

Benner Township  
Centre County, Pennsylvania

Draft Zoning Ordinance

Draft #4  
February 8, 2016

This page left intentionally blank

## Table of Contents

ARTICLE I - General .....	5
ARTICLE II - Definitions.....	7
ARTICLE III - Designation of Districts - Zoning Districts, Zoning Map, Boundaries between Districts, Interpretation of Boundaries.....	39
ARTICLE IV - Forested Conservation – FC .....	41
Table 4-1 FC Use Schedule .....	42
Table 4-2 FC Zone Area and Design Requirements .....	44
ARTICLE V - Agriculture - A.....	47
Table 5-1 A Use Schedule.....	48
Table 5-2 A Zone Area and Design Requirements.....	51
ARTICLE VI - Rural Residential - RR.....	57
Table 6-1 - RR Use Schedule.....	60
Table 6-2 - RR Area and Design Requirements .....	64
ARTICLE VII - MULTI-FAMILY RESIDENTIAL ZONE (R-2) .....	69
Table 7-1 - R-2 Use Schedule .....	70
Table 7-2 – R-2 Area and Design Requirements .....	72
ARTICLE VIII - Manufactured Home Park Residential Zone (MHP) .....	75
ARTICLE IX - Commercial District - C .....	99
Table 9-1 C Use Schedule.....	100
ARTICLE X - Industrial - I .....	109
Table 10-1 - I Use Schedule .....	110
ARTICLE XI - Reserved for future use .....	117
ARTICLE XII - QUARRY - Q.....	119
ARTICLE XIII - Use Regulations .....	123
Agricultural Uses .....	123
Residential Uses .....	124
Institutional Uses .....	131
Commercial Uses .....	134
Utility Uses .....	148
Industrial Uses.....	151
Public Uses .....	158
Accessory Uses.....	159
ARTICLE XIV - General Regulations .....	165
ARTICLE XV - Nonconformities.....	177
ARTICLE XVI - Off-Street Parking and Loading .....	181
ARTICLE XVII - Signs.....	191
Table 17 – 1 - Permanent Sign Requirements.....	196
Table 17 – 2 - Temporary Sign Requirements .....	198
Table 17 – 3 - Planned Center Sign Requirements.....	200

ARTICLE XVIII - Administration and Enforcement .....	203
APPENDIX A - Environmental Protection .....	217
Table A – 1 - No Timber harvesting Buffer Zones .....	249
Table A – 2 - Site Disturbance Analysis Worksheet-Primary Canyon Zone .....	254
Table A – 3 - Site Disturbance Analysis Worksheet-Secondary Canyon Zone.....	261



## ARTICLE I - General

**1.1 Short Title** - This Ordinance shall be known and may be cited as the "Benner Township Zoning Ordinance."

**1.2 Purposes of Ordinance** - This Ordinance is enacted for the following purposes:

- a. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements, as well as fire protection.
- b. To prevent one or more of the following: overcrowding, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- c. To promote the orderly growth and development of Benner Township and as such seeks to implement the Nittany Valley Region Comprehensive Plan.
- d. To protect prime agricultural land.
- e. To provide for the protection of natural and historic features and resources.
- f. To encourage the continuity of development and viability of agricultural operations. The zoning ordinance does not restrict agricultural operations or changes to or expansions of agricultural operations where agriculture has traditionally been present, unless the agricultural operations will have a direct adverse effect on the public health and safety.
- g. To provide for the reasonable development of minerals.
- h. To be generally consistent with the Nittany Valley Region Comprehensive Plan.

**1.3 Interpretation** - In its interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Wherever and whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted laws, rules, regulations, ordinances, the most restrictive of that imposing the higher standards shall govern.

**1.4 Municipal Liability** - The granting of a Zoning Permit for the erection and/or use of a building or a lot shall not constitute a representation, guarantee, or warranty of any kind or nature by the municipality, or an official or employee thereof, of the safety of any structure, use of other proposed plan from any cause whatsoever, and shall create no liability upon, or a course of action against such public official or employee for any damage that may be pursuant thereto.

**1.5 Community Development Objectives** - This Zoning Ordinance is enacted as part of the overall plan for the orderly growth and development of Benner Township. As such, this Ordinance is based upon the expressed or implied community development goals and objectives as contained in the Nittany Valley Region Comprehensive Plan, as amended.

**1.6 Disclaimer** - It is recognized that the following acts pre-empt Zoning Ordinance. Thus, suggestions, recommendations, options, or directives contained herein are intended to be implemented only to the extent that they are consistent with and do not exceed the requirements of those acts. Nothing contrary to these acts shall be mandated by this Zoning Ordinance.

- a. The act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law,"
- b. The act of May 31, 1945 (P.L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act,"
- c. The act of April 27, 1966 (1st Sp. Sess., P.L. 31, No. 1), known as "The Bituminous Mine Subsidence and Land Conservation Act,"
- d. The act of September 24, 1968 (P.L. 1040, No. 318), known as the "Coal Refuse Disposal Control Act,"

- e. The act of December 19, 1984 (P.L. 1140, No. 223), known as the “Oil and Gas Act,”
- f. The act of December 19, 1984 (P.L. 1093, No. 219), known as the “Noncoal Surface Mining Conservation and Reclamation Act,”
- g. The act of June 30, 1981 (P.L. 128, No. 43), known as the “Agricultural Area Security Law,”
- h. The act of June 10, 1982 (P.L. 454, No. 133), entitled “An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances,”
- i. The act of May 20, 1993 (P.L. 12, No. 6), known as the “Nutrient Management Act,” and
- j. The act of January 8, 1960 (P.L. 2119, No. 787), known as the “Air Pollution Control Act.”

## ARTICLE II - Definitions

**2.1 General Definitions** - For the purposes of this chapter, certain terms and words used herein shall be interpreted as presented below.

- a. Words in the present tense imply also the future tense.
- b. The singular includes the plural.
- c. The male gender includes the female gender.
- d. The word "person" includes a partnership or corporation as well as an individual.
- e. The term "shall" or "must" is always mandatory.
- f. The word "lot" includes the word "plot" or "parcel."
- g. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- h. The word "erected" shall be construed to include the words "constructed, altered or moved."
- i. The word "building" shall include any structure or part thereof.

**2.2 Specific words and phrases** - The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate offices, the Zoning Hearing Board and Board of Supervisors.

**ABANDONED VEHICLE** - Those vehicles without registration and/or inspection, which have been parked on private and/or public property. For the purpose of this definition, vehicles missing essential driving parts shall be considered "abandoned."

**ABANDONMENT** - The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring right of the property to another owner nor of resuming the use of the property.

**ABUTTING** - Having property or district lines in common.

**ACCESS** - A way or means of approach to provide vehicular or pedestrian physical entrance and exit to a property.

**ACCESS DRIVE** - A paved surface or other surface, other than a street, which provides vehicular and/or pedestrian access from a street or a private road to a lot. "Access drives" shall be located and constructed so as to provide safe ingress and egress with respect to the lot. If the "access drive" provides access to a state highway, issuance of a highway occupancy permit by the Pennsylvania Department of Transportation shall be required prior to the issuance of any permit under this Ordinance.

**ACCESSORY APARTMENT** - A second dwelling unit either in or added to any existing single-family detached dwelling for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the main dwelling.

**ACCESSORY BUILDING OR USE** - A building or uses customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

**ACCESSORY DAY CARE** - A subordinate building or a portion of the main building on a lot which serves primarily as a group day care facility, as defined herein, and is accessory to a house of worship, a place of employment or a public or non-public school. A State licensed and/or registered facility in which care is provided or is intended to be provided for six (6) or more children and/or four (4) or more adults in accordance with the definition of Group Day Care Home or Older Adult Daily Living Center, herein.

**ACCESSORY STRUCTURE** - See definition of *Structure, Accessory*.

**ACT** - The latest version of the Pennsylvania Municipalities Planning Code (MPC), as amended.

**ADMINISTRATIVE AND SUPPORT SERVICES** - Establishments that provide operating staff to perform a combination of support services which would include janitorial, maintenance, trash disposal, guard and security, mail routing, reception, laundry and related services.

**ADULT REGULATED FACILITY (Adult Business)** - An establishment open to the general public of the age of eighteen (18) years or older, where more than twenty percent (20%) of the occupied area of the facility is used for one or more of the following purposes:

- a. **ADULT BOOK STORE** - Establishment which offers for sale, for rent, for lease, for view on the premises or for loan, pictures, photographs, drawings, sculptures, motion picture film, or similar visual representation of sexual conduct, or sexual excitement, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts of sexual conduct or sexual excitement; or offers for sale devices, equipment, stimulants or other materials for use in sexual conduct or sexual excitement.
- b. **ADULT MESSAGE PARLOR OR ADULT MESSAGE STUDIO** - A commercial establishment whose business emphasis is the administration of sexually oriented massage to patrons by employees.
- c. **ADULT THEATER** - An establishment in which there is offered for view motion picture film, video tape or similar visual representation of sexual conduct or excitement, commonly referred to as "X-Rated" movies, peep shows, or the equivalent thereof.
- d. **CABARET** - An establishment, club, restaurant, theater, or hall which features topless dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting specified anatomical areas or specified sexual activities for observation by patrons therein.

The following definitions relate to the further understanding of the Adult Regulated Facility:

- i. **NUDITY** - The showing of the human male or female genitals or pubic area or buttocks with less than fully opaque covering of any portion thereof below the top of the nipple or the depiction of covered male genital in a discernibly turgid state.
- ii. **PORNOGRAPHY** - The depiction or dissemination of nudity, sexual conduct, sadomasochistic abuse or explicit and detailed verbal descriptions or narrative accounts of nudity, sexual excitement, sexual conduct or sadomasochistic abuse which, to the average person applying contemporary community standards, has as its dominant theme, taken as a whole, an appeal to prurient interest.
- iii. **SADOMASOCHISTIC ABUSE** - Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
- iv. **SEXUAL CONDUCT** - Acts of masturbation, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, public area, buttocks or, if such a person is female, breast.
- v. **SEXUAL EXCITEMENT** - The condition of human male or female genitals when in a state of sexual stimulation or arousal.

**AGE QUALIFIED HOUSING** - A building containing multiple family dwelling units in which residency are qualified by age and other related characteristics (see especially Ordinance 110) 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.

**AGENT** - Any person, other than the developer, who, acting for the developer submits to the Planning Commission and Township Supervisors land development plans for the purpose of obtaining approval thereof.

**AGRICULTURE, INTENSIVE** - Intensive Agricultural Use - Intensive Agricultural Uses include, but are not necessarily limited to: a) slaughter areas, b) areas for processing of manure, and c) concentrated animal feeding operations, as defined herein.

**CONFINED LIVESTOCK OPERATIONS OR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO):**

Federal regulations define a CAFO as an animal feeding operation that: (a) confines more than 1,000 animal units (AU); or (b) confines between 301 to 1,000 AU and discharges pollutants into waters of the United States through a manmade ditch, flushing system or similar manmade device, or directly into waters of the United States that originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation. Animal quantities equivalent to 1,000 AU are 1,000 slaughter and feeder cattle; 700 mature dairy cattle; 2,500 swine

each weighing more than 25 kilograms (55 pounds); 30,000 laying hens or broilers (if a facility uses a liquid manure system); and 100,000 laying hens or broilers (if a facility uses continuous overflow watering).

**AGRICULTURE OPERATION** - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. See "Agriculture, Intensive" for further description of specific agriculture activities.

**AIRPORT** - A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

**AISLE** - The traveled way by which cars enter and depart parking spaces.

**ALLEY** - A thoroughfare other than a side street, which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATIONS** - As applied to a building or structure, any change or rearrangement in the total floor area, in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or by moving from one location or position to another.

**ALTERATIONS, STRUCTURAL** - Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

**ALTERNATIVE ENERGY PRODUCTION FACILITIES** - An industrial use that may include power lines and towers, solar panels, wind farms, geothermal or hydroelectric generation facilities.

**ALTERNATIVE ENERGY PRODUCTION FACILITIES (accessory)** - Any device installed as an accessory use that supplies energy principally for the principal use of the property that is derived from natural sources (e.g. solar panels, wind turbines, hydro turbines, geo-thermal exchangers and similar technologies).

**AMBULANCE AND HEALTH CARE SERVICES** - Establishments that provide transportation of patients by ground or air, along with medical care.

**AMENDMENT** - A change in use in a district which includes revisions to the zoning text and/or the official zoning map, and the authority for any amendment lies solely with the Township Supervisors.

**AMERICANS WITH DISABILITIES ACT (ADA)** - Americans with Disabilities Act of 1990, Public Law 101-336.

**ANIMAL** - Any domestic animal or fowl, any wild animal or any household pet. Any of a kingdom (Animalia) of living beings typically differing from plants in capacity for spontaneous movement and motion in response to stimulation.

**ANIMAL FEEDING OPERATION (AFO)** - Federal regulations define an AFO as a facility where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

**ANIMAL HOSPITAL** - A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits and birds or fowl by a veterinarian. Boarding of such animals shall be for medical or surgical treatment only.

**ANIMAL HUSBANDRY** - The care, raising, and keeping of livestock (animals such as horses, cattle, sheep and swine) and poultry with the intent of producing capital gain or profit or the intent of selling any livestock or poultry products, provided that the keeping of livestock or poultry as farm pets or for domestic purposes pursuant to the regulations of this Ordinance shall not be construed as "animal husbandry." Animal husbandry is not the noncommercial keeping of livestock.

**ANIMAL WASTE (MANURE) STORAGE FACILITIES** - A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follows: underground storage, inground storage, trench silo, earthen bank, stacking area and aboveground storage.

**AMUSEMENT, THEME AND/OR ZOO PARK** - A principal use designed and operated for public amusement and education which includes rides, exhibits and refreshments.

**ANTENNA** - Any arrangement of wires or metal rods used in sending and/or receiving of electromagnetic waves.

**ANTENNA HEIGHT** - The measurement of the overall vertical length of antenna and its support structure above the average finished grade. If such system is located on a building or other structure, the overall vertical length shall be measured and shall include the height of the building upon which the antenna and its structure is situated.

**ANTENNA SUPPORT STRUCTURES** - Any structure, mast, pole, tripod, or tower, including any guy wires and braces utilized for the purpose of supporting an antenna or antennas.

**APPLICANT** - A landowner or developer, as hereinafter defined, who has filed an application for development, including his or her personal representatives, successors and assigns.

**APPLICATION FOR DEVELOPMENT** - Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit, for approval of a subdivision plot or plan, or for the approval of a development plan.

**AREA** - The total outside surface of anything, as measured in square feet.

- a. **BUILDING AREA** - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps (gross living area).
- b. **LOT AREA** - The area contained within the property lines of individual parcels of land shown on a subdivision plan, excluding any area within a street right-of-way and including the area of any easement, future street right-of-way or abandoned alley which has been deeded to a property owner.

**ASSISTED LIVING FACILITY** - See Continuing Care Retirement Community.

**AUCTION HOUSE** - A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

**AUTOMOBILE DRIVING SCHOOL** - This industry offers automobile driving instruction.

**BASEMENT** - A story partly underground but having at least one-half ( $\frac{1}{2}$ ) or more of its height (measured from floor to ceiling) above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes, other than a game or recreation room.

**BED AND BREAKFAST** - A single-family residential unit where not more than ten (10) guest rooms are rented to overnight guests on a daily basis and may include breakfast or brunch in accordance with Article XII, herein.

**BENNER TOWNSHIP, USES OF** - Benner Township is a municipal authority, a body politic and corporate created pursuant to the Municipal Authorities Act of 1945. While the Township will be generally consistent with the objectives of this Zoning Ordinance, the Township will be exempt from these rules and regulations.

**BERM** - A mound of soil, either natural or manmade, used to obstruct views.

**BILLBOARD** - See Article XVII, *Signs*.

**BLOCK** - A tract of land bounded on one side by a street and on the other sides (normally three) by streets, railroad rights-of-way, waterways, unsubdivided areas and other definite barriers.

**BOARD OF SUPERVISORS** - The Board of Supervisors (elected officials) of Benner Township

**BOARD OR ZONING HEARING BOARD** - The Benner Township Zoning Hearing Board

**BOARDING/ROOMING HOUSE** - An owner-occupied housing unit where, for compensation, provisions are made for lodging and meals for no more than five (5) persons in an existing building and its appurtenant structures specifically designed or otherwise suitable in whole or in part for the accommodation of roomers.

**BOARDING STABLE** - A structure designed for the feeding, housing and exercising of horses not owned by the owner of the premises and for which the owner of the premises receives compensation.

**BOTANICAL GARDENS** - These places are generally engaged in the preservation and exhibition of live plant and animal life displays.

**BREWERIES, WINERIES, DISTILLERIES** - This industry includes establishments engaged in brewing beer, ale, malt liquors, wines, brandies (may include the growing of grapes), distilling or blending liquors.

**BUFFER AREA** - A strip of land, which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no structure is permitted except a wall or fence.

**BUFFER YARD** - An open area whose dimensions normally exceed the normal building setback or yard requirement used to protect low-density uses and zoning districts from adjacent higher-density uses and districts.

**BUILDING** - Any structure on a lot, having a roof supported by columns or walls and designed and/or intended for the shelter, housing or enclosure of persons, animals or chattels and including covered porches or bay windows and chimneys.

**BUILDING COVERAGE** - The horizontal area measured with the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

**BUILDING, DETACHED** - A building surrounded by open space on the same lot.

**BUILDING ENVELOPE** - The area of a lot that is available for development and free of restrictions as specified in this Ordinance and may include building setback requirements, rights-of-way, easements, floodplains, wetlands, steep slopes, and similar restrictions.

**BUILDING, FRONT LINE OF** - The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

**BUILDING, HEIGHT OF** - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING LINE** - A line parallel to the front, side or rear lot line set so as to provide the required yard.

**BUILDING PERMIT** - Permits issued under the Uniform Code Construction Code. (permits issued under this Zoning Ordinance are "zoning permits").

**BUILDING, PRINCIPAL** - A structure enclosed within exterior walls or fire walls; built, erected and framed of component structural parts; designed for the housing, shelter, enclosure and support of individuals, animals, or property of any kind; main structure on a given lot; a building in which is conducted the principal use of the lot on which it is situated.

**BUILDING SETBACK LINE (Setback)** - The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way or property line and the line defining side and rear yards, where required.

**BUS AND OTHER MOTOR VEHICLE TRANSIT SYSTEMS** - This industry includes the operation of local and suburban passenger transportation systems.

**BUSINESS PARK** - A tract of land that is planned, developed and operated as an integral facility for a number of individual businesses with consideration to transportation facilities, circulation, parking, utility needs, aesthetics and compatibility.

**CAMP AND CAMPGROUND** - A plot of ground upon which two (2) or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes. Pennsylvania Department of Health requires a permit for campgrounds which meet the following definition: A portion of land used for the purpose of providing a space for trailers or tents for camping purposes regardless of whether a fee has been charged for the leasing, renting or occupancy of the space, in accordance with the Pennsylvania Code, Title 28, Chapter 19. The campground may be an organized camp which includes a combination of programs and facilities established for the primary purpose

of providing an outdoor group living experience for children, youth and adults with social, recreational and educational objectives and operated and used for five (5) or more consecutive days during one (1) or more seasons a year.

**CAMPING UNIT** - A tent, trailer, cabin, lean-to, recreation vehicle or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.

**CAMPSITE** - Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

**CARPORT** - an open-sided automobile shelter by the side of a building.

**CARTWAY OR ROADWAY** - The portion of a street right-of-way which is paved, improved, designated or intended for vehicular traffic.

**CATERING OPERATION** - These businesses primarily provide single event-based food services, and may prepare food in a larger kitchen and utilize vehicles to transport meals to events or use banquet halls.

**CELLAR (Basement)** - A story partly underground having more than one-half (½) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the required number of stories.

**CEMETERY** - A parcel of land used as a burial ground for human or animal remains.

**CERTIFICATE OF USE** - The certificate issued by a duly authorized Township Officer which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

**CHANGE OF USE AND OCCUPANCY** - A statement or permit signed by a duly authorized Township Officer setting forth that a building, structure or use legally complies with the Zoning Ordinance and other applicable codes and regulations and that the same may be used for the purposes stated therein.

**CHURCHES AND SIMILAR PLACES OF WORSHIP** - A building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses, including cemeteries but not including campgrounds, which shall be considered a primary use and shall meet the campground requirements herein.

**CLEAR SIGHT TRIANGLE** - An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.

**CLUBS, LODGES AND SOCIAL HALLS** - Places to promote the civic and social interests of members, which may include bars and restaurants for members.

**CO-LOCATED COMMUNICATION ANTENNAS** - Any device that is attached to an existing structure and used for the transmission or reception of wireless communication signals for ultimate reception by a radio, television, wireless telephone, pager, commercial mobile radio service, or any similar device (also see Communications Antenna). These antennas are mostly exempted by PA Wireless Broadband Collocation Act of 2012, Act 191.

**COMMERCIAL GREENHOUSE, GARDEN CENTER OR PLANT NURSERY** - A commercial activity denoted to the raising and sale of plants and implements for gardening.

**COMMERCIAL, RECREATIONAL OR ENTERTAINMENT FACILITY** - A building housing an activity operated as a business, open to the public for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, theaters, swimming pools, health clubs, museums, etc. This does not include adult-related uses, amusement arcades, or golf courses as defined herein.

**COMMISSION** - The Benner Township Planning Commission, unless otherwise noted.

**COMMISSION STAFF** - The Benner Township Engineer, Zoning Officer and/or other personnel retained by the Planning Commission.

**COMMON FACILITIES** - When referring to a development, these facilities are common or community open space, recreational facilities, community sewage facilities, community water supply facilities, storm water



management facilities, common parking areas and driveways, preservation areas, private streets or other community facilities.

**COMMON OPEN SPACE** - A parcel or parcels of land or an area of water, or a combination of land and water, within a development plan designed and intended for the use or enjoyment of residents of the development and, where designed, the community at large. Common open space does not include rights-of-way, off-street parking areas and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as approved in the development plan that are appropriate to recreational and other open-space uses of the land and shall not include playground, athletic field or other open space areas of any schools or churches to be included within the proposed development.

**COMMUNICATION FACILITIES (non-publicly regulated)** - Including telephone or telegraph exchanges and communications antenna which are not regulated by the Pennsylvania Utilities Commission (PUC).

**COMMUNICATION FACILITIES (publicly regulated)** - Including telephone or telegraph exchanges and communications antenna which are regulated by the Pennsylvania Utilities Commission (PUC).

**COMMUNICATIONS ANTENNA** - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including, without limitation, omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

**COMMUNICATIONS EQUIPMENT BUILDING** - An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

**COMMUNICATIONS TOWER** - A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support "Communications Antenna."

**COMMUNICATIONS TRANSMITTING AND RECEIVING FACILITY** - A communications tower or other facility which transmits or receives a radio, television, or other communication signal.

**COMMUNITY CENTER** - The use of land or structure for social and community service activities charitable, educational, or religious in nature for public rather than for private gain, including recreational programs, counseling services and human service agencies and programs. A group of individuals formally organized for a common interest.

**COMMUNITY SEWAGE SYSTEM** - Any system, whether publicly or privately owned, for the collection of sewage waste of a liquid nature from two (2) or more lots, and the treatment and/or disposal of the sewage waste on one (1) or more of the lots or at any other site which shall comply with all applicable regulations of the Pennsylvania Department of Environmental Protection.

**COMMUNITY WATER SUPPLY SYSTEM** - A public or private utility system designated to transmit potable water from a common source to multiple users. Such systems shall be in compliance with the regulations of the Pennsylvania Department of Environmental Protection, the Public Utilities Commission (PUC) or the Township, whichever is more stringent.

**COMPREHENSIVE PLAN** - The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, consisting of maps, charts and textual material that constitutes decisions about the physical and social development of Benner Township, as amended from time to time.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)** - An agricultural use regulated by the federal government involving the commercial keeping and handling of livestock quantities with characteristics in any of the following three criteria:

Three Criteria to Determine CAFO Uses
<p style="text-align: center;"><b>Criteria 1</b></p> <p>The proposed agricultural operation exceeds any one of the following animal type thresholds:</p> <ul style="list-style-type: none"> <li>• 700 mature dairy cows</li> <li>• 1,000 veal calves</li> <li>• 1,000 cattle including, but not limited to heifers, steers, bulls and cow-calf pairs</li> <li>• 2,500 swine of 55 lbs. or more</li> <li>• 10,000 swine under 55 lbs.</li> <li>• 500 horses</li> <li>• 10,000 sheep or lambs</li> <li>• 55,000 turkeys</li> <li>• 30,000 layers or broiler chickens using a liquid manure handling system</li> <li>• 125,000 broiler chickens not using a liquid manure handling system</li> <li>• 82,000 layer chickens not using a liquid manure handling system</li> <li>• 30,000 ducks not using a liquid manure handling system</li> <li>• 5,000 ducks using a liquid manure handling system</li> </ul>
<p style="text-align: center;"><b>Criteria 2</b></p> <p>Any agricultural operation that exceeds 1 million pounds of live weight of livestock or poultry.</p>
<p style="text-align: center;"><b>Criteria 3</b></p> <p>Any agricultural operation that is a Concentrated Animal Operation (as defined below) that includes more than 300,000 pounds of live weight of livestock or poultry.</p>

**CONCENTRATED ANIMAL OPERATION** - An agricultural use determined under Title 25, Chapter 83, Subchapter D, Section 83.262 of the Pennsylvania Department of Environmental Protection's Nutrient Management Rules and Regulations involving the commercial keeping and handling of livestock and/or poultry quantities with densities exceeding 2000 pounds per acre suitable for the application of manure on an annualized basis. Animal weights shall be determined using Table A within the above-described Section, which may be amended.

**CONDITIONAL USE** - A use which the Board of Supervisors is permitted to authorize in specific instances listed in this Ordinance, under the terms, procedures and conditions prescribed herein.

**CONDOMINIUM** - Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980 as amended, are designed for separate ownership and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**CONSERVATION AREAS** - Undeveloped and undisturbed areas set aside for the preservation and/or continuation of the natural environment, to promote recreational use, agricultural use, retention of open space and undeveloped floodplain areas and to provide areas of wildlife habitat.

**CONSERVATION EASEMENT** - A private agreement between the landowner and the Township (and possibly other designated persons or parties) that is applied to property to perpetually protect it from future development.

**CONSERVATION SUBDIVISION** - A land development process that seeks to identify and permanently protect special natural and/or environmental features and open space in designated conservation areas, greenway areas or preserves. This process is used in the Rural Residential Districts.

**CONSTRUCTION** - The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

**CONTINUING CARE RETIREMENT COMMUNITY** - A community licensed by the Commonwealth Department of Insurance and offering a range of housing, support and health care services so older people do not have to move when their needs change. Many offer independent living (single or multi-family units) and personal care units as well as long-term care nursing centers, all at one (1) campus and developed as a planned unit development.

**CONTRACTOR** - Organization or individual that contracts with another organization or individual (the owner) for the construction of a building, road or other facility.

**CONVENIENCE STORE WITH GAS DISPENSING** - A retail store which primarily offers food and related items but which may also dispense fuel.

**CONVENIENCE STORE WITHOUT GAS DISPENSING** - A retail store which offers food and related items but does not dispense fuel.

**CONVENTION /CONFERENCE CENTER** - A principal use that is designed to offer accommodations that are integrated in form and function to visitors and groups of attendees for the purposes of education, training, trade shows, exhibits, presentations, and other similar activities.

**CONVENTIONAL DEVELOPMENT** - Development other than conservation subdivisions.

**COORDINATED DEVELOPMENT** - A development that is designed and constructed to make use of shared features to improve both function and appearance.

**COOPERATIVE** - Ownership in common with others of a parcel of land and of a building or buildings thereon which would normally be used by all the occupants, together with individual rights of occupancy of a particular unit or apartment in such building or buildings or on such parcel of land and may include dwellings, offices and other types of space in commercial buildings or on property and where the lease, sale or exchange of a unit is subject to the agreement of the group of persons having common ownership.

**COUNTY** - County of Centre, Pennsylvania

**CORRECTIONAL INSTITUTIONS** - Industry that comprises government establishments primarily engaged in managing and operating correctional institutions designed for confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court.

**COVERAGE** - That portion or percentage of the plot or lot covered by the building area, vegetation or impervious surface as designated.

**CULTURAL FACILITIES** - Include art galleries, auditoriums, libraries, museums, community centers, adult education centers or other similar facilities open to the public or connected with a permitted educational, philanthropic or religious use.

**CURATIVE AMENDMENT** - A proposed zoning amendment made to the Board of Supervisors by any landowner or applicant who desires to challenge the substantive validity of an ordinance that prohibits or restricts the use or development of land in which the landowner or applicant has an interest.

**CURB** - The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

**DAY CARE** - Care provided for individuals, either children or adults, by an unrelated individual. Care is provided for part of a 24-hour day. The following definitions apply to different types of child and adult day care in accordance with Chapter 3270, Child Day Care Centers, of Title 55, Public Welfare of the Pennsylvania

Code and the Pennsylvania Department of Aging, Pennsylvania Code, Title 6, Chapter 11 as revised or amended.

- a. **DAY CARE CENTER** - A state-certified facility providing care for six (6) or more children.
  - i. **FAMILY DAY CARE HOME** - A state-certified home, other than the child's own home, operated for profit or not-for-profit in which child day care is provided at any one time to four (4), five (5) or six (6) children unrelated to the operator.
  - ii. **GROUP DAY CARE HOME** - A state-certified facility in which care is provided at one time for more than six (6) but fewer than 16 older school-age level children or more than six (6) but fewer than 13 children of another age level who are unrelated to the operator, including:
    - 1. Care provided to a child at the parent's work site when the parent is not present in the childcare space.
    - 2. Care provided in private or public, profit or nonprofit facilities.
    - 3. Care provided before or after the hours of instruction in nonpublic schools and in private nursery schools and kindergartens.
  - iii. **OLDER ADULT DAILY LIVING CENTERS** - A facility licensed through the Pennsylvania Department of Aging and operated for profit or not-for-profit to provide daily living services for part of a 24-hour day to four (4) or more older adults who are 60 years of age or older or 18 years of age and older with a dementia-related disease and who are not a relative of the operator, in accordance with the Pennsylvania Code, Title 6, Chapter 11, as revised or amended.

**DCED** - The Department of Community and Economic Development of the Commonwealth of Pennsylvania or any successor agency.

**DCNR** - The Department of Conservation and Natural Resources of the Commonwealth of Pennsylvania or any successor agency.

**DECISION** - Final adjudication of any board or other body granted jurisdiction under any land use ordinance of this Ordinance to do so either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the county and judicial district wherein the municipality lies.

**DECK OR PATIO** - A platform which may or may not be covered by a roof or permanent awning and is designed, intended or used for outdoor living purposes as an accessory use to a structure.

**DEDICATION** - An act transmitting property or interest thereto.

**DENSITY** - The total number of dwelling units per acre of land.

**DEP** - The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

**DESIGN STANDARDS** - Standards that set forth specific improvement requirements.

**DETERMINATION** - Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following: (a) the Supervisors; or (b) the Zoning Hearing Board. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

**DEVELOPER** - Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land development or submits a development plan under the terms of this Ordinance.

**DEVELOPMENT** - A planning or construction project involving substantial property improvement and, usually, a change of land use character within the site; the act of using land for building or extractive purposes.

**DEVELOPMENT AREA** - The area in the Rural Residential District designated for development as opposed to conservation.

**DEVELOPMENT PERMIT** - A zoning and/or building permit authorizing the construction, repair, demolition, relocation and reconstruction of a structure, or any other permit requested or issued in connection with any of the activities defined under “development” herein.

**DEVELOPMENT PLAN** - The provisions for development of land under the provisions of this Ordinance, including a plat of subdivision; all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “Provisions of the development plan” when used in this Ordinance shall mean both the written and graphic materials referred to in this definition.

**DEVELOPMENT REGULATION** - Zoning, subdivision, site plan, stormwater management, official map, flood plain regulation, or other governmental regulation of the use and development of land.

**DISTRICT ZONE** - A district includes all buildings, lots and surface areas within certain designated boundaries as indicated on the Zoning Map.

**DOMESTICATED ANIMAL** - A relatively docile animal kept by humans for work or food or as a pet, especially one of a breed notably different from the wild or exotic form.

**DRAINAGE** - The removal of surface water or groundwater from land by drains, grading or other means.

**DRAINAGE FACILITY** - Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas or any part of any land development or contiguous land areas.

**DRAINFIELDS FOR ONLOT SEPTIC SYSTEMS** - Within the residential development options of the Rural Residential Zoning District, a developer may work in conjunction with the Sewage Enforcement Officer to place wastewater disposal systems on conservation areas.

**DRIVE-THROUGH FACILITIES** - Accessory to the permitted use to provide additional services for public use, including drive-up window for service and driveways for queuing vehicles.

**DRIVEWAY** - A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

**DRIVEWAY/ACCESS ROAD** - A cartway or traveled path, improved or unimproved, by means of which ingress and egress to and from private property is gained and which intersects with a township, state or county right-of-way.

**DRY CLEANERS, LAUNDRIES AND LAUNDROMATS** - A principal retail use at which patrons can either perform self-service dry-cleaning, washing and drying of personal clothing and/or other fabric articles, or drop-off facilities for such services. This use shall not include accessory laundry services associated with lodging facilities and/or institutions.

**DWELLING** - A building or structure designed for living quarters for one (1) or more families, including manufactured homes, which are supported either by a foundation or are otherwise permanently attached to the land, but not including hotels, boarding/rooming houses or other accommodations used for transient occupancy. See also *Modular/Manufactured Home*.

**DWELLING, MOBILE HOME** - A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.

**DWELLING, MODULAR/MANUFACTURED HOME** - A type of dwelling that is in substantial part, but not wholly, produced in sections off site and then is assembled and completed on the site. This shall not include any dwelling that meets the definition of mobile home, nor shall it include any dwelling that does not rest on a permanent foundation, nor any dwelling intended to be able to be moved to a different site once assembled, nor any dwelling that would not fully comply with any and all applicable building codes. A modular home also shall not include a building that includes only one (1) substantial piece prior to delivery to the site.

**DWELLING, SINGLE-FAMILY, ATTACHED (Row/Townhouse)** - A dwelling designed, occupied or used by one (1) family, having two (2) party walls in common with other buildings and no side yards, commonly called row houses or townhouses, except that end units have one (1) party wall.

**DWELLING, SINGLE-FAMILY, DETACHED** - A building used by one (1) family, having only one (1) dwelling unit and having two (2) side yards.

**DWELLING, SINGLE-FAMILY, SEMI-DETACHED (duplex)** - A building used by one (1) family, having one (1) side yard and one (1) party wall in common with another building.

**DWELLING UNIT** - One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities and toilet and bathroom facilities and arranged for occupancy by not more than one (1) family.

**EASEMENT, CONSERVATION** - A legal agreement a property owner makes to restrict the type and amount of development that may take place on his or her property. The easement spells out the rights the landowner retains and the restrictions on use of the property.

**EASEMENT, UTILITY** - A right-of-way granted for the limited use of land for public, quasi-public or private purposes.

**ELEVATION** - The average level of the ground adjacent to a structure, storage area, sign or other improvement.

**EMERGENCY SERVICES** - An organization comprised of voluntary and/or paid personnel whose function is the dispatch of trained responders to the general public, under local emergency conditions. Such uses may include facilities for the housing of personnel while on duty, vehicle and equipment storage areas, training facilities and accessory meeting, cafeteria, banquet, stage, recreation, shooting range and/or other fund raising amenities, all of which must be conducted within a totally enclosed building. Accessory parks, athletic facilities and fairgrounds are also permitted. Suitable examples include, but are not limited to, police departments, sheriff stations, fire companies, forest fire agencies, ambulance companies, emergency medical services, advanced life support, search and rescue, national guard and civil defense. This definition does not include prisons or outdoor shooting ranges.

**ENGINEER, REGISTERED** - See definition of *Professional Engineer*

**ENGINEER, TOWNSHIP** - A *Professional Engineer*, licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Township.

**ENVIRONMENTAL CONSTRAINTS** - Features, natural resources or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

**ENVIRONMENTALLY SENSITIVE AREA** - An area with one or more of the following environmental characteristics: severe slope, floodplain area or wetlands.

**EXOTIC WILDLIFE** - Includes, but is not limited to, reptiles and all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any crossbreed of these animals which have similar characteristics in appearance or features. The definition is applicable whether or not the birds, animals or reptiles were bred or reared in captivity or imported from another state or nation.

**EXTRACTIVE OPERATIONS** - Include any open excavations such as quarries, strip mines and borrow pits.

**FAMILY** - (a) One (1) or more persons related by blood, marriage, legal guardianship, licensed or court-appointed foster care, or legal adoption including any domestic servants or gratuitous guests thereof who maintain one (1) common household and reside in one (1) dwelling unit; or (b) no more than two (2) persons who are not related to each other by blood, marriage, legal guardianship, licensed or court-appointed foster care, or legal adoption, in addition to any respective minor children, domestic servants or gratuitous guests thereof, residing in one (1) dwelling unit and living and cooking together as a single housekeeping unit. A roomer, boarder, or lodger is not considered a family member. Or (c) Any number of persons possessing a

“handicap” within the meaning of the Fair Housing Act [42 USCS S.3602(h), or successor legislation] who reside in one (1) dwelling unit and live and cook together as a single housekeeping unit.

**FARM** - Any parcel of land which is used for agriculture operations as defined herein.

**FARMER/FLEA MARKET** - A retail sales use where more than one vendor displays and sells general merchandise that is new or used on a regularly occurring basis. Farmers and/or flea markets can include indoor and outdoor display of merchandise.

**FARMSTEAD** - The area of farm parcel occupied by the farmhouse, barns, outbuildings, an accessory dwelling unit (i.e., accessory apartment, attached or detached unit), parking areas and business structures, excluding structures that are associated only with the farming activities in remote fields.

**FARMSTEAD ACCESSORY DWELLING** - An additional accessory apartment, attached or detached unit, for a family member or farm employee. Only one (1) such unit shall be present within the farmstead.

**FARMSTEAD BUSINESS** - An accessory business to the principal agriculture use, owned and operated by a family member within the farmstead and in accordance with Article XII herein.

**FARMSTEAD PRINCIPAL SINGLE-FAMILY DETACHED DWELLING UNIT** - The original residential unit associated with the farm.

**FENCES** - Any freestanding and uninhabitable device constructed of wood, glass, metal, plastic materials, wire, wire mesh or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy or to protect the property so screened or divided or to define and mark the property line when such device is permitted to be erected on or within two (2) feet of any front, side or rear line. For the purpose of this Ordinance, a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this Ordinance when the term “lot line” is used in relation to fences, it shall be synonymous with “rear yard lot lines,” “side yard lot lines” and “front yard lot lines.”

**FINDING** - A determination or conclusion based on the evidence presented and prepared by a hearings body in support of its decision.

**FISH AND WILDLIFE MANAGEMENT AREA** - An area owned and managed by a conservancy group, non-profit group, or local, State or Federal agency, whose primary interest is the management of land and natural resources that will protect the fisheries and wildlife habitats.

**FISH HATCHERIES** - A principal use devoted to the raising of fish for wholesale distribution and/or public release.

**FLAG LOT** - See definition of *Lot, Flag*

**FLIGHT TRAINING** - Industry that offers instruction in aviation and flight training, vocational training or recreational training.

**FLOOD, 100-YEAR (Base Flood)** - A flood which is likely to be equaled or exceeded once every 100 years (i.e., that has a one percent (1%) chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture’s Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

**FLOOD PLAIN** - A flood plain may be either a combination of: (a) a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse, during a 100-year design frequency storm; or (b) any area subject to the unusual and rapid accumulation of runoff or surface waters from any source.

**FLOODWAY FRINGE** - Those portions of land subject to inundations by the 100-year flood, beyond the floodway in areas where detailed study and profiles are available.

**FLOOR AREA OF A BUILDING (Gross)** - The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**FLOOR AREA, HABITABLE** - The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, closets, nor unheated areas such as enclosed porches. At least one-half (½) of the floor area of every habitable room shall have a ceiling height of not less than six (6) feet and floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

**FLOOR, LOWEST** - The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant, partially enclosed area used solely for parking of vehicles, building access and incidental storage in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.

**FORESTRY (Timber Harvesting)** - The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve land development.

**FRONTAGE** - The horizontal or curvilinear distance along the street line upon which a lot abuts.

**GARAGE** - An accessory building for the storage of one (1) or more motor vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation or service is conducted for profit therein.

**GARBAGE** - Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods. (Also see definition of *Solid Waste*)

**GARDEN STRUCTURES** - Any accessory structure which may be used or occupied for other than sleeping or general housekeeping purposes.

**GARDENING** - The cultivation of herbs, fruits, flowers or vegetables and excluding the keeping of livestock.

**GASOLINE SERVICE STATION** - A building on a lot or part thereof, that is used primarily for the retail sale of gasoline, oil or other fuel and which may include facilities used for polishing, greasing, washing, dry cleaning or otherwise cleaning or servicing automobiles and other vehicles, not to include mechanical repairs or body work.

**GENERAL COMMERCIAL USES** include (but not limited to): Art dealers; artist studios and galleries; auto repair; automotive parts sales; banks and financial institutions; barber and beauty shops and massage parlors; beer, wine and liquor stores; book store; bowling center; business service center; car rental; car washes; clothing and shoe stores; commercial banking; commercial greenhouses and nurseries; community food services; convention/conference centers; dance, music and photography studios; department stores; drive-in movie theaters; electronics stores; fitness and recreational sports complexes; florist; full service restaurant; furniture sales and home improvement; galleries for arts, crafts, antiques; general merchandise stores; general rental centers; gift, novelty and souvenir store; hardware stores; health and fitness clubs; health and personal care stores; hobby, game, toy store; home furnishing sales; home health care services; household appliance sales; jewelry store; life, health, direct insurance carriers; limited service restaurant; miniature golf course; musical instrument and supplies store; nursery, garden center and farm supply store; office supplies; offices; oil change and lubrication shops; personal and household goods repair; pet and pet supply stores; pet care services; pharmacy and drug store; physician, dental practitioners; power equipment stores; rental and leasing services; shopping centers; specialty food store; sporting goods store; supermarkets and other grocery; tax preparation services; theater (excluding adult businesses); tire sales; tobacco store; used merchandise; warehouse clubs and supercenters.

**GENERAL WAREHOUSING AND STORAGE** - A primary use engaged in operating merchandise warehousing and storage facilities.

**GOLF COURSE** - Any regulation 18-hole, 9-hole or executive (par 3) golf course including any driving ranges, chip-n-putt, nine-hole or miniature golf courses.

**GOVERNING BODY** - The Board of Supervisors of Benner Township, Centre County, Pennsylvania.



**GREENWAYS** - A greenway may be any one or combination of the following: (1) a linear open space established along either a natural corridor such as a riverfront, stream valley or ridge line, or over land along a railroad right-of-way converted to recreational use, a scenic road, or other route; (2) a natural or landscaped course for pedestrian or bicycle passage; (3) an open space connector linking parks, natural reserves, cultural features or historic sites with each other and with populated areas; or (4) strip or linear parks designated as a parkway or greenbelt.

