

BENNER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA

ZONING ORDINANCE AMENDMENTS

ORDINANCE NO. 141

**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 June 5, 2023, pursuant to public notice; and at the public hearing questions were raised regarding the meaning of the proposed amendments, and the notice that was published; and

WHEREAS, the Supervisors elected to clarify and re-publish the notice of the proposed amendments, and schedule another public hearing on the proposed amendments; and

WHEREAS, the Benner Township Board of Supervisors conducted another public hearing on the proposed amendments, as clarified and republished, to the 2021 Zoning Ordinance for Benner Township on September 5, 2023, 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 2023 Zoning Ordinance Amendments, Ordinance No. 141.

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 reflect that “Energy Production Facilities (alternative energy) shall be permitted (P) in the Industrial Zone and remove the conditional use (C) designation from the Forest Conservation and Agricultural Zone Districts;

- (b) Make conforming amendments to the Master Use Schedule, Definitions and Use Regulations as below (strikeouts are deleted and underlines are added):

Master Use Schedule

Alternative Energy Production (~~solar~~) – Accessory
Alternative Energy Production – Accessory Ground Mounted
Alternative Energy Production Facilities (~~alternative energy~~)*
Energy Production – Wind Turbines (~~Personal Use~~)
Electric Power Generation
Electric Power Generation – Wind

Definitions

Alternative Energy Production Facilities (~~Alternative~~) – an energy production use designed as a principal use for sale of energy that may include . . .
Alternative Energy Production Facilities - (~~Alternative~~ Accessory)
Electric Power Generation
Electric Power Generation – Wind
Wind Turbines – Personal Use

Use Regulations

14.40 – Electric Power Generation Facilities – I Zone
14.42 – Electric Power Generation – Wind – I Zone and FC Zone (conditional use)
14.43 – Alternative Energy Production ~~Electric Power Generation~~ – Solar – permitted as accessory; Ground mounted = conditional use

- (c) Add definitions for “Stories,” as follows:

GROUND FLOOR/FIRST STORY – the Story of a Building that is located on the same level as the highest elevation of the finished grade of the lot upon which the Building is located and which finished grade touches the Building.

STORY – that portion of a Building included between the surface of any floor and the surface of the floor next above it or if there is no floor above it, then the space between any floor and the ceiling next above it.

SECOND STORY – that portion of a Building that is one Story above the highest elevation of the finished grade of the lot upon which the Building is located.

- (d) Amend definition of “Mixed Use,” to include clarification that all mixed uses shall be conditional uses;
- (e) Amend Section 14.20 (G) to provide that the setback for canopies shall be 25 feet (rather than 55 feet);
- (f) Amend definition of “Dwelling, Townhouse,” to provide that it will be between three and ten dwelling units arranged side-by-side, rather than between three and eight dwelling units;
- (g) Amend the reference in Section 14.45 (E) from Section 15.6 to Section 15.9;
- (h) Amend Section 14.47 “Noncommercial Keeping of Normal Agricultural Livestock,” to remove the reference to the (C) commercial zone;
- (i) Amend Table A – Master Use Schedule to reflect that Noncommercial Keeping of Normal Agricultural Livestock is permitted (P) in the FC, A, and RR zoning districts;
- (j) Amend the definition of “Billboard,” sign contained in Section 18.3(C) to provide that there shall be a minimum 2,500 foot radial spacing between Billboard signs.

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.

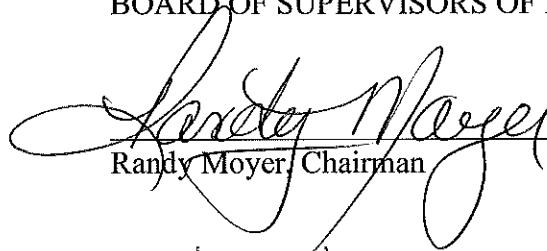
Section 8. Repealer

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



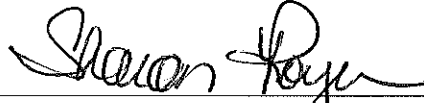
Larry Lingle



Thomas Moyer

ATTESTATION

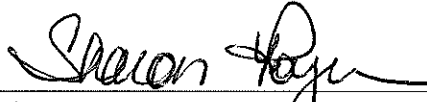
I hereby certify that I am the Secretary of Board of Supervisors of Benner Township and that the foregoing is attested to be a true and correct copy of the proposed Ordinance as required by Section 610(a)(2) of the Pennsylvania Municipalities Planning Code, as reenacted and amended.



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 5th day of September, 2023.



Sharon Royer, Secretary/Treasurer