

ZONING ORDINANCE NO \_\_\_\_\_

INDIAN LAKE BOROUGH

ARTICLE TWELVE

PLANNED RESIDENTIAL COMMUNITIES DEVELOPMENT

1201. GENERAL PROVISIONS

Where subdivision of a platted lot that is more than two (2) acres in size in any district occurs, such that at least one new platted lot of a minimum of three quarter (.75) acres is created for which the construction of residential dwelling units are planned, this shall be considered a development and an application must be made for the development to qualify as a Planned Residential Community under the requirements set forth in this Article. Approval of the application shall be granted or denied in accordance with basic principles as follows:

A. Use shall be one that is authorized in the district in which it is to be located. Where rezoning is required to conform to this provision, the rezoning of the area may occur coincident to an application under this section; however, rezoning must be complete prior to the grant of any building permit.

B. Approval may be granted subject to additional conditions and safeguards that may be deemed to be advisable and appropriate so that the development conforms with the general purposes and intent of this Ordinance.

C. Such use shall not adversely affect the character of the district, conservation of property values or the health and safety of residents in the general neighborhood.

D. Such use shall be so located and laid out relative to its access that vehicular and pedestrian traffic to and from said use will not create undue congestion or hazards prejudicial to the general neighborhood.

E. Such use shall not conflict with the direction of development in accordance with any Comprehensive Plan or Community Objectives, which has been recommended by the Planning

Commission and adopted by the Borough Council. Where no Comprehensive Development plan has been adopted, the Somerset County Subdivision and Land Development Ordinance of May 28, 1991, as amended shall be used for guidance.

F. Where there is conflict between a provision of this Article and the Somerset County Subdivision and Land Development Ordinance, this Article shall control.

G. Applications for development under this Article shall require review by the Borough Planning Commission. The application shall be submitted for Planning Commission review at least ten (10) days prior to its regularly scheduled monthly meeting. The Planning Commission, in considering any plan, will consider the safety, convenience, traffic, beneficial relationship to adjacent buildings and sites and overall development in a manner not detrimental to the public at large. The Planning Commission shall conduct its review and shall report its findings and recommendations to the Zoning Enforcement Officer within thirty (30) days of its regularly scheduled meeting.

H. The requirements of this Article shall apply to the portion of the land subdivided for which the construction of residential structures is planned and shall not apply to the residual.

#### 1202. SPECIFIC CONDITIONS FOR PLANNED RESIDENTIAL COMMUNITIES.

The following conditions shall apply to Planned Residential Communities.

A. Planned Residential Development. A planned residential development may be required in a residential district subject to the requirements set forth in this Ordinance and as provided by Article VII, Pennsylvania Municipalities Planning Code, Act 247, as amended.

B. Initial Application Requirements. A developer desiring to construct a development under this Article shall first submit an application to the Planning Commission at least ten (10) days prior to its regularly scheduled monthly meeting and the application shall include the following detail:

1. A site plan showing the dimensions and square footage of the land to be developed together with a copy of the deed showing the ownership of said tract and any indebtedness thereon. The site plan must also show general detail as to the number and location of dwellings to be erected and their location with respect to adjacent streets and property owners and the zoning classification of the property and that of adjoining properties.

2. Where appropriate, an application for rezoning of the parcel to be developed shall be included with the application.

3. ~~Floor plans and elevation drawings of the types of dwellings to be built with notations as to the square footage of all floors of said dwellings~~ Concept drawings of the types of dwellings to be built with notations as to the square footage of all floors of said dwellings.

4. Narrative statements as to the use and control of any common property that may be held by groups of dwellings together with the size and location of such common property and its allocation to individual dwellings.

5. Narrative statements outlining the proposed provisions for sewerage disposal and water supply.

6. Where application is being made for a Mobile Home Park, it shall conform to all of the provisions contained in this section with the exception that the minimum square footage for the Mobile Home to be placed within the park shall be not less than Six Hundred Fifty (650) square feet of living area exclusive of porches, basements and garages.

7. The Planning Commission shall forward its comments and recommendations to the Indian Lake Borough Council within thirty (30) days along with copies of the application which when received shall become a part of the proposed plan.

C. Within sixty (60) days after the filing of an application for tentative approval of a planned residential development pursuant to this article, a public hearing shall be held by the Borough Council in the manner heretofore prescribed in this Ordinance and in accord with Sections 708, 709 and 710, of the Municipalities Planning Code, as amended, 53 P.S. §§ 10708, 10709, and 10710, as amended.

D. The Borough Council, within thirty days of the public hearing, shall vote to approve or reject the proposed development plan.

1. If approved, the developer shall be required to submit necessary building permit applications for any residential dwelling to be constructed to the Zoning Officer who will review such applications for conformance to the requirements of the applicable zone as detailed in Article Three and Five of this Ordinance.

