

ORDAINED - 9TH FEB - 1973
APPROVED 30TH MARCH - 1973

401-7C #11

ORDINANCE NO. 22

AN ORDINANCE OF THE BOROUGH OF INDIAN LAKE, SOMERSET COUNTY, PENNSYLVANIA, CLASSIFYING, REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER STRUCTURES, AND CONSTRUCTION, ALTERATION, EXTENSION, REPAIR, MAINTENANCE AND ALL FACILITIES AND SERVICE IN AND ABOUT SUCH BUILDINGS AND STRUCTURES, AND PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, RESIDENCE OR OTHER PURPOSES, PROHIBITING INDUSTRIAL AND OTHER TYPES OF USES, ESTABLISHING BUILDING LINES AND SET-BACK BUILDING LINES UPON PUBLIC STREETS, ESTABLISHING THE BOUNDARIES OF DISTRICTS FOR SAID PURPOSES, PROVIDING FOR THE ELIMINATION OF NONCONFORMITIES, PROVIDING FOR THE CONTROL AND REGULATION OF SUBDIVISION OF LAND, PROVIDING FOR THE ZONING OF ANNEXED LANDS, CREATING A ZONING HEARING BOARD, CONFERRING POWER UPON THE BUILDING OFFICIAL AS THE ZONING OFFICER, AND PROVIDING FINES AND PENALTIES FOR THE VIOLATION THEREOF, FOR THE PURPOSE OF PROMOTING HEALTH, SAFETY, MORALS, OR THE GENERAL WELFARE OF THE BOROUGH OF INDIAN LAKE AND THE RESIDENTS THEREOF AND DESIGNED TO LESSEN THE CONGESTION IN STREETS, TO SECURE SAFETY FROM FIRE, PANIC AND OTHER DANGERS, TO PROVIDE ADEQUATE LIGHT AND AIR, TO PREVENT THE OVERCROWDING OF LAND, TO AVOID UNDUE CONCENTRATION OF POPULATION, TO FACILITATE THE ADEQUATE PROVISION OF TRANSPORTATION, WATER, SEWERAGE, SCHOOLS, PARKS, AND OTHER PUBLIC REQUIREMENTS OF THE BOROUGH OF INDIAN LAKE AND THE RESIDENTS THEREOF.

SEE ORDINANCE # 40 FOR AMENDMENTS

ARTICLE I

INTRODUCTION

SECTION 101: This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Borough of Indian Lake."

SECTION 102: The map herein referred to which is identified by the title, "Indian Lake Borough Zoning Map," and by the signatures of the duly authorized officers of the Borough affixed thereto, shall be known as the "Zoning Map" and such map, together with all notations, references and other data shown thereon is hereby incorporated in this Ordinance by reference thereto as is more fully described herein. Said zoning map shall be kept on file and available for examination by persons interested therein at the office of the Borough of Indian Lake.

SECTION 103: Interpretation - Purpose

1. In interpreting and applying this Ordinance, the provisions shall

be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare and shall not prohibit the adoption of more restrictive requirements of this nature. These regulations are made in accordance with a comprehensive plan, and are designed to lessen congestion in the streets. to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Reasonable consideration has been given, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Borough.

2. It is fundamental to the purpose of the Ordinance to recognize that many existing lots throughout the Borough are less adequate than others because of their location or size or odd shape or difficult topography, or any combination of these limitations. A claim of hardship under this Ordinance, therefore, shall not be allowable on behalf of any lot because the physical characteristics of the lot prevent it from being built upon exactly as on another lot abutting or close to it or 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 in 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 Commercial District automatically becomes the prospective site for any commercial structure and use. If a lot in such a district, after provisions of the yards and other open spaces prescribed for its own and adjacent property protection, has a buildable area too small in extent or dimensions for commercial structure,

then the lot may be used under its district regulations for another type of structure permitted in that district.

While this Ordinance applies only to property within the Borough, in the protection of the health and safety and welfare of the people at large, and in the encouragement of the establishment and maintenance of reasonable community standards of physical environment, the effect of such application on adjacent properties and neighborhood, without regard to municipal boundary lines should be considered. It is the intention that the administration of this Ordinance, where it affects properties adjacent to the Borough boundary line, will be such as to promote cooperation with other political subdivisions involved, for the uniform benefit and protection of all affected properties.

This Section shall be considered, together with all the provisions of this Ordinance, when appraising "the spirit of the Ordinance" as a guide to its interpretation.

3. All building permits which create nonconforming buildings or uses and which were issued prior to the adoption of this Ordinance are declared void if at the time of the effective date of this Ordinance:

- (a) No substantial construction of such building shall have been made, or
- (b) No contract or contracts have been let pursuant to said permit, or
- (c) The Zoning Officer determines that the building or use for which the permit is issued would be detrimental to the public health, safety, morals or general welfare.

ARTICLE II

DEFINITIONS

Section 201: 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; and the word "building" includes the word "structure," and the word "structure" includes the word "building."

1. ACCESSORY BUILDING OR STRUCTURE. An accessory building or structure is a building subordinate to the principal building on the property and used for purposes customarily incident to those of the principal building.

2. AUTOMOBILE. A self-propelled, free-moving vehicle, primarily for personal conveyance on a street or roadway.

3. 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:

- (a) Spray painting;
- (b) Body, fender clutch, transmission, differential axle, spring and frame repairs;
- (c) Major overhauling of engines requiring removal therefrom of cylinder-head or crankcase pan;
- (d) Repairs of radiator requiring removal thereof;
- (e) Complete recapping or retreading of tires.

4. 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.

5. 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.

6. 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.

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

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

9. BOROUGH. All references to the Borough are to the Borough of Indian Lake.

10. 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.

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

12. BUILDING OFFICIAL. The term "Building Official" shall mean 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.

13. BUILDING, HEIGHT OF. The total number of stories in a building, and the vertical distance measured from the curb level to the highest point of the roof adjacent to the street wall for flat roofs, to the deck line of mansard

roofs, and to the mean height between eaves and ridges for gable or hip or gambrel or pent roofs.

14. CHURCH, CATHEDRAL OR TEMPLE. This term includes any or all of the following: Church, manse rectory, convent, parish school or similar building incidental to the particular use; school for religious education; convents and other buildings for the housing of students, teachers, communicants and domestic or maintenance employees; but not including business offices (except administrative offices housed within the structure) rescue missions or the occasional use for religious purposes of properties not regularly so used.

15. COMMITTEE. The term Committee shall mean the duly authorized members of the Planning Committee as appointed by the Borough Council.

16. COUNCIL. All references to Council are to the Council of the Borough of Indian Lake.

17. 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.

18. 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.

