

LAKE LATONKA Property Owners' Association

Construction Compliance Regulations



**LAKE LATONKA PROPERTY OWNERS' ASSOCIATION
CONSTRUCTION COMPLIANCE CODE**

ARTICLE I. SHORT TITLE-PURPOSE-SCOPE

Section 1. Short Title: These regulations shall be known and may be cited as the Lake Latonka Property Owners' Association, Inc. Construction Compliance Code.

Section 2. Purpose:

- (a) To promote the health, safety and welfare of the Lake Latonka Community and its residents.
- (b) To establish rules, regulations, definitions and guidelines for the construction of any and all structures in the Lake Latonka Subdivision and associated property.
- (c) To conserve and enhance property values.
- (d) To provide for administration and enforcement of this code
- (e) To establish lawful uses of property covered hereby.

ARTICLE II. DEFINITIONS:

1. Accessory Structure: A building on the same lot with, but detached from, the residence and which is customarily incidental and subordinate to the residence including:
 - (a) GARAGE - A structure used only to house not more than three passenger vehicles and with no more than three standard size stalls for such purpose and constructed in accordance with this code.
 - (b) STORAGE BUILDING OR SHED-a structure typically used for storage of household items, lawn equipment and the like and constructed in accordance with this code.
 - (c) GAZEBO AND PRIVATE PICNIC SHELTER-an open structure under roof used only for seating, dining or picnic use and constructed in accordance with this code. Sunshades, awnings, umbrellas and the like are not included as accessory structures.

(d) DOCKS, AND SHORELINE erosion control measures constructed in accordance with LLPOA Resolutions R-6205 and R-31994, shall not be considered accessory structures.

(f) No other accessory structures shall be permitted.

2. LIVING SPACE: Living space shall be calculated by adding all inside dimensions of all rooms, bathrooms, hallways and foyers. Closets, crawl spaces and the like shall not be counted in calculating living space.
3. STRUCTURE - Any man-made object having its situs on or in land or water whether or not affixed thereto.
4. DWELLING, SINGLE FAMILY: A residential building containing one (1) dwelling unit and which has a minimum of nine hundred (900) square feet of living space on the ground floor or first floor exclusive of porches.
5. LOT: A parcel of land, or two or more contiguous parcels under common ownership which are used or proposed to be used or developed as a single entity under the terms of this Code.
6. NON-CONFORMING STRUCTURE: A structure or part of a structure not in compliance with the terms and requirements of the Construction Compliance Code as of the date of its adoption but which was lawful prior to its adoption.
7. STRUCTURAL ALTERATION: Any change in the support members of a structure such as bearing walls, columns, beams or girders; changes in means of ingress or egress; enlargement of floor area or structure height or relocation of a structure from one position to another.
8. YARD: The required open space located on a lot within which no structures may be placed or erected.
9. HOUSE TRAILER: A residential housing unit designed to be installed and attached to the land and public utilities but excluding campers, camping trailers, motorhomes and the like.

ARTICLE III. USE REGULATIONS

Section 1. Principal Use: Only one single family detached dwelling shall be permitted on any lot. No lot may be used for any other purpose than residential except such lots as are designated for other purposes on the original subdivision plan.

Section 2. Accessory Structures

A lot with a single family detached dwelling constructed thereon shall be entitled to one accessory structure, as that term is defined herein, constructed in accordance with provisions of this code. No accessory structure, other than garages, shall exceed one hundred-twenty (120) square feet in area.

Section 3. General Regulations

- (a) Not more than one accessory structure shall be constructed on any one lot.
- (b) No building or structure of any kind shall be erected prior to the erection of a dwelling house.
- (c) No accessory structure shall be used or occupied as living quarters.
- (d) No structure shall have tar paper, roll brick siding or similar material on outside walls.
- (e) No house trailer, tents, shacks, portable carports or similar structures shall be erected, moved or placed upon any area or lot within Lake Latonka boundaries.
- (f) Culverts - All culverts must be at least 18” in diameter. Alternate sized culverts may be approved by the LLPOA General Manager where conditions dictate.
- (g) Lights - Outdoor lighting shall not be offensive to neighbors and must be dark sky compliant. Outdoor lighting shall not create a hazardous situation and shall not shine beyond the boundaries of the owner’s property or dock and shall not exceed a height of twenty-five feet above the ground level. Existing lighting must be brought into compliance upon transfer of property.
- (h) No structure shall be built or placed on any easement owned by LLPOA or any other firm or person.
- (i) All new residential construction shall include underground electric, cable, internet and any and all communication service from the street to the structure. No overhead wires, or utility conduit, including private utility poles shall be placed on the building site property for use in the support of any services from the street or side yard or driveways or rear yard.
(Effective 1-8-2015)

Section 4. Docks

Private docks may be erected on lake front lots in compliance with this code and upon receipt of a permit from Lake Latonka Property Owners' Association and the Pennsylvania Department of Environmental Protection. No Lake Latonka Property Owners Association permit will be issued unless applicant has procured applicable DEP permits.

