

BENNER TOWNSHIP
CENTRE COUNTY, PENNSYLVANIA

ORDINANCE NO. 99

AN ORDINANCE OF BENNER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA AMENDING THE BENNER TOWNSHIP ZONING ORDINANCE OF 1997, TO (1) REVISE THE GENERAL COMMERCIAL DISTRICT (C-2) AND LIST SPECIFIC USES AND CRITERIA ATTACHED TO CERTAIN COMMERCIAL USES PERMITTED BY CONDITIONAL USE; AND TO (2) AMEND THE C-2 LOT AREA, LOT WIDTH AND LOT COVERAGE, HEIGHT AND SETBACK REQUIREMENTS; AND TO (3) PROVIDE FOR C-2 LANDSCAPING AND SCREENING REQUIREMENTS; AND (4) AMEND THE BENNER TOWNSHIP ZONING MAP TO REZONE APPROXIMATELY 3.13 ACRES OF LAND ALONG BENNER PIKE AND FISHBURN HILL ROAD TO THE GENERAL COMMERCIAL DISTRICT

WHEREAS, Benner Township enacted its Official Zoning Ordinance and Official Zoning Map on October 15, 1997, last revised by Ordinance No. 2006-97; and

WHEREAS, the Board of Supervisors of Benner Township have determined that the General Commercial (C-2) District should be expanded to contain certain properties along Benner Pike and Fishburn Hill Road; and

WHEREAS, the Board of Supervisors of Benner Township have determined that the General Commercial District requirements should be amended to provide for additional uses and specific criterion to be followed for uses allowed by conditional use; and

WHEREAS, the Board of Supervisors of Benner Township have determined that lot area, lot width, and lot coverage requirements of the General Commercial District should be amended; and

WHEREAS, the Board of Supervisors of Benner Township desire to amend the Zoning Ordinance and Zoning Map to accomplish such changes; and

WHEREAS, the Board of Supervisors of Benner Township held a public hearing pursuant to public notice on the _____ day of _____, 2008, to receive public comments concerning the proposed amendments to the Benner Township Zoning Ordinance of 1997 as amended; and

WHEREAS, the Board of Supervisors of Benner Township deems it necessary and appropriate to amend the Benner Township Zoning Ordinance of 1997 as amended and the Benner Township Zoning Map.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby ordained and enacted by the Board of Supervisors of Benner Township that the Benner Township Zoning Ordinance of 1997, as amended, is hereby amended as follows:

1) Article II, Section 6.2, of the Benner Township Zoning Ordinance of 1997, entitled "**GENERAL COMMERCIAL DISTRICT (C-2)**," is deleted in its entirety and replaced with the following:

6.2.1 PURPOSE OF ZONE

This Zone provides suitable locations for retail, service and entertainment businesses. The uses permitted vary widely and some may involve outdoor activities and/or storage areas like automobile, boat and trailer sales, and service establishments. The uses provided in this Zone are meant to serve local residents, as well as those motorists passing through the Township. Access to these areas is provided by adjoining major roads. Specific setbacks and design standards are imposed to promote shared vehicular access and off-street parking lots, enhance public safety through the ready identification of access drives and adjoining travel lanes, ensure protection by orienting outdoor storage and off-street loading spaces away from adjoining residential properties.

6.2.2. USES PERMITTED BY RIGHT

1. Banks and similar financial institutions.
2. Book binding, printing, and publishing operations.

3. **Commercial greenhouses.**
4. **Convenience store.**
5. **Dance, music, art, fashion and photographic studios and galleries.**
6. **Emergency services**, subject to the requirements of Article IV, Section 2.4.41 of this Ordinance.
7. **Facilities devoted to entertainment and cultural activities** including, but not limited to, theatres, playhouses, amphitheatres, concert halls, band shells, recital halls, cinemas, libraries, and museums. This use shall expressly exclude off-track betting and/or slot machine parlors, casinos, and adult uses.
8. **Forestry uses** subject to the requirements of Article V, Section 9 of this Ordinance.
9. **Medical, dental, optical and counseling clinics and offices.**
10. **Offices.**
11. **Public, private and commercial schools** subject to the requirements of Article IV, Section 2.2.47 of this Ordinance.
12. **Parks and playgrounds.**
13. **Public Utilities Structures.**
14. **Restaurants, taverns, and fast food restaurants (but not including drive-thru restaurants or nightclubs);**
15. **Retail sale of goods and services** (including auto parts stores without installation, but excluding adult uses).
16. **Uses of Benner Township or its agencies and/or authorities** including, but not limited to, government structures and facilities, 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.

17. **Accessory Uses** customarily incidental to the above permitted uses.

6.2.3. USES PERMITTED BY CONDITIONAL USE

1. **Amusement arcades** subject to the requirements of Article IV, Section 2.2.29 of this Ordinance.
2. **Amusement, theme and/or zoo parks**, subject to the requirements of Article IV, Section 2.2.30 of this Ordinance.
3. **Auction houses, excluding automobile auctions** subject to the requirements of Article IV, Section 2.2.31 of this Ordinance.
4. **Automobile and/or animal racing facility with or without related wagering** subject to the requirements of Article IV, Section 2.2.32 of this Ordinance.
5. **Automobile filling stations (including minor incidental repair)** subject to the requirements of Article IV, Section 2.2.33 of this Ordinance.
6. **Automobile sales, service and repair facilities**, subject to the requirements of Article IV, Section 2.2.34 of this Ordinance.
7. **Bring your own bottle uses**, as defined herein subject to the requirements of Article IV, Section 2.2.35 of this Ordinance.
8. **Car washes**, subject to the requirements of Article IV, Section 2.2.36 of this Ordinance.
9. **Commercial day care facilities** subject to the requirements of Article IV, Section 2.2.37 of this Ordinance.
10. **Commercial recreation uses**, subject to the requirements of Article IV, Section 2.2.38 of this Ordinance.
11. **Drive-thru restaurants**, subject to the requirements of Article IV, Section 2.2.39 of this Ordinance.

12. **Dry cleaners, laundries and Laundromats**, subject to the requirements of Article IV, Section 2.2.40 of this Ordinance.
13. **Farmers and/or flea markets**, subject to the requirements of Article IV, Section 2.2.42 of this Ordinance.
14. **Funeral homes**, subject to the requirements of Article IV, Section 2.2.43 of this Ordinance.
15. **Health, fitness, social, fraternal and other private clubs**, subject to the requirements of Article IV, Section 2.2.44 of this Ordinance.
16. **Home improvement and building supply stores**, subject to the requirements of Article IV, Section 2.2.45 of this Ordinance.
17. **Hotels, motels and similar lodging facilities**
18. **Shopping centers.**
19. **Mini-warehouses**, subject to the requirements of Article IV, Section 2.2.23 of this Ordinance.
20. **Nightclubs**, subject to the requirements of Article IV, Section 2.2.46 of this Ordinance.
21. **Shopping centers**, subject to the requirements of Article IV, Section 2.2.48 of this Ordinance.
22. **Valet Parking compounds**, subject to the requirements of Article IV, Section 2.2.19 of this Ordinance.

6.2.4. LOT AREA, LOT WIDTH, AND LOT COVERAGE REQUIREMENTS- See the following table:

Required Public Utilities	Minimum Lot Area	Minimum Lot width	Maximum Lot Coverage
Both Public Sewer and Public Water	20,000 square feet	100 ft.	70%

6.2.5. MINIMUM SETBACK REQUIREMENTS (Principal and Accessory Uses)

1. **Front yard setback**— All buildings and structures (except permitted signs) shall be set back at least thirty-five feet (35') from the street right-of-way off-street parking lots and outdoor storage areas shall be set back a minimum of ten feet (10') from the street right-of-way.

2. **Side yard setbacks**—All buildings and structures (except permitted signs) shall be set back at least twenty-five feet (25') from the side lot lines. Off-street parking lots, off-street loading spaces, and outdoor storage areas shall be set back at least ten feet (10') 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, structures, and outdoor storage areas shall be set back at least twenty-five (25') from the rear lot line. Off-street parking lots, off-street loading spaces, and outdoor storage areas shall be set back at least ten feet (10') from the rear lot line.

4. **Residential buffer strip**—Any lot adjoining land within an F, S, AR-1, R-2, R-3 or VR Zone shall maintain a twenty five foot (25') setback for nonresidential buildings, structures, off-street parking lots, loading areas and outdoor storage areas, from the F, S, AR-1, R-2, R-3 or VR Zone parcels. Such areas shall be used for a landscape strip and screen.

6.2.6. MAXIMUM PERMITTED HEIGHT

Thirty-five feet (35'), provided a structure may extend up to forty-five feet (45') if such structure is setback a horizontal distance at least equal to its height from each side and/or rear lot line.

6.2.7. OFF-STREET LOADING SPACES

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

6.2.8. OFF-STREET PARKING SPACES

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

6.2.9. SIGNS

Signs shall be permitted as specified in accordance with the Benner Township Sign Ordinance No. 74, as amended.

6.2.9. ACCESS DRIVE REQUIREMENTS

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

6.2.10. SCREENING

A visual screen must be provided along any adjoining lands within an F, S, AR-1, R-2, R-3, or VR Zone, regardless of whether or not the F, S, AR-1, R-2, R-3, or VR Zone property is developed, in accordance with Article V, Section 8 of this Ordinance.

6.2.11. 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 in accordance with Article V, Section 8 of this Ordinance. A minimum ten foot (10') wide landscape strip shall be provided along all property lines. Such landscape strip is not required 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.

6.2.12. 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 fifty feet (50') from any adjoining F, S, AR-1, R-2, R-3, or VR Zone properties. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.

6.2.13. OPERATIONS STANDARDS

The applicant 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.

6.2.14. OUTDOOR STORAGE

Within this Zone, outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this section. The outdoor storage areas for retail automobile, motorcycle, or boat sales need not be screened from adjoining roads.

6.2.15. GENERAL PROVISIONS

All uses permitted within the Zone shall also comply with the applicable Supplemental Use Regulations of Article IV and Supplemental District Regulations of Article V of this Ordinance.