19. DWELLING UNIT. One (1) or more living or sleeping rooms with cooking and/or sanitary facilities for one (1) person or one (1) family.

20. DWELLING, ONE-FAMILY. A detached building containing only one (1) dwelling unit, for exclusive use by one (1) family.

21. DWELLING, TWO-FAMILY. A building containing only two (2) distinct and non-communicating dwelling units, each for exclusive use by one (1) family, and each with its own separate exterior entrance door.

22. DWELLING, MULTIPLE-FAMILY. A building or portion thereof containing three (3) or more dwelling units, each for exclusive use by one (1) family.

23. DWELLING, ROW. A multiple-family dwelling divided by party walls or partition walls into a row of two (2) but not more than six (6) distinct and non-communicating dwelling units, not exceeding two (2) rooms in depth with no two (2) dwelling units served by the same stairway or by the same exterior door of the dwelling.

24. FAMILY. A family is two or more persons related by blood or marriage living together; or, one or more persons maintaining wholly or partly other persons, all of them living together in one household, not embracing clubs, fraternities, boarding or rooming houses or other groups of individual persons living together.

25. FISH AND WILDLIFE PRESERVE. Fish and Wildlife Preserve refers to the areas of open space in the Borough for the use of all Borough residents.

26. GARAGE-COMMUNITY. A community garage is 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.

27. GARAGE-MINOR. A minor garage is either a one (1) story building, or an integral part of a dwelling, used for storage of one or more, but not to exceed three, motor vehicles owned and used by the owner or tenant of the lot on which it is erected for a purpose accessory to the use of the lot, or which

is rented by the owner or tenant of such a lot on a weekly or monthly basis for such storage of motor vehicle by others.

28. GARAGE-PUBLIC. A public garage is any building used for the storage and repair of motor vehicles not defined as a minor or community garage, under Section 201, Subsections 26 and 27 aforesaid.

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

- (a) There are more than ten sleeping rooms
- (b) Incidental business may be conducted
- (c) There may be club rooms, ballrooms and common dining facilities
- (d) Such hotel services as maid, telephone and postal services are provided
- (e) There may be only private sleeping rooms and no dormitory accommodations

30. HOUSE TRAILER. A house trailer is any vehicle or portable structure used for living or sleeping purposes.

31. 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.

32. LOT. A lot is a parcel of land.

33. LOT, BUILDABLE AREA OF. That portion of a zoning lot or an

accredited-zoning lot bounded by the required front and rear and side yards. When a yard is not required, the boundary is the lot line.

34. LOT, BUILDING LINES OF. The lines that bound the buildable area of the zoning lot or accredited-zoning lot, including front and rear and side building lines.

35. LOT, CORNER. A corner lot is a lot abutting upon two (2) or more streets at their intersection.

36. LOT, DEPTH. The depth of the lot is the mean distance from the street line at the front of a lot to the extreme rear line of the lot measured parallel to the mean direction of the side lines thereof.

37. LOT, FRONT LINE. The front line of a lot which abuts or is adjacent to the lake shall be the lake side of the lot. The front line of a lot which does not abut the lake shall be the road side of the lot. The front line of a through lot or corner lot may be designated by the owner who first builds any structure thereon, subject to the approval of the Building Official.

38. LOT, REAR LINE. The rear line of a lot shall be the line opposite the front line.

39. LOT, THROUGH. A through lot is a lot the front and rear lines of which abut upon streets.

40. LOT, WIDTH. The distance between the side lines of the zoning lot measured at the shortest distance at or between the front and rear building lines as determined by the prescribed front and rear yard requirements.

41. MAJOR EXCAVATING, GRADING OR FILLING. Any operation (other than in connection with the foundation for a structure) involving:

- (a) 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
- (b) 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
- (c) A change in ground elevation exceeding fifteen feet

42. MAJOR TRAFFIC THOROFARE. A main traffic artery designated on the zoning district map as "Major Traffic Thorofare."

43. NONCONFORMING USE OR BUILDING. A nonconforming use or building indicates 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.

44. OFFICE BUILDING. An office building is 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.

45. PARK, PRIVATE. The term private park 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.

46. PARKING AREA. An open space other than a street or way, used for the parking of only automobiles.

47. 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.

48. PORCH. A porch is a roofed, open structure projecting from the front, side or rear wall of a building.

49. PROFESSIONAL OFFICE. A professional office is a room or rooms used for carrying on a professional occupation.

50. PUBLIC BUILDING. A building or structure owned by a government agency and used for public purposes.

51. 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.

52. SIGN, AREA OF. The area of a sign shall be the entire surface on each plane or planes on which the letters, number words, symbols, or pictorial matter appear and shall include any border.

53. SIGN ILLUMINATED. The term illuminated sign, shall indicate 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.

54. 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.

55. SIGN, OVERHANGING. An overhanging sign is any sign suspended from a building, a pole or other object irrespective of any restraining bracing.

56. SINGLE FAMILY DWELLING. A single family dwelling is a separate dwelling designed for, or occupied exclusively as, a residence for only one (1) family and having no party wall in common with an adjacent building.

57. STORY. A story is 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.

58. STORY, HALF. A story with a cubic content of not more than fifty (50%) percentum of the first story of the building.

59. 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.

60. STRUCTURE. A structure is anything constructed or erected, the use of which demands a permanent location on the soil, or anything attached to something having a permanent location on the soil.

61. STRUCTURE, ACCESSORY. A detached subordinate structure the use of which is clearly incidental to the main structure or to the use of the land.

62. STRUCTURAL ALTERATIONS. A structural alteration is any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders.

63. TERRACE. A terrace is 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.

64. TRAILER CAMP. A trailer camp is any parcel of ground used or designed to be used as a parking space for more than one (1) house trailer.

65. TRUCK. An automotive vehicle used for hauling.

66. USE, ACCESSORY. A subordinate use which is clearly incidental and related to that of the main structure or main use of the land.

67. USE OF A BUILDING. The use of a building is any and every use or activity conducted within a building or an accessory thereto.

68. YARD, FRONT. A yard extending across the full width of the lot and abutting from the front lot line, the required depth of which yard is a prescribed minimum distance between the front line and a line parallel thereto on the lot.

69. YARD, REAR. A yard extending across the full width of the lot and abutting the rear lot line, the required depth of which yard is a prescribed minimum distance between the rear lot line and line parallel thereto on the lot.

70. YARD, SIDE. A yard abutting a side lot line extending from the front yard to the rear yard, the required width of which yard is a prescribed minimum distance between the side lot line and a line papallel thereto on the lot.

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

72. ZONING OFFICER. The officer appointed by Council to administer this Zoning Ordinance and known also as the Building Official."

