

ARTICLE I

PRELIMINARY PROVISIONS

SECTION 101 ENACTING CLAUSE

Be it ordained and enacted by the Borough of Ferndale, in Council assembled, and it is hereby ordained and enacted by the authority of the same, that from and after the passage and approval of this ordinance, the following districts shall be established and the following regulations to apply in such districts, for the purpose of regulating and restricting the height, number of stories and size of buildings and other structures hereafter erected or altered, 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, industry, residence or other purposes.

SECTION 102 SHORT TITLE

This ordinance shall be known as "The Zoning Ordinance" and the map herein referred to, which is identified by the title "Borough of Ferndale Pa. Zone Map" and which is hereby declared to be a part of this ordinance, shall be known as the "Zone Map".

SECTION 103 EFFECTIVE DATE

The effective date of this ordinance shall be five (5) days after its adoption by the Borough Council.

SECTION 104 VALIDITY AND CONFLICT

Should any section or provision of this ordinance be declared invalid, the same shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid. Where a provision of this ordinance is found to be in conflict with a provision of any building or housing code, or in any applicable health regulations, or in any other ordinance of Ferndale Borough existing on the effective date of this ordinance, or in any regulation issued under the authority of such code or ordinance, the provision which establishes the higher standard for the protection of health, safety and welfare shall prevail.

SECTION 105 PURPOSE AND COMMUNITY DEVELOPMENT OBJECTIVES

The purpose of this zoning ordinance shall be designed:

(1) To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports and national defense facilities, the provisions of adequate light and air, police

protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements, as well as;

(2) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This Zoning Ordinance has been made in accordance with an overall program, and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures, and;

(3) To facilitate the development of the Borough to fulfill the goals and objectives of the Ferndale Borough Comprehensive Plan dated _____, 1982 in developing the Borough primarily as a residential, commercial and light industrial area, with the preservation of natural beauty.

SECTION 106 FILING

This ordinance, including the Zoning District Map, together with any succeeding amendments, thereto, shall be on file and may be viewed by any interested party in the Ferndale Borough office.

ARTICLE II

RULES AND DEFINITION

SECTION 201 RULES

The following rules of construction shall apply to this ordinance:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future: words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", and/or "occupied for".

SECTION 202 DEFINITIONS

ACCESSORY BUILDING OR ACCESSORY USE - A building or use customarily incidental and subordinate to the principal building or use and located

on the same lot with such principal building or use. An accessory use includes, but is not limited to, the following:

- Children's playhouse, garden house, or private greenhouse
- Civil defense shelter serving not more than two (2) families
- Garage, shed, or building for domestic storage
- Incinerator incidental to residential use
- Storage of merchandise normally carried in stock on the same lot with any commercial use unless such storage is excluded by the district regulations
- Non-paying guest house or rooms for non-paying guests within an accessory building provided such facilities are used for the occasional housing of guest or occupants of the principal building and not for permanent occupancy by others as housekeeping units
- Servants' quarters or servants' house
- Off-street motor vehicle parking area; loading and unloading facility
- Fence; sign

ALLEY - A service way providing a secondary public means of access to abutting properties.

ALTERATIONS - As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another, or any change in use from that of one zoning district classification to another.

ALTERATIONS, STRUCTURAL - Any change in the supporting members of a building such as bearing walls, columns, beams, girders, or foundations.

APARTMENT - A room or suite of rooms in a multiple-family structure which is used as a single housekeeping unit, and which contains complete kitchen, bath and toilet facilities, permanently installed.

APARTMENT HOTEL - A building consisting of guest rooms, suites of rooms, or dwelling units which are occupied more or less permanently, wherein the occupants are furnished so-called hotel services, including dining room and maid service.

APARTMENT HOUSE - A building used by three (3) or more families living independently of each other and containing dwelling units.

AREA, BUILDING - The total of areas taken on a horizontal plane at the main grade level of the principal building exclusive of uncovered porches, terraces, steps, garages and other accessory buildings.

AUTOMOBILE REPAIR, MAJOR - Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service; including body, frame or fender straightening or repair, overall painting of vehicles.