**GROSS BUILDING AREA** - The total area of a building available for construction or use as measured from the exterior walls of the building. Gross building area should be used in computing all square footage measurements for buildings as well as dimension requirements.

**GROUND FLOOR** - The floor of a building nearest the mean grade of the front of the building.

**HALFWAY HOUSE** - A non-institutional living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution. The halfway house (community corrections center) operates under the rules and regulations of the Pennsylvania Department of Health or Department of Corrections or similar authorities. The residents are provided full time supervision and counseling on employment, vocations, finances and community living.

**HAZARDOUS MATERIAL** - Materials which are classified by the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, or the Township as having the potential to damage health or impair safety. Hazardous materials include, but are not limited to, inorganic mineral acids or sulphur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, arsenic and their common salts, lead, coal tar acids such as phenols and cresols and their salts, petroleum products and radioactive material. Also included are floatable materials with the potential to cause physical damage such as logs, storage tanks and large containers located in flood prone areas.

**HAZARDOUS WASTE** - Any substance classified by the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection or the Township as having the potential to damage health or impair safety including garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution facility and other discarded material including solid, liquid, semi-solid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations and from community activities, or any combination of the above, which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- A. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

(NOTE: "Hazardous waste" shall also include any added components from the Solid Waste Management Act of July 7, 1980, P.L. 380, No. 97, as amended.)

**HAZARDOUS WASTE DISPOSAL** - This industry operates treatment and/or disposal facilities for hazardous waste or the activity of collecting and/or hauling hazardous waste materials within a local area and operating treatment or disposal facilities for hazardous waste.

**HEALTH PRACTITIONERS** - An establishment with medical staff primarily engaged in providing general or specialized outpatient care. This practice would include centers or clinics with health practitioners with different degrees from more than one industry practicing within the same establishment.

**HEIGHT DEVELOPMENT REGULATIONS** - Zoning regulations that limit the maximum height of buildings within particular zones.

**HEIGHT OF A COMMUNICATIONS TOWER** - The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

**HELIPORT** - An area, either at ground level or elevated on a structure, licensed by the Federal government or an appropriate State agency and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

**HELISTOP** - A heliport, but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

**HISTORIC RESOURCE** - Any building, wall, bridge, structure, road, trail, quarry, archeological site or cultural artifact listed or identified on the National Register of Historic Places, the book titled "Historic Buildings of Centre County, Pennsylvania," published in 1980 by the Historic Registration Project of the Centre County Library or any historic resource list or map which may be adopted by the Board and amended from time to time.

**HISTORIC STRUCTURE CONVERSION** - The change or adaptation of an historic structure for use and occupancy other than what existed on the effective date of this Ordinance.

**HOME GARDENING** - The cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock and permitting the sale of produce raised thereon.

**HOME OCCUPATION** - A business or commercial activity that is conducted as an accessory use in a principal dwelling unit clearly incidental and secondary to the residential living use. The occupation shall be conducted entirely within a dwelling and meet the criteria set forth in the Zoning Ordinance. No goods are to be publicly displayed on the premises other than a sign as provided herein.

**HOSPITAL** - A building or part thereof used for the medical, psychiatric, obstetrical or surgical care on a 24-hour basis. The term hospital shall include facilities used for medical research and training for health care professions, general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals and any such other facilities which provide in-patient care. The term hospital shall not include any facility in which is conducted the housing of the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of a felony. A hospital shall be licensed as such by the Commonwealth of Pennsylvania.

**HOTEL** - A building designed for occupancy primarily as the temporary abiding place of individuals who are lodged with or without meals. A conference/convention center may be part of a hotel.

**IMPERVIOUS SURFACE** - A surface that does not absorb rain, including all buildings and other structures, parking areas, driveways, roads, sidewalks, storage areas and areas of concrete, nonporous asphalt and stone and other such areas as shall be determined to be nonporous by the Board of Supervisors and/or Township Engineer.

**IMPROVEMENTS** - Those physical additions, installations and changes required to render land suitable for the use intended, including grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts and other public utilities and street shade trees.

**IMPROVEMENTS, PUBLIC** - Streets, pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs and plantings and other items required for the welfare of the property owners and the public.

**INDIVIDUAL ONLOT SEWAGE SYSTEM (Septic Tank)** - Any system of piping, tanks or other facilities serving on a single lot and collecting and disposing of sewage in whole or in part into the soil and any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposition and which is located upon the lot which it serves.

**INDOOR RECREATION FACILITY, THEATER, POOL PARLOR** - An establishment in which any recreational activities, be it ping-pong, billiards or a play or movie is carried out for pure entertainment purposes for both the participants as well as the audience.

**INDUSTRY** - The manufacturing, compounding, processing, assembling or treatment of materials, articles or merchandise.

**INFORMATION SERVICES AND DATA PROCESSING** - An industry engaged in providing information services, including data storage and processing.

**INOPERABLE MOTOR VEHICLE** - A vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that shall be without a valid current registration plate or valid current certificate of inspection or any vehicle in a major or severe state of disrepair.

**INTENSIVE AGRICULTURE** - See definition of *Agriculture, Intensive*

**JOINT PARKING FACILITIES** - Off-street parking facilities providing parking for more than one (1) use or property on the same site or off-site in accordance with this Ordinance.

**JUNK** - Discarded materials, articles or things possessing value in part, gross or aggregate, and including, but not limited to, scrapped and inoperable motor vehicles and parts thereof, but not including garbage or other organic waste or farm machinery, provided that said farm machinery is used in connection with a bona fide agricultural business, or objects or materials accumulated on any premises as the by-products, waste or scraps of a legitimate business other than a junkyard as defined in this article, conducted thereon.

**JUNK YARD** - Any place or establishment where junk is stored or accumulated out of doors or in any manner other than within a building, edifice or structure that is enclosed on all sides; where the business of selling, buying or dealing in junk is carried on or where ten (10) or more motor vehicles which are unlicensed, inoperable and do not have a current and valid inspection sticker as required by the Motor Vehicles Laws of the Commonwealth of Pennsylvania are stored out of doors; but not including any place where inoperable motor vehicles intended to be repaired are stored for a period not in excess of thirty (30) days in connection with a bona fide automotive repair business.

**JUNKED MOTOR VEHICLE** - A motor vehicle from which parts or accessories have been removed or that shall be inoperable as a result of damage thereto.

**KENNEL** - A state-licensed facility through the Department of Agriculture containing indoor and outdoor housing facilities for the sheltering of four (4) or more canines in accordance with the Pennsylvania Code, Title 7, Chapter 21, as amended or revised.

**LAND DEVELOPMENT** - Any of the following activities:

- a. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any other purpose involving:
  - i. Group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - ii. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominium, building groups or other features; or
- b. A subdivision of land.
- c. Land development shall not include:
  - i. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium; or
  - ii. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

**LAND DISTURBANCE** - Any activity which exposes soils, alters topography and/or alters vegetation, except for removal of hazardous or invasive alien vegetation. Customary agricultural practices such as tilling, plowing, mowing and harvesting are excluded from the definition of "land disturbance."

**LANDOWNER** - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee, if authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

**LANDSCAPE ARCHITECT** - A licensed landscape architect registered in the Commonwealth of Pennsylvania.

**LANDSCAPE PLAN** - A component of a development plan, if required, on which is shown proposed landscape species (such as number, spacing, size at time of planting and planting details), proposals for protection of existing vegetation during and after construction, proposed treatment of hard and soft surfaces, proposed decorative features, grade changes, buffers and screening devices, and any other information that can reasonably be required in order that an informed decision can be made by the Board of Supervisors.

**LAUNDRY AND DRY CLEANING ESTABLISHMENTS** - A business premises equipped with large-scale clothes washing and dry cleaning equipment.

**LAUNDRY AND DRY CLEANING ESTABLISHMENTS (Personal - coin operated)** - A business premises equipped with individual clothes washing equipment for the use of retail customers or the drop-off and pick-up of clothing for dry cleaning by retail customers.

**LIBRARY** - A place in which literary, musical, artistic or reference materials (such as books, manuscripts, recordings or films) are kept for use but not for sale.

**LIVESTOCK** - Any wild or domestic animal of the bovine, swine or sheep family.

**LOADING SPACE** - An off-street space on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts on or has access to a street.

**LONG-TERM CARE NURSING HOME** - A facility defined and licensed by the Commonwealth of Pennsylvania Department of Health in accordance with Title 28 of the Pennsylvania Code, Chapter 201. The facility provides skilled or intermediate nursing care services 24 hours a day and seven (7) days a week to individuals who do not require more intensive hospital-based care.

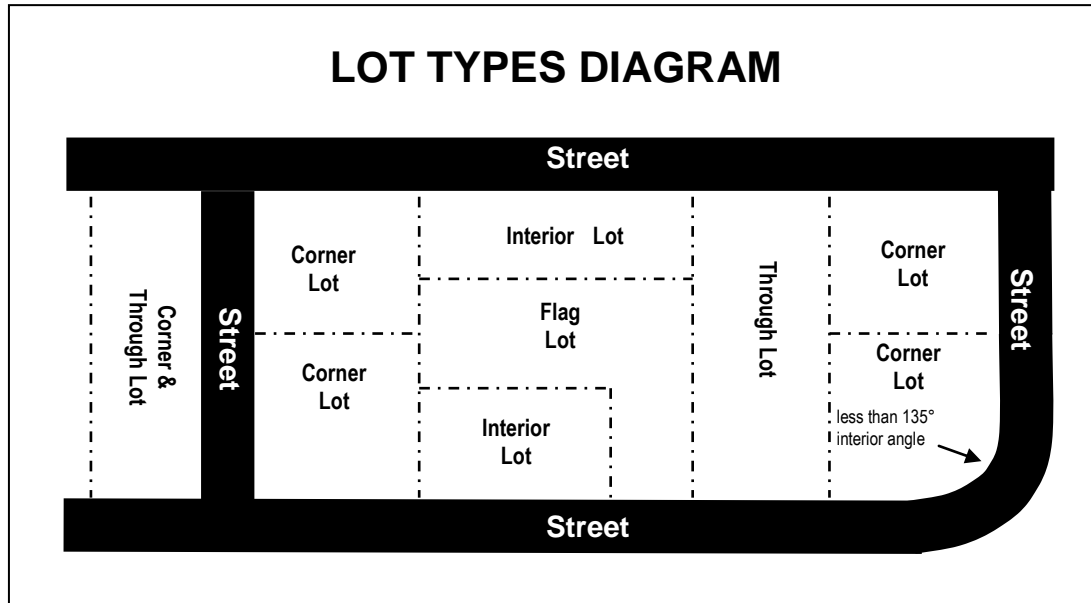
**SKILLED OR INTERMEDIATE NURSING CARE** - Professionally supervised nursing care and related medical and other health services provided for a period exceeding 24 hours to an individual not in need of hospitalization, but whose needs are above the level of room and board and can only be met in a long-term care nursing facility or an inpatient basis because of age, illness, disease, injury, convalescence or physical or mental infirmity.

**LOT** - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

- a. **LOT, AREA** - The area contained within the property lines of a lot as shown on a subdivision plan excluding space within any street, but including the area of any easement.
- b. **LOT, CORNER** - A lot with two (2) adjacent sides abutting on streets, which has an interior angle of less than 135 degrees at the intersection of the two (2) street lines. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.
- c. **LOT, FLAG** - A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.
- d. **LOT, INTERIOR** - A lot other than a corner lot.
- e. **LOT, MINIMUM WIDTH** - The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
- f. **LOT, NONCONFORMING** - A lot, the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.
- g. **LOT, REVERSE FRONTAGE** - A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts. In the case of a lot fronting on streets of different classification, access to the lot shall be from the lower classified roadway in accordance with the Nittany Valley Region Comprehensive Plan Classification of Roadways.

- h. **LOT, THROUGH** - A lot that fronts upon two (2) parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot. Lots fronting on a street and an alley are not considered through lots.

**EXAMPLE OF LOT TYPES:**



**LOT COVERAGE** - The total of impervious areas including building area divided by lot area.

**LOT LINES** - The boundary lines of a lot as defined herein.

- FRONT LOT LINE** - The lot line separating a lot from a street right-of-way. In the case of a corner lot or a lot abutting a street right-of-way on more than one (1) side, the front lot line shall be determined based on the street address assigned by the post office.
- REAR LOT LINE** - Any lot line which is parallel to or within 45 degrees of being parallel to a street line, except for a lot line that is itself a street line. In the case of a corner lot, the owner shall have the option of choosing which of the two (2) lot lines, which are not street lines, is to be considered a "rear lot line." In the case of a lot having no street frontage or a lot of an odd shape, only the one (1) lot line further from any street shall be considered a "rear lot line."
- SIDE LOT LINE** - Any lot line which is not a street line or a rear lot line.
- STREET LINE** - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the "street right-of-way line."

**LOT OF RECORD** - A lot which has been recorded in the Office of the Recorder of Deeds of Centre County, Pennsylvania.

**LOT WIDTH** - The distance measured between the side lot lines at the required or proposed building setback line. When there is only one (1) side lot line, as in the case of single-family semi-detached or some single-family attached dwellings, the lot width shall be measured between the side lot line and the centerline of the party wall. For interior single-family attached dwellings, lot width shall be measured between the centerlines of party walls. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line.

**LOW-INTENSITY RECREATION USE** - See definition of *Recreation Area, Passive*

**MACHINE SHOPS** - These establishments are primarily engaged in machining metal and plastic parts and parts of other composite materials on a job order basis (generally low intensity).

**MACHINERY AND EQUIPMENT REPAIR** - An establishment engaged in the repair and maintenance of commercial and industrial machinery and equipment.

**MANUFACTURED HOME** - See definition of *Dwelling, Manufactured Home*

**MANUFACTURING** - The processing and/or converting of raw, unfinished or finished materials or products, or any or either of them, into an article or substance of different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

**MANUFACTURING USES** - Manufacturing and storage uses that do not constitute an unusual fire or explosion hazard or create a nuisance by reason of smoke, odor, dust, noise or glare. Also, manufacturing uses that do not cause: dust, smoke, fumes, gas or offensive odors to be disseminated beyond the lot boundaries; vibration beyond lot boundaries; noise exceeding that of off-street traffic at the front lot line; or a glare observable from beyond the lot boundaries. These include, but are not limited to, food processing; manufacture of furniture, textiles, leather, rubber, paper, fabricated metals, machinery and glass; stone and clay processing; printing, polishing, photography and related industries; instrument, tool and die and cabinet making; metal and wood fabrication and welding; assembly of electronic apparatus; electroplating, molding and other related industries; and warehousing and distribution.

**MANURE** - The fecal and/or urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

**MANURE STORAGE FACILITIES** - See definition of *Animal Waste Storage Facilities*

**MASSAGE PARLOR** - An establishment whose business emphasis is the administration of non-sexually oriented massage to patrons by employees.

**MEDICAL, DIAGNOSTIC LABORATORIES AND OUTPATIENT CLINICS** - Any building for which the use has 10,000 square feet or larger, 90% or more of the occupying use is medically related, surgical or testing facilities are present, and crisis care services with accommodations for ambulances or emergency vehicles or services are offered more than 60 hours per week.

**MEDICAL RESIDENTIAL CAMPUS** - A use that provides a harmonious and balanced mix of medical, residential, limited commercial and recreational uses, primarily serving campus residents, and public, quasi-public and medical services for the off-campus retirement aged community.

**MINERAL RECOVERY USE** - See definition of *Natural Production Use* and *Open Pit Mining*

**MINIMUM LOT AREA** - The least amount of two dimensional space contained within the property lines that is required to be associated with a principal use as required by this Zoning Ordinance.

**MIXED USE** - Occupancy of a building or land for more than one (1) use.

**MOBILE HOME** - A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.

**MOBILE HOME LOT** - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**MOBILE HOME PARK** - A parcel or contiguous parcels of land under single ownership which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes for non-transient use.

**MOBILE HOME SALES LOT** - An open lot for the outdoor display of new or used mobile homes.

**MOBILE HOME STAND OR PAD** - That part of an individual mobile home space which has been reserved for the placement of a mobile home and appurtenant structures and connections.

**MODULAR/MANUFACTURED HOME** - A type of dwelling that is in substantial part, but not wholly, produced in sections off the site and then is assembled and completed on the site. This shall not include any dwelling that meets the definition of mobile home, nor shall it include any dwelling that does not rest on a permanent foundation, nor any dwelling intended to be able to be moved to a different site once assembled, nor any dwelling that would not fully comply with any and all applicable building codes. A modular home also shall not include a building that includes only one (1) substantial piece prior to delivery to the site.

**MOTEL** - A group of attached or detached buildings containing sleeping rooms or living units with accessory facilities designed for temporary use by automobile tourists or transients including auto courts, motor lodges and similar establishments.

**MOTION PICTURE PRODUCTION AND DISTRIBUTION** - This industry includes the production and distribution of motion pictures, videos, television programs, or television commercials.

**MOTOR FREIGHT TERMINAL** - A terminal that is primarily centered around the storage and distribution of motor freight.

**MOTOR VEHICLE** - A means of transportation designed for the conveyance of persons or property requiring a registration under the laws of the Commonwealth of Pennsylvania for operation upon public highways including an automobile, truck, bus, motor home, motorcycle or travel trailer.

**MOTOR VEHICLE, REPAIR AND MAINTENANCE** - See definition of *Vehicle Repair Garage*

**MOTOR VEHICLE SALES** - See definitions of *Vehicle, Mobile/Manufactured Home Sales Lot*

**MOTOR VEHICLE TOWING** - This industry includes the towing of light or heavy motor vehicles, both local and long distance. They may provide incidentals such as storage and emergency road repair services.

**MUNICIPAL USES AND BUILDINGS** - Includes public and semi-public uses of welfare and educational nature, such as parks, fire stations, municipal buildings and municipal garages, etc.

**MUNICIPAL WASTE** - Municipal waste as defined in the Municipal Waste Planning, Recycling and Waste Reduction Act of July 28, 1951 as may be amended and supplemented.

**MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT** - The Act of July 28, 1951, P.L. 556, No. 101, 53 P.S. \_\_\_\_4000.101 et. seq., as the same may be amended and supplemented.

**MUNICIPALITIES PLANNING CODE (MPC)** - The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted.

**MUNICIPALITY** - Benner Township, Centre County, Pennsylvania

**NATURAL FEATURE** - A component of a landscape existing or maintained as part of the natural environment and having ecologic value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wildlife, human recreation, reduction of climatic stress or energy costs. Such features include those of which, if disturbed, may cause hazards or stress to natural habitats, property or the natural environment.

**NATURAL PRODUCTION USES** - A lot or parcel of land or part thereof used for the purpose of extracting stone, sand, clay, gravel or top soil for sale, and excluding the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

**NATURE PRESERVES AND WILDLIFE REFUGES** - Areas in which human activities are very limited and where the natural environment is protected from man-made changes.

**NO-IMPACT HOME-BASED BUSINESS** - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The business shall employ no employees other than family members residing in the dwelling.
- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

- f. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- g. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- h. The business may not involve any illegal activity.

**NON-COMMERCIAL BEEKEEPING** - Domestic noncommercial beekeeping may be permitted as an accessory use, as long as flyway barriers are installed (at least 6 feet high between hives and property lines, extending 10 feet beyond the colony in each direction), two colonies are allowed in residential areas, and all hives are located at least 5 feet from adjoining property lines.

**NONCOMMERCIAL KEEPING OF LIVESTOCK** - The keeping of domesticated animals for household use or consumption, providing that they are kept in permanent structures within fenced areas or structures in the RR District. Under no circumstances shall the noncommercial keeping of livestock include animal husbandry or exotic wildlife as defined herein.

**NONCONFORMING LOT** - A lot of which the area or dimension was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

**NONCONFORMING SIGN** - A sign, which does not conform to the regulations of the district in which it is located.

**NONCONFORMING STRUCTURE** - See definition of *Structure, Nonconforming*

**NONCONFORMING USE** - A use, whether of land or of a structure, which does not comply with the applicable use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation.

**NONCONFORMITY, DIMENSIONAL** - Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening or any other design or performance standard specified by this Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

**NON-STORE RETAILER (electronic shopping)** - The selling of goods and services outside the confines of a retail facility. It is a generic term describing retailing taking place outside of shops and stores, or off the premises of fixed retail locations and market stands.

**NUISANCE** - Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

**OFF-STREET PARKING** - Parking of motor vehicles as an accessory use located upon the same lot as a permitted principal use or in the case of joint parking within close proximity to serve the parking requirements and needs of the principal use.

**OFF-STREET PARKING SPACE** - A parking space provided in a parking lot, parking structure or private driveway.

**ON-STREET PARKING SPACE** - A parking space that is located on a dedicated or private street right-of-way.

**OPEN PIT MINING** - Open pit mining shall include all activity which removes from the surface or beneath the surface of the land materials, mineral resources, natural resources, or other elements of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one, or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, excavation necessary for the extraction of: sand, gravel, limestone, sandstone, coal, clay, shale and iron ore.

**OPEN SPACE** - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for the public or private use and enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

**OUTDOOR FLEA MARKET** - An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public. Flea markets that are permanent shall be subject to land



development review to ensure appropriate circulation, safety, off-street parking, lighting, landscaping, signage and trash storage.

**OUTDOOR LIGHTING** - An illumination source outside any building including, but not limited to, an incandescent bulb, mercury, sodium or neon-filled bulb and the hardware containing the illumination source and supporting it. Lighting fixtures underneath a roof of an open-sided building including, but not limited to, storage sheds, canopies and gas station marquees over gas pumps, are deemed to be outdoor lighting.

**OUTDOOR RECREATION AREAS, PRIVATE AND SEMI-PUBLIC** - The use of open land for leisure time activities, such as a beach, swimming pool, tennis courts, golf courses or similar establishments that are not publicly owned.

**OUTDOOR STORAGE OR DISPLAY** - Storage of materials necessary and incidental to the normal operation of a primary use.

**OUTPATIENT CARE CENTER** - Urgent medical centers and clinics.

**OWNER** - Any person who, alone or jointly or severally with other persons, has legal title to any premises. This does not include a lessee, sub-lessee or other person who merely has the right to occupy or possess the premises.

**PARCEL** - A lot, or contiguous group of lots, in single ownership or under single control and usually considered a unit for purposes of development.

**PARKING LOT** - Any lot, municipally or privately owned, for off-street parking facilities providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

**PARKING SPACE** - The area required for parking one (1) motor vehicle.

**PARTY** - A person or group taking one side of a question, dispute or contest.

**PEDESTRIAN WALKWAY** - An improved thoroughfare designated exclusively for pedestrian traffic.

**PERFORMING ARTS COMPANIES** - A facility which organizes, promotes and/or manages live performing arts productions including arenas, stadiums, theaters or other related facilities.

**PERMANENT AGRICULTURE PRODUCE STAND** - A permanent structure used to sell produce from a farm in accordance with Section 13.48 herein.

**PERMANENT SAWMILL** - A permanent commercial activity in which timber is either cut onsite or transported into the site for further processing and storage.

**PERSON** - A person shall mean and include one (1) or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees in bankruptcy or receivers.

**PERSONAL CARE HOME** - A facility defined and licensed by the Commonwealth of Pennsylvania Department of Public Welfare in accordance with Title 55 of the Pennsylvania Code, Chapter 2620. A personal care home is a premises in which food, shelter and personal assistance or supervision is provided for a period exceeding 24 hours for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration. A halfway house is not a personal care home.

**PERSONAL CARE CENTER** - A personal care home that requires a building larger than a single-family residential unit to accommodate the number of residents served and special and accessory commercial services provided, often called an assisted-living center. The personal care center may be a stand-alone facility or may be part of a continuing care retirement community.

**PERSONAL CARE HOME, SINGLE-FAMILY DETACHED DWELLING** - A personal care home occupying a single-family residential unit provided the unit is similar in size and character as the surrounding residential units and is in compliance with all district and bulk and area regulations. These personal care homes shall be permitted by right in any district which allows single-family dwellings.

**PERSONAL AND HOUSEHOLD GOODS REPAIR** - Establishments primarily engaged in repairing and servicing personal or household-type goods without retailing items.

**PERSONAL SERVICE ESTABLISHMENT** - Service activities shall include and be similar to barber shops, beauty salons, health spas, massage parlors, photographic studios, self-service laundry and dry cleaning establishments, Laundromats, radio and television repair, repair shops for home appliances and tools, bicycles, guns, locks, shoes, watches, tailor and dressmaking shops and pet grooming with no overnight boarding. Personal service establishments shall not be construed to be adult regulated facilities as defined herein.

**PERVIOUS SURFACE** - A surface that permits full or partial absorption of storm water.

**PLANNING AGENCY** - The Planning Commission of Benner Township.

**POSTAL OFFICE** - An independent agency of the United States Federal Government responsible for providing postal service.

**POTABLE WATER SUPPLY** - Water suitable for drinking or cooking purposes.

**PREMISES** - The property upon which the activity is conducted as determined by physical facts rather than property lines.

**PRIMARY RESIDENCE** - The premises where a person has legal residency.

**PRIVATE** - Not publicly owned, operated or controlled.

**PRIVATE OR NON-PUBLIC STREET** - All streets which are not public including, but not limited to, streets maintained by private agreements, by private owners or for which no maintenance responsibility has been established.

**PRIVATE RECREATIONAL FACILITY** - A privately owned facility for recreational purposes including, but not limited to, such uses as parks, nature trails and wildlife sanctuaries and excluding uses which would commonly be considered a nuisance because of noise, pollution, etc., such as racing, touring and promotion of motor vehicles.

**PROFESSIONAL ENGINEER** - An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of engineering. A professional engineer may not practice land surveying unless licensed and registered as a professional land surveyor as defined and set forth in this Ordinance; however, a professional engineer may perform engineering land surveys.

**PROFESSIONAL LAND SURVEYOR** - An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of land surveying. A professional land surveyor may perform engineering land surveys but may not practice any other branch of engineering.

**PROFESSIONAL OCCUPATION** - The practice of a profession by an attorney, physician, surgeon, osteopath, chiropractor, dentist, optician, optometrist, chiropodist, engineer, surveyor, architect, landscape architect or city planner entitled to practice under the laws of the Commonwealth of Pennsylvania.

**PROFESSIONAL OFFICES** - Include, but are not limited to, offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, physicians, lawyers, clergymen, teachers, dentists, architects, engineers, insurance agents, opticians, banks, financial institutions, contractors (excluding storage) and similar office-oriented uses.

**PUBLIC** - Owned, operated or controlled by a governmental agency, (Federal, state or local, including a corporation created by law for the performance of certain specialized governmental functions and the Department of Education).

**PUBLIC AND OTHER TRANSMISSION AND DISTRIBUTION FACILITIES** - Public, semi-public and private utility transmission and distribution facilities including substations, pump stations, booster facilities, etc.

**PUBLIC GROUNDS** -

- a. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- b. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- c. Publicly owned or operated scenic and historic sites.

**PUBLIC HEARING** - A formal meeting held pursuant to public notice by the governing body or Planning Commission intended to inform and obtain public comment prior to taking action, in accordance with this Ordinance.

**PUBLIC IMPROVEMENTS** - An improvement that has been or will be dedicated for public use or that is designed to provide adequate transportation, water, sewerage, flood protection or recreational facilities or to serve other public requirements in accordance with the Centre County Subdivision and Land Development Ordinance or the Benner Township Subdivision and Land Development Ordinance and this Zoning Ordinance.

**PUBLIC MEETING** - A forum held pursuant to notice under 65 Pa. C.S. Ch. 7 relating to open meetings.

**PUBLIC NOTICE** - A notice, in accordance with the Pennsylvania Municipalities Planning Code, published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven (7) days from the date of the hearing.

**PUBLIC PARKS AND RECREATION AREAS** - Locations for leisure-time activities including, but not limited to, sports and entertainment that are open to anyone without restriction, except for the rules and standards of conduct and use.

**PUBLIC SEWER** - A municipal sanitary sewer system, or a comparable common or package sanitary facility, approved by the Commonwealth of Pennsylvania, Department of Environmental Protection.

**PUBLIC UTILITY BUILDINGS AND STRUCTURES** - Any structure which belongs to a public utility for uses such as electrical, telephone, gas, water and sewer which are regulated by the PUC or any other governmental agency.

**PUBLIC UTILITY TRANSMISSION TOWER** - A structure owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission designed and used to support overhead electricity transmission lines.

**PUBLIC WATER** - A municipal water supply system, or a comparable common water facility approved by the Commonwealth of Pennsylvania, Department of Environmental Protection.

**PUBLISHERS, PRINTERS, BOOKBINDING** - Establishments publishing works in print or electronic form.

**RADIO STATION, TELECOMMUNICATIONS AND TELEVISION STUDIOS** - An industrial use engaged in broadcasting programs by radio or television to the public.

**RAILROADS** - An industry engaged in operating railroads for the transport of cargo or passengers over rail lines.

**RECREATION, ACTIVE** - Any recreational activity that requires some physical exertion on the part of the participant.

**RECREATION, PASSIVE** - Any recreational activity that requires little or no physical exertion on the part of the participant.

**RECREATION AREA, ACTIVE** - Any area developed in such a manner as to be conducive to those activities that fall within the range of active recreation. Examples: athletic fields and hard-surfaced courts, pools, large dams, bicycle and walking trails, open turf areas and apparatus areas.

**RECREATION AREA, PASSIVE** - Any area developed in such a manner as to be conducive to those activities that fall within the range of passive recreation. Examples: scenic vistas, natural areas, craft areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking and spectating areas, also known as low-intensity recreation use.

**RECREATION OPEN SPACE** - The area of land suitable for the development of specific active recreation facilities for leisure time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields including, but not limited to, baseball fields, soccer fields, football fields, tennis, basketball and other court games, hockey facilities, multipurpose fields and community swimming pools and attendant facilities.

**RECREATIONAL VEHICLE** - A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use which has its own motive power or is mounted on or drawn by another

vehicle (including Camping Trailer, Motor Home, Travel Trailer and Truck Camper) and licensed under the laws of the Commonwealth of Pennsylvania.

**REFINERIES** - An industrial use engaged in refining crude petroleum into refined petroleum.

**RESIDENTIAL CONVERSION** - A multi-family dwelling constructed by converting an existing single-family dwelling into no more than two (2) additional dwelling units, which does not substantially alter the exterior of the building. This must meet water/sewer needs, building code (access), and supply additional parking.

**RESIDENTIAL FACILITIES INCIDENTAL TO PERMITTED USE** - includes facilities only incidental to and accessory to any permitted use for occupancy by caretakers, watchmen or guards.

**RESORT** - A hotel, motel or campground that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals and a conference/convention center. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated.

**RESTAURANT** - A public eating place primarily offering sit-down counter or table service and custom-prepared foods for on premises consumption.

**RETAIL BUSINESS** - Retail business shall include variety stores, apparel stores, florists, drug stores, grocery stores, eating and drinking establishments, liquor stores, antique shops, music shops, sporting goods stores, book, stationary, magazine, candy and tobacco shops and other outlets that sell and/or buy merchandise on a retail basis.

**RIDING ACADEMY OR BOARDING STABLE** - An establishment where horses are kept for riding or driving or are stabled for compensation or incidental to the operation of any club, association, farm or similar establishment.

**ROOMING AND BOARDING HOUSE** - See definition of *Boarding/Rooming House*

**RURAL OCCUPATION** - An accessory use owned by occupants of a single-family residence where a business activity is conducted off-site, but managerial office functions and storage of equipment are conducted on the residential site.

**RV PARK** - the operation of sites to accommodate campers and their equipment, including tents, tent trailers, travel trailers, and recreational vehicles.

**SANITARY FACILITY, LANDFILL OR INCINERATOR** - Land, structures and other appurtenances or improvements where municipal or residual waste disposal or processing is permitted or takes place or where hazardous waste is treated, stored or disposed. The term includes land thereby used or affected during the lifetime of operations, including areas where solid waste management actually occurs, support facilities, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities, contiguous borrow areas and other activities in which the natural land surface has been disturbed or used as a result of or incidental to operation of the facility. A waste facility must meet the requirements of Title 25 of the Commonwealth of Pennsylvania Code, Article VII to Article IX and any state or Federal act or laws, as applicable and amended, such as the Solid Waste Management Act, the Clean Streams Law, and all applicable Federal regulations such as the Resource Conservation and Recovery Act (RCRA - 42 U.S.C. Sections 6901 to 6992) and 40 CFR Parts 260-279. A waste disposal or processing plant may include landfills, incinerators, impoundment, transfer facilities, composting facilities, or resource recovery facilities as defined in the Pennsylvania Code.

**SCENIC SIGHTSEEING TRANSPORTATION** - establishments primarily engaged in providing scenic and sightseeing transportation

**SCHOOL** - Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

- a. **COLLEGE** - The same as elementary and secondary school except general education and/or research is provided above the level of the secondary school and may include junior college, college or university and is authorized to grant academic degrees.
- b. **SCHOOL, COMMERCIAL** - A school conducted for profit for such instruction as business, art music, trades, handicraft, dancing or riding.
- c. **SCHOOL, ELEMENTARY** - Any school having regular sessions with employed instruction which teaches those subjects that are fundamental and essential in general education for elementary grades.
- d. **SCHOOL NURSERY (Day Care Center)** - A facility, not in a private residence, enrolling four (4) or more children no more than five (5) years of age and where tuition or other forms of compensation for the instruction and care of the children is charged. Such facility shall employ licensed personnel and shall be licensed by the Commonwealth of Pennsylvania.
- e. **SCHOOL, PRIVATE** - An educational facility not operated by a public agency.
- f. **SCHOOL, PUBLIC** - A public place of instruction other than a commercial school operated by a Public Agency.
- g. **SCHOOL, SECONDARY** - The same as elementary school except general education is provided for secondary grades.
- h. **SCHOOL, TRADE/PROFESSIONAL** - See definition of School, commercial
- i. **SCHOOL, VOCATIONAL** - The same as elementary and secondary school except that the primary activity is training in a trade or vocation.

**SCREENING** - The provision of a barrier to visibility, airborne particles, glare and noise between adjacent properties, uses and/or districts, composed entirely of trees, berm, shrubs, hedges, sight-tight fences and/or other similar type materials.

**SCREEN PLANTING** - A vegetative material of sufficient height and density to conceal from the view of adjoining property owners the structures and uses on the premises on which the screen planting is located.

**SERVICES TO BUILDINGS (Janitorial and other)** - establishments primarily engaged in cleaning building interiors.

**SETBACK (Building Setback Line)** - The line within a property defining the required minimum distance between any enclosed structure and the adjacent dedicated right-of-way and the line defining rear and side yards, where required.

**SEWAGE DISPOSAL SYSTEM (Onsite)** - An approved waste disposal system which treats and disposes of waste and wastewater within the boundaries of the lot.

**SEWAGE DISPOSAL SYSTEM (Public or Community)** - A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to the central treatment and disposal plant.

**SEWAGE ENFORCEMENT OFFICER (SEO)** - The certified Sewage Enforcement Officer of the Township.

**SEWER** - A public or private utility system designed to collect, centrally treat and dispose of sewage from customers in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the Township, whichever is more stringent. See also *Community Sewage System* and *Individual Onlot Sewage System*.

**SHARED DRIVEWAY** - A path or road extending from a public or private road to two (2) lots, buildings, dwellings or structures intended to provide shared or joint ingress and egress primarily for the occupants thereof.

**SIDEWALK** - See definition of *Walkway*.

**SIGHT DISTANCE** - The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

**SIGHT TRIANGLE** - A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**SIGN** - Any device, configuration, surface or fabric, whether permanent or temporary, which uses symbolic representations for communication and used for the purpose of bringing a subject to the attention of the public. See *Article XVIII*.

**SITE** - A parcel of land located in the Township established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one (1) lot.

**SKEET, RIFLE, HANDGUN OR ARCHERY RANGE** - Any area (usually in a sportsmen's or outdoor club) in which skeet shooting, rifle and handgun shooting, or archery is practiced.

**SLOPE** - The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet over 100 feet of horizontal distance.

**SMALL SCALE / LIGHT MANUFACTURING OPERATIONS** - refer to the NAICS for manufacturing operations.

**SOCIAL ASSISTANCE AND SERVICES** - government establishments primarily engaged in the planning, administration, and coordination of programs for public assistance, social work, and welfare activities.

**SOLID WASTE** - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities.

**SOLID WASTE MANAGEMENT ACT** - The Act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. 6018.101 et seq., as may be amended and supplemented.

**SOUND RECORDING STUDIOS** - This industry comprises establishments primarily engaged in providing the facilities and technical expertise for sound recording in a studio.

**SPECIAL EXCEPTION** - A special exception shall be the permission or approval granted by the Zoning Hearing Board in situations where provision therefore is made by the terms of the Zoning Ordinance of Benner Township and the Pennsylvania Municipalities Planning Code.

**SPORTS AND RECREATION INSTRUCTION** - This industry comprises establishments, such as camps and schools, primarily engaged in offering instruction in athletic activities to individuals or groups of individuals.

**SPORTS TEAMS AND CLUBS** - This industry comprises sports teams or clubs engaged in participating in live sporting events.

**STOOP** - A covered or uncovered area at the front, side or rear door.

**STORAGE SHED** - A structure not intended for residential occupancy, which is accessory to the principal use of the property as a place to store personal property.

**STORY** - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

**STORY, HALF** - A story under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than two (2) feet above the floor of such story.

**STREET** - Street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are classified in accordance with the Nittany Valley Region Comprehensive Plan.

**STRUCTURE** - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**STRUCTURE, ACCESSORY** - A structure subordinate to and detached from the main building on the same lot, the use of which is customarily incidental to that of the principal structure on the lot. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.

**STRUCTURE ALTERATION** - See definition of *Alterations, Structural*

**STRUCTURE, NONCONFORMING** - A structure or part of a structure that does not comply with the applicable provisions in this Ordinance or amendment theretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**STRUCTURE, TEMPORARY** - Tent, construction shanty or similarly portable or demountable structure intended for continuous use for not longer than one (1) year.

**SUBDIVIDER** - The owner or authorized agent of the owner of the lot, tract or parcel of land to be subdivided for sale or development under the terms of this Ordinance. See definition of *Applicant* or *Developer*.

**SUBDIVISION** - The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease petition of the court for distribution to heirs or devisees, transfer of ownership or building or lot development. Provided, however, the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres not involving any new street or easement of access or any residential dwelling shall be exempt.

**SWIMMING, BATHING OR OTHER POOL, PRIVATE** - Any pool or open tank not located within a completely enclosed building and containing, or normally capable of containing, water to a depth of two feet (2'). Farm ponds and/or lakes are not included, provided that swimming and/or wading was not the primary purpose for their construction.

**TAXI SERVICE** - This industry comprises establishments primarily engaged in providing passenger transportation by automobile or van, not operated over regular routes and on regular schedules.

**TEMPORARY USE** - A prospective use intended for limited duration to be located in a zoning district not permitting such use and not continuing a nonconforming use or building.

**TESTING LABORATORIES** - Industry comprised of establishments primarily engaged in performing physical, chemical, and other analytical testing services

**TEXTILE PRODUCTION** - Business engaged in manufacturing textile products.

**TOWNSHIP** - Benner Township, Centre County, Pennsylvania, Board of Supervisors (Township Supervisors), its agents or authorized representatives.

**TOWNSHIP ENGINEER** - A professional engineer licensed in the Commonwealth of Pennsylvania and duly appointed by Benner Township as their representative.

**TOWNSHIP SOLICITOR** - The attorney appointed by the Board of Supervisors or his duly authorized representative.

**TOWNSHIP ZONING OFFICER** - The agent or official designated by the Township to administer and enforce the Township Zoning Ordinance.

**TRACT** - In certain districts and uses, the tract is the minimum amount of land required prior to subdivision into allowed lots.

**TRANSPORTATION TERMINALS** - Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal. The terminal may also serve as a passenger station that is central to an area and serves as a junction at any point with any other line. A bus terminal would be a central point for passengers and a truck terminal would be a central point for freight.

**TRUCK TERMINAL** - A facility designed primarily to handle freight with limited warehousing of freight for no more than 30 days with secondary allowances for service, repair and storage of vehicles involved in the normal operation.

**TWO-FAMILY CONVERSION** - The conversion of an existing single-family detached dwelling unit to contain two separate dwelling units.

**UNDEVELOPED LAND** - Any lot, tract or parcel of land, which has not been graded or in any other manner prepared for the construction of a building.

**USE** - The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

- a. **USE, ACCESSORY** - A use customarily incidental and subordinate to the principal use, building or structure, and located on the same lot with the principal use, building or structure.
- b. **USE, PRINCIPAL** - The main or primary use of property, buildings or structures.

**VARIANCE** - The permission, granted by the Zoning Hearing Board following a public hearing that has been properly advertised, for an adjustment/relief to some regulation or provision of the Zoning Ordinance which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest and would maintain the spirit and intent of this Ordinance. (See also the *Pennsylvania Municipalities Planning Code*.)

**VEGETATIVE COVERAGE** - An area covered with a vegetative material - grass, shrubs, vines and trees.

**VEHICLE** - a thing used for transporting people or goods, especially on land, such as a car, truck, or cart.

**VEHICLE BODY SHOP** - A building on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of motor vehicles provided that all repair and paint work is performed within an enclosed building and all motor vehicle parts, refuse and similar articles are stored within a building or enclosed area. Mechanical repairs, the sale of lubricants, etc., may or may not be included as accessory uses.

**VEHICLE, DISMANTLED OR NON-OPERABLE** - A vehicle which does not display the current Pennsylvania State Inspection Certificate and is manifestly incapable of being locomotive in its existing condition. This does not include agricultural machinery and equipment.

**VEHICLE, MOBILE/MANUFACTURED HOME AND/OR TRAILER SALES LOT** - An open lot used for the outdoor display or sales of new or used automobiles or mobile homes and where minor and incidental repair work (other than body and fender) may be done.

**VEHICLE REPAIR GARAGE** - Building on a lot designed and/or used primarily for mechanical repairs, storage, rental, or servicing of automobiles, trucks and similar motor vehicles.

**VEHICLE WASH** - A building on a lot designed and used primarily for the washing and polishing of automobiles and which may provide accessory services as set forth herein for Gasoline Service Stations.

**VETERINARIAN** - A qualified professional trained in the care and treatment of animals and in particular domestic animals. For the purpose of the Zoning Ordinance of Benner Township, the term "veterinarian" includes the office, waiting room, examination room, treatment area and overnight quarters for the usual house pets (dogs, cats, birds, hamsters and the like). See also the definition of *Animal Hospital*

**VETERINARY** - See definition of *Animal Hospital*

**WALKWAY** - An area designed for pedestrians constructed to the standards set forth in the Centre County and/or Benner Township Subdivision and Land Development Ordinance.

**WATERCOURSE** - A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow (per Chapter 105, PADEP Regulations).

**WEDDING/BANQUET HALL FACILITY** - Establishments primarily engaged in lessors of buildings that are not used as residences or dwellings

**WETLANDS** - Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

**WIND TURBINES - PERSONAL USE** - See Alternative Energy Production Facilities (accessory).

**WHOLESALE, STORAGE AND WAREHOUSING** - A building or group of buildings primarily used for the storage, transfer and distribution of products and materials.

**YARD** - A space open to the sky and unoccupied by any building, structure, or merchandise for display, sale or storage located on the same lot with a building or structure.