6.2.16. ENVIRONMENTAL PROTECTION STANDARDS

All uses permitted within this Zone shall also comply with the applicable Groundwater and Surface Water Protection standards contained within Article V of this Ordinance.

- 2) Article IV Section 2.2.23 entitled "**Mini-warehouses**" and Section 2.2.19.

"**Valet Parking Facility**" is deleted in its entirety and replaced with the following:

2.2.23 Mini-Warehouses

- A. Within the (C-2 and I-2) Zones, mini-warehouses are permitted by conditional use, subject to the following criteria:
- B. One (1) off-street parking space shall be provided for each twenty-five (25) storage units, plus one per each two hundred fifty (250) square feet of office space;
- C. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six feet (26') wide when cubicles open onto one side of the lane only, and at least thirty feet (30') wide when cubicles open onto both sides of the lane;
- D. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately-owned recreation vehicles, so long as such external storage area is screened from adjoining land within the (F, S, AR-1, R-2, R-3 and VR) Zones and adjoining roads, and is located

behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles;

E. Except as noted above, all storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above;

F. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited;

G. No door openings for any mini-warehouse storage unit shall be constructed facing any property within the (F, S, AR-1, R-2, R-3 and VR) Zones unless adequate screening is provided;

H. Mini-warehouses shall be used solely for the dead storage of property. The applicant shall adequately demonstrate that all mini-warehouses rental and/or use contracts shall specifically prohibit the following examples of uses expressly prohibited upon the site:

1. Auctions, commercial wholesale or retail sales, or garage sales;

2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;

3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;

4. The establishment of a transfer and storage business; and,

5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations;

I. The mini-warehouse will be surrounded by an eight foot (8') high fence.

2.2.19 Valet Parking Compounds

- A. Within the (C and I-3) Zone, valet parking compounds are permitted by conditional use, subject to the following criteria:
- B. The parking compound shall have an employee on duty at all times during operation of the use;
- C. The parking compound shall be connected to the adjoining street via one or more access drives in accordance this Ordinance;
- D. The parking compound shall be designed in accordance with of this Ordinance;
- E. Any booths or other structures used for the collection of 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;
- F. The use must employ some advance notification (signage) that informs potential patrons before they enter the site that the parking compound is full;
- G. If an exterior amplified public address system is to be utilized, the applicant shall submit qualified expert evidence that the proposed public address system will be designed and operated in a manner consistent with the Benner Township Noise Ordinance, as amended.
- H. The applicant shall prepare, submit and explain, and continuously implement a working plan of the collection and proper disposal of litter and debris. Exterior trash receptacles shall be provided. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris; and,

I. If provided, all on-site rest rooms, comfort facilities and toilets must rely upon public sewer for disposal of human waste. No "porta-potties" are permitted.

J. 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.

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

L. There shall be no parking in the aisles.

3) Article IV, of the Benner Township Zoning Ordinance of 1997, entitled **"SUPPLEMENTAL USE REGULATIONS"**, section 2 entitled **"Primary Uses,"** is hereby amended to add subsections 2.2.29 through 2.2.48 as set forth in Exhibit "A" attached hereto.

4) Article V, Section 10. **Off-street Parking Regulations**, section 10.23 **Schedule of required parking spaces** is amended to provide the following parking requirements for **"Convenience stores"**: "Minimum of One Passenger Parking Space for each 200 square feet of gross floor area; Minimum of One Oversize Parking Space for Each 10,000 square feet of gross floor area".

5) Article XII, Section 2 Definitions is amended to alphabetically add and/or replace the following definitions:

ACCESS DRIVE - An improved cartway designed and constructed to provide for vehicular movement between a public or private road and the off-street parking and/or loading area for any use other than one single-family dwelling unit or farm.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot as the principal use or building.

ADULT USE - Any of the following, either alone or in combination with any other use.

- A. An establishment having as a substantial or significant portion of its stock in trade or in which are displayed or viewed, magazines, periodicals, books, drawings, photographs, videos, paraphernalia, or other materials that are distinguished or characterized by their emphasis on depicting, describing, or displaying sexual activities or conduct or exposed male or female genital areas.
- B. An establishment or place of assembly to which the public is permitted or invited:
 - 1. which has all or a substantial or significant portion of its stock in trade consisting of any the following items, whether alone or in combination:
 - a. books, magazines or other periodicals as well as films or other forms of audio or visual representation that are distinguished or characterized by an emphasis on depiction, description, or display of sexual activities or conduct or exposed male or female genital areas
 - b. instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct; and/or
 - 2. wherein coin- or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description, or display of sexual activities or conduct or exposed male or female genital areas; and/or
 - 3. which features male and/or female entertainers who engage in activities such as topless or bottomless dancing or stripping, or persons whose performance or activities include simulated or actual sex acts; and/or
 - 4. which offers its patrons any other retail goods, services, or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas.
- C. The following specific uses are examples of adult uses, but shall not be considered the only types of adult uses.
 - 1. Adult Bath House: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This definition shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
 - 2. Adult Body Painting Studio: Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
 - 3. Adult Bookstore: Any establishment which has a substantial or significant portion of its stock in trade:

- a. Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
 - b. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
4. Adult Cabaret: A nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. Adult Massage Establishment: Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, professional physical therapist, or massage therapist who is both nationally certified in the therapeutic massage by the National Certification Board for Therapeutic Massage and Bodywork, and who is a professional member with active status in good standing of the American Massage Therapy Association.
6. Adult Mini Motion Picture Theater: An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
8. Adult Motel: A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
9. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. Adult Motion Picture Theater: An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or

characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

11. Adult Newsrack: Any machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
12. Adult Outcall Service Activity: Any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
13. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.
14. Adult Theater: A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
15. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

AMUSEMENT ARCADE - A commercial establishment which provides at least four (4) amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skeet-ball, electronic or water firing ranges and other similar devices). This definition does not include the use of less than four (4) such devices as an accessory use that can be offered at suitable locations (e.g. restaurants, taverns, nightclubs, commercial recreation establishments, and similar uses).

AMUSEMENT, THEME AND/OR ZOO PARK - A principal use designed and operated for public amusement and education that features a self contained and secure setting that enables visitors:

- A. Permanent amusement structures, rides, or activities;
- B. Venues for cultural, sports, entertainment and educational activities;
- C. Cages, habitats and exhibits of domestic and/or exotic animals and plants;
- D. Museums, planetariums and other similar exhibits for cultural and educational display; and,
- E. Accessory comfort and leisure facilities (dining, rest rooms, offices, first aid, and other similar activities) for those visiting the park.

AUCTION HOUSE - A principal commercial use at which items are imported for public or private sale during a competitive bidding process. This use shall also expressly include a cafeteria or refreshment counter provided such use is contained completely within an enclosed building and patrons are limited to those participating in the auction. This term shall not include automobile auctions as defined below.

AUTOMOBILE FILLING STATION - Any area of land, including structures thereon, that is used for the retail sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body and fender work, painting, and vehicular sales.

AUTOMOBILE SALES - Any building or land devoted to the retail sales of passenger vehicles, including accessory service and repair facilities if conducted within a completely-enclosed building.

AUTOMOBILE SERVICE AND REPAIR - The retail repair, servicing, maintenance and reconstruction of passenger vehicles, provided that the washing of passenger vehicles as a principal use is excluded from this definition (See "car wash").

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.

BRING YOUR OWN BOTTLE USES - a use to which patrons, members and/or their guests may be permitted to consume alcoholic beverages that were purchased elsewhere, only in accordance with all applicable State laws.

CAR WASH - A commercial use devoted to cleaning the exterior, and sometimes the interior, of automobiles and other passenger vehicles. There are several types of car washes, ranging from self-service coin operated automatic car washes to fee-based full service operations

COMMERCIAL DAY CARE - A principal use offering of care or supervision over more than four (4) minors or adults for a period not to exceed 18 continuous hours that is licensed by the Commonwealth of Pennsylvania. (See also "Family Day Care".)

COMMERCIAL RECREATION FACILITY - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, cinemas, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, and etc. This does not include adult-related uses, shooting ranges, amusement arcades, amusement/theme/zoo parks, automobile and/or animal racing with or without related wagering facilities, off-track betting and/or slot machine parlors unless such use are specifically approved under their respective terms of this Ordinance.

CONVENIENCE STORE - A business which specializes in the retail sales and/or rental of household products and foods. Although this use is permitted by right within the C Zone, some of the permitted activities require the approval of a special exception or conditional use if they are conducted as part of the convenience store:

- A. Retail sales or rental of books, magazines, videos, software, and video games, provided that adult uses are expressly prohibited;
- B. Restaurants, including drive-thru or fast-food operations, subject to the requirements of this Ordinance, and provided that rest rooms are made available to the public;
- C. Amusement arcades, subject to the requirements of Article IV, Section 2.2.29 of this Ordinance;
- D. Automatic bank teller machines;
- E. Photomats and film development drop-off sites;
- F. Laundry, dry cleaning and tailoring drop-off sites;
- G. Lottery sales counters and machines;

- H. Propane fuel sales within no larger than 20 pound tanks which must be stored outside of the building at all times;
- I. Dispensing of automobile fuels, oils, compressed air, kerosene, washer fluid, and other auto-related items, subject to the requirements of Article IV, Section 2.2.33 of this Ordinance;
- J. Car washes, subject to the requirements of Article IV, Section 2.2.38 of this Ordinance; and,
- K. Post offices and other parcel delivery drop-off sites.

DANCE, MUSIC, ART FASHION AND PHOTOGRAPHIC STUDIO AND GALLERY – A principal use devoted to the:

- A. training and performance of dance and music;
- B. development, display, and sales of individual works of art and/or photography; and,
- C. design, development, display and sales of custom articles of clothing.

DRY CLEANERS, LAUNDRIES AND LAUNDROMATS – A principal retail use at which patrons can either perform self-service dry-cleaning, washing and drying of personal clothing and/or other fabric articles, or drop-off facilities for such services. This use shall not include accessory laundry services associated with lodging facilities and/or institutional uses.