AUTOMOBILE REPAIR, MINOR - Incidental repairs; replacement of parts; motor service to automobiles; state inspection; but not including any operation specified under AUTOMOBILE REPAIR, MAJOR above.

BASEMENT - A story partly underground, but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is five (5) feet or more or if the basement is used for business or dwelling purposes.

BILLBOARD - Structure, building wall, or other outdoor surface used to display lettered, pictorial, sculptured, or other matter which directs attention to any product, announcement, commodity, or service offered only elsewhere than on the premises or as a minor and incidental service on the premises.

BOARD - The Zoning Hearing Board of Ferndale Borough.

BUFFER AREA - A strip of land which is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no structure is permitted except a wall or fence.

BUILDING - A structure having a roof supported by columns or walls, for the shelter of persons, animals, chattels, or property. When separated by walls which are common with the walls of adjoining dwellings, each portion of such structure shall be considered a separate building. It shall include any overhang, projection or roof extending beyond a wall or support. Sun parlors and covered porches whether enclosed or unenclosed, but does not include walks, steps, or terraces.

BUILDING LINE - The line of that face of the building nearest the front line of the lot. This face includes front main foundation but does not include walks, steps, or terraces.

BUILDING HEIGHT - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eave and ridge for gable, hip and gambrel roofs.

CELLAR - A portion of a building having one-half or more of its height below the average grade of the adjoining ground. In a dwelling, a cellar may not contain the principal living quarters.

COVERAGE - That percentage of the lot area covered by the building area.

DISTRICT, ZONING - A section of Ferndale Borough for which uniform regulations governing the use, height, area, and intensity of use of buildings and land and open spaces about buildings are herein established.

DWELLING - A building designed or used exclusively as the living quarters for one or more families.

DWELLING, ONE-FAMILY - A detached building designed for or occupied exclusively by one family.

DWELLING, TWO-FAMILY - A building designed for or occupied exclusively by two families living independently of each other, with separate dwelling unit entrances.

DWELLING MULTIPLE-FAMILY - A dwelling or group of dwellings on one plot or lot containing separate living units or dwelling units for three or more families, but which may have joint services or facilities or both.

DWELLING, GROUP - A group of two or more one-family, two-family, or multiple-family dwellings occupying a lot in one ownership and having a yard in common.

DWELLING, MULTI-STORY MULTIPLE-FAMILY - A multiple family dwelling of more than three (3) stories, unless further restricted in district regulations herein.

DWELLING, TOWNHOUSE - A Townhouse is a multi-story dwelling that is one of a planned complex of such contiguous dwellings sharing common party walls. Such dwellings are divided into distinct and non-communicating units, with each dwelling unit having direct access to the outdoors. Provision for separate utilities and separate lots for all dwelling units in a building must be made, and the facades of dwelling units shall harmonize with each other and the surrounding neighborhood.

FAMILY - One or more persons related by blood, marriage, or adoption, or two unrelated persons living as a household in a dwelling unit. May also include domestic servants and gratuitous guests.

FLOOR AREA - The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls, or from the centerline of common walls separating buildings. For purposes of determining dwelling standards, the garage and basement areas shall not be included. For purposes of determining parking and loading space requirements for the several zoning districts herein, the "floor area" of a building or buildings shall include: basement space, penthouses, attic space providing structural headroom of seven and one-half (7 1/2) feet or more, interior balconies and mezzanines, enclosed porches, accessory uses other than accessory off-street parking, lobbies, and hallways. For determination of parking and loading space requirements, the following areas shall not be included: cellar space, elevator shafts and stairwells, floor space for mechanical equipment as necessary to service the needs of the building, uncovered steps, terraces, breezeways, open spaces unroofed unless specifically required in the parking regulations herein, and fitting and dressing rooms.

GARAGE, PRIVATE - An accessory building, housing only motor-driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.

GARAGE, PUBLIC - Any garage other than a private garage, available to the public, and which is used for storage, parking, repair, rental greasing, washing, servicing, adjusting, or equipping of motor-driven vehicles

HABITAT LIVING SPACE - Refers to space utilized by occupant within a dwelling unit including the following areas: living room, dining room, kitchen, bedroom, bathroom, closets, stairways, etc. but not including basements, garages or common hallways and common stairways.