ARTICLE III

DISTRICTS AND DISTRICT MAP

SECTION 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:

Residence Districts: R-1 One-Family Dwelling
 R-2 One-Family Dwelling, Two-Family Dwelling,
 Row Dwelling

Recreation: P-1 Private Parks
 P-2 Fish and Wildlife Preserve

Business Districts: C-R Commercial-Recreation
 C-C Commercial
 C-M Commercial-Marina
 C-RH Commercial-Hotel Recreation

SECTION 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.

SECTION 303: The boundaries between districts are, unless otherwise indicated, on either the center line of streets, roads or such lines extended on lines parallel thereto or on the side or rear.

SECTION 304: In R-1 districts, 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 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.

*amended #140
see ord. #* SECTION 305: In all districts, no house trailers, mobile homes, truck campers, camper trailers or equivalent, or tents, are permitted to be occupied.

*amended #140
see ord. #* SECTION 306: In all districts, the exterior of the structure must be complete within one (1) year from the date a building permit is issued.

SECTION 307: Lines of lots or 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.

SECTION 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 comprehensive plan referred to in Section 103, the following restrictions shall also apply:

- amended →*
see Ord. #40
1. The number of dwelling units in all of the areas now owned by *NATIONWIDE INS* Indian Lake Development Company or Indian Lake Shooting Park Inc. shall be limited to fifteen hundred (1500).
 2. In addition to the provisions of paragraph 1 above, a maximum of three hundred (300) hotel sleeping rooms may be erected in the C-RH district.
 3. Each lot in the R-1 Districts shown on the Zoning Map, shall represent one (1) of the total fifteen hundred (1500) dwelling units.
 4. The remaining dwelling units allowed to complete the maximum fifteen hundred (1500) permitted dwelling units may be built in either the R-2 or C-RH districts.
 5. The issuance of boat licenses shall be in accordance with Article XIII, Section 1306.
 6. The number of dwelling units in all areas of the Borough not included in paragraph 1 above, shall be determined in accordance with the lot size requirements, subdivision requirements, and other provisions of this Ordinance.

Section 309 to be added - see Ord. #40
310
311

ARTICLE IV

SECTION 401: Residence District R-1. 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.

PERMITTED USES:

1. One-family dwelling
2. Garden for occupants of premises
3. Church
4. Public or parochial schools
5. Any Borough or public building
6. Municipal playgrounds, parks and recreational areas
7. The following accessory uses:

1 - HOME
1 - GARAGE
1 - SHED
1 - BOAT HOUSE

- (a) A minor garage
- (b) A name plate not exceeding four (4) square feet in area
- (c) One storage shed not exceeding 144 sq. ft. in floor area
- (d) Boat dock, boat house and boat lift; 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.

SECTION 402: In this district, the minimum dimensions of lots, yards and other spaces and the area of lots required per family housed thereon 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. However, lots not covered in the plot plans must have at least 25,000 sq. ft., with front footage of at least 90 feet.
2. There shall be a front yard having a depth of not less than one third (1/3) of the lot depth. 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 this Ordinance.
3. On each lot, no side yard of a dwelling or minor garage shall be less than ten (10) feet wide at any point, and the composite minimum width for both side yards shall be not less than twenty (20) feet.

amended - see Ord. #40

SECTION 403: No building or structure shall exceed two and one half (2-1/2) stories in height, with exception of a boat house, boat dock, or boat lift which shall not exceed ¹¹nine (9) feet in height from the high water level of 2,282 feet above sea level, *now exceed 4' in height.* A boat house must be built over a slip and not extend into the lake. A boat dock may extend no more than thirty (30) feet from the natural shore line. Only one (1) boat dock, boat lift or boat house is permitted per R-1 lot. Special exceptions and/or variances from the requirements for boat houses or boat lifts shall be allowed for a cause shown.

ARTICLE V

SECTION 501: Residence Districts R-2. 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:

PERMITTED USES:

1. One-Family Dwelling
2. Two-Family Dwelling
3. Row Dwelling
4. Multiple-Family Dwelling only as set forth in Section 502, Subsections 6 and 7
5. Community garage not to exceed one (1) story
6. Garden for occupants of premises
7. Church
8. Public or parochial schools
9. Any Borough or public building
10. Municipal Playgrounds, parks and recreational areas
11. The following accessory uses:
 - (a) A minor garage
 - (b) A name plate not exceeding four (4) square feet in area
 - (c) One storage shed, not exceeding 144 square feet in floor area
 - (d) Boat docks

SECTION 502: In this district, the minimum dimensions of lots, yards and other spaces and the area of the lot required per family housed thereon shall be as follows:

1. The area of the lot shall be sufficient to provide a total yard space of not less than twenty thousand (20,000) square feet per family unit contained in the buildings.
2. There shall be a front yard having a depth of not less than one third (1/3) of the lot depth.
- ✓ 3. On each lot, no side yard of a dwelling or garage shall be less than ten (10) feet wide at any point, and the composite minimum width for both side yards shall be not less than twenty (20) feet.
4. 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.
5. Every community garage may be built with either or both side walls attached to or in common with a wall of a multiple dwelling.
- X 6. As an alternative to Subsections 1 through 4 above, any parcel which is a minimum of three (3) acres in size may have built thereon a multiple-family dwelling containing up to twelve dwelling units, provided that said structure is located in the approximate center of said parcel; it being the intent of this Subsection to allow greater density per square foot of land where front, rear and side yard depths will be substantially increased.
7. As an alternative to Subsections 1 through 4 above, any parcel which is a minimum of six (6) acres in size may have built thereon a multiple-family dwelling containing up to twenty-four dwelling units, provided that said structure is located in the approximate center of said parcel; it being the intent of this Subsection to allow

greater density per square foot of land where front,
rear and side yard depths will be substantially increased.

SECTION 503: No building or structures shall exceed two and one half
(2-1/2) stories in height.

Amended
see Ord. #40 SECTION 504: A boat house, boat dock or boat lift shall not exceed
nine (9) feet in height from the high water level of 2282 feet above sea level.

A boat dock may extend no more than thirty (30) feet from the natural
shore line. Only one (1) boat dock or boat lift or boat house is permitted per
R-1 dwelling unit. Each boat dock will require a minimum of 25 feet of shore
line.

ARTICLE VI

SECTION 601: Private Parks P-1. In this district, the land shall remain in its natural state and be subject to the following restrictions:

1. No structures, temporary or permanent, shall be placed or erected thereon, excepting boat houses, boat lifts, or boat docks in accordance with Section 403. One boat dock will be allowed for each park lot owner.
2. No tents shall be placed thereon.
3. No roads shall be built thereon.