- a. **YARD, BUFFER** - A space open to the sky and unoccupied by any building, structure or merchandise for display, sale or storage located on the same lot with a building or structure but, in addition to and outside of, the required front yard, rear yard and side yards.



- b. **YARD, FRONT** - An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the required building setback line. The depth of the front yard shall be measured from the street line into the required building setback line. On a corner lot there shall be a front yard along the street line.
- c. **YARD, REAR** - An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and required building setback line. The depth of the rear yard shall be measured between the rear line of the lot and the required building setback line. A building shall not extend into the required rear yard. On a corner lot, the rear yard should be the yard area opposite the street of address.
- d. **YARD, SIDE** - An open, unoccupied space in the same lot with the building between the side line of the lot and required building setback line. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards. On a corner lot, there should only be one (1) side yard.

**YIELD PLAN** - One of two methods of determining the maximum number of permitted dwelling units in Rural Residential Districts where the yield plan is a conceptual layout plan in accordance with the standards of the Subdivision and Land Development Ordinance, containing proposed lots, streets, rights-of-way and other pertinent features. Although the yield plan is drawn to scale, it need not be based on a field survey. The yield plan is based on a chosen density factor of a given conservation subdivision option and is applied to the gross tract acreage. The actual methodology is provided in Section 6.4 herein. The other method is the adjusted tract area approach.

**ZONING** - A police power measure enacted primarily by general purpose units of local government in which the community is divided into districts or zones within which permitted and special uses are established as well as regulations governing lot size, building bulk, placement and other development standards. (See also the *Pennsylvania Municipalities Planning Code*.)

**ZONING DISTRICT** - A section of a municipality designated in the Zoning Ordinance text and delineated on the zoning map in which requirements for the use of land and building and development standards are prescribed.

**ZONING MAP** - The map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Ordinance.

**ZONING PERMIT** - A document signed by a zoning officer, as required in the Zoning Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building that acknowledges that such use, structure or building complies with the provisions of the municipal Zoning Ordinance or authorized variance therefrom.

This page left intentionally blank

## **ARTICLE III - Designation of Districts - Zoning Districts, Zoning Map, Boundaries between Districts, Interpretation of Boundaries**

**3.1 Designation of Districts** - For the purpose of this Ordinance, Benner Township is hereby divided into districts, which shall be designated as follows:

**Conservation Districts**

FC Forested Conservation District

A Agriculture District

**Residential District**

RR Rural Residential District

R-2 Multi-Family Residential District

MHP Manufactured Home Park Residential District

**Business Districts**

C Commercial District

I Industrial District

LI Light Industrial District

Q Quarry District

**3.2 Zoning Map** - The locations and boundaries of said districts shall be as shown upon the map attached to and made part of this Ordinance, which map shall be designated "Benner Township Zoning Map." The said map and all notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

**3.3 District Boundaries** - The boundaries between districts are as shown by lines properly identified as District Boundary Lines and shown on the Zoning Map. Where uncertainty exists as to boundaries of any districts as shown on said map, the following rules shall apply:

- a. Where district boundaries are indicated as approximately coinciding with the centerlines of streets, highways, railroad lines or streams, such centerlines shall be construed to be such boundaries.
- b. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries; or where district boundaries are extensions of lot lines or connect the intersection of lot lines, such lines shall be said district boundaries.
- c. Where district boundaries are so indicated that they are approximately parallel to centerlines of streets and highways, such district boundaries shall be construed as parallel thereto and at such distances therefrom as indicated on the Zoning Map.
- d. Unsubdivided land, or where a district boundary divides a lot, the location of such boundary, unless dimensions indicate the same, shall be determined by the use of the scale appearing on the map.

**3.4 Interpretation of Boundaries** - In case of any uncertainty, the Zoning Officer shall interpret the intent of the zoning map as to location of district boundaries.

**3.5 Use Adjustment on District Boundaries** - On unsubdivided land where a district boundary line divides a lot held in single and separate ownership, the following rules shall apply:

- a. The use in a less restrictive district may extend over the portion of the lot in the more restrictive district a distance of not more than 50 feet beyond the district boundary line, providing such extension does not extend to the frontage of the more restrictive district along a street.
- b. The frontage of the less restrictive district may extend over the portion of the lot in the more restrictive district a distance of not more than 50 feet beyond the district line providing a special exception is granted by the Zoning Hearing Board.

**3.6 Application of Regulations** - Except as herein provided:

- a. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformance with the regulations herein specified for the district in which it is located.
- b. No building shall hereafter be erected, moved or altered:
  - i. that would exceed the height;
  - ii. that would occupy a greater percentage of lot area;
  - iii. that would have narrower, smaller rear yards, side yards or front yards; or
  - iv. that would provide less than the minimum habitable floor area, than the regulations herein specify for the district in which it is located.

## **ARTICLE IV - Forested Conservation – FC**

**4.1 Intent** - To protect and preserve forest lands and important natural features, allow farms with very restricted commercial development and permit single-family homes.

**4.2 Purpose** - The Forested Conservation (FC) District is established for the following purposes:

- a. To retain the Township's forested resources.
- b. To promote, protect and facilitate the preservation of natural and scenic values in the environment and to conserve forests in accordance with Section 604(1) of the Pennsylvania Municipalities Planning Code (PAMPC), act of 1968, P.L. 805, No. 247 as reenacted and amended.
- c. To give high priority to protecting continuous areas of forested lands, which provide connectivity and habitat for plants and animals and helps to maintain the ecological process and to prevent fragmentation of these resources.
- d. To recognize the Township's forested resources as a part of a larger ecological system in the Buffalo Run/Spring Creek region, Centre County and the State Forest District and to continue protection measures of resources at the fringes of this system.
- e. To recognize the importance of Spring Creek and recognize the adopted Spring Creek Overlay (See Appendix A for further information).

### **4.3 Permitted Uses**

- a. All uses are permitted by right, conditional use, or special exception in accordance with the FC Use Schedule (Table 4-1).
- b. All uses in the FC District shall be in compliance with Article XIII, Use regulations, as required in column (3) of the FC Use Schedule (Table 4-1).
- c. All uses in the FC District shall be in compliance with Article XIV, General Regulations, as applicable.
- d. No more than one (1) principal use shall occupy a lot.
- e. Accessory uses shall be permitted in accordance with the FC Use Schedule (Table 4-1) and this Article.

**Table 4-1 FC Use Schedule**

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
<b>PRINCIPAL USES</b>		
Agriculture and horticulture operations <sup>1</sup>	P	
Campgrounds	P	Sec. 13.19
Churches and similar places of religious worship	P	Sec. 13.42
Co-located communications	P	
Commercial wind farms	C	Sec. 13.41
Communication, transmitting and receiving facilities	C	Sec. 13.36
Fish and Wildlife Management Areas	P	
Fish Hatcheries	P	
Forestry	P	Sec. 14.2.a.v
Gardens for personal use	P	
Government offices and uses	P	
Historic structure conversion	C	Sec. 13-52
Home-based impact occupations	P	
Low-intensity recreation uses	P	
Nature preserves and Wildlife Refuges	P	
No-impact home-based business	P	
Non-commercial keeping of livestock	P	
Non-commercial park, recreation area	P	
Parking lots and garages	P	
Private garages /barns	P	
Public and private passive recreation areas	P	
Public and semi-public buildings	P	
Public utility structures	P	
Religious organizations	P	Sec. 13.42
Resorts	C	Sec. 13.27
Rural occupations	P	
RV Parks	C	Sec. 13.19
Scenic sightseeing transportation	P	

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
Shooting ranges (skeet, firearms, archery)	C	Sec. 13.29
Single-family detached dwelling unit	P	
Skeet, rifle and archery ranges	P	Sec. 13.29
Social assistance and services	P	
Uses of Benner Township	P	
<b>ACCESSORY USES</b>		
Customary accessory uses and buildings incidental to any principal uses	P	Sec. 14.2
Private garages/barns, playhouses, garden houses or greenhouses not used for commercial purposes	P	
Private swimming pools	P	Sec. 14.2.a.iv
Professional and other home occupations	P	Sec. 13.50
Wind Turbines, personal use	P	

<sup>1</sup> as of the effective date of this Ordinance, the clearing of additional forested land for agriculture purposes shall be strictly prohibited, with the exception of silviculture.

<b>Table 4-2 FC Zone Area and Design Requirements</b>								
Use	Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height <sup>3</sup>
		At Building Setback	At Lot Frontage	Front	Side	Rear		
Agriculture and Horticulture uses <sup>1</sup>	10 acres <sup>4</sup>	200 ft.	N/A	50 ft.	50 ft.	50 ft.	10%	150 ft. <sup>4</sup>
Forestry Uses	1 Acre	200 ft.	N/A	50 ft. <sup>1</sup>	50 ft.	50 ft.	10%	35 ft.
Uses of Township agencies & authorities	None	None	None	5 ft.	5 ft.	5 ft.	100%	Unlimited
Single-family detached dwellings	1 acre <sup>1</sup>	150 ft.	120 ft.	50 ft.	15 ft.	35 ft.	20%	35 ft.
Single-family detached dwellings with both public sewer and public water	20,000 square feet	100 ft.	85 ft.	35 ft.	15 ft.	30 ft.	35%	35 ft.
Other principal uses <sup>1,2</sup>	1 acre	150 ft.	120 ft.	50 ft.	50 ft.	50 ft.	20%	35 ft.
Residential accessory structures with greater than three hundred (300) square feet of floor area	Included in above	N/A	N/A	Not permitted in front yard setback	10 ft.	10 ft.	Included in above	28 ft.
Residential accessory structures with less than three hundred (300) square feet of floor area	Included in above	N/A	N/A	Not permitted in front yard setback	5 ft.	10 ft.	Included in above	28 ft.

<sup>1</sup> All uses relying upon on-lot sewers shall comply with Section 14.3.a of this Ordinance.

<sup>2</sup> Uses may be located upon flag lots, subject to the requirements of 14.3.c of this Ordinance.

<sup>3</sup> Section 14.4.a lists height limit exceptions.

<sup>4</sup> See Agricultural Zone regulations or footnotes.



#### 4.4 Area and Bulk Regulations

- a. Limitation on subdivisions to preserve forested land. The following regulations are intended to limit the development and size of lots for non-conservation purposes:
  - i. The combined maximum number of dwelling units and lots for non-conservation purposes permitted to be subdivided from a tract of land as it existed on the effective date of this Ordinance shall be one (1) development right for each three (3) acres. For parcels less than three (3) acres as of the effective date of this Ordinance, one (1) development right shall be allowed.
  - ii. A subdivision, the sole purpose of which is to transfer land to increase the size of a lot being used for conservation purposes or to create a conservation parcel, shall not be included when computing the permissible number of lots to be subdivided from a tract as set forth in (1) above, in that both the parent tract from which the land is taken and the lot to which is being added or created will remain in conservation purposes and shall not be less than three (3) acres.
  - iii. Any subdivision or land development plan hereafter filed with the applicable approving body shall specify which lot or lots shall carry with it a right of further subdivision or erection of single-family dwellings or other principal non-conservation use, if any such rights remain from the quota allocated to the tract on the effective date of this Ordinance or on the date when such land was first included within the Forested Conservation District, whichever is later. The right of further subdivision or erection of single-family dwellings or other principal non-conservation use, or an indication that no further subdivision or erection of single-family dwellings or other principal non-conservation use is permissible, shall also be included in the deed to the newly-created lot.
  - iv. The subdivision and land development plans shall indicate how the location of the lots will address the following priorities:
    1. Minimize the loss of forested land;
    2. Minimize disturbance of environmentally sensitive areas, including lands within the 100-year floodplain, wetlands and steep slopes; and
    3. Minimize views of buildings from exterior roads and abutting properties by the use of changes in topography, existing vegetation or additional landscaping.
  - v. The use of flag lots and joint-use driveways shall be permitted in accordance with 14.3.c when it will enable the preservation of natural or cultural features which would otherwise be disturbed by conventional lotting techniques and prevent strip development at the front of the original tract.
- b. The minimum lot size shall be the minimum area required to meet onlot wastewater and water system requirements.
- c. Development and construction activity shall be restricted to the buildings and access roadways in accordance with the following: The building envelope (the area designated for construction activities and lawn area) for each lot shall be delineated on the plot at the time of subdivision or land development.
  - i. The building envelope shall be a maximum of 20,000 square feet;
  - ii. The maximum impervious coverage of the building envelope shall be 50%;
  - iii. All structures and accessory uses shall be contained within the building envelope; and
  - iv. Clearing of trees outside the building envelope shall be limited to activities needed to manage for forest.

#### 4.5 Off-street Parking Requirements - Off-street parking for the FC District shall be in accordance with Article XVI of this Chapter.

- 4.6 Sign Regulations** - Sign Regulations for the FC District shall be in accordance with Article XVII of this Ordinance.
- 4.7 Driveways** - All driveways serving single-family dwellings and access drives shall be in accordance with the Benner Township Street Standards Ordinance no. 60 as amended.
- 4.8 General Provisions** - All uses permitted within this Zone shall also comply with the applicable General Provisions in Article XIV of this Ordinance.
- 4.9 Environmental Protection Standards** - All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Appendix A of this Ordinance.

## **ARTICLE V - Agriculture - A**

**5.1 Intent** - To protect and preserve prime agricultural soils and valuable farming operations and restrict residential and commercial development.

**5.2 Purpose** - The Agriculture (A) District is established for the following purposes:

- a. To retain the Township's rural character, protect farms and natural resources.
- b. To preserve prime agriculture and farmland considering topography, soil type and classification, in accordance with Section 603c(7) of the Pennsylvania Municipalities Planning Code (PAMPC), Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- c. To preserve agriculture operations, underlain with prime agriculture soils and a long-term probability for the continuation of farming.
- d. To sustain agriculture activities by permitting accessory businesses on the farmstead and home occupations provided the activity meets conditions that will prevent added stress on roadways and will protect environmental features and natural resources.
- e. To give high priority to protecting continuous areas of prime agriculture soils (as described by the PAMPC) as land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services Centre County Soil Survey. This protection is provided through the restriction of activities that would promote the conversion of these lands to non-agriculture activities and forever diminish their agriculture value.

### **5.3 Permitted Uses**

- a. All uses are permitted by right, conditional use, or special exception in accordance with the A Use Schedule listed below.
- b. All uses in the A District shall be in compliance with Article XIII, Use Regulations, as required in column (3) of the A Use Schedule.
- c. All uses in the A District shall be in compliance with Article XIV, General Regulations, as applicable.
- d. No more than one (1) principal use shall occupy a lot.
- e. Accessory uses shall be permitted in accordance with the A Use Schedule and this Article.

**Table 5-1 A Use Schedule**

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
<b>PRINCIPAL USES</b>		
Agriculture operations, other regulations than intensive agriculture with or without farmstead	P	Sec. 5.4.d regulations on farmstead development
Alternate power generation	C	Sec. 13.39
Botanical gardens	P	
Cemeteries	P	Sec. 13.9
Churches and similar places religious worship	P	Sec. 13.42
Child day care facilities	P	
Co-located communication antennas	P	
Commercial greenhouse, garden center or plant nursery	P	
Communication, transmitting and receiving facilities	C	Sec. 13.36
Community food services	P	
Correctional institutions	P	
Dance, music, photography studios	C	Sec. 13.55
Farmer/flea market	C	Sec. 13.48
Farmstead	P	
Fish hatcheries	P	
Forestry	P	Sec. 14.2.a.v
Gardening for personal use	P	
Government offices and uses	P	
Hayrides, mazes, tours, barn dances	C	Sec. 13.51
Historic structure conversion	C	Sec. 13.52
Home-based impact occupations	P	
Intensive agriculture, such as confined animal feeding operations and stock yards	C	Sec. 13.2
Junkyards	SE	Sec. 13.37
Low intensity recreation areas	P	
Manure storage facilities	P	
Nature preserves and wildlife refuges	P	
No-impact home-based business	P	

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
Non-commercial park, recreation area	P	
Nursery, garden center and farm supply store	P	
Parking lots and garages	P	
Parks and playgrounds	P	
Permanent agriculture produce stands	P	
Private garages/barns	P	
Public and private passive recreation areas	P	
Public and private schools	P	Sec. 13.12
Public and semi-public buildings	P	
Public utilities structures	P	
Publishers, printers, bookbinding	C	Sec. 13.54
Riding academies and boarding stables	C	Sec. 13.28
Rural occupations	P	
RV parks	C	Sec. 13.19
Shooting ranges (skeet, firearms, archery)	C	Sec. 13.29
Single-family detached dwelling unit	P	
Sawmills	C	Sec. 13.49
Social assistance and services	P	
Theme park	C	Sec. 13.15
Uses of Benner Township	P	
Veterinary services, including animal hospital	P	Sec. 13.16
Zoos	C	Sec. 13.15
<b>ACCESSORY USES</b>		
Customary accessory uses and buildings incidental to any principal uses	P	Sec. 14.2
Farmstead accessory dwelling unit	P	Sec. 13.44
Farmstead businesses or accessory businesses within an agriculture district	C	Sec. 13.45
Farmstead principal single-family detached dwelling unit	P	
Junkyards (accessory)	SE	Sec. 13.47

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
Kennels	P	Sec. 13.16
Manure storage facilities	P	Sec. 13.46
Non-commercial keeping of animals	P	10 acres required for equestrian or similar
Permanent agriculture produce stand	P	Sec. 13.48
Permanent sawmill	C	Sec. 13.49
Private garages/barns, play- houses, garden houses or greenhouses, outside storage areas, not used for commercial purposes	P	Sec. 14.2.a.ii
Private swimming pools	P	Sec. 14.a.iv
Professional and other home occupations	P	Sec. 13.50
Wind turbine-personal use	P	

**Table 5-2 A Zone Area and Design Requirements**

Use	Minimum Required Lot Area	Maximum Permitted Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height <sup>4</sup>
			At Building Setback	At Lot Frontage	Front	One Side	Rear		
Agriculture and Horticulture uses	10 Acres <sup>5</sup>	N/A	200 ft.	N/A	50 ft. <sup>1</sup>	50 ft. <sup>1</sup>	50 ft. <sup>1</sup>	15%	150 ft., provided each structure is set back a distance at least equal to its height from each property line.
Forestry Uses <sup>1</sup>	1 Acre		200 ft.	N/A	40 ft.	12 ft.		10%	40 ft.
Uses of Township agencies & authorities	None	None	None	None	5 ft.	5 ft.	5 ft.	100%	Unlimited
Single-family detached dwellings <sup>3</sup>	1 acre	2 acres	150 ft.	120 ft.	50 ft.	15 ft.	35 ft.	20%	35 ft.
Single-family detached dwellings with both public sewer and public water	21,780 square feet	1 acre	100 ft.	85 ft.	35 ft.	15 ft.	30 ft.	35%	35 ft.
Other principal uses	1 acre	N/A	150 ft.	120 ft.	50 ft.	50 ft.	50 ft.	20%	35 ft.
Decks of an impervious nature <sup>6</sup>					25 ft.	5 ft.	5 ft.		
Residential accessory structures with greater than three hundred (300) square feet of floor area	Included in above	Included in above	N/A	N/A	Not permitted in front yard setback	10 ft.	10 ft.	Included in above	28 ft.
Residential accessory structures with less than three hundred (300) square feet of floor area	Included in above	Included in above	N/A	N/A	Not permitted in front yard setback	5 ft.	5 ft.	Included in above	28 ft.

<sup>1</sup> Special setback requirements - Except as provided for as follows, no new slaughter area, area for the storage or processing of garbage or spent mushroom

compost, structures for the cultivation of mushrooms shall be permitted within three hundred (300) feet of any adjoining property. The Zoning Hearing Board may, as a special exception, however, reduce the above special setback requirements where it is shown that, because of prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special setback requirement to less than one hundred (100) feet. The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety and general welfare of the community.

<sup>2</sup> The maximum lot area shall not apply if the applicant can demonstrate by credible evidence that the area proposed for the dwelling lot (1) does not consist of more than 50% Class I, II and/or III soils, as identified in the soil survey, or (2) is generally unsuitable for agricultural purposes; or, where an applicant desires to subdivide an existing dwelling from the parent tract, the applicant may opt to impose the maximum lot area requirements of this section upon such existing dwelling, rather than on a proposed dwelling located on the remainder of the parent tract.

<sup>3</sup> Single-family detached dwellings may be located upon flag lots, subject to the requirements of Section 14.3.c of this Ordinance.

<sup>4</sup> Section 14.4.a lists height limit exceptions.

<sup>5</sup> The minimum lot size for agricultural and horticultural uses may be reduced by conditional use subject to the requirements of Section 18.14 of this Ordinance provided that the governing body determines that the proposed use is in accordance with the PA "Right-to-Farm" law

<sup>6</sup> Decks of an impervious nature are permitted to encroach into the required setbacks for structures as listed in the Area and Design Requirements table. These decks that are constructed to allow rainwater to percolate through may not be enclosed or roofed at a later date.



#### 5.4 Area and Bulk Regulations

- a. Limitation on subdivisions to preserve agricultural tracts. The following regulations are intended to limit the development and size of lots for non-agriculture purposes.
  - i. The combined maximum number of dwelling units and lots for non-agriculture purposes permitted to be subdivided from a tract of land as it existed on the effective date of this Ordinance shall be one (1) development right for each two (2) acres when utilizing onlot sewage disposal and one (1) development right for each one (1) acre when utilizing public sewer.
  - ii. A subdivision, the sole purpose of which is to transfer land to increase the size of a lot being used for agricultural purposes or to create a new agriculture parcel shall not be included when computing the permissible number of lots to be subdivided from a tract, as set forth in (1) above, in that both the parent tract from which the land is taken and the lot to which is being added or created will remain in agricultural purposes and shall not be less than ten (10) acres.
  - iii. Any subdivision or land development plan hereafter filed with the applicable approving body shall specify which lot or lots shall carry with it a right of further subdivision or erection of single-family dwellings or other principal non-agricultural buildings, if any such rights remain from the quota allocated to the tract on the effective date of this Ordinance or on the date when such land was first included within the Agricultural District, whichever is later. The right of further subdivision or erection of single-family dwellings or other principal non-agricultural buildings, or an indication that no further subdivision or erection of single-family dwellings or other principal non-agricultural buildings is permissible, shall also be included in the deed to the newly-created lot.
  - iv. The residential and non-agricultural subdivision and land development plans shall indicate how the location of the lots will address the following priorities:
    1. Minimize the loss of farmland;
    2. Cluster residential lots on the subject property and, if applicable, with those lots contained on adjoining farms.
    3. Minimize the length of property lines shared by all residential lots and adjoining farms.
    4. Minimize disturbance of environmentally sensitive areas, including lands within the 100-year floodplain, wetlands, sinkhole prone areas and forested patches.
    5. Minimize views of buildings from exterior roads and abutting properties by the use of changes in topography, existing vegetation or additional landscaping.
  - v. Lots shall generally be accessed from interior streets rather than from roads bordering the tract.
  - vi. The use of flag lots and joint-use driveways shall be permitted in accordance with Section 14.3.c when it will enable the preservation of natural or cultural features which would otherwise be disturbed by conventional lotting techniques and prevent strip development at the front of the original tract.
- b. Lots shall be in conformance with the following minimum and maximum lot sizes:
  - i. Agriculture uses shall have a minimum lot size of ten (10) acres with no maximum lot size.
  - ii. Single-family detached dwellings shall have a minimum lot size of one (1) acre with on-lot sewage disposal, including both the primary and replacement sites and one-half

(½) acre with public sewer.

- iii. Non-agriculture, non-residential uses shall have a minimum lot size of one (1) acre.
- c. Height regulations: Height of principal building shall not exceed 40 feet in accordance with Section 14.4.a.
- d. Farmstead development/accessory agriculture business development: The principal farmstead dwelling, one (1) accessory dwelling and accessory businesses may be located on the farmstead portion of the property. For non-farm parcels in the A District, accessory businesses shall be allowed if they occupy an area with an existing structure on the parcel as of the effective date of this Ordinance.
  - i. The farmstead area/business area shall be designated at the time of the first request for an accessory dwelling or accessory business in accordance with this Section and as part of the land development process. The initial land development plan shall show and describe the following information:
    - 1. The location of existing and any proposed buildings, structures and parking lots.
    - 2. The location of existing and proposed onlot sewage treatment and water facilities and the description of the permitted capacity in the case of the onlot sewage treatment facility.
    - 3. The areas designated for future growth, if possible. This applies to farmstead only. For non-farm properties, the business shall not be allowed to grow beyond the existing structure.
  - ii. Following the initial designation of the farmstead area, the addition of a new accessory dwelling unit or accessory business on the farm parcel shall not require the land development process, but shall be permitted within the farmstead area subject to a zoning ordinance conformance review by the Zoning Officer or special exception review by the Benner Township Zoning Hearing Board, if required.
  - iii. A farmstead accessory residential or business use permit shall be issued by the Zoning Officer after meeting all conditions of the Zoning Ordinance and the Special Exception review, if required.
  - iv. The farmstead development shall adhere to the following bulk and area requirements:
    - 1. The maximum size of the farmstead area shall be no more than 20 percent of the farm but may not exceed five (5) acres.
    - 2. Buildings on the farmstead shall be separated by the following minimum distances from other buildings and areas on the designated farmstead area:
      - a. Minimum separation distance between residential units: 10 feet
      - b. Minimum separation distance between residential units and non-residential buildings or structures: 20 feet
      - c. Minimum separation distance between nonresidential structures: 10' to provide for emergency access to every building
      - d. Minimum setback from buildings to the edge of the designated farmstead area: 20 feet when not contiguous to a farm field. No setback is required if contiguous to a farm field.
      - e. Minimum setbacks required for the siting of onlot septic and water systems shall be in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection.
    - 3. Maximum building coverage in the farmstead area shall be 40%.

4. Maximum impervious coverage shall be 50%. Gravel driveways and parking lots for the purposes of this Ordinance shall be considered impervious coverage.
- v. At the time of the Zoning Ordinance conformance review, the applicant must submit a description of the proposed use, where it will be located on the lot to meet Ordinance requirements and an approved sewage module, if required. No zoning use permit will be issued until the applicant has received an approved module and other permits that may be required by local, State and Federal agencies.
- vi. The farmstead accessory dwelling unit shall be an additional unit to the principal farmstead dwelling unit. The farmstead accessory dwelling unit, as defined and specified herein, shall be permitted in addition to the maximum number of dwelling units; however, only one (1) such unit shall be allowed on the farmstead. All farmstead accessory dwelling units shall meet the requirements of Section 13.44 herein.

**5.5 Off-Street Parking Requirements** - Off-street parking for the A District shall be in accordance with Article XVI of this Chapter.

**5.6 Sign Regulations** - Sign regulations for the A District shall be in accordance with Article XVII of this Chapter.

**5.7 Driveways** - All driveways serving single-family dwellings and access drives shall be in accordance with the Benner Township Street Standards Ordinance no. 60 as amended.

**5.8 General Provisions** - All uses permitted within this Zone shall also comply with the applicable General Provisions in Article XIV of this Ordinance.

**5.9 Environmental Protection Provisions** - All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Appendix A of this Ordinance.

This page left intentionally blank

## **ARTICLE VI - Rural Residential - RR**

**6.1 Intent** - The purpose of the Rural Residential Zoning District is to encourage residential development of larger than one acre, or where appropriate, uniform layouts and appearances.

**6.2 Purpose** - The Rural Residential (RR) District is established for the following purposes:

- a. To preserve the rural character of Benner Township and to protect natural resources and environmental features by providing a range and style of compatible low-density residential uses, agriculture, commercial, recreational and accessory uses that will retain large quantities of open space and stabilize natural resource loss and land values.
- b. To promote a development style that will minimize the cost to the Township for services and infrastructure.
- c. To recognize the community's values regarding these rural areas as set forth in the Nittany Valley Region Comprehensive Plan, Future Land Use Initiative. The focus for Rural Residential is the protection of environmental features and conservation of open space by integrating greenways or wide expanses of undeveloped lands with concentrated areas of development.

### **6.3 Development Options**

- a. Development Options: Four (4) conservation subdivision development options are provided to retain greenways and provide development potential for permitted, special exception and conditional uses.
  - i. Option One: *Basic Density and Conservation* provides for a minimum of 50 percent of the tract to remain in conservation uses and allocates the remaining lands for the development of moderate-density residential and non-residential uses.
  - ii. Option Two: *Enhanced Density with Greater Conservation* provides for a larger percentage of the tract to remain in conservation use, a minimum of 70 percent, in exchange for higher densities of residential and non-residential uses.
  - iii. Option Three: *Estate Lots* provides for rural residential uses at a reduced density on larger lots in conventional layouts where homes and streets are located carefully to minimize impacts on resource lands. Open space areas are retained on each lot.
  - iv. Option Four: *Combined Design Options*. The various layout and density options described in this Article may be combined at the discretion of the Board of Supervisors based upon demonstration by the applicant that such a combination would better fulfill the intent of this Ordinance, in particular the stated purposes of this Article, as compared with applying a single option to the property. The developer shall delineate clearly the tract area to be utilized for each option and applicable density calculations in accordance with Section 6.3.
- b. In Options One and Two, areas shall be designated as: (1) conservation area, and (2) development area.
- c. In Option Three, the use of the entire tract shall be residential estate lots.

### **6.4 Residential Density and Conservation and Development Area Determination**

- a. The open space requirement for the development options shall be as follows:
  - i. Option One shall be 50 percent.
  - ii. Option Two shall be 70 percent.
  - iii. Open space shall not be required for Option Three; open space areas are retained on each lot.
- b. The maximum residential density for single-family dwelling units by development option shall be based on the following Density Factors:

- i. Option One: One (1) dwelling unit for 60,000 square feet with onlot sewage and water; One (1) dwelling unit for 25,000 square feet with public sewage and water.
  - ii. Option Two: One (1) dwelling unit for 50,000 square feet with onlot sewage and water; One (1) dwelling unit for 25,000 square feet with public sewage and water.
  - iii. Option Three: One (1) dwelling unit for three (3) acres.
  - iv. Option Four: Per criteria in Section 6.3.a.iv
- c. The determination of the tract area devoted to conservation and development and the maximum residential density for the tract shall be by the Adjusted Tract Method in accordance with Section 6.4.d.
- d. Adjusted Tract Method: The adjusted tract area equals the gross tract area minus the constrained areas.
  - i. The constrained land shall be determined by the sum of the following factors:
    - 1. All land within the rights-of-way of existing public streets or highways, or within the rights-of-way for existing or proposed overhead utility lines.
    - 2. All land under existing private streets.
    - 3. Wetlands: multiply the acreage of designated wetlands by .90
    - 4. Floodway: multiply the acreage within the floodway by 1.0
    - 5. Floodplains: multiply the non-wetland portion of the 100-year floodplain by .50
    - 6. Steep slopes: multiply the acreage of land with natural ground slopes exceeding 25 percent by .80
    - 7. Extensive rock outcroppings: multiply the total area of the rock outcrops and boulder fields more than 1,000 square feet by .90
    - 8. Moderately steep slopes: multiply the acreage of land with natural ground slopes of between 15 and 25 percent by .50
    - 9. Forested patches as identified on the Nittany Valley Region Comprehensive Plan or in accordance with the Centre County and/or Benner Township Subdivision and Land Development Ordinance: multiply the acreage by 1.0
    - 10. Hedgerows and sinkholes: multiply the acreage by 1.0
  - ii. If a portion of the tract is underlain by more than one (1) feature that acreage shall be subject to the most restrictive factor.
  - iii. The minimum required conservation area for the tract shall be the adjusted tract area times the open space requirement for the selected development option in accordance with Section 6.4.a.
  - iv. The maximum development area is the total tract area minus the conservation area.
  - v. The maximum number of permitted single-family dwelling units in the development area shall be determined by dividing the adjusted tract area by the density factor for the selected option in accordance with Section 6.3.b. In instances where both residential and non-residential lots are occupying the development area, the number of permitted dwelling units shall be reduced in accordance with Section 6.4.d.ii.

## 6.5 Permitted Uses

- a. All uses are permitted by right, conditional use or special exception in accordance with the RR Use Schedule listed below.
- b. All uses in the RR District shall be in compliance with Article XIII, Use Regulations, as required in column (3) of the RR Use Schedule.
- c. All uses in the RR District shall be in compliance with Article XIV, General Regulations, as

applicable.

- d. No more than one (1) principal use shall occupy a lot in the development area. The following standards shall apply to developments where both residential and non-residential lots are occupying the development area:
  - i. No more than 20 percent of the development area on the tract shall be devoted to lots with non-residential uses and residential uses, other than single-family detached dwelling units.
  - ii. The maximum permitted single-family residential dwelling units shall be reduced by two (2) units for each acre of non-residential lots or residential lots other than lots devoted to single-family residential uses.
  - iii. The non-residential development and residential development, other than single-family residential lots shall meet all buffering and specific requirements in Articles XIV.
- e. More than one (1) principal use shall be allowed in the conservation area.
- f. Accessory uses shall be permitted in accordance with the RR Use Schedule and this Article.

**Table 6-1 - RR Use Schedule**

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
<b>PRINCIPAL USES for the Development Area</b>		
Agricultural operations	P	
Bed and breakfast	P	Sec. 13.17
Boarding homes	C	Must fit the definition
Botanical gardens	P	
Camps, campgrounds and recreational vehicle parks	C	Sec. 13.19
Cemetery	P	
Child day care services	P	
Churches and similar places of religious worship	P	Sec. 13.42
Co-located communication antennas	P	
Commercial greenhouse, garden center or plant nursery	P	
Communication transmitting facilities	C	Sec. 13.36
Continuing care retirement community	C	Sec. 13.4
Dance, music, photography studios	C	Sec. 13.55
Day care center	C	Sec. 13.10
Elementary and secondary school	P	Sec. 13.12
Farmer/flea market	C	Sec. 13-48
Farmstead	P	
Farmstead business	C	Sec. 13.45
Forestry	P	Sec. 14.2.a.v
Gardening for personal use	P	
Golf course	P	
Government offices and uses	P	
Halfway house	C	Sec. 13.5
Historic structure conversion	C	Sec. 13.52
Home-based impact occupations	P	
Intensive agriculture	C	Sec. 13.2
Kennels	C	Sec. 13.16(Minimum 10 acres)



Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
Long-term care nursing home and personal care centers	C	Sec. 13.6
Multi-family dwelling units	P	Sec. 13.8/6.3.a.iv
Mobile/manufactured home parks	C	Sec. 13.7
Nature preserves and wildlife refuges	P	
No-impact home-based business	P	
Non-commercial park and recreation area	P	
Outdoor flea markets	C	Sec. 13.15
Parking lots and garages	P	
Parks and playgrounds	P	
Permanent agriculture produce stands	P	
Private garages/barns	P	
Public and private passive recreation areas	P	
Public and semi-public buildings	P	
Public libraries and community activity buildings	P	Sec. 13.42
Public utility structures	P	
Residential conversion	P	Must fit the definition
Resorts	C	Sec. 13.27
Riding academies and boarding stables	P	
Rooming and boarding house	C	Sec. 13.3
Rural occupations	C	Must fit the definition
Single-family attached dwelling unit	P	
Single-family detached dwelling unit	P	
Single-family semi-detached dwelling unit	P	
Skeet, rifle and archery ranges	P	Sec. 13.29(Minimum 10 acres)
Social and fraternal organization building and park and recreation area	P	

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
Social assistance and services	P	
Townhouses	P	
Uses of Benner Township	P	
Veterinary services, including animal hospital	P	Sec. 13.16
<b>ACCESSORY USES in the Development Area</b>		
Customary accessory uses and buildings incidental to any principal uses	P	Sec. 14.2
Farmstead accessory dwelling unit	P	
Gardening	P	
Non-commercial keeping of bees	P	
Non-commercial keeping of livestock	C	10 acres required for equestrian and similar
Private garages/barns, play- houses, garden houses or greenhouses not used for commercial purposes	P	Sec. 14.2.a.ii
Private swimming pools	P	Sec. 14.2.a.iv
Professional and other home occupations	P	Sec. 13.50
<b>PRINCIPAL USES in the Conservation Area</b>		
Botanical gardens	P	
Communication, transmitting and receiving facilities	C	Sec. 13.36
Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
Drainfields for onlot septic systems provided the conservation area is held in common ownership	P	
Fish hatcheries	P	Sec. 13.15
Golf courses	P	Sec. 13.22
Nature preserves and wildlife refuges	P	

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
Non-intensive agriculture	P	
Public and private passive recreation areas	P	
<b>ACCESSORY USES in the Conservation Area</b>		
Customary accessory uses incidental to any principal uses	P	Sec. 14.2
Farmstead	P	Must fit the definition
Farmstead accessory dwelling units	P	Sec. 13.44
Farmstead business	C	Sec. 13.45
Permanent agriculture produce stands located on the farmstead only	P	Sec. 13.48

**Table 6-2 - RR Area and Design Requirements**

Use	Minimum Required Lot Area	Maximum Permitted Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height <sup>4</sup>
			At Building Setback	At Lot Frontage	Front	Side	Rear		
Agriculture and Horticulture uses	10 Acres <sup>5</sup>	N/A	200 ft.	N/A	50 ft. <sup>1</sup>	50 ft. <sup>1</sup>	50 ft. <sup>1</sup>	15%	150 ft., provided each structure is set back a distance at least equal to its height from each property line.
Forestry Uses	1 Acre		200 ft.	N/A	N/A	N/A		N/A	N/A
Uses of Township agencies & authorities	None	None	None	None	5 ft.	5 ft.	5 ft.	100%	Unlimited
Single-family detached dwellings <sup>3,6</sup>	See development option				See development option			See development option	35 ft.
Single-family detached dwellings with both public sewer and public water	See development option				See development option			See development option	35 ft.
Other principal uses <sup>3</sup>	1 acre	N/A	150 ft.	120 ft.	50 ft.	50 ft.	50 ft.	30%	35 ft.
Residential accessory structures with greater than three hundred (300) square feet of floor area	Included in above	Included in above	N/A	N/A	Not permitted in front yard setback	10 ft.	10 ft.	Included in above	15 ft.

Use	Minimum Required Lot Area	Maximum Permitted Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height <sup>4</sup>
			At Building Setback	At Lot Frontage	Front	Side	Rear		
Residential accessory structures with less than three hundred (300) square feet of floor area	Included in above	Included in above	N/A	N/A	Not permitted in front yard setback	5 ft.	5 ft.	Included in above	15 ft.

<sup>1</sup> Special setback requirements - Except as provided for as follows, no new slaughter area, area for the storage or processing of garbage or spent mushroom compost, structures for the cultivation of mushrooms shall be permitted within three hundred (300) feet of any adjoining property. The Zoning Hearing Board may, as a special exception, however, reduce the above special setback requirements where it is shown that, because of prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust or other hazards. In no case, however, shall the Zoning Hearing Board reduce the special setback requirement to less than one hundred (100) feet. The burden shall be upon the applicant to prove that a lesser distance would not be detrimental to the health, safety and general welfare of the community.

<sup>2</sup> The maximum lot area shall not apply if the applicant can demonstrate by credible evidence that the area proposed for the dwelling lot (1) does not consist of more than 50% Class I, II and/or III soils, as identified in the soil survey, or (2) is generally unsuitable for agricultural purposes; or, where an applicant desires to subdivide an existing dwelling from the parent tract, the applicant may opt to impose the maximum lot area requirements of this section upon such existing dwelling, rather than on a proposed dwelling located on the remainder of the parent tract.

<sup>3</sup> Single-family detached dwellings may be located upon flag lots, subject to the requirements of Section 14.3.c of this Ordinance.

<sup>4</sup> Section 14.4.a lists height limit exceptions.

<sup>5</sup> The minimum lot size for agricultural and horticultural uses may be reduced by conditional use subject to the requirements of Section 18.14 of this Ordinance provided that the governing body determines that the proposed use is in accordance with the PA "Right-to-Farm" law.

<sup>6</sup> Setback requirements differ subject to which development option is utilized.

**6.6 Design Requirements** - The following elements shall be required in addition to meeting the design standards set forth in the Centre County and/or Benner Township Subdivision and Land Development Ordinance:

- a. General development regulations. The following minimum standards shall apply to all development in the RR District:
  - i. Base Information Plan: A Base Information Plan shall be required in accordance with the Centre County and/or Benner Township Subdivision and Land Development Ordinance.
  - ii. Intersections and Access: New intersections with existing public roads shall be minimized. Although two (2) access ways into and out of subdivisions containing more than 15 dwellings are generally required for safety, proposals for more than two (2) entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow.
  - iii. Sensitive Area Disturbance: The proposed design shall strictly minimize disturbance of environmentally sensitive areas as shown on the Base Information Plan as required by the Centre County and/or Benner Township Subdivision and Land Development Ordinance. Lands within the 100-year floodplain, wetlands, slopes in excess of 25%, rock outcroppings and forested conservation areas (as identified in the Nittany Valley Region Comprehensive Plan or in accordance with the Centre County and/or Benner Township Subdivision and Land Development Ordinance) constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the Preliminary Plan and Final Plan.
  - iv. Community Wastewater Systems: In developments that are proposed to be served by community wastewater disposal systems, the selection of wastewater treatment technique shall be based upon a thorough review and comment by the Township Sewage Enforcement Officer and Township Engineer and acceptance by the Pennsylvania Department of Environmental Protection and the Board of Supervisors.
- b. Design requirements for the development area. The following regulations shall apply to the development area:
  - i. To maximize flexibility in design, no minimum or maximum lot sizes shall be required in the development area. With the exception that lots using onlot wastewater disposal systems, the minimum lot size shall be the size required by the Township Sewage Enforcement Officer. The septic field may be located on the conservation area if it is held as common open space in the development.
  - ii. All buildings within the development area shall meet the following minimum setback requirements:
    1. Setback from all external road ultimate rights-of-way shall be a minimum of 100 feet.
    2. Setbacks from all internal road rights-of-way shall be a minimum of 20 feet.
    3. Setback from all other tract boundaries shall be a minimum of 50 feet.
    4. Distance between residential buildings on adjacent lots shall be not less than 10 feet; however, no residential lot shall have a minimum side setback less than five (5) feet. A non-residential building shall be no closer than 20 feet to an adjacent building, with no non-residential lot having a side setback less than 10 feet.
    5. Setback from cropland or pasture land shall be a minimum of 100 feet.

