

**BENNER TOWNSHIP
CENTRE COUNTY, PENNSYLVANIA
ORDINANCE NO. 111**

AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE OF BENNER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA TO (1) ADD QUADRAPLEX AS A PERMITTED USE WITHIN THE MULTI-FAMILY RESIDENTIAL ZONE (R-2), (2) CORRECT A TYPOGRAPHICAL ERROR IN THE DEFINITION OF QUADRAPLEX, (3) ADD APPLICABLE REFERENCES THROUGHOUT THE ZONING ORDINANCE TO REFLECT THIS NEW USE, AND (4) TO REZONE TAX PARCEL 12-005-041 FROM HIGHWAY COMMERCIAL (HC) TO LIGHT INDUSTRIAL (I-1) AND REZONE TAX PARCELS 12-003B-023, 12-003B-024 AND 12-003B-042 FROM HIGHWAY COMMERCIAL (HC) TO MULTI-FAMILY RESIDENTIAL (R-2).

WHEREAS, Benner Township comprehensively amended its Zoning Ordinance and Zoning Map on April 20, 2009;

WHEREAS, local officials have concluded that the use of quadraplexes is a valid and innovative form of housing that adds to the options available within Benner Township and the Nittany Valley Region;

WHEREAS, local officials have concluded that this form of housing fits best within the Township's Multi-Family Residential Zone;

WHEREAS, local officials have concluded that this unique form of housing deserves specific applicable design standards;

WHEREAS, local officials believe that the current definition of quadraplex has a typographical error that must be corrected;

WHEREAS, local officials desire to amend the Township Zoning Map to rezone Tax Parcel 12-005-041 from Highway Commercial (HC) to Light Industrial (I-1) and to rezone Tax Parcels 12-003B-023, 12-003B-024 and 12-003B-042 from Highway Commercial (HC) to Multi-Family Residential (R-2);

NOW, THEREFORE BE IT ORDAINED AND ENACTED THAT THE FOLLOWING AMENDMENTS BE MADE TO THE OFFICIAL ZONING ORDINANCE AND ZONING MAP OF BENNER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA:

REVISION 1 – Reference to the term “Quadrplex” listed under the definition of “Dwelling” in Article 1, Section 113 is amended to read “Quadraplex.”

REVISION 2 – Section 211.2.5. is amended as follows:

"5. Multiple-family dwellings and quadrplexes."

REVISION 3 – Section 211.7. is amended as follows – The Area and Design Table within the Multi-Family Residential Zone (R-2) currently listed as Section 211.7. is renumbered to Section 211.8. and amended as follows:

"SECTION 211.8. AREA & DESIGN REQUIREMENTS WITHIN THE (R-2) Zone – All uses within the Multi-Family Residential Zone shall comply with those standards listed in the following table.

AREA & DESIGN REQUIREMENTS WITHIN THE (R-2) ZONE										
Use	Maximum Permitted Density (DU/ net.ac.)	Minimum Required Lot Area	Minimum Required Lot Width		Required Front	Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
			At Building Setback	At Lot Frontage		Front	One Side	Both Sides		
Single-family detached dwellings ³	4	10,000 sq. ft.	90 ft.	75 ft.	35 ft.	10 ft.	20 ft.	30 ft.	45%	35 ft.
Duplex dwellings ³	5	6000 sq. ft.	60 ft.	60 ft.	35 ft.	20 ft.	NA	30 ft.	50%	35 ft.
Townhouses ^{1,2,3}	6	2400 sq. ft.	24 ft. per unit	200 ft.	35 ft.	25 ft. end units	NA	30 ft.	60%	35 ft.
Multiple-family dwellings ^{2,3}	6	2 acres	200 ft.	200 ft.	50 ft.	25 ft.	50 ft.	50 ft.	60%	35 ft.
Quadraplex dwellings ^{3,4}	5	6000 sq. ft.	200 ft.	200 ft.	35ft.	25 ft.	50 ft.	30 ft.	60%	35 ft.
Other principal uses	NA	10,000 sq. ft.	90 ft.	75 ft.	35 ft.	10 ft.	20 ft.	30 ft.	45%	35 ft.
Residential accessory structures	NA	Included in above	N/A	N/A	Not permitted	5 ft.	10 ft.	5 ft.	Included in above	20 ft.

¹ No townhouse grouping shall contain more than six (6) units. For each townhouse grouping containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front yard setback; the minimum variation of setback shall be two feet (2'). All townhouse buildings shall be set back a minimum of fifteen feet (15') from any parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty feet (30') from any perimeter boundary of the development site. In those instances where several townhouse groupings are contained upon the same lot, the standards listed in the following footnote 3 shall apply.

² In those instances where several townhouse groupings and/or multiple family dwelling buildings are located on the same lot, the following separation distances will be provided between each building:
a. Front-to-front, rear-to-rear, or front-to-rear, parallel buildings shall have at least seventy feet (70') between faces of the building. If the front or rear faces are obliquely (not parallel nor perpendicular) aligned, the above distances may be decreased by as much as ten feet (10') at one end, if increased by similar or greater distance at the other end.
b. A minimum yard space of thirty feet (30') is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty feet (20').
c. A minimum yard space of thirty feet (30') is required between end walls and front or rear faces of buildings.

³ All common open spaces are subject to the requirements listed in Section 317 of this Ordinance.

⁴ In those instances where several quadraplexes are located on the same lot, there shall be no less than sixty (60) feet between the closest faces of each building.

REVISION 4 – Section 312.2.A. is amended as follows – The Residential Uses Table listed in Section 312.2.A. (Off-street parking requirements) is amended as follows:

RESIDENTIAL USES	
Type of Use	Minimum of One Passenger Parking Space for Each
Single-family detached dwellings, two-family conversions, and conversion apartments	Two spaces per dwelling unit
Duplexes, townhouses and quadraplexes	Two spaces per dwelling unit
Boarding houses, group homes, bed and breakfasts, orphanages, dormitories, rectories and etc.	Bedroom
Multiple-family, dwellings	three spaces per dwelling unit). Such parking spaces can take the form of private driveways, or garages and/or common parking lots, provided all spaces required are within 150 feet of the unit served.

* * * * *

REVISION 5 – Parcel Rezoning - The zoning classification of Tax Parcel 12-005-041 is hereby changed from Highway Commercial (HC) to Light Industrial (I-1) and the zoning classification of Tax Parcels 12-003B-023, 12-003B-024 and 12-003B-042 is hereby changed from Highway Commercial (HC) to Multi-Family Residential (R-2). The Township Zoning Map is hereby amended to reflect these zoning classification changes.

REPEALER

Any ordinance, or any part thereof, inconsistent herewith and any amendments thereof are hereby expressly repealed. In all other respects, the Benner Township Zoning Ordinance (Ordinance No. 104) remains in full force and effect, and is not in any way affected or modified by this amendment.

SEVERABILITY

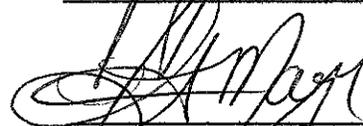
Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

EFFECTIVE DATE

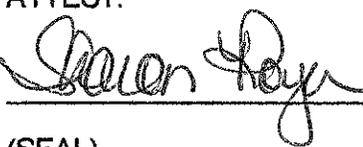
This Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Benner Township, County of Centre, and Commonwealth of Pennsylvania.

This Ordinance, ordained and enacted this 6th day of August, 2012.

BOARD OF SUPERVISORS OF BENNER TOWNSHIP

By:  Chairman
 Vice-Chairman
 Supervisor

ATTEST:

 Secretary
(SEAL)