

ARTICLE 4

SUPPLEMENTARY LOT, HEIGHT AND YARD REGULATIONS

4.100 ZONE LOT REGULATIONS

4.110 Existing Zone Lots of Record

In any District a structure may be erected on a nonconforming zone lot of official record at the effective date of this Ordinance irrespective of its area or width, the owner of which does not own any adjoining property which would create a conforming lot if all or part of said property were combined with subject zone lot. In an R-1 District, however, a nonconforming lot shall be considered to be a nonconforming lot in single ownership regardless of the ownership of adjoining property. No lot or lots in single ownership shall hereafter be reduced so as to create one (1) or more nonconforming lots, and provided, further, that on any nonconforming lot no side yard shall be less than ten (10) feet, unless a smaller side yard is permitted in Article 3 hereof; provided further that the rear yard of any such lot shall in no case be less than twenty (20) feet, and the front yard shall be as required in Subsection 4.320 hereof.

In an R-District, only a single-family detached dwelling or an appurtenant use accessory to an adjacent principal permitted use may be erected on a nonconforming lot.

4.120 Required Area or Space Cannot be Reduced

The area or dimension of any zone lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Ordinance; and if already less than the minimum required by this Ordinance, said area or dimension may be continued and shall not be further reduced

4.130 Lot Frontage

The minimum lot frontage of any lot shall be measured along the minimum building setback line as required for the district where located. The width of any lot in any district, except "C" and "I" Districts, shall not be less than thirty (30) percent of the depth of said lot at the front lot line, provided however, that no lot need exceed a width of three hundred (300) feet unless otherwise required in the District where located, nor shall any such lot having a depth of 300 feet or more, be less than one-hundred (100) feet along the front line.

#### 4.140 Corner Lots

At all intersecting public right-of-way lines, no obstructions to vision (other than an existing building, post, column or tree) exceeding 30 inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the intersecting public right-of-way and a line drawn between points along such street lot lines 30 feet distant from their points of intersection.

#### 4.150 Through Lots

Where a single lot under individual ownership extends from a street to an alley, the widest street shall be deemed the street upon which the property fronts and no principal structures and no dwelling shall be erected which shall face on the rear of such a lot; provided, however, that dwelling groups shall not be subject to this limitation on the location of principal structures.

#### 4.160 Orientation of Buildings on Public Rights-of-Way

4.161 Individual Buildings on Public Rights-of-Way. The front facade of a building shall face the road/right of way which it abuts; provided, however, that if it is located on a corner parcel, it shall face the widest road; provided, however, that if both roads are of equal or near equal width, it may face on either road, unless the existing pattern of development has predetermined the road that shall be faced.

4.162 Large Scale Developments with Interior Circulation. When a development is designed to be served by an interior pedestrian or vehicular circulation system, buildings may face the interior roadways, provided, however, where such an orientation results in the rear or the side(s) of such buildings being within 100 feet of a public right-of-way, then such rear and/or side walls shall be screened from the public right-of-way in accordance with Section 4.723b.

### 4.200 HEIGHT REGULATIONS

#### 4.210 General Application

No building or structure shall have a greater number of stories than are permitted in Article 3 hereof, provided further that the aggregate height of such buildings or structures shall not exceed the number of feet permitted in Article 3, except as otherwise provided herein in Section 4.220.



#### 4.220 Permitted Exceptions

Height limitations stipulated elsewhere in this Ordinance shall not apply to open amusement areas, barns, silos, schools, church spires, belfries, cupolas and domes, monuments, water towers, utility poles, chimneys, smokestacks, flagpoles, residential telecommunications facilities; or to parapet walls extending not more than four (4) feet above the limiting height of the building.

#### 4.300 YARD REGULATIONS

##### 4.310 Side Yards

4.311 Side Yard Width May Be Varied. When the side wall of a building is not parallel with the side lot line or is broken or irregular, the side yard may be varied. In such cases the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such side yard shall not be narrower at any point than one-half (1/2) the otherwise required minimum width; and, provided further that no building wall shall be nearer to any point on a side property line than five (5) feet.

4.312 Side Yard of Corner Lot. Any corner lot delineated by subdivision after the adoption of this Ordinance shall provide a side street setback line which shall not be less than the minimum front yard required on any adjoining lot fronting on a side street.

##### 4.320 Front Yard Exception

When an unimproved lot is situated between two (2) improved lots, each having a principal building within twenty-five (25) feet of any side lot line of such unimproved lot, the front yard may be reduced to the greatest depth of the front yard of the two (2) adjoining improved lots, but shall be not less than fifteen (15) feet.

