

ORDINANCE NO. 50

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ZONING

Article 1

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 of 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 signature of approval by the Borough of Indian Lake.

104. VALIDITY AND CONFLICT

Should any section or provision of this ordinance be declared invalid, the same 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 Legislature which enables the Borough of Indian Lake to enact this ordinance. The provisions of this ordinance shall be held to be the minimum requirements for the protection of the health, safety, and welfare of the people at large, and be designed to encourage the establishment and maintenance of reasonable community standards of physical environment.

It is fundamental to the purpose of this ordinance to recognize that existing lots or properties throughout the Borough of Indian Lake are less adequate than others because of their location, size, odd shape, or difficult topography, or any combination of these 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 in another lot abutting or close to it in the same zoning district. The regulations herein permit most such lots through variances (minor concessions) granted by the Zoning Hearing Board when special physical conditions make literal enforcement of the regulations either unsatisfactory to the interest of the people at large or actually impossible. It is not the ordinance but the physical conditions that prevent a lot from accommodating a type or area or bulk of structure unsuited to it. For typical example, it is not intended that each lot in a Multiple-Family Dwelling District automatically become the prospective site for a multiple-family dwelling and use. If a lot in such a district, after provision of the yards and other open spaces prescribed for its own and adjacent property protection, has a buildable area too small in area or dimensions for a multiple-family dwelling, then the lot may be used under its district regulations for another type of dwelling or building permitted in that district.

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 of population, civil defense, disaster evacuation, airports and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation water, sewerage, schools, public grounds 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 program, and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.

C. To facilitate the development of the Borough to fulfill the goals and objectives of the Borough primarily as a single-family residential, recreational area with the preservation of natural beauty, supplemental non-residential development and a sound fiscal basis.

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.

Article 2

Rules and Definitions

201. RULES

The following rules of construction shall apply to this ordinance:

A. The particular shall control the general.

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

C. The word "shall" is mandatory and not discretionary. The word "may" is permissive.

D. Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. Words used in the singular number include the plural, and words in the plural include the singular; words in the masculine gender include the feminine and neuter; the word "building" includes the word "structure", and the word "structure" includes the word "building".

202. DEFINITIONS

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

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

C. Alterations. As applied to 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 by increasing in height or the moving from one location to another, or any change in use from that of one zoning district classification to another.

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

E. Automobile and Gasoline Service Station. Any premise used for supplying gasoline and oil, tires, accessories and service for automobiles at retail direct to the motorist consumer, including the making of minor repairs, but not including such major repairs as:

1. Spray painting;
2. Body, fender, clutch, transmission, differential, axle, spring and frame repairs;
3. Major overhauling of engines requiring removal therefrom of cylinder-head or crankcase pan;
4. Repairs of radiator requiring removal thereof;
5. Complete recapping or retreading of tires.

F. Automobile and/or Trailer Sales Area. An open area, other than a street or way, used for the display or sale of new or used automobiles or trailers, and where minor and incidental repair work (other than body and fender) may be done.

G. Automobile Wrecking. The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

H. Awning. A temporary or permanent structure extending out and over the upper part of a door, window or porch and serving as protection from

sun or rain. A covering over a door, window or porch which extends more than 48 inches from the building and/or supports extending beyond the building walls, shall not be considered an awning within the meaning of this paragraph and this Ordinance.

I. Board. All references to the Board are to the Zoning Hearing Board created by this Ordinance.

J. Boat. The term boat shall include all self-propelled motor vehicles used in or upon the water, all sailboats, and all other water craft more than six (6) feet in length.

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

L. Borough Zoning Enabling Act. The Borough zoning enabling act is the Pennsylvania Municipalities Planning Code, approved July 31, 1968, 53 P.S. 10101 et seq.

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

N. Building, Height. The total number of stories in a building, and the verticle 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 of mansard roof, and to the mean height between eave and ridge for gable, hip and gambrel roofs.

O. Building Official. The duly authorized executive officer appointed by the Borough Council under the Building Code of this Borough, Ordinance No. 10, and amendments thereto, who shall also serve under this Ordinance as the Zoning Officer.

P. Church, Cathedral or Temple. Place of actual religious worship.

Q. Committee. The duly authorized members of the Planning Committee as appointed by the Borough Council.

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

S. 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.

T. 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 apartment hotels, hospitals, hotels, boarding houses, institutional homes, residential clubs, rooming houses, tourist courts, trailers and the like.

U. Dwelling, One-family. A detached building designed for or occupied exclusively by one family.

V. Dwelling, Two-family. A building designed for or occupied exclusively by two families living independently of each other, with separate dwelling unit entrances.

W. Dwelling, Multiple-family. A dwelling or group of dwellings on one plot or lot containing separate living units or dwelling units for three or more families, but which may have joint services or facilities or both.

X. Dwelling, Row. A multiple-family dwelling divided by party walls into distinct and non-communicating units, each dwelling unit of which has direct access to the outdoors.

Y. Dwelling Unit. A building or portion thereof providing one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single house-keeping unit, and having no cooking or sanitary facilities in common with any other dwelling unit.

Z. Family. One or more persons related by blood, marriage, or adoption, or three unrelated persons living as a household in a dwelling unit. May also include domestic servants and gratuitous guests.

AA. Fish and Wildlife Preserve. Refers to areas of open space in the Borough for the use of all Borough residents.

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

CC. Garage, Private. An accessory building, housing only motor-driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.

DD. Garage, Public. Any building used for the storage and repair of motor vehicles not defined as a minor or community garage, under Section 201, Subsections BB. and CC. aforesaid.

EE. Hotel. A building designed for occupancy primarily as the temporary abiding place of individuals who are lodged with or without meals, in which building:

1. There are more than ten sleeping rooms;
2. Incidental business may be conducted;
3. There may be club rooms, ballrooms and common dining facilities;
4. Such hotel services as maid, telephone and postal services are provided;
5. There may be only private sleeping rooms and no dormitory accommodations.

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

GG. Loading Space. An off-street space or berth, abutting upon a street or way or other appropriate means of access, intended for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials; which space or berth is not less than ten (10) feet in width and sufficient in using the space shall extend beyond a property line, but in no case less than twenty (20) feet in length.

HH. Lot. A parcel, tract, or area of land accessible by means of a public street. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder, 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.

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

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

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

LL. Lot, Through. A lot having frontage on two parallel or approximately parallel streets and which is not a corner lot.

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

NN. Major Traffic Thorofare. A main traffic artery designed on the zoning district map as "Major Traffic Thorofare".

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

1. Material alteration of the ground surface so as to affect streets and recreation sites and other public facilities or physically affect 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 fifteen feet.

PP. Nonconforming Use of Building. The use of a building or land, or the existence of a building at the effective date of this Ordinance which does not conform with the requirements of this Ordinance.

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

RR. Park, Private. Refers to the areas of open space in the Borough surrounded by seven residential lots and owned in common by surrounding lot owners and/or the developers thereof, their successors or assigns.

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

TT. Parking Stall. A space in a garage or parking area, not less than nine (9) feet wide and twenty (20) feet long, reserved for the parking of only one (1) automobile.

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

VV. Professional Office. A room or rooms used for carrying on a professional occupation.

WW. Public Building. A building or structure owned by a government agency and used for public purposes.

XX. Sign. Any surface, fabric or device bearing lettered pictorial or sculptured matter designed to convey information visually and exposed to public view; or any structure (including billboard or poster panel) designed to carry the above visual information.

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

ZZ. Sign, Illuminated. Indicates lighting by means of lamps or other lighting devices constructed within or outside or away from the sign, but which is an integral part of the advertising effect.

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

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

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

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

EEE. Street. A strip of land at least thirty-three (33) feet wide over which the owners of abutting property have the right of light, air and access.

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

GGG. Trailer Camp. Any parcel of ground used or designed to be used as a parking space for more than one (1) house trailer.

HHH. Use. The specific purpose for which land or a building is designed, arranged, intended, or for which it may be occupied or maintained. The term Permitted Use or its equivalent shall not be deemed to include any nonconforming use.

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

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

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

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

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

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

Article 3

Districts 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 will be designated as follows:

<u>Residence Districts:</u>	R-1	One-Family Dwelling
	R-2	One-Family Dwelling, Two-Family Dwelling, Row Dwelling
<u>Recreation:</u>	P-1	Private Parks
	P-2	Fish and Wildlife Preserve
<u>Business Districts:</u>	C-G	Commercial - General
	C-R	Commercial - Recreation
	C-C	Commercial
	C-M	Commercial - Marina

302.

The boundaries of said Districts shall be shown upon the Zoning Map. The Zoning Map shall be kept on file at the office of the Borough of Indian Lake and shall be available for public examination at such office during the hours it is open for business, except that such Zoning Map may be removed from such office for any reasonable purpose upon the order of the Council or the Zoning Hearing Board or upon the joint order of their respective President and Chairman.

303.

The boundaries between Districts are, unless otherwise indicated, on either the centerline of street, roads or such lines extended on lines parallel thereto or on the side or rear.

304.

In R-1 Districts, the minimum area of private dwelling house, exclusive of porches, basement, and garages, shall be nine hundred (900) feet of living area on the first story peninsula lots and six hundred fifty (650) square feet on the first story for lots in all other areas.

In an "A" frame type structure, the square footage of the loft may not be included to reach the minimum square footage.

305. In all Districts, no house trailer, mobile home, camper, truck, tents, camper trailers, motor homes, vans or their equivalent, are permitted to be occupied in the Borough of Indian Lake, except as permitted by special exception, Article 11, Section 1102E. None of the above may be placed in any area of Indian Lake in which residences have not been constructed, except there may be parked two (2) boat trailers. All such vehicles as described in this Section must be parked on owner's property and not on the roads of the Borough or rights-of-way of the Borough.

306.

In all zoned Districts of the Borough of Indian Lake, the building foundation must be enclosed with mortar, concrete, or any other permanent material in keeping with the architecture of the surroundings.

307.

Lines of lots of unsubdivided acreage. Where figures are shown on the Zoning Map between a street or road and a District boundary line, they indicate that the District boundary line runs parallel to the street or road line at a distance therefrom equivalent to the number of feet so indicated.

308.

It being the purpose of this Section to limit the density of population and structures in the Borough for the purpose of protecting health, safety, morals or the general welfare of the Borough and the residents thereof, and to reflect the Community Development Objectives referred to in Section 106, the following restrictions shall also apply:

A. The number of dwelling units in the Borough of Indian Lake shall be limited to 1,500 which shall include all motel rooms and condominium units.

B. A maximum of three hundred (300) hotel sleeping rooms may be erected in the C-G District.

C. Each lot in the R-1 Districts shown on the Zoning Map, shall represent one (1) of the total fifteen hundred (1,500) dwelling units.

D. The remaining dwelling units allowed to complete the maximum fifteen hundred (1,500) permitted dwelling units may be built in either the R-2 or C-G Districts.

E. The issuance of boat licenses shall be in accordance with Article 6 of the restrictions in the deeds from Allegheny Mountain Lakes to the purchasers of property at Indian Lake.

F. The number of dwelling units in all areas of the Borough not included in paragraph A above, shall be determined in accordance with the lot size requirements, subdivision requirements, and other provisions of this Ordinance.

309.

On all lots that border Indian Lake, no storage shed shall be constructed within 200 feet of normal pool level of Indian Lake.

310.

The natural shore line of Indian Lake shall not be altered, extended or diminished, without prior written permission from the Borough Council.

311.

In all districts, parcels designated as lots and/or parcels of land may not be sub-divided.

Article 4

General Provisions

401. CONFORMANCE AND PERMITS

No building or land shall, after effective date of this ordinance, except for existing non-conforming uses, be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district licenses 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 percentage of lot area, or to have a narrower or smaller rear yard, side yard, or front yard than is herein specified for the district in which the building is located.

403. YARDS

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

404. SUBSTANDARD DWELLINGS

No structure shall be used or occupied as a dwelling if such structure is in need of such major structural repairs as to render it unsafe or unsanitary, or if the premises do not have connection with the 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 unless said structure is permanently attached to the ground by a permanent foundation, crawl space or permanently attached to an on-grade slab except for mobile homes located in a mobile home park.