EMERGENCY SERVICES - An organization comprised of voluntary and/or paid personnel whose principal function is the dispatch of trained responders to the general public, under local emergency conditions. Such uses may include facilities for the housing of personnel while on duty, vehicle and equipment storage areas, training facilities and accessory meeting, cafeteria, banquet, stage, recreation, shooting range and/or other fund-raising amenities, all of which must be conducted within a totally enclosed building. Accessory parks, athletic facilities and fairgrounds are also permitted. Suitable examples include, but are not limited to, police departments, sheriff stations, fire companies, forest fire agencies, ambulance companies, emergency medical services, advanced life support, search and rescue, national guard and civil defense. This definition does not include prisons or outdoor shooting ranges.

ENTERTAINMENT FACILITIES – A use conducted indoors that offers personal amusement and/or enjoyment through mental engagement. This definition does not include adult uses, amusement arcades, casinos, off-track betting parlors, wagering, or shooting ranges.

FARMERS AND/OR FLEA MARKET - A retail sales use where more than one vendor displays and sells general merchandise that is new or used on a regularly occurring basis. Farmers and/or flea markets can include indoor and outdoor display of merchandise.

FUNERAL HOME - A building or part thereof used for human funeral services. Such building may contain space and facilities for:

- A. a funeral chapel or similar gathering place;
- B. embalming and the performance of other services used in preparation of the dead for burial;
- C. cremation of human remains;
- D. the performance of autopsies and other surgical procedures;
- E. the storage of caskets, urns, and other related supplies; and
- F. the storage of funeral vehicles.

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.

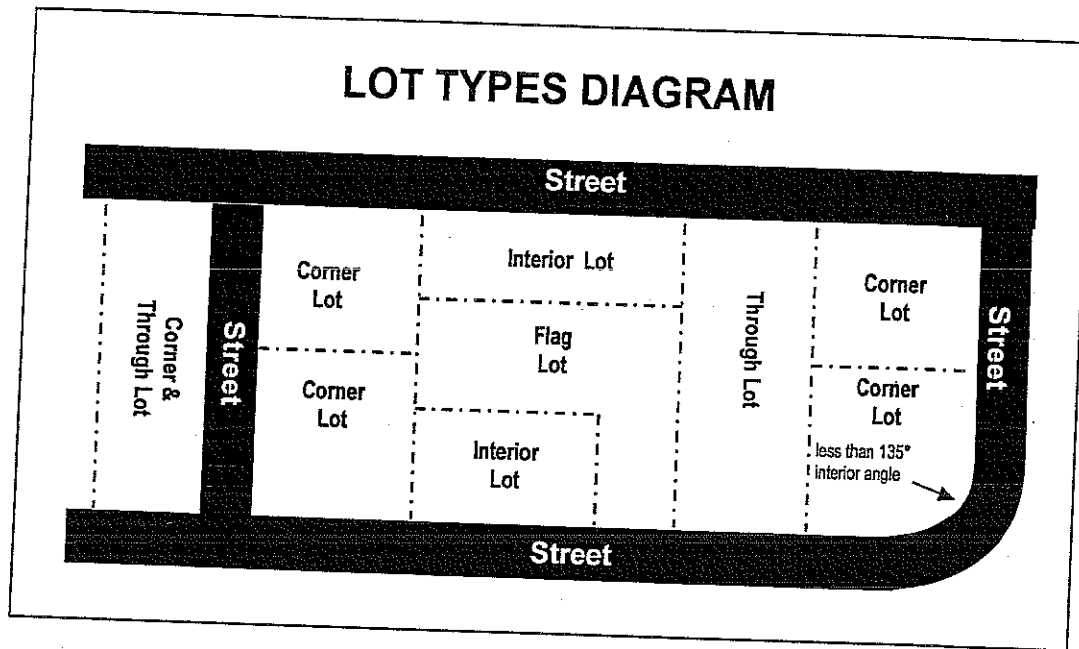
HEALTH, FITNESS, FRATERNAL, SOCIAL AND OTHER PRIVATE CLUBS - A principal use that offers service, support, entertainment, recreation, leisure and other activities only to club members and their guests. Such use does not include adult uses, bring your own bottle clubs, bring your own bottle uses, casinos,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

HOME IMPROVEMENT AND BUILDING SUPPLY STORE - A facility for the retail sale of a combination of products used in the construction, repair and improvement of homes, including, but not limited to, lumber, masonry products, exterior siding, roofing, plumbing fixtures, pipes, electrical supplies, floor coverings, paints and wall coverings, windows and glass, landscaping materials, hardware, tools, and other accessories. Home improvement stores shall always involve outdoor storage of materials; any facilities that sell the above-described products that do not have outdoor storage can be considered to offer the general retail sale of goods.

HOTEL, MOTEL OR SIMILAR LODGING FACILITIES - A building or group of buildings containing rooms for rental on a temporary basis. This term excludes "boarding house" and "bed and breakfast" both as defined herein. Accommodations provided as an accessory by institutional and educational uses for their patrons shall not be considered a "hotel;" similarly, buildings where human beings are housed under legal constraint are excluded from this term. Hotels, motels and similar lodging facilities may also include related accessory uses primarily directed towards serving its patrons including but not limited to dining, recreation, meetings, gifts, laundry, maid service and other personal services.

HOTEL AND RELATED USES - A building or group of buildings containing rooms for rental on a temporary basis whose primary access is limited through a lobby. This term excludes "boarding house" and "bed and breakfast" both as defined herein. Accommodations provided as an accessory by institutional and educational uses for their patrons shall not be considered a "hotel;" similarly, buildings where human beings are housed under legal constraint are excluded from this term. Hotels and related uses may also include related accessory uses primarily directed towards serving its patrons including but not limited to dining, recreation, meetings, gifts, laundry, maid service and other personal services, provided (with the exception of outdoor athletic courts and passive recreation features) such uses are contained entirely within the hotel building.

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.



- A. Lot, Corner: A property having street frontage along two (2) or more contiguous sides or along a single curved street with an interior angle of less than 135 degrees as measured along the interior edge of the street right-of-way, or in the event of no right-of-way, along the interior edge of the cartway.
- B. Lot, Flag: A lot that relies upon a thin strip of land for street access whose frontage does not satisfy the minimum width requirements for the respective Zone, but that said lot has the required lot width away from the street frontage.
- C. Lot, Interior: A lot with only one (1) street frontage.
- D. Lot, Through / Reverse Frontage: An interior lot having frontage on two parallel or approximately parallel streets with vehicular access solely from the street of lesser functional classification.

LOT COVERAGE - A percentage of the lot area which may be covered with an impervious surface (e.g., buildings, driveways, parking area, sidewalks).

LOT DEPTH - The horizontal distance measured between the street right-of-way line and the closest rear property line measured perpendicular along straight streets rights-of-way and measured radially along curved street rights-of-way. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

LOT LINE - A recorded boundary line of a lot; however, any line that denotes an adjoining public or private street or railroad right-of-way shall be interpreted as the lot line for the purposes of determining the location of the setbacks required by this Ordinance.

- A. Lot Line, Front: The lot line coincident with the right-of-way line of a street.
- B. Lot Line, Rear: Lot lines that are formed at the outermost edge of any rear yard as defined herein.
- C. Lot Line, Side: Lot lines that are formed at the outermost edge of any side yard as defined herein.

LOT WIDTH - The horizontal distance measured between side property lines along the minimum front yard setback line. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line along the minimum front yard setback line.

MEDICAL, DENTAL, OPTICAL AND COUNSELING CLINIC

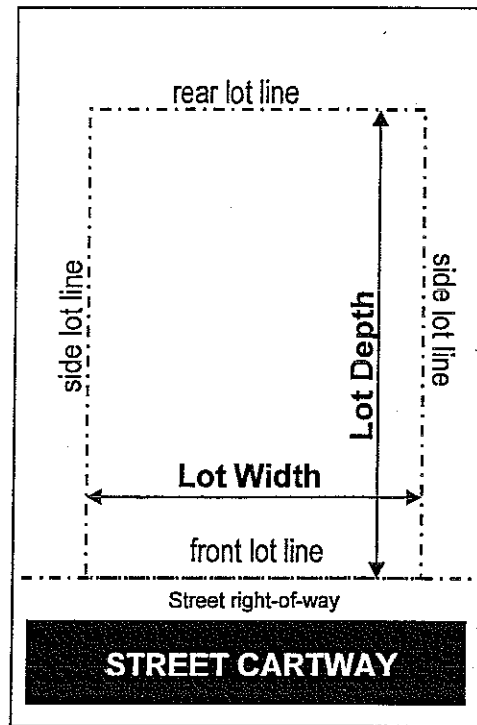
- Any building or group of buildings occupied by medical, dental, optical, psychological, social, and/or behavioral practitioners and related services for the purpose of providing such services to people on an outpatient basis.

MINI-WAREHOUSES - A building, series of buildings, a portion of one or more buildings and/or exterior areas divided into separate storage spaces for personal property and/or property associated with some business or other organization. These storage spaces shall be used solely for storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

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-STREET LOADING SPACE - An off-street area provided for the loading or unloading of goods and/or materials that has direct usable access to a use's loading docks and/or doors and is connected to a street or alley by an access drive. This definition shall also expressly include any area that directly adjoins the loading docks and/or doors that is necessary for the vehicles to maneuver into place with the use's loading docks and/or doors. This definition shall not include the access drives on the site that do not directly adjoin the loading docks and/or doors unless they require vehicles to move in a reverse direction to negotiate access to and from the loading docks and/or doors.

OFFICE - A building or a space in a building the primary use of which is the conduct of the affairs of a business, profession, service, or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods, or products, except that office supplies necessary for the operation may be stored as an incidental use. An office shall only involve the incidental sales or delivery of any materials, goods, or products physically located on the premises.



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.

PUBLIC SCHOOL – See "School, Public."

PUBLIC UTILITIES - Use or extension thereof which is operated, owned or maintained by a municipality or municipal authority or which is privately owned and requires a "Certificate of Public Convenience" approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

RETAIL – Pertaining to the general public availability for purchase and personal use and/or consumption.

