

ORDINANCE NO. 125

AN ORDINANCE OF BENNER TOWNSHIP TO AMEND ORDINANCE NUMBER 104 TO INCLUDE "AGRICULTURAL TOURISM" AS A CONDITIONAL USE WITHIN THE AGRICULTURAL ZONING DISTRICT, INCLUDE ROADSIDE/GARDEN STANDS AS A CONDITIONAL USE WITHIN THE HIGHWAY COMMERCIAL AND REGIONAL COMMERCIAL ZONING DISTRICTS, REMOVE SECTION 107 FROM THE ZONING ORDINANCE, INCLUDE THE FAA CAN PREEMPT THE TOWNSHIP ZONING ORDINANCE, INCLUDE LANGUAGE TO ONLY REGULATE PROPERTIES THAT AFFECT SPRING CREEK WITHIN THE CANYON CONSERVATION OVERLAY, AND CHANGE THE HEIGHT REQUIREMENTS WITHIN THE HIGHWAY COMMERCIAL DISTRICT.

WHEREAS, the Benner Township Planning Commission is proposing an Amendment to the Benner Township Zoning Ordinance and

WHEREAS, the amendment to the Ordinance has been favorably recommended and is consistent with the Comprehensive Plan of the Township; and

WHEREAS, the proposed amendment was properly advertised as required by the Pennsylvania Municipalities Planning Code, as reenacted and amended

NOW, THEREFORE, BE IT ENACTED, AND IT HEREBY IS ENACTED AS FOLLOWS:

Section 1. Amend Section 113 to include the following definition: Agricultural Tourism: Agricultural tourism is a commercial enterprise at a privately owned farm or woodland, conducted for the enjoyment or education of visitors, and generates supplemental income for the owner.

Agritourism may include farm stands or shops, U-pick, farm tours, on-farm classes, fairs, festivals, pumpkin patches, Christmas tree farms, weddings, dinners, youth camps, barn dances, hunting or fishing, birthday parties, activities with horses, petting farms, hay growing, walking paths, nature trails, bird dog training, hayrides, stage performances in conjunction with hayrides (with low level amplified music within the parameters of the Noise Ordinance of Benner Township), and other related uses.

Amend Section 201.3.14 to include Agricultural Tourism as a Conditional Use within the Agricultural Zoning District.

Amend Article 4 to include Section 485: Within the Agricultural Zoning District (A), Agricultural Tourism is permitted by Conditional Use subject to the following Conditions:

1. Access must be reviewed and approved by the Township Engineer
2. Sewer/Septic must be in compliance with the Township's Regulations and approved by the Township's Sewage Enforcement Officer.
3. Applicant and Use shall comply with all state, county, and local ordinances.
4. Alcohol shall not be permitted
5. Applicant shall submit a specific use plan, outlining the intent of the operation, including but not limited to the proposed times of the year the activity will take place, a plan for traffic, parking, hours of operations and anything else that may be relevant.
6. No activities shall be permitted past 9:00 PM Sunday through Thursday and 11:00 PM Friday and Saturday.

Amend Section 220.3 (23) to include Roadside/Garden Stands as a Conditional Use.

Amend Section 470.1 to include Highway Commercial

Remove Section 107 in its entirety

Amend Section 240.1 to include 4: The Federal Aviation Administration and it's requirements shall preempt this Zoning Ordinance.

Amend Section 250 "Spring Creek Canyon Overlay" to include the following language in Section 250.1(2)(H): Regulate properties within the Canyon Overlay that flow to Spring Creek only and not properties that flow to other nearby watersheds.

Amend Section 220.6 and change the 45' height requirement to 70'

Section 2. Repealer. Any Ordinance or part of any Ordinance conflicting with the terms of this Ordinance is hereby specifically repealed.

Section 3. Severability. The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional, illegal, invalid or otherwise unenforceable by a court of competent jurisdiction, the remaining portions hereof shall not be affected thereby.

Section 45. Enactment. This Ordinance shall become effective the 4th day of May A.D. 2015, after its reenactment or adopted.

BOARD OF SUPERVISORS OF BENNER TOWNSHIP



Chairman

ATTESTATION

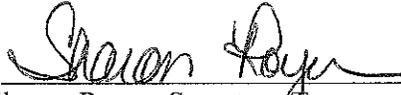
I hereby certify that I am the Secretary of Board of Supervisors of Benner Township and that the foregoing is attested to be a true and correct copy of the proposed Ordinance as required by Section 610(a) (2) of the Pennsylvania Municipalities Planning Code, as reenacted and amended.



Sharon Royer, Secretary/Treasurer

CERTIFICATION OF ADOPTION

I hereby certify that I am the Secretary/Treasurer of the Board of Supervisors of Benner Township and that the foregoing Ordinance was adopted at a regular or special meeting of the Board of Supervisors held on the 4th day of May A.D. 2015



Sharon Royer, Secretary/Treasurer