

Bill No.: 5-17
Introduced: April 11, 2017
By Commissioner: McLean
Enacted: _____

**MT. LEBANON, PENNSYLVANIA
ORDINANCE NO. ____**

**AN ORDINANCE TO CLARIFY AND UPDATE A NUMBER OF
PROVISIONS IN CHAPTER XX OF THE MT. LEBANON CODE
ENTITLED "ZONING."**

WHEREAS, Mt. Lebanon, Pennsylvania, desires to amend Chapter XX of the Mt. Lebanon Code, entitled "Zoning," to clarify and update a number of provisions of the Zoning Code.

NOW THEREFORE, MT. LEBANON, PENNSYLVANIA, HEREBY ORDAINS:

Section 1. Section 104.3 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to read as follows (new text bracketed and deleted text in strikethrough):

104.3 Frontage on Public Street Required. Each *Single-family*, ~~and Two-family~~, [*and Multi-Family*] *Dwelling* shall have a *Lot Line* front on a *Public Street* dedicated for *Public Use* and improved to Municipal Standards. This regulation also shall apply to *Single-family Dwellings*, ~~and Two-family Dwellings~~, [*and Multi-Family Dwellings*] located in a development consisting of varied housing types.

Section 2. Section 106.1 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to remove the following verbiage after the chart:

In order to carry out the purposes and provisions of this Chapter, Mt. Lebanon is hereby divided into the following districts:

Section 3. Section 109 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended as follows:

Savings Clause. In the case where a use is not specifically listed as permitted or conditional or **by special exception** in any zoning district established by this chapter, the property *Owner* may request approval as a special exception as per the provisions of this part. Said use shall be situated on land in the C-2 Zoning District. **In addition to the general requirements for special exceptions, the following will apply:**

109.1. The proposed use must be demonstrated to not be permitted in any other zoning district under the terms of this Chapter.

109.2. The proposed use must comply with Municipal building, health, housing, rental, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Municipality, or shall be a condition of approval.

109.3. In addition to any other requirement in this Chapter or other applicable law, the applicant shall provide:

- a. A plan demonstrating compliance with Parts 7 and 8 of the Chapter. This information is required for both residential and non-residential uses.
- b. A detailed description of how the proposed use and development complies with the requirements of the C-2 District, this subsection, and the general Special Exception standards.
- c. A schematic architectural drawing of the principal building(s) front façade(s).

Section 4. The Front Yard setback requirements for residential uses found in Sections 202.5.3.1.1.1, 203.5.3.1.1.1, 204.6.3.1.1.1, 205.6.3.1.1, 206.5.3.1.1, of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended read as follows (new text bracketed and deleted text in strikethrough):

Principal or Accessory Use or Structure: As shown on the *Recorded Plat*; if none is shown on the *Recorded Plat*, where a *Lot* is situated between two (2) *Lots* having on each a *Principal Use*, the *Front Yard* shall be the average of the *Front yards* of the adjacent *Principal Uses*. [If a *Lot* is situated between two (2) *Lots* that do not have a *Principal Use* and no *Front Yard* is shown on the *Recorded Plat*, the minimum *Front Yard* shall be 35 feet.]

Section 5. Section 202.2 and 202.3 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended read as follows (new text bracketed and deleted text in strikethrough):

202.2 *Uses by Right*. The following *Uses* are permitted in the R-1 District:

- 202.2.1 *Single-family Detached Dwellings*.
- 202.2.2 *Accessory Uses* as outlined in §803.
- 202.2.3 When conducted entirely within a *School*:
 - 202.2.3.1 *Business and Professional Office*.

202.2.3.2 *Civic, Social, Recreational, Educational or Cultural Center.*

202.2.3.3 *Day Care Centers*, subject to the Additional Requirements for Specified Uses in §610.

202.2.3.4 Studio for art, dancing, or music activities.

202.2.3.5 For the purpose of this Subsection only, the term School shall mean a *Public School*, which is an authorized Use when more than fifty percent (50%) of the total area is used for *School* purposes.

~~202.2.4~~ *Municipal Facilities.*

~~202.2.5~~ *Municipal Parks and Recreation Areas]*

~~202.2.4~~ ~~[202.2.6]~~ *Non-Tower WCF* mounted on an existing *Public Utility Transmission Tower*.