405. USES REQUIRING SITE PLAN APPROVAL

Building permits issued for any use in any District shall require site plan approval by the Indian Lake Planning Commission. The site plan shall be submitted to the Commission at least fourteen (14) days prior to the regularly scheduled or special meeting at which it is to be reviewed. In addition to conforming to any specific requirements set forth in this ordinance, the Planning Commission may recommend changes in the site plan which are deemed necessary to promote orderly development of the area. In addition to specific requirements of the district regulations, the site plan, drawn to accurate scale, will indicate the following:

- A. Location of the lot or lots with respect to adjacent streets and property owners.
- B. Critical dimensions of setback yard area, paving, driveways, parking areas, landscape areas and other prominent features.
- C. Traffic circulation within the site.
- D. Location of vehicular access to the site.
- E. The height and bulk of structures.
- F. Location and size of signs, walls and fence to be constructed on the site.
- G. Provisions for storm drainage including the drainage flow, catch basins, size and location of any storm sewers and discharge points from the site.
- H. Connections to all public utilities serving the site.
- I. Upon approval of the plans by the Planning Commission, the approved construction must be started within one (1) year from date of approval.

In considering any plan hereunder, the Planning Commission will endeavor to assure safety and convenience of traffic movement, harmonious and beneficial relationship of buildings and uses on the site as well as to contiguous properties, and overall development in a manner not detrimental to the public at large. The Planning Commission shall report its findings and recommendations to the Zoning Officer within forty-eight (48) hours following the review meeting.

406. PUBLIC UTILITY USES

Public utility uses for the transportation, distribution, and control of water,

gas, electricity, oil, steam, telegraph and telephone communications, cable television, and their supporting members other than buildings, and railroads shall not be required to be located on a zoning lot nor be held to reduce yard dimensions for other buildings on a lot.

407. LOTS OF RECORD NOT MEETING LOT AREA REQUIREMENTS

Nothing in the district regulations shall be held to prohibit the erection of a one-family dwelling upon a lot whose size is inadequate to meet the lot area regulations set for the district, provided such lot on the effective date of this ordinance was held under separate ownership from the adjoining lots or is a lot in a recorded plan which complies with all district regulations except lot area requirements.

408. SITE RESTORATION BOND

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

409. CONTINUANCE

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

410. DISCONTINUANCE OF USE

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

411. ALTERATIONS, EXTENSION, ENLARGEMENT

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

412. PROVISIONS FOR RECONSTRUCTION

Any building or structure 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 percent (75%) or more of its fair market value immediately prior to damage,

shall not be repaired or reconstructed except in such manner as shall not be detrimental to the character of the neighborhood. In the event that the Zoning Officer's estimate of the extent of 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.

- A. The owner shall obtain a building permit.
- B. The owner shall submit a plan to be approved by the Zoning Hearing Board.
- C. Building Construction shall be commenced within ninety (90) days from the date the building was destroyed and shall be carried on without interruption.

413. CONSTRUCTION IN PROGRESS

No building or structure designed or intended to be utilized for a non-conforming use shall be constructed or 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 or structure will be completed within eighteen (18) months from the time of the enactment or subsequent amendment of this ordinance. All outstanding building permits for construction which do not meet those requirements are hereby rendered null and void. Said structure must be completed before a certificate of occupancy is granted.

Article 5

Provisions Governing Residential Districts

501. USE

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

A. Permitted Uses.

- 1. One-family detached dwelling.
- 2. Cultivation of plants, non-commercial.
- 3. Accessory uses customarily, incidental to any of the above permitted uses and including:
 - (a) A private garage.
 - (b) A name plate not exceeding four (4) square feet in area.
 - (c) One storage shed not exceeding one hundred forty four (144) square feet in floor area.
 - (d) One (1) boat dock, boat house or boat lift; However, the issuance of a building permit and/or occupancy permit therefore shall depend upon the suitability of the land for such structure and the effect such structure will have on the view of neighboring properties.
 - (e) A tennis court.
 - (f) A swimming pool.

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

1. One-family detached dwelling - thirty five (35) feet or two and one half (2-1/2) stories.
2. Boat house or boat lift - not to exceed eleven (11) feet above the normal pool level of the lake.
3. Boat dock - not to exceed four (4) feet in height above the normal pool level of the lake.
4. Accessory building - twenty (20) feet.

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

1. One-family detached dwelling - the minimum area of private dwelling house, exclusive of porches, basements and garages, shall be nine hundred (900) square feet of living area on the first story for peninsula lots and six hundred fifty (650) square feet on the first story for lots in all other areas.

In an "A" frame type structure, the square footage of a loft may not be included to reach the minimum square footage.

2. A boat house shall not exceed twenty six (26) feet in width on the water front, must be built over a slip and not extend into the lake.
3. Storage shed - not to exceed one hundred forty four (144) square feet in floor area.

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

1. A lot shall be the size as shown on the plot plan maps, for every building hereafter erected, altered or used in whole or in part as a dwelling.
2. Lots not covered in the plot plans must have at least twenty five thousand (25,000) square feet with front footage of at least ninety (90) feet.
3. A boat dock may not extend more than thirty (30) feet from the natural shore line.

E. Yard Areas/Setbacks. No building or structure shall be erected or enlarged unless the minimum yard areas and setbacks are provided as follows:

1. Front Yard - not less than one third (1/3) of the lot depth or no less than one hundred (100) feet.
2. Side Yard - not less than ten (10) feet wide at any point.
3. Composite minimum width for both side yards - not less than twenty (20) feet.

In considering applications for special exceptions, the board shall give consideration to the topography of the land and to building lines established for lot plans prior to the effective date of the Ordinance.

"R-2" One-Family Dwelling, Two-Family Dwelling, Row Dwelling

502. USE

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

A. Permitted Uses.

1. One-family detached dwelling.
2. Two-family dwelling.
3. Row dwelling.
4. Multiple-family dwelling.
5. Accessory uses customarily incidental to any of the above permitted uses and including:
 - (a) A private garage.
 - (b) A name plate not exceeding four (4) square feet in area.
 - (c) One storage shed, not exceeding one hundred forty-four (144) square feet in floor area.
 - (d) A tennis court.
 - (e) A swimming pool.
 - (f) Boat docks or boat lift.
 - (g) Community garage.

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

1. No dwelling shall exceed two and one-half (2-1/2) stories in height.
2. Accessory Building - An accessory building shall not exceed twenty (20) feet in height.
3. Boat Lift - Not to exceed eleven (11) feet in height above the normal pool level of the lake.
4. Boat Dock - Not to exceed four (4) feet above the normal pool level of the lake.

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

1. One-Family Detached Dwelling - The minimum area of private dwelling house, exclusive of porches, basements, and garages shall be six-hundred fifty (650) square feet.
2. Two-Family Dwelling, Row Dwelling, Multiple-Family Dwelling - The minimum area for each family unit, exclusive of porches, basements, and garages shall be six hundred fifty (650) square feet.
3. Storage Shed - Not to exceed one hundred forty four (144) square feet in floor area.

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

1. The area of the lot shall be sufficient to provide a total yard area of not less than twenty thousand (20,000) square feet per family unit contained in the building.
2. In addition to lot and yard areas, there shall be a minimum of three hundred (300) square feet of parking area for each unit in a multiple dwelling.
3. A boat dock may not extend more than thirty (30) feet from the natural shore line.
4. Each boat dock will require a minimum of twenty five (25) feet of shore line.

E. Setbacks. No building or structure shall be erected or enlarged unless setbacks are provided as follows:

1. Front Yard - Not less than one third (1/3) of the lot depth or no less than one hundred (100) feet.
2. Side Yard - Not less than ten (10) feet wide at any point.
3. Composite Minimum Width for Both Side Yards - Not less than twenty (20) feet.

Article 6

Provisions Governing Recreation Districts

"P-1" Private Parks

601. USE

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

A. Permitted Uses.

1. No structures, temporary or permanent, shall be placed or erected

thereon excepting boat lifts or boat docks. One boat lift or boat dock will be allowed for each park lot owner.

2. No tents, trailers, or mobile homes may be placed thereon.
3. No roads shall be built thereon.

B. Height.

1. Boat Lift - A boat lift shall not exceed (11) feet in height above the normal pool level of the lake.

C. Lot Area.

1. A boat dock shall not extend more than thirty (30) feet from the natural shore line.
2. Each boat dock will require a minimum of twenty-five (25) feet of shore line.

"P-2" Fish and Wildlife Preserve

602. USE

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 erected thereon.
- B. No tents, trailers, or mobile homes shall be placed thereon.
- C. No roads shall be built thereon.

D. No living vegetation shall be cleared therefrom except on issuance of an occupancy permit, which permit shall be issued only upon showing that such clearing is required to preserve the natural state of the land.

E. No activity shall be permitted which would adversely affect this District, or which would adversely affect the use of this District by any fish and/or wildlife presently existing in the area or which may be introduced into the area.

F. No activity shall be permitted which would adversely affect the land, the vegetation, the water, the air, the subsurface, or the natural resources in these Districts to exist, to be used, and to remain in their natural state.

Article 7

Provisions Governing Business Districts

"C-G" Commercial - General

The General Commercial District is intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods,

or by any nuisance factors other than occasioned by incidental light and noise or congregation of people and passenger vehicles. This includes such uses as retail stores, theaters and other amusement enterprises, business offices, newspaper offices and printing presses, restaurants, bars, and community garages or community parking areas subject to special regulations. Residential and industrial use of land is limited, as well as any other use which would substantially interfere with the development or continuation of the commercial structures and uses in the district.

This district classification is intended to be located so as to serve more than an immediate neighborhood on or at the confluence of major access highways, so as to serve this purpose.

701. USE

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

All merchandise and products shall be sold at retail.

A. Permitted Uses.

1. Amusement establishment, including bowling alleys, dance hall, similar place of recreation when conducted wholly within a completely enclosed building.
2. Automobile repair, minor.
3. Auto accessory store, automobile and truck sales and incidental service.
4. Bakery shop, including the baking and processing of food products.
5. Bank, financial institution, savings and loan association, drive-in or main office.
6. Bicycle repair, sales, and rental.
7. Blueprinting, photostating establishment.
8. Bus passenger terminal.
9. Cabinet shop.
10. Camera and photographic supply shop, retail sales and service.
11. Club or fraternal organization.
12. Department store.
13. Drycleaning or pressing establishment, when employing facilities for the cleaning or pressing of dry goods received on the premises from retail trade only and including no wholesale cleaning or

pressing business, and when using non-flammable solvents as approved by the fire department.

14. Dry goods store, haberdashery, wearing apparel store.
15. Electrical appliances store, sales, service, repair, but excluding appliance assembly or manufacture.
16. Funeral home, mortuary.
17. Furniture store, upholstery when conducted as a secondary operation to the sale of furniture and furnishings.
18. Furrier, conducted as a retail operation for trade on the premises only.
19. Garden supplies, seed store, nursery.
20. Health club.
21. Hotel, motor hotel, club or restaurant.
22. Household appliance store, sales and service.
23. Interior decorating business, including upholstering and making of draperies, slip covers and similar articles when conducted as a part of the retail operations and secondary to the main use.
24. Jewelry store.
25. Medical clinic.
26. Office, business or professional.
27. Paint, wallpaper sales.
28. Photographer's studio, art gallery, including the developing of film when conducted as a part of the retail business on the premises.
29. Plumbing, heating, similar business showroom, excluding shop or repair facilities.
30. Post office.
31. Printing Shop.
32. Service station, public garage, or other motor vehicle services, provided no repair work is performed outdoors; provided all pumps, underground storage tanks, lubricating and other devices are located not less than fifteen (15) feet from any street right-of-way; provided all fuel oil, or similar substances are stored inside or underground; and provided all automobile parts, dismantled vehicles, and similar articles are stored within a building. Tank size shall not exceed eight thousand (8,000) gallons and the number of tanks will not exceed three (3).

The Zoning Hearing Board may recommend an occupancy permit, building permit, or zoning certificate issued for a General Commercial District or lot therein in accordance with the provisions and procedures of this ordinance and upon an affirmative finding that the following requirements have been met by the owner, owners, developer, developers, or petitioners for the tract or lot proposed for commercial development:

1. Traffic Study - To include a comparative analysis of present capacity of street(s) adjacent to the proposed business with potential capacity and volumes generated by the proposed development, together with necessary points of access to off-street parking and loading.