6. Setback from buildings or barnyards housing livestock shall be a minimum of 300 feet.
- iii. Views of buildings from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation or additional landscaping which meets the landscaping requirements of the Centre County and/or Benner Township Subdivision and Land Development Ordinance.
- iv. Lots shall generally be accessed from interior streets rather than from roads bordering the tract.
- v. At least three-quarters ( $\frac{3}{4}$ ) of the lots shall directly abut or face conservation land across street.
- vi. Maximum impervious lot coverage shall be 70 percent.
- c. Design requirements for the Option Three development lots and country estate lots. The following regulations shall apply to these large lot residential developments in order to maintain the Township's rural character and rural open space.
  - i. The minimum lot size shall be three (3) acres for Option Three development lots.
  - ii. The setback requirements shall be as follows:
    1. Setback from all external road ultimate rights-of-way shall be a minimum of 100 feet.
    2. Setbacks from all internal road rights-of-way shall be a minimum of 20 feet.
    3. Setback from all other property lines shall be a minimum of 50 feet.
    4. Setback from cropland or pasture land shall be a minimum of 100 feet.
    5. Setback from buildings or barnyards housing livestock shall be a minimum of 300 feet.
    6. Views of buildings from exterior roads and abutting properties shall be minimized by use of changes in topography, existing vegetation or additional landscaping which meets the landscaping requirements of the Centre County and/or Benner Township Subdivision and Land Development Ordinance.
    7. Maximum impervious lot coverage shall be 30 percent.
  - iii. Buildings shall be sited with a one (1) acre buildable envelope. In addition to buildings and accessory structures, manicured yards, gardens and frequently disturbed areas shall be sited within the buildable envelope. Areas outside the buildable envelope shall be left undisturbed, except for the maintenance of trails, roads, fire safety and farming.
  - iv. Buildable envelopes shall be located to avoid areas within any Township Environmental Overlay Areas as identified in the Nittany Valley Region Comprehensive Plan or through the Centre County and/or Benner Township Subdivision and Land Development process.
  - v. Buildable envelopes shall be located at least 100 feet from property lines abutting active agriculture.
  - vi. A restrictive conservation easement shall be required preventing future subdivision of the Option Three development lots.
- d. Design requirements for conservation areas. The following regulations shall apply to the conservation areas:
  - i. Conservation lands shall be laid out where possible to form an interconnected network of open space. The required conservation land must include all constrained land.
    1. The conservation area shall be owned and maintained by one (1) of the following options: homeowner's association, land trust, conservation organization recognized by the Township or private individual. These ownership options

may be combined so that different parts of the conservation land may be owned by different entities in accordance with Section 14.12 herein.

2. In development Option Three subdivisions, the required conservation land may be part of the estate lots or undivided open space.
3. Designated conservation areas shall be permanently protected through a conservation easement in accordance with Section 14.12 herein.
4. The ownership and maintenance of designated conservation areas and common facilities shall be in accordance with Section 14.12 herein.

ii. Height regulations.

1. The maximum building height for principal buildings shall be 35 feet.
2. The maximum building height for accessory buildings shall be 15 feet.

**6.7 Off-Street Parking Requirements** - Off-street parking for the RR District shall be in accordance with Article XVI of this Chapter.

**6.8 Sign Regulations** - Sign regulations for the RR District shall be in accordance with Article XVII of this Chapter.

**6.9 Driveways** - All driveways serving single-family dwellings and access drives shall be in accordance with the Benner Township Street Standards Ordinance no. 60 as amended.

**6.10 General Provisions** - All uses permitted within this Zone shall also comply with the applicable General Provisions in Article XIV of this Ordinance.

**6.11 Environmental Protection Provisions** - All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Appendix A of this Ordinance.



## **ARTICLE VII - MULTI-FAMILY RESIDENTIAL ZONE (R-2)**

**7.1 Intent** - The intent of this Zone is to provide areas for multi-family development and associated compatible land uses.

**7.2 Purpose** - This is proposed to broaden the Township's housing base and serve a greater variety of housing needs of its residents and various stages within the life cycle. Selected locations provide for the accommodation of developments in accordance with the Nittany Valley Region Comprehensive Plan and acknowledge the location of existing land uses with these high density characteristics.

This Zone provides for a continued pattern of multi-family residential development with the required use of both public sewer and public water. Required design standards reflect existing development patterns. Residential density bonuses have been provided for the future use traditional neighborhood designs to blend historic development styles amid areas of protected open space.

**7.3 Uses Permitted by Right** - All uses are permitted by right, conditional use, or special exception in accordance with the R-2 Use Schedule listed below.

**Table 7-1 - R-2 Use Schedule**

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
<b>PRINCIPAL USES</b>		
Agriculture operations, other regulations than intensive agriculture with or without farmstead	P	Sec. 5.4.d regulations regarding farmstead development
Bed and Breakfast	C	Sec. 13.17
Boarding house	C	Must fit the definition
Cemeteries	P	Sec. 13.9
Churches and similar places religious worship	P	Sec. 13.42
Co-located communication antennas	P	
Commercial greenhouse, garden center or plant nursery	P	
Communication, transmitting and receiving facilities	C	Sec. 13.36
Continuing care retirement facility	C	Sec. 13.4
Day care center	C	Sec. 13.10
Duplex dwellings	P	Must meet definition
Emergency services	P	
Farmstead principal single family dwelling	P	
Forestry	P	Sec. 14.2.a.v
Golf courses	C	Sec. 13.22
Government uses	P	
Halfway house	C	Sec. 13.5
Historic structure conversion	C	Sec. 13.52
Home occupation	C	Sec. 13.50
Intensive agriculture, such as confined animal feeding operations and stock yards	C	Sec. 13.2
Junkyards	SE	Sec. 13.37
Manufactured home park	SE	Sec. 13.7
Medical residential campus	P	See definition
Multiple-family dwellings	P	Sec. 13.8
Nature preserves and wildlife refuges	P	

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
Non-commercial keeping of livestock	P	
Parking lots and garages	P	
Parks and Playgrounds	P	
Personal care, nursing, rest, retirement homes	C	Sec. 13.6
Public and private schools	SE	Sec. 13.12
Public and semi-public buildings	P	
Public utilities structures	P	
Riding academy or boarding stables	C	Sec. 13.28
Rural occupation	C	Must meet definition
Single-family detached dwelling unit	P	
Townhouses	P	See Dwelling definition
Two-family conversion	C	Must meet definition
Uses of Benner Township	P	
Veterinary services, including animal hospital	P	Sec. 13.16
Zoos	C	Sec. 13.15
<b>ACCESSORY USES</b>		
Customary accessory uses and buildings incidental to any principal uses	P	Sec. 14.2
Family day care	P	Must meet definition
Farmstead principal single-family detached dwelling unit	P	
Gardening	P	Must meet definition
Home-based impact occupations	C	Sec. 13.50
Junkyards	SE	Sec. 13.37
No-impact home-based business	P	Must meet definition

<b>Table 7-2 – R-2 Area and Design Requirements</b>									
Use	Maximum Permitted Density (DU/ net ac.)	Minimum Required Lot Area	Minimum Required Lot Width		Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
			At Building Setback	At Lot Frontage	Front	One Side	Rear		
Single-family detached dwellings <sup>3</sup>	4	10,000 sq. ft.	90 ft.	75 ft.	35 ft.	10 ft.	30 ft.	45%	35 ft.
Duplex dwellings <sup>3</sup>	5	6,000 sq. ft.	60 ft.	60 ft.	35 ft.	20 ft.	30 ft.	50%	35 ft.
Townhouses <sup>1,2,3</sup>	6	2,400 sq. ft.	24 ft. per unit		35 ft.	25 ft. end units	30 ft.	60%	35 ft.
Multiple-family dwellings <sup>2,3</sup>	6	2 acres	200 ft.	200 ft.	50 ft.	25 ft.	50 ft.	60%	35 ft.
Other principal uses	N/A	10,000 sq. ft.	90 ft.	75 ft.	35 ft.	10 ft.	30 ft.	45%	35 ft.
Residential accessory structures	N/A	Included in above	N/A	N/A	Not permitted	5 ft.	5 ft.	Included in above	20 ft.

<sup>1</sup>No townhouse grouping shall contain more than six (6) units. For each townhouse grouping containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front yard setback; the minimum variation of setback shall be two feet (2'). All townhouse buildings shall be set back a minimum of fifteen feet (15') from any parking facilities contained on commonly-held lands. All townhouse buildings shall be set back at least thirty feet (30') from any perimeter boundary of the development site. In those instances where several townhouse groupings are contained upon the same lot, the standards listed in the following footnote 3 shall apply.

<sup>2</sup>In those instances where several townhouse groupings and/or multiple family dwelling buildings are located on the same lot, the following separation distances will be provided between each building:

- a. Front-to-front, rear-to-rear, or front-to-rear, parallel buildings shall have at least seventy feet (70') between faces of the building. If the front or rear faces are obliquely (not parallel nor perpendicular) aligned, the above distances may be decreased by as much as ten feet (10') at one end, if increased by similar or greater distance at the other end.
  - b. A minimum yard space of thirty feet (30') is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty feet (20').
  - c. A minimum yard space of thirty feet (30') is required between end walls and front or rear faces of buildings.
- <sup>3</sup>All common open spaces are subject to the requirements listed in Section 317 of this Ordinance

- 7.4 Required Public Utilities** - All dwellings, public and private schools and emergency services must be served by both public sewer and public water.
- 7.5 Driveways** - All driveways serving single-family dwellings and access drives shall be in accordance with the Benner Township Street Standards Ordinance no. 60 as amended. All lanes exclusively serving agriculture, horticulture and/or forestry-related uses shall be exempt from driveway and access drive requirements.
- 7.6 General Provisions** - All uses permitted within this Zone shall also comply with the applicable General Provisions in Article XIV of this Ordinance.
- 7.7 Environmental Protection Standards** - All uses permitted within this Zone shall also comply with the applicable Environmental Protection Standards contained within Appendix A of this Ordinance.

## ARTICLE VIII - Manufactured Home Park Residential Zone (MHP)

**8.1 INTENT AND PURPOSE OF ZONE** - The intent and purpose of this Zone is to establish performance standards desirable for manufactured/mobile home parks. This Zone intends to ensure the interdependency and compatibility of proposed manufactured home parks with utilities and surrounding land uses in the Township. This Zone further intends to:

- Reflect technological changes of home building and land development;
- Provide affordable housing;
- Provide higher quality and greater variety in type, design, and layout of manufactured home parks by encouraging desirable design criteria and innovative site design approaches; and
- Encourage beneficial manufactured home parks rather than detrimental to property values.

**8.2 USES PERMITTED BY RIGHT** - All uses are permitted by right, conditional use, or special exception in accordance with the MHP Use Schedule listed below.

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
<b>PRINCIPAL USES</b>		
Agriculture operations, other regulations than intensive agriculture with or without farmstead	P	Sec. 5.4.d regulations regarding farmstead development
Co-located communication antennas	P	
Emergency services	P	
Forestry	P	Sec. 14.2.a.v
Gardening for personal use	P	
Government offices and uses	P	
Historic structure conversion	C	Sec. 13.52
Manufactured Home Park	C	Sec. 13.7
No-impact home-based business	P	
Parks and Playgrounds	P	
Public and semi-public buildings	P	
Public utilities structures	P	
Rural occupations	C	Must meet definition
Single family detached dwelling unit	P	
Uses of Benner Township or its agencies	P	
<b>ACCESSORY USES</b>		
Family day-care facilities	P	Sec. 13.10
Gardening	P	
No-impact home-based business	P	

**8.3 RELATIONSHIP TO OTHER ORDINANCES AND SECTIONS OF THIS ZONING ORDINANCE** - The provisions of the following Sections 8.5. through 8.25. establish standards and procedures that specifically apply to manufactured home parks. To the extent the regulations within this section differ (are more, or less restrictive) from others, those within this Section shall govern. However, all other provisions of this, and other ordinances of the Township shall remain in full force.

**8.4 PERMIT PROCEDURES**

- a. Permits required - No person shall construct, alter, extend, or maintain a manufactured home park within the limits of the Township, unless a valid Manufactured Home Park Permit is issued. Such permit shall be displayed in the park office or on the premises at all times.
- b. Application - All "Applications for Manufactured Home Park Permit" shall be filed with the Township. Applications shall be in writing, signed, and dated by the owner.
  - i. Existing park applications - Applications for existing parks shall include the following:
    1. Legal name and address of the owner(s);
    2. Location and legal description of the manufactured home park; and
    3. Plot plan, drawn to scale, showing all existing lots, buildings and structures, and internal street systems.
  - ii. New manufactured home park applications - New applications shall follow the criteria set forth in this Article 8.
- c. Issuance of permits - Township shall review all "Applications for Manufactured Home Park Permit" for conformance with this Article 8. Permits shall be valid for one (1) year from the issuance date. Upon expiration, the park owner shall apply for a Renewal Permit as set forth below.
  - i. Existing parks - If an "Application for Manufactured Home Park Permit" for an existing park is found to conform to the provisions of this Article 8, the Township shall issue a permit.
  - ii. New parks - Upon approval by the Township, the Zoning Officer shall issue a permit.
- d. Permit fees - Permit fees shall be paid by the applicant for the review any applications or permits. Fees shall be set by resolution by the Board of Supervisors.
- e. Inspections of parks - Township may inspect parks at reasonable intervals to determine compliance with this Article 8. Issuance of a permit constitutes permission by the owner for the Township to inspect for compliance.
- f. Nontransferability of permit
  - i. Change of ownership - Manufactured Home Park permits are not transferable. If ownership is transferred by either sale, deed, will, majority interest in the corporation stock, or in any other way, before commencing operation of the manufactured home park, the new owner shall apply to the Township for a new permit certifying the park continues to meet the requirements of the original license. Such notice shall include:
    1. Names and addresses of the transferor and transferee;
    2. Nature of the transfer (gift, sale, inheritance, etc.)
    3. Such any other supplemental information to determine compliance with this Article 8.
- g. Renewal permits
  - i. Application for permits - An "Application for Renewal Permit" shall be made to the Township at least 30 days prior to the expiration date of a permit. Renewal permits shall



be issued annually by the Township. Renewal permits shall be issued by the Township upon compliance with this Article 8. Issuance of the Renewal permit signifies, the park owner agrees to continue to meet the standards and requirements issued under the original permit. Renewal permits are valid for one year.

- ii. Inspection of park - Upon inspection of the park by the Township, it is found in compliance with this Article 8, the Township shall issue a Renewal permit. If the park is found not in compliance, a Renewal Permit shall not be granted.
- iii. Renewal fee - The fee for a Renewal permit shall be paid upon filing of an "Application for Renewal Permit."

**8.5 NONCONFORMING USES** - Manufactured home parks existing on December 21, 1998 and authorized to operate may be continued as long as it otherwise remains lawful. Any subsequent new construction, alteration, or extension of an existing manufactured home park shall comply with the provisions of this Article 8.

#### **8.6 REQUIRED PLANS & REVIEW PROCESSES**

- a. Conditional Use Required - Applicant shall first apply for Conditional Use approval before submission of any Preliminary/Final Plans to the Township for review and approval. Conditional use review procedures and standards are found in Section 18.14 of this Ordinance.
- b. Procedure - Applicant shall apply for approval of a proposed manufactured home park plan in accordance with the following procedures:
  - i. Pre-submission conference
  - ii. Preliminary Plan
  - iii. Final Plan
- c. Pre-submission conference - A conference between the Township and the Applicant prior to the submission of a formal plan is strongly recommended, but is not required. Applicant should bring sketch plans or working drawings, if any, for review at the conference. All information presented may remain confidential. At the discretion of the Applicant, the proposed plan may be presented at a Supervisor's meeting for informal review and comment.
- d. Preliminary Plan submission - Preliminary Plans shall be consistent with the requirements of this Article 8 when submitted to the Supervisors for review and approval. Preliminary Plans shall be accepted for processing, once all of the following are received by the Applicant:
  - 9 copies of the Preliminary Plan
  - Completed Application Form
  - Payment of processing fee
  - Supporting data (if necessary)
    - i. Distribution of copies - Township shall, upon receipt of a properly submitted Preliminary Plan, forward copies to each of the following, as applicable:
      1. Centre County Planning Office, along with applicable review fee
      2. Benner Township Planning Commission
      3. Benner Township Zoning Officer
      4. Benner Township Engineer
      5. Benner Township Board of Supervisors
      6. Sewer and Water Authority
    - ii. Date of submission for review - For consideration at the next regularly scheduled meeting of the Supervisors, the Applicant shall submit the Preliminary Plan, and completed application form to the Township not less than 12 days prior to the

scheduled meeting.

- iii. Supervisors' action on preliminary plan - Supervisors shall review the Preliminary Plan, render its decision and communicate the decision to the Applicant no later than 90 calendar days after the "Application for Preliminary Plan" approval is accepted or such additional period of time as may be agreed upon by the Supervisors and the Applicant in writing. Applicant shall be notified, in writing, of the action of the Supervisors within 15 calendar days following its decision, and if conditionally approved, specify any changes required before the submission of the Final Plan. If disapproved, the Supervisors shall specify the defects found and describe the requirements not met and shall, in each case, cite the provisions of Article 8 relied upon. Supervisors shall not take final action on the plan until expiration of the 30 calendar days from the date the plan was forwarded to the Centre County Planning Office to allow for review and comment by such agency.
- iv. Effect of preliminary plan approval - Approval of the Preliminary Plan by the Supervisors constitutes conditional approval of the proposed manufactured home park with regard to general design, approximate dimensions of streets and lots, and/or other planned features. Preliminary Plan approval obligates the Applicant to the general scheme of the plan. However, if the Applicant determines a significant change to the original submission is desirable, the Applicant may modify the plans by submitting a revised Preliminary Plan for review and approval. Approval of the Preliminary Plan does not authorize: (1) the leasing of lots; (2) placement of manufactured housing units on the lots; (3) the construction of required plan improvements; or (4) the sale of lots or the recording of the Preliminary Plan.
- v. Time limitation and extensions - Preliminary Plan approval shall expire within 5 years after approval unless a time extension is requested by the Applicant and approved by the Supervisors. Any request for time extensions must be submitted to the Supervisors no less than 30 calendar days prior to any prevailing expiration date. Time extensions may be granted for one 6-month period upon a finding by the Supervisors that such extension is warranted. If the Applicant does not submit a Final Plan for all or a portion of the Preliminary Plan within 5 years after the approval of said Preliminary Plan is granted, or after expiration of the final extension period, the approval of the Preliminary Plan is automatically void.
- vi. Preliminary plan requirements - Site plans for proposed manufactured home parks shall be clearly and legibly drawn at a scale of not smaller than 1 in. = 40 ft., except that a scale of 1" = 50 ft. may be used for smaller parks, and a minimum of 1 in = 100 ft. for larger parks in excess of 40 acres. Plans shall include:
  - 1. Name of current or proposed manufactured home park.
  - 2. Name and address of owner of record and/or applicant.
  - 3. Name and address of registered surveyor or engineer, or other qualified person preparing the plan as authorized in Section 503(1) of the Pennsylvania Municipalities Planning Code, as amended.
  - 4. Names of all abutting property owners with County Recorder of Deeds book and page numbers where recorded within 100 ft. of all property lines.
  - 5. North arrow, graphic scale, written scale, and month, day, year of original drawing was completed. Also month, day, year of each revision of original drawing.

6. Location map (at a scale of 1" = 2000 ft.) showing the relationship to adjoining property, streets, roads, Township boundaries, and recorded subdivision plans existing within 1,000 ft of any part of the property.
7. Total tract boundaries of property, giving bearings and distances, and statement of total acreage of property.
8. All relevant zoning information.
9. Topography showing existing and proposed contour lines at vertical intervals of 1 ft. for 4% or less slope 2 ft intervals for 4.1% to 10% slopes, and 5 ft. intervals for slopes greater than 10%.
10. Location and elevation of datum where contour elevations refer. When practical, datum used shall be a known established benchmark.
11. Location of existing bodies of water or watercourses, wetlands, floodplain areas, tree masses, buildings or structures, public facilities such as sewer lines, waterlines, fire hydrants, utility transmission lines, culverts, bridges, railroads, sinkholes and depressions, and any other man-made or natural features within the proposed park and within 50 ft. from the boundaries of the proposed park.
12. Show, to scale, location of all existing buildings and structures.
13. Existing streets, easements, and rights-of-way on or adjacent to the tract, including name, right-of-way width, cartway width, types of paving, and approximate grades, and the purpose for any easements established.
14. Proposed preliminary plans shall include and depict:
  - a. Location and width of all streets and rights-of-way with a statement of any condition(s) governing their use;
  - b. Suggested street names, utility easement locations, and offstreet parking area locations;
  - c. Building setbacks;
  - d. General lot line dimensions of all manufactured home lots.
  - e. Statement of intended use of all nonresidential lots and parcels.
  - f. Lot or unit numbers and statement of total number of lots, parcels, and off-street parking spaces.
  - g. General location of sanitary and/or storm sewers (and other drainage facilities), with size and material of each indicated, and any proposed connection with existing facilities.
  - h. General location of parks, playgrounds, streets, and other areas dedicated or reserved for public use, with any condition(s) governing such use.
  - i. Schematic plans for all buildings, improvements, and facilities constructed or proposed within the park, consisting of site locations, heights and dimensions.
  - j. General location of all proposed utilities. To assure the Township that proposed utilities are available, the developer shall provide a letter indicating that capacity is available. If the developer proposes to create/connect to water or sewer utility that is not publicly owned, the Township will require the developer to provide a copy of the DEP-required Business Plan for New Utilities to assure that the proposed

water/sewer system has been set up in a manner that it will be self-sustaining, both in the near and long future.

- k. If applicable, proposed phases of development.
- vii. Supplemental data - Before approval is granted, the following supplemental data shall be submitted, reviewed, and approved by the Benner Township Engineer:
  1. Street cross-sections
  2. Refer to the Benner Township Street Standards Ordinance, as amended.
  3. Street profiles
  4. Refer to the Benner Township Street Standards Ordinance, as amended. Profiles shall show natural and finished grades listed here should be labeled as approximate and provided to accuracy to the nearest percent, at the following scale, or a ratio thereof:
    - a. Maximum 1" = 50 ft. horizontal, and 1" = 5 ft. vertical, for the smaller parks and a minimum scale of 1" = 100 ft. for the larger parks in excess of 40 acres.
    - b. General location of any required bridges or culverts.
  5. Miscellaneous information
    - a. General location and dimension of pedestrian walkways and sidewalks.
    - b. General location, identification, and size of vegetative plantings and landscaping.
    - c. General location, dimensions, and proposed use of service and accessory structures.
    - d. Engineer's or surveyor's certification seal to plan accuracy.
- viii. Traffic Impact study - A traffic impact study shall be required for all manufactured home parks containing more than 50 individual units.
- ix. Other documentation - A Pennsylvania Natural Diversity Index (PNDI) should be done for each park.
- e. Final Plan submission - Final plans consistent with the requirements of this Article 8 shall be submitted to the Supervisors for review and approval. Final plans shall conform with the Preliminary Plan previously approved with only minor plan revisions allowed, except the Final plan may cover only a portion of the total manufactured home park shown on the Preliminary Plan. Final Plans shall be accepted for processing upon receipt of all of the following from the Applicant:
  - 9 Copies of the Final Plan
  - 9 Copies of Supporting Documentation
  - Completed Application form;
  - Payment of the processing fee.
  - Payment of the processing fee;
  - Supporting Data (if necessary).
    - i. Distribution of copies - For consideration at the next regularly scheduled meeting of the Supervisors, the Applicant shall submit Final Plans and supporting documentation to the Township no less than 12 days prior to the scheduled meeting.
    - ii. Submission in phases - Final Plan submission may cover only a portion of the entire proposed manufactured home park plan as shown on the approved Preliminary Plan. In such cases, the Applicant must submit a tentative schedule for the development of the

balance of the manufactured home park. Final plan submission requirements and procedures must be followed for each phase prior to recording.

- iii. Supervisors' action on final plan - Supervisors shall review the Final Plan, render its decision and communicate decision to the Applicant no later than 90 calendar days after such application for final approval is accepted or such additional period of time as may be agreed upon by the Supervisors and the applicant is writing. The Applicant shall be notified, in writing, of the action of the Supervisors within 15 calendar days following its decision, and if conditionally approved, specify any changes required before execution of the Final Plan. If disapproved, the Supervisors shall specify the defects found and describe the requirements not met and shall cite the provisions of Article VIII relied upon. Supervisors shall not take final action on the plan until expiration of the 30 calendar days from the date the plan was forwarded to the Centre County Planning Office to allow for review and comment by such agency.
- iv. Final plan requirements - The following materials shall be submitted to the Supervisors with an "Application for Final Plan" approval. Final Plans shall conform with the Preliminary Plan previously approved, except the Final Plan may cover only a portion of the total manufactured home park shown on the Preliminary Plan. Any conditions specified in the approval of the Preliminary Plan shall be incorporated on the Final Plans.
- v. Contents of manufactured home park final plan - Site plans for proposed parks shall be clearly and legibly drawn at a scale of not smaller 1" = 40 ft., except that a scale of 1" = 50 ft. may be used for smaller parks, and a minimum of 1" = 100 ft. for larger parks in excess of 40 acres. Plans shall include:
  1. Name of current or proposed manufactured home park.
  2. Name and address of owner of record and/or applicant.
  3. Name and address of registered surveyor or engineer, or other qualified person preparing the plan.
  4. Names of all abutting property owners with County Recorder of Deeds book and page numbers where recorded within 100 ft. of all property lines.
  5. North arrow, graphic scale, written scale, and month, day, year of original drawing was completed. Also month, day, year of each revision of original drawing.
  6. Location map (at a scale of 1"-2,000 ft) showing the relationship to adjoining property, streets, roads, Township boundaries, and recorded subdivision plans existing within 1,000 ft of any part of the property.
  7. Total tract boundaries of property, giving bearings and distances, and statement of total acreage of property.
  8. All relevant zoning information.
  9. Topography showing existing and proposed contour lines at vertical intervals of 1 ft. for 4% or less slope, 2 ft. intervals for 4.1% to 10% slopes, and 5 ft. intervals for slopes greater than 10%.
  10. Location and elevation of datum where contour elevations refer. When practical, datum used shall be a known established benchmark.
  11. Location of existing bodies of water or watercourses, wetlands, floodplain areas, tree masses, buildings or structures, public facilities such as sewer lines, waterlines, fire hydrants, utility transmission lines, culverts, bridges, railroads,

- sinkholes and closed depressions, and any other man-made or natural features within the proposed park and within 50 ft from the boundaries of the proposed park.
12. Stormwater management plan and erosion and sedimentation control plan, in accordance with the Benner Township Stormwater Management Ordinance, as amended.
13. Existing and proposed property, lot, and boundary lines, including building setback lines, lot dimensions, lot areas, and location and dimension of all proposed lots.
14. Location and dimension of all existing buildings and structures.
15. Existing streets, easements, and rights-of-way on or adjacent to the tract, including name, right-of-way width, cartway width, types of paving, and approximate grades, and the purpose for any easements established.
16. Proposed final plans shall include and depict:
  - a. Accurate location and width of all streets and rights-of-way with a statement of any condition(s) governing their use;
  - b. Suggested street names, utility easement locations, and offstreet parking area locations;
  - c. Building setbacks;
  - d. Accurate lot line dimensions and proposed placement of all manufactured home lots.
  - e. Statement of intended use of all nonresidential lots and parcels.
  - e. Lot numbers and statement of total number of lots, parcels, and off-street parking spaces.
  - f. Accurate location of sanitary and/or storm sewers (and other drainage facilities), with size and material of each indicated, and any proposed connection with existing facilities.
  - g. Accurate location of parks, playgrounds, streets, and other areas dedicated or reserved for public use, with any condition(s) governing such use.
  - h. Plans and specifications for all buildings, improvements, and facilities constructed or proposed within the park, consisting of site locations, heights, dimensions, and profiles shall be submitted for all zoning permits.
- f. Supplemental data - Before final approval is granted, the following supplemental data shall be submitted:
  - i. Documentation from utility providers (electrical, water, sewer, cable and telephone) should be provided;
  - ii. Calculated density of the entire tract;
  - iii. Conservation District approval.
  - iv. A Site Illumination Plan for the park showing how the park will be illuminated.
  - v. Street cross-sections - Refer to the Benner Township Street Standards Ordinance, as amended.
  - vi. Street profiles - Refer to the Benner Township Street Standards Ordinance, as amended. Profiles shall show natural and finished grades at the following scale, or a ratio thereof:

1. Maximum 1" = 50 ft. horizontal and 1" = 5 ft. vertical.
2. Accurate location of required bridges or culverts. Designs shall meet Penn DOT requirements.
- vii. Miscellaneous information
  1. Accurate location and dimension of pedestrian walkways and sidewalks.
  2. Accurate location, identification, and size of vegetative plantings and landscaping.
  3. Accurate location, dimensions, and proposed use of service and accessory structures.
  4. Accurate location of service utility shut-offs, by individual site or area.
  5. Accurate location of bench mark and datum used.
  6. Accurate location of existing and proposed monuments and markers.
  7. Engineer's or surveyor's certification seal to plan accuracy.
- g. Supplemental documentation - Final plans shall be accompanied with the following material, as applicable:
  - i. Final profiles and cross sections for street improvements, sanitary and storm sewerage, underground utilities and water distribution systems shall be shown on one or more separate sheets or on the Final Plan;
  - ii. Where public water and sewer facilities are proposed, acceptable assurances that such facilities will be installed shall be shown to the Supervisors. To assure the Township that proposed utilities are available, the developer shall provide a letter indicating that capacity is available. If the developer proposes to create/connect to water or sewer utility that is not publicly owned, the Township will require the developer to provide a copy of the DEP-required Business Plan for New Utilities to assure that the proposed water/sewer system has been set up in a manner that it will be self-sustaining, both in the near and long future.
  - iii. Certificates of approval by proper authorities required by the Supervisors, including utility companies involving underground utilities;
  - iv. Proposed street names, accompanied by a letter from the postmaster of the area in where the manufactured home park is located, stating the proposed names are acceptable;
  - v. Detailed design of any bridge, culverts, stormwater management facilities or other improvements, as required. Designs may be submitted as separate sheets;
  - vi. Copy of proposed deed restrictions or lease provisions related to the approval of the proposed manufactured home park plan.
  - vii. Certificate(s) for the Stormwater Management components of the plan signed by the property owner and/or engineer.
- h. Improvements - When appropriate, the Applicant of a manufactured home park shall be required to provide the following improvements, or a suitable guarantee in accordance with Section 8.8., that said improvements shall to be constructed pursuant to the standards contained in this Article VIII;
  - i. Streets and access roads, including where applicable, shoulders, curbs, parking areas, driveways, curb cuts and traffic control devices;
  - ii. Utilities, including stormwater management facilities and/or storm sewers; sanitary sewer facilities including pumping stations, pretreatment facilities and sewer lines;

- water, including fire protection facilities, and electric, gas, telephone and other such lines;
- iii. Proposed park amenities such as recreation facilities, swimming pools, meeting facilities, screening and landscaping, including assurances and agreements related to responsibilities for land ownership, the construction and/or purchase of facilities or other features, and the perpetual maintenance of the above;
- iv. Any other improvements required for approval.
- i. Certificates - The following certificates in block form shall be shown on the Final Plan:
  - i. Certifications by means of a seal of a registered professional land surveyor and professional engineer, where applicable, to the effect that the survey and plan are correct.
  - ii. Certificates for approval by the Supervisors and the Planning Commission of the Benner Township;
  - iii. A statement, duly acknowledged before an Officer authorized to take acknowledgements of deed and signed by the owner or owners of the property, to the effect that the manufactured home park as shown on the Final Plan is the act and deed of the owner, that the Applicant is the owner of the property of the survey and plan, and that the Applicant desires the same to be recorded as such;
  - iv. Certificate to accommodate the recording information with the Centre County Recorder of Deeds;
  - v. Certificate of dedication public property;
  - vi. Certificate for approval by the Centre County Conservation District.

## **8.7 IMPROVEMENT GUARANTEES**

- a. Improvements required
  - i. Before approving any manufactured home park plan for recording, the Supervisors shall require that the Township be assured (by means of a proper Development Agreement and Performance Guarantee) that the improvements required by this Article VIII and the improvements appearing on the plan will be installed in strict accordance with the standards and specifications of this Article VIII.
  - ii. Purpose of Bond. A bond and/or other surety agreement shall stand as security for compliance with all Township Ordinances, other laws, covenants, stipulations, conditions and rules applicable to the manufactured home park plan filed.
  - iii. No construction of buildings or paving or sales of any unit within the manufactured home park shall take place unless:
    - 1. a current executed performance bond (or security escrow agreement, is on file with the Township;
    - 2. unless all required public improvements, utilities, streets, drainage improvements and easements, sewer and street lights and all grading supporting the public improvements have been completed and accepted by the Supervisors.
  - iv. If the developer chooses to install all required improvements prior to any building, in place of using performance guarantees, the Township shall require the developer to have adequate insurance, hold harmless agreements, and an escrow account to cover the costs of inspections.
- b. Improvements by Applicant
  - i. The Applicant shall be responsible for the installation of all improvements required by



this Article VIII.

- ii. Township Engineer shall make inspections of required improvements at reasonable intervals to assure compliance with this Article VIII.
- iii. Reasonable costs of inspections shall be paid by the Applicant, and held in an escrow account.
- c. Development Agreement
  - i. Development agreement required
    - 1. The Applicant proposing a manufactured home park plan providing for the installation of improvements required by this Article VIII or any improvements or amenities appearing on the plan shall be required to enter into a legally binding Development Agreement with the Township prior to recording of the approved Final Plan.
    - 2. Development Agreement shall guarantee the installation of said improvements in strict accordance with all Township requirements.
    - 3. The Final Plan shall not be recorded nor signed by representatives of the Supervisors until the Development Agreement is executed and the Performance Guarantee is in place.
  - ii. Terms of development agreement - Development Agreement shall be in the manner and form approved by the Township Solicitor and it shall consist of the following, as applicable.
    - 1. Construction depicted upon the approved plans in itemized format. Construction of streets with related curbs, street signs, drainage facilities and related improvements. Installation of utility lines.
    - 2. Work schedule setting forth the beginning and ending dates and such other details as the Township deems fits and appropriate for the improvements covered by the Development Agreement. Inspection schedule subject to the approval of the Township Engineer.
    - 3. Provision of a Performance Guarantee for completion of required improvements complying with this Article VIII. Detailed breakdown of the estimated cost of the improvements, estimated within the requirements of the Pennsylvania Municipalities Planning Code, as amended. Amount of Performance Guarantee. All improvements subject to the Development Agreement shall be approved according to the approved inspection schedule within this Article VIII.
    - 4. Developer's responsibilities for damage to other property. Developer shall secure or maintain public liability insurance for the duration of improvements construction. A copy (of other evidence of coverage) shall be submitted to the Township. A save harmless clause to protect the Township from liability. Prevention of erosion, sedimentation and water damage to the subject and adjacent properties.
    - 5. Provisions for any future dedication or transfer of streets, water and sewer lines and easements.
    - 6. Developer shall provide the Township with a set of reproducible record plans prepared by and certified to by a Professional Engineer.
    - 7. Developer shall be responsible for all-reasonable engineering and legal costs and expenses for review, inspection, consultations and preparation of agreements.

8. Provisions for violation of the Development Agreement.
  9. Any other lawful terms which the Supervisors may require to carry out the provisions of this Article VIII.
  10. Signatures. Development Agreement shall be signed by all landowners and/or developers.
- iii. Ownership of land and guarantee
    1. Certificate of Ownership shall be executed in the exact name in which title is held. If the developer(s) of a manufactured home park plan is someone other than the landowner(s) of the manufactured home park plan, the developer shall also execute the affidavit given above, along with a performance bond and security agreements.
    2. Change in Ownership or Developer. Any conveyance of all or substantially all of the unimproved lots or public improvements or roads of any manufactured home park plan or change in developers, whether voluntary or by action of law or otherwise, shall require the prior approval of the Supervisors. In giving or denying said approval, the Supervisors shall determine whether the proposed new landowner and/or developer will be financially able to fully carry out the plan with all required public improvements, and before giving final approval, the Supervisors shall require the posting of appropriate bonds and security agreements.
  - iv. Performance guarantee for completion of required improvements shall meet the following requirements:
    1. Surety
      - a. Guarantee shall be secured by the credit of any of the following:
        - i. An irrevocable and unconditional letter of credit of a Federal or State chartered lending institution,
        - ii. Restrictive or escrow account in a Federal or State chartered lending institution, or
        - iii. Such other financial security approved by the Supervisors (which approval shall not be unreasonably withheld.)
      - b. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements required within one (1) year of the date fixed in the Development Schedule for the completion of such improvements.
      - c. Such financial security shall be posted with a bonding company or a federally-insured Federal or State chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the State.
        - i. Supervisors may require evidence be provided that such institution or company has sufficiently adequate and secure assets to cover the security.
        - ii. Township shall be an authorized signatory on any account in which the escrow funds are held and all escrow funds from sales of lots shall be paid directly to such fund, and a monthly

statement shall be furnished to the Township.

2. Amount

- a. Amount of financial security to be posted for the completion of the requirement improvements shall be equal to 110% of the cost of completion estimated as of 90 calendar days following the date scheduled for completion by the developer in the official development schedule, and within the process for increases to cover inflation as permitted by the Pennsylvania Municipalities Planning Code, as amended.
- b. Cost of the improvements shall be established by an estimate prepared by a Pennsylvania Professional Engineer, within the arbitration process permitted by the Pennsylvania Municipalities Planning Code, as amended
- c. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the requirement improvements, the amount of financial security shall be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.

3. Multi-year or phasing development - In the case where development is projected over a period of years, the Supervisors may authorize submission of final plats by section or phases of development subject to such requirements or guarantees as to improvements in future sections or phases of development as it finds essential for the protection of any finally approved section of the development.

v. Approval of improvements

1. General. As the work of installing the required improvements proceeds, the party posting the financial security may request the Supervisors to release or authorize the release, from time-to-time, portions of the financial security necessary for payment to the contractor(s) performing work.
2. Notice of Completion. When the developer has completed an improvement, the developer shall notify the Supervisors, in writing by certified or registered mail, of such completion and any request for release. Such notice shall also be sent to the Township Engineer.
3. Engineer's Report
  - a. Within 30 calendar days of the receipt of such request, the Township Engineer shall submit a written report to the Supervisors certifying which improvements have been completed in accordance with the approved plan to the Supervisors and mail a copy of such report by certified or registered mail to the developer.
  - b. Report shall be based on the inspections made according to the approved inspection schedule included in the Development Agreement and shall recommend approval or rejection of the improvements, either in whole or in part.
  - c. If the Engineer finds any or all of the improvements to be not as required,

the Engineer shall include a statement of the reasons for recommending their rejection in the report.

4. Decision by Supervisors

- a. At its first regularly scheduled meeting after receiving the Engineer's Report (but no later than 45 calendar days of the receipt of the request) the Supervisors shall review the Engineer's report and shall authorize release of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed.
- b. The Supervisors shall be deemed to have approved the release of funds as requested if the Supervisors fail to act within 45 calendar days of receipt of the developer's request.
- c. Until final release (completion of all improvements), the Supervisors may require retention of 10% of the cost of each completed improvement.
- d. The Supervisors shall notify the developer in writing by certified or registered mail of the decision.

5. Final release

- a. When the developer has completed all of the necessary and appropriate improvements, the developer shall request Final Release in conformance with the procedures specified in this Article VIII. See time limitations and procedures in Section 510 of the Pennsylvania Municipalities Planning Code, as amended.
- b. Such Final Release shall include all moneys retained

6. Appeal - Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Supervisors or the Township Engineer.

7. Certificate of occupancy and completion of improvements

- a. No temporary Certificate of Occupancy shall be issued for any structure on a lot adjoining a dedicated street in a manufactured home park until the structure is safe and substantially completed in conformity to all applicable ordinances, laws and plans with service by electricity and telephone service and any required water, fire hydrants and sewage service and access to the structure to a public street over a clearly permanently passable street with at least a complete paving course and any required curbing installed.
- b. No final Certificate of Occupancy shall be issued until the structure is completed as aforesaid with service by all utilities and access on a street completed to required standards.

vi. Remedies to effect completion of improvements

1. Enforcement of surety

- a. In the event, any improvements required have not been installed as provided in this Article VIII or in accordance with the approved Final Plan, or in the event of the bankruptcy of the owner or developer, the Supervisors are hereby granted the power to elect to enforce any corporate bond (or other security) by appropriate legal and equitable remedies.

- b. Enforcement may include taking all actions necessary to obtain moneys under said bond, including but not limited to seizure of undeveloped lots, confession of judgment, suit on the bond, seizure of escrow funds, revocation of zoning permits and prosecution under this Article VIII.
    - c. Rate of construction. Failure of a developer to construct streets and other public improvements reasonably at the same time or prior to the construction of the buildings served by those streets or public improvements, and at the same rate in time at which buildings are completed, shall be a violation of this Article VIII and a cause for default.
  - 2. Completion by Township - If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Supervisors may, at its option, install part of such improvements in all or part of the manufactured home park and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements.
  - 3. Proceeds for installation of improvements - All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.
- vii. Maintenance agreement
  - 1. Maintenance agreement required
    - a. Applicants proposing any manufactured home park providing for the dedication of improvements required by this Article VIII or any improvements or amenities appearing on the plan shall be required to enter into a legally binding Maintenance Agreement with the Township prior to acceptance of dedication by the Township.
    - b. Dedication of any improvement shall not be accepted by the Township prior to the execution of a Maintenance Agreement and the delivery of the Maintenance Guarantee.
  - 2. Terms of maintenance agreement
    - a. Maintenance Agreement shall be in the manner and form approved by the Township Solicitor.
    - b. Maintenance Agreement shall require the Applicant to make any repair or reconstruction of any improvement stipulated in the Maintenance Agreement which is specified by the Supervisors as necessary by reason of faulty construction, workmanship, or materials prior to acceptance of such improvement by the Township.
    - c. Maintenance Agreement shall require the Applicant to maintain at his own cost all improvements stipulated in the Maintenance Agreement. This period shall not exceed 18 months from the date of acceptance or dedication by the Township, except for any special purpose escrow or Maintenance Agreement required by the Township.
    - d. Maintenance Agreement shall require the posting of financial security to secure structural integrity of said improvements as well as the

functioning of said improvements in accordance with the design and specifications as depicted on the Final Plan for a term not to exceed 18 months from the date of acceptance of dedication.

- e. Snowplowing. It shall be the responsibility of the developer to plow snow and maintain all streets until such time as the Township accepts such streets.

- 3. Public utilities and authorities - If water or sewer lines are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.

viii. Maintenance Guarantee

- 1. Security - Maintenance Guarantee shall be secured by the credit of any of the following:
  - a. An irrevocable and unconditional letter of credit of a federal or state chartered lending institution;
  - b. A restrictive or escrow account in a federal or state chartered lending institution, or
  - c. Such other financial security approved by the Supervisors (which approval shall not be unreasonably withheld.)
- 2. Terms - Such Maintenance Guarantee shall be in the form approved by the Township Solicitor and Supervisors, payable to the Township, to guarantee the maintenance and repair improvements in the manufactured home park for 18 months from the date of acceptance thereof by the Township.
- 3. Amount - Amount of the Maintenance Guarantee shall be determined by the Township, but shall not exceed 15% of the actual cost of installation of such improvements.
- 4. Release - After the expiration of 18 months from the date of acceptance of said improvements, the Township shall release said Maintenance Guarantee to the developer (or party posting said Maintenance Guarantee) if all improvements are in satisfactory condition.

**8.8 RECORDING OF FINAL PLAN** - The Applicant is responsible to ensure the Final Plan, as approved by the Supervisors, is recorded in the Office of the Recorder of Deeds for Centre County within 90 calendar days of such final approval, unless an extension has been granted in writing by the Supervisors. The Applicant shall then send or deliver a receipt of the recording to the Township. Final Plan shall not be recorded without the required signatures of the Township officials. Final Plan shall not be recorded unless the Applicant has met all required conditions the Township determines would impact the recorded Final Plan.

- a. Record plan - The Applicant shall provide a copy of the approved plan to the Township to serve as the Record Plan.
- b. Effect of recording
  - i. Official map - After a manufactured home park plan has been duly recorded, the streets, open space, and other public improvements shown thereon shall be considered to be a

part of any Official Map of the Township.

