

**BENNER TOWNSHIP
CENTRE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2008-100

AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE OF BENNER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA TO IMPLEMENT THE RECOMMENDATIONS CONTAINED WITHIN THE NITTANY VALLEY REGION COMPREHENSIVE PLAN RELATING TO INDUSTRIAL USES AND ACTIVITIES BY (1) STRENGTHENING THE USES AND STANDARDS APPLIED TO THE INTERCHANGE INDUSTRIAL DISTRICT (I-4) AND INCORPORATING SUCH CHANGES THROUGHOUT OTHER APPLICABLE SECTIONS OF THE ZONING ORDINANCE.

WHEREAS, Benner Township enacted its Official Zoning Ordinance and Official Zoning Map on October 15, 1997;

WHEREAS, Benner Township officially adopted the Nittany Valley Region Comprehensive Plan, along with Bellefonte Borough and Marion, Spring and Walker Townships on September 16, 2004;

WHEREAS, the Nittany Valley Region Comprehensive Plan devised a future land use strategy premised upon a regional allocation of land use in accordance with the Pennsylvania Municipalities Planning Code;

WHEREAS, Benner Township Officials are currently participating in the development of a regional zoning ordinance that will directly implement the recommendations of the Regional Comprehensive Plan;

WHEREAS, local development opportunities in and around the interchange of Interstate Route 99 present urgency to the implementation of Benner Township Industrial District zoning policies;

WHEREAS, the expedient adoption of such Industrial District zoning policies could qualify the Region for a large infrastructure grant that will address sorely needed public sewer capacities within the Region;

WHEREAS, Township Officials hope to promote high-quality economic development at the I-99 interchange;

WHEREAS, Benner Township Officials intend to implement the regional allocation of industrial land uses as sponsored by the Nittany Valley Region Comprehensive Plan;

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

REVISION 1 – Article II, Section 7.4 Interchange Industrial District is added in its entirety as follows:

“7.4 Interchange Industrial District (I-4)

“7.4.1 Intent

The Interchange Industrial District creates a premier employment, research, academic and corporate destination within a spacious and campus-like setting. Superior location, convenient regional vehicular access and the ready availability of public utilities combine to offer the best sites for high quality business park development within the Township. Accordingly, the Township intends that this District will be comprised of equally impressive uses of high design. Rigorous design standards will be strictly applied along with density bonuses in return for suitable architectural treatments and themes. Outdoor storage is prohibited. Standards imposed within this District will generally exceed those applied throughout the rest of the Township. All utility lines should be installed under ground and generous landscaping treatments will not only beautify the landscape but act to direct traffic circulation through the District.

This District will feature large land uses or a suitable assemblage of smaller uses that have been carefully selected to ensure the highest use of this valuable real estate. Furthermore, this District will encourage vertical expansion of building area and off-street parking lots so as to provide for efficient use of land area amid generous amounts of landscaped green space and to encourage impressive building design.

This District will also permit the development of related commercial uses that offer retail goods and services in support of the District's primary employment and corporate activities as well as conveniences to local employees. These commercial uses will be deliberately limited in size and location so as to ensure their secondary impact within this important District. Commercial uses will also be held to a similarly-higher set of design standards than is customary elsewhere within the Township.

“7.4.2 Permitted Uses

1. Adult and child day care centers, subject to the applicable Supplemental Regulations contained within Article IV, Sections 2.2.2. and 2.2.5. of this Ordinance, respectively;
2. Banks and similar financial institutions;
3. Bookbinding, printing, and publishing operations.
4. Facilities for the housing and operations of emergency services, as defined herein;
5. Facilities devoted to entertainment, cultural and spectator sporting uses, including but not limited to theatres, playhouses, amphitheatres, concert halls, band shells, recital halls, athletic stadiums and/or arenas, cinemas, art galleries, libraries, museums, and art, dance, fashion and photographic studios. This use shall expressly exclude motor vehicle and animal racing venues, off-track betting and/or slot machine parlors, casinos, and adult uses;
6. Forestry uses subject to the requirements of Article V, Section 9 of this Ordinance;
7. Hotels and related uses;

8. Medical, dental, optical and counseling clinics and offices;
9. Laboratories for medical, scientific, or industrial research and development;
10. Manufacturing, packaging, storage and/or wholesaling of the following:
 1. Scientific, medical, optical, specialized, and technical instruments and equipment;
 2. Audio visual components, computers, vending machines, electronic equipment, software and video games;
 3. Office equipment, supplies, furnishings, and equipment;
 4. Photographic, lighting, and timekeeping equipment;
 5. Musical instruments, sporting equipment, bicycles and toys; and,
 6. Cosmetics, dyes, toiletries, perfumes and other pharmaceuticals;
 7. Jewelry and other precious or semi-precious metals and stones;
 8. Optical, dental, and medical supplies and equipment; and,
 9. Small or novelty products from prepared materials (excluding the use of sheet metals).
11. Offices;
12. Parks and playgrounds.
13. Public utilities structures;
14. Uses of Benner Township or its agencies and/or authorities including but not limited to government structures and facilities including but not limited to office buildings, public works facilities, parks and recreational facilities, and Township owned and operated utilities including sanitary sewer and water lines, pumping stations, collection and distribution lines, and treatment plants, associated rights-of-way.
15. Accessory uses customarily incidental to the above permitted uses, including accessory retail sales of products produced on-site so long as the sales area is no more than ten percent (10%) of the total building area or three thousand (3,000) square feet, whichever is less;
 1. Recycling collection facilities as an accessory use, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet;
 2. Power generation facilities;
 3. Athletic fields and courts and recreation facilities; and,

4. Park-n-Ride lots.

“7.4.3. Conditional Uses (The following uses are permitted by conditional use, subject to the review procedures and requirements listed in Article X of this Ordinance).