- (a) Docks shall not extend further than thirty (30) feet from the shoreline.
- (b) Docks shall not be surrounded by fences or other vertical structures except support posts which may extend above the dock surface to a height not greater than three (3) feet. Support posts may not be closer together than three (3) feet.
- (c) Docks equipped with a boat lift may employ a cover or roof with the approval of the LLPOA General Manager pursuant to guidelines prescribed by the Lake Latonka Property Owners' Association Board of Directors.
- (d) Docks shall be set back at least six (6) feet from adjoining property lines.
- (e) No dock shall exceed thirty (30) feet in width along the water line.
- (f) No boat docks, floats, or other structure extending into the lake shall be constructed or placed into or on Lake Latonka without approval of Lake Latonka Property Owners' Association Board of Directors.

Section 5. Fences

No fences shall be erected except in compliance with this code.

- (a) No fence may be constructed within sixty (60) feet of the Lake Latonka high water mark.
- (b) No fence shall be constructed at any location which impairs the view of neighboring properties of the Lake or any natural vista.
- (c) Fences shall be set back at least five (5) feet from adjoining property lines.
- (d) No fence shall be constructed which obstructs the view of motorists.
- (e) No fence shall exceed four (4) feet in height measured from grade to the highest point of the fence.
- (f) No solid fence may be erected and all fences shall be constructed of traditional materials including wood, metal, plastic or vinyl.

- (g) The finished side of the fence shall face neighboring property.

Section 6. Height Regulations

- (a) Principal structures:

- 1. Maximum height – 2 ½ stories – not to exceed 35 feet.

- (b) Accessory structure:

- 1. Maximum height for accessory structure shall not exceed 2/3 of the height of the principal structure, except for one story principal structures where the height shall not exceed the height of the principal structure. The height of the principal structure shall not include chimneys, cupolas or other utility or architectural features but shall be measured from the peak of the principal structural roofline or member to the ground.

Section 7. Area Regulation

- (a) The maximum percentage of lot covered shall not exceed 35% including accessory structures.
- (b) The minimum front yard depth shall be 25 feet from the road right of way of Lake Latonka owned roads.
- (c) The minimum side yard width shall be 10 feet from each property line.
- (d) No structure except a dock or an approved shoreline erosion control device may be placed or erected within sixty (60) feet of the Lake Latonka high water mark.
- (e) Minimum rear yard depth for other than water front lots shall be 35 feet for principal structure and 10 feet for an accessory structure.
- (f) Corner lots-the minimum set backline shall conform to the set back of 25 feet from the road right of way of each street.
- (g) Minimum floor area shall be at least 900 square feet of living space, as defined herein, on the ground floor or the first floor exclusive of porch area.
- (h) A minimum of 66% of a home's roof shall have a minimum pitch of 6/12.
- (i) All structures must be primarily of masonry, including masonry siding, or wood construction (aluminum, fiber and vinyl sidings are permitted).

- (j) No structure shall be built or located within the required yard setbacks.

ARTICLE IV. SIGN REGULATIONS

Section 1. Signs not Requiring a Permit

- (a) Real Estate for Sale or For Rent Signs:

One sign for such purposes shall be permitted on the property for sale or rent providing the sign surface shall not exceed six (6) square feet. An additional sign, subject to the same size restriction, announcing an “open house viewing” is permitted for three days prior to the date of the open house and for one day after the date of the open house. One small directional sign not to exceed three (3) square feet is also permitted, at the street entrance on the LLPOA real estate right of way, for a property or sale or rent that is located on a street that has no through outlet. All such “open house” signs must be removed on the day following the open house event and real estate for sale signs must be removed on the day of closing.

- (b) Special Display Signs:

Special display signs for holidays, political elections, charitable events or other special events of interest to the general membership do not require individual approval. These signs must be located on private property, not Association property, may not be erected earlier than three (3) weeks prior to the event or elections and must be removed the day following the event or elections. Such signs shall not exceed six (6) square feet.

