

# The Benner Township Zoning Ordinance

No. 70

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(Amended by:

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*Benner Township, Centre County, Pennsylvania*  
*Established 1857*

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# ARTICLE I

## GENERAL PROVISIONS

### SECTION 1. SHORT TITLE

This Ordinance shall be known, and may be cited, as the "*Benner Township Zoning Ordinance*."

### SECTION 2. AUTHORITY

This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania in the *Pennsylvania Municipalities Planning Code (MPC)*, Act of 1988, December 21, P.L. 1329, as amended (53 P.S. § 10101 et seq.).

### SECTION 3. PURPOSE

Pursuant to Section 604 of the *Pennsylvania Municipalities Planning Code*, as amended, 53 P.S. § 10604, this Ordinance is in accordance with the goals of the *Benner Township Comprehensive Plan (1992)* with attention given to the character of the Township, the uses presently in place, and the suitability of the various parts of the Township for particular uses, buildings and structures.

The provisions and regulations in this Ordinance are designed to promote, protect, and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, residential housing encompassing all basic forms of housing, and commercial and industrial development, including the provision of adequate light and air, vehicle parking and loading space, transportation, water, sewage, schools, parks, public grounds, and other public requirements.

Also, the purpose and design of this Ordinance is to prevent the overcrowding of land, blight, danger, and congestion in travel and transportation, and minimize to the greatest extent possible loss of health, life, and property from fire, flood, panic, natural disaster, or other dangers.

The purpose of this Ordinance is to conserve prime agricultural lands and farms; historic and environmental values, including: forests, wetlands, aquifers, and floodplains of the Township.

Finally, the purpose of this Ordinance is to protect the public health and welfare by preventing the deterioration of the natural environment, and pollution of the water, land, and air of the Township.

**SECTION 4. INTENT**

The Ordinance intends to provide for all primary and accessory uses of property in Benner Township. This Ordinance recognizes common usage of terms sometimes changes, and new terms of use sometimes arise. Additionally, changes in technology and social customs may result in new types of use. In the event any use proposed does not appear to be mentioned in any of the zoning districts, said use shall be permitted in the zoning district(s) whose intent it is most compatible, and whose uses are most similar to the proposed use. The Zoning Officer shall make such determinations subject to review as provided by the *MPC*, as amended.

**SECTION 5. STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES**

The community development objectives of this Ordinance are the goals, objectives, and policies stated in the *Benner Township Comprehensive Plan adopted on February 23, 1993*, or as it may be amended.

**SECTION 6. RIGHT TO FARM NOTIFICATION**

To preserve the Township's valuable farming resource, this Ordinance allows agricultural activities in all zoning districts. Existing and future residents in these districts must be willing to accept the impacts associated with normal farming practices. These impacts may include inconvenience, discomfort from noise, odors, dust, the operation of farm machinery, the storage and disposal of manure, and the application of fertilizers, herbicides and pesticides. Owners, occupants, and users of property within such zoning districts permitting farming should accept such inconveniences and discomfort from normal agricultural operations and are hereby notified that *Section 4 of Act 133 of 1982, known as the Right to Farm Law* may bar them from obtaining a judgment against the agricultural operator.

**SECTION 7. OFFICIAL ZONING MAP AND OVERLAY MAPS**

The boundaries of the zoning districts are shown on maps entitled "*The Official Zoning Map of Benner Township and Overlay Maps*" herein called the "*Zoning and Overlay Maps*." The *Zoning and Overlay Maps* and all notations, references, and other data shown thereon are hereby incorporated by reference into this Ordinance as if it were fully set forth herein.

**7.1 Adoption of official zoning and overlay maps**

The *Zoning and Overlay Maps* shall be identified by the signature of the Board of Supervisors, attested by the Township Secretary, under the following words: "*These signatures certify that these are the Official Zoning and Overlay Maps of Benner Township, Centre County, Pennsylvania,*" together with the date of enactment of the Ordinance. The *Zoning and Overlay Maps* shall be kept on file with the Zoning Officer, and shall be the final authority of the current zoning status of land and water areas in the Township.

**7.2 Changes to the official zoning and overlay maps**

If, in accordance with the provisions of this Ordinance, changes made to zoning district boundaries or other matter portrayed on the *Zoning and Overlay Maps*, such changes shall be entered promptly on the *Zoning and Overlay Maps*. All changes shall be certified by signature of the Board of Supervisors, attested by the Township Secretary, together with a brief description of the changes and the date of enactment of such changes, under the word "*Revised.*" No amendment to this Ordinance involving matter portrayed on the *Zoning and Overlay Maps* shall become effective until after such changes and entry are shown on such maps.

**7.3 Replacement of the official zoning and overlay maps**

- A. In the event the previous official *Zoning and Overlay Maps* become damaged, lost, or difficult to interpret because of the nature or number of changes, the Board of Supervisors, by Resolution, shall adopt *new Official Zoning and Overlay Maps* which shall supersede previous maps. The new *Zoning and Overlay Maps* shall be identified by the signature of the Board of Supervisors, attested by the Township Secretary, under the following words: "*These signatures certify that these are new Official Zoning and Overlay Maps of Benner Township which supersede and replace the previous Zoning and Overlay Maps adopted as part of Ordinance No.\_\_\_\_, known as the Zoning Ordinance of Benner Township,*" together with the date of adoption of the Resolution.
- B. Unless the previous *Zoning and Overlay Maps* are lost or totally destroyed, the previous maps or any significant parts thereof remaining shall be preserved, together with all available records pertaining to their adoption or amendment.
- C. The *Zoning and Overlay Maps* shall be copied onto mylars to add to their longevity.
- D. The mylars of the *Zoning and Overlay Maps* shall be stored in the township safety deposit box or other safe location as deemed appropriate by the Board of Supervisors.

**7.4 Zoning district boundary lines**

The zoning district boundary lines shall be shown on the *Zoning and Overlay Maps*. Where uncertainty exists as to the boundaries of the zoning districts, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.

- C. Boundaries indicated as approximately following Township limits shall be construed as following such Township limits.
- D. Boundaries indicated as following railroad lines or railroad rights-of-way shall be construed to be midway between the main tracks or if there are no tracks, to the center of the right-of-way.
- E. Boundaries indicated as approximately following the center lines of streams or other bodies of water shall be construed to follow such center lines and, in the event the stream or other body of water moves, the boundary shall move with the center line.
- F. Boundaries indicated as parallel to or extensions of features indicated in *Subsections 6.4 (A) through (E)* above shall be so construed. Distances not specifically indicated on the *Zoning and Overlay Maps* shall be determined by the scale of the map to carry out the spirit and intention of the zoning boundary designation.
- G. Where physical features existing on the ground are alleged to be at variance with those shown on the *Zoning and Overlay Maps*, or in other circumstances not covered by *Subsections 6.4 (A) through (F)* above, it shall be the function of the Zoning Officer to interpret and apply such maps.

## **SECTION 8. ESTABLISHMENT OF CONTROLS**

The regulations set by this Ordinance within each zoning district shall be interpreted and applied to be minimum requirements adopted for the promotion of SECTION 3. above and shall apply with uniformity to each class of use or structure.

### **8.1 Types of control**

The following regulations shall apply to the respective zoning districts: use regulations, including primary and accessory uses; lot requirements, including size, width and coverage; setback requirements for front, side, and rear yards; maximum height requirements; and any other supplemental regulations.

### **8.2 New lots, uses, buildings, and structures**

In all zoning districts, after the effective date of this Ordinance, any new lot, use, building, or structure shall be constructed, developed, and used only in accordance with the regulations specified for the applicable zoning district.

### **8.3 Existing lots, uses, buildings, and structures**

In all zoning districts, after the effective date of this Ordinance, any existing lot, use, building or structure not conforming with the regulations for the zoning district where located shall be deemed as nonconforming and subject to the regulations set forth in *Article IX*.

**8.4 Relationship with other restrictions**

The provisions of this Ordinance are not intended to interfere with, abrogate, or annul other rules, regulations, ordinances, or private agreements, provided that where this Ordinance imposes a greater restriction than that imposed by such other rules, easements, covenants, restrictions, agreements, regulations, or ordinances, the provisions of this Ordinance shall prevail.

**8.5 Exemptions**

This Ordinance shall not apply to any lot, use, building, or structure exempted from zoning regulations by the *MPC, Section 619*, as amended, or other laws of the Commonwealth of Pennsylvania.

**SECTION 9. ANNEXED TERRITORY**

All territory that may hereafter be annexed by the Township shall be zoned and classified simultaneously with the perfection of the annexation.

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## ARTICLE II

### ZONING DISTRICT REGULATIONS

#### SECTION 1. ESTABLISHMENT OF ZONING DISTRICTS

For the purposes of this Ordinance, Benner Township is hereby divided into the following zoning districts:

##### 1.1 Conservation Districts — Section 4

Forest District (F).....	4.1
Stream Valley District (S).....	4.2

##### 1.2 Residential Districts — Section 5

Agricultural-Rural Residential District (AR-1) .....	5.1
Low-Density Residential District (R-2) .....	5.2
Medium-Density Residential District (R-3).....	5.3
Village Residential District (VR).....	5.4

##### 1.3 Commercial Districts — Section 6

Planned-Office Commercial District (C-1).....	6.1
General Commercial District (C-2).....	6.2
Village Commercial (VC).....	6.4

##### 1.4 Industrial Districts — Section 7

General Industrial District (I-1) .....	7.1
Light Industrial District (I-2).....	7.2
Campus Industrial (I-3).....	7.3

#### SECTION 2. REGULATORY USE CATEGORIES

Except as provided by law or in this Ordinance, in each zoning district, no land, building, or structure shall be used or occupied except for the purposes as authorized by this Ordinance. All uses shall be classified into the following categories within each zoning district listed in the *Zoning District Regulation Charts*, and subject to all other applicable requirements of this Ordinance.

##### 2.1 Permitted uses

A use permitted by right in any zoning district.

##### 2.2 Accessory uses

A use customarily incidental and subordinate to the principal use and located on the same lot of the principal use. Principal Use is the primary use of a lot.

##### 2.3 Conditional uses

A use conditionally permitted in a zoning district based on the location of the use within the zoning district and upon compliance with specific conditions and criteria. Conditional uses are approved by the Board of Supervisors. The Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, necessary to implement the purposes of this Ordinance. These procedures are set forth in *Article X* of this Ordinance.

#### **2.4 Special exception uses**

An exceptional use permitted in a zoning district once specific criteria are met. Special Exceptions are approved by the Zoning Hearing Board. The Zoning Hearing Board may attach such reasonable conditions and safeguards necessary to implement the purposes of this Ordinance. These procedures are set forth in *Article X* of this Ordinance.

#### **2.5 Uses omitted and prohibited**

This Ordinance is intended to apply to all conceivable uses and structures; however, under no circumstances shall the following be permitted in any zoning district in the Township:

- A. Any dumping, depositing or filling of refuse, garbage, or building debris not in accordance with any federal, state, county, or local regulations.
- B. Any dumping, depositing or storing of hazardous or radioactive waste.

### **SECTION 3. DIMENSIONAL REQUIREMENTS AND STANDARDS**

The dimensional standards for all zoning districts in the Township are established in the *Zoning District Regulation Charts*. The standards for each zoning district shall be specified in the charts pertaining to density; lot area, lot area per dwelling unit; lot width; front, rear, and side yards; height; building coverage; and off-street parking and loading spaces. Included in this Section are general dimensional requirements applying to all zoning districts, as follows:

#### **3.1 Lot requirements**

##### **3.1.1 Density**

The maximum number of dwelling units per acre of land shall not exceed that specified in the applicable zoning district.



**3.1.2 Lot coverage**

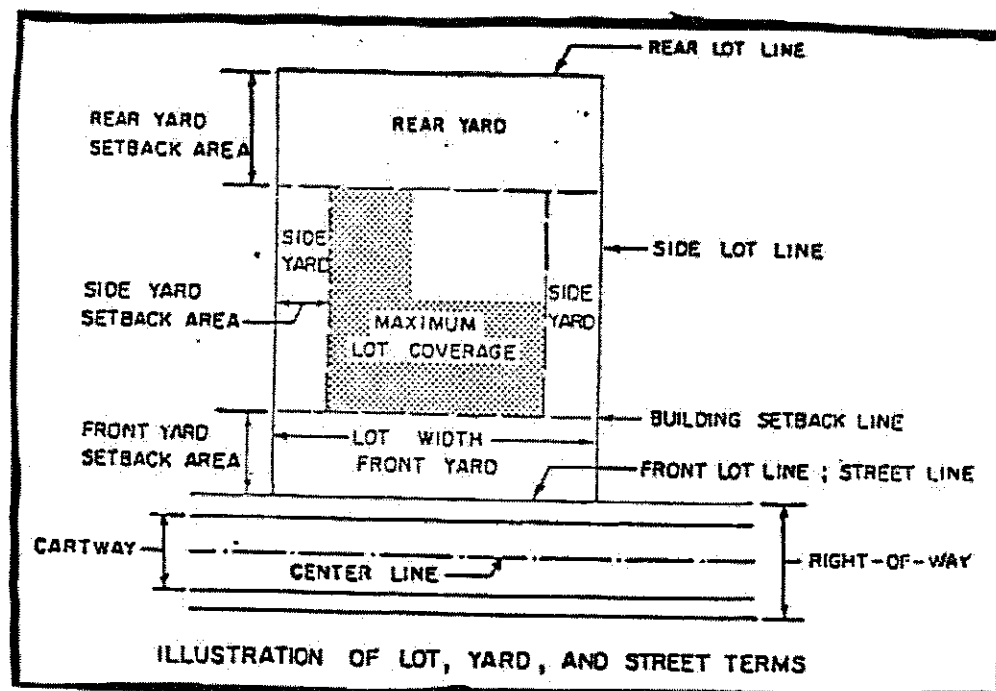
The total ground floor area and impervious areas of all primary and accessory buildings and structures shall not exceed the maximum coverage as specified for the use in the applicable zoning district.

**3.1.3 Lot size and width**

All lots created after the enactment of this Ordinance shall not be less than the minimum lot size and width as specified the use in the applicable zoning district.

**3.2 Yard requirements**

No structure or building shall be placed in the front, side, or rear yard setback areas as specified for each use in the applicable zoning district, except where specifically authorized in other sections of this Ordinance.

**3.2.1 Illustration of lot and yard requirements**

**3.2.2 Residential uses****A. *Setbacks***

In all conservation and residential zoning districts, where two (2) or more structures for primary use are proposed to be built upon a lot in single ownership, the front, side, and rear yard setback areas are required as though each structure were on an individual lot.

**B. *Uses***

In all conservation and residential zoning districts, there shall be no more than one principal use on each lot unless it is possible to meet all requirements of this Ordinance and the applicable Subdivision and Land Development Ordinance to show or establish each use on a separate, conforming lot.

**3.2.3 Non-residential uses****A. *Commercial and industrial lot setbacks***

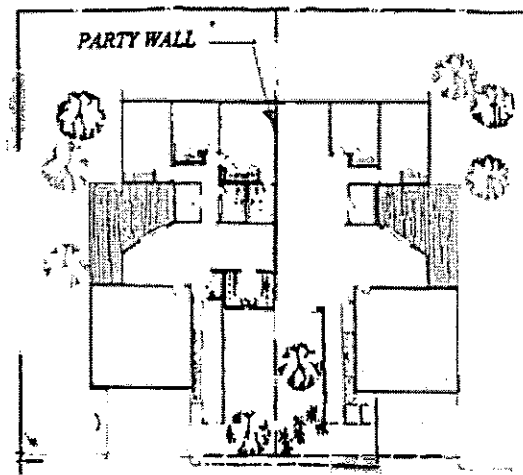
In all commercial and industrial zoning districts, where two (2) or more primary structures for non-residential use are proposed to be placed upon a lot in single ownership, the front, side, and rear yard setback areas are required only at lot lines.

**3.2.4 Detached or semi-detached dwelling units**

Where two or more detached or semi-detached dwelling units are proposed to be built upon a lot in single ownership, the front, side, and rear yard setback areas and density requirements are required as though each structure were on an individual lot.

**3.2.5 Party walls**

Where a side lot line meets at the same point with a party wall of a semi-detached and an attached dwelling, the side yard setback for such lot line does not apply to the structure.



**3.2.6 Attached dwelling units (residential)**

Where two or more attached dwelling units are proposed to be placed upon a lot in single ownership or upon two (2) or more abutting lots under single ownership; the front, side, and rear yard setback areas stipulated in the applicable zoning district are required only from the lot lines abutting the property of another. Within the lot, however, the minimum horizontal distance between facing walls of any two buildings shall be twice the side yard setback distance in the zoning district.

**3.2.7 Lots abutting streets**

Where a lot abuts upon a street, including private streets, with a right-of-way, the front yard setback shall be measured from the edge of the right-of-way.

**3.2.8 Fences**

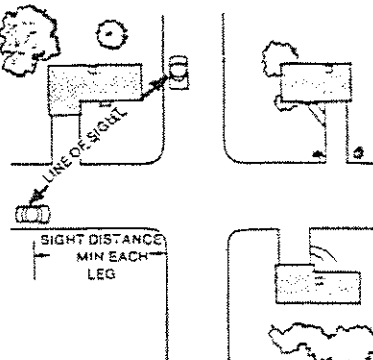
No solid, opaque fence shall be permitted within the front yard setback area which obstructs site clearance for safe access to streets. All other fences, hedges, and free-standing walls are permitted in any yard setback area unless otherwise restricted or prohibited by other provisions of this Ordinance.

**3.2.9 Projections**

Balconies, bay windows, chimneys and flues, columns, cornices and eaves, fire escapes, gutters and down spouts, sills, and un-enclosed porches may project up to 3 ft. into the specified yard setback areas of a lot, except in the *Village Commercial and Village Residential Districts* where it shall not extend into the side yard setback. In any case, projections shall not be any closer than 5 ft. from any property line.

**3.2.10 Corner Lots**

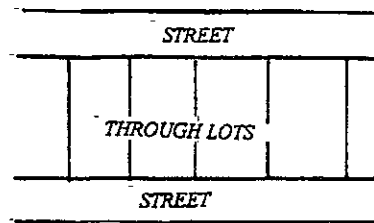
- A. On corner lots, no structures, fences, walls and vegetation shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of 2½ and 10 ft. above the centerline grades of the intersecting streets. *Diagram of Clear-site distance.*



- B. On a corner lot, the side yard setback for a corner lot shall not be less than the required front yard setback for the use, and shall be governed by all front yard setback requirements of this Ordinance. The front yard shall be determined by driveway access to the street.

### 3.2.11 Through Lots

A through lot is a lot with front and rear street frontages. On a through lot, the rear-yard setback width shall be either the rear or front yard setback width designated for the use, whichever is greater.



### 3.2.12 Buffer yards

Buffer yards, when required, shall be planted and maintained in shrubs, bushes, trees, grass, or other vegetative landscaping material. No structure or building shall be permitted in the buffer area.

- A. Where the following zoning district boundaries adjoin each other, the minimum buffer yard width shall be provided during development of the lot, except where the zoning district boundary adjoins a public street, as follows:

District Proposed for Development*	Adjoining Zoning District - (Footage Required)											
	F	S	R-1	R-2	R-3	VR	VC	C-1	C-2	I-1	I-2	I-3
R-3	15	15	15	NA	NA	NA	NA	NA	NA	NA	NA	NA
VR	15	15	15	15	15	NA	NA	NA	NA	NA	NA	NA
VC	20	20	15	10	5	5	NA	NA	NA	NA	NA	NA
C-1	30	30	25	25	25	20	15	NA	NA	NA	NA	NA
C-2	30	30	25	25	25	20	15	NA	NA	NA	NA	NA
I-1	30	30	30	30	30	30	25	25	25	NA	NA	NA
I-2	30	30	30	30	30	30	25	25	25	NA	NA	NA
I-3	30	30	30	30	30	30	25	25	25	NA	NA	NA

\* Districts where Buffer Yards are to be located -- all dimensions are shown in feet

- B. The buffer yard shall be parallel to and adjacent to the zoning district boundary, and shall be completely covered with a vegetative ground cover. Additionally, sight-obscuring evergreen plantings shall be placed the full length of the boundary in accordance with the following requirements:

- (1) All such plantings shall be at least 4 ft. in height when planted, and shall reach a height of at least 6 ft. at maturity.

- (2) All plantings and vegetative ground cover shall be maintained. Any plant material that does not live shall be replaced within one year.
- (3) Buffer yards shall not be used for parking, loading, storage, or any structures.
- (4) All buffer yards, except side buffer yards of interior lots, may be crossed by access driveways and utility easements, provided that such are not more than 25 ft. in width at the point of intersection.
- (5) Where a required buffer yard is greater in width than the setback(s) required in the zoning district, the required buffer yard dimension will determine the setback dimension.

### **3.3 Height requirements**

No structure shall exceed the maximum height limitations specified for the use in each zoning district, except: farm buildings, barns and silos, belfries, bulkheads, cupolas, chimneys, church spires, domes, flag poles, masts and aials, monuments, observation towers, utility poles and towers, ventilators, water tanks, and windmills and elevator shafts, provided such are erected only to a height necessary to accomplish the purpose to be served, provided such are not intended for human occupancy as dwellings, and provided all structures and appurtenances to these structures are erected in conformity with the laws, ordinances, regulations relating to the same.

The height of a structure shall be computed as the vertical distance measured from the mean level of the ground surrounding the structure to its highest point.

#### **3.3.1 Airport Hazard Zones**

Regardless of height, all structures, uses, building, and objects of natural growth located within Airport Hazard Zones shall conform to regulations set forth by the Federal Aviation Administration, regarding objects affecting navigable airspace, or any other regulations adopted by the Township.

**SECTION 4. CONSERVATION DISTRICTS**

Conservation districts contain forested areas, steep slopes, floodplains, wetlands, and other natural features usually not well-suited for development. This zoning district protects and preserves the Township's natural recharge areas, forests, rock outcroppings, areas of geological significance, and the natural flora and fauna from development.

**4.1 Forest district (F)**

The forests of the Bald Eagle and Nittany Mountains in the Township are valuable resources. Trees and woodlands minimize erosion, provide habitat for wildlife, screen and shield development from light, noise, and wind, and contribute to the Township's rural and nature beauty.

**4.1.1 Intent**

The intent of the *Forest District* is to promote the following:

- To encourage the preservation of woodlands;
- To protect and encourage agricultural activities;
- To protect and retain natural resources;
- To alleviate erosion, sedimentation, and flooding;
- To protect and regenerate watersheds;
- To maintain micro-climates and the level of oxygen produced by woodlands;
- To protect wildlife, and habitat; and
- To provide for aesthetic enjoyment, open space, and recreational uses.

**4.1.2 District requirements**

The uses listed on the *Forest District chart* shall be permitted. All uses and structures shall conform to the lot, yard setback, and height regulations provided herein, as well as other applicable requirements of this Ordinance.

**4.2 Stream valley district (S)**

Spring Creek and Buffalo Run streams are valuable high-quality, cold-water fisheries. This zoning district recognizes the streams, their natural vegetation and their floodplains as vitally important to the Township's hydrology and natural environment. Streams need protection from negative impacts of development. Since these areas contain sensitive wetlands, high-quality springs, cold-water fisheries, and important vegetation and natural habitats, this zoning district is important for their preservation.

**4.2.1 Intent**

The intent of the *Stream Valley District* is to promote the following:

- To encourage the preservation of watercourses and their associated stream banks, wetlands and marshes, alluvial soils, woodlands, valley walls, and steep slopes;
- To protect and retain natural resources;
- To protect and encourage agricultural activities;
- To alleviate erosion, sedimentation, and flooding;
- To protect and retain watersheds;
- To protect wildlife and plant life;
- To protect and regenerate streams for fishing; and
- To provide for aesthetic enjoyment, open space, and recreational uses.

**4.2.2 Building site criteria**

In the *Stream Valley District*, no buildings shall be located upon a portion of the lot where the grade exceeds 25%.

**4.2.3 Stream valley district requirements**

The uses listed on the *Stream Valley District chart* shall be permitted. All uses and structures shall conform to the lot, yard setback, and height regulations provided herein, as well as other applicable requirements of this Ordinance.

**4.3 Agricultural-rural residential district (AR-1)**

Benner Township is centered between Bellefonte and State College. This zoning district creates a buffer between these two urbanized areas. Growth and development pressures slowly and persistently convert farmland into scattered residential and commercial development. If left uncontrolled, the negative impacts of growth will erode the Township's rural character and harm the potential for agriculture production in the future. Clustering of residential uses promotes more efficient, orderly, and compact development patterns which protect the economic, environmental, historical, cultural, and scenic qualities valued by Township residents.

**4.3.1 Intent**

The intent of the *Agricultural-Rural Residential District* is to promote the following:

- To protect and stabilize agriculture as an on-going economic activity;
- To protect and retain natural resources, particularly highly productive soils;

- 
- To protect abundant fields still under cultivation combined with large numbers of open areas to help maintain the Township's rural character and atmosphere;
  - To protect the Township's rural atmosphere and lifestyle;
  - To maintain the opportunity for the production of fresh produce for the residents of Centre County;
  - To guide the majority of the Township's growth to areas where public utilities and improved roads either exist or are planned;
  - To permit limited commercial and community facilities compatible with the rural environment, and offer alternative economic alternatives to property owners not able to continue farming, and/or which would create serious nuisances or hazards if located within populous areas; and
  - To discourage the subdivision of large agricultural tracts into smaller lots contributing to sprawling development and further deterioration of the rural character of the Township.

#### **4.3.2 Agricultural-rural residential district requirements**

The uses listed on the *Agricultural-Rural Residential District chart* shall be permitted. All uses and structures shall conform to the lot, yard setback, and height regulations provided herein, as well as other applicable requirements of this Ordinance.



FOREST DISTRICT (F)							
Criteria and Standards for Benner Township, Centre County, PA							
Permitted Uses	Lot Requirements			Yard Setbacks			
PRIMARY USES AND STRUCTURES	Minimum Size	Minimum Width (at building setback line)	Maximum Height	Maximum Lot Coverage (Impervious Included)	Front Yard	Side Yard	Rear Yard
1. Agricultural Uses	10 acres	50' (at street line)	35'	25%	50'	25'	35'
2. Adult and Child Care Centers	1 acre	150'	35'	25%	50'	25'	35'
3. Campgrounds (seasonal)*	10 acres	NA	35'	25%	50'	50'	50'
4. Community Centers and Clubs	5 acres	150'	35'	50%	50'	50'	50'
5. Conservation & State Game Lands	NA	50' (at street line)	NA	25%	50'	50'	50'
6. Correctional Institutes	10 acres	50' (at street line)	35'	25%	50'	50'	50'
7. Horticultural Uses *	2 acres	150'	35'	25%	50'	50'	50'
8. Parks & Recreation Areas	NA	50' (at street line)	35'	25%	50'	25'	35'
9. Seasonal Dwellings (priv. s/w)	1.5 acres	150'	35'	25%	50'	50'	50'
10. Single Family Detached (priv. s/w)	1.5 acres	150'	35'	25%	50'	25'	35'
11. Stables & Kennels	5 acres	150'	35'	25%	50'	50'	50'
ACCESSORY USES							
1. Adult Day Care*	Apply the regulations for the primary use above to which this use is accessory.						
2. Bed and Breakfast Establishment*							
3. Child Day Care*							
4. Home Occupations*							
5. Occupant-Owned Businesses*							
CONDITIONAL USES							
1. Communication towers/antennas	See Supplemental Regulations*	50' (at street line)	under FAA regulation	25%	*	*	*

For simplicity, all permitted uses outlined above are abbreviated. For a more elaborate explanation, refer to the definition section of this Ordinance.

\* See *Supplemental Regulations* outlined in *Article IV*.

priv. s/w = private septic and well

pub. s/w = pub. sewer and water

4/1/97

STREAM VALLEY DISTRICT (SV) Criteria and Standards for Benner Township, Centre County, PA							
Permitted Uses	Lot Requirements			Yard Setbacks			
	Minimum Size	Minimum Width (at building setback line)	Maximum Height	Maximum Lot Coverage (impervious included)	Front Yard	Side Yard	Rear Yard
1. Agricultural Uses	10 acres	50' (at street line)	35'	25%	50'	15'	50'
2. Campgrounds (seasonal)*	10 acres	50' (at street line)	35'	25%	50'	50'	50'
3. Child and Adult Care Centers	1 acre	150'	35'	25%	50'	15'	50'
4. Community Centers & Clubs	5 acres	150'	35'	25%	50'	50'	50'
5. Correctional Institutes	10 acres	NA	35'	25%	50'	50'	50'
6. Horticultural Uses *	2 acres	150'	35'	25%	50'	50'	50'
7. Park, Recreation, Conservation Areas and State Game Lands	NA	50' (at street line)	35'	25%	50'	15'	50'
8. Single Family Detached (pub. sewer)	1 acre	100'	35'	25%	50'	15'	35'
9. Single Family Detached (priv. s/w)	2 acres	150'	35'	25%	50'	15'	35'
10. Seasonal Dwelling (priv. S/W)	2 acres	150'	35'	25%	50'	15'	35'
11. Water Pollution Control (Conditional Use)	10 acres	150'	45'	35%	50'	15'	35'
ACCESSORY USES							
1. Adult Day Care*	Apply the regulations for the primary use above to which this use is accessory.						
2. Bed and Breakfast Establishment*							
3. Child Day Care*							
4. Home Occupation*							
5. Occupant-Owned Businesses*							

For simplicity, all permitted uses outlined above are abbreviated. For a more elaborate explanation, refer to the definition section of this Ordinance.  
 \* See *Supplemental Regulations* outlined in *Article IV*.

priv. s/w = private septic and well      pub. s/w = public sewer and water

10/02

AGRICULTURAL-RURAL RESIDENTIAL DISTRICT (AR-1) Criteria and Standards for Benner Township, Centre County, PA								
Permitted Uses	Lot Requirements					Yard Setbacks		
	Minimum Size	Minimum Width (at building setback line)	Maximum Height	Maximum Lot Coverage (all impervious)	Front Yard	Side Yard	Rear Yard	
1. Agricultural Uses	10 acres	50' (at street line)	35'	25%	50'	15'	35'	
2. Adult and Child Care Centers*	1 acre	150'	35'	25%	50'	15'	35'	
3. Churches and Places of Worship	5 acres	150'	35'	50%	50'	50'	50'	
4. Community Centers, Clubs & Municipal Building	5 acres	150'	35'	50%	50'	50'	50'	
5. Elementary & Secondary Schools *	10 acres	100'	35'	35%	50'	50'	50'	
6. Golf Courses *	100 acres/18 hole 50 acres/9 hole	50' (at street line)	35'	20%	50'	50'	50'	
7. Horticultural Uses *	2 acres	150'	35'	25%	50'	50'	50'	
8. Medical & Dental Clinics	3 acres	150'	35'	50%	50'	50'	50'	
9. Park, Rec. & Conservation Areas	NA	50' (at street line)	35'	25%	50'	15'	35'	
10. Single Family Detached (priv. s/w)	60,000 sq. ft.	150'	35'	25%	50'	15'	35'	
11. Single Family Detached (pub. sewer)	20,000 sq. ft.	100'	35'	50%	35'	15'	35'	
12. Stables & Kennels	5 acres	150'	35'	25%	50'	50'	50'	
13. Veterinary Clinic	3 acres	100'	35'	50%	50'	50'	35'	
ACCESSORY USES								
1. Adult/Child Day Care *								
2. Bed and Breakfast Establishment *								
3. Home Occupations*								
4. Occupant-Owned Businesses *								
CONDITIONAL USE								
1. Cemeteries	100 acres	NA	35'	25%	100'	100'	100'	
2. County Prison w/public utilities*	15 acres	50'	45'	35%	100'	100'	100'	
3. Elderly Housing Developments*	5 acres	300'	35'	50%	50'	50'	50'	
4. Fire Training Facility w/public utilities	10 acres	50'	45' buildings 75' fire trailing lower	25%	100'	100'	100'	

Apply the regulations for the primary use above to which this use is accessory.

For simplicity, all permitted uses outlined above are abbreviated. For a more elaborate explanation, refer to the definition section of this Ordinance.

\* See *Supplemental Regulations* outlined in *Article IV*.

priv. s/w = private septic and well

pub. s/w = public sewer and water

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**SECTION 5. RESIDENTIAL DISTRICTS**

Residential districts are designed to provide for a wide range of housing types for all age groups and income levels. All types and styles of housing units are encouraged in the Township including single family/multi-family, stick-built/modular, high income/low income, and all other architectural styles. Residential districts are established around proposed public sewer and water service areas and projected growth areas. These service areas allow for the development of new single-family detached homes on smaller residential lots, attached residential dwellings, and other medium density residential projects.

**5.1 Low-density residential district (R-2)**

*Low-Density Residential Districts* contain low density residential development and/or small subdivisions anticipated to continue growing in the Buffalo Run Valley. Since zoning districts are the *Agricultural-Rural Residential Districts*.

**5.1.1 Intent**

The intent of the *Low-Density Residential District* is to promote the following:

- To provide for low density housing in appropriate locations, and to permit limited public uses appropriate for residential neighborhoods;
- To preserve the Township's rural atmosphere by permitting agricultural activities;
- To encourage clustering of homes around public services to preserve open spaces;
- To protect residential areas from changes and intrusions deterioration;
- To meet minimum standards of health and safety by protecting against hazards and nuisances;
- To provide for adequate daylight, ventilation, quiet, privacy, and recreational opportunity; and
- To prevent congestion and the overcrowding of land caused by excessive densities.

**5.1.2 Low-density residential district requirements**

The uses listed on the *Low-Density Residential District chart* shall be permitted. All uses and structures shall conform to the lot, yard setback and height regulations provided herein, as well as other applicable requirements of this Ordinance.

**5.2 Medium-density residential district (R-3)**

The *Medium-Density Residential District* is designed to accommodate higher density residential uses in the form of townhouses, row houses, semi-detached dwellings, condominiums, multi-family apartments, and other similar types of housing projects, as well as promoting housing projects that emphasize clustering principles, and development of well coordinated recreation and open space features.

**5.2.1 Intent**

The intent of the *Medium-Density Residential District* is to promote the following:

- To provide for medium-density housing in appropriate locations, and to permit limited uses appropriate to residential neighborhoods;
- To protect residential areas from changes and intrusions causing deterioration;
- To preserve the Township's rural atmosphere by permitting agricultural activities;
- To provide a buffer between low-density residential neighborhoods and more intensified land uses;
- To meet minimum standards of health and safety by protecting against hazards and nuisances;
- To provide for adequate daylight, ventilation, quiet, privacy, and recreational opportunity;
- To prevent congestion and the overcrowding of land caused by excessive densities;
- To provide for low and moderate income housing; and
- To promote a diversity of housing types and character.

**5.2.2 Medium-density residential district requirements**

The uses listed on the *Medium-Density Residential District* chart shall be permitted. All uses and structures shall conform to the lot, yard setback, and height regulations provided herein, as well as other applicable requirements of this Ordinance.

**5.3 Village residential district (VR)**

The *Village Residential District* is designed to perpetuate the distinctive character and identity of older neighborhoods by keeping buildings at or near the street line, placing parking areas generally to the rear or sides of buildings, maintaining and replacing shade trees, and emphasizing pedestrian movements.

**5.3.1 Intent**

The intent of the *Village Residential District* is to promote the following:

- To permit a harmonious mixture of housing and selected service and community activities, and to exclude retail and other commercial activities typical of the *Village Commercial District*;
- To encourage selective reuse of buildings outgrowing the purpose of their original construction;

- To preserve the Township's rural atmosphere by permitting agricultural activities;
- To protect residential areas from changes and intrusions causing deterioration;
- To meet minimum standards of health and safety;
- To provide for adequate daylight, ventilation, quiet, privacy, and recreational opportunity; and
- To provide for public convenience and avoid congestion.

#### **5.3.2 Village residential district requirements**

The uses listed on the *Village Residential District* chart shall be permitted. All uses and structures shall conform to the lot, yard setback, and height regulations provided herein, as well as other applicable requirements of this Ordinance.

RESIDENTIAL DISTRICT (R-2)							
Criteria and Standards for Benner Township, Centre County, PA							
Permitted/Conditional Uses	Lot Requirements			Yard Setbacks			
PRIMARY USES AND STRUCTURES	Minimum Size	Minimum Width (at building setback line)	Maximum Height	Maximum Lot Coverage (impervious included)	Front Yard	Side Yard	Rear Yard
1. Agricultural Uses	10 acres	50' (at street line)	35'	25%	40'	15'	35'
2. Adult and Child Care Centers*	1 acre	150'	35'	25%	50'	15'	35'
3. Churches and Places of Worship	5 acres	150'	35'	50%	50'	50'	50'
4. Community Centers & Clubs	5 acres	150'	35'	50%	50'	50'	50'
5. Elderly Housing Developments (Conditional Use)	5 acres	300'	35'	50%	50'	50'	50'
6. Elementary & Secondary Schools *	10 acres	150'	35'	50%	50'	50'	50'
7. Horticultural Uses*	2 acres	150'	35'	25%	50'	50'	50'
8. Medical & Dental Clinics	2 acres	150'	35'	50%	50'	50'	50'
9. Park, Recreation & Conservation Areas	NA	50' (at street line)	35'	25%	40'	15'	35'
10. Single Family Detached (priv. s/w)	1 acre,	150'	35'	20%	40'	15'	35'
11. Single Family Detached (pub. sewer)	15,000 sq. ft.	100'	35'	50%	30'	12'	35'
12. Single Family Semi-Detached (pub.s/w)	7,500 sq. ft.	55'	35'	65%	30'	12' w/ carport 24' w/out	35'
ACCESSORY USES	Apply the regulations for the primary use above to which this use is accessory.						
1. Adult Day Care*							
2. Bed and Breakfast Establishment*							
3. Child Day Care*							
4. Home Occupations*							
5. Occupant-Owned Businesses*							

For simplicity, all permitted uses outlined above are abbreviated. For a more elaborate explanation, refer to the definition section of this Ordinance.

\* See *Supplemental Regulations* outlined in *Article IV*. priv. s/w = private septic and well pub.s/w = public sewer and water

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RESIDENTIAL DISTRICT (R-3)							
Criteria and Standards for Benner Township, Centre County, PA							
Permitted/Conditional Uses	Lot Requirements			Yard Setbacks			
	Minimum Size	Minimum Width (at building setback line)	Maximum Height	Maximum Lot Coverage (impervious included)	Front Yard	Side Yard	Rear Yard
1. Agricultural Uses	10 acres	50' (at street line)	35'	25%	30'	10'	35'
2. Apartment Dwelling	6,000 unit 22,500 sq. ft.	150'	35'	65%	30'	50'	50'
3. Boarding House	30,000 sq. ft.	150'	35'	40%	30'	25'	35'
4. Adult and Child Care Centers*	1 acre	150'	35'	25%	30'	15'	35'
5. Churches and Places of Worship	5 acres	150'	35'	50%	30'	50'	50'
6. Community Centers & Clubs	5 acres	150'	35'	50%	30'	50'	50'
7. Convenience Stores (public sewer)*	40,000 sq. ft.	150'	35'	65%	50'	25'	25' NR 75' R
8. Duplex (pub. Sewer)	14,000 sq. ft.	100'	35'	65%	30'	20'	35'
9. Elementary & Secondary Schools*	10 acres	150'	35'	65%	30'	50'	50'
10. Extended Care Facility *	5 acres	150'	35'	65%	30'	25' NR 75' R	25' NR 75' R
11. Medical and Dental Clinics	1 acre	100'	35'	80%	30'	25' NR 50' R	25' NR 50' R
12. Manufactured/Mobile Home Parks	See Regulations for Manufactured/Mobile Home Parks – Conditional Use						
13. Park, Rec. & Conservation Areas	NA	50' (at street line)	35'	25%	30'	20'	35'
14. Single Family Detached (priv. s/w)	60,000 sq. ft.	150'	35'	20%	30'	10'	35'
15. Single Family Detached (pub. sewer)	7,500 sq. ft.	75'	35'	50%	30'	10'	35'
16. Single Family Semi-Detached (pub. sewer)	7,500 sq. ft.	75'	35'	50%	30'	10'	35'
17. Townhouses	2,500 sq. ft.	20' unit	35'	65%	30'	12' earport 24' w/out	35'
CONDITIONAL USES							
1. Elderly Housing Developments							
ACCESSORY USES							
1. Adult / Child Day Care *	5 acres	300'	35'	65%	30'	20'	35'
2. Bed and Breakfast Establishment*							
3. Home Occupations*							
4. Occupant-Owned Businesses*							
Apply the regulations for the primary use above to which this use is accessory.							

For simplicity, all permitted uses outlined above are abbreviated. For a more elaborate explanation, refer to the definition section of this Ordinance. \* See Supplemental Regulations outlined in Article IV. priv. s/w = private septic and well pub. s/w = public sewer and water

NR = Setbacks for adjoining non-residential uses

R = Setbacks for adjoining residential uses

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VILLAGE RESIDENTIAL DISTRICT (V-R) Criteria and Standards for Benner Township, Centre County, PA									
Permitted Uses	Lot Requirements			Yard Setbacks					
	Minimum Size	Minimum Width (at building setback line)	Maximum Height	Maximum Lot Coverage (Impervious included)	Front Yard	Side Yard	Rear Yard		
<b>PRIMARY USES AND STRUCTURES</b>									
1. Agricultural Uses	10 acres	50' (at street line)	35'	25%	30'	15'	30'		
2. Adult and Child Care Centers*	1 acre	150'	35'	25%	30'	15'	30'		
3. Churches and Places of Worship*	5 acres	150'	35'	50%	30'	50'	50'		
4. Community Centers and Clubs	5 acres	100'	35'	25%	30'	50'	50'		
5. Horticultural Uses *	2 acres	150'	35'	25%	30'	50'	50'		
6. Park, Recreation & Conservation Areas	NA	50' (at street line)	35'	25%	30'	15'	30'		
7. Single Family Detached (pub. sewer)	20,000 sq. ft.	100'	35'	50%	30'	15'	30'		
8. Single Family Detached (priv. s/w)	60,000 sq. ft.	150'	35'	25%	30'	15'	30'		
<b>ACCESSORY USES</b>									
1. Adult Day Care*									
2. Child Day Care*									
3. Bed and Breakfast Establishment*									
4. Home Occupations*									
5. Occupant-Owned Businesses*									

Apply the regulations for the primary use above to which this use is accessory.

For simplicity, all permitted uses outlined above are abbreviated. For a more elaborate explanation, refer to the definition section of this Ordinance.  
\* See *Supplemental Regulations* outlined in *Article IV*.

priv. s/w = private septic and well

pub. s/w = public sewer and water

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**SECTION 6. COMMERCIAL DISTRICTS**

Commercial districts provide, for and orient where most appropriate, commercial land uses and complimentary retail activities such as free standing banks, fast food establishments, and other small retail activities.

**6.1 Planned-office commercial district (C-1)**

*Planned-Office Commercial District* is designed to be business and professional in nature, well designed, and scaled to fit within the mix of adjacent uses and activities. This zoning district addresses low density siting patterns, substantial landscaping, and buffering to minimize conflicts, as well as, addressing well designed parking and circulation systems for vehicles and pedestrians, coordinated infrastructure, and special site design features to ensure development projects are coordinated with surrounding uses.

**6.1.1 Intent**

The intent of the *Planned-Office Commercial District* is to promote the following:

- To provide for a full range of service and office uses in appropriate locations;
- To minimize the proliferation and hazards of highway commercial activity;
- To encourage the clustering of commercial establishments;
- To preserve the Township's rural atmosphere by permitting agricultural uses;
- To meet minimum standards of health and safety by protecting against hazards and nuisances; and
- To promote stable commercial development.

**6.1.2 Planned-Office commercial district requirements**

The uses listed on the *Planned-Office Commercial District* chart shall be permitted. All uses and structures shall conform to the lot, yard setback, and height regulations provided herein, as well as other applicable regulations of this Ordinance.

**6.2 General Commercial District (C-2)**

The *General Commercial District* is designed to provide areas of mixed business uses for a combination of light industrial and wholesale commercial uses. This district protects residential uses from incompatible business activities by providing locations for general business uses.

**6.2.1 Intent**

The intent of the *General Business District* is to promote the following:

- To minimize the proliferation and hazards of highway business activity;
- To encourage the clustering of non-residential establishments;
- To preserve the Township's rural atmosphere by permitting agricultural activities;
- To meet minimum standards of health and safety by protecting against hazards and nuisances; and
- To promote stable commercial development.

**6.2.2 General commercial district requirements**

The uses listed on the *General Commercial District chart* shall be permitted. All uses and structures shall conform to the lot, yard setback and height regulations provided herein, as well as other applicable regulations of this Ordinance.

**6.3 Village commercial district (VC)**

The *Village Commercial District* perpetuates the distinctive character and identity of the older neighborhoods by keeping buildings at or near the street line, placing parking areas to the rear or sides of buildings, maintaining and replacing shade trees, and emphasizing pedestrian movements. This district encourages selective reuse of buildings outgrowing the purpose of their original construction.

**6.3.1 Intent**

The intent of the *Village Commercial District* is to promote the following:

- To permit a harmonious mixture of housing and selected service and community activities, and generally including retail and other commercial activities not typical of the *Village Residential District*;
- To protect residential areas from changes and intrusions causing deterioration;
- To preserve the Township's rural atmosphere by permitting agricultural activities;
- To promote stable commercial development;
- To provide for adequate daylight and ventilation; and
- To provide for public convenience and avoid congestion.

**6.3.2 Village commercial district requirements**

The uses listed on the *Village Commercial District chart* shall be permitted. All uses and structures shall conform to the lot, yard setback, and height regulations provided herein, as well as other applicable requirements of this Ordinance.

PLANNED-OFFICE COMMERCIAL DISTRICT (C-1) Criteria and Standards for Benner Township, Centre County, PA							
Permitted Uses	Lot Requirements			Yard Setbacks			
	Minimum Size	Minimum Width (at building setback line)	Maximum Height	Maximum Lot Coverage (Impervious included)	Front Yard	Side Yard	Rear Yard
1. Agricultural Uses	10 acres	50' (at street line)	35'	25%	35'	25'	35'
2. Adult and Child Care Centers*	40,000 sq. ft.	150'	35'	25%	35'	25'	35'
3. Bed and Breakfast Establishment*	40,000 sq. ft.	150'	35'	75%	35'	25'	35'
4. Business Services and Professional Offices	40,000 sq. ft.	150'	45'	75%	50'	25'	25'
5. Community Centers & Clubs	40,000 sq. ft.	150'	45'	75%	50'	25'	25'
6. Convenience Store*	40,000 sq. ft.	150'	45'	75%	50'	25'	25'
7. Financial Services	40,000 sq. ft.	150'	45'	75%	50'	25'	25'
8. Funeral Homes/Mortuary	40,000 sq. ft.	150'	35'	65%	50'	25'	25'
9. Health Services and Medical Facilities	40,000 sq. ft.	150'	45'	75%	50'	25'	25'
10. Motels and Hotels	80,000 sq. ft.	200'	45'	80%	50'	25'	25'
11. Park, Recreation & Conservation Areas	NA	50' (at street line)	NA	25%	35'	25'	35'
12. Recreational Use	40,000 sq. ft.	150'	45'	25%	50'	25'	25'
13. Restaurants *	40,000 sq. ft.	150'	45'	25%	50'	25'	25'
CONDITIONAL USES							
1. Antennas	See Article V, Section 12	*	Under FAA regulation	*	*	*	*

For simplicity, all permitted uses outlined above are abbreviated. For a more elaborate explanation, refer to the definition section of this Ordinance.

\*See *Supplemental Regulations* outlined in *Article IV*.

NR = Setbacks for adjoining non-residential uses

R = Setbacks for adjoining residential uses

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GENERAL COMMERCIAL DISTRICT (C-2) Criteria and Standards for Benner Township, Centre County, PA							
Permitted Uses	Lot Requirements			Yard Setbacks			
	Minimum Size	Minimum Width (at building setback line)	Maximum Height	Maximum Lot Coverage (impervious included)	Front Yard	Side Yard	Rear Yard
1. Agricultural Uses	10 acres	50' (at street line)	35'	25%	35'	25'	35'
2. Adult and Child Care Centers*	20,000 sq. ft.	100'	35'	50%	35'	25'	35'
3. Business and Financial Services	20,000 sq. ft.	150'	35'	80%	50'	25'	25'
4. Convenience Stores *	40,000 sq. ft.	150'	35'	80%	50'	25'	25'
5. Funeral Homes/Mortuary	40,000 sq. ft.	150'	35'	65%	50'	25'	25'
6. Health Services	20,000 sq. ft.	150'	35'	80%	50'	25'	25'
7. Motor Vehicle Services and Sales *	40,000 sq. ft.	150'	35'	80%	50'	25'	25'
8. Motor Vehicle Washing (pub. s/w)*	40,000 sq. ft.	100'	35'	80%	50'	25'	25'
9. Professional Offices	40,000 sq. ft.	150'	35'	80%	50'	25'	25'
10. Park, Recreation & Conservation Areas	NA	50' (at street line)	35'	25%	35'	15'	35'
11. Recreational Use	40,000 sq. ft.	150'	35'	25%	50'	25'	25'
12. Restaurants *	40,000 sq. ft.	150'	35'	80%	50'	25'	25'
13. Retail and Wholesale Service Uses	20,000 sq. ft.	100'	35'	80%	50'	25'	25'
<b>SPECIAL EXCEPTION</b>							
1. Adult Entertainment	2 acres	150'	35'	60%	100'	75'	75'
<b>CONDITIONAL USE</b>							
1. Antennas	See Article V, Section 12	*	Under FAA Regulations	*	*	*	*

For simplicity, all permitted uses outlined above are abbreviated. For a more elaborate explanation, refer to the definition section of the Ordinance.

\*See *Supplemental Regulations* outlined in *Article IV*.

NR = Setbacks for adjoining non-residential uses

R = Setbacks for adjoining residential uses

pub. s/w = public sewer and water

VILLAGE COMMERCIAL DISTRICT (V-C)							
Criteria and Standards for Benner Township, Centre County, PA							
Permitted Uses	Lot Requirements			Yard Setbacks			
PRIMARY USES AND STRUCTURES	Minimum Size	Minimum Width (at building setback line)	Maximum Height	Maximum Lot Coverage (impervious included)	Front Yard	Side Yard	Rear Yard
1. Agricultural Uses	10 acres	50' (at street line)	35'	25%	30'	15'	30'
2. Adult and Child Care Centers*	1 acre	150'	35'	25%	30'	15'	30'
3. Financial Services Uses	5,000 sq. ft.	50' (at street line)	35'	50%	30'	15'	30'
4. Professional Offices	5,000 sq. ft.	50' (at street line)	35'	50%	30'	15'	30'
5. Retail and Personal Service Uses	5,000 sq. ft.	50' (at street line)	35'	50%	30'	15'	30'
ACCESSORY USES	Apply the regulations for the primary use above to which this use is accessory.						
1. Adult Day Care*							
2. Child Day Care*							
3. Home Occupations*							
4. Occupant-Owned Businesses*							

For simplicity, all permitted uses outlined above are abbreviated. For a more elaborate explanation, refer to the definition section of this Ordinance.  
 \* See *Supplemental Regulations* outlined in *Article IV*.

priv. s/w = private septic and well      pub. s/w = public sewer and water

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**SECTION 7. INDUSTRIAL DISTRICTS**

The Township recognizes the importance of economic development within its boundaries. In response to the regional need for industrial activities, the Township expanded its industrial uses near the University Park Airport. The criteria and standards set forth adhere to strict environmental performance criteria as it relates to traffic, noise, air quality, light, smoke, odor/fumes, point and non-point pollution, as well as other environmental considerations.

**7.1 General industrial district (I-1)**

The *General Industrial District* is designated to provide an area in the Township where heavy industrial type of uses can be concentrated.

**7.1.1 Intent**

The intent of the *General Industrial District* is to promote the following:

- To cluster industrial development in selected locations;
- To preserve the Township's rural atmosphere by permitting agricultural activities;
- To provide sites for heavy industries, separated from light industry and other less intense uses; and
- To minimize the hazards and nuisances resulting from the operation of industries.

**7.1.2 General industrial district requirements**

The uses listed on the *General Industrial District chart* shall be permitted. All uses and structures shall conform to the lot, yard setback, and height regulations provided herein, as well as other applicable requirements of this Ordinance.

**7.2 Light industrial district (I-2)**

The *Light Industrial District* provides for an area in the Township where a mix of various types of light industries can be concentrated.

**7.2.1 Intent**

The intent of the *Light Industrial District* is to promote the following:

- To cluster light industrial development in selected, appropriate locations;
- To provide sites for light industries separated from other incompatible uses;
- To preserve the Township's rural atmosphere by permitting agricultural activities; and
- To minimize the hazards and nuisances resulting from the operation of industries.



**7.2.2 Light industrial district requirements**

The uses listed on the *Light Industrial District chart* shall be permitted. All uses and structures shall conform to the lot, yard setback, and height regulations provided herein, as well as other applicable requirements of this Ordinance.

**7.3 Campus industrial district (I-3)**

This zoning district provide for light industrial and service uses needed to support future activities for our region. The uses within this zoning district are compatible with the airport, and include research and development activities, offices, ground transportation, hotels and supporting commercial uses. Development standards are consistent with residential districts--low lot coverage, landscaping, sidewalks, and recreational amenities.

**7.3.1 Intent**

The intent of the *Campus Industrial District* is to promote the following:

- To provide for a superior location for the future of high technology and research-related industries, university-related enterprises, administrative businesses, and appropriate business and airport support activities;
- To provide development standards closer to residential districts than typical industrial districts--low lot coverage, no outdoor storage, generous setbacks, hidden or buffered off-street parking, curb and sidewalks, highly controlled lot access, extensive landscaping and high environmental performance standards;
- To preserve the Township's rural atmosphere by permitting agricultural activities;
- To serve as a buffer between higher and lower density industrial districts;
- To meet minimum standards of health and safety by protecting against hazards and nuisances.

**7.3.2 Campus industrial district requirements**

The uses listed on the *Campus Industrial District chart* shall be permitted. All uses and structures shall conform to the lot, yard setback, and height regulations provided herein, as well as other applicable requirements of this Ordinance.