Where any unimproved lot shall front on a right-of-way which is proposed, on the Municipality's Official Map, to be widened, the front yard of such lot shall be as required by Article 3 hereof, and shall be measured from such proposed future right-of-way.

##### 4.330 Front Yard of Corner Lot

The front yard of any corner lot shall be established on the wider of the two (2) streets abutting said lot, except where the widths of the two (2) abutting streets are equal, then the front yard may be established on either street.

#### 4.340 Projections into Required Yards

Certain architectural features may project into required yards as follows:

- a. Cornices, canopies, eaves, and other similar architectural features may project into a side yard a distance of two (2) feet; provided, however, that where a side yard exceeds a width of twelve (12) feet, such extension may be increased by 2 inches for each 1-foot by which the yard exceeds a width of 12 feet.
- b. Fire Escapes may project into side and rear yards a distance not exceeding four (4) feet, six (6) inches.
- c. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.
- d. Open patios and decks may be located in side yards and rear yards provided that they are not closer than three (3) feet to any adjacent property line. If located closer than eight (8) feet, they shall be screened in accordance with the provisions of Section 4.723 hereof. In case of a corner lot, no enclosed patios shall extend into the side yard adjoining such side street.

#### 4.350 Additional Yards Required Where Nonresidential Uses Abut R-Districts

All nonresidential uses first permitted in S-1 or less restrictive districts, which abut, at the lot line or on the same street, an "R" District, shall provide yards, where they abut, of not less than fifty (50) feet in depth; provided, however, that if the yard requirement for the nonresidential use is greater, then such greater distance shall be required. Such yards shall be maintained as landscaped open spaces and shall not be occupied by parking, loading or outdoor storage uses.

#### 4.400 MAXIMUM COVERAGE

- 4.410 Impervious Coverage. Land coverage by principal and accessory buildings or structures and other impervious surfaces on each zone lot shall not be greater than is permitted in Article 3 or other pertinent sections of this Ordinance.



4.500 NUMBER OF BUILDINGS RESTRICTED

There shall be not more than one (1) principal dwelling structure nor more than two (2) accessory structures, including a private garage on each residential zone lot except as otherwise provided herein for dwelling groups, large scale developments and transient dwelling facilities; and, provided further that a swimming pool and all necessary facilities and structures related to or required in connection with a swimming pool shall not be considered to be accessory structures.

4.600 ACCESSORY STRUCTURES

4.610 Maximum Permitted Height

One and one-half (1.5) stories or seventeen (17) feet.

4.620 Minimum Yard Regulations

4.621 Unattached Accessory Structures in R-Districts. Accessory structures, which are not attached to a principal structure, may be erected within one (1) of the side yards or within the rear yard, but not in the front yard, in accordance with the following requirements.

- a. Side Yard (interior lot) - 4 feet
- b. Side Yard (corner lot) - same as for principal structure
- c. Rear Yard - 3 feet; if adjacent to an alley - 10 feet
- d. Not closer than 10 feet to a principal structure on an adjacent lot

4.622 Attached Accessory Structures in R-Districts

When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building.

4.623 Non-Dwelling Accessory Structures in Other Districts. Non-dwelling accessory structures shall comply with front and side yard requirements for the principal structure to which they are accessory and shall be not closer to any rear property line than ten (10) feet.

#### 4.700 LANDSCAPING REGULATIONS

##### 4.710 AREAS REQUIRED TO BE LANDSCAPED

Areas that are required to be landscaped in accordance with the standards set forth herein shall be:

4.711 Permanent Open Space Areas

4.712 Off-street Parking and Loading Areas

4.713 Areas where buffers and/or screening is required to assure privacy and/or to block the view of unattractive development or other features

##### 4.720 LANDSCAPING, SCREENING AND BUFFER STANDARDS

4.721 Permanent Open Space

- a. Permanent Open Space shall be landscaped and maintained in accordance with Section 4.900 hereof.
- b. Up to 20 % of the total required permanent open space area in IAC zones may also consist of exterior common use areas such as pedestrian paths, sidewalks, plazas, court yards, and recreational amenities.

