

**FRANKLIN TOWNSHIP, PENNSYLVANIA
ORDINANCE NO. 103**

AN ORDINANCE OF FRANKLIN TOWNSHIP, PENNSYLVANIA, AMENDING ARTICLE II, SECTION 202 AND ARTICLE IV, SECTION 429 OF THE FRANKLIN TOWNSHIP, BUTLER COUNTY, ZONING ORDINANCE, ORDINANCE NO. 97, TO AMEND THE DEFINITIONS OF “BREWERY” AND “DISTILLERY” AS WELL AS AMENDING THE EXPRESS STANDARDS AND CRITERIA FOR THE “GAS/FUEL STATION” CONDITIONAL USE .

WHEREAS, the Pennsylvania Municipalities Planning Code, 53 P.S. §10101, et seq., as amended, authorizes Franklin Township (the “Township”) to regulate zoning and land use in the Township; and

WHEREAS, the Franklin Township, Butler County, Zoning Ordinance, Ordinance No. 97, (the “Zoning Ordinance”) regulates zoning within the Township; and

WHEREAS, the Township Board of Supervisors desires to amend the Zoning Ordinance, specifically to amend the definition of “Brewery” and “Distillery” under Article II, Section 202 of the Zoning Ordinance, as well as to amend the express standards and criteria for the “Gas/Fuel Station” Conditional Use under Article IV, Section 429 of the Zoning Ordinance.

NOW THEREFORE, the Board of Supervisors of Franklin Township hereby ordains and enacts as follows, incorporating the above recitals by reference:

Section 1. Article II, Section 202 of the Zoning Ordinance, which sets forth definitions, is amended as follows by deleting the stricken text and inserting the underlined text:

Section 202: General Definitions

BREWERY – An establishment for brewing large quantities of beer or other malt liquors for wholesale distribution. ~~This land use does not provide for retail sales and/or consumption of alcoholic beverages on the premise.~~ In accordance with all state laws for the sale of alcoholic beverages, a Brewery may provide for retail sales of the beer at the location where it is produced as well as other local beers produced within a 75-mile radius from the Brewery. A Brewery may also include a tasting room and RESTAURANT in conjunction with the use. See also “MICRO-BREWERY.”

DISTILLERY – An establishment for distilling, especially for distilling alcoholic liquors. ~~No products produced by a Distillery shall be sold and/or consumed on the premise.~~ In accordance with all state laws for the sale of alcoholic beverages, a Distillery may provide for retail sales of beverage-grade spirit alcohol at the location where it is produced as well as other local beverage-grade spirit alcohol produced within a 75-mile

radius from the Distillery. A Distillery may also include a tasting room and RESTAURANT in conjunction with the use. See also "MICRO-DISTILLERY."

Section 2. Article IV, Section 429 of the Zoning Ordinance, which sets forth express standards and criteria for special exceptions and conditional uses, is amended as follows by inserting the underlined text:

Section 429: Gas/Fuel Station

A. No gas/fuel station shall be located within 1,000 feet of another gas/fuel station except at diagonal opposite (catty-corner) corners of signalized intersections or at opposite sides of State Route 422 at signalized intersections.

Section 3. It is the intention of the Township that the chapters, parts, sections, subsections, paragraphs, sentences and/or phrases of this Ordinance are severable. If any chapter, part, section, subsection, paragraph, sentence, or phrase of this Ordinance is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or the validity of any remaining chapters, parts, sections, subsections, paragraphs, sentences, or phrases of this Ordinance.

Section 4. All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

Section 5. This Ordinance shall take effect in accordance with applicable law.

ORDAINED and **ENACTED** this ___ day of _____, 2022, by the Board of Supervisors of Franklin Township, in lawful session duly assembled.

TOWNSHIP OF FRANKLIN

By: _____
Herman W. Bauer, Jr., Chairman

ATTEST:

By: _____
Robert J. Thompson, Vice Chairman

Township Secretary/Treasurer

By: _____
Nathan Wulff