RETAIL SALES – A use devoted to the display and retail transfer of ownership and/or rental of goods and products. This term shall not include "adult uses" as defined herein.

RESTAURANT - An establishment that serves prepared food primarily on non-disposable tableware, but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed five percent (5%) of the total patron seating area nor eighty (80) square feet (whichever is less). Caterers shall be included in this definition.

SCHOOL - A principal use in which supervised education or instruction is offered according to the following categories:

- A. **Commercial School:** A school not operated by a public agency that can offer any of a wide range of curriculums including, but not limited to, all levels of academic, business and

technical instruction and training in artistic, dance, baton-twirling, athletic, martial arts, musical, gymnastics, cosmetology and other similar activities. Commercial schools are principal uses that are neither home occupations nor day-care operations. These uses shall not include vocational and/or mechanical trade schools as defined in this Ordinance. Nursery schools shall be considered commercial school if they are operated as a business.

- B. Private School: A school that offers elementary, secondary, post-secondary, post-graduate, or any combination thereof, education that may, or may not, be operated as a gainful business, and is not operated by the school Zone or another governmental agency.
- C. Public School: A school licensed by the Department of Education for the purpose of providing elementary, secondary, vocational, post-secondary, post-graduate, and adult education, or any combination thereof, and operated by the School Zone.
- D. Vocational-Mechanical Trade School: A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:
 - 1. Agriculture and/or horticulture
 - 2. Truck driving;
 - 3. Engineer repairs;
 - 4. Building construction and general contracting;
 - 5. Woodworking;
 - 6. Masonry;
 - 7. Plumbing;
 - 8. Electrical contracting; and,
 - 9. Other similar trades.

SCREENING - An assemblage of materials that are arranged so as to block the ground level views between grade and a minimum height of six (6) feet. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, other similar type materials, or any combination thereof. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, nor sheet metal.

SETBACK - The required horizontal distance between a setback line and a property or street line.

- A. Setback, Front: The distance between the street line and the front building setback line projected the full width of the lot. Commonly, called "required front yard."
- B. Setback, Rear: The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called "required rear yard."
- C. Setback, Side: The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called "required side yard."

SHOPPING CENTER - A development consisting of any single retail store in excess of 60,000 square feet of gross floor area or two (2) or more establishments of any size which are designed to function as a unit, for retail sales; personal services; restaurants, taverns, and fast food restaurants; business, professional, or banking offices; and/or similar uses together with shared stormwater management, vehicular access, off-street parking and signage.

STORAGE – A temporary placement of products and materials for preservation, later use and/or disposal.

TAVERN - An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food, but no live entertainment shall be permitted.

VALET PARKING COMPOUND - A principal business use at which passenger vehicles are parked in rented spaces on an hourly, daily, monthly or continuous basis, for a fee.

6) The Zoning Map shall be amended to rezone the following tracts of land as General Commercial (C-2):

A. Centre County Tax Parcel No. 12-3B/36, ± 0.2163 acres, now or formerly owned by M & W Joint Venture.

B. Centre County Tax Parcel No. 12-3B/35, ± 0.47 acres, now or formerly owned by M & W Joint Venture.

C. Centre County Tax Parcel No. 12-3B/35A, ± 2.44 acres, now or formerly owned by M & W Joint Venture.

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

8) 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.

9) 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.

ENACTED AND ORDAINED by the Benner Township Board of
Supervisors this 18th day of February, 2008.

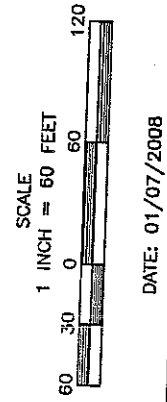
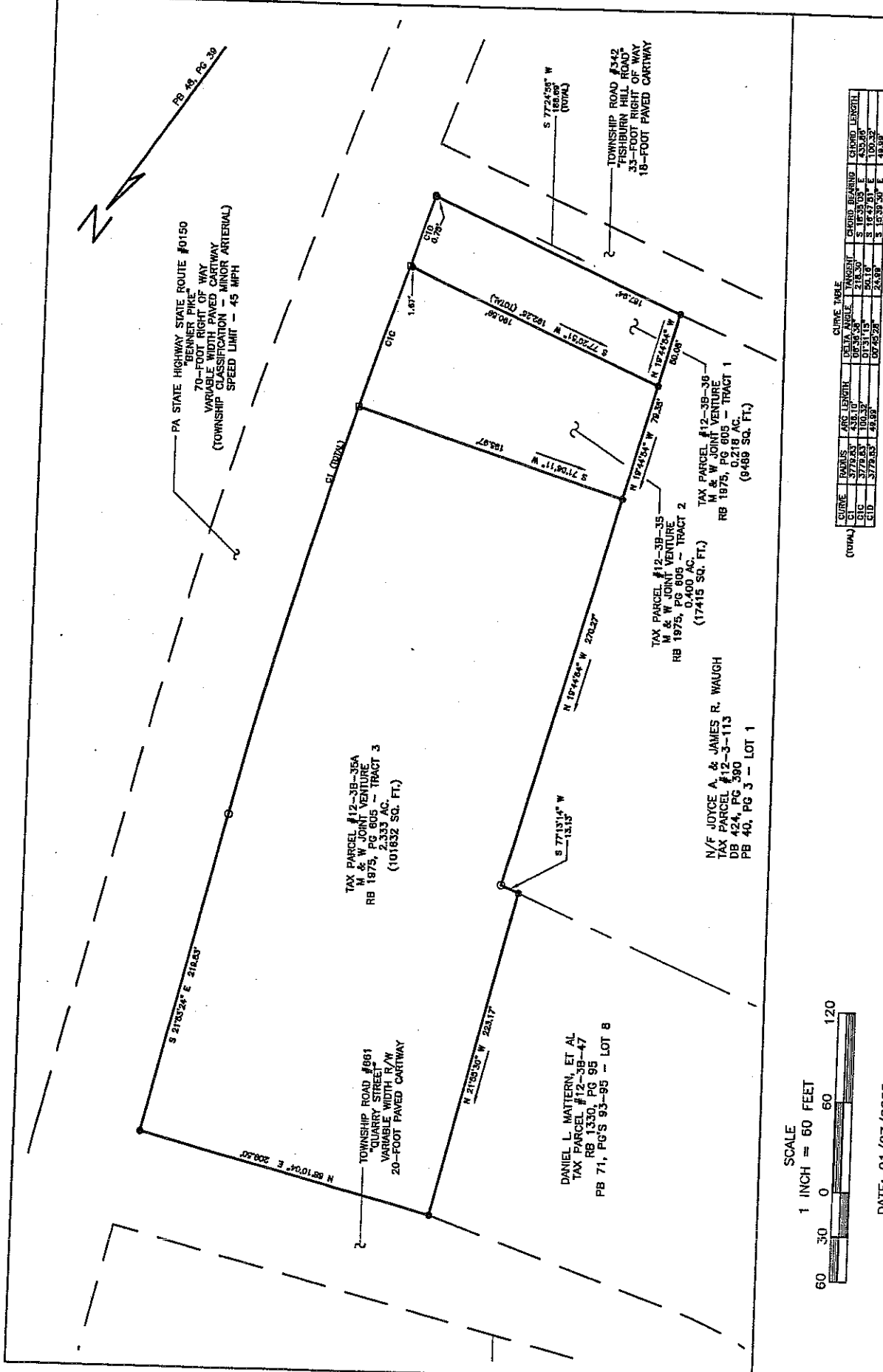
ATTEST:

Sharon Rapp
Secretary

BOARD OF SUPERVISORS OF
BENNER TOWNSHIP

BY:

[Signature]
Chairman



CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	TANGENT
CI	3779.83	438.10	21.30	21.30
CIC	3779.83	100.39	07°31'13"	21.30
CID	3779.83	48.99	00°45'28"	24.80
				S 18°35'20" E 49.89

EXHIBIT "A"

Article IV Supplemental Use Regulations

Section 2.2 Non-residential uses

Section 2.2.29 Amusement Arcades

- A. Within the (C-2) Zones, amusement arcades are permitted by conditional use, subject to the following criteria:
- B. All activities shall take place within a completely-enclosed building;
- C. 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;
- D. A minimum of one parking space for each eighty (80) square feet of gross floor area shall be provided. In addition, any accessory uses (e.g., snack bar) shall also require parking to be provided in accordance with the schedule listed in Article V Section 10.7 of this Ordinance; and,
- E. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

Section 2.2.30 Amusement, Theme and/or Zoo Parks

- A. Within the (C-2) Zone, amusement, theme and/or zoo parks are each permitted by conditional use subject to the following requirements.
- B. Purpose – This Section provides for a two-stage review process for large-scale amusement uses that is consistent with the Pennsylvania Municipalities Planning Code by encouraging innovation and promoting flexibility, economy and ingenuity in the development process. Specifically, applications submitted under this Section will be required to obtain a conditional use approval of a Master Concept Plan that will require detailed explanation of the proposed use's design, operation and impacts. Then once the Master Concept Plan is approved, subsequent revisions or adjustments that were contemplated under the approved Master Concept Plan will be regulated as permitted uses. Subsequent alterations that were not contemplated by the previously approved Master Concept Plan will require another conditional use approval.
- C. Design and Operational Objectives – Applications submitted pursuant to this Section are required to demonstrate to the satisfaction of the Board of Supervisors that:

- (1) The proposed uses are coordinated to function as a single site;

- (2) The proposed design will provide for efficient functioning of the proposed use amid its surroundings without creating undue adverse impact;
- (3) The proposed use has access to adequate utilities and public services to ensure the public welfare upon the site and will not overburden such utilities and services to the detriment of the rest of the Township;
- (4) The proposed use is designed, where practicable, to properly integrate and protect important natural features contained upon the site both during and after construction and during subsequent operation of the use;
- (5) The proposed use presents a pleasant appearance on the site and as viewed from adjoining roads and properties; and,
- (6) The applicant has a management structure and capacity that can ensure that these preceding objectives will be continuously satisfied.