1. Airports and heliports, subject to the requirements of Article II, Section 3.3.1. and Article IV, Section 2.2.50. of this Ordinance.
2. Casinos, off-track betting parlors and/or slot machine parlors, subject to the requirements of Article IV, Section 2.2.49. of this Ordinance.
3. Co-located communication antennas upon existing structures (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures), subject to the requirements of Article IV, Section 2.2.50. of this Ordinance.
4. Convenience commercial center, subject to the requirements of Article IV, Section 2.2.51. of this Ordinance.
5. Convention and/or conference centers, subject to the requirements of Article IV, Section 2.2.52. of this Ordinance.
6. Health, fitness, social, fraternal and other private clubs, subject to the requirements of Article IV, Section 2.2.53. of this Ordinance.
7. Heliports, as an accessory, subject to the requirements of Article IV, Section 2.2.54. of this Ordinance.
8. Hospitals and related uses subject to the requirements of Article IV, Section 2.2.12. of this Ordinance.
9. Mass transit and/or taxicab terminals, subject to the requirements of Article IV, Section 2.2.55. of this Ordinance.

“7.4.4. Lot Area, Lot Width, and Lot Coverage Requirements - See the following table:

FLOOR AREA, LOT AREA, LOT WIDTH & LOT COVERAGE REQUIREMENTS WITHIN THE (I-4) DISTRICT			
Maximum Permitted Floor Area Ratio	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
75%	5 acres ¹	250 ft.	50% ²
<p>¹ For the purpose of this section, a “use” can include several businesses that are developed in a coordinated fashion (e.g., joint parking lots, access drives, loading areas, landscaping, signage, etc.) that functions as one development site and satisfies all of those requirements imposed upon this District.</p> <p>² The maximum permitted lot coverage can be increased through compliance with architectural design standards as contained within Section 7.4.16. of this Ordinance.</p>			

“7.4.5. Minimum Setback Requirements (Principal and Accessory Uses)

1. **Front yard setback** – All buildings, structures (except permitted signs) shall be set back at least one hundred feet (100’) from the street right-of-way; off-street parking lots shall be set back a minimum of twenty-five feet (25’) from the street right-of-way.
2. **Side yard setbacks** – All buildings and structures (except permitted signs) shall be set back at least sixty feet (60’) from the side lot lines. Off-street parking lots, and off-street

loading spaces shall be set back at least twenty-five feet (25') from the side lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, one of the side yard setbacks can be eliminated solely for off-street parking lots and/or off-street loading spaces.

3. **Rear yard setback** – All buildings and structures shall be set back at least sixty feet (60') from the rear lot line. Off-street parking lots, and off-street loading spaces shall be set back at least twenty-five feet (25') from the rear lot lines, unless joint off-street parking lots and/or off-street loading spaces are shared by adjoining uses. In such instances, one of the rear yard setbacks can be eliminated solely for off-street parking lots and/or off-street loading spaces.
4. **Buffer Yards** - Any lot adjoining land within any F, S, AR-1, R-2, R-3 & VR District shall maintain a seventy-five foot (75') setback for nonresidential buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, athletic fields and courts and recreation facilities, from the F, S, AR-1, R-2, R-3 & VR District parcels. Such areas shall be used for a landscape strip and screen. In addition, those properties along the Logan Branch shall provide public pedestrian access along the Logan Branch in accordance with the recommendations contained within the Nittany Valley Region Comprehensive Plan and the Nittany and Bald Eagle Greenways Plan.

“7.4.6. HEIGHT REQUIREMENTS

1. Uses that existed on the effective date of this ordinance and uses with up to one hundred fifty thousand (150,000) square feet of gross floor area shall have a maximum permitted height of seventy five (75') feet provided that all structures extending above sixty feet (60') from grade (except permitted signs) shall be set back a distance at least equal to their height from each side and rear property line. All uses must comply with Article II, Section 3.3.1. of this Ordinance.
2. Uses with more than one hundred fifty thousand (150,000) square feet of gross floor area, but less than two hundred fifty thousand (250,000) square feet of gross floor area shall locate no less than forty percent (40%) of the gross floor area of the principal building, either above, below, or both the ground level floor (i.e. 2 stories minimum). The maximum permitted height is seventy five (75') feet provided that all structures extending above sixty feet (60') from grade (except permitted signs) shall be set back a distance at least equal to their height from each side and rear property line. All uses must comply with Article II, Section 3.3.1. of this Ordinance.
3. Uses with two hundred fifty thousand (250,000) square feet or more, of gross floor area shall locate no less than sixty percent (60%) of the total area comprised of the gross floor area of the principal building, below or both, the ground level floor of the use (i.e. 3 stories minimum). Such uses shall also locate no less than forty percent (40%) of the total number of off-street parking spaces either above, below or both, the ground level floor of the use (i.e. 2 stories minimum). The maximum permitted height is seventy five (75') feet provided that all structures extending above sixty feet (60') from grade (except permitted signs) shall be set back a distance at least equal to their height from all side and or rear property lines. All uses must comply with Article II, Section 3.3.1. of this Ordinance.
4. All uses with multiple stories shall comply with the following table which depicts minimum (Min) and maximum (Max) required floor area per story:

Required Floor Area Per Story for Multiple-Story Buildings and Structures					
No. of Stories	1 st Story	2 nd Story	3 rd Story	4 th Story	5 th Story
1	100%				
2	Max 60%	Min 40%			
3	Max 40%	Min 30%	Min 20%		
4	Max 30%	Min 25%	Min 20%	Min 15%	
5	Max 25%	Min 20%	Min 15%	Min 10%	Min 5%

5. In no case shall the height of a proposed parking garage exceed that of the principal building(s) that it serves.
6. All uses must comply with Article II, Section 3.3.1. of this Ordinance.