To include a circulation plan for all streets in the vicinity, existing and proposed, which will show the recommendations for controlling, signaling, channelizing, storing, warning, and directing traffic.

2. Landscape Development Plan - To include a plan of landscape development which shall include, among other considerations, an area of at least five (5) feet in width along all streets with the exception of approved entrances, to be planted and maintained with trees, shrubbery, or other landscape material or ornamental fence or wall to serve as a visual screen for the parking areas and loading or servicing areas.

A buffer area consisting of suitable landscaping maintained wherever the proposed business abuts an R District.

The location, arrangement, size, and effect of all outdoor advertising or other signs and lighting proposed to be erected.

3. Site Plan - A preliminary site plan in accordance with Section herein, which may include the Landscape Development Plan.
4. Use Permitted by Special Exception - Church.

Any other authority approval required, when applicable, such as department of health, state highway department, and similar organizations, shall be obtained before applying for a building or occupancy permit. Said authorizations shall accompany plans at the time they are submitted to the Borough of Indian Lake.

"C-R" Commercial - Recreation

702. USE

In this district, the land may be used and buildings and structures may be erected, altered or used for the following purposes and no other:

A. Permitted Uses.

1. Golf courses.
2. Ski slopes.
3. Tennis courts.

4. Golf driving range.
5. Archery range.
6. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, not including any residential purpose, living or sleeping accommodations, and not detrimental to the neighborhood.

B. Height. The maximum height of buildings hereafter erected, altered or enlarged shall be two (2) stories or twenty five (25) feet.

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

1. Front Yard - Not less than one hundred (100) feet.
2. Side Yard - Not less than fifty (50) feet where abutting a street or alley. None required for interior lot, except where abutting upon an R District, there shall be provided a side yard equal to one-half ($\frac{1}{2}$) the required front yard in such abutting R District, plus a buffer area of not less than fifteen (15) feet.
3. Rear Yard - Not less than twenty five (25) feet.

A one-story accessory building may be located within a required rear yard except for the five (5) feet adjacent and parallel to the rear lot line or alley line, but not upon any required buffer area, for the storage of motor vehicles, the loading or unloading of vehicles under roof, or the storage of stock and merchandise customarily associated with the principal use.

Where abutting an R District, there shall be provided in addition to the rear yard requirement, a buffer area of not less than fifteen (15) feet.

The minimum lot area for every building hereafter erected or altered shall contain a minimum of twenty thousand (20,000) square feet.

D. Percentage of Lot Coverage. All buildings including accessory buildings shall cover not more than forty percent (40%) of the area of the lot.

E. Conditions of Use. All activities, except for accessory uses and service station, shall be conducted within a completely enclosed building.

The Zoning Hearing Board may recommend an occupancy permit, building permit, or zoning certificate issued for a General Commercial District or lot therein in accordance with the provisions and procedures of this ordinance and upon an affirmative finding that the following requirements have been met by the owner, owners, developer, developers, or petitioners for the tract or lot proposed for commercial development:

33. Shoe store.
34. Sporting goods store.
35. Theater, indoor.
36. Typewriter, office equipment sales and service.
37. Variety store.
38. Similar type retail service, or commercial use not specifically listed herein when authorized by the Zoning Hearing Board after receipt and review of recommendations from the Borough of Indian Lake.
39. Game farm.

B. Height. The maximum height of buildings hereafter erected, altered, or enlarged shall be two (2) stories or twenty-five (25) feet.

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

1. Front Yard - Not less than one hundred (100) feet.
2. Side Yard - Not less than fifty (50) feet where abutting a street or alley. None required for interior lot, except where abutting upon an R District, there shall be provided a side yard equal to one-half (1/2) the required front yard in such abutting R District, plus a buffer area of not less than fifteen (15) feet.
3. Rear Yard - Not less than twenty-five (25) feet.

A one-story accessory building may be located within a required rear yard except for the five (5) feet adjacent and parallel to the rear lot line or alley line, but not upon any required buffer area, for the storage of motor vehicles, the loading or unloading of vehicles under roof, or the storage of stock and merchandise customarily associated with the principal use.

Where abutting an R District, there shall be provided in addition to the rear yard requirement, a buffer area of not less than fifteen (15) feet. Where second-story dwelling units or living quarters are used for habitation, there shall be a minimum of twenty-seven hundred (2700) square feet of lot area per dwelling unit.

The minimum lot area for every building hereafter erected or altered shall contain a minimum of twenty thousand (20,000) square feet.

D. Percentage of Lot Coverage. All buildings including accessory buildings shall cover not more than forty percent (40%) of the area of the lot.

E. Conditions of Use. All activities, except for accessory uses and service station, shall be conducted within a completely enclosed building.

1. Traffic Study - To include a comparative analysis of present capacity of street(s) adjacent to the proposed business with potential capacity and volumes generated by the proposed development, together with necessary points of access to off-street parking and loading.

To include a circulation plan for all streets in the vicinity, existing and proposed, which will show the recommendations for controlling, signaling, channelizing, storing, warning, and directing traffic.

2. Landscape Development Plan - To include a plan of landscape development which shall include, among other considerations, an area of at least five (5) feet in width along all streets with the exception of approved entrances, to be planted and maintained with trees, shrubbery, or other landscape material or ornamental fence or wall to serve as a visual screen for the parking areas and loading or servicing areas.

A buffer area consisting of suitable landscaping maintained wherever the proposed business abuts an R District.

The location, arrangement, size, and effect of all outdoor advertising or other signs and lighting proposed to be erected.

3. Site Plan - A preliminary site plan in accordance with Section herein, which may include the Landscape Development Plan.

Any other authority approval required, when applicable, such as department of health, state highway department, and similar organizations, shall be obtained before applying for a building or occupancy permit. Said authorizations shall accompany plans at the time they are submitted to the Borough of Indian Lake.

"C-C" Commercial

703. USE

In this district, the land may be used and buildings and structures may be erected, altered or used for the following purposes and no other:

A. Permitted Uses.

1. Any of the uses listed under this sub-section when conducted in an enclosed building, serving and intending to serve only the family or personal needs of the immediate neighborhood, involving only the retail sale of new merchandise and personal services, and not obnoxious outside the building by reason of dust, noise, odor or sight.
 - (a) Professional offices.
 - (b) Banks or other financial institutions.
 - (c) Sales or brokerage offices.

- (d) Picture, art or professional studios.
- (e) Barber shops, beauty salons, hairdressing salons.
- (f) Retail furniture establishment.
- (g) Service stations for the service of motor vehicles provided that there shall be no storage of gasoline or similar products over and above the amount needed for retail trade.
- (h) Commercial establishments such as shops or stores for the sale of baked goods, books, beverages, confections, drugs, dry goods, flowers, foodstuffs, gifts, hardware, dairy products, jewelry and its sundry small household articles, or wearing apparel where all products are sold on the premises at retail.
- (i) Commercial establishments offering recreational activities or restaurant facilities.
- (j) Shooting parks.
- (k) Airport and accessory buildings.
- (l) Light manufacturing or warehousing.

2. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses not including any residential purpose, living or sleeping accommodations, and not detrimental to the neighborhood.

3. Use permitted by special exception - Church.

B. Height. The maximum height of buildings hereafter erected, altered or enlarged shall be two (2) stories or twenty-five (25) feet.

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

- 1. Front Yard - Not less than one hundred (100) feet.
- 2. Side Yard - Not less than fifty (50) feet where abutting a street or alley. None required for interior lot, except a side yard equal to one-half (1/2) the required front yard in such abutting R District, plus a buffer area of not less than fifteen (15) feet.
- 3. Rear Yard - Not less than twenty-five (25) feet.

A one-story accessory building may be located within a required rear yard except for the five (5) feet adjacent and parallel to the rear lot line or alley

line, but not upon any required buffer area, for the storage of motor vehicles, the loading or unloading of vehicles under roof, or the storage of stock and merchandise customarily associated with the principal use.

Where abutting an R District, there shall be provided in addition to the rear yard requirement, a buffer area of not less than fifteen (15) feet. Where second-story dwelling units or living quarters are used for habitation, there shall be a minimum of twenty seven hundred (2700) square feet of lot area per dwelling unit.

The minimum lot area for every building hereafter erected or altered shall contain a minimum of twenty thousand (20,000) square feet.

D. Percentage of Lot Coverage. All buildings including accessory buildings shall cover not more than forty percent (40%) of the area of the lot.

E. Conditions of Use. All activities, except for accessory uses and service station, shall be conducted within a completely enclosed building.

The Zoning Hearing Board may recommend an occupancy permit, building permit, or zoning certificate issued for a General Commercial District or lot therein in accordance with the provisions and procedures of this ordinance and upon an affirmative finding that the following requirements have been met by the owner, owners, developer, developers, or petitioners for the tract or lot proposed for commercial development.

1. Traffic Study - To include a comparative analysis of present capacity of street(s) adjacent to the proposed business with potential capacity and volumes generated by the proposed development, together with necessary points of access to off-street parking and loading.

To include a circulation plan for all streets in the vicinity, existing and proposed, which will show the recommendations for controlling, signaling, channelizing, storing, warning, and directing traffic.

2. Landscape Development Plan - To include a plan of landscape development which shall include, among other considerations, an area of at least five (5) feet in width along all streets with the exception of approved entrances, to be planted and maintained with trees, shrubbery, or other landscape material or ornamental fence or wall to serve as a visual screen for the parking areas and loading or servicing areas.

A buffer area consisting of suitable landscaping maintained wherever the proposed business abuts an R District.

The location, arrangement, size, and effect of all outdoor advertising or other signs and lighting proposed to be erected.

3. Site Plan - A preliminary site plan in accordance with Section 703 herein, which may include the landscape Development Plan.
4. Use Permitted by Special Exception - Church

Any other authority approval required, when applicable, such as department of health, state highway department, and similar organizations, shall be obtained before applying for a building or occupancy permit. Said authorizations shall accompany plans at the time they are submitted to the Borough of Indian Lake.

"C-M" Commercial - Marina

704. USE

In this district, the land may be used and buildings and structures may be erected, altered or used for the following purposes and no other:

A. Permitted Uses.

1. Boat repair, sales, service and storage.

B. Height. The maximum height of buildings hereafter erected, altered or enlarged shall be two (2) stories or twenty-five (25) feet.

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

1. Front Yard - Not less than one hundred (100) feet.
2. Side Yard - Not less than fifty (50) feet where abutting a street or alley. None required for interior lot, except where abutting upon an R District, there shall be provided a side yard equal to one-half (1/2) the required front yard in such abutting R District, plus a buffer area of not less than fifteen (15) feet.
3. Rear Yard - Not less than twenty-five (25) feet.

A one-story accessory building may be located within a required rear yard except for the five (5) feet adjacent and parallel to the rear lot line or alley line, but not upon any required buffer area, for the storage of motor vehicles, the loading or unloading of vehicles under roof, or the storage of stock and merchandise customarily associated with the principal use.

Where abutting an R District, there shall be provided in addition to the rear yard requirement, a buffer area of not less than fifteen (15) feet. Where a second-story dwelling units or living quarters are used for habitation, there shall be a minimum of twenty seven hundred (2700) square feet of lot area.

The minimum lot area for every building hereafter erected or altered shall contain a minimum of twenty thousand (20,000) square feet.

D. Percentage of Lot Coverage. All buildings including accessory buildings shall cover not more than forty percent (40%) of the area of the lot.

E. Conditions of Use. All activities, except for accessory uses and service station, shall be conducted within a completely enclosed building.

The Zoning Hearing Board may recommend an occupancy permit, building permit, or zoning certificate issued for a General Commercial District or lot therein in accordance with the provisions and procedures of this ordinance and upon an affirmative finding that the following requirements have been met by the owner, owners, developer, developers, or petitioners for the tract or lot proposed for commercial development:

1. Traffic Study - To include a comparative analysis of present capacity of street(s) adjacent to the proposed business with potential capacity and volumes generated by the proposed development, together with necessary points of access to off-street parking and loading.

To include a circulation plan for all streets in the vicinity, existing and proposed, which will show the recommendations for controlling, signaling, channelizing, storing, warning, and directing traffic.