- ii. Private improvements - Every street, park, or other improvement shown on a manufactured home park plan that is recorded, as provided herein, shall be deemed to be a private street, open space, or improvement until such time it has been offered for dedication to the Township and accepted by resolution or ordinance, and recorded, or it is condemned for a public purpose.
- iii. Dedication of improvements - Streets, parks, and other public improvements shown on a manufactured home park plan to be recorded:
  1. May be offered for dedication to the Township by formal notation thereof on the plan, or
  2. The owner shall note on the plan that such improvements have not been offered for dedication to the Township.

#### **8.9 PARK DESIGN STANDARDS**

- a. Size and continuity - Manufactured Home Parks shall have a minimum size of 10 contiguous acres. Land utilized shall not be bisected by any public highway, street, alley, or way, except for internal private street systems.
- b. Avoidance of adverse conditions - Manufactured Home Parks shall:
  - i. Be free of adverse influences from swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects, rodents, pests, or other conditions constituting health hazards;
  - ii. Not be subject to flooding (FEMA Mapping);
  - iii. Be free of nuisances, including excessive noise, vibration, smoke, toxic material, radiation, heat, odor, or glare; and
  - iv. Not encroach upon protected wetlands.

#### **8.10 STORMWATER MANAGEMENT REQUIREMENTS** - Ground surfaces in parks shall be graded and equipped to drain all surface water in a safe, and efficient manner. Parks shall comply with Benner Township's Stormwater Management Ordinance, as amended.

#### **8.11 MANUFACTURED HOME LOT / SPACE DESIGN**

- a. Placement of lots / spaces - Park designers are encouraged to place the manufactured homes at varying angles to increase the aesthetics of the park.
- b. Lot / space size: Manufactured home lots within the park shall have a lot minimum size of 7,500 sq. ft.
- c. Width: Each manufactured home lot / space shall have a minimum width of 60 ft at the street whether a public or private street.
- d. Coverage: Each manufactured home lot shall have a maximum lot coverage of 50%.
- e. No structures built in the parks shall exceed a maximum height of 35 ft.
- f. Minimum setbacks

**Table 8-2 MHP Zone Area and Design Requirements**

Use	Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
	Front	Side	Rear		
Residential	20 ft.	10 ft.	10 ft.	50%	35 ft.
Forestry Uses	20 ft.	20 ft.	20 ft.	10%	40 ft.
Accessory structures	N/A	10 ft.	10 ft.		
Sheds	N/A	5 ft.	5 ft.		

- i. Street. Manufactured homes shall be located a minimum of 20 ft. from the street or curb edge of any private street, and 20 ft. from the edge of the right-of-way of any public street; unless walkways abut a street, in which case, a 20 ft. setback shall be required from the back edge of the sidewalk to allow off-street parking.
  - ii. Manufactured homes. Manufactured homes shall be separated from each other by at least 20 ft. on all sides.
  - iii. Tract boundary property lines. Manufactured homes shall be located at least 25 ft. from any park boundary line.
- g. Pad or Foundation. Manufactured home lots shall be improved with an adequate and stable pad or foundation to meet or exceed the specifications of the manufactured home manufacturer. Foundations or pads shall be designed not to heave, shift, or settle unevenly under the weight of the home due to frost action, inadequate drainage or vibration.
- h. Anchoring. Manufactured homes shall be securely fastened with a ground anchoring system meeting the following requirements:
  - i. Weight loads. Ground anchors shall be capable of resisting an allowable working loads equal to or exceeding 3,150 lbs. and applied in the direction of the tie down. Ground anchors shall be capable of withstanding 50% overload without failure.
  - ii. Anchor placement. Unless designed by a registered, professional engineer or architect, the entire tie down system, including ground anchors shall be placed not more than 24 ft. on centers beginning from a line congruent with the front wall of the manufactured home.
  - iii. Diagonal and vertical ties. Ground anchors for diagonal ties shall be provided in conjunction with each vertical tie down.
- i. Concrete monuments. Concrete monuments shall be a minimum size of 4 inch by 4 inch by 30 inch (4" x 4" x 30") or 4 inch diameter x 30 inch (4" x 30") plastic pipe filled with concrete using an iron rod in the center, a brass, or copperplate on the top for marking the exact point. Concrete monuments shall be required at such places necessary to establish permanent control points for the re-establishment of tract boundaries, lot and street lines.
- j. Iron markers. Iron markers shall be a minimum size of 1/2 in. diameter pipe or #6 rebar and should have a minimum length of 30 in. Iron markers shall be set at all points where lot lines intersect curves, at all angles in lot lines and tract boundary lines, at all lot corners, and at the beginning and ending of all curves.

## **8.12 SCREENING, BUFFER YARDS, VEGETATIVE COVER**

- a. Screening – Manufactured home parks shall maintain attractive screening along property boundary lines separating the park from adjacent uses. Screening may include existing wooded



areas along the boundary within the park property. Visual screenings shall be designed with trees, shrubbery, and where possible, vegetative ground cover to offer a buffer zone to minimize noise, dust, dirt, and other harmful effects resulting from adjacent uses, such as streets and highways.

- b. Buffer yards - Buffer yards shall be placed along public streets, external to the park. Earthen mounds are recommended. Buffer yards shall not be less than 25 ft in width. Buffer yards may be within the required setback. Buffer yards shall be placed according to the following requirements:
  - i. All plants shall be at least 3 ft. in height when planted. Plants shall consist of a mix of pines, firs, spruce, and hemlock that will achieve a mature height of at least 25 ft.
  - ii. Any plant material which does not live shall be replaced within one year.
  - iii. Buffer yards shall not be used for parking, loading, storage, or structures. Buffer yards may be crossed by access driveways and utility easements, provided such crossings are not more than 25 ft in width at the point of intersection.
- c. Vegetative cover
  - i. Exposed surfaces. Exposed ground surfaces in the Manufactured home park shall be covered with acceptable material or planted with vegetative growth. Coverings shall prevent soil erosion and dust during dry weather. All cover or growth shall be maintained or controlled at all times.
  - ii. Hazardous nuisances. Manufactured home park grounds shall be maintained free of poisonous vegetative growth, which may harbor rodents, insects, or other hazardous nuisances to children.
  - iii. Preservation of natural features. Design and development of proposed manufactured home parks shall preserve natural features such as mature trees, outcroppings, streams, vegetation, etc.
  - iv. Shaded environment. Manufactured home park shall have grass, trees, and shrubs to provide a shaded environment. Random tree plantings is highly encouraged.

**8.13 MANUFACTURED HOME PARK STREET SYSTEM** - Park streets shall conform to the following minimum standards for the promotion of safe and convenient vehicular access from abutting public streets or roads. All streets within the manufactured home park shall be private. A Plan Note will be placed on the plan indicating that private streets may not be dedicated to the Township unless the streets are constructed to the Township street specifications in effect at the time of dedication.

- a. Park access - Park entrance roads connecting to public streets shall have a minimum cartway width of 24 ft. with no on-street parking permitted. Whenever a park street intersects a public street, stop signs shall be installed and maintained in conformity with Penn DOT regulations.
- b. Internal private park streets - Internal private streets shall be of adequate width to accommodate intensified traffic and shall meet the following minimum requirements:
  - i. Minimum cartway widths
    - 1. No street parking. Internal streets shall be provided and manufactured home lots shall face or abut upon streets having a minimum 22 ft. of unencumbered cartway where no on-street parking is allowed. No manufactured home lot shall have direct access to a public highway, street, alley, or way other than those constructed for the park.
    - 2. On-street parking. When parking is permitted on both sides of the street, a minimum cartway width of 34 ft. shall be required. Minimum cartway width of

26 ft. shall be required where parking is limited to one side of the street.

3. One-way street parking. Where one-way streets are used, minimum cartway width may be reduced by 10 ft.
  - ii. Culdesacs shall not be longer than 1,000 ft. and shall be provided at the closed end with a turn-around having an outside radius of at least 60 ft. to property line, and a minimum of 50 ft. radius for cartway turnaround. The Township will accept the hammer-head type configuration as an acceptable alternative to the standard culdesac. The Applicant shall have the local fire department serving the park approve the plan, in writing, if hammer-head type configuration is used, and if culdesac lengths are greater than 400 ft.
- c. Street private specifications
  - i. Streets within a park shall be privately owned and shall be approved by the Township Engineer.
  - ii. Grades of streets shall be at least 0.5%, but not more than 10%. Short runs, not exceeding 500 ft. with a maximum grade of 12%, may be permitted provided traffic safety is assured by appropriate surfacing, adequate leveling areas, and avoidance of lateral curves.
  - iii. Streets shall be at right angles within 100 ft. of intersections. Distance of at least 150 ft. shall be maintained between centerlines of offset intersecting streets. No more than two streets or ways shall intersect at one point.
- d. Street trees are required to be planted along all park streets.
  - i. Spacing. Trees shall be no more than 40 ft apart and within 8 ft. of the edge of the right-of-way, with either a random or consistent pattern.
  - ii. Size. Trees shall be at least 1 1/2 inches caliper at time of planting, and shall reach a minimum height of twenty-five (25') feet at maturity.
  - iii. Species. Trees shall be deciduous shade trees. Tree species should vary within the entire, but be consistent along individual streets or sections of streets. Tree species may not include silver maple, poplar, mountain ash, tree of heaven, or catalpa.
  - iv. Replacement. Dead trees shall be replaced within one year.

#### **8.14 PARKING AREAS**

- a. Areas shall be provided for the parking of motor vehicles.
  - i. Minimum requirements. Parking areas shall provide a minimum of two (2) offstreet parking spaces for each manufactured home lot / space.
  - ii. Spacing. Spaces shall be located on each manufactured home lot / space, or be located no farther than 200 ft. from the manufactured home which such said parking is intended to serve.
  - iii. Maximum coverage. Parking areas, when located within the confines of the manufactured home park, shall not occupy more than 20% of the total area of the manufactured home park.
  - iv. Off-street parking spaces. Visitor off-street parking spaces may be clustered at various locations within the manufactured home park.
  - v. Paving requirements. Paved parking areas and paved off-street parking spaces shall meet the Township's specifications for paving of residential, uncurbed streets, as outlined in the Benner Township Street Standard's Ordinance, as amended. Gravel parking areas shall be constructed with a gravel or other crushed stone compacted to a depth of 6 inches. Drainage shall meet the Benner Township Stormwater Management

Ordinance, as amended.

- vi. Other types of parking areas. Areas for the storage of boats and trailers (travel, horse, or utility) may be provided in each manufactured home park.

**8.15 WALKWAYS** - All manufactured home parks shall provide an interior walkway system between individual manufactured homes, park streets, and community facilities. All walks shall provide safe, convenient, and all-season pedestrian access. Sudden changes in alignment and gradient shall be avoided.

- a. Common walkway system - A common walkway system, where pedestrian traffic is concentrated, shall be provided and maintained between locations. Such walkways shall have a minimum width of 3 1/2 ft, and be constructed of a mud-free material, such as asphalt, concrete, crushed stone, with adequate provisions for drainage. Common walkway systems may connect manufactured home lots to streets, driveways, or parking spaces.

**8.16 ILLUMINATION OF PARK AND STREET SYSTEMS** - Streets and walkways shall be adequately lighted.

- a. Minimum requirements. Streets shall be lighted with a minimum of one streetlight at each street intersection, which is 300 ft or more from a street intersection. All illumination shall be placed at mounting heights which will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night. Illumination shall be arranged in such a manner that the main directed rays of light source to the ground does not enter any dwelling unit or fall outside of the manufactured home park.
- b. An additional form of illumination may be provided by park owner through installation of lights at each manufactured home lot which shall serve as front lights as well as street lights. Such alternative must include:
  - i. Installation of light activated devices automatically turning on at dusk and turn off at sunrise;
  - ii. A policy of the lot owner in writing, enforcing the replacement of burnt out or broken bulbs to assure the alternative lighting system functions.

**8.17 RECREATIONAL AND OPEN SPACE AREAS**

- a. Minimum requirement - Manufactured home parks shall provide, and show on the manufactured home park plan, suitable areas for recreation and open space uses totaling 10% of the total area of the manufactured home park excluding buffer yard areas; one-half of which area shall be in one place. Open space shall be divided into active and passive open space areas. Active open space area would include usable areas, having slopes of less than 10%, used for active recreation. Passive open space would be used as green space/wooded areas. One quarter of the total open space set aside shall be used as active open space.
- b. Location - Recreational and open space areas shall be located centrally within the park to provide easy accessible to all the residents.
- c. Landscaping - Open space and recreational areas shall be landscaped with water absorbent surfaces except for recreational facilities, garden space, and walkways utilizing hard surfaces. Open spaces shall be planted with a mixture of grass, trees, and shrubs to provide a park-like appearance.
- d. Maintenance - Open space and recreational areas shall be maintained by the park owner unless approved and accepted by the Township through Offer of Dedication.

**8.18 MISCELLANEOUS**

- a. Skirting and hitch - After the manufactured home has been anchored, the hitch shall be

unbolted, and a decorative skirt shall be placed around the base of the manufactured home. Skirting shall be of compatible design and material. Skirting shall provide sufficient ventilation to inhibit decay and deterioration of the structure and shall be maintained in good repair.

- b. Areas for non-residential use - Any part of the manufactured home park shall not be used for nonresidential purposes except such uses required for directly servicing the park. Uses shall serve primarily the residents of the park and may include a community building, maintenance and recreation facilities, and office facilities for park management.

**8.19 WATER SUPPLY** - Public water shall be provided for manufactured homes, service buildings, and other accessory facilities as required by this Article VIII. When a public water supply system is available, connection shall be made and used exclusively. All water supply systems shall comply with the requirements of the authority providing such water. To assure the Township that proposed utilities are available, the developer shall provide a letter indicating that capacity is available. If the developer proposes to create/connect to water utility that is not publicly owned, the Township will require the developer to provide a copy of the DEP-required Business Plan for New Utilities to assure that the proposed water system has been set up in a manner that it will be self-sustaining, both in the near and long future.

**8.20 SEWAGE DISPOSAL** - An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from manufactured homes, service buildings, and other accessory facilities. Such system shall be designed, constructed, and maintained in accordance with the requirements of the authority providing such service. To assure the Township that proposed utilities are available, the developer shall provide a letter indicating that capacity is available. If the developer proposes to create/connect to sewer utility that is not publicly owned, the Township will require the developer to provide a copy of the DEP-required Business Plan for New Utilities to assure that the proposed water system has been set up in a manner that it will be self-sustaining, both in the near and long future.

**8.21 ELECTRICAL DISTRIBUTION SYSTEM**

- a. General requirements - The electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems.
- b. Underground lines - Power lines shall be located underground, and installed according to the local electric power company's specifications.

**8.22 REFUSE DISPOSAL**

- a. Refuse handling - Storage, collection, and disposal of refuse in the park shall be so managed as not to create any health hazards, rodent harborage, insect-propagating areas, accidents, fires, or air pollution. Storage shall be in accordance with all Township ordinances.
- b. Refuse storage - Refuse shall be stored within an insect-tight, watertight, rodent-proof containers located no more than 150 ft. from any manufactured home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse generated. Containers shall be routinely emptied and/or removed as necessary to insure that such containers shall not overflow.

**8.23 FIRE PROTECTION**

- a. Fire extinguishers - Portable fire extinguishers of a type approved by the Fire Underwriters Laboratories (A-B-C) classification and bearing the Underwriters' label, shall be maintained in all public service buildings under park control. Manufactured home park owner shall adopt park regulations including a recommendation that each manufactured home owner maintain a

portable fire extinguisher suitable for Class, A., B, and C fires, and a smoke detector within each manufactured home.

- b. Fire hydrants - Fire hydrants shall be installed as agreed upon by the Township and the agency or individual responsible for supplying public water. The Fire Company servicing the area where the park is to be located shall be contacted and given the opportunity to review and approve the plan. Such approval shall be in writing.
- c. Burning - Burning shall comply with the Township regulations.

## 8.24

### **ADMINISTRATION OF MANUFACTURED HOME PARK**

- a. Responsibility of park management - The park shall operate in compliance with this Article VIII, and provide supervision to maintain the park, its facilities, and equipment in good repair and in a clean, safe, and sanitary condition.
- b. Manufactured home placement and anchoring - Park management shall supervise the placement and anchoring of each manufactured home on its manufactured home pad including securing its stability and installing all utility connections.
- c. Park access by Township - Park management shall provide the Township or its representatives, free access to inspect all manufactured home lots, service buildings, and other community service facilities for compliance with this Article VIII.
- d. Registration of occupants - Park management shall maintain a register containing the names and addresses of all park occupants. Such registry shall be available to any authorized person inspecting the park.
- e. Reporting to governmental offices
  - i. Tax Collector and Township - Park management shall report each new tenant to the tax collector and to the Township office. Report shall be made no less than quarterly and on a report form provided by the Township.
  - ii. Report to Assessment Office - Park management shall also notify the Centre County Board of Assessment Office of the arrival of each manufactured home, along with the name and address of the owner.
- f. Zoning permits for construction within park - Zoning Permits are required for any construction, alteration, addition, and for each time a unit is moved onto pad within the manufactured home park. Zoning permits are also required for the construction of accessory structures to manufactured homes in existing manufactured home parks and for each new manufactured home. Zoning permits required may be obtained either by the manufactured home park operators or the tenants, but failure to obtain Zoning Permits shall be a violation of this Article VIII.
- g. Snow removal - Snow removal shall be handled by park management for all private internal street systems within the park. Snow removal will only be handled by the Township, if streets within the park are duly accepted as public streets by the Township.
- h. Postal delivery - Mailboxes for manufactured home parks shall be located as directed by the Post Office servicing the area. The Township strongly encourages mailboxes be placed internally within manufactured home parks.

This page left intentionally blank

## **ARTICLE IX - Commercial District - C**

**9.1 Intent** - To provide for freestanding strips of commerce along the Township's major travel routes.

**9.2 Purpose** - The Commercial District is established for the following purposes:

- a. To provide suitable locations for small commercial and office uses that generate higher levels of customer, employee and delivery traffic than the RR District.
- b. To serve as a transition area between the RR, LI and I Districts.
- c. To provide locations in the Township for the relocation of businesses that began as home occupations in the village and on the farmsteads but have grown in size that it is no longer feasible to operate within the home or on the farmstead.
- d. To locate the Township's commercial and office business activities within areas that have direct access to public highways and the potential for future public utilities and businesses.
- e. To establish reasonable standards for the protection of environmental features.
- f. To establish reasonable standards for the provision of facilities and operation of businesses to minimize air pollution, noise, glare from lighting, heat, vibration and fire safety standards.

### **9.3 Permitted Uses**

- a. All uses are permitted by right, conditional use, or special exception in accordance with the C Use Schedule listed below.
- b. All uses in the C District shall be in compliance with Article XIII, Use Regulations, as required in column (3) of the C Use Schedule.
- c. All uses in the C District shall be in compliance with Article XIV, General Regulations, as applicable.
- d. Accessory uses shall be permitted in accordance with the C Use Schedule and this Article.

**Table 9-1 C Use Schedule**

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
<b>PRINCIPAL USES</b>		
Administrative and support services	P	
Age 55+ high-rise residential buildings	P	
Airports and aircraft facilities, flight training	P	
Ambulance and health care services and fire protection services	P	
Amusement arcades	P	
Amusement theme and/or zoo parks	C	Sec. 13.15
Animal hospital and kennel	P	
Artist dealers, studios and galleries	P	
Auction houses	P	
Automotive vehicle sales, parts sales, gas stations, service stations and repair shops	P	Sec. 13.20 and/or Sec. 13.31
Banks and financial institutions	P	
Barber and beauty shops and massage parlors	P	
Bed and breakfast	P	Sec. 13.17
Beer, wine and liquor store	P	
Book store	P	
Bookbinding, printing, and publishing operations	P	
Botanical gardens	P	
Bowling centers	P	
Business service center	P	
Campgrounds and RV parks	P	
Car rental	P	
Car washes	P	
Cemeteries	P	
Child day care services	P	
Churches and similar places religious worship	P	Sec. 13.42



Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
Clothing, shoe store	P	
Clubs, lodges and social halls	P	
Coin operated laundry and dry cleaner	P	
Co-located communication antennas	P	
Commercial banking	P	
Commercial greenhouses	P	
Communication towers	P	Sec. 13.36
Community food services	P	
Convenience store with or without gasoline sales	P	Sec. 13.20
Convention/conference centers	P	
Dance, music, art, fashion and photography studios	P	
Day care center	P	Sec. 13.10
Department store	P	
Drive-in theater	P	
Dry cleaning and laundry services	C	Sec. 13.24
Electronics stores	P	
Elementary and secondary schools	P	
Emergency services	P	
Family day-care facility	P	
Farmer and flea markets, roadside stands	P	Sec. 13.15 and/or Sec. 13.48
Fine art and language school	P	Sec. 13.13
Fire protection services	P	
Fitness and recreational sports complexes	P	
Florist	P	
Forestry	P	Sec. 14.2.a.v
Full service restaurant	P	
Funeral home	P	Sec. 13.21
Furniture sales, building supply and home improvement stores	P	

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
Galleries for the display or sale of fine arts, crafts or antiques	P	
Gas station with convenience store	P	
General merchandise stores	P	
General rental centers	P	
Gift, novelty and souvenir store	P	
Golf course	P	
Governmental offices	P	
Halfway house	P	
Hardware stores	P	
Health and fitness clubs	P	
Health and personal care store	P	
Health practitioners	P	
Historic structure conversion	C	Sec. 13-52
Hobby, game, toy store	P	
Home-based impact occupations	P	
Home furnishing sales	P	
Home health care services	P	
Hospital	P	Sec. 13.11
Hotels and motels	P	Sec. 13.23
Household appliance sales	P	
Indoor recreation facilities	P	
Industrial, manufacturing and warehousing uses	P	
Jewelry store	P	
Laundry and dry cleaning establishments	P	
Libraries	P	
Life, health, direct insurance carriers	P	
Limited service restaurant	P	
Long-term care nursing home and personal care centers	P	Sec. 13.6
Machinery and equipment repair	P	
Manufactured home dealers	P	

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
Medical and diagnostic laboratories	P	
Medical residential campus	P	
Miniature golf course	P	Sec. 13.15
Miscellaneous durable goods wholesalers, including sporting and recreational goods and supplies, toy and hobby goods and supplies, and jewelry, watch, precious stone and precious metal	P	
Motor vehicle dealer	P	
Motor vehicle towing	P	
Museum	P	Sec. 13.42
Musical instrument and supplies store	P	
New, used car dealers	P	
No-impact home-based business	P	
Non-store retailer, including electronic shopping and mail-order house	P	
Nursery, garden center and farm supply stores	P	
Offices	P	
Office supplies	P	
Oil change and lubrication shops	P	
Outpatient care centers	P	
Parking lots and garages	P	
Performing arts companies	P	
Permanent agriculture produce stands	P	
Personal and household goods repair and maintenance	P	
Personal care services	P	
Pet, pet supply and pet care services	P	
Pharmacy and drug store	P	
Police protection	P	
Postal service	P	

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
Power equipment stores	P	
Professional, scientific and technical services	P	
Physician, dentist and other health care practitioners	P	
Public and semi-public buildings	P	
Public utility buildings and structures, including material and truck storage	P	
Radio and television studios and stations	P	
Rental and leasing services	P	
Residential units in mixed-use buildings	P	
Resorts	P	
Restaurants	P	
Retail trade, including lawn and garden equipment and supplies, manufactured/mobile home dealer, and motor vehicle and part dealer	P	
RV parks	P	
RV, boat, motorcycle, ATV sales	P	
Scenic sightseeing transportation	P	
Schools of higher education, fine arts, professional and technical training	P	Sec. 13.13
Self-service storage units	P	Sec. 13.25
Shooting ranges (skeet, firearms, archery)	P	
Shopping centers	P	
Small-scale/light manufacturing operations	P	
Social assistance and services	P	
Specialty food store	P	
Sporting goods store	P	
Supermarkets and other grocery	P	

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
Taverns and nightclubs	P	Sec. 13.30
Taxi service	P	
Tax preparation services	P	
Theatre, excluding adult businesses	P	
Theme park	P	
Tire sales	P	
Tobacco sales	P	
Used merchandise	P	
Uses of Benner Township	P	
Vehicle body repair garage	P	
Vehicle sales lot	P	
Vehicle washes (commercial)	P	Sec. 13.33
Veterinary hospital	P	Sec. 13.16
Warehouse clubs and supercenters	P	
Wholesale sales and services	P	
Wholesale sales and services	P	
Zoo	P	
<b>ACCESSORY USES</b>		
Customary accessory uses and buildings incidental to any permitted uses	P	Sec. 14.2
Drive through facility	P	Sec. 13.43
Parking lots and valet parking compounds	P	
Professional and impact home- based occupations and businesses	P	Sec. 13.50
Residential facilities incidental to permitted use	P	
Wind turbines, personal use	P	

## 9.4 Area and Bulk Regulations

**Table 9-2 Commercial Zone Area and Design Requirements**

Use	Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage	Maximum Permitted Building Height
	Front	Side	Rear		
	30 ft.	10 ft.	30 ft.	70%	35 ft.
Forestry Uses	20 ft.	20 ft.	20 ft.	10%	40 ft.
Accessory structures	N/A	10 ft.	10 ft.		

- a. Lot area and width. A minimum and maximum lot size shall be adhered to in the C District and shall be dependent on the presence or lack thereof of public water and public sewer in accordance with the following:
  - i. Minimum lot area. The minimum lot area shall be determined based on the size of the building/buildings, yard, coverage, parking requirements and the need for onlot water and wastewater facilities, if public utilities are not available, in accordance with the determination of the Township Sewage Enforcement Officer for an onlot system and replacement area.
  - ii. Minimum lot width. The minimum lot width shall be 70 feet.
  - iii. Where no public sewer exists, the Township Sewage Enforcement Officer must analyze the results of the soil percolation tests and on the basis of the analysis, the lot area and width shall be increased to the minimum size needed to accommodate an approvable onlot sewage system and replacement area. The approved lot size and width shall be the maximum lot area and width.
- b. Minimum yard setbacks. The following minimum standards shall apply:
  - i. Front yard setback for lots adjacent to highways: 30 feet.
  - ii. The first 20 feet adjacent to a highway shall be a landscaped buffer area. Required street trees and sidewalks shall not be placed in the buffer area but shall be placed in the remaining 10-foot yard area. See Section 9.5 for standards.
  - iii. Front yard setback for lots adjacent to streets other than highways: 20 feet along the street.
  - iv. Side yard: 10 feet on each side
  - v. Rear yard: 30 feet
- c. Multi-use centers size and scale. More than one (1) use shall be allowed in a single building and single lot or attached buildings on single or separate lots in accordance with the following standards:
  - i. The multi-use center shall be under unified management, which shall clearly establish centralized responsibility for the operation and maintenance including all common areas.
  - ii. The multi-use center shall be designed in accordance with a unified architectural theme.
  - iii. For attached buildings, the building facades shall have an offset every 50 feet.
- d. Lot coverage
  - i. Maximum building coverage: 60 percent
  - ii. Maximum impervious lot coverage: 70 percent
  - iii. Minimum vegetative coverage: 20 percent

**9.5 Design Requirements** - The following elements shall be required and shall meet the design standards set forth in the Centre County and/or Benner Township Subdivision and Land Development Ordinance.

- a. Curbing. Curbing adjacent to all streets in the C District shall be as needed per the Township Engineer's recommendation.
- b. Sidewalks.
  - i. Sidewalks shall be provided adjacent to all public streets in accordance with Section 9.4.b.ii above and shall meet the ADA width requirements.
  - ii. Sidewalk display of retail merchandise is permitted, provided that:
    1. At least five (5) feet of clearance is maintained at the storefront entrance for adequate and uncluttered pedestrian access;
    2. The display is located against the building wall and does not extend more than (2) two feet into the sidewalk; and
    3. The display area does not exceed 75 percent of the length of the storefront.
  - iii. Restaurants with outdoor seating areas on sidewalks or courtyards shall meet the following standards:
    1. A minimum of five (5) feet of sidewalk along the curb and leading to the entrance to the establishment shall be maintained free of tables and other encumbrances to allow for pedestrian circulation.
    2. Planters, posts with ropes or other removable enclosures are encouraged and shall be used as a way of defining the area occupied by the eating establishment.
    3. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade in accordance with the following standards. No awning or canopy shall extend more than 24 inches over the sidewalk and shall have a height at its lowest point of at least eight (8) feet 10 inches. Whenever a decorative canopy is to be constructed on any building which will not extend more than 36 inches beyond such building, such canopy shall not be considered as part of the building for the purpose of determining the depth of a front setback.
    4. Outdoor eating establishments shall be required to provide additional outdoor trash receptacles.
    5. The operators of the outdoor eating establishments shall be responsible for maintaining a clean, litter-free and well-kept appearance within the immediate area of activities.
- c. Street lighting - Street lighting in public areas shall meet the style and specifications in accordance with the Centre County and/or Benner Township Subdivision and Land Development Ordinance.
- d. Street trees.
  - i. The selection of street trees shall be in accordance with the Centre County and/or Benner Township Subdivision and Land Development Ordinance.
  - ii. Street trees shall be planted within a planting strip having a minimum width of five (5) feet and in accordance with the Centre County and/or Benner Township Subdivision and Land Development Ordinance.
  - iii. Greenways (conservation corridors) and drainage buffers.
  - iv. Greenways (conservation corridors) shall be utilized on lots to preserve existing woodlands and drainage ways.

- v. The greenway (conservation corridor) shall connect with the greenway on an adjoining lot to form a greenways network within the District.
- vi. Greenways (conservation corridors) shall be designed in accordance with the Centre County and/or Benner Township Subdivision and Land Development Ordinance. Under no circumstances shall greenways be less than 20 feet wide.

#### **9.6 Off-Street Parking and Loading Requirements**

- a. Off-street parking and loading shall comply with Article XVI of this Ordinance.
- b. The following additional standards shall apply to parking lots in the C District:
  - i. Parking lots shall not be located closer than 10 feet to a public right-of-way or 30 feet along a highway.
  - ii. Parking lots shall be placed to the rear or side of the property, where feasible.
  - iii. Parking lots shall contain clearly defined internal pedestrian walkways linking the lot to the principal building on site and to the nearest walkway.
  - iv. Shared parking lots are encouraged in accordance with Article XVI. On-street parking in front of the use may be included in the calculation of available spaces; no on-street parking shall be permitted on a public right-of-way or highway.

#### **9.7 Sign Regulations** - Sign regulations for the C District shall be in accordance with Article XVII of this Chapter.



## **ARTICLE X - Industrial - I**

- 10.1 Intent** - To allow industrial uses that contribute to the well-being of the region by diversifying the economy and providing valuable employment opportunities.
- 10.2 Purpose** - The Industrial (I) District is established for the following purposes:
- a. To provide suitable locations for heavy commercial and industrial activities that generate higher levels of customer, employee and delivery traffic away from areas that would cause disruptions to residential neighborhoods.
  - b. To provide the opportunity for a mixture of various heavy commercial and industrial business activities in Benner Township.
  - c. To provide areas to grow the local economy and provide local employment opportunities.
  - d. To provide locations in the Township for the relocation of businesses that began as home occupations in villages or on the farmsteads, but have grown in size that it is no longer feasible to operate within the home or on the farmstead.
  - e. To locate the Township's largest business activities within areas that have direct access to public highways and the potential for future public utilities.
  - f. To establish reasonable standards for the protection of environmental features.
  - g. To establish reasonable standards for the provision of facilities and operation of businesses to minimize air pollution, noise, glare, heat, vibration and fire safety standards.
- 10.3 Permitted Uses**
- a. All uses are permitted by right, conditional use or special exception in accordance with the I Use Schedule listed below.
  - b. All uses in the I District shall be in compliance with Article XIII, Use Regulations, as required in column (3) of the I Use Schedule.
  - c. All uses in the I District shall be in compliance with Article XIV, General Regulations, as applicable.
  - d. Accessory uses shall be permitted in accordance with the I Use Schedule and this Article.

**Table 10-1 - I Use Schedule**

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
<b>PRINCIPAL USES</b>		
Administrative and support services	P	
Adult-oriented business	C	Sec. 13.14
Airports/heliports - terminals and maintenance facilities	P	Sec. 13.34
Alternate power generation	P	
Ambulance and health care services	P	
Animal hospital and kennel	P	
Art dealers	P	
Artist studios and galleries	P	
Auction house	P	
Automobile driving schools	P	
Breweries, wineries, distilleries	P	
Broadcasting and telecommunications	P	
Bus and other motor vehicle transit systems	P	
Business park	P	Sec. 13.18
Car rental	P	
Car washes	P	
Catering operations	P	
Churches and similar places of religious worship	P	Sec. 13.42
Clubs, lodges and social halls	P	
Co-located communication antennas	P	
Commercial power generation facilities	P	
Commercial wind farms	P	
Communication, transmitting facilities	C	Sec. 13.36
Construction and contractors	P	
Convention/conference centers	P	
Correction institutions	P	

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
Dance, music, photography studios	P	
Drive-in movie theater	P	
Elementary and secondary schools	P	
Emergency services	P	
Farmer/flea market	P	
Fire protection services	P	
Fitness and recreational sports complexes	P	
Flight training	P	
Forestry	P	Sec. 14.2.a.v
Funeral home	P	
General warehousing and storage	P	
Governmental offices and uses	P	
Health and personal care store	P	
Health practitioners	P	
Historic structure conversion	C	Sec. 13-52
Hospital	P	Sec. 13.11
Hotel, motel facility	P	
Indoor recreation facility	P	
Information services and data processing	P	
Libraries	P	
Long-term care nursing facility	P	
Machine shops	P	
Machinery and equipment repair and maintenance	P	
Manufactured home dealers	P	
Manufacturing	P	
Medical and diagnostic laboratories	P	
Medical residential campus	P	
Mineral recovery uses, quarries	C	Sec. 13.38

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
Motion picture production and distribution	P	
Motor freight transportation - truck terminals and maintenance facilities	C	Sec. 13.35
Motor vehicle sales, repair and maintenance	P	Sec. 13.32
Motor vehicle towing	P	
Museums	P	
No-impact home-based business	P	
Non-store retailer	P	
Offices	P	
Outpatient care centers	P	
Parking lots and garages	P	
Performing arts companies	P	
Physician, dental practitioners	P	
Police protection	P	
Postal service	P	
Professional, scientific and technical services	P	
Public and semi-public buildings	P	
Public transit - terminal and service/maintenance facilities	C	Sec. 13.35
Public utility buildings and structures, including material and truck storage	P	
Publishing, printing	P	
Racetracks	P	
Radio station, telecommunications and television studios	P	
Railroads	P	
Refineries	P	
Residential units in mixed-use buildings	P	
Sawmills	P	

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
Schools of higher education, fine arts, professional and technical training	P	Sec. 13.13
Self storage units	P	
Small scale/light manufacturing operations	P	
Social assistance and services	P	
Solid waste process facilities	C	Sec. 13.40
Sound recording	P	
Sports and recreation instruction	P	
Sports teams and clubs	P	
Taxi service	P	
Telecommunication structures	C	Sec. 13.36
Testing laboratories	P	
Textile production	P	
Tire sales	P	
Trucking and motor freight terminals	P	
Uses of Benner Township	P	
Vehicle body repair garage	P	
Vehicle sales lot	P	
Vehicle washes	P	
Wedding/banquet hall facility	P	
Wholesale trade of durable and non-durable goods	P	
Zoo	P	
<b>ACCESSORY USES</b>		
Customary accessory uses and buildings incidental to any permitted uses	P	Sec. 14.2
Drive through facility	P	Sec. 13.43
Parking lot	P	
Resident facilities only incidental to and accessory to any permitted use for occupancy by caretakers	P	
Services to buildings (janitorial)	P	

## 10.4 Area and Bulk Regulations

**Table 10-2 Industrial Zone Area and Design Requirements**

Use	Required Minimum Yard Setbacks			Maximum Permitted Impervious Lot Coverage <sup>1</sup>	Maximum Permitted Building Height
	Front	Side	Rear		
	50 ft.	25 ft.	50 ft.	70%	70 ft.
Forestry Uses	20 ft.	20 ft.	20 ft.	10%	40 ft.
Accessory structures	N/A	10 ft.	10 ft.		

<sup>1</sup> Maximum impervious coverage will need to comply with any stormwater requirements that would be imposed by the Township Engineer.

- a. Lot area. The minimum lot area shall be determined based on the size of the building/buildings, yard and parking requirements.
- b. Minimum setbacks. The following minimum standards shall apply:
  - i. Front yard: 50 feet
  - ii. Side yards: 25 feet on each side of a principal building
  - iii. Rear yard: 50 feet
- c. Maximum building coverage: 60 percent
- d. Maximum impervious lot coverage: 70 percent (subject to approval from Township Engineer)
- e. Minimum vegetative coverage: 20 percent
- f. Height regulations. Height of a principal building shall not exceed 70 feet in accordance with Section 14.4.a
- g. Buffer yards shall be required in accordance with Section 14.5.
- h. Greenways and drainage buffers.
  - i. Greenways shall be utilized on lots to preserve existing woodlands and drainage ways.
  - ii. The greenway shall connect with the greenway on an adjoining lot to form a greenways network within the District.
  - iii. Greenways shall be designed in accordance with the Centre County and/or Benner Township Subdivision and Land Development Ordinance. Under no circumstances shall greenways be less than 20 feet wide.

**10.5 Zoning Permit Requirements** - In order that the Zoning Officer may have a reasonable basis upon which to approve a proposed business for conformity with the requirements of this Chapter, the following data shall be submitted with an application for a permit in addition to the land development plan, if required:

- a. Description of operation
- b. Plans for prevention or control of noise, vibration, glare, fire hazards, air pollution, water pollution and traffic
- c. Proposed fuel
- d. Number of shifts and maximum employment per shift
- e. Landscaping plans, if required

## 10.6 Off-Street Parking Requirements

- a. Off-street parking for the I District shall be in accordance with Article XVI of this Chapter.

- b. The following additional standards shall apply to parking lots in the I District:
  - i. Parking lots shall not be located closer than 20 feet to a public right-of-way or 30 feet along a public highway.
  - ii. Parking lots shall be placed to the rear or side of the property where feasible.
  - iii. Parking lot layout, landscaping, buffering and screening shall prevent direct views of parked vehicles from streets and sidewalks.
  - iv. Parking lots shall contain clearly defined internal pedestrian walkways linking the lot to the principal building on the site and to the nearest walkway.
  - v. Shared parking lots are encouraged in accordance with Article XVI.

**10.7 Sign Regulations** - Sign regulations for the I District shall be in accordance with Article XVII of this Chapter.

This page left intentionally blank



## **ARTICLE XI - Reserved for future use**

This page left intentionally blank

## ARTICLE XII - QUARRY - Q

**12.1 Intent** - To regulate ongoing operations and their subsequent reclamation.

**12.2 Purpose** - This Zone is designated in areas where mining activities have taken place in the past and/or, based upon prior approvals, could occur in the future. These areas are limited to existing approved sites as future expansion of mining and quarry opportunities are provided for elsewhere within the Region. The purpose of this Zone is to reserve appropriate areas of the Township for mining and related processing of raw materials; to provide reasonable standards for mining operations in order to prevent conditions which would interfere with the enjoyment or use of other properties; to allow uses of a temporary nature in locations premature for quarrying and to accommodate suitable uses for reclaimed quarry and mining sites after active operations are concluded.

**12.3 Permitted Uses** - All uses are permitted by right, conditional use or special exception in accordance with the Q Use Schedule listed below.

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
<b>PRINCIPAL USES</b>		
Agriculture and Horticulture	P	
Botanical gardens	P	
Co-located communication antennas	P	Sec. 13.36
Communication transmitting facilities	P	
Forestry	P	Sec. 14.2.a.v
Historic structure conversion	P	Sec. 13.52
Parks and playgrounds	P	
Public utilities structures	P	
Natural and cultural resource conservation uses	P	
No-impact home-based business	P	
Non-commercial park, recreation area	P	
Parks and playgrounds	P	
Religious organizations	P	
Single family detached dwelling unit	P	
Uses of Benner Township	P	
<b>ACCESSORY USES</b>		
Accessory uses customary with listed uses	P	Sec. 13.14
Governmental use	P	
No-impact home-based business	P	

Use Type	Use Allowance - P=Permitted, SE=Special Exception, C=Conditional Use	Use Regulation or Regulation Reference
Quarries and mineral extraction	C	Sec. 13.38
Public and semi-public buildings	P	
Public utility structures	P	

- 12.4 Maximum Permitted Height** - The height of any principal or accessory structure shall not exceed forty-five feet (45'), except that uninhabitable structures and mechanical appurtenances may be built to a height not exceeding seventy-five feet (75') above the finished grade when erected upon or as an integral part of a building. All structures extending above forty-five feet (45') from grade (except permitted signs) shall be set back a distance at least equal to their height from all property lines. All uses must comply with Appendix A, Section A.14, Airport Zoning Ordinance of this Ordinance.
- 12.5 Off-street loading spaces** - Off-street loading spaces shall be provided as specified in Article XVI of this Ordinance.
- 12.6 Off-Street Parking** - Off-street parking shall be provided as specified in Article XVI of this Ordinance.
- 12.7 Signs** - Signs shall be permitted as specified in Article XVII of this Ordinance.
- 12.8 Access Drive Requirements** - All access drives shall be in accordance with the Benner Township Street Standards Ordinance no. 60 as amended.
- 12.9 Screening** - A visual screen must be provided along any adjoining lands within an A, C, R-1, R-2, or MHP Zone, regardless of whether or not the A, C, R-1, R-2, or MHP Zone property is developed (see Section 14.5 of this Ordinance).
- 12.10 Landscaping** - Any portion of the site not used for buildings, structures, off-street parking lots, off-street loading spaces, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings (see Section 14.5 of this Ordinance). A minimum ten foot (10') wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint off-street parking lot and/or off-street loading space area shared by adjoining uses.
- 12.11 Waste Products** - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be set back a minimum of seventy-five feet (75') from any adjoining R-1, R-2, or R-3 Zone properties. All waste receptacles shall be completely enclosed within a masonry or framed enclosure with a self-closing door or gate.
- 12.12 Operations Standards** - The applicant shall submit written evidence that all operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.
- 12.13 Outdoor Storage** - Within this Zone, outdoor storage is permitted, provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon.
- 12.14 General Provisions** - All uses permitted within this Zone shall also comply with the applicable General Provisions in Article XIII of this Ordinance.
- 12.15 Environmental Protection Standards** - All uses permitted within this Zone shall also comply with

the applicable Environmental Protection Standards contained within Appendix A of this Ordinance.

This page left intentionally blank.

## **ARTICLE XIII - Use Regulations**

### **13.1 Specific Standards for Designated Uses**

- a. In addition to the general criteria for uses within a particular district and the general regulations established in Article XIV, this Article sets forth standards that shall be applied to each individual use identified herein. The standards of this Article must be satisfied before approval of any application for a special exception, conditional use or zoning permit, as applicable. The criteria for special exceptions and conditional uses in this Article shall be in addition to the general criteria for special exceptions and conditional uses set forth in Article XVIII, as applicable. The applicant shall be responsible for providing evidence and demonstrating compliance with all applicable standards.
- b. All uses identified in this Article must comply with the general regulations for the District in which the use is to be located, unless different or inconsistent standards are established by this Article, in which case the standards in this Article shall take precedence.