“7.4.7. Off-Street Loading Spaces

Off-street loading spaces shall be provided as specified in Article V, Section 15. of this Ordinance.

“7.4.8. Off-Street Parking

Off-street parking shall be provided as specified in Article V, Section 10. of this Ordinance.

“7.4.9. Signs - Signs shall be permitted as specified in Township Ordinance No. 74 and as applicable in Article VII, Section 6.

“7.4.10. Access Drive Requirements

All access drives shall be in accordance with the *Benner Township Street Standards Ordinance No. 60* as amended.

“7.4.11. Screening

A visual screen must be provided along any adjoining lands within a F, S, AR-1, R-2, R-3 & VR District, regardless of whether or not the F, S, AR-1, R-2, R-3 & VR District property is developed (see Article V, Section 8.3. of this Ordinance).

“7.4.12. Landscaping

Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Article V, Section 8 of this Ordinance). A minimum twenty-five foot (25') wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint off-street parking lot and/or off-street loading space area shared by adjoining uses.

“7.4.13. Waste Products

Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of seventy-five feet (75') from any adjoining F, S, AR-1, R-2, R-3 & VR District properties. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.

"7.4.14. Operations Standards

All applicants shall submit written evidence that all operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.

"7.4.15. Outdoor Storage

Within this District, outdoor storage is prohibited.

"7.4.16. Architectural Design Standards

Applicant's are encouraged to design and construct buildings that complement the Township's developing landscape. To that effect, the Township offers an optional set of architectural design standards that are tied with the granting of a density bonus. In this case, applicants may opt to obtain a prescribed increase in permitted lot coverage in return for the use of the following specific architectural design guidelines. A developer desiring to obtain such approval shall, when making application for approval for a land development, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously. These optional standards may only be applied to the proposed use upon approval by the Board of Supervisors and written acceptance by the applicant of all requirements of this section and any valid conditions of approval attached by the Board of Supervisors;

1. Buildings and sites should be designed by qualified architects and constructed and maintained so that they:
 - Contribute to a cohesive and unified architectural theme upon the site and with neighboring properties within the District;
 - Feature prominent customer entrances and exterior pedestrian amenities;
 - Include architectural details or elements such as windows, colonnades, porches, porticos, columns, pilasters and canopies;
 - Make use of a combination of wood, brick, metal, stone, concrete masonry split face block or textured molded block glass stucco exterior wall materials or "exterior insulation and finish systems" (EIFS) as viewed from adjoining streets and properties;
 - Employ "earth-tone," "pottery-tone" or "Williamsburg-type" colors for primary wall surfaces;
 - Visually screen heating, ventilation, air conditioning, elevator, or other mechanical appurtenances, from adjoining streets and properties; and,
 - Place utilities underground except that junction boxes, transformers and other apparatuses which due to their function require above-ground placement, shall be screened from adjoining roads and properties.
2. The applicant shall submit graphic elevations drawn to scale by an architect registered in the Commonwealth of Pennsylvania depicting compliance with these standards with proposed materials labeled and a corresponding color palette;
3. In return for compliance with the above-described design standards, the Township will award an increase in permitted lot coverage to a maximum of sixty-five (65%) for the proposed use.

4. Existing uses that desire to incorporate the architectural design standards in return for the increase in permitted lot coverage after the original approval shall require another approval at that time.
5. Should any part of this Section 7.4.16. be declared invalid by the courts, the entire Section 7.4.16. shall be automatically repealed.

“7.4.17. Environmentally-Sensitive Areas

The requirements of Article V, Section 7 shall not apply to uses within this District.

“7.4.18. Modification of Design Standards

At their sole discretion the Board of Supervisors may permit the modification of the design standards contained within this Section 7.4. in order to encourage the use of efficient and innovative design. A developer desiring to obtain such approval shall, when making application for approval, also make application for approval under this section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the design standards shall be subject to the following standards:

1. Such modifications of design standards better serve to provide for a safe, attractive and functional use that offers valuable economic base and/or local employment;
2. Such modifications of design standards would not result in adverse impact to the use and enjoyment of nearby properties, nor future occupants of the District;
3. Such modifications will not jeopardize the safe functioning of adjoining roads and intersections; and,
4. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria Section 7.4.18.1.-3.”

