

ORDINANCE NO. 80

An Ordinance of Benner Township, Centre County, PA., Amending the Benner Township Zoning Ordinance No. 70, by Amending Article V, Supplemental District Regulations, Section 12. Telecommunications Towers/Antennas with New Standards for Setbacks for Safety, and Amending the Forest, Industrial and Commercial Zoning Districts by Adding Antennas as a Conditional Use Requirement.

Pursuant to the powers vested in the Township of Benner, Centre County, Pennsylvania, under the provisions of the Second Class Township Code 53 P.S. 65101 et. seq. and the Pennsylvania Municipalities Planning Code 53 P.S. 10101 et. Seq., Benner Township hereby enacts the following Ordinance.

Section 1. The *Benner Township Zoning Ordinance No. 70* is amended as hereinafter set forth. All other sections of the aforesaid Benner Township Zoning Ordinance are hereby ratified, approved and reenacted.

Section 2. *Article V, Supplemental District Regulations, Section 12, Telecommunication Towers/Antennas*, is amended to read as follows:

12.3 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.

- 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 closest 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 of any proposed tower located adjacent to an existing residential lot shall be located no closer than 110% of the total height of the tower.

12.5 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:

- B After the approval of the Conditional Use through the Supervisors, the applicant shall secure a Zoning permit any placement of any antenna.

12.6 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.
- 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.
- 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.
- 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.
- F. Towers and antennas shall be designed and constructed in accordance with all state and federal regulations.
- I. Except as required by the Federal Aviation Administration, no tower or antenna shall use artificial lighting or strobe lighting at night.

SECTION 3. *Article III, Forest, Commercial, and Industrial Zoning District Charts*, are amended as follows:

	Min. Size	Min. Width	Max. Height	Coverage	Front/Side/Rear Yard
Conditional Use					
Antennas	*See Article V, Sect. 12	FAA Req.	*See Article V, Section 12		

SECTION 4. Repealer. Any ordinance or part of any ordinance conflicting with the terms of this ordinance is hereby specifically repealed.

SECTION 5. The remainder of Ordinance No. 70 will remain fully in force and effect as originally ordained.

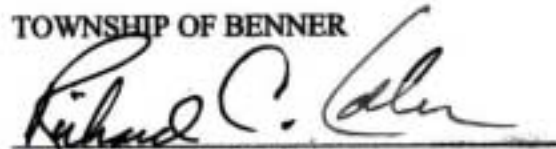
SECTION 6. Severability. The provisions of this ordinance shall be severable and if any of its provisions shall be held to be unconstitutional, illegal, invalid or otherwise unenforceable by a court of competent jurisdiction, the remaining portions hereof shall not be affected thereby.

SECTION 7. Effective date. The within ordinance shall become effective the 10th day of ~~August~~ Sept. 2002, after its enactment or adoption.

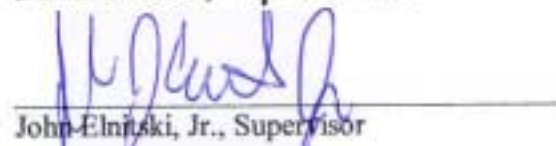
ENACTED AND ORDAINED, this 5th day of September, 2002.

TOWNSHIP OF BENNER

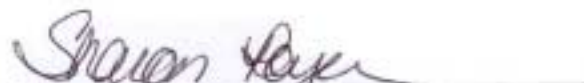
By:


Richard C. Lahr, Chairman


David C. Breon, *via* Chairman


John Elnitzki, Jr., Supervisor

ATTEST:


Sharon Royer, Secretary/Treasurer