current provision based on passage of Ordinance 180 Jan. 11, 2017

1307. BOATHOUSES, BOAT LIFTS, LAKE WALKWAYS (DOCKS), BOAT SLIPS, SEAWALLS AND STORAGE LOCKERS

1. GENERAL

A. The natural shore line of Indian Lake shall not be altered, extended or diminished without a prior written encroachment permit from the Borough Council of Indian Lake or its assigns as required by Article Three, Section 306 of this ordinance.

B. All waterfront structures must be kept in good repair and condition so as not to adversely affect the health, general well being, waterfront enjoyment, and visual appeal of the lake frontage as measured by a reasonable community standard. Failure to comply within 90 days after notification of violation will result in the removal of said structures by the Borough using any means deemed appropriate by the Borough council and the charges related to demolition and removal of the demolished structure will be levied against the lot owner and be due and payable within 30 days. Any fees related to collection costs for non-payment will also be the responsibility of the offending lot owner.

C. Under no circumstances shall a docked boat or personal watercraft encroach in front of an abutting owner's property. For this determination, an imaginary line will be drawn by extending the side property line out into the lake for a distance of thirty (30) feet.

2. BOAT HOUSES

A. GENERAL

1). Definition of a Boat House: Permanently installed structure with a roof that may be walled or un-walled.

(a) A walled boathouse may not encroach beyond the natural shoreline of the lake.

(b) An un-walled boathouse may encroach into the lake beyond the natural shoreline of the lake but may not extend further than thirty (30) feet from the shoreline. Additionally, these structures may not have any blinds or other type of vertically hanging material at the front side or back that would create a visual impairment even if temporary.

For inlet areas where the distance between opposing shorelines is less than ninety (90) feet, no party may build an unwallied boathouse that encroaches within fifteen (15) feet of the center of waterway so as to create a thirty (30) foot navigable right of way in the center of the inlet.

(c) In no circumstance can a walled and an unwallied boathouse be constructed on the same single R-1 lot.

2). Boathouse width dimensions shall be measured from the outermost point of the structure on one side to the outermost point of the structure on the other side to include overhangs.

3). Boathouse height shall be measured from the normal pool level of the lake.

4). In no circumstance shall the amount of roof coverage for a single R-1 lot with at least 90 feet of lake frontage exceed thirty-five (35) feet including overhangs. For multiple contiguous R-1 lots with at least 180 feet of lake frontage, the maximum roof coverage for all permit-able structures shall not exceed sixty-six (66) total feet including overhangs subject to individual structure width restrictions as noted elsewhere in this section of the ordinance.

B. SINGLE R-1 LAKE LOT WITH WATER FRONTAGE OF AT LEAST 90 FEET

1). Walled Boathouse:

~~(a) Maximum Size for a walled boathouse is - thirty-three (33) feet wide by forty (40) feet deep.~~

~~(a) Maximum Size for a walled boathouse is thirty three (33) feet wide by thirty six (36) feet deep~~

(b) Maximum Height:

(1) Flat or Deck Type Roofs - Thirteen (13) feet as measured from the normal pool level of the lake to the highest point of the roof or deck surface. Where a deck is constructed, deck railing can be no higher than forty-two (42) inches from the deck surface and must be of the see through type. Spindles may be no wider than two (2) inches and the spacing of the spindles must conform to the standard published in the International Residential Code (IRC).

Commented [MDM17]: Changed by Ordinance #175 based on Planning Recommendation.

(2) Pitched Roofs – Eighteen (18) feet as measured from the normal pool level of the lake to the peak of the roof.

(3) For all other roof styles, the pitch of the roof may not exceed a 4/12 pitch and the height of the peak may not exceed eighteen (18) feet.

(c). Setback - Setback shall be a minimum of ~~twenty ten (2010)~~ feet from either side property line.

Commented [MDM18]: Changed – Ordinance 170

2). Unwalled Boathouse

(a) Maximum Size for an un-walled boathouse is – Thirty-three (33) feet wide by ~~thirty (30)~~~~forty (40)~~ feet deep but may not encroach into the lake by more than thirty (30) feet as specified in Section 2.A.1.b.