202.3 *Conditional Uses.* The following *Uses* are authorized as conditional uses subject to the conditions as set forth in §1002 of this Chapter:

~~202.3.1~~ ~~—~~ ~~*Municipal Facilities.*~~

~~202.3.2~~ ~~—~~ ~~*Municipal Parks and Recreation Areas.*~~

~~202.3.3~~ ~~[202.3.1]~~ *Places of Worship.*

~~202.3.4~~ ~~[202.3.2]~~ *Public and Semi-Public Uses.*

~~202.3.5~~ ~~[202.3.3]~~ Office Boutique Overlay (where indicated in §401.1).

~~202.3.6~~ ~~[202.3.4]~~ *Mixed Use* Overlay.

Section 6. Section 203.2 and 203.3 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended read as follows (new text bracketed and deleted text in strikethrough):

203.2 *Uses by Right.* The following *Uses* are permitted in the R-2 District:

203.2.1 *Single-family Detached Dwelling.*

203.2.2 *Accessory Uses* as outlined in §803.

203.2.3 When conducted entirely within a *School*:

203.2.3.1 *Business and Professional Office.*

203.2.3.2 *Civic, Social, Recreational, Educational or Cultural Center.*

203.2.3.3 *Day Care Centers*, subject to the Additional Requirements for Specified *Uses* in §610.

203.2.3.4 Studio for art, dancing, or music activities.

[203.2.3.5] For the purpose of this Subsection only, the term School shall mean a Public School, which is an authorized Use in this District in which more than fifty percent (50%) of the total area is used for School purposes.

~~203.2.4 Non-Tower WCF mounted on an existing Public Utility Transmission Tower.~~

[203.2.4 *Municipal Facilities.*

203.2.5 *Municipal Parks and Recreation Areas.]*

~~203.2.5~~ [203.2.6] Non-Tower WCF mounted on an existing Public Utility Transmission Tower, subject to the requirements of §607.

203.3 Conditional Uses. The following *Uses* are authorized as conditional uses subject to the conditions as set forth in §1002 of this Chapter:

~~203.3.1 Municipal Facilities.~~

~~203.3.2 Municipal Parks and Recreation Areas.~~

~~203.3.3~~ [203.3.1] Places of Worship.

~~203.3.4~~[203.3.1] Public and Semi-Public Uses.

~~203.3.5~~ [203.3.1] Office Boutique Overlay (where indicated in §401.1).

~~203.3.6~~ [203.3.1] Mixed Use Overlay.

~~203.3.7~~ [203.3.1] Hospital.

Section 7. Section 204.3 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to read as follows (new text bracketed and deleted text in strikethrough):

Permitted [Authorized] Uses Subject to Site Plan Review. The following *Uses* are allowed in the R-3 District subject to *Site Plan Review*:

Section 8. Section 204.4 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to remove “*Municipal Facilities*” and “*Municipal Parks and Recreation Areas*” from §204.4 *Conditional Uses*. Section 204.2 is hereby amended to add “*Municipal Facilities*,” “*Municipal Parks and Recreation Areas*,” and “*Townhouses (as a form of Single Family Attached Dwellings)*” to §204.2 *Uses by Right*. The numbering of the sub-sections under 204.2 and 204.4 is hereby updated accordingly to reflect the change.

Section 9. Section 205.2.10 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to read as follows (new text bracketed and deleted text in strikethrough):

205.2.10 ~~Mass-Transit Passenger-Station~~

Section 10. Section 205.4 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to remove “*Municipal Facilities*” and “*Municipal Parks and Recreation Areas*” from §205.4 *Conditional Uses*. Section 205.2 is hereby amended to add “*Municipal Facilities*,” “*Municipal Parks and Recreation Areas*,” and “*Townhouses (as a form of Single Family Attached Dwellings)*” to §205.2 *Uses by Right*. The numbering of the sub-sections under 205.2 and 205.4 is hereby updated accordingly to reflect the change.

Section 11. Section 205.6.3.1.2.1 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to read as follows (new text bracketed and deleted text in strikethrough):

Single-family Attached Dwelling, Single-family Detached Dwelling or Two-family Dwelling and Accessory Structure: two (2) Side Yards totaling (15) feet [when measured from the Building to the property line, but in no case shall any Side Yard be less than (5) feet. For Single-family Attached Dwellings, there shall be no side yard required at the point of attachment between the dwellings.] none less than (5) feet.

