

**BENNER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA**

**ZONING ORDINANCE AMENDMENTS**

**ORDINANCE NO. 144**

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**AN ORDINANCE OF BENNER TOWNSHIP, CENTRE COUNTY,  
PENNSYLVANIA, TO ADOPT CERTAIN AMENDMENTS TO THE  
BENNER TOWNSHIP ZONING ORDINANCE**

WHEREAS, Benner Township has adopted and maintains zoning regulations that establish various zoning districts and use regulations for properties in the Township. Benner Township formally adopted the zoning ordinance in August, 2021 (the “2021 Zoning Ordinance”), and the 2021 Zoning Ordinance has been applied since adoption; and

WHEREAS, application of the 2021 Zoning Ordinance has brought to light the need to make certain adjustments and amendments to the provisions of the 2021 Zoning Ordinance to make clarifications and consistencies; and

WHEREAS, the Benner Township Board of Supervisors conducted a public hearing on the proposed amendments to the 2021 Zoning Ordinance for Benner Township on May 6, 2024, pursuant to public notice; and

WHEREAS, at least thirty (30) days prior to the Supervisor's public hearing, copies of the proposed amendments to the 2021 Zoning Ordinance for Benner Township were forwarded to the Benner Township Planning Commission, the Centre County Planning Commission, and all municipalities with boundaries adjoining the boundaries of Benner Township, and the Nittany Valley Joint Planning Commission, for their review and comment thereon; and

WHEREAS, the comments of the Centre County Planning Commission, and the adjoining municipalities, if any, along with comments of the public, were considered by the Board of Supervisors of Benner Township.

WHEREAS, the Board of Supervisors of Benner Township deems it to be in the best interest of the public health, safety, and welfare of the Township, and in accordance with orderly community development standards and provision of adequate housing for residents of the Township, and to provide for clarity in the 2021 Zoning Ordinance, to approve the proposed amendments to the 2021 Zoning Ordinance.

NOW, THEREFORE, the Board of Supervisors of Benner Township, Centre County, Pennsylvania, hereby approves the proposed amendments to the 2021 Zoning Ordinance as set forth in this Ordinance, and adopts and ordains the following ordinance:

**Section. Title**

This ordinance shall be known and may be cited as the 2024 Zoning Ordinance Amendments, Ordinance No. 144.

**Section 2. Legislative Findings**

The Board of Supervisors has determined that it is in the best interest of the public health, safety, and welfare of the residents and visitors to the Township, and in accordance with orderly community development standards and procedures, and in conformity with the comprehensive plan for Benner Township, to provide for clarity within the application of the 2021 Zoning Ordinance, and that the proposed amendments as hereinafter listed will promote consistency and clarity in the application of the 2021 Zoning Ordinance.

**Section 3. Authority**

The Benner Township Supervisors are authorized under the provisions of the Second Class Township Code, 53 P.S. Articles XVI and XXIII, to consider and adopt ordinances pertaining to the general health, safety, and welfare of the Township, and Section 1601 of the Second-Class Township Code, 53 P.S. Section 66601, specifically authorizes adoption of ordinances, and the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101, *et seq.* at Section 609, 53 P.S. Section 10609, specifically contemplates and authorizes municipalities to adopt zoning ordinance amendments.

**Section 4. Action**

The Board of Supervisors of Benner Township hereby authorizes and ordains that the following amendments shall be adopted to the 2021 Zoning Ordinance:

- (a) Adjust Table A – Master Use Schedule to remove the separate line reference for “Kennel,” as this is duplicative with the line reference for “Animal Hospital and Kennels.”
- (b) Amend Section 14.16 to provide that “Animal Hospitals and Kennels,” shall also be allowed as conditional use in the RR zone to match the Table A – Master Use Schedule for Animal Hospital and Kennels.
- (c) Regarding the requirements for flag lots, delete the last sentence of Section 15.6 C (1) reading: The access drive associated with the staff shall be no closer than 200 feet

from a neighboring driveway on an existing roadway or 100 feet on an interior street of a development.

- (d) Re-letter the provisions of Section 14.37 pertaining to Communication, Transmitting and Receiving Facilities for consistency so that the provisions starting with “Setbacks,” are lettered with capital letters rather than numbers and the subsections thereunder are numbers rather than small letters.

**Section 5. Notification**

Within thirty (30) days after adoption of this Ordinance, the Township shall cause a copy of this Ordinance to be provided to the Centre County Planning and Community Development Office, and any other parties required to be notified.

**Section 6. Republication of 2021 Zoning Ordinance**

Within thirty (30) days after adoption of this Ordinance, the Township shall cause the 2021 Zoning Ordinance to be republished with such republication to include the changes listed in Section 4 of this Ordinance, to promote the consistency and ease of application of the 2021 Zoning Ordinance.

**Section 7. Severability**

The provisions of this Ordinance are severable and if any of its provisions are ruled by a Court, invalid or unconstitutional, such decisions will not affect or impair any of the remaining provisions of this Ordinance. It is declared to be the intention of the Board of Supervisors that this Ordinance would have been adopted if such invalid or unconstitutional provision had not been included.

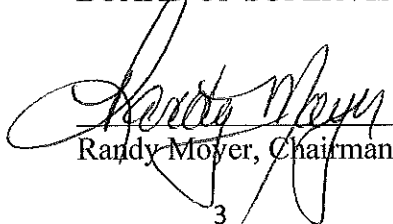
**Section 8. Repealer**

Any ordinance, or part of an ordinance conflicting with the terms of this ordinance are hereby repealed.

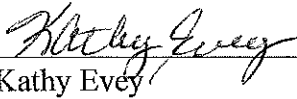
**Section 9. Effective Date**

This ordinance shall become effective five (5) days after passage and shall thereafter be in force.

BOARD OF SUPERVISORS OF BENNER TOWNSHIP

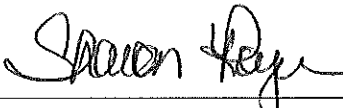
  
Randy Moyer, Chairman

  
Larry Lingle

  
Kathy Evey

**ATTESTATION**

I hereby certify that I am the Secretary of Board of Supervisors of Benner Township and that the foregoing is attested to be a true and correct copy of the proposed Ordinance as required by Section 610(a)(2) of the Pennsylvania Municipalities Planning Code, as reenacted and amended.

  
Sharon Royer, Secretary/Treasurer

**CERTIFICATION OF ADOPTION**

I hereby certify that I am the Secretary/Treasurer of the Board of Supervisors of Benner Township, and that the foregoing Ordinance was adopted at a regular or special meeting of the Board of Supervisors held on the 6<sup>th</sup> day of May, 2024.

  
Sharon Royer, Secretary/Treasurer