### **Agricultural Uses**

#### **13.2 Intensive Agriculture**

- a. Within the A, RR, and R-2 Zones, intensive agriculture is a use allowable by Conditional Use and subject to the following development standards.
- b. Any intensive agricultural production facility shall comply with all of the regulations and requirements of the Pennsylvania Nutrient Management Act, 3 P.S. Sec. 1701 et seq., as amended, and the regulations adopted pursuant thereto, 25 Pa. Code Sec. 83.201 - 83.491, as may be amended (the "Nutrient Management Act"). An applicant for a Conditional Use to utilize an intensive agricultural production facility shall provide the Planning Commission a copy of the completed Nutrient Management Plan as required by the Nutrient Management Act at the time of his or her application. An applicant must provide the Nutrient Management Plan of any farm or other facility upon which manure from the facility will be placed or utilized, in accordance with the Nutrient Management Act, with his or her application.
- c. Animal confinement areas, poultry houses, horse stalls, free stall barns or bedded pack animal housing systems shall meet the setback regulation as covered by Table 5-2 and may not be within 250 feet of any lot line or adjoining property which is not owned by the owner of the intensive agriculture production facility, or within 500 feet of any other zoning district.
- d. Manure storage facilities shall meet the setback requirements of the Nutrient Management Act.
- e. The intensive agricultural production facility, which shall include any animal confinement area, poultry house, horse stall, free stall barn or bedded pack animal housing system or other animal concentration area, and any area that is used for parking or storage of vehicles used in the treatment, transport or application of manure shall be screened from adjacent residential lots that are less than 1,000 feet from the intensive agricultural production facility, in accordance with Sec. 14.5 of this Ordinance.
- f. The applicant shall comply with the Pennsylvania Domestic Animal Law concerning the disposal of dead domestic animals.
- g. Any farm or other facility receiving manure or other waste from any intensive agricultural production facility may be required to provide a nutrient balance sheet to the Township Zoning Officer.
- h. No animal concentration area, or animal confinement area or any poultry house, horse stall, free stall barn or bedded pack animal housing system may be located in any areas defined as a

floodplain.

- i. Agriculture Nuisance Disclaimer. The disclaimer provided in Sec. 14.13 shall be included in all recorded subdivision plans and the deeds for all lots created out of any real property that is or has been used as an intensive agricultural production facility, and shall be attached to all building permits for any structure created on these properties.
- j. Intensive agricultural production facilities must comply with, in addition to the Nutrient Management Act, all other applicable State and Federal laws and regulations including, but not limited to, the Pennsylvania Clean Streams Law and the Pennsylvania Solid Waste Management Act.
- k. Notwithstanding any provisions to the contrary, no intensive agricultural production facility may be maintained or operated in such a way as to endanger the health or safety of the community.

## **Residential Uses**

### **13.3 Boarding Homes**

- a. Within the RR and R-2 Zones, boarding house use is allowed by conditional use and subject to the following development standards.
- b. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
- c. Not more than four (4) boarders/roomers shall be provided for upon any lot or in any single building.
- d. Minimum period of residency for all boarders/roomers shall be one (1) week.
- e. The lot on which such building is located must have a lot area, in addition to other area requirements of this Ordinance, of not less than 1,500 square feet for each person for whom accommodation is provided therein.
- f. Necessary permits for water supply and sanitary waste disposal must be obtained.

### **13.4 Continuing Care Retirement Community**

- a. Within the RR and R-2 Zones, continuing care retirement community use is allowed by conditional use and subject to the following development standards.
- b. The continuing care retirement community is designed primarily for persons aged 55 and over.
- c. The following uses shall be permitted as principal uses within the continuing care retirement community:

#### **Residential Uses:**

- i. Long-term care nursing centers, in accordance with Sec. 13.6.
- ii. Personal care centers, in accordance with Sec. 13.6.
- iii. Single-family detached dwellings
- iv. Single-family semi-detached dwellings
- v. Single-family attached dwellings
- vi. Multi-family dwellings

#### **Public Uses:**

- i. Public park, recreational areas and greenways
- ii. Public libraries and community activity buildings
- iii. Recreation areas and structures operated for the benefit or use of the community.

#### **Institutional Uses:**

- i. Churches and similar places of religious worship, in accordance with Sec. 13.42.
- d. The following uses shall be permitted as accessory uses in the continuing care retirement



community for the exclusive use of residents and their guests:

- i. Accessory Service Uses
  1. Dispensaries
  2. Medical facilities
  3. Common dining facilities
  4. Group recreation facilities
- ii. Accessory Commercial Uses
  1. Adult and child day care
  2. Banks and financial institutions
  3. Florists, stationery and gift stores
  4. Food and beverage stores
  5. Personal care services
  6. Restaurants
  7. Sporting goods, hobby, book and music stores
- iii. Each accessory use shall be located in a building occupied by residential uses or in a community activities building.
- iv. Each accessory commercial use shall not exceed 2,500 square feet of net floor area (for accessory commercial uses, net floor area as defined herein shall also exclude food preparation areas and lavatories).
- v. The total area reserved for commercial accessory uses shall not exceed four percent (4%) of the total land area including buildings, sidewalks, open space, access drives and parking, and no more than 25,000 square feet, whichever is less.
- vi. Parking for accessory commercial uses shall be provided at five (5) parking spaces per net floor area as defined for accessory commercial uses.
- e. The continuing care retirement community shall meet the following area, density, coverage and yard requirements:
  - i. Minimum development area shall be five (5) acres
  - ii. Maximum density for residential units shall be 18 units per acre
  - iii. Maximum impervious lot coverage shall be 50%
  - iv. Minimum vegetative coverage shall be 50%
  - v. Yards shall meet the following minimum setback requirements:
    1. Front yard: 50 feet
    2. Side yards: 40 feet
    3. Rear yard: 50 feet
  - vi. More than one (1) building on a single lot shall meet the following minimum interior yard spacing requirements:
    1. Front to front: 70 feet
    2. Front to side: 50 feet
    3. Front to rear: 70 feet
    4. Side to rear: 30 feet
    5. Side to side: 15 feet
    6. Rear to rear: 50 feet
    7. Corner to corner: 20 feet
  - vii. The minimal habitable floor area for residential units shall be in accordance with Sec. 14.4.b herein. For those facilities regulated by Pennsylvania statute, the

Commonwealth rules and regulations shall take precedence over Township regulations.

- f. Staging of development. When the continuing care retirement community is to be developed in stages, the following criteria must be met:
  - i. The land development plan presented to the Township must show the approximate location and type of use for each stage of the development.
  - ii. The percentage of non-residential development of each stage shall not exceed the percentage of residential development represented on the staging plan.
- g. Public/community water and public/community sewer shall be required.
- h. A landscaping plan for the entire tract shall be required. A landscape architect licensed by the Commonwealth of Pennsylvania shall be retained to complete such a plan to ensure the proper species, use, arrangement of plant materials and installation by the developer. All areas of the development not covered by impervious surfaces shall be landscaped and maintained with suitable ground cover and plants. The plan shall include the following:
  - i. The plan shall indicate the extent in which existing vegetation will be preserved for landscaping purposes.
  - ii. Earthen berms may be incorporated into the landscaping plan along public street frontage and along property lines abutting existing dwellings. Earthen berms shall have a maximum height of five (5) feet and a maximum slope of four (4) feet horizontal to one (1) foot vertical.
  - iii. Landscaped areas shall be continually maintained by the landowner or retirement community association. Care, grooming and replacement of plants shall be included as part of the required maintenance. Failure to adequately maintain landscaped areas shall be subject to a citation issued by the Township.
  - iv. In addition to landscape elements, the plan shall include the layout of walkways and lighting in accordance with the Centre County and/or Benner Township Subdivision and Land Development Ordinance and recreation areas throughout the development for the safety and security of the residents.
  - v. Entrances to dwelling units shall be provided with all-weather walkways to parking and refuse collection points, if applicable.
  - vi. The development shall have shaded sidewalks or shaded paved walking paths throughout the development.
  - vii. The layout and design of pedestrian level street lighting shall be provided throughout the development and parking areas.
  - viii. Parking areas within the continuing care retirement community shall be adequately landscaped in order to provide shade, to screen vehicles from public streets and to reduce glare and noise within the development itself and shall be designed in accordance with Sec. 16.7.e
  - ix. Buffers and screens shall be in accordance with Sec. 13-5.
- i. The continuing care retirement community shall provide proof that all applicable State, County and Township licenses have been obtained.
- j. All buildings, with the exception of single-family residences, shall be required to provide a sprinkler system as a fire prevention measure.
- k. Off-street parking shall be provided in accordance with the provisions of Article XVI of this Ordinance.

### **13.5 Halfway House**

- a. Within the RR and R-2 Zones, halfway house use is allowed by conditional use, and in the C Zone, it would be permitted by right and subject to the following development standards.
- b. A halfway house must be licensed where required by an appropriate government agency(ies), and shall be in compliance with all applicable rules and regulations of the licensing body(ies). A copy of any required license must be delivered to the Township prior to beginning the use.
- c. A halfway house shall be directly affiliated with a parent institution or organization which shall provide full-time supervision and administration to the residents of the house.
- d. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
- e. The residents of the halfway house shall reside on-premises to benefit from the services provided.
- f. Necessary permits for water supply and sanitary waste disposal must be obtained.
- g. The halfway house shall not be located within 1,000 feet of any of the following uses:
  - i. Amusement park
  - ii. Camp (for minors' activity)
  - iii. Child care facility
  - iv. Church or other similar places of worship
  - v. Community center
  - vi. Library
  - vii. Museum
  - viii. Park
  - ix. Playground
  - x. School
  - xi. Other lands where minors congregate
  - xii. Private homes
- h. The halfway house shall not be located within 1,000 feet of another halfway house.
- i. Each application shall be accompanied by a statement describing the following:
  - i. The character of the halfway house;
  - ii. The policies and goals of the halfway house and the means proposed to accomplish these goals;
  - iii. The characteristics of the residents and number of residents to be served;
  - iv. The operating methods and procedures to be used; and
  - v. Any other facts relevant to the proposed operation of the halfway house.
- j. Any use permit granted for the halfway house shall be bound to the type and number of offenders listed on the application. Any change in the type or number of offenders being housed shall require a new hearing before the decision-making body.

### **13.6 Long-Term Care Nursing Home and Personal Care Centers**

- a. Within the RR Zone, Long-term nursing home use is allowed by conditional use, and in the C and I Zones, this use would be allowed by right and subject to the following development standards.
- b. In addition to residential units (living and sleeping quarters with or without kitchen facilities), the following accessory uses may be provided for the exclusive use of residents and their guests. These special services may include, but are not limited to, the following services:
  - i. Dispensaries
  - ii. Medical facilities

- iii. Common dining facilities
- iv. Group recreation facilities
- c. In addition to residential units, the following accessory commercial uses shall be permitted:
  - i. Adult and child day care
  - ii. Banks and financial institutions
  - iii. Florists, stationery and gift stores
  - iv. Food and beverage stores
  - v. Personal care services
  - vi. Restaurants
  - vii. Sporting goods, hobby, book and music stores
- d. Each accessory use shall be located in a building occupied by residential units.
- e. Each accessory commercial use shall not occupy more than 2,500 square feet of net floor area (excluding food preparation areas and lavatories).
- f. The total space allotted for accessory commercial uses within a single building shall not exceed 10 percent of the total gross building area.
- g. The maximum density for residential units shall be 20 units per acre.
- h. The long-term care nursing home and personal care centers shall meet the following bulk and area requirements:
  - i. Minimum tract area shall be five (5) acres.
  - ii. Yards shall meet the following minimum setback requirements:
    - 1. Front yard: 30 feet
    - 2. Side yards: 15 feet
    - 3. Rear yard: 30 feet
  - iii. Buildings on a single tract shall meet the following minimum interior yard spacing requirements:
    - 1. Front to front: 70 feet
    - 2. Front to side: 50 feet
    - 3. Front to rear: 70 feet
    - 4. Side to rear: 30 feet
    - 5. Side to side: 15 feet
    - 6. Rear to rear: 50 feet
    - 7. Corner to corner: 20 feet
  - iv. Maximum impervious lot coverage shall be 50 percent.
  - v. Minimum vegetative coverage shall be 50 percent.
- i. Public water and public sewer shall be required.
- j. A landscaping plan for the entire tract shall be required. A landscape architect licensed by the Commonwealth of Pennsylvania shall be retained to complete such a plan to ensure the proper species, use, arrangement of plant materials and installation by the developer. All areas of the development not covered by impervious surfaces shall be landscaped and maintained with suitable ground cover and plants.
  - i. The plan shall indicate the extent in which existing vegetation will be preserved for landscaping purposes.
  - ii. Earthen berms may be incorporated into the landscaping plan along public street frontage and along property lines abutting existing dwellings. Earthen berms shall have a maximum height of five (5) feet and a maximum slope of four (4) feet horizontal

- to one (1) foot vertical.
- iii. Landscaped areas shall be continually maintained by the landowner or home operator. Care, grooming and replacement of plants shall be included as part of the required maintenance. Failure to adequately maintain landscaped areas shall be subject to a citation issued by the Township.
- iv. In addition to landscape elements, the plan shall include the layout of walkways, lighting and recreation areas throughout the development for the safety and security of the residents.
  - 1. Entrances to dwelling units shall be provided with all-weather walkways to parking and refuse collection points, if applicable.
  - 2. The development shall have shaded sidewalks or shaded paved walking paths throughout the development.
  - 3. The layout and design of pedestrian level street lighting shall be provided throughout the development and parking areas.
- v. Parking areas within a long-term nursing care home and personal care center shall be adequately landscaped in order to provide shade, to screen vehicles from public streets and to reduce glare and noise within the development itself and shall be designed in accordance with Sec. 16.7.e
- vi. Buffers and screens shall be in accordance with Sec. 14.5 herein.
- k. The long-term care nursing home and personal care center shall provide proof that all applicable State, County and Township licenses have been obtained.
- l. All buildings shall be required to provide a sprinkler system as a fire prevention measure.
- m. Off-street parking shall be provided in accordance with the provisions of Article XVI of this Ordinance.
- n. Signs shall be in accordance with Article XVII of this Ordinance.

### **13.7 Mobile/Manufactured Home Park**

- a. Within the RR and MHP Zones, a mobile home or manufactured home park use is allowed by conditional use, and in the R-2 Zone, could be allowed by Special Exception and subject to the following development standards.
- b. Mobile/manufactured home parks shall meet the requirements of the Centre County and/or Benner Township Subdivision and Land Development Ordinance, as amended; however, the zoning standards shall apply if they are more stringent than the above-referenced Subdivision and Land Development Ordinances.
- c. A mobile home park may include mobile homes of single-width, double-width or multi-family units. Travel trailers and motor homes are not permitted..
- d. The tract of land to be developed for a mobile home park shall be in single and separate ownership.
- e. Any parcel to be used as a mobile home park shall have a minimum adjusted tract acreage of 25 acres.
- f. Any site proposed for a mobile home park shall not be subject to any nuisance such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odors or glare, as defined by the Board of Supervisors and all appropriate ordinances.
- g. The location of all mobile home parks shall be subject to Sec. 14.5, General Buffering and Screening Regulations, as set forth in this Ordinance.
- h. Every area to be used as a mobile home park must be served exclusively by an approved public

or community water supply system and waste disposal system. In the case of community systems, a maintenance and ownership agreement shall be required.

- i. The applicant shall provide a traffic analysis prepared by a professional engineer experienced in the field of traffic analysis. The analysis, at a minimum, shall investigate the following conditions:
  - i. Any tract of land proposed for a mobile home park must demonstrate the roadways' capability to accommodate the transport of mobile home units.
  - ii. The provision of safe and efficient ingress and egress to and from the public streets and highways servicing the park, without causing undue interference with the normal traffic flows and based on the adequacy of the thoroughfare to carry the additional traffic generated by the park.
- j. Density: The total number of lots in a mobile home park shall not exceed the maximum density of eight (8) lots per acre of the adjusted tract area. Calculations of density shall be by the adjusted tract area method as defined herein and described in Article VI.
- k. Yard and Area Regulations: The following yard setback and lot area regulations shall apply to all mobile home parks developed pursuant to this Section:
  - i. Setback from Tract Boundary - No mobile home, auxiliary park buildings or other park structures may be located closer than 40 feet to any boundary of a mobile home park regardless of whether that boundary abuts a lot, water body, road or other right-of-way.
  - ii. Lot Area - All mobile home lots in a mobile home park, regardless of tenure, shall have a minimum lot size of 5,000 square feet.
  - iii. Lot Width -
    1. No individual mobile home lot shall be less than 50 feet in width at the building setback line.
    2. No individual mobile home lot shall be less than 25 feet in width at the right-of-way line or the edge of the pavement of a private street, measured 50 feet from the center line of a public or private street or right-of-way, as applicable.
  - iv. Building Area - The maximum coverage of any individual mobile home lot by all primary and accessory buildings and structures, including covered patios or decks, shall not exceed 40 percent.
  - v. Minimum Structure Setbacks -
    1. Front Yard - In no case shall any portion of any mobile home be located closer than 30 feet from the edge of the street right-of-way.
    2. Side and Rear Yards - No mobile home or accessory building may be located closer than 10 feet to any side or rear lot line of an individual mobile home lot.
- l. Off-street parking shall provide for two (2) off-street parking spaces for each mobile home or multi-family dwelling unit. There shall be one (1) additional off-street parking space for each multi-family dwelling unit. These additional spaces shall be in easily accessible off-street lots. There shall be sufficient parking space to ensure that there is no parking over sidewalks.
- m. All streets within a mobile home park, regardless of whether or not they are single-wide, double-wide or multi-family units, shall be at least 28 feet wide if curbed, 32 feet wide if bermed.
- n. Signs - Pursuant to Article XVII of the Benner Township Zoning Ordinance, as amended.

### **13.8 Multi-Family Dwellings**

- a. Within the RR and R-2 Zones, Multi-family dwellings use are allowed by right and subject to the following development standards.
- b. No more than eight (8) units shall be in a building, unless otherwise stipulated herein.
- c. Lot area per dwelling unit shall not be less than the area required by the district regulations.
- d. The minimum habitable floor area shall be in accordance with Sec. 14.4.b of this Ordinance.
- e. Public water and public sewer shall be required whenever there will three (3) or more dwelling units. Duplexes may utilize onlot water and sewage provided that (1) the well to septic absorption area isolation distance increases to 125 horizontal feet, and (2) there are two (2) individual septic system areas (primary and replacement areas) for each dwelling unit.
- f. Entrances to dwelling units shall be provided with all-weather walkways to parking areas and refuse collection points, if applicable.
- g. A landscaping plan for the entire tract shall be required. A landscape architect licensed by the Commonwealth of Pennsylvania shall be retained to complete such a plan to ensure the proper species, use and arrangement of plant materials. All areas of the development not covered by impervious surfaces shall be landscaped and maintained with suitable ground cover and plants. Existing vegetation is encouraged to be preserved for landscaping purposes. The landscaping plan shall provide a maintenance plan.
  - i. Earthen berms may be incorporated into the landscaping plan along public street frontage and along property lines abutting existing dwellings. Earthen berms shall have a maximum height of five (5) feet and a maximum slope of four (4) feet horizontal to one (1) foot vertical.
  - ii. Landscaped areas shall be continually maintained by the landowner or a homeowner's association or a condominium association. Care, grooming and replacement of plants shall be included as part of the required maintenance.
  - iii. Parking areas within a multiple-family dwelling development shall be adequately landscaped in order to provide shade, to screen vehicles from public streets and to reduce glare and noise within the development itself and shall be designed in accordance with 16.7.e.
  - iv. Buffers and screens shall be in accordance with Section 14.5 herein.

## **Institutional Uses**

### **13.9 Cemetery**

- a. Within the A, RR, R-2 and C Zones, a cemetery is allowed by right and subject to the following development standards.
- b. All burial plots or facilities shall be set back a minimum of 20 feet from any property line.
- c. No burial plots or facilities are permitted in floodplain or flood fringe areas.

### **13.10 Day Care Centers: Child Day Care Center or Older Adult Daily Living Center**

- a. Within the A, RR, R-2, MHP and C Zones, these centers can be permitted based on the level of involvement and subject to the following development standards. Refer to the Permitted Use Schedule for specific uses and whether the use is allowed by right or through a Conditional Use process.
- b. A day care center may be a stand-alone facility or an accessory use to churches and houses of worship, educational facilities and businesses.
- c. Facility operators shall be responsible for meeting all State and Federal licensing and registration requirements and shall provide proof of compliance with the Commonwealth of Pennsylvania Code, Title 55, Chapter 3270, Child Day Care Centers or Title 6, Chapter 11, Older

**Adult Daily Living Centers.**

- d. Indoor and outdoor play areas shall be provided for child day care centers in accordance with State requirements and the following local requirements:
  - i. Off-street parking compounds shall not be used as outdoor play areas.
  - ii. Outdoor play areas shall not be located in the front yard.
  - iii. Outdoor play areas shall be set back from all property lines a minimum of 30 feet.
  - iv. Outdoor play areas shall be completely enclosed by a six (6) foot high fence and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play area shall be a non-harmful type (poisonous, thorny, allergenic, etc.)
  - v. All outdoor play areas must provide a means of shade such as shade trees or pavilions.
- e. Adult indoor and outdoor passive recreation areas shall be provided for older adult daily living centers.
- f. Enrollment shall be defined as the largest number of children and/or older adults under supervision at any one time during a seven-(7) day period.
- g. Passenger “drop-off” and “pick-up” areas shall be provided on site and arranged so that the passengers do not have to cross traffic on or adjacent to the site.
- h. Buffers and screens shall be in accordance with Sec. 14.5 herein.
- i. Off-street parking shall be provided in accordance with the provisions of Article XVI of this Ordinance.
- j. Signs shall be in accordance with Article XVII of this Ordinance.

**13.11 Hospitals**

- a. Within the C and I Zones, Hospitals are allowed as a use by right and subject to the following development standards.
- b. The facility operator shall meet all the State and Federal rules and regulations for health care facilities.
- c. All applicants shall provide evidence that the hospital will be conducted in a manner that will not be detrimental to neighboring property owners.
- d. Minimum lot area: Five (5) acres
- e. Minimum street frontage: 300 feet
- f. Public/community sewer and public/community water shall be used.
- g. The subject property shall have frontage along an arterial roadway as defined in the Nittany Valley Region Comprehensive Plan, as amended.
- h. All height, area, setback and coverage standards within the underlying district shall apply.
- i. Separation distances between buildings: Where more than one (1) building occupies a lot, the following minimum interior yard spacing shall be required:
  - i. Front to front: 70 feet
  - ii. Front to side: 50 feet
  - iii. Front to rear: 70 feet
  - iv. Side to rear: 30 feet
  - v. Side to side: 15 feet
- j. Emergency entrances shall be located on a building wall facing away from adjoining residentially zoned properties.
- k. A traffic study is required.
- l. Parking and access drive requirements shall comply with Article XVI of this Ordinance.



- m. Signage shall be in compliance with Article XVII of this Ordinance.
- n. The institution shall submit a copy of its emergency operations plan (EOP) to the Township Emergency Management Agency Coordinator. The EOP shall include detailed information regarding solid, medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations.

**13.12 Public and Non-Public Schools (see Elementary and Secondary Schools)**

- a. Within the A, RR, C and I Zones, Schools are an allowable use by right and subject to the following development standards.
- b. The public and non-public schools shall adhere to the following dimensional characteristics, which shall meet the requirements of the District regulations.
  - i. Minimum lot area: Two (2) acres
  - ii. Minimum setback requirements:
    - 1. Front yard: 50 feet
    - 2. Side yards: 50 feet
    - 3. Rear yard: 50 feet
  - iii. Minimum lot width: 100 feet
  - iv. Maximum building coverage: 30 percent
  - v. Maximum lot impervious coverage: 70 percent
  - vi. Minimum vegetative coverage: 30 percent
- c. No part of a public/non-public school property shall be located within 1,000 feet of a property containing an adult-related facility (as defined herein), nor 300 feet of a property containing an automobile or gasoline service station or an industrial use.
- d. All off-street parking shall be set back at least 25 feet and screened from adjoining property lines.
- e. Outdoor play areas shall be located in the rear or side yards at a minimum of 50 feet from side and rear property lines. When within or adjacent to the RR District (development areas), outdoor play areas shall be screened in accordance with Section 14-5 to protect the neighborhood from inappropriate noise and other disturbances generally associated with educational facilities.
- f. Off-street parking lots shall not be used as outdoor play areas.
- g. All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).
- h. Passenger “drop-off” and “pick-up” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.
- i. Off-street parking shall be provided in accordance with Section XVI herein.
- j. Signs shall be in accordance with Section XVII herein.

**13.13 Schools of Higher Education, Fine Arts, Professional and Technical Training**

- a. Within the C and I Zones, schools of higher education are uses allowed by right and subject to the following development standards.
- b. The schools shall adhere to the following dimensional characteristics:
  - i. Minimum lot area: Two (2) acres
  - ii. Minimum setback requirements:
    - 1. Front yard: 50 feet
    - 2. Side yards: 50 feet
    - 3. Rear yard: 50 feet

- iii. Minimum lot width: 100 feet
- iv. Maximum building coverage: 30 percent
- v. Maximum lot impervious coverage: 70 percent
- vi. Minimum vegetative coverage: 30 percent
- c. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period.
- d. Passenger “drop-off” and “pick-up” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.
- e. Parking as provided for in Article XVI shall be guaranteed.
- f. A traffic study is required.

## **Commercial Uses**

### **13.14 Adult-Oriented Businesses**

- a. Within the I Zone, Adult-oriented businesses are permitted as a conditional use and subject to the following development standards.
- b. Permits required. No person shall operate an adult-oriented business without first obtaining a use and occupancy or zoning permit as provided in this Ordinance and all other applicable permits required by law. The permit will be reviewed annually for compliance. The Zoning Officer will also perform regular inspections.
- c. Minimum spacing and proximity requirements.
  - i. No adult entertainment establishment shall be located within specified distances of certain land uses as set forth below:
    - 1. Within 500 feet of any other adult entertainment establishment;
    - 2. Within 500 feet of the property line of a residential dwelling; or
    - 3. Within 1,000 feet of any parcel of land which contains any one or more of the following specified land uses:
      - a. Amusement park
      - b. Camp (for minors’ activity)
      - c. Child care facility
      - d. Church or other similar place of worship
      - e. Community center
      - f. Library
      - g. Museum
      - h. Recreation area
      - i. Playground
      - j. School
      - k. Other lands where minors congregate
      - l. Other public lands
      - m. Residence
    - 4. The distance between any two (2) adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any adult entertainment establishment and any land use specified in subparagraph (c) above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the adult entertainment establishment to the closest point on the property line of

said land use.

- c. Visibility from the street. No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or relates to specified sexual activities and/or specified anatomical areas as defined in this Ordinance's Definitions, to be viewed from the exterior of the building.
- d. Any building or structure used and occupied as an adult regulated facility shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service or entertainment are exhibited or displayed.
- e. Signs. No person shall place or cause to be placed or maintained, in such a location as can be viewed by persons on any public street, any sign or signs, photographic, pictorial or other graphic representation that depicts, in whole or in part, the following:
  - i. Act or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
  - ii. Scenes where a person displays the vulva or the anus or other genitals.
  - iii. Scenes where artificial devices are employed to depict, or drawings are employed to portray, any of the prohibited signs, photographs or graphic representations described above.
  - iv. Any other graphic illustration pertaining to specified sexual activities and/or specified anatomical areas.
- f. Each and every entrance to the structure shall be posted with a notice of at least four (4) square feet that the use is an adult regulated facility which restricts persons under the age of 18 from entrance.
- g. No unlawful sexual activity or conduct shall be performed or permitted.
- h. Any use or activity prohibited by the Pennsylvania Crimes Codes, as amended, and further defining the offense of obscenity, redefining obscene and further providing for injunctions, shall be prohibited.

**13.15 Amusement Parks, Zoos, Outdoor Recreation Areas other than Golf Courses, Flea Markets, Racing Tracks and Shooting Ranges and Fish Hatcheries**

- a. Within the FC, A, RR, R-2, C and I Zones, this list of uses are allowed by right or by conditional use and subject to the following standards. Refer to the Permitted Use Schedule for specific uses and whether the use is allowed by right or through a Conditional Use process.
- b. Minimum lot size shall be five (5) acres.
- c. Sufficient screening and/or landscaping shall be provided to mitigate visual and/or audible impacts on adjoining properties in accordance with Section 14.5 or as determined by the decision-making body in the case of special exceptions and conditional uses.
- d. The applicant shall present evidence that the proposed use will not be detrimental to the use of adjoining properties as a result of, but not limited to, hours of operation, noise, light, litter, dust, pollution and traffic congestion.
- e. Required off-street parking will be determined based upon the types of activities proposed and the schedule listed in Article XVI herein.
  - i. In the case of special exceptions and conditional uses, the decision-making body may require an unimproved grassed overflow parking area to be provided for peak use periods.
  - ii. Overflow parking areas shall be accessible only from interior driveways of the permanent parking lot.

- iii. Overflow parking shall contain screening and/or fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.

### **13.16 Animal Hospitals and Kennels**

- a. Within the A, C and I Zones, animal hospitals are allowed by right. Within the RR and R-2 Zones, animal hospitals are allowed by conditional use. The following development standards shall also apply.
- b. Kennels and/or animal hospitals shall have a minimum lot size in accordance with the requirements of the zoning district.
- c. Off-Street parking requirements shall be in accordance with Article XVI.
- d. Signs regulations shall be in accordance with Article XVII.
- e. All animal boarding buildings that are not wholly-enclosed and any outdoor animal pens, stalls, or runways shall meet the following requirements:
  - i. Minimum setback of 100 feet from all property lines.
  - ii. Minimum setback of 200 feet from any adjacent residence whose owner is other than the animal building owner or other than a farmstead principal or accessory residence.
  - iii. Enclosed by a fence not less than six (6) feet in height.
  - iv. Located within the rear yard, with the exception of kennels located on farmsteads, which shall meet the requirements of the Agriculture District.
- f. Animals shall be permitted to exercise daily between the hours of 8:00 a.m. - 8:00 p.m.
- g. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.
- h. Evidence of adequate water supply, wastewater disposal, air and ventilation must be provided by the applicant.
- i. All kennels shall be licensed by the Commonwealth and shall be constructed and maintained in accordance with the Pennsylvania Code, Title 7, Chapter 21, General Provisions; Kennels; Licensure; Dog-Caused Damages, as amended.

### **13.17 Bed and Breakfast (B & B)**

- a. Within the RR and C Zones, bed and breakfasts are allowed by right. In the R-2 Zone, a bed and breakfast is permitted by Conditional Use. The following standards shall also apply.
- b. A bed and breakfast shall be allowed only in a single-family detached residential dwelling. No modifications to the external appearance of the building (except for fire and safety requirements) which would alter its residential character shall be permitted.
- c. The bed and breakfast may include a guesthouse annex, which is an additional building on the same lot or a residential property, in common ownership and serviced by the B & B. The annex shall include no food preparation facilities but may include shared parking facilities with the B & B.
- d. Accommodations for overnight lodging at a bed and breakfast shall be limited to no more than 10 guest rooms. The guest rooms shall be rented to overnight guests on a daily basis.
- e. The B & B-keepers may be other than the owner, provided they reside in a nearby property and are involved with the day-to-day operation of the bed and breakfast.
- f. Accommodations at the bed and breakfast may include breakfast or brunch prepared on the premises for guests and included in the charge for the room.
- g. Special occasion functions may be conducted on the grounds surrounding the home and in buildings accessory to a residential home.

- h. Catered food service from a licensed facility is permitted without additional licensing requirements.
- i. No cooking facilities shall be provided or permitted in individual guests' rooms.
- j. A bed and breakfast must conform to the bulk and area regulations of the zoning district in which it is located.
- k. The use of a residential dwelling for a bed and breakfast must be approved by the Township's Sewage Enforcement Officer and the wastewater treatment system upgraded, if necessary.
- l. The facility shall adhere to the sign requirements in Article XVII.
- m. The facility shall adhere to the parking requirements in Article XVI.
- n. All bed and breakfast inns shall comply with the rules and regulations of the Pennsylvania Department of Labor and Industry and shall retain proof of certification of occupancy from the Department and all other applicable building, safety and fire codes of the Federal, State or local government.

**13.18 Business Park**

- a. Within the I Zone, a business park is allowed by right and subject to the following standards.
- b. Permitted uses in business parks shall include all office, public/utility, institutional and recreational Uses permitted in the C and I districts; however, adult-oriented businesses shall not be permitted in the business park.
- c. Permitted uses in business parks shall include the following accessory commercial uses:
  - i. Banks and financial institutions
  - ii. Fitness and recreational sports centers
  - iii. Office supply stores
  - iv. Photofinishing services
  - v. Restaurants
- d. Except for fitness and recreation sports centers, which may occupy a free-standing structure, the accessory uses shall not be more than 25 percent of the building devoted to permitted uses.
- e. Access. The park shall be designed in conformance with the following access requirements:
  - i. Primary access shall be from a public highway.
  - ii. Truck traffic going to and from the business park shall not be permitted on residential neighborhood streets.
  - iii. Traffic entrances and exits shall be located 300 feet from residential uses to minimize truck traffic noise and vibration.
  - iv. All internal streets shall meet Township specifications and the Centre County and/or Benner Township Subdivision and Land Development Ordinance and shall remain private unless accepted for dedication by the Township Board of Supervisors.
- f. A traffic impact study shall be required.
- g. Minimum tract area: 15 acres
- h. Minimum tract width: 400 feet
- i. Individual lots within the park shall have the minimum setback as required in the C District.
- j. Maximum impervious coverage shall be 80 percent as follows:
  - i. Maximum building coverage shall be 60 percent
  - ii. Minimum vegetative coverage shall be 20 percent
- k. Maximum building height: No principal structure shall exceed 40 feet and no accessory structure shall exceed two (2) stories or 25 feet in height.

- l. Appearance. To the extent possible, the appearance should be harmonious with adjoining properties. These features include, but are not limited to, landscaping, enclosure of principal and access uses,
- m. An infrastructure plan showing the adequacy of water and sewer shall be required at the time of subdivision and land development.
- n. All utility lines shall be placed underground.
- o. Landscaping plan. A landscaping plan for the entire tract shall be required. A landscape architect licensed by the Commonwealth of Pennsylvania shall be retained to complete such a plan to ensure the proper species, use and arrangement of plant materials. All areas of the development not covered by impervious surfaces shall be landscaped and maintained with suitable ground cover and plants. Existing vegetation is encouraged to be preserved for landscaping purposes.
  - i. Earthen berms may be incorporated into the landscaping plan along public street frontage and along property lines abutting existing dwellings. Earthen berms shall have a maximum height of five (5) feet and a maximum slope of four (4) feet horizontal to one (1) foot vertical.
  - ii. Landscaped areas shall be continually maintained by the landowner. Care, grooming and replacement of plants shall be included as part of the required maintenance.
  - iii. Buffers and screens shall be in accordance with Section 14.5 herein.
- p. Areas held in common ownership:
  - i. A detailed statement including covenants, agreements or specific documents showing ownership and method of maintenance, financial responsibility and evidence of financial viability of the ownership entity and utilization of common ground shall be submitted at the time of land development for all buffer areas, streets or parking areas held in common ownership.
  - ii. Ownership and maintenance of greenways/open space areas shall be in accordance with Sec. 14.12.
  - iii. The Township Solicitor shall review such documents to determine whether they adequately provide for the creation and maintenance of common areas.
  - iv. Such documents shall provide that any alteration or amendment to the agreements shall not be accomplished without the express review and consent of the Township.
- q. Buffers and screens shall be in accordance with Sec. 14.5.
- r. Off-street parking shall be provided in accordance with the provisions of Section XVI.
- s. Signs shall be in accordance with Section XVII.

### **13.19 Camps, Campgrounds and Recreational Vehicle Parks**

- a. Within the FC and C Zones, Campgrounds are an allowed use and within the RR Zone, they are permitted by conditional use and subject to the following standards.
- b. Camps and campgrounds shall meet all requirements set forth in Title 28 of the Pennsylvania Code, Chapter 19, Organized Camps and Campgrounds, and other rules and regulations of the Commonwealth.
- c. There shall be a minimum lot area of 15 acres with a maximum impervious coverage of 10 percent.
- d. All campsites shall be located at least 100 feet from any side or rear property line and at least 150 feet from any public street right-of-way line.
- e. Each campsite for tent, trailer or recreation vehicle shall be at least 1,000 square feet in size

and shall either provide parking space for one (1) automobile, which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area.

- f. An internal road system shall be provided.
- g. All outdoor play areas shall be set back 100 feet from any property line and screened from adjoining residentially-zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.
- h. All centralized sanitary and garbage collection facilities shall be set back a minimum of 150 feet from any property line. Such facilities shall be screened from any adjoining residential property and secured from animal intrusion.
- i. Any accessory retail or service commercial uses shall be set back a minimum of 150 feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining parcels used for residential purposes.
- j. All campgrounds containing more than 100 campsites shall have vehicular access to an arterial or collector roadway as identified in the Nittany Valley Region Comprehensive Plan, as amended.
- k. A minimum of 20 percent of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreation area shall be with the landowner.
- l. During operation, every campground shall have an office in which shall be located the person responsible for the operation of the campground.
- m. Where more than one (1) building occupies a lot, the following minimum interior yard spacing shall be required:
  - i. Front to front: 70 feet
  - ii. Front to side: 50 feet
  - iii. Front to rear: 70 feet
  - iv. Side to rear: 30 feet
  - v. Side to side: 15 feet
  - vi. Rear to rear: 50 feet
  - vii. Corner to corner: 20 feet
- n. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or a public street.
- o. The facilities shall meet the parking requirements in accordance with Article XVI and the sign requirements in accordance with Article XVII.

### **13.20 Convenience Store with or without Gas Dispensing and Gasoline Service Stations**

- a. Within the C Zone, convenience stores and gas stations are permitted uses and subject to the following standards.
- b. Convenience stores and gas stations are permitted within the C Zone and these additional standards.
- c. No service station shall be located nearer than 1,000 feet to the lot line of any school, hospital, long-term care nursing or personal care center, public building, park or religious facility.
- d. All area and bulk standards shall be in accordance with the zoning district in which the use is

located.

- e. For stores with gas dispensing and gasoline service stations, a site circulation plan shall be devised that separates those patrons awaiting fueling service from those patrons awaiting other services. The plan shall include the following information:
  - i. Location and dimensions of all structures and fuel pumps;
  - ii. Location of the tank field;
  - iii. Location and dimension of parking, landscaping areas and signage; and
  - iv. Description of internal circulation and external access.
- f. Driveway locations shall be in accordance with Article 14.7 of this Ordinance. Minimum setback for access drives shall meet the following standards:
  - i. From the intersection of street right-of-way lines: 40 feet
  - ii. From the side lot line: 10 feet
  - iii. Minimum width of access drive: 12 feet
  - iv. Maximum width of access drive: 35 feet
  - v. Minimum separation of drives on same lot: 25 feet
- g. Minimum setbacks from street right-of-way lines for structures and/or buildings shall be in accordance with the following dimensional characteristics:
  - i. Pumps: 40 feet
  - ii. Building: 50 feet
  - iii. Canopies: 55 feet
- h. Motor vehicles shall not be permitted to be parked on sidewalk areas.
- i. Signs shall be permitted in accordance with Article XVII of this Ordinance.
- j. Outdoor display. All merchandise, except oil racks, shall be displayed within a building. Vending machines shall be maintained in a semi-enclosed structure or within the building.
- k. Outdoor lighting shall be in accordance with Section 14.6.
- l. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads in accordance with Section 13.43.
- m. Parking facilities shall be provided in accordance with Article XVI.

### **13.21 Funeral Homes**

- a. Within the C and I Zones, funeral homes are permitted by right and subject to the following standards.
- b. A 100-foot off-street stacking area for the formation of the funeral procession shall be provided on the site.
- c. No funeral procession will be allowed to form on public streets.

### **13.22 Golf Courses**

- a. Within the RR and C Zones, golf courses are allowed by right, and within the R-2 Zone, they are allowed by conditional use, and subject to the following development standards.
- b. The minimum lot area shall be not less than: 45 acres for a par three (3), 18-hole course; 60 acres for a nine (9)-hole or executive golf course; and 100 acres for a regulation 18-hole course.
- c. The course shall be designed so that golf balls will not be driven over or across any building, building lot, road, access drive, driveway or parking lot. In addition, the golf course design shall minimize the cart path crossing of streets.
- d. A minimum separation distance shall be maintained between the golf course and adjoining properties. The following minimum distances shall be measured from the centerline of the golf course to the adjacent property line:



- i. Seventy-five (75) feet minimum distance from the centerline of the tee box to the adjacent property line;
  - ii. One hundred fifty (150) feet minimum distance from the centerline of the landing area to the adjacent property line;
  - iii. One hundred (100) feet minimum distance from the centerline of the green to the adjacent property line.
- e. The area between the edge of the course and the property line shall be utilized for planting, as appropriate, to preserve and protect adjoining properties and views from and of the golf course. Planting areas shall be delineated on the preliminary subdivision and land development plan. The planting scheme (size, type and location of landscaping) shall be shown on the landscape plan submitted with the final subdivision and land development plan.
- f. All golf course buildings and structures shall be set back 250 feet from any exterior lot line.
- g. Any points where the golf course crosses a road shall be signed warning motorists and pedestrians.
- h. No outdoor storage of golf carts or maintenance equipment shall be permitted.
- i. A golf course may include the following accessory uses:
  - i. A clubhouse with a pro shop, offices, restaurant/snack bar, game room and childcare room.
  - ii. Golf cart maintenance and equipment storage and service facilities.
  - iii. Practice putting greens and driving range without outdoor lighting.
- j. An environmental assessment, in accordance with the Centre County and/or Benner Township Subdivision and Land Development Ordinance, shall be required for all golf courses including an assessment of the impact of chemical application on water quality and water usage requirements and the remediation or management plan of negative impacts.
- k. Buffers and screens shall be in accordance with Section 14.5 herein.
- l. Off-street parking shall be provided in accordance with the provisions of Article XVI of this Ordinance.
- m. Signs shall be in accordance with Article XVII of this Ordinance.

### **13.23 Hotels or Motels**

- a. Within the C and I Zones, hotels and motels are a permitted use by right and subject to the following standards.
- b. Minimum lot area shall be one (1) acre.
- c. Front, side and rear yards shall be permanently landscaped and maintained in good condition.
- d. All buildings and structures shall be set back a minimum of 30 feet from any lot line.
- e. Where more than one (1) building occupies a lot, the following minimum interior yard spacing shall be required:
  - i. Front to front: 70 feet
  - ii. Front to side: 50 feet
  - iii. Front to rear: 70 feet
  - iv. Side to rear: 30 feet
  - v. Side to side: 15 feet
  - vi. Rear to rear: 50 feet
  - vii. Corner to corner: 20 feet
- f. A buffer yard of at least 50 feet shall be provided where the site adjoins a residential use or district.

