

PENN LAKE PARK BOROUGH

ORDINANCE NO. 1 OF 2013

AN ORDINANCE OF THE BOROUGH OF PENN LAKE PARK, LUZERNE COUNTY, PENNSYLVANIA, REGULATING THE PLACEMENT OF SAND IN FRONT YARD AREAS OF LAKE FRONT PROPERTIES AND EXTENDING ITS PLACEMENT ONTO TO A BOROUGH OWNED EASEMENT.

WHEREAS, the Borough Council deems it to be in the best interests and general welfare of the citizens and residents of this Borough to regulate and/or prohibit certain uses and/or activities upon Penn Lake.

NOW, THEREFORE, be it and it is hereby Ordained, Enacted and Resolved as follows:

SECTION 1

Lake-front properties within the Borough are subject to the regulations provided for in Section 802.10 of the Penn Lake Park Borough Zoning Ordinance, a copy of which is attached hereto as Exhibit A and made a part hereof. Said regulations prohibit properties which have a common border with an easement that surrounds Penn Lake, with said easement held in ownership by Penn Lake Borough Council, from altering or extending by any means, including but not limited to, the use of fill material and/or excavation, the grade or contours of such properties.

SECTION 2

The Penn Lake Borough Council finds that the placement of sand upon such properties for the purpose of creating a beach-like affect, to be a common and historical practice of property owners who own lakefront property.

SECTION 2

The Penn Lake Borough Council hereby finds that the placement of sand upon such properties which is not intended to alter the contour of said properties, based upon its placement and level disbursement by the spreading of sand across said properties not to be violation of Section 802.10.

SECTION 3

Penn Lake Park Borough Council holds ownership of an easement which encircles land around Penn Lake. Said easement is located in an L-1 Zoning District. Section 504, L-1 Lake District of the Penn Lake Park Borough Zoning Ordinance, a copy of which is attached hereto as Exhibit B and made a part hereof, prohibits the placement permanent structures within L-1, Lake District.

SECTION 4

In conjunction with the allowance for beach sand to be placed upon a lake-front property as set forth in Section 2 of this Ordinance, the Penn Lake Borough Council hereby finds that any sand being disbursed upon a lake-front property in conformance with Section 2 which extends onto said easement shall not be in violation of Section 504, L-1 LAKE DISTRICT of the Penn Lake Park Borough Zoning Ordinance subject to creating a level contour and avoiding any form of obstruction. The extension of beach sand onto the easement shall be undertaken in a manner that no sand is deposited into Penn Lake. No motorized vehicles or equipment shall be permitted onto the Borough's easement and/or into Penn Lake.

SECTION 5 SEVERABILITY

The provisions of this Ordinance are declared to be severable and, if any section, subsection, sentence of clause or part thereof is for any reason held to be invalid, or unconstitutional by a court of competent jurisdiction in the Commonwealth of Pennsylvania, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or parts of this Ordinance.

SECTION 6 REPEALER

All ordinances, parts of ordinances, resolutions or parts of resolutions, inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

THIS ORDINANCE SHALL TAKE EFFECT UPON ITS DATE OF ENACTMENT:

ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF PENN LAKE PARK, LUZERNE COUNTY, PENNSYLVANIA,
THIS 11th DAY OF April, 2013.



COUNCIL PRESIDENT

ATTEST:



BOROUGH SECRETARY



EXHIBIT A

802.10 LAKE FRONT PROPERTY - SPECIAL REGULATIONS

The following regulations apply to all properties, regardless of Zoning District classification, which have a common border with the easement that surrounds Penn Lake. The land areas of such properties shall not be altered or extended by any means, including but not limited to, the use of fill material and/or excavation, nor shall the grade or contours of such properties be altered by any means. A principal building, structure and/or use shall be governed by the following regulations, unless more restrictive standards are applicable, including but not limited to State or Federal regulations and supplementary regulations contained in Article 8 of this Ordinance.

- A. Minimum Lot Area: Four thousand (4,000) square feet for an existing lot of record when serviced by central sewers or by an existing on-lot system which is properly functioning.
- B. Minimum Lot Width: Forty (40) feet.
- C. Lakeside Yard Areas: Any property which has a yard area oriented toward the lake shall have a setback of not less than forty (40) feet from the lake front line which shall be noted as the point of intersection between the property line and any easement of record which borders the lake.
- D. Roadside Yard Areas: The yard shall be not less than forty (40) feet in depth as measured from the rear lot line.
- E. Side Yard: The side yard shall be not less than fifteen (15) feet on each side.
- F. Lot Coverage: Not more than twenty-five (25%) percent of a lot shall be covered by buildings. Total impervious cover shall not exceed thirty-five (35%) percent.
- G. Building Height: The maximum height of any building shall not exceed two and one-half (2.5) stories or thirty-five (35') feet.

EXHIBIT B

SECTION 504 L-1 LAKE DISTRICT

504.1 PERMITTED USES

Boating and Water Related Recreational Activities

NO PERMANENT STRUCTURES SHALL BE PERMITTED IN THE L-1, LAKE DISTRICT.

504.2 USES PERMITTED BY SPECIAL EXCEPTION

NONE

504.3 CONDITIONAL USES (SEE ARTICLE 7)

Any use permitted by right or by special exception shall be deemed a conditional use if it involves the initial or cumulative construction, placement or installation which equals or exceeds 5,000 square feet of buildings, structures and/or other impervious surface area.

504.4 DIMENSIONAL REGULATIONS

A principal building, structure and/or use shall be governed by the following regulations, unless more restrictive standards are applicable, including but not limited to State or Federal regulations and supplementary regulations contained in Article 8 of this Ordinance.

- A. Minimum Lot Area: None
- B. Minimum Lot Width: None
- C. Front Yard: None
- D. Rear Yard: None
- E. Side Yard: The side yard shall be not less than ten (10) feet on each side.
- F. Lot Coverage: None
- G. Building Height: The maximum height of any building shall not exceed one story or twelve feet in height, whichever is the lesser.

504.5 SUPPLEMENTARY REGULATIONS

None

504.6 SUBDIVISION AND LAND DEVELOPMENT

Any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development" as so defined in Article 2 of the Penn Lake Park Borough Subdivision and Land Development Ordinance of August 12, 1997, including any subsequent amendments thereto, shall also be subject to the governing regulations and provisions of said Ordinance.