REVISION 2 – Article IV, Section 2.2.20.A, Airports and heliports is amended as follows:

- “A. Within the (I-2 and I-4) Districts, airports and heliports are permitted by conditional use, subject to the following criteria:”

REVISION 3 – Article IV, Section 2.2.12.A., Industrial Uses, is amended as follows:

- “A Within the (I-2 and I-4) Districts, hospitals and related uses are permitted by conditional use, subject to the following criteria:”

REVISION 4 – Article IV, Section 2.2.49., Casinos, off-track betting parlors and/or slot machine parlors, is added as follows:

“2.2.49. Casinos, Off-Track Betting Parlors and/or Slot Machine Parlors

- A. Within the (I-4) District, casinos, off-track betting parlors and/or slot machine parlors are permitted by conditional use, subject to the following criteria:
- B. An casinos, off-track betting and/or slot machine parlor shall not be permitted to be located within one thousand feet (1,000') of any other casinos, off-track betting and/or slot machine parlor;
- C. No casino, off-track betting and/or slot machine parlor shall be located within one thousand feet (1,000') of any land within the (F, S, AR-1, R-2, R-3 & VR) Districts;

- D. No off-track betting parlor shall be located within one thousand feet (1,000') of any parcel of land which contains any one or more of the following specified land uses:
 - 1) Amusement park;
 - 2) Camp (for minors' activity);
 - 3) Child care facility;
 - 4) Church or other similar religious facility;
 - 5) Community center;
 - 6) Museum;
 - 7) Park;
 - 8) Playground;
 - 9) School; or
 - 10) Other lands where minors congregate;
- E. The above-required distances shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each land use;
- F. No more than one (1) off-track betting parlor may be located within one building or shopping center;
- G. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter;
- H. The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building;
- I. A working plan for the cleanup of litter shall be furnished and implemented by the applicant;
- J. Off-street parking shall be provided at the rate of one (1) space per each sixty-five (65) square feet of gross floor area, including related dining, restaurant and snack bar areas; and,
- K. All off-track betting parlors shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations pertaining to Nonprimary Locations, as defined therein and casinos and slot machine parlors shall be licensed by the Pennsylvania Gaming Control Board.

REVISION 5 – Article IV, Section 2.2.50., Co-located communication antennas upon existing structures, is added as follows:

“2.2.50. Communication Antennas that are Co-located Upon Existing Structures

- A. Within the (1-4) District, communication antennas that are co-located upon existing structures (e.g., utility transmission towers, observation towers, communication towers, silos, steeples, smokestacks, water towers, flagpoles, and other similar structures) are permitted by conditional use, subject to the following criteria:
- B. The applicant submits a copy of the written agreement with the landowner upon whose structure the antenna is to be located;

- C. The applicant shall be required to demonstrate that it is licensed by the Federal Communications Commission to operate the proposed use;
- D. The applicant shall demonstrate that the proposed use will comply with the applicable standards governing human exposure to electromagnetic radiation by the Federal Communications Commission;
- E. The applicant shall demonstrate that the proposed use will comply with all Federal Aviation Administration, Commonwealth Bureau of Aviation, and Section 240 of this Ordinance; and,
- F. The applicant shall submit, from a structural engineer registered in the Commonwealth of Pennsylvania, a written certification of the existing structure's and the antenna's ability to meet the structural standards required by either the Electronic Industries Association or the Telecommunication Industry Association and that the construction methods or other measures used will prevent the toppling of any communication antenna onto adjoining properties and/or roads, and prevent the wind-borne scattering of ice onto adjoining properties and/or roads; and,
- G. When one (1) or more freestanding telecommunication and wireless communications antennas are to be located on an existing structure and the general public has access to the structure on which the freestanding telecommunication and wireless communications facilities are to be located, the applicant shall provide engineering details showing what steps have been taken to prevent microwave binding to wiring, pipes, and other metals. For purposes of this subsection, the term "microwave binding" shall refer to the coupling or joining of microwave energy to electrical circuits, including but not limited to power lines and telephone wires, during which process the transference of energy from one to another occurs.

REVISION 6 – Article IV, Section 2.2.51., Convenience Commercial Centers, is added as follows:

“2.2.51. Convenience Commercial Centers

- A. Within the (I-4) District, convenience commercial centers are permitted by conditional use, subject to the following criteria:
- B. One convenience commercial center may be established in each (I-4) District that contains at least one hundred (100) contiguous acres;
- C. No individual lot within the convenience commercial center shall contain less than one-half (1/2) acre nor be less than one hundred (100) feet wide;
- D. A convenience commercial center shall include a combination of at least three of the following uses:
 - 1) convenience grocery and/or dairy stores;
 - 2) pharmacies and/or drug stores;
 - 3) dry cleaner store branches (not including on-site cleaning);
 - 4) restaurants including fast-food facilities;
 - 5) automobile filling stations (including accessory service and/or repair facilities);

- 6) barbers and beauty salons;
 - 7) photocopying stores;
 - 8) banks and other similar financial institutions;
 - 9) retail sales of stationery, office supplies;
 - 10) photographic studios
- E. No convenience commercial center shall exceed ~~five percent (5%)~~ of the total land area devoted to the adjoining (I-4) District, and in no case shall a commercial convenience center exceed five (5) acres in size;
 - F. The overall acreage of a proposed convenience commercial center shall not exceed the actual acreage devoted to existing permitted uses within the (I-4) District that have already been constructed and occupied;
 - G. All buildings, structures, parking lots, off-street loading areas, signs, dumpsters, and access drive associated with a convenience commercial center shall be set back at least one hundred (100) feet and screened from any adjoining property within the (F, S, AR-1, R-2, R-3 & VR) Districts;
 - H. Convenience commercial centers shall be linked to the surrounding (I-4) District development by safe and convenient walkways;
 - I. No more than two access drives shall provide vehicular access to a convenience commercial center;
 - J. Only one freestanding sign shall be permitted within a convenience center. Such freestanding sign shall not exceed one hundred (100) square feet in size, and no less than fifty percent (50%) of the total sign area shall be devoted to the advertisement of the convenience commercial center's name. Such sign shall be set back at least ten (10) feet from all property lines. Individual attached business signs are also permitted, subject to the provisions in Township Ordinance No. 74 and as applicable in Article VII, Section 6 of this Ordinance.
 - K. All convenience commercial centers shall be functionally and visually integrated with shared parking, vehicular access, signage, and landscaping; and,
 - L. All other requirements of the (I-4) District shall apply to convenience commercial centers.