SECTION 602: Fish and Wildlife Preserve P-2. In this district the land shall remain in its natural state and be subject to the following restrictions:

1. No structures, temporary or permanent, shall be placed or erected thereon excepting boat docks in accordance with Section 403. The use of this district for more than forty (40) boat docks may be allowed by special exception and/or variances for cause shown, and in addition by providing a safe and convenient means of ingress and egress for boats docked in this area. Each boat dock will require 25 feet.
2. No tents shall be placed thereon.
3. No roads shall be built thereon, other than a perimeter road for access to boat docks.
4. 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.

5. 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 to the area.
6. No activity shall be permitted which would adversely affect the land, the vegetation, the water, the air, the sub-surface, or the natural resources in this district to exist, to be used and to remain in their natural state.
7. Exception: P-2 - On Calanders Run a Sewage Disposal Plant and road to said plant shall be permitted.

ARTICLE VII

SECTION 701: Commercial District C-RH. In this district land may be used and buildings and structures may be erected, altered or used for the following purposes and no other, provided that a maximum of three hundred (300) hotel rooms may be erected thereon:

1. One-Family Dwellings
2. Two-Family Dwellings
3. Row Dwellings
4. Multiple-Family Dwelling
5. Hotels
6. Golf Courses
7. Ski Slopes
8. Tennis Courts
9. Golf Driving Range
10. Archery Range
11. Community Garage not to exceed one (1) story
12. Garden for Occupants of Premiser
13. Church
14. Public and Parochial Schools
15. Any Borough or Public Buildings
16. Riding Stables
17. Snowmobile Operation
18. Game Farm
19. Accessory Structures for any Commercial Operation incident to hotel operation such as, Shops, Stores, etc.
20. The following accessory uses:
 - (a) A minor garage
 - (b) A name plate not exceeding four (4) square feet in area

- (c) A storage shed not exceeding 144 square feet in floor area for residential uses and with no limit in size for commercial uses
- (d) 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.
- (e) 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 with Section 403.

SECTION 702: In this district, all structures shall be set back at least one hundred (100) feet from the lake, shall provide minimum side yards of fifty (50) feet where abutting R-1 or R-2 areas. In addition, any multiple family dwelling or hotel shall not exceed four (4) stories in height from roadway, with allowance for additional structural levels below road grade that conform with landslope and topography, with the provisions that should the developer desire to utilize the roofs of said four (4) story for sun decks with minor construction exceeding four (4) stories or building a complete roof top restaurant facility on one of the buildings which would exceed four (4) stories he shall be permitted to do same.

ARTICLE VIII

SECTION 801: Commercial-Recreational C-R. 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:

PERMITTED USES:

1. Golf Courses
2. Ski Slopes
3. Tennis Courts
4. Golf Driving Range
5. Any Borough or Public Building
6. Archery Range
7. 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.

SECTION 802: Any structure in this district shall have a minimum set back of one hundred (100) feet from the lake, R-1 or R-2 areas and fifty (50) feet from the road right of way, and no structure shall exceed two and one-half (2-1/2) stories in height.

ARTICLE IX

SECTION 901: Commercial District C-C. 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:

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) Any Borough or Public Building
- (g) Retail Furniture Establishment
- (h) 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.
- (f) 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.
- (j) Commercial establishments offering recreational activities or restaurant facilities.

(k) Shooting Parks

(l) Airport and Accessory Buildings

(m) Light Manufacturing or Warehousing

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

SECTION 902: In this district, the minimum dimensions of lots, yards, and other open spaces and the area of lot required per building area thereon shall be as follows:

1. There shall be a front yard of not less than fifty (50) feet at any point from the property line and not less than sixty-five (65) feet at any point from the center line of streets or roads.
2. There shall be a minimum fifty (50) feet side yard required where such district abuts R-1 or R-2 areas, and a minimum set back of one hundred (100) feet from the lake.

SECTION 903: In this district, a loading and access area shall be provided to the rear of all business buildings. The area shall be a level strip not less than twenty (20) feet in depth. The purpose of the area, inter alia, shall be to grant rear access to the building for fire and police protection and for the loading and unloading of merchandise, and to protect such property and the occupants thereof.

SECTION 904: In this district, no structure shall exceed three (3) stories in height.

ARTICLE X

SECTION 1001: Commercial District C-M. 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:

PERMITTED USES:

1. Boat repair, sales, service and storage
2. Any Borough or Public Building

SECTION 1002: In this district, there shall be a minimum side yard of fifty (50) feet where abutting R-1 or R-2 Districts, and a minimum set back of fifty (50) feet from the road right of way.

SECTION 1003. In this district, no structure shall exceed three (3) storees in height.

ARTICLE XI

SECTION 1101: Signs. In all districts, signs bay be used for the following purposes and under the following restrictions. Uses for any other purposes or uses which are not in conformity with these restrictions are prohibited.

- * 1. Signs -- Advertising Sale or Rental of Premises. An unlighted sign advertising the rproposed sale or rental of the premises on which it is installed may be installed and maintained by the owner, the agent, or any other person, firm or corporation interested in the slae or rental of such premises, provided (1) that the area of such sign shall not exceed six (6) square feet, and (2) that no more than one (1) such sign may be installed to face each street on whcih the property abuts.

2. Signs - Advertising development of subdivisions on or off the premises. Unlighted signs advertising the development may be installed and maintained by the owner, the developer, the builder, the agent, or any other person, firm or corporation connected with such development, provided (1) that the area of any such site shall not exceed thirty two (32) square feet, and provided that no such sign be placed in any R-1 district.
3. Signs - of artisans on the premises. Unlighted signs of carpenters, plumbers, mechanics, painters, contractors and other artisans may be installed and maintained upon the premises (construction site) by such persons, firms or corporations, during the period in which they are performing construction work, provided (1) that the area of any such sign shall not exceed twenty (20) square feet, (2) that no more than one (1) such sign may be installed to face the street on which the property abuts and (3) that such signs shall be removed by such persons, firms or corporation promptly upon the completion of the work.
4. Signs - of churches, schools, and other institutions of a similar nature, and of public buildings, relating exclusively to the identity, activities and services of such institutions or public structures may be installed and maintained on their own premises, provided (1) that the size of any such sign shall not exceed twenty (20) square feet, and (2) that no more than one (1) sign may be installed to face the street on which the property abuts.

5. Name Plates - An unlighted name plate designating the name of the owner of a private residence may be installed and maintained on the premises provided that its size shall not exceed four (4) square feet.
6. Signs - may be located on business premises advertising the name of the business and the services or products for rent or sale on the premises. The maximum height of any such sign approved by the Building Official shall be not less than ten (10) feet nor more than twenty (20) feet above the ground level, nor nearer than ten (10) feet from the road right of way, not nearer than one (1) square foot for every two (2) lineal feet of frontage occupied.

