

BENNER TOWNSHIP
CENTRE COUNTY, PENNSYLVANIA

ORDINANCE NO. 110

AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE OF BENNER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA TO (1) ADD AGE QUALIFIED HOUSING AS PART OF A COORDINATED DEVELOPMENT BY CONDITIONAL USE WITHIN THE HIGHWAY COMMERCIAL (HC) ZONE, (2) ADD A DEFINITION OF AGE QUALIFIED HOUSING WITHIN THE BACKGROUND PROVISIONS OF ARTICLE 1, AND (3) ADD SPECIFIC CRITERIA FOR THE REVIEW OF THE AGE QUALIFIED HOUSING CONDITIONAL USE TO ARTICLE 4, (4) REVISE THE DEFINITION FOR MAXIMUM LOT AREA, AND (5) REQUIRE JOINT ACCESS DRIVES TO COMPLY WITH THE TOWNSHIP STREETS STANDARDS ORDINANCE.

WHEREAS, Benner Township comprehensively amended its Zoning Ordinance and Zoning Map on April 20, 2009;

WHEREAS, local officials believe that a mixed use development that features age-restricted housing amid its Highway Commercial (HC) Zone provides for the opportunity for convenient access, proximity and pedestrian linkages to serve residents who can best benefit from such benefits;

WHEREAS, local officials believe that the conditional use review process affords sufficient opportunity to ensure that a mixed use development that features age-restricted housing amid its Highway Commercial (HC) Zone can be accomplished in a manner that is internally compatible and does not alter the essential commercial character anticipated within this Zone;

WHEREAS, local officials believe that the current definition of maximum lot area unnecessarily prevents the reasonable subdivision of small parcels;

WHEREAS, local officials believe that the use of joint access drives should require improvements consistent with the construction of streets;

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

REVISION 1 – The following definition is alphabetically added to Article 1, Section 113:

“AGE QUALIFIED HOUSING - A building containing multiple family dwelling units in which residency are qualified by age and other related characteristics as defined by the developer in accordance with Section 485.3. of this Ordinance and all applicable laws and regulations. Such building may also contain customary accessory uses, the use of which shall be limited to residents and their guests, such as a cafeteria, recreation facility, social meeting rooms, laundry and administrative offices.”

REVISION 2 – The definition of maximum lot area in Article 1, Section 113 is amended as follows:

“MINIMUM LOT AREA - The least amount of two dimensional space contained within the property lines that is required to be to be associated with a principal use as required by this Zoning Ordinance.”

REVISION 3 – A new definition of coordinated development is alphabetically added to Article 1, Section 113 as follows:

“COORDINATED DEVELOPMENT – A development that is designed and constructed to make use of shared features to improve both function and appearance.”

REVISION 4 – A new Section 220.3.23. is added as follows:

“23. Age qualified housing, subject to the requirements of Section 485 of this Ordinance.”

REVISION 5 – A new Section 485 is added to Article 4 as follows:

“Section 485 Age Qualified Housing

- 485.1 Within the (HC) Zones, age qualified housing is permitted by conditional use, subject to the following criteria:
- 485.2. **Purpose** – The purpose of this use is to permit a coordinated development of age qualified housing amid other permitted uses within the (HC) Zone to take advantage of the benefit of proximity, shared access and convenient pedestrian linkage for the residents.
- 485.3. **Declaration of Age Qualification** - Prior to the recording of the plan, the Developer shall record a declaration against the property being developed, in a form acceptable to the Township Solicitor, binding the property and owners to the minimum age qualification and such other regulations as may be established by the Developer. Such qualifications and regulations shall be in accordance with all applicable federal and state laws and the regulations promulgated thereunder. The recorded declaration shall relieve the Township from any obligation to enforce the qualifications and regulations set forth therein, and shall place the primary obligation of enforcement on the residents and/or governing association, if any, of the development.
- 485.4. The initial approval of the coordinated development with age qualified housing shall require conditional use review. For uses other than the age qualified housing, the applicant may choose to identify proposed lots and/or building envelopes and a list of potential uses to be applied to each, respectively as an alternative to the specific identification of each use. However, in reviewing such commercial 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 coordinated development shall be permitted by right so long as the proposed use

is permitted by right 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 approval, shall follow such review and approval processes. Future uses that require amendment of the site plan shall require conditional use approval under Section 905 of this Ordinance.

- 485.5. **Minimum Required Area** – For the purposes of this Section the minimum lot area requirements of the (HC) Zone shall apply; however, applicants for this use must successfully coordinate the development of property or properties that have a combined acreage of at least ten (10) acres.
- 485.6. No more than two (2) buildings containing age qualified housing shall be permitted for each ten (10) acres of lot area.
- 485.7. Each building containing age qualified housing must provide for a minimum of fifty (50) independent living dwelling units. In the alternative, buildings containing nursing care shall calculate two (2) care beds as equivalent to one (1) dwelling unit and is permitted under this Section.
- 485.8. All areas devoted to the age-qualified housing, including but not limited to required setbacks, shall occupy no more than thirty-five percent (35%) of the total acreage of the coordinated development.
- 485.9. **Maximum permitted height** – One hundred (100) feet, provided that any structure extending above thirty-five (35) feet shall be setback a horizontal distance at least equal to its height from each side and rear lot line and at least equal to half its height from the closest front lot line.
- 485.10. Vehicular access to the coordinated development must be shared among multiple uses and no access drives serving individual uses shall be permitted onto adjoining highways. Drive-through lanes for any use contained within the coordinated development shall connect only to internal roads, access drives and parking lots. Access drives onto adjoining highways 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;
- 485.11. In addition to coordinated vehicular access to the property, the applicant shall be required to design and construct safe and convenient pedestrian linkages between the age qualified housing and any proposed commercial uses that would likely serve its residents and the required bus stop as described below.
- 485.11. All coordinated developments with age qualified housing must provide an improved bus stop which is conveniently accessible to residents of the age qualified housing and the bus route. Such bus stop shall include a shelter, seating, a waste receptacle, and at least one (1) shade tree; and,
- 485.12. To the extent practicable, the applicant shall design the coordinated development to share on site amenities and infrastructure. Joint off-street parking lots, loading spaces, signage and stormwater management should be considered and implemented. Cross access easements shall be required to ensure common use of, access to, and

maintenance of, shared amenities; such easements shall be recorded in language acceptable to the Township Solicitor."

485.13. Each dwelling unit shall be provided with a minimum of two (2) off-street parking spaces.

REVISION 6 – A new Section 301.6. is added to Article 3 as follows:

“301.6. JOINT ACCESS DRIVE IMPROVEMENT STANDARDS

“Any access drive that serves more than one (1) principal use shall be designed, installed and maintained in accordance with the Benner Township Streets Standards Ordinance No. 60.”

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REPEALER

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

SEVERABILITY

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

EFFECTIVE DATE

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

This Ordinance, ordained and enacted this 15 day of August, 2011.

BOARD OF SUPERVISORS OF BENNER TOWNSHIP

By: [Signature] Chairman
[Signature] Vice-Chairman
[Signature]

ATTEST:

[Signature: Sharon H. Royer]
Secretary

(SEAL)