Commented [MDM19]: Changed by Ordinance #175 based on Planning Recommendation.

(b) Maximum Height:

(1) Flat or Deck Type Roofs – Thirteen (13) feet as measured from the normal pool level of the lake to the highest point of the roof or deck surface. Where a deck is constructed, deck railing can be no higher than forty-two (42) inches from the deck surface and must be of the see through type. Spindles may be no wider than two (2) inches and the spacing of the spindles must conform to the standard published in the International Residential Code (IRC).

(2) Pitched Roofs – Eighteen (18) feet as measured from the normal pool level of the lake to the peak of the roof.

(3) For all other roof styles, the pitch of the roof may not exceed a 4/12 pitch and the height of the peak may not exceed eighteen (18) feet.

(c) Setback - Setback shall be a minimum of ~~twenty (20)~~~~ten (10)~~ feet from either side property line.

Commented [MDM20]: Changed – Ordinance 170

C. MULTIPLE CONTIGUOUS R-1 LAKE LOTS DEEDED AS ONE WITH WATER FRONTAGE OF AT LEAST 180 FEET

1). Walled Boathouse:

(a). Maximum Size – ~~Forty seven (47) feet wide by forty (40) feet deep~~~~Forty seven (47) feet wide by thirty six (36) feet deep~~

Commented [MDM21]: Changed by Ordinance #175 based on Planning Recommendation.

(b). Height: Thirteen (13) feet for flat type roof, Twenty (20) for pitch roof not to exceed a 4/12 pitch.

(1) Flat or Deck Type Roofs – ~~Thirteen (13) feet as measured from the normal pool level of the lake to the highest point of the roof or deck surface.~~ ~~Thirteen (13) feet as measured from the normal pool level of the lake.~~ Where a deck is constructed, deck railing can be no higher than forty-two (42) from the deck surface and must be of the see through type. Spindles may be no wider than two (2) and the spacing of the spindles must conform to the standard published in the International Residential Code (IRC).

Commented [MDM22]: Changed by Ordinance #175 based on Planning Recommendation.

(2) Pitched Roofs – Twenty (20) feet as measured from the normal pool level of the lake to the peak of the roof.

(3) For all other roof styles, the pitch of the roof may not exceed a 4/12 pitch and the height of the peak may not exceed twenty (20) feet.

(c). Setback - Setback shall be a minimum of ~~ten (10)~~ ~~thirty (30)~~ feet from either outside property line of the multiple contiguous R-1 lake properties.

Commented [MDM23]: Changed – Ordinance 170

2). Unwalled Boathouse:

(a). Maximum Size – ~~Forty-seven (47) feet wide by forty (40) feet deep.~~ ~~Forty-seven (47) feet wide by thirty (30) feet deep~~

Commented [MDM24]: Changed by Ordinance #175 based on Planning Recommendation.

(b). Height: Thirteen (13) feet for flat type roof, twenty (20) feet for pitch roof.

(1). Flat or Deck Type Roofs – ~~Thirteen (13) feet as measured from the normal pool level of the lake to the highest point of the roof or deck surface.~~ ~~Thirteen (13) feet as measured from the normal pool level of the lake.~~ Where a deck is constructed, deck railing can be no higher than forty-two (42) from the deck surface and must be of the see through type. Spindles may be no wider than two (2) inches and the spacing of the spindles must conform to the standard published in the International Residential Code (IRC).

Commented [MDM25]: Changed by Ordinance #175 based on Planning Recommendation.

(2) Pitched Roofs – Twenty (20) feet as measured from the normal pool level of the lake to the peak of the roof.

(3) For all other roof styles, the pitch of the roof may not exceed a 4/12 pitch and the height of the peak may not exceed twenty (20) feet as measured from the normal pool level of the lake to the peak of the roof.

(c). Setback - Setback shall be a minimum of ~~thirty (30)~~~~ten (10)~~ feet from either outside property line of the multiple contiguous R-1 lake properties.

Commented [MDM26]: Changed Ordinance 170

D. SINGLE PARK WATERFRONT LOTS

1). Walled Boathouses are not permitted on park waterfront lots. Only un-walled boathouses are permitted on park lots.

