

**OFFICIAL
BOROUGH OF FRANKLIN PARK
RESOLUTION NO. 1177-2018**

**A RESOLUTION OF THE BOROUGH OF FRANKLIN PARK,
ALLEGHENY COUNTY, PENNSYLVANIA, RESOLVING THAT AT A
FUTURE MEETING THE BOROUGH COUNCIL WILL CONSIDER AN
AMENDMENT TO THE BOROUGH ZONING ORDINANCE AND
ZONING MAP AND TO INVOKE THE PENDING ZONING
ORDINANCE DOCTRINE.**

WHEREAS, the Pennsylvania Municipalities Planning Code ("MPC"), 53 P.S. §10101 *et seq.*, as amended, authorizes the Borough of Franklin Park (the "Borough") to regulate zoning and land use in the Borough; and

WHEREAS, Chapter 212 in the Code of the Borough of Franklin Park, "Zoning," as amended, ("Zoning Ordinance") regulates zoning and land use in the Borough consistent with the MPC in order to maintain, preserve and protect the public health, safety and welfare; and

WHEREAS, the Zoning Ordinance currently does not regulate oil and gas recovery from unconventional shale formations as a specific land use and the Zoning Ordinance's savings clause permits unregulated "Similar uses" in all zoning districts as a conditional use; and

WHEREAS, the Borough Land Use Committee and Special Counsel prepared a Zoning Ordinance amendment to add an oil and gas recovery district overlay to the Zoning Ordinance, amend the official Zoning Map of the Borough, and make such other revisions and amendments as are incidental to and necessitated by adding an oil and gas recovery district overlay to the Zoning Ordinance; and

WHEREAS, the Borough Council desires to amend the Zoning Ordinance consistent with the MPC to add an oil and gas recovery district overlay to the Zoning Ordinance, amend the official Zoning Map of the Borough, and make such other revisions and amendments as are incidental to and necessitated by adding an oil and gas recovery district overlay to the Zoning Ordinance.

NOW THEREFORE, the Borough Council hereby resolves as follows, incorporating the above recitals by reference:

SECTION 1. The Borough Council resolves that it intends to amend the Zoning Ordinance in accordance with the attached proposed Ordinance.

SECTION 2. The Borough Council directs the appropriate Borough officials to transmit the proposed Ordinance to the Borough Planning Commission and Allegheny County Economic Development for their respective review and comments.

SECTION 3. The Borough Council will review and consider the proposed Ordinance at a public hearing to be held on Wednesday, February 20, 2018 at 8:00 p.m. at the Franklin Park Municipal Building, 2344 West Ingomar Road, Pittsburgh, Pennsylvania 15237. The appropriate Borough officials are authorized to publish the required public notice for the public hearing and the notice of intent to enact for the proposed Ordinance in accordance with Section 610 of the MPC, 53 P.S. §10610.


SECTION 4. Because the proposed Ordinance involves a zoning map change in accordance with Section 609(b) of the MPC, 53 P.S. §10609(b), notice of the public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the tract to notify potentially interested citizens at least one week prior to the date of the public hearing. In addition, notice of the public hearing shall be mailed by the Borough at least 30 days prior to the date of the public hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area being rezoned. The mailed notice shall include the location, date and time of the public hearing.

SECTION 5. The Borough Council intends the proposed Ordinance to be pending and in effect as of the date of the publication of the first public notice of the public hearing in accordance with the pending zoning ordinance doctrine.

ADOPTED this 19th day of December, 2018.

ATTEST:

BOROUGH OF FRANKLIN PARK



Secretary

By: 

President of Council