Section 12. Section 205.6.3.1.2 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to read as follows (new text bracketed and deleted text in strikethrough):

205.6.3.1.2.3 *Rear Yard — Principal or Accessory Use or Structure: thirty (30) feet.*
[205.6.3.1.2.4 *Rear Yard — Accessory Use or Structure: five (5) feet.*]

Section 13. Section 205.7 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended so that the chart of Area and Bulk Regulations for the R-4 District reflects the changes made in Section 10 and Section 11 of this Ordinance.

Section 14. Section 206.1, 206.2, and 206.3 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to remove “*Municipal Parks and Recreation Areas*” from §206.2 *Authorized Uses* subject to *Site Plan* review and to remove “*Municipal Facilities*” and “*Municipal Parks*”

and Recreation Areas” from §206.3 *Conditional Uses*. “*Municipal Facilities*” and “*Municipal Parks and Recreation Areas*” are hereby added to §206.1 *Uses by Right*. The numbering of the sub-sections under 206.1, 206.2, and 206.3 is hereby updated accordingly to reflect the change.

Section 15. Section 206.5.3.1.3 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to read as follows (new text bracketed and deleted text in strikethrough):

206.5.3.1.3 *Rear Yard — Principal ~~or Accessory~~ Use or Structure:* thirty (30) feet.
[206.5.3.1.4 *Rear Yard — Accessory Use or Structure:* five (5) feet.]

Section 16. Section 206.6 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended so that the chart of Area and Bulk Regulations for the R-5 District reflects the changes made in Section 14 of this Ordinance.

Section 17. Section 207.2 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to add “*Municipal Facilities*” and “*Municipal Parks and Recreation Areas*” §207.2 *Uses by Right*. The numbering of the sub-sections under 207.2 is hereby updated accordingly to reflect the change.

Section 18. Section 207.5.3.1.2 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to read as follows (new text bracketed and deleted text in strikethrough):

Maximum *Building Height — Accessory Use or Structure:* fourteen (14) [feet].

Section 19. Section 208.2 and 208.4 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to remove “*Municipal Facilities*” and “*Municipal Parks and Recreation Areas*” from §208.4 *Conditional Uses* and add “*Municipal Facilities*” and “*Municipal Parks and Recreation Areas*” to §208.2 *Uses by Right*. The numbering of the sub-sections under 208.2 and 208.4 is hereby updated accordingly to reflect the change.

Section 20. Section 302.2.3 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to read as follows (new text bracketed and deleted text in strikethrough):

302.2 *Uses by Right.* The following *Uses* are permitted in the C-1 District:

302.2.1 *Single-family Attached Dwellings.*

302.2.2 Multi-family Dwellings, subject to the Additional Requirements for Specified Uses in §616.

302.2.3 Apartments only on second floor [or above] of commercial *Structures*.

302.2.4 *Accessory Uses* as outlined in §803.

~~302.2.5~~ — ~~Adult Family Day Care Homes.~~

~~302.2.6~~ [302.2.5] *Bed and Breakfast Establishments*, subject to the Additional Requirements for Specified Uses in §605.

[302.2.6] *Brewpub.*

~~302.2.7~~ — ~~Day Care Centers~~, subject to the ~~Additional Requirements for Specified Uses in §610.~~

~~302.2.8~~ — ~~Family Day Care Homes.~~

~~302.2.9~~ — ~~Hospice.~~

~~302.2.10~~ [302.2.7] *Mixed-use.*

~~302.2.11~~ [302.2.8] *Municipal Facilities.*

~~302.2.12~~ [302.2.9] *Municipal Parks and Recreation Areas.*

~~302.2.13~~ [302.2.10] Offices between the hours of 6:00 AM and 11:00 PM.

~~302.2.14~~ [302.2.11] *Public and Semi-Public Uses.*

~~302.2.15~~ [302.2.12] *Retail Sales and Service* operating between the hours of 6:00 AM and 11:00 PM, except the sale, storage or display of firearms, ammunition or explosives.