GENERAL INDUSTRIAL DISTRICT (I-1)								
Criteria and Standards for Benner Township, Centre County, PA								
Permitted Uses	Lot Requirements				Yard Setbacks			
PRIMARY USES AND STRUCTURES	Minimum Size	Minimum Width (at building setback line)	Maximum Height	Maximum Lot Coverage (Impervious included)	Front Yard	Side Yard	Rear Yard	
1. Agricultural Uses	10 acres	50' (at street line)	35'	25%	35'	25'	35'	
2. Adult and Child Care Centers*	20,000 sq. ft.	100'	35'	25%	50'	25'	35'	
3. Industrial Uses	40,000 sq. ft.	100'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
4. Manufacturing Uses	40,000 sq. ft.	100'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
5. Moving and Storage, Parcel Delivery & Express Transfer	40,000 sq. ft.	100'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
6. Park, Recreation & Conservation Areas	NA	50' (at street line)	35'	25%	35'	25'	35'	
7. Truck Terminal	80,000 sq. ft.	200'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
8. Wholesale/Warehouse Distribution	40,000 sq. ft.	100'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
CONDITIONAL USE								
1. Mining, Quarries or Processing of minerals and quarried materials	25 acres	300'	45'	50%	200' 500' (pits)	200' 500' (pits)	200'	
2. Antennas	See Article V, Section 12	*	Under FAA Regulations	*	*	*	500' (pits)	*

For simplicity, all permitted uses outlined above are abbreviated. For a more elaborate explanation, refer to the definition section of this Ordinance.

\* See *Supplemental Regulations* outlined in *Article IV*.

NR = Setbacks for adjoining non-residential uses

R = Setbacks for adjoining residential uses

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LIGHT INDUSTRIAL DISTRICT (I-2)								
Criteria and Standards for Benner Township, Centre County, PA								
Permitted Uses	Lot Requirements				Yard Setbacks			
PRIMARY USES AND STRUCTURES	Minimum Size	Minimum Width (at building setback line)	Maximum Height	Maximum Lot Coverage (Impervious Included)	Front Yard	Side Yard	Rear Yard	
1. Agricultural Uses	10 acres	50' (at street line)	35'	25%	35'	15'	35'	
2. Adult and Child Care Centers*	20,000 sq. ft.	100'	35'	25%	50'	25'	35'	
3. Correctional Institutes	10 acres	50' (at street line)	45'	80%	50'	25' NR 75' R	25' NR 75' R	
4. Fabrication	80,000 sq. ft.	200'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
5. Industrial Uses	80,000 sq. ft.	200'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
6. Park, Recreation and Conservation Areas	NA	50' (at street line)	35'	25%	35'	15'	35'	
7. Retail Sales of products produced and/or assembled on premises as an accessory use to the permitted manufacturing use.	same as primary use	200'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
8. Warehousing, Mini-warehousing and Distribution Facilities	80,000 sq. ft.	200'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
CONDITIONAL USE								
1. Laboratories for Scientific and / or Industrial Research & Development	80,000 sq. ft.	200'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
2. Airport	10 acres	300'	45'	50%	100'	75'	75'	
3. Antennas	See Article V, Section 12	*	Under FAA Regulations	*	*	*	*	

For simplicity, all permitted uses outlined above are abbreviated. For a more elaborate explanation, refer to the definition section of this Ordinance.

\* See *Supplemental Regulations* outlined in *Article IV*.

NR = Setbacks for adjoining non-residential uses

R = Setbacks for adjoining residential uses

CAMPUS INDUSTRIAL DISTRICT (I-3)								
Criteria and Standards for Benner Township, Centre County, PA								
Permitted Uses	Lot Requirements				Yard Setbacks			
	Minimum Size	Minimum Width (at building setback line)	Maximum Height	Maximum Lot Coverage (impervious included)	Front Yard	Side Yard	Rear Yard	
PRIMARY USES AND STRUCTURES								
1. Agricultural Uses	10 acres	50' (at street line)	35'	25%	35'	15'	35'	
CONDITIONAL USE								
1. Adult and Child Care Centers *	20,000 sq. ft.	100'	35'	25%	50'	25'	50'	
2. Business, Professional & Financial Offices	40,000 sq. ft.	100'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
3. Car Rental	40,000 sq. ft.	100'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
4. Commercial Recreational Use (Amended by Ord. 75)	N/A	200'	35'	70%	50'	25' NR 75' R	25' NR 75' R	
5. Fire Stations and Ambulance Services	40,000 sq. ft.	100'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
6. Hotels and Motels	80,000 sq. ft.	200'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
7. Laboratories for Scientific and/or Industrial Research and Dev.	80,000 sq. ft.	200'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
8. Material Manufacturing, Production, Processing, Testing, & Distribution	80,000 sq. ft.	200'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
9. Park, Rec. & Conservation Areas	NA	50' (at street line)	35'	25%	35'	15'	35'	
10. Restaurants	40,000 sq. ft.	100'	35'	80%	50'	25' NR 75' R	25' NR 75' R	
11. Transportation and Bus Facilities (Amended by Ord. 73A)	80,000 sq. ft.	200'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
12. Retail Sales of products produced and/or assembled on the premises as an accessory use to a permitted manufacturing use.	same as primary use	200'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
13. Warehousing & Distribution	40,000 sq. ft.	100'	45'	80%	50'	25' NR 75' R	25' NR 75' R	
14. Valet Parking Facility (amended Ord. 87)	60,000 sq. ft.	100'	45'	80%	30'	30'	30'	

For simplicity, all permitted uses outlined above are abbreviated. For a more elaborate explanation, refer to the definition section of this Ordinance.  
 \* See *Supplemental Regulations* outlined in *Article IV*.

NR = Setbacks for adjoining non-residential uses

R = Setbacks for adjoining residential uses

07/04

## ARTICLE III

### AIRPORT HAZARD ZONING REGULATIONS

#### SECTION 1. GENERAL PROVISIONS AND AUTHORITY

This *Airport Overlay District* is enacted pursuant to the authority of:

- The *Aviation Code of Pennsylvania, Act of 1984, Oct. 10, P.L. 837, No. 164 (74 Pa. C.S.A. 5101-6169)*, and specifically that subchapter of the *Aviation Code* known as the *Airport Zoning Act, 74 Pa. C.S.A. 5911-5920*; and
- The *Pennsylvania Municipalities Planning Code (MPC), Act of 1988, P.L. 1329, No. 170, Sections 604 (1) and (2) and 605(2)(v), 53 P.S. 10101, et seq., specifically 53 P.S. 10604 (1) and (2) and 10605(2)(v)*.
- The adoption of these regulations is mandated by *Section 5912(a) of the Airport Zoning Act, 74 Pa. C.S.A. Section 5912(a)*, and is intended to carry out the requirements of said Act.

#### SECTION 2. INTENT AND PURPOSE

The purpose and intent of the *Airport Overlay District* is to regulate airport hazard zones for public airports in the Township. These regulations are directed at the problem of airport operations effecting lands surrounding the airport. Activities at airports may limit the uses of the lands owned by others, and the uses of land in airport hazard zones may limit the operation of airport. Therefore, the purpose of the overlay district is to provide procedures and criteria for balancing the rights of airport owners and landowners in the vicinity of airports, in light of the need for aircraft safety.

The creation of this overlay district is the result of more than five years of intensive study of the problems and issues involved with airport zoning and the establishment of airport hazard zones affecting the rights of the neighboring landowners to use their property.

#### SECTION 3. BASIC POLICY OBJECTIVES

The intention of the *Airport Overlay District* is to assure all persons owning land in the Township are guaranteed the right to use their land for buildings and structures up to the maximum height limitation permissible in their zoning district under the terms of this Ordinance; and further, to assure all persons owning land in the Township have the right to plant or grow trees or to place any structures which may be exempted from the height limitations of this Ordinance up to a maximum height of 75 ft. above the surface. Seventy-five feet is deemed to be the reasonable height limitation on private property for the protection of airport hazard zones. This overlay district further intends to require airport owners to acquire from other landowners such land or air rights below 75 ft. necessary to protect aircraft in the airport hazard zones defined in this overlay district. All provisions of this overlay district shall be construed to carry out these intentions.

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**SECTION 4. FINDINGS AND DECLARATION****4.1 Obstructions to aircraft**

The Board of Supervisors have found:

- That obstructions to aircraft may potentially endanger the lives of users of public airports in the Township, and the property or occupants of land in its vicinity; and
- That obstructions to aircraft may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of public airports in the Township and the public investment therein; and
- That obstructions to aircraft concern the Federal Aviation Administration (FAA), and the Pennsylvania Department of Transportation, Bureau of Aviation (Bureau); and
- That FAA and the Bureau have issued model regulations and guidelines for Townships to facilitate the control of obstructions to aircraft; and
- That the Township cooperated with FAA and the Bureau to develop this Airport Overlay District.

**4.2 Policy of obstructions to airports**

Based upon its findings, the Supervisors accordingly declare:

- That the creation or establishment of an obstruction to aircraft may potentially become a public nuisance and may injure the region served by the public airports in the Township; and
- That it is necessary for the interest of public health, safety, morals, and general welfare that the creation or establishment of obstructions are a hazard to air navigation;
- That the regulation of these obstructions, upon lands not owned by the airport owner or operator, shall not adversely affect the right of neighboring landowners to reasonably use their lands within the reasonable height limitations of the Zoning Ordinance; and
- That the responsibility to prevent obstructions to aircraft up to the height of 75 ft. above ground shall primarily be the responsibility of the airport owner to acquire by purchase; and
- That the prevention of obstructions to aircraft extending beyond 75 ft. above ground shall be accomplished, to the extent legally possible, by the exercise of the police power without compensation; and

- That the height limitations for structures contained in this Zoning Ordinance, and the height limitations of 75 ft. contained in this overlay district, are reasonable; and it is further declared
- That the prevention of the creation or establishment of hazards to air navigation are public purposes necessary for the protection of the safety, health, and welfare of the residents of the Township and the traveling public.

#### **4.3 Airport expansion and changes to airport hazard zones**

The Supervisors have found:

- That two public airports exist in the Township located in rapidly growing residential, commercial, and industrial areas; and
- That expansion or changes at public airports in the Township may result in changes to airport hazard zones; and
- That changes in airport hazard zones affect the rights of property owners to reasonably use or develop their land; and
- That the *Airport Zoning Act* requires all airport zoning regulations be reasonable (74 Pa. C.S.A. 5915).

#### **4.4 Policy effects on neighboring lands**

Based upon its findings, the Supervisors declare:

- That the character of the flying operations conducted at airports, the nature of the terrain within airport hazard zones, the character of the neighborhood, and the public interest, are all considerations needing protection by airport hazard zoning regulations; and
- That any changes to airport hazard zones resulting in changes at airports shall be carefully reviewed for its affects upon neighboring landowners as well as for the safety of the aircraft; and
- That persons and landowners should be secure in the ownership and enjoyment of their property from unreasonable limitations on their use and from unreasonable affects of airport operations upon the enjoyment of their property; and it is further declared
- That the regulation, restriction, or prohibition of uses, and structures at, along, or near public airports is an important function for which zoning and land use ordinances are enacted, and that a Township may require permits prior to changes-in-uses or structures at airports, and may enact reasonable regulations to protect the public health, welfare, safety, morals, and general welfare.

**SECTION 5. AIRPORT HAZARD ZONES**

To carry out the provisions of the *Airport Overlay District*, the following zones are created and established.

**5.1 Airport hazard zones defined****5.1.1 Utility runway visual approach surface zone**

Established beneath the visual approach surface. The inner edge of this airport zone coincides with the width of the primary surface and is 250 ft. wide. The airport zone expands outward uniformly to a width of 1,250 ft. at a horizontal distance of 5,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.

**5.1.2 Utility runway non-precision instrument approach surface zone**

Established beneath the non-precision instrument approach surface. The inner edge of this airport zone coincides with the width of the primary surface and is 500 ft. wide. The airport zone expands outward uniformly to a width of 2,000 ft. at a horizontal distance 5,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.

**5.1.3 Runway larger than utility visual approach surface zone**

Established beneath the visual approach surface. The inner edge of this airport zone coincides with the width of the primary surface and is 500 ft. wide. The airport zone extends outward uniformly to a width of 1,500 ft. at a horizontal distance of 5,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.

**5.1.4 Runway larger than utility with a visibility minimum greater than 3/4 mile non-precision instrument approach surface zone**

Established beneath the non-precision instrument approach surface. The inner edge of this airport zone coincides with the width of the primary surface and is 500 ft. wide. The airport zone expands outward uniformly to a width of 3,500 feet to a horizontal distance of 10,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.

**5.1.5 Runway larger than utility with a visibility as low as 3/4 mile non-precision instrument approach surface zone**

Established beneath the non-precision instrument approach surface. The inner edge of this airport zone coincides with the width of the primary surface and is 1,000 ft. wide. The airport zone expands outward uniformly to a width of 4,000 ft. at a horizontal distance of 10,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.



**5.1.6 Precision instrument runway approach surface zone**

Established beneath the precision instrument approach surface. The inner edge of this airport zone coincides with the width of the primary surface and is 1,000 ft. wide. The airport zone expands outward uniformly to a width of 16,000 ft. at a horizontal distance of 50,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.

**5.1.7 Transitional surface zones**

Established beneath the transitional surfaces adjacent to each runway and approach surface.

**5.1.8 Horizontal surface zone**

Established beneath the horizontal surface, 150 ft. above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 ft. radii (for all runways designated as utility or visual) or 10,000 ft. radii (for all other runways) from the center of each end of the primary surface of each runway connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface zone does not include the approach surface and transitional surface zones.

**5.1.9 Conical surface zone**

Established beneath the conical surface. This airport zone commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of 4,000 ft.

**5.2 Airport surface zone height limitations**

The height limitations applicable for each airport hazard zone defined in *SECTION 2.1* above, shall be as follows:

**5.2.1 Utility runway visual approach surface zone**

Slopes 20 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 ft. along the extended runway centerline.

**5.2.2 Utility runway non-precision instrument approach surface zone**

Slopes 20 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 ft. along the extended runway centerline.

**5.2.3 Runway larger than utility visual approach surface zone**

Slopes 20 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 ft. along the extended runway centerline.

**5.2.4 Runway larger than utility with a visibility minimum greater than 3/4 mile non-precision instrument approach surface zone**

Slopes 34 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 ft. along the extended runway centerline.

**5.2.5 Runway larger than utility with a visibility minimum as low as 3/4 mile non-precision instrument approach surface zone**

Slopes 34 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 ft. along the extended runway centerline.

**5.2.6 Precision instrument runway approach surface zone**

Slopes 50 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 ft. along the extended runway centerline; thence slopes upward 40 ft. horizontally for each foot vertically to an additional horizontal distance of 40,000 ft. along the extended runway centerline.

**5.2.7 Transitional surface zones**

Slopes 7 ft. outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 ft. above the airport elevation. In addition to the foregoing, when an airport has a precision instrument runway approach zone, there are established height limits sloping 7 ft. outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping 7 ft. outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 ft. measured at 90° angles to the extended runway centerline.

**5.2.8 Horizontal surface zone**

Established at 150 ft. above the established airport elevation.

**5.2.9 Conical surface zone**

Slopes 20 ft. outward for each foot upward beginning at the periphery of the horizontal surface and at 150 ft. above the established airport elevation and extending to a height of 350 ft. above the established airport elevation.

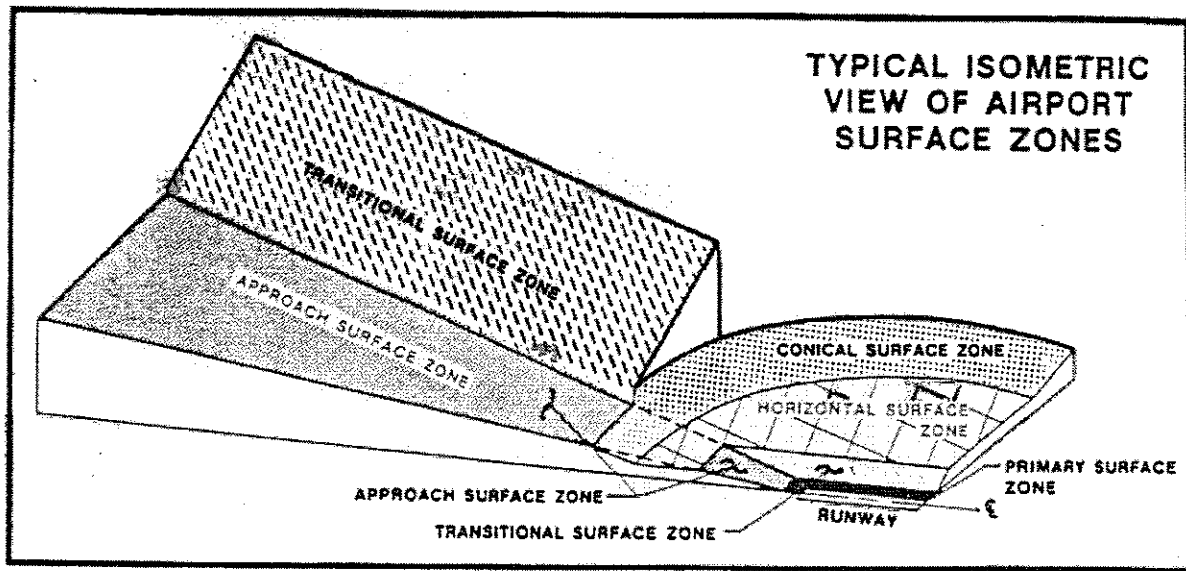
**5.2.10 Excepted height limitations**

Nothing in this overlay district shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 75 ft. above the surface of the land.

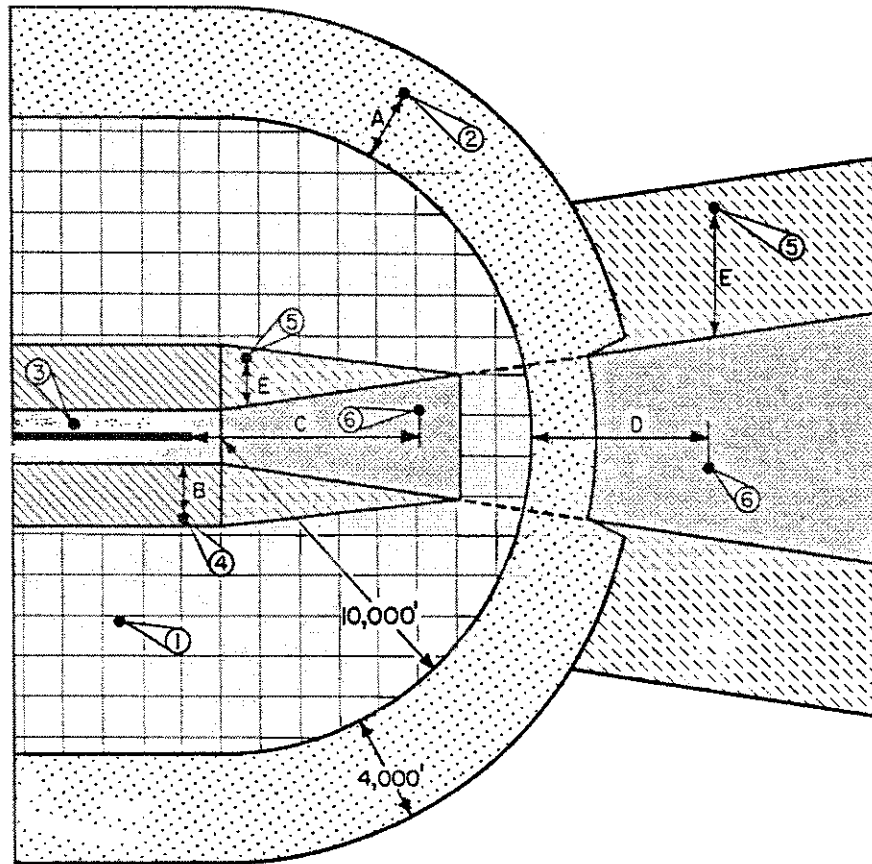
**5.3 Diagrams and tables illustrating airport hazard zones**

For the purpose of understanding and illustrating the concepts and computations involved in applying the definitions and height limitation formulas relating to airport hazards zones, the following diagrams and tables are attached and incorporated herein as follows:

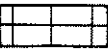
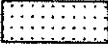


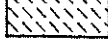

**5.3.1 Typical isometric view of airport surface zones****5.3.2 Precision instrument runway zones and allowable height formulas****5.3.3 Visual and utility non-precision runway zones and allowable height formulas****5.3.4 Larger than utility non-precision runway zones and allowable height formulas****5.3.5 Table of airport hazard area slopes**



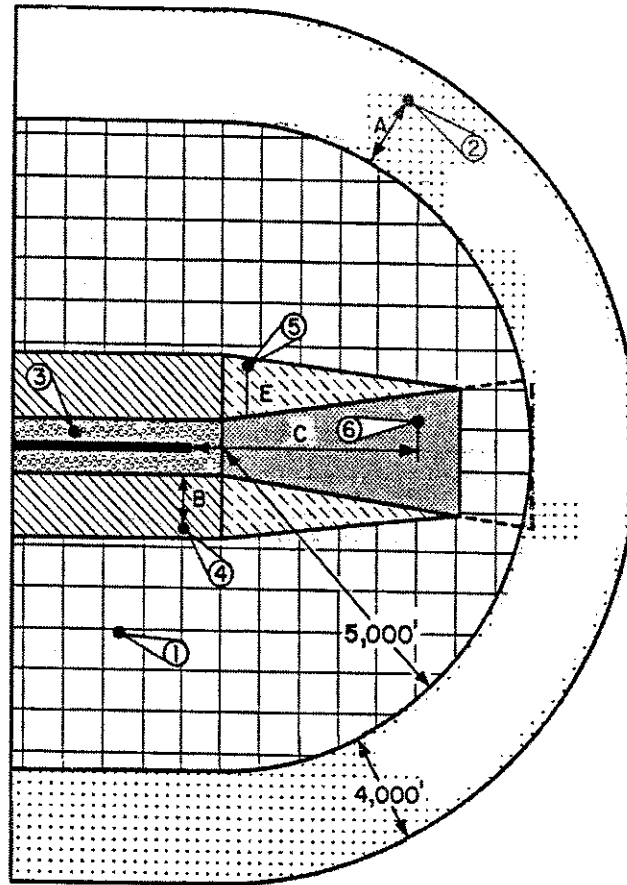
## PRECISION INSTRUMENT RUNWAY ZONES



## ALLOWABLE HEIGHT FORMULAS

1		<b>LOCATION ZONE</b> Horizontal Surface	<b>FORMULA</b> Allowable Height = (Established Airport Elevation) + (150') - (Ground Elevation)
2		Conical Surface	Allowable Height = (Established Airport Elevation) + (150') + (A ÷ 20) - (Ground Elevation)
3		Primary Surface	Allowable Height = (Elevation of the Runway Perpendicular to the Location Point) - (Ground Elevation)
4		Transitional Surface	Allowable Height = (Elevation of the Primary Surface along the Runway Centerline Perpendicular to the Location Point) + (B ÷ 7) - (Ground Elevation)
5		Transitional Surface	Allowable Height = (Elevation of the Approach Surface along the Runway Centerline Perpendicular to the Location Point) + (E ÷ 7) - (Ground Elevation)
6		Precision Approach Surface	If Point Location is less than 10,200' from the Runway End: Allowable Height = (Runway End Elevation) + ((C-200) ÷ 50) - (Ground Elevation) If not: Allowable Height = (Runway End Elevation) + 200 + (D ÷ 40) - (Ground Elevation)

## VISUAL and UTILITY NON-PRECISION RUNWAY ZONES

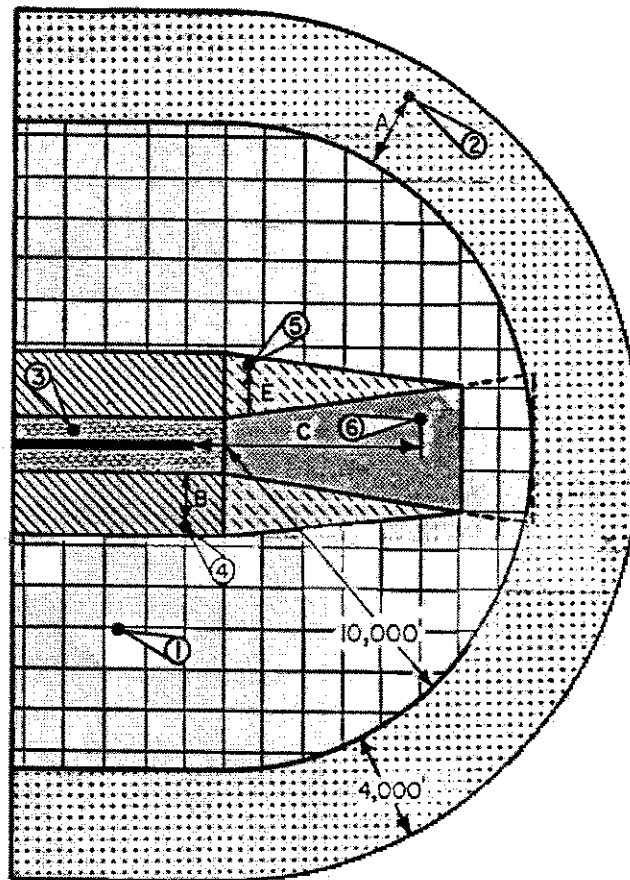


## ALLOWABLE HEIGHT FORMULAS







LOCATION ZONE	FORMULA
1 Horizontal Surface	Allowable Height = (Established Airport Elevation) + (150' - (Ground Elevation))
2 Conical Surface	Allowable Height = (Established Airport Elevation) + (150') + (A ÷ 20) - (Ground Elevation)
3 Primary Surface	Allowable Height = (Elevation of the Runway Perpendicular to the Location Point) - (Ground Elevation)
4 Transitional Surface	Allowable Height = (Elevation of the Primary Surface along the Runway Centerline Perpendicular to the Location Point) + (B ÷ 7) - (Ground Elevation)
5 Transitional Surface	Allowable Height = (Elevation of the Approach Surface along the Runway Centerline Perpendicular to the Location Point) + (E ÷ 7) - (Ground Elevation)
6 Approach Surface	Allowable Height = (Runway End Elevation) + (C - 200) * ÷ 20 (Ground Elevation)

\*For Turf Runways do not subtract 200 from C

## LARGER THAN UTILITY NON-PRECISION RUNWAY ZONES



## ALLOWABLE HEIGHT FORMULAS

LOCATION ZONE	FORMULA
1  Horizontal Surface	Allowable Height = (Established Airport Elevation) + (150') - (Ground Elevation)
2  Conical Surface	Allowable Height = (Established Airport Elevation) + (150') + (A ÷ 20) - (Ground Elevation)
3  Primary Surface	Allowable Height = (Elevation of the Runway Perpendicular to the Location Point) - (Ground Elevation)
4  Transitional Surface	Allowable Height = (Elevation of the Primary Surface along the Runway Centerline Perpendicular to the Location Point) + (B ÷ 7) - (Ground Elevation)
5  Transitional Surface	Allowable Height = (Elevation of the Approach Surface along the Runway Centerline Perpendicular to the Location Point) + (E ÷ 7) - (Ground Elevation)
6  Approach Surface	Allowable Height = (Runway End Elevation) + (C - 200) * ÷ 34 - (Ground Elevation)

\*For Turf Runways do not subtract 200 from C

## APPENDIX

TABLE OF AIRPORT HAZARD AREA SLOPES

a slope, such as 20:1 expresses the horizontal distance of 20 feet to the vertical distance of 1 foot.

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
100	14.3	5.0	2.9	2.5	2.0
200	28.6	10.0	5.9	5.0	4.0
300	42.9	15.0	8.8	7.5	6.0
400	57.1	20.0	11.8	10.0	8.0
500	71.4	25.0	14.7	12.5	10.0
600	85.7	30.0	17.6	15.0	12.0
700	100.0	35.0	20.6	17.5	14.0
800	114.3	40.0	23.5	20.0	16.0
900	128.6	45.0	26.5	22.5	18.0
1,000	142.9	50.0	29.4	25.0	20.0
1,100	157.1	55.0	32.4	27.5	22.0
1,200	171.4	60.0	35.3	30.0	24.0
1,300	185.7	65.0	38.2	32.5	26.0
1,400	200.0	70.0	41.2	35.0	28.0
1,500	214.3	75.0	44.1	37.5	30.0
1,600	228.6	80.0	47.1	40.0	32.0
1,700	242.9	85.0	50.0	42.5	34.0
1,800	257.1	90.0	52.9	45.0	36.0
1,900	271.4	95.0	55.9	47.5	38.0
2,000	285.7	100.0	58.8	50.0	40.0
2,100	300.0	105.0	61.8	52.5	42.0
2,200	314.3	110.0	64.7	55.0	44.0
2,300	328.6	115.0	67.6	57.5	46.0
2,400	342.9	120.0	70.6	60.0	48.0
2,500	357.1	125.0	73.5	62.5	50.0
2,600	371.4	130.0	76.5	65.0	52.0
2,700	385.7	135.0	79.4	67.5	54.0
2,800	400.0	140.0	82.4	70.0	56.0
2,900	414.3	145.0	85.3	72.5	58.0
3,000	428.6	150.0	88.2	75.0	60.0
3,100	442.9	155.0	91.2	77.5	62.0
3,200	457.1	160.0	94.1	80.0	64.0
3,300	471.4	165.0	97.1	82.5	66.0
3,400	485.7	170.0	100.0	85.0	68.0
3,500	500.0	175.0	102.9	87.5	70.0
3,600	514.3	180.0	105.9	90.0	72.0
3,700	528.6	185.0	108.8	92.5	74.0
3,800	542.9	190.0	111.8	95.0	76.0
3,900	557.1	195.0	114.7	97.5	78.0
4,000	571.4	200.0	117.6	100.0	80.0



## ARTICLE III

## AIRPORT HAZARD ZONING REGULATIONS

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
4,100	585.7	205.0	120.6	102.5	82.0
4,200	600.0	210.0	123.5	105.0	84.0
4,300	614.3	215.0	126.5	107.5	86.0
4,400	628.6	220.0	129.4	110.0	88.0
4,500	642.9	225.0	132.4	112.5	90.0
4,600	657.1	230.0	135.3	115.0	92.0
4,700	671.4	235.0	138.2	117.5	94.0
4,800	685.7	240.0	141.2	120.0	96.0
4,900	700.0	245.0	144.1	122.5	98.0
5,000	714.3	250.0	147.1	125.0	100.0
5,100	728.6	255.0	150.0	127.5	102.0
5,200	742.9	260.0	152.9	130.0	104.0
5,300	757.1	265.0	155.9	132.5	106.0
5,400	771.4	270.0	158.8	135.0	108.0
5,500	785.7	275.0	161.8	137.5	110.0
5,600	800.0	280.0	164.7	140.0	112.0
5,700	814.3	285.0	167.6	142.5	114.0
5,800	828.6	290.0	170.6	145.0	116.0
5,900	842.9	295.0	173.5	147.5	118.0
6,000	857.1	300.0	176.5	150.0	120.0
6,100	871.4	305.0	179.4	152.5	122.0
6,200	885.7	310.0	182.4	155.0	124.0
6,300	900.0	315.0	185.3	157.5	126.0
6,400	914.3	320.0	188.2	160.0	128.0
6,500	928.6	325.0	191.2	162.5	130.0
6,600	942.9	330.0	194.1	165.0	132.0
6,700	957.1	335.0	197.1	167.5	134.0
6,800	971.4	340.0	200.0	170.0	136.0
6,900	985.7	345.0	202.9	172.5	138.0
7,000	1,000.0	350.0	205.9	175.0	140.0
7,100	1,014.3	355.0	208.8	177.5	142.0
7,200	1,028.6	360.0	211.8	180.0	144.0
7,300	1,042.9	365.0	214.7	182.5	146.0
7,400	1,057.1	370.0	217.6	185.0	148.0
7,500	1,071.4	375.0	220.6	187.5	150.0
7,600	1,085.7	380.0	223.5	190.0	152.0
7,700	1,100.0	385.0	226.5	192.5	154.0
7,800	1,114.3	390.0	229.4	195.0	156.0
7,900	1,128.6	395.0	232.4	197.5	158.0
8,000	1,142.9	400.0	235.3	200.0	160.0
8,100	1,157.1	405.0	238.2	202.5	162.0
8,200	1,171.4	410.0	241.2	205.0	164.0
8,300	1,185.7	415.0	244.1	207.5	166.0
8,400	1,200.0	420.0	247.1	210.0	168.0
8,500	1,214.3	425.0	250.0	212.5	170.0
8,600	1,228.6	430.0	252.9	215.0	172.0
8,700	1,242.9	435.0	255.9	217.5	174.0
8,800	1,257.1	440.0	258.8	220.0	176.0
8,900	1,271.4	445.0	261.8	222.5	178.0
9,000	1,285.7	450.0	264.7	225.0	180.0
9,100	1,300.0	455.0	267.6	227.5	182.0
9,200	1,314.3	460.0	270.6	230.0	184.0
9,300	1,328.6	465.0	273.5	232.5	186.0
9,400	1,342.9	470.0	276.5	235.0	188.0

A2

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
9,500	1,357.1	475.0	279.4	237.5	190.0
9,600	1,371.4	480.0	282.4	240.0	192.0
9,700	1,385.7	485.0	285.3	242.5	194.0
9,800	1,400.0	490.0	288.2	245.0	196.0
9,900	1,414.3	495.0	291.2	247.5	198.0
10,000	1,428.6	500.0	294.1	250.0	200.0
10,100	1,442.9	505.0	297.1	252.5	202.0
10,200	1,457.1	510.0	300.0	255.0	204.0
10,300	1,471.4	515.0	302.9	257.5	206.0
10,400	1,485.7	520.0	305.9	260.0	208.0
10,500	1,500.0	525.0	308.8	262.5	210.0
10,600	1,514.3	530.0	311.8	265.0	212.0
10,700	1,528.6	535.0	314.7	267.5	214.0
10,800	1,542.9	540.0	317.6	270.0	216.0
10,900	1,557.1	545.0	320.6	272.5	218.0
11,000	1,571.4	550.0	323.5	275.0	220.0
11,100	1,585.7	555.0	326.5	277.5	222.0
11,200	1,600.0	560.0	329.4	280.0	224.0
11,300	1,614.3	565.0	332.4	282.5	226.0
11,400	1,628.6	570.0	335.3	285.0	228.0
11,500	1,642.9	575.0	338.2	287.5	230.0
11,600	1,657.1	580.0	341.2	290.0	232.0
11,700	1,671.4	585.0	344.1	292.5	234.0
11,800	1,685.7	590.0	347.1	295.0	236.0
11,900	1,700.0	595.0	350.0	297.5	238.0
12,000	1,714.3	600.0	352.9	300.0	240.0
12,100	1,728.6	605.0	355.9	302.5	242.0
12,200	1,742.9	610.0	358.8	305.0	244.0
12,300	1,757.1	615.0	361.8	307.5	246.0
12,400	1,771.4	620.0	364.7	310.0	248.0
12,500	1,785.7	625.0	367.6	312.5	250.0
12,600	1,800.0	630.0	370.6	315.0	252.0
12,700	1,814.3	635.0	373.5	317.5	254.0
12,800	1,828.6	640.0	376.5	320.0	256.0
12,900	1,842.9	645.0	379.4	322.5	258.0
13,000	1,857.1	650.0	382.4	325.0	260.0
13,100	1,871.4	655.0	385.3	327.5	262.0
13,200	1,885.7	660.0	388.2	330.0	264.0
13,300	1,900.0	665.0	391.2	332.5	266.0
13,400	1,914.3	670.0	394.1	335.0	268.0
13,500	1,928.6	675.0	397.1	337.5	270.0
13,600	1,942.9	680.0	400.0	340.0	272.0
13,700	1,957.1	685.0	402.9	342.5	274.0
13,800	1,971.4	690.0	405.9	345.0	276.0
13,900	1,985.7	695.0	408.8	347.5	278.0
14,000	2,000.0	700.0	411.8	350.0	280.0
14,100	2,014.3	705.0	414.7	352.5	282.0
14,200	2,028.6	710.0	417.6	355.0	284.0
14,300	2,042.9	715.0	420.6	357.5	286.0
14,400	2,057.1	720.0	423.5	360.0	288.0
14,500	2,071.4	725.0	426.5	362.5	290.0
14,600	2,085.7	730.0	429.4	365.0	292.0
14,700	2,100.0	735.0	432.4	367.5	294.0
14,800	2,114.3	740.0	435.3	370.0	296.0

## ARTICLE III

## AIRPORT HAZARD ZONING REGULATIONS

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
14,900	2,128.6	745.0	438.2	372.5	298.0
15,000	2,142.9	750.0	441.2	375.0	300.0
15,100	2,157.1	755.0	444.1	377.5	302.0
15,200	2,171.4	760.0	447.1	380.0	304.0
15,300	2,185.7	765.0	450.0	382.5	306.0
15,400	2,200.0	770.0	452.9	385.0	308.0
15,500	2,214.3	775.0	455.9	387.5	310.0
15,600	2,228.6	780.0	458.8	390.0	312.0
15,700	2,242.9	785.0	461.8	392.5	314.0
15,800	2,257.1	790.0	464.7	395.0	316.0
15,900	2,271.4	795.0	467.6	397.5	318.0
16,000	2,285.7	800.0	470.6	400.0	320.0
16,100	2,300.0	805.0	473.5	402.5	322.0
16,200	2,314.3	810.0	476.5	405.0	324.0
16,300	2,328.6	815.0	479.4	407.5	326.0
16,400	2,342.9	820.0	482.4	410.0	328.0
16,500	2,357.1	825.0	485.3	412.5	330.0
16,600	2,371.4	830.0	488.2	415.0	332.0
16,700	2,385.7	835.0	491.2	417.5	334.0
16,800	2,400.0	840.0	494.1	420.0	336.0
16,900	2,414.3	845.0	497.1	422.5	338.0
17,000	2,428.6	850.0	500.0	425.0	340.0
17,100	2,442.9	855.0	502.9	427.5	342.0
17,200	2,457.1	860.0	505.9	430.0	344.0
17,300	2,471.4	865.0	508.8	432.5	346.0
17,400	2,485.7	870.0	511.8	435.0	348.0
17,500	2,500.0	875.0	514.7	437.5	350.0
17,600	2,514.3	880.0	517.6	440.0	352.0
17,700	2,528.6	885.0	520.6	442.5	354.0
17,800	2,542.9	890.0	523.5	445.0	356.0
17,900	2,557.1	895.0	526.5	447.5	358.0
18,000	2,571.4	900.0	529.4	450.0	360.0
18,100	2,585.7	905.0	532.4	452.5	362.0
18,200	2,600.0	910.0	535.3	455.0	364.0
18,300	2,614.3	915.0	538.2	457.5	366.0
18,400	2,628.6	920.0	541.2	460.0	368.0
18,500	2,642.9	925.0	544.1	462.5	370.0
18,600	2,657.1	930.0	547.1	465.0	372.0
18,700	2,671.4	935.0	550.0	467.5	374.0
18,800	2,685.7	940.0	552.9	470.0	376.0
18,900	2,700.0	945.0	555.9	472.5	378.0
19,000	2,714.3	950.0	558.8	475.0	380.0
19,100	2,728.6	955.0	561.8	477.5	382.0
19,200	2,742.9	960.0	564.7	480.0	384.0
19,300	2,757.1	965.0	567.6	482.5	386.0
19,400	2,771.4	970.0	570.6	485.0	388.0
19,500	2,785.7	975.0	573.5	487.5	390.0
19,600	2,800.0	980.0	576.5	490.0	392.0
19,700	2,814.3	985.0	579.4	492.5	394.0
19,800	2,828.6	990.0	582.4	495.0	396.0
19,900	2,842.9	995.0	585.3	497.5	398.0
20,000	2,857.1	1,000.0	588.2	500.0	400.0
20,100	2,871.4	1,005.0	591.2	502.5	402.0

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
20,100	2,871.4	1,005.0	591.2	502.5	402.0
20,200	2,885.7	1,010.0	594.1	505.0	404.0
20,300	2,900.0	1,015.0	597.1	507.5	406.0
20,400	2,914.3	1,020.0	600.0	510.0	408.0
20,500	2,928.6	1,025.0	602.9	512.5	410.0
20,600	2,942.9	1,030.0	605.9	515.0	412.0
20,700	2,957.1	1,035.0	608.8	517.5	414.0
20,800	2,971.4	1,040.0	611.8	520.0	416.0
20,900	2,985.7	1,045.0	614.7	522.5	418.0
21,000	3,000.0	1,050.0	617.6	525.0	420.0
21,100	3,014.3	1,055.0	620.6	527.5	422.0
21,200	3,028.6	1,060.0	623.5	530.0	424.0
21,300	3,042.9	1,065.0	626.5	532.5	426.0
21,400	3,057.1	1,070.0	629.4	535.0	428.0
21,500	3,071.4	1,075.0	632.4	537.5	430.0
21,600	3,085.7	1,080.0	635.3	540.0	432.0
21,700	3,100.0	1,085.0	638.2	542.5	434.0
21,800	3,114.3	1,090.0	641.2	545.0	436.0
21,900	3,128.6	1,095.0	644.1	547.5	438.0
22,000	3,142.9	1,100.0	647.1	550.0	440.0
22,100	3,157.1	1,105.0	650.0	552.5	442.0
22,200	3,171.4	1,110.0	652.9	555.0	444.0
22,300	3,185.7	1,115.0	655.9	557.5	446.0
22,400	3,200.0	1,120.0	658.8	560.0	448.0
22,500	3,214.3	1,125.0	661.8	562.5	450.0
22,600	3,228.6	1,130.0	664.7	565.0	452.0
22,700	3,242.9	1,135.0	667.6	567.5	454.0
22,800	3,257.1	1,140.0	670.6	570.0	456.0
22,900	3,271.4	1,145.0	673.5	572.5	458.0
23,000	3,285.7	1,150.0	676.5	575.0	460.0
23,100	3,300.0	1,155.0	679.4	577.5	462.0
23,200	3,314.3	1,160.0	682.4	580.0	464.0
23,300	3,328.6	1,165.0	685.3	582.5	466.0
23,400	3,342.9	1,170.0	688.2	585.0	468.0
23,500	3,357.1	1,175.0	691.2	587.5	470.0
23,600	3,371.4	1,180.0	694.1	590.0	472.0
23,700	3,385.7	1,185.0	697.1	592.5	474.0
23,800	3,400.0	1,190.0	700.0	595.0	476.0
23,900	3,414.3	1,195.0	702.9	597.5	478.0
24,000	3,428.6	1,200.0	705.9	600.0	480.0
24,100	3,442.9	1,205.0	708.8	602.5	482.0
24,200	3,457.1	1,210.0	711.8	605.0	484.0
24,300	3,471.4	1,215.0	714.7	607.5	486.0
24,400	3,485.7	1,220.0	717.6	610.0	488.0
24,500	3,500.0	1,225.0	720.6	612.5	490.0
24,600	3,514.3	1,230.0	723.5	615.0	492.0
24,700	3,528.6	1,235.0	726.5	617.5	494.0
24,800	3,542.9	1,240.0	729.4	620.0	496.0
24,900	3,557.1	1,245.0	732.4	622.5	498.0
25,000	3,571.4	1,250.0	735.3	625.0	500.0
25,100	3,585.7	1,255.0	738.2	627.5	502.0
25,200	3,600.0	1,260.0	741.2	630.0	504.0
25,300	3,614.3	1,265.0	744.1	632.5	506.0
25,400	3,628.6	1,270.0	747.1	635.0	508.0

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
25,500	3,642.9	1,275.0	750.0	637.5	510.0
25,600	3,657.1	1,280.0	752.9	640.0	512.0
25,700	3,671.4	1,285.0	755.9	642.5	514.0
25,800	3,685.7	1,290.0	758.8	645.0	516.0
25,900	3,700.0	1,295.0	761.8	647.5	518.0
26,000	3,714.3	1,300.0	764.7	650.0	520.0
26,100	3,728.6	1,305.0	767.6	652.5	522.0
26,200	3,742.9	1,310.0	770.6	655.0	524.0
26,300	3,757.1	1,315.0	773.5	657.5	526.0
26,400	3,771.4	1,320.0	776.5	660.0	528.0
26,500	3,785.7	1,325.0	779.4	662.5	530.0
26,600	3,800.0	1,330.0	782.4	665.0	532.0
26,700	3,814.3	1,335.0	785.3	667.5	534.0
26,800	3,828.6	1,340.0	788.2	670.0	536.0
26,900	3,842.9	1,345.0	791.2	672.5	538.0
27,000	3,857.1	1,350.0	794.1	675.0	540.0
27,100	3,871.4	1,355.0	797.1	677.5	542.0
27,200	3,885.7	1,360.0	800.0	680.0	544.0
27,300	3,900.0	1,365.0	802.9	682.5	546.0
27,400	3,914.3	1,370.0	805.9	685.0	548.0
27,500	3,928.6	1,375.0	808.8	687.5	550.0
27,600	3,942.9	1,380.0	811.8	690.0	552.0
27,700	3,957.1	1,385.0	814.7	692.5	554.0
27,800	3,971.4	1,390.0	817.6	695.0	556.0
27,900	3,985.7	1,395.0	820.6	697.5	558.0
28,000	4,000.0	1,400.0	823.5	700.0	560.0
28,100	4,014.3	1,405.0	826.5	702.5	562.0
28,200	4,028.6	1,410.0	829.4	705.0	564.0
28,300	4,042.9	1,415.0	832.4	707.5	566.0
28,400	4,057.1	1,420.0	835.3	710.0	568.0
28,500	4,071.4	1,425.0	838.2	712.5	570.0
28,600	4,085.7	1,430.0	841.2	715.0	572.0
28,700	4,100.0	1,435.0	844.1	717.5	574.0
28,800	4,114.3	1,440.0	847.1	720.0	576.0
28,900	4,128.6	1,445.0	850.0	722.5	578.0
29,000	4,142.9	1,450.0	852.9	725.0	580.0
29,100	4,157.1	1,455.0	855.9	727.5	582.0
29,200	4,171.4	1,460.0	858.8	730.0	584.0
29,300	4,185.7	1,465.0	861.8	732.5	586.0
29,400	4,200.0	1,470.0	864.7	735.0	588.0
29,500	4,214.3	1,475.0	867.6	737.5	590.0
29,600	4,228.6	1,480.0	870.6	740.0	592.0
29,700	4,242.9	1,485.0	873.5	742.5	594.0
29,800	4,257.1	1,490.0	876.5	745.0	596.0
29,900	4,271.4	1,495.0	879.4	747.5	598.0
30,000	4,285.7	1,500.0	882.4	750.0	600.0
30,100	4,300.0	1,505.0	885.3	752.5	602.0
30,200	4,314.3	1,510.0	888.2	755.0	604.0
30,300	4,328.6	1,515.0	891.2	757.5	606.0
30,400	4,342.9	1,520.0	894.1	760.0	608.0
30,500	4,357.1	1,525.0	897.1	762.5	610.0
30,600	4,371.4	1,530.0	900.0	765.0	612.0
30,700	4,385.7	1,535.0	902.9	767.5	614.0
30,800	4,400.0	1,540.0	905.9	770.0	616.0

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
30,900	4,414.3	1,545.0	908.8	772.5	618.0
31,000	4,428.6	1,550.0	911.8	775.0	620.0
31,100	4,442.9	1,555.0	914.7	777.5	622.0
31,200	4,457.1	1,560.0	917.6	780.0	624.0
31,300	4,471.4	1,565.0	920.6	782.5	626.0
31,400	4,485.7	1,570.0	923.5	785.0	628.0
31,500	4,500.0	1,575.0	926.5	787.5	630.0
31,600	4,514.3	1,580.0	929.4	790.0	632.0
31,700	4,528.6	1,585.0	932.4	792.5	634.0
31,800	4,542.9	1,590.0	935.3	795.0	636.0
31,900	4,557.1	1,595.0	938.2	797.5	638.0
32,000	4,571.4	1,600.0	941.2	800.0	640.0
32,100	4,585.7	1,605.0	944.1	802.5	642.0
32,200	4,600.0	1,610.0	947.1	805.0	644.0
32,300	4,614.3	1,615.0	950.0	807.5	646.0
32,400	4,628.6	1,620.0	952.9	810.0	648.0
32,500	4,642.9	1,625.0	955.9	812.5	650.0
32,600	4,657.1	1,630.0	958.8	815.0	652.0
32,700	4,671.4	1,635.0	961.8	817.5	654.0
32,800	4,685.7	1,640.0	964.7	820.0	656.0
32,900	4,700.0	1,645.0	967.6	822.5	658.0
33,000	4,714.3	1,650.0	970.6	825.0	660.0
33,100	4,728.6	1,655.0	973.5	827.5	662.0
33,200	4,742.9	1,660.0	976.5	830.0	664.0
33,300	4,757.1	1,665.0	979.4	832.5	666.0
33,400	4,771.4	1,670.0	982.4	835.0	668.0
33,500	4,785.7	1,675.0	985.3	837.5	670.0
33,600	4,800.0	1,680.0	988.2	840.0	672.0
33,700	4,814.3	1,685.0	991.2	842.5	674.0
33,800	4,828.6	1,690.0	994.1	845.0	676.0
33,900	4,842.9	1,695.0	997.1	847.5	678.0
34,000	4,857.1	1,700.0	1,000.0	850.0	680.0
34,100	4,871.4	1,705.0	1,002.9	852.5	682.0
34,200	4,885.7	1,710.0	1,005.9	855.0	684.0
34,300	4,900.0	1,715.0	1,008.8	857.5	686.0
34,400	4,914.3	1,720.0	1,011.8	860.0	688.0
34,500	4,928.6	1,725.0	1,014.7	862.5	690.0
34,600	4,942.9	1,730.0	1,017.6	865.0	692.0
34,700	4,957.1	1,735.0	1,020.6	867.5	694.0
34,800	4,971.4	1,740.0	1,023.5	870.0	696.0
34,900	4,985.7	1,745.0	1,026.5	872.5	698.0
35,000	5,000.0	1,750.0	1,029.4	875.0	700.0
35,100	5,014.3	1,755.0	1,032.4	877.5	702.0
35,200	5,028.6	1,760.0	1,035.3	880.0	704.0
35,300	5,042.9	1,765.0	1,038.2	882.5	706.0
35,400	5,057.1	1,770.0	1,041.2	885.0	708.0
35,500	5,071.4	1,775.0	1,044.1	887.5	710.0
35,600	5,085.7	1,780.0	1,047.1	890.0	712.0
35,700	5,100.0	1,785.0	1,050.0	892.5	714.0
35,800	5,114.3	1,790.0	1,052.9	895.0	716.0
35,900	5,128.6	1,795.0	1,055.9	897.5	718.0
36,000	5,142.9	1,800.0	1,058.8	900.0	720.0
36,100	5,157.1	1,805.0	1,061.8	902.5	722.0
36,200	5,171.4	1,810.0	1,064.7	905.0	724.0

Distance (ft.) from Runway	Ratio 7:	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
36,300	5,185.7	1,815.0	1,067.6	907.5	726.0
36,400	5,200.0	1,820.0	1,070.6	910.0	728.0
36,500	5,214.3	1,825.0	1,073.5	912.5	730.0
36,600	5,228.6	1,830.0	1,076.5	915.0	732.0
36,700	5,242.9	1,835.0	1,079.4	917.5	734.0
36,800	5,257.1	1,840.0	1,082.4	920.0	736.0
36,900	5,271.4	1,845.0	1,085.3	922.5	738.0
37,000	5,285.7	1,850.0	1,088.2	925.0	740.0
37,100	5,300.0	1,855.0	1,091.2	927.5	742.0
37,200	5,314.3	1,860.0	1,094.1	930.0	744.0
37,300	5,328.6	1,865.0	1,097.1	932.5	746.0
37,400	5,342.9	1,870.0	1,100.0	935.0	748.0
37,500	5,357.1	1,875.0	1,102.9	937.5	750.0
37,600	5,371.4	1,880.0	1,105.9	940.0	752.0
37,700	5,385.7	1,885.0	1,108.8	942.5	754.0
37,800	5,400.0	1,890.0	1,111.8	945.0	756.0
37,900	5,414.3	1,895.0	1,114.7	947.5	758.0
38,000	5,428.6	1,900.0	1,117.6	950.0	760.0
38,100	5,442.9	1,905.0	1,120.6	952.5	762.0
38,200	5,457.1	1,910.0	1,123.5	955.0	764.0
38,300	5,471.4	1,915.0	1,126.5	957.5	766.0
38,400	5,485.7	1,920.0	1,129.4	960.0	768.0
38,500	5,500.0	1,925.0	1,132.4	962.5	770.0
38,600	5,514.3	1,930.0	1,135.3	965.0	772.0
38,700	5,528.6	1,935.0	1,138.2	967.5	774.0
38,800	5,542.9	1,940.0	1,141.2	970.0	776.0
38,900	5,557.1	1,945.0	1,144.1	972.5	778.0
39,000	5,571.4	1,950.0	1,147.1	975.0	780.0
39,100	5,585.7	1,955.0	1,150.0	977.5	782.0
39,200	5,600.0	1,960.0	1,152.9	980.0	784.0
39,300	5,614.3	1,965.0	1,155.9	982.5	786.0
39,400	5,628.6	1,970.0	1,158.8	985.0	788.0
39,500	5,642.9	1,975.0	1,161.8	987.5	790.0
39,600	5,657.1	1,980.0	1,164.7	990.0	792.0
39,700	5,671.4	1,985.0	1,167.6	992.5	794.0
39,800	5,685.7	1,990.0	1,170.6	995.0	796.0
39,900	5,700.0	1,995.0	1,173.5	997.5	798.0
40,000	5,714.3	2,000.0	1,176.5	1,000.0	800.0
40,100	5,728.6	2,005.0	1,179.4	1,002.5	802.0
40,200	5,742.9	2,010.0	1,182.4	1,005.0	804.0
40,300	5,757.1	2,015.0	1,185.3	1,007.5	806.0
40,400	5,771.4	2,020.0	1,188.2	1,010.0	808.0
40,500	5,785.7	2,025.0	1,191.2	1,012.5	810.0
40,600	5,800.0	2,030.0	1,194.1	1,015.0	812.0
40,700	5,814.3	2,035.0	1,197.1	1,017.5	814.0
40,800	5,828.6	2,040.0	1,200.0	1,020.0	816.0
40,900	5,842.9	2,045.0	1,202.9	1,022.5	818.0
41,000	5,857.1	2,050.0	1,205.9	1,025.0	820.0
41,100	5,871.4	2,055.0	1,208.8	1,027.5	822.0
41,200	5,885.7	2,060.0	1,211.8	1,030.0	824.0
41,300	5,900.0	2,065.0	1,214.7	1,032.5	826.0
41,400	5,914.3	2,070.0	1,217.6	1,035.0	828.0
41,500	5,928.6	2,075.0	1,220.6	1,037.5	830.0
41,600	5,942.9	2,080.0	1,223.5	1,040.0	832.0