D. Stage 1 – Concept Master Plan – Prior to, or coincidental with, the approval of a land development for any of the above-described uses regulated in this section, the applicant shall submit a Concept Master Plan for conditional use approval by the Board of Supervisors. The requirements of this Section 2.3.20 (C.) shall be used as the specific criteria for evaluating the conditional use application. Such Concept Master Plan shall be submitted by the applicant and shall include a textual and/or graphic description of the following items:

- (1) The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use;
- (2) The specific types and mixture of uses proposed for the land to be included within the proposed use. This will require submission of a schematic drawing of proposed use types within their respective areas along with a disturbance envelope within which all development activities will be confined;
- (3) A listing of the relevant design standards applied to the use as required by the Zoning Ordinance and a determination of the proposed use's compliance with such standards. Should the Board of Supervisors attach a condition of approval that imposes a different standard than that of the Zoning Ordinance, such conditioned standard shall be listed along with the use's determination of compliance;
- (4) The circulation network contained upon the land to be included within the proposed use including roads, sidewalks, off-street

parking lots, unimproved overflow parking areas, off-street loading areas, emergency access points, major intersections and any traffic improvements proposed to accommodate the proposed use;

- (5) The name, location, centerline and present right-of-way width of all abutting streets;
- (6) The natural and cultural features information.
- (7) Any regional facilities that are proposed and will serve more than one lot within the proposed development. Examples of such facilities could include storm water management devices, open space areas, pedestrian pathways, signs, and wastewater or water facilities;
- (8) Qualified expert testimony and impact reports that demonstrate compliance with each of the following requirements and provide for an upset limit of impact regarding each requirement (e.g. maximum traffic volume, maximum sound pressure, maximum structure height, maximum glare, and etc);
- (9) A traffic impact report, as required under Article V, Section 12 of this Ordinance.
- (10) Access management so as not to cause traffic backup onto adjoining roads during peak entrance and exit periods. This shall require special attention to, and description of, the onsite stacking volumes caused by toll booth locations and the number, location, and times of traffic control personnel posting;
- (11) Noise, as regulated under Article V, Section 14;
- (12) Lighting, as regulated under Article VII, Section 7 of this Ordinance;
- (13) Documentation that adequate public water supply and public sewage disposal in accordance with applicable state regulations will be used;
- (14) Methods of policing and security to include a written statement from the ranking police officer that adequate police protection is available to serve the proposed use. Also the applicant is required to provide expert evidence regarding security measures that will be used on the site to ensure adequate public safety during and after conduct of the proposed use;
- (15) Methods of fire protection and ambulance service to include written statements from the chiefs of the first-due fire company

and ambulance company that will serve the proposed use that attest that adequate fire protection and ambulance service are available to serve the proposed use;

- (16) Capacity of off-street parking lots and off-street loading areas in relation to the schedules of required spaces, as required in Article V, Section 10 of this Ordinance. In addition, an unimproved grassed overflow parking area shall be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior access drives of the permanent parking lot. Overflow parking areas shall contain fencing to confine vehicles on the site;
- (17) The handling and disposal of materials and wastes;
- (18) Methods used to contain, collect and dispose of litter on the site. This shall include a written description of a working plan for litter clean-up;
- (19) For uses involving the keeping of animals, a written plan that describes the methods used to: (1) contain and prevent their escape; (2) dispose of deceased animals in compliance with applicable State laws; and, (3) handle, and dispose of animal wastes in a manner that is compatible with surrounding uses both on and off of the site.
- (20) Scaled graphic representations of those signs used to attract the public onto the site; and,
- (21) Exterior areas used for the storage of automobiles or other vehicles shall be completely enclosed by a six foot (6) high fence, and shall be subject to the C-2 Zone's setback, landscaping and screening requirements imposed upon off-street parking lots. The outdoor storage of vehicle parts, lubricants and fuels, or other materials or equipment used in the service of motor vehicles and the demolition or junking of vehicles is prohibited.
- (22) Maximum permitted height for uses regulated by this Section can exceed forty-five (45) feet provided:
 - (a) That the proposed structure is setback a horizontal distance at least equal to its height from each property line;
 - (b) The applicant must demonstrate that adequate local rescue and fire-fighting capacity exists to ensure the safety of those who might be located above forty-five (45) feet by reason of adequate emergency vehicles and equipment and/or employed fire suppression measures;

- (c) The applicant must submit that the proposed structure does not violate Article III, "Airport Hazard Zoning Regulations" of this Ordinance;
- (d) For new buildings and building expansions, the applicant must demonstrate compliance with the BOCA National Fire Prevention Code, 1999 as may be amended;
- (e) If applicable, the applicant must demonstrate compliance with the American Society of Testing Materials (ASTM) F770-88 Standard Practice for Operation Procedures for Amusement Rides and Devices;
- (f) An integrated telephone system that has a two-hour fire rating shall be provided on all floors;
- (g) For new buildings and building expansions, knox boxes shall be provided where any automatic fire alarm, detection or suppression systems are used;
- (h) If applicable, the applicant must demonstrate that the rescue of patrons on each amusement ride can occur in a safe and expedient manner during times of emergency.

E. Modifications of Standards – As part of the Master Concept Plan conditional use review, the Board of Supervisors may permit the modification of the standards applied to the proposed use in order to encourage the use of innovative design. An applicant desiring to obtain such approval shall, when making application for the Master Concept Plan, also make application for modification under this section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the standards shall be subject to the following standards:

- (1) Such modifications of standards better serve the design and operational objectives listed in Section 2.3.20 (C) of this Ordinance;
- (2) Such modifications of standards would not result in adverse impact to adjoining properties, nor future potential inhabitants within the vicinity;
- (3) Such modifications will not result in an increase in permitted lot coverage for the site; and,
- (4) The extent of modification provides the minimum amount of relief necessary to ensure compliance with the requirements of this Section 2.3.20.

F. Stage 2 – Site Development Plan – Upon approval of a conditional use for the Concept Master Plan, the applicant must apply for a land development plan and/or a zoning permit, as applicable, before constructing the proposed use pursuant to Section _ of this Ordinance. As part of the granting of a land development plan and/or a zoning permit, as the case may be, for uses proposed and contained in the Concept Plan, the reviewing agency and or the Zoning Officer, as the case may be, shall review an application submitted by the applicant. Such application shall include but not be limited to the following:

- (1) Any information necessary to demonstrate compliance with all applicable regulations contained within this Ordinance plus any conditions of approval imposed upon the use; and,
- (2) A scaled site plan that demonstrates the proposed uses' compliance with the approved Master Concept Plan, plus any conditions of approval attached to the grant of the Master Concept Plan. The reviewing agency and or the Zoning Officer, as the case may be, may require additional review by other Township staff or Township-appointed consultants. Such land development and/or zoning permit, as applicable, shall be approved and issued in accordance with the time limits set forth in this Ordinance provided that:
 - (a) the proposed uses are consistent with those contemplated in the Master Concept Plan;
 - (b) the area to be disturbed for each use is consistent with the respective disturbance area depicted on the Master Concept Plan;
 - (c) the application complies with the applicable design standards and regulations of this and other Township ordinances plus and conditions of approval attached to the grant of the Master Concept Plan; and,
 - (d) the impact of the proposed uses are consistent with that upset limit of impact authorized in the Master Concept Plan.

**Section 2.2.31 Auction House, Excluding Automobile
Auctions**

- A. Within the (C-2) Zone, auction houses, excluding automobile auctions, are permitted by conditional use, subject to the following criteria:
- B. All auction activities shall be conducted within a completely enclosed building.
- C. The temporary storage of items to be auctioned shall be permitted no more than seventy-two (72) hours prior to and seventy-two (72) hours following the conduct

of an auction. Items that do not sell at any given auction must either be stored indoors or removed from the site within seventy-two (72) hours following the conduct of an auction.

- D. Off-street parking shall be provided at the rate of one (1) space per each two (2) persons of legal occupancy within the auction house, plus one (1) space per employee on the site at any one time. Oversized off-street parking shall be provided at the rate of one (1) space per each fifteen (15) persons of legal occupancy within the auction house.
- E. A minimum of four off-street loading spaces shall be provided.
- F. Should the proposed use include a cafeteria or refreshment counter, the applicant shall furnish and continuously implement a working plan for the collection of litter and debris.

**Section 2.2.32 Automobile and/or Animal Racing
Facility With or Without Related Wagering**

- A. Within the (C-2) Zone, automobile and/or animal racing facilities with or without related wagering are permitted by conditional use subject to the following requirements.
- B. Purpose – This Section provides for a two-stage review process for large-scale amusement uses that is consistent with the Pennsylvania Municipalities Planning Code by encouraging innovation and promoting flexibility, economy and ingenuity in the development process. Specifically, applications submitted under this Section will be required to obtain a conditional use approval of a Master Concept Plan that will require detailed explanation of the proposed use's design, operation and impacts. Then once the Master Concept Plan is approved, subsequent revisions or adjustments that were contemplated under the approved Master Concept Plan will be regulated as permitted uses. Subsequent alterations that were not contemplated by the previously approved Master Concept Plan will require another conditional use approval.
- C. Design and Operational Objectives – Applications submitted pursuant to this Section are required to demonstrate to the satisfaction of the Board of Supervisors that:
 - (1) The proposed uses are coordinated to function as a single site;
 - (2) The proposed design will provide for efficient functioning of the proposed use amid its surroundings without creating undue adverse impact;
 - (3) The proposed use has access to adequate utilities and public services to ensure the public welfare upon the site and will not

overburden such utilities and services to the detriment of the rest of the Township;

- (4) The proposed use is designed, where practicable, to properly integrate and protect important natural features contained upon the site both during and after construction and during subsequent operation of the use;
- (5) The proposed use presents a pleasant appearance on the site and as viewed from adjoining roads and properties; and,
- (6) The applicant has a management structure and capacity that can ensure that these preceding objectives will be continuously satisfied.