2). Maximum Size – The maximum size shall not exceed ~~fourteen (14)~~~~fifteen (15)~~ feet wide and ~~thirty (30)~~~~forty (40)~~ feet in length. An un-walled boathouse may be constructed to extend out into the lake but may not extend out into the lake further than thirty (30) feet from the natural shoreline or may encroach the natural shoreline into the park lot provided that all other park lot owners provide a signed agreement for the encroachment as part of the permit application.

Commented [MDM27]: Changed – Ordinance 167

Commented [MDM28]: Changed by Ordinance #175 based on Planning Recommendation.

3). Maximum Height:

(a) ~~Flat or deck type roofs — Thirteen (13) feet as measured from the normal pool level of the lake to the highest point of the deck surface. Where a deck is constructed, deck railing can be no higher than forty two (42) inches from the deck and must be of a see-through type (such as corrosion-free wire or rod railing designs, or where balusters are transparent or have diameters which are small and obstruct a very small proportion of the railed area). Size and spacing of railings, and any stairs and hand rails, shall meet established safety codes. Flat Type Roofs — Thirteen (13) feet as measured from the normal pool level of the lake to the highest point of the roof or deck surface. No decks are permitted.~~

Commented [MDM29]: Changed – Ordinance 167

(b) Pitched Roofs – Fifteen (15) feet as measured from the normal pool level of the lake to the peak of the roof.

(c) For all other roof styles, the pitch of the roof may not exceed a 4/12 pitch and the height of the peak may not exceed fifteen (15) feet.

4). Setback - Setback shall be a minimum of ~~six (6)~~~~five (5)~~ feet from either side property line.

Commented [MDM30]: Changed Ordinance 167

E. MULTIPLE CONTIGUOUS PARK WATERFRONT LOTS DEEDED AS ONE OR A SINGLE PARK WATERFRONT LOT OF A MINIMUM OF 50' OF LAKE FRONTAGE

1). Walled Boathouses are not permitted on park waterfront lots. Only an un-walled boathouse is permitted.

2). Maximum Size – The maximum size is restricted to thirty (30) feet wide and ~~thirty (30)~~~~forty (40)~~ feet in length. An un-walled boathouse may be constructed to extend out into

Commented [MDM31]: Changed by Ordinance #175 based on Planning Recommendation.

the lake but may not extend into the lake further than thirty (30) feet from the natural shoreline or may encroach the natural shoreline into the park lot provided that all other park lot owners provide a signed agreement for the encroachment as part of the permit application.

3). Maximum Height:

(a) ~~Flat or deck type roofs — Thirteen (13) feet as measured from the normal pool level of the lake to the highest point of the deck surface. Where a deck is constructed deck railing can be no higher than forty two (42) inches from the deck and must be of a see-through type (such as corrosion-free wire or rod railing designs, or where balusters are transparent or have diameters which are small and obstruct a very small proportion of the railed area). Size and spacing of railings, and any stairs and hand rails, shall meet established safety codes.~~ ~~Flat Type Roofs — Thirteen (13) feet as measured from the normal pool level of the lake to the highest point of the roof or deck surface. No decks are permitted.~~

Commented [MDM32]: Changed – Ordinance 167

(b) Pitched Roofs – Seventeen (17) feet as measured from the normal pool level of the lake to the peak of the roof.

(c) For all other roof styles, the pitch of the roof may not exceed a 4/12 pitch and the height of the peak may not exceed seventeen (17) feet.

4). Setback - Setback shall be a minimum of ~~twelve (12)~~ ten (10) feet from either side property line.

Commented [MDM33]: Changed Ordinance 167 and 170

3. BOAT LIFTS

A. GENERAL

1). Definition - A temporary device installed for the purpose of lifting a boat from the water when docked that is capable of removal that may or may not include a canopy. For purposes of this ordinance, such structures shall include drive-on style floating devices.

2). Measurement of Height - Boat Lift height shall be measured from the normal pool level of the lake to the highest point of the portion of the lift, lift structure, or the boat when lifted.