ORDINANCE 22

SECTION 1201 - 18

ORDAINED FEBRUARY 9/1973 ARTICLE XII
APPROVED MARCH 30/1973

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SECTION 1201: Prohibited Uses. The Borough of Indian Lake is a suburban community wherein the land is primarily used for residential purposes. It is the intent of this Ordinance to preserve this characteristic use of the land. Each zoning district contains specific permitted land uses and structures; all uses and structures not specifically permitted are prohibited in each particular district. In addition, however, and not in limitation thereof, there are certain uses so out of keeping with the characteristic use of land in the Borough that they are specifically prohibited and excluded anywhere in the Borough, regardless of the zoning district. By their omission, this does not mean that other uses are not prohibited. Those prohibited and excluded uses and structures are:

1. All types of manufacturing, processing, fabricating, packaging, and industry excepting where specifically permitted.
2. Automobile wrecking yard and storing of junk automobiles.
3. Commercial auctions other than aircraft auctions.
4. Billboards.
5. Boarding house, rooming house, dormitory or similar units.
6. Coal or coke storage.
7. Cement block manufacture.
8. Dumping of any material or substance.
9. Gasoline storage in excess of an amount necessary for supplying retail trade at service stations.
10. Junk, scrap metal, scrap rubber, scrap paper and rag storage, culling, processing, sorting, boiling or otherwise handling, selling, distributing.
11. Mining and quarrying and the extraction of natural resources.
12. Outdoor theatres.
13. Outdoor trailer or automobile sales or rental lots.

ARTICLE XIII

GENERAL USE REGULATIONS

SECTION 1301: In order to preserve the characteristic use of land as a desirable residential community, no industry, business, profession or commercial enterprise shall be conducted in any residence in any of the R districts within the Borough.

*amended see
Ord. #40* SECTION 1302: On any lot, no wall, fence or other structure shall be erected, or altered, and no hedge, tree, shrub, or other growth shall be maintained which may cause danger to traffic on a street by obscuring the view of persons using such street.

*amended
see
Ord. #40* SECTION 1303: Ornamental open fences not more than four feet high shall be permitted.

SECTION 1304: In any district other than C-RH district, a noncommercial parking lot may be used as an accessory use incident to the operation of a church, a public or parochial school, a library, or any borough or public building, provided that such lot shall have free access to a public street; provided further that no more than two such lots, whether contiguous or noncontiguous to such building, may be used for such purpose by any one such building; and provided further that in the event there is any change in the use or ownership of any such building, resulting in a use other than permitted under this Section, such permitted accessory use shall be terminated forthwith.

SECTION 1305: Boats will be permitted to be launched on Indian Lake only from locations in C-M district, and the launching of boats onto Indian Lake in any other district is prohibited.

14. Stockyards.
15. Surplus goods store.
16. Trailer camps.
17. Trailer parking areas and lots.

deleted -> 18. Temporary or permanent parking of trailer or trailers (camp, truck, house, boat, etc.) except that two boat trailers may be parked on any lot.

19. Use of land or structures for accumulation or collection of debris.

20. No parking of mobile construction equipment, licensed or unlicensed, on residential lot, unless structure is under construction.

21. And, in general, those uses which may be noxious or offensive by reason of emission of odor, dust, smoke, gas, vibration, noise or sight, or which may be inconsistent with the primary use of the property in the Borough as an essentially residential community.

amended see
Ord. #40 SECTION 1306: All boats using Indian Lake shall be licensed annually on a calendar year basis by the Borough of Indian Lake and/or the Indian Lake Service Corporation, and the number of boats shall be limited to a maximum of 1500, except that for each commercially rented dwelling unit, other than hotel rooms in the C-RH district, one boat license shall be subtracted from the fifteen hundred (1500) permitted. No boats shall be permitted to be launched upon or to use Indian Lake unless a current license is issued to the owner thereof. The annual licensing fee for a boat shall be established by Council, provided however, that one license shall be reserved for the occupant of each lot as shown on the zoning map, including amendments thereto, and provided that no boat license shall be issued to the occupants of commercially rented dwelling units in the C-RH area. Boat licenses to be issued to the commercial operator or operators of the C-RH district shall be limited to not more than twenty (20) power boats and thirty (30) fish, sail or paddle boats. These are to be included as part of the maximum 1500 licenses. Fishing boats are limited to ten (10) horsepower. Other than the aforementioned, only one boat license shall be issued to any property owner.

SECTION 1307: All boats on Indian Lake shall abide by the rules and regulations of the Coast Guard and the Commonwealth of Pennsylvania, as well as the provisions of this Ordinance of Indian Lake Borough.

amended see *Ord. #40* SECTION 1308: Power boats propelled by inboard motors, sea planes or water vehicles of an excessively noisy nature, are hereby prohibited on Indian Lake. Only power boats propelled by out board motors or inboard-outboard motors, stern-drive, shall be permitted on Indian Lake, provided such boats are properly licensed as aforesaid.

SECTION 1309: Boat docks shall be permitted, but no boat dock, floating raft or other structures shall extend beyond thirty (30) feet from the natural shoreline, excepting ski jumps for which an occupancy permit has been issued. No floating boat docks supported by steel barrels will be permitted. No boat shall be moored beyond twenty-five (25) feet from the natural shoreline.

SECTION 1310: Uses Requiring Site Plan Approval. Uses of all property in all districts shall, in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this Ordinance, be in accordance with a site plan or plans approved by the Building Official. The site plan shall show, as proposed, the location of main and accessory structures on the site and in relation to one another, including existing and proposed elevations; traffic circulation features within the site; the location of vehicular access onto the site; the height and bulk of structures; the provision of automobile parking space; the provision of other open space on the site; all proposed drainage, paving, fences and walls on the site, and the display of signs.

In considering any site plan hereunder, the Building Official shall endeavor to assure safety and convenience of traffic movement, both within the site covered in relation to access streets, and harmonious and beneficial relationship of structures and uses on the site as well as contiguous properties.

SECTION 1311: Building Permits. No structure shall be erected, reconstructed, structurally altered, enlarged or moved until a building permit is issued therefor. A building permit shall be valid for one (1) year and may be renewed thereafter only for cause shown.

SECTION 1312: Occupancy Permit. No land or structure shall be used, occupied, excavated, cleared or graded, until an occupancy permit is issued therefor. No sign shall be permanently or temporarily erected or displayed until an occupancy permit is issued therefor, excepting signs with an area of six (6) square feet or less.