D. Stage 1 – Concept Master Plan – Prior to, or coincidental with, the approval of a land development for any of the above-described uses regulated in this section, the applicant shall submit a Concept Master Plan for conditional use approval by the Board of Supervisors. The requirements of this Section shall be used as the specific criteria for evaluating the conditional use application. Such Concept Master Plan shall be submitted by the applicant and shall include a textual and/or graphic description of the following items:

- (1) The location, boundaries, dimensions, acreage, and ownership of the land to be included within the proposed use;
- (2) The specific types and mixture of uses proposed for the land to be included within the proposed use. This will require submission of a schematic drawing of proposed use types within their respective areas along with a disturbance envelope within which all development activities will be confined;
- (3) A listing of the relevant design standards applied to the use as required by the Zoning Ordinance and a determination of the proposed use's compliance with such standards. Should the Board of Supervisors attach a condition of approval that imposes a different standard than that of the Zoning Ordinance, such conditioned standard shall be listed along with the use's determination of compliance;
- (4) The circulation network contained upon the land to be included within the proposed use including roads, sidewalks, off-street parking lots, unimproved overflow parking areas, off-street loading areas, emergency access points, major intersections and any traffic improvements proposed to accommodate the proposed use;
- (5) The name, location, centerline and present right-of-way width of all abutting streets;

- (6) The natural and cultural features information.
- (7) Any regional facilities that are proposed and will serve more than one lot within the proposed development. Examples of such facilities could include storm water management devices, open space areas, pedestrian pathways, signs, and wastewater or water facilities;
- (8) Qualified expert testimony and impact reports that demonstrate compliance with each of the following requirements and provide for an upset limit of impact regarding each requirement (e.g. maximum traffic volume, maximum sound pressure, maximum structure height, maximum glare, and etc.)
- (9) A traffic impact report, as required under Article V, Section 12 of this Ordinance;
- (10) Access management so as not to cause traffic backup onto adjoining roads during peak entrance and exit periods. This shall require special attention to, and description of, the onsite stacking volumes caused by toll booth locations and the number, location, and times of traffic control personnel posting;
- (11) Noise, as regulated in Article V, Section 14;
- (12) Lighting, as regulated under Article V, Section 7 of this Ordinance;
- (13) Methods of water supply and sanitary sewage disposal in accordance with applicable state regulations. If public water and/or sewer is to be used, documentation by the respective agency of the adequacy of such system to serve the proposed use;
- (14) Methods of policing and security to include a written statement from the ranking police officer that adequate police protection is available to serve the proposed use. Also the applicant is required to provide expert evidence regarding security measures that will be used on the site to ensure adequate public safety during and after conduct of the proposed use;
- (15) Methods of fire protection and ambulance service to include written statements from the chiefs of the first-due fire company and ambulance company that will serve the proposed use that attest that adequate fire protection and ambulance service are available to serve the proposed use;
- (16) Capacity of off-street parking lots and off-street loading areas in relation to the schedules of required spaces. In addition, an unimproved grassed overflow parking area shall be provided for

peak use periods. Such overflow parking areas shall be accessible only from the interior access drives of the permanent parking lot. Overflow parking areas shall contain fencing to confine vehicles on the site;

- (17) The handling and disposal of materials and wastes;
- (18) Methods used to contain, collect and dispose of litter on the site. This shall include a written description of a working plan for litter clean-up;
- (19) For uses involving the keeping of animals, a written plan that describes the methods used to: (1) contain and prevent their escape; (2) dispose of deceased animals in compliance with applicable State laws; and, (3) handle, and dispose of animal wastes in a manner that is compatible with surrounding uses both on and off of the site.
- (20) Scaled graphic representations of those signs used to attract the public onto the site; and,
- (21) Exterior areas used for the storage of automobiles or other vehicles shall be completely enclosed by a six foot (6) high fence, and shall be subject to the C-2 Zone's setback, landscaping and screening requirements imposed upon off-street parking lots. The outdoor storage of vehicle parts, lubricants and fuels, or other materials or equipment used in the service of motor vehicles and the demolition or junking of vehicles is prohibited.
- (22) Maximum permitted height for uses regulated by this Section can exceed forty-five (45) feet provided:
 - (a) That the proposed structure is setback a horizontal distance at least equal to its height from each property line;
 - (b) The applicant must demonstrate that adequate local rescue and fire-fighting capacity exists to ensure the safety of those who might be located above forty-five (45) feet by reason of adequate emergency vehicles and equipment and/or employed fire suppression measures;
 - (c) The applicant must submit that the proposed structure does not violate Article III, "Airport Hazard Zoning Regulations" of this Ordinance;
 - (d) The applicant must demonstrate compliance with the BOCA National Fire Prevention Code, 1999 as may be amended;

- (e) If applicable, the applicant must demonstrate compliance with the American Society of Testing Materials (ASTM) F770-88 Standard Practice for Operation Procedures for Amusement Rides and Devices;
- (f) An integrated telephone system that has a two-hour fire rating shall be provided on all floors;
- (g) If proposed, standpipe and sprinkler connection fixtures shall be located so as to be readily accessible to firefighting personnel and hose pre-connects for full access to each floor shall be provided;
- (h) Knox boxes shall be provided where any automatic fire alarm, detection or suppression systems are used; and,
- (i) Forcible entry tools including a pick head axe, Halligan, K-tool and Rabbit tool shall be provided on each floor.

E. Modifications of Standards – As part of the Master Concept Plan conditional use review, the Board of Supervisors may permit the modification of the standards applied to the proposed use in order to encourage the use of innovative design. An applicant desiring to obtain such approval shall, when making application for the Master Concept Plan, also make application for modification under this section. The Board of Supervisors shall consider both requests simultaneously. Any modification of the standards shall be subject to the following standards:

- (1) Such modifications of standards better serve the design and operational objectives listed in Section 2.2.32(C) in this Ordinance;
- (2) Such modifications of standards would not result in adverse impact to adjoining properties, nor future potential inhabitants within the vicinity;
- (3) Such modifications will not result in an increase in permitted lot coverage for the site; and,
- (4) The extent of modification provides the minimum amount of relief necessary to ensure compliance with the requirements of this Section 2.2.32 of the Zoning Ordinance.

F. Stage 2 – Site Development Plan – Upon approval of a conditional use for the Concept Master Plan, the applicant must apply for a land development plan and/or a zoning permit, as applicable, before constructing the proposed use. As part of the granting of a land development plan and/or a zoning permit, as the case may be, for uses proposed and contained in the Concept Plan, the reviewing agency and or the Zoning Officer, as the case may be, shall review an application

submitted by the applicant. Such application shall include but not be limited to the following:

- (1) Any information necessary to demonstrate compliance with all applicable regulations contained within this Ordinance plus any conditions of approval imposed upon the use; and,
- (2) A scaled site plan that demonstrates the proposed uses' compliance with the approved Master Concept Plan, plus any conditions of approval attached to the grant of the Master Concept Plan. The reviewing agency and or the Zoning Officer, as the case may be, may require additional review by other Township staff or Township-appointed consultants. Such land development and/or zoning permit, as applicable, shall be approved and issued in accordance with the time limits of this Ordinance provided that:
 - (a) the proposed uses are consistent with those contemplated in the Master Concept Plan;
 - (b) the area to be disturbed for each use is consistent with the respective disturbance area depicted on the Master Concept Plan;
 - (c) the application complies with the applicable design standards and regulations of this and other Township ordinances plus and conditions of approval attached to the grant of the Master Concept Plan; and,
 - (d) the impact of the proposed uses are consistent with that upset limit of impact authorized in the Master Concept Plan.

**Section 2.2.33 Automobile Filling Stations (Including
Minor Incidental Repair)**

- A. Within the (C-2) Zone, automobile filling stations (including minor incidental repair) are permitted by conditional use, subject to the following criteria:
- B. The subject property shall have a minimum contiguous width of one hundred twenty-five feet (125');
- C. The subject property shall front on an arterial or collector road;
- D. The subject property shall be set back at least three hundred feet (300') from any lot containing a school, day-care facility, park or playground, library, hospital or nursing, rest or retirement home;
- E. The outdoor storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited;

- F. All structures (including air compressors, kiosks, gasoline pump islands, but not permitted signs) shall be set back at least thirty feet (30') from any street right-of-way line;
- G. No outdoor storage of auto parts shall be permitted;
- H. Access driveways shall be a minimum of twenty-eight feet (28') and a maximum of thirty-five feet (35') wide and separated by seventy-five feet (75') from one another if located along the same frontage as measured from edge to edge;
- I. All ventilation equipment associated with fuel storage tanks shall be set back one hundred feet (100') and oriented away from any land within residential zoning districts; and,
- J. The applicant shall furnish evidence that the storage, dispensing and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

Section 2.2.34 Automobile Sales, Service and Repair Facilities

- A. Within the (C-2) Zone, automobile sales, service and repair facilities, including, but not limited to, auto mechanics, drive-thru lubrication services and tires, auto paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shop are permitted by conditional use, subject to the following criteria:
- B. All service and/or repair activities shall be conducted within a completely-enclosed building;
- C. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads;
- D. No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded, as part of the service or repair operation, shall be permitted;
- E. All exterior vehicle storage areas shall be screened from adjoining roads and any land within a residential zoning district;
- F. The storage of vehicles on the property without current registration is prohibited;
- G. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining property within a residential zoning district;
- H. All vehicles shall be repaired and removed from the premises promptly and no vehicle shall remain on the site for more than 45 days unless it is stored within a completely enclosed building;

- I. The demolition or junking of motor vehicles is prohibited; and
- J. The applicant shall furnish evidence of how the storage and disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 2.2.35 Bottle Clubs and/or Bring Your Own Bottle (BYOB) Clubs

- A. Within the (C-2) Zone, bottle clubs and/or bring your own bottle clubs, as defined herein, may be conducted within any principal use other than a dwelling unit by conditional use, subject to, the following criteria:
- B. Bottle or BYOB Clubs shall comply with the following requirements:
 - (1) Obtain and maintain in force and effect at all times board form general liability coverage in the minimum amount of, \$1,000,000 per occurrence, proof shall be filed with the Township prior to any Certificate of Occupancy;
 - (2) Conspicuously post the hours of operation at the business premises;
 - (3) Possess a valid Certificate of Occupancy and prominently display said certificate at the premises.
- C. Bottle or BYOB Clubs shall obtain a valid Club permit pursuant to this Section and prominently display such permit at all times;
 - (1) Any person or persons desiring to operate or continue to operate a Bottle or BYOB Club shall file with the Township an application for a Club permit, which application shall include the following information: the name and address of the Club; a statement whether the business premises is leased or owned by the Club; the name and address of the lessor of the business premises; if applicable, the nature of the ownership of the Club, (i.e. corporation, partnership, joint venture, association) and the names and addresses of the officers and/or financial interest in the Club.
 - (2) The Club shall pay an administrative fee of \$250.00 for a Club permit and \$250.00 for each annual renewal thereof. Said Club permit shall be effective for a period of one year following the date of issuance; provided, in the event the Club fails to fully and completely comply with the provisions hereof or is convicted of any unlawful activities during the term of the Club permit so issued, the Township shall have the authority to revoke the Club permit due to BYOB Club's lack of compliance.