4.722 Off-street Parking and Loading Areas

a. Location of Off-street Parking and Loading Areas in IAC Zones

- 1) No parking space shall be nearer to any property line or right-of-way line than the minimum setback required for a principal building on the subject lot, but in no case less than 10 feet.
- 2) Parking lots shall be provided at the side or to the rear of nonresidential buildings that are visible from public roads; provided, however, that when such placement is not desirable or practicable the off-street parking may be provided between the front of the building and the right-of-way; in such cases, the parking area shall be setback not less than the minimum setback required for the front yard of the principal building, but, not less than 25 feet; and the front yard area shall be developed to form a buffer, as follows: a thickly vegetated buffer shall be provided; and, the width, length and planting materials shall be sufficient to visually screen the view of parked vehicles from the public right-of-way. The buffer area shall not consist of or contain any paved areas, except for pedestrian walk-ways.



b. Landscaping Off-street Parking Lots in IAC Zones

- 1) Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights; to delineate driving lanes; and define rows of parking. Furthermore, parking lots should be adequately landscaped to provide shade in order to reduce the amount of reflected heat and to improve the aesthetics of parking lots. At least one (1) shade tree shall be provided for each 300 square feet (or fraction thereof) of interior landscaping
- 2) The use of small, ornamental trees in parking lots should be avoided, since these trees will never grow tall enough to provide shade and will block store signs and clear sight triangles. Canopy trees will grow tall enough so that signs can be seen under their branches.
- 3) All parking lots with ten (10) or more stalls shall be landscaped according to the following regulations:
  - a) One planting island shall be provided for every ten parking stalls. There shall be no more than ten contiguous parking stalls in a row without a planting island.
  - b) The ends of all parking rows shall be divided from drives by planting islands.
  - c) In residential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 40 stalls.
  - d) In nonresidential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 100 stalls.
  - e) Planting islands shall be a minimum of nine feet by eighteen feet (9' x 18') in area, underlain by soil (not base course material); mounded at no more than a 4:1 slope, nor less than a 12:1 slope; and shall be protected by curbing or bollards. Each planting island shall contain one shade tree plus shrubs and/or ground cover to cover the entire area.
  - f) All planting strips shall be a minimum of nine (9) feet wide. Strips shall run the length of the parking row, underlain by soil, and shall be mounded at no more than a 4:1 slope, nor less than a 12:1 slope, and shall be protected by curbs, wheel stops,

or bollards. Planting strips shall contain plantings of street-type shade trees at intervals of 30 to 40 feet, plus shrubs and/or ground cover to cover the entire area at maturity. Where planting strips shall exceed a width of twelve (12) feet, the herein-described shrubbery and ground cover requirements may be reduced to lawn grass ground cover.

- g) Plant materials shall be in accordance with the provisions of Section 4.723d. hereof.
- 4) All parking lots shall be screened from public roads and from adjacent properties as required in Section 4.723b. and 4.723c. hereof.

c. Lighting Off-street Parking Lots in IAC Zones

- 1) For all parking areas, driveways and walkways, all pole mounted luminaries shall be low maintenance poles and fixtures; and, all branch circuiting for lighting shall be installed below grade.
- 2) The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures.
- 3) Lighting shall be directed away from adjacent residential uses and residential zones, and shall be shielded from fugitive skyward emissions.

4.723 Buffer and Screening Requirements in IAC Zones

- a. All subdivisions and land developments shall provide the following types of buffer/screening treatment that is applicable to the use and the environment of the subject development, as follows:

- 1) Property line buffers that act to integrate new development with its surroundings and to separate incompatible land uses.
- 2) Site element screens that act to minimize or eliminate views to certain site elements located within 100 feet of property lines or road right-of-ways (either public or private).

b. Property Line and Right-of-way Line Buffer Requirements

- 1) Property line and right-of-way line buffers shall be required for the following types of development and as otherwise specified herein.
  - a) All nonresidential development adjoining a Residential District



- b) All multi-family residential structures with a height of 4 stories or more
  - c) All mobile home parks.
- 2) An on-site investigation by the applicant shall determine the adjacent land uses along each property boundary. In the case of vacant land, the existing zoned uses shall be used. The existing or zoned uses shall be noted on the plan. In the case of several permitted uses on a site, the most restrictive requirements shall apply. The municipality shall have final approval of interpretation of land uses or zoning map.
- 3) Buffer Area Location and Dimensions
- a) A buffer area of not less than 25 feet in width shall be established along all property lines, and right-of-way lines unless otherwise specified herein.
  - b) The buffer area may be included within the front, side, or rear yard setback.
  - c) The buffer area shall be a continuous pervious planting bed consisting of trees and shrubs, grass or groundcover.
  - d) Parking is not permitted in the buffer area.
  - e) Site element screens are permitted in the buffer area.
  - f) Storm water basins are permitted in the buffer area.

c. Site Element Screens

Site element screens shall be required in all proposed land developments around the following site elements:

- 1) Parking lots.
- 2) Dumpsters, trash disposal, or recycling areas.
- 3) Service or loading docks.
- 4) Outdoor storage, nonresidential.
- 5) Vehicle storage.
- 6) Sewage treatment plants and pump stations.
- 7) Other unenclosed uses of a similar nature.