HEIGHT - See BUILDING HEIGHT herein.

HOME OCCUPATION - A secondary use of a service nature customarily conducted within a residential dwelling by the residents with no paid assistants. A home occupation is clearly secondary to the use of the residential dwelling and does not change the character thereof or have any exterior evidence of such secondary use other than a small sign, and in connection therewith there is not involved the keeping of or exhibition of stock in trade.

The office of a physician, dentist, architect, or other professional person shall be deemed to be a Home Occupation. Instructions in violin, piano, or other individual musical instruments limited to a single person at a time shall also be deemed a Home Occupation. The occupations of dressmaker, barber, watchmaker, milliner, beautician, seamstress, or other persons who offer skilled services to clients, and are not engaged in the purchase or sale of economic goods, shall also be deemed to be Home Occupations.

The following are not permitted as Home Occupations: dancing instruction, band instrument instructions in groups, tea rooms, tourist homes, real estate offices, convalescent homes, mortuary establishments, stores, trades, autobody work shops, or business of any kind.

HOSPITAL - The term "hospital" shall include residential in-patient treatment facilities such as sanitarium, sanitorium, preventorium, rest home, nursing home, convalescent home, and any place for in-patient care.

HOTEL - A building in which lodging is provided and offered to the public for compensation and in which ingress and egress to and from rooms is made from an inside lobby or office supervised by a person in charge at all hours, and which is open to transient guests, in contradistinction to a boarding house, lodging house, or rooming house.

HOTEL, MOTOR - A building in which lodging is provided and offered to the transient public for compensation and in which egress and ingress to and from rooms may be made either through an inside lobby or office supervised by a person in charge at all times or directly from the exterior.

INSTITUTIONAL HOUSE - A public or private benevolent establishment devoted to the shelter, maintenance, or education and care of minor children; homeless, half-way house, aged, or infirm persons.

LIVESTOCK - Such animals normally raised on farms for individual consumption or for sale. Generally such animals include but are not limited to pigs, goats, sheep, cattle, horses, chickens, or other fowl.

LOADING SPACE - A space within the main building or on the same lot therewith providing for the standing, loading, or unloading of vehicles.

LOT - A parcel, tract, or area of land accessible by means of a public street which is intended for transfer of ownership, use, lease, improvements or for development, regardless of how it is conveyed. Lot shall also mean parcel, plot, site, or any similar term.

LOT, CORNER - A lot at the junction of two or more intersecting streets and having frontage on two or more such streets.

LOT, DEPTH OF - The mean horizontal distance between the front lot line and the rear lot line, measured midway between the side lot lines.

LOT, INTERIOR - A lot other than a corner lot or a through lot.

LOT LINE, FRONT - In the case of an interior lot, the line separating the lot from the street. In the case of a corner lot, the line separating the narrowest frontage of the lot from the street.

LOT, THROUGH - A lot having frontage on two parallel or approximately parallel streets and which is not a corner lot.

LOT, WIDTH - The dimension of a lot, measured between the side lot lines on the building line.

MEDICAL AND DENTAL OUT-PATIENT CLINIC - Limited to a non-residential place for the diagnosis, treatment, or other care of human ailments.

MOBILE HOME - A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit or in two units designed to be jointed into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK - A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

MODULAR HOME - A transportable, single family dwelling intended for permanent occupancy contained in two or more units and designed for use with a permanent foundation.

MOTEL - See HOTEL, MOTOR herein.

NON-CONFORMING USE - A building or use of land lawfully existing on the effective date of this ordinance that does not completely conform to the use regulations for the district in which it is located.

NURSERY SCHOOL - A school designed to provide daytime care or instruction for two or more children of preschool age.

PARKING LOT - Any lot, parcel, or yard used in whole or in part for the storage or parking of two or more vehicles where such usage is not incidental to or in conjunction with a one-family or two-family dwelling.

PARKING SPACE - An off-street space available for the parking of one motor vehicle and having an area of not less than 180 square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to a street or alley.

PLANNING COMMISSION/COMMITTEE - The Planning Body of Ferndale Borough, which shall have conferred and imposed upon it all the powers of the Zoning Commission.

