

BENNER TOWNSHIP
CENTRE COUNTY, PENNSYLVANIA

ORDINANCE NO. 134

TITLE: Adoption of new Benner Township Zoning Ordinance and Official Zoning Map

PREAMBLE

THIS ORDINANCE IS ADOPTED TO PROMOTE, PROTECT AND FACILITATE THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE; COORDINATED AND PRACTICAL COMMUNITY DEVELOPMENT AND PROPER DENSITY OF POPULATION; THE PROVISION OF ADEQUATE LIGHT AND AIR, VEHICLE PARKING, WATER, SEWERAGE, AND RECREATION FACILITIES; AS WELL AS THE NATURAL, SCENIC AND HISTORIC VALUES OF THE ENVIRONMENT AND PRESERVATION OF AGRICULTURE, FORESTS, WETLANDS, AQUIFERS, AND HOUSING. THESE GENERAL GOALS INCLUDE, AMONG OTHERS, THE SPECIFIC PURPOSES SET FORTH IN THE STATEMENTS OF INTENT OF THE VARIOUS REGULATIONS FOR THE RESPECTIVE DISTRICTS.

WHEREAS, the Benner Township Planning Commission has done extensive work in the investigation and preparation of a revised Zoning Ordinance and Official Map for Benner Township; and

WHEREAS, the Benner Township Planning Commission has worked with the Benner Township Supervisors, staff, Zoning Officer, Solicitor, and Engineer, in this endeavor; and

WHEREAS, the Benner Township Planning Commission conducted a public hearing on the proposed revised Zoning Ordinance and Official Map for Benner Township on May 27, 2021, pursuant to public notice; and

WHEREAS, the Benner Township Planning Commission did forward the proposed revised Zoning Ordinance and Official Map for Benner Township to the Benner Township Board of Supervisors with its recommendation for the approval of the proposed revised Zoning Ordinance and Official Map for Benner Township; and

WHEREAS, the Benner Township Board of Supervisors conducted a public hearing on the proposed revised Zoning Ordinance and Official Map for Benner Township on August 2, 2021, pursuant to public notice; and

WHEREAS, at least forty-five (45) days prior to the Supervisor's public hearing, copies of the proposed revised Zoning Ordinance and Official Map for Benner Township were

forwarded to the Centre County Planning Commission and all municipalities with boundaries adjoining the boundaries of Benner Township, and the Nittany Valley Joint Planning Commission, for their review and comment thereon; and

WHEREAS, the comments of the Centre County Planning Commission, and the adjoining municipalities, if any, along with comments of the public, were considered by the Board of Supervisors of Benner Township.

NOW, THEREFORE, be it ENACTED and ORDAINED, by the Board of Supervisors of Benner Township, Centre County, Pennsylvania, that the attached Benner Township Zoning Ordinance and Official Zoning Map is hereby adopted as the Benner Township Zoning Ordinance and Official Zoning Map of Benner Township, Centre County, Pennsylvania, pursuant to the following provisions:

Section 1. Authority

This Ordinance is adopted by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of the General Assembly No. 247, approved July 31, 1968, as re-enacted and amended December 21, 1988, by Act No. 170 (P.L. 1329).

Section 2. Title

This Ordinance shall be known and may be cited as the Benner Township Zoning Ordinance.

Section 3. Purpose

The provisions of this Ordinance have been designed to:

- Promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated practical community development and proper density of population; emergency management preparedness and operations, airports, the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, housing, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forest, wetlands, aquifers, environmentally sensitive areas, including Spring Creek Canyon, and natural drainage.
- To prevent or reduce one or more of the following: overcrowding of land (but to allow for appropriate density and use and development of property by the owners

thereof), blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

- To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.
- Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas that are not appropriate for such development.

Section 4. Statement of Community Development Objectives

This Ordinance has been prepared in accordance with the most recent version of the Comprehensive Plan Update applicable to Benner Township, and in conjunction with neighboring municipalities participating in the Nittany Valley Joint Planning Commission.

Section 5. Establishment of Controls

5.1. Minimum Uniform Regulations

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

5.2. For New Uses and Structures

In all districts, after the effective date of this Ordinance, any new building or other structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

5.3. For Existing Uses and Structures

In all districts, after the effective date of this Ordinance, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations pertaining to nonconformities, and other regulations of this Ordinance pertaining to nonconforming structures or uses.