REVISION 7 – Article IV, Section 2.2.52., Convention Centers and/or Conference Centers, is added as follows:

“2.2.52. Convention Centers and/or Conference Centers

- A. Within the (I-4) District, convention centers and/or conference centers are permitted by conditional use, subject to the following criteria:
- B. Convention and/or conference centers may include any of the following uses, provided such uses are primarily sized, located and designed as one integrated development (e.g., shared parking, signage, access, lighting, storm water management, etc.) to

serve those persons or groups of persons attending the convention and/or conference center, and not the general public:

- 1) Offices;
 - 2) Hotels and motels;
 - 3) Meeting rooms and auditoriums;
 - 4) Banquet and social halls;
 - 5) Restaurants and taverns (excluding fast-food restaurants);
 - 6) Nightclubs, , subject to the applicable Supplemental Regulations contained in Article IV, Section 2.2.56 of this Ordinance;
 - 7) Indoor theaters and arenas;
 - 8) Sports stadiums;
 - 9) Retail shops and concessionaires;
 - 10) Personal service shops (i.e., barbers, salons, dry cleaners, tailors, shoe repair, but excluding adult-related uses);
 - 11) Adult and child day care centers, subject to the applicable Supplemental Regulations contained within Article IV, Sections 2.2.2. and 2.2.5. of this Ordinance, respectively;
 - 12) Information centers and booths; and,
 - 13) Outdoor activities provided that no such activities shall be conducted upon any area of required off-street parking or off-street loading, including, but not limited to, outdoor amusements, shows for automobiles, consumer goods, agricultural equipment, supplies and livestock, sports equipment, boats, home and building materials and landscaping, community festivals, carnivals, circuses, concerts and other similar events.
- C. Minimum Required Lot Area - Ten (10) acres;
- D. All uses shall be served by both public sewer and public water utilities;
- E. The subject property shall provide a suitable means of vehicular access that conveniently connects to an arterial road;
- F. Required parking will be determined based upon a combination of the types of activities proposed, and the schedule listed in Article V, Section 10. of this Ordinance. In addition, an unimproved, grassed, overflow parking area to be provided for peak use periods shall be required. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads. Soil erosion, sedimentation and storm water runoff shall be controlled in accordance with all applicable laws and regulations. If, at any time after the opening of the facility, the Board of Supervisors determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the lack of on-site parking, the Board of Supervisors can require the applicant to revise and/ or provide additional on-site parking space;
- G. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any

time after opening, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means to relieve the undue congestion;

- H. Any outside pedestrian waiting lines shall be provided with a means of shade;
- I. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution. All lighting on the site must comply with Article V, Section 7 of this Ordinance;
- J. Those uses involving extensive outdoor activities and/or display shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties and roads. No outdoor storage is permitted;
- K. The applicant shall provide a qualified traffic analysis, as described in Article V, Section 12 of this Ordinance;
- L. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines. Any noise generated on the site must comply with Article V, Section 14 of this Ordinance;
- M. The convention and/or conference center is eligible to utilize signage applicable to shopping centers, as listed in Township Ordinance No. 74 and as applicable in Article VII, Section 6 of this Ordinance.
- N. All uses within the convention and/or conference center shall be linked with sidewalks and/or pathways to facilitate safe and efficient pedestrian movements.

REVISION 8 – Article IV, Section 2.2.53., Health, Fitness, Social, Fraternal and Other Private Clubs, is added as follows:

“2.2.53. Health, Fitness, Social, Fraternal and Other Private Clubs

- A. Within the (C-2) and (I-4) District, health, fitness, social, fraternal and other private clubs are permitted by conditional use, subject to the following criteria:
- B. The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the arcade;
- C. Off-street parking shall be provided, as required by the combination of elements comprising the health club, including accessory uses in accordance with Article V, Section 10. of this Ordinance;
- D. All outdoor recreation facilities shall be set back at least fifty feet (50') from the street right-of-way line, and twenty-five feet (25') from all other lot lines;
- E. Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building;
- F. All lighting of outdoor recreation areas shall be designed and arranged to comply with Article V, Section 7 of this Ordinance;

- G. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines. Any noise generated on the site must comply with Article V, Section 14 of this Ordinance.
- H. A working plan for the cleanup of litter shall be furnished and implemented by the applicant; and,
- I. This use shall expressly exclude adult uses, off-track betting parlors, casinos, nightclubs and outdoor shooting ranges.

REVISION 9 – Article IV, Section 2.2.54., Heliports, is added as follows:

“2.2.54. Heliports

- A. Within the (I-4) District, heliports as an accessory use are permitted by conditional use, subject to the following criteria:
- B. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;
- C. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application;
- D. The applicant shall furnish evidence of the techniques that will be used to employ “fly-neighborly” guidelines to avoid adverse audio-visual impacts to nearby residents and livestock;
- E. No part of the take-off/landing pad shall be located nearer than three hundred feet (300’) from any property line;
- F. The use shall maintain a one hundred front yard setback for all buildings and structures;
- G. The applicant shall demonstrate compliance with Article II, Section 3.3.1. of this Ordinance; and,
- H. The heliport shall not include auxiliary maintenance facilities.