- g. The buffer yard shall not be used for building, parking, loading or storage purposes.
- h. A landscaping plan for the entire tract shall be required. A landscape architect licensed by the Commonwealth of Pennsylvania shall be retained to complete such a plan to ensure the proper species, use and arrangement of plant materials. All areas of the development not covered by impervious surfaces shall be landscaped and maintained with suitable ground cover and plants. Existing vegetation is encouraged to be preserved for landscaping purposes.
- i. Off-street parking shall be provided in accordance with the provisions of Article XVI of this Ordinance.
- j. Signs shall be in accordance with Article XVII of this Ordinance.

**13.24 Laundry and Dry Cleaning Establishments**

- a. Within the C Zone, laundry establishments are permitted by right and subject to the following standards.
- b. Public sewer and public water shall be required.
- c. All activities shall be conducted within a completely enclosed building.
- d. Any exhaust ventilation equipment shall be directed away from adjoining residentially zoned or used property.
- e. Self-service laundromats shall require one (1) off-street parking space for each 1.5 washing machines; other laundry related uses shall provide one (1) off-street parking space for each 400 square feet of gross floor area.
- f. During operation or clean up or maintenance, all windows and doors on walls facing adjoining residential zones or uses shall be kept closed.
- g. The facility shall be located no closer than 1,000 feet from an existing residential use.

**13.25 Mini Storage Warehouses (see self storage units)**

- a. Within the C and I Zones, self-storage units are permitted by right and subject to these additional standards.
- b. Parking for the individual storage units shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least 20 feet wide where access to storage units are on both sides of the aisle.
- c. If a manager/business office is established on the site, at least four (4) parking spaces must be provided adjacent to the office.
- d. The servicing or repair of stored equipment shall not be conducted on the premises. Also, no business activities, other than rental of storage units, shall be conducted on the premises.
- e. The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.
- f. If a parking area is to be provided for the outdoor storage of recreational vehicles, such parking shall be in addition to any required parking.
- g. All access drives, parking and loading areas shall be paved or with a dust-free pervious surface.

**13.26 Recreation Race Tracks**

- a. Within the I Zone, racetracks shall be permitted by right and subject to the following standards.
- b. Minimum acreage shall be 25 acres.
- c. The minimum setbacks of all structures from public roads shall be 100 feet.
- d. Such facility shall be situated so that no residential use is located closer than 500 feet from any property line of the principal use at the time of approval.
- e. Access to such facility shall be by a paved road. All race tracks shall have direct access to minor arterial or collector roads as identified in the Nittany Valley Region Comprehensive Plan,

as amended. Traffic shall not be directed through residential subdivisions or on minor residential streets.

- f. Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats.
  - i. The approving body may required an unimproved grassed overflow parking area to be provided for special events. Special events shall be limited to no more than six (6) such events per year.
  - ii. Overflow parking areas shall be accessible only from interior driveways of the permanent parking lot.
  - iii. Overflow parking shall contain screening and/or fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
- g. The applicant shall present evidence that the proposed use will not be detrimental to the use of adjoining properties as a result of, but not limited to, hours of operation, noise, light, litter, dust, pollution and traffic congestion.
- h. Any lighting provided at such facilities shall be subject to the provisions of Section 14.6, Outdoor Lighting, herein and the Centre County and/or Benner Township Subdivision and Land Development Ordinance.
- i. Accessory uses and/or structures may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops and similar activities. The accessory structures may not be located within any required setback or buffer area.
- j. Noise from the race track shall not exceed 80 decibels at 100 feet from the race track.
- k. Hours of operation of the race track shall be between 12:00 noon and 9:00 p.m.

### **13.27 Resorts**

- a. Within the C Zone, resorts are allowed by right, and within the FC and RR Zones, will be allowed by conditional use and subject to the following standards.
- b. Those uses involving outdoor recreational activities shall provide sufficient screening and/or landscaping to mitigate any visual and/or audible impacts on adjoining properties. The site shall be buffered and landscaped in accordance with the provisions contained in Section 14.5 of this Ordinance.
- c. All resorts shall front, and have access to, an arterial or collector roadway as defined in the Nittany Valley Region Comprehensive Plan, as amended.
- d. Buildings on a single tract shall meet the following minimum interior yard spacing requirements:
  - i. Front to front: 70 feet
  - ii. Front to side: 50 feet
  - iii. Front to rear: 70 feet
  - iv. Side to rear: 30 feet
  - v. Side to side: 15 feet
  - vi. Rear to rear: 50 feet
  - vii. Corner to corner: 20 feet
- e. Performance standards addressed in Section 14.12 shall be required.
- f. The construction of a resort and any additions thereto shall be considered a “development” and is subject to the provisions contained in the Centre County and/or Benner Township Subdivision

and Land Development Ordinance and all other appropriate requirements.

- g. Golf courses may be permitted as regulated under Section 13.22.
- h. Parking and access drive requirements shall comply with Article XVI of this Ordinance.
- i. Signs shall be in accordance with Article XVII of this Ordinance.

**13.28 Riding Academies and Boarding Stables**

- a. Within the RR Zone, riding academies are permitted by right, and within the Z and R-2 Zones, they are permitted by conditional use and subject to the following development standards.
- b. The use shall have a minimum lot size of five (5) acres.
- c. No more than 10 equine may be kept, with the exception that one (1) additional equine may be kept for each additional acre of land over five (5) acres.
- d. All animals, except while exercising or pasturing, shall be confined in a building erected or maintained for that purpose and shall meet the following requirements:
  - i. The building shall not be erected or maintained within 300 feet of any lot line and 75 feet from any public or private road.
  - ii. The building shall not be less than 200 square feet in size for one (1) equine, with an additional 200 square feet for each added equine.
- e. All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four (4) foot-high fence and shall be set back a minimum of 100 feet from any adjacent residence whose owner is not the owner of this use.
- f. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.
- g. Signs shall meet the provisions of Article XVII of this Ordinance.
- h. All parking compounds and unimproved overflow parking areas shall be set back at least 10 feet from adjoining lot lines.
  - i. The approving body may require an unimproved grassed overflow parking area to be provided for special events. Special events shall be limited to no more than six (6) such events per year.
  - ii. Overflow parking areas shall be accessible only from interior driveways of the permanent parking lot.
  - iii. Overflow parking shall contain screening and/or fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
  - iv. There shall be one (1) space for each non-resident employee and one (1) space for every two (2) equines kept on the property.

**13.29 Skeet, Firearms or Archery Range**

- a. Within the RR and C Zones, shooting ranges shall be permitted by right, and within the FC and A Zones, may be permitted by conditional use and subject to the following standards.
- b. Minimum lot area: 10 acres
- c. Minimum lot width: 300 feet
- d. Adjacent areas must be predominantly undeveloped and the range area shall be at least 200 feet from any property or street right-of-way line. The use must also be located at least 1,000 feet from any existing residential dwelling or occupied building.
- e. An earthen background berm must be provided within 20 feet of the farthest target post to prevent wild or ricocheting bullets or wild or stray arrows from leaving the shooting range area. The berm shall meet the following requirements:

- i. The berm shall have a slope of not less than one (1) vertical foot to two (2) horizontal feet and must extend at least eight (8) feet above the ground level of the highest target.
  - ii. The crest of the berm at the eight (8) foot minimum height limit shall be at least four (4) feet in depth as measured between the wall of the berm facing the range and the opposite wall.
  - iii. Earthen side berms must be provided immediately adjacent to the range and shall extend from the firing line to the background berm.
- f. Only targets mounted on target posts shall be permitted. No targets of any kind shall be set directly on the ground.
- g. Warning signs must be posted at least 10 feet from the outside of the berm.
- h. The firing range shall be free of gravel and other hard surface materials and be adequately drained.
- i. Adult supervision must be provided for children under 16 years of age.

**13.30 Taverns and Nightclubs**

- a. Within the C Zone, taverns and nightclubs shall be a permitted use, subject to these additional standards.
- b. The site shall be located a minimum of 1,000 feet from any school, child or adult daycare facility, community activity center, cultural facility or church or house of worship.
- c. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties owing to hours of operation, light, noise and/or litter.
- d. Buffers and screens shall be in accordance with Section 14.5 herein.
- e. Off-street parking shall be provided in accordance with the provisions of Article XVI of this Ordinance.
- f. Signs shall be in accordance with Article XVII of this Ordinance.

**13.31 Vehicle Body Shop and Repair Garage**

- a. Within the C and I Zones, repair garages shall be permitted and subject to the following development standards.
- b. All vehicle body service and/or repair activities shall be conducted within a wholly enclosed building.
- c. No outdoor storage of parts, equipment, lubricants, fuel or other materials, new or used or discarded, as part of the service or repair operation, shall be permitted.
- d. All exterior vehicle storage areas shall be screened from adjoining residentially-zoned or residentially used properties and roads.
- e. The storage of unlicensed vehicles for more than 30 days is prohibited.
- f. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining residentially-zoned or used property and shall conform to all outside agency requirements.
- g. Any use involving the generation of waste grease and/or oil shall be required to install traps to collect these waste products. Such uses shall also demonstrate a regular and proper means of disposal of such greases and/or oils, as required by the applicable State and/or Federal regulations.
- h. All vehicles shall be repaired and removed from the premises within 30 days.
- i. The demolition or junking of vehicles, trailers, boats and other machinery is prohibited.
- j. Parking requirements shall be in accordance with Article XVI of this Ordinance.

**13.32 Vehicle, Mobile/Manufactured Home, Farm Equipment, or Trailer Sales Lot**

- a. Within the C and I Zones, vehicle sales lots shall be permitted and be subject to the following standards.
- b. No vehicle, mobile/manufactured home, farm equipment, or trailer or display shall occupy any part of the existing or future street right-of-way, required parking area or required buffer area.
- c. Outdoor lighting. All outdoor lighting must be provided in accordance with Section 14.6 of this Ordinance.
- d. All vehicle and mobile/manufactured home sales lot shall be screened from adjoining residentially-zoned properties as provided by Section 14.5 of this Ordinance.
- e. Off-street parking, signs and access driveways shall conform to the requirements of Articles XVI and XVII of this Ordinance.

### **13.33 Vehicle Washes (Commercial)**

- a. Within the C and I Zones, vehicle washes shall be permitted and subject to the following standards.
- b. All structures housing washing apparatus or associated with the outside washing of vehicles shall be set back at least 50 feet from the front street right-of-way line and 25 feet from any side property line.
- c. Trash receptacles must be provided and routinely emptied to prevent the scattering of litter.
- d. Each washing bay shall provide a 100-foot long on-site stacking lane.
- e. Public water and sewer shall be provided.

## **Transportation Uses**

### **13.34 Aircraft Facilities**

- a. Within the C and I Zones, airports shall be a permitted use and within the A Zone, they shall be allowed by conditional use, subject to these additional standards.
- b. Minimum lot area shall be 30 acres for airports and three (3) acres for heliports.
- c. The applicant shall submit evidence confirming that the facility will be constructed, operated and maintained in accordance with applicable rules and regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation, Bureau of Aviation related to the use of airports, heliports or helistops.
- d. No part of the take-off/landing strip and/or pad shall be located within 300 feet of any property line.
- e. The use shall be located a minimum of 1,000 feet from any dwelling unit.
- f. The applicant shall provide the delineation of the airport or heliport hazard zone to the Township and all adjoining municipalities with land located within the hazard zone.
- g. In addition to the above requirements, heliports and helistops shall meet the following requirements:
  - i. The landing pad shall be at least 80 feet square or a circle with an 80 foot diameter. This pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
  - ii. At least two (2) approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than 90 degrees apart. Each approach lane shall be located within 45 degrees left or right of the prevailing winds and shall fan out at an angle of 10 degrees from the width of the landing pad to a width of 1,000 feet and shall have a glide angle of eight (8) degrees to one (1) degree measured from the outer edge of the pad.
  - iii. An application for a helistop or heliport on a roof or similar above-ground structure,

- shall be accompanied by a certification by a registered engineer that the loads imposed by a helicopter will be supported by the structure.
- iv. The helistop and heliport shall be used only for personal or executive use by a firm or individual.
  - v. No helicopter over 6,000 pounds gross weight shall use any helistop.
  - vi. The heliport site shall be fenced with a minimum height of four (4) feet with a least two (2) openings, except those located on the rooftops. The fence shall be located so as not to obstruct the glide angle of the helicopter using the heliport.
  - vii. The applicant shall also make full compliance with those guidelines and regulations for helistops and heliports or similar facilities as outlined in the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Aviation, Title 67, regulations relating to Pennsylvania Aviation, as amended.
  - viii. It shall be unlawful for any person to land, discharge, load or take off in a helicopter any place within Benner Township other than at an approved helistop or heliport, except:
    - 1. in conjunction with a special event such as an athletic contest, a holiday celebration, parade or similar activity, after seven (7) days' advanced notice has been given to the Zoning Officer and/or Township Engineer and a special permit has been issued by the Zoning Officer and/or Township Engineer or his/her designee;
    - 2. when necessary for law enforcement purposes and for emergencies;
    - 3. for the purpose of delivery or transfer of patients to/from any hospital and/or its emergency trauma center; or
    - 4. in conjunction with spraying activities.
  - h. The application shall include, at a minimum, the following:
    - i. A copy of the Federal Aviation Administration Form 7480-1, "Notice of Land Area Proposal."
    - ii. A copy of the letter of "No Objections" from the Federal Aviation Administration.
    - iii. A copy of the Commonwealth of Pennsylvania Application for Approval of a Land Site, AV-4, and necessary supplemental information or equivalent and the letter of site approval from the Pennsylvania Department of Transportation, Bureau of Aviation.
    - iv. An aerial photograph or drawing, either of which shall be at a scale no less than one (1) inch equals 200 feet, indicating the approach and departure routes, the location of all residences, schools, churches, hospitals and areas used for the open assembly of people, as well as other noise sensitive areas within the radius of one-half (½) mile of the proposed site.
    - v. Submission to the local and County Emergency Management Agency.
    - vi. The Supervisors shall have the right to have representatives of the Federal Aviation Administration present at its meetings, as necessary, at the airport's expense.

### **13.35 Trucking and Motor Freight Terminals**

- a. Within the I Zone, trucking terminals are a permitted use by right, subject to the following standards.
- b. The facility shall front on and gain access to a major public highway.
- c. Under no circumstances shall access to the terminal be through a residential neighborhood.
- d. Loading docks and truck maneuvering areas and terminals must be set back the following minimum distances from residential use property lines or from property lines of properties

located in districts other than the I and C Districts:

- i. A truck terminal or motor freight depot must be at least 500 feet.
- ii. A shipping or receiving dock must be at least 300 feet.
- e. The applicant shall furnish a traffic study prepared by a professional traffic engineer in accordance with the Centre County and/or Benner Township Subdivision and Land Development Ordinance.
- f. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties owing to hours of operation, light, noise and/or litter.

## **Utility Uses**

### **13.36 Communication, Transmitting and Receiving Facilities**

- a. Within the C and Q Zones, communication towers are permitted by right, and in the FC, A, RR, R-2 and I Zones, they are allowed by conditional use, subject to the following standards.
- b. Applicants are required to show compliance with the provisions of this Section and other applicable provisions of the Zoning Ordinance.
- c. Applications for the construction of communications antenna, support structures and related facilities shall include a written report containing the following:
  - i. Information describing the tower height and design;
  - ii. A cross-section of the structure;
  - iii. Engineering specifications detailing construction of the tower, base and guy wire anchorage;
  - iv. Information describing the proposed painting and lighting schemes and a description explaining how the facility will be designed to blend in with its surroundings. Context-sensitive design is encouraged in the area in which it is located, particularly in forested and agriculture areas;
  - v. Information describing the tower's capacity, including the number and type of antennas that it can accommodate;
  - vi. Written certification of all tower structure information by a licensed professional engineer;
  - vii. If the location is proposed for a heritage inventory site as identified on the Centre County Heritage Inventory or within a forest conservation district or forested patch (identified in the Nittany Valley Region Comprehensive Plan or in accordance with the Centre County and/or Benner Township Subdivision and Land Development Ordinance), an alternatives analysis must be performed to certify that there is not a suitable space on existing sites or structures where the intended facility can be accommodated and function with reasonable modification. This certification shall include:
    - 1. An inventory of existing antenna support structures within a two (2) mile radius of the proposed site discussing the availability or unavailability of sites and reasons therefore.
    - 2. Evidence of the applicant's good faith efforts to locate the antenna on an existing structure.
    - 3. Technological evidence that the facility must go where proposed in order to satisfy its function in the grid system and provide the quality of service required by law; and
  - viii. Written authorization from the property owner of the proposed site.
- d. Applicant shall demonstrate that he/she is licensed by the FCC to operate a communication



tower and/or communication antenna.

- e. All other uses ancillary to the antenna, tower and associated equipment are prohibited (except accessory equipment buildings) unless otherwise permitted in the zoning district in which the site is located. This includes, but is not limited to, business offices, maintenance depot and vehicle storage.
- f. Other standards of approval for antenna support structures and antenna related facilities include the following:
  - i. Setbacks
    - 1. Antenna support structures shall be set back from all property lines a distance equal to the yard setbacks applicable to other structures in the zoning district.
    - 2. The foundation and base of any communications tower shall be set back from a property line (not lease line) in the RR District or any residence at least 100 feet and shall be set back from any other property line (not lease line) at least 50 feet.
    - 3. Structures shall be self-collapsing or have a clear fall area setback equal to the height of the structure and any attached antennae.
  - ii. Antenna Support Structure Height
    - 1. The maximum height of any single antenna support structure located at a single site for one (1) antenna shall be at the lowest height to function at the proposed location, based upon specific engineering data pertaining to the function of the antenna support structure to be supplied to the applicant.
    - 2. An antenna support structure may exceed the maximum allowable height to allow for the co-location of another antenna, provided that the applicant shows the evidence that the antenna support structure will be a shared location site.
  - iii. Landscaping and Screening
    - 1. If the antenna support structure site is located in an area of existing woodlands, the existing woodlands shall not be disturbed or diminished beyond the minimum extent necessary. The existing woodlands shall be supplemented, as needed, to fully screen the antenna support base.
    - 2. If the site is not wooded, the entire perimeter of the fence surrounding the antenna support structure compound shall be planted with evergreen trees (or other planting as approved by the Board of Supervisors) at least six (6) feet in height at the time of planting. The planting area around the antenna support structure shall have a minimum radius of 10 feet. The evergreens shall be planted every five (5) feet on center.
    - 3. The site shall be landscaped to a density and height sufficient enough to screen the facility base tower and buildings from abutting properties.
  - iv. Equipment or Accessory Buildings. Accessory buildings must conform to the yard setbacks as required for the zoning district in which the tower is located.
  - v. Parking. At least two (2) off-street parking spaces shall be provided within the fenced area.
  - vi. Security, Maintenance and Fencing
    - 1. The site shall be secured by a fence with a minimum height of six (6) feet and maximum height of eight (8) feet to limit accessibility by the general public.
    - 2. All guy wires shall be clearly marked so as to be visible at all times and shall be

located within the fenced enclosure.

3. All equipment and buildings shall be constructed and maintained in accordance with the State Building Code.

vii. Lighting and Signs

1. No signs shall be mounted on a communications tower except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.
2. All communications towers shall have lights as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

- viii. Color. Antenna support structures shall be painted in the color that best allows it to blend into the surroundings unless otherwise required by the Federal Aviation Administration regulations. The use of grays, blues, browns and greens may be appropriate.

- ix. Antenna Support Structure Design and Structural Integrity. The owner of the antenna or antenna support structure shall provide a registered professional engineer's report documenting that the structure meets the structural standards of the applicable building code in the Telecommunications Industry Association.

x. Other

1. Prior to issuance of a zoning permit for the erection of an antenna or antenna support structure, applicants must receive approval of a land development plan from the Benner Township Board of Supervisors. The land development plan must provide the information required by all applicable Township Ordinances.
2. A formal land development plan is not required if the antenna is to be mounted on an existing structure.
3. Evidence shall be submitted from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, taking into consideration winds and other loads associated with the location.
4. The applicant, owner, or operator of the antenna shall be licensed by the Federal Communications Commission.
5. The tower shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable zoning regulations.
6. Certification of Insurance evidencing general liability in the minimum amount of \$1,000,000 per incident and property damage coverage in the minimum amount of \$1,000,000 per incident is required to cover the tower, antenna and structures.

xi. Abandonment

1. If an antenna support structure is unused, as evidenced by notice to the Federal Communications Commission of intent to cease operations for a continuous period of 12 months after said notice, it shall be deemed abandoned, or if the antenna is out of operation for the same time period.
2. Any antenna support structure or antenna that is deemed to be abandoned must be removed within 180 days.
3. Removal of the antenna support structure shall be the responsibility of the

owner of the antenna support structure. At the time of land development plan approval, the owner and/or his successors and assigns of the antenna support structure must enter into an agreement with the Township regarding the removal of an abandoned antenna support structure as herein defined.

4. In the case of multiple operators sharing the use of a single tower, this provision shall become effective when all users cease operation.
5. Prior to erection of such facility, the owner shall be bonded for the cost of removal based on an estimated value of removal and shall submit proof of the bond annually.

## **Industrial Uses**

### **13.37 Junkyard**

- a. Within the A and R-2 Zones, junkyards are permitted by special exception in conjunction with the following standards.
- b. Maximum lot area shall be five (5) acres.
- c. The outdoor area devoted to the storage of junk shall be completely enclosed by an eight (8) foot high opaque fence which shall be set back at least 50 feet from all property lines and 100 feet from residentially-zoned or existing residential properties.
- d. The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth.
- e. All completely-enclosed buildings used to store junk shall be set back at least 50 feet from all property lines.
- f. No material may be stored or stacked so that it is visible from adjoining properties and roads.
- g. All additional State and Federal laws shall be satisfied.
- h. All junk shall be stored or arranged so as to permit access to firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8) feet.
- i. No oil, grease, tires, gasoline or other similar material shall be burned at any time. No hazardous materials, as defined by State and Federal regulations, shall be stored or burned at any time.
- j. Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, not to cause any offensive or noxious sounds or odors, nor to the breeding or harboring of rats, flies, mosquitoes or other vectors of disease.
- k. No junkyard shall be located on land with a slope in excess of five (5) percent, prime agricultural soils, sinkhole prone soils, wetlands, woodlands or floodplains.

### **13.38 Quarries and Mineral Extraction**

- a. Within the Q Zone, quarries are allowed by conditional use, subject to the following standards.
- b. As a part of each application, the applicant shall furnish an accurate survey site plan at a scale no less than one (1) inch equal to 400 feet showing the location of the tract or tracts of land to be affected by the operation. The surveyed site plan shall be sealed by a registered professional engineer or a registered professional land surveyor and shall include the following:
  - i. The boundaries of the proposed affected area together with drainage area contributing and resulting from the proposed use;
  - ii. The location and names of the types and resources to be extracted or quarried and names of all natural and manmade features such as streams, roads, railroads and utility lines on or immediately adjacent to the area;

- iii. The location of all buildings within 1,000 feet of the parcel and the names and addresses of the owners and present occupants, total acreage, names and addresses of adjacent land owners and the location of rights-of-way and easements, abutting and/or adjacent zoning districts and land Uses;
  - iv. The purpose for which each building is to be used and the estimated depth of the proposed operation and land area to be excavated, with dimensions;
  - v. Proposed alterations to watercourses to assure stream quality and quantity and proposed discharge or access to groundwater;
  - vi. Any proposed fencing and landscaping, which must comply with Section 14.5; and
  - vii. A contour map showing cross sections of the proposed quarry area including a detailed hydro-geologic groundwater study based on complete site studies.
- c. The applicant shall obtain any required permit or permits from the Department of Environmental Protection of the Commonwealth of Pennsylvania, or any successor agency thereto, and shall present such permit or permits to the Benner Township Board of Supervisors.
  - d. The applicant shall present duplicate sets of the plans, specifications, applications and supporting data that have been or shall be presented to the Department of Environmental Protection for review to the Benner Township Board of Supervisors. If such conditional use is granted, the operator shall continue to present such documentation to the Township when it is submitted to the Department of Environmental Protection.
  - e. Operation of the facility shall at all times comply with all applicable State and Federal statutes and regulations. This shall include, but not be limited to, the Non-Coal Surface Mining Conservation and Reclamation Act, Act of December 19, 1984, P.L. 10993, No. 219, as amended, 52 P.S. 3301 et seq., or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating mining, and the regulations of the Department of Environmental Protection implementing such statutes.
  - f. The minimum lot area shall be 50 acres.
  - g. A fence measuring eight (8) feet high must enclose the area of actual quarrying or excavation. It shall not be less than 50 feet from the edge of excavation. The fence used shall have openings less than three (3) inches in any dimension, if any. A vegetative screen must be provided along the outside of the fence, facing away from the quarry, with initial plantings (which shall be evergreen at planting) at least 36 inches high and placed in a double-staggered row with no more than five (5) feet on center between plants. The vegetation shall be of a variety to obtain a height of at least eight (8) feet at maturity. Where adjacent to a residential district or public right-of-way, trees and shrubs shall be planted which will screen the operation completely from normal view. All screenings and buffers required by Section 14.5 herein shall be provided.
  - h. The applicant shall demonstrate that the surface and subsurface water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit to the Board of Supervisors a hydrogeologic study performed by a qualified hydrogeologist or other similar professional acceptable to the Board of Supervisors. Such study shall be prepared in accordance with accepted hydrogeological standards and practices; shall contain the sources of all test data, including but not limited to, wells evaluated as a part of the study; and shall clearly set forth the conclusions and recommendations of the professional.
  - i. The operator shall limit access to the site to those posted times when an attendant is on duty.

In order to protect the public health, safety and welfare, access drives shall be secured by fences, locks, gates and other means to deny access at unauthorized times.

- j. Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.
- k. Sufficiently long vehicle stacking lanes into the facility shall be provided so that waiting vehicles to be weighed will not back up onto public roads.
- l. All access drives onto the site shall be paved in accordance with the Centre County and/or Benner Township Subdivision and Land Development Ordinance to a cartway width of 35 feet for a distance of at least 200 feet from the street right-of-way line. In addition, a 100 foot-long crushed stone section of driveway shall be placed just beyond the preceding 200 foot paved section to help collect any mud that may be attached to a vehicle's wheels.
- m. The facility shall front upon and gain access from a public highway.
- n. The applicant shall provide an analysis, prepared by a professional engineer experienced in the field of traffic analysis and acceptable to the Board of Supervisors, of the physical conditions of the primary road system serving the site.
- o. If the traffic study demonstrates that improvements to the Township or State roads shall be required in order to serve the proposed use or to alleviate the direct impacts of the proposed use upon the traffic network, the applicant shall make and/or guarantee cost of such improvements.
- p. The operator shall maintain and make available to the public at its on-site office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.
- q. The operator shall provide the Township with copies of any notices of violation received from the Department of Environmental Protection or U.S. Environmental Protection Agency within two (2) weeks from the date such notice of violation was received by the operator.
- r. There shall be no operations on Sunday or legal holidays and no operation between the hours of 7:00 p.m. to 7:00 a.m. on other days.
- s. All mining operations shall comply with the following requirements:
  - i. Shall not injure or detract from the lawful existing or permitted use of neighboring properties;
  - ii. Shall not create any damage to the health, safety or welfare of the Township or its residents or property owners;
  - iii. Shall not pollute the air in excess of standards set by State or Federal statutes or regulations;
  - iv. Shall not create noises in excess of permitted levels established by State or Federal statutes or regulations or Township Ordinances;
  - v. Shall not exceed the blasting parameters established by the Pennsylvania Bureau of Mining and Reclamation;
  - vi. Shall not permit the emission of dust, smoke, refuse matter, odor, gas, fumes, noise or similar substances or conditions which can endanger the health, safety or general welfare or which can cause any soiling or staining of persons or property damage, including damage to special habitats or natural heritage areas as defined by the Centre County Natural Heritage Inventory at any point beyond the property line of the emission source;
  - vii. Shall not impede the flow of natural watercourses;

- viii. Shall be conducted in a manner which will not allow water to collect or permit stagnant water to remain in quarries or excavations;
  - ix. The storage of explosives and blasting agents, the bulk storage of flammable or combustible liquids and the bulk storage of liquefied petroleum gas must comply with the Township's Fire Protection Code and all other State and Federal regulations applicable to the type of storage stated in this subsection; and
  - x. Shall not create storage for junk or an accessory junkyard.
- t. At the time of application for a conditional use, an operations statement shall be submitted which shall include a detailed description of methods for satisfactorily handling operations with respect to the emission of noise, dust, blast, smoke, refuse matter or water, odor, gas, fumes or similar substances or conditions which may endanger the health, safety or general welfare or which can cause any soiling or staining of persons or property beyond the property line. All such operations statements shall be in full compliance with all applicable State and Federal statutes and regulations. All pollution, soil erosion and sedimentation control and other environmental problems created during the operation, including the production, transportation, processing, stockpiling, storage and disposal of products, byproducts and wastes, shall be corrected by the operator.
- u. At the time of application for a conditional use, a reclamation plan shall also be submitted setting forth the following information:
  - i. An engineering drawing showing ownership, existing and future topography, streams, existing roads, buildings, boundaries and legal description of the tract;
  - ii. A description of the location, type, extent, methods and time schedule for the operation proposed;
  - iii. A drawing showing the location and/or proposed relocation of land, trees, buildings, structures, public roads, streams, drainage facilities and utility lines on the tract or adjacent tracts as may require protection, repairs, clearing, demolition or restoration either during or following the completion of the operations proposed.
  - iv. A plan for re-use of the land after completion of the operations which shall permit the carrying out of the purposes of this Ordinance and appropriately provide for any restoration, reclamation, reforestation or other correction work deemed necessary and which shall comply with all applicable State and Federal statutes and regulations governing the reclamation of the proposed facility. Such re-use plan shall comply with the filing requirements herein.
- v. As a condition of approval, the operator must certify that after the termination of operations, he/she must rehabilitate the area to conform with the reclamation plan and all applicable State and Federal statutes and regulations.
- w. Within 90 days after the commencement of surface mining operations, and each year thereafter, the operator shall file an operations and progress report with the Zoning Officer and/or Township Engineer setting forth the following:
  - i. The name, address and telephone number of the operator;
  - ii. The location of the operation with reference to the nearest public road;
  - iii. A description of the tract or tracts, including a site plan showing the location of all improvements, stockpiles, quarry pits, etc.;
  - iv. The name and address of the landowner or his duly authorized representative;
  - v. An annual report of the type and quantity of material produced;

- vi. The current status of the reclamation work performed pursuant to the approved reclamation plan;
- vii. A maintenance report for the site verifying that all required fencing, berming and screening has been specifically inspected for needed repairs and/or maintenance and that such needed repairs and/or maintenance have been performed; and
- viii. Verification that the proposed use continues to comply with all applicable State regulations. The operator shall furnish copies of any approved permits and/or any notices of violations issued by the Pennsylvania Department of Environmental Protection to the Zoning Officer and/or Township Engineer.
- x. The mining operation shall meet the setback requirements and criteria of the Pennsylvania Code, Chapter 13, Compliance with the Surface Mining Control and Reclamation Act of 1977, Section 77.126, as amended.
- y. No structures or parking areas shall be located closer than 100 feet to any property line.
- z. Waste products or waste containers may be placed within side and rear yards, provided that they are screened from adjoining roads and properties. All such containers shall be set back not less than 100 feet from any adjoining property. All such containers shall be completely enclosed by a solid fence or wall.
- aa. Where screening, plantings or fencing have been installed, such screening, plantings and fencing shall be permanently maintained. All required plant materials which die shall be promptly replaced in accordance with recognized nursery standards. All fencing shall be maintained in good repair.

### **13.39 Commercial Power Generation Facilities**

- a. Within the I Zone, Power generation facilities are permitted, subject to the following standards.
- b. Heat, glare, radiation, noise, vibration, fumes, odors or other objectionable emissions. Every use shall be operated so that it does not emit a dangerous level of heat, glare, radiation, noise, vibration, fumes, odors or other objectionable emissions beyond any boundary of the site on which the use is located.
- c. Outdoor storage and waste disposal.
  - i. No materials or wastes shall be deposited upon a site in such form or manner that it may be transferred off-site by natural causes or forces.
  - ii. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by, or otherwise attractive to, rodents shall be stored outside in closed containers.
- d. The proposed facility shall comply with all applicable State and Federal air quality, water quality, environmental and regulatory permits and requirements including, but not limited to, the permits and approvals listed below. Approval would be contingent upon obtaining required permits and approvals.
  - i. NPDES, water quality and earth disturbance permits
  - ii. Section 404 of the Clean Water Act
  - iii. Chapter 105 Encroachment Permit
  - iv. Water Consumptive Permit from the Susquehanna River Basin Commission
  - v. Water Allocation/Withdrawal Permit from Pennsylvania Department of Environmental Protection
  - vi. Air Quality permits
  - vii. Public Utility Commission approvals

- e. Landscape requirements.
  - i. The landscape provisions in this Ordinance are intended to encourage development of an attractive working environment for development, to buffer objectionable views, to provide year-round landscape and to provide for the mitigation of environmental impacts. The landscape requirements shall be as provided in the Centre County and/or Benner Township Subdivision and Land Development Ordinance and Section 14.5 herein. Where conflict exists between this Ordinance and the Subdivision and Land Development Ordinance with regard to landscape requirements, this Ordinance will take precedence.
  - ii. Suitable planting and landscaping shall be provided in areas required at setbacks under the provisions of this Ordinance.
  - iii. Landscaping is not required for side and rear property lines behind the front building setback line for property abutting other industrial zoned property.
  - iv. Parking shall not be permitted in the landscape setback abutting any street.
- f. Emergency Plan of Access. A written Plan of Access must be provided by the owner in the event of emergency conditions, such as fire, assuming the worst condition. The owner's plan of action for emergency access to the building shall be submitted to the Township's Emergency Management Officer and the fire companies at the time of submission for a building permit.

**13.40 Solid Waste Processing and/or Disposal Facilities**

- a. Within the I Zone, solid waste disposal facilities can be permitted by conditional use, subject to the following standards.
- b. The applicant shall obtain any required permit or permits from the Department of Environmental Protection of the Commonwealth of Pennsylvania, or any successor agency thereto, and shall present such permit or permits to the Board of Supervisors.
- c. The applicant shall present duplicate sets of plans, specifications, applications and supporting data that have been or shall be presented to the Department of Environmental Protection for review to the Board of Supervisors. If such conditional use is granted, the operation shall continue to present such documentation to the Township when it is submitted to the Pennsylvania Department of Environmental Protection.
- d. Operation of the facility shall at all times comply with all applicable State and Federal statutes and regulations. This shall include, but not be limited to, the Municipal Waste Planning, Recycling and Waste Reduction Act or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating waste recycling and recovery and the regulations of the Pennsylvania Department of Environmental Protection implementing such statutes.
- e. Operation of the facility shall at all times comply with all applicable regulations of the Centre County Solid Waste Authority or any successor agency. Any permits or approvals required by such agency shall be obtained by the applicant and evidence of the granting of such permits or approvals shall be submitted to the Township.
- f. The minimum lot area shall be 50 acres for solid waste disposal facilities and 10 acres for solid waste processing facilities.
- g. A fence measuring eight (8) feet high shall enclose the facility. The fence used shall have openings less than three (3) inches in any dimension, if any. A vegetative screen must be provided along the outside of the fence, facing away from the facility, with plantings at least 36 inches high and placed in a double-staggered row with not less than five (5) feet on center between plants. The vegetation shall be of a variety to obtain a height of at least eight (8) feet



at maturity. All screenings and buffers required by Section 14.5 shall be provided. The use shall be screened completely from off-site.

- h. The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit to the Board of Supervisors a hydrogeologic study performed by a qualified hydrogeologist or other similar professional. Such study shall be prepared in accordance with the accepted hydrogeological standards and practices; shall contain the sources of all test data including, but not limited to, wells evaluated as a part of the study; and shall clearly set forth the conclusions and recommendations of the professional.
- i. The operator shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, gates, locks or other means to deny access at unauthorized times.
- j. Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.
- k. Sufficiently long vehicle stacking lanes (inspected and approved by the Township Engineer) into the facility shall be provided so that vehicles waiting to be weighed will not back up onto public roads.
- l. All driveways onto the site shall be paved to a cartway width of 35 feet for a distance of at least 200 feet from the street right-of-way line. In addition, a 100 foot-long crushed stone section of access drive shall be placed just beyond the preceding 200 foot paved section to help collect any mud that may be attached to a vehicle's wheels.
- m. The applicant shall provide an analysis, prepared by a professional engineer experienced in the field of traffic analysis, of the physical conditions of the primary road system serving the site.
- n. If the traffic study demonstrates that improvements to Township or State roads shall be required in order to serve the proposed use or to alleviate the direct impacts of the proposed use upon the traffic network, the applicant shall make such improvements and/or provide or guarantee financial security in an amount sufficient to cover the cost of such improvement.
- o. The operator shall maintain and make available to the public, at its office, all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.
- p. The operator shall provide the Township with copies of any notices of violation received from the Pennsylvania Department of Environmental Protection or U.S. Environmental Protection Agency within two (2) weeks from the date such notice of violation was received by the operator.
- q. The applicant shall submit an operating schedule to the Township for review by the Zoning Officer.
- r. Litter control measures shall be implemented to prevent scattering of materials and a plan for the clean-up of litter shall be submitted to the Township's Zoning Officer or other authorized Township official.
- s. All municipal waste awaiting recycling or resource recovery shall be stored within an enclosed area bounded by solid walls or fences.
- t. A 300 foot setback shall be maintained from all property lines during the operation of the recycling or resource recovery facility within which recycling or resource recovery activities shall be permitted.
- u. No structures or parking areas shall be located closer than 300 feet to any property line.

- v. Where screening, plantings or fencing have been installed, such screening, plantings and fencing shall be permanently maintained. All required plant materials which die shall be promptly replaced in accordance with recognized nursery standards. All fencing shall be maintained in good repair.
- w. The unloading, transfer and deposition of materials shall be continuously supervised by a qualified facility operator. Vibrations and emissions into the air shall not be permitted outside the property. All regulations relating to the control of noise shall be observed.

#### **13.41 Commercial Wind Farms**

- a. Within the I Zone, wind farms are permitted by right, and in the FC Zone, they can be permitted by conditional use, subject to the following standards.
- b. The applicant shall complete an environmental assessment in accordance with the U.S. Fish and Wildlife Service Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines and show how negative impacts will be avoided or minimized.
- c. No wind turbine should be set higher than the contiguous ridge line.
- d. No wind turbine should be placed closer than one (1) mile to a public roadway or one and one-half (1-½) miles to an occupied structure, whether used year-round or seasonally.
- e. Noise studies shall be conducted to determine acceptable levels at the nearest residence, and periodic evaluations shall determine whether or not that noise goes above these levels.
- f. The applicant shall show the level of disturbance on site and minimize the level of disturbance to the satisfaction of the Board of Supervisors.
- g. An evaluation shall be completed showing where and how far debris would fall in case of a mechanical or structural malfunction.
- h. The applicant shall describe the method for avoiding lightning strikes and interference with local electrical services.
- i. The applicant shall list the benefits to the Benner Township community.

### **Public Uses**

#### **13.42 Public and Semi-Public Buildings, including Churches and similar Places of Worship, Community Activity Buildings, Cultural Facilities, Libraries, Municipal Buildings and Museums**

- a. These uses will have the following standards to abide by. Refer to the Permitted Use Schedule for specific uses and whether the use is allowed by right or through a Conditional Use process.
- b. The public and semi-public buildings shall adhere to the following dimensional characteristics:
  - i. Minimum lot area: Two (2) acres
  - ii. Minimum setback requirements:
    - 1. Front yard: 50 feet
    - 2. Side yard: 50 feet
    - 3. Rear yard: 50 feet
  - iii. Minimum lot width: 100 feet
  - iv. Maximum building coverage: 30 percent
  - v. Maximum lot impervious coverage: 70 percent
  - vi. Minimum vegetative coverage: 30 percent
- c. Outside storage of materials shall be prohibited within the RR District. Outdoor storage of materials in other areas shall be completely enclosed in accordance with Section 14.4 herein.
- d. The storage of maintenance vehicles and related apparatuses shall be within wholly-enclosed buildings in the RR District.
- e. All off-street parking shall be provided in accordance with Article XVI and the following

## requirements:

- i. Off-street parking shall not be allowed within 10 feet of the adjoining property line and shall be screened in accordance with Section XVI.
  - ii. Portions of the required front yard setback may be used for off-street parking when authorized as a special exception; however, off-street parking shall be set back a minimum 25 feet from the street right-of-way.
- f. Existing structures cannot be remodeled, converted or otherwise used for schools, hospitals, churches or other public/semi-public uses until such plans are presented to the Zoning Officer together with approvals as may be necessitated by State and local law and rules and regulations of the Department of Labor and Industry, the Department of Environmental Protection and others, as applicable. If the Zoning Officer finds any such plans and approvals are not in conflict with the intent and purposes of this Ordinance, such uses may be permitted.
- g. In the case of churches and similar places of religious worship, no restrictions shall be in violation of the Religious Land Use and Institutionalized Persons Act of 2000.
- h. The use shall emit no obnoxious noise, glare, dust, odor, vibration, or safety hazard beyond the subject property.

**Accessory Uses****13.43 Drive-Through Facilities for Permitted Uses**

- a. Within the C and I Zones, drive-through facilities are allowed for permitted uses subject to the following standards.
- b. A site circulation plan shall be devised that separates those patrons utilizing the drive-through service from those patrons utilizing indoor facilities. The plan shall include the following information:
  - i. Location and dimensions of all structures;
  - ii. Location and access to the drive-through service;
  - iii. Location and dimension of parking, landscaping areas and signage; and
  - iv. Description of internal circulation and external access.
- c. Ingress and egress standards shall meet the requirements of the Centre County and/or Benner Township Subdivision and Land Development Ordinance along with the following criteria:
  - i. The minimum distance of any driveway to property line shall be 10 feet;
  - ii. The minimum distance between driveways on the site shall be 65 feet measured from the two (2) closest driveway curbs.
  - iii. The minimum distance of a driveway into the site from a street intersection shall be 60 feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.
  - iv. The angle of driveway intersection with the street shall be based upon safe traffic movements and shall be approved by the Township Engineer.
  - v. Drive-through facilities adjacent to or integrated into a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
- d. All drive-through facility buildings and structures shall be designed and planned to take advantage of, and be compatible with, natural features of the site and area.
- e. Outdoor lighting shall be in accordance with Section 14.6 herein.
- f. All drive-through windows shall be separated from the parking lot's interior driveways, shall have stacking lanes of at least 100 feet in length and shall be situated to prevent vehicles from

queuing onto adjoining roadways.

- g. Exterior microphone/speaker systems shall be arranged or screened to prevent objectionable noise impact on adjoining properties.
- h. All automated teller machines shall be located so that the on-site movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.

