

BENNER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA
DUNKELBERGER REZONING ORDINANCE
ORDINANCE NO. 133

**AN ORDINANCE OF BENNER TOWNSHIP, CENTRE COUNTY,
PENNSYLVANIA, TO REZONE TAX PARCEL NO. 12-004-035,
CONSISTING OF 88.77 ACRES, FROM INDUSTRIAL (I) TO MULTI
FAMILY RESIDENTIAL (R-2)**

WHEREAS, Benner Township has adopted and maintains zoning regulations that establish various districts encompassing use regulations for properties in the Township. Benner Township formally adopted a zoning ordinance in 2009 (the “2009 Zoning Ordinance”), and has recently signified intentions to adopt a revised zoning ordinance that has created a pending zoning ordinance (the “Pending Zoning Ordinance”) applicable to the Township;

WHEREAS, under the 2009 Zoning Ordinance, Tax Map Parcel No. 12-004-035, owned by Edwin W. Dunkelberger, Jr., consisting of 88.77 acres, falls within the “Airport Industrial (I-2)” Zoning District, and;

WHEREAS, under the Pending Zoning Ordinance, the subject property falls within the “Industrial (I)” Zoning District; and

WHEREAS, the use regulations applicable to properties falling within the Airport Industrial (I-2) Zoning District under the 2009 Zoning Ordinance, and the Industrial (I) Zoning District under the Pending Zoning Ordinance in Benner Township are substantially similar; and

WHEREAS, Edwin W. Dunkelberger, Jr., by application dated on or about May 5, 2020, requested that the subject parcel be rezoned to Multi-Family Residential (R-2); and

WHEREAS, the use regulations applicable to properties falling within the Multi-Family Residential (R-2) Zoning District under the 2009 Zoning Ordinance and the Multi-Family Residential (R-2) Zoning District under the Pending Zoning Ordinance in Benner Township are substantially similar; and

WHEREAS, the Board of Supervisors of Benner Township held a public hearing, after duly advertised and posted notice, to consider the application for rezoning the subject parcel; and

WHEREAS, the subject parcel adjoins a parcel within the Township currently zoned as High Density Residential (R-3), and the requested rezoning of the subject parcel will extend similar development and housing opportunities to the subject parcel; and

WHEREAS, the Board of Supervisors of Benner Township deems it to be in the best interest of the public health, safety, and welfare of the Township, and in accordance with orderly community development standards and provision of adequate housing for residents of the Township, to approve the request for rezoning the subject parcel.

NOW, THEREFORE, the Board of Supervisors of Benner Township, Centre County, Pennsylvania, hereby approves the requested rezoning and adopts and ordains the following ordinance:

Section. Title

This ordinance shall be known and may be cited as the Dunkelberger Rezoning Ordinance of 2020, Ordinance No. 133.

Section 2. Legislative Findings

The Board of Supervisors has determined that it is in the best interest of the public health, safety, and welfare of the residents and visitors to the Township, and in accordance with orderly community development standards and procedures, and in conformity with the comprehensive plan for Benner Township, to provide for the rezoning of the subject parcel from Industrial (I) and/or Airport Industrial (I-2) to Multi-Family Residential (R-2).

Section 3. Authority

The Benner Township Supervisors are authorized under the provisions of the Second Class Township Code, 53 P.S. Articles XVI and XXIII, to consider and adopt ordinances pertaining to the general health, safety, and welfare of the Township, and Section 1601 of the Second-Class Township Code, 53 P.S. Section 66601, specifically authorizes adoption of ordinances, and the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101, *et seq.* at Section 609, 53 P.S. Section 10609, specifically contemplates and authorizes municipalities to adopt zoning ordinance amendments, including changes of zoning districts and zoning map changes.

Section 4. Action

The Board of Supervisors of Benner Township hereby authorizes and ordains that the official Zoning District Map of Benner Township shall be, and is hereby, amended to rezone 88.77 acres, Parcel No. 12-004-035, owned by Edwin W. Dunkelberger, Jr., and located along South Fillmore Road, from Industrial to Multi-Family Residential (R-2).

Section 5. Amendment of Zoning Map

Upon adoption by the Board of Supervisors, the official Zoning Map of Benner Township shall be amended in order to reflect the subject parcel, consisting of 88.77 acres, as being located within the Multi-Family Residential (R-2) Zoning District of the Township.

Section 6. Notification

Within thirty (30) days after adoption of this Ordinance, the Township shall cause a copy of the this Ordinance to be provided to the Centre County Planning and Community Development Office, and any other parties required to be notified of the zoning district change for the subject parcel.

Section 7. Severability

The provisions of this Ordinance are severable and if any of its provisions are ruled by a Court, invalid or unconstitutional, such decisions will not affect or impair any of the remaining provisions of this Ordinance. It is declared to be the intention of the Board of Supervisors that this Ordinance would have been adopted if such invalid or unconstitutional provision had not been included.

Section 8. Repealer

Any ordinance, or part of an ordinance conflicting with the terms of this ordinance are hereby repealed.

Section 9. Effective Date

This ordinance shall become effective five (5) days after passage and shall thereafter be in force.

BOARD OF SUPERVISORS OF BENNER TOWNSHIP



David R. Wise, Chairman



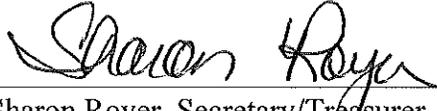
Larry Lingle



Randy Moyer

ATTESTATION

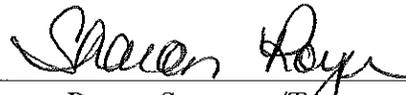
I hereby certify that I am the Secretary of Board of Supervisors of Benner Township and that the foregoing is attested to be a true and correct copy of the proposed Ordinance as required by Section 610(a)(2) of the Pennsylvania Municipalities Planning Code, as reenacted and amended.



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 6th day of July, 2020.



Sharon Royer, Secretary/Treasurer