

# MEMORANDUM

**TO:** Benner Township Planning Commission  
**FROM:** Rod Beard  
**DATE:** May 27, 2021  
**SUBJECT:** Changes to Zoning Ordinance

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The major revisions in this draft from the one your agency reviewed most recently are as follows:

Updates to the Master Table of Uses:

Casino or Gaming Establishment added

Also added to definitions

Convenience Store – added as conditional use in Industrial Zone

Day Care Facility, Family – removed from most zones – listed as conditional use in FC and R-3 Zones

Dwelling, Townhouse – conditional use in Commercial Zone

Group Homes – limited to conditional use in Commercial Zone

Halfway House – added as conditional use in RR and R-2 Zones

Home Based no impact business – listed as conditional use in R-2 Zone

Intensive Agricultural – needs to be removed as duplicative of Agriculture, Intensive

Internet Based Business – permitted in C and I Zones; conditional use in A, RR, R-2, and R-3 Zones

Mineral Recovery – changed name to Mineral Extraction

Mobile Food Vendor – added as Permitted in all Zones except Quarry

Electric Power Generation – Wind added

Resorts – added as conditional use in FC and RR Zones

Service Station – added to schedule and listed as Permitted use in C and I Zones

Trucking Terminal – added as Permitted use in Quarry Zone

Article 2 – Definitions:

Boarding/Rooming House – changes from no more than 5 to no more than 4 persons

Casino or Gaming Establishment – definition added

Continuing Care Retirement Community – added references to Dept. of Health and Dept. of Human Services

Driveway/Access Road – added reference to private road

Group Home – reduced number of individuals from 8 to between 3 and 5

Junked Motor Vehicle – added reference to “deterioration.”

Mobile Food Vendor – added definition

Power Generation – added definition  
Power Generation-Wind – added definition  
Service Station – added definition  
Zoning Hearing Board – added definition  
Zoning Officer – added definition

### Article 3 – Designation of Districts

Inclusion of a Spring Creek Canyon Conservation Overlay District in a new Article 13;  
Inclusion of Environmental Protection Regulations in a new Article 19;  
Reference Airport Regulations as an Airport Overlay District

### Article 4 – FC Zone

4.2 – referred to Master Use Schedule for allowed uses. Area, design, and other requirements listed in Table 4-1.

### Article 5 – A Zone

5.2 – referred to Master Use Schedule for allowed uses. Area, design, and other requirements listed in Table 5-1.

### Article 6 – RR Zone

6.2 – referred to Master Use Schedule for allowed uses. Area, design, and other requirements listed in Table 6-1.

### Article 7 – R-2 Zone

7.2 – referred to Master Use Schedule for allowed uses. Area, design, and other requirements listed in Table 7-1.

- Duplex dwellings – increased density from 5 to 8 units
- Townhouses – increased density from 6 to 10 units
- Multiple-family dwellings – increased density from 6 to 15 units
- Quadraplex dwellings – increased density from 6 to 8 units
- Reduced minimum lot area from 10,000 sq. ft to 8,700 sq. ft. per dwelling
- Reduced building setbacks
- Increased max building height for Townhouses from 35 ft. to 45 ft.

### Article 8 – R-3 Zone

8.2 – referred to Master Use Schedule for allowed uses. Area, design, and other requirements listed in Table 8-1.

- Reduced Minimum lot width at building setback from 90 ft. to 75 ft. for other principal uses.
- Increased Minimum lot width at frontage to 90 ft. from 75 ft.

Article 9 – MHP

Table 9.1 -- included 50% max impervious lot coverage and 35 ft max building height.

Article 10 – C Zone

10.2 – referred to Master Use Schedule for allowed uses. Area, design, and other requirements listed in Table 10-1.

Added Townhouses in Table 10-1.

Added Section 10.7 to address Townhouses.

Article 11 – I Zone

11.2 – referred to Master Use Schedule for allowed uses. Area, design, and other requirements listed in Table 11-1.

Article 13 – SCCC Overlay District

Added entire article for Spring Creek Canyon Conservation Overlay District

Article 14 – Use Regulations

14.3 – Changed title to “Boarding House/Rooming House

14.4 – Changed title from Adult Oriented to Adult Use Businesses

14.19 – Added Casino or Gambling Establishment

14.26 – Added Mobile Food Vendors

14.32 – Added reference to Service Station

14.37 – Communication towers – included setback requirement of no less than 200% of structure height; included maximum height requirement of 199 ft.

14.40 – Added Electric to Power Generation Facilities

14.47 -- Added Noncommercial Keeping of Normal Agricultural Livestock

14.53 – Removed reference to Professional Businesses

Article 17 – Parking

17.2 – Table included in this section – removed reference to C, I, and Q Zones

Article 18 – Signs

18.3 -- Moved Billboard under definition of Freestanding – changed maximum height to 20 ft (from 10.5 ft.)

Table 18.1 – Any Freestanding sign larger than 45 sq. ft. requires conditional approval

Article 19 – Environmental Protection

Added entire Article on Environmental Protection

Article 20 – Airport Overlay District

J. – Airport Owner’s Procedures for changes

(ii)(3) – Engineering review – added language requiring owner to provide aviation expertise necessary for review at no cost to Township

Article 21 – Procedure

21.13 – Became Special Exceptions

21.14 – Added as Conditional Use provisions