~~302.2.16~~ [302.2.13] *Non-Tower WCF* mounted on an existing *Public Utility Transmission Tower.*

~~302.2.17~~ [302.2.14] *Non-Tower WCF* mounted on an existing *Building.*

~~302.2.18~~ [302.2.15] *Non-Tower WCF* mounted on an existing *Tower-Based WCF* subject to the requirements of §607.

~~302.2.19~~ [302.2.16] *Restaurants* operating between the hours of 6 AM and 11 PM, including accessory outdoor seating/assembly areas but excluding *Drive-Thru* facilities. Subject to additional requirements for specified *Uses* in §621.

~~302.2.20~~ [302.2.17] Health Clubs or Spas.

Section 21. Section 303.3 of Chapter XX of the Mt. Lebanon Code (Zoning) are hereby amended to add the following uses as *Conditional Uses*:

Medical Marijuana Dispensary subject to regulations outlined in §632

Medical Marijuana Grower/Processor Facility subject to regulations outlined in §632.
Private and For-Profit Schools,
Warehousing/Self-Storage subject to regulations outlined in §633

Section 22. Sections §302.6, §303.6, and §304.6 of Chapter XX of the Mt. Lebanon Code (Zoning) contain summary charts for the area and bulk regulations within the C-1, C-2 and CBD Districts. Single-family detached homes are not permitted uses in any of these districts. Therefore, the column containing area and bulk regulations for Single-family Detached is hereby eliminated from the summary charts in §302.6, §303.6, and §304.6.

Section 23. A new Section 303.4.5 is hereby added:

303.4.5 Other Uses Not Otherwise Listed (see Section 109)

Section 24. Section 303.5.4.1 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to read as follows (new text bracketed and deleted text in strikethrough):

303.5.4.1 Residential Uses.

303.5.4.1.1 Maximum *Building Height* — *Single-family Detached* ~~*[Attached]/Apartments*~~; thirty-five (35) feet.

303.5.4.1.2 Maximum *Building Height* — ~~*[Multi-Family Principal]*~~ *Use or Structure*; eighty (80) feet.

303.5.4.1.3 For each additional foot of *Front Yard*, the *Building Height* may be increased by one (1) foot to a maximum *Building Height* of ninety-eight (98) feet.

303.5.4.1.4 Maximum *Building Height* — *Accessory Use or Structure*; fourteen (14) feet.

Section 25. Section 303.6 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended so that the chart of Area and Bulk Regulations for the C-2 District reflects the changes made in Section 23 of this Ordinance. The column containing area and bulk regulations for “Two family” residential use is hereby removed from the summary chart.

Section 26. Section 303.3.10 (Methadone Clinic) is deleted.

Section 27. Section 304.2 of Chapter XX of the Mt. Lebanon Code (Zoning) are hereby amended to read as follows (new text bracketed and deleted text in strikethrough):

304.2 Uses by Right. The following *Uses* are permitted in the CBD District:

304.2.1 Multi-family Dwellings subject to the Additional Requirements for Specified Uses in §616.

304.2.2 Apartments only on second floor of [or above] in existing commercial Structures.

304.2.3 Accessory Uses as outlined in §803.

~~304.2.4 Adult Family Day Care Home.~~

~~304.2.5 Animal Day Care.~~

304.2.6 [304.2.4] Bar, Cocktail Lounge and Tavern.

304.2.7 [304.2.5] Bed and Breakfast Establishments, subject to the Additional Requirements for Specified Uses in §605.

~~304.2.8 Day Care Centers, subject to the Additional Requirements for Specified Uses in §610.~~

304.2.9 [304.2.6] Health Clubs and similar facilities.

~~304.2.10 Hospice.~~

304.2.11 [304.2.7] Medical Clinics or Medical Facilities

304.2.12 [304.2.8] Mixed-use with residential only on the second Story or above.

304.2.13 [304.2.9] Municipal Facilities.

304.2.14 [304.2.10] Municipal Parks and Recreation Areas.

304.2.15 [304.2.11] Offices.

304.2.16 [304.2.12] Public and Semi-Public Uses.

304.2.17 [304.2.13] Restaurants and Banquet Facilities.

304.2.18 [304.2.14] Retail Sales and Service operating between the hours of 6 AM and 11 PM, except the sale, storage or display of firearms, ammunition or explosives.

304.2.19 [304.2.15] Theaters.

304.2.20 [304.2.16] Transit Station.