PORCH - An open structure projecting from the front, side or rear wall of a building and having no enclosed features of glass, wood or other material more than 30 inches above the floor thereof, except the necessary columns to support the roof.

SELF-SERVICE LAUNDRY - A business that provides home-type washing, drying, or ironing machines, or dry-cleaning machines for hire to be used by customers on the premises.

SERVICE STATION - A building(s), premises, or portions thereof which are used, arranged, designed, or intended to be used for the retail sale of gasoline or other fuel for motor vehicles, boats, or aircraft, as well as for minor automobile repair, including state inspection.

SIGN - Any surface, fabric, or device bearing lettered, pictorial, sculptured, or other matter designed to convey information visually and exposed to public view; any structure designed to carry the above visual information; any structure or device designed or installed principally to direct or attract attention, except traffic signs or devices.

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STREET - A strip of land, including the entire right-of-way (not limited to the cartway), intended for use by the general public as a means of vehicular and pedestrian circulation to provide access to more than one lot.

STRUCTURE - Any materials or combination of materials, which are constructed or erected, the use of which requires location on or in the ground, or attachment to something having location on or in the ground.

USE - The specific purpose for which land or a building is designed, arranged, intended, or for which it may be occupied or maintained. The term PERMITTED USE or its equivalent shall not be deemed to include any non-conforming use.

YARD - A space on the same lot with a principal building, open, unoccupied, and unobstructed by structures, except as otherwise provided in this ordinance.

YARD, FRONT - A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lampposts, and similar structures, the depth of which is the least distance between the lot line and the building line.

YARD, REAR - A yard extending across the full width of the lot between the rear of the principal building and the rear lot line, unoccupied by other than accessory buildings which do not occupy more than thirty-five (35) percent of the space, and steps, walks, terraces, driveways, lampposts, and similar structures, the depth of which is the least distance between the rear lot line and the rear of such buildings.

YARD, SIDE - A yard between the principal building and the side lot line, extending from the front yard, or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally and at ninety degrees (90°) with the side lot line, from the nearest part by encroachment of the principal building.

ARTICLE III

ESTABLISHMENTS OF DISTRICTS

SECTION 301 ESTABLISHMENT OF DISTRICTS AND THE ZONING ORDINANCE MAP

The Borough of Ferndale hereby classifies and divides into six (6) districts designated as follows:

R-1 DISTRICT	One Family Residential District
R-2 DISTRICT	Multi-Family Residential District
C DISTRICT	Commercial District
LI DISTRICT	Light Industrial District
RC DISTRICT	Recreation and Conservancy District
FP DISTRICT	Flood Plain District

SECTION 302 INTERPRETATION OF DISTRICT BOUNDARIES

A. Where district boundaries are indicated as approximately following the centered lines of streets, highways, street lines, highway right-of-way lines, or streams, such center lines shall be construed to be such boundaries.

B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.

C. Where district boundaries are so indicated that they approximately follow or are parallel to the centerlines of streets, highways, or the rights-of-way of same, such district boundaries shall be construed to be parallel thereto and at such distance therefrom as indicated on the Zoning Ordinance Map.

D. Where the boundary of a district follows a railroad, such boundary shall be deemed to be located in the middle of the main tracks of such railroad.

E. Where the boundary of a district follows a stream or other body of water abutting another municipality, the boundary shall be deemed to be the limits of jurisdiction of the Borough, unless otherwise indicated.

ARTICLE IV

GENERAL PROVISIONS

SECTION 401 CONFORMANCE AND PERMITS

No building or land shall, after effective date of this ordinance, except for existing non-conforming uses, be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located, and then only after applying for and securing all permits and licenses required by all laws and ordinances.

SECTION 402 GENERAL RESTRICTIONS

No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have a narrower or smaller rear yard, side yard, or front yard than is hereby specified for the district in which the building is located.

SECTION 403 YARDS

No part of a yard or other open space about any building required for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or open space similarly required for another building.

SECTION 404 SUBSTANDARD DWELLINGS

No structure shall be used or occupied as a dwelling if such structure is in need of such major structural repairs as to render it unsafe or unsanitary, or if the premises do not have connection with the municipal sewer system or alternative sanitary sewage facilities approved by the local public health authorities having jurisdiction.

