

ORDINANCE NO. XXX 194

AN AMENDMENT TO ZONING ORDINANCE NO. 144,
SECTION 308 (CONSTRUCTION ON UNDEVELOPED PLATTED LOTS)

BE IT ENACTED AND ORDAINED, by the Borough Council of the Borough of Indian Lake, Somerset County Pennsylvania, and by authority of the same, as follows:

Section 1: Ordinance No. 144, Section 308, as amended, shall be replaced in its entirety with the following:

308. CONSTRUCTION ON UNDEVELOPED PLATTED LOTS

It is in the best interest of the Borough and its property owners to ensure a residence can eventually be built on any lot zoned Residential, doing so will maximize property owners' home value, and disperse the burden of maintaining the Lake through a larger tax base. The ordinance will provide oversight and control for residents in need of additional storage. This Ordinance will allow these structures to be built, but only as a Conditional Use.

1. From and after the date of ordination and enactment of this Ordinance, no Garage, Gazebo/Pavilion, storage shed, or storage locker shall be built on any residential lot [R-1 or R-2 Zoning District] within the Borough unless and until, or at the same time, a Dwelling Unit has been built or is being built upon said lot (a lot with a Dwelling Unit is a "Developed Lot").
2. The owner of a platted lot within the Borough in an R-1 or R-2 Zoning District without a Dwelling Unit built or being built thereon (an "Undeveloped Lot") may, however, request approval of a conditional use for a Garage, Gazebo/Pavillion and/or one storage shed or storage locker if said owner owns a Developed Lot elsewhere within the Borough and meets the following objective and express standards and criteria:
 - a) The Developed Lot and the Undeveloped Lot are described according to the same current deed under identical ownership (the "Subject Lots"). Said deed must contain a deed restriction referencing the the herein conditional use, if approved, and prohibit subsequent bifurcation of the Subject Lots into separate deeds unless expressly approved by Borough Council, the approved conditional use is surrendered by the owner, and all remaining non-conforming uses are brought into conformity with the provisions of Ordinance No. 144, as amended.
 - b) The Subject Lots need not be contiguous; however, for each Developed Lot there may only be one associated Undeveloped Lot upon which a Garage may be constructed. By way of example, if a property owner owns one (1) Developed Lot

and three (3) Undeveloped Lots, the owner may only construct one Garage or Structure on one of the three (3) Undeveloped Lots.

- c) The construction, character, and appearance of any Garage, Gazebo/Pavilion and/or storage shed, or storage locker are consistent [not obviously inconsistent] with neighboring homes and similar structures.
- d) The location of the structure(s) on the Undeveloped Lot shall not preclude the possible unencumbered addition/construction of a Dwelling Unit on the Undeveloped Lot in the future.
- e) All Garages or Structures must be constructed on a permanent concrete foundation/slab.
- f) An application hereunder shall include a landscaping plan demonstrating appropriate screening of structures with trees, plants, shrubbery and/or an ornamental fences or walls. Said plan shall also detail the proposed removal of any existing trees.
- g) A 911 address assigned by the Somerset County Emergency Management Agency/911 is required for any Undeveloped Lot on which any structure permitted hereunder is to be constructed.

3. In all cases, the construction of a Garage, Gazebo/Pavilion, storage shed, and/or storage locker must otherwise conform with all applicable law including, without limitation, other provisions of Ordinance No. 144, as amended, and all applicable construction codes.

4. An application for a conditional use under this Section must be submitted in writing to Borough Council. The application must be accompanied by a site plan demonstrating compliance with all of the standards and criteria set forth above. Only complete applications shall be considered by Borough Council. Should a requested conditional use hereunder be approved by Borough Council, the affected landowner shall still be responsible for securing all other necessary permits and approvals as may be required including, without limitation, all necessary building permits issued by the Borough Zoning Officer.

Section 2: This Ordinance repeals Ordinance 189 in its entirety. All prior ordinances, parts of ordinances, resolutions, or other official actions in conflict with the provisions of this Ordinance are hereby repealed.

Section 3: If any section, clause, phrase, portion, or provision of this Ordinance is, for any reason, determined by a Court of competent jurisdiction to be invalid, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4: The provisions of this Ordinance shall become effective immediately as permitted by law.

ORDAINED AND ENACTED this 22nd day of September, 2021

Attest:

BOROUGH OF INDIAN LAKE

Kirsten Siene

By: Scott H. [Signature]

Secretary

President of Council

EXAMINED AND APPROVED by me this 22nd day of September 2021

[Signature]
Mayor