2. If approval is granted contingent upon correction of deficiencies, the Council shall provide to the developer a detailed list of deficiencies and an opportunity to cure any deficiencies in the plan. The corrected plan shall be submitted to the Planning Commission for review if required by the Council. The corrected plan shall not require an additional public hearing. Upon final approval by the Council, the developer shall be required to submit necessary building permit applications for any residential dwelling to be constructed to the Zoning Officer who will review such applications for conformance to the requirements of the applicable zone as detailed in Article Three and Five of this Ordinance.

3. If disapproved, the Council shall provide to the developer a detailed list of deficiencies. The developer may then make necessary modifications to the proposed plan. Application subsequent to a disapproval shall be considered an initial application and Planning Commission review and public hearing requirements shall be met consistent with subsections B and C of this section.

### 1203. GOVERNING REGULATIONS

The following regulations and requirements shall govern Planned Residential Communities. The minimum subdivided parcel or tract size to be developed shall be more than two (2) acres in area. Additionally, the permitted uses and types of buildings shall be limited to the following:

A. Single Family detached dwellings on individual lots are permitted on platted lots zoned as R-1, which must conform to the requirements set forth in Article Three and Five of this Ordinance.

B. Multi-Family and Row Dwellings, which conform to the provisions of Sections Three and Five of this Ordinance are permitted on platted lots zoned as R-2; however, the jointly held property may not be built upon except as permitted by Section 502 of this Ordinance. Where the jointly held property abuts the natural shoreline of Indian Lake, boat docks are permitted only by Special Exception as detailed in Section 1002 of this Ordinance.

C. Open space retained by the developer for construction of recreational facilities where permitted by the zoning classification of the retained area is permitted where the facilities are constructed and maintained principally for use of residents of the development.

D. In the event that development of the entire project is to be divided into several phases, the developer may be required to construct the road and utilities serving each phase of the residential development in the initial phase of development.

E. For Multi-Family and Row Dwellings, the developer must provide in the deed of conveyance for any commonly owned property as a covenant running with the land, provisions for maintenance of the commonly owned land, buildings, and utilities through a community association having the authority to charge appropriate fees for such maintenance.

#### 1204. LOT AND BUILDING SIZE REQUIREMENTS.

Each dwelling unit constructed within the planned subdivision shall conform to the following as applicable:

A. Minimum lot size for a Single Family Detached Dwelling Unit is three-quarter (.75) Acres per Unit.

B. Minimum lot size for a Multi-Family or Row Dwelling is twenty five thousand (25,000) square feet per unit. The minimum lot size for a Condominium Dwelling shall be not less than fifteen thousand (15,000) square feet per unit. For Row and Condominium Dwellings, this area is to be determined by dividing the total land area owned in common by residents of the Row or Condominium Dwelling by the number of units that participate in the joint holding of the

land. The minimum lot size for Multi-Family Dwellings may be met by taking the land area that is jointly owned divided by the number of dwelling owners added to the actual area owned under the Dwelling Unit. For Row Dwellings and Condominium Dwellings where the land is owned in common, the per dwelling square footage shall be calculated by taking the area which is jointly owned divided by the number of dwelling owners. Commonly owned area covered by roads may be included if they are roads that have been built by the developer of the area even if the roads will be dedicated to the Borough at a future date.

C. The minimum size of a Single Family Dwelling is 1,250 Square Feet; Multi-Family Dwellings and Row Dwellings is 900 Square Feet per dwelling unit and Mobile Homes is 650 Square Feet per dwelling unit.

#### 1205. SET BACK REQUIREMENTS.

A. Setback requirements for a Single Family detached home built on an individual subdivided lot shall be as follows:

1. **One Family detached dwelling**

(a) Front Yard: For lots where the front yard abuts the street, the set back shall be no less than **fifty (50) feet** from the lot line bordering the street. Where the front yard abuts the lake front, the set back shall be not less than one third the lot depth or in any case not less than one hundred (100) feet from the lot line bordering the lake shoreline.

(b) Rear Yard: In all cases not less than twenty five (25) feet.

(c) Side Yard: Not less than ten (10) feet at any point along the side lines.

(d) Composite minimum width for both side yards – not less than twenty (20) feet at any point.

2. **Garages**

(a) Front Yard: For lots where the front yard abuts the street, the set back shall be no less than twenty-five **(25) feet** from the lot line bordering the street. Where the front yard abuts the lake front, set back shall be no less than one hundred (100) feet from the lot line bordering the lake shoreline.

(b) Rear Yard: In all cases are ten (10) feet.

(c) Side Yard: Not less than ten (10) feet at any point along the side lines.

3. **Accessory Buildings**

(a) Front Yard: With the exception of the provisions of Section 501.E.5 relating to gazebos, for lots where the front yard abuts the street, the set back shall be no less than twenty-five (25) feet from the lot line bordering the street. Where the front yard abuts the lake front, the set back shall be no less than one hundred (100) feet from the lot line bordering the lake shoreline.

(b) Rear Yard: In all cases ten (10) feet.

(c) Side Yard: Not less than ten (10) feet at any point along the side lines.

