



SOMERSET COUNTY PLANNING COMMISSION

November 14, 2009

Mr. Michael D. Miscoe, President
Indian Lake Borough Council
1301 Causeway Drive
Central City, PA 15926

Re: Somerset County Planning Commission Comments
Indian Lake Borough Draft Zoning Ordinance Revision

Dear Mr. Miscoe:

I wanted to provide you with some additional comments and recommendations regarding the draft Indian Lake Borough Zoning Ordinance prior to your public hearing scheduled for December 19th. After speaking with your solicitor Atty. Rullo, I thought that it might be helpful for me to forward my notes from my in-depth review of the draft ordinance. I have listed a few items that relate to the PA Municipalities Planning Code that may or may not be issues, and I also listed a few general comments that might be helpful. In general, I thought that the ordinance was very well done, and complete.

Comments Relative to PA Municipalities Planning Code:

- Section 603(i) – Minerals Extraction. The MPC states that “*Zoning ordinances shall provide for the reasonable development of minerals in each municipality*”. This was a fairly recent change to the MPC. You might want to review your draft ordinance or other Borough regulations to see if this was addressed.
- Section 603(f) – Forestry Activities. The MPC states that “*Zoning ordinances may not unreasonably restrict forestry activities. To encourage maintenance and management of forested or wooded open space and promote the conduct of forestry as a sound and economically viable use of forested land throughout this commonwealth, forestry activities, including, but not limited to, timber harvesting, shall be a permitted use by right in all zoning districts in every municipality*”. This was also a recent change to the MPC. Again, you might want to review your draft ordinance or other borough regulations to see if this issue is addressed.

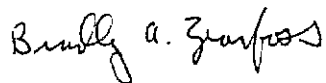
General Comments and Recommendations:

- Industrial uses – I did not see a district that permits Heavy Industrial uses. You may wish to include these uses in some zoning district, even as a special exception, so that you do not open the ordinance to a possible challenge as being exclusionary.
- Zoning Map – You may wish to consider including a small-scale version of your zoning map as an appendix in your ordinance. Also, many municipalities are now putting their zoning maps online (e.g. Somerset Borough).
- Miscellaneous Supplemental Regulations: Your ordinance covers a broad range of issues, but you might want to consider adding some additional sections dealing with other miscellaneous issues listed below. I have some model ordinance language that I can forward to you if that would be helpful:
 - Surface Mining and Excavating Standards and Criteria
 - Telecommunications Facilities and Towers
 - Steep Slopes (construction on)
 - Adult Uses

I found a very helpful website that you might want to look at that has the full PA MPC, recent amendments to the MPC, timing provisions, and an MPC Quick Guide. It is at: www.landuselawinpa.com I also forwarded Bob Hanson the contact information for Mr. Denny Puko at the Pittsburgh office of the PA DCED. Denny is very knowledgeable about zoning, subdivision, and PA MPC issues, and I'm sure that he would be happy to provide you with technical assistance as well.

If I can be of further help in the future, please do not hesitate to contact me. I am available to provide technical assistance regarding land development regulations at no cost to the Borough, and I am happy to attend your meetings as well. I have some expertise with zoning ordinances, so if I can help, just let me know.

Sincerely,



Bradley A. Zearfoss
Director

Cc: Atty. Daniel W. Rullo