2. Landscape Development Plan - To include a plan of landscape development which shall include, among other considerations, an area of at least five (5) feet in width along all streets with the exception of approved entrances, to be planted and maintained with trees, shrubbery, or other landscape material or ornamental fence or wall to serve as a visual screen for the parking areas and loading or servicing areas.

A buffer area consisting of suitable landscaping maintained wherever the proposed business abuts an R District.

The location, arrangement, size, and effect of all outdoor advertising or other signs and lighting proposed to be erected.

3. Site Plan - A preliminary site plan in accordance with Section 704 herein, which may include the Landscape Development Plan.

Any other authority approval required, when applicable, such as department of health, state highway department, and similar organizations, shall be obtained before applying for a building or occupancy permit. Said authorizations shall accompany plans at the time they are submitted to the Borough of Indian Lake.

"C-RH" Commercial - Hotel Recreation

705. USE

In this district, land may be used and buildings and structures may be erected, altered or used for the following purposes and no other:

A. Permitted Uses.

1. Two-family dwellings.
2. Row dwellings.
3. Multiple-family dwelling.

4. Golf courses.
5. Ski slopes.
6. Tennis courts.
7. Golf driving range.
8. Archery range.
9. Community garage not to exceed one (1) story.
10. Riding stables.
11. Snowmobile operation.
12. The following accessory uses:
 - (a) A private garage.
 - (b) A name plate not exceeding four (4) square feet in area.
 - (c) Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, not including any residential purposes, living or sleeping accommodations and not detrimental to the neighborhood.
 - (d) Boat house, boat lift or boat dock; however, the issuance of a building permit and/or an occupancy permit therefore shall depend upon the suitability of the land for such structure and the effect such structure will have on the view of neighboring properties, and shall be built in accordance section 705.

B. Height. The maximum height of buildings hereafter erected, altered or enlarged shall be two (2) stories or twenty-five (25) feet.

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

1. Front Yard - Not less than one hundred (100) feet.
2. Side Yard - Not less than fifty (50) feet where abutting a street or alley. None required for interior lot, except where abutting upon an R District, there shall be provided a side yard equal to one-half (1/2) the required front yard in such abutting R District, plus a buffer area of not less than fifteen (15) feet.
3. Rear Yard - Not less than twenty-five (25) feet.

A one-story accessory building may be located within a required rear yard except for the five (5) feet adjacent and parallel to the rear lot line or alley line, but not upon any required buffer area, for the storage of motor vehicles, the

loading or unloading of vehicles under roof, or the storage of stock and merchandise customarily associated with the principal use.

Where abutting an R District, there shall be provided in addition to the rear yard requirement, a buffer area of not less than fifteen (15) feet. Where second-story dwelling units or living quarters are used for habitation, there shall be a minimum of twenty seven hundred (2700) square feet of lot area per dwelling unit.

The minimum lot area for every building hereafter erected or altered shall contain a minimum of twenty thousand (20,000) square feet of lot area per dwelling unit.

D. Percentage of Lot Coverage. All buildings including accessory buildings shall cover not more than forty percent (40%) of the area of the lot.

E. Conditions of Use. All activities, except for accessory uses and service station, shall be conducted within a completely enclosed building.

The Zoning Hearing Board may recommend an occupancy permit, building permit, or zoning certificate issued for a General Commercial District or lot therein in accordance with the provisions and procedures of this ordinance and upon an affirmative finding that the following requirements have been met by the owner, owners, developer, developers, or petitioners for the tract of lot proposed for commercial development:

1. Traffic Study - To include a comparative analysis of present capacity of street (s) adjacent to the proposed business with potential capacity and volume generated by the proposed development, together with necessary points of access to off-street parking and loading.

To include a circulation plan for all streets in the vicinity, existing and proposed, which will show the recommendations for controlling, signaling, channelizing, storing, warning, and directing traffic.

2. Landscape Development Plan - To include a plan of landscape development which shall include, among other considerations, an area of at least five (5) feet in width along all streets with the exception of approved entrances, to be planted and maintained with trees, shrubbery, or other landscape material or ornamental fence or wall to serve as a visual screen for the parking areas and loading or servicing areas.

A buffer area consisting of suitable landscaping maintained wherever the proposed business abuts an R District.

The location, arrangement, size, and effect of all outdoor advertising or other signs and lighting proposed to be erected.

3. Site Plan - A preliminary site plan in accordance with Section 705 herein, which may include the Landscape Development Plan.

Any other authority approval required, when applicable, such as department of health, state highway department, and similar organizations, shall be obtained before applying for a building or occupancy permit. Said authorizations shall accompany plans at the time they are submitted to the Borough of Indian Lake.

Article 8

Provisions Governing Light Industrial Districts

"L-1" Light Industrial District

The "L-1" Light Industrial District is intended to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Borough, contribute to the soundness of the economic base of the Borough, provide opportunities for local employment close to residential areas, thus reducing travel to and from work, and otherwise further the purposes set forth in the initial paragraphs of this ordinance. The limitations on use, height, and lot coverage are intended to provide for modern light industrial development in an urban environment. Residential and general commercial use are considered not compatible and are prohibited, as well as any use which would substantially interfere with the development or continuation of the industrial uses and structures in the district.

801. USE

In this district, the land and structures may be used, and structures may be erected, altered, enlarged and maintained for light industrial uses listed hereunder, provided:

1. No explosive materials or processes are involved.
2. No smoke, fumes, odor, dust, noise, vibration or glaring light is noticeable from outside any lot in this district.
3. The use is not offensive by reason of emission of refuse matter or water-carried waste.
4. There may be retail sale of products on the premises, when such sale is clearly incidental and essential to the permitted industrial use.

A. Permitted Uses.

1. Animal hospital.
2. Automobile repair, major.
3. Bakery.
4. Bottling work.

5. Building material yards or establishments.
6. Cabinet making establishments and carpenter shops.
7. Clothing factory.
8. Contractor's yard.
9. Dairy.
10. Drycleaning plant.
11. Dying plant.
12. Laundry.
13. Milk distribution station.
14. Optical goods factory.
15. Paper box factory.
16. Pencil factory.
17. Printing, publication, and engraving plant.
18. Research and development organization.
19. Storage firm.
20. Trucking terminal.
21. Wholesale business.
22. Any other compatible type manufacturing - light industrial use as approved by the Zoning Hearing Board.
23. Accessory use or building customarily incidental to the above permitted uses and as regulated by this ordinance.
24. Special uses exception as regulated under Article 11.

B. Height. The maximum height of buildings hereafter erected or altered shall be three (3) stories or forty-five (45) feet.

C. Lot Area. The minimum lot size for light industrial uses shall be one (1) acre with a minimum width at the building line of one hundred (100) feet.

D. Yard Areas. No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard - Not less than fifty (50) feet.

2. Side Yard - Not less than fifteen (15) feet. When abutting a street, not less than fifty (50) feet. When abutting an R District, not less than fifty (50) feet.
3. Rear Yard - Not less than fifteen (15) feet. When abutting a street, not less than fifty (50) feet. When abutting an R District, not less than fifty (50) feet.

For construction of a new structure adjacent to a railroad, no setback standards are required.

E. Off-Street Parking and Loading Facilities. Off-street parking and loading facilities shall be provided as required under Section 1201 herein.

F. Planting Areas. Landscape development in an area of at least five (5) feet in width along streets, with the exception of approved entrances, which border uses in the M District shall be planted and maintained with trees and shrubbery to serve as a screen for parking and storage areas. Ornamental fence or wall may be used in lieu of landscaping.

A planting screen, consisting of suitable shrubbery maintained at an eight (8) foot height by eight (8) foot width, shall be planted within a required buffer area which abuts an R District.

"M" Manufacturing District

The "M" Manufacturing District is established in a district in which the principal use of land may be for heavy industrial uses, except uses or industrial processes that may be noxious or injurious by reason of the excessive production or emission of dust, smoke, refuse matter, odor, explosives, gas, fumes, noise, vibration, or similar conditions. This district is intended to provide for the kinds of industrial uses suited to the physical and geographical advantages of this region, therefore contributing to the economic base of the Borough and providing opportunities for employment. Residential and, in general, commercial uses, are prohibited, as well as any use which would substantially interfere with the development and continuation of the uses and structures in the district.

802. USE

A. Permitted Uses.

1. Agricultural activities including greenhouse and nursery.
2. Animal hospital and dog kennel.
3. Automobile repair, major.
4. Bakery.
5. Bottling work.
6. Building material yards or establishment.

7. Cabinet making establishments and carpenter shops.
8. Clothing factory.
9. Contractor's yard.
10. Dairy.
11. Dry cleaning plant.
12. Dyeing plant.
13. Fruit canning and packing establishment.
14. Ice plant.
15. Laundry.
16. Machine shop.
17. Milk distribution station.
18. Optical goods factory.
19. Paper box factory.
20. Pencil factory.
21. Printing, publication and engraving plant.
22. Research and development organization.
23. Sheet metal shop.
24. Steel fabrication.
25. Storage firm.
26. Trucking terminal.
27. Welding shop.
28. Wholesale business.
29. Any other compatible type manufacturing - light industrial use as approved and authorized by the Zoning Hearing Board.

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

1. All buildings shall be a maximum of forty-five (45) feet or three stories.

2. The height of any accessory structure for newly erected or altered buildings shall not exceed seventy-five (75) feet.

C. Yard Areas. No building shall be hereafter erected or altered unless the minimum setback is met as follows:

1. Front - Fifty (50) feet.
2. Side - Thirty-five (35) feet.
3. Rear - Fifteen (15) feet.

If the proposed structure is to be adjacent to a Residential or Commercial District, the following setback requirement shall be met:

1. Side - Fifty (50) feet.
2. Buffer area - Fifteen (15) feet.

For construction of new structure adjacent to a railroad, no setback standards are required.

D. Lot Size. The minimum lot size for all light manufacturing buildings hereafter erected or altered shall be one (1) acre, a minimum width at building line of one hundred (100) feet.

E. Percentage of Lot Coverage. All buildings shall not cover more than sixty percent (60%) of the lot area.

F. Off-Street Parking. Shall be provided as required in Section 1201.

G. Signs. Shall be provided as required in Section 1202.

H. Conditions of Use. In addition to the site plan requirements, the following regulations shall apply:

1. Traffic Study - To include a comparative analysis of present capacity of street(s) adjacent to the proposed development, together with necessary points of access to off-street parking and loading. Traffic data available from the Department of Transportation may be utilized providing that such data is deemed current by the Planning Commission.

To include a circulation plan for all streets in the vicinity existing and proposed, which will show the recommendations for controlling, signaling, channelizing, storing, warning, and directing traffic.

2. Landscape and Site Development Plan - To include a plan of landscape development which shall include, among other considerations, an area of at least five (5) feet in width

along all streets with the exception of approved entrances to be planted and maintained with trees, shrubbery, or other landscaped material, or ornamental fence or wall to serve as a visual screen for parking areas and loading or servicing areas.

A buffer area consisting of suitable landscaping maintained wherever the proposed business abuts an R District.

The location, arrangement, size and effect of all outdoor advertising or other signs and lighting proposed to be erected.

3. Architecture - Architectural plans of the buildings and structures showing that the project has a unified design which will be in character and proper relationship to the surrounding areas shall be submitted to the Planning Commission for recommendation and approval.
4. Other Permits - Any required state agency approval or permits shall be obtained before applying for a building or occupancy permit.
5. Plans and Approvals - All site plans, architectural plans, and approvals by Sewer and Water Authority, Pennsylvania Department of Transportation, Department of Environmental Resources and other Federal, State or local agencies shall be filed with the Zoning Officer prior to issuance of a Certificate of Occupancy.

Article 9

Administration and Enforcement

901. ZONING OFFICER

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

B. Duties and Powers of Zoning Officer. It shall be the duty of the Zoning Officer to enforce literally the provisions of this Ordinance, as amended and he shall have such duties and powers as are conferred on him 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 zoning permits and sign permits.