SECTION 405 PUBLIC UTILITY LINES

For the transportation, distribution, and control of water, gas, electricity, oil, steam, telegraph and telephone communications and their supporting members other than buildings, and railroads shall not be required to be located on a zoning lot nor be held to reduce yard dimensions for other buildings on a lot.

SECTION 406 LOTS NOT MEETING LOT AREA REQUIREMENTS

Nothing in the district regulations shall be held to prohibit the erection of a one-family dwelling upon a lot whose size is inadequate to meet the lot area regulations set for the district, provided such lot on the effective date of this ordinance was held under separate ownership from the adjoining lots or is a lot in a recorded plan which complies with all district regulations, except lot area requirements, or is a lot in a subdivision plan approved under the Borough of Ferndale subdivision regulations.

SECTION 407 MOBILE HOME PARKS

Mobile homes, home trailers, or auto trailers shall be permitted for permanent occupancy in the R-2 district and in mobile home parks only. All mobile homes must be permanently affixed to a foundation so as to prevent tipping due to high winds or flash flooding, and comply with all other requirements of Section 502.

SECTION 408 PROPERTY SURVEY

Prior to all new construction the owner and/or developer must have each lot or lots properly surveyed by a certified surveyor or professional engineer, and the location of the proposed building and/or buildings (drawn to scale) indicated on said survey.

ARTICLE V

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

SECTION 501 R-1 ONE FAMILY RESIDENTIAL DISTRICT

Within the R-1 One Family Residential District the following regulations apply:

A. Permitted Uses

-- One family detached dwelling

Permitted by Special Exception

-- Public school or private school having a curriculum similar to that ordinarily given in a public school, including religious instruction in parochial schools.

- Church and similar place of worship
- Convent, monastery, rectory, or parish house to be occupied by not more than ten persons
- Private swimming pool appurtenant to a dwelling by special exception as per section 1003. Swimming pools or the property on which they are located must be adequately fenced to prevent free access of small children and meet all applicable health and sanitary requirements. The Zoning Officer shall have complete discretion as to what is "adequate".
- Public recreation (Borough, County or State) areas including municipal parks

B. Accessory Uses: Customarily incidental to any of the above permitted uses and including:

- Private Garage
- Fence or ornamental wall not over five (5) feet in height (rear and side yard only)
- Cultivation of plants (non Commercial only)
- Home Occupation

Permitted by Special Exception

- Parking of boats, boat trailers and house trailers not used as dwellings on the premises
- Children's playhouse, garden house, private (non-commercial) greenhouse
- A garage, shed or building for domestic storage, dog kennel (non-commercial) or similar domestic pet housing

C. Non-Permitted Uses

Surface mining, Commercial and Industrial Establishments, Deep Mining Facilities, the keeping of Livestock, and other activities that are deemed damaging to the purpose of this ordinance.

D. Height

The maximum height of buildings hereafter erected or altered shall be as follows:

- One family detached dwelling - thirty-five (35) feet or two and one-half (2 1/2) stories
- Church or similar place of worship - Forty-five (45) feet for the principal building and seventy-five (75) feet for steeples or towers
- Any other permitted building - Thirty-five (35) feet or two and one-half (2 1/2) stories
- Accessory building - twenty (20) feet

E. Lot Area

The minimum lot area for every building hereafter erected or altered shall be as follows:

-- One family detached dwelling, convent, monastery, rectory or parish house - a minimum of 4,800 square feet and a width at the building line of not less than forty (40) feet.

-- Church or similar place of worship - one and one-half (1 1/2) acres and a width at the building line of not less than two hundred (200) feet.

-- Public or private school -

Elementary School: Ten acres plus one (1) acre for every one hundred (100) students at design capacity;

Junior High School: Twenty (20) acres plus one (1) acre for every one hundred (100) students at design capacity.

High School: Thirty-five (35) acres plus one (1) acre for every hundred (100) students at design capacity.

F. Yard Areas

No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement:

-- Front Yard - not less than fifteen (15) feet.