Section 2. Signs Requiring a Permit

- (a) No other signs except those identified in (b) below shall be permitted in the LLPOA subdivision.
- (b) A single temporary commercial sign not exceeding six (6) square feet such as those posted by building or roofing contractors may be permitted only on the property where the work is being done and shall be subject to a fee for the privilege of advertising services within the community. This fee shall be in an amount as set from time to time by the LLPOA Board of Directors and shall be paid at the time the permit is applied for in addition to the regular permit fees. The sign shall be removed upon completion of the work.

Section 3. Vision Obstruction

- (a) A sign must be placed in a safe location that does not cause a danger to traffic by obscuring the view from a side street or driveway or in any other way interfere with traffic.

Section 4. **Illumination:** No sign may be illuminated.

Section 5. **Sign Violation Fee**

- (a) Any sign that does not meet the requirements specified in Article IV, Sections 1 through 4, is subject to removal without notice to the sign or property owner. A removed sign will be held at the Lake Office for a 30 day period where it can be claimed by the owner subject to the payment of a sign violation fee. The sign violation fee will be in an amount as set from time to time by the LLPOA Board of Directors.

ARTICLE V. **JUNK YARD OR UNDESIRABLE DUMPING**

Section 1. **Discarded Material:** No discarded material, junk, refuse, or articles will be permitted to accumulate on any lot or locations within the LLPOA subdivision.

Section 2. **Vehicles:** No abandoned, unregistered, unlicensed, junked or wrecked automobiles or motor vehicles will be permitted on any property within LLPOA subdivision.

Section 3. If any violation of this Article V occurs, the Lake Latonka Property Owners' Association Board of Directors shall have authority to remove said substances and objects and assess the cost of such removal against the property owner or member in the manner established for assessing and collecting dues.

ARTICLE VI. **NON-CONFORMING USES, STRUCTURES**

Section 1. **Treatment of Non-Conformity:** Structures or uses which were lawful when constructed or commenced and which were in existence on _____ (date) which would be prohibited under the terms of this code, may continue until they are removed. Non-conformities shall not be enlarged or expanded. Nothing in this code shall be deemed to require a change in construction which was lawfully begun prior to the effective date of adoption or amendment of this code and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. When a lawful structure exists at the effective date of adoption or amendment of this code that could not be built under the terms of this code by reason of any provision herein, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) Such structure may not be enlarged or altered.

- (b) Should such structure be destroyed it cannot be reconstructed, the structure may be maintained but not altered.
- (c) Should such structure be moved for any reason for any distance whatever, it shall therefore conform to the regulations established by this code.
- (d) All non-conforming structures, excluding residences and garages, shall be removed or brought into compliance with this code upon transfer of title by any means.

ARTICLE VII. VARIANCES

Section 1. Application Standards: The LLPOA Board of Directors may, upon receipt of written application and payment by the applicant of the fee established by the Board and any fees imposed by the Construction Compliance Code Enforcement Officer, grant a variance from the provisions of the Construction Compliance Code but only upon satisfaction by the applicant of all the following conditions:

- (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is not financial and is due to such unique physical conditions, and not the circumstances or conditions generally created by the provisions of the Construction Compliance Code, and
- (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Construction Compliance Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property, and
- (c) That such unnecessary hardship has not been created by the property owner.
- (d) That the variance, if authorized, will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, and will not be detrimental to the health, welfare or safety of the Lake Latonka Community, and
- (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (f) That the granting of the Variance shall not cause a violation of any Lake Latonka Subdivision Deed Restrictions.

In granting a variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Construction Compliance Code.

ARTICLE VIII **HIGHWAY OCCUPANCY PERMITS**

No member of LLPOA, nor any contractor, utility or other person or firm, shall do any work, excavation, digging or other disturbance including driveway resurfacing or installation within any LLPOA road right of way without first having obtained a Highway Occupancy Permit.

- (a) Highway Occupancy Permits may be issued only by the General Manager of LLPOA pursuant to guidelines prescribed by the LLPOA Board of Directors.
- (b) Applicants shall make application on forms prescribed by the LLPOA Board of Directors and pay the required fee.
- (c) Such application shall be accompanied by such drawings, site plans, specifications or other underlying data that the LLPOA General Manager shall require.
- (d) The Highway Occupancy Permits may be enforced or revoked in the same manner as Construction Compliance Permits under Article XI.

ARTICLE IX. **ADMINISTRATION AND ENFORCEMENT**

Section 1. **Intent:** It is the intent of this Article to describe the procedure for administration and enforcement of this Construction Compliance Code and the duties and responsibilities of the Lake Latonka Property Owners' Association Compliance Inspector.