4. Storage Sheds

(a) For all lots, no portion of a storage shed may be placed between the front building line of a single family dwelling and the front property line. Any storage sheds so located at the time of adoption of this Ordinance may remain if placed under a properly authorized permit. Where such structures are damaged or fall into disrepair such that they require replacement as required by section 412, the location of the replacement shall conform to the requirements of this section and a permit shall be required as indicated in section 412.A.

5. Gazebos or Pavilions – Twenty (20) feet from side property line. There is no setback requirement from the front property line for lakefront properties.

6. Boathouse – As defined in ~~section 1307~~Article VII, Section 703 of this ordinance.

B. Setback Requirements for Multi-Family and Row Dwellings shall be as follows:

1. Front Yard: ~~For lots where the front yard abuts the street, the set back shall be no less than ten (10) feet from the lot line bordering the street. Where the front yard abuts the lake front, the set back shall be no less than one hundred (100) feet from the lot line bordering the lake shoreline~~For Lots where the Front Yard abuts the street, the set back shall be no less than twenty (25) feet from the Lot Line bordering the street. Where the Front Yard abuts the lake front, the set back shall be no less than one hundred (100) feet from the Lot Line bordering the lake shoreline.

2. Rear Yard: In all cases, the set back shall be no less than ten (10) feet from the rear lot line.

3. Side Yard: Not less than ten (10) feet at any point along the side lines and not less than twenty-five feet from the closest building.

4. Composite minimum width for both side yards – not less than twenty (20) feet at any point.

C. Multi-Family or Row dwellings, shall not exceed four (4) dwellings in a single building. No jointly held land parcel shall have more than one building constructed within said jointly held parcel except as permitted in Section 502 of this Ordinance. No building shall be closer than ten (10) feet to any jointly held property line.

#### 1206. SITE IMPROVEMENT STANDARDS.

The developer or owner of any Planned Residential Development shall be responsible for the engineering, construction, installation and maintenance of site improvements as follows:

A. Engineering site plan is required and shall be prepared by either a registered engineer, registered architect, or registered surveyor and filed with Indian Lake Borough prior to the start of any construction of an approved Planned Residential Development. The plan shall indicate the location of buildings, streets, sidewalks, walls, fences, right of way lines, proposed sewer and water lines, electric utility rights of way lines and the location of telephone and television cable lines to be constructed on the site. A topographic map shall be included with a contour interval of **not less than five (5) feet** and shall indicate all existing and final grades for the site plus spot elevations for streets, storm and sanitary sewers and other elevations as are deemed necessary by the ~~Borough Council~~Planning Commission. Where required by the Department of Environmental Protection, **a soil and sediment erosion control plan approved by the Department** shall also be submitted. All drawings must be to scale adequate to determine all distances and sizes where dimensions are not shown.

B. Perimeter Survey of the tract to be developed as a Planned Residential Development shall be prepared by a registered engineer or surveyor and may be shown either by a separate map included in the plan set forth in (A) above. Permanent concrete corner markers with a minimum size of six by six inches and thirty (30) inches deep shall be set with a copper rod installed in the concrete. The survey shall tie directly into adjoining properties.



C. Street Paving-The engineering, installation and construction of all streets shall be the sole responsibility of the developer of the Planned Residential Community. Upon completion, said streets shall be offered for dedication to the Borough of Indian Lake. Should the Borough not accept said streets, for any reason, the developer shall be responsible for all maintenance in accordance with an agreement between the developer and the Borough to which all land owners in the Planned Residential Community shall be 3<sup>rd</sup> party beneficiaries as to enforcement thereof against the developer, his heirs, successors and assigns, which covers road access and maintenance to the properties being developed. To be accepted for dedication:

1. All streets shall have a right of way of thirty-three (33) feet within which the cartway and all utilities must be placed.

2. All streets shall have a minimum paved width of sixteen (16) feet and a minimum cartway of twenty (20) feet.

3. All streets, whether dedicated or not, constructed on the site, shall have a minimum base of No. 4 slag or limestone compacted to a depth of eight (8) inches; an additional base of 2RC compacted to three inches and asphalt paving of a minimum of four inches prior to rolling using nineteen (19) millimeter superpave mixture. Asphalt material must be PennDot approved.

4. All parking areas shall be constructed with a minimum base of No. 4 slag or limestone compacted to six (6) inches with two (2) inches of asphalt material as set forth in (3) above.

D. Street signs shall be installed by the developer and shall be of a type approved by the Borough representative and the names selected for the streets shall be approved by the Borough Council.

E. Installation of all water lines and fire plugs (if supportable) shall be in accord with requirements and specifications of the Indian Lake Borough Council. Detailed plans and specifications shall be filed with both the Planning Commission and the Council or their successors.

F. Sanitary Sewers if required, shall be installed in accordance with plans and specifications submitted to and approved by Indian Lake Borough Council and the Pennsylvania Department of Environmental Protection.

G. Storm Sewers where required, shall be designed in accord with plans and specifications which have been approved by the Borough Council after review by the Planning Commission.

H. All trees that are to be removed shall be marked with a suitable tape. An application for a tree cutting permit must be made and the Zoning Officer must inspect the site and the actual trees to be removed prior to approval and issuance of the permit.