2. Keep an official record of all business and activities including complaints of a violation of any of the provisions of this Ordinance and of the action taken consequent on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land, shall be retained as long as they remain in existence.
3. Make inspections as required to fulfill his duties. He shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties.
4. Issue permits for special exception uses and for variances only after such uses and/or buildings have been approved by the Zoning Hearing Board in accordance with the regulations of this Ordinance.
5. Be responsible for keeping this Ordinance and the Zoning Map up to date as to include all amendments thereto.

G. Notice of Violations. The Zoning Officer shall serve a notice of violation on any person, firm, corporation, or partnership responsible for violating any of the provisions of this Ordinance, or in violation of a detailed statement or a plan approved hereunder. Notice of violation shall be in writing, indicating the nature of the violation and action necessary to correct same. If the notice of violation is not complied with, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign and/or land.

902. BUILDING PERMIT

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

A. Form of Application. All applications shall be made in writing and shall be accompanied by two (2) sets of plans drawn by a registered surveyor or registered engineer, showing at least 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 buildings, structures, or signs existing and/or proposed extensions thereto, as staked on the ground by the registered surveyor or registered engineer.
3. The number of dwelling units, if any, to be provided.
4. Methods of sewage and solid waste disposal, plus information on quantity and quality of sewage involved and proposed method of treatment if required.

5. Parking spaces provided and/or loading facilities.
6. Statement indicating the existing or proposed use.
7. Height of structure, building, or sign.
8. All other information necessary for such Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.

One (1) copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approved or disapproved and attested to same by his signature on such copy.

One (1) copy of all such plans shall be retained by the Zoning Officer for his permanent records.

Such approval and Building Permit shall be issued or refused within thirty (30) days from date of application. In case of refusal, the applicant shall be informed of his rights of appeal. The application for a permit shall be submitted in such form as the Zoning Officer may prescribe.

B. Expiration of Building Permit. Building permit shall expire within ninety (90) days from date of issuance, if work described in any permit has not begun. If work described in any building permit has begun, said permit shall expire after two (2) years from date of issuance thereof.

903. CERTIFICATE OF USE AND OCCUPANCY

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

A. Form of Application. The application for Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer may prescribe.

B. Issuance of Certificate of Use and Occupancy. The Zoning Officer shall inspect any structure, building, sign, and/or land or portions thereof and shall determine the conformity therewith. If he is satisfied that the completed work is in conformity with this Ordinance and with the work listed in the Building Permit, he shall issue a Certificate of Use and Occupancy.

Certificate of Use and Occupancy shall be granted or refused in writing, within ten(10) days from the date of application.

904. SCHEDULE OF FEES

Each application for a building permit shall be accompanied by cash, certified check or money order payable to the Borough of Indian Lake in accordance

with the schedule of fees as follows:

A. Single and Two-Family Residential and Accessory Uses.

<u>Construction Value</u>	<u>Fee</u>
\$5,000 or less	\$ 5.00
\$5,000 to \$25,000	\$10.00
\$25,000 to \$50,000	\$20.00
\$50,000 and over	\$25.00

B. Multi-Family, Commercial, Industrial and Accessory Uses.

A minimum fee of ten dollars (\$10.00) plus one dollar (\$1.00) additional fee per one thousand dollars (\$1,000.00) construction value over ten thousand dollars (\$10,000.00).

Payment of permit fees does not obligate the Zoning Officer or the Borough of Indian Lake to grant a permit to the applicant. All permits issued must be in conformance with the provisions of this Ordinance; and in the event a permit is not issued, the application fee will be returned by the Borough of Indian Lake.

905. REMEDIES

In case any buildings or structures are erected, constructed, re-constructed, altered, repaired, converted, or maintained or any building, structure or land is used, in violation of this Ordinance, the Governing Body, or, with their approval the Zoning Officer, in addition to other remedies, may institute in the name of the Borough of Indian Lake any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion,, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

906. PENALTIES

Any person, partnership or corporation who or which shall violate the provisions of this Ordinance shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars (\$500.00). In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than sixty (60) days. Each day that a violation is continued shall constitute a separate offense. All fines shall be paid to the Borough of Indian Lake for General Fund Use.

907. CHANGES, AMENDMENTS AND SPECIAL EXCEPTIONS

Whenever it is deemed desirable in order to meet the public needs, promote the convenience and welfare of the public, conform with good zoning practice and the intent and purpose of this Ordinance, and adhere to the guiding principles of the Community Development Objectives of the Borough of Indian Lake may by ordinance, after report thereon by the Planning Commission and subject to the procedure outlined in the sections, amend, supplement, or change the regulations, district boundaries, or classifications of property, now or hereafter established by this Ordinance.

Any amendment, supplement, special exception, reclassification, modification or change may be initiated by any of the following:

1. The Planning Commission may initiate action by filing a written report to the Borough of Indian Lake; or
2. The owner or owners of fifty-one percent (51%) or more of frontage of the properties and (51% or more) of the number of properties, between two intersecting streets, proposed to be changed, may submit a notarized petition to the Borough of Indian Lake;
3. The owner of a tract of land may submit a petition for consideration of a special exception as provided under Article II.

A. Petition for Map Change, Amendment of Special Exception.

1. Form and Content - Petitions for change of district boundaries or reclassifications of districts as shown on the Official Zoning Map shall be on forms supplied by the Planning Commission. A narrative description which: (1) defines the limits of the requested change by street name or recognizable physical feature; (2) states the specific reason for the requested change and (3) states the specific use, type of development and type of structure to be erected under proposed change. A map and/or preliminary site plan of the area to be rezoned shall also be submitted to the Commission for reference and review by the Commission.
2. Preliminary Review by Planning Commission - After the facts presented and the data and information from the petition are reviewed and studied by the Planning Commission, the Commission shall, within fifteen (15) days after the regularly scheduled meeting, submit the petition with its preliminary recommendations to the Borough of Indian Lake. The preliminary report by the Planning Commission is not intended to establish final approval by the Commission but rather to serve as a means of providing a format for action and review by the Borough of Indian Lake.

B. Action by the Borough of Indian Lake. Subsequent to the introduction of the Petition for Zoning Change and Preliminary Report by the Planning Commission to the Borough of Indian Lake, the Borough of Indian Lake shall fix a time for a public hearing.

Notice of the time and place of the public hearing for consideration of the proposed amendment, supplement, or change stating when and where a copy of the proposal will be available for public inspection, and briefly describing the change proposed, shall be given by the following method:

1. By publishing a notice of the proposal in at least one (1) newspaper of general circulation in the

Borough three (3) consecutive times, the first insertion to appear at least fifteen (15) days prior to the date of said hearing.

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

C. Conduct of Public Hearings. The Borough of Indian Lake or an examining officer appointed by the Borough of Indian Lake shall be responsible for the conduct of the public hearing.

1. The purpose of the public hearing is to receive relevant facts, data and other material desirable and necessary for a decision on the petition for change.
2. The chairman or acting chairman of the Board 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 and papers, including witnesses and documents requested by the parties.
3. 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.
4. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
5. The board 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 copies of graphic or written material received in evidence shall be made available to any party at cost.

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

If the Planning Commission fails to file such a report within the specified time in the specified manner, it shall be presumed that the Planning Commission has approved the proposed amendment, supplement or change. In any

event the recommendation of the Planning Commission shall be regarded as advisory in nature and shall not be binding on the Borough of Indian Lake or other parties to the issue.

D. Final Action by the Borough of Indian Lake. The passage of an ordinance amending, supplementing, or changing the regulations, district boundaries, or classification of property, now or hereafter established by this ordinance, shall require the affirmative vote of three (3) members of the Borough of Indian Lake.

Any ordinance amending, supplementing or changing the regulations, district boundaries or classifications of property hereinafter established by this ordinance, if not passed by the Borough of Indian Lake within sixty (60) days after the required public hearing, shall require a new public hearing as prescribed under Paragraph C of this Section.

F. Fees. Any person other than the Borough of Indian Lake or Planning Commission requesting an amendment of the zoning ordinance shall pay a fee of one hundred dollars (\$100) at the time the request is filed to the Secretary of the Borough. All fees shall be paid to the Borough of Indian Lake to be deposited in the General Fund. No part of the fees shall be refunded to the applicant.

G. Appeals to Zoning Hearing Board. Any persons, corporation, or individual aggrieved by any decision on modification, amendment or special exception by the Borough of Indian Lake may, within thirty (30) days after such decision by the Borough of Indian Lake, seek a review and hearing by the Zoning Hearing Board in a manner provided under Section 1003 of this Ordinance.

Article 10

Zoning Hearing Board

1001. CREATION, APPOINTMENT, AND ORGANIZATION

A. A Zoning Hearing Board is hereby established. The Board shall consist of five (5) members, selected from among Borough residents and who shall be appointed by the Borough of Indian Lake. The members of the first Board appointed shall serve respective terms of one year, two years, and three years. Thereafter, each member shall be appointed for a three (3) year term. Vacancies shall be filled for the unexpired term only. Members may be removed by the Borough of Indian Lake in compliance with Section 905 of the Pennsylvania Municipalities Planning Code.

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

C. Meetings of the Board shall be held at the call of the chairman and at such times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and command the attendance of witnesses. The Board shall keep a complete record of its business, the minutes of its proceedings, including the attendance of each member and the vote or failure to vote

of each member upon each issue, and records of its examinations and other official actions, all of which shall be filed immediately as a public record in the office of the Board. At its discretion the Board may appoint a hearing officer from its own membership to conduct hearings in conformity with Sections 906 and 908 of the Pennsylvania Municipalities Planning Code, Act 247.

D. The Board shall submit a quarterly report of its activities to the Borough of Indian Lake.

E. Members of the Board shall hold no other office in the Borough, with the exception, that one (1) member of the Board may also be a member of the Planning Commission.

F. The Board may employ secretaries, counsel and other personnel within the limit of funds appropriated to the Board by the Borough.

G. The members of the Board shall not receive compensation for their services unless the Borough fixes a rate compensation as permitted under Section 907 of the Pennsylvania Municipalities Planning Code, Act 247.

1002. POWERS, DUTIES AND PROCEDURE

A. Powers Relative to Errors. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the Zoning Ordinance.

B. Powers Relative to Variations. Where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant, the Board may grant a variance if the following conditions are found relevant in a given case:

1. 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.
2. 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.
3. That such unnecessary hardship has not been created by the appellant.
4. 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.

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

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary.

C. Powers Relative to Special Exceptions. Upon appeal, the Board shall be empowered to permit the following special exceptions in addition to those otherwise specifically set forth in other parts of the ordinance:

1. To permit the reconstruction of a district where the boundary line of a district divides a lot of record in single ownership.
2. To permit the reconstruction, alteration, extension, or enlargement of a non-conforming building as provided in Article 4 herein.
3. To interpret the provisions of the Zoning Ordinance where the street layout actually on the grounds varies from the street layout as shown on the map fixing several districts, which map is attached to and made a part of this ordinance.
4. To vary parking regulations of the Zoning Ordinance whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities or when such regulations would impose an unreasonable hardship upon the use of the lot as contrasted with merely granting an advantage or convenience.

In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this ordinance, as the Board may deem necessary. For further provisions relating to special exceptions, see Article II.

D. Powers Relative to Zoning Challenges. The Zoning Hearing Board shall exercise the privileges given to it under Section 801, 902, and 910 of the Pennsylvania Municipalities Planning Code in reference to challenges to the validity of any provision of the Zoning Ordinance or the Zoning District Map.

E. Powers Relative to Items not Included in Zoning Ordinance. The Zoning Hearing Board shall have the power to make a ruling on all items not specifically detailed in this Ordinance.

F. Exercise of Powers. In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals, the Board shall, before making any finding in a specific case, first determine that the proposed change will not permit a non-permitted use for the district and will not impair an adequate supply of light and air to increase the danger of fire, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, and welfare of the Borough of Indian Lake. Every change granted or denied by the Board shall be accompanied by a written finding of fact based on sworn testimony and evidence, specifying the reason for granting or denying the variation. The decision of the Board shall be made a part of any building permit in which variation is allowed.

G. Required Action. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to allow any variation of this ordinance.

H. Appeal from Action of the Board. Any party before the Board or any office or officer of the Borough may appeal to the Court of Common Pleas. All zoning appeals shall be filed with the Prothonotary not later than thirty (30) days after issuance of the notice of the decision or report of the Board. Appellant's procedure shall follow the requirements of the Pennsylvania Municipalities Planning Code, Act 247.