3). Maximum Size – The maximum size of a single boatlift shall be twelve (12) feet wide and thirty (30) feet in length. Where the lift includes a canopy, the canopy may

overhang at the side by no more than one (1) foot on each side. For inlet areas where the distance between opposing shorelines is less than ninety (90) feet, no party may place a boatlift, which encroaches within fifteen (15) feet of the center of waterway so as to create a thirty (30) foot navigable right of way in the center of the inlet.

4). Maximum Height – The maximum height is twelve (12) feet.

B. SINGLE R-1 LAKEFRONT LOT WITH WATER FRONTAGE OF AT LEAST 90 FEET

1). Maximum Number of boat lifts allowed

(a) With A Boathouse On Property - Installation of boat lifts are permitted provided that the total width of the boathouse and boat lift or lifts does not exceed forty-seven (47) feet of total width including overhangs.

(b) Without A Boathouse On Property - Installation of boat lifts are permitted provided that the total width of the boat lift or lifts does not exceed forty-eight (48) feet of total width including overhangs.

2). Setback - Setback shall be a minimum of ~~twenty (20)~~ **ten (10)** feet from both side property lines.

Commented [MDM34]: Changed Ordinance 170

C. MULTIPLE CONTIGUOUS R-1 LAKE LOTS WITH WATER FRONTAGE OF AT LEAST 180 FEET

1). Maximum Number of boat lifts allowed

(a) With A Boathouse On Property - Installation of boat lifts are permitted provided that the total width of the boathouse and boat lift or lifts does not exceed sixty-one (61) feet of total width including overhangs.

(b) Without A Boathouse On Property - Installation of boat lifts are permitted provided that the total width of the boat lift or lifts does not exceed sixty-one (61) feet of total width including overhangs.

2). Setback - Setback shall be a minimum of ~~thirty (30)~~ **ten (10)** feet from both side property lines.

Commented [MDM35]: Changed Ordinance 170

D. PARK WATERFRONT LOTS

1). Single Park Waterfront Lots:

(a) Maximum number of boatlifts allowed

(1) With an Un-Walled Boathouse On Property As Detailed In Section 2. D Above - A boatlift is permitted within the confines of the un-walled boathouse. Installation of additional boatlifts for personal watercraft is permitted if no portion of the lift or personal watercraft encroaches on the adjacent park front lake frontage.

(2) Without an Un-Walled Boathouse On Property - Installation of one twelve (12) foot boatlift is permitted. Installation of additional boatlifts for personal watercraft are permitted provided that no portion of the lift or personal watercraft encroaches on the lake frontage of an adjacent park front lot.

(b) Setback – The setback for a twelve (12) foot boatlift is one (1) foot from either side property line not including the overhang. In no case shall the overhang encroach the side property line.

2). Multiple Contiguous Park Waterfront Lots Deeded As One or A Single Park Waterfront Lot Of A Minimum Of Fifty (50)' Of Lake Frontage

(a) Maximum number of boatlifts allowed

(1) With an Un-Walled Boathouse on Property as Detailed In Section 2. D Above - Boat lifts are permitted within the confines of the un-walled boathouse. Additional boat lifts for personal watercraft are permitted provided that no portion of the lift or personal watercraft encroaches on the adjacent park front lake frontage.

(2) Without an Un-Walled Boathouse on Property - Installation of two twelve (12) foot boatlifts is permitted provided setback requirements are met. Installation of additional boatlifts for personal watercraft is permitted if no portion of the lift or personal watercraft encroaches on the lake frontage of an adjacent park front lot.

(b) Setback – The setback for a twelve (12) foot boatlift is one (1) foot from either side property line not including the overhang. In no case shall the overhang encroach the adjacent property line.

4. LAKE WALKWAYS (DOCKS)

A. Definition: As defined in Section 202 W.

B. General Dimensions:

1) Maximum height of a Lake Walkway is four (4) feet as measured from the normal pool level of the lake.

2) For non-commercial districts, the maximum length a Lake Walkway or boat that is docked thereto may extend out over the water from the natural shoreline is thirty (30) feet. For inlet areas where the distance between opposing shorelines is less than ninety (90) feet, no party may build a dock that encroaches within fifteen (15) feet of the center of waterway so as to create a thirty (30) foot navigable right of way in the center of the inlet.