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
41,700	5,957.1	2,085.0	1,226.5	1,042.5	834.0
41,800	5,971.4	2,090.0	1,229.4	1,045.0	836.0
41,900	5,985.7	2,095.0	1,232.4	1,047.5	838.0
42,000	6,000.0	2,100.0	1,235.3	1,050.0	840.0
42,100	6,014.3	2,105.0	1,238.2	1,052.5	842.0
42,200	6,028.6	2,110.0	1,241.2	1,055.0	844.0
42,300	6,042.9	2,115.0	1,244.1	1,057.5	846.0
42,400	6,057.1	2,120.0	1,247.1	1,060.0	848.0
42,500	6,071.4	2,125.0	1,250.0	1,062.5	850.0
42,600	6,085.7	2,130.0	1,252.9	1,065.0	852.0
42,700	6,100.0	2,135.0	1,255.9	1,067.5	854.0
42,800	6,114.3	2,140.0	1,258.8	1,070.0	856.0
42,900	6,128.6	2,145.0	1,261.8	1,072.5	858.0
43,000	6,142.9	2,150.0	1,264.7	1,075.0	860.0
43,100	6,157.1	2,155.0	1,267.6	1,077.5	862.0
43,200	6,171.4	2,160.0	1,270.6	1,080.0	864.0
43,300	6,185.7	2,165.0	1,273.5	1,082.5	866.0
43,400	6,200.0	2,170.0	1,276.5	1,085.0	868.0
43,500	6,214.3	2,175.0	1,279.4	1,087.5	870.0
43,600	6,228.6	2,180.0	1,282.4	1,090.0	872.0
43,700	6,242.9	2,185.0	1,285.3	1,092.5	874.0
43,800	6,257.1	2,190.0	1,288.2	1,095.0	876.0
43,900	6,271.4	2,195.0	1,291.2	1,097.5	878.0
44,000	6,285.7	2,200.0	1,294.1	1,100.0	880.0
44,100	6,300.0	2,205.0	1,297.1	1,102.5	882.0
44,200	6,314.3	2,210.0	1,300.0	1,105.0	884.0
44,300	6,328.6	2,215.0	1,302.9	1,107.5	886.0
44,400	6,342.9	2,220.0	1,305.9	1,110.0	888.0
44,500	6,357.1	2,225.0	1,308.8	1,112.5	890.0
44,600	6,371.4	2,230.0	1,311.8	1,115.0	892.0
44,700	6,385.7	2,235.0	1,314.7	1,117.5	894.0
44,800	6,400.0	2,240.0	1,317.6	1,120.0	896.0
44,900	6,414.3	2,245.0	1,320.6	1,122.5	898.0
45,000	6,428.6	2,250.0	1,323.5	1,125.0	900.0
45,100	6,442.9	2,255.0	1,326.5	1,127.5	902.0
45,200	6,457.1	2,260.0	1,329.4	1,130.0	904.0
45,300	6,471.4	2,265.0	1,332.4	1,132.5	906.0
45,400	6,485.7	2,270.0	1,335.3	1,135.0	908.0
45,500	6,500.0	2,275.0	1,338.2	1,137.5	910.0
45,600	6,514.3	2,280.0	1,341.2	1,140.0	912.0
45,700	6,528.6	2,285.0	1,344.1	1,142.5	914.0
45,800	6,542.9	2,290.0	1,347.1	1,145.0	916.0
45,900	6,557.1	2,295.0	1,350.0	1,147.5	918.0
46,000	6,571.4	2,300.0	1,352.9	1,150.0	920.0
46,100	6,585.7	2,305.0	1,355.9	1,152.5	922.0
46,200	6,600.0	2,310.0	1,358.8	1,155.0	924.0
46,300	6,614.3	2,315.0	1,361.8	1,157.5	926.0
46,400	6,628.6	2,320.0	1,364.7	1,160.0	928.0
46,500	6,642.9	2,325.0	1,367.6	1,162.5	930.0
46,600	6,657.1	2,330.0	1,370.6	1,165.0	932.0
46,700	6,671.4	2,335.0	1,373.5	1,167.5	934.0
46,800	6,685.7	2,340.0	1,376.5	1,170.0	936.0
46,900	6,700.0	2,345.0	1,379.4	1,172.5	938.0
47,000	6,714.3	2,350.0	1,382.4	1,175.0	940.0



Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
47, 100	6,728.6	2,355.0	1,385.3	1,177.5	942.0
47, 200	6,742.9	2,360.0	1,388.2	1,180.0	944.0
47, 300	6,757.1	2,365.0	1,391.2	1,182.5	946.0
47, 400	6,771.4	2,370.0	1,394.1	1,185.0	948.0
47, 500	6,785.7	2,375.0	1,397.1	1,187.5	950.0
47, 600	6,800.0	2,380.0	1,400.0	1,190.0	952.0
47, 700	6,814.3	2,385.0	1,402.9	1,192.5	954.0
47, 800	6,828.6	2,390.0	1,405.9	1,195.0	956.0
47, 900	6,842.9	2,395.0	1,408.8	1,197.5	958.0
48, 000	6,857.1	2,400.0	1,411.8	1,200.0	960.0
48, 100	6,871.4	2,405.0	1,414.7	1,202.5	962.0
48, 200	6,885.7	2,410.0	1,417.6	1,205.0	964.0
48, 300	6,900.0	2,415.0	1,420.6	1,207.5	966.0
48, 400	6,914.3	2,420.0	1,423.5	1,210.0	968.0
48, 500	6,928.6	2,425.0	1,426.5	1,212.5	970.0
48, 600	6,942.9	2,430.0	1,429.4	1,215.0	972.0
48, 700	6,957.1	2,435.0	1,432.4	1,217.5	974.0
48, 800	6,971.4	2,440.0	1,435.3	1,220.0	976.0
48, 900	6,985.7	2,445.0	1,438.2	1,222.5	978.0
49, 000	7,000.0	2,450.0	1,441.2	1,225.0	980.0
49, 100	7,014.3	2,455.0	1,444.1	1,227.5	982.0
49, 200	7,028.6	2,460.0	1,447.1	1,230.0	984.0
49, 300	7,042.9	2,465.0	1,450.0	1,232.5	986.0
49, 400	7,057.1	2,470.0	1,452.9	1,235.0	988.0
49, 500	7,071.4	2,475.0	1,455.9	1,237.5	990.0
49, 600	7,085.7	2,480.0	1,458.8	1,240.0	992.0
49, 700	7,100.0	2,485.0	1,461.8	1,242.5	994.0
49, 800	7,114.3	2,490.0	1,464.7	1,245.0	996.0
49, 900	7,128.6	2,495.0	1,467.6	1,247.5	998.0
50, 000	7,142.9	2,500.0	1,470.6	1,250.0	1,000.0
50, 100	7,157.1	2,505.0	1,473.5	1,252.5	1,002.0
50, 200	7,171.4	2,510.0	1,476.5	1,255.0	1,004.0
50, 300	7,185.7	2,515.0	1,479.4	1,257.5	1,006.0
50, 400	7,200.0	2,520.0	1,482.4	1,260.0	1,008.0
50, 500	7,214.3	2,525.0	1,485.3	1,262.5	1,010.0
50, 600	7,228.6	2,530.0	1,488.2	1,265.0	1,012.0
50, 700	7,242.9	2,535.0	1,491.2	1,267.5	1,014.0
50, 800	7,257.1	2,540.0	1,494.1	1,270.0	1,016.0
50, 900	7,271.4	2,545.0	1,497.1	1,272.5	1,018.0
51, 000	7,285.7	2,550.0	1,500.0	1,275.0	1,020.0
51, 100	7,300.0	2,555.0	1,502.9	1,277.5	1,022.0
51, 200	7,314.3	2,560.0	1,505.9	1,280.0	1,024.0
51, 300	7,328.6	2,565.0	1,508.8	1,282.5	1,026.0
51, 400	7,342.9	2,570.0	1,511.8	1,285.0	1,028.0
51, 500	7,357.1	2,575.0	1,514.7	1,287.5	1,030.0
51, 600	7,371.4	2,580.0	1,517.6	1,290.0	1,032.0
51, 700	7,385.7	2,585.0	1,520.6	1,292.5	1,034.0
51, 800	7,400.0	2,590.0	1,523.5	1,295.0	1,036.0
51, 900	7,414.3	2,595.0	1,526.5	1,297.5	1,038.0
52, 000	7,428.6	2,600.0	1,529.4	1,300.0	1,040.0
52, 100	7,442.9	2,605.0	1,532.4	1,302.5	1,042.0
52, 200	7,457.1	2,610.0	1,535.3	1,305.0	1,044.0
52, 300	7,471.4	2,615.0	1,538.2	1,307.5	1,046.0
52, 400	7,485.7	2,620.0	1,541.2	1,310.0	1,048.0

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**SECTION 6. PROCEDURES FOR LANDOWNERS****6.1 Zoning permits required**

No person shall construct, erect, alter, or establish any structure in any airport hazard zone defined by *SECTION 5* above without first having complied with requirements specified in this Article.

**6.2 Procedures**

The following procedures apply to "*Applications for Zoning Permits*" by landowners in airport hazard zones:

**6.2.1 Filing of aviation forms**

- A. Any person planning to erect a new structure, add to an existing structure, or to maintain an object — natural or manmade as defined in 14 CFR 77.13(a) (relating to construction or alteration requiring notice) shall:
  - File Form AV-57 with to the Bureau of Aviation; and
  - File FAA Form 7460-1 with the FAA; and
  - Apply for an Airport Permit with the Township. A copy of both Form AV-57 and FAA Form 7460-1 as filed with the Bureau of Aviation and FAA shall accompany the "*Application for Zoning Permit.*"
- B. The Zoning Officer shall not issue a Zoning Permit unless and until written responses are received from both FAA and the Bureau of Aviation.
  - (1) If the Bureau of Aviation and the FAA report the landowner's proposed construction or alteration does not constitute an obstruction, the Zoning Officer may issue a Zoning Permit.
  - (2) If either the Bureau of Aviation or the FAA reports the proposed construction or alteration is an obstruction, the following procedures shall apply:
    - (a) Landowner shall notify the airport owner affected of the proposed construction or alteration. The landowner shall furnish to the airport owner copies of the following:
      - Copy of Form AV-57;
      - Copy of the Bureau of Aviation's response;
      - Copy of FAA Form 7460-1; and
      - Copy of FAA's response to the affected airport owner.
    - (b) The airport owner affected by landowner's proposed construction or alteration shall have 30 days to negotiate with the landowner to acquire air rights or to develop alternative plans not create an obstruction.

- (c) If after 30 days, the landowner and airport owner have failed to reach an agreement as to air rights pursuant to *Section 7.2.1(B)* above, and if the landowner still desires to proceed, the following procedures shall apply:
- (1) 75 ft. or less: If the proposed construction or alteration is 75 ft. in height or less, the landowner shall apply to the Zoning Hearing Board for a Zoning Permit in accordance with *Section 7* below.
  - (2) Greater than 75 Ft: If the proposed construction or alteration is greater than 75 ft. in height, the landowner shall apply to the Zoning Hearing Board for a Variance in accordance with *Section 7*, below.

## SECTION 7. VARIANCE AND ZONING PERMIT

### 7.1 Variance application procedures

The following procedures shall apply to landowner "*Applications for Variance or Zoning Permit*" to the Zoning Hearing Board.

#### 7.1.1 Contents of application

An "*Application for Variance or Zoning Permit*" shall contain all information relative to:

- Property ownership;
- Identification of applicant;
- Property code number;
- Description of proposed construction or alteration or growth;
- Reasons for the proposed construction, alteration, or growth and why it is necessary and important to the reasonable use of the property;
- Description of the results of any negotiations with airport owner under *Section 7.2.1(B)*
- Maps and drawings of proposed construction, alteration, or growth;
- Copies of the Bureau of Aviation Form AV-57 and FAA Form 7460-1;
- Copies of the written responses from the Bureau of Aviation and FAA; and
- Filing fee.

**7.1.2 Distribution of application**

A copy of the landowner's *"Application for Variance or Zoning Permit"* and all accompanying documents shall be sent by the Zoning Officer to the affected airport owner and to the Bureau of Aviation and FAA by certified mail, at least 14 days prior to the Zoning Hearing Board hearing.

**7.1.3 Scheduling of hearing**

The Zoning Hearing Board shall schedule a hearing on *the "Application for Variance or Permit"* according to the procedures specified in this Ordinance.

**7.2 Zoning hearing board review**

The Zoning Hearing Board shall consider the following criteria in viewing its applications:

**7.2.1 Basic principle**

The landowner has a right to reasonable use of their land.

**7.2.2 Zoning ordinance height limitations**

For structures defined and regulated by this Ordinance, the landowner shall have the unqualified right to use their land up to the height as established in the applicable zoning district of this Ordinance.

**7.2.3 Other structures or growth up to 75 ft.**

For structures not regulated by this Ordinance and for vegetation or trees, the landowner shall have a qualified right to use their land up to a height of 75 ft.

**7.2.4 Structures or growth greater than 75 ft.**

The landowner shall have no right to construct, erect, alter, or establish any structures or to allow any vegetation or trees above 75 ft. in height unless a Variance is granted by the Zoning Hearing Board.

**7.2.5 Conditions**

The Zoning Hearing Board may establish such reasonable necessary to protect the general health, welfare and safety of the Township.

**7.2.6 Evidence**

In considering *"Applications for Variances or Zoning Permits,"* the Zoning Hearing Board may consider any written communication by the Bureau of Aviation or FAA without the requirement of testifying in person.

**7.2.7 Criteria**

The Zoning Hearing Board shall, at all times, attempt to balance:

- The safety needs of aircraft to obstruction free passage;
- The rights of landowners to reasonably use their land;
- The intent of the *Airport Overlay District* as stated in *SECTION 3*,
- The purpose, findings, and declaration of policy contained in *SECTION 5* of this Article;
- The affect on reasonable operations of the airport;
- Whether the structure or vegetation or tree is necessary to the reasonable use of the land;
- Good faith efforts of the airport owner to avoid impinging upon the rights of the neighboring landowners by the airport owners operations; and
- Whether or not the flight path or plan of the airport as it affects the landowner's land is necessary to reasonable operation of the airport.
- A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but would do substantial justice and would be in accordance with the spirit of the regulations and this overlay district.

**7.2.8 Presumption**

Construction or maintenance of structures or natural growth above the height of 75 ft., where such structure or growth are determined to constitute obstruction to aircraft, is presumed not to be necessary to the reasonable use of the land.

**7.2.9 Hazard marking and lighting**

In granting any Zoning Permit or variance under this Article, the Zoning Hearing Board shall, if it deems the action advisable to effectuate the purpose of this overlay district and reasonable under the circumstances, so condition the Zoning Permit or variance to require the owner of the structure or object of natural growth in question to allow the airport owner, at its own expense, or require the person or persons requesting the zoning permit or variance, to install, operate and maintain thereon such markers and lights as may be required by the guidelines or regulations adopted by the FAA or the Bureau of Aviation.

**7.2.10 Notice to FAA and the Bureau of Aviation**

Upon receipt of an *"Application for Variance or Zoning Permit"* under this Section, the Zoning Officer shall notify FAA and the Bureau of Aviation of the filing of an *"Application for Variance or Zoning Permit"*. This notice shall be in writing and shall be sent by certified mail to FAA and the Bureau of Aviation at least 14 days prior to the date of the hearing.

**SECTION 8. NONCONFORMING USES AND STRUCTURES**

No provision of the *Airport Overlay District* requires the removal or lowering, or other change or alteration of any structure or any object of natural growth not conforming to these regulations. Neither this district or otherwise interfere with the continuance of any nonconforming use except as provided in *Section 5916 of The Aviation Code* and sections of this overlay district (relating to permits and variances).

**SECTION 9. OTHER USE RESTRICTIONS**

Notwithstanding any other provisions of this *Airport Overlay District*, no use may be made of land or water within any airport zone established by this overlay district in such a manner as to:

- create electrical interference with navigational signals or with radio communication between the airport and aircraft;
- provide difficulty for pilots to distinguish between airport lights and other lights;
- result in glare in the eyes of pilots using the airport;
- impair visibility in the vicinity of the airport;
- create bird strike hazards; or
- otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

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**SECTION 10. AIRPORT OWNER'S PROCEDURES FOR CHANGES TO AIRPORT HAZARD ZONES****10.1 Conditional Use required for any changes at airports**

The existence of airport hazard zones limits the uses of surrounding landowners. No public airport shall be permitted to make any change which would effect the location of airport surface zones, approach zones, or hazard zones unless Conditional Use approval has been granted. The following shall constitute changes at an airport requiring a Conditional Use approval prior to the change:

- Any expansion of a runway, either in length or width;
- Any change in the height of a runway;
- The paving of any previously unpaved portions of a runway;
- Any change of runway direction or alignment;
- Any change in the status of taxiways or holding areas effecting the location areas of airport hazard zones;
- Any change in airport rating category under *67 Pa. Code Section 471.5* as amended, effecting or altering the location or extent of airport hazard zone.
- Any other physical, legal or rating change, or change in methods of operation, flight paths or change in instrumentation or technology resulting in a change in the location or extent of any airport hazard zone.

**10.2 Procedures for Conditional Use**

The following procedures and criteria shall be considered in granting of a Conditional Use.

**10.2.1 Application contents**

Any owner of any public airport desiring to change the location or extent of an airport hazard zone shall file an "*Application for Conditional Use*," together with the filing fee.

The "*Application for Conditional Use*" shall contain the following documents and information:

- A full narrative description of the changes proposed;
- Plans and maps prepared by a registered professional engineer showing the changes proposed to the airport;
- Plans and maps prepared by a registered professional engineer showing existing and proposed locations of the airport hazard zones;

- Copies of all applications, correspondence, documents, maps or plans submitted to FAA and the Bureau of Aviation relating to the proposed change or construction, rating change, or other rating, legal or physical change;
- A plan showing of how the lands or air rights negatively affected shall be acquired and how the landowners negatively affected shall be compensated;
- All plans shall be prepared to a scale of 1 in. equals 100 ft (1" = 100 ft);
- A list of the names and addresses of all landowners negatively affected by the proposed change within a height of 75 ft. from the surface of said lands by the change in airport hazard zones; and
- A list of the names and addresses of all landowners adjoining lands owned or leased by the airport owner.

#### 10.2.2 Copies

The applicant shall submit 7 copies of the entire and complete "*Application for Conditional Use*" and all supporting documentation to the Zoning Officer. The Zoning Officer shall distribute the copies as follows:

- One copy shall be filed in the Township files;
- One copy to the Township Planning Commission;
- One copy to the Supervisors
- One copy shall be sent to the Bureau of Aviation;
- One copy to the FAA;
- One copy to the Centre County Planning Office; and
- One copy to the Township Engineer for review.

#### 10.2.3 Engineering review

Upon receipt, the Township Engineer shall review the "*Application for Conditional Use*" and report whether the application to the Planning Commission (Airport Zoning Planning Agency) complies with all applicable ordinances, laws and regulations relating to airport hazard zones. The Township Engineer shall also report how the proposed change will affect neighboring landowners and landowners in airport hazard zones. The Township Engineer shall also review and report on expected obstructions to aircraft resulting from the change, and upon the adequacy, feasibility and practicality of the applicant's plan to compensate affected properties or to acquire the necessary air rights.



**10.2.4 Costs**

Any change resulting in a change of airport hazard zones shall be considered as land development, and the applicant shall be responsible for paying all engineering fees of the Township relating to its engineering review.

**10.2.5 Notice to Adjoining Landowners**

The Township Secretary shall send notice to adjoining or affected landowners of the date and time of the first hearing on the "*Application for Conditional Use*."

**10.2.6 Notice to FAA, the Bureau of Aviation, and the County**

The Zoning Officer shall send a copy of the completed application to the Bureau of Aviation, FAA and the County Planning Office by certified mail, at least 14 days before the date of the hearing.

**10.2.7 Legal advertisement**

In addition to the legal notices required by law, the Township Secretary shall place a display advertisement in a newspaper of general circulation in the Township giving notice of any request made for an "*Application for Conditional Use*." Said notice shall be at least 3 columns wide and 3 inches in length. Said notice shall state: "Notice to Benner Township Landowners. A Conditional Use has been filed relating to the \_\_\_\_\_ airport or airport hazard zones in Benner Township. A hearing is scheduled for the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_m., at the Benner Township Municipal Building. All citizens and landowners are invited to attend."

**10.2.8 Cost of notices and advertising**

The costs and expenses of all required notices and advertisement, shall be paid by the airport owner who makes an "*Application for Conditional Use*."

**10.3 Criteria to review**

In granting or denying a Conditional Use, the Supervisors shall consider:

- A. The effect upon reasonable use of properties affected by the changed area of the airport hazard zones;
- B. How the applicant plans to purchase, acquire or otherwise compensate landowners whose reasonable use of the property is adversely affected;
- C. The character of the flying operations expected to be conducted at the airport;
- D. The nature of the terrain within the airport hazard zone area;

- E. The character of the neighborhood which is affected by the change in airport hazard zones;
- F. The effect upon roads, development, transportation routes, and other aspects of the Township's Comprehensive Plan;
- G. The provision of hazard lighting and marking;
- H. The importance of aircraft safety; and
- I. The Supervisors may attach such reasonable conditions in the granting of a Conditional Use.

## **SECTION 11. ADMINISTRATION AND ENFORCEMENT**

### **11.1 Airport owner to file correspondence with Township**

The airport owner shall send to the Township copies of all forms, applications, and requests relating to airport hazard zone movement or hazard zone changes sent to FAA and the Bureau of Aviation by airport owner. Said copies shall be sent to the Township within 3 days of sending said forms, applications and requests to the FAA or the Bureau of Aviation. Airport owner shall also include copies of all maps, documents, correspondence and plans attached to, required by, or accompanying said requests, applications, or forms.

### **11.2 Administration**

The following procedures are hereby established for the administration for the *Airport Overlay District*.

#### **11.2.1 Enforcement**

It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed in this Article.

#### **11.2.2 Filing fees and application**

The Township may establish by Resolution a "*Schedule of Fees*" for all permits, appeals, and other proceedings provided for in this district, and may amend such Resolution from time to time. No application for any permit, Variance or Conditional Use or other relief under this overlay district shall be considered filed until all fees are paid.

**11.3 Zoning hearing board**

The existing Township Zoning Hearing Board, consisting of three (3) members, is hereby appointed to act as the Board of Appeals specified in *Section 5917(c) of the Aviation Code*. It shall have the power to hear and decide:

- All appeals from the determinations of the Zoning Officer;
- Applications for permits; and
- Variances.

It shall have all the powers granted to the Board of Appeals as provided by *Section 5917 of the Airport Zoning Act, 74 Pa. C.S.A. 5917*; and all powers granted to zoning hearing boards as provided by *Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. 10901 et. seq.*, as amended.

**11.4 Airport zoning planning agency**

The Planning Commission of the Township is hereby designated as the Airport Zoning Planning Agency, whose duties shall be as set forth in the Airport Zoning Act, 74 Pa. C.S.A. 5911 *et seq.*

**11.5 Violations and penalties**

Failure to comply with any provisions of this overlay district shall be a violation of the *Airport Overlay District*.

**11.5.1 Complaints regarding violations**

Whenever a violation of this overlay district occurs, or is alleged to have occurred, any person may file a complaint to the Zoning Officer stating fully the causes and basis thereof. The Zoning Officer shall record such complaint, investigate, and take action.

**11.5.2 Notice of violation**

If the Zoning Officer finds that any provision of this overlay district has been violated, enforcement proceedings shall be followed as provided for by *Section 616.1 of the MPC, 53 P.S. Section 10616.1*, as amended.

**11.5.3 Penalties**

Penalties and remedies for violations of this overlay district are stipulated in *Section 617 and 617.2 of Article VI of the MPC*, as amended, *53 P.S. Section 10617 and 10617.2*; or as hereafter amended.

**11.6 Appeals**

Any appeal from a decision or action of the governing body or of any officer or agency of the Township in matters pertaining to this overlay district shall be made in accordance with *Article IX and X* of the *MPC*, as amended, and *Section 5918* of the *Airport Zoning Act, 74 Pa C.S.A. Section 5918*.

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## ARTICLE IV

### SUPPLEMENTAL USE REGULATIONS

#### SECTION 1. GENERAL

The use of land, buildings, and structures shall be limited to only the primary and accessory uses permitted in each zoning district, unless specifically permitted, exempted, or otherwise modified by this or other sections of this Ordinance. All uses not expressly permitted are prohibited. In addition to the regulations stipulated for each use elsewhere in this Ordinance, the following use regulations shall apply.

#### SECTION 2. PRIMARY USES

##### 2.1 Residential primary uses

Where more than one primary use is planned for a single lot, each use must conform to the lot, yard setback, height, and all other regulations contained herein. In any residential district, there shall be no more than one primary use on each lot unless it is possible to meet all requirements of this Ordinance, and the applicable Subdivision and Land Development Ordinance to establish each use on a separate, conforming lot.

##### 2.1.1 Seasonal dwellings

Seasonal dwellings are permanent structures to be utilized only periodically during the year. Such use may include occupancy during hunting or fishing seasons, vacation uses, weekend uses, or other similar periodic visits. Such use shall not include occupancy for more than 90 consecutive days.

In addition to the zoning district requirements specified, all seasonal dwellings shall meet the following regulations:

- A. Owner(s) shall be responsible for year-round maintenance of their structure(s) and all surrounding lands. This maintenance shall include periodic grass cutting and tree trimming.
- B. Seasonal dwellings shall not be converted or occupied to permanent dwelling units, or occupied as permanent dwelling units (i.e., in excess of 90 consecutive days), unless the all federal, state, county, or local regulations are met (specifically septic system permits), and a Zoning Permit is issued for such conversion by the Zoning Officer.

##### 2.2 Non-residential primary uses

##### 2.2.1 Adult businesses and entertainment

- A. **Definition.** An adult business or entertainment is any establishment which:
  - (1) In whole or in part sells, leases, dispenses, or displays publications, photographs, drawings, posters, films, videos, or

reproductions of any type depicting explicit or implicit sex acts or lewdness.

- (2) Exhibits or permits the exhibition of live sexual acts or implied sexual acts, or solicits or permits solicitation of persons and/or animals for purposes of indulging in sexual relations or implied sexual relations.

B. ***Special Exception.*** An adult business or entertainment shall be permitted only as a “*Special Exception*” in the *General Commercial District*. The Zoning Hearing Board shall review the following criteria:

- (1) No adult business or entertainment shall be located within 750 ft. of any:
  - (a) Residential district,
  - (b) Church or other place of worship,
  - (c) Cemetery,
  - (d) School,
  - (e) Park,
  - (f) Premises licensed to sell alcoholic beverages, and
  - (g) Other adult business or entertainment.
- (2) One parking space shall be provided for each 100 sq. ft. of building area.
- (3) The premises shall be buffered on the sides and rear by a sight-obscuring buffer of evergreen trees at least 6 ft. in height at the time of planting. Any plant matter which does not live, shall be replaced immediately.
- (4) Adult businesses must provide a guard at all times in the video area to prevent sexual contact or solicitations or more than one person occupying a booth.
- (5) No personal contact, in the form of providing sexual services, shall be permitted.
- (6) No more than one person shall be permitted in a video booth at any one time.
- (7) Hours of operation shall be limited from 9:00 a.m. to 9:00 p.m.

#### **2.2.2 Adult day care homes and centers**

##### **A. *Requirements of adult day care home***

- (1) *Regulations.* Adult day care homes shall meet all federal, state and local regulations.
- (2) *Outdoor areas.* All persons participating in adult day care homes shall have safe outdoor activity areas screened or fenced from unsafe conditions, such as streams, ponds, swimming pools, steep slopes, or streets.

- (3) *Parking/loading/unloading.* Two (2) off-street parking spaces shall be provided. The residential driveway is acceptable for this purpose. The drop-off point for clients shall be on the same level as the primary areas of the adult day care home. All sidewalks and parking areas used by clients shall be constructed to a slope no greater than 5%.

**B. *Requirements for adult day care center***

- (1) *Regulations.* Adult day care centers shall comply with all federal, state, county, or local regulations.
- (2) *Parking.* Adult day care centers shall provide a minimum of one parking space per 300 ft. gross floor area of the center, and a minimum of one (1) space per employee in the center.
- (3) *Outdoor areas.* Adult day care centers shall have outdoor recreational areas designed with special focal points for client participation and enjoyment. Focal points are to the discretion of the operator's innovation and imagination, and may include items such as: special landscaped gardens, water features, and natural vistas.

**C. *Zoning districts permitted***

- (1) Adult day care homes may be permitted as an accessory use to an owner-occupied, single-family detached dwelling.
- (2) Adult day care centers may be permitted in any zoning district permitting child day care centers as long as the zoning district's requirements are met.

**2.2.3 Business uses**

In addition to the zoning district regulations specified, all primary business uses, as defined in the *Definition Section*, shall meet the following regulations.

- A. *Highway access.* Highway access shall comply with the *Benner Township Street Standards Ordinance. No. 64*, and any subsequent amendments.
- B. *Lighting.* Light emanating from any source on the property shall not be glaring or obtrusive to adjoining properties, or visually impair passing motorists.
- C. *Waste storage.* Waste material shall not be stored outside a building except in containers complying with all federal, state or local regulations. Waste storage areas shall be obscured from direct public view.

- D. **Parking/loading.** All parking and/or loading facilities shall be screened from adjacent residential districts by a landscape buffer. Loading facilities shall not be permitted in the area between the building setback line and the street right-of-way line.
- E. **Buffering.** Buffering shall be provided as outlined in *Article II, Section 3.2.11* of this Ordinance.
- F. **Setbacks.** Business operations shall not be permitted in the area between the building setback line and the street right-of-way line.
- G. **Sale of goods.** When merchandise is displayed for sale in the open, the merchandise shall not be permitted in the area between the building setback line and the street right-of-way line.

#### 2.2.4 Campgrounds (seasonal)

In addition to the zoning district regulations specified, all seasonal campgrounds shall meet the following requirements:

##### A. **General Standards**

- (1) Seasonal campgrounds may be open to both tents and trailers.
- (2) Camping spaces may be used for overnight stays up to a maximum of 60 consecutive days.
- (3) Seasonal campgrounds shall be constructed in accordance with *Pennsylvania Code Title 25, Chapter 191 Organized Camps and Campgrounds* as regulated by the Department of Environmental Protection, or any other federal, state or local regulations.

##### B. **Design Standards**

- (1) **Minimum area.** A seasonal campground shall have a gross area equal to the minimum lot size of the zoning district where located.
- (2) **Spacing requirements**
  - (a) **Gross density:** The maximum number of camping spaces in each seasonal campground shall be no more than 4 per acre of gross area of the campground.
  - (b) **Minimum camping space size:** The minimum camping space size shall be 40 ft. wide by 60 ft. long and shall not contain less than 2,400 sq. ft. in area.

##### C. **Buffering**

- (1) **Buffer strips.** All camping spaces and auxiliary park structures shall be located at least 50 ft. from the campground boundary lines, including roads. A 50 ft. buffer strip shall be placed along property lines. If a suitable, attractive, effective screening, of either man-made or natural plantings is



provided along the perimeter, the minimum buffer strip may be reduced to 25 ft.

- (2) *Minimum spacing between structures and camping spaces.* All camping spaces shall be located at least 30 ft. from any auxiliary building.

- D. *Parking space requirements.* A minimum of one (1) parking space shall be provided for each camping space.
- E. *Internal road requirements.* The internal roads and drainage system shall consist of private roads constructed according to right-of-way and construction standards proposed by the applicant, and agreed upon by the Township Supervisors.
- F. *Service and other campground buildings.* Service, maintenance and management buildings required for the management, servicing, and maintenance of the seasonal campground may be allowed, either as separate buildings, or combined with, or as part of, a single family dwelling for resident personnel. Such structures shall conform with all federal, state, county, and/or local regulations.

#### 2.2.5 Child care facilities

The purpose of this section is to encourage and promote the establishment of child care facilities in safe and convenient locations throughout the community to accommodate the growing demand for child care in the community caused by demographic, economic, and social forces.

- A. *Small child day care.* Small child day care provides care for 6 or fewer children, including children residing at the home, as regulated by the State of Pennsylvania.

In addition to the zoning district regulations specified, small child day cares shall meet the following requirements:

- (1) *Regulations.* All state licensing requirements shall be met including those pertaining to building, fire safety, and health codes, as applicable.
- (2) *Districts permitted.* Small child day care is permitted in all residential zoning districts. Lot size, coverage, and setbacks shall conform to the applicable zoning district. Such day care shall be conducted within an owner-occupied single-family residence.
- (3) *Registration form.* Small child day care shall be registered with the Township. Registration forms are obtained from the Township.

- (4) Parking. One (1) off-street parking space for each non-resident or non-family employee shall be provided. The residential driveway is acceptable to be used for this purpose.
- (5) Outdoor areas. All outdoor play areas shall be completely enclosed by a fence with a minimum height of 6 ft. Such play areas shall not be placed in the front yard setback area.
- (6) Landscaping. Landscaping shall be in a manner compatible with adjacent residences.
- (7) Exterior alterations. No structural or decorative alteration shall be permitted the residential character of the existing residential structure. Any new or remodeled structure shall be designed to be compatible with the residential character of the surrounding neighborhood.

B. **Large child day care.** Large child day care provides care for 7 to 12 children, including children who reside at the home, as regulated by the State of Pennsylvania.

In addition to the zoning district regulations specified, a large child day care shall meet the following requirements:

- (1) Regulations. All State licensing requirements shall be met, including those pertaining to building, fire safety, and health codes, as applicable.
- (2) Districts permitted. Large child day care is permitted in all residential zoning districts. Lot size, building coverage, and setbacks shall conform to those applicable to the zoning district. Such day care shall be conducted within an owner-occupied single-family residence.
- (3) Registration form. All large child day care shall be registered with the Township. Registration forms are obtained from the Township.
- (4) Parking. One (1) off-street parking space for each non-resident or non-family member employee shall be provided. The residential driveway is acceptable for this purpose.
- (5) Outdoor areas. Outdoor play areas shall have safe outdoor activity areas screened or fenced from unsafe conditions, such as streams, ponds, swimming pools, steep slopes, or streets.
- (6) Landscaping. The site must be landscaped in a manner compatible with adjacent residences.
- (7) Exterior alterations. No structural or decorative alteration is permitted altering the residential character of the existing residential structure. Any new or remodeled structure shall be designed to be compatible with the residential character of the surrounding neighborhood.

- C. ***Child care center.*** Child care centers providing nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance for sustaining activities of daily living, or for the protection of individuals, on less than a 24-hour basis, are regulated as follows. Child care center does not include small or large child day care homes.
- (1) ***Regulations.*** Any state licensing requirements shall be met. All other aspects of the center shall also be regulated by either federal, state, county or local regulations.
  - (2) ***Safety hazards.*** No portion of any child care center shall be located within 300 ft. of gasoline pumps, underground gasoline storage tanks, or any other storage of explosive materials.
  - (3) ***Loading/unloading zones:*** Unloading and loading of children from vehicles shall only be permitted on the facility driveway, approved parking area, or directly in front of the facility.
  - (4) ***Play area:*** Minimum standards for outdoor play space shall be set by the State licensing requirements.
- D. ***Child care center as an accessory use.*** Child care centers may be considered an accessory use to the principal use of a property.
- (1) ***Regulations.*** Any state licensing requirements shall be met. All other aspects of the center shall also be regulated by either federal, state, county or local regulations.
  - (2) ***Safety hazards.*** No portion of any child care center shall be located within 300 ft. of gasoline pumps, underground gasoline storage tanks, or any other storage of explosive materials.
  - (3) ***Parking.*** Accessory child care centers shall have, at least, either the highest number of parking spaces required for the principal use to which the center is accessory in the specified zoning district, or one (1) space for each staff person plus one (1) space for each 10 licensed and registered children.
  - (4) ***Loading/unloading zones:*** Unloading and loading of children from vehicles shall only be permitted on the facility driveway, approved parking area, or directly in front of the facility.
  - (5) ***Play area:*** Minimum standards for outdoor play space shall be set by the State licensing requirements.

**2.2.6 Churches and other places of worship, theaters for the performing arts, and auditoriums**

Each of the above uses shall be located only on lots with direct motor vehicle access onto collector or arterial streets in zoning districts where permitted.

### 2.2.7 Convenience food stores

Convenience food stores are small stores permitted in zoning districts distributing retail food and beverages primarily to the immediate surrounding population. Sales of additional products, when clearly incidental and subordinate to the retailing of food and beverages, may include non-prescription drugs, housewares, periodicals and tobacco.

In addition to the zoning district regulations specified, convenience food stores shall meet the following requirements:

- A. **Buffering.** All rear and side yards shall have a continuous buffer yard extending 10 ft. in depth from the front lot line, and 25 ft. in depth from the side and rear lot lines, except for driveways and walkways.
  - (1) ***Vegetative plantings.*** All plantings within the buffer yard area shall be planted in conformance with **Article II, Section 3.2.11** of this Ordinance.
- B. **Sale displays.** All sales and display shall be within completely enclosed buildings, and there shall be no display or storage of any material outside such buildings. No public address systems or other devices for reproducing or amplifying voices or music shall be mounted outside the buildings or be audible beyond any lot line where the building is located.
- C. **Apartment permitted.** A convenience food store may include one (1) dwelling unit, provided:
  - (1) Such apartment shall be part of the principal building;
  - (2) Off-street parking shall be provided;
  - (3) Such apartment shall only contain one (1) dwelling unit.
  - (4) On-site or suitable off-site sewage treatment shall be provided capable of treating the sewage effluent from both the dwelling unit and the store. A sewage permit confirming such installation shall be presented to the Zoning Officer as part of the "*Application for Zoning Permit.*"
- D. **Street access.** The convenience food stores shall be located on arterial streets.
- E. **Exterior appearance.** Exterior features and appearance shall compliment the rural atmosphere of the surrounding area.

**2.2.8 County Prison** *(as amended by Ord. 82)*

County Prison, as specified below, is permitted as a “Conditional Use” in the Agricultural-Rural Residential District (AR-1), subject to the following criteria:

A. ***Purpose and concept.*** This section provides requirements for lot area, width, and yard requirements in addition to parking and screening requirements for the prison.

B. ***Lot area, width and yards***

(1) *Lot area:* 15 acres

(2) *Minimum lot width:* 50 ft. at street line

(3) *Minimum yard setbacks:* 100 ft. for front, side, and rear yard setbacks.

(4) *Height:* Maximum height of structures permitted shall be 45

ft.

C. ***Parking Requirements:*** Parking requirements shall be as specified in Article V, Section 10 of this Ordinance for any buildings, structures or offices unassociated with the prison facility. Parking computations for prison use, exclusively, shall be computed as follows:

One (1) space per 1,000 sq. ft. of gross floor area for administrative office and service areas, and one (1) space for every 16 inmate beds.

Additional requirements may be applied as part of the Conditional Use approval, based upon the specific needs of the operation. All computations used shall be reviewed and approved by the Township Engineer.

D. ***Buffer Yards.***

Buffer yards shall be planted and maintained in shrubs, bushes, trees, grass, or other vegetative landscaping material. Natural vegetation shall be incorporated into buffer yards to preserve the existing vegetation and natural contours as much as possible.

(1) All such plantings shall be at least 4 ft. in height when planted, and shall reach a height of at least 6 ft. at maturity.

(2) All plantings and vegetative ground cover shall be maintained. Any plant material that does not live shall be replaced within one year.

(3) Buffer yards shall not be used for parking, loading, storage, or any structures.

(4) All buffer yards, except side buffers of interior lots, may be crossed by access driveways and utility easements, provided

- that such are not more than 25 ft. in width at the point of intersection.
- (5) Where a required buffer yard is greater in width than the setback(s) required in the zoning district, the required buffer yard dimension will determine the setback dimension.
  - (6) Buffer yards shall be a minimum width of 25 ft., and shall be planted with native species that shall include a mix of deciduous and evergreen plantings to provide all year round screening. A 25 ft. buffer yard shall not be required for areas directly adjoining public streets; however, these areas should be landscaped. Buffer yards are required except as otherwise exempted by the Township through the Conditional Use process.

**2.2.9 Elderly housing developments** *(as amended by Ord. 73a)*

Housing projects for the elderly, as specified below, may be permitted as Conditional Use in the AR-1, R-2, and R-3 zoning districts, subject to the following criteria:

- A. **Purpose and concept.** This provision intends to help meet the growing demand for elderly housing in the Township through the creation of planned elderly housing developments. Its modifies use, lot area, width and yard requirements, otherwise applicable to the Zoning Districts; establishes additional design controls; and requires planning and management of each development.
- B. **Use.** In addition to the uses permitted in the residential zoning districts, elderly housing developments may consist of row dwellings not exceeding 6 units in any one direction; medical clinics; and nursing and convalescent homes for use by residents of the development only. Personal care and congregate meals may be provided within the building types permitted above.
- C. **Lot area, width and yards.**
  - (1) **Lot area.** Each elderly housing development shall consist of a minimum of 5 acres for the total development, and a maximum density of 5,000 sq. ft. of lot area per dwelling unit. The amount of land used for medical clinics, nursing and convalescent homes may be used to achieve the 5-acre minimum for the development, but may not be used for purposes of calculating maximum residential densities.
  - (2) **Minimum lot width:** 300 ft.

- 
- (3) Minimum yard setbacks: Minimum front, side and rear yard setbacks shall be required as described in the applicable zoning district where located, except for row dwellings, medical clinics, nursing and convalescent homes shall be as follows:
- (a) front: 40 ft.
  - (b) side: 50 ft.
  - (c) rear: 50 ft.
- D. Height. Maximum height of structures permitted shall be as specified in the applicable zoning districts.
- E. Parking requirements. Parking requirements shall be as specified in *Article V, Section 10* of this Ordinance.
- F. Additional requirements:
- (1) Management: All dwelling units, medical clinics, nursing and convalescent homes within the elderly housing development shall be jointly managed by an individual firm, partnership or corporate entity.
  - (2) Age restrictions. Residents in the elderly housing development shall be limited to those persons aged 62 and over and their spouses.
  - (3) Distance between developments. No point on the boundary of an elderly housing development in the zoning district may be closer than 2,000 ft. from the nearest point of any other such development located in another zoning district.
  - (4) Buffer yards. Buffer yards consisting of plantings, earth mounds, and/or decorative fences and walls shall be planted, installed and maintained near the boundary lines of elderly housing developments against adjacent residential lots or undeveloped lots.
  - (5) Vehicular/Building access. Vehicular access shall be designed to avoid directing traffic through adjacent residential areas. All elderly housing developments should abut an arterial or collector street. Elevator access shall be above the ground floor. Elevators and stairways shall be wide enough to easily accommodate evacuation of residents by emergency response personnel using litters.

**2.2.10 Golf courses, mini-golf courses, pitch putt golf courses, and driving ranges**

In addition to the zoning district regulations specified, all golf courses, pitch putt golf courses, and driving ranges shall meet the following applicable regulations:

- A. No golfing green or fairway shall be closer than 100 ft. to any lot line, except for miniature golf where the zoning district setbacks apply.
- B. Golfing tees and greens for the same range may not be separated by a street.
- C. Driving ranges shall have screens or fences of a height and location sufficient to prevent golf balls from landing on adjoining properties.

**2.2.11 Horticultural uses**

In addition to the zoning district regulations, all horticultural uses shall comply with the following requirements:

- A. At least 50% of horticultural products sold shall be produced on the property.
- B. Parking spaces for at least 3 vehicles shall be provided behind the street right-of-way line.
- C. Sale of plants and products may be conducted from a portable stand located behind the street right-of-way and dismantled at the end of the growing season. All permanent buildings shall be located at least 30 ft. from the street right-of-way line .
- D. The floor area of the portable stand and/or permanent building shall not exceed 600 sq. ft., as long as such stands do not create a threat to the public, health, safety and/or welfare to the community.
- E. Signs advertising the sale of plants and products shall be regulated through the Township Sign Ordinance.

**2.2.12 Industrial Uses**

In addition to the zoning district regulations specified, all industrial uses shall meet the following regulations.

- A. **Highway access.** Highway access shall be governed by the *Benner Township Streets Standards Ordinance No. 64*, and any subsequent amendments.
- B. **Buffering.** All parking and/or loading facilities shall be buffered from view from adjacent residential districts by a landscape buffer or



visual barrier; however, this requirement shall not be applicable in those instances where an existing street separates the industrial use from a residential district. Buffering shall consist with the requirements set forth in *Article II, Section 3.2.11* of this Ordinance.

- C. **Landscaping.** Any part or portion of the site not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas, shall be planted in grass, shrubbery or other type of plant material.
- D. **Lighting.** Light emanating from any source on the property shall not be glaring or obtrusive to adjoining properties, or visually impair passing motorists.
- E. **Glare and Heat.** No industrial use operations shall produce heat or glare beyond the property line of the lot of such industrial operation.
- F. **Waste products.** Storage of waste materials shall be within an enclosed building or in approved containers conforming with all federal, state and/or local regulations.
- G. **Odor/Toxic gases.** Emission of odorous gases or other odorous matter in quantities offensive shall not be permitted beyond any lot lines. No industrial use shall emit noxious, toxic, or corrosive fumes or gases.
- H. **Operation standards.** All industrial operations shall comply with all federal, state, and/or local regulations.

#### **2.2.13 Motor vehicle service stations**

In addition to the zoning district regulations specified, all motor vehicle service stations shall meet the following regulations:

- A. **Dismantled motor vehicles.** The dismantling of motor vehicles shall be performed within a completely enclosed building, and all dismantled motor vehicles, and parts thereof, shall be stored within such buildings.
- B. **Fuel pumps.** Fuel pumps may be located within the front yard setback area provided such pumps are at least 30 ft. from any lot line, or a distance greater if required by any federal, state, or local regulations.
- C. **Buffering.** Where different adjacent land uses (i.e., residential homes, churches, or similar uses) abut a motor vehicle service station, buffering strips of 25 ft. along side and rear lot lines of the site shall be required. At a minimum, fencing shall be 6 ft. in height with vegetative plantings in front. In lieu of fencing, a living buffer of evergreen shrubs or trees may be planted. Such plantings shall be

chosen and placed, so that such shrubs or trees shall grow together in two (2) years, and reach the height of 6 ft. in approximately 5 years. Any gaps occurring in the buffer shall be filled. Buffering, and landscaping shall be placed in accordance with *Article II, Section 3.2.11*.

- D. **Body shop.** Body work or painting of vehicles is permitted, provided that:
- (1) The on-lot sewage system is designed to handle any wastes generated by the body work, and such wastes shall be disposed in compliance with all federal, state, county or local regulations. Written proof of such compliance shall be supplied to the Zoning Officer.
  - (2) The structure or building used for such operations shall comply with all federal, state, county or local regulations, including, but not limited to Labor and Industry or the Department of Environmental Protection, and shall be designed to contain all noise, vibrations, dust, and odor generated on the work site.

#### **2.2.14 Motor vehicle wrecking, junk, and scrap establishments**

In addition to the zoning district regulations specified, all motor vehicle wrecking, junk, and scrap establishments shall meet the following regulations.

- A. **Storage of material.** All material shall be placed in such a manner that it is unable of being transferred off the premises by either wind, water, or any other natural cause. All paper, cloth, rags, or other similar fibers, shall be stored within enclosed buildings.
- B. **Setbacks.** No material shall be placed within the front, side, or rear yard setback areas. All yard setback areas shall, at all times, be kept clean, vacant, and should be planted and maintained in grass, evergreen trees, shrubs, and/or other vegetative cover.
- C. **Fencing.** All materials and activities not conducted within fully enclosed buildings shall be surrounded by a fence or wall at least 6 ft. in height. Such fence shall be completely sight obscuring from the nearest point from the lot line and maintained in good condition. Any gate in the fence shall be similarly constructed and maintained, and shall be kept securely locked at all times when the establishment is not in operation. No such fence shall be permitted in any yard setback area.
- D. **Motor vehicle storage.** Gasoline and oil shall be drained from any junked motor vehicle into containers and stored at only one location

on the premises. Batteries shall be removed from junked vehicles. The storage of material in piles shall not exceed 15 ft. in height.

- E. **Fire safety.** Fire hazards shall be minimized by the segregation of combustible from non-combustible materials. Aisles shall be wide enough for escape and fire-fighting equipment to pass. Every structure erected upon the lot after the enactment of this Ordinance shall be of fire resistant construction.
- F. **Drainage and protection of water sources.** Storage of junk material shall prevent the accumulation of stagnant water. No structure or storage shall be within 100 ft. of a body of water, stream, sinkhole, or delineated wetland.
- G. **Other regulations.** All materials shall be stored on the premises or disposed of according to all federal, state, and local regulations.

**2.2.15 Personal care boarding home, family care, group homes, and halfway houses / rehabilitation centers**

The purpose of a group home shall be to provide an opportunity for disabled individuals to return to, or remain, in their communities in order to develop their maximum potential as citizens. Such homes shall provide rehabilitative activities for the residents.

In addition to the zoning districts specified, all personal care boarding homes, family care, group homes, and halfway houses/rehabilitation centers shall meet the following regulations:

- A. All abuse centers, family care, group home, or halfway house/rehabilitation centers shall be either certified, and/or meet all federal, state, county or local regulations.
- B. A group home shall only be located within a single family detached dwelling, and shall comply with the zoning regulations for a single family detached dwelling within the permitted zoning district.
- C. The relationship of all persons occupying a group home shall be that of the function equivalent of a biologically-related family.
- D. A group home shall comply with the Pennsylvania Department of Labor and Industry Rules and Regulations, the Pennsylvania Department of Public Welfare Rules and Regulations, and all federal, state, county, and local regulations.
- E. All group homes shall be licensed by either the County or the Commonwealth of Pennsylvania, and shall operate in compliance with such licenses.
- F. A group home shall not be located within 2,000 ft. of an existing group home.

**2.2.16 Public and private nurseries, kindergartens, elementary, secondary, and post-secondary schools**

In addition to the zoning district regulations specified, the above school uses shall meet the following regulations. Each school use above shall be located in the zoning district where permitted only when adjacent to the following street classifications:

- A. Kindergartens and elementary schools shall be located only on lots with direct motor vehicle access onto collector streets.
- B. Secondary and post-secondary schools shall be located only on lots with direct motor vehicle access onto collector or arterial streets.

**2.2.17 Public utilities and municipal uses**

This Ordinance shall not apply to any existing or proposed building, or extension, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

Any structure or other improvement for the purpose of servicing a public utility or municipality except common or contract carriers, may be erected within any zoning district, but shall comply with the applicable zoning district regulations. If requested by the Township, public utilities shall file a site plan with the Township, indicating the location of all proposed structures, and rights-of-way within the Township.

**2.2.18 Roadside farm and garden stands**

In addition to the zoning district regulations specified, the sale of farm and/or garden products on a retail basis shall meet the following regulations:

- A. At least 50% of farm/garden products sold must be produced on the property.
- B. Parking spaces for at least 3 vehicles shall be provided behind the street right-of-way line.
- C. Sale of such products may be conducted from a portable stand located behind the street right-of-way line, and removed or dismantled at the end of the growing season. All permanent buildings shall comply with applicable zoning district requirements.
- D. The floor area of any portable stand and/or permanent building shall not exceed 600 sq. ft, as long as such stands do not create a threat to the public health, safety and/or welfare to the community.

- E. Signs advertising the sale of products shall be regulated through the Township Sign Ordinance.

**2.2.19 Valet parking facilities** *(amended by Ord. 87)*

Valet parking facilities, as specified below, is permitted as a “Conditional Use” in the Campus Industrial District (I-3), subject to the following criteria:

**A. Purpose and intent**

This section provides requirements for the site development and provide standards and controls for the layout and maintenance of parking lots so as to ensure the safe movement of pedestrian and vehicular traffic, protect abutting properties from potential nuisances arising from parking lots and generally promote the public health, safety and welfare, in addition to existing requirements for industrial uses in the I-3 District and in addition to the general requirements for parking lots found in the “Supplemental District Regulations, Article V, Section 10.8”.

**B. Site Plan**

No person shall construct or maintain a valet parking lot, without a site plan of the proposed parking lot, approved by the Township. Such plan shall contain the outline of each parking area and shall clearly designate areas of traffic flow and parking areas for vehicles.

**C. Layout and design**

- (1) Layout and design of a valet parking lot shall be subject to review and approval by the Township upon recommendation of the Township Engineer.
- (2) Individual stalls shall be identified by line stripes, and all handicapped stalls shall be marked according to American Disabilities Act (ADA) requirements.
- (3) Parking lots shall have smooth and durable surfaces, adequately drained, so as not to retain water. Lots shall remain free of dust or loose particles. Stormwater management shall comply with the requirements of the *Benner Township Stormwater Management Ordinance*.
- (4) Vehicle stops shall be provided and shall be properly placed to protect landscaping or screening devices from damage from vehicles.

- (5) Access points shall meet the requirements of the *Benner Township Street Standards Ordinance*. Access and circulation shall provide for ingress and egress to all parking areas and circulation within the parking lot to permit vehicles to enter and exit the parking facility without backing into any street.

