

BENNER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA
HARVEST MEADOWS REZONING ORDINANCE
ORDINANCE NO. 135

**AN ORDINANCE OF BENNER TOWNSHIP, CENTRE COUNTY,
PENNSYLVANIA, TO REZONE PORTIONS OF TAX PARCEL NOS. 12-
4-102, 12-4-104, AND 12-4-35.**

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 new zoning ordinance and zoning district map on August 2, 2021 (the “2021 Benner Township Zoning Ordinance”);

WHEREAS, under the 2021 Benner Township Zoning Ordinance, Tax Map Parcel Nos. 12-004-104, and 12-004-102, owned by the State College Borough Water Authority, fall within the “Industrial (I)” Zoning District, and;

WHEREAS, under the 2021 Benner Township Zoning Ordinance, Tax Map Parcel No. 12-004-035, owned by Airport Park State College, LLC, falls within the Multi-Family Residential (R-2) Zoning District; and

WHEREAS, the State College Borough Water Authority and Airport Park State College, LLC, have re-configured their respective parcel lines pursuant to a plan entitled “Final Plan – Replot of Lands of Airport Park, LLC and State College Borough Water Authority,” prepared by ELA Group, Inc., dated July 6, 2021, last revised August 18, 2021, and intended to be recorded in the Recorder of Deeds Office for Centre County, hereinafter referred to as the “Plan”; and

WHEREAS, the State College Borough Water Authority and Airport Park State College, LLC, have by application dated on or about September 2, 2021, and September 1, 2021, respectively, requested that the zoning districts applicable to their respective properties be amended so that the property owned by the State College Borough Water Authority, as reconfigured pursuant to the Plan, fall within the Industrial (I) Zoning District pursuant to the 2021 Benner Township Zoning Ordinance, and the property owned by Airport Park State College, LLC, as reconfigured pursuant to the Plan, fall within the Multi-Family Residential (R-2) Zoning District pursuant to the 2021 Benner Township Zoning Ordinance; and

WHEREAS, the Board of Supervisors of Benner Township held a public hearing on October 4, 2021, after duly advertised and posted notice, to consider the application for rezoning the subject parcels; 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 parcels.

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 1. Title

This ordinance shall be known and may be cited as the Harvest Meadows Rezoning Ordinance of 2021, Ordinance No. 135.

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 parcels so that the reconfigured parcels as shown on the Plan shall be rezoned to provide that the property owned by State College Borough Water Authority shall be zoned Industrial (I), and the property owned by Airport Park State College, LLC, shall be zoned 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 provide for the rezoning of the subject parcels so that the reconfigured parcels as shown on the Plan shall be rezoned to provide that the property owned by State College Borough Water Authority shall be zoned Industrial (I), and the property owned by Airport Park State College, LLC, shall be zoned Multi-Family Residential (R-2).

Section 5. Amendment of Zoning Map

Upon adoption of this Ordinance by the Board of Supervisors, the official Zoning Map of Benner Township shall be amended in order to reflect that the property owned by the State College Borough Water Authority, currently designated as Centre County Tax Parcel Nos. 12-004-104,

and 12-004-102, as such property may be redesignated upon approval of the Plan, shall be zoned Industrial (I), and the property owned by Airport Park State College, LLC, currently designated as Centre County Tax Parcel No. 12-004-035, as such property may be redesignated upon approval of the Plan, shall be zoned Multi-Family Residential (R-2).

Section 6. Notification

Within thirty (30) days after adoption of this Ordinance, the Township shall cause a copy of 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.

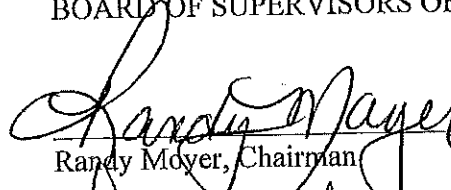
Section 8. Repealer

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

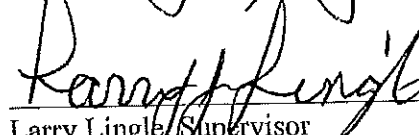
Section 9. Effective Date

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

BOARD OF SUPERVISORS OF BENNER TOWNSHIP



Randy Moyer, Chairman



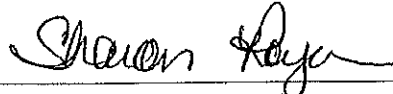
Larry Lingle, Supervisor



Tom Moyer, Supervisor

ATTESTATION

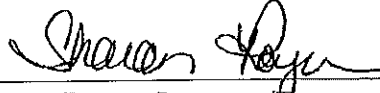
I hereby certify that I am the Secretary of Board of Supervisors of Benner Township and that the foregoing is attested to be a true and correct copy of the proposed Ordinance as required by Section 610(a)(2) of the Pennsylvania Municipalities Planning Code, as reenacted and amended.



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 October, 2021.



Sharon Royer, Secretary/Treasurer