4.724 Site Element Screening Requirements in All Zones

- a. Site element screens shall be required in all proposed land developments around the following site elements:
  - 1) Dumpsters, trash disposal, or recycling areas.
  - 2) Service or loading docks.
  - 3) Outdoor storage, nonresidential.
  - 4) Sewage treatment plants and pump stations.
  - 5) Other unenclosed uses of a similar nature.
  
- b. Screen Location. The site element screen shall be placed between the site element and the property line or right-of-way, and shall be designed to block views to the maximum extent possible. The screen shall be located as close as possible to the site element and shall surround the element without impeding function or encroaching on clear sight triangles.
  
- c. Screen Types. Any of the following types of screens may be utilized in those cases where they will achieve the objective of blocking certain uses from public view.
  - 1) *Evergreen or Deciduous Shrubs*
  - 2) *Double Row of Evergreen Trees*
  - 3) *Opaque Fence* - A six-foot opaque fence surrounding the site element on at least 3 sides
  - 4) *Architectural Extension of the Building* - An eight-foot minimum height architectural extension of the building (such as a wing wall) shall enclose service or loading docks. The building materials and style of the extension shall be consistent with the main building.
  - 5) *Berm with Ornamental Trees or grass* - A two- to three-foot-high continuous curvilinear berm with ornamental trees. The maximum slope of the berm shall be 3:1.
  - 6) *Evergreen Hedge*
  - 7) *Low Wall* - A wall of brick or stone (not concrete block), at least 50 percent opaque, not less than three nor more than four feet in height.
  
- d. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material at the discretion of the governing body. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.



- e. Existing topographic conditions, such as embankments or berms, may be substituted for part or all of the required property line buffers at the discretion of the governing body. The minimum visual effect shall be equal to or exceed that of the required screen.
- f. The applicant may propose the use of alternative screen types or changes in plant materials or designs which fulfill the intent of this Ordinance, with the approval of the governing body.
- g. Plant materials shall meet the specifications of Section 4.723h. hereof.
- h. Plant Materials

1) General Location Requirements

- a) The location, dimensions, and spacing of required plantings should be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as wind, soil, moisture, and sunlight.
- b) Plantings should be selected and located where they will not contribute to conditions hazardous to public safety. Such locations include, but are not limited to, public street rights-of-way, underground and aboveground utilities, and sight triangle areas required for unobstructed views at street intersections.

2) Design Criteria

- a) The required plant material shall be distributed over the entire length and width of the buffer area.
- b) Buffer plant material may be arranged symmetrically (formal) or asymmetrically (informal) and may be grouped to form plant clusters. However, informal groupings that reflect the natural character of the region are encouraged.
- c) Plants shall be spaced to provide optimum growing conditions.
- d) A variety of tree species is required.

- 3) Substitutions In accordance with the following guidelines, wherever possible, existing vegetation shall be retained and utilized as a buffer or a screen in accordance with Section 4.724 d) and e).

- 4) Plant Material Specifications. The following requirements are minimum standards which shall apply to all plant materials or transplanted trees as required under this Ordinance; additional plant materials, berms, or architectural elements may be included in the plan at the applicant's discretion.
- a) All plants shall meet the minimum standards for health, form, and root condition as outlined in the American Association of Nurserymen (AAN) Standards.
  - b) All plant material shall be hardy and within the USDA Hardiness Zone applicable to Lackawanna County, Pennsylvania.
  - c) Canopy trees, sometimes called shade trees, shall reach a minimum height and spread of 30 feet at maturity as determined by the AAN Standards and shall be deciduous. New trees shall have a minimum caliper of two and a half inches at planting.
  - d) Ornamental trees or large shrubs shall reach a typical minimum height of 15 feet at maturity, based on AAN Standards. Trees and shrubs may be deciduous or evergreen and shall have a distinctive ornamental character such as showy flowers, fruit, habit, foliage, or bark. New ornamental trees shall have a minimum height of 6 feet or one and a half inch caliper. New large shrubs shall have a minimum height of two and a half to three feet at time of planting.
  - e) Small shrubs may be evergreen or deciduous and shall have a minimum height at maturity of 4 feet based on AAN Standards. New shrubs shall have a minimum height of 18 inches at time of planting.
  - f) Evergreen trees shall reach a typical minimum height of 20 feet at maturity based on AAN Standards for that species and shall remain evergreen throughout the year. New evergreens shall have a minimum height at planting of six feet.