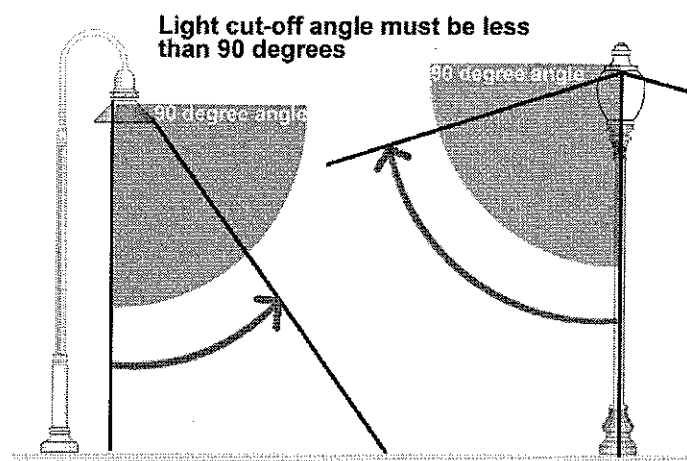
D. **Landscaping**

Landscaping shall conform to the requirements of *Article V, Section 10.8 (H)* and *(I)*, as outlined in this Ordinance.

E. **Exterior Lighting/Illumination**

“Lighting Plan” for all exterior illumination shall be submitted to the Township for review and approval. Such plans shall include the type, size, and location of all lighting and lighting fixtures proposed for the site. All exterior lighting proposed, installed or replaced shall conform to the standards set forth below.

- (1) All outdoor lighting fixtures, including without limitation, ground, pole, and building mounted fixtures and canopy lighting shall be of a design and type containing shields, reflectors, fracture panels or recessed light sources such that the cutoff angle is less than 90 degrees. For purposes herein, the cutoff angle is that angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is permitted. (see Figure 1)



**Figure 1.** Outdoor fixtures showing cutoff angle of less than 90 degrees

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- (2) Notwithstanding *Subsection (1)* above, decorative fixtures producing a cutoff angle of greater than 90 degrees may be permitted upon approval by the Township. Decorative fixtures shall minimize glare through the use of either:
    - (a) light dispersing globes and decorative shields; or
    - (b) maximum of 2,700 lumens (equivalent to 150 watts incandescent).
  - (3) All light rays emitted from fixtures shall be directed toward the ground and shielded from shining toward the sky; provided, however, lighting used to directly illuminate building facades, landscape features or site features may use lighting of up to a maximum 2,700 lumens (150 watt maximum incandescent) restricting illumination to the area or surface intended to be illuminated.
  - (4) Lighting fixtures for commercial or industrial uses shall have a maximum height of 25 ft.
  - (5) All lighting fixtures not described in *Subsections (4)* above shall have a maximum height of 20 ft.
  - (6) The permitted illumination average shall be calculated in foot-candles and measured for the development area only, which shall include all paved and landscaped areas of the site.
  - (7) For nonresidential sites, the maximum maintained illumination average shall not exceed 5.0 foot-candles, and the minimum illumination average shall not be less than 2.0 foot-candles.
  - (8) The maximum permitted illumination at the property line for nonresidential uses that are located adjacent to other nonresidential uses shall not exceed 0.5 foot-candles. All other uses including nonresidential uses adjacent to residential shall not exceed 0.2 foot-candles as measured at ground level.
  - (9) Lighting from all fixtures, including internally illuminated signs, which are to remain illuminated during non-operating hours shall be reduced by at least 75% of the lighting level used during hours of operation; provided, however, such reduction shall not apply to residential uses.

- (10) Lighting fixtures used to illuminate flags, statues or any other objects mounted on poles, pedestals or platforms shall project a narrow cone of light for the purpose of focusing the light on the intended object and minimizing spill-light and glare.
- (11) The following fixtures shall be excluded from the standards set forth in *Subsections (1) through (12)* above:
  - (a) Light fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns and natural gas lamps.
  - (b) Temporary lights used for holiday decorations.
  - (c) Construction or emergency lighting provided such lighting is temporary and is removed immediately upon completion of the construction work or abatement of the emergency.

**F. Maintenance of parking lot**

- (1) Parking lots shall be kept free from dirt, ice, sleet and snow and shall be kept in safe condition for the travel of pedestrians using said parking lot.
- (2) Sufficient aisle space shall be provided for firefighting equipment and other emergency equipment.
- (3) Every parking area shall be maintained in a clean and sanitary condition. The accumulation of rubbish or the storage of any kind of junk or waste is prohibited. At least one trash receptacle shall be located at the point of collection of fees.
- (4) Areas reserved for parking shall be separated from abutting properties and public highways and sidewalks through either areas of landscaping, curbing or other substantial barriers. Barriers, curbing and landscaped areas shall be so designed as to ensure that no portion of any vehicles parked on the lot shall extend over the property lines.

**G. Rules governing valet parking lot facilities**

- (1) At no time will loitering, washing, waxing, or fueling of vehicles, or any other type of such activity be permitted. The only exception to these limitations shall be emergency repairs to a vehicle lawfully parked upon said premises.



(2) Excessive loud noises, such as radios, the tooting of horns, or the racing of motors, shall not be permitted.

(3) There shall be no parking in the aisles.

H. **Screening/buffering**

Screening and buffering shall comply with the requirements of *Article II, Section 3.2.12 "Buffer yards"* of this Ordinance.

I. **Signs**

Signs shall conform to the *Benner Township Sign Ordinance*, as amended, and shall additionally conform to the following requirements:

(a) Signs shall not obstruct the vision of traffic.

(b) Entrances and exits shall be clearly marked.

(c) A sign stating capacity full must be posted at the main entrance to the parking lot when the maximum capacity has been reached.

(d) Signs must be sufficiently illuminated and easily visible.

J. **Structures**

Structures used for attendants or operation of each parking lot may be permitted, provided such building is permanent. Buildings and structures are to be maintained in a neat, orderly manner.

### SECTION 3. ACCESSORY USES

All accessory structures, except where otherwise permitted by this Ordinance, shall comply with the lot, yard setback, and height requirements for the primary use to which such structure is accessory. Accessory uses and structures may include, but are not limited to, the following:

#### 3.1 Residential accessory uses

##### 3.1.1 Bed and breakfast establishments

Where permitted in a zoning district, bed and breakfast (B&B) establishments, shall comply with the following requirements. A Zoning Permit is required for the establishment of any Bed and Breakfast establishment.

A. The owner of the B&B establishment shall be owner-occupied.

- B. The operator of a B&B may be a family member who is not the owner. No more than one (1) non-family member of the owner of a B&B shall be employed within a B&B.
- C. The owner of a B&B shall keep a register indicating the names of all guests, and the length of stay of all guests.
- D. No more than three (3) B&B units shall be permitted in any B&B establishment.
- E. Breakfast shall be the only meal furnished to those guests occupying a B&B. In no case shall meals be served to persons not staying in a B&B.
- F. No cooking facilities shall be permitted in any B&B unit.
- G. B&B units shall be located within the principal building of the B&B establishment.
- H. The length of stay per guest shall be limited to 14 consecutive days per 60-day period.
- I. Exterior alterations, additions, or changes to the dwelling unit in order to accommodate or facilitate a B&B shall retain the residential character of the dwelling unit and surrounding area of the lot.
- J. Signs shall be regulated under the Township Sign Ordinance.
- K. One (1) off-street parking space shall be provided for each B&B unit. The existing residential driveway may be used to meet this requirement.
- L. No B&B establishment shall be located within 500 ft. of another B&B establishment unless separated by a street.
- M. All zoning district regulations shall apply to all B&B establishments.
- N. B&B establishments shall comply with all other applicable federal, state, county, and local regulations.

### 3.1.2 Home occupations

Home occupations shall be permitted as Accessory Uses without the necessity of applying for a Zoning Permit. However, all home occupations shall be conducted according to the performance standards established in this section.

- A. **Area.** Home occupations may be conducted in the dwelling unit, garage, or outbuildings on the premises. However, the total space devoted to home occupations, including storage of materials, shall not exceed 25% of the finished floor space of the principal dwelling unit.

- B. **Employees.** Home occupations shall be carried on only by members of the immediate family residing in the dwelling unit plus not more than two (2) full-time additional employees or the equivalent.
- C. **Display.** There shall be no use of show window displays or advertising visible outside the premises to attract customers or clients.
- D. **Sign.** Signs shall be regulated under the Township Sign Ordinance.
- E. **Storage.** There shall be no exterior storage of materials for the home occupation.
- F. **Alterations.** No exterior alterations or changes to the residential character of the dwelling unit shall be permitted in order to accommodate or facilitate a home occupation.
- G. **Servicing.** No repetitive servicing by truck or service vehicles for delivery of supplies or materials to the home occupation shall be permitted.
- H. **Sale of goods.** Occasional sale of tangible goods produced on the premises is permitted. Such tangible goods shall be limited to articles produced solely on the premises, such as works of art, sculptures, or products of a hobby (such as, but not limited to, ceramics, model trains, and so forth).
- I. **Client, patient, or customer visit.** No business of any type shall be conducted as a home occupation that involves more than an average of 10 visits per week to the premises by clients, customers, or patients.
- J. **Traffic.** Home occupations shall not create additional traffic patterns or parking problems for neighbors.
- K. **Parking.** No more than two (2) additional off-street parking spaces may be created on the premises for home occupations. The existing driveway may be used to meet this requirement.
- L. **Noise, fumes, and offensives.** No home occupation shall create noise, fumes, smells, vibrations, or other effects that are heard, observed, smelled, or felt beyond the property line.
- M. **Unobtrusive.** Home occupations shall be conducted unobtrusively and shall not impinge upon neighbors nor adversely affect the residential character of the premises or the neighborhood.
- N. **Enforcement.** The Zoning Officer shall be responsible for enforcement of home occupations.

- O. ***Septic/Sewer permit.*** Suitable on-site or off-site sewage treatment shall be provided capable of treating the sewage effluent from both the residential unit and the home occupation.
- P. ***Uses Permitted.*** All home occupations are permitted that meet the above criteria. Below is a list of uses permitted and uses not permitted as home occupations:
  - (1) ***Permitted home occupations.***
    - (a) Offices for persons licensed under Pennsylvania law as professionals such as attorneys, accountants, engineers, architects, real estate and insurance brokers.
    - (b) Artists, artisans, writers.
    - (c) Teachers of no more than 3 students at any one time
    - (d) Adult and Child day care
    - (e) Domestic services such as cooking, catering (but not for on-site service of food, nor for production of food to be sold for resale through wholesale or retail stores) and serving for individuals.
    - (f) Information services conducted by computer network or mail.
  - (2) ***Prohibited occupations.***
    - (a) Motor vehicle repair or service.
    - (b) Animal hospital.
    - (c) Commercial stables or kennels.
    - (d) Welding shops
    - (e) Storage of commercial trucking vehicles
    - (f) Retail sale of homes

### **3.1.3 Horses and stables as accessory to residential use**

The construction or maintenance of a stable for horses and the keeping of horses is permitted in *Agricultural-Rural Residential*, and *Forest* zoning districts, subject to the following conditions:

- A. Horses shall be kept as pets or for personal enjoyment by residents of the premises.
- B. The property owner shall not engage in the business of buying or selling of horses, and shall not use the horses for any commercial purpose; but shall not be prevented from the entering of the horses in shows or competitions off the premises.
- C. The lot where the horses are kept shall contain at least 5 acres in size.
- D. The stable for the horses shall meet the following requirements:
  - (1) ***Setbacks.*** The front yard setback shall comply with the applicable zoning district requirement. Side and rear yard setbacks shall be 40 ft.

- E. The following performance criteria shall be met:
- (1) The stable shall be kept safe, clean, neat, and in good repair.
  - (2) The property owner shall control odor, bugs, insects, vermin, and rodents.
  - (3) The horses shall be within fenced enclosures on the lot, and fences shall be kept in good repair. Fences may extend to the side or rear lot lines, and may also extend into the front yard setback.
  - (4) Manure piles or other wastes shall not be permitted to accumulate causing offensive odors or sights.

**3.1.4 Occupant-owned businesses (as amended by Ord. 73a)**

Occupant-owned Businesses are owned by occupants of a single-family residence where a business activity is conducted off-site, but managerial office functions and storage of equipment are conducted on the residential site.

In addition to the zoning district regulations, all Occupant-owned businesses shall comply with the following requirements.

- A. **Conditional Use.** All such businesses are permitted in all residential zoning districts as “Conditional Use,” and shall comply with the provisions outlined in *Article X* of this Ordinance.
- B. **Access.** Access to the site housing such business shall accommodate the size of vehicles and/or equipment safely.
- C. **Alterations.** No exterior alterations or changes to the residential character of the dwelling unit shall be permitted in order to accommodate or facilitate such business.
- D. **Buildings.** Buildings constructed to house equipment used by the businesses shall be sized appropriately to the area and aesthetically pleasing. All equipment used by the business shall be completely housed. No domestic occupancy shall take place within the building.
- E. **Display.** There shall be no use of show window displays or advertising visible outside the premises to attract customers or clients.
- F. **Employees.** Such business shall be carried on only by members of the immediate family residing in the dwelling unit plus not more than two (2) full-time additional employees or the equivalent.

- G. **Inspection/registration.** Such businesses shall be registered with the Township, and the Township may inspect the site on a quarterly basis.
- H. **Lot size.** Minimum lot size shall be 2 acres.
- I. **Noise, fumes, and other offensives impacts.** No such business shall create noise, fumes, smells, vibrations, light or other effects that are heard, observed, smelled, or felt beyond the property line.
- J. **Parking.** No more than two (2) additional off-street parking spaces may be created on the premises for home occupations. The existing driveway may be used to meet this requirement.
- K. **Servicing.** No repetitive servicing by truck or service vehicles for delivery of supplies or materials to such business shall be permitted.
- L. **Signs.** Signs shall be regulated under the Township Sign Ordinance.
- M. **Sewage disposal.** Domestic and non-domestic sewage discharge is prohibited from buildings housing equipment used by such business.
- N. **Storage of equipment/fuel.** Storage of equipment and any work related materials shall be in compliance with all Federal, State, County and/or local regulations. Fuel for vehicles or equipment shall not be stored on the site. There shall be no exterior storage of materials. Hazardous and toxic materials shall not be allowed to be stored on-site.
- O. **Visits.** No business shall be conducted involving more than an average of 10 visits per week to the premises by clients or customers.
- P. **Traffic.** Such business shall not create any additional traffic or parking problems for neighbors.
- Q. **Unobtrusive.** No business shall be conducted unobtrusively and shall not impinge upon neighbors nor adversely affect the residential character of the premises or the neighborhood.

#### **3.1.5 Patios and paved terraces**

No patio or paved terrace shall be located within 5 ft. of any property line or to a street right-of-way. No Zoning Permit is required for terrace or patio construction.

#### **3.1.6 Private garages and accessory structures**

Private detached garages or accessory structures over 300 sq. ft may be erected in rear yards, provided that:

- A. If erected on a corner lot, the setbacks from the street side shall conform to the front yard setback requirements.
- B. No private garage shall be erected in the front yard setback area.
- C. Side and rear yard setbacks shall be 10 ft. from the property line.
- D. Private detached garages shall be placed no less than 5 ft. from the principal structure.
- E. Private detached garages and accessory structures shall conform to the following height restrictions:
  - (1) *Agricultural-Residential, Forest and Low-Density Residential Zoning Districts:* In these zoning districts, no private detached garage or accessory structure shall exceed a maximum height of 25 ft.
  - (2) *Stream Valley, Medium-Density and Village-Residential Zoning Districts:* In the zoning districts, no private detached garage or accessory structure shall exceed a maximum height of 20 ft.

### **3.1.7 Small accessory buildings and structures**

Small accessory buildings and structures less than 300 sq. ft. are permitted in the side and rear yard setback areas provided such buildings or structures are within 5 ft. from any lot line.

### **3.1.8 Swimming pools**

Swimming pools are permitted as accessory structures in any zoning district, provided the following requirements are met:

- A. No swimming pool shall be located in any front yard setback area, but may be located in the rear yard setback area provided no part of the pool, excluding paved areas, accessory structures and fencing, shall be located within 15 ft. of the rear property line or 10 ft of the side property line.
- B. Lights used to illuminate any swimming pool shall be arranged and shaded to reflect light away from adjoining premises to avoid annoying adjacent property owners.
- C. ***In-ground Swimming Pools:*** In-ground swimming pools shall meet the following requirements:
  - (1) All in-ground swimming pools shall be completely surrounded by a fence or wall not less than 4 ft. in height,

which shall be constructed not to have openings, holes, or gaps larger than 6 in. in either height or width.

- (2) All gates or doors opening through such fence or wall shall be equipped with a self-latching device capable of being locked for keeping the gate or door securely closed at all times when not in use.

### **3.2 Non-residential accessory uses**

#### **3.2.1 Banks, financial institutions, and restaurants**

In addition to the zoning district regulations specified, all banks, financial institutions, and restaurants, as accessory uses, shall meet the following requirements:

- A. **Accessory use.** As an accessory use, all restaurants, banks and financial institutions may be accessory to the offices within the primary building, and may be primarily oriented to serve persons within such offices. These facilities may be located within the building for which it serves.
- B. **Parking.** Parking shall be provided for such accessory uses. Whenever these facilities are combined with an office in a building, additional parking shall be provided. When possible, designated parking shall be located in the front of the building in which these facilities are located.

#### **3.2.2 Apartment in commercial district**

All commercial buildings permitted in the *Village Commercial (VC)*, *Planned -Office Commercial (C-1)* and *General Commercial (C-2)* Districts may include one (1) apartment provided that:

- (1) Such apartment shall be part of the building;
- (2) Adequate off-street parking shall be provided;
- (3) No more than one dwelling unit per apartment; and
- (4) Sewage treatment shall be provided capable of treating the sewage effluent from both the commercial building and the apartment. A sewer permit confirming such a system(s) can and will be installed shall be presented to the Zoning Officer as part of the "*Application for Zoning Permit.*"

#### **3.2.3 Retail outlets**

Industrial uses may include a retail factory outlet for the sale of products produced on the premises, provided the floor area of such outlet does not exceed 25% of the total floor area of the primary structure, or, if there is more than one use in the primary structure, 25% of the particular use, whichever is less. A wholesale distribution use may include retail sales to



the general public as an accessory use provided the total accessory use does not exceed 25% of the total floor area of the use. Any such retail outlet shall comply with all parking requirements.

#### **SECTION 4. TEMPORARY USES**

Temporary uses shall be permitted only in specified zoning districts, and in accordance with the requirements set forth in this Section. This Section shall not apply to accessory uses allowed under the zoning district regulations; to temporary uses clearly incidental to a permanent use; nor to legally existing, non-conforming temporary uses. Other temporary uses not specifically allowed by this Section are prohibited.

##### **4.1 Permitted temporary uses**

The following temporary uses are permitted according to the requirements listed below and for the specified time period.

##### **A. *Construction trailers***

- (1) Permitted in any zoning district when the use is incidental to a construction project.
- (2) Shall require a Zoning Permit and be removed within 30 days after the project is completed or canceled.

##### **B. *Seasonal sale of farm produce or horticultural products***

- (1) Permitted in any zoning district.
- (2) The maximum time shall be 270 day or (about 9 Months)
- (3) No Zoning Permit required.

##### **C. *Other commercial sale of season items* (such as Christmas trees, holiday wreaths, Easter flowers, etc.).**

- (1) Permitted in all zoning districts.
- (2) Shall not be permitted for longer than 45 days.
- (3) Zoning Permit required.

##### **D. *Commercial flea markets***

- (1) Permitted in commercial districts.
- (2) The days of the week for use shall be limited to weekends only (Friday, Saturday and Sunday) and public holidays.
- (3) Zoning Permit required.

##### **4.2 General regulations**

All permitted temporary uses shall meet the following requirements:

- A. The temporary uses shall comply with the zoning district regulations.
- B. The temporary uses shall provide adequate off-street parking spaces for the maximum crowd expectations.
- C. Shall provide adequate sanitary facilities.
- D. Shall provide adequate disposal of refuse.
- E. Shall not obstruct or disturb the flow of vehicle traffic on any street right-of-way, unless expressly given permission by either the Township Supervisors and/or the Pennsylvania Department of Transportation.
- G. Shall meet all regulations governing peddling and soliciting.

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# **ARTICLE V**

## **SUPPLEMENTAL DISTRICT REGULATIONS**

### **SECTION 1. SLOPE CONTROLS**

Slope and topography are important elements for determining acceptability and value of a site. This Ordinance recognizes slope greatly effects the layout of buildings and land uses. Slopes also factor construction costs of buildings, streets, and utilities. All lands having steep slopes shall be subject to the following regulations:

#### **1.1 Intent**

The intent of this Ordinance is to control the development of land in areas containing excessive topography for the following purposes:

- To limit erosion and sedimentation;
- To protect watersheds and limit increases in stormwater runoff;
- To prevent the potential increase of landslides and soil subsidence;
- To maintain adequate vegetative cover on hillsides; and
- Protect streams from increased sedimentation pollution.

#### **1.2 Principles of development**

Whenever possible, structures and grading of land shall be located on portions of a lot where the slope is less than 25%. Where it is necessary to use steep slopes to permit development, all such proposals shall, be in accordance with the following principles and all other requirements of this Ordinance. All development on steep slopes shall:

- Be oriented so grading and other site preparations are kept to an absolute minimum; and where grading is essential, such grading shall complement the natural land forms;
- Be scheduled to complete construction of each stage during one season, so large areas of disturbed land are not exposed during the winter-spring thaw periods;
- Accomplish all paving as quickly as possible after grading;
- Provide open space and recreational uses on areas least suited for development;
- Be designed so structures and landscaping blend with the natural landscape;
- Prevent erosion, using "natural" techniques such as terracing and ground cover; and

- Minimize erosion and sedimentation and limit stormwater in accordance with this Ordinance and the Township Stormwater Management Ordinance, as amended, or increases any other regulations of the State.

### **1.3 Site plan review**

All "*Applications for Zoning Permits*" for lots, uses, and structures located, in whole or in part, on lands with steep slopes shall submit, a Site Plan, as required by *Article IX* of this Ordinance. Such Site Plan shall also include a stormwater management plan and a copy of the erosion and sedimentation control plan, as applicable.

## **SECTION 2. SILAGE AND MANURE STORAGE**

Outdoor storage of silage or hydrated manure in bulk for farm uses shall not be permitted within 150 ft. of any lot line.

## **SECTION 3. NUISANCE STANDARDS**

All uses of land, buildings, and structures shall be prohibited which:

- A. Produce heat or vibration perceptible by human senses beyond any lot line;
- B. Produce glare from any process which emits harmful ultraviolet rays including arc welding and acetylene torch cutting, perceptible beyond the lot line; and
- C. Produce electromagnetic radiation or radioactive emissions injurious to human beings, animals, or vegetation, or which interfere with the use of any other property.

## **SECTION 4. DANGEROUS BUILDINGS AND STRUCTURES**

Dangerous buildings and structures shall have any of the following defects, and are hereby declared as public nuisances:

- A. Those showing damage or deterioration of 50% of outside walls or covering;
- B. Those damaged by fire, wind, or other reason causing danger to life, safety, or the general health and welfare of the occupants or the public;
- C. Those so damaged, dilapidated, decayed, unsafe, unsanitary, vermin infested, or so utterly unfit for human habitation, likely to cause sickness, disease, or to injury to the health, safety, or general welfare of those living therein; and
- D. Those having parts attached that may fall and injure property or the public.

**4.1 Standards for repair or demolition****4.1.1 Repair**

Any dangerous buildings or structures shall be repaired within 90 days.

**4.1.2 Violation**

If any dangerous building or structure is in such a condition posing danger to the health, safety, or general welfare of its occupants, or the public, the property owner shall be given notice by the Zoning Officer of such violation in accordance with *Section 614 of the Municipalities Planning Code*, as amended.

**4.1.3 Demolition**

If any dangerous building or structure is 50% or more damaged, decayed, or deteriorated from its original condition, and cannot be repaired; it shall be demolished.

**SECTION 5. OUTDOOR STORAGE**

The outdoor storage of materials shall be subject to the following requirements:

**5.1 Storage of discarded material**

All discarded organic rubbish or garbage stored outdoors shall be stored in water-tight, vermin-proof containers, except for private, one-family compost piles and completely screened from public view by a sight-obscuring evergreen planting, fence, or wall at least 6 ft. high.

**5.2 Hazardous and flammable materials**

Hazardous, flammable or radioactive materials shall meet all federal, state, county or local regulations.

**SECTION 6. WASTE AND SEWAGE DISPOSAL**

All methods and plans for the disposal of sewage and wastes shall be designed in accordance with regulations of all federal, state or local regulations. A sewage permit, issued by the Township's Sewage Enforcement Officer or other appropriate sewage authority, and shall be a prerequisite to the issuance of a Zoning Permit.

**SECTION 7. ILLUMINATION**

The illumination of any lot, use, or structure shall be arranged in such a manner to direct rays of a light source away from any dwelling unit or any street right-of-way.

**SECTION 8. LANDSCAPING AND SOIL EROSION CONTROL**

Unless otherwise regulated by this Ordinance, any vacant portion of a lot not in use shall be planted with grass, ground cover, trees, or shrubs, except for farm uses and gardens left vacant outside the non-growing season. The property owner(s) shall be responsible for year-round maintenance of the lot, including, but not limited to, grass cutting, tree trimming, etc.

**SECTION 9. FORESTRY OPERATIONS****9.1 Intent**

The intent of this Section is to regulate timber harvesting practices and to allow for and encourage proper forest management, and to protect the aesthetic quality within the Township. This section does not intended to prescribe specific cutting practices; or to prevent or hinder any landowner from realizing financial return from the sale of trees; or to prevent or hinder tree harvesting or the forest industry operators from pursuing a business within the Township. The provisions of this Section shall not be applied to any landowner removing 10 cords or less of wood (or equivalent measure) from their land in any calendar year.

**9.2 Review of application**

The Zoning Officer shall review all applications for any timbering operations. The issuance of a Zoning Permit is required before the commencement of any timbering operations of 5 acres or more within the Township.

**9.3 General rules of operations**

All rules and regulations required by the State and the Clean Streams Law regarding any earthmoving operations shall be conducted in such a manner as to prevent accelerated soil erosion and sedimentation. All State regulations shall be planned, implemented, and maintained. Failure to comply with any federal, state, county, local regulations shall be considered a violation of this Ordinance.

These requirements shall pertain to property owners intending to enter contracts with logging firms or another individuals to have timber removed from land, in excess of 5 acres or more for the purpose of selling forest products.

**9.3.1 Permits**

All permits shall be obtained prior to commencement of any activity, and prior to the issuance of a Zoning Permit.

**9.3.2 Soil erosion and sedimentation control**

All regulation pertaining to erosion and sedimentation shall be approved and available at the site until operations conclude and are stabilized.

**9.3.3 Access to site**

A. Access. Site Plans showing access to harvesting areas shall be submitted and reviewed by the Township to determine if appropriate measures are taken to protect against accelerated stormwater runoff, soil erosion, sedimentation of streams, etc., both during removal operations, and once after the operations and roadways are abandoned and to ensure all township specifications for access have been met.

- B. **Construction of access.** Soil type, method of construction, location and grade of access and proposed methods of drainage, stabilization, and maintenance shall be incorporated within the forest harvesting proposal.
- C. **Posting surety.** If Township roads are utilized as access points, the applicant shall prepare and file an Excess Maintenance Agreement with the Township to ensure the road's continued maintenance, and to repair any damage resulting from its use, including accelerated wear. The bond or other surety may be used by the Township to repair any damage to its road(s) caused or attributable to the operation of heavy trucks and lumbering equipment.
- D. **Stream crossings.** If stream crossings are proposed, the applicant shall meet all requirements for federal, state or local regulations.

#### **9.3.4 Tops and slash disposal**

- A. "Tops and slash" debris left after logging, including the upper portion of the tree, logs, chunks, bark, branches, stumps, and broken understory trees or brush not merchantable because of small size, taper or defect, shall comply with the following requirements:
  - (1) No tops or slash shall be left within 25 ft. of any street right-of-way.
  - (2) All tops and slash between a distance of 25 ft. to 50 ft. from a street right-of-way shall be no higher than a maximum of 4 ft. above the surface of the ground. No tops or slash shall be placed within 25 ft. to 50 ft. of any named recreational trail.
  - (3) No tops or slash shall be left on or across a property boundary without written consent of the adjoining landowner.

#### **9.3.5 Buffer Area**

- A. **Size.** A buffer area of at least 50 ft. shall be provided along the perimeter of the harvesting area. No trees shall be removed within the buffer area.

#### **9.3.6 Restoration of the site**

Following completion of all timbering operations, the applicant shall restore the site, including roadways, and remove all trash, and superfluous debris.

#### **9.4 Additional requirements**

All other applicable federal, state, county, or local regulations shall apply to all timbering operations.

**SECTION 10. OFF-STREET PARKING AND LOADING REGULATIONS**

Off-street parking and loading spaces shall be provided and maintained for each use and structure hereafter established, constructed, altered, or extended in accordance with the provisions of this Ordinance where required.

**10.1 General regulations**

All required off-street parking spaces shall be used solely for the parking of motor vehicles by residents, visitors, patrons, or employees.

**10.2 Location**

All required parking spaces shall be located on the same lot for the uses served, except provided below:

- A. The owner of two (2) or more abutting lots may locate a use on one lot and the parking spaces on the other abutting lot;
- B. Two (2) or more abutting property owners may locate required parking spaces on abutting lots if:
  - (1) The lot(s) providing the parking spaces abuts lot(s) containing the use(s) served;
  - (2) Lots must be in the same zoning district;
  - (3) Pedestrian access from the parking spaces to the uses served shall not traverse property owned by others, except where public sidewalks are provided; and
  - (4) A lease, easement, or other form of agreement shall be executed among the property owners assuring use of the required parking spaces until or unless such spaces can be located on the same lot as the use served. Said lessee, easement, or other form of agreement shall be submitted and approved by the Township. Such lease, easement, or other form of agreement shall be recorded in the Centre County Records Office.
- C. In the *Village Commercial and Village Residential Districts*, required parking spaces may be located on another lot provided:
  - (1) Such lot is also located in a Village zoning district;
  - (2) Such lot is within 100 ft. of the use(s) served; and
  - (3) A lease, easement, or other form of agreement shall be executed among the property owners assuring use of the required parking spaces until or unless such spaces can be located on the same lot as the use served. Said lessee, easement, or other form of agreement shall be submitted and approved by the Township. Such lease, easement, or



other form of agreement shall be recorded in the Centre County Records Office.

- D. In all cases, all parking lots shall be included in "*Applications for Zoning Permit.*"
- E. All parking spaces shall be located 10 ft. from property lines, except front lot lines, where 15 ft. shall be provided from the street right-of-way.
- F. All non-residential covered parking spaces and lots shall not be located within any yard setback area.

### **10.3 Existing parking facilities**

Parking spaces and lots serving structures and uses in existence on the adoption of this Ordinance shall not be subject to the requirements of this Section as long as the existing use is not changed or altered. Such parking facility serving such structures or uses not be further reduced.

### **10.4 Change in requirements**

Whenever an alteration or extension of a use or structure increases the required parking according to this Section, all additional parking spaces shall meet the requirements of this Section.

### **10.5 Construction**

All required off-street parking spaces and aisles shall be constructed with an all-weather material, such as asphalt, concrete or similar hard-surface material. For spaces and aisles not part of a parking lot, gravel or other crushed stone to a depth of 6 inches may be used. All parking spaces on hard surfaces shall be painted with a 4 inch white or yellow stripe the entire length of each space according to the dimensional requirements stipulated in this Section.

### **10.6 Fire lanes**

- A. Fire lanes shall be required whenever parking of vehicles may interfere with the operation of the fire company or seriously hamper egress of occupants from the building in case of fire.
- B. Fire lanes shall be marked under direction of the Township Engineer.

### **10.7 Required off-street parking spaces**

All uses and structures shall provide off-street parking spaces in an amount equal to, or greater than the number(s) listed below. The total number of parking spaces necessary for two (2) or more uses on the same lot shall be the sum required for each use.

- A. **Dimensions.** All parking space width dimensions are measured at right angles to the stall lines. All parking space length dimensions include vehicle overhangs of 2 ft 6 inches (2'6"), and is measured at right angles to a curb face, wall, or reference line, whichever is applicable. The minimum dimensions for parking spaces and aisles for vehicles shall be as follows:

**STANDARD CARS**

Parking Angle	Space	Space	Aisle Width	
	Width	Length	One-Way	Two-Way
90	10 ft.	20 ft.	24 ft.	24 ft.
60	10 ft.	20 ft.	18 ft.	20 ft.
45	10 ft.	20 ft.	15 ft.	20 ft.
Parallel	10 ft.	24 ft.	12 ft.	24 ft.

**COMPACT CARS**

Parking Angle	Space	Space	Aisle Width	
	Width	Length	One-Way	Two-Way
90	8 ft.	16 ft.	24 ft.	24 ft.
60	8 ft.	16 ft.	18 ft.	20 ft.
45	8 ft.	16 ft.	15 ft.	20 ft.
Parallel	8 ft.	21 ft.	12 ft.	12 ft.

No portion of any parking space shall encroach into the required aisle width. For aisles providing access to parking spaces, set at angles other than those specified above, the required aisle width shall be that of the nearest specified angle of parking. If the aisle is equidistant from different specified angles, the greatest aisle width of the two nearest angles shall apply.

- C. **Ratio.** At least 75% of the required spaces shall be standard size.
- D. **Handicapped parking.** Handicapped parking shall be required at a ratio of 1 to 25, or 4% to other parking. Each handicapped stall shall bear a sign, symbol, and/or pavement marking symbolizing such stalls. Parking lots shall be designed to provide accessibility to the buildings served. Curbing shall be depressed at strategic locations for ease of access; stalls shall be located close to entrances; and grades shall be such to allow persons confined to wheelchairs to traverse with ease. Stalls shall be designed to minimized conflicts with vehicles. All stalls shall be size and numbered to meet all American with Disabilities Act (ADA) requirements.
- E. **Number and computations.** When computing the number of spaces, fractional numbers shall be increased to the next highest integer. When computation is based on the number of employees, the number employed during the largest work shift shall be used. Below is a list of required parking for specific uses.

Type of Use	Number of Spaces to Provide
<i>Auditoriums</i> (excluding schools) <i>stadiums</i> , <i>theaters</i> , and all other <i>places of assembly</i> providing seats for audience, including <i>places of worship</i> and <i>funeral homes</i>	1 space for each 3.5 seats
<i>Auto wrecking, scrap establishments</i>	1 per employee
<i>Commercial Recreation</i> (Amended by Ordinance No. 75)	1 parking space per 250 sq. ft. of gross floor area. (Amended by Ordinance No. 75)
<i>Educational institutions</i> and <i>business schools</i>	1 space for each student, and 1 space for each 500 sq. ft of gross floor area devoted to classroom and/or administrative office use
<i>Extended, intermediate and long-term care facilities</i>	1 space for each 3 beds, and 1 per employee on the largest shift
<i>Fire Training Facility</i> (as amended by Ord. 82)	1 space per 300 sq. ft. of gross floor area for classroom. Accessory parking areas may be constructed of gravel or other crushed stone to a depth of 6 inches (as amended by Ord. 82).
<i>Freight and Trucking terminals, moving and storage, parcel delivery</i>	1 per employee plus 1 per vehicle maintained on the premises
<i>Health services</i>	1 space for each 100 sq. ft of gross floor area
<i>Hotels</i> (full service), <i>Hotels</i> (limited service); <i>motels, boarding houses, bed and breakfast establishments</i>	1 space for each guest unit, and 1 space for each employee on the largest shift
<i>Industrial Uses</i>	1 per employee, plus 1 per each 25 required spaces
<i>Offices</i> located within an <i>Office Park</i>	1 space for each 250 sq. ft of gross floor area
<i>Offices</i> Under 49,999 sq. ft of gross floor area	4.5 spaces per 1,000 sq. ft of gross floor area
<i>Offices</i> 50,000 - 99,000 sq. ft of gross floor area	4 spaces per 1,000 sq. ft of gross floor area
<i>Offices</i> 100,000 + sq. ft of gross floor area	3.5 spaces per 1,000 sq. ft of gross floor area
<i>Residential</i>	2 spaces for each dwelling unit
<i>Restaurants and banquet facilities</i>	1 space for each 2.5 seats
<i>Retail sales and services</i>	1 space for each 200 sq. ft of gross floor area
<i>Schools, secondary</i>	4 spaces for each classroom
<i>Warehousing</i>	1 space for each 5,000 sq. ft. of gross floor area, and 1 space for each employee on the largest shift
<i>For all other uses</i>	1 per 3 persons based on maximum capacity

**10.8 Parking lots**

For the purposes of this Ordinance, parking lots are facilities providing off-street parking spaces for 5 or more vehicles. All parking lots shall meet the design and maintenance standards specified below. All "*Applications for Zoning Permit*" to use land, in whole or in part, for a parking lot shall be accompanied by a Site Plan as stipulated in *Article X*.

- A. **Obstructions.** Parking lots shall be designed to allow each vehicle to proceed to and from all spaces without moving any other parked vehicle.
- B. **Ingress and Egress.** Entrance and exit driveways and aisles linking parking lots to streets shall comply with the standards for vehicle access stipulated in *Township Street Standards Ordinance*, as amended. Parking spaces shall be designed to prevent vehicles from backing out onto streets.
- C. **Location, curbing and yard requirements.** All parking lots shall meet the location requirements stipulated above and shall be bordered by a curb 6 inches in height. Material type and construction method shall be determined by the Township Supervisors and Township Engineer. Such curb may consist of bumpers at the end of each parking space. Yard setback areas shall be planted with grass or similar vegetative material and may include trees, shrubs or walls provided such material is not placed within 3 ft. of any parking space.
- D. **Structures.** Utility poles, lights, and other similar structures shall not be permitted within any aisle or parking space. Any structures located within parking lots shall be surrounded by a 6-inch curb.
- E. **Raised Islands.** Raised islands may be installed at the ends of parking bays abutting an aisle or driveway. When parking lots incorporate more than 10 parking spaces in a continuous row, a raised island may be incorporated within the parking lot for every 10 parking spaces. The islands may be bordered by a 6 inch curb wherever it abuts a space or aisle, and shall be at least 10 ft. wide and extend the length of the parking space and/or lot. The islands may be planted with grass, shrubs, trees, or similar vegetative material, and may be combined with crushed stone. Utility poles and lights may be permitted within the raised islands.
- F. **Maintenance.** All parking lots shall be kept free of litter and trash. Any dead vegetative material shall be replaced as soon as seasonal conditions allow.
- G. **Drainage.** All parking spaces shall be included stormwater management designed to prevent excessive flow of water onto streets or adjoining properties. Such plan shall be designed in accordance with the Township

Stormwater Management Ordinance, as amended, and shall be approved by the Township.

H. **Perimeter Planting.**

- (1) The perimeter of all parking areas shall be landscaped with vegetative material to a minimum width of 10 ft. measured from the parking lot curb towards an adjoining property line, except where the perimeter is adjacent to a street, the minimum width shall be 15 ft.

In the *Planned-office Commercial (C-1) and Campus Industrial (I-3) Districts*, the perimeter of all parking areas shall be landscaped with vegetative material to a depth of up to 30 ft. in the front yard setback area measured from the front property line. The perimeter planting may include a combination of shrubs and trees. Special consideration should be given to form, color, texture, density, growth habits, and maintenance requirements.

- (2) Trees and shrubs may be an integral part of the perimeter planting. Walls, earth mounds, and fences or any combination, may be included. Headlights of parked vehicles must be obscured from the street right-of-way and from windows of nearby homes. Grass or other living ground cover shall be planted, mulched, and maintained.
- (3) A minimum of one tree shall be planted within the perimeter planting area. Interior islands within parking lots may include shade trees.
- (4) Trees and shrubs are not required between parking areas and buildings where buildings obscure the parking areas from adjacent properties.

I. **Tree specifications.**

- (1) Existing trees, if properly located, may be used for perimeter and interior plantings.
- (2) All trees planted in the perimeter areas shall have a minimum diameter of 2½ to 3 inches. Such trees shall be no closer than 3 ft. from any curbing.

J. **Sight distance.** At all intersections, all earth banks and vegetation shall not impede vision between a height of 2½ and 10 ft. within the clear site distance areas.

K. **Walkways.** Walkways to and from parking areas shall provide a minimum of 4 ft. clear passage.

L. **Parking plans.** No Zoning Permit shall be issued until parking lot plans are submitted and approved by the Township.

**10.9 Loading regulations**

Spaces for the loading and unloading shall be provided when required below. Each loading or unloading space shall be at least 12 ft. in width, 45 ft. in length, and have a vertical clearance of at least 14 ft., and shall be paved with an all-weather material. Such spaces shall be located close to the building served and shall not obstruct the parking or traffic patterns. Such spaces shall be placed no closer than 10 ft. of a street right-of-way and 5 ft. from any property line.

- A. One off-street loading space is required for all non-residential uses with a floor area of at least 5,000 sq. ft., but less than 20,000 sq. ft. For non-residential uses having a floor area greater than 20,000 sq. ft., one additional space shall be provided for each additional 20,000 sq. ft. or fraction thereof.
- B. Required parking spaces shall not be used for loading and unloading purposes.
- C. All loading and unloading spaces shall be located on the same property the use serves.

**SECTION 11. MINING REQUIREMENTS**

Mining in the *General Industrial District (I-1)* may be permitted as a *Conditional Use*, provided:

- That such use is essential to the general welfare of the community; and
- That the proposed location will offer reasonable protection to the neighborhood where the mining operation will occur against possible detrimental effects of the mining operations, taking into consideration the physical relationship of the proposed mining site to surrounding properties and permitted land uses, access to the site from public roads, streets and other rights-of-way that must be traveled in removing minerals from the site, and the effects of the mining operations on the public water supply.

In granting a "*Conditional Use*" under this provision, the Supervisors may impose such reasonable conditions upon the location of the mining operation necessary and appropriate to protect the public health, safety and welfare. No *Conditional Use* granted under this provision shall be valid unless the mine operator also has secured a valid permit to conduct mining operations from the appropriate federal, state, county, or local agency having regulatory authority over the conduct of mining operations. The approval of a mining plan does not authorize the construction or the issuance of any Zoning Permit.

**11.1 Standards**

Mining in the *General Industrial District (I-1)* may be permitted as a *Conditional Use*, provided the applicant can show the mining operation will:

- A. Not occur within 100 ft. of a street right-of-way.
- B. Not occur within 300 ft. of any other zoning district.

- C. Not occur within 300 ft. of any park, public building or other public institution, places having unique historic or patriotic interest or value (unless the owner of the site or the governmental body having jurisdiction over such site consents to the mining operation).
- D. Show existing roads or streets used by the mining operation can adequately use such roads without adversely affecting the general welfare of the community.
- E. Provide a bond or other acceptable surety in the amount of 100% of the cost or improvements for approved buffering and screening, which will be returned after the improvements are installed and have been in place for one year. Acceptability shall be determined by the Township Engineer.
- F. Provide a chain-link fence at least 6 ft. in height around the perimeter of the mining operation.
- G. Provide a landscaped berm of at least 10 ft. in height within zoning district setbacks where the property abuts residential lots and/or street rights-of-way unless adequate vegetation exists (minimum of 50 ft). Side slopes of the berm shall not be steeper than one-to-one (1:1) ratio. Berms shall be seeded and planted, and erosion control measures shall be approved by the Centre County Conservation District. Berms shall be no closer than 5 ft. to street rights-of-way lines or property lines.
- H. Not have stockpiles located within 200 ft. of the property line nor within 300 ft. of a street right-of-way. Any materials or wastes deposited on any stockpile shall be prevented from washing, blowing, or otherwise transferring off the premises. Such stockpiles shall contain extracted material from the mining operation only.
- I. Have an Erosion and Sedimentation Control Plan approved by the Centre County Conservation District, or as approved by any other agency of proper authority. All drainage shall be controlled by either dikes, barriers, or drainage structures sufficient to prevent any silt, debris, or other loose materials from filling any existing drainage course or from encroaching within streets or adjoining properties.
- J. Allow the Township to monitor all emissions, effluent discharges, odors and noise on site.
- K. Locate all ventilation shaft structures or sound suppression structures providing ventilation and continuous filtration of dust.

- L. Make available to the public at its offices all permits and approved plans required by all governmental agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.
- M. Not emit fumes or gases constituting a health hazard as defined by the U.S. Environmental Protection Agency, PADER, or other appropriate regulatory agency; nor shall it produce heat or glare perceptible at or beyond the property lines.
- N. Provide all lighting to be directed away from properties producing glare onto streets or adjacent properties.
- O. Not produce or store any material designed for use as an explosive in any manner potentially endangering surrounding properties.
- P. Not discharge any untreated or improperly treated effluent constituting a health risk or a risk of pollution of ground or surface waters by virtue of its composition and/or concentration.
- Q. Not discharge any effluent which will degrade any High Quality Cold Water Fishery stream and/or its tributaries, as approved by the issuing authority. The water quality standards set forth in PADER Chapter 93 shall be used as the governing regulation.
- R. Not disturb, in any way, bodies of water, watercourses or wetlands or jeopardize the water supply of adjacent landowners.
- S. Provide a bond or other acceptable surety in an amount set by the Township Engineer to cover the cost of repairs to any Township roads to be used by the applicant or by other haulers from the site. The amount of such bond will be reviewed annually and any unused portion shall be returned within one year after the site is no longer in use; and will also provide a bond or other acceptable surety to ensure land within 300 ft. of streets will be restored.
- T. Provide a stormwater management plan illustrating drainage patterns and detention pond areas. Such plan should include preliminary pond sizing and calculations.

### 11.2 Evidence

In considering an application for mining, the Planning Commission and Supervisors shall consider evidence presented by the applicant and other interested parties. Before granting a *Conditional Use*, evidence shall be provided showing the proposed use:

- Will not substantially injure or detract from the lawful existing or permitted uses of neighboring properties;



- Will not injure any (public, private, residential, or agricultural) water supply sources;
- Will not adversely affect any fragile environmental system of particular significance to the Township or the region of which it is a part;
- Will not adversely affect the logical, efficient, and economical extension of public services and facilities throughout the Township; and
- Will meet such reasonable conditions and safeguards as the Supervisors may require to protect the public health, safety, and welfare in accordance with the intent and purposes of the Zoning Ordinance, including, but not limited to, setback requirements, buffer areas, provisions for access points to the mine site and the routing and hours of operation of trucks and other vehicles serving the mine operation through the Township, and the minimizing of noxious, offensive, and hazardous conditions resulting from the existence and operation of the mine.

### 11.3 Supplemental information

Prior to the issuance of any *Conditional Use* approval under this Ordinance for mining, the Supervisors shall determine the proposed use will not adversely affect the public health or safety of the Township. In reaching this determination, the Planning Commission and Supervisors shall consider the following information as supplied by the applicant or any other party to the proceeding:

- A. The location of the proposed mining operation;
- B. The anticipated depth of any excavations;
- C. The depth of the existing water table;
- D. The probable effect of the mining operation on the existing water table or confined aquifer;
- E. The relationship of the mine site to surface watercourses and bodies of water;
- F. The established water quality of surface waters which may be affected by the mining operation;
- G. The probable effect of the mining operation on the quality of those surface waters;
- H. The nature and content of the overburden to be removed in the course of mining;
- I. The underlying strata in which the minerals to be mined are located;

- J. The probable effect of blasting and other excavation methods upon lawful existing and permitted uses in the areas surrounding the proposed mine site;
- K. The proposed plans, by the applicants, regarding hours of operation, noise control, dust and traffic, showing specifically how the plans are intended to minimize or eliminate the effects of the activity on residential properties within 1,500 ft. of the boundaries of the mining operation;
- L. ***Developmental schedule***  
When mining will occur in phases over a period of years, the following shall be included within the application:
1. The phases of development;
  2. The approximate date when each phase will be completed.
- M. ***Post-mining plan***  
A post-mining plan shall include:
1. Proposed use or uses of the land following the mining operations;
  2. Proposed topography following the mining operations; and
  3. Evidence of how groundwater inflow from the mining operations will be controlled and managed. The purpose of this is to allow for the return of this inflow to its natural movement patterns in the underlying strata.
- N. ***Transportation Impact Report***  
A Transportation Impact Report, prepared by a qualified professional, shall include the following:
1. Analysis and description of existing conditions and traffic volumes for the external road network serving the site.
  2. A “base condition” analysis shall be prepared to establish existing levels of service followed by analysis and description of projected traffic conditions based on the land use proposed within the development. Trip generation rates for morning and evening peak hours of the project shall be prepared, as well as the internal/external trip distribution and intersection analysis.
  3. The analysis shall address the traffic impacts of the proposed development along with surrounding traffic-generating land uses in the area including land changes. The analysis will evaluate the adequacy of the area road networks and identify the need for road and access and traffic control measure improvements generated by the proposed development and surrounding land uses.

4. The analysis shall contain recommended internal and off-site road improvements. These recommended improvements should specify the location and scope of work required along with the phased implementation schedule. Examples of additional items to be included in this section are: (1) typical sections for each category of street; and (2) a phasing plan delineating the street improvements that will be provided simultaneously with the construction of each phase.
  5. Revision of the traffic impact study based on major changes to the approved plan shall be required. This study shall occur prior to the filing of an application to amend the plan.
- O. Show what types of physical vibrations may be perceptible at or beyond the property line.
- P. Show what sound levels may be measured in decibels extending beyond its property lines, with the exception of noises produced by automobiles, trucks, airplanes, railroads, safety signals, warning devices and emergency pressure relief valves.
- Q. Other such information as the Planning Commission and Supervisors may require necessary to determine if the proposed mining operation will comply with the requirements of this Zoning Ordinance.

#### 11.4 Procedure

- A. *"Applications for Conditional Uses"* shall comply with the requirements set forth in *Article X* of this Ordinance.

#### 11.5 Site plan requirements

Each *"Application for Conditional Use"* for mining operations shall accompany a Site Plan which shall contain the following information:

- A. All Site Plan requirements listed in *Article X* of this Ordinance.
- B. Additional information to be shown on Site Plan shall include:
1. The extent of the area to be excavated.
  2. Boundaries of land to be affected by the mining operation, including:
    - (a) Storage sites for overburden;
    - (b) Access and haul roads;
    - (c) Equipment storage sites; and
    - (d) Offices and other structures to be used in conjunction with the mining operations.
  3. Boundaries of lands within 500 ft. of the affect area owned by persons other than the applicant and the existing uses of those adjoining lands.

4. The location of all watercourses, bodies of water, street rights-of-way, buildings, recreation areas or other property within 2,000 ft. of the boundaries of land to be affected by the Mining operation; and
  5. Physical or topographical relationship of the land area encompassed within the boundaries described.
- C. A conceptual landscaping plan indicating the treatment of materials and landscaping concepts.
  - D. A general grading plan showing any major alterations to the topography of the site.
  - E. Location of proposed seismographs.

## **SECTION 12. TRAFFIC IMPACT STUDY REQUIREMENTS** *(amended by Ord. 86)*

These regulations represent the minimum requirements and standards for preparation of a traffic impact study, satisfying the reporting requirements of Benner Township for any development, subdivision, expansion or change in use within the Township. Also specified are the traffic level of service standards and minimum requirements that must be satisfied for future development impacts.

### **12.1 Requirements**

Any development, subdivision, expansion or change in use which will generate, on the average, 100 or more additional trips during the adjacent roadways' peak hours shall be required to have a traffic impact study completed as part of the development. The estimated number of trips shall be determined by an analysis of similar uses through data collected by the Institute of Transportation Engineers or through studies of similar uses acceptable to the Township. When a traffic study is prepared for a subdivision that does not propose development of the lots, the traffic study must be updated at the time of land development to address the specific type and size of development. The Township may require a traffic study for developments or changes in use generating less than 100 additional vehicles during peak hours in cases where known traffic deficiencies exist in the area of the proposed development or change in use. The Township may waive the study requirements for an individual subdivision or development or change in use where said development or change in use was incorporated as part of a previous traffic impact study or studies by the Township or other government agencies.

### **12.2 Impact Study Contents and Scope**

Prior to collection of any data and preparation of any analyses for the Traffic Impact Study, a meeting shall be convened with the Township, the developer, the developer's transportation consultant/specialist, and Penn DOT, where applicable, to identify the specific project area and discuss the Study scope of work, including all assumptions to be used in the study, (i.e., build-out year, phases of development, background traffic growth rate, etc.) At a minimum, the Study shall include the following items:

- 
- A. A description of the proposed development in terms of land use type and size.
  - B. An inventory and analysis of existing transportation and traffic conditions within the identified study area, including:
    - (1) Roadway network and traffic control;
    - (2) Existing traffic volumes during peak hours and average daily traffic volumes;
    - (3) Planned transportation improvements by other parties;
    - (4) Intersection levels of services;
    - (5) Roadway levels of service;
    - (6) Other measures of roadway adequacy, (i.e., lane widths, traffic signal/traffic control warrants, vehicle delay studies, length queues, etc.) and
    - (7) Pedestrian/bicycle and public transit facilities.
  - C. An assessment of projected site-generated traffic volumes throughout the study area in terms of:
    - (1) Peak hours and average daily traffic;
    - (2) Approach/departure distribution, including method of determination; and
    - (3) Site traffic volumes on the Interchange Access Road.
  - D. An analysis of future traffic conditions in the study area, with and without the proposed development, including:
    - (1) Future design years(s), including phases of development;
    - (2) Intersection levels of service;
    - (3) Roadway levels of service;
    - (4) A pavement analysis of roadways projected to experience significant increases in peak hour and/or average daily traffic volumes; and
    - (5) Other measures of roadway adequacy, (i.e., lane widths, traffic signal/traffic control warrants, vehicle delay studies, and length of queues, etc.).
  - E. A description of projected levels of service and their compliance with standards for traffic capacity of roadways and intersections as outlined in Section 12.3 below.
  - F. A description of the proposed site plan, including an assessment of the:
    - (1) On-site circulation plan showing parking locations and dimensions, access to loading areas, and proposed interior circulation routes and traffic control; and
    - (2) Driveway access plans showing the location of all existing driveways and new access intersections including geometric conditions and proposed methods of traffic control.

- G. A qualitative analysis of transportation demand management measures to be implemented for the purpose of facilitating alternate modes of travel. Analysis shall address public transit, pedestrian and bicycle traffic, and other modes of transportation to be provided in the development as per the requirements in Section 12.2.

### **12.3 Standards of Traffic Capacity and Level of Services**

Roadways and intersections shall be designed for traffic capacity as specified below, unless approved otherwise by the Township. All references to level of service shall be as defined by the most recent addition of the *Highway Capacity Manual, Special Report 209, published by the Transportation Research Board*.