1003. PROCEDURE

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

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

C. The Board shall conduct hearings and make decisions in accordance with the following requirements:

1. Notice shall be given to the public, the applicant, the county planning agency, the zoning officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Hearing notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision,

by rules of the Board. The governing body may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by ordinance.

2. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decisions or findings of the hearing officer as final.
3. The parties to the hearing shall be any person who is entitled to notice under clause (1) without special request therefor who has made timely appearance of record before the Board and any other person permitted to appear by the Board.
4. The chairman or acting chairman of the Board 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 and papers, 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.
7. The Board 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 copies of graphic or written material received in evidence shall be made available to any party at cost.
8. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representatives unless all parties are given an opportunity to be present.
9. 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. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reason therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

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 final decision or entry of findings. Where the Board has power to render the same within the period required by this clause, the decision shall be deemed to have been rendered in favor of the applicant.

10. A copy of the final decision or, where no decision is called for, 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 shall provide by mail or otherwise, brief notice of the decision of findings and a statement of the place which the full decision or findings may be examined.

D. Upon the filing of any proceeding with the Board challenging an ordinance under Section 910 of the Pennsylvania Municipalities Planning Code, Act 247, all proceedings and all official action pursuant to the completed ordinance shall be stayed unless the Zoning Officer certifies to the Board facts indicating that such stay would cause imminent peril to life or property in which event a restraining order may be granted by the Board.

E. A fee of one hundred twenty-five (\$125) dollars 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 materials, exhibits or other documents requested by any individual.

All fees shall be paid to the Borough of Indian Lake to be deposited in the General Fund.

F. Upon approval of any plan submitted to the Zoning Hearing Board, the approved construction must be started within one (1) year from the date of approval.

Article 11

Special Exceptions

1101. GENERAL PROVISIONS

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

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

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

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

D. Such use shall be found by the Board to be in harmony with the general purposes and intent of this Ordinance.

E. Such use shall not adversely affect the character of the District, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

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

G. Such use shall not conflict with the direction of building development in accordance with any Comprehensive Plan, Community Development Objectives or portion thereof which has been adopted by the Planning Commission.

1102. SPECIAL EXCEPTION CONDITIONS

The following conditions shall apply to Special Exceptions that are permitted in certain specified districts.

A. Planned Residential Development. A planned residential development may be permitted as a special exception 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.

1. Minimum Lot Size - The minimum lot size for any planned residential development shall be twenty (20) acres.

2. Permitted Uses -

(a) Single family detached dwellings.

- (b) Two family detached dwellings.
- (c) Multiple row dwellings and garden apartments with a maximum of eight (8) units per building.
- (d) Multi-story apartments not to exceed six (6) stories or sixty (60) feet above ground in height.
- (e) Community buildings which are for the social, cultural or recreational use of the residents of the development.
- (f) Open space and recreation facilities developed and maintained principally for use of residents of the development.
- (g) Certain non-residential uses such as buildings for convenience shopping and personal services provided that such uses along with required parking occupy not more than five percent (5%) of the total land area of the development.

In the event development of the entire project is proposed to be divided into several phases, the Borough of Indian Lake may require the construction of all or part of the open space-recreation facilities, community buildings or non-residential uses in the initial phase of development.

3. Density - The dwelling unit density shall conform to the following:
 - (a) Single family -- five (5) units per acre.
 - (b) Two family --- ten (10) units per acre.
 - (c) Row dwelling -- fifteen (15) units per acre.
 - (d) Multi-story dwellings -- thirty (30) units per acre.
 - (e) For mixed types of structure the overall density may not exceed twelve (12) units per acre.
4. Public Open Space Required - At least two hundred fifty (250) square feet per family unit shall be set aside and maintained for outdoor recreation area and maintained by the owner of the development, of which a one hundred (100) square foot unit be developed with recreation equipment and playground area.
5. Setback Requirements and Minimum Distance Between Buildings -
 The setback requirements for all buildings erected in a planned residential development shall be as follows:

- (a) A minimum setback of seventy (70) feet shall be observed around the entire perimeter of tract or lot used for the Planned Residential Development. No main or accessory building may be erected within the setback area. However, outdoor recreation facilities and parking lots may be constructed in the area provided that they are a minimum of forty (40) feet from the perimeter lot lines.
- (b) A front yard setback of thirty-five (35) feet shall be observed for all buildings erected adjacent to streets within the Planned Residential Development.

Minimum Distance Between Buildings:

When more than one multiple-family dwelling building is erected on a single site, lot, or tract, the minimum distances between buildings shall be as follows:

- (a) Front to front -- seventy (70) feet; front to rear -- sixty (60) feet.
 - (b) Side to side -- one-half (1/2) the height of the tallest building but not less than twenty-five (25) feet.
 - (c) Front to side or rear to side -- the height of the tallest building but not less than thirty-five (35) feet.
 - (d) Rear to rear -- fifty (50) feet.
6. Percentage of Lot Coverage - All buildings including accessory buildings shall cover not more than forty percent (40%) of the area of the lot.
7. 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 Required:

An engineering site plan shall be prepared by a registered architect, professional engineer or registered surveyor and filed with the Borough of Indian Lake prior to the start of any construction of an approved Planned Residential Development. The site plan shall be drawn at a minimum scale of one inch equals fifty feet (1" = 50') and shall indicate the exact location and dimensions of all buildings, streets, sidewalks, roads, parking areas, water lines, sanitary sewer lines, telephone lines, recreation areas, landscaping, walls, fences, right-of-way lines,

property lines, and any other features to be constructed or installed on the site. A topographic map shall be prepared at a minimum scale of one inch equals fifty feet (1" = 50') with a minimum contour interval of ten (10) feet and shall indicate all existing and final grades for the site; spot elevations shall be indicated for streets, storm and sanitary sewers, and other elevation features as deemed appropriate and necessary by the Borough Engineer.

(b) Perimeter Survey:

A perimeter survey of the parcel to be developed as a Planned Residential Development shall be prepared by a registered professional engineer or registered surveyor. Permanent concrete markers, with a minimum standard of six by six by thirty inch (6" x 6" x 30") with a copper rod, shall be installed on all corners around the perimeter of the site. The survey shall tie directly into adjoining property.

(c) Street Paving:

The engineering, construction, installation, and maintenance of all streets within the Planned Residential Development shall be the sole responsibility of the developers and shall be in accord with minimum Borough standards as follows:

- (1) All streets within the Planned Residential Development shall have a minimum paved cartway width of twenty-four (24) feet.
- (2) All streets installed or constructed on the site shall have a minimum base of No. 4 slag or limestone compacted to eight (8) inches or equivalent approved in writing by the Borough Engineer; binder course shall consist of one and one-half (1-1/2) inch pre-mixed Amesite; finish coat shall consist of one (1) inch pre-mix Amesite compressed. Amesite must be PennDOT approved.
- (3) All parking areas shall be constructed with a minimum base of No. 4 slag or limestone compacted to six (6) inches, with a one (1) inch binder and a one (1) inch finish coat.

(d) Street Signs and Street Lights:

Street signs and street lights shall be installed and maintained by the developer as required and approved by the Borough Supervisors.

(e) Water Lines and Fire Plugs:

The installation of all water lines including fire plugs shall be in accord with requirements and specification of the sewer and water authority. Detailed engineering plans and specifications shall be filed with both the Borough and the sewer and water authority or their successors.

(f) Sanitary Sewers:

The installation of all sanitary sewers shall be in accord with plans and specifications submitted to and approved by the sewer and water authority.

(g) Storm Sewers:

The installation of a storm sewer system will be in accord with plans and specifications filed with and approved by the Borough Engineer.

(h) Curbing:

To Borough Specifications and approved by the Borough Engineer.

(i) Off-Street Parking and Loading Facilities:

Shall be provided as required or permitted under Section 1201 herein.

(j) A final plat as described.

B. Funeral Home. A funeral home may be permitted as a special exception in a residential district with the minimum requirements as hereinafter set forth.

1. Height - As permitted in each District.
2. Lot Area - The minimum lot area shall be one (1) acre.
3. Yard Areas - As required in each District.
4. Percentage of Lot Coverage - As permitted in each District.
5. Site Plan - As required under Article 4, Section 405 herein.
6. Off-Street Parking Facilities - As required under Section 1201 herein.

C. Hospital and Nursing Home. A Hospital or Nursing Home may be permitted as a special exception in a residential district with the minimum requirements as hereinafter set forth.

1. Height - As permitted in each District.
2. Lot Area - The minimum lot area shall be two (2) acres.
3. Yard Areas - As required in each District.
4. Percentage of Lot Coverage - As permitted in each District.
5. Site Plan - As required under Article 4, Section 405 herein.
6. Off-Street Parking Facilities - As required under Section 1201 herein.

D. Rooming House. A rooming house may be permitted as a special exception in a residential district provided it does not accommodate more than four (4) boarders and meets the requirements of a single dwelling in the district.

E. Mobile Home Park. A Mobile Home Park may be permitted as a special exception in a residential district with the minimum requirements as hereinafter set forth. Mobile Homes may be permitted as a special exception in any district for the use of a watchman or security guard.

1. Lot Area - The minimum area for every Mobile Home Park hereafter developed shall be ten (10) acres.
2. Plot Plan - Each application shall be accompanied by three (3) copies of a plot plan drawn at a scale of one inch equals twenty feet (1" = 20'), prepared by a licensed surveyor or engineer, showing limits and square footage of the proposed Mobile Home Park and location and size of driveways, parking areas, drying areas, playgrounds, service buildings, other buildings, mobile home lots, together with required setbacks from right-of-ways and property lines. All mobile home lots shall be numbered in sequence on the plot plan.
3. Minimum Lot Area for Each Mobile Home:

The minimum unit area for each lot used or occupied by and under each mobile home shall be as follows:

- (a) Seventy-five percent (75%) of the lots in any one mobile home park shall be not less than twenty-six hundred (2600) square feet in area.
- (b) Twenty-five percent (25%) of the lots in any one mobile home park shall be not less than twenty one hundred (2100) square feet in area.
- (c) Density in any mobile home park shall not exceed ten (10) units per gross acre.

4. Minimum Width of Mobile Home Lots:

The minimum width of each mobile home lot shall be thirty-five (35) feet.

5. Minimum Distance Between Mobile Homes:

No mobile home shall be placed within twenty (20) feet of another; provided that with respect to mobile homes parked end-to-end, the distance between mobile homes so parked shall be not less than twenty-five (25) feet.

6. Setbacks:

The distance between mobile homes and the mobile home park boundary shall be not less than the side yard width required in the Zoning District which abuts each boundary line. In no case shall a mobile home be parked less than twenty-five (25) feet from the mobile home park boundary.

7. Mobile Home Stands:

The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, rotation and overturning.

8. Permanent Markers:

Every mobile home lot shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number of each lot as shown on the plot plan.

9. Streets and Driveways:

The lane or driveway on which an individual mobile home lot fronts shall be not less than twenty-eight (28) feet in width. In cases where driveways dead-end, there shall be constructed at each dead-end a cul-de-sac with a minimum turning radius of forty (40) feet. All streets and driveways shall be paved in accordance with standards and specifications required for "Local Streets" in the Borough of Indian Lake regulations. All construction material for such roads shall meet established Borough requirements. Where any mobile home park has an entrance from a state highway, approval of said entrance from the State Department of Transportation must be secured before said development is approved.

10. Water and Sewer Facilities:

An adequate supply of water approved by the Department of Environmental Resources shall be furnished from a public water supply system or from a private water system conforming to all applicable laws, regulations,

resolutions and ordinances, with supply faucets located on each mobile home lot. In each mobile home park, all waste water from a faucet, toilet, tub, shower, sink, drain, washing machine, garbage disposal unit or laundry shall empty into an approved sewer system installed in accordance with State and Borough regulations.

11. Service Buildings:

Each mobile home park shall provide service buildings to house the following facilities:

- (a) All service buildings shall be permanent structures complying with ordinances regulating the construction of buildings.
- (b) All service buildings shall be adequately lighted at all times of the day and night, shall be well ventilated, shall be constructed of such moisture-proof material, including painted woodwork, as shall permit repeated cleaning and washing and shall be maintained at a temperature of not less than sixty-eight (68) degrees Fahrenheit during the period from October first to May first.
- (c) All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance or fire hazard.