D. It shall be unlawful for Bottle or BYOB Club to:

- (1) Remain open and/or to transact business between the hours of midnight and 11:00 a.m., prevailing time. In all cases, the premises must be vacated within 15 minutes after the required closing time.
- (2) Conduct activities to which this Section applies without possessing a valid Club permit as specified herein.
- (3) Allow entry thereto by or allow provision to or consumption by persons under the age of 21 years of any alcoholic liquors, alcohol or malt or brewed beverages.
- (4) Be located within three hundred feet (300') of any property within a residential zoning district and/or any property that contains any one or more of the following specified land uses:
 - (a) Amusement park;
 - (b) Camp (for minors' activity);
 - (c) Child care facility;
 - (d) Church or other similar religious facility;
 - (e) Community center;
 - (f) Museum;
 - (g) Park;
 - (h) Playground;
 - (i) School; or
 - (j) Other lands where minors congregate.
- (5) Occupy any residential structure.
- (6) In addition to any monetary penalties for violations involved, Benner Township shall revoke the Club Permit required upon conviction of any unlawful activities.

E. In addition to the Zoning Officer, the Township hereby expressly authorizes the Pennsylvania State Police Department to enforce the terms of this Section.

Section 2.2.36 Car Washes

- A. Within the (C-2) Zone, car washes are permitted by conditional use, subject to the following criteria:
- B. Gray water recycling is required;
- C. For automatic and self-service car washes, each washing bay shall provide a minimum one hundred foot (100') long on-site stacking lane which precedes the washing process. For full service car washes, such on-site stacking shall be a minimum of three hundred feet (300') per lane;
- D. For full service car washes, a post-washing drying area shall be provided for no less than three (3) vehicles per washing lane;
- E. All structures housing washing apparatuses shall be set back one hundred feet (100') from any street right-of-way line, fifty feet (50') from any rear property line, and twenty feet (20') from any side lot line;
- F. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris;
- G. The subject property shall front on an arterial or collector road; and,
- H. The applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.

Section 2.2.37 Commercial Day-Care Facilities

- A. Within the (C-1, C-2, I-1, I-2, and I-3) Zones, commercial day-care facilities are permitted by conditional use subject to the following criteria:
- B. An outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Outdoor play areas shall be completely enclosed by a minimum four foot (4') high fence, and screened from adjoining properties within a residential zoning districts. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
- C. Enrollment shall be defined as the largest number of persons and/or children under day-care supervision at any one time during a seven-day period;
- D. Passenger "drop-off" and "pick-up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site;

- E. One (1) off-street parking space shall be provided for each six (6) persons enrolled; and,
- F. All commercial day-care facilities shall obtain and maintain proper licensure from Commonwealth of Pennsylvania.

Section 2.2.38 Commercial Recreation Facilities

- A. Within the (C-2) Zone, commercial recreation facilities are permitted by conditional use, subject to the following criteria:
- B. If the subject property contains more than two (2) acres, it shall front on an arterial or collector road;
- C. Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties;
- D. Maximum permitted height for structures regulated by this Section can exceed forty-five (45) feet provided:
 - (1) that such structures shall not be used for occupancy;
 - (2) that the proposed structure is setback a horizontal distance at least equal to its height from each property line;
 - (3) the applicant must demonstrate that adequate emergency vehicles and equipment and/or employed fire suppression measures are available;
 - (4) the applicant must submit that the proposed structure does not violate "Article III, Airport Hazard Zoning Regulations" of this Ordinance; and,
 - (5) the applicant must demonstrate compliance with the BOCA National Fire Prevention Code, 1999 as may be amended;
- E. The applicant shall furnish qualified written evidence regarding the character of the proposed use and management strategies to assure that activities conducted upon the site will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution;
- F. Required parking will be determined based upon the types of activities proposed and the schedule listed in Article V, Section 10 of this Ordinance. In addition, the Board of Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. 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;

- 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 back-ups 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 back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Supervisors determine that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Supervisors can require the applicant to revise means of access to relieve the undue congestion; and,
- H. Any outside pedestrian waiting lines, shall be provided with a means of shade.

Section 2.2.39 Drive-Thru Restaurants

- A. Within the (C-2) Zones, drive-thru restaurants are permitted by conditional use, subject to the following criteria:
- B. The subject property shall provide for a suitable means of vehicular access that conveniently connects with an arterial road;
- C. Exterior trash/recycling receptacles shall be provided and routinely emptied so to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter;
- D. All drive-thru window-lanes shall be separated from the parking lot's interior driveways and shall provide at least two hundred feet (200') of on-site stacking per lane, preceding the food order location;
- E. Any exterior speaker/microphone and lighting systems shall be arranged, operated and/or screened to comply with the requirements of this Ordinance.
- F. All exterior seating/play areas shall be completely enclosed by a minimum three foot (3) high fence;
- G. No part of the subject property shall be located within three hundred feet (300) of any land within a residential zoning district; and,
- H. Both public sewer and public water shall serve the proposed use.

Section 2.2.40 Dry Cleaners, Laundries and Laundromats

- A. Within the (C-2) Zone, dry cleaners, laundries and laundromats are permitted by conditional use, subject to the following criteria:

- B. Public sewer and water shall be used;
- C. All activities shall be conducted within a completely enclosed building;
- D. During times of operation or plant clean-up and maintenance, all windows and doors on walls facing adjoining property within a residential zoning district shall be kept closed;
- E. Ventilation exhausts shall meet all applicable State and Federal air quality standards. Ventilation outlets must be set back at least fifty (50) feet from all property lines or be directed skyward; in no case shall any such exhaust outlet be directed toward adjoining residences or residentially-zoned property; and,
- F. Self-service laundromats shall require one off-street parking space for each two (2) washing machines; other laundry-related uses shall provide one off-street parking space for each four hundred (400) square feet of gross floor area.

Section 2.2.41 Emergency Services

- A. Within the (C-2, I-1, I-2 and I-3) Zones, emergency services, as defined herein, permitted by right subject to the following requirements:
- B. A minimum lot size of one (1) acre is required.
- C. A maximum impervious coverage of sixty percent (60%) is permitted.
- D. The buildings and any outdoor storage, off-street loading spaces, waste receptacles and outdoor recreation areas shall be setback at least fifty (50) feet from each lot line. Off-street parking lots shall maintain a minimum twenty (20) foot setback from each lot line, which shall be fitted with landscaping in accordance with Article V, Section 10 of this Ordinance. In addition, off-street parking lots, off-street loading spaces, waste receptacles and outdoor storage areas shall be screened from adjoining properties within residential zoning districts.
- E. Off-street parking shall be prohibited within the front yard to ensure ease of ingress and egress to and from the station.
- F. Off-street parking requirements for the station shall be based upon the sum of its various features that would be occupied at one time in accordance with the schedule listed in Article V, Section 10 in this Ordinance.
- G. No outdoor storage of vehicle parts, equipment, lubricants, fuel, or other materials used or discarded, shall be permitted.

Section 2.2.42 Farmers and/or Flea Markets

- A. Within the (C-2) Zone, farmers and/or flea markets are permitted by conditional use, subject to the following criteria:

- B. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables, or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales area shall include all indoor and/or outdoor areas as listed above;
- C. The retail sales area shall be set back at least fifty (50) feet from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment;
- D. Off-street parking shall be provided at the rate of one space per each two hundred (200) square feet of retail sales area, and shall be designed and used in accordance with Article V, Section 10 of this Ordinance. No required off-street parking spaces shall be used for the display and/or storage of items for sale;
- E. Off-street loading shall be provided at the rate similar to that imposed on retail sales as listed in Article V, Section 10 of this Ordinance. The retail sales area, as described above, shall be used to calculate needed loading space(s);
- F. All outdoor display and sale of merchandise shall cease no less than one hour prior to official sunset;
- G. Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties; and,
- H. Trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the clean-up of litter.

Section 2.2.43 Funeral Homes

- A. Within the (C-2) Zone, funeral homes are permitted by conditional use subject to the following criteria:
- B. Sufficient off-street parking shall be provided and designed to prevent back-ups onto adjoining roads; the applicant shall describe what measure will be used to prevent back-ups (e.g. overflow parking, parking attendants, etc.) to prevent such back-ups;
- C. All parking areas shall be setback at least ten feet (10') from adjoining lot lines, and no joint off-street parking areas shall be permitted; and,
- D. No direct vehicular access shall be permitted onto an arterial road from the site.

**Section 2.2.44 Health, Fitness, Social, Fraternal and
Other Private Clubs**

- A. Within the (C-2) Zone, 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. If an exterior amplified public address system is to be utilized, the applicant shall submit qualified expert evidence that the proposed public address system will be designed and operated in a manner to comply with Article V, Section 14.
- 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.