REVISION 10 – Article IV, Section 2.2.55., Mass Transit and/or Taxicab Terminals, is added as follows:

“2.2.55. Mass Transit and/or Taxicab Terminals

- A. Within the (I-4) District, mass transit and/or taxicab terminals are permitted by conditional use, subject to the following criteria:
- B. The applicant shall provide a qualified traffic analysis, as described in Article V, Section 12 of this Ordinance;
- C. The applicant shall present qualified expert evidence as to how the use will provide for the expected demand for needed, off-street parking spaces for the proposed use. In addition, the applicant shall present evidence of the ability to provide additional off-

street parking spaces, if demand increases. The applicant shall also present credible evidence that the number of "oversized," off-street, parking spaces provided for public transportation vehicles will be adequate to accommodate the expected demand generated by patrons. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods;

- D. The subject property shall have a minimum of two hundred contiguous feet (200') of road frontage along an arterial road;
- E. The subject property shall be located no closer than three hundred feet (300') from any (F, S, AR-1, R-2, R-3 & VR) Districts and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus;
- F. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty feet (50') from any street right-of-way line;
- G. Access driveways shall be a minimum of twenty-four feet (24'), and a maximum of thirty-five feet (35') wide. All access drives onto the same road shall be set back at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges;
- H. Trash and recycling receptacles shall be provided amid off-street parking areas which shall be routinely emptied. Furthermore, a working plan for the regular cleanup of litter shall be furnished and continuously implemented by the applicant;
- I. All vehicle service and/or repair activities shall be conducted within a completely-enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted;
- J. The outdoor storage of unlicensed and un-inspected vehicles is prohibited;
- K. The applicant shall submit qualified evidence that the proposed use will comply with applicable air quality standards;
- L. The demolition or junking of vehicles is prohibited. Demolished vehicles and/or parts thereof, shall be removed within ninety (90) days after arrival;
- M. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the standards of Article V, Section 14 of this Ordinance; and,
- N. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

REVISION 11 – Article IV, Section 2.2.56., Nightclubs, is added as follows:

"2.2.56. Nightclubs

- A. As part of a conference or convention center within the (I-4) District, nightclubs are permitted by conditional use, subject to the following criteria:

- B. No part of the subject property shall be located within three hundred feet (300') of any land within the (F, S, AR-1, R-2, R-3 & VR) District;
- C. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation;
- D. The applicant shall demonstrate compliance with Article V, Section 14 and Article V, Section 7 of this Ordinance;
- E. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to loitering outside the building; and,
- F. A working plan for the cleanup and recycling of litter shall be furnished and implemented by the applicant.

REVISION 12 – Article XII Section 2. Definitions is amended to alphabetically add the following definitions:

“BANKS AND SIMILAR FINANCIAL INSTITUTIONS – Principal uses devoted to the receipt, saving, loaning, distribution, investment, and transfer of money, currency and wealth. This use shall expressly include uses commonly known as banks, savings and loan associations, savings banks, investment companies, philanthropic foundations, or the offices of an investment manager, investment banker, or securities broker or dealer. For the purpose of this Ordinance, this term shall exclude pawn shops and non-bank operations that provide check-cashing services and advances on pay checks.

“CASINOS - A facility other than a racetrack and/or an off-track betting parlor wherein wagering and other lawful gambling activity, is conducted under Pennsylvania law. This use shall include any facility in which gambling devices, including but not limited to slot machines, video poker machines, punch boards, and similar devices are located. The term “lawful gambling activity” shall not include the sale of lottery tickets in compliance with State Lottery law.

“CO-LOCATED COMMUNICATION ANTENNAS - Any device that is attached to an existing structure and used for the transmission or reception of wireless communications signals for ultimate reception by a radio, television, wireless telephone, pager, commercial mobile radio service, or any similar device (also see “Communications Antenna.”).

“COMMUNICATIONS ANTENNA - Any device used for the transmission or reception of wireless communications signals for ultimate reception by a radio, television, wireless telephone, pager, commercial mobile radio service, or any similar device. This term includes without limitation omnidirectional (or whip) antennas and directional (or panel) antennas owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include residential satellite dishes, television antennas, or antennae for amateur radio equipment.

“COMMUNICATIONS EQUIPMENT BUILDING - An unmanned building or cabinet containing communications equipment required for the operation of communications antennae.

“COMMUNICATIONS TOWER - A freestanding structure, designed and used solely to support communications antennae.

“CONVENIENCE COMMERCIAL CENTER – A designated area functionally and visually integrated within an (I-4) District that offers limited commercial conveniences to the employees and visitors of the nearby uses.

“CONVENTION AND/OR CONFERENCE CENTER – A principal use that is designed to offer accommodations that are integrated in form and function to visitors and groups of attendees for the purposes of education, training, trade shows, exhibits, presentations, and other similar activities.

“FORESTRY - The management of forests and timberlands when practiced in accordance with accepted silviculture principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

“HEALTH, FITNESS, FRATERNAL, SOCIAL AND OTHER PRIVATE CLUBS – A principal use that offers service, support, entertainment, recreation, leisure and other activities only to club members and their guests. Such use does not include adult uses, bring your own bottle clubs, bring your own bottle uses, casinos, golf courses, off-track betting parlors or shooting ranges, all as defined herein.