12. Storage Tanks:

Gasoline, liquified petroleum, gas or oil storage tanks shall be so installed as to comply with all County, State and National Fire Prevention Code Regulations.

13. Playgrounds:

The purpose of this section is to provide for areas and facilities for recreational purposes appropriate to the needs of the occupants. At least two hundred fifty (250) square feet of playground space shall be developed and maintained for each mobile home lot. Each mobile home park must provide not less than one (1) playground and no playground shall be less than twenty five hundred (2500) square feet in area. Such areas shall be used exclusively for playground purposes.

14. Additions to Mobile Homes:

No permanent or semi-permanent structures shall be affixed to any mobile home as an addition to such mobile home, nor shall any accessory structure be permitted on any mobile home lot or in any mobile home park except those accessory structures required by these regulations and an office structure. The prohibition herein against any addition or accessory to a mobile home shall not apply to canopy or awning designed for use with a mobile home. The mobile home or lot coverage of a mobile home shall not exceed forty percent (40%) of the total mobile home lot area.

15. Parking:

Shall be provided as follows:

- (a) Off-street parking shall be provided at the rate of two (2) spaces for each mobile home lot.
- (b) All parking areas shall be paved in accordance with paving standards established by the Borough.

16. General Conditions:

All procedures for development of a mobile home park shall be the same as required for a Special Use Exception as specified in the Zoning Regulations.

F. Sanitary Landfill. A sanitary landfill may be permitted in the "M" Manufacturing District providing that the sanitary landfill operator meets all regulations and requirements of the Pennsylvania Solid Waste Management Act, Act 241, the Pennsylvania Department of Environmental Resources, and meets with the approval of the Borough.

G. Storage Yard and Buildings for Contractor or Excavating Equipment. A storage yard and buildings for contractor or excavating equipment may be permitted as a special exception in a Residential District or in a Commercial District as an accessory to an owner's residence on a tract of land greater than two (2) acres, as follows:

- 1. Private Swimming Pools - A private swimming pool in the ground or prefabricated installation above the ground, shall be any pool, lake, or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1-1/2) feet.

No such swimming pool shall be allowed in an R or a C District except as an accessory use and unless it complies with the following conditions and requirements:

- (a) The pool is intended and is to be used solely

for the enjoyment of the occupants of the principal use of the property on which it is located, and their guests, and no fee shall be charged.

- (b) It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than fifteen (15) feet to any property line from the property on which it is located.
- (c) The swimming pool shall be so walled or substantially fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. The said fence or wall shall be not less than six (6) feet in height and maintained in good condition.

Pools shall conform to the Pennsylvania Department of Health standards. Existing pools shall conform in ninety (90) days to the requirements set forth in this section as a public safety measure.

- 2. Community or Club Swimming Pools - A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club solely for use and enjoyment by members of the association or club and their families and guests of members. Community and club swimming pools shall comply with the following conditions and requirements:

- (a) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than one hundred (100) feet to any property line from the property on which it is located.
- (b) The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height, and maintained in good condition. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees, and maintained in good condition.

Article 12

Supplementary Provisions

1201. OFF-STREET PARKING AND LOADING REQUIREMENTS

A. General Provisions.

1. Procedure - An application for a building permit for a new or enlarged building, structure, or use, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with the requirements of this ordinance.
2. Extend of Control - The off-street parking and loading requirements of this ordinance apply as follows:
 - (a) All buildings and structures erected and all land uses initiated after the effective date of this ordinance shall provide accessory off-street parking or loading facilities as required hereinafter for the use thereof.
 - (b) When a building or structure erected, altered, or enlarged prior to or after the effective date of this ordinance shall undergo a decrease in number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measurement specified hereinafter for required off-street parking or loading facilities, and, further, when said decrease would result in a requirement for fewer total off-street parking or loading spaces through application of the provisions of this ordinance thereto, off-street parking and loading facilities are so decreased only when the facilities remaining would at least equal or exceed the off-street parking or loading requirements resulting from application of the provisions of this ordinance to the entire building or structure as modified.
 - (c) When a building or structure undergoes any increase in number of dwelling units, gross floor area, seating capacity, or other unit of measurement specified hereinafter for required off-street parking or loading facilities, and further, when said increase would result in a requirement for additional total off-street parking or loading spaces through application of the provisions of this ordinance, parking and loading facilities shall be increased so that the facilities will at least equal or exceed the off-street parking or loading requirements resulting from application of the provisions of this ordinance to the entire building or structure as modified.
3. Existing Off-Street Parking and Loading Spaces - Accessory off-street parking and loading spaces in existence on the effective date of this ordinance may not be reduced in

number unless already exceeding the requirements of this Article for equivalent new construction; in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.

B. Design and Maintenance.

1. Parking Space Description - A required off-street parking space shall be an area of not less than one hundred eighty (180) square feet nor less than nine (9) feet wide by twenty (20) feet long, measured perpendicularly to the sides of the parking space exclusive of access drives or aisles, ramps, columns, or office and work areas, accessible from streets or alleys, or from private driveways or for the storage or parking of passenger automobiles or commercial vehicles under one and one-half (1-1/2) ton capacity. Aisles between vehicular parking spaces shall be not less than twelve (12) feet in width when serving automobiles parked at a forty-five (45) degree angle in one direction; not less than twenty (20) feet in width when serving automobiles parked perpendicularly for two-way aisle movement; and not less than twenty (20) feet in width when serving automobiles parked perpendicularly for one-way aisle movement.
2. When determination of the number of required off-street parking spaces results in a requirement of a fractional space, any fraction up to and including one-half (1/2) may be disregarded, and fractions over one-half (1/2) shall be interpreted as one parking space.
3. Access - Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such manner as will least interfere with the movement of traffic. No driveway or curb cut in any district shall exceed twenty-five (25) feet in width for one-way movement or thirty-two (32) feet in width for two-way movement.
4. Signs - No signs shall be displayed in any parking area within any residential district, except such as may be necessary for the orderly use of the parking facilities. All signs in other parking areas shall conform to Section 1202 herein.
5. Striping - All parking spaces shall be properly marked and maintained by durable paint in stripes a minimum of four (4) inches wide and extending the length of the parking space.
6. Required Setbacks - No parking space or portion thereof established on a lot shall be located within a required front yard, except in C and M Districts, where off-street parking areas may be installed and maintained in the

required front yard, provided such parking areas do not occupy the first ten (10) feet of front yard nearest the street or alley, which shall be landscaped and maintained as a buffer area.

7. Surfacing - All open off-street parking areas, except those accessory to single family dwellings, shall be improved with a compacted base surfaced with all-weather dustless material of adequate thickness to support the weight of fully-loaded vehicles which customarily park or travel on it.
8. Lighting - Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from all adjoining properties and streets.
9. Storm Water - Adequate storm water drainage facilities shall be installed in order to insure that storm water does not flow onto abutting property or abutting sidewalks in such a way or quantity that pedestrians using the sidewalk would be detrimentally affected or inconvenienced. The Borough Engineer shall approve all such facilities.
10. Walls or Planting Strip - Whenever a parking lot abuts onto a public street, sidewalk, or alley, a structurally sound wall or planting strip, approved by the Borough Engineer, shall be installed. Adequate retaining walls and other walls shall also be constructed along abutting property to provide proper solid retention and screening from abutting properties, subject to the approval of the Borough Engineer.

C. Schedule of Off-Street Parking Requirements.

1. One and two-family dwellings - One (1) parking space for each family dwelling unit.
2. Three or more family dwellings - Two (2) parking spaces for each family dwelling unit, plus one (1) visitor's parking space for every two (2) (or fraction thereof) dwelling units.
3. Recreation centers, swimming pools, skating rinks, outdoor commercial recreation enterprise and other recreation and amusement facilities - One (1) parking space for every four (4) customers computed on the basis of maximum servicing capacity at any one time plus one (1) additional space for every two (2) persons regularly employed on the premises during peak shift.
4. Club houses and meeting places of veterans, business, civic, fraternal, labor and similar organizations - One (1) parking space for every fifty (50) square feet of aggregate floor area in the auditorium, assembly hall, and dining room of

such building plus one (1) additional space for every two (2) persons regularly employed on the premises during peak shift.

5. Bowling alleys - One (1) parking space for every two (2) customers computed on the basis of maximum servicing capacity at any one time plus one (1) additional space for every two (2) persons regularly employed on the premises during peak shift.
6. Dormitories, fraternity houses and sorority houses - One (1) parking space for every two (2) beds occupied at maximum capacity. This requirement is in addition to the parking space requirements for educational establishments set forth elsewhere herein.
7. "Drive-in" facilities - Five (5) parking spaces per one hundred (100) square feet of floor space.
8. Funeral homes and undertaking establishments - Parking or storage space for all vehicles used directly in the conduct of such business, plus one (1) parking space for every two (2) persons regularly employed on the premises during peak shift, and one (1) space for every six (6) seats in the establishment.
9. Hospital - One (1) parking space for every four (4) beds intended for patients, excluding bassinets, plus one (1) per doctor, one (1) per two (2) persons regularly employed on the premises during peak shift, and one (1) per hospital vehicle.
10. Indoor retail businesses - Parking or storage space for all vehicles used directly in the conduct of such business, plus one (1) parking space for every two hundred fifty (250) square feet of total floor area.
11. Industrial plants and facilities - Parking or storage space for all vehicles used directly in the conduct of such industrial use, plus one (1) parking space for every three (3) persons regularly employed on the premises during peak shift.
12. Junior and senior high schools - One (1) parking space for every six (6) seats available in the assembly hall, auditorium, stadium, or gymnasium during maximum capacity on the high school grounds or campus. If the school has no assembly hall, auditorium, stadium, or gymnasium, one (1) parking space shall be provided for each person regularly employed at such school, plus two (2) additional spaces for each classroom.
13. Libraries, museums, post offices and similar establishments - Parking or storage space for all vehicles used directly in the operation of such establishment, plus one (1) parking space for every two hundred fifty (250) feet or total floor area.

14. Medical and dental clinics - Three (3) parking spaces for each doctor, plus one (1) additional space for every two (2) persons regularly employed on the premises.
15. Nursing homes - One (1) parking space for every two (2) beds occupied at maximum capacity. This requirement is in addition to the parking space requirements for hospitals set forth herein.
16. Offices - One (1) parking space for each employee. One (1) parking space for every five hundred (500) square feet of office space.
17. Public and private elementary schools - One (1) parking space for each person regularly employed at such school, plus one (1) additional space for each classroom.
18. Public Garages - Indoor or outdoor parking or storage space for all vehicles used directly in the conduct of such business, plus three (3) parking spaces for each person regularly employed on the premises.
19. Repair shops, plumbing shops, electrical shops, roofing shops, and other service establishments - Parking or storage space for all vehicles used directly in the conduct of such business, plus two (2) parking spaces for each person regularly employed on the premises.
20. Restaurants, indoor, and other eating and drinking establishments - One (1) parking space for each table or booth, plus one (1) parking space for every two stools at bar or counter, and one (1) parking space for every two (2) persons regularly employed on the premises during peak shift.
21. Service stations - Parking or storage space for all vehicles used directly in the conduct of such business plus one (1) parking space for each gas pump, three (3) spaces for each grease rack or similar facility, and one (1) space for every two (2) persons regularly employed on the premises during peak shift.
22. Theaters, auditoriums, churches, stadiums, and other places of public assembly - One (1) parking space for every six (6) seats available at maximum capacity.
23. Motels and hotels - One (1) parking space for each sleeping room offered for tourist accommodation, plus one (1) space for each dwelling unit on the premises, and one (1) additional space for every two (2) persons regularly employed on the premises during peak shift.

24. Transportation terminals - One (1) parking space for every one hundred (100) square feet of waiting room space, plus one (1) additional space for every two (2) persons regularly employed on the premises during peak shift.
25. Universities, colleges, academies, and similar institutions of higher learning - One (1) parking space for every six (6) seats occupied in the assembly hall, auditorium, stadium, or gymnasium during maximum capacity on the campus. If the institution has no assembly hall, auditorium, stadium, or gymnasium, one (1) parking space shall be provided for each person regularly employed at such institution, plus five (5) additional spaces for each classroom.
26. Warehouses, freight terminals, and trucking terminals - Parking or storage space for all vehicles used directly in the conduct of such business, plus two (2) parking spaces for each person regularly employed on the premises during peak shift.