-- Side yard - on each side, not less than four (4) feet in width, free from all encroachments such as overhanging eaves and cornices, porches, steps, cellar doors, etc. on each side of a one-family dwelling, unless prior to the effective date of this ordinance, lots have been accepted by Ferndale Borough Council with less than 40 feet frontage on any Borough Street and in that event, the side yard on each side of a one-family dwelling shall be equal to 10% of the amount of the foot frontage of the lot, but, in no event, shall be less than four (4) feet.

Side yards, on corner lots, shall be fifteen (15) feet clear of all encroachments on the street side. Side yard fences are allowed to sit on side yard property lines.

-- Rear yard - There shall be a rear yard of not less than 25% of the depth of the lot at the ground level.

Accessory buildings and private garages may occupy not more than 35% of the required area of the rear yard. The yard area occupied by such accessory buildings, shall, however, be included in computing the percentage of the lot area which may be built upon in a given zone.

No private garage or other accessory building shall be nearer to a rear or side property line than four (4) feet unless otherwise permitted in side yard requirements of this Article. No garage or other accessory building shall be placed nearer to a rear lot line, which serves as a side line of an adjoining property, than four (4) feet. Nothing contained herein, however, shall prevent the construction of a private garage as a structural part of a dwelling, provided, that when so constructed, the garage walls shall be regarded as any other walls of the main building in applying the front, side, and rear yard requirements of this Ordinance.

G. Present Average Setback

1. The present average setback shall be the average distance of setback from the front street line of the nearest main building or buildings within 100 feet on each side of the street. Where no main building exists within 100 feet of either side of the building to be erected, the present average setback shall be the average distance of setback from the front street line of all main buildings within the block.

2. Exclusive of open porches projecting no more than eight (8) feet and overhanging eaves and cornices, no building shall extend nearer to a front street line than the "Present Average Setback", and in no event, less than fifteen (15) feet back from the street line.

3. In the case of a corner lot having two street frontages of approximately equal lengths, the owner may designate either of the two exterior yards as the front yard and the other as the side yard. In such case, no building (free of all encroachments) shall extend nearer to the street line of the yard designated as the side yard than fifteen (15) feet.

H. Off-Street Parking Facilities

Shall be provided as required or permitted under Article XI.

SECTION 502 R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICT

Within the R-2 Multiple Family Residential District, the following regulations shall apply:

A. Permitted Uses

- Any use and accessory use permitted in the R-1 District
- Two family dwelling
- Multiple family dwellings and apartments with not more than six (6) dwelling units in one structure
- Mobile home park as specified in Section 1002 hereof

Permitted by Special Exception

- As permitted by Special Exception in the R-1 District
- Conversion apartments for family occupancy
- Efficiency apartments

B. Non-Permitted Uses

As required in the R-1 District

C. Height

As permitted in the R-1 District, except the multiple-family dwellings shall be restricted by lot coverage, and a maximum height of three (3) stories.

D. Lot Area

The minimum lot area for every building hereafter erected or altered shall be as follows:

- One family detached dwelling as required in R-1 District.
- Two family dwelling - 2,400 square feet per dwelling unit and a width at the building line of not less than 40 feet.
- Multiple family dwelling - not less than 1,600 square feet per dwelling unit or apartment and a width at the building line of not less than 40 feet.
- Church and similar place of worship - as required in the R-1 District.
- Public or private school - as required in the R-1 District.

E. Yard Areas

No building or structure shall be hereafter erected or enlarged unless the following yards are provided and maintained in conjunction with such building, structure or enlargement:

- Front Yard - as required in R-1 District
- Side Yard - as required in R-1 District
- Rear Yard - There shall be a rear yard of not less than 20% of the depth of the lot at the ground level.

Accessory buildings and private garages as required in R-1 District

F. Special Regulations for Conversion - Apartments:

1. Plans and specifications to be submitted and approved by the Zoning Officer.
2. No living quarters to be below ground level.
3. Exterior to be renovated at the time of conversion and in accordance with generally accepted architectural design and practice.
4. The entire structure of the building, both exterior and interior, must be up to minimum Housing Code standards at time of conversion when such codes are adopted by the Borough Council.
5. No building shall be more than three (3) stories in height.
6. No multiple family dwelling shall be occupied by more than six (6) families.
7. Each housekeeping unit must have living quarters with an area of not less than 500 square feet of usable floor space per unit, exclusive of bathroom and kitchen facilities.

