

**BENNER TOWNSHIP  
CENTRE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2014-116**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE OF BENNER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA TO (1) ADD ASSISTED LIVING RESIDENTIAL USE AS AN ACCESSORY USE TO AGE QUALIFIED HOUSING (2) ADD A DEFINITION OF ASSISTED LIVING RESIDENCE WITHIN THE BACKGROUND PROVISIONS OF ARTICLE 1.**

**WHEREAS**, Benner Township comprehensively amended its Zoning Ordinance and Zoning Map on April 20, 2009;

**WHEREAS**, local officials believe that the Assisted Living use qualifies as an accessory use to age-qualified housing to allow residents in age-qualified housing to be provided with residential assisted living care units within the facility when requiring an intermediate level of care.

**NOW, THEREFORE BE IT ORDAINED AND ENACTED THAT THE FOLLOWING AMENDMENTS BE MADE TO THE OFFICIAL ZONING ORDINANCE OF BENNER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA:**

**REVISION 1** – The following definition is alphabetically added to Article 1, Section 113:

**“ASSISTED LIVING RESIDENTIAL UNIT**—Any premises licensed under *TITLE 55, Public Welfare, Chapter 2800, Assisted Living Residences* of the Pennsylvania Code, in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24-hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration.”

**REVISION 2** – Revise the definition of Age Qualified Housing in Article 1, Section 113 as follows:

**“AGE QUALIFIED HOUSING** - A building containing multiple family dwelling units in which residency are qualified by age and other related characteristics as defined by the developer in accordance with Section 485.3 of this Ordinance and all applicable laws and regulations. Such building may also contain customary accessory uses, the use of which shall be limited to residents and their guests, such as a cafeteria, recreation facility, social meeting rooms, laundry and administrative offices. Accessory uses shall also include Assisted Living Residential Units”

**REVISION 3** – Revise Section 485.7 of Age Qualified Housing as follows:

“485.7. Each building containing age qualified housing must provide for a minimum of fifty (50) independent living dwelling units. The number of assisted living units in an independent living facility containing assisted living residential units as an accessory use shall not exceed 50% of the number of independent living units, where assisted living facilities shall be calculated as 1.25 care beds as equivalent to one dwelling unit.

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**REPEALER**

Any ordinance, or any part thereof, inconsistent herewith and any amendments thereof are hereby expressly repealed.

**SEVERABILITY**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**EFFECTIVE DATE**

This Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Benner Township, County of Centre, and Commonwealth of Pennsylvania.

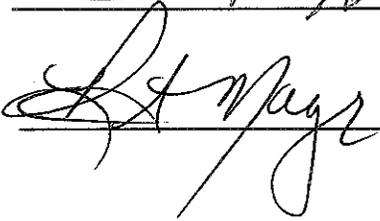
This Ordinance ordained and enacted this 7th day of April, 2014.

**BOARD OF SUPERVISORS OF BENNER TOWNSHIP**

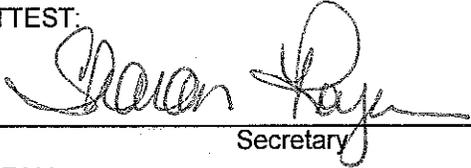
By:  
Chairman

  
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Vice-Chairman

  
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ATTEST:

  
\_\_\_\_\_  
Secretary

(SEAL)