

FRANKLIN TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA

ORDINANCE No. 2008-001

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF FRANKLIN TOWNSHIP, IN THE COUNTY OF LUZERNE, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 2003-001 TO PROVIDE A FURTHER EXCEPTION TO THE MAXIMUM HEIGHT LIMITATION UNDER PART 5 – STANDARDS FOR COMMUNICATIONS TOWERS AS CONDITIONAL USES, SECTION 14 FOR COMMUNICATIONS TOWERS THAT ARE CONSTRUCTED ON PROPERTY OWNED BY FRANKLIN TOWNSHIP IN ALL ZONING DISTRICTS.

WHEREAS, after consideration of the advisability of allowing communications towers located in Franklin Township to exceed the maximum height limitations contained in Part 5 – Standards for Communications Towers as Conditional uses, Section 14 of Ordinance No. 2003-001 (herein “Ordinance”), in all Zoning Districts, as a conditional use, and after a public hearing to consider the issue, and consideration of all comments, testimony, and information provided to the Board of Supervisors by the public, the Planning Commission, and the Luzerne County Planning Commission, the Board of Supervisors has determined that it is in the public interest to amend and restate Part 5, by adding Section 30 to the Ordinance to permit applicants to construct towers of greater height than currently is authorized exclusively on property owned by Franklin Township in all Zoning Districts.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Franklin, and it is hereby enacted and ordained as follows:

**Section 1.** Franklin Township Ordinance No. 2003-001, Part 5 – Standards for Communications Towers as Conditional Uses, is hereby amended by adding a new Section 30, as set forth below:

“30. Notwithstanding the foregoing, in all Zoning Districts on property owned by Franklin Township, the maximum height of any Communications Tower shall be three hundred (300) feet in order to better serve the public interest in the event the applicant demonstrates the need for any height in excess of one hundred (100) feet using technological evidence.”

**Section 2.** All other sections, parts and provisions of the Ordinance and the remainder of the Zoning Ordinance of Franklin Township shall remain in full force and effect as previously enacted and amended.

**Section 3.** In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall remain in full force and effect.

**Section 4.** This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of Franklin Township as provided by law.

Duly ORDAINED and ENACTED this 8<sup>th</sup> day of December, 2008 by the Board of Supervisors of Franklin Township, Luzerne County, Pennsylvania, in lawful session duly assembled.

ATTEST

Franklin Township  
Luzerne County, PA

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Richard A. Melvin, Secretary

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Michael Prokopchak, Chairman