5.4. Types of Controls

The following minimum and uniform regulations shall apply in the respective districts:

- Use regulations, including Permitted, Special Exception, and Conditional Uses;
- Density and Height Regulations and Minimum Areas and Dimensions including maximum density, building coverage, impervious surface, and building height; and minimum lot areas and width; and minimum front, side, and rear building lines in those districts in which they apply;
- Supplemental regulations for such uses as listed in the Ordinance; and
- Criteria for the evaluation of Special Exception and Conditional Uses.

Section 6. Establishment of Zoning Districts

For the purposes of the Zoning Ordinance, the Township of Benner is hereby divided into the following zoning districts:

Agriculture;
Forested Conservation;
Rural Residential;
R2 – Multi-Family Residential;
R3 – High Density Residential;
Manufactured Home Park;
Commercial;
Industrial; and
Quarry

The Zoning Ordinance also provides for the Spring Creek Canyon Conservation Overlay District and an Airport Overlay District.

Section 7. Zoning District Maps

7.1. Adoption of Official Zoning Map

The areas within the Township limits as assigned to each district and the location boundaries of the districts established by this Ordinance are shown upon the Official Zoning Map, which together with all explanatory matter thereon is declared to be a part of this Ordinance and shall be kept on file with the Township Secretary. If, and whenever, changes are made in boundaries or other matter included on the Official Zoning Map, such changes in the map shall be made within five (5) days after the amendment has been approved by the Board of Supervisors.

7.2. Copies of Zoning Map

Regardless of the existence of copies of the Zoning Map which may from time to time be made, the Official Zoning Map shall be that map which is on file with the Township Secretary. The Official Zoning Map shall govern in all cases where conflicting map information is identified.

7.3. Zoning District Boundary Lines

The zoning district boundary lines shall be as shown on the Official Zoning Map. District boundary lines are intended to coincide with lot lines, center lines and roadways and streams, the corporate boundary of the Township or as identified on the Map.

7.4. Interpretation of Boundaries

If uncertainty exists as to the boundary of any district shown on the Official Zoning Map, the Board of Supervisors shall determine the location of such boundary. The Board of Supervisors may request a recommendation from the Benner Township Planning Commission prior to making such decision.

Section 8. Severability

Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Ordinance as a whole nor the validity of any other section or provision of the Ordinance than the one so declared.

Section 9. Conflicts

9.1. Repeal

All existing ordinances or parts of ordinances, which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

9.2. Relation to State Law

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania, such laws shall control where their requirements are more stringent than the requirement of this Ordinance. The Ordinance shall control in all cases where the State requirements are less stringent than the requirements contained in this Ordinance.

Section 10. Disclaimer of Liability

This Ordinance shall not create liability on the part of Benner Township or any officer, employee, or agent thereof for any fire or flood damage that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

With regard to the environmental regulation and management provisions of this Ordinance, the degree of protection sought by these provisions are considered reasonable for regulatory purposes and are based on acceptable engineering methods of study. This Ordinance does not imply that all matters of the environment will be protected or preserved.

Access to a public system (i.e., water or sewerage systems), when stipulated by this Ordinance, cannot be guaranteed by Benner Township. The conditions and terms of access shall be set by the receiving authority or utility company.

Section 11. Amendment to Prior Ordinance

This Ordinance serves to adopt the new Benner Township Zoning Ordinance and Official Zoning Map as a comprehensive replacement of the existing Benner Township Zoning Ordinance and Map (known as the Roth Plan), any amendments thereto, and any version(s) of pending zoning ordinances previously approved by the Benner Township Supervisors, pursuant to the Pennsylvania Municipalities Planning Code, Act of 1988, P.L. 805, No. 247.

Section 12. Effective Date

This Ordinance shall be effective on and after August 8, 2021.

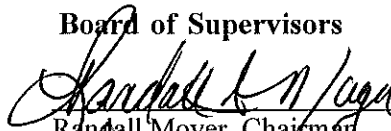
Adopted and ordained by the Supervisors of Benner Township, this 2nd day of August, 2021, in lawful meeting properly advertised and convened.

ATTEST

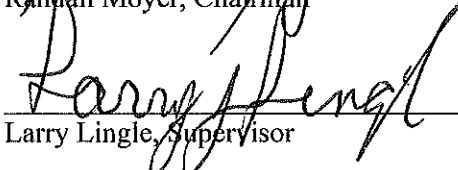


Sharon Royer, Secretary

Board of Supervisors



Randall Moyer, Chairman



Larry Lingle, Supervisor



Thomas Moyer, Supervisor

NOTE: Original Signed Copy is on file in the Benner Township Municipal Office, 1224 Buffalo Run Road, Bellefonte, PA