- 5) Additional Plant Material Guidelines. Plant material features should be:
- a) Able to thrive in the existing soil or soil that can be amended to reasonable specifications.
  - b) Strong wood, not prone to breakage in wind or ice storms.
  - c) Fruitless or otherwise free of parts that fall and could damage vehicles, clog drains, or make pavement slippery.
  - d) Tolerant to excessive heat, de-icing salt and air pollution.
  - e) Free of unacceptable levels of disease or insect pests, including aphids that coat objects below with sticky "honeydew."
  - f) Fits the site aesthetically and serves an intended function (shade, screen, focal point, etc.)

300 MISCELLANEOUS BUILDING REGULATIONS

4.810 Uses to be Enclosed

All nonresidential uses, except for temporary uses, off-street parking and loading facilities, transportation terminals, storage yards, vehicle sales lots, and similar uses shall be conducted wholly within a completely enclosed building.

4.820 Unenclosed Nonresidential Uses

Unenclosed nonresidential uses identified in Section 4.810 hereof, except off-street parking and loading, shall not be located less than 100 feet distant from any Residential District.

4.830 Special Regulations for Housing for the Elderly

4.831 Maximum Density. In any R-District where housing shall be designed exclusively for occupancy by elderly persons, and for other one-room type efficiency units, the minimum lot area required per dwelling unit shall be 2000 square feet of net land area per dwelling unit.

4.832 Off-Street Parking. Accessory off-street parking required to serve housing for the elderly shall be provided in an amount of not less than one (1) space per 3 "elderly" dwelling units.

4.840 Fences

- 4.841 Privacy Fences. No solid fence exceeding six (6) feet in height, measured along the ground level along the full length of the fence, shall be permitted in any residential district nor between buildings or lots used for dwelling purposes in any district except as otherwise required herein. Open or ornamental fences may be erected to a height not exceeding eight (8) feet, provided the ratio of the solid portion to the open portion shall not exceed one (1) to four (4); and, provided further that no such ratio shall be applied to any screening provided by natural vegetation. No fence or other structure or appurtenance, more than three (3) feet in height, however, may be erected within the clear-sight triangle on all corner lots for a distance of thirty (30) feet measured along street right-of-way lot lines from their point of junction.
- 4.842 Screening Fences. Unenclosed nonresidential uses except off-street parking areas, commercial recreation areas, automobile sales areas and other similar uses shall be screened from public view and from adjacent properties in accordance with the provisions of Section 4.723c. hereof.
- 4.843 Condition of Fences. All fences, hedges, walls and shrubs shall be maintained in good condition. When adjoining an R-District no advertising shall be permitted on fences.
- 4.844 Installation of Fences. When any fence is installed, the supporting posts shall be located on the inside of the fence, facing the property to be fenced; and, the finished side of the fence shall face the adjoining property and/or right-of-way.

4.850 Enclosure of Porches

In any new construction, no porch shall extend into any required yard except open patios and decks as provided under Section 4.340 d.

Any open patio, deck, or porch which has been constructed within any required yard prior to the date of this Ordinance shall not be enclosed, except as follows:

- a. On an interior lot where such porch shall be located in a front yard and the enclosure of such porch would be on a property where such enclosure would not extend beyond the front wall of the building or porch of any adjoining property.
- b. On a corner lot, the same provisions described in Section 4.850a. shall apply. In adding the enclosure of a front porch must also be in accordance with Section 4.140, concerning the clear sight triangle.
- c. The enclosure of a front porch in a required front yard of either a corner lot or an interior lot shall not be allowed if such property adjoins an undeveloped zone lot in separate ownership.
- d. The enclosure is in the rear yard.