SECTION 1313: Annexation. Any area annexed to the Borough after the effective date of this Ordinance shall, immediately upon such annexation, be classified R-1 District until a zoning plan for said area has been adopted by Council.

SECTION 1314: Appeals. Any person aggrieved by a decision of the Building Official on the application for site plan approval shall have the right to appeal to the Zoning Hearing Board. Such appeal shall be effected by filing a written notice of appeal with the Building Official and with the Borough Secretary together with a copy of the proposed site plan. The Board will conduct a hearing on said appeal within a reasonable time after the filing of the notice of appeal.

*Section 1315: To be added.
see Ord. #40*

ARTICLE XIV

GENERAL HEIGHT AND AREA REGULATIONS

SECTION 1401: In all districts the height limit may be exceeded by buildings occupied exclusively as churches, cathedrals or temples, provided such buildings shall have the prescribed yards on all sides and shall otherwise comply with the regulations herein specified.

SECTION 1402: The height limitations of this Ordinance shall be applied as follows:

1. A cellar shall not be counted as a story
2. A basement when designed for occupancy as part of a dwelling shall not be counted as a story.

SECTION 1403: For the purpose of complying with this Ordinance, no yard, court, or other open space about a building or structure shall be construed as a yard, court or other open space for another building or structure.

SECTION 1404: No building or structure or part of a building or structure shall be erected within or shall project into the front, side or rear yards, except roof eaves, cornices, gutters, awnings, or except chimneys projecting not more than fifteen, (15) inches. Porches or roofs, either of temporary or permanent construction, may encroach upon the rear and/or a side yard only when authorized as a special exception by the Zoning Hearing Board and within the definition of the word "awning" herein defined.

ARTICLE XV

GENERAL REGULATIONS

SECTION 1501: Automobile Parking Space. There shall be provided at the time of erection of any main structure or at the time any main structure is enlarged or increased in capacity, minimum off-street automobile parking space, including required number of parking stalls, plus not less than twenty-five (25%) percentum in total area for adequate provisions of ingress, egress and general circulation. Such provisions shall be made in all districts for each separate use, as follows:

USE:

DWELLING -- One parking stall for each dwelling unit

CHURCH, SCHOOL -- One parking stall for each five (5) seats provided in the sanctuary or principal place of worship, or in the school auditorium

MULTIPLE DWELLING OR HOTEL -- One (1) parking stall for each dwelling unit

GOLF COURSE -- One (1) parking stall for each tow hundred (200) square feet of floor area of club house

RETAIL BUSINESS -- One (1) parking stall for each one hundred fifty (150) square feet of floor area

RESTAURANT -- One (1) parking stall for each one hundred fifty (150) square feet of floor area

BANK, PROFESSIONAL OR BUSINESS OFFICE -- One (1) parking stall for each three hundred (300) square feet of floor area

AUTOMOBILE SALES OR NURSERY -- One (1) parking stall for each five hundred(500) square feet of business lot area

AUTOMOBILE SERVICE STATION -- One (1) parking stall for every three hundred (300) square feet of floor area

For the purpose of this Ordinance, "Floor Area" shall mean the gross floor area used or intended to be used for service to the people as customers, clients, tenants, including areas occupied by fixtures and equipment used for sale or display of merchandise. It does not mean areas used principally for nonpublic purposes, such as storage areas in retail establishments.

SECTION 1502: Truck Parking. Except for loading or unloading of transient delivery, truck parking in districts R-1 and R-2 is prohibited except for pick-up trucks, three-quarter (3/4) ton in size or less. In districts C-R, C-C, C-M, and C-RH, truck parking for vehicles incidental to the operation of the business is permitted.

SECTION 1503: Continuation of Facilities. Whenever an occupancy permit has been issued and the plans so approved contain automobile parking and loading space provisions, the subsequent use of such property shall be conditioned upon the continuance and availability of the parking and loading space provisions contained in such plans. Any other use of such property shall be a violation of the Article. Should the owner or occupant of any structure as to which an occupancy permit has been issued containing automobile parking or loading space requirements, so change the use to which such structure is put as to increase automobile parking or loading space requirements under this Article, it shall be unlawful and a violation of this Ordinance to begin or maintain such altered use until such time as the increased automobile parking or loading provisions of this Article are complied with and an amended certificate of occupancy obtained from the Building Official. Existing off-street parking and loading facilities provided at the effective date of this Ordinance, and actually being used at that date for the parking of automobiles, or as operation of an existing structure or use, or off-street parking and loading

facilities provided after the effective date of this Ordinance for the parking of automobiles or as loading space in connection with the operation of a structure or use existing at the effective date of this Ordinance, shall not be reduced to an amount less than required by this Ordinance for a similar new structure or new use.

Section 1504: To be added. See Ord. #40

ARTICLE XVI

NON-CONFORMING USES AND STRUCTURES

SECTION 1601: The provisions of this Article affecting the non-conforming uses of land and buildings and non-conforming structures cited herein shall apply under the provisions of this Ordinance as enacted initially, to amendments to this Ordinance and to zoning or re-zoning of areas annexed to the Borough.

SECTION 1602: The following regulations shall be enforced in reference to non-conforming structures:

1. A non-conforming structure may be repaired or maintained provided that no structural alterations shall be made except those authorized by the Building Official for the safety and protection of the occupants.
2. Whenever a non-conforming structure, or a structure having a non-conforming use, is destroyed to the extent of seventy-five (75%) percentum of its value by fire or Act of God, or is removed for any other reason, the non-conforming use is eliminated and the property must thereafter conform to the zoning requirements of the district in which it is located. A non-conforming structure can **only** be altered so as to conform to the requirements of the district in which it is located.
3. Whenever a non-conforming use of a structure or portion thereof has been discontinued for a period of at least one (1) year, such non-conforming use shall not thereafter be re-established, and the future use shall be in conformity with the provisions of this Ordinance.

ARTICLE XVII

CONTROL AND REGULATION OF SUBDIVISION OF LAND

SECTION 1701: Scope of Control of Sub-Divisions. The Zoning Hearing Board shall have jurisdiction and control of the subdivision of land located in the Borough, and no plat of a sub-division of land shall be recorded until it shall have been approved by said Board and such approval entered in writing on the plat by the Board.

SECTION 1702: Subdivision. Any division of land into lots or parcels, two or more in number, by the owner thereof for the purpose of improvement or sale for residential, commercial or similar use, shall be considered as a subdivision of land, plat or a plan of lots within the meaning of this Ordinance.

SECTION 1703: Platting Regulations. Before exercising the powers referred to in this Article, the Board shall adopt general regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper arrangement of streets in relation to other existing or planned streets, for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population.