8. No multiple dwelling or two-family dwelling unit shall occupy more than 60% of the lot area.

9. Garage Facilities - Garage facilities for any two family dwelling or multiple dwelling unit may be erected upon the same lot for the housing of automobiles for those who have a residence in such dwelling. These garage facilities shall be subject to rear yard restrictions contained elsewhere in this Ordinance.

10. In any event, all conversions or alterations must conform to any other provisions of this Ordinance relating to area, yard, height restrictions - including off street parking according to the provisions of Article XI.

G. Present Average Setback

As required in the R-1 District.

ARTICLE VI

PROVISIONS GOVERNING COMMERCIAL DISTRICTS

SECTION 601 C COMMERCIAL DISTRICT

Within the C Commercial District, the following regulations shall apply:

A. Permitted Uses

1. Any use or accessory use permitted in any R-1 and R-2 Residential District.

2. Amusement establishment, including bowling alleys, similar place of recreation when conducted wholly within a completely enclosed building.

3. Art, book, school supply and stationery store.

4. Automobile repair - minor.

5. Auto accessory store, automobile and truck sales and incidental service.

6. Bakery shop, including the baking and processing of baked food products when prepared for retail use on the premises only.

7. Bank or financial institution.

8. Barber Shop, beauty shop.

9. Bicycle repair, sales, rental.

10. Blueprinting, photostating establishment.

11. Camera and photographic store.

12. Candy or ice cream store.

13. Custom dressmaking millinery, tailoring or shoe repair when conducted for retail sales on the premises only.

14. Delicatessen

15. Dry Cleaning outlet - no on-site cleaning permitted.

16. Drugstore

17. Electrical appliances store, sales, service, repair, but excluding appliance assembly or manufacture.

18. Florist shop.

19. Food, fruit or vegetable store.

20. Funeral home.

21. Furniture store.

22. Furrier, conducted as a retail operation for trade on the premise only.

23. Garden supplies, seed store, nursery.

24. Gift store.

25. Hardware store.

26. Hobby store.

27. Interior decorating business.

28. Jewelry store.

29. Meat market.

30. Newsstand.

31. Office, business or professional or broadcasting stations.

32. Business and non-medical professional.

33. Medical and dental out-patient clinic.

34. Paint, wallpaper sales.

35. Plumbing, heating, similar business showroom, including shop or repair facilities.

36. Post office or Postal substation.

37. Restaurants.

38. Service station or other motor vehicle services. Tank size shall not exceed ten thousand (10,000) gallons and number of tanks will not exceed five (5).

39. Shoe store.

40. Sporting goods store.

41. Theater, indoor.

42. Tobacco store.

43. Typewriter, office equipment sales and service.

44. Variety store.

45. Watch repair.

46. Similar type commercial use not specifically listed when authorized as a special exception by the Zoning Hearing Board after receipt and review of recommendations of the Planning Commission/Committee. Special exceptions shall be based upon compatibility and similarity to other uses listed herein and shall not be prejudicial to the health or public safety of the community.

47. All activities permitted in the C District shall be conducted at least partly within an enclosed building.

B. Non-Permitted Uses

As required in the R-1 District, and:

a. All manufacturing, assembling, treating, processing, servicing or repairing of goods or merchandise which are not retail businesses conducted on the premises, or which constitute nuisances by reason of odor, noise, dust or smoke, or which constitute unusual fire or explosion hazards or which, in any manner, are detrimental to the health, morals or welfare of the community.

b. No service station or commercial garage, or vacant lot other than located in a commercial zone, or existing as nonconforming use in any other zone shall be used for the storage or rental of trucks, trailers, utility trailers or other rental vehicles unless said vehicles are parked within a building so as not to be visible. In the event sufficient inside storage is not available this shall be a prohibited use.

c. Height

The maximum height of buildings hereafter erected, altered or enlarged shall be forty (40) feet.

d. Lot Area

The minimum lot area for every building hereafter erected or altered shall contain a minimum of 4,800 square feet, and a width at the building line of not less than forty (40) feet.

e. Yard Areas

No building shall be hereafter erected, altered or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

Front yard - not less than fifteen (15) feet.