“LABORATORY – A use devoted to the conduct of experiments, research and observation associated with scientific study.

“MASS TRANSIT AND/OR TAXI-CAB TERMINALS – An area of land with or without structures where the principal use is the housing, storing, maintaining, repairing and/or dispatching of buses, trains, taxi-cabs or other passenger vehicles (other than aircraft) owned and operated by a provider of public transportation. This term excludes the storage of junked or discarded vehicles.

“NIGHTCLUB - Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered. For the purposes of this definition, “live entertainment” is meant to include the use of disc-jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for the on-site consumption of food. Additionally, nightclubs may offer the retail sale of carry-out beer and wine as an accessory use. This is meant to include an “under 21” club which features entertainment. This use does not include adult uses or gaming facilities as defined herein.

“OFF-TRACK BETTING FACILITY - A facility other than a racetrack wherein pari-mutuel wagering, but no other lawful gambling activity, is conducted under Pennsylvania law.

“PARK AND RIDE LOTS – A use provided by the Township, Centre County and/or the Commonwealth of Pennsylvania that is devoted to the daily storage of passenger vehicles who engage in some form of mass transit and/or carpooling.

“PARKS AND PLAYGROUNDS – Those facilities designed and used for recreation purposes by the general public that are not operated on a commercial basis. This definition is meant to include the widest range of recreational activities, excluding adult uses, amusement arcades, amusement or theme parks, gaming facilities, golf courses, off-track betting facilities, racetracks, and shooting ranges. Such uses may include:

- A. Outdoor park and recreation facilities, including athletic fields, courts, playgrounds, open play areas, stadiums, skating rinks, skateboard, stunt-bicycle or BMX-bicycle courses, and other similar uses;
- B. Indoor recreation facilities, including community centers, gymnasiums, weight and fitness rooms, tennis courts, gymborees, game rooms, bowling alleys, skating rinks, locker rooms, and other similar uses;
- C. Outdoor passive recreation facilities, including picnic pavilions, hiking, biking and fitness trails, park benches, fountains, statues and other memorials, barbecue grills, ponds, natural and cultural exhibits, amphitheaters, navigable and intermittent waters,

publicly operated scenic sites and other similar uses;

- D. Indoor community service uses and activities, including meeting rooms, classrooms, theaters, auditoriums, banquet and social halls, scout cabins, libraries, publicly operated historic sites, museums and galleries of materials that are not for sale, clubhouses, accessory cafeterias and kitchens, and other similar uses;
- E. Outdoor community service facilities and activities, including fair grounds, community bulletin boards, and other similar uses;
- F. Indoor and outdoor swimming pools, including related amenities like bathhouse, wading pools, spas, snack bars, and other similar uses; and,
- G. Uses accessory to the above permitted uses, including parking and loading spaces, signs, offices, rest rooms, maintenance equipment storage areas and buildings, lights, waste receptacles and dumpsters, bleachers and other similar uses.

“RECYCLING COLLECTION FACILITY – A use devoted solely to the collection of discarded materials that have entered a reasonably continuous process whereby their reuse is foreseeable, for processing and disposal at another location.

“SLOT MACHINE PARLORS - A facility other than a racetrack and/or an off-track betting parlor wherein wagering and other lawful gambling activity, is conducted under Pennsylvania law. This use shall include any facility in which gambling devices, including but not limited to slot machines, video poker machines, punch boards, and similar devices are located. The term “lawful gambling activity” shall not include the sale of lottery tickets in compliance with State Lottery law.

* * * * *

REPEALER

Any ordinance, or any part thereof, inconsistent herewith and any amendments thereof are hereby expressly repealed.

SEVERABILITY

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

EFFECTIVE DATE

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

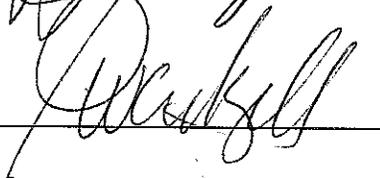
This Ordinance, ordained and enacted this 2nd day of June, 2008.

BOARD OF SUPERVISORS OF BENNER TOWNSHIP

By:

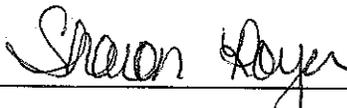


Chairman



Vice-Chairman

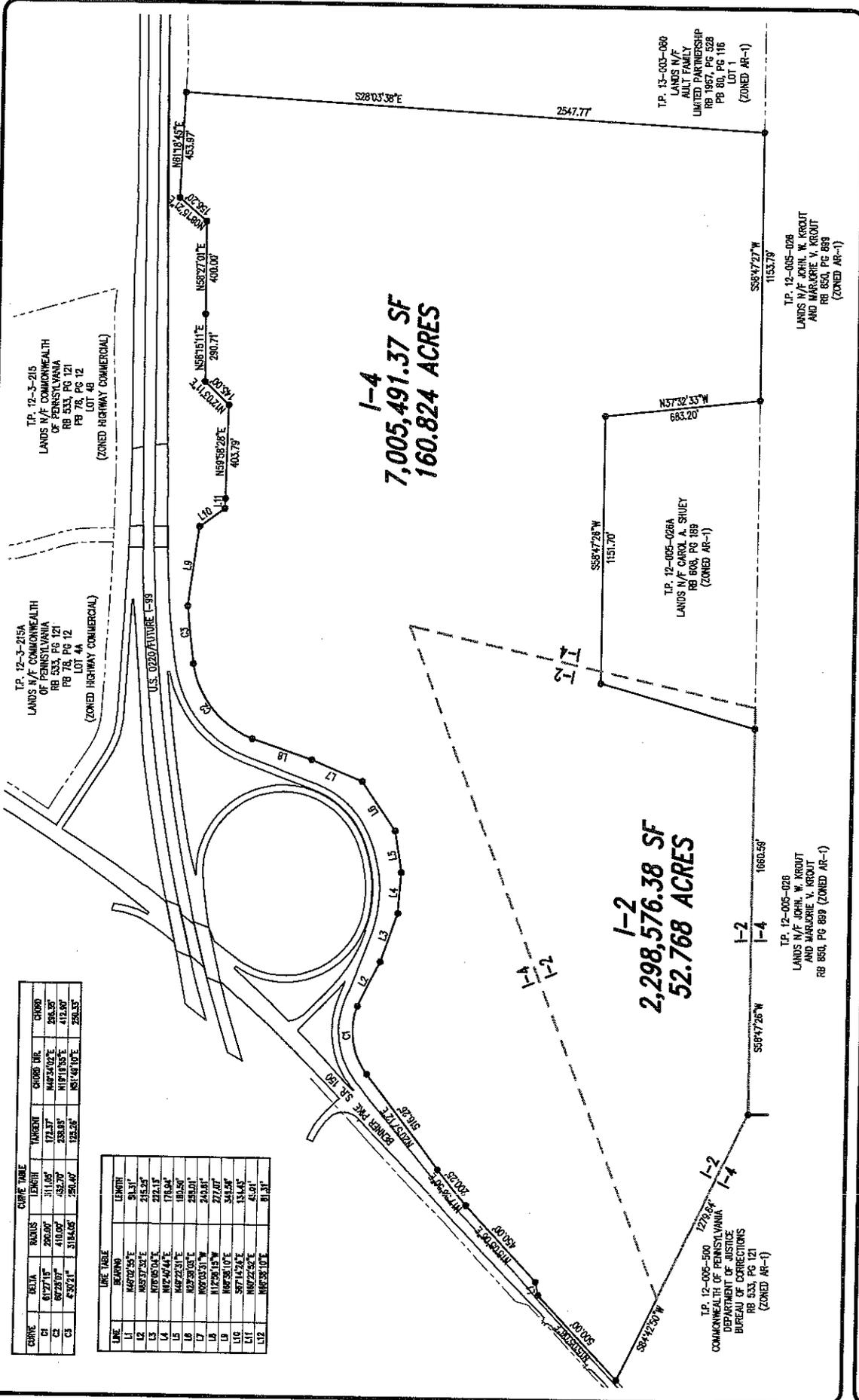
ATTEST:



(SEAL) Secretary

CHORD	BETA	RADIUS	LENGTH	CHORD BE	CHORD BR	CHORD
C1	61°27'15"	250.00'	311.65'	N47°02'55"E	S71°13'17"E	245.35'
C2	67°23'07"	410.00'	482.70'	N47°24'02"E	N11°17'35"E	412.90'
C3	4°52'21"	3184.05'	290.40'	S87°48'30"E	S87°48'30"E	290.35'

LINE	BEARING	LENGTH
L1	N47°02'55"E	311.65'
L2	N65°37'30"E	245.35'
L3	R78°05'04"E	272.18'
L4	N42°04'41"E	178.04'
L5	N47°23'17"E	183.90'
L6	R23°29'03"E	245.01'
L7	R92°03'31"W	245.01'
L8	N12°29'15"W	271.07'
L9	N66°28'10"E	341.54'
L10	S07°42'53"E	134.45'
L11	N07°22'42"E	45.01'
L12	N66°28'10"E	341.54'



I-4
7,005,491.37 SF
160.824 ACRES

I-2
2,298,576.38 SF
52.768 ACRES

TP. 12-3-215A
 LANDS N/F COMMONWEALTH
 OF PENNSYLVANIA
 RB 533, PG 121
 PB 78, PG 12
 LOT 4A
 (ZONED HIGHWAY COMMERCIAL)

TP. 12-3-215B
 LANDS N/F COMMONWEALTH
 OF PENNSYLVANIA
 RB 533, PG 121
 PB 78, PG 12
 LOT 4B
 (ZONED HIGHWAY COMMERCIAL)

TP. 12-005-028A
 LANDS N/F CAROL A. SHUEY
 RB 808, PG 189
 (ZONED AR-1)

TP. 12-005-028
 LANDS N/F JOHN W. KROUT
 AND MARJORIE V. KROUT
 RB 850, PG 889
 (ZONED AR-1)

TP. 13-003-080
 LANDS N/F
 RUII FAMILY
 UNITED PARTNERSHIP
 RB 957, PG 326
 PB 10, PG 16
 LOT 1
 (ZONED AR-1)

TP. 12-005-500
 COMMONWEALTH OF PENNSYLVANIA
 DEPARTMENT OF JUSTICE
 BUREAU OF CORRECTIONS
 RB 533, PG 121
 (ZONED AR-1)



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 Fax: 814-237-2308
 www.PennTerra.com

BENNER COMMERCE PARK
 BENNER TOWNSHIP * CENTRE COUNTY * PENNSYLVANIA
ZONING EXHIBIT
 4-24-08

05182-MD-ZONE EXHIBITS.DWG Acad Dwg	05182 Project No.
1"=600' Scale	1 of 1 Sheet No.