D. Location of Parking Areas. Off-street automobile parking facilities shall be located as hereinafter specified. Where distance is specified, such distance shall be walking distance measured from the nearest point of the parking area to the nearest entrance of the building that said parking area is required to serve.

1. One and two-family dwellings -- on the same lot with the building they are required to serve.
2. Three and four-family dwellings not over two (2) stories in height, and row dwellings not over one and one-half (1-1/2) stories in height -- on the same lot or parcel of land as the building they are required to serve. For the purpose of this requirement, a group of such uses constructed and maintained under a single ownership or management shall be assumed to be on a single lot or parcel of land.
3. Clubs, hospitals, sanitariums, orphanages, homes for the aged, convalescent homes and other similar uses -- on the same lot or parcel of land as the main building or buildings being served, or upon properties contiguous to the zoning lot upon which is located the building or buildings they are intended to serve.
4. Multiple-family dwellings containing more than four (4) dwelling units and all other uses -- on the same lot or parcel of land as the building they are required to service, or on a separate lot or parcel of land not more than three hundred (300) feet from the nearest entrance to the main use being served, provided the lot or parcel of land selected for the parking facilities is located in a C or L-1 District.

5. Notwithstanding Paragraphs 1 - 4 above, no parking area accessory to a C, L-1 use shall be located in an R District, except as permitted in Section 1201, Paragraph E-4 herein.

E. Additional Regulations - Parking.

1. Use of Off-Street Parking Facilities - Off-street parking facilities accessory to residential use and developed in any residential district, in accordance with the requirements of this Article, shall be used solely for the parking of passenger automobiles, commercial and service vehicles of not more than one (1) ton GVW owned or operated by occupants of the dwelling structures to which such facilities are accessory, or by guests of said occupants.
2. Joint Parking Facilities - Off-street parking facilities for different buildings, structures, or uses, or for mixed uses, may be provided collectively in any zoning district in which separate off-street parking facilities for each constituent use are permitted, provided that the total number of spaces so located together are not less than the sum of the separate requirements, for each use of which normal hours of operation coincide, and not more than three hundred (300) feet from and contiguous to the lot on which the main building is located.

In any case, where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereto, assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution by the Solicitor, and filed with the application for a building permit.

Not more than fifty percent (50%) of the parking spaces required for (a) theaters, and places of amusement, and up to one hundred percent (100%) of the parking spaces required for a church or school, may be provided and used jointly by (b) banks, office, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours as those listed in (a), provided that written agreement assuring the retention for such purposes, is properly drawn and executed by the Borough Solicitor, and filed with the application for a building permit.

3. Control of Off-Site Facilities - When required accessory off-street parking facilities are provided other than on the lot on which the principal use is located, they shall be in the same possession, either by deed or long-term lease, as the property occupied by such principal use,

and the owner shall be bound by covenants or record filed in the office of the Borough Secretary, requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use. Use of such off-site facilities is subject to approval by the Borough Engineer.

4. Non-Residential Parking in Residential Districts - Accessory off-street parking facilities serving non-residential uses of property may be permitted in any R District when authorized by the Zoning Hearing Board after review and study by the Planning Commission, subject to the following requirements in addition to all other relevant requirements of this Article:

- (a) The parking lot shall be accessory to, and for use in connection with, one or more non-residential establishments located in adjoining districts or in connection with one or more existing professional or institutional office buildings or institutions, and within three hundred (300) feet of the non-residential use which it is to serve.
- (b) Said parking lot shall be used solely for the parking of passenger automobiles.
- (c) No commercial repair work or service of any kind shall be conducted on said parking lot.
- (d) No sign of any kind other than signs designating entrances, exits, and conditions of use, shall be maintained on said parking lot, and shall not exceed twelve (12) square feet in area.
- (e) The parking lot may be open from 7:00 a.m. to 9:00 p.m. and shall be closed at all other times; however, when supervised by one (1) or more full-time attendants, the parking lot may be kept open until 12:00 midnight.
- (f) Each entrance to and from said parking lot shall be a distance of at least thirty-five (35) feet from any adjacent property located in any residential district, except where ingress and egress to the parking lot is provided from a public alley or public way separating the residential areas from the proposed parking lot. A buffer area of fifteen (15) feet minimum width shall be provided and maintained along all lot lines, which are not street lines, abutting residential uses.
- (g) In addition to the foregoing requirements, such parking lots shall conform to any further requirements and

conditions as may be prescribed by the Borough Supervisors for the protection of properties adjacent to and in the vicinity of the proposed parking lot.

F. Design, Maintenance, and Schedule of Off-Street Loading Space.

L. Design -

(a) Loading Space - Description.

An off-street space shall be a hard-surfaced area of land, open or enclosed, other than a street or public way, used principally for the standing, loading, or unloading of motor trucks, tractors, and trailers so as to avoid undue interference with the public use of streets and alleys. A required loading space shall be not less than ten (10) feet in width, fourteen (14) feet in height and of adequate length to suit the specific use exclusive of access aisles and maneuvering space, except as otherwise specifically dimensioned herein.

(b) Location.

No permitted or required loading space shall be closer than fifty (50) feet to any property in a residential district unless completely enclosed by building walls, or an ornamental fence or wall, or any combination thereof not less than six (6) feet in height. No permitted or required loading space shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets. Loading space open to the sky may be located in any required yards.

(c) Measurement of Spaces.

When determination of the number of required off-street loading spaces results in a requirement of a fractional space, any fraction up to and including one-half ($1/2$) may be disregarded, and fractions over one-half ($1/2$) shall be interpreted as one (1) loading space.

(d) Surfacing.

All open off-street loading spaces shall be improved with a compacted base, and surfaced with all-weather dustless material of adequate thickness to support the weight of fully-loaded vehicles which customarily use the said spaces.

2. Schedule of Required Loading and Unloading Space - Every building or structure used for business, trade, or industry shall provide space as herein indicated for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley or, if there is no alley, to a street.

Off-street loading and unloading space shall be in addition to the requirements for off-street parking space listed herein. Off-street loading and unloading space shall not be designed, intended, constructed or used in a manner such as to obstruct or interfere with the free use of any street, alley, or adjoining property. The specific use requirements for off-street loading and unloading spaces are provided for as follows:

(a) Multi-story Multiple-family Dwellings.

One (1) off-street loading and unloading space at least ten (10) feet wide for every three thousand (3,000) square feet of total floor area.

(b) Industrial Plants.

One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every ten thousand (10,000) square feet of total floor area.

(c) Warehouses and Wholesale Storage Facilities.

One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every seventy-five hundred (7500) square feet of total floor area.

(d) Freight Terminals and Trucking Terminals.

One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every five thousand (5,000) square feet of total floor area.

1202. SIGNS

A. General Provisions.

1. A building permit shall be required for all signs and billboards.
2. All signs shall be erected and maintained in safe orderly condition. The Zoning Officer may order the repair or removal of any sign which he has declared unsafe. In the event the owner fails to remove or repair an unsafe sign within ten (10) days following such notification by the Zoning Officer, it may be removed by the Borough at the owner's expense.
3. All signs shall be erected in a manner which will not obstruct vision or in any way impede the safe movement of vehicular and/or pedestrian traffic.
4. Each face of a double-faced sign shall be considered a single sign for interpretation of area regulations.

B. Signs Permitted in Residential Districts. In R Districts, the following signs shall be permitted and the following regulations shall apply:

1. One (1) identification sign for a multi-family dwelling or a home occupation. When for a multi-family dwelling, not to exceed twelve (12) square feet; when for a home occupation, not to exceed one and one-half (1 1/2) square feet.
2. One (1) bulletin board per street for a church or similar place of worship, each not to exceed thirty (30) square feet.
3. One (1) temporary unlighted real estate sign, not to exceed three (3) square feet.
4. One (1) directional sign, not exceeding one and one-half (1-1/2) square feet.
5. In connection with a parking facility, directional signs not to exceed eight square feet each.
6. Traffic control signs installed and maintained by the Borough, Commonwealth of Pennsylvania, Somerset County, or any governmental authority.
7. Any use other than specified in Paragraphs 1 - 6 herein, one (1) sign not to exceed twelve (12) square feet per principal building or use.
8. Billboards are specifically prohibited in any R District.
9. Any signs in any R District shall be non-flashing and non-animated; those not attached to a building shall be set back at least fifteen (15) feet from a lot or street line, and no sign shall project above the roof or be mounted on a building above the eave line of a roof.

C. Signs Permitted in C-G District. In C-G Districts, the following signs shall be permitted and the following regulations shall apply:

1. Any sign permitted in an R District.
2. One (1) business or identification sign, not to exceed one (1) square foot for every two (2) lineal feet of frontage occupied, not to exceed sixty (60) square feet for any one (1) business.
3. One (1) business or identification sign for a group of three (3) or more businesses on one (1) parcel or tract, not to exceed one hundred twenty (120) square feet per sign.
4. Billboards are specifically prohibited in any C-G District.
5. All signs in any C-G District shall be non-flashing and non-animated; if illuminated, they shall utilize reflected or refracted light in such a manner as shall not detrimentally affect any property in an R District.

6. Signs not attached to a building shall be set back at least five (5) feet from a lot or street line, or any required buffer area. A free-standing sign shall not exceed twenty (20) feet in height, as measured from the ground to the top of the sign. No sign mounted on a building shall project above the ridge line of a sloping roof, nor above the eave line of a flat roof.

D. Signs Permitted in C-R, C-C, C-M, C-RH, L, and M Districts. In C-R, C-C, C-M, C-RH, L, and M Districts, the following signs shall be permitted and the following regulations shall apply:

1. Any sign permitted in R and C-G Districts.
2. One (1) business sign or identification sign, not to exceed one (1) square foot for every one (1) lineal foot of frontage occupied, not to exceed one hundred twenty (120) square feet for any one (1) business.
3. One (1) business or identification sign per street for a group of three (3) or more businesses on one (1) parcel or tract, not to exceed two hundred forty (240) square feet per sign.
4. Signs not attached to a building shall be set back at least five (5) feet from a lot or street line, or any required buffer area. Signs located on a corner lot shall be set back a minimum of fifteen (15) feet from the front and side street lines. A free-standing sign shall not exceed forty (40) feet in height, as measured from the ground to the top of the sign. No sign mounted on a building shall project above the ridge line of a sloping roof nor above the eave line of a flat roof.
5. All signs in any C-R, C-C, C-M, C-RH, or L District shall be stationary, non-revolving, non-flashing and non-animated; if illuminated, they shall utilize reflected or refracted light in such manner as shall not detrimentally affect any property in another zoning district.
6. Billboard not to exceed three hundred (300) square feet may be permitted by the grant of a special exception by the Zoning Hearing Board, provided that it shall:
 - (a) Not be located closer than fifty (50) feet to a public right-of-way;
 - (b) If attached to a building, not project above the ridge line of a sloping roof nor the eave line of a flat roof;
 - (c) If free-standing, not to exceed twenty (20) feet in height, measured from the ground to the top of the sign;
 - (d) Be on a parcel or lot not abutting or opposite a frontage in an R District, unless the advertising face is not visible from the R District;

- (e) Be no nearer than three hundred (300) feet to any R District if illuminated, unless the advertising face is not visible from the R District;
- (f) Be no nearer than three hundred (300) feet to any church, school, park, playground, or recreational area owned and operated by a public body;
- (g) Be no nearer than four hundred (400) feet to the centerline of any restricted or limited access highway or the access ramps thereto, if the face of the sign is visible therefrom.

Article 13

Interpretation of Ordinance

1301. INTERPRETATION OF ORDINANCE

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

Article 14

Repealing Clause

1401. 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 Board of Supervisors of the Borough of Indian Lake that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentences, clauses or sections thereof not been included herein.

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

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

Ordained and enacted this 8th day of June, 1982.

BOROUGH OF INDIAN LAKE

By: Frank Bedois
President of Council

Attest:

Beverly J. Brown
Secretary-Treasurer