- A. Level of service shall be determined for a future design year(s) coinciding with completion of the development and all applicable Penn DOT requirements.
- B. New unsignalized intersections or driveways shall be designed for level of Service "C" or better for each traffic movement.
- C. New signalized intersections shall be designed for level of service "C" or better.
- D. Existing intersections impacted by development traffic shall maintain a minimum level of service "C" or "D" depending on rural or urban status;
- E. Roadway sections shall be designed for a minimum level of service "C."
- F. Sight distance at driveways and new intersections shall meet standards specified by Penn DOT regulations.

## **SECTION 13. TELECOMMUNICATION TOWERS/ANTENNAS** *(Amended by Ord. 73A, 80)*

### **13.1 Intent**

This Section intends to achieve the following:

- A. Provide a competitive and wide range of telecommunication services while minimizing the impacts of the telecommunications infrastructure in populated areas;
- B. Encourage and maximize the shared use of existing telecommunication towers, buildings and structures; and
- C. Ensure new towers will be safe, placed in suitable locations, and blend into the environment where located.

**13.2 Review and permitting**

- A. All applications for the location, subdivision, lease and licensing of sites for all new telecommunication facility buildings and towers are subject to the requirements of the applicable Subdivision and Land Development and Zoning Ordinances, and are subject to review as *Conditional Use* outlined in *Article X*, in this Ordinance.
- B. Telecommunication facilities ceasing to operate for 12 consecutive months shall be determined to have terminated operation, and such facilities shall be removed within 90 days at the expense of the facility and/or property owners.
- C. Legally pre-existing towers and antennas are not required to meet the following requirements unless modified or specifically indicated.
- D. Owners of telecommunication facilities shall be required to report all leasees on the tower to the Township on forms provided by the Township.

**13.3 Location, area and lot requirements**

- A. Zoning districts permitted. Towers are only permitted as “Conditional Use” in the Forest District. Antennas are permitted as “Conditional Use” in the Forest, Industrial and Commercial zoning districts of the Township. *(amended by Ord. 80)*
- B. Height. Maximum height shall be 180 ft., as measured from the average natural grade of an approved facility area, to the highest point to the tower or antenna, whichever is greater.
- C. Tower Safety Setback. Zoning District setback requirements shall apply, with the exception of proposed towers to be located adjacent to any existing residential lot. Setbacks are designed to safely protect adjoining property owners from tower failure. In such instance, one of the following conditions shall be satisfied:
  - (1) the closed point of any tower, designed to collapse upon itself, may be located no less than 50% of the proposed tower height from the property line, provided professional engineer certification from the tower’s manufacturer attesting to the design and failure point for the tower’s collapse is provided, subject to the Township Engineer’s review and acceptance and prior to the issuance of a zoning permit, or,
  - (2) in the absence of professional engineer certification of the above noted in subparagraph (1), the closest point to any proposed tower located adjacent to an existing residential lot shall be located no closer than 110% of the total height of the tower. *(as amended by Ord. 80).*

- D. Minimum lot, lease area, and/or license areas. No minimum lot, lease area, and/or license area is required for a telecommunication facility; however, a 20 ft. right-of-way shall be required for access to the site.

#### 13.4 Need

- A. Application shall submit to the Township, in writing, evidence of need for the tower in the proposed location, and that the applicant has exhausted all alternatives to locate it on an existing tower or structure.

Additionally, the applicant shall demonstrate through written evidence, from a qualified licensed, professional engineer, there are no other existing towers, telecommunication towers, buildings, structures, elevated tanks or similar uses able to provide the platform for the telecommunications antenna within one-mile radius of the proposed location.

#### B. Co-location

If co-location is not possible, the applicant shall supply the Township with documentation, certified by a competent professional in that field of expertise, that:

- (1) Coverage diagrams and technical reports demonstrating that co-location on existing towers is not technically possible to serve the proposed need;
- (2) Proposed equipment would exceed the structural capacity of existing towers within the Township, considering existing and proposed uses of the towers, and how existing towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
- (3) Proposed equipment will cause radio frequency (RF) interference with other existing or proposed towers; and how the interference cannot be prevented at a reasonable cost;
- (4) If existing towers have no space available to place proposed equipment on it, so it can function effectively; or
- (5) Other reasons making it impractical to place the proposed equipment on existing or proposed towers.

#### 13.5 Shared use (antennas)

Antennas may be attached to any building or structure in permitted zoning districts as approved through the "Conditional Use" process, as outlined in Article X, Section 9 of this Ordinance, including but not limited to churches; municipal or governmental



buildings or structures; structures owned by utility companies; existing towers; water tanks; and electrical transmission lines, subject to the following: *(as amended by Ord. 80)*

- A. Antennas shall not be permitted on single-family homes, townhouses, duplexes, and detached garages. Antennas are permitted, if placed by occupants within such structures, for their own personal recreation. *(as amended by Ord. 80)*.
- B. After the approval of the Conditional Use through the Supervisors, the applicant shall secure a Zoning permit any placement of any antenna.
- C. Antennas shall be no higher than 15 ft. above the existing structure.
- D. All federal and state aviation requirements, as applicable, shall be met.
- E. Any adverse visual impacts are mitigated.

### 13.6 Design and construction

- A. Towers and antennas shall be designed structurally and electrically to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 ft. in height; or for at least one additional user, if the tower is over 60 ft. in height. Towers shall be designed to allow for future rearrangement of antennas upon the tower to accept antennas mounted at varying heights. Design reports shall be submitted by a professional engineer. *(as amended by Ord. 80)*
- B. Towers and antennas shall be designed and constructed to all applicable standards of the *American National Standards Institute, ANSI/EIA-222-F Manual*, as amended. *(as amended by Ord. 80)*
- C. Soil reports complying with the standards of *Geotechnical Investigations, ANSI/EIA-222-E Manual*, as amended, shall be submitted to the Township to document and verify design specifications of the foundation and anchors for the tower.
- D. Towers and antennas shall be designed and constructed to withstand wind gusts of at least 100 miles per hour, or applicable standards, whichever is greater. *(as amended by Ord. 80)*
- E. Towers and antennas shall not be located on a lot listed as a historic structure or in an officially designated state or federal historic district. *(as amended by Ord. 80)*
- F. Towers and antennas shall be designed and constructed in accordance with all state and federal regulations. *(as amended by Ord. 80)*

- G. Guy wires, if utilized shall be anchored no closer than 25 ft. from any property line. Guy wires shall not cross or encroach on any utility easements.
- H. Applicant shall provide a statement from a qualified, licensed and professional engineer that NIER (Non-Ionizing Electromagnetic Radiation) emitted from any tower or antenna, when measured in conjunction with the emissions from all communication facilities on the tower, will not result in an exposure at any point on or outside such facility exceeding the lowest applicable exposure standards established by the Federal Communications Commission (FCC) or the American National Standards Institute (ANSI). *(as amended by Ord. 80)*
- I. Except as required by the Federal Aviation Administration, no tower or antenna shall use artificial lighting or strobe lighting at night. *(as amended by Ord. 80)*
- J. Upon request, applicant shall provide the Township, not more than once per year, information indicating the approved tower or antenna remains structurally sound. Applicant shall bear the costs of inspection necessary to determine the structural soundness of a tower or antenna.
- K. All federal, state and local environmental regulations regarding the placement of telecommunication facilities shall be followed in the design, review and construction processes.
- L. Applicant shall submit Federal NEPA checklist and documentation for the proposed site.
- M. Telecommunication facilities shall be fully automated and unattended on a daily basis. The site shall be visited only for necessary maintenance. Any materials to be stored on site shall be completely housed within a maintenance shed.

### **13.7 Fencing and screening**

- A. Security fence (including security wiring), of approved design, of not less than 8 ft., and no greater than 10 ft., shall completely enclose the telecommunication facility. A fence of not less than 8 ft. and not greater than 10 ft. shall also completely enclose the anchored locations of guy wires, if used.
- B. The applicant shall submit a landscaping plan. Site in which telecommunication towers are located shall be required to comply with the following landscaping requirements:
  - (1) Landscaping and planting shall be provided for a minimum depth of 15 ft. along all public rights-of-way abutting the lot where the telecommunication tower is located.

- (2) Landscaping, consisting of sight obscuring trees and shrubs shall be required at the perimeter of the security fences and the telecommunication facility. Existing wooded areas, tree lines, and hedgerows adjacent to the facility shall be preserved and used to substitute or meet a portion of the buffer yard requirements.

**13.8 Access and parking**

- A. The applicant must demonstrate on the site plan that parked vehicles at the facility will not impede traffic on the adjoining cartways.
- B. Internal access to the telecommunication tower shall be provided by a minimum 12 ft. wide cartway with a durable and mud-free gravel surface. The vehicular access to the telecommunication tower and its facility buildings shall meet the applicable standards for driveways.

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**ARTICLE VI****MANUFACTURED HOME PARK  
REGULATIONS****SECTION 1. Terminology**

This Article will refer to the terminology of manufactured home throughout its text; however, the definitions of “mobile home” and “manufactured home” are the same. Each term may be used and interchanged with one another throughout this Article. Definitions may be found in *Article VII* of this Ordinance.

**SECTION 2. Intent and purpose**

This Article’s intent and purpose is to establish performance standards desirable for manufactured/mobile home parks. This Article intends to ensure the interdependency and compatibility of proposed manufactured home parks with utilities and surrounding land uses in the Township. This Article further intends to:

- A. Reflect technological changes of home building and land development;
- B. Provide affordable housing;
- C. Provide higher quality and greater variety in type, design, and layout of manufactured home parks by encouraging desirable design criteria and innovative site design approaches; and
- D. Encourage beneficial manufactured home parks rather than detrimental to property values.

**SECTION 3. Permit Procedures****3.1 Permits required**

No person shall construct, alter, extend, or maintain a manufactured home park within the limits of the Township, unless a valid Manufactured Home Park Permit is issued. Such permit shall be displayed in the park office or on the premises at all times.

**3.2 Application**

All "*Applications for Manufactured Home Park Permit*" shall be filed with the Township. Applications shall be in writing, signed, and dated by the owner.

**3.2.1 Existing park applications**

Applications for existing parks shall include the following:

- a. Legal name and address of the owner(s);
- b. Location and legal description of the manufactured home park; and

- c. Plot plan, drawn to scale, showing all existing lots, buildings and structures, and internal street systems.

### **3.2.2 New manufactured home park applications**

New applications shall follow the criteria set forth in this Article.

## **3.3 Issuance of permits**

Township shall review all "*Applications for Manufactured Home Park Permit*" for conformance with this Article. Permits shall be valid for one (1) year from the issuance date. Upon expiration, the park owner shall apply for a *Renewal Permit* as set forth below.

### **3.3.1 Existing parks**

If an "*Application for Manufactured Home Park Permit*" for an existing park is found to conform to the provisions of this Article, the Township shall issue a permit.

### **3.3.2 New parks**

Upon approval by the Township, the Zoning Officer shall issue a permit.

## **3.4 Permit fees**

Permit fees shall be paid by the applicant for the review any applications or permits. Fees shall be set by resolution by the Board of Supervisors.

## **3.5 Inspections of parks**

Township may inspect parks at reasonable intervals to determine compliance with this Article. Issuance of a permit constitutes permission by the owner for the Township to inspect for compliance.

## **3.6 Nontransferability of permit**

### **3.6.1 Change of ownership**

Manufactured Home Park permits are not transferable. If ownership is transferred by either sale, deed, will, majority interest in the corporation stock, or in any other way, before commencing operation of the manufactured home park, the new owner shall apply to the Township for a new permit certifying the park continues to meet the requirements of the original license. Such notice shall include:

- (1) Names and addresses of the transferor and transferee;
- (2) Nature of the transfer (gift, sale, inheritance, etc.)

- (3) Such any other supplemental information to determine compliance with this Article.

### 3.6 Renewal permits

#### 3.7.1 Application for permits

An "*Application for Renewal Permit*" shall be made to the Township at least 30 days prior to the expiration date of a permit. Renewal permits shall be issued annually by the Township. Renewal permits shall be issued by the Township upon compliance with this Article. Issuance of the Renewal permit signifies, the park owner agrees to continue to meet the standards and requirements issued under the original permit. Renewal permits are valid for one year.

#### 3.7.2 Inspection of park

Upon inspection of the park by the Township, it is found in compliance with this Article, the Township shall issue a Renewal permit. If the park is found not in compliance, a Renewal Permit shall not be granted.

#### 3.7.3 Renewal fee

The fee for a Renewal permit shall be paid upon filing of an "*Application for Renewal Permit*."

## SECTION 4. NONCONFORMING USES

Manufactured home parks existing at the date of adoption of this Article and authorized to operate may be continued as long as it otherwise remains lawful. Any subsequent new construction, alteration, or extension of an existing manufactured home park shall comply with the provisions of this Article.

## SECTION 5. PLANS

### 5.1 Conditional Use

Applicant shall first apply for Conditional Use approval before submission of any Preliminary/Final Plans to the Township for review and approval. Conditional Use procedural guidelines are found in *Article X, Section 9* of this Ordinance.

### 5.2 Procedure

Applicant shall apply for approval of a proposed manufactured home park plan in accordance with the following procedures:

- A. Pre-submission conference
- B. Preliminary Plan

C. Final Plan

**5.3 Pre-submission conference**

Conference between the Township and the Applicant prior to the submission of a formal plan is strongly recommended, but is not required. Applicant should bring sketch plans or working drawings, if any, for review at the conference. All information presented may remain confidential. At the discretion of the Applicant, the proposed plan may be presented at a Supervisor's meeting for informal review and comment

**5.4 Preliminary Plan submission**

Preliminary Plans shall be consistent with the requirements of this Article when submitted to the Supervisors for review and approval. Preliminary Plans shall be accepted for processing, once the following is received by the Applicant:

- A. 9 copies of the Preliminary Plan
- B. Completed Application Form
- C. Payment of processing fee
- D. Supporting data (if necessary)

**5.4.1 Distribution of copies**

Township shall, upon receipt of a properly submitted Preliminary Plan, forward copies to each of the following, as applicable:

- A. Centre County Planning Office, along with applicable review fee
- B. Benner Township Planning Commission
- C. Benner Township Zoning Officer
- D. Benner Township Engineer
- E. Benner Township Board of Supervisors
- F. Sewer and Water Authority

**5.4.2 Date of submission for review**

For consideration at the next regularly scheduled meeting of the Supervisors, the Applicant shall submit the Preliminary Plan, and completed application form to the Township not less than 12 calendar days prior to the scheduled meeting.

**5.4.3 Supervisors' action on preliminary plan**

Supervisors shall review the Preliminary Plan, render its decision and communicate the decision to the Applicant no later than 90 calendar days after the "*Application for Preliminary Plan*" approval is accepted or such

additional period of time as may be agreed upon by the Supervisors and the Applicant in writing. Applicant shall be notified, in writing, of the action of the Supervisors within 15 calendar days following its decision, and if conditionally approved, specify any changes required before the submission of the Final Plan. If disapproved, the Supervisors shall specify the defects found and describe the requirements not met and shall, in each case, cite the provisions of the Article relied upon. Supervisors shall not take final action on the plan until expiration of the 30 calendar days from the date the plan was forwarded to the Centre County Planning Office to allow for review and comment by such agency.

#### **5.4.4 Effect of preliminary plan approval**

Approval of the Preliminary Plan by the Supervisors constitutes conditional approval of the proposed manufactured home park with regard to general design, approximate dimensions of streets and lots, and/or other planned features. Preliminary Plan approval obligates the Applicant to the general scheme of the plan. However, if the Applicant determines a significant change to the original submission is desirable, the Applicant may modify the plans by submitting a revised Preliminary Plan for review and approval.

Approval of the Preliminary Plan does not authorize: (1) the leasing of lots; (2) placement of manufactured housing units on the lots; (3) the construction of required plan improvements; or (4) the sale of lots or the recording of the Preliminary Plan.

#### **5.4.5 Time limitation and extensions**

Preliminary Plan approval shall expire within 5 years after approval unless a time extension is requested by the Applicant and approved by the Supervisors. Any request for time extensions must be submitted to the Supervisors 30 calendar days prior to any prevailing expiration date. Time extensions may be granted for one 6-month period upon a finding by the Supervisors that such extension is warranted.

If the Applicant does not submit a Final Plan for all or a portion of the Preliminary Plan within 5 years after the approval of said Preliminary Plan is granted, or after expiration of the final extension period, the approval of the Preliminary Plan is automatically void.

#### **5.4.6 Preliminary plan requirements**

Site plans for proposed parks shall be clearly and legibly drawn at a scale of not smaller than 1 in. = 40 ft., except that a scale of 1" = 50 ft. may be used for smaller parks, and a minimum of 1 in = 100 ft. for larger parks in excess of 40 acres. Plans shall include:



- A. Name of current or proposed manufactured home park.
- B. Name and address of owner of record and/or applicant.
- C. Name and address of registered surveyor or engineer, or other qualified person preparing the plan as authorized in *Section 503(1) of the Pennsylvania Municipalities Planning Code*, as amended.
- D. Names of all abutting property owners with County Recorder of Deeds book and page numbers where recorded within 100 ft. of all property lines.
- E. North arrow, graphic scale, written scale, and month, day, year of original drawing was completed. Also month, day, year of each revision of original drawing.
- F. Location map (at a scale of 1" = 2000 ft.) showing the relationship to adjoining property, streets, roads, Township boundaries, and recorded subdivision plans existing within 1,000 ft of any part of the property.
- G. Total tract boundaries of property, giving bearings and distances, and statement of total acreage of property.
- H. All relevant zoning information.
- I. Topography showing existing and proposed contour lines at vertical intervals of 1 ft. for 4% or less slope 2 ft. intervals for 4.1% to 10% slopes, and 5 ft. intervals for slopes greater than 10%.
- J. Location and elevation of datum where contour elevations refer. When practical, datum used shall be a known established benchmark.
- K. Location of existing bodies of water or watercourses, wetlands, floodplain areas, tree masses, buildings or structures, public facilities such as sewer lines, waterlines, fire hydrants, utility transmission lines, culverts, bridges, railroads, sinkholes and depressions, and any other man-made or natural features within the proposed park and within 50 ft. from the boundaries of the proposed park..
- L. Show, to scale, location of all existing buildings and structures.
- M. Existing streets, easements, and rights-of-way on or adjacent to the tract, including name, right-of-way width, cartway width, types of paving, and approximate grades, and the purpose for any easements established.
- N. Proposed parks shall include:
  - (1) Location and width of all streets and rights-of-way with a statement of any condition(s) governing their use;

- Suggested street names, utility easement locations, and off-street parking area locations;
- (3) Building setbacks;
  - (4) General lot line dimensions of all manufactured home lots.
  - (5) Statement of intended use of all nonresidential lots and parcels.

Lot or unit numbers and statement of total number of lots, parcels, and off-street parking spaces.

General location of sanitary and/or storm sewers (and other drainage facilities), with size and material of each indicated, and any proposed connection with existing facilities.

General location of parks, playgrounds, streets, and other areas dedicated or reserved for public use, with any condition(s) governing such use.

Preliminary plans for all buildings, improvements, and facilities constructed or proposed within the park, consisting of site locations, heights and dimensions.

General location of all proposed utilities. To assure the Township that proposed utilities are available, the developer shall provide a letter indicating that capacity is available. If the developer proposes to create/connect to water or sewer utility that is not publicly owned, the Township will require the developer to provide a copy of the DEP-required Business Plan for New Utilities to assure that the proposed water/sewer system has been set up in a manner that it will be self-sustaining, both in the near and long future.

If applicable, proposed phases of development.

#### **5.4.7 Supplemental data**

Before approval is granted, the following supplemental data shall be submitted, reviewed, and approved by the Benner Township Engineer:

##### **A. Street cross-sections**

Refer to the Benner Township Street Standards Ordinance, as amended.

##### **B. Street profiles**

Refer to the *Benner Township Street Standards Ordinance*, as amended. Profiles shall show natural and finished grades listed here should be labeled as approximate and provided to accuracy to the nearest percent, at the following scale, or a ratio thereof:

- (1) Maximum 1" = 50 ft. horizontal, and 1" = 5 ft. vertical, for the smaller parks and a minimum scale of 1" = 100 ft. for the larger parks in excess of 40 acres.
- (2) General location of any required bridges or culverts.

**C. Miscellaneous information**

- (1) General location and dimension of pedestrian walkways and sidewalks.
- (2) General location, identification, and size of vegetative plantings and landscaping.
- (3) General location, dimensions, and proposed use of service and accessory structures.
- (4) Engineer's or surveyor's certification seal to plan accuracy.

**5.4.8 Traffic Impact study**

A traffic impact study shall be required for all manufactured home parks containing more than 50 individual units.

**5.4.9 Other documentation**

A Pennsylvania Natural Diversity Index (PNDI) should be done for each park.

**5.5 Final Plan submission**

Final plans consistent with the requirements of this Article shall be submitted to the Supervisors for review and approval. Final plans shall conform with the Preliminary Plan previously approved with only minor plan revisions allowed, except the Final plan may cover only a portion of the total manufactured home park shown on the Preliminary Plan. Final Plans shall be accepted for processing upon receipt of the following from the Applicant:

- A. 9 Copies of the Final Plan
- B. 9 Copies of Supporting Documentation
- C. Completed Application form;
- E. Payment of the processing fee;
- F. Supporting Data (if necessary).

**5.5.1 Distribution of copies**

For consideration at the next regularly scheduled meeting of the Supervisors, The Applicant shall submit Final Plans and supporting documentation to the Township no less than 12 days prior to the scheduled meeting.

**5.5.2 Submission in phases**

Final Plan submission may cover only a portion of the entire proposed manufactured home park plan as shown on the approved Preliminary Plan. In such cases, The Applicant must submit a tentative schedule for the development of the balance of the manufactured home park. Final plan submission requirements and procedures must be followed for each phase prior to approval and subsequent recording.

**5.5.3 Supervisors' action on final plan**

Supervisors shall review the Final Plan, render its decision and communicate decision to the Applicant no later than 90 calendar days after such application for final approval is accepted or such additional period of time as may be agreed upon by the Supervisors and the applicant in writing. The Applicant shall be notified, in writing, of the action of the Supervisors within 15 calendar days following its decision, and if conditionally approved, specify any changes required before execution of the Final Plan. If disapproved, the Supervisors shall specify the defects found and describe the requirements not met and shall cite the provisions of the Article relied upon. Supervisors shall not take final action on the plan until expiration of the 30 calendar days from the date the plan was forwarded to the Centre County Planning Office to allow for review and comment by such agency.

**5.5.4 Final Plan requirements**

The following materials shall be submitted to the Supervisors with an "Application for Final Plan" approval. Final Plans shall conform with the Preliminary Plan previously approved, except the Final Plan may cover only a portion of the total manufactured home park shown on the Preliminary Plan. Any conditions specified in the approval of the Preliminary Plan shall be incorporated on the Final Plans.

**5.5.5 Contents of park plan**

Site plans for proposed parks shall be clearly and legibly drawn at a scale of not smaller 1 in. = 40 ft., except that a scale of 1" = 50 ft. may be used for smaller parks, and a minimum of 1 in = 100 ft. for larger parks in excess of 40 acres. Plans shall include:

- A. Name of current or proposed manufactured home park.
- B. Name and address of owner of record and/or applicant.
- C. Name and address of registered surveyor or engineer, or other qualified person preparing the plan.
- D. Names of all abutting property owners with County Recorder of Deeds book and page numbers where recorded within 100 ft. of all property lines.

- E. North arrow, graphic scale, written scale, and month, day, year of original drawing was completed. Also month, day, year of each revision of original drawing.
- F. Location map (at a scale of 1"-2,000 ft) showing the relationship to adjoining property, streets, roads, Township boundaries, and recorded subdivision plans existing within 1,000 ft of any part of the property.
- G. Total tract boundaries of property, giving bearings and distances, and statement of total acreage of property.
- H. All relevant zoning information.
- I. Topography showing existing and proposed contour lines at vertical intervals of 1 ft. for 4% or less slope, 2 ft. intervals for 4.1% to 10% slopes, and 5 ft. intervals for slopes greater than 10%.
- J. Location and elevation of datum where contour elevations refer. When practical, datum used shall be a known established benchmark.
- K. Location of existing bodies of water or watercourses, wetlands, floodplain areas, tree masses, buildings or structures, public facilities such as sewer lines, waterlines, fire hydrants, utility transmission lines, culverts, bridges, railroads, sinkholes and closed depressions, and any other man-made or natural features within the proposed park and within 50 ft from the boundaries of the proposed park.
- L. Stormwater management plan and erosion and sedimentation control plan, in accordance with the *Benner Township Stormwater Management Ordinance*, as amended.
- M. Existing and proposed property, lot, and boundary lines, including building setback lines, lot dimensions, lot areas, and location and dimension of all proposed lots.
- N. Location and dimension of all existing buildings and structures.
- O. Existing streets, easements, and rights-of-way on or adjacent to the tract, including name, right-of-way width, cartway width, types of paving, and approximate grades, and the purpose for any easements established.
- P. Proposed parks shall include:
  - (1) Accurate location and width of all streets and rights-of-way with a statement of any condition(s) governing their use;
  - (2) Suggested street names, utility easement locations, and off-street parking area locations;
  - (3) Building setbacks;

Accurate lot line dimensions and proposed placement of all manufactured home lots.

Statement of intended use of all nonresidential lots and parcels.

Lot numbers and statement of total number of lots, parcels, and off-street parking spaces.

Accurate location of sanitary and/or storm sewers (and other drainage facilities), with size and material of each indicated, and any proposed connection with existing facilities.

Accurate location of parks, playgrounds, streets, and other areas dedicated or reserved for public use, with any condition(s) governing such use.

Plans and specifications for all buildings, improvements, and facilities constructed or proposed within the park, consisting of site locations, heights, dimensions, and profiles shall be submitted for all zoning permits.

#### **5.5.6 Supplemental data**

Before final approval is granted, the following supplemental data shall be submitted:

1. Documentation from utility providers (electrical, water, sewer, cable and telephone) should be provided;
2. Calculated density of the entire tract;
3. Conservation District approval.
4. A Site Illumination Plan for the park showing how the park will be illuminated.

#### **A. Street cross-sections**

Refer to the *Benner Township Street Standards Ordinance*, as amended.

#### **B. Street profiles**

Refer to the *Benner Township Street Standards Ordinance*, as amended. Profiles shall show natural and finished grades at the following scale, or a ratio thereof:

- (1) Maximum 1" = 50 ft. horizontal and 1" = 5 ft. vertical.
- (2) Accurate location of required bridges or culverts. Designs shall meet *Penn DOT* requirements.

#### **C. Miscellaneous information**

- (1) Accurate location and dimension of pedestrian walkways and sidewalks.

- (2) Accurate location, identification, and size of vegetative plantings and landscaping.
- (3) Accurate location, dimensions, and proposed use of service and accessory structures.
- (4) Accurate location of service utility shut-offs, by individual site or area.
- (5) Accurate location of bench mark and datum used.
- (6) Accurate location of existing and proposed monuments and markers.
- (7) Engineer's or surveyor's certification seal to plan accuracy.

#### **5.5.7 Supplemental documentation**

Final plan shall be accompanied with the following material, as applicable:

- A. Final profiles and cross sections for street improvements, sanitary and storm sewerage, underground utilities and water distribution systems shall be shown on one or more separate sheets or on the Final Plan;
- B. Where public water and sewer facilities are proposed, acceptable assurances that such facilities will be installed shall be shown to the Supervisors. To assure the Township that proposed utilities are available, the developer shall provide a letter indicating that capacity is available. If the developer proposes to create/connect to water or sewer utility that is not publicly owned, the Township will require the developer to provide a copy of the DEP-required Business Plan for New Utilities to assure that the proposed water/sewer system has been set up in a manner that it will be self-sustaining, both in the near and long future
- C. Certificates of approval by proper authorities required by the Supervisors, including utility companies involving underground utilities;
- D. Proposed street names, accompanied by a letter from the postmaster of the area in where the manufactured home park is located, stating the proposed names are acceptable;
- E. Detailed design of any bridge, culverts, stormwater management facilities or other improvements, as required. Designs may be submitted as separate sheets;
- F. Copy of proposed deed restrictions or lease provisions related to the approval of the proposed manufactured home park plan.
- G. Certificate(s) for the Stormwater Management components of the plan signed by the property owner and/or engineer.

#### **5.5.8 Improvements**

When appropriate, the Applicant of a manufactured home park shall be required to provide the following improvements, or a suitable guarantee pursuant to *Article IV* herein, that said improvements shall to be constructed pursuant to the standards contained in this Article;

- A. Streets and access roads, including where applicable, shoulders, curbs, parking areas, driveways, curb cuts and traffic control devices;
- B. Utilities, including stormwater management facilities and/or storm sewers; sanitary sewer facilities including pumping stations, pre-treatment facilities and sewer lines; water, including fire protection facilities, and electric, gas, telephone and other such lines;
- C. Proposed park amenities such as recreation facilities, swimming pools, meeting facilities, screening and landscaping, including assurances and agreements related to responsibilities for land ownership, the construction and/or purchase of facilities or other features, and the perpetual maintenance of the above;
- D. Any other improvements required for approval.

#### **5.5.9 Certificates**

The following certificates in block form shall be shown on the Final Plan:

- A. Certifications by means of a seal of a registered professional land surveyor and professional engineer, where applicable, to the effect that the survey and plan are correct.
- B. Certificates for approval by the Supervisors and the Planning Commission of the Benner Township;
- C. A statement, duly acknowledged before an Officer authorized to take acknowledgements of deed and signed by the owner or owners of the property, to the effect that the manufactured home park as shown on the Final Plan is the act and deed of the owner, that the Applicant is the owner of the property of the survey and plan, and that the Applicant desires the same to be recorded as such;
- D. Certificate to accommodate the recording information with the Centre County Recorder of Deeds;
- E. Certificate of dedication public property
- F. Certificate for approval by the Centre County Conservation District.

### **SECTION 6. Improvement Guarantees**

#### **6.1 Improvements required**



- A. Before approving any manufactured home park plan for recording, the Supervisors shall require that the Township be assured (by means of a proper Development Agreement and Performance Guarantee) that the improvements required by this Article and the improvements appearing on the plan will be installed in strict accordance with the standards and specifications of this Article.
- B. Purpose of Bond. A bond and/or other surety agreement shall stand as security for compliance with all Township Articles, other laws, covenants, stipulations, conditions and rules applicable to the manufactured home park plan filed.
- G. No construction of buildings or paving or sales of any unit within the manufactured home park shall take place unless: 1) a current executed performance bond (or surety escrow agreement, is on file with the Township; or 2) unless all required public improvements, utilities, streets, drainage improvements and easements, sewer and streetlights and all grading supporting the public improvements have been completed and accepted by the Supervisors.
- H. If the developer chooses to install all required improvements prior to any building, in place of using performance guarantees, the Township shall require the developer to have adequate insurance, hold harmless agreements, and an escrow account to cover the costs of inspections.

## 6.2 Improvements by Applicant

- A. The Applicant shall be responsible for the installation of all improvements required by this Article.
- B. Township Engineer shall make inspections of required improvements at reasonable intervals to assure compliance with this Article.
- C. Reasonable costs of inspections shall be paid by the Applicant, and held in an escrow account.

## 6.3 Development Agreement

### 6.3.1 Development Agreement requirement

- A. The Applicant proposing a manufactured home park plan providing for the installation of improvements required by this Article or any improvements or amenities appearing on the plan shall be required to enter into a legally binding Development Agreement with the Township prior to recording of the approved Final Plan.
- B. Development Agreement shall guarantee the installation of said improvements in strict accordance with all Township requirements.

- C. The Final Plan shall not be recorded nor signed by representatives of the Supervisors until the Development Agreement is executed and the Performance Guarantee is in place.

#### 6.3.2 Terms of development agreement

Development Agreement shall be in the manner and form approved by the Township Solicitor and it shall consist of the following, as applicable.

- A. Construction depicted upon the approved plans in itemized format. Construction of streets with related curbs, street signs, drainage facilities and related improvements. Installation of utility lines.
- B. Work schedule setting forth the beginning and ending dates and such other details as the Township deems fits and appropriate for the improvements covered by the Development Agreement. Inspection schedule subject to the approval of the Township Engineer.
- C. Provision of a Performance Guarantee for completion of required improvements complying with this Article. Detailed breakdown of the estimated cost of the improvements, estimated within the requirements of the *Pennsylvania Municipalities Planning Code*, as amended. Amount of Performance Guarantee. All improvements subject to the Development Agreement shall be approved according to the approved inspection schedule within this Article.
- D. Developer's responsibilities for damage to other property. Developer shall secure or maintain public liability insurance for the duration of improvements construction. A copy (of other evidence of coverage) shall be submitted to the Township. A save harmless clause to protect the Township from liability. Prevention of erosion, sedimentation and water damage to the subject and adjacent properties.
- E. Provisions for any future dedication or transfer of streets, water and sewer lines and easements.
- F. Developer shall provide the Township with a set of reproducible record plans prepared by and certified to by a Professional Engineer.
- G. Developer shall be responsible for all-reasonable engineering and legal costs and expenses for review, inspection, consultations and preparation of agreements.
- H. Provisions for violation of the Development Agreement.
- I. Any other lawful terms which the Supervisors may require to carry out the provisions of this Article.

- J Signatures. Development Agreement shall be signed by all landowners and/or developers.

### **6.3.3 Ownership of land and guarantee**

- A. Certificate of Ownership shall be executed in the exact name in which title is held. If the developer(s) of a manufactured home park plan is someone other than the landowner(s) of the manufactured home park plan, the developer shall also execute the affidavit given above, along with a performance bond and security agreements.
- B. Change in Ownership or Developer. Any conveyance of all or substantially all of the unimproved lots or public improvements or roads of any manufactured home park plan or change in developers, whether voluntary or by action of law or otherwise, shall require the prior approval of the Supervisors. In giving or denying said approval, the Supervisors shall determine whether the proposed new landowner and/or developer will be financially able to fully carry out the plan with all required public improvements, and before giving final approval, the Supervisors shall require the posting of appropriate bonds and security agreements.

### **6.3.4 Performance guarantee**

Performance Guarantee for completion of required improvements shall meet the following requirements:

#### **A. Surety**

- 1 Guarantee shall be secured by the credit of any of the following:
  - (a) An irrevocable and unconditional letter of credit of a Federal or State chartered lending institution,
  - (b) Restrictive or escrow account in a Federal or State chartered lending institution, or
  - (c) Such other financial security approved by the Supervisors (which approval shall not be unreasonably withheld.)
- 2 Such bond, or other security shall provide for, and secure to the public, the completion of any improvements required within one (1) year of the date fixed in the Development Schedule for the completion of such improvements.
- 3 Such financial security shall be posted with a bonding company or a federally-insured Federal or State chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the State.

- (a) Supervisors may require evidence be provided that such institution or company has sufficiently adequate and secure assets to cover the security.
- (b) Township shall be an authorized signatory on any account in which the escrow funds are held and all escrow funds from sales of lots shall be paid directly to such fund, and a monthly statement shall be furnished to the Township.

**B. Amount**

Amount of financial security to be posted for the completion of the requirement improvements shall be equal to 110% of the cost of completion estimated as of 90 calendar days following the date scheduled for completion by the developer in the official development schedule, and within the process for increases to cover inflation as permitted by the *Pennsylvania Municipalities Planning Code*, as amended.

- 2. Cost of the improvements shall be established by an estimate prepared by a Pennsylvania Professional Engineer, within the arbitration process permitted by the *Pennsylvania Municipalities Planning Code*, as amended
- 3. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the requirement improvements, the amount of financial security shall be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.

**C. Multi-year or phasing development**

In the case where development is projected over a period of years, the Supervisors may authorize submission of final plats by section or phases of development subject to such requirements or guarantees as to improvements in future sections or phases of development as it finds essential for the protection of any finally approved section of the development.

**6.3.5 Approval of improvements**

- A. General.** As the work of installing the required improvements proceeds, the party posting the financial security may request the Supervisors to release or authorize the release, from time-to-time,

portions of the financial security necessary for payment to the contractor(s) performing work.

**B. Notice of Completion.** When the developer has completed an improvement, the developer shall notify the Supervisors, in writing by certified or registered mail, of such completion and any request for release. Such notice shall also be sent to the Township Engineer.

**C. Engineer's Report**

- 1 Within 30 calendar days of the receipt of such request, the Township Engineer shall submit a written report to the Supervisors certifying which improvements have been completed in accordance with the approved plan to the Supervisors and mail a copy of such report by certified or registered mail to the developer.
- 2 Report shall be based on the inspections made according to the approved inspection schedule included in the Development Agreement and shall recommend approval or rejection of the improvements, either in whole or in part.
- 3 If the Engineer finds any or all of the improvements to be not as required, the Engineer shall include a statement of the reasons for recommending their rejection in the report.

**D. Decision by Supervisors**

- 1 At its first regularly scheduled meeting after receiving the Engineer's Report (but no later than 45 calendar days of the receipt of the request) the Supervisors shall review the Engineer's report and shall authorize release of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed.
- 2 The Supervisors shall be deemed to have approved the release of funds as requested if the Supervisors fail to act within 45 calendar days of receipt of the developer's request.
- 3 Until final release (completion of all improvements), the Supervisors may require retention of 10% of the cost of each completed improvement.

4. The Supervisors shall notify the developer in writing by certified or registered mail of the decision.

**E. Final release**

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall request Final Release in conformance with the procedures specified in this Article. See time limitations and procedures in *Section 510 of the Pennsylvania Municipalities Planning Code*, as amended.
2. Such Final Release shall include all moneys retained

**F. Appeal**

Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Supervisors or the Township Engineer.

**G. Certificate of occupancy and completion of improvements**

1. No temporary Certificate of Occupancy shall be issued for any structure on a lot adjoining a dedicated street in a manufactured home park until the structure is safe and substantially completed in conformity to all applicable ordinances, laws and plans with service by electricity and telephone service and any required water, fire hydrants and sewage service and access to the structure to a public street over a clearly permanently passable street with at least a complete paving course and any required curbing installed.
2. No final Certificate of Occupancy shall be issued until the structure is completed as aforesaid with service by all utilities and access on a street completed to required standards.

**6.3.6 Remedies to effect completion of improvements**

**A. Enforcement of surety**

1. In the event, any improvements required have not been installed as provided in this Article or in accordance with the approved Final Plan, or in the event of the bankruptcy of the owner or developer, the Supervisors are hereby granted the power to elect to enforce any corporate bond (or other security) by appropriate legal and equitable remedies.
2. Enforcement may include taking all actions necessary to obtain moneys under said bond, including but not limited to seizure of undeveloped lots, confession of judgement, suit

on the bond, seizure of escrow funds, revocation of building permits and prosecution under this Article.

- 3 Rate of construction. Failure of a developer to construct streets and other public improvements reasonably at the same time or prior to the construction of the buildings served by those streets or public improvements, and at the same rate in time at which buildings are completed, shall be a violation of this Article and a cause for default.

**B. Completion by township**

If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Supervisors may, at its option, install part of such improvements in all or part of the manufactured home park and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements.

**C. Proceeds for installation of improvements**

All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.

**6.3.7 Maintenance agreement**

**A. Maintenance agreement required**

1. Applicants proposing any manufactured home park providing for the dedication of improvements required by this Article or any improvements or amenities appearing on the plan shall be required to enter into a legally binding Maintenance Agreement with the Township prior to acceptance of dedication by the Township.
2. Dedication of any improvement shall not be accepted by the Township prior to the execution of a Maintenance Agreement and the delivery of the Maintenance Guarantee.

**B. Terms of maintenance agreement**

1. Maintenance Agreement shall be in the manner and form approved by the Township Solicitor.

2. Maintenance Agreement shall require the Applicant to make any repair or reconstruction of any improvement stipulated in the Maintenance Agreement which is specified by the Supervisors as necessary by reason of faulty construction, workmanship, or materials prior to acceptance of such improvement by the Township.
3. Maintenance Agreement shall require the Applicant to maintain at his own cost all improvements stipulated in the Maintenance Agreement. This period shall not exceed 18 months from the date of acceptance or dedication by the Township, except for any special purpose escrow or Maintenance Agreement required by the Township.
4. Maintenance Agreement shall require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the Final Plan for a term not to exceed 18 months from the date of acceptance of dedication.
5. Snowplowing. It shall be the responsibility of the developer to plow snow and maintain all streets.

**C Public utilities and authorities**

If water or sewer lines are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.

**6.3.8 Maintenance Guarantee**

**A. Security**

Maintenance Guarantee shall be secured by the credit of any of the following:

1. An irrevocable and unconditional letter of credit of a federal or state chartered lending institution;
2. A restrictive or escrow account in a federal or state chartered lending institution, or



- 3 Such other financial security approved by the Supervisors (which approval shall not be unreasonably withheld.)

**B. Terms**

Such Maintenance Guarantee shall be in the form approved by the Township Solicitor and Supervisors, payable to the Township, to guarantee the maintenance and repair improvements in the manufactured home park for 18 months from the date of acceptance thereof by the Township.

**C. Amount**

Amount of the Maintenance Guarantee shall be determined by the Township, but shall not exceed 15% of the actual cost of installation of such improvements.

**D. Release**

After the expiration of 18 months from the date of acceptance of said improvements, the Township shall release said Maintenance Guarantee to the developer (or party posting said Maintenance Guarantee) if all improvements are in satisfactory condition.

## **SECTION 7. Recording of Final Plan**

The Applicant is responsible to ensure the Final Plan, as approved by the Supervisors, is recorded in the Office of the Recorder of Deeds for Centre County within 90 calendar days of such final approval, unless an extension has been granted in writing by the Supervisors. The Applicant shall then send or deliver a receipt of the recording to the Township. Final Plan shall not be recorded without the required signatures of the Township officials. Final Plan shall not be recorded unless the Applicant has met all required conditions the Township determines would impact the recorded Final Plan.

### **7.1 Record Plan**

The Applicant shall provide a copy of the approved plan to the Township to serve as the Record Plan.

### **7.2 Effect of recording**

**A. Official map**

After a manufactured home park plan has been duly recorded, the streets, open space, and other public improvements shown thereon shall be considered to be a part of any Official Map of the Township.

**B. Private Improvements**

Every street, park, or other improvement shown on a manufactured home park plan that is recorded, as provided herein, shall be deemed to be a private street, open space, or improvement until such time it has been

offered for dedication to the Township and accepted by resolution or ordinance, and recorded, or it is condemned for a public purpose.

**C. Dedication of Improvements**

Recreational parks and other public improvements shown on a manufactured home park plan to be recorded:

1. May be offered for dedication to the Township by formal notation thereof on the plan, or
2. The owner shall note on the plan that such improvements have not been offered for dedication to the Township.

**SECTION 8. Design Standards**

**8.1 Site requirements**

**8.1.1 Zoning district**

Manufactured home parks shall be located in zoning districts where permitted. All manufactured home parks shall be classified as “conditional use.” All applications for manufactured home parks shall follow the *Conditional Use procedures* as outlined in this Ordinance under, *Article X, Section 9*, as amended.

**8.1.2 Size and continuity**

Manufactured Home Parks shall have a minimum size of 10 contiguous acres. Land utilized shall not be bisected by any public highway, street, alley, or way, except for internal private street systems.

**8.1.3 Avoidance of adverse conditions**

Manufactured Home Parks shall:

- A. Be free of adverse influences from swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects, rodents, pests, or other conditions constituting health hazards;
- B. Not be subject to flooding (FEMA Mapping);
- C. Be free of nuisances, including excessive noise, vibration, smoke, toxic material, radiation, heat, odor, or glare; and
- D. Not encroach upon protected wetlands.

**SECTION 9. Stormwater management requirements**

Ground surfaces in parks shall be graded and equipped to drain all surface water in a safe, and efficient manner. Parks shall comply with *Benner Township's Stormwater Management Ordinance*, as amended.

**SECTION 10. Manufactured home lot design****10.1 Placement of lots**

Park designers are encouraged to place the manufactured homes at varying angles to increase the aesthetics of the park.

**10.2 Lot size, width, parking and coverage**

- A. **Lot size:** Manufactured home lots within the park shall have a lot minimum size of 7,500 sq. ft.
- B. **Width:** Each manufactured home lot shall have a minimum width of 60 ft at the street whether a public or private street.
- C. **Parking:** Each manufacture home lot shall provide a minimum of two (2) off-street parking spaces.
- D. **Coverage:** Each manufactured home lot shall have a maximum lot coverage of 50%.

**10.3. Maximum height**

All structures built in the parks shall not exceed a maximum height of 35 ft.

**10.4 Minimum setbacks**

Diagrams in Appendix A and B graphically depict placement of setbacks on manufactured home lots.

- A. **Street.** Manufactured homes shall be located a minimum of 20 ft. from the street or curb edge of any private street, and 20 ft. from the edge of the right-of-way of any public street; unless walkways abut a street, in which case, a 20 ft. setback from the back edge of the sidewalk to allow off-street parking.
- B. **Manufactured homes.** Manufactured homes shall be separated from each other by at least 20 ft. on all sides. No manufactured home shall be located closer than 5 ft. to any lot line.
- C. **Tract boundary property lines.** Manufactured homes shall be located at least 25 ft. from any park boundary line.
- D. **Accessory structures.** Accessory structures, including decks, porches, unenclosed porches, carports and garages shall be located no closer than 10 ft. to any lot line lot.
- E. **Sheds:** Sheds, 300 sq. ft or less, shall be located no closer than 5 ft to any lot line.

**10.5 Pad, foundation, and anchoring**

- A. **Pad or Foundation.** Manufactured home lots shall be improved with an adequate and stable pad or foundation to meet or exceed the specifications of the manufactured home manufacturer. Foundations or pads shall be designed not to heave, shift, or settle unevenly under the weight of the home due to frost action, inadequate drainage or vibration.
- B. **Anchoring** Manufactured homes shall be securely fastened with a ground anchoring system meeting the following requirements:
  - 1 **Weight loads.** Ground anchors shall be capable of resisting an allowable working loads equal to or exceeding 3,150 lbs. and applied in the direction of the tie down. Ground anchors shall be capable of withstanding 50% overload without failure.
  - 2 **Anchor placement.** Unless designed by a registered, professional engineer or architect, the entire tie down system, including ground anchors shall be placed not more than 24 ft. on centers beginning from a line congruent with the front wall of the manufactured home.
  - 3 **Diagonal and vertical ties.** Ground anchors for diagonal ties shall be provided in conjunction with each vertical tie down.

**10.6 Concrete monuments and iron markers**

- A. **Concrete monuments.** Concrete monuments shall be a minimum size of 4 inch by 4 inch by 30 inch (4" x 4" x 30") or 4 inch diameter x 30 inch (4" x 30") plastic pipe filled with concrete using an iron rod in the center, a brass, or copperplate on the top for marking the exact point. Concrete monuments shall be required at such places necessary to establish permanent control points for the re-establishment of tract boundaries, lot and street lines.
- B. **Iron markers.** Iron markers shall be a minimum size of 1/2 in. diameter pipe or #6 rebar and should have a minimum length of 30 in. Iron markers shall be set at all points where lot lines intersect curves, at all angles in lot lines and tract boundary lines, at all lot corners, and at the beginning and ending of all curves.

**SECTION 11. Screening, buffer yards, vegetative cover****11.1 Screening**

Parks may maintain attractive screening along property boundary lines separating the park from adjacent uses. Screening may include existing wooded areas along the boundary within the park property. Visual screenings shall be designed with trees, shrubbery, and where possible, vegetative ground cover to offer a buffer

zone to minimize noise, dust, dirt, and other harmful effects resulting from adjacent uses, such as streets and highways.

### **11.2 Buffer yards**

Buffer yards shall be placed along public streets, external to the park. Earthen mounds are recommended. Buffer yards shall not be less than 25 ft in width. Buffer yards may be within the required setback.

Buffer yards shall be placed according to the following requirements:

- (a) All plants shall be at least 3 ft. in height when planted. Plants shall consist of a mix of pines, firs, spruce, and hemlock that will achieve a mature height of at least 25 ft.
- (b) Any plant material which does not live shall be replaced within one year.

Buffer yards shall not be used for parking, loading, storage, or structures. Buffer yards may be crossed by access driveways and utility easements, provided such crossings are not more than 25 ft in width at the point of intersection.

### **11.3 Vegetative cover**

- A. **Exposed surfaces.** Exposed ground surfaces in the park shall be covered with acceptable material or planted with vegetative growth. Coverings shall prevent soil erosion and dust during dry weather. All cover or growth shall be maintained or controlled at all times.
- B. **Hazardous nuisances.** Park grounds shall be maintained free of poisonous vegetative growth, which may harbor rodents, insects, or other hazardous nuisances to children.
- C. **Preservation of natural features.** Design and development of proposed parks shall preserve natural features such as mature trees, outcroppings, streams, vegetation, etc.
- D. **Shaded environment.** Park shall have grass, trees, and shrubs to provide a shaded environment. Random tree plantings is highly encouraged.

## **SECTION 12. Park street system**

Park streets shall conform to the following minimum standards for the promotion of safe and convenient vehicular access from abutting public streets or roads. All streets within the park shall be private. A Plan Note will be placed on the plan indicating that private streets may not be dedicated to the Township unless the streets are constructed to the Township street specifications in effect at the time of dedication.

**12.1 Park access**

Park entrance roads connecting to public streets shall have a minimum cartway width of 24 ft. with no on-street parking permitted. Whenever a park street intersects a public street, stop signs shall be installed and maintained in conformity with Penn DOT regulations.

**12.2 Internal private park streets**

Internal private streets shall be of adequate width to accommodate intensified traffic and shall meet the following minimum requirements:

**A. Minimum cartway widths**

- (1) No street parking. Internal streets shall be provided and manufactured lots shall face or abut upon streets having a minimum 22 ft. of unencumbered cartway where no on-street parking is allowed. No manufactured home lot shall have direct access to a public highway, street, alley, or way other than those constructed for the park.
- (2) On-street parking. When parking is permitted on both sides of the street, a minimum cartway width of 34 ft. shall be required. Minimum cartway width of 26 ft. shall be required where parking is limited to one side of the street.
- (3) One-way street parking. Where one-way streets are used, minimum cartway width may be reduced by 10 ft.

- B. Culdesacs.** Culdesacs shall not be longer than 1,000 ft. and shall be provided at the closed end with a turn-around having an outside radius of at least 60 ft. to property line, and a minimum of 50 ft. radius for cartway turnaround. The Township will accept the hammer-head type configuration is an acceptable alternative to the standard culdesac. The Applicant shall have the local fire department serving the park approve the plan, in writing, if hammer-head type configuration is used, and if culdesac lengths are greater than 400 ft.

**12.3 Street private specifications**

- A. Specifications.** Streets within a park shall be privately owned and shall be approved by the Township Engineer.
- B. Grades.** Grades of streets shall be at least 0.5%, but not more than 10%. Short runs, not exceeding 500 ft. with a maximum grade of 12%, may be permitted provided traffic safety is assured by appropriate surfacing, adequate leveling areas, and avoidance of lateral curves.
- C. Intersections.** Streets shall be at right angles within 100 ft. of intersection. Distance of at least 150 ft. shall be maintained between centerlines of offset

intersecting streets. No more than two streets or ways shall intersect at one point.

#### 12.4 Street trees

Street trees are required to be planted along all park streets.

- A. **Spacing.** Trees shall be no more than 40 ft apart and within 8 ft. of the edge of the right-of-way, and either a random or consistent pattern.
- B. **Size.** Trees shall be at least 1 1/2 inches caliper at time of planting, and shall reach 25 ft. at maturity.
- C. **Species.** Trees shall be deciduous shade trees. Tree species should vary within the entire, but be consistent along individual streets or sections of streets. Tree species may not include silver maple, poplar, mountain ash, tree of haven, or catalpa.
- D. **Replacement.** Dead trees shall be replaced within one year.

#### SECTION 13. Parking areas

Areas shall be provided for the parking of motor vehicles.

- A. **Minimum requirements.** Parking areas shall provide a minimum of two (2) off-street parking spaces for each manufactured home lot.
- B. **Spacing.** Spaces shall be located on each manufactured home lot, or be located no farther than 200 ft. from the manufactured home which such said parking is intended to serve.
- C. **Maximum coverage.** Parking areas, when located within the confines of the manufactured home park, shall not occupy more than 20% of the total area of the park.
- D. **Off-street parking spaces.** Visitor off-street parking spaces may be clustered at various locations within the park.
- E. **Paving requirements.** Paved parking areas and paved off-street parking spaces shall meet the Township's specifications for paving of residential, uncurbed streets, as outlined in the *Benner Township Street Standard's Ordinance*, as amended. Gravel parking areas shall be constructed with a gravel or other crushed stone compacted to a depth of 6 inches. Drainage shall meet the *Benner Township Stormwater Management Ordinance*, as amended.
- F. **Other types of parking areas.** Areas for the storage of boats and trailers (travel, horse, or utility) may be provided in each park.

**SECTION 14. Walkways**

All manufactured home parks shall provide an interior walkway system between individual manufactured homes, park streets, and community facilities. All walks shall provide safe, convenient, and all-season pedestrian access. Sudden changes in alignment and gradient shall be avoided.

**14.1 Common walkway system**

A common walkway system, where pedestrian traffic is concentrated, shall be provided and maintained between locations. Such walkways shall have a minimum width of 3 1/2 ft, and be constructed of a mud-free material, such as asphalt, concrete, crushed stone, with adequate provisions for drainage. Common walkway systems may connect manufactured home lots to streets, driveways, or parking spaces.

**SECTION 15. Illumination of park and street systems**

Streets and walkways shall be adequately lighted.

- A. **Minimum requirements.** Streets shall be lighted with a minimum of one streetlight at each street intersection, which is 300 ft or more from a street intersection. All illumination shall be placed at mounting heights which will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night. Illumination shall be arranged in such a manner that the main directed rays of light source to the ground does not enter any dwelling unit or fall outside of the manufactured home park.

An additional form of illumination may be provided by park owner through installation of lights at each manufactured home lot which shall serve as front lights as well as street lights. Such alternative must include:

- (1) Installation of light activated devices automatically turning on at dusk and turn off at sunrise;
- (2) A policy of the lot owner in writing, enforcing the replacement of burnt out or broken bulbs to assure the alternative lighting system functions.