304.2.21 ~~Family Day Care Home.~~

304.2.22 [304.2.17] Non-Tower WCF mounted on an existing Public Utility Transmission Tower.

304.2.23 [304.2.18] Non-Tower WCF mounted on an existing Building.

304.2.24 [304.2.19] Non-Tower WCF mounted on an existing Tower-Based WCF subject to the requirements of §607.

304.2.25 [304.2.20] Brewpub.

[304.2.21 *Museums*

304.2.22 *Greens & Commons*]

Section 28. Section 401.2, §401.3, §401.5, and §401.6 of Chapter XX of the Mt. Lebanon Code (Zoning) are hereby amended to remove the maximum square footage restriction. The amended sections will read as follows (new text bracketed and deleted text in strikethrough):

401.2 *Uses by Right.* The following *Uses* are permitted in the OB Overlay District, ~~provided they do not occupy a Floor Area greater than one thousand two hundred (1,200) square feet~~ to conduct its sales and store its inventory:

401.3 *Authorized Uses Subject to Site Plan Review.* The following *Uses* are authorized in the OB Overlay District subject to *Site Plan Review*, ~~provided they do not occupy a Floor Area greater than one thousand two hundred (1,200) square feet~~ to conduct its sales and store its inventory:

401.5 *Conditional Use.* The following *Uses* are authorized as *Conditional Uses* in the OB Overlay District, subject to the conditions as set forth in §1002, ~~provided they do not occupy a Floor Area greater than one thousand two hundred (1,200) square feet~~ to conduct its sales and store its inventory:

401.6 *Special Exceptions.* The following *Uses* are authorized as *Special Exceptions* in the OB Overlay District, subject to the conditions as set forth in §1004, ~~provided they do not occupy a Floor Area greater than one thousand two hundred (1,200) square feet~~ to conduct its sales and store its inventory:

Section 29. Section 402.2 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to add “*Municipal Facilities*” and “*Municipal Parks and Recreation Areas*” §402.2 *Uses by Right*. The numbering of the sub-sections under 402.2 is hereby updated accordingly to reflect the change.

Section 30. Section 403.2 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended

to add “*Municipal Facilities*” and “*Municipal Parks and Recreation Areas*” §403.2 *Uses by Right*. The numbering of the sub-sections under 403.2 is hereby updated accordingly to reflect the change.

Section 31. Section 404 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to read as follows (new text bracketed and deleted text in strikethrough):

404 CD — Conservation District. The CD — Conservation District preserves municipally owned lands, where appropriate, for greenspace in accordance with the [most recent] *Comprehensive Plan* of Mt. Lebanon, ~~adopted December 2000~~.

Section 32. Section 404.1 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to add “*Municipal Facilities*” and “*Municipal Parks and Recreation Areas*” §404.1 *Uses by Right*. The numbering of the sub-sections under 404.1 is hereby updated accordingly to reflect the change.

Section 33. Section 504.1.2 and 504.1.3 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to change “*Pennsylvania Department of Environmental Resources*” to “*Pennsylvania Department of Environmental Protection*” and read as follows (new text bracketed and deleted text in strikethrough):

504.1.2 The Developer shall provide within the Planned Residential Development a sanitary sewage disposal system which shall be of sufficient design to collect and dispose of all sewage from all existing and proposed Structures in the Planned Residential Development, and shall be constructed and maintained in conformity with regulations of the Municipality, of the Allegheny County Health Department, and of the Pennsylvania Department of Environmental Resources-**[Protection]**, and shall be subject to the approval of the Municipal Engineer. All sanitary sewers other than six (6) inch laterals shall be constructed in accordance with §811 of the Mt. Lebanon Subdivision and Land Development Ordinance (Chapter XVI).

504.1.3 The Developer shall provide within the Planned Residential Development a storm drainage system which shall be of sufficient design to collect, carry off and dispose of all predictable surface water runoff within the Planned Residential Development, and shall be constructed as to conform with regulations of the Municipality, and of the Pennsylvania Department of Environmental Resources-**[Protection]**, and shall be subject to the approval of the Municipal Engineer. In the event the Municipal Engineer shall deem it necessary the storm drainage system or portions thereof shall be constructed in accordance with §809.4 and §810 of the Mt. Lebanon Subdivision and Land Development Ordinance (Chapter XVI).