**Section 2.2.45 Home Improvement and Building Supply
Stores**

- A. Within the (C-2) Zone, home improvement and building supply stores are permitted by conditional use, subject to the following criteria:
- B. All outdoor storage and display areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties;
- C. If the subject property contains more than (2) acres, it shall front along an arterial or collector road;
- D. The retail sales area shall be all areas open for public display, including, but not limited to, shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas, as listed above;

- E. Off-street parking shall be provided at the rate of one (1) space for each two hundred (200) square feet of interior retail sales area, plus one (1) space for each five hundred (500) square feet of exterior retail sales area;
- F. All exterior retail sales areas shall include a dust-free surface and a completely-enclosed minimum six foot (6) high fence;
- G. The applicant shall furnish expert evidence that any exterior amplified public address system has been arranged and designed so as to comply with Article V, Section 14 this Ordinance;
- H. The applicant shall furnish expert evidence that any exterior lighting has been arranged and designed so as to comply with Article V, Section 7 this Ordinance;
- I. Any drilling, cutting, sawing, mixing, crushing, or some other preparation of building materials, plus any testing or repair of motorized equipment, shall be conducted within a completely-enclosed building;
- J. The applicant shall submit a Traffic Impact Report, as required by this Ordinance; and,
- K. The applicant shall submit a working plan for the collection, recycling and disposal of litter and wastes.

Section 2.2.46 Nightclubs

- A. Within the (C-2) Zone, 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 a residential zoning 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 furnish evidence as to how the use will be controlled as to not constitute a nuisance due to loitering outside the building; and,
- E. A working plan for the cleanup and recycling of litter shall be furnished and implemented by the applicant.

Section 2.2.47 Public, Private and Commercial Schools

- A. Within the (C-2) Zone, public, private and commercial schools are permitted by right subject to the following criteria:
- B. if education is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65) feet per individual enrolled. Off-street

parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five feet (25') from all property lines. Outdoor play areas shall be completely enclosed by a minimum four foot (4') high fence, and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s).

- C. Enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one time during a seven-day period.
- D. Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site; and
- E. Unless the applicant can demonstrate that the off-street parking associated with the house of worship is sufficient for the proposed use, one (1) off-street parking space shall be provided for each six (6) students enrolled below grade ten, and/or one (1) off-street parking space for each three (3) students, grades then and above.

Section 2.2.48 Shopping Centers

- A. Within the (C-2) Zone, shopping centers are permitted by conditional use, subject to the following requirements:
- B. The initial approval of the shopping center shall require conditional use review. For freestanding pad sites, the applicant may choose to identify proposed building envelopes and a list of potential uses to be applied to each pad site respectively as an alternative to the specific identification of each use; however, in reviewing such pad sites the Township will consider the worst case scenario of building site envelope and potential uses when evaluating the conditional use application. Any subsequent substitution of use within the shopping center shall be permitted by right so long as the proposed use is permitted and does not require amendment of the site plan approved by the original conditional use. Future uses to be substituted that require separate conditional use or conditional use approval, shall follow such review and approval processes. Future uses that require amendment of the site plan shall require conditional use approval as required by this Ordinance;
- C. Shopping centers shall front on an arterial road. Drive-through lanes for any use contained within the shopping center shall connect only to internal access drives and parking lots. Access drives serving all shopping centers shall be set back at least two hundred feet (200') from the intersection of any street right-of-way lines along the same side of the street;
- D. In addition to vehicular access to the property, the applicant shall be required to design and construct pedestrian linkages with any nearby areas, even if they are

not yet developed. Such pedestrian linkages shall be located so as to provide safe and convenient access to the shopping center from the nearby areas;

- E. Unless deferred by the Board of Supervisors, all shopping centers must provide an improved bus stop which would be conveniently accessible for patrons who would travel to and from the site by bus. Such bus stop must be provided, even if current bus service is unavailable along the subject property. Such bus stop shall include a shelter, seating, a waste receptacle, and at least one (1) shade tree;
- F. Shopping centers must integrate a designated location for a minimum of twenty (20) park and ride off-street parking spaces that is readily-identifiable and conveniently accessible to passing motorists. Such park and ride spaces can include those spaces required to serve the shopping center and shall be designed, signed, lighted and maintained in accordance with this Ordinance;
- G. The applicant's site plan shall clearly depict the proposed locations and dimensions of all on-site circulation improvements which must demonstrate safe vehicular and pedestrian movements both upon and abutting the subject property;
- H. A Traffic Impact Report, as required by this Ordinance, shall be submitted by the applicant;
- I. Both public sewer and public water utilities shall be required.
- J. The following tabulates required off-street parking and loading, and interior landscaping standards for shopping centers:

Use	Minimum Required Off-Street Parking Spaces Per 1,000 Sq. Ft. of Gross Floor Area	Minimum Required Interior Landscaping	Minimum Required Off-Street Loading Spaces
Shopping center	5	5%	2 plus 1 per 50,000 sq. ft., or fraction thereof, of gross floor area over 20,000 sq. ft.
Freestanding restaurants that are integrated within the	5	5%	1 for uses with at least 2000 square feet plus 1 per 10,000 sq. ft., or fraction thereof, of

shopping center			gross floor area over 10,000 sq. ft.
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- K. The proposed shopping center design shall comply with the applicable regulations contained within the following table:

SHOPPING CENTER DESIGN REQUIREMENTS	
↓Standard / Use→	shopping center
Required Lot Area	Minimum - 5 acres;
Minimum Required Lot Width	250 ft. at the building setback line & street line
Minimum Required Lot Depth	250 ft.
Required Minimum Yard Setbacks:	The following lists required setbacks between features of the shopping center and perimeter lot lines. No specific setbacks are required between buildings located upon the shopping center site except those that may be required by the Township Fire Official or by the Pennsylvania Uniform Construction Code.
Front, as Measured from Street R.15.W.	100 ft. for buildings & structures (except permitted signs); 25 ft. for off-street parking; no off-street loading, nor dumpsters are permitted within the front yard.
One Side	60 ft. for buildings & structures (except permitted signs); 25 ft. for off-street parking & loading spaces & dumpsters
Both Sides	120 ft. for buildings & structures (except permitted signs); 50 ft. for off-street parking & loading spaces & dumpsters
Rear	60 ft. for all buildings, structures, off-street parking & loading spaces & dumpsters
Minimum Required Setback from Residential Zone	500 ft. for uses (e.g. buildings, structures, access drives, off-street parking and loading, outdoor storage, dumpsters and etc.) that operate between the hours of midnight and 6:00AM; 100 ft. for other buildings, structures, off-street loading, dumpsters, and off-street parking

Maximum Permitted Impervious Lot Coverage	60%
Maximum Permitted Building Height	55 ft., all uses must comply with Section 221.6. of this Ordinance.

- L. The applicant shall submit written expert evidence that demonstrates compliance with the lighting requirements of Article V, Section 7 of this Ordinance;
- M. The applicant shall submit a landscape plan prepared by a landscape architect registered within the Commonwealth of Pennsylvania that demonstrates compliance with all applicable landscaping provisions of this Ordinance. Such plans shall include but not be limited to details depicting:
 - (1) Landscape buffers and screens used to protect adjoining residential zones and residential uses;
 - (2) Screening used to prevent the spillage of headlights onto adjoining properties;
 - (3) Typical interior landscape island treatments;
 - (4) Typical landscape strip treatments; and,
 - (5) Landscape treatments at the shopping center access drives' intersections with streets.
- N. Developers 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, 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:
 - (a) Contribute to a cohesive and unified architectural theme upon the site and with neighboring properties within the Zone;

- (b) Feature prominent customer entrances and exterior pedestrian amenities;
 - (c) Make use of a combination of wood, brick, 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;
 - (d) Employ “earth-tone,” “pottery-tone” or “Williamsburg-type” colors for primary wall surfaces;
 - (e) Visually screen heating, ventilation, air conditioning, elevator, or other mechanical appurtenances, from adjoining streets and properties; and,
 - (f) Place utilities underground.
 - (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 seventy percent (70%).
 - (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 land conditional use approval at that time.
 - (5) Should any part of this Section be declared invalid by the courts, the entire Section shall be automatically repealed.
- O. The applicant shall submit a sign plan that demonstrates compliance with the following sign requirements. Once approved as part of the conditional use review, any subsequent substitution of sign that does not increase the size and/or alter the location of signs permitted on the originally approved sign plan is permitted by right. Future signs that would alter the size and/or location of signs will require shall require conditional use approval:

SHOPPING CENTER SIGN REQUIREMENTS					
Sign Type	Maximum Number Permitted	Maximum Permitted Sign Area	Maximum Permitted Height	Other Requirements	Zoning Permit Required
Freestanding shopping center sign	1 per street frontage with entrance or exit	1 square foot for each 4 lineal feet of frontage within the shopping center, with a maximum of 110 square feet	20 feet	This sign shall devote no less than 50% of the total sign area (per side) to the advertisement of the shopping center's name.	Yes
Anchor tenant sign for one use containing more than 150 lineal feet of store-front.	1 per side facing a street, with a maximum of 2 signs	If sign is less than 300 feet from facing street, then sign can be up to a maximum of 100 square feet. If sign is more than 300 feet from facing street, then sign can be up to a maximum of 150 square feet.	Height of wall to which sign is attached.	These signs shall only be provided as flat wall, wall projecting or roof signs.	Yes
Storefront sign for one use containing up to 150 lineal feet of storefront.	1 per principal use	2 square feet per lineal foot of store front up to a maximum of 75 square feet	Height of wall to which sign is attached.	This sign shall only be provided as a flat wall or a wall projecting sign.	Yes
Storefront under-	1 per use with	4 square feet	To base of	No under-canopy sign shall	Yes

canopy signs for all principal uses.	less than 150 lineal feet of storefront. 2 per use with more than 150 lineal feet of storefront.		canopy, or where no canopy is provided, 10 feet.	have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under-canopy sign shall be no less than 8 feet, 6 inches above the finished grade below such sign.	
Outparcel signs for principal freestanding uses sharing common ingress and egress to shopping center.	2 per principal use, but only 1 per wall	75 square feet per sign, not exceeding 20% of wall area to which sign is attached.	Height of wall to which sign is attached.	These signs shall only be provided as flat wall, wall projecting or roof signs.	Yes
Freestanding shopping center sign along limited access highway	1 per shopping center	165 square feet	45 feet	This sign shall devote no less than 50% of the total sign area (per side) to the advertisement of the shopping center's name.	Yes

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