**SECTION 16. Recreational and open space areas****16.1 Minimum requirement**

Parks shall provide, and show on the manufactured home park plan, suitable areas for recreation and open space uses totaling 10% of the total area of the park excluding buffer yard areas; one-half of which area shall be in one place. Open space shall be divided into active and passive open space areas. Active open space area would include usable areas, having slopes of less than 10%, used for active recreation. Passive open space would be used as green space/wooded areas. One quarter of the total open space set aside shall be used as active open space.



**16.2 Location**

Recreational and open space areas shall be located centrally within the park to provide easy accessible to all the residents.

**16.3 Landscaping**

Open space and recreational areas shall be landscaped with water absorbent surfaces except for recreational facilities, garden space, and walkways utilizing hard surfaces. Open spaces shall be planted with a mixture of grass, trees, and shrubs to provide a park-like appearance.

**16.4 Maintenance**

Open space and recreational areas shall be maintained by the park owner unless approved and accepted by the Township through Offer of Dedication.

**SECTION 17. Miscellaneous****17.1 Skirting and hitch**

After the manufactured home has been anchored, the hitch shall be unbolted, and a decorative skirt shall be placed around the base of the manufactured home. Skirting shall be of compatible design and material. Skirting shall provide sufficient ventilation to inhibit decay and deterioration of the structure and shall be maintained in good repair.

**17.2 Areas for non-residential use**

Any part of the manufactured home park shall not be used for nonresidential purposes except such uses required for directly servicing the park. Uses shall serve primarily the residents of the park and may include a community building, maintenance and recreation facilities, and office facilities for park management.

**SECTION 18. Water supply****18.1 General requirements**

Public water shall be provided for manufactured homes, service buildings, and other accessory facilities as required by this Article. When a public water supply system is available, connection shall be made used exclusively. All water supply systems shall comply with the requirements of the authority providing such water. To assure the Township that proposed utilities are available, the developer shall provide a letter indicating that capacity is available. If the developer proposes to create/connect to water utility that is not publicly owned, the Township will require the developer to provide a copy of the DEP-required Business Plan for New Utilities to assure that the proposed water system has been set up in a manner that it will be self-sustaining, both in the near and long future

**SECTION 19. Sewage disposal****19.1 General requirements**

An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from manufactured homes, service buildings, and other accessory facilities. Such system shall be designed, constructed, and maintained in accordance with the requirements of the authority providing such service. To assure the Township that proposed utilities are available, the developer shall provide a letter indicating that capacity is available. If the developer proposes to create/connect to sewer utility that is not publicly owned, the Township will require the developer to provide a copy of the DEP-required Business Plan for New Utilities to assure that the proposed sewer system has been set up in a manner that it will be self-sustaining, both in the near and long future

**SECTION 20. Electrical distribution system****20.1 General requirements**

The electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems.

**20.2 Underground lines**

Power lines shall be located underground, and installed according to the local electric power company's specifications.

**SECTION 21. Refuse disposal****21.1 Refuse handling**

Storage, collection, and disposal of refuse in the park shall be so managed as not to create any health hazards, rodent harborage, insect-propagating areas, accidents, fires, or air pollution. Storage shall be in accordance with all Township ordinances.

**21.2 Refuse storage**

Refuse shall be stored within an insect-tight, watertight, rodent-proof containers located no more than 150 ft. from any manufactured home lot. Containers shall be provided in sufficient to properly store all refuse generated. Containers shall be disposed of as necessary to insure that such containers shall not overflow.

**SECTION 22. Fire protection****22.1 Fire extinguishers**

Portable fire extinguishers of a type approved by the Fire Underwriters Laboratories (A-B-C) classification and bearing the Underwriters' label, shall be

maintained in all public service buildings under park control. Manufactured home park owner shall adopt park regulations including a recommendation that each manufactured home owner maintain a portable fire extinguisher suitable for Class, A., B, and C fires, and a smoke detector within each manufactured home.

**22.2 Fire hydrants**

Fire hydrants shall be installed as agreed upon by the Township and the agency or individual responsible for supplying public water. The Fire Company servicing the area where the park is to be located shall be contacted and given the opportunity to review and approve the plan. Such approval shall be in writing.

**22.3 Burning**

Burning shall comply with the Township regulations.

**SECTION 23. Administration of Park**

**23.1 Responsibility of park management**

The park shall operate in compliance with this Article, and provide supervision to maintain the park, its facilities, and equipment in good repair and in a clean, safe, and sanitary condition.

**23.2 Manufactured home placement and anchoring**

Park management shall supervise the placement and anchoring of each manufactured home on its manufactured home pad including securing its stability and installing all utility connections.

**23.3 Park access by township**

Park management shall provide the Township or its representatives, free access to inspect all manufactured home lots, service buildings, and other community service facilities for compliance with this Article.

**23.4 Registration of occupants**

Park management shall maintain a register containing the names and addresses of all park occupants. Such registry shall be available to any authorized person inspecting the park.

**23.5 Reporting to governmental offices**

**23.5.1 Tax Collector and township**

Park management shall report each new tenant to the tax collector and to the Township office. Report shall be made no less than quarterly and on a report form provided by the Township.

**23.5.2 Report to Assessment Office**

Park management shall also notify the Centre County Board of Assessment Office of the arrival of each manufactured home, along with the name and address of the owner.

**23.6 Zoning permits for construction within park**

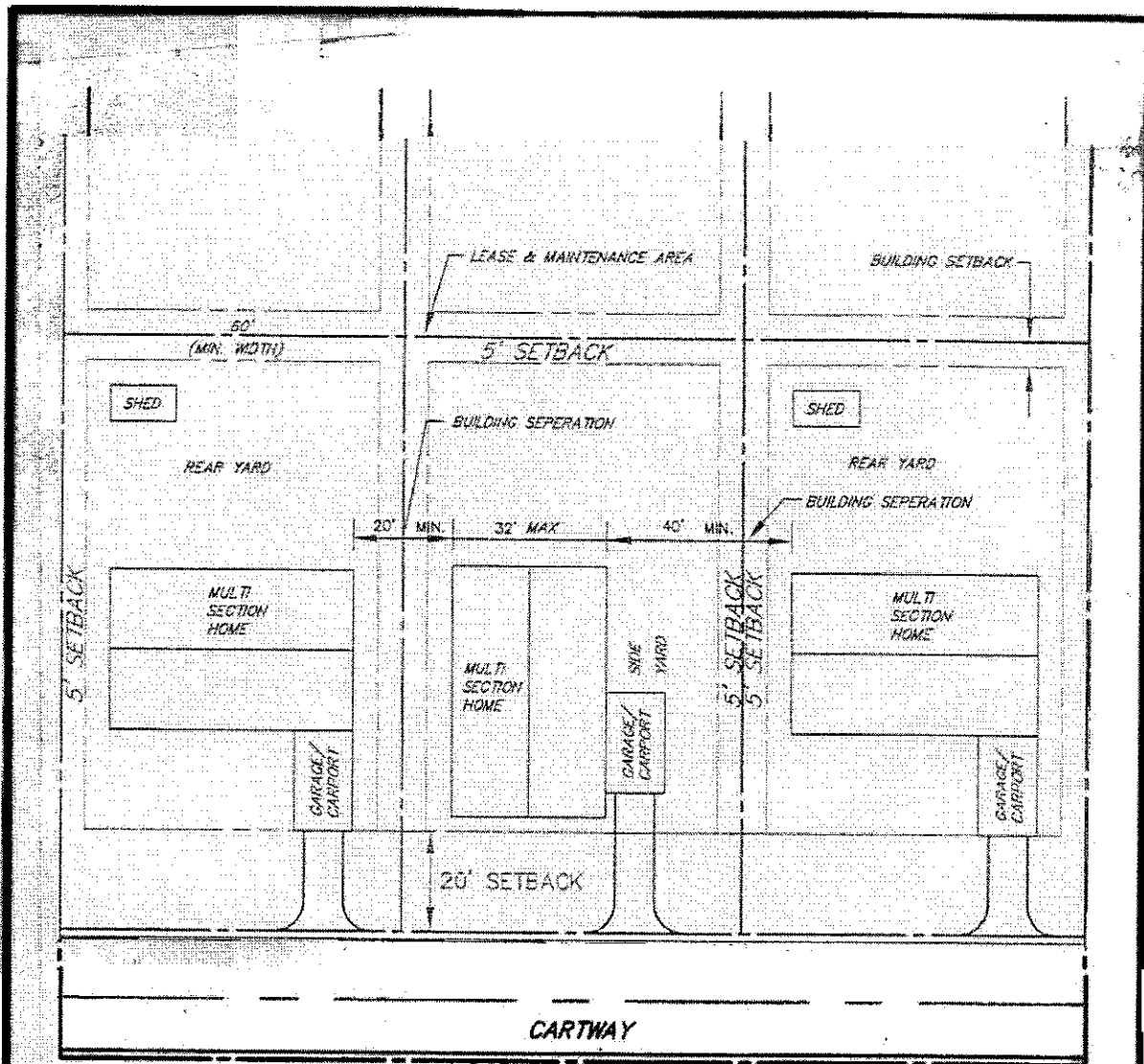
Zoning Permits are required for any construction, alteration, addition, and for each time a unit is moved onto pad within the manufactured home park. Zoning permits are also required for the construction of accessory structures to manufactured homes in existing manufactured home parks and for each new manufactured home. Zoning permits required may be obtained either by the manufactured home park operators or the tenants, but failure to obtain Zoning Permits shall be a violation of this Article.

**23.7 Snow removal**

Snow removal shall be handled by park management for all private internal street systems within the park. Snow removal will only be handled by the Township, if streets within the park are duly accepted as public streets by the Township.

**23.8 Postal delivery**

Mailboxes for manufactured home parks shall be located as directed by the Post Office servicing the area. The Township highly encourages mailboxes be placed internally within manufactured home parks.

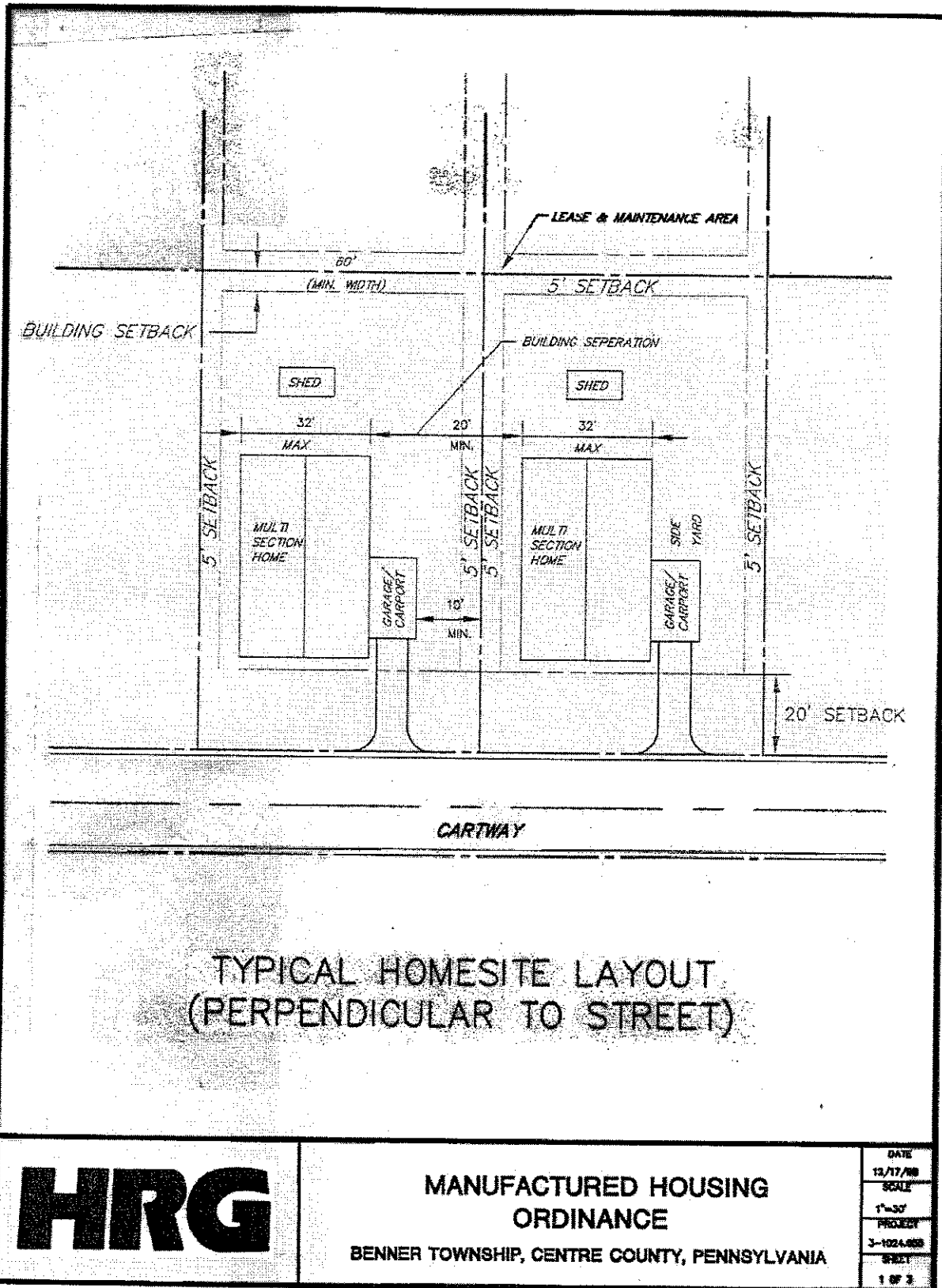


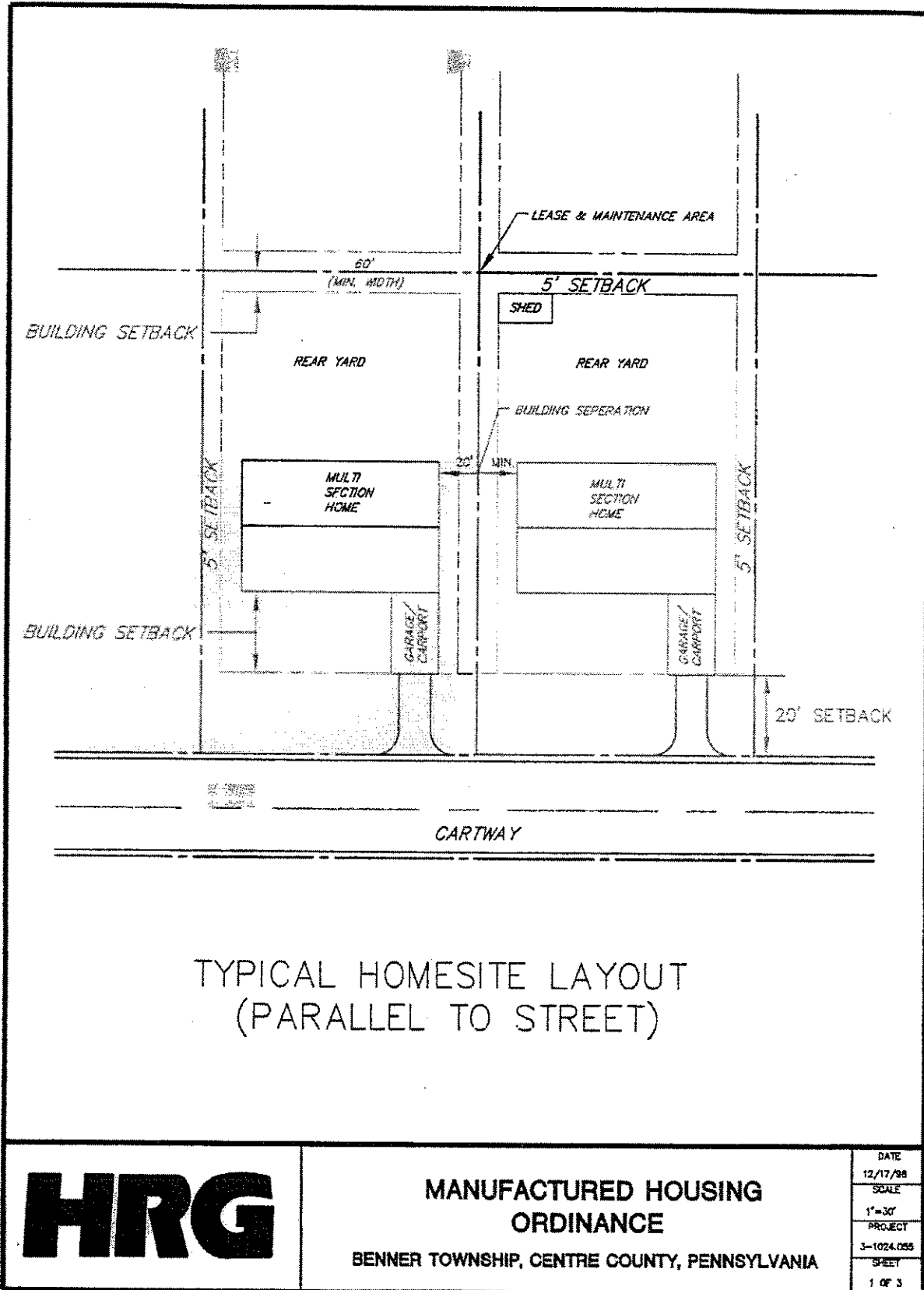
TYPICAL HOMESITE LAYOUT  
(COMBINATION TO STREET)

**HRG**

MANUFACTURED HOUSING  
ORDINANCE  
BENNER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA

DATE  
12/17/08  
SCALE  
1"=30'  
PROJECT  
3-1004.000  
SHEET  
1 OF 3





**ARTICLE VII**

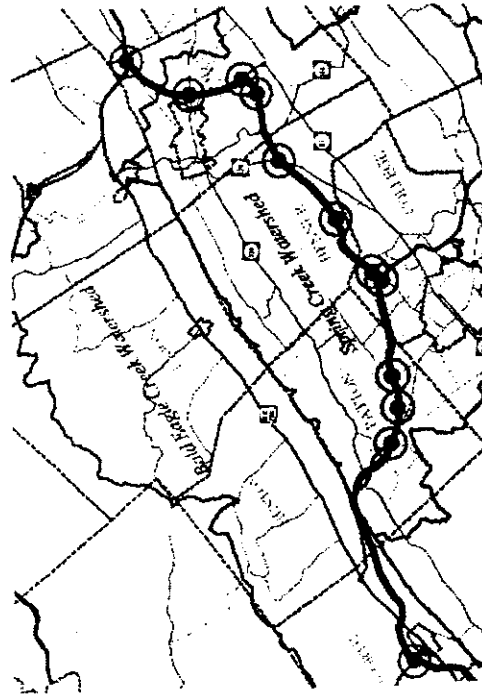
**I-99 INTERCHANGE OVERLAY**

**ZONING DISTRICT**

**REGULATIONS**



# **I-99 INTERCHANGE OVERLAY ZONING DISTRICT ORDINANCE**



**CREATED BY  
OVERLAY ZONE COMMITTEE  
OF THE  
I-99 COMMUNITY PARTNERSHIP  
FOR SUSTAINABLE DEVELOPMENT**

The I-99 Community Partnership is a joint initiative of the Clear Water Conservancy, Spring Creek Watershed Commission, and Spring Creek Watershed Community. Staff and support provided by the ClearWater Conservancy

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## INTERCHANGE OVERLAY ZONE PARTICIPANTS

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### OVERLAY ZONE COMMITTEE

Helen Alters, Benner Township, Committee Chairperson  
John Auman, Spring Township  
Bryce Boyer, Patton Township  
David Breon, Benner Township  
Bill Colt, Worth Township  
Rick Dillon, Marion Township  
Karen Drosnes, Patton Township  
Robert Fugate, Benner Township  
Archie Gettig, Jr., Marion Township  
Dan Klees, College Township

### ADVISORS

Robert Bini, Director, Centre Regional Planning Agency  
Robert Donaldson, Director, Centre County Planning Office

### STAFF

Jennifer Brackbill, ClearWater Conservancy Volunteer, Antioch University  
Dustin Hess, *Vision 2020* Administrative Assistant, ClearWater Conservancy  
Roxanne Shields, *Vision 2020* Project Director, ClearWater Conservancy

### TECHNICAL SUPPORT

Kelleann Foster, Visual Interactive Communications Group  
Kathie Hunter, Land Plan, Inc.  
Dan Slone, McGuire Woods, L.L.P.

## SECTION 1. FOREWORD

One constant for the municipalities in the Mid-Bald Eagle Watershed is "change." "Change" is brought about by a complex set of factors related to the continued growth and development of Centre County, and particularly, the Centre Region. One such factor is the continuous improvement of transportation systems. The largest of these improvements, the construction of Interstate 99, will only accentuate the rate and level of growth. Centre County will no longer be isolated or inaccessible from other parts of the state or country. It will be connected by an integrated national system of interstate highways.

Residents of the watershed are concerned their communities could be unprepared to cope with the impacts and magnitude of change the new interstate will bring. Citizens have voiced a need to seek broad-based action that will result in achieving a desired vision of quality growth and development. The ClearWater Conservancy, Spring Creek Watershed Commission, and Spring Creek Watershed Community answered this request by creating the *I-99 Community Partnership for Sustainable Development*. This broad-based stakeholder group includes members from agriculture, business and industry, local government, environmental organizations, private landowners, and others. This Group is instrumental in advancing initiatives to prepare for the immediate and long-term opportunities and challenges facing Centre County communities.

The development of the *I-99 Interchange Overlay Zone Model Ordinance* is an initiative directed at addressing the immediate land development challenges and opportunities surrounding the highway interchanges serving as gateways to the communities

of the Mid-Bald Eagle Watershed. This Model Ordinance, once adopted by effected municipalities, provides an additional measure of protection intended to encourage an enhanced level of new development and land use change while at the same time protecting our environmental surroundings and valued quality of life.

This Model Ordinance provides only a short-term solution for the growth challenges around the interchanges. It is not a long-term substitute for sound land use planning and the eventual development of underlying zoning and land development controls. It is, however, a solid beginning to the stakeholder and multi-municipal collaborative efforts required to foster needed change on land use issues. The model also provides additional key elements to current development standards that protect aspects of community character not regulated to date. For these reasons, the Centre Regional Planning Commission and the Centre Region Council of Governments endorse the Model Ordinance concept.

The Centre County Planning Office and the Centre Regional Planning Agency are pleased to have been involved in the development of this Model Ordinance and support its successful and immediate implementation.

Robert B. Donaldson  
Director  
Centre County Planning Office

Robert E. Bini  
Director  
Centre Regional Planning Agency

## SECTION 2. BACKGROUND

### SECTION 2.

#### BACKGROUND

Twelve interchanges will be located along a 35-mile stretch of the new Interstate 99 in Centre County, Pennsylvania. These interchanges occur in six different governing municipalities including: Benner, College, Marion, Patton, Spring, and Worth Townships. The interchanges and the areas surrounding them are magnets for development. Traditionally, lands near interchanges on limited access highways generating strong developer interest and demanding high land prices. These lands are absorbed quickly for high revenue producing activities. Sometimes, developers may attempt to maximize their return on investment with little consideration to the long-term impact of their development on the surrounding communities.

Approximately two years ago, Clear Water Conservancy, the Spring Creek Watershed Commission, and the Spring Creek Watershed Community jointly initiated the creation of the "I-99 Community Partnership for Sustainable Development" (I-99 Partnership). The I-99 Partnership consists of a broad range of interests from over 40 stakeholder organizations including: business and industry; agriculture; builders/developers; planning agencies; utilities; non-government organizations (environmental and otherwise); private landowners; US and PA legislators; Penn State; PA Department of Transportation; PA Department of Environmental Protection; and local government. Representatives from these groups gathered to discuss the impacts a new interstate would have on the Mid-

Bald Eagle watershed, which includes the Spring Creek watershed. The I-99 Partnership established a vision "to ensure that the new I-99 that traverses the Spring Creek watershed and Centre County will: enhance the quality of life; improve or maintain the environment; and improve the economy." Their mission is "to bring together as many different viewpoints and interests as possible to consider potential land use around I-99 interchanges in Centre County; meet the vision; and reach consensus about guidelines and principles that should govern land use and other related decisions by individuals, organizations, and appropriate government bodies." The I-99 Partnership outlined several important strategies to support this mission including the creation of a collaborative Interchange Overlay Zone model ordinance.

The I-99 Partnership felt it was crucial to complete the model ordinance for many planning decisions were already in process due to the projected 2003 completion of the highway. An Interchange Overlay Zone is a short-term method to protect the region from haphazard development potentially threatening the high quality of life enjoyed by the watershed's citizens.

The design standards and guidelines recommended in this document are a direct outgrowth of numerous meetings of the I-99 Partnership's Overlay Zone Committee, consisting of elected municipal officials and planning commission representatives from each of the six municipalities having interchanges on the new section of Interstate 99 stretching from Port Matilda (western end) to Interstate 80 (eastern end). Representatives from the Centre Regional Planning Agency and Centre County Planning Office served as advisors to the

## SECTION 2. BACKGROUND

Committee. Although this document was created for the I-99 interchange municipalities, it is also available for use by other municipalities feeling similar pressures at other important roadway linkages in the region.

The idea of creating a collaborative, multi-municipal Interchange Overlay Zone model ordinance is an exciting one for the region. It reflects improved municipal cooperation in an area continuing to be under extreme growth pressure. Through cooperative efforts such as these, the overall character of this portion of Centre County can be preserved to the greatest degree possible while maximizing economic benefits associated with such growth on a regional scale.

### PURPOSE

The purpose of the Interchange Overlay Zone model ordinance is to encourage controlled, sensible interchange development by providing an additional set of protective measures on top of existing regulations. The model ordinance will:

- ❖ Provide uniformity and standardization from interchange to interchange;
- ❖ Promote safety;
- ❖ Minimize the impact to the natural environment; and
- ❖ Promote highway beautification in Centre County.

### DEFINITION OF AN OVERLAY ZONE

"An overlay zone is a mapped zone imposing a set of requirements in addition to those of the underlying zoning

district. In an area where an overlay zone is established, property is placed simultaneously in two zones, and the land may be developed only under the conditions and requirements of both zones. Overlay zones typically are applied when there is special public interest in a geographic area that does not coincide with the underlying zone boundaries."<sup>1</sup>

### HOW IT WILL BE USED

The model ordinance does not take into consideration the underlying zoning already in place, and it is not meant to recommend specific land use or zoning changes. The intention of the model ordinance is to provide a mechanism to ensure if higher density development does occur around the interchanges, it will meet a minimum set of standards. Therefore, many of the standards included in this document may not be applicable until land use or underlying zoning changes within the designated Interchange Overlay Zone region.

To explain this concept clearly, an area currently zoned "agricultural" which falls in the Interchange Overlay Zone, as long as no changes are made to the current land use, no impact from the Interchange Overlay Zone would occur. If, however, several one-acre lots were to be subdivided from a farm (allowed by many municipalities without rezoning) then some of the regulations of this model ordinance would apply. If an agricultural zone were going to be rezoned for commercial or

<sup>1</sup> Meshenberg, Michael J. 1976. The Administration of Flexible Zoning Techniques. Planning Advisory Service Report No. 318.

## SECTION 2. BACKGROUND

industrial development, then many more of the overlay regulations would apply. In this instance, it may be useful for the Township to create an entirely new zone, such as "Interchange Commercial" to incorporate the principles outlined here directly as the underlying zone. Another option for the Township is to modify the requirements of the underlying zone and apply them uniformly to that zone in their entire municipality. In any case, the overlay standards are documented through the creation of an Interchange Overlay Zone and are available to be easily incorporated into any option the municipality chooses.

Some of the design standards mentioned in this Article are already in place in some of the municipalities. However, some of the standards are completely new to others. The regulations offered here constitute an Interchange Overlay Zone that would apply to all property and uses within a recommended one-mile radius of the center of each interchange (see *Appendix A*). Within each Interchange Overlay Zone, all existing zoning, land use and building regulations now in place in each municipality would continue to apply except where the regulations contained in the Interchange Overlay Zone are stronger or more restrictive.

The resulting Article will help to ensure that new development will be compatible with existing high-quality development in areas such as signage, lighting, and screening. It will also help to ensure that newly established, quality developments around the interchanges maintain their initial appeal by protecting them from potential adjacent sub-standard development. This uniform approach to regulating development will protect

municipalities that do not currently have protective development standards from being the recipient of sub-standard development. Conversely, this uniform approach will also prevent unhealthy competition among neighboring interchange municipalities, which could include lowering development standards to attract developers.

### COMPONENTS

The standards and regulations included in the Interchange Overlay Zone model ordinance are broken down into five major sections as created by the Overlay District Committee of the I-99 Partnership:

- ❖ Highway Access and Safety
- ❖ Setbacks and Landscaping
- ❖ Building and Site Design
- ❖ Signs and Lighting
- ❖ Environmentally Sensitive Areas

These particular standards were chosen, in part, because they reflect the maintenance of the health and safety of the region while promoting highway beautification. Every year millions of visitors are attracted to this part of Centre County whether it is for business, sporting, cultural, recreational or historical events. The high quality of life enjoyed by residents of this region continues to be a major factor in the relocation of business and industry to the area. This quality of life is reflected in the first impression one gets when driving into the area on the new I-99 thoroughway. Sensible development will show the pride that citizens take in our community.

## SECTION 2. BACKGROUND

### APPLICATION

Each municipality will refer to its own existing Subdivision and Land Development and/or Zoning Ordinances for the appropriate procedures to administer the standards established for development in the Interchange Overlay Zone.

Most municipalities may adopt this model ordinance by amending their zoning ordinance to create a new zone (the Interchange Overlay Zone). This amendment would refer to mapping and outline the Interchange Overlay Zone for each municipality. Most of the model ordinance standards would most likely fit best in the existing zoning ordinances. In some circumstances, however, where similar topics are already discussed in a Municipality's Subdivision and Land Development Ordinance, the municipality may choose to incorporate these standards there for ease of management. This would require special reference to a Township's Subdivision and Land Development Ordinance in the zoning amendment.

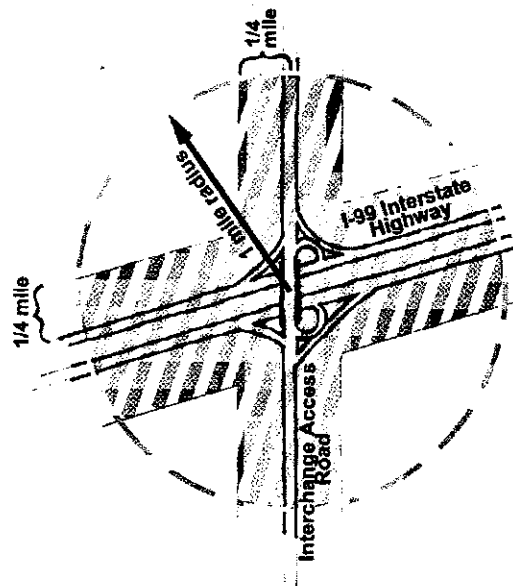
If a municipality is concerned about undue hardship created by implementing certain standards of the model ordinance due to the physical or topographic conditions of a site, the municipality may choose to place the standards in their Subdivision and Land Development Ordinance. This will allow the Township to vary the requirements set forth in the Interchange Overlay Zone as necessary to provide reasonable relief. In no instance, however, shall the hardship be self-created by the applicant.

This model ordinance recommends the Interchange Overlay Zone encompass an area within a one (1) mile radius of the center of each interchange, though each municipality is encouraged to modify the configuration and size to meet its needs. To facilitate application of appropriate regulations within this area, it is recommended that some standards be applied only within a corridor along the Interstate Highway and along the road providing access to the interchange ("Interchange Access Road"). The corridors are formed by a ¼-mile distance from the right-of-way along each side of these two key transportation arteries. (*Figure 1*)

## SECTION 2. BACKGROUND

**Table 1**  
*Summary of Article standards*

Entire Zone	Corridors Only	Article Standard
X		<b>I. Highway Access &amp; Safety</b>
	X	3.1 Access from Highways
		3.1.1 Traffic studies
X		3.2 Intermodal Transportation
	X	<b>II. Setbacks and Landscaping</b>
	X	4.1 Setbacks
	X	4.1.1 Setback Landscaping
	X	4.2 Sidewalks
	X	4.3 Parking lot Landscaping
X		4.4 Planting Materials
		<b>III. Building and Site Design</b>
	X	5.1 Building Exteriors
	X	5.2 Building Placement and Site Design
	X	5.3 Underground Infrastructure
		<b>IV. Signs and Lighting</b>
X		6.1 Off-Premises Signs
X		6.2 On-Premises Signs
X		6.3 Exterior Lighting/Illumination
		<b>V. Environmentally Sensitive Areas</b>
X		7.1 Slope Restrictions
X		7.2 Stream and Wetland Buffers
X		7.3 Tree Preservation



**Figure 1. Example Interchange Overlay Zone**  
showing 1 mile radius and 1/4 mile corridors from the rights-of-way along Interchange Access Road and I-99 Interstate Highway

The following table clarifies which standards are applied within the entire Interchange Overlay Zone and which only apply within the corridors.



## SECTION 2. BACKGROUND

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### FUNDING SOURCES

Funding for the Interchange Overlay Zone model ordinance was provided by: Benner, Marion, Spring, and Worth Townships; the Canaan Valley Institute; Centre County Board of Commissioners; Centre County Community Foundation; Centre Region Council of Governments (for College and Patton Townships); PA Department of Community and Economic Development; and the Spring Creek Chapter of Trout Unlimited.

The Clear Water Conservancy provided project facilitation and coordination. Technical assistance was provided by Land Plan, Inc; McGuire Woods, L.L.P.; and Visual Interactive Communications (VIC) Group. VIC provided the graphics contained in this Article.

# SECTION 3. HIGHWAY ACCESS AND SAFETY

## SECTION 3.

### HIGHWAY ACCESS AND SAFETY

#### Commentary

Over time, if not carefully thought through, numerous access points can contribute to difficult turning situations and often lead to unsafe conditions. This Article's intent is to improve safety by limiting the number of access points allowed onto the Interchange Access Road. The reduction of paving eliminates the need for numerous accesses and creates more frontage space for landscaping and retention of existing trees, thereby promoting highway beautification and, thus, a more pleasing "gateway" to the community.

**Table 2**

*Applicability of Highway Access & Safety standards*

Entire Zone	Corridors Only	Article Standard
X		Highway Access & Safety
		3.1 Access from Highways
	X	3.1.1 Traffic studies
X		3.2 Intermodal Transportation

#### Section 3.1 Access from Highways

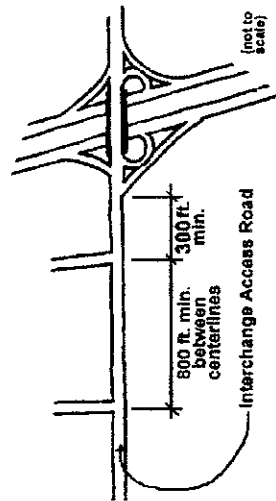
- A. All plans for vehicular access from the Interchange Access Road shall be submitted to the Township for

approval. If the Pennsylvania Department of Transportation (Penn DOT) approval is required, plans shall be submitted to the Township and Penn DOT concurrently for review and approval. All access plans are subject to the requirements of *Section 3.1.1* of this Article.

- B. Any right-of-way providing vehicular access within an Interchange Overlay Zone shall be of a type equal to or of a lower order than the highest order road (the Interchange Access Road) serving the Interchange. Except as provided in *Section 3(D)*, no direct vehicular access to any use from the Interchange Access Road shall be permitted.

- C. Any new right-of-way providing vehicular access from the Interchange Access Road shall be located a minimum distance of 300 ft. from the point at which the exit/entrance ramp intersects the Interchange Access Road. This point shall be determined to be the location at which the white travel lane marking begins to parallel the Interchange Access Road centerline in the case of an exit ramp or, in the case of an entrance ramp where the white travel lane marking leaves the parallel course, diverging from the Interchange Access Road centerline. Any new right-of-way providing vehicular access from the Interchange Access Road shall be no closer to any other such right-of-way than 800 ft., measured from centerline to centerline. (*Figure 2*)

### SECTION 3. HIGHWAY ACCESS AND SAFETY



**Figure 2. Vehicular access standards for Interchange Access Road**

1. exceeds 25,000 sq. ft. of total gross floor area space;  
or
  2. generates an estimated 100 or more vehicle trips on the Interchange Access Road during such road's peak travel period per day, as defined by current traffic volumes and concurrence of the Township, Penn DOT and the developers traffic engineer.
- B. All proposed industrial development with vehicular access from an Interchange Access Road generating an estimated 100 or more vehicle trips on the Interchange Access Road during the road's peak travel period per day shall be required to provide a Traffic Impact Study to the Township.
  - C. The Township shall require a Traffic Impact Study for any proposed development within the Interchange Overlay Zone.
  - D. Traffic Impact Studies shall be prepared by a qualified professional and shall meet or exceed the requirements set forth in *Section 11*.
  - E. Upon final review of a Traffic Impact Study, the Township shall recommend improvements to the Developer to minimize the development's traffic impact and maximize public safety. All recommended improvements shall be included in zoning, site plan, and/or subdivision review of the proposed development.
- D. Direct vehicular access to uses fronting on an Interchange Access Road shall be used where direct access currently exists.
  - E. Access easements connecting adjoining properties and land developments for vehicular, bicycle and pedestrian access shall be provided, as agreed by the Township and developer.

#### Section 3.1.1 Traffic Studies and Transportation Improvements

- A. All proposed non-industrial development with vehicular access from an Interchange Access Road shall be required to provide a Traffic Impact Study to the Township when such:

### SECTION 3. HIGHWAY ACCESS AND SAFETY

#### Section 3.2 Intermodal Transportation

- A. All commercial and industrial uses in an Interchange Overlay Zone shall provide for on-site bicycle storage for 2.5 % of the total number of required parking spaces.
- B. Any use not fully utilizing its parking area on weekdays is encouraged to provide daytime park & ride opportunities.
- C. All uses shall provide bicycle trails or lanes connecting adjacent properties and neighborhoods as a means of linkage between such areas in the Interchange Overlay Zone. Where a bicycle trail can be combined with a pedestrian sidewalk system, then the combined pedestrian/bicycle trail shall meet American Association of State Highway Transportation Officials (AASHTO) standards, as referenced in *Section 2.2(A)* as determined by the Township.
- D. Public transit amenities shall be provided, where appropriate, as determined by the Township. The amenities shall include transit stop pull-off and pad area, covered shelters, and connecting walkway(s) to the building(s). The appropriateness, design, and location of these facilities shall be based on ADA (Americans with Disabilities Act) standards and the operational requirements of the transit provider.

## SECTION 4. SETBACKS AND LANDSCAPING

### SECTION 4.

#### SETBACKS AND LANDSCAPING

##### Commentary

Under Pennsylvania zoning and planning enabling legislation, local governments have the authority to adopt regulations requiring adequate setbacks and landscaping. The basic approach discussed here establishes a 100 ft. buffer between the Interstate Highway right-of-way and all development, a variable width (50 ft. to 83.5 ft.) setback from the Interchange Access Road and all development, and standards for landscaping along the Interchange Access Road and around parking lots. Steps to protect existing trees and woodlands are outlined in *Section 7* of this Article.

Concern about the development impacts on safety, the future scenic character around the interchanges, and the environment prompted the creation of *Section 4*. *Section 4* anticipates growth and road widening are likely to occur along the Interchange Access Road. The intent of the setback and landscaping requirements is to maintain adequate space between the roadway and required sidewalks and street trees, in case additional right-of-way needs to be acquired. Trees and other landscaping are required within and around parking lots: for highway beautification as seen from the Interstate or Interchange Access Road; to improve safety by reducing diagonal travel across traffic patterns; and to minimize environmental impacts by reducing heat buildup and stormwater runoff volume and velocity. Furthermore, the

planting materials section requires that 50% of the new planting used be native to central Pennsylvania. Native species tend to be more tolerant of local environmental conditions and tend to be healthier, reducing the need for watering, pesticides, and nutrient applications. On the other hand, the standard still provides flexibility for other plant selections. Invasive species are excluded from use because of their nuisance capacity and adverse impact on other valued plants and animals.

**Table 3**  
*Applicability of Setbacks and Landscaping standards*

Entire Zone	Corridors Only	Article Standard
	X	Setbacks and Landscaping
	X	4.1 Setbacks
	X	4.1.1 Setback Landscaping
	X	4.2 Sidewalks
	X	4.3 Parking lot Landscaping
X		4.4 Planting Materials

#### Section 4.1 Setbacks

A. All proposed development located within the Interstate Highway and Interchange Access Road Corridors shall meet the following setback requirements:

1. A minimum setback from the right-of-way edge of the Interchange Access Road is based on the existing right-of-way width, as determined by

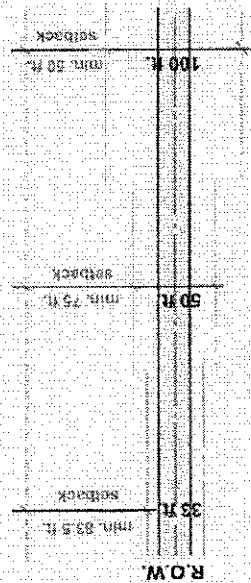
## SECTION 4. SETBACKS AND LANDSCAPING

Table 4. Dimensions not shown in Table 4 are to be determined by the Township. (Figure 3)

Table 4

Minimum setback along Interchange Access Road

ROW Width	33 ft.	50 ft.	80 ft.	100 ft.
Setback size	83.5 ft.	75 ft.	60 ft.	50 ft.



Interchange Access Road

Figure 3. Minimum setback from Interchange Access Road based on existing right-of-way

2. A minimum setback of 100 ft. from the right-of-way edge of the Interstate Highway.

- A. The setback requirements shall apply to all buildings, parking areas, and service or loading zones.

### Section 4.1.1 Setback Landscaping

- A. All setbacks required under Section 4. above shall be landscaped in accordance with this subsection.
- B. All lots adjacent to an Interchange Access Road, shall provide a minimum of one (1) tree for each 40 linear feet of road frontage. Lots less than 40 ft. in width shall provide a minimum of one (1) tree.
- C. All trees required in Section 4.1.1(B) shall be located within the last 30 ft. of the setback established in Section 4.1(4). Figure 4 below.

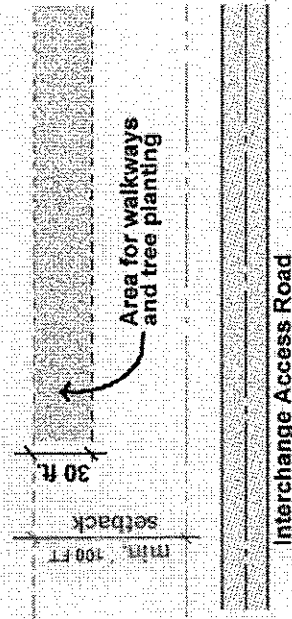


Figure 4. Area for walkways and tree planting in setback from Interchange Access Road

## SECTION 4. SETBACKS AND LANDSCAPING

- D. All required trees planted within the setback shall be of a shade-type variety with a minimum caliper of 2.5 inches at planting and an expected height at maturity of at least 30 ft.

landscaping requirements at the discretion of the Township.

- C. Interiors of parking lots shall contain, at a minimum, the equivalent of one (1) tree for every 10 parking spaces. Instead of a uniform spacing of trees, they may be clustered or grouped with the approval of the Township.

### Section 4.2 Sidewalks and Pedestrian Walkways in Setbacks

- A. Within the setback established under *Section 4.1(A)* sidewalks or pedestrian walkways shall be provided within the last 30 ft. of the setback area. [See *Figure 4* in *Section 4.1(C)*.]

- D. Planting islands within parking areas shall be no less than 160 sq. ft. per tree at a minimum width of 5 ft. (excluding curb) and shall be underlain by a minimum of 2 ft. of suitable planting soil free of construction debris. (*see Figure 5*) Developers are encouraged to reduce curb height, provide breaks in the curb, or eliminate curbs around planting islands so that they may be used as infiltration areas for stormwater reduction. Islands to be used for this purpose would be required to be at a lower grade to allow for the absorption of water.

- B. Developers are encouraged to respond to topography and vegetation in the design of sidewalk or walkway layouts.

### Section 4.3 Parking Lot Landscaping

- A. An approved landscape plan shall be required for all proposed parking lots within the Interchange Overlay Zone.

- B. Parking lots and service or loading zones for commercial or industrial uses shall be landscaped along the Interstate or Interchange Access Road frontages. Landscaping methods may include the use of walls, fences, hedges, shrubbery and earth berms that are a minimum of 4 ft. in height measured from finished grade. Existing vegetation may be counted towards

## SECTION 4. SETBACKS AND LANDSCAPING

- B. At least 50% of the new vegetation on a lot in the Interchange Overlay Zone shall be native to the region. For purposes of this Article, native vegetation shall include, but not be limited to, plant materials set forth in *Section 13*.
- C. New vegetation shall be permanently maintained by the lot owner, and any plant material not living shall be replaced within one year.

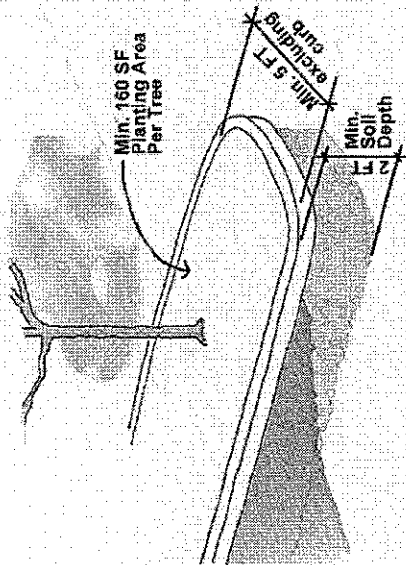


Figure 5. Example planting island requirements within parking areas

- E. Any tree planted within a parking lot shall be of a non-columnar, shade-type variety with a minimum caliper of 2.5 inches at planting and an expected height of 30 ft. at maturity.

### Section 4.4 Planting Materials

- A. All new vegetation on a lot in the Interchange Overlay Zone, including street trees, canopy trees, shrubs, bushes, hedges, flowers, plants, and groundcover shall be non-invasive species. For purposes of this Article, invasive species shall be avoided as outlined in *Section 12*.



## SECTION 5. BUILDING AND SITE DESIGN

## SECTION 5.

## BUILDING AND SITE DESIGN

Commentary

How buildings look, their placement on a site, and their relationship to the immediate surroundings provide some of the most significant influences on the character of a community. Community character, especially along well-traveled routes, is an important contributor to property values and strong economic development. As such, *Section 5* aims to reinforce two of the main intentions of the Interchange Overlay Zone -- to provide for uniformity of standards and highway beautification. The standards provided here would be equitable for all who develop, but more importantly, they will provide a consistency to the development character thereby enabling the long-term preservation of property values and the promotion of economic development, both valid legal rationales for regulation by municipalities.

For example, expansive blank walls of retail uses facing a street contribute very little to the life and vitality of that location. Therefore, the standards here for ground-floor display windows and a primary entry facing the Interchange Access Road reflect retail building qualities found in Centre County's originally settled crossroads, villages, and towns (*see Figure 6*). Many zoning codes in other municipalities in Pennsylvania require new structures have features similar to those of existing or historic neighborhood buildings.



**Figure 6.** Historic retail buildings in Boalsburg (left) and Lemont (right)

**Table 5**  
*Applicability of Building and Site Design standards*

Entire Zone	Corridors Only	Article Standard
		<b>Building and Site Design</b>
	X	5.1 Building Exteriors
	X	5.2 Building Placement and Site Design
	X	5.3 Underground Infrastructure

**Section 5.1 Building Exteriors**

All proposed development to be located within the Interstate Highway and Interchange Access Road Corridors shall meet

## SECTION 5. BUILDING AND SITE DESIGN

the following requirements and shall be noted on development plans.

- A. All portions and sides of buildings shall utilize the same materials that are used on the designated front of the building. Unpainted concrete block, except when textured or tinted, shall not be used on building exteriors.
- B. Facades greater than 45 ft. in length shall employ one or more of the following architectural design strategies:
  1. Use of varying materials, textures or colors.
  2. Use of architectural detailing or elements, such as windows, colonnades, porches, porticos, columns, pilasters, cornices, and canopies.
  3. Varying horizontal elevations, bump-outs, and recesses.
- C. Facades of commercial buildings facing a public right-of-way or parking area shall have a minimum of 30% of the ground floor exterior area devoted to windows or display windows.

## Section 5.2 Building Placement and Site Design

All proposed development to be located within the Interstate Highway and Interchange Access Road Corridors shall meet the following requirements.

- A. Developers are encouraged to avoid construction of buildings on high points of hills or ridges. Any building near a hilltop or ridgeline, or on upland flats of hilltops should be constructed so that its highest ground floor is approximately 25 ft. in elevation below the crest to avoid interruption of the natural crest of the hill or ridgeline and any vegetation along such hilltop or ridgeline. (see Figure 7)

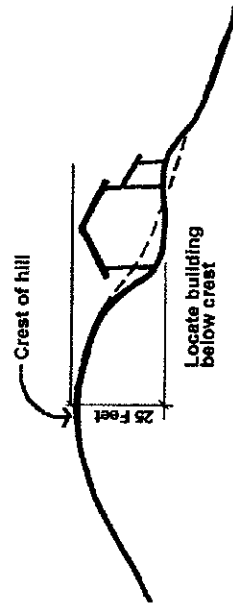


Figure 7. Elevated difference between hilltop and highest ground floor of building

- B. For properties with frontage along the Interchange Access Road, the building's primary facade shall be oriented towards the Interchange Access Road.

## SECTION 5. BUILDING AND SITE DESIGN

2. Agricultural uses requiring additional utility service provided such use is permitted in this Article.

- C. Bulk trash receptacles, mechanical equipment, outdoor storage, loading docks, and other accessory uses shall be located or screened in such a manner as to be hidden from all off-property views, including the Interstate Highway and Interchange Access Road.

### Section 5.3 Underground Infrastructure

All proposed development located within the Interstate Highway and Interchange Access Road Corridors shall meet the following requirements:

- A. After the effective date of this Article, all utility lines serving uses including electric, telephone, data, and CATV, shall be installed underground, except as provided in *Subsection C* below.
- B. Junction boxes, transformers, and other apparatuses essential to utility service which, due to their function, are required to be located above-ground, shall be screened from view of public rights-of-way, as long as the height of screening will not affect motorists visibility.
- C. The following uses shall be exempt from the requirements of *Subsections A & B* above:
  1. Single-family dwellings constructed on lots subdivided prior to the effective date of this Article, and

## SECTION 6. SIGNS AND LIGHTING

### SECTION 6.

#### SIGNS AND LIGHTING

##### Commentary

Signs and lighting, like architecture, play an important role in shaping the image of a community. This Article's intention is to provide thoughtful, yet flexible regulations, to avoid the distracting clutter and glare, relating to safety and highway beautification issues that comes too often with new development.

Signs that are too numerous or too large can overwhelm the viewer and can even create dangerous conditions for motorists. The sign regulations herein provide for well-defined, consistent identification of individual businesses that can create a pleasing environment orienting people and enhancing the image of the community. Local governments in Pennsylvania have clear authority to regulate signs under the Municipalities Planning Code, and both federal and state court decisions have given municipalities ample authority to limit new signs, particularly billboards or off-premises signs, in a special district, such as this Interchange Overlay Zone. Moreover, the Pennsylvania Outdoor Advertising Act makes it clear that local governments have authority to adopt stricter sign control measures than contained in that legislation.

"Dark Sky" lighting regulations, which are growing in popularity, seek to avoid wasteful illumination that causes nighttime light pollution. The standards here will provide

appropriate illumination where needed for business identification and safety while avoiding over-illumination. Visibility of the nighttime sky is considered a special characteristic for this region and one that these regulations seek to preserve.

**Table 6**  
*Applicability of Signs and Lighting standards*

Entire Zone	Corridors Only	Article Standard
X		<b>Signs and Lighting</b>
X		6.1 Off-Premises Signs
X		6.2 On-Premises Signs
X		6.3 Exterior Lighting/Illumination

#### **Section 6.1. Off-Premises Signs**

No off-premises signage shall be permitted within an Interchange Overlay Zone, except for Tourist-Oriented Directional Signs and General Motorist Service Signs (*Figure 8*) as authorized by Penn DOT and/or the Federal Highways Administration in accordance with the standards contained in their Traffic Engineering and Operations Manual. Such signs shall comply with the following standards:

- A. Signs may be placed along major streets to direct vehicles or pedestrians for premises locations far removed or not easily seen from major streets.

## SECTION 6. SIGNS AND LIGHTING

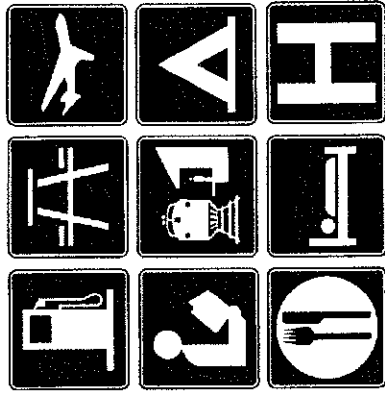


Figure 8. General motor service sign examples

## Section 6.2 On-Premises Signs

A "Sign Plan" for all on-premises signage shall be submitted to the Township for review and approval in accordance with Article X, Section 7 of this Ordinance. Such Plan shall include the size, location, material, color, and lighting designs for all permanent signs proposed (i.e., product identification signs, wall, ground and monument signs).

All signs proposed and installed within an Interchange Overlay Zone after the effective date of this Article shall conform to the standards set forth below, in addition to the regulations outlined in the *Benner Township Sign Ordinance No. 74, as amended*.

- B. Sign shall not extend into any street right-of-way, and may be permitted between the property line and building setback line; however, shall be no closer than 10 ft. from the edge of the right-of-way line, and shall not obstruct any clear-site distances.
- C. Signs shall be pole signs with a maximum sign area of 12 sq. ft. for each face, or total of 24 sq. ft. of sign area.
- D. Sign content shall be limited to: name of establishment, direction, and distance information.
- E. Signs shall not be located more than 500 ft. from business entrance or other street leading to the business, and shall be located on the same road site as the business entrance.
- F. No more than two (2) individual signs shall be erected within the 500 ft. area listed above in (E), and these signs shall be attached to a single ground support structure. When more than two (2) off-site directional signs are requested at a single location, all information shall be combined into one sign not exceeding an sign area of 25 sq. ft. for each face, or 50 sq. ft. of total sign area.

