

ORDINANCE NO. 81

**AN ORDINANCE OF BENNER TOWNSHIP, CENTRE COUNTY,
AMENDING THE BENNER TOWNSHIP ZONING ORDINANCE NO. 70
BY AMENDING THE STREAM VALLEY ZONING DISTRICT CHART TO ADD WATER
POLLUTION CONTROL FACILITY AS A CONDITIONAL USE; AND AMENDING
ARTICLE XII TO ADD A DEFINITION FOR WATER POLLUTION CONTROL FACILITY.**

**ALSO AMENDING ARTICLE X, ADMINISTRATION AND ENFORCEMENT BY AMENDING
SECTION 9, TO ADD REQUIREMENTS FOR CONDITIONAL USE SUBMISSION.**

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 III, Stream Valley Zoning District Chart,* is amended as follows:

STREAM VALLEY DISTRICT (SV) Criteria and Standards for Benner Township, Centre County, PA							
Permitted Uses	Lot Requirements			Yard Setbacks			
	Minimum size	Minimum Width (at street line)	Maximum Height	Maximum Lot Coverage (impervious included)	Front Yard	Side Yard	Rear Yard
PRIMARY USES AND STRUCTURES							
CONDITIONAL USES							
1. Water Pollution Control Facility	10 acres	150 ft.	45 ft.	35%	50 ft.	15 ft.	35 ft.

SECTION 3. *Article XII, Definitions, Section 2. "Definitions."* is amended to include:

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 Environment Protection (PA DEP) and United States Environmental Protection Agency (EPA).

SECTION 4. *Article X, Administration and Enforcement, Section 9.1 and 9.2,* are amended as follows:

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.

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.

- 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.
 - (10) The certified notification of airport owners for all applications involving towers.
 - (11) In addition to the criteria listed above, the applicant shall have the burden of proving compliance with other criteria in this Ordinance.

SECTION 5. Repealer. Any Ordinance or part of any Ordinance conflicting with the terms of this Ordinance is hereby specifically repealed.

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.

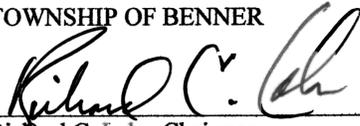
SECTION 7. The remainder of Ordinance No. 70 will remain fully in force and effect as originally ordained.

SECTION 8. Effective date. This Ordinance shall become effective the 22 day of December, 2001, after its reenactment or adoption.

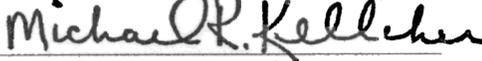
ENACTED AND ORDAINED, this 17 day of December, 2001.

TOWNSHIP OF BENNER

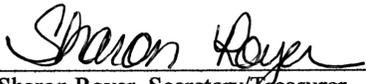
By:


Richard C. Lahr, Chairman


David C. Breon, Vice Chairman


Michael R. Kelleher, Supervisor

ATTEST:


Sharon Royer, Secretary/Treasurer