Section 34. Section 605.13 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to read as follows (new text bracketed and deleted text in strikethrough):

605.13 Bed and Breakfast shall only be permitted in Commercial Districts or a

Residential District [*Structure*] within 200 feet of the existing CBD Commercial District.”

Section 35. Section 613 is deleted

Section 36. Section 619.2 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to read as follows (new text bracketed and deleted text in strikethrough):

619.2 No more than ~~fifteen percent (15%)~~ or three hundred fifty (350) square feet of the Floor Area of the *Dwelling Unit(s)*, ~~whichever is less~~, shall be devoted to the *No-impact Home-based Business*. This requirement shall not apply to *Adult Family Day Care Homes* or *Family Day Care Homes*.

Section 37. Section 621.1 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to remove sections 621.1.3 and 621.1.4 and to renumber the following subsections under §621.1 to reflect the change.

Section 38. Section 626.1.2.1 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to read as follows (new text bracketed and deleted text in strikethrough):

626.1.2.1 Indoor and outdoor art craft shows, exhibits and sales may be permitted in any Commercial District, or in any *Public Park* in [*adjacent to*] a Residential District subject to approval of the *Municipality*.

Section 39. Section 632 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby added to define additional requirements for Medical Marijuana Facilities.

§632 *Medical Marijuana Facilities. Medical Marijuana Dispensaries and Medical Marijuana Growing/Processing Facilities* shall be subject to the following requirements:

632.1 *Medical Marijuana Facilities* shall obtain and maintain licenses from the appropriate state and county agencies.

632.2 *Medical Marijuana Facilities* shall not be established or operated within five hundred (500) feet of an existing *School, Public playground, Public park, Day care or Nursery School, Place of Worship*.

632.3 *Medical Marijuana Facilities* shall be subject to the off-street parking requirements as specified in §817.

Section 40. Section 633 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby added to define additional requirements for Warehousing and Self-Storage Facilities.

§633 *Warehousing and Self-Storage Facilities. Warehousing/Self-Storage Facilities* shall be subject to the following requirements:

633.1 Operating Hours

633.1.1 The operating hours for a Self-Storage Facility will be from 7:00am to 10:00pm

633.1.2 The operating hours for a Warehouse Facility will be from 7:00am to 7:00pm

633.2 An on-site manager will be available at all times during the facility's established operating hours.

633.2.1 The Zoning Hearing Board may reduce the required hours for an on-site manager, but not below 8 hours a day on Monday through Saturday and not below 5 hours on Sunday, where the applicant demonstrates that the presence of an on-site manager is not necessary due to factors such as: the lack of usage of the facility during those hours; lack of possible impact on the surrounding area; and the provision of other safety and security measures.

633.3. No outside storage of customer goods shall be permitted.

633.4 No hazardous materials or flammable items will be permitted to be stored in the facility

633.5 Customers shall not be permitted to operate a business or equipment within a *Self-Storage* unit.

633.6 The size of a *Self-Storage* unit shall not exceed one thousand (1,000) square feet

Section 41. Section 817.5 of Chapter XX of the Mt. Lebanon Code (Zoning) contains a chart of uses with minimum off-street parking required per use type. The following changes are hereby made to the chart:

“Senior Housing” is hereby amended to read “**Housing for the Elderly.**”

“**Medical Marijuana Dispensary**” is hereby added to the chart with a minimum parking requirement of “**4 per 1000 SF Gross Floor Area**”

“**Medical Marijuana Grower/Processor**” is hereby added to the chart with a minimum parking requirement of “**1 per 1000 SF Gross Floor Area or 1 space per employee on the largest shift, whichever is greater.**”

Section 42. Section 817.6 (Maximum Number of Parking Spaces) is deleted.

Section 43. Section 903.4.2 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to read as follows (new text bracketed and deleted text in strikethrough):

903.4.2 For Dwellings, if the reason for the existing nonconformity consists only of ~~the~~ [a dimensional nonconformity] ~~inadequacy~~ of Required Yards, then expansion may occur without a Variance if such expansion, extension or other increase in size in itself [does not: (I) increase the dimensional nonconformity nor (ii) extend it into new area. In addition, the expansion must] conforms with all applicable ordinances and laws, provided that there shall not be a reduction of the total Side Yard requirement [for new construction.]