3) The maximum width of a Lake Walkway that is constructed over the water is eight (8) feet for all districts. Where the lake walkway is parallel and attached to the natural shoreline, the width shall be considered the dimension that is perpendicular to the natural shoreline.

4) Where more than one Lake Walkway extends out perpendicularly from the natural shoreline there must be at least six feet between the Lake Walkways.

C. Single R-1 Lake Lot with Water Frontage Of At Least Ninety (90) Feet

1) Maximum combined width of all Lake Walkways (Docks) that extend out perpendicularly from the natural shoreline is eighteen (18) feet; however, no single lake walkway (dock) can be wider than eight (8) feet.

2) Setback - Setback shall be a minimum of ten (10) feet from either property line.

D. Multiple Contiguous R-1 Lake Lots Deeded As One With Water Frontage Of At Least 180 Feet.

(1) Maximum combined width of all Lake Walkways (Docks) that extend out from the natural shoreline is thirty-two (32) feet; however, no single lake walkway (dock) can be wider than eight (8) feet.

(2) Setback - Setback shall be a minimum of ten (10) feet from either outside property line.

E. Single Park Waterfront Lots

1) Maximum combined width of all Lake Walkways (Docks) that extend out perpendicularly from the natural shoreline is eight (8) feet and no single lake walkway (dock) can be wider than eight (8) feet.

2) Setback - Setback shall be a minimum of ten (10) feet from either side property line.

F. Multiple Contiguous Park Waterfront Lots Deeded As One Or A Single Park Waterfront Lot With At Least Fifty (50) Feet Of Lake Frontage.

1) Maximum combined width of all Lake Walkways (Docks) that extend out perpendicularly from the natural shoreline is sixteen (16) feet; however, no single lake walkway (dock) can be wider than eight (8) feet.

2) Setback - Setback shall be a minimum of ten (10) feet from either outside property line.

5. BOAT SLIPS

A. General

1). Definition: A Boat Slip is an area dug out from the natural shoreline into the property of the owner for the docking of boats or personal watercraft.

2). There is no maximum length for a Boat Slip.

3). Boat Slips are not permitted on Park Waterfront lots except as provided in subsections 2.D.(2) and 2.E.(2) of this section.

4). Setback - Setback shall be a minimum of 10 feet from either property line.

5). An encroachment permit, as required by Section 306, is required for construction of a boat slip.

6. SEAWALLS

A. Maximum height of a Seawall is four (4) feet as measured from the normal pool level of the lake.

B. An encroachment permit is required for construction, modification, or repair of a seawall where repair involves excavation into the shoreline.

7. STORAGE LOCKERS

A. Definition - A storage locker is defined as an enclosed structure, which may not exceed thirty-two (32) square feet of floor space and may not exceed a height of four (4) feet.

B. Construction - Under no circumstance will a metal storage locker be permitted.

C. Location - A storage Locker must be located as part of a boathouse, boatlift, boat slip, permanent lake walkway or seawall. In no circumstance may a storage locker be placed on any portion of a lake walkway (dock) that extends over the water.

1). A maximum of one (1) Storage Locker is permitted for a single R-1 lot or Park Lot.

2). A maximum of two (2) storage lockers are permitted for multiple contiguous R-1 lots with at least 180 feet of lake frontage.

ZONING ORDINANCE NO. 144
INDIAN LAKE BOROUGH
ARTICLE FOURTEEN
INTERPRETATION OF ORDINANCE

1401. INTERPRETATION

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

ZONING ORDINANCE NO 144

INDIAN LAKE BOROUGH

ARTICLE FIFTEEN

REPEALING CLAUSE

1501. REPEALING CLAUSE.

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

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

It is the intention of this Ordinance, or any amendments or supplements hereto, to establish a complete and exclusive system of zoning rules and regulations for the Borough of Indian Lake, Somerset County, Pennsylvania.

Ordained and Enacted this 29th day of August, 2007.

BOROUGH OF INDIAN LAKE

Attest:

_____ By: _____
Secretary President of Council

APPROVED this _____ day of _____, 2007

Mayor

