

BENNER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA

ZONING ORDINANCE AMENDMENTS

ORDINANCE NO. 137

**AN ORDINANCE OF BENNER TOWNSHIP, CENTRE COUNTY,
PENNSYLVANIA, TO ADOPT CERTAIN AMENDMENTS TO THE
BENNER TOWNSHIP ZONING ORDINANCE**

WHEREAS, Benner Township has adopted and maintains zoning regulations that establish various zoning districts and use regulations for properties in the Township. Benner Township formally adopted the zoning ordinance in August, 2021 (the “2021 Zoning Ordinance”), and the 2021 Zoning Ordinance has been applied since adoption; and

WHEREAS, application of the 2021 Zoning Ordinance has brought to light the need to make certain adjustments and amendments to the provisions of the 2021 Zoning Ordinance to make clarifications and consistencies; and

WHEREAS, the Benner Township Board of Supervisors conducted a public hearing on the proposed amendments to the 2021 Zoning Ordinance for Benner Township on August 1, 2022, pursuant to public notice; and

WHEREAS, at least thirty (30) days prior to the Supervisor's public hearing, copies of the proposed amendments to the 2021 Zoning Ordinance for Benner Township were forwarded to the Benner Township Planning Commission, 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.

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, and to provide for clarity in the 2021 Zoning Ordinance, to approve the proposed amendments to the 2021 Zoning Ordinance.

NOW, THEREFORE, the Board of Supervisors of Benner Township, Centre County, Pennsylvania, hereby approves the proposed amendments to the 2021 Zoning Ordinance as set forth in this Ordinance, and adopts and ordains the following ordinance:

Section. Title

This ordinance shall be known and may be cited as the 2022 Zoning Ordinance Amendments, Ordinance No. 137.

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 clarity within the application of the 2021 Zoning Ordinance, and that the proposed amendments as hereinafter listed will promote consistency and clarity in the application of the 2021 Zoning Ordinance.

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.

Section 4. Action

The Board of Supervisors of Benner Township hereby authorizes and ordains that the following amendments shall be adopted to the 2021 Zoning Ordinance:

- (a) The table contained in Section 17.2 B shall have an additional line added to provide that All Uses in the C, I, and Q districts shall have 30 foot front setback and 10 foot side and rear setbacks.
- (b) Table 10.1 in Section 10.3 shall be modified to be consistent with the Table contained in Section 17.2 B (e.g., that the rear setback shall be 10 feet for Commercial Uses).
- (c) Section 14.3 D shall be deleted.
- (d) The reference to “institutional,” shall be removed from Section 15.8 B (1).
- (e) Section 15.8 B (4) shall be modified to provide that parking shall be allowed in the required buffer yard for commercial uses.
- (f) In Section 17.2 (C) 1 (c) 1, the reference to 5’ shall be changed to 5%.
- (g) References in Section 17.2 to “17(2)(c)” shall be changed to 17.2B(3) – regarding the contemplated parking agreement.

Section 5. 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.

Section 6. Republication of 2021 Zoning Ordinance

Within thirty (30) days after adoption of this Ordinance, the Township shall cause the 2021 Zoning Ordinance to be republished with such republication to include the changes listed in Section 4 of this Ordinance, to promote the consistency and ease of application of the 2021 Zoning Ordinance.

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.

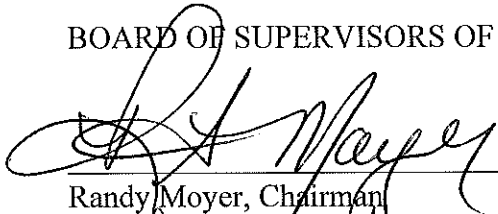
Section 8. Repealer

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

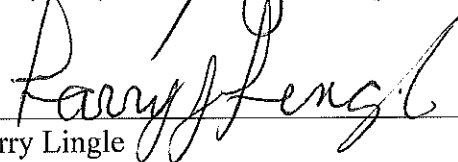
Section 8. Effective Date

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



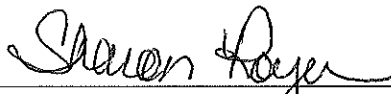
Larry Lingle



Thomas Moyer

ATTESTATION

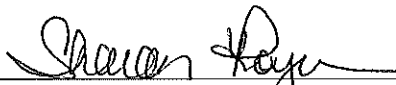
I hereby certify that I am the Secretary of Board of Supervisors of Benner Township and that the foregoing is attested to be a true and correct copy of the proposed Ordinance as required by Section 610(a)(2) of the Pennsylvania Municipalities Planning Code, as reenacted and amended.



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 1st day of August, 2022.



Sharon Royer, Secretary/Treasurer