

ZONING ORDINANCE NO 144

INDIAN LAKE BOROUGH

ARTICLE TEN

SPECIAL EXCEPTIONS

1001. GENERAL PROVISIONS

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

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

A. Such use shall be one that is consistent with the specifically identified uses in the District in which it is to be located.

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

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

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

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

F. Such use shall not conflict with the direction of building development in accordance with any comprehensive plan, community development objectives, or portion thereof that has been recommended by the Planning Commission and approved by the Borough Council.

## 1002. SPECIAL EXCEPTIONS

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

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

#### 1. Community/Group Docks for Private or Public Parks

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

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

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

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

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

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

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

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

### C. Commercial General (C-G) District:

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

D. Commercial Recreation (C-R) Districts:

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

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

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

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

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