Section 2. **Lake Latonka Permit Inspector:** Lake Latonka Property Owners' Association shall appoint the Lake Latonka Construction Compliance Inspector who shall have all the powers and duties conferred on him. The LLPOA Construction Compliance Inspector shall administer this Construction Compliance Code in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Construction Compliance Code. The Construction Compliance Inspector's duties shall include the following.

Section 3. **Receipt of Applications for Construction Compliance:** The Construction Compliance Inspector shall receive applications for permits filed in accordance with Section 4 prior to the start of construction or development by a developer and which describes the

proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable LLPOA requirements.

Section 4: Issuance of Permits: It shall be unlawful to use or change the use of any structure or lot or erect, structurally alter or enlarge any structure without obtaining a Construction Compliance Permit and Certificate of Occupancy.

- (a) **Construction Compliance Permit:** It shall be unlawful to structurally alter, enlarge, move, remove or construct any structure, including fences, signs requiring a permit, docks and shoreline erosion control devices without obtaining a Construction Compliance Permit. All applications shall be submitted in accordance with Section 13. The Construction Compliance Inspector shall review all applications for compliance with applicable codes, rules, regulations, by-laws, deed restrictions, and shall issue a Construction Compliance Permit or a written decision denying the permit which contains references to the requirements which have not been met within ninety (90) days of receipt of application.
- (b) **Permit for Temporary Structure:** Permits for temporary structures related to construction work authorized under a valid Construction Code Permit may be issued by the Compliance Inspector only for the time that construction work is in progress and for a period not to exceed six (6) months. The permit may be renewed upon demonstration of continued need for the structures; however, all temporary structures shall be removed upon completion of construction.
- (c) **Certificate of Use and Occupancy:** It shall be unlawful to use or occupy any structure or lot without a Certificate of Use and Occupancy. Upon completion of construction, reconstruction, alteration or movement of any structure, including fences, docks and approved shoreline erosion control devices, the holder of the Construction Compliance Permit shall notify the Construction Compliance Inspector that the work has been completed and the structure is ready to be used or occupied. Upon inspection and a determination that all code regulations and any conditions attached to the issuance of any permits have been met, the Construction Compliance Inspector shall issue a Certificate of Use and Occupancy.

Section 5: Expiration of Permits: No Construction Compliance Permit for the excavation, erection, demolition, alteration or removal of buildings or structures shall be valid after six (6) months from the date of issuance thereof, unless the work authorized by such permit shall have been substantially commenced within six (6) months from the date of issuance and prosecuted with due diligence. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted by virtue of any reasonable cause and not due to his own negligence, the permit may be renewed without additional cost to the applicant.

If, after commencement of construction, the work is discontinued for a period of three (3) months without reasonable cause outside the applicant's or contractor's control, such

permits shall be void and work may not be commenced until a new permit shall have been issued.

Section 6: Revocation of Permits: A Construction Compliance Permit or Certificate of Use and Occupancy for any structure or use shall be revoked and withdrawn by the Construction Compliance Inspector if the holder of such permit or certificate has failed to comply with the requirements of this code or with any conditions attached to the issuance of the permit or certificate. Upon revocation of a permit or certificate, the holder may also be subject to the penalties for violation specified in Section 11 of this code.

Section 7: Inspections: The Construction Compliance Inspector may examine, or cause to be examined, all structures and/or land for which a Construction Compliance Permit or a Certificate of Use and Occupancy has been applied for or issued. Such inspections may be made from time to time during construction and shall be made upon the termination of construction, if any, and prior to the issuance of a Certificate of Use and Occupancy.

Section 8: Responsibilities of the Applicant: It shall be the responsibility of the applicant to apply for and secure all permits and certificates required by this code. The applicant shall be obligated to contact the Construction Compliance Inspector and secure a Certificate of Use and Occupancy after the completion of development and/or prior to the occupancy of any structure or lot. Failure to secure necessary permits or certificates or failure to apply for same in a timely fashion shall constitute a violation of this code and shall be subject to the penalties for violation specified in Section 10 of this code.

Section 9: Time for Issuance: Permits required under this Code shall be issued within ten (10) working days of the submission of a completed application and the payment of all fees.

Section 10: Engineering Review: LLPOA reserves the right to require an engineering review of any permit by LLPOA consulting engineer at the sole cost and expense of the applicant.