Section 44. Section 1003.8 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to read as follows (new text bracketed and deleted text in strikethrough):

1003.8 Maintenance of Site After Completion of Work.

1003.8.1 The Owner of any property on which the Site Plan work has been made shall maintain in good condition and repair all retaining walls, cribbing, drainage Structures, sewers, Fences, roads, Parking Areas, ground cover, landscaping and other improvements shown in the Site Plan regulations, and further, the continued use of said area shall be contingent upon the maintenance and upkeep, satisfactory to the Municipality and subject to further conditions as the Municipality may prescribe from time to time.

[1003.8.2 The Owner of any property containing a private stormwater management system shall provide an annual inspection report and certification of performance to the Municipality.

~~1003.8.2~~ 1003.8.3] The site development certificate of completion may be revoked by the Commission at any time if the Site Plan is not being observed or if conditions exist which may adversely affect the health, safety, and welfare of any person, persons or property.

Section 45. A new Section 1007 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby added to read as follows:

1007 Lapse. Any variance, special exception or conditional use granted under this Chapter will automatically lapse without notice if not used for twelve consecutive months.

Section 46. Section 1402 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to add the following definitions to the list in alphabetical order:

Medical Marijuana – Marijuana for certified medical use as set forth in Pennsylvania Act 16 of 2016.

Medical Marijuana Grower/Processor Facility – The use of the premises by a person,

including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, holding a permit from the Commonwealth of Pennsylvania Department of Health, to grow and/or process *Medical Marijuana*, with all growing and processing activity to be conducted indoors.

Medical Marijuana Dispensary – Use of the premises by a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, holding a permit from the Commonwealth of Pennsylvania Department of Health, to dispense medical marijuana.

Transit Station - A location where light rail or other mass transit vehicles stop to load or unload passengers. For purposes of measuring, the Transit Station consists of the station platform.

Self-Storage - A building or group of buildings divided into individual separate access units, which are rented or leased for the storage of personal and small business property.

Warehousing – The storage and handling of freight or merchandise, within entirely enclosed structures, but not including the maintenance or fueling of commercial vehicles.

Section 47. Section 1402 of Chapter XX of the Mt. Lebanon Code (Zoning) is hereby amended to incorporate the following changes (new text bracketed and deleted text in strikethrough) into certain definitions:

Infill Development: the *Development* of new housing or other *Buildings* on scattered vacant sites in a built-up area [**within the same zoning district**]. A teardown or demolition of an existing *Building(s)* and a new *Building(s)* on the same site shall be considered *Infill Development*.

Medical Facility: an *Office* or facility for the examination and treatment of ill and afflicted human outpatients including doctor and dental *Offices* and clinics provided that patients are not kept overnight except under emergency conditions. [**The term *Medical Facility* includes a *Methadone Treatment Facility*.**]

Vehicle Service Station: any *Building*, land area or other *Premises*, or portion thereof, used or intended to be used for any one or a combination of the following activities:

- Retail dispensing or sales of automobile fuels, [**including but not limited to gasoline, diesel, natural gas, or electric charging stations**].
- Retail dispensing or sales of automobile lubricants, including oil changing and chassis lubrication where substantial disassembly is not required.
- Retail dispensing or sales of automobile coolants.
- Hand or machine washing in a single bay auto wash.

- Incidental repair or replacement of parts, such as windshield wiper blades, light bulbs, air filters, oil filters, batteries, belts, tires, fuses and the like.
- *Vehicle Wrecking, Vehicle Repair*, muffler/exhaust systems, parking or storing of Vehicles for hire, and the operation of more than one towing *Vehicle* shall not be deemed permissible *Accessory Uses* of a *Vehicle Service Station*.

Section 48. Any ordinance or part of any ordinance conflicting with this Ordinance is hereby repealed to the extent of such conflict.

Section 49. It is intended that the provisions in this Ordinance are severable and if any provisions are held or declared illegal, invalid or unconstitutional by a court of competent jurisdiction, the decision shall not affect or impair any of the remaining sections.

Section 50. This Ordinance shall be effective immediately upon adoption.

ORDAINED AND ENACTED into an Ordinance and passed by the Commission of Mt. Lebanon, Pennsylvania on this ____ day of _____, 2017.

ATTEST:

MT. LEBANON, PENNSYLVANIA

Secretary

President of the Commission