#### **13.44 Farmstead Accessory Dwelling Unit**

- a. Within the A and RR Zones, farmstead accessory dwelling units are permitted uses subject to the following standards.
- b. The farmstead accessory dwelling unit may take form as one of three types of dwelling units - an accessory apartment, a single-family attached dwelling or a single-family detached dwelling.
- c. The following regulations shall apply to the farmstead accessory apartment:
  - i. The apartment will be a complete and separate housekeeping unit;
  - ii. Only one (1) apartment will be created within a farmstead principal single-family detached dwelling unit;
  - iii. The accessory apartment shall be designed so that, to the degree feasible, the appearance of the building remains that of a single-family detached dwelling;
  - iv. The design and size of the apartment conforms to applicable State and Township standards/codes; and
  - v. The accessory apartment shall be no more than 30 percent of the structure's total floor area. A minimum of 300 square feet of floor area shall be required.
- d. The farmstead single-family attached and single-family detached dwelling units shall meet the requirements of Article V of this Chapter.

#### **13.45 Farmstead Business**

- a. Within the A and RR Zones, farmstead businesses are allowed by conditional use and subject to the following standards.
- b. Farmstead businesses shall include the following accessory business uses and shall be located on the farmstead area:
  - i. Retail sales of products principally produced on the farm. At least 50 percent of all products (by volume) sold shall be produced on the farm.
  - ii. Facilities for the processing, storage and wholesale distribution of goods on the farm;
  - iii. Facilities for the service and repair of agricultural equipment and incidental sales of parts and services;
  - iv. Blacksmith and tool sharpening service;
  - v. Custom carriage, buggy, wagon, bicycle and related appurtenances, construction, sales and service;
  - vi. Carpentry;
  - vii. Woodworking, furniture, upholstery and cabinetmaking;
  - viii. Butchering; and
  - ix. Clothesmaking.
- c. All related occupations shall comply with the following regulations:
  - i. Not more than two (2) farmstead businesses per farm shall be permitted, excluding "no impact home-based businesses" as defined herein.
  - ii. Not more than a total of 3,000 square feet of structure floor area shall be utilized for all farmstead businesses.
  - iii. Not more than 600 square feet of total outdoor display space for all farmstead business

shall be permitted. Outdoor display shall be limited to daylight hours and must be removed by dusk.

- iv. Not more than one (1) person other than residents of the farm shall be employed with each farmstead business.
- v. The building façade, whether new or existing, shall give no outward appearance of being utilized for purposes other than a dwelling or accessory farm building.
- vi. The farmstead businesses shall not generate traffic which exceeds the weight limits established for Township bridges, roadways and road segments as set forth in the code of Benner Township.
- vii. The farmstead business shall meet the performance standards set forth in Section 14.12 herein.
- viii. Signs shall be in accordance with Article XVII herein.
- ix. Off-street parking shall be provided in accordance with Article XVI herein.
- x. When necessary, outside storage shall be provided in accordance with Section 14.4 herein.

#### **13.46 Manure Storage Facilities**

- a. Within the A Zone, manure storage facilities are permitted uses subject to the following standards.
- b. All manure storage facilities shall be designed in compliance with the Nutrient Management Act of 1993, as amended.
- c. All waste storage facilities shall be reviewed by the Centre County Conservation District and the Township Planning Commission. The applicant shall furnish a letter from the Conservation District attesting to the approval of the design of the proposed facility to the Board of Supervisors.
- d. Construction and subsequent operation of the facility shall be in accordance with the permit and the approved design. Any design changes during construction of the subsequent operation will require the notification to the Board of Supervisors and the Centre County Conservation District.
- e. Storage of manure, or odor or dust-producing substances shall not be permitted within 200 feet of a non-farm district boundary nor a non-farm residence.

#### **13.47 Junkyards (accessory)**

- a. Within the A and R-2 Zones, junkyards are permitted by special exception in conjunction with the following standards.
- b. One (1) accessory junkyard shall be permitted and shall not encompass more than 6,000 square feet of contiguous area in the A District.
- c. All accessory junkyards shall meet the requirements of Section 13.37, with the exception of Section 13.37.a. and b.

#### **13.48 Permanent Agriculture Produce Stands**

- a. Within the A, R-2 and C Zones, agricultural produce stands are permitted uses in conjunction with the following standards.
- b. Any permanent structure used to display agricultural products shall not exceed 1,000 square feet in size nor shall it exceed the height limitations for that zoning district.
- c. No structure used to display agricultural products shall be located less than 25 feet from any property line.
- d. The structure shall be set back at least 50 feet from the street right-of-way.

- e. At least one-half (½) of the products displayed for sale must have been produced on the premises.
- f. Paved off-street parking shall be provided in accordance with Section XVI herein.
- g. Signs shall be permitted in accordance with Section XVII herein.

**13.49 Permanent Sawmill**

- a. Within the I Zone, sawmills are permitted by right, and within the A Zone, is a permitted use by conditional use. Both are subject to the following standards.
- b. A minimum lot area of five (5) acres shall be required.
- c. All power saws and machinery shall be secured against tampering and locked when not in use.
- d. All machinery shall be located at least 200 feet from any adjacent property line, with the exception that a minimum 500-foot setback shall be required in locations where the property line abuts a non-farm parcel or a public road.
- e. All materials temporarily or permanently stored on the property shall be in accordance with Section 13-4 herein.

**13.50 Professional and Home-Based Impact Occupations or Businesses**

- a. Within the FC, A, RR and C Zones, home-based impact occupations are permitted uses, and within the R-2 Zone, they are allowed by conditional use, subject to the following uses.
- b. The use shall be carried on completely within the dwelling unit or a detached accessory structure.
- c. More than one (1) person other than the occupants of the dwelling unit may be employed; however, no more than one (1) employee shall be working at the occupation in a given time period during the day.
- d. Not more than 25 percent of the floor area of the dwelling unit, excluding attached accessory structures, shall be utilized.
- e. Articles sold or offered for sale shall be limited to those produced on the premises.
- f. No outside display of articles offered for sale shall be permitted.
- g. No traffic shall be generated by such occupation or business in greater volumes than would normally be expected in a residential neighborhood.
- h. Deliveries from commercial suppliers may not be made more than once each week and the deliveries shall not restrict traffic circulation.
- i. There shall be no other exterior indications of the use or variation of the residential character.
- j. The use shall not cause any external effect, such as increased noise, excessive lighting, air pollution or offensive odor, which is incompatible with the characteristics of the surrounding neighborhood, or be in violation of the provisions of any applicable code or ordinance. Home businesses shall be non-impact to the neighborhood in which they reside.
- k. Off-street parking shall be provided in accordance with the provisions of Article XVI herein.

**13.51 Hayrides, Mazes, Tours and Barn Dances**

- a. Within the A Zone, hayrides, mazes, tours and barn dances can be permitted by conditional use, subject to the following standards.
- b. Access must be reviewed and approved by the Township Engineer.
- c. Sewer/Septic must be in compliance with the Township's Regulations and approved by the Township's Sewage Enforcement Officer.
- d. Applicant and Use shall comply with all State, county and local ordinances.
- e. Alcohol shall not be permitted.
- f. Applicant shall submit a specific use plan, outlining the intent of the operation, including but

not limited to the proposed times of the year the activity will take place, a plan for traffic, parking, hours of operations and anything else that may be relevant.

- g. No activities shall be permitted past 9:00 PM Sunday through Thursday and 11:00 PM Friday and Saturday.

### **13.52 Historic Structure Conversions**

- a. Within any zone, historic structure conversions are permitted by conditional use, subject to the following criteria:
- b. The proposed use will enable the preservation, restoration or rehabilitation of the historic structure, as defined herein. The applicant is required to submit expert evidence that any alterations, improvements, extensions, additions or other modifications to the historic structure will be accomplished in a manner that does not jeopardize the historic status of the site and/or structures. The applicant shall be required to participate in a meeting with the Pennsylvania Historical and Museum Commission (PHMC) and/or the Centre County Historical Society (CCHS) to gain their ideas about potential preservation options for the building/structure. No conditional use approval for the conversion of an historic structure shall be issued unless the applicant has participated in such a meeting. To inform the (PHMC/CCHS) about the structure, the applicant shall be required to produce all of the available following materials:
  - c. Historic deeds, surveys and site plans of the subject property;
  - d. current and historic photos of the property; and,
  - e. A description of the specific alterations and adaptations that will be required to accommodate the proposed conversion.
- f. Following such a meeting the PHMC/CCHS shall, within ninety (90) days, prepare a letter of its findings for delivery to the applicant and the Township.
- g. The proposed use is compatible with the surrounding area. In determining compatibility, the Board of Supervisors shall consider the likely impacts of the proposed use including but not limited to traffic, lighting, noise, litter, activity levels, buffer and screen plantings, signs, hours of operation and the number of proposed employees. The Board of Supervisors shall also consider any public health and safety impacts that will be generated by the proposed use. All uses must demonstrate adequate means of water supply and sewage disposal. These characteristics of the proposed use will be evaluated within the context of the property considering the nature and character of the surrounding area, topography, pedestrian and vehicular access, and any other relevant factors or circumstances.
- h. The proposed use is consistent with the purpose of the underlying Zone and it satisfies all applicable requirements of the underlying Zone and any specific criteria attached to the proposed use as listed within the Article XIII of the Zoning Ordinance. The Board of Supervisors shall deny or reject any proposal if, in the Board's judgment, such proposed use is incompatible with the Zone and the neighborhood in which the subject property is located. As required, land development approvals must be obtained.
- i. All proposed off-street parking, off-street loading and waste storage containers shall be screened from adjoining roads, residences and properties within the (R-1, R-2 and/or MHP) Zones; and,
- j. Notwithstanding other regulations contained elsewhere within this ordinance no more than one (1) sign shall be permitted containing:
  - i. up to a maximum twelve (12) square feet within the (C and A) Zones; and,

- ii. up to a maximum twelve (12) square feet within the (R-1 and R-2) Zones.

**13.53 Publishers, printers, bookbinding**

- a. Within the A Zone, printing operations are allowed as a use by right and subject to the following development standards.
- b. All applicants shall provide evidence that the printing business will be conducted in a manner that will not be detrimental to neighboring property owners.
- c. The subject property shall have frontage along an arterial roadway as defined in the Nittany Valley Region Comprehensive Plan, as amended.
- d. All height, area, setback and coverage standards within the underlying district shall apply.
- e. Parking and access drive requirements shall comply with Article XVI of this Ordinance.
- f. Signage shall be in compliance with Article XVII of this Ordinance.

**13.54 Dance, music, photography studios**

- a. Within the A and RR Zones, Dance, music, photography studios are allowed as a use by conditional use and subject to the following development standards.
- b. All applicants shall provide evidence that the studio will be conducted in a manner that will not be detrimental to neighboring property owners.
- c. The subject property shall have frontage along an arterial roadway as defined in the Nittany Valley Region Comprehensive Plan, as amended.
- d. All height, area, setback and coverage standards within the underlying district shall apply.
- e. Parking and access drive requirements shall comply with Article XVI of this Ordinance.
- f. Signage shall be in compliance with Article XVII of this Ordinance.



## ARTICLE XIV - General Regulations

- 14.1 Purpose** - The regulations set forth by this Article shall be minimum regulations and shall apply uniformly to each class of land use or kind of structure, except as provided herein.
- 14.2 Accessory Structures and Uses**
- a. Unless otherwise indicated in District Regulations or Article XIII, Use Regulations, the following requirements shall apply to accessory structures and uses in any district in which they occur:
    - i. **Attached Structures.** An accessory structure attached to the principal building is considered a part of the principal building for all regulatory purposes.
    - ii. **Non-attached Structures.** A non-attached structure standing apart from the principal structure shall meet the following requirements:
      1. No accessory structure, except accessory structures on farmstead or farm parcels as defined herein, agriculture roadside stands (see Sec. 13.48) and school bus shelters, shall be built within any front yard unless authorized as a special exception by the Zoning Hearing Board.
      2. A structure, other than a utility shed, may be built in a side yard or rear yard, provided that such accessory structure shall be located not less than 10 feet from any lot line.
      3. A utility shed may be built in a side yard or rear yard on any lot which the principal structure is a dwelling, provided that such utility shed shall be located not less than five (5) feet from any lot line.
    - iii. **Fences and Walls.** The following regulations shall apply to the height and location of fences and walls:
      1. No fence or wall (except a retaining wall, a wall of a building under the terms of this Ordinance, or a wall or fence in accordance with Article XIII, Use Regulations, of this Ordinance) shall be erected to a height of more than four (4) feet in the front yard area or more than six (6) feet in any other yard, in any district other than the I or LI Districts.
      2. No fence or wall (except a retaining wall, a wall of a building under the terms of this Ordinance, or a wall or fence in accordance with Article XIII, Use Regulations, of this Ordinance) shall be erected to a height of more than eight (8) feet in any yard in the I or LI Districts.
      3. No fencing shall be erected which inhibits the sight distance at a street intersection or driveway or the clear sight triangle as established in the Centre County and/or Benner Township Subdivision and Land Development Ordinance.
    - iv. **Swimming Pools.** Every outdoor swimming pool must conform to all applicable Township and State codes and shall be subject to the following regulations:
      1. No swimming pool shall be constructed in the front yard.
      2. Swimming pool setback shall be a minimum of 10 feet from property line to water's edge and seven (7) feet from impervious surface or support structure to property line.
      3. Water may not be discharged from a swimming pool directly onto adjacent properties or rights-of-way.
      4. Pools shall not be located over or within 10 feet of an onlot septic system drainfield.

- v. Forestry Operations. To encourage maintenance and management of forested or wooded open space and promote the conduct of forestry as a sound and economically viable use of forested land and forestry activities including, but not limited to timber harvesting, and to be in compliance with the Pennsylvania Municipalities Planning Code, as amended, forestry shall be a permitted use by right in all zoning districts. The following standards apply to all commercial timber harvesting within the Township as defined herein. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.
1. Policy and Purpose. In order to conserve forested open space and the environmental and economic benefits they provide, it is the policy of Benner Township to encourage the owners of forestland to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife and amenity values. The timber harvesting regulations are intended to further this policy by promoting good forest stewardship, protecting the rights of adjoining property owners, minimizing the potential for adverse environmental impacts and avoiding unreasonable and unnecessary restrictions on the right to practice forestry.
  2. Notification and Preparation of a Logging Plan.
    - a. For all timber harvesting operations, the landowner shall notify the Township Zoning Officer at least 10 business days before the operation commences and within 10 business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area and, as applicable, the anticipated starting or completion date of the operation.
    - b. Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this Ordinance. No timber harvesting shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation, posted on site and shall be provided to the Township Zoning Officer upon request.
    - c. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.
  3. Contents of the Logging Plan. As a minimum, the logging plan shall include the following:
    - a. The design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;
    - b. The design, construction and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips and water bars;
    - c. The design, construction and maintenance of stream and wetland crossings;
    - d. The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways;
    - e. A sketch map or drawing containing the site location and boundaries,

- including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within the property; significant topographic features related to potential environmental problems; location of all earth disturbance activities such as roads, landings and water control measures and structures; location of all crossings of waters of the Commonwealth; and the general location of the proposed operation to municipal and State highways, including any accesses to those highways;
- f. Documentation of compliance with the requirements of all applicable state regulations including, but not limited to, the following: erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. 691.1 et seq.); and stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. 693.1 et seq.); and
  - g. Any permits and plans required by State laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified above, provided all information required is included or attached.
4. Forest Practices. The following requirements shall apply to all timber harvesting operations in the Township:
- a. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare;
  - b. No tops or slash shall be left within 25 feet of any public thoroughfare or private roadway providing access to adjoining residential property;
  - c. All tops and slash between 25 feet and 50 feet of any public roadway or private roadway providing access to adjoining residential property, or within 50 feet of adjoining residential property shall be lopped to a maximum height of four (4) feet above ground;
  - d. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof;
  - e. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
5. Responsibility for Road Maintenance and Repair: Road Bonding. Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49 and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic and may be required to furnish a bond to guarantee the repair of such damages.

6. Enforcement. The Township Zoning Officer shall be the enforcement officer for the standards set forth herein.
  7. Inspections. The Township Zoning Officer may go upon the site of any timber harvesting operation before, during, or after active logging to review the logging plan or any other required documents for compliance with the standards and inspect the operation for compliance with the logging plan and other onsite requirements of these regulations.
  8. Violation Notices; Suspensions. Upon finding that a timber harvesting operation is in violation of any provision of these standards and regulations, the Township Zoning Officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken and compliance achieved. The Township Zoning Officer may order the immediate suspension of any operation upon finding that corrective action has not been taken by the date specified in a notice of violation; the operation is proceeding without a logging plan; or the operation is causing immediate harm to the environment. Suspension orders shall be in writing, shall be issued to the operator and the landowner, and shall remain in effect until, as determined by the Township Zoning Officer, the operation is brought into compliance with the regulations herein or other applicable statutes or regulations.
- vi. Public Utility Structures. Public utility structures shall be permitted in any district without regard to the use and area regulations, provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations:
1. Front, side and rear yards shall be provided in accordance with the regulations of the district in which the facility is located;
  2. Height shall be as required by district regulations;
  3. Unhoused equipment shall be enclosed with a chain link fence six (6) feet in height topped with barbed wire;
  4. Housed equipment, when the equipment is totally enclosed within a building, shall not require fencing or screen planting; however, the yard areas shall be in conformity with the District in which the facility is located;
  5. Screen planting - the required fence for the unhoused equipment shall be surrounded by an evergreen planting in accordance with the Centre County and/or Benner Township Subdivision and Land Development Ordinance;
  6. The external design of the building or structure shall be in conformity with the buildings in the districts;
  7. Access for unhoused equipment, where vehicular access is across the front yard, the gate shall be constructed to solid materials having not less than 50 percent solid in ratio to open space;
  8. Plans of the facility shall be submitted to the Township for review and approval; and
  9. A plan for safety, security and visibility measures shall be submitted to the Township Zoning Officer for review and approval.

#### **14.3 Lot Standards**

- a. Lot area. The area, width and depth of lots shall provide adequate area for off-street loading,

unloading and/or parking space. Parcels with onlot wastewater facilities shall be provided with area, in addition to the above-mentioned areas, to accommodate an onlot wastewater system and a replacement area approved by the Township Sewage Enforcement Officer.

b. Yards and Setbacks.

i. Setbacks to Prevent Obstructions to Vision.

1. Walks, fences, signs and vegetation shall not be permitted which cause danger to traffic on any street by obscuring the view.
2. A clear sight triangle in accordance with the Centre County and/or Benner Township Subdivision and Land Development Ordinance shall be maintained and free from visual obstructions.

ii. All front setbacks shall be measured from the right-of-way defined by the Centre County and/or Benner Township Subdivision and Land Development Ordinance and based on the functional classification of streets as defined in the Nittany Valley Region Comprehensive Plan, as amended.

iii. Corner Lots. A front setback shall be required from each street on a corner lot. The rear yard shall be the yard opposite the yard designated by the property owner as the front and shall meet the rear yard requirements. The remaining yard shall meet the side yard requirements.

iv. Reverse Frontage Lots or Through Lots. A front setback shall be required from each street, excluding alleyways, on reverse frontage or through lots.

v. Front Setbacks on Built-Up Streets. Where at least two (2) adjacent buildings within 100 feet of a property are set back less than the required distance, the average of the lesser distance becomes the required minimum front setback for the property. However, in no case shall the setback line be less than 20 feet from any abutting, existing street right-of-way line.

vi. Interior Yards. For lots containing more than one (1) building on a single lot, the following interior yard spacing requirements shall be met:

1. Front to front: 70 feet
2. Front to side: 50 feet
3. Front to rear: 70 feet
4. Side to rear: 30 feet
5. Side to side: 15 feet
6. Rear to rear: 50 feet
7. Corner to corner: 20 feet

vii. Building Extensions Within the Setback.

1. Cornices, chimneys, steps, stoops, canopies and similar extensions including fire escapes and eaves may be within the minimum front, side or rear yard setbacks. Stoops shall not be greater than 25 square feet in area.
2. Covered porches and patios, whether enclosed or unenclosed, shall be considered a part of the main building and shall not project into any building setback area.

c. Flag Lots. Flag lots shall be permitted in the FC, A and RR Districts and must comply with the following regulations:

- i. The narrow "staff" portion of any such lot connecting the "flag" to the street shall not be less than 50 feet in width. The access drive associated with the staff shall be no

closer than 200 feet from a neighboring driveway on an existing roadway or 100 feet on an interior street of a development.

- ii. Minimum lot width and minimum building setbacks shall be measured along the lot line (other than the street line) most nearly parallel to the street from which access is taken.
- iii. The “staff” portion of a flag lot shall serve only the lot upon which it is located; any subsequent proposals to serve one (1) or more additional lots shall require the construction and dedication of a public street or a private right-of-way in that an ownership and maintenance agreement acceptable to the Township Board of Supervisors is signed as a part of the subdivision process and recorded on the deeds of all parties to the agreement.
- d. Division of Built-On Lots. No lot may be formed from part of a lot occupied by a building unless each newly-created lot will meet all the applicable provisions of this Ordinance and the Centre County and/or Benner Township Subdivision and Land Development Ordinance.

#### **14.4 Building and Structure Requirements**

- a. Height Regulations. The following height regulations shall apply throughout the Township:
  - i. The height regulations do not apply to the following structures or projections, provided that such structures or projections are set back a horizontal distance at least equal to their height from any property line:
    - 1. Telecommunications towers, water towers, antennas, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles or other similar structures.
    - 2. Rooftop structures for the housing of elevators, stairways, water storage tanks, ventilating fans, solar panels and other mechanical appurtenances, if such structures do not cover more than 25 percent of the roof on which they are located.
    - 3. Parapet walls or cornices used solely for ornamental purposes, if not in excess of five (5) feet above the roofline.
  - ii. In no case shall any freestanding or rooftop structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial or industrial purposes.
  - iii. For residential uses, accessory buildings shall not exceed 15 feet in height, except as provided for in Article XIII, Use Regulations.
- b. Minimum Habitable Floor Area. All dwelling units shall not be less than the minimum habitable floor area as follows:
  - i. Single-family detached, single-family semi-detached and single-family attached with the exception of those single-family units listed in subsection (2) below: 700 square feet.
  - ii. Multi-family dwellings, farmstead accessory dwelling units and mobile or manufactured homes with the exception of efficiency apartments: 400 square feet.
  - iii. Efficiency apartments (dwelling units consisting of not more than one (1) habitable room with kitchenette and sanitary facilities): 300 square feet.
- c. Unenclosed Storage.
  - i. Recreational Vehicles, Boats, Campers, Trailers and Trucks. In any residential districts, no boats, campers, recreational vehicles, trailers and/or trucks with more than two (2) axles, except personal pickup trucks, shall be stored or parked within any front yard.
  - ii. Outdoor Stockpiling. In all districts, with the exception of the I District, no outdoor stockpiling of any material or outdoor storage of trash is permitted in the front yard or

alleyways. All districts shall meet the following regulations, as applicable:

1. The stockpiling of tires, metal pipes, automobile parts and similar objects or materials shall be stored in a garage or an enclosed storage structure in the RR (development area) District.
  2. In the RR (development area) District, the outdoor stockpiling of materials other than those listed in (a) above, is prohibited for more than one (1) year.
  3. In all districts, outside storage areas shall be screened from any public street or pedestrian walkway, any abutting district or any residential use, in accordance with the screening and landscaping requirements set forth herein and in the Centre County and/or Benner Township Subdivision and Land Development Ordinance.
  4. In the I or LI District, outdoor storage of materials over four (4) feet in height must be set back a minimum of 100 feet from the public right-of-way.
- iii. Trash, Garbage, Refuse or Junk. The outdoor accumulation of trash, garbage, refuse, junk or non-registered, inoperable vehicles for a period exceeding 15 days is prohibited.
- d. Dumpsters. Dumpsters used for domestic garbage shall be permitted within the side or rear yard in accordance with the following requirements:
- i. The dumpster shall be screened from adjoining roads and properties and completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate.
  - ii. All dumpsters shall be set back at least 35 feet from the lot line of an adjoining residential use and 10 feet from all other lot lines.
- e. Demolition of Structures. Demolition of any structure must be completed within three (3) months of the issuance of a permit. "Completion" consists of tearing the structure down to grade, filling any resulting cavity to grade (non-cellar) and removing all resulting materials from the lot, with the exception of farm parcels, which shall be completed within six (6) months. A structure may be partly demolished only if a building remains and the demolition of the part is complete as aforesaid. All evidence of the part which was demolished must be removed from the exterior surfaces of the remaining building.

#### **14.5 Buffer Yards and Screening**

- a. Location.
- i. Buffer yards shall be required for all non-residential uses, with the exception of agricultural activities, abutting residential uses and/or abutting or within the RR (development area), except as provided in Subsection (iii) below and in accordance with District regulations. The buffer yard shall extend the entire length or width of the property line adjoining the RR development area.
  - ii. Screening and landscaping, in accordance with the applicable provisions of the Centre County and/or Benner Township Subdivision and Land Development Ordinance, shall be provided for all non-residential uses when abutting a residential use and/or abutting or within a residential district.
  - iii. Where arterial or collector streets or railroads serve as district boundary, no such buffering or screening is required along the boundary line.
- b. Description.
- i. The buffer yard widths shall be in accordance with the following:
    1. Office uses: 15 feet

- 2. Commercial and institutional uses: 20 feet
- 3. Industrial uses: 30 feet
- ii. Buffer yards and screening shall be designed in accordance with the Centre County and/or Benner Township Subdivision and Land Development Ordinance unless otherwise required by this Ordinance in Article XIII, Use Regulations herein.
- iii. All buffer yards shall be planted with grass, seed, sod or ground cover, shall be maintained and shall be kept clean of all debris, rubbish and weeds in conformance with existing regulations.
- iv. No structure, manufacturing or processing activity, parking (including driveways other than those necessary for access to the lot in question), or storage of materials shall be permitted in the buffer yard, unless otherwise stipulated in district regulations and Article XII, Use Regulations herein.
- v. Buffer yards may coincide within any required building setbacks.

**14.6 Illumination** - All exterior lighting and illumination of any sign shall be arranged and shielded to prevent objectionable illumination or glare upon adjoining properties and/or public rights-of-way.

**14.7 Driveways** - All driveways serving single-family dwellings and access drives shall be in accordance with the Benner Township Street Standards Ordinance no. 60 as amended.

**14.8 Drainage** - No principal building or accessory building or structure shall be erected, structurally altered or relocated on land which is not adequately drained at all times. In addition, all work must conform to the Centre County and/or Benner Township Stormwater Management Ordinance.

**14.9 Floodplain Regulations** - Any new construction or development within areas of the Township which are subject to flooding shall meet all applicable provisions of the Centre County and/or Benner Township Flood Damage Prevention Ordinance.

**14.10 Environmental Performance Standard**

- a. Hereafter, all uses of land, buildings and structures or industrial processes shall be prohibited that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration, vehicle operations or emissions, or similar substances or conditions; provided, however, that any uses may be permitted as provided in each district, if adequate provisions and safeguards to protect the health, safety, morals and the general welfare of the community are established by a written agreement, subject to the securing of a permit and subject to the carrying out of such provisions, restrictions and safeguards.
- b. All uses shall operate in compliance with applicable State and Federal regulations, as amended, including, but not limited to, the following regulations:
  - i. Noise Pollution and Vibration. The “rules and regulations” of the Pennsylvania Department of Environmental Protection;
  - ii. Air Pollution, Airborne Emissions and Odor. The “rules and regulations” of the Pennsylvania Department of Environmental Protection;
  - iii. Water Pollution. The Clean Streams Law, June 22, 1937, P.L. 1987, 35 P.S. Sec. 691.1, as amended;
  - iv. Mine Reclamation and Open Pit Setback. The Noncoal Surface Mining Conservation and Reclamation Act, December 19, 1984, P.L. 1093, No. 219;
  - v. Glare and Heat. The “rules and regulations” of the Pennsylvania Department of Environmental Protection; and
  - vi. Handicap Access. The latest version of the American Disabilities Act.

**14.11 Uses Not Provided For** - Whenever, under this Ordinance, a use is not specifically permitted,



the Zoning Officer shall refer to the North American Industry Classification System Manual (1997 printing or edition and current revisions) for the appropriate classification in accordance with the approved uses in that zoning district, however, in those cases that the use is not described or classified and/or the zoning permit has been denied and an applicant makes an application to the Zoning Officer for such use, the Zoning Officer shall refer the case to the Zoning Hearing Board to hear and decide such request as a special exception (provided that the applicant pays the appropriate fees and meets conditions of the special exception procedure). The Zoning Hearing Board shall have the authority to permit the use or deny the use in accordance with the standards governing special exception applications. The use may be permitted if it is similar to and compatible with the permitted uses in the district in which the subject property is located, is not permitted in any other district under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety, morals and welfare of the area.

**14.12 Ownership and Maintenance of Conservation Areas and Common Facilities, Including Community Utility Systems.**

- a. Ownership Options. The following methods may be used, either individually or in combination, to own common facilities (conservation areas and community utility systems). Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the open space ratio of the overall development. Ownership methods shall conform to the following:
  - i. Fee Simple Dedication to Benner Township. The Township may, but shall not be required to, accept any portion of the common facilities, provided that there is no cost of acquisition to the Township and the Township agrees to and has access to maintain such facilities. Furthermore, the Board may require adherence to conditions or standards set forth by the Township prior to acceptance of dedication.
  - ii. Condominium Association. Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant Commonwealth law. All open land and common facilities shall be held as "common element."
  - iii. Private Conservation Organization or the County. With permission of the Township, an owner may transfer either fee simple title of the open space or easements on the open space to a private non-profit conservation organization or to the County given the following conditions:
    1. The conservation organization is acceptable to the Township and is a bona fide conservation organization intended to exist indefinitely.
    2. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization or Centre County becomes unwilling or unable to continue carrying out its functions.
    3. The greenway land is permanently restricted from future development through a conservation easement and the Township is given the ability to enforce these restrictions.
    4. A maintenance agreement acceptable to the Township is established between the owner and the organization or Centre County.

5. Evidence shall be provided as required by the Board to demonstrate the financial viability and liability of the private conservation organization.
- iv. Dedication of Easements to the Township. The Township may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowners' association or private conservation organization while the easements are held by the municipality. In addition, the following regulations shall apply:
  1. There shall be no cost of acquisition to the Township.
  2. Any such easements for public use shall be accessible to the residents of the Township.
  3. A satisfactory maintenance agreement shall be reached between the owner and the Township.
- v. Non-Common Private Ownership. The land may be owned privately, provided the conservation area is permanently restricted from future development through a conservation easement and that the Township is given the ability to enforce these restrictions.
- b. Maintenance.
  - i. Unless otherwise agreed to by the Board of Supervisors, the cost and responsibility of maintaining common facilities and conservation land shall be borne by the property owner, condominium association, homeowners' association or conservation organization.
  - ii. The applicant shall, at the time of preliminary plan submission, provide a Plan for Maintenance of Conservation and Operation of Common Facilities in accordance with the following requirements:
    1. The Plan shall define ownership.
    2. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (e.g., lawns, playing fields, meadows, pastures, croplands, woodlands, etc.)
    3. The Plan shall estimate staffing needs, insurance requirements and associated costs and define the means for funding the maintenance of the greenway land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
  - iii. In the event that the organization established to maintain the conservation area and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Township may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
  - iv. The Township may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners' association, conservation organization or individual property owners who make up a condominium or homeowners' association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the Township in

the office of the Prothonotary of Centre County.

**14.13 Agriculture Nuisance Disclaimer** - Some lands in Benner Township are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including, but not limited to, noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operations.

This page left intentionally blank

## ARTICLE XV - Nonconformities

**15.1 General Regulations** - All lawful uses of land or of a building, sign or other structure existing on the effective date of this Ordinance may be continued, altered, restored, reconstructed, changed, sold or maintained even though such use may not conform to the use, height, area, yard and other regulations of the district in which it is located, provided such nonconforming conditions shall comply with the following:

**15.2 Nonconforming Structures**

- a. Continuation. Any nonconforming structure existing on the effective date of this Ordinance or created by an amendment to this Ordinance may continue although such structure does not conform to the dimensional requirements of this Ordinance.
- b. Restoration. A nonconforming structure, which has been damaged or destroyed by fire, explosion, windstorm or other natural or criminal acts, shall meet the following restoration requirements:
  - i. A nonconforming structure with damage affecting not more than 75 percent of its market value may be reconstructed providing the structure is restored to meet the following requirements:
    1. The restored structure shall not exceed the height, area and volume of the original damaged structure; and
    2. The restoration of the structure shall commence within one (1) year from the date the structure was damaged and shall continue uninterrupted, otherwise the nonconforming structure status shall be void.
  - ii. A nonconforming structure with damage in excess of 75 percent of its market value, shall not be repaired, reconstructed or used, unless in conformity with the regulations of this Ordinance, unless the property owner demonstrates a hardship before the Zoning Hearing Board and a variance is granted.
  - iii. All nonconforming signs and billboards and similar structures, when discontinued for a period of six (6) months or damaged to an extent of 50 percent or more of replacement costs, shall not be continued, repaired or reconstructed.
- c. Demolition. In the event any nonconforming building is destroyed or partially destroyed and the owner has determined reconstruction/restoration infeasible, the owner will be responsible for the complete removal of the structure and debris as well as the filling of any excavated areas.
- d. Extension or Alteration. The following requirements shall apply to the extension or alteration of structures:
  - i. A nonconforming structure may be extended or altered, providing the extension or alteration conforms to all dimensional requirements and all other applicable regulations of this Ordinance.
  - ii. Where a structure is nonconforming as to a required side yard or rear yard setback, the established nonconforming setback may be continued so long as the proposed extension or enlargement does not project further into any yard than the extension of the original building line.
  - iii. The proposed alteration will not cause an increased detrimental effect on the surrounding neighborhood.

**15.3 Nonconforming Lots**

- a. Continuation. Any nonconforming lot, due to its lot area or lot width, existing as of the effective date of this Ordinance or created by an amendment to this Ordinance may be continued although such lot does not conform to the lot requirements of the district in which it is located.
- b. Development. The following requirements apply to the development and use of the nonconforming lot in accordance with the Pennsylvania Department of Environmental Protection Sewage Planning Module:
  - i. All the requirements of this Ordinance shall be met with the exception of lot area and lot width. Furthermore, no lot shall be developed unless the following requirements are met:
    1. Each lot shall have an approved onlot water and wastewater system or access to public water and public sewer. Additionally, for those lots utilizing onlot water, the minimum required isolation distance between the well and the onlot wastewater system shall be provided.
    2. In residential districts, only one (1) single-family dwelling may be erected and the following minimum side yards shall be provided:
      - a. Interior lots with a width of 50 feet or more, two (2) side yards shall be provided as required by the district regulations;
      - b. Corner lots with a width of 50 feet or more, two (2) front yards shall be provided. The front yard opposite the interior side yard may be reduced by the number of feet the lot width is less than the district required, but may not be reduced to less than the minimum side yard. The side yard shall be provided as required by the district regulations; and
      - c. On lots less than 50 feet but not less than 27 feet in width, two (2) side yards shall be provided, each equaling 20 percent of the lot width.
    3. On a lot in a commercial or industrial district, the required side yards shall be determined by the Zoning Hearing Board upon application for a variance based on the same criteria as above for residential structures
  - ii. Where possible, contiguous parcels under common ownership shall be replatted to create conforming lots.

**15.4 Nonconforming Uses**

- a. Continuation. Any nonconforming use existing on the effective date of this Ordinance or created by an amendment to this Ordinance may be continued although such use does not conform to the provisions of this Ordinance. Change in ownership or possession of the use or property shall not prevent the continuance of the nonconforming use.
- b. Extension. Extension of the nonconforming use shall be approved by the Zoning Hearing Board as a special exception subject to the following standards:
  - i. Extensions shall be limited to the lot occupying the use or a contiguous lot held in common ownership at the time the use became nonconforming.
  - ii. The extension of the nonconforming use shall not replace a conforming use.
  - iii. The extension shall conform to the requirements of the underlying district and applicable supplementary regulations including, but not limited to: lot, building, setback, coverage, buffering, height, parking and sign requirements.

- iv. The extension of uses within structures shall not exceed an increase of 25 percent of the gross floor area occupied by the nonconforming use at the time of the enactment of this Ordinance.
- c. Change of Use. The following regulations shall apply to the change of nonconforming uses:
  - i. A nonconforming use changed to a conforming use shall not be permitted to be changed back to a nonconforming use.
  - ii. A nonconforming use shall be permitted to be changed to another nonconforming use upon application to the Zoning Hearing Board for a special exception and in accordance with Article XII of this Ordinance and the following standards:
    - 1. The applicant shall show the nonconforming use cannot be changed reasonably to a permitted use.
    - 2. The applicant shall demonstrate the change will be less objectionable in external effects than the existing nonconforming use including, but not limited to:
      - a. Traffic impact;
      - b. Environmental impact (e.g., noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration);
      - c. Solid waste disposal; and
      - d. Appearance.
    - 3. The applicant shall demonstrate the change will meet other requirements of this Ordinance, including parking and loading, buffering and signage.
- d. Abandonment, Discontinuance and Delinquency.
  - i. The ceasing of a nonconforming use in a building or structure for a continuous period of one (1) year or more shall be considered the abandonment of the nonconforming use. Subsequent use of such building or structure shall be in conformity with the provisions of this Ordinance.
  - ii. The ceasing of a nonconforming use of land for a period of six (6) months shall be considered the abandonment of the nonconforming use with the exception of normal farming practices, such as the rotation of crops. Subsequent use of such land shall be in conformity with the provisions of this Ordinance.
  - iii. In the case of the death of the property owner and/or settling of an estate, the discontinuance of the nonconforming use shall not be considered an abandonment of the use in accordance with Section 15.4.d.i and 15.4.d.ii above until the estate is settled or a court order has been entered regarding the estate's disposition. A one (1)-year grace period after such settlement or court order shall apply.
  - iv. A nonconforming use shall be deemed abandoned in the event the Township or County acquires an unredeemed, tax delinquent property and sells said property. Subsequent use of the land shall be in conformity with the provisions of this Ordinance.

### **15.5 Documentation of the Nonconformance**

- a. It shall be the right of the property owner to provide evidence of the nonconformance. At the request of the property owner and based on evidence provided to the Zoning Officer as authorized by the Board of Supervisors, the Zoning Officer shall issue a Certificate of Nonconformance which shall be for the purpose of insuring the owner the right to continue a nonconforming building or use. If no documented evidence is produced, it shall be assumed that the nonconformance is not a preexisting condition.
- b. The Certificate of Nonconformance shall set forth in detail all of the nonconforming conditions

of said property.

- c. The Township shall retain a copy of the Certificate of Nonconformance.



## **ARTICLE XVI - Off-Street Parking and Loading**

**16.1 Purpose** - The purpose of this Article is to develop standards for the provision of off-street parking and loading facilities for all uses including the size, quality, location and design of these facilities. Furthermore, the standards in the Ordinance complement the design criteria set forth in the Centre County and/or Benner Township Subdivision and Land Development Ordinance.

**16.2 Minimum Size of Parking Spaces**

- a. Standard Spaces. The parking space shall have an area of not less than 200 square feet with a minimum of 10 feet wide by 20 feet deep.
- b. Handicapped Spaces. Handicapped parking spaces shall have an area of not less than 260 square feet with a minimum of 13 feet wide by 20 feet deep and shall be located in an area of less than five (5) percent slope.

**16.3 Schedule of Required Parking Spaces**

- a. Off-street parking spaces shall be provided for each building erected or enlarged in accordance with the following schedule and requirements set forth in Article XIII, Use Regulations. Spaces shall be on the same lot as the use unless authorized in accordance with Sec. 16.5.
- b. Uses not specifically listed shall comply with the requirements for the most similar use listed, unless the applicant provides information that proves to the satisfaction of the Zoning Officer that an alternative standard is applicable.
- c. Where a proposed building and/or use includes more than one (1) type of use, the number of parking spaces shall be the sum of the parking requirements for each separate use.
- d. The Zoning Hearing Board may authorize a reduction of the number and size of off-street parking spaces as a special exception in cases where the applicant can justify a reduction and still provide adequate parking facilities to serve the proposed uses of the building and/or land and show reserved areas for expansion of the parking for future uses.
- e. Minimum Off-Street Parking Space Requirements:

Category of Uses	Uses	Minimum Required Parking
Residential Uses		
	Halfway house	1 space per 2 beds, plus 1 space for each employee on the largest shift
	Group quarters and student housing	1 space per bed
	Personal care and nursing care centers	1 space for each 3 beds based on design capacity, plus 1 space for each employee on the largest shift

## e. Minimum Off-Street Parking Space Requirements (cont):

Category of Uses	Uses	Minimum Required Parking
Residential Uses-cont'd.		
	Personal care and nursing care centers	1 space for each 3 beds based on design capacity, plus 1 space for each employee on the largest shift
	Boarding homes	1 space per bedroom or guest sleeping room, plus 2 spaces for permanent residents
	Single and multiple family dwellings	2 spaces per dwelling unit
Commercial/Office Uses		
	Banks and financial institutions	1 space per 200 sq. ft. of gross floor area
	Business, professional, or public service office buildings and retail sales	1 space per 200 sq. ft. of gross floor area
	Convenience stores	1 space per 100 sq. ft. of retail floor area
	Funeral homes	1 space for each 4 seats provided for patron use by design capacity plus 1 additional space for each full-time employee and each vehicle maintained on the premises
	Hotels, motels and bed and breakfasts	1 space per guest room plus 1 space for each employee on the largest shift. Spaces associated with meeting rooms (1 space per 400 sq. ft. of public meeting area), restaurants and related facilities shall be in addition to these requirements
	Kennels	1 space for every 15 animals of capacity, plus 1 space for each employee on the largest shift

## e. Minimum Off-Street Parking Space Requirements (cont):

Category of Uses	Uses	Minimum Required Parking
Commercial/Office Uses-cont'd.		
	Medical and dental offices, including outpatient clinics	4 spaces for each doctor or dentist
	Restaurants	1 space for every 2 seats of design capacity or 1 space per 50 sq. ft. of gross floor area, whichever is larger; plus 1 space for every 2 employees on the largest shift
	Vehicle, mobile/ manufactured home, or trailer sales lot	1 space per 400 sq. ft. of gross floor area, plus 1 space per 3,000 sq. ft. of outside sales area, plus 1 additional space for each full-time employee
	Vehicle wash	3 spaces per washing bay
Recreational Uses		
	Bowling alley	5 spaces per alley
	Billiard room	4 spaces per table
	Dance halls, swimming pools, roller rinks, clubs, lodges, and similar places and other commercial recreation buildings	1 space per 100 sq. ft. of gross floor area or of water area in a swimming pool
	Golf course	60 spaces per 9 holes, plus 1 space per employee on the largest shift, plus 50% of the spaces otherwise required for any accessory uses (e.g., restaurants)
	Golf driving range and miniature golf	1 space per tee or hole
	Outdoor recreational facilities, sports arenas, auditoriums, theatres and assembly halls	1 space per 4 seats

## e. Minimum Off-Street Parking Space Requirements (cont):

Category of Uses	Uses	Minimum Required Parking
Recreational Uses-cont'd.		
	Outdoor recreational facilities, sports arenas, auditoriums, theatres and assembly halls	1 space per 4 seats
Industrial Uses		
	Manufacturing plants, research or testing laboratories, wholesale establishments or warehouses	1 space per 5,000 sq. ft. of gross floor area, plus 1 space for each 2 employees on the largest shift
	Mini or self storage	1 space per 10 storage units, plus 1 space per employee
	Transportation terminal	1 space per 100 sq. ft. of waiting room