Section 11: Enforcement:

- (a) **Violations:** Failure to comply with any provisions of this code, the LLPOA by-laws or the deed restrictions, or to secure a required permit, prior to the erection, construction, extension, alteration, relocation or addition to a structure, or failure to secure a Certificate of Use and Occupancy for the use or change of use or occupancy of structures or land, or failure to secure any other permit herein required, shall be a violation of this code.
- (b) **Notice of Violations:** When written notice of a violation of any of the provisions of this code has been served by the Construction Compliance Inspector on the owner, agent or occupant, contractor or builder, such violation shall be discontinued immediately.

- (c) **Penalties:** For every violation of the provisions of this code, the owner, and any tenant, shall be liable to a penalty not exceeding \$500.00 and/or suspension of LLPOA membership privileges for each and every offense; and whenever such person shall have been notified by the Construction Compliance Inspector that he is committing such violation of this code, each day that he shall continue such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be imposed upon the property as a lien and may be collected in civil proceedings. LLPOA may enforce this Code by any other civil or equitable remedy available under the law.
- (d) **Remedies:** In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this code or of any LLPOA by-law or deed restriction, the LLPOA, in addition to other remedies, may institute in the name of the LLPOA, any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 12: Application Procedures: All applications shall be submitted in a form and manner acceptable to the LLPOA. All applications shall be accompanied by the required fee established by Resolution of the Lake Latonka Property Owners' Association Board of Directors.

Section 13: Applications for Approval of a Site Plan: All applications for a Construction Compliance Permit for new construction or expansion or structural alteration of an existing dwelling or garage shall include a proposed site development plan containing the following:

- (1) A survey of the property showing dates of preparation and revision;
- (2) Evidence of preparation by a registered surveyor, architect, landscape architect or engineer, if required to guarantee compliance with these requirements;
- (3) Area location map;
- (4) Existing and proposed contours;
- (5) Feasibility of proposals for disposition of storm water;
- (6) Traffic circulation on the site, ingress and egress to and from the site and layout of the proposed parking areas;
- (7) Landscaping plan.

(8) All information required in Section 14 below.

Section 14: Application for Construction Compliance Permits: All applications shall be made in writing to the Construction Compliance Inspector on forms provided by the LLPOA. All applications shall include, as a minimum, building and plot plans of a satisfactory nature, in duplicate, and drawn to scale showing all of the following:

- (a) The location of all existing and proposed buildings and other structures, together with the location of yard setback lines, established in this code.
- (b) The location of all adjoining streets, roads and easements;
- (c) The location of all existing buildings on adjoining properties, within one hundred (100) feet of the side and rear lot lines of the subject property;
- (d) A statement regarding the proposed use of the building or structure;
- (e) A survey prepared by a registered engineer if required in the judgment of the Construction Compliance Inspector to guarantee compliance with this code.
- (f) Location of driveways and culverts proposed.
- (g) Such other information as is necessary for the Construction Compliance Inspector to ascertain whether the proposed erection, alteration, use or change in use complies with the provisions of this code.

In approving an application, the Construction Compliance Inspector may require such changes in plans as may be necessary to assure compliance with this code.

Section 15: Fees: The Board of Directors of LLPOA shall annually at its reorganization meeting establish a schedule of fees by Resolution, for all applications submitted under the provisions of this code. The schedule of fees shall be posted in the office of LLPOA.

Section 16: Appeal: Any action of the Construction Compliance Inspector may be appealed to the LLPOA Board of Directors within ten (10) days of the action complained of and payment of the appeal fee established by the LLPOA Board of Directors. The LLPOA Board of Directors may, but shall not be required to, hold a hearing on the appeal.

ARTICLE X. AMENDMENTS

The regulations, restriction and boundaries as set forth in this code may from time to time be amended, supplemented, changed, modified or repealed in any manner deemed necessary by the LLPOA Board of Directors.

ARTICLE XI. VALIDITY

If an article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this code shall be for any reason, declared illegal, unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect or impair the validity of this code as a whole or any article, section, subsection, clause, phrase, word or remaining portion of this code.

ARTICLE XII. REPEALER

Any resolution or any part of any resolution conflicting with the provisions, regulations, limitations, and/or restrictions of this code shall be and at the same is hereby repealed to the extent of such conflict.

ARTICLE XIII. CONTROLLING AUTHORITY

In the event any provision of this code conflicts with the LLPOA by-laws or recorded Deed Restrictions, then the applicable provision of the by-laws or deed restrictions shall control.

(Last amended 1-8-15)