Such regulations may include provisions as the extent to which streets and other public ways shall be graded and improved, to which water and sewer and other utilities, mains, piping or other facilities shall be installed, as a condition precedent to the approval of the plat. The regulations or practice of the Board may provide for a tentative approval of the plat, previous to such installation, but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plan, the Board may accept a bond, with surety, to secure to the Borough the actual construction

and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the Board. The Borough is hereby granted the power to enforce such bond by all appropriate legal and equitable remedies.

All such regulations shall be published and be available for distribution upon request.

In exercising its said powers, the Zoning Hearing Board shall take into consideration the conditions of the particular district affected by the proposed subdivision of land, the existing buildings or improvements on adjoining or adjacent land, and the building line established or observed thereon, the extent of the use of any streets or highways, upon which the proposed subdivision abuts, by motor or other vehicles and pedestrians, and the effect of the proposed subdivision upon the public health, safety, morals and welfare, with particular reference to the district of which the proposed subdivision is a part or adjacent to; and, irrespective of the minimum requirements of any zoning regulations, shall disapprove any subdivision which would be detrimental to such public health, safety, morals and welfare.

SECTION 1704: Legal Effect of Approval of Plat. Every plat approved by the Board shall, by virtue of such approval, be deemed to be an amendment of or addition to and become part of the municipal plan. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. The Board may from time to time recommend to Council amendments of this Zoning Ordinance or map or additions thereto to conform to the Board's recommendations for the zoning regulations of the territory comprised within approved subdivision.

SECTION 1705: County Recorder's Duties. A county recorder who records a plat of a subdivision without the approval of the same as herein provided,

shall be deemed guilty of a misdemeanor and shall be fined not to exceed five hundred dollars and the plat of subdivision so recorded shall be null and void and be so marked.

ARTICLE XVIIJ

ZONING HEARING BOARD

SECTION 1801: Organization. The Zoning Hearing Board is hereby created. The Board shall consist of three members. The members shall be appointed by the President and confirmed by the Borough Council, and they shall be removable for cause, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Of the members first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years. Thereafter, members shall be appointed for terms of three years each.

The Board shall adopt rules for the conduct of its business with such rules to be made available to the public. For the conduct of any hearing, a quorum shall be not less than two members, and an affirmative vote of the two members of the Board shall be required to overrule any decision, ruling or determination of the official charged with enforcement of this Ordinance, or to approve any special exception or variance.

SECTION 1802: Procedure. Applications for special exception interpretations and variances may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the Borough Secretary, in accordance with rules adopted by the Board. The application and accompanying maps, plans, or other information shall be transmitted promptly to the Secretary of the Board, who shall place the matter on the docks and advertise a public hearing thereon, and give written notice of such a hearing to the parties in interest. The Borough Secretary shall also transmit a copy of the application to the Planning Committee, which may send a recommendation to the Board or appear as a party at the hearing.

Applications for special exceptions, and for variance from the terms of the Ordinance shall require the payment in advance of a filing fee as \$50.00 established by Council and a further payment of the estimated cost of giving notice of the hearing of such application, as hereinafter required, fees of Borough officers, if any, and other incidental expenses. Unless said rules are complied with and said filing fee and estimated costs are paid, the Zoning Hearing Board shall not be required to act upon any application.

An appeal to the Board may be taken by any person aggrieved, or by any officer, department, board, or bureau of the Borough affected by any decision of the Building Official. Such appeal shall be taken within thirty (30) days after the decision appealed from, by filing with the Building Official, and with the Board, a notice of appeal specifying the grounds thereof. The Building Official shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official certifies to the Board that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Building Official and on due cause shown.

Upon filing with the Zoning Hearing Board an appeal as aforesaid, the Board shall fix a time and place for a public hearing thereon and shall give notice stating the location of the building lot or area involved and the general nature of the question involved as follows:

1. By publishing a notice thereof once a week for two successive weeks in a newspaper of general circulation appear at least fourteen (14) days prior to said hearing, and

2. By serving a notice thereof upon the Borough Secretary and upon the Mayor, and
3. By giving such other reasonable notice to the parties in interest as the Board may in any particular case direct.

All meetings of the Zoning Hearing Board shall be open to the public. The Board shall keep minutes of its proceedings and other official actions, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board and shall be a public record. The Chairman of the Board, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.

SECTION 1803: Powers. The Zoning Hearing Board shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the administration or enforcement of this Ordinance.
2. To hear and decide on applications for special exceptional variances and subdivisions upon which the Board is specifically authorized to pass under this Ordinance.
3. To authorize, upon appeal in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, the enforcement of the provisions in this Ordinance will result in unwarranted hardship and injustic@s, but which

will most nearly accomplish the purpose and intent of this Ordinance.

4. To hear and decide applications for interpretation of the Borough Zoning Map where there is any uncertainty as to the location of a district boundary.

SECTION 1804: Special Exceptions. In order to provide for adjustments in the relative location of uses and buildings of the same or different classifications, to promote the usefulness of the regulations as instruments for fact-finding, interpretation, application and adjustment and to supply the necessary elasticity to their efficient operation, special use exceptions and special yard and height exceptions shall be permitted, provided that they are within the spirit of this Ordinance and are so authorized by the Zoning Hearing Board.

SECTION 1805: Variances. No such variance shall be authorized by the Board unless it finds:

1. That the strict application of the Ordinance would produce unwarranted hardship.
2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonable practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.

SECTION 1806: Amendment of Special Exception or Variance. The procedure for amendment of a special exception or variance already approved or a request for a change of conditions attached to an approval, shall be the same as for a new application except where the Building Official determines the change to be minor relative to the original approval, he may transmit the same to the Board with the original record without requiring that a new application be filed.

SECTION 1807: Appeals to Courts. Appeals to courts from a decision of the Board may be filed in the manner prescribed by law.

ARTICLE XIX

ADMINISTRATION

SECTION 1901: The duty of administering and enforcing the provisions of this Ordinance is hereby conferred upon the Building Official, who shall have such powers as are conferred on him by the Ordinance and are reasonably implied for that purpose.

SECTION 1902: Each application for a Zoning Permit shall be filed with the Building Official to ascertain whether the proposed excavation, erection, construction, structural alteration occupation, use and/or change in use will comply with the provisions of this Ordinance. In addition to other necessary data the application shall be accompanied by a plot plan in duplicate drawn to scale, showing the land involved, the location of all exits and proposed buildings and other structures thereon, the location of all abutting streets, roads and alleys, and the location of all existing buildings on abutting land within one hundred and twenty (120) feet of the side and rear lot lines of the land involved. The application shall also show the name and address of the applicant. An application for a Zoning Permit may be filed by the owner, tenant lessee, general agent, architect, engineer, or building contractor, the building or premises involved.