Side yard -not less than four (4) feet. Where abutting an R District there shall be provided in addition to the four (4) feet, a buffer area of not less than four (4) feet.

Rear yard - not less than ten (10) feet. Where abutting an R District there shall be provided in addition to the rear yard requirements, a buffer area of not less than four (4) feet.

f. Off-Street Parking and Loading Facilities

Shall be provided as required or permitted under Article XI.

ARTICLE VII

PROVISIONS GOVERNING LIGHT INDUSTRIAL DISTRICT

General Provisions - Statement of Intent

The (L-1) Light Industrial District is intended to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Borough of Ferndale, provide opportunities for local employment close to residential and commercial areas and otherwise further the purposes set forth in the initial paragraphs of this Ordinance. The limitations on use, height and lot coverage are intended to provide for modern light industrial development in an urban environment that produces no detrimental effect to other districts beyond the Light Industrial boundary.

SECTION 701 - USE REGULATIONS

In this district, the land and structures may be used, and structures may be erected, altered, enlarged, and maintained for Light Industrial uses listed hereunder, provided:

A. In the Light Industrial District, all business, servicing, manufacturing or processing within 500 feet of an adjacent district shall be conducted at least partly in an enclosed building. All storage in a Light Industrial District within 500 feet of an adjacent district shall be effectively screened by a solid fence or planting so that the materials shall not be visible from the other districts

bordering the Light Industrial District.

B. Activities involving the storage, utilization or manufacture of products which decompose by detonation shall be prohibited.

C. In the Light Industrial District, the storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two hours and protected with an automatic fire extinguishing system. The outdoor storage of such materials shall be permitted no closer than ten (10) feet from all lot lines.

D. Particulate matter emission from materials or products subject to becoming windborne shall be kept to a minimum by paving, oiling, wetting, covering or other means, such as to render the unpaved roads, yards and storage piles of bulk materials.

E. No toxic matter may be discharged into the water or sewers or buried under the ground. The determination of what is a toxic matter for the purpose of enforcing this Ordinance is any toxic matter listed by the American Conference of Governmental Industrial Hygienists.

F. Regardless of any other provisions of this Ordinance, no use shall be constructed or operated so as to create any noxious, offensive, objectionable, or other undesirable effect on persons or property outside the lot line by virtue of emission of smoke, particulate matter, noise, dust, fumes, vibration, odor, glare, heat, humidity, solid waste, and liquid waste. Materials used and products stored shall be adequately housed, shielded, or screened so that health, safety, and welfare of persons occupying the property or adjacent properties are not jeopardized.

G. There may be retail sale of products on the premises, when such sale is clearly incidental to the permitted industrial use.

H. Permitted Uses:

1. Any use permitted in a R-1, R-2 or C District.
2. Agricultural activities including greenhouse and nursery.
3. Bakery.
4. Bank, Financial institutions, savings and loan association, drive-in or main offices.
5. Bottling work.
6. Building material yards or establishments.
7. Business, charitable, professional and consulting offices.

8. Cabinet making establishments and carpenter shops.
9. Clothing factory.
10. Contractor's yard.
11. Dairy.
12. Drycleaning plant.
13. Dying plant.
14. Fruit Canning and packing establishment.
15. Ice Plant.
16. Machine shop.
17. Milk Distribution Station.
18. Motor Vehicle Repair, Major.
19. Optical goods factory.
20. Paper box factory.
21. Pencil factory.
22. Printing, publication and engraving plant.
23. Sheet metal shop.
24. Storage firm.
25. Warehouses - wholesale storage facilities.
26. Welding shop.
27. Wholesale business.
28. Any lawful use not specifically permitted in an R-1, R-2, C or RC District.
29. Accessory use or building customarily incidental to the above permitted uses and as regulated by this ordinance.
 - I. Uses by special exception:
 1. Storage Yard and building for contractors or excavating equipment.
 2. Billboards.
 3. Any industry that is compatible to the borough with the approval of the Zoning Hearing Board.