4.860 AESTHETIC DESIGN STANDARDS FOR COMMERCIAL AND MANUFACTURING USES

4.861 Acsthetic Goals. All development and construction, in the form of buildings, structures or additions and exterior alterations thereto, and other site improvements and alterations, including paving, lighting and landscaping, at or for each site shall be designed and constructed to achieve the following goals:

- a. To prevent the erection of poorly designed, constructed or proportioned structures, and structures built of improper or unsuitable materials.
- b. To increase and secure the spectrum of attractive business establishments, improvements and facilities on appropriate locations within building sites.
- c. To foster a high quality of development to enhance the value of existing development as well as to enhance the attractiveness of vacant land for future development.

4.862 Acsthetic Design Standards

- a. Construction Materials. All construction in the form of new buildings or additions and exterior alterations shall be consistent with original construction or of comparable materials to harmonize with the external design, both as to quality of workmanship and materials of existing structures. No structure shall contain less than 50% external masonry, glass, dryvit or similar type of construction materials, except that the facades of manufacturing and warehousing buildings may consist of metal materials. The buildings and structures shall not be of woodface composition. The fronts of all buildings and structures shall not expose concrete block composition, other than decorative concrete block.
- b. Waste Disposal
  - 1) No Lot shall be used as a dumping ground for trash.
  - 2) All trash of any nature, shall be securely stored in covered sanitary containers. All containers and other equipment, and the areas and enclosures, for the storage and disposal of trash, shall be kept in a clean and sanitary condition.
  - 3) All trash shall be properly and securely contained within each site and properly and regularly removed therefrom, and disposed as may be required by state and federal law, regulation and other requirements and standards governing same.

- 4) "Trash" shall mean to include all papers, discards, waste, rubbish, refuse and garbage, of any kind or nature whatsoever, and any malodorous and objectionable materials lying around or stored at each site but not customarily used in its then present condition in the business or activities of the site occupants.
- c. Mechanical/Electrical Equipment. All mechanical/electrical equipment not enclosed in a structure or building (e.g. on-grade, roof-top, etc.) shall complement, enhance and be compatible with the design and construction of the buildings and structures on each site. The color scheme of such equipment shall complement and be compatible with the color scheme of the building's exterior.
  - d. Landscaping
    - 1) All terrain, grounds, area left in natural state, or areas not covered by building or paving, shall be landscaped, seeded, and otherwise maintained in a good, clean condition having aesthetic appeal.
    - 2) Each site and the landscaped areas shall be kept clean and free of any and all litter, refuse, and papers of any type. No litter, refuse or paper accumulations whatsoever shall occur, be placed on or remain at each Site.
    - 3) Each site shall be developed, improved, used and maintained to preserve and foster as much of the existing mature natural growth as is practically possible.
  - e. Utilities. All electric, telephone, and cable television lines shall be underground.

#### 4.900 STANDARDS FOR OPEN SPACE DESIGN AND MAINTENANCE

##### 4.910 USE AND DESIGN OF PERMANENT OPEN SPACE

Permanent Open Space to be provided in accordance with certain Sections of this Ordinance shall be designed in accordance with the following standards:

- a) Permanent Open Space shall be so designated on the submitted plans, and the plans shall contain a notation stating, "Permanent Open Space shall not be separately sold and shall not be further developed or subdivided;"
- b) Permanent Open Space shall be contiguous to the development, not separated by existing streets, and shall not be a part of any lot within the development;



- b) The conveyance contains appropriate provision for proper retransfer or reverter in the event that the organization becomes unable or unwilling to continue to carry out its functions, and;
- c) A maintenance agreement acceptable to the Borough is entered into by the developer, the organization and the Borough.

4.923 The developer shall provide for and establish an organization for the ownership and maintenance of the Permanent Open Space consistent with the requirements for unit owners' associations found in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.S. 33101 et seq. If such an organization is created, the deeds for the Permanent Open Space and for all individual lots within the development shall contain the following requirements in language acceptable to the Borough Solicitor.

- a) Such organization shall not dispose of the Permanent Open Space by sale or otherwise except to the Borough or other government body unless the Borough has given prior approval. Such transfer shall be made only to another organization that shall maintain the Permanent Open Space in accordance with the provisions of this Ordinance;
- b) The organization and all lot owners within the development shall agree to maintain the Permanent Open Space. If private ownership fails to do so, the Borough may proceed to maintain deteriorating open space and may assess and lien the properties within the development accordingly;
- c) All lot owners shall be required to become members of the organization and pay assessments for the maintenance of the Permanent Open Space, which may be increased for inflation and which may provide for professional management.