SECTION 1903: The Building Official shall, within two (2) weeks after the filing of an application in proper form, make and file his written decision as to whether or not the proposed excavation, erection, construction, structural alteration, occupation use and/or change is used, comply with the provisions of this Ordinance, and shall, within such period, deliver a copy of his decision together with a copy of the Zoning Permit, if any, issued pursuant to such decision to the applicant in person or by registered mail directed to the applicant's address as stated in the application.

SECTION 1904: If the operations authorized under a Zoning Permit are not commenced within sixty (60) days after the date of issuance of the Permit, or if after the commencement of operations the work is discontinued for a period of three (3) months, such Permit shall be void, and work may not again be commenced until a new Permit shall have been issued.

SECTION 1905: Whenever the application for a Zoning Permit shows that there is proposed the erection, construction or structure alteration of any structure or part thereof, it shall not be considered unless it is accompanied by an application for a Certificate of Occupancy and Compliance, and if the structure is non-existent or occupied at the time such application is made, it shall not hereafter be occupied until such Certificate shall have been issued as hereafter provided. After the erection, construction or structural alteration is completed and the Building Official has notice of such completion, the Building Official shall inspect the premises and if he shall determine that such erection, construction or structural alteration is in accordance with the Zoning Permit, he shall issue to the applicant a Certificate stating that the structure or part thereof covered by the application and/or the proposed use thereof complies with the provisions of this Ordinance such Certificate shall be delivered to the applicant in the same manner as a Zoning Permit. The Building Official shall make his inspection and his determination as to whether or not the Certificate shall be issued within seven (7) days after he received notice that the erection, construction or structural alteration has been completed.

SECTION 1906: A record and copy of all applications filed with the Building Official of all his decisions, and of all Zoning Permits and Certificate of Occupancy and Compliance issued by him shall be kept on file as a public record within the Borough.

ARTICLE XX

AMENDMENTS OR CHANGES

SECTION 2001: This Ordinance and the district boundaries as shown on the Zoning Map may from time to time be amended, supplements changed, modified or repealed by proceeding in the following manner:

1. Any request to amend, supplement, change, modify or repeal this Ordinance shall be initiated by submitting a petition to the Borough Planning Committee drawn in conformity to the Committee's requirement.
2. After consideration of the petition by the Planning Committee and submission to the Borough Council, which shall be not later than sixty (60) days after receipt thereof, the Council shall fix by resolution the time and place of a public hearing on the proposed amendment supplement, change, modification or repeal. If the Planning Committee fails to present the petition to Council within the sixty (60) day period, said petition will automatically be presented before Council with or without the recommendations of the Planning Committee.
3. The Borough Council shall then cause a notice to be published stating the general nature of the application for change or amendment once a week for two successive weeks in the official newspaper of the Borough, the first publication of such notice to be at least fifteen (15) days prior to the date fixed for such hearing.

4. A written notice of the application for change and the time and place of the hearing thereon shall be mailed or delivered to the Planning Committee of the Borough and notification of the proposed change shall be posted in and adjacent to any areas affected.
5. At the time and place stated in the resolution, Council shall hold a public hearing, at which time the parties in interest and citizens of the Borough shall have an opportunity to be heard.

SECTION 2002: Whenever the owners of fifty (50%) percentum more of the street or road frontage in any area wherein a change, amendment, supplement, modification or repeal of zoning regulations sought shall present to the Borough Council a petition duly signed by them requesting an amendment, supplement, change, modification or repeal of the regulations prescribed for such area, or of the Zoning Map of such area, it shall be the duty of the Borough Council to hold a public hearing thereon, and cause notice thereof to be given in the manner prescribed in the foregoing Sections.

SECTION 2003: Each proposed amendment, supplement, change of modification or repeal shall be submitted to the Planning Committee at least fifteen (15) days prior to the holding of any public hearing thereon, and it shall be the duty of the Planning Committee to advise the Borough Council in writing of any recommendations with respect thereto which it may consider appropriate. Such written advice shall be given at or before the public hearing and a copy or copies thereto shall be made available at such public hearing by the Borough Council for public examination, provided, however, that the validity of any action by the Borough Council shall in no way be affected by any failure of the Planning Committee to submit recommendations in accordance with the provisions of this Section, and this Section shall not be construed as imposing any obligation on the Borough Council to accept or reject any recommendations of the Planning

Committee.

SECTION 2004: In case of protest against any such change, amendment, supplement, modification or repeal signed by the owners of thirty-three and one-third($33\frac{1}{3}\%$) percentum or more, either of the area of the lots included in such proposed change, amendment supplement, modification or repeal, or of those immediately adjacent in the rear thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of two-thirds ($\frac{2}{3}$) of all members of Council.

ARTICLE XXI

VIOLATIONS, PENALTIES AND REMEDIES

SECTION 2101: Any person, firm or corporation, and the principal or chief executive officer of a corporation, violating any of the provisions of this Ordinance, shall, upon conviction thereof before the Mayor of this Borough or any Justice of the Peace be fined not to exceed One Hundred (\$100.00) Dollars for any one offense, recoverable with costs. Upon default of payment of the said fine and costs, such person shall be committed to the Somerset County Jail for a period not exceeding thirty (30) days. Each day that a violation is permitted to exist shall constitute a separate offense punishable by like fine or penalty.

SECTION 2102: Proceedings for prosecution of persons violating the terms and conditions of this Ordinance may be instituted by anyone making information before the Mayor of the Borough or any Justice of the Peace, and may be commenced by issuing a summons or warrant after information has been made.

SECTION 2103: In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of this Ordinance or any building, structure or land is used in violation of this Ordinance, or of any regulation made pursuant hereto, in addition to other remedies provided by law, any appropriate action or proceeding, whether by legal or equitable process or otherwise, may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain or abate such violation, to prevent the occupation of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE XXII

VALIDITY

SECTION 2201: Should any Section, Subsection or provision, or any portion thereof, of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or of any other part thereof.

ARTICLE XXIII

CONFLICT

SECTION 2301: Any Ordinance or parts of Ordinances conflicting with the provisions of this Ordinance be and the same are hereby repealed insofar as the same affect this Ordinance.

ORDAINED AND ENACTED this 10th day of October, 1975.

INDIAN LAKE BOROUGH COUNCIL

BY /s/ Warren T. Koppenhofer
President

ATTEST:

Carol Ann Corbett
/s/ Carol Ann Corbett
Secretary

I hereby certify that the foregoing Ordinance is Ordinance No. 22 approved November 14, 1975, duly advertised and transcribed.

Carol Ann Corbett (SEAL)
Secretary, Indian Lake Borough