## SECTION 6. SIGNS AND LIGHTING

### A. General Regulations

In addition to the regulations outlined in the *Benner Township Sign Ordinance No. 74, as amended*, the following regulations shall also apply to all permitted sign uses:

1. No signs shall be placed within the clear sight triangle of any intersection; at any other location obstructing or impairing a motorist's clear vision; nor where it could be an impediment to pedestrian traffic.
2. No sign shall be painted, affixed, erected, or maintained on a tree, stone or other natural object.
3. No roof signs shall be permitted within the Interchange Overlay Zone. No sign shall be erected or maintained which prevents free ingress or egress from any door, fire escape, or roof.
4. "Sign area" shall be determined as the smallest triangle, rectangle or circle completely enclosing the surface area of a sign. All visible faces of a multi-faced sign shall be counted separately and totaled in calculating sign area. Three-dimensional signs shall be treated as double-faced signs. The total area shall be twice the area of the smallest triangle, rectangle

or circle totally circumscribing the sign in the plane of its largest dimension. (See definition located in the *Sign Ordinance No. 74, as amended*.)

5. The main supporting structure of all signs shall be a minimum of 15 ft. from the right-of-way edge the Interchange Access Road, or a distance equal to the height of the sign, whichever is greater, and at least 75 ft. from the right-of-way edge of the Interstate Highway.

### B. Business Identification Signs

Where proposed in conjunction with a permissible use, business identification signs may be permitted within the Interchange Overlay Zone subject to the following requirements. Such signs shall be designed as freestanding/pole, ground/monument, wall sign, or canopy and may only be illuminated as provided in *Section 6.1(D)* of this Ordinance.

1. No more than one (1) freestanding/pole or ground/monument sign AND one (1) wall sign or up to two (2) canopy signs may be permitted on any lot. (One (1) wall sign may be permitted per business in a multi-tenant complex with public exterior access.)

## SECTION 6. SIGNS AND LIGHTING

2. Freestanding/Pole Signs:

- a. Area: Maximum area is 32 sq. ft. or total of 64 sq. ft. for double-faced sign. No sign shall exceed 10 ft. in any dimension. (see Figure 9)
- b. Height: Maximum height is 20 ft. above the average finished grade of the proposed sign site.

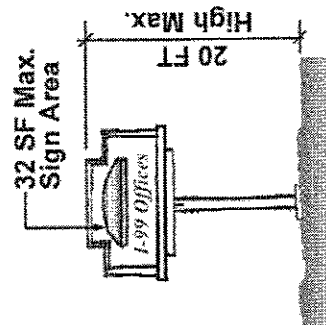
**GROUND POLE SIGN**

Figure 9. Maximum ground pole sign standards

3. Monolith/Ground Signs:

- a. Area: Maximum area is 32 sq. ft. or total of 64 sq. ft. for double-faced sign. (see Figure 10) No sign shall exceed 10 ft. in any dimension.
- b. Height: Maximum height is 10 ft. above the average finished grade of the proposed sign site.

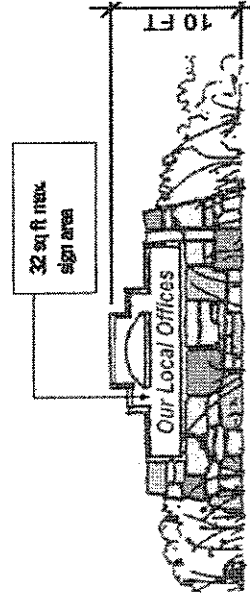


Figure 10. Maximum monument sign standards

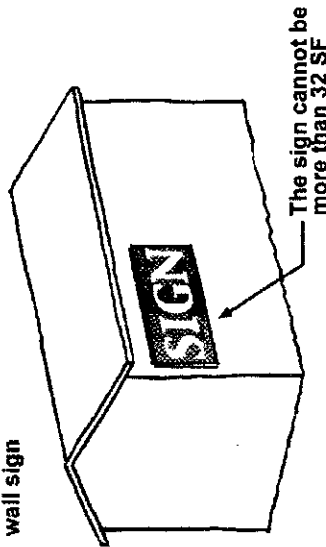
2. Wall Signs:

- a. Area: Maximum area is 32 sq. ft.
- b. Projection: Signs shall not project more than one (1) foot from the wall to which

## SECTION 6. SIGNS AND LIGHTING

it is attached, nor extend above the top of that wall. (see Figure 11)

Each business is allowed one wall sign



## WALL SIGN

Figure 11. Maximum wall sign standards

4. Arcade Signs: Arcade signs designed for pedestrian viewing may also be used to identify businesses in a multi-tenant complex. Such signs shall not exceed 2 sq. ft. in area and shall be limited to one (1) sign per business.

C. Product identification signs may be permitted within the Interchange Overlay Zone subject to the following limitations:

1. Such signs shall be part of an approved "Sign Plan" for the site and/or use. Total area for all such signs is 32 sq. ft. per business
1. No portable product identification signs shall be permitted.
2. No product identification signs or devices shall be permitted to be placed outside of a business or facility, either on the building itself or on the same lot as the building advertising the variety, type, or pricing of available products or services, with the exception of the following:

- a. Automobile service station signs advertising the price of different grades of gasoline or other fuels. Such signs shall be separate from other business identification signs and shall be limited to one (1) such sign per lot. No

3. Canopy Signs:

- a. Area: Each canopy sign shall not exceed 16 sq. ft. per premises.
- b. Number: Up to two (2) canopy signs may also be used as business identification signs, but may only be used in lieu of wall signs.



## SECTION 6. SIGNS AND LIGHTING

automobile station sign shall be greater than 5 ft. in height and 16 sq. ft. in area.

### D. Sign Illumination

All illuminated signs, whether internally or externally lit, shall meet the following requirements:

1. Light sources for all externally illuminated signs shall be white light, be mounted from above to down-light the sign, and shall otherwise conform to the lighting standards of *Section 4.2* of this Article.
2. Internal illumination of signs shall be limited to the letters and logos of the sign face. All other portions of such signs shall have opaque surfaces.
3. All illumination shall be steady in nature. No flashing, blinking, fluctuating, or otherwise changing light source may be permitted, with the exception of approved time and temperature signs.

### Section 6.3 Exterior Lighting/Illumination

A "Lighting Plan" for all exterior illumination shall be submitted to the Township for review and approval. Such plans shall include the type, size, and location of all lighting and lighting fixtures proposed for the site. Such plan shall

meet the plan specifications outlined in *Article X, Section* of this Ordinance.

All exterior lighting proposed, installed or replaced within an Interchange Overlay Zone, after the effective date of this Article, shall conform to the standards set forth below.

- A. All outdoor lighting fixtures, including without limitation, ground, pole, and building mounted fixtures and canopy lighting shall be of a design and type containing shields, reflectors, fracture panels or recessed light sources such that the cutoff angle is less than 90 degrees. For purposes herein, the cutoff angle is that angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is permitted. (*see Figure 12*)

## SECTION 6. SIGNS AND LIGHTING

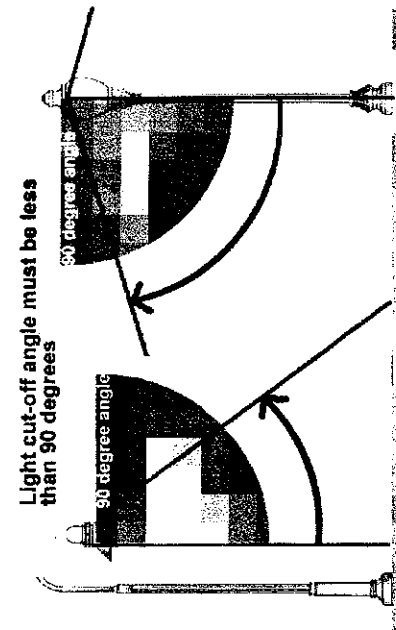


Figure 12. Outdoor fixtures showing cutoff angle of less than 90 degrees

illuminate building facades, landscape features or site features may use lighting of up to a maximum 2,700 lumens (150 watt maximum incandescent) restricting illumination to the area or surface intended to be illuminated.

- D. Lighting fixtures for commercial or industrial uses shall have a maximum height of 25 ft.
  - E. Lighting fixtures for residential use shall have a maximum height of 16 ft.
  - F. All lighting fixtures not described in Subsections D and E above shall have a maximum height of 20 ft.
  - G. The permitted illumination average shall be calculated in foot-candles and measured for the development area only, which shall include all paved and landscaped areas of the site.
  - H. The maximum maintained illumination average shall not exceed 5.0 foot-candles for nonresidential sites and 2.0 foot-candles for residential sites. The minimum maintained illumination average shall not be less than 2.0 foot-candles for nonresidential sites and 0.5 foot-candles for residential sites.
  - I. The maximum permitted illumination at the property line for nonresidential uses that are located adjacent to other nonresidential uses shall not exceed 0.5 foot-candles. All other uses including nonresidential uses
- B. Notwithstanding Subsection A above, decorative fixtures producing a cutoff angle of greater than 90 degrees may be permitted upon approval by the Township. Decorative fixtures shall minimize glare through the use of either:
    - 1) light dispersing globes and decorative shields; or
    - 2) a maximum of 2,700 lumens (equivalent to 150 watts incandescent).
  - C. All light rays emitted from fixtures shall be directed toward the ground and shielded from shining toward the sky; provided, however, lighting used to directly

## SECTION 6. SIGNS AND LIGHTING

- adjacent to residential shall not exceed 0.2 foot-candles as measured at ground level.
- J. Lighting from all fixtures, including internally illuminated signs, which are to remain illuminated during non-operating hours shall be reduced by at least 75% of the lighting level used during hours of operation; provided, however, such reduction shall not apply to residential uses.
  - K. Lighting fixtures used to illuminate flags, statues or any other objects mounted on poles, pedestals or platforms shall project a narrow cone of light for the purpose of focusing the light on the intended object and minimizing spill-light and glare.
  - L. The following fixtures shall be excluded from the standards set forth in *Subsections A through I* above:
    - 1. Light fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns and natural gas lamps.
    - 2. Temporary lights used for holiday decorations.
    - 3. Construction or emergency lighting, provided such lighting is temporary and is removed immediately upon completion of the construction work or abatement of the emergency.
- 4. PennDOT lighting in public rights-of-way may utilize a maximum height of 40 ft. and shall utilize full cut-off luminaries. External light shields shall be required if residential dwellings are adversely impacted by this height exception.
  - 5. Lighting used for outdoor recreational areas such as playing fields and tennis courts as long as such lights are used during reasonable hours of operation. Such lights shall not exceed 80 ft. in height and shall be shielded so as to produce a maximum cut-off angle of less than 90 degrees and reduce off-site spillage to an absolute minimum, without reducing required lumens on the playing surface.

## SECTION 7. ENVIRONMENTALLY SENSITIVE AREAS

### SECTION 7.

#### ENVIRONMENTALLY SENSITIVE AREAS

##### Commentary

This region is fortunate to be blessed with high quality natural resources; however, as with any natural systems, they are vulnerable to degradation if altered too much. Three categories of environmentally sensitive areas are discussed in *Section 7* due not only to their contribution to our unique natural heritage, but also because of their relationship with public health and safety: steep slopes, streams and wetlands, and trees. For example, it is well recognized that trees have very important positive environmental aspects, such as controlling site runoff and erosion (and thus protecting surface water quality), assisting with infiltration for ground water recharge, improving air quality, and providing wildlife habitat. Requiring a Soils Report for steeper slopes ensures that no buildings will be erected on unstable soils.

The standards here provide straightforward explanations (versus complicated calculations) and flexibility in their implementation. For example, the slope percentage designations are derived directly from the Soil Survey of Centre County<sup>2</sup> and can be easily discerned on the soil survey map. Tree preservation standards vary the percent of woodland to be preserved based on the stand's maturity and size -- a

<sup>2</sup> Soil Conservation Service, United States Department of Agriculture. 1981. Soil Survey of Centre County.

greater percentage of larger, older woodland stands must be preserved.

The Municipalities Planning Code provides local jurisdictions in Pennsylvania with ample authority to protect trees and vegetation. The state's Stormwater Management Act also provides authority as well as allowing limits on earthmoving activities to "minimize the extent of disturbed lands." While the Municipalities Planning Code restricts Pennsylvania's local governments from imposing unreasonable restraints on logging practices, prohibiting development for a limited number of years after logging would be reasonable and is what is recommended here to prevent development from circumventing tree protection goals.

**Table 7**

*Applicability of Environmentally Sensitive Areas standards*

Entire Zone	Corridors Only	Article Standard
X		Environmentally Sensitive Areas
X		7.1 Slope Restrictions
X		7.2 Stream and Wetland Buffers
		7.3 Tree Preservation

#### Section 7.1 Slope Restrictions

- A. For the purposes of this Section, the slope(s) of a site shall be determined by utilizing the Soil Survey of Centre County.

## SECTION 7. ENVIRONMENTALLY SENSITIVE AREAS

B. In areas of steep slopes within an Interchange Overlay Zone, the following standards shall apply to all grading and development.

1. For slopes averaging 15% to 25% (a "D" slope as shown in the Soil Survey of Centre County), no more than 40% of such naturally occurring slopes shall be developed, graded, deforested, and/or stripped of vegetation.
2. For slopes averaging greater than 25% (an "F" slope as shown in the Soil Survey of Centre County), no development shall be permitted, except upon submission of a report by a Professional Engineer certifying the steep slope may be safely developed. Furthermore, the owner and/or developer shall agree, as a condition of approval of the development plan, to hold the Township harmless from and against all claims or damages due to approval of such plan. If development is allowed to occur under this subsection, no more than 15% of such naturally occurring slopes shall be developed, graded, deforested, and/or stripped of vegetation.

### Section 7.2 Stream and Wetland Buffers

- A. All improvements or land disturbances within an Interchange Overlay Zone shall be set back at least 100 ft. from the top of any stream bank or edge of any

wetland. Where application of this setback would render the site undevelopable, up to 35% of the setback may be used for conditional pervious surface uses, as approved by the Township. (Figure 13)



Figure 13. 100 ft. Setback from Streams or Wetlands

- B. All existing vegetation within the setback established in Subsection A above shall be preserved.
- C. Where stream crossings are approved pursuant to applicable federal and state stream encroachment regulations, the setback established in Subsection A above shall be waived as to the approved crossing; provided, however, the natural channel shall be preserved to the maximum extent possible.

## SECTION 7. ENVIRONMENTALLY SENSITIVE AREAS

### Section 7.3 Tree Preservation Standards

All plans for subdivision or development approval shall be accompanied by an accurate delineation of all woodland masses as defined below along with any calculations or mapping showing disturbed areas or areas of replacement plantings.

A. No clearing or timbering of any wooded cover within an Interchange Overlay Zone shall occur unless approved by the Township pursuant to an approved plan.

B. Where clear-cutting, timbering or logging on a site occurs, such site shall not be used for any other commercial purpose for a period of 7 years from the date such operations are completed, unless the regulations specified within this Article are followed.

C. Existing wooded areas shall be defined as follows:

1. A Mature Forest is an area of total tree canopy cover of 10,000 sq. ft. or greater and consisting of 50% or more canopy trees having a 10 inch or greater diameter breast height.
2. A Young Woodland is an area of total tree canopy cover of 10,000 sq. ft. or greater and consisting of 70% or more canopy trees having 2.5 inch or greater diameter breast height.

3. A Grove is an area of planted material consisting of 8 or more trees having a 10-inch or greater diameter breast height.

D. Existing wooded areas may be cleared or developed in accordance with the following standards:

1. No more than 40% of the portion of any Mature Forest shall be cleared or developed.
2. No more than 60% of the portion of any Young Woodland shall be cleared or developed.
3. No more than 50% of the portion of any Grove shall be cleared or developed.

E. Notwithstanding Subsection D above, approved tree clearing percentages may be increased subject to the following reforestation standards:

1. An additional 10% of the total Mature Forest may be cleared provided trees are replaced elsewhere on the same site at the rate of 1.2 times the additional disturbed acreage. [For example, up to 4 acres, or 40% of a ten-acre Mature Forest, may be cleared under an approved development plan. An additional one-acre, or 10% of the original 10 acres, could be cleared if the developer reforested 1.2 acres (1.2 times 1 additional disturbed acre) elsewhere on the site.] (Figure 14)

## SECTION 7. ENVIRONMENTALLY SENSITIVE AREAS

3. An additional 10% of the total Grove area may be cleared provided trees are replaced elsewhere on the same site at the rate of one (1) times the additional disturbed acreage. [For example, up to 1/4 acre, or 50% of 1/2 acre Grove, may be cleared under an approved development plan. An additional 2,178 sq. ft. or 10% of the original 1/2 acre could be cleared if the developer replants 2,178 sq. ft. (1 times the additional disturbed area) elsewhere on the site.]

E. The developer shall be required to submit a plan for reforestation to the Township for review and approval. A Professional Landscape Architect, forester, or other individual of demonstrated qualifications shall prepare such plan. The reforestation proposed shall emulate conditions of native forests and shall address soil type, solar orientation, slope, and other applicable conditions.

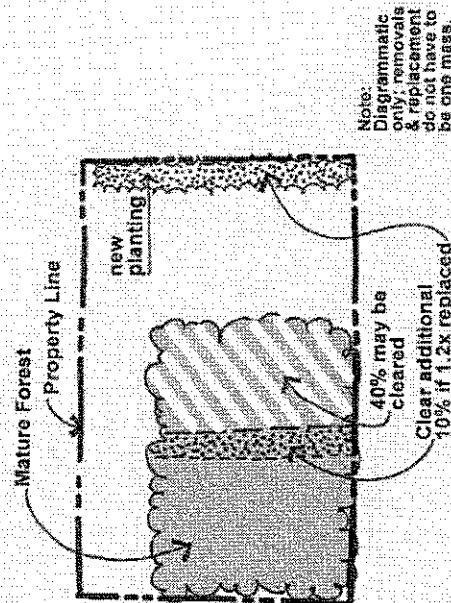


Figure 14. Example tree clearing and replacement scenario with mature forest and 50% removal

2. An additional 10% of the total Young Woodland may be cleared provided trees are replaced elsewhere on the same site at the rate of one (1) times the additional disturbed acreage. [For example, up to six acres, or 60% of a ten-acre Young Woodland, may be cleared under an approved development plan. An additional one-acre, or 10% of the original 10 acres, could be cleared if the developer reforested one acre (1 times 1 additional disturbed acre) elsewhere on the site.]

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**SECTION 8. ADMINISTRATION**

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**SECTION 8.****ADMINISTRATION****Section 8.1 Applicability of Commentary**

"Commentary" provided for in each Section of this Article is included for general guidance purposes for the application and use of the standards set forth in this Article. Commentary discussions shall not be interpreted or construed in any way to be the basis of any standard.

**Section 8.2 Severability**

If any Section of this Article or the application thereof to any person or circumstance shall be deemed invalid or unenforceable, the remainder of this Article and its application to other persons or circumstances shall not be affected by such partial invalidity, but shall be enforced to the fullest extent permitted by law as though such invalid or unenforceable section was never a part of this Article.



## SECTION 9. DEFINITIONS

### SECTION 9.

#### DEFINITIONS

##### Section 9.1 Interpretations

Unless otherwise specified or defined herein, all definitions shall have the meanings outlined and contained in *Article XII* of this *Benner Township Zoning Ordinance*.

**FOOTCANDLE** – A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

**INTERCHANGE ACCESS ROAD** – The highest order road serving an interchange and providing access to the Interstate Highway (i.e., Shiloh Road, State Route 150).

**INTERCHANGE OVERLAY ZONE** – The area located within a one (1) mile radius of an Interstate interchange measured from the geographical center of such interchange.

**INTERSTATE CORRIDOR** – The area located within one-quarter (1/4) mile along each side of the Interstate Highway and the Interchange Access Road.

**INTERSTATE HIGHWAY** – Interstate 99

**LUMEN** – A unit of luminous flux. One (1) footcandle is one (1) lumen per square foot. The lumen output values shall be the initial lumen output ratings of a lamp.

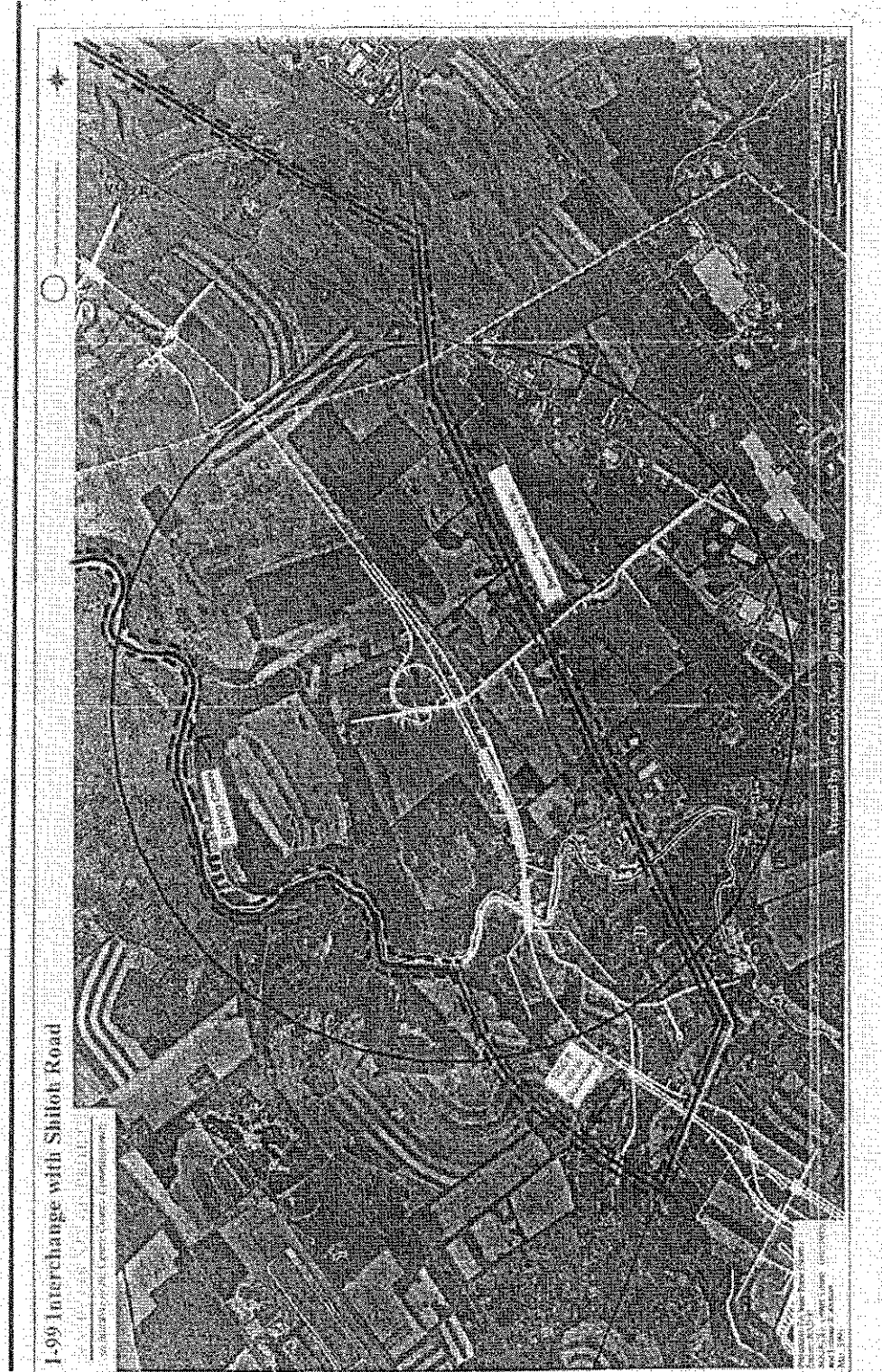
**LUMINAIRE** – A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**VEHICULAR ACCESS POINT**: A vehicular access point approved either the state or local government with a permit.

SECTION 10. INTERCHANGE MAPPING

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## SECTION 10. INTERCHANGE MAPPING



SECTION 10. INTERCHANGE MAPPING



## SECTION 11. TRAFFIC IMPACT STUDY REQUIREMENTS

### SECTION 11.

#### TRAFFIC IMPACT STUDY REQUIREMENTS

Where required under the terms of this Article, a Traffic Impact Study shall be prepared and submitted to the Township for review prior to the approval of development within the Interchange Overlay Zone. Studies shall meet the following requirements:

##### 11.1 Impact Study Contents and Scope

Prior to collection of any data and preparation of any analyses for the Traffic Impact Study, a meeting shall be convened with the Township, the developer, the developer's transportation consultant/specialist, and Penn DOT, where applicable, to identify the specific project area and discuss the Study scope of work, including all assumptions to be used in the study, (i.e. build-out year, phases of development, background traffic growth rate, etc.) At a minimum, the Study shall include the following items.

- A. A description of the proposed development in terms of land use type and size.
- B. An inventory and analysis of existing transportation and traffic conditions within the identified study area, including:
  - 1. Roadway network and traffic control;

- 2. Existing traffic volumes during peak hours and average daily traffic volumes;
  - 3. Planned transportation improvements by other parties;
  - 4. Intersection levels of service;
  - 5. Roadway levels of service;
  - 6. Other measures of roadway adequacy, (i.e. lane widths, traffic signal/ traffic control warrants, vehicle delay studies, length queues, etc;) and
  - 7. Pedestrian/bicycle and public transit facilities
- C. An assessment of projected site-generated traffic volumes throughout the study area in terms of:
- 1. Peak hours and average daily traffic;
  - 2. Approach/departure distribution, including method of determination; and
  - 3. Site traffic volumes on the Interchange Access Road

## SECTION 11. TRAFFIC IMPACT STUDY REQUIREMENTS

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| <p><b>D.</b> An analysis of future traffic conditions in the study area, with and without the proposed development, including:</p> <ol style="list-style-type: none"> <li>1. Future design year(s), including phases of development;</li> <li>2. Intersection levels of service;</li> <li>3. Roadway levels of service;</li> <li>4. A pavement analysis of roadways projected to experience significant increases in peak hour and/or average daily traffic volumes; and</li> <li>5. Other measures of roadway adequacy, (i.e. lane widths, traffic signal/traffic control warrants, vehicle delay studies, and length of queues, etc.).</li> </ol> <p><b>E.</b> A description of projected levels of service and their compliance with standards for traffic capacity of roadways and intersections as outlined in <i>Section II</i> below.</p> <p><b>F.</b> A description of the proposed site plan, including an assessment of the:</p> <ol style="list-style-type: none"> <li>1. On-site circulation plan showing parking locations and dimensions, access to</li> </ol> | <p>loading areas, and proposed interior circulation routes and traffic control; and</p> <ol style="list-style-type: none"> <li>2. Driveway access plans showing the location of all existing driveways and new access intersections including geometric conditions and proposed methods of traffic control.</li> </ol> <p><b>G.</b> A qualitative analysis of transportation demand management measures to be implemented for the purpose of facilitating alternate modes of travel. Analysis shall address public transit, pedestrian and bicycle traffic, and other modes of transportation to be provided in the development as per the requirements in <i>Section 3.2</i>.</p> |
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### 11.2 Standards for Traffic Capacity and Level of Service

Roadways and intersections shall be designed for traffic capacity as specified below, unless approved otherwise by the Township. All references to level of service shall be as defined by the most recent addition of the *Highway Capacity Manual, Special Report 209*, published by the *Transportation Research Board*.

- A.** Level of service shall be determined for a future design year(s) coinciding with completion of the development and all applicable PennDOT requirements.

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## SECTION 11. TRAFFIC IMPACT STUDY REQUIREMENTS

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- B. New unsignalized intersections or driveways shall be designed for level of service "C" or better for each traffic movement.
- C. New signalized intersections shall be designed for level of service "C" or better.
- D. Existing intersections impacted by development traffic shall maintain a minimum level of service "D."
- E. Roadway sections shall be designed for a minimum level of service "C."
- F. Sight distance at driveways and new intersections shall meet standards specified by PennDOT regulations.

## SECTION 12. INVASIVE PLANTS

## SECTION 12.

## INVASIVE PLANTS

Invasive plants displace naturally occurring vegetation and, in the process, upset nature's balance and diversity. Invasive plants share the following characteristics:

- ❖ Rapid growth and prolific reproductive capabilities.
- ❖ Highly successful seed dispersal, germination, and colonization processes.
- ❖ Rampant spreading that takes over native species
- ❖ Very costly to control.

In general, aggressive, non-native plants have no enemies or controls to limit their spread. Those listed below are not to be planted in the Interchange Overlay Zone:

<i>Elaeagnus umbellata</i>	Autumn Olive
<i>Euonymus alatus</i>	Winged Euonymus
<i>Ligustrum vulgare</i>	European Privet
<i>Lonicera japonica</i>	Japanese Honeysuckle
<i>Lonicera maackii</i>	Amur Honeysuckle
<i>Lonicera morrowii</i>	Morrow's Honeysuckle
<i>Lonicera tatarica</i>	Tartarian Honeysuckle
<i>Lonicera x-bella</i>	Hybrid Honeysuckle
<i>Lythrum salicaria</i>	Purple Loosestrife (herbaceous)
<i>Morus alba</i>	White Mulberry
<i>Morus rubra</i>	Red Mulberry
<i>Phyllostachys aubea</i>	Bamboo
<i>Rhamnus cathartica</i>	Common Buckthorn
<i>Rhamnus frangula</i>	Glossy Buckthorn
<i>Rosa multiflora</i>	Multiflora Rose
<i>Viburnum opulus</i>	European Highbush Cranberry

## Trees

Botanic Name	Common Name
<i>Acer platanoides</i>	Norway Maple
<i>Acer pseudoplatanus</i>	Sycamore Maple
<i>Ailanthus altissima</i>	Tree-of-Heaven
<i>Elaeagnus angustifolia</i>	Russian Olive
<i>Populus alba</i>	White Poplar
<i>Ulmus pumila</i>	Siberian Elm
<i>Viburnum lantana</i>	Wayfaring Tree

## Shrubs and Vines

Botanic Name	Common Name
<i>Berberis thunbergii</i>	Japanese Barberry



## SECTION 13. PLANTS NATIVE TO CENTRAL PENNSYLVANIA

## APPENDIX 13.

## PLANTS NATIVE TO CENTRAL PENNSYLVANIA

Native plants appropriately selected for the site conditions provide a beautiful, hardy, low maintenance landscape while benefiting the environment. Once established, native plants save time and money by eliminating or significantly reducing the need for fertilizers, pesticides, water, and maintenance equipment.

The plants listed below are suited for USDA Hardiness Zone 6 (or colder zone) and/or are shown in plant book maps as native to central PA:

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Trees		Shrubs	
Botanic Name	Common Name	Botanic Name	Common Name
<i>Acer spp.</i>	Maple species	<i>Alnus serrulata</i>	Common alder
<i>Amelanchier spp.</i>	Serviceberry species	<i>Aronia spp.</i>	Red, Black and Purplefruit Chokeberry
<i>Alnus rugosa</i>	Hazel Alder		Sweetfern
<i>Carpinus caroliniana</i>	American Hornbeam	<i>Comptonia peregrina</i>	Dogwood species
<i>Carya spp.</i>	Hickory species	<i>Cornus spp.</i>	Filbert species
<i>Celtis occidentalis</i>	Common Hackberry	<i>Corylus spp.</i>	Smooth Hydrangea
<i>Cercis canadensis</i>	Eastern Redbud	<i>Hydrangea arborescens</i>	Shrubby St. Johnswort
<i>Cornus alternifolia</i>	Pagoda Dogwood	<i>Hypericum prolificum</i>	Common Winterberry Holly
<i>Cornus florida</i>	Flowering Dogwood	<i>Ilex verticillata</i>	Mountain Laurel
<i>Fagus grandifolia</i>	American Beech	<i>Kalmia latifolia</i>	Common Spicebush
<i>Fraxinus spp.</i>	White, Black & Green Ash	<i>Lindera benzoin</i>	Sweet Azalea
<i>Juniperus virginiana</i>	Eastern Red Cedar	<i>Rhododendron arborescens</i>	Pinxterbloom Azalea
<i>Liriodendron tulipifera</i>	Tuliptree	<i>Rhododendron nudiflorum</i>	Roseshell Azalea
<i>Nyssa sylvatica</i>	Black Tupelo		
		<i>Ostrya virginiana</i>	American Hophornbeam
		<i>Pinus strobus</i>	Eastern White Pine
		<i>Pinus resinosa</i>	Red Pine
		<i>Platanus occidentalis</i>	American Planetree
		<i>Populus spp.</i>	Aspen species
		<i>Prunus spp.</i>	Pin and Black Cherry; Chokeberry
		<i>Quercus spp.</i>	Black, White, Northern Red, Scarlet, Pin & Chestnut Oak
		<i>Rhus spp.</i>	Sumac species
		<i>Salix discolor; nigra</i>	Pussy and Black Willow
		<i>Sassafras albidum</i>	Common Sassafras
		<i>Tilia americana</i>	American Basswood (Linden)
		<i>Tsuga canadensis</i>	Canada Hemlock

## ARTICLE VIII

(Reserved)

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## ARTICLE IX

### NONCONFORMING USES, STRUCTURES, AND LOTS

#### SECTION 1. INTENT

This Ordinance intends to recognize the right of nonconformity to continue, and to encourage that such nonconformities be brought into conformance with this Ordinance as soon as constitutionally permissible. To achieve this end, nonconformities are subject to the regulations as set forth in this Article.

#### SECTION 2. NONCONFORMING LOTS OF RECORD

##### 2.1 Existing lots

In any zoning district where dwellings are permitted as primary uses, a single family detached dwelling and its accessory uses may be erected on any single nonconforming lot of record after the enactment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lots must be in separate ownership, and shall not abut other lots under the same ownership. This provision applies even when such lots fail to meet the lot requirements of the zoning district, provided all other yard requirements for the lot conform to the appropriate residential zoning district.

##### 2.2 Abutting lots

If two (2) or more abutting lots or combinations of abutting lots under the same ownership at the time of passage of this Ordinance, and if all or part of the lots do not meet the requirements established for either lot width or area, the lands involved *shall be considered to be an undivided parcel*, for the purposes of this Ordinance. No portion of said parcel shall be used or sold in any manner which diminishes compliance with either lot width or area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with either width or area below the requirements stated in this Ordinance.

##### 2.2.1 Failure to meet minimum width requirements

Lots failing to meet either minimum width or area requirements may be expanded to include abutting lots under the same ownership by approval of a lot consolidation plan showing the consolidation of the lots and showing the new lot lines.

**SECTION 3. GENERAL PROVISIONS**

Where a lawful use or structure exists, after the enactment date of this Ordinance, becomes nonconforming, such use or structure may continue as long as it remains otherwise lawful, including subsequent sales of the property, subject to the following provisions:

**3.1 Changes**

Once changed to a conforming use, no use or structure shall be permitted to revert back to a nonconforming use. After the enactment of this Ordinance, existing nonconforming uses shall not be changed to different or new nonconformities.

**3.2 Enlargement or alteration**

Nonconforming uses or structures shall not be altered or extended except as below:

- A. Provided such expansion does not exceed 50% of the existing ground floor area of the structure or other space occupied by the use.
- B. Provided such expansion does not constitute an addition of a new nonconforming use or structure;
- C. Provided such expansion does not decrease existing yard requirements when such nonconformity already meets minimum yard setback areas;
- D. Provided such alteration or expansion meets the applicable zoning district regulations for such use or structure;
- E. Provided such expansion does not adversely affect neighboring properties; and
- F. Provided such work or reconstruction is brought, as much as practically possible, into conformance with this Ordinance.

**3.3 Restoration**

If such nonconforming structure or use is damaged by fire, flood, or other natural disaster, it may be reconstructed or restored provided:

- A. An “*Application for Zoning Permit*” for reconstruction is filed, and all appropriate fees are paid, within 90 days of the initial damage or destruction.

**3.4 Expansion outside limits of nonconformity**

A nonconforming use may be expanded onto grounds not previously nonconforming only when authorized by the Zoning Hearing Board by a variance.

**3.5 Discontinuance, abandonment or displacement**

When a nonconforming use or structure is discontinued or abandoned for a period of one (1) year, or replaced by a conforming structure, the premises shall not thereafter be used except in conformance with the regulations of the zoning district where located. No nonconforming use shall be extended to displace a conforming use.

**SECTION 4. REGISTRATION OF NONCONFORMITIES**

As authorized by *Section 613* of the *Pennsylvania Municipalities Planning Code*, as amended, the Zoning Officer shall investigate and maintain a register of nonconforming uses, structures, and lots within the Township. Documenting nonconformities provides an administrative means to preserve evidence of nonconformities within the Township.

**4.1 Application**

An "*Application for Certificate of Nonconformity*" may be filed with the Zoning Officer on forms supplied by the Township. On the form, the property owner shall:

- A. Identify the nonconforming use, structure, or lot;
- B. State all information known about the date when the nonconformity came into existence;
- C. State the period of uninterrupted existence or continuation of the nonconformity; and
- D. State the names of all witnesses or list evidence supporting the claim of existence and continuation of the nonconformity.

**4.2 Investigation of claims**

The Zoning Officer shall investigate the claim of nonconformity and determine whether or not it came into existence prior to enactment of this Ordinance, or if an earlier Zoning Ordinance made it nonconforming, and whether or not the claimed nonconformity has been continuous.

**4.3 Content of the certificate**

If the use, structure, or lot is determined by the Zoning Officer be a valid, pre-existing, continuous nonconforming use, structure, or lot, the Zoning Officer shall issue a "*Certificate of Nonconformity*". This "*Certificate of Nonconformity*" shall identify the nonconformity, state the dates of its inception and continuity, and define the extent of the nonconformity in terms relevant to its use, structure, or lot. Such certificate shall be valid evidence of the existence of the nonconforming use, structure, or lot as determined by the Zoning Officer.

**4.4 Denial of application**

If the Zoning Officer denies an "*Application for Certificate of Nonconformity*," the Zoning Officer shall state the reasons for such denial, and all results of the investigation upon which the denial is based.

**4.5 Determination from Zoning Officer**

The Zoning Officer shall make a determination for each "*Application for Certificate of Nonconformity*" within 30 days upon receipt of such application. Any person aggrieved by the determination of the Zoning Officer in issuing or denying a "*Certificate of Nonconformity*" may appeal such action within 30 days of its issuance to the Zoning Hearing Board.

**4.6 Applications and documentation recorded**

The Zoning Officer shall maintain a record of all applications filed, determinations made, and certificates issued or denied.

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# ARTICLE X

## ADMINISTRATION AND ENFORCEMENT

### SECTION 1. GENERAL PROVISIONS

#### 1.1 Duties of the zoning officer

The Supervisors shall appoint a Zoning Officer who shall meet the requirements of *Section 614 of the Pennsylvania Municipalities Planning Code (MPC)*, as amended. The Zoning Officer shall administer and enforce this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction, any use or change-of-use not conforming with this Ordinance. The duties of the Zoning Officer shall be as follows:

- A. To examine, record, and file all "*Applications for Zoning Permits*," with any accompanying plans and documents, and to issue such permits only for lots, uses, and structures in conformance with the provisions of this Ordinance;
- B. To receive "*Applications for Certificates of Nonconformity*," to investigate, and to issue or deny such certificates;
- C. To post "*Fee Schedules*" in the Township offices;
- D. To receive, investigate, process complaints, and to notify persons of any violations of this Ordinance;
- E. To conduct inspections on Zoning Permits issued to ascertain if such construction or use conforms with the provisions of this Ordinance;
- F. When requested by the Supervisors, Township Planning Commission, and/or Zoning Hearing Board to present facts, records, and any similar information required to assist such bodies in its deliberations;
- G. To maintain current copies of this Ordinance and the Township Zoning Maps for distribution to the public;
- H. To present to the Zoning Hearing Board all relevant facts and arguments supporting the Township's position, interpretation, and procedures in the application of the provisions of this Ordinance;
- I. To institute civil enforcement proceedings as a means of enforcement when acting within the scope of the Zoning Officer's employment; and
- J. To perform other duties of administration and enforcement of this Ordinance when required by this Ordinance and/or the *MPC*.

**SECTION 2. INTERPRETATION**

- A. When interpreting and applying the provisions of this Ordinance, it shall be held to be the minimum requirements for the promotion of health, safety, and the general welfare of the Township and its citizens.
- B. This Ordinance intends not to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township not conflicting with any provisions of this Ordinance, nor does this Ordinance intend to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties.
- C. When this Ordinance imposes a greater restriction than is imposed by other rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.
- D. This Ordinance recognizes the common usage of terms sometimes changes, and new terms of use sometimes arise. Additionally, changes in technology and social customs may result in new types of use. In the event any use proposed does not appear to be mentioned in any of the zoning districts, said use shall be permitted in the zoning district(s) whose intent it is most compatible, and whose uses are most similar to the proposed use. The Zoning Officer shall make such determinations subject to review as provided for in the *MPC*, as amended.

**SECTION 3. FEES****3.1 Fee schedule**

The Supervisors shall establish a "*Fee Schedule*," for this Ordinance. Such schedule shall be established by Resolution.

- A. The "*Fee Schedule*" shall be posted in the Township office.
- B. All fees shall be payable to the Township.
- C. The "*Fee Schedule*" may be amended through action of the Supervisors in the manner prescribed in the *MPC*.

**3.2 Application and appeal fees**

Neither a request for a Zoning Permit, nor any other application provided for in this Ordinance shall be considered complete or filed until all fees are paid. No appeal shall be considered filed until all filing fees are paid.



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**SECTION 4. ZONING PERMITS****4.1 Requirements**

- A. A Zoning Permit shall be required prior to the construction, extension, reconstruction, or alteration of any building or structure or portion thereof. A Zoning Permit shall also be required prior to a change in use of a building or land, the construction of an off-site parking area, a change of a nonconforming use, or whenever a site plan or development plan is required by this Ordinance. No Zoning Permit shall be issued until all required fees are paid. In addition to the above, no Zoning Permit shall be issued for land development plans until such plans are approved. Zoning Permits are also required for the replacement of existing structures; for example, replacing a storage shed with another storage shed.

**4.2 Application**

- A. ***Application form.*** To apply for a Zoning Permit, the applicant shall submit an "*Application for Zoning Permit*" to the Zoning Officer with the required fees. All applications shall be made by the owner or authorized agent for the owner. When required by this Ordinance, site plans and other supplemental information shall accompany the application.
- B. ***Description of work.*** The application shall contain a general description of the proposed work and/or use and occupancy of the building or structure, and any additional information required by this Ordinance. The application shall accompany a sketch plan showing proposed structures drawn to a scale sufficient to show the nature of the proposed work, including but not limited to: off-street parking and loading spaces, new and existing construction, and locations and distances from existing lot lines and street rights-of-way.
- C. ***Sewer / Septic Permit.*** No Zoning Permit shall be issued for any new use or construction, involving on-site or off-site disposal of sewage or waste until approval is granted by either the *Pennsylvania Department of Environmental Protection (DEP)*, the Municipal Sewage Enforcement Officer, and/or the Municipal Sewage Authority and other authority by law.

**4.3 Review of application**

- A. ***Review period.*** All applications for Zoning Permits shall be granted or denied by the Zoning Officer within 30 days from the date of receiving the application and filing fees. Whenever a Site Plan is required, as a part of the application, the Zoning Officer shall grant or deny the application within 60 days of the date of receiving the Site Plan and filing fees.
- B. ***Notification for issuance or denial.*** The Zoning Officer shall notify the applicant, in writing, of the action taken on the "*Application for Zoning Permit*" before the expiration of the review period. If the application is

denied, such notification shall specify the provisions of this Ordinance for which the application does not comply. The Zoning Officer shall also notify the applicant of procedures for appealing such denial. If, for any reason, the Zoning Officer fails to notify the applicant of the action taken before the expiration of the review period, the application shall be considered approved as submitted.

#### **4.4 Revocation**

The Zoning Officer may revoke a Zoning Permit, if at any time, the "*Application for Zoning Permit*" for which a Zoning Permit was issued appears in any material respect false or misleading, or if the authorized work differs materially from that called for in the application.

#### **4.5 Posting of permit**

Zoning Permits issued by the Zoning Officer shall be conspicuously displayed on the premises. A true copy of the permit shall be kept on site, and open to inspection to the Zoning Officer until the work is completed.

#### **4.6 Expiration of permit**

A Zoning Permit shall be valid for a 12-month period from the day the Zoning Permit was issued, or until an *Occupancy Permit* is issued, whichever is first.

If the authorized work is not commenced within one year after the issuance of the Zoning Permit, such permit shall become invalid, and no time extension shall be granted.

If the Zoning Officer finds the Zoning Permit has expired, the Zoning Officer shall notify the landowner, in writing, of the expiration and that a new permit must be secured prior to the commencement or continuation of the previously authorized work.

An application for a new Zoning Permit shall be subject to all zoning regulations in effect at the time of the application is submitted.

#### **4.7 Extension of permit**

A Zoning Permit may be extended by the Zoning Officer after proper application and payment of fees are received. The extension shall not exceed 6-months.

### **SECTION 5. PERMITS ISSUED PRIOR TO ORDINANCE ADOPTION**

To avoid undue hardship, nothing in this Ordinance shall require a change in plans, construction, or designated use of any structure when actual construction lawfully began prior to the enactment of or amendment of this Ordinance and upon which actual building construction has been carried on diligently. *Actual construction* includes placing construction materials in permanent position and fastening these materials in a permanent

manner. Where excavation, demolition, or removal of existing structures began preparatory to rebuilding, such activities shall be considered as actual construction, provided such work is carried on diligently.

## **SECTION 6. OCCUPANCY PERMIT**

After the authorized work is completed for which a Zoning Permit was issued, the applicant shall apply for an *Occupancy Permit*. The structure or the use shall not be occupied or otherwise used until an *Occupancy Permit* is issued by the Zoning Officer.

### **6.1 Application**

The "*Application for Occupancy Permit*" shall be filed with the Zoning Officer 15 days before a final inspection is requested by the applicant.

### **6.2 Action on application**

The Zoning Officer shall inspect the premise within 15 days after notification. If the authorized work conforms with the Zoning Permit, the Zoning Officer shall issue an *Occupancy Permit* for the intended use.

### **6.3 Inspection deficiencies**

If the work fails to comply with the regulations of this Ordinance, the Zoning Officer shall notify the applicant, in writing, of the reasons for denial of an *Occupancy Permit*, and shall state the provisions of the Ordinance for which the work does not conform. The applicant shall correct all cited defects. Once all defects have been corrected, the Zoning Officer shall issue an *Occupancy Permit*.

### **6.4 Temporary occupancy permit**

A "*Temporary Occupancy Permit*" may be issued, pending the completion of authorized work under a Zoning Permit to allow for partial occupancy.

- A. ***Six-month time limit.*** A *Temporary Occupancy Permit* shall be valid only until the authorized work for which the Zoning Permit was issued is complete, or for a period of 6 months, whichever is less.
- B. ***Residential uses.*** A *Temporary Occupancy Permit* may be issued by the Zoning Officer when most of the work issued under the Zoning Permit is completed, and the structure or site is usable or habitable, but some aspects of the work (i.e., grading, landscaping, planting of borders or buffers, paving or graveling of drives and walks) are not completed due to weather, the season of year, or other reasonable cause. Authorized work necessary to be completed to obtain an *Occupancy Permit* are as follows:

- (1) Septic or Sewer system inspected and in working order;
- (2) Electrical Inspection through the local electrical company;
- (3) Exterior completed; and
- (4) Well/public water supply inspected and in working order.

- C. ***Non-residential uses – Posting of surety.*** A *Temporary Occupancy Permit* may be issued by the Zoning Officer only if the posting of a bond or certified check in an amount equal to the estimate of work remaining to be completed for a permanent *Occupancy Permit* is secured by the Township. In all cases, the applicant requesting a *Temporary Occupancy Permit* shall post a bond or other surety, in an amount no less than 125% of the total estimated cost of finishing the work to appropriate standards.
- (1) The Township Engineer shall review the bond or other surety arrangement, to ensure the bond is no less than 125% of the total estimated cost of the work to be completed. The Township Solicitor shall also review the bond or other security arrangement to ensure the documents are in order, and that the Township will be able to recover against the surety.
  - (2) The Zoning Officer shall not issue a *Temporary Occupancy Permit* until the application and documents are reviewed by both the Solicitor and the Township Engineer, and found acceptable.
  - (3) The *Temporary Occupancy Permit* shall set a time, not to exceed one (1) year, by which the work must be completed and a permanent *Occupancy Permit* shall be applied for. If the work is not completed within the required time, the Township may:
    - a. Invade the bond and cause the work to be performed, or
    - b. Revoke the permit, or
    - c. Avail itself of any other remedy open to it hereunder, or under State law. Election of any remedy or combination of remedies shall not preclude the Township from electing another remedy or combination of remedies at another time.
  - (4) Upon expiration of the *Temporary Occupancy Permit*, the applicant shall apply for a permanent *Occupancy Permit*. If the work remains incomplete, the applicant may apply for only one (1) additional *Temporary Occupancy Permit*. If the work remains incomplete after all additional *Temporary Occupancy Permits* have expired, the Zoning Officer shall use the proceeds of the bond or other surety arrangement to complete the necessary work. Any costs incurred by the Township, over and above the amount of the bond or other surety arrangement, shall be paid by the Zoning Permit holder prior to occupying the structure or otherwise using the land.

**SECTION 7. SITE PLAN REVIEW FOR ZONING PERMITS****7.1 Submission and content of site plan**

When required by this Ordinance, a Site Plan shall be submitted, along with the *"Application for Zoning Permit."* Such Site Plan shall contain the following written and graphic information, and any supplemental information necessary to determine conformance with this Ordinance.

- A. Submit to the Zoning Officer, 3 copies of the Site Plan
- B. The name of proposed development, Tax Parcel Number, name and address of the legal owner of the property (and equitable owner, if any), proof of ownership, and the individual or firm preparing the Site Plan
- C. Date of *"Application for Zoning Permit"*
- D. Graphic scale drawn to a scale of 1" equals 50 ft. (1"=50')
- E. North point (true or magnetic)
- F. Key map (scale of 1 in. equals 800 ft.) showing streets, buildings, and vehicle access points within 500 ft. of exterior boundary of lot.
- G. Total size of property and each lot and/or area to be leased.
- H. Proposed use of property.
- I. Topographic contour lines for existing and design finish grades drawn at vertical intervals of 5 ft., including elevation of each 10-foot interval.
- J. Total tract boundary with distances marked to nearest foot.
- K. Zoning district and location of front, side, and rear yard setback areas.
- L. Existing and proposed structures, showing location and statement of ground floor area, any retail and service floor area, height and elevation of each.
- M. Existing streams, wetland boundaries, springs, sinkholes, floodplain boundaries, and slopes of 25% or more.
- N. Existing and proposed street rights-of-way and cartways, including those abutting the property.
- O. Existing and proposed points of vehicle access to the property.
- P. Existing and proposed parking, loading spaces, parking lots, and a statement of surfacing material and calculations showing the number of required parking spaces.

- Q. Location, intensity, and lighting patterns produced for all existing and proposed outdoor light fixtures.
- R. Existing and proposed fire lane locations.
- S. Existing and proposed vegetation required for landscaping, screening or buffering, and all buffer yards required by this Ordinance.
- T. Statement of general utility information, and information required by *State law, Act 172 of 1986 (73 P.S. 176 et seq.)*, as amended.
- U. Existing and proposed building coverages, and total existing and proposed impervious coverages.
- V. Location of all existing and proposed utilities and easements.
- W. Signed, notarized statement by the owner or owners certifying ownership of the property. Where more than one person or entity has or claim an interest in the property, all such person(s) or entity(ies) must sign the Site Plan.
- X. Where any section of this Ordinance requires information or specifications by a professional engineer, the Site Plan shall contain the following certification by the applicant's professional engineer: "I, \_\_\_\_\_, hereby certify that this site plan meets all design requirements of Benner Township Zoning Ordinance," and the professional licensed engineer's seal shall be affixed to the plan.

## 7.2 Review procedure for site plans

All "*Applications for Zoning Permit*" requiring a Site Plan shall be reviewed by the Township Engineer for review and compliance with engineering details.

## SECTION 8. SPECIAL EXCEPTIONS

Uses specified as "*Special Exception*" within zoning districts of this Ordinance shall be permitted after review by the Zoning Hearing Board that the *Special Exception* is appropriate to the location proposed, consistent with the community development plan, and in keeping with the purposes and intent of this Ordinance.

- A. Where permitted in the Zoning Ordinance, the Zoning Hearing Board shall hear and decide requests for *Special Exceptions*.
- B. The applicant shall have the burden of proving compliance with the following criteria:
  - (1) The suitability of the property for the desired use.

- 
- (2) The proposed use will not adversely effect existing streets and highways or traffic levels. A traffic study prepared by a qualified traffic engineer may be submitted to satisfy this requirement.
  - (3) The proposed use will not adversely effect the availability of parking in the immediate area.
  - (4) The proposed use will not adversely effect existing or proposed public water and sewer, public transportation, police and fire protection, public recreation, school facilities, and any other public organizations and systems.
  - (5) The proposed use will not adversely effect on the health and safety of the citizens of the Township or present a danger such as fire, explosion, electrocution, pollution, asphyxiation, or other similar dangers.
  - (6) The proposed use will not adversely effect adjacent properties, or injure or detract from the use or enjoyment or value of the adjacent properties.
  - (7) The proposed use will be compatible with the Township Comprehensive Plan.
  - (8) The proposed use shall be in the best interest of the Township, and for the convenience of the community and shall not adversely effect the general welfare of the community.
  - (9) The notification of abutting property owners.
  - (10) In addition to the criteria listed above, the applicant shall have the burden of proving compliance with other criteria in this Ordinance.
- C. The Zoning Hearing Board shall impose such reasonable criteria necessary to achieve the intent and purpose of this Ordinance, and to protect the health, safety, and welfare of the citizens of the Township. These criteria may, include but are not limited to, the following:
- (1) Any promises by the applicant with respect to its use or development of the property.
  - (2) Other criteria:
    - a. Hours of operation
    - b. Additional screening or buffering, including waste storage areas.
    - c. Design and location of existing buildings and other structures.
    - d. Restrictions on noise levels, lighting levels, odor, and other potentially noxious effects.

- e. Restrictions on distances of the proposed use from adjacent properties.
- f. Restrictions on parking, number and location of vehicles or spaces.
- g. Public safety.
- h. Safeguards on adjacent properties.
- I. Health and sanitation.
- j. Hours of loading and unloading.
- k. Traffic, street and highway improvements and controls.

## SECTION 9. CONDITIONAL USE

Uses specified as “*Conditional Use*” within zoning districts of this Ordinance shall be permitted after review by the Supervisors that the *Conditional Use* is appropriate to the location proposed, consistent with the community development plan, and in keeping with the purposes and intent of this Ordinance.

### 9.1 Submission

“*Applications for Conditional Use*” shall be submitted no earlier than four (4) business days (excluding holidays, Saturdays and Sundays) prior to a regularly scheduled meeting of the Supervisors at which time the application and accompanying fee must be received from the applicant. Applications submitted by postal service or other carrier service must be received by the Township during the specified timeframe above. Incomplete applications shall not be accepted to be placed on the Supervisors’ agenda, nor shall applications be accepted by the Township at any other time. The Supervisors will acknowledge receipt of such application at its regular meeting and then refer such application to the Township Planning Commission for review and recommendation. (*Amended by Ord. 81*)

### 9.2 Action

Supervisors shall consider the “*Application for Conditional Use*” after a report and recommendation is received from the Planning Commission. The Supervisors shall take action on the “*Application for Conditional Use*” at a public hearing, which shall be scheduled within 60 days from the date of the applicant’s request for a hearing, unless the applicant has agreed in writing to an extension of time. The Supervisors shall hold hearings and decide if the request is in accordance with the expressed standards and criteria of this Ordinance. The Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Ordinance. When the application is not approved, the decision shall specify the defects found in the application, which have not been met and shall cite the provisions of the Ordinance relied upon. The Supervisors shall render a written decision or, when no decision is called for, make



written findings on the Conditional Use Application within 45 days after the last hearing before the Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of the *Pennsylvania Municipalities Planning Code*, as amended, or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts founds. (*Amended by Ord. 81*).

A. The applicant shall have the burden of proving compliance with the following conditions:

- (1) The suitability of the property for the desired use.
- (2) The proposed use will not adversely effect existing streets and highways or traffic levels. A traffic study prepared by a qualified traffic engineer may be submitted to satisfy this requirement.
- (3) The proposed use will not adversely effect the availability of parking in the immediate area.
- (4) The proposed use will not adversely effect existing or proposed public water and sewer, public transportation, police and fire protection, public recreation, school facilities, and any other public organizations and systems.
- (5) The proposed use will not adversely effect on the health and safety of the citizens of the Township or present a danger such as fire, explosion, electrocution, pollution, asphyxiation, or other similar dangers.
- (6) The proposed use will not adversely effect adjacent properties, or injure or detract from the use or enjoyment or value of the adjacent properties.
- (7) The proposed use will be compatible with the Township Comprehensive Plan.
- (8) The proposed use shall be in the best interest of the Township, and for the convenience of the community and shall not adversely effect the general welfare of the community.
- (9) The certified notification of abutting property owners.(*amended by Ord. 81*).
- (10) The certified notification of airport owners for all applications involving towers (*amended by Ord. 81*).

(11) In addition to the criteria listed above, the applicant shall have the burden of proving compliance with other criteria in this Ordinance.

C. The Supervisors shall impose such reasonable conditions necessary to achieve the intent and purpose of this Ordinance and to protect the health, safety, and welfare of the citizens of the Township, especially those citizens most directly affected by the proposed use. These conditions may, include but are not limited to, the following:

(1) Any promises by the applicant with respect to its use or development of the property.

(2) Other conditions:

- a. Hours of operation
- b. Additional screening or buffering, including waste storage areas.
- c. Design and location of existing buildings and other structures.
- d. Restrictions on noise levels, lighting levels, odor, and other potentially noxious effects.
- e. Restrictions on distances of the proposed use from adjacent properties.
- f. Restrictions on parking, number and location of vehicles or spaces.
- g. Public safety.
- h. Safeguards on adjacent properties.
- i. Health and sanitation.
- j. Hours of loading and unloading.
- k. Traffic, street and highway improvements and controls.

## **SECTION 10. VIOLATIONS AND PENALTIES**

Failure to comply with any provisions of this Ordinance shall constitute a violation.

### **10.1 Notice of violation**

If the Zoning Officer finds any provision of this Ordinance violated, enforcement proceedings shall be initiated through a violation notice as provided for in the *MPC*, as amended.

### **10.2 Penalties**

Penalties and remedies for violations of this Ordinance are stipulated in the *MPC*, as amended.

**SECTION 11. AMENDMENTS**

The regulations, restrictions, and zoning district boundaries set forth in this Ordinance may be amended through action of the Supervisors in the manner provided by the *MPC*, as amended.

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**ARTICLE XI**  
**ZONING HEARING BOARD, HEARINGS**  
**& APPEALS**

**SECTION 1. ESTABLISHMENT OF ZONING HEARING BOARD**

This Ordinance hereby creates a three-member Zoning Hearing Board, whose membership, organization, and procedures, shall be those as set forth in *Article IX* of the *Pennsylvania Municipalities Planning Code (MPC)*, as amended.

**SECTION 2. ALTERNATE MEMBERS OF ZONING HEARING BOARD**

The Supervisors may appoint up to one alternate member to the Zoning Hearing Board who shall serve pursuant to *Article IX* of the *MPC*, as amended.

**SECTION 3. HEARINGS OF ZONING HEARING BOARD**

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the procedures provided for in *Article IX* of the *MPC*, as amended.

**SECTION 4. POWERS AND FUNCTIONS OF ZONING HEARING BOARD**

The Zoning Hearing Board shall have such powers and perform such functions as authorized by *Article IX* of the *MPC*, as amended.

**SECTION 5. HEARINGS BEFORE GOVERNING BODY**

All hearings on matters within the jurisdiction of the governing body shall be conducted in accordance with the procedures set forth in the *MPC*, as amended.

**SECTION 6. ZONING APPEALS TO COURT**

Appeals to court shall be governed by *Article X-A* of the *MPC*, as amended.

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## ARTICLE XII

### DEFINITIONS

#### SECTION 1. WORD USAGE

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural and the plural number includes the singular; words of masculine gender include feminine gender and words of feminine gender include masculine gender.
- B. The word "includes" or "including" shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character.
- C. The word "person," "applicant," "subdivider," "developer" and "owner" shall include an individual firm, association, organization, partnership, trust, company, public or private corporation for profit or not-for-profit, political subdivision, agency or instrumentality of the Commonwealth, bureau or agency of the United States, or any other similar entity.
- D. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
- E. The words "used or occupied" include the words "intended, designed, maintained, or arranged to be used or occupied."
- F. The word "Township" shall mean Benner Township.
- G. The word "municipality" shall mean Township of Benner.
- H. The word "planning agency" and "planning commission" shall mean the Benner Township Planning Commission".
- I. The word "Supervisors" shall mean the Benner Township Board of Supervisors.
- J. The term "County" shall mean the County of Centre.

**SECTION 2. DEFINITIONS**

The following words and phrases shall have the meaning given in this Article, unless a contrary intention clearly appears. All words and terms not defined herein shall be used with a meaning of standard usage.

**ACCESS** — A way or means of approach for vehicle and/or pedestrian traffic from a street, right-of-way, public area or community facility to a lot.

**ACCESS DRIVE** — A driveway providing pedestrian and vehicular access between a public or private street and a parking area within a land development. (See also *Street*).

**ACTIVITIES OF DAILY LIVING (ADL)** — The term includes bathing, dressing and undressing, grooming, eating, transferring in and out of bed or chair, toileting, bladder management, bowel management, and additional personal care activities such as nail care.

**ADDITION** — See "*Extension*."

**ADULT BUSINESSES AND ENTERTAINMENT** — An adult business or entertainment is any establishment which:

- (1) In whole or in part sells, leases, dispenses, or displays publications, photographs, drawings, posters, films, videos, or reproductions of any type depicting explicit or implicit sex acts or lewdness.
- (2) Exhibits or permits the exhibition of live sexual acts or implied sexual acts, or solicits or permits solicitation of persons and/or animals for purposes of indulging in sexual relations or implied sexual relations.

**ADULT DAY CARE**

- A. **Caretaker, Adult Day Care**— The operator and staff of the Adult Day Care Center/Home assuming the responsibility for adult daily living services in the Adult Day Care Center/Home.
- B. **Center, Adult Day Care** — A premise where out-of home care is provided to 4 or more elderly or disabled adults for part of a 24-hour day, excluding care provided by relatives. Care includes personal assistance in the "activities of daily living," (see definition above) the development of skills for living and providing social contact to reduce isolation and loneliness.
- C. **Home, Adult Day Care** — A premises where out-of care is provided to (3) or less elderly or disabled adults for part of a 24-hour day, excluding care provided by relatives.
- D. **Program Staff, Adult Day Care** — An employee of a Center/Home who directly assists clients with activities of daily living or provides adult daily living services, or both. The term does not include a person whose total or majority of time involves

providing housekeeping, maintenance, accounting/bookkeeping or clerical services. The term also does not include a registered nurse or social worker retained by a Center/Home as a consultant; that is, retained as an independent contractor to give advice, guidance or other assistance in accordance with the standards of the nursing or social work professional.

- E. **Provider or Operator, Adult Day Care** — The individual, agency, partnership, association, organization, or corporate entity providing Adult Day Care Center/Home program services.

**AGRICULTURE** — The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping of raising of livestock and poultry, and including sale of crops and agricultural, dairy and horticultural farm products incidental to the operation of a farm.

**AGRICULTURAL USE** — Any use of land or structures for farming, dairying, pasturage, forestry, or animal husbandry including the sale of agricultural products and services. Uses accessory to an agricultural use may include barns, stables, corn cribs, silos and any other structure or building clearly related to an agricultural operation.

**AIRPORT** — Any area of land or water used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities.

**ALLEY** — A public way less than 33 ft. in width, designated as an alley on a recorded plot or dedicated as such in a deed, whether privately or publicly owned, primarily for secondary means of access to the rear or sides of properties.

**ANTENNA** — Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.  
(Amended by Ordinance No. 73A)

**APARTMENT** — see “*Dwelling Types*”

**APPLICANT** — A landowner or developer, as hereinafter defined, who has filed an application for development including his/her heirs, successors, and assigns.

**APPLICATION FOR DEVELOPMENT** — Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including, but not limited to, an “*Application for Zoning Permit*,” for the approval of a subdivision plat or plan or for the approval of a development plan.

**APPROVED** — Approved by the recognized authoritative agency or official as specified in the respective regulations.

**BALCONY** — An unroofed platform projecting from the wall of a building and enclosed by a parapet or railing.

**BED AND BREAKFAST ESTABLISHMENT** — A building, or portion thereof, providing for compensation, sleeping accommodations and breakfast for transient guests. In residential zoning districts, bed and breakfast establishments are home occupations; in other zoning districts where permitted, bed and breakfast establishments may be primary or accessory uses. Such establishment shall be owner-occupied.

**BED AND BREAKFAST UNIT** — A room within a bed and breakfast establishment used for lodging.

**BLOCK** — The length of a street between two (2) street intersections.

**BOARDING HOUSE** — A building arranged or used for lodging, with or without meals for compensation, of more than three (3) and not more than 10 individuals.

**BUFFER AREA** — A strip of land planted and maintained in shrubs, bushes, trees, grass, or other vegetative material and where no structure or building is permitted except a wall or fence.

**BUILDING** — A structure, including any part thereof, having a roof and used for a shelter or enclosure of persons or property, including but not limited to: Any structure used for a residence, business, industry, or other public or private purpose, or accessory thereto, and including porches, greenhouses, stables, garages, roadside stands, mobile homes, manufactured homes, and similar structures, whether stationary or movable, but excludes fences and walls part of landscaping, signs and awnings.

- A. **Accessory, Building** — A detached subordinate building, the use which is customarily incidental and subordinate to that of the primary building, and located on the same lot as that occupied by the primary building.
- B. **Alteration, Building** — As applied to a building, a change or rearrangement in the structural parts, including supporting members such as bearing walls, columns, beams, or girders, or an enlargement, whether by extending on a side or by increasing in height, or the relocation of a building onto or within a lot.
- C. **Area, Building** — The total areas of the greatest outside dimensions on a horizontal of the principal building and all accessory buildings.
- D. **Frontage, Building** — The linear length of all ground-floor walls facing or exposed to any street right-of-way, plaza or arcade.



- E. **Height, Building** — The vertical distance from grade to the top of the highest roof beams of a flat roof, or the mean level of the highest gable or slope of a hip roof.
- F. **Length, Building** — The horizontal measurement of any continuous building wall.
- G. **Principal, Building** — A building or structure where the principal use is conducted on the lot where the building is located.
- H. **Setback Line, Building** — A line establishing the minimum depth of the front yard for the applicable zoning district as measured from the street line.

**BUSINESS SERVICE USES** — Business service uses may include the following uses: advertising agency, credit reporting agency, data processing service, equipment leasing, mailing service, management consulting, news service, photography, protective service, public relations, reproduction service, research and development, and stenographic service.

**BUSINESS UNIT** — A parcel of real estate, with or without improvements utilized by any person(s) for any commercial activity or purpose.

**CHILD DAY CARE HOME** — An occupied single-family residence where the occupant(s) of that dwelling provide(s) child day care service for no more than \_\_\_\_ children, but not in excess of the number of children which two (2) staff members can handle in accordance with the regulations governing such.

**CHILD DAY CARE CENTER** — Any place receiving children for day care where the number of children receiving day care is in accordance with the regulations governing child day care centers.

**CHURCHES AND OTHER PLACES OF WORSHIP** — The use of land, structures and buildings for religious worship, education and related activities; includes chapels, cathedrals, temples, synagogues, and the like.

**CLINIC (MEDICAL/DENTAL)** — A combined office for doctors, dentists, and associated technicians, but not including the care of patients except on an out-patient basis and not including hospital service or nursing home services.

**CLUBS, LODGES AND FRATERNAL ORGANIZATIONS** — The use of land or structures by a non-profit group not operating for the purpose of trade or business, but operating for social and community service activities among group members and their guests.

#### COMMERCIAL

- A. **Retail Use, Commercial** — Commercial, retail uses include the following, (excluding the sale of aircraft): apparel and accessory store, automotive dealer, books, building material supply, drug store, eating/drinking establishments, food store, furniture, hobby shop, home furnishings, garden supply, general merchandise, gift

shop, jewelry, liquor, mini-mall, mobile home sales lot, shopping center, stationary, used merchandise, chemical/drug supply, contractor's yard, distilled beverage supply, electrical supply, fabric, farm store and supply, fuel facility, grocery supply, hardware, lumber yard, machinery/equipment, motor vehicle parts, metal supply, paint, paper supply, plumbing/heating supply, and tobacco.

**COMMUNITY CENTER OR CLUB** — The use of land or structures for social and community service activities charitable, educational, or religious in nature for public rather than for private gain, including recreational programs, counseling services and human service agencies and programs. A group of individuals formally organized for a common interest.

**CONSTRUCTION** — The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes and mobile homes.

**CONVENIENCE FOOD STORE** — Small stores permitted in selected zoning districts retailing food and beverages primarily to the immediately surrounding population.

**COUNTY PRISON** — A prison and its related offices for the housing of inmates on a 24-hour basis, 365 days a year (*as amended by Ord. 82*).

**CURB RETURN** — A curved curb connecting the tangents of two (2) intersecting curbs of streets or driveways.

**DECK** — A flat-floored, roofless area, usually built above grade and adjoining a building.

**DENSITY** — The proportionate amount of land allocated for each dwelling unit of permitted use.

**DEVELOPER** — Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes a subdivision of land or a land development.

**DEVELOPMENT** — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes and mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

**DEVELOPMENT PLAN** — The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location, and setbacks of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in these definitions.

**DIRECT RAYS** — When used as illumination, any form of lighting source visible and distributed directly onto the object being illuminated.

**DRIVEWAY** — A corridor providing motor vehicle access from a street to a lot.

**DWELLING** — A building or structure portion thereof arranged or designed to provide living facilities for one or more families.

**DWELLING UNIT** — One or more living and/or sleeping rooms arranged for the use of one or more individuals living as a family with cooking, living and sanitary facilities.

**DWELLING TYPES**

- A. **Apartment** — A dwelling unit with multiple dwellings.
- B. **Apartment Complex** — A group of two (2) or more buildings occupying a lot in single ownership. Each building containing three (3) or more dwelling units.
- C. **Duplex** — A dwelling containing two (2) units; one located above the other. Also known as *Two Family Detached*.
- D. **Single-family Detached** — A dwelling containing one (1) dwelling unit and not attached to any other dwelling units. This definition includes “*manufactured homes*”.
- E. **Single-family Semi-detached** — A dwelling containing two (2) dwelling units attached side-by-side by the use of a common wall.
- F. **Townhouse** — A dwelling containing at least 3 dwelling units, but not more than 8 dwelling units attached side-by-side by the use of a common wall.
- G. **Two-family Semi-detached** — Four (4) dwelling units accommodating 4 families, two (2) units located directly over the other two (2) units.

**EDUCATIONAL INSTITUTION** — Any building or part thereof or group of buildings or structures designed, constructed, or used for instruction in any branch of knowledge. This definition includes elementary, secondary, or vocational schools.

**EFFLUENT** - The outflow of a stream, body of water, storm basin, sewer, etc.

**ELDERLY AND/OR DISABLED PERSONS HOUSING** — A residential building or complex of buildings with dwelling units specifically designed for the use of and occupied by any person(s) 55 years of age or older and their spouse and dependent relatives, or any person(s) less than 55 years of age who has a record of or is regarded as having a physical or mental impairment substantially limiting one or more of the major life activities of that person(s) and their spouse and dependent relatives and live-in caregivers. Impairment does not include those exceptions listed in the Americans with Disabilities Act (ADA) of 1990. (*Amended by Ordinance No. 73A*)

**ENGINEER** — A professional engineer registered in the Commonwealth of Pennsylvania.

**ERECTION** — Construction or assembly.

**EROSION** — The removal of soil, stone, and other surface materials by the action of natural elements.

**EXTENSION** — An addition to the floor area of an existing structure or building, an increase in the size of a structure or building, or an increase in that portion of a lot occupied by an existing use; an enlargement of a use, structure, or building.

**FAMILY** — An unlimited number of persons related by blood (within and including the degree of first cousin), marriage or adoption (including foster children) living together in a dwelling unit. Other persons not included in the foregoing definition are called unrelated persons.

**FAMILY CARE** — The provision of care in accordance with regulations of the appropriate State agency(ies) for up to 3 mentally ill, retarded or disabled children or adults or elderly persons in a dwelling unit by a provider who resides in that unit.

**FARM** — A parcel of land 10 acres or more devoted to or available for the cultivation of land or other agricultural uses.

**FINANCIAL SERVICE USES** — Financial service uses may include the following: banks, commodity broker; credit union, insurance agent and company, investment company, mortgage broker, real estate agency and broker, savings and loan, and securities broker.

**FINISHED LIVING AREA** — All habitable interior space, excluding unheated porches, unfinished basements, carports, and garages.

**FIRE TRAINING FACILITY** — A publicly owned and operated facility used for the training of volunteer fire protection personnel and other individuals directly involved in providing fire safety services (*as amended by Ord. 82*).

**FLEA MARKET** — An outdoor market where several persons lease or are provided spaces to sell generally second-hand or antique items. An indoor flea market shall be considered a retail store.

**FLOOR AREA** — The total area of a structure obtained by multiplying the area of each floor as measured from the face of the exterior walls by the total number of floors contained in the structure. Retail and service floor area is that portion of the total floor area regulated to use by the customer and employees to consummate retail sales and services including display areas for goods, but not including, office space or storage areas.

**FOOT CANDLE** — A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle (*as amended by Ord. 78*).

**FUNERAL HOME** — A building devoted to the care, embalming, and holding of services for the dead, including the sale of funeral equipment as an accessory activity.

**GARAGE, PRIVATE** — A structure or any portion thereof accessory to a dwelling used for the housing of private motor vehicles. This definition does not include a garage offering commercial automotive services to the public or a garage where any provision is made for repairing or servicing of vehicles for profit (see *Motor Vehicle Service Station or Garage*).

**GOLF COURSE** — A recreational area primarily used for playing golf and having a minimum of 5,000 yards of play in 18 holes or 2,500 yards in 9 holes, and including accessory facilities such as a driving range, pro shop, and/or restaurant.

**GOVERNING BODY** — The Board of Supervisors of Benner Township.

**GRADE** — The average elevation of the proposed finished grade line of the ground at the front or street side of the proposed building.

**GRADING** — The act of excavating and/or filling land for the purpose of changing natural slope.

**GROSS ACRES** — The extent of surface area contained within the boundary of a property, excluding existing street rights-of-way.

**GROSS RESIDENTIAL DENSITY** — The number of dwelling units in relation to the total land area proposed to be used for residential purposes, including rights-of-way, interior parking areas, access drives, private streets, sidewalks, common open space, parks and playgrounds.

**GROUP HOME** — A dwelling unit where care and residence are provided in accordance with regulations of the appropriate State agency(ies) for more than three (3) and not more than 8 non-adjudicated clients who are dependent children or elderly, mentally ill, retarded, or disabled adults.

**HALFWAY HOUSE/REHABILITATION CENTER** — A residence or community center where social and community service activities in accordance with regulations of the appropriate State agency(ies) are provided for no more than 8 residents and an unlimited number of nonresident alcoholics, drug addicts, emotionally disturbed adults, former convicts, or other adjudicated individuals.

**HAZARD TO AIR NAVIGATION** — Any obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

**HEALTH SERVICES** — Establishments providing health care and treatment beyond traditional office care. Such establishments include, but are not limited to, surgical centers, radiological centers, medical and dental labs, outpatient care facilities, blood banks, medical

supplies and services businesses. This definition does not include establishments providing overnight care or stays of any kind.

**HEIGHT** — The vertical distance of a structure or building measured from the mean level of the ground surrounding the structure to its highest point, regardless of roof design.

**HEIGHT-STORY** — The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or when there is not a ceiling, to the top of the roof rafters.

**HOME OCCUPATION** —A business, profession, occupation, or trade conducted for financial gain or profit and located entirely within an owner occupied, residential dwelling or within a detached garage located on a residential lot, which use is accessory, incidental, and secondary to the use of the dwelling for residential purposes and does not change the residential character or appearance of the dwelling or detached garage.

**HOSPITAL** — An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

#### **HOTEL**

- A. **Full Service, Hotel**— Building(s) containing rooms temporarily rented for sleeping purposes by guests. Such facilities may include a full-service kitchen and restaurant facility and meeting, and conference facilities for use by the public.
- B. **Limited Service, Hotel** — Building(s) containing rooms temporarily rented for sleeping purposes by guests. Such facilities shall *not* include a full-service kitchen and restaurant facility, or meeting and conference facilities for use by the public, but may include incidental kitchen and dining facilities and meeting facilities, for use by hotel guests.

**HOUSING (Nursing or Convalescent Home)** — A resident facility for the elderly providing a wide variety of services depending on the individual's need, including independent living units in association with the home.

**HOUSING (Personal Care Boarding Homes for Adults)** — See "*Personal Care Boarding Homes for Adults.*"

**IMPERVIOUS SURFACE** — A surface preventing the penetration of water into the ground. All buildings, parking areas, driveways, roads and sidewalks, whether paved or gravel, and any areas in concrete and asphalt shall be considered impervious surfaces.

**IMPROVEMENT AREA** — An area of land, when specified in the Zoning Ordinance, shall be considered a "buffer" area where grass shrubbery, trees or other types of plant material

shall be planted. In no case, shall these areas be paved or covered with an impervious surface except for driveways, sidewalks, and bike paths which cross the “buffer area”.

**INDUSTRIAL**

- A. **Park, Industrial**— An area planned for the integrated design of two (2) or more primary industrial uses, structures, or buildings on a lot held in single ownership.
- B. **Use, Industrial** — Any use of land, buildings, or structures for construction, manufacturing, mining, transportation, junk, salvage yards and materials, articles or merchandise. Uses may include: bindery, bore holds, building contractor facility, junk yard, auto wrecking, scrap yard, postal facility, and trucking and freight terminal.

**INDUSTRY** — The manufacture, compounding, processing, assembly or treatment of materials, articles, or merchandise.

**INSTITUTIONAL CARE** — Twenty-four (24) hour residential care provided under nursing/medical supervision.

**INTERCHANGE ACCESS ROAD** — The highest order road serving an interchange and providing access to the Interstate Highway (i.e., Shiloh Road, State Route 150) *(as amended by Ord. 78)*.

**INTERCHANGE OVERLAY ZONE** — The area located within a one (1) mile radius of an Interstate interchange measured from the geographical center of such interchange *(as amended by Ord. 78)*.

**INTERMEDIATE CARE FACILITY** — A facility providing, on a regular basis, health-related care and services to individuals not requiring the degree of care and treatment found in a hospital or skilled nursing facility, but because of their mental or physical condition, require care and services (above the level of room and board) available only through institutional facilities such as these.

**INTERSTATE CORRIDOR** — The area located within one-quarter (1/4) mile along each side of the Interstate Highway and the Interchange Access Road *(as amended by Ord. 78)*

**INTERSTATE HIGHWAY** — Interstate 99 *(as amended by Ord. 78)*.

**JUNK** — Any worn, cast off, discarded or stored material including unlicensed vehicles, machinery, and equipment ready for destruction, collected for salvage, or conversion to some other use.

**JUNK YARD** — The use of more than 200 sq. ft. of area for the storage, keeping, collecting, baling or paper, rags, scrap metals, or for abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles not in running condition.

**KENNEL** — An establishment, structure, building, lot or portion of a lot on or where more than 5 dogs, cats, or other domestic pets are housed, bred, boarded, trained, or sold.

**LAND DEVELOPMENT** — Any of the following activities:

- A. The improvement of one lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- B. A subdivision of land.

**LANDLORD** — A lessor, or person who acts as an agent for the lessor, of any parcel of real estate, or any improvements on real estate or any building located in the Township.

**LANDOWNER** — The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he/she is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

**LIGHT INDUSTRY & MANUFACTURING** — A use engaged in the manufacture (predominantly from previously prepared materials) of finished products or parts including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

**LOADING SPACE (OFF-STREET)** — An area located outside any street right-of-way set aside for the use of motor vehicles to load and unload material for a period of time.

**LOT** — A parcel of land, occupied or unoccupied by a primary building and/or accessory building, fronting on a street or other public or recorded private way; including yard setback and other open spaces required by this Ordinance or as shown on a parcel of land.

- A. **Area, Lot** — The total horizontal area included within the rear and side property lines and front street or proposed street lines.
- B. **Classification, Lot**
  - 1. Corner — A lot fronting on two (2) streets at their intersection.
  - 2. Interior — A lot with only one (1) frontage on a street.
  - 3. Through — A lot with front and rear street frontage.



- C. **Coverage (maximum), Lot** — The percentage of lot area occupied by the ground floor area of all primary and accessory buildings.
- D. **Depth, Lot** — The mean horizontal distance between the front and rear lot lines, measured in the direction of the side lot lines.
- E. **Frontage, Lot** — The portion of a lot boundary abutting a street.
- F. **Line, Lot** — A boundary line of a lot; includes property line.
1. **Front** — The line separating the lot from the street right-of-way.
  2. **Side** — Any lines considered not front or rear lot lines.
  3. **Rear** — The lot line generally opposite of the front lot line parallel to the street line.
- G. **Size, Lot** — The area contained within the boundary lines of a lot.
- H. **Width, Lot** — The width of a lot measured between the two (2) side property lines at the building setback line. When a lot abuts on a curved street, the width shall be determined by utilizing the arc distance.

**LUMEN** — A unit of luminous flux. One (1) footcandle is one (1) lumen per square foot. The lumen output values shall be the initial lumen output ratings of a lamp (*as amended by Ord. 78*).

**LUMINAIRE** — A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts (*as amended by Ord. 78*).

**MANUFACTURED HOME** — A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, arriving at the site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so it may be used with or without a permanent foundation.

**MANUFACTURED HOME PARK** — A parcel (or contiguous parcels) of land planned and improved for the placement of two (2) or more manufactured homes.

**MANUFACTURING USE** — The processing and/or converting of raw unfinished materials or finished materials or products, or any combination of them, into an article or substance of different character, or of use of a different purpose. Additionally, the term *manufacturing* shall include industries furnishing labor in manufacturing or in the refinishing of manufactured articles. This use includes apparel and textile products, chemicals and allied products, electric and electronic equipment, fabricated metal products, food and kindred products, lumber and wood products, machinery, paper and allied products, petroleum and

coal products, stone, clay and glass products, textile mill products, tobacco products, transportation equipment and miscellaneous industries including the manufacture of jewelry, silverware, musical instruments, toys and sporting goods, office and art supplies, costume jewelry, notions, etc. (also see “*Industrial Use*”).

**MINING AND QUARRYING** — The use of land for the purpose of extracting rocks and minerals for sale, exclusive of grading a lot preparatory to the construction of a structure or building for which a Zoning Permit has been issued.

**MIXED USE** — The use of any lot or structure for a combination of residential and non-residential purposes.

**MOBILE HOME** — A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, arriving at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so it may be used without a permanent foundation.

- A. **Lot, Mobile Home** — A lot in a mobile home park, improved with utility connections and other appurtenances necessary for the placement of a mobile home.
- B. **Park, Mobile Home** — A parcel or continuous parcels of land designated and improved containing two (2) or more mobile home lots for the placement of mobile homes.

**MODULAR or SECTIONAL HOME** – A type of dwelling meeting the definition of single family detached dwelling, single family semi-detached dwelling, townhouse or garden apartment substantial in part but not wholly produced in sections off the site and then is assembled and completed on the site. This shall not include any dwelling meeting the definition of mobile/manufactured home, nor shall it include any dwelling not resting on a permanent foundation, nor any dwelling intended to be moved to a different site once assembled, nor any dwelling not fully complying with any and all applicable building codes. A modular home also shall not include a building that includes only one substantial piece prior to delivery on the site. (*Amended by Ordinance No. 73A*)

**MORTUARY** — See “*Funeral Home*”

**MOTEL (MOTOR LODGE)** — See “*Hotel, Full Service or Hotel, Limited Service*”

**MOTOR VEHICLE**

- A. **Commercial, Motor Vehicle** — A licensed, motorized vehicle designated for transportation of commodities, merchandise, produce, freight, animals or passengers, and operated in conjunction with a business occupation, or home occupation, including but is not limited to, automobiles, trucks, tractor/trailers, and vans.

- B. **Sales Area, Motor Vehicle** — An open area, other than a street right-of-way, used for the display or sale or lease of new and used motor vehicles, boats, trailers, farm equipment, construction equipment, and accessories.
- C. **Sales Building, Motor Vehicle** — A structure used for the sale or lease of motor vehicles, boats, trailers, and accessories.
- D. **Service Station or Garage, Motor Vehicle** — The use of land or structures engaged in the retail sale of gasoline, oil, grease, batteries, tires and other motor vehicle accessories, and may also provide minor mechanical repairs, and servicing of motorized vehicles.
- E. **Washing Facility, Motor Vehicle** — Any premises used for the washing and/or cleaning of motor vehicles, boats, trailers and accessories.
- F. **Wrecking, Junk and Scrap Establishments, Motor Vehicle** — The use of land structures for the storage, baling, packing, sorting, handling, disassembling, purchase or sale of any material used for salvage, scrap, or reclaimed, capable of being reused in some form; including metals, fiber, paper, cloth and rags, rubber, rope, bottles, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe and pipe fittings and tires. Motor vehicles which are inoperable and do not have current inspection stickers or a current license, as required by the Commonwealth of Pennsylvania, and motor vehicle parts are also included. Collection and storage of garbage or other organic waste is prohibited.

**NON-COAL MINERALS** — An aggregate or mass of mineral matter, extracted by surface and subsurface mining, including but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay. The definition does not include peat, anthracite or bituminous coal or coal refuse.

**NON-COAL SURFACE MINING ACTIVITIES** — The extraction of minerals from the earth, from waste or stockpiles or from pits or from banks by removing the strata or material that overlies or is above or between them or otherwise exposing and retrieving them from the surface activity connected with surface or underground mining, including, but not limited to, exploration, site preparation, entry, tunnel, drift, slope, shaft and borehole drilling and construction and activities related thereto. The definition does not include mining operations carried out beneath the surface by means of shafts, tunnels or other underground mining openings. The definition does not include the following:

- a. The extraction of minerals by a landowner for the landowner's noncommercial use from land owned or leased by the landowner.
- b. The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes for the Department of Transportation or the extraction of minerals under construction contracts with the Department if the

work is performed under a bond, contract and specifications that substantially provide for and require reclamation of the area affected.

- c. The handling processing or storage of slag on the premises of a manufacturer as part of the manufacturing process.

**NONCONFORMITIES** — Any nonconforming lot, use of land or structures.

- A. **Lot, Non-conforming**— The area or dimension of a lot lawfully existing prior to the adoption or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district where it is located by reasons of such adoption or amendment.
- B. **Structure or Building, Nonconforming** — A structure or building or part of a structure or building not complying with the applicable provisions of a zoning ordinance or amendment thereafter enacted, when such structure or building lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures or buildings include, but are not limited to, nonconforming signs.
- C. **Use, Nonconforming** — A use, whether of land, building or structure, not complying with the applicable use provisions of a zoning ordinance or amendment thereafter enacted, when such use lawfully existed prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**OCCUPANCY PERMIT** — A permit issued by the Township upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building certifying all requirements and regulations as provided herein, and all other applicable requirements, have been complied with.

**OCCUPANT OWNED BUSINESSES** — Businesses owned by occupants of a single family residence where a business activity is conducted off-site, but managerial office functions and storage of equipment are conducted on the residential site. *(Amended by Ordinance No. 73A)*

**OCCUPY** — When used in relation to residence, shall mean the same as “reside in.”

**OFFICE** — A building or space in a building where the affairs of a business, professional person or government agency are conducted; however, the primary function of the building or space shall not include wholesale or retails sales of products or goods.

- A. **Park, Office** — A large tract of land planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary

uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

**OPEN**

- A. **Active, Open** — Open space more usable for recreation. Usable area is defined as land having slopes of less than 10%. *(Amended by Ordinance No. 73A)*
- B. **Area, Open** — The required ground surface needing to remain uncovered by building and/or paved areas; the extent of which is expressed as a percentage of the lot size.
- C. **Common, Open Space** — A parcel or parcels of land or an area of water, or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.
- D. **Passive, Open Space** — Open space used as green space or wooded areas. *(Amended by Ordinance No. 73A)*
- E. **Space, Open** — Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

**OVERBURDEN** — The strata or material overlying a non-coal deposit or between non-coal deposits in its natural state and material before or after its removal by mining.

**PARKING**

- A. **Aisle, Parking** — A corridor used for access within a parking lot by motor vehicles to the parking space.
- B. **Bay, Parking** — The portion of an off-street parking area containing an aisle and one (1) or two (2) rows of parking stalls.
- C. **Deck, Parking** — A structure for motor vehicle parking or storage, usually with partial walls, as opposed to a fully enclosed garage building.
- D. **Employee, Parking** — An off-street parking area used exclusively to park employees' personal vehicles during working hours. For purposes of this Ordinance, an employee is any person who works or provides services for an employer for salary or wages or who provides services as a volunteer for the employer provided such person spends at least 4 consecutive hours on any given day at the place of employment.
- E. **Interior Space, Parking** — A parking space not abutting the perimeter of the off-street parking area.

- F. **Lot, Parking** — A facility providing off-street parking space for 5 or more motor vehicles.
- G. **Off-street, Parking** — An area or structure located outside the street right-of-way designed to be used for parking motor vehicles.
- H. **Perimeter, Parking** — The outer boundary of the hard surface area of an off-street parking area.
- I. **Public, Parking** — An off-street parking area containing parking spaces available to the public for the parking or storage of non-commercial motor vehicles on a rental or free basis. When permitted, such parking area may be the principal use of the land.
- J. **Space, Parking** — An area located beyond the street right-of-way for parking one (1) motor vehicle.
- K. **Stall, Parking** — The area where one (1) vehicle is to be parked; a parking space.
- L. **Structure, Parking** — Any building, either above grade, below grade, or both, or any deck designated or used for the parking of motor vehicles.

**PAVED AREA** — Any impervious paving or other durable surface for driveways and parking facilities, exclusive of building area. The extent expressed as a percentage of the lot size.

**PAVING MATERIAL**— Cement concrete, bituminous concrete, brick, paving block or other similar material that cannot be deformed or scattered. Such material shall meet the construction standards of the Township.

**PENN DOT**— The Pennsylvania Department of Transportation.

**PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC)** — *Act of 1968, July 31, P.L. 805, as amended (53 P.S. § 10101 et seq.).*

**PERMANENT FOUNDATION**— A wall below or partly below grade providing support for exterior, walls or other structural parts of a building. Such wall being constructed of concrete, or a combination of building units or materials of brick, concrete, masonry units, stone or other approved units bonded together with mortar.

**PERSONAL SERVICE USES** — Personal service uses may include the following: ambulance services, apparel repair, beauty shop, crematorium, laundry/garment service, massage, mortuary, shoe repair, and tailor.

#### PLAN

- A. **Final, Plan** — A complete and exact subdivision or land development plan prepared for official recording as required by statute; a final plot.

- B. **Preliminary, Plan** — A tentative subdivision or land development plan, in lesser detail than the final plan, indicating the approximate proposed layout of a subdivision or land development as a basis for consideration prior to preparation of the final plan(s); a preliminary plot.
- C. **Sketch, Plan** — A plan of a subdivision or land development showing the tentative street and lot layout, to be used for informal discussion with the Planning Commission/Township Staff prior to preparation of the preliminary and/or final plan(s). Submission of a sketch plan does not constitute a formal plan submission; such plan is for discussion purposes only.

**PLANNED RESIDENTIAL DEVELOPMENT** — An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses. A development plan which does not correspond in lot size, type of dwelling or use, density or intensity, lot coverage, and required open space to the regulations established in the applicable zoning district.

**PLATFORM** — Any horizontal flooring surface, usually higher than the adjoining area.

**PORCH** — A roofed area, usually open on the sides, providing cover over the entrance of a building.

**PROCESSING** — A function involved in the manufacturing of goods or products where the material used is not physically changed except for packaging or sizing.

**PRODUCT** — Any article whose appearance or composition has been changed or altered, but not in a complete form for ultimate disposition.

**PRODUCTION** — A function involved in the manufacturing of materials, goods, or products where it is physically changed.

**PROFESSIONAL SERVICE USES** — Professional service uses may include the following: accountant, animal hospital, architect (landscape), attorney, chiropractor, city planner, dentist, engineer, ophthalmologist, optician, optometrist, osteopath, physician, surgeon, surveyor, and veterinary offices.

**PREMISES** — Any lot and any structure or building constructed thereon.

**PRIVATE** — Not publicly owned, operated, or controlled.

**PUBLIC** — Owned, operated, or controlled by a governmental unit or a governmental agency.

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**PUBLIC UTILITY**

- A. **Facility, Public Service**—A facility for the management and distribution of utility services, including gas, electric, steam, water, sewerage, telephone, cable television and similar services; for the provision of municipal services such as road maintenance, refuse collection, public transportation and public safety and emergency services; for governmental offices.
- B. **Use, Public Utility** — A use defined as an electric generating plant, electric substation, energy storage facility, gas substation, gas works, power/telephone pole, pump station, sewer plant, sewer riser pipe, stormwater management structure, telephone booth, telephone exchange, water plant, water riser pipe, and water storage tower.

**RECREATION**

- A. **Area, Recreation** — A private or public space, including essential buildings and structures, used for play and/or recreation by individuals.
- B. **Park, Recreation** — A tract of land designated and used for active and passive recreation.
- C. **Use, Recreation** — Recreational uses shall include the following: amusement park, auditorium, arcade, athletic health spa, billiards parlor, club dancing studio, golf course, music studio, swimming club, target range, and theater.
- D. **Use, Commercial Recreation** — A business unit conducting indoor or outdoor recreation activities for use by individuals. (*Amended by Ordinance No. 75*)
- E. **Vehicle, Recreation** — A vehicular type portable structure without permanent foundation, which can be towed, hauled, or driven and is designed primarily as temporary living accommodation for recreation, camping, and travel use including, but is not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**RESTAURANT**—An establishment where food and drink is prepared, served and consumed primarily within the principal building.

- A. **Drive-In Restaurant**— Any restaurant where food or beverages are served to the occupants of a motor vehicle while seated therein, either through a drive-in window or by service from an attendant waiting on occupants within a motor vehicle.
- B. **Fast-food, Restaurant** — Any establishment whose principal business is the sale of food or beverages with rapid turnover to customers in a ready-to-consume state for consumption either within the building or for carry-out off the premises and whose design or principal method of operation includes the following: foods and beverages



are usually served in disposable or edible containers; it is self-service, with customers expected to clean up after themselves, and menus are posted.

**RETAIL** — Any procedure involving a sale to the general public.

- A. **Sales, Retail** — Establishments engaged in selling goods or merchandise to the general public for personal or household use and rendering services incidental to the sale of such goods.
- B. **Service Uses, Retail** — Retail service uses include the following: auto body shop, auto repair shop, commercial parking, electrical repair furniture repair, gasoline service station, hotel, motel, mechanical repair, and restaurant.

**RIDING STABLE AND ACADEMY** — An establishment where horses are kept for riding, driving or are stabled for compensation as part of a club, association, ranch, or similar establishment.

**RUNOFF** — The surface water discharge or rate of discharge of a given watershed after a fall of rain, snow, or other form of precipitation not entering the soil, but runs off the surface of the land.

**SCHOOL** — Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or lawfully constituted ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

- A. **Elementary, School** — Any school licensed by the Commonwealth meeting the requirements for elementary education.
- B. **Dance and/or Music Instruction, School** — Any place where instruction in dance and/or music is given to students.
- C. **Private Academic, School** — Any nursery, kindergarten, elementary, secondary or post-secondary school offering instruction in any branch of knowledge licensed by the Commonwealth of Pennsylvania; excludes schools for dance and/or music instruction.
- D. **Public, School** — Instructional facilities, offices, athletic and recreational facilities, maintenance and support facilities, and parking facilities owned and operated by an area school district or its successor, as provided for under laws and regulations of the Commonwealth of Pennsylvania.
- E. **Secondary, School** — Any school licensed by the Commonwealth authorized to award diplomas for secondary education.
- F. **Vocational, School** — A secondary or higher education facility teaching primarily usable skills that prepares students for jobs in a trade or business.

**SEASONAL**

- A. **Dwelling, Seasonal** — Seasonal dwellings are permanent a single-family detached dwellings or mobile homes utilized periodically during the year. Such use may include occupancy during hunting or fishing seasons, vacations, weekends and other similar periodic visits. Such use may not include occupancy for more than 90 consecutive days.
- B. **Camps & Camping Grounds, Seasonal** — The use of land and structures by campers for seasonal, recreational, and/or temporary living purposes in cabins, tents, or outdoor recreational vehicles, but not including a mobile home park.

**SEDIMENTATION** — The process where mineral or organic matter is accumulated or deposited by the movement of wind and water, or by gravity.

**SHOPPING CENTER** — A group of two (2) or more primary uses or structures used for retail sales and service occupying a lot in single ownership.

**SPOIL** - Overburden and rejected material removed during surface non-coal mining operations.

**SPOIL PILE** - The overburden and rejected material piled or deposited in surface mining.

**STABLE** — A structure used for the shelter or care of horses, cattle, or other large animals.

**STEEP SLOPE** — Land whose slope is 25% or more.

**STORY** — That portion of a building between the surface of any floor and the ceiling next above. A basement shall be counted as a story if its ceiling is over 5 ft. above the average level of the finished ground surface adjacent to the exterior walls of such story.

- A. **Half, Story** — A partial story situated under a roof. The wall plates, on at least two (2) opposite exterior walls, shall not be more than 4 ft. above the floor of such story.
- B. **First, Story** — The lowest story or the ground story of a building. The floor shall not be more than 1 ft. below the average ground level at the exterior building walls. The basement or cellar shall not be considered the first story.

**STREET** — A public or dedicated right-of-way 33 ft. or more in width or a private right-of-way or easement or a proposed right-of-way widening or extension of an existing street or public way on any approved plan, street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

- A. **Cartway, Street** — The surface of a street, access drive or alley available for vehicular traffic.

- B. **Center Line, Street** — A line midway between and parallel to the two (2) street or road property lines, or as otherwise defined by the Board of Supervisors.
- C. **Classification, Street**
1. **Arterial, Street** — The principal streets in a network providing vehicle access between residential, commercial and industrial areas of the Township. Such streets are designed for fast or heavy traffic of considerable continuity used primarily as a traffic artery connecting two (2) or more neighborhoods or areas.
  2. **Collector, Street** — A street which is part of a vehicular circulation network within a neighborhood intersecting with at least one arterial street, and carries traffic from local streets to arterial streets.
  3. **Local, Street** — All streets not qualifying as arterial or collector streets or alley as defined herein, are considered local street.
- D. **Line, Street** — The dividing line between a street and the lot; including the right-of-way line and the front lot line.
- E. **Right-of-Way, Street** — A corridor of land set aside for use, in whole or in part, by a street.

**STRUCTURE** — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. This definition is intended to include all man-made objects, and specifically includes buildings, towers, cranes, smokestacks, pavement, satellite dishes, paved parking areas, runways, taxi-ways, earth formations and overhead transmission lines, and all other man-made objects.

- A. **Alteration, Structure** — As applied to a structure, a change or rearrangement in the structural parts, including supporting members such as bearing walls, columns, beams, or girders, or an enlargement, whether by extending on a side or by increasing in height, or the relocation of a structure or building onto or within a lot.
- B. **Principal, Structure** — A structure where the principal use is conducted on the lot where the structure is located.

**SUBDIVISION** — The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devices, transfer of ownership or building or lot development.

**SUBSTANTIAL IMPROVEMENT** — Any modification, alteration, reconstruction or improvement of any kind to an existing structure or building, to an extent or amount of 50% or more of its market value either (a) before the improvement, modification, or repair is

started, or (b) if the structure or building has been damaged and is being restored, before the damage occurred.

**SUBSTANTIALLY COMPLETED** — Where, in the judgment of the Township Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant the *MPC*) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

**SUPERMARKET** — A store of at least 10,000 sq. ft. used primarily for the retail sale of food products while also providing for the retail sale of household merchandise typically used in day-to-day activities.

**SURFACE MATERIAL (HARD)** — A material such as cement, concrete, bituminous concrete, brick, paving block, or other similar material not easily deformed or scattered.

**TELECOMMUNICATION FACILITY** — Telecommunication facility consisting of equipment, buildings, and structures involved in transmitting and receiving electromagnetic waves.  
(Amended by Ordinance No. 73A)

**TELECOMMUNICATION FACILITY BUILDING** — Building in which electronic receiving and relay equipment for a telecommunication tower is housed. (Amended by Ordinance No. 73A)

**TENANT** — A person who has the use, either by himself/herself or with others, of a dwelling unit or a business unit owned by a person other than himself/herself, for a period exceeding 30 days.

**THEATER FOR THE PERFORMING ARTS** — The use of land and structures containing an assembly hall and studios with or without stage, equipped with curtains and permanent stage scenery, or with mechanical equipment adaptable, but not limited to, the showing of plays, operas, performances, spectacles and similar forms of live or audio visual entertainment, and for instruction in the performing arts.

**TOURIST HOME** — A single-family dwelling accommodating overnight stays for transient guests for compensation. Such dwelling shall be owner occupied.

**TOWER** — Any ground mounted structure designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto. Not included are towers and supportive structures on residential dwellings for private non-commercial amateur purposes, including but not limited to, ham radios and citizen band radios. (Amended by Ordinance No. 73A)

**TRAILER** — A portable, vehicular structure built on a chassis and designated for travel, recreation, or hauling.

**TRUCKING TERMINAL** — Any property used for the origin and/or destination point of short and long distance hauling for the purpose of storing, transferring, loading, and unloading, in addition to truck parking. This use would include solid waste disposal vehicles, tank trucks, and livestock trucks.

**UNDERGROUND NON-COAL MINING ACTIVITIES** - An operation where non-coal minerals are extracted from beneath the surface by means of shafts, tunnels, adits or other mine openings, including

**USE** — Any purpose for which a lot, building, or structure is designed, arranged or intended to be used, occupied or maintained.

- A. **Use, Accessory** — A secondary use customarily incidental and subordinate to the primary use of the land or its structures, and located on the same lot with such primary use, unless specifically permitted elsewhere by this Ordinance.
- B. **Use, Change of** — Any change of use of land or of a building from that of one zoning district classification to another, as defined by this Ordinance.
- C. **Use, Conditional** — A use conditionally permitted in a zoning district based on the location of the use within the zoning district and upon compliance with specific conditions and criteria. Conditional uses are approved by the Board of Supervisors. The Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, necessary to implement the purposes of this Ordinance. These procedures are set forth in *Article VIII* of this Ordinance.
- D. **Use, Nonconforming** — see “*Nonconforming Use.*”
- E. **Use, Primary** — The principal use of a lot, building, or structure.
- F. **Use, Principal** — The primary reason for the structure or activities on the lot. In any residential district, there shall be no more than one principal use on each lot unless it is possible to show the use can meet all requirements of this Ordinance and a subdivision ordinance to establish each use on a separate, conforming lot.
- G. **Use, Special Exception** — An exceptional use permitted in an approved zoning district once specific criteria are been met. Special Exceptions are approved by the Zoning Hearing Board. The Zoning Hearing Board may attach such reasonable conditions and safeguards necessary to implement the purposes of this Ordinance. These procedures are set forth in *Article IX* of this Ordinance.

- H. **Use, Temporary** — A use permitted for a fixed period of time with the obligation and intent to discontinue the use at the end of such time. Such uses do not involve the construction or alteration of any permanent structure.

**UTILITY EASEMENT** — An area of land granted or set apart by the owner for the purpose of installation of public utilities, including but not limited to: sanitary sewer, water lines, gas lines, electric lines, telephone lines, television cables, or storm sewers, whether shown on an approved plan.

**VALET PARKING FACILITY** - Any lot or parcel of land used, in whole or in part, for storage or for parking of motor vehicles, where a storage or parking fee is charged and which is open to the general public.

**VARIANCE** — Relief granted pursuant to the provisions of the *MPC*.

**VEHICULAR ACCESS POINT** — A vehicular access point approved either by state or local government with a permit (*as amended by Ord. 78*).

**VISITORS' CENTER** — The use of the land, building, and structure or part thereof, open to the general public and designed for the dissemination of information. Such information may include, but shall not be limited to, exhibits, maps, brochures, pamphlets, and similar items.

**VOLUNTEER** — A person of his/her own free will, without monetary compensation, providing services for clients.

**WAREHOUSING** — Distribution facilities for handling goods with or without maintenance facilities.

- A. **Mini, Warehouse** — A structure containing separate storage spaces of varying sizes leased on an individual basis.

**WATER POLLUTION CONTROL FACILITY** — Buildings, structures or premises where wastewater is collected and treated prior to legal discharge; such premises shall be publicly owned and operated and subject to the regulations of the Pennsylvania Department of Environmental Protection (PA DEP) and United States Environmental Protection Agency (EPA). *Amended by Ord. 81*

#### **WHOLESALE**

- A. **Clubs, Wholesale** — Establishments engaged in selling of merchandise at reduced or “wholesale” prices to its club members only.
- B. **Sales, Wholesale** — Establishment engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**YARD** — An open space of uniform width located on the same lot with a building or group of buildings between the building or outer building of a group and the nearest lot or street line, unoccupied and unobstructed from the ground upward, except as provided in this Ordinance.

- A. **Buffer Yard** — A yard covered with vegetation designed to provide an area of separation between different zoning districts or uses.
- B. **Front, Yard** — An area defined by the front property line and a line parallel to the front property line intersecting the side property lines. The distance separating these lines is called the “front yard,” and the depth as specified by the regulations for each zoning district.
- C. **Rear, Yard** — An area defined by the rear property line and a line parallel to the rear property line intersecting the side property lines. The distance separating these lines is called the “rear yard”, and the depth as specified in the regulations for each zoning district.
- D. **Side, Yard** — An area defined by the side property line and a line parallel to the side property line intersecting the front and rear property lines. The distance separating these lines is called the “side yard”, and the depth as specified in the regulations for each zoning district.
- E. **Setback Area, Yard** — An area bounded by a lot line and a line drawn parallel to the lot line at a distance specified in the Ordinance for front, side, or rear yard setbacks.

**ZONING DISTRICT** — All land and watercourses located within designated zoning boundaries on the Township Zoning Map; a zoning district.

**ZONING AND OVERLAY MAPS (OFFICIAL)** — The Benner Township Zoning Maps. Maps setting forth the boundaries of the zoning and overlay districts of this Ordinance and adopted by Township Supervisors.

**ZONING OFFICER** — A person retained by the Township to enforce the regulations of the Zoning Ordinance, with power to issue permits, to halt illegal construction, and to interpret literally the meaning of the various sections of the Zoning Ordinance subject to appeal to the Zoning Hearing Board.



## ARTICLE XIII

### ENACTMENT

#### SECTION 1. REPEALER

Ordinance No. 38, the existing Zoning Ordinance of Benner Township, and all other existing ordinances or parts of ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

#### SECTION 2. SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared the intent of the Board of Supervisors of Benner Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

#### SECTION 3. EFFECTIVE DATE

This Ordinance shall become effective five days after enactment.

#### SECTION 4. ENACTED

ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF BENNER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA, THIS 20 DAY OF OCTOBER 1997 A.D.

BOARD OF SUPERVISORS OF  
BENNER TOWNSHIP

By absent  
Michael R. Kelleher, Chairman  
Richard C. Lahr  
Richard C. Lahr, Vice Chairman  
Helen M. Alters  
Helen M. Alters, Supervisor

ATTEST  
Sharon Royer  
Sharon Royer, Secretary  
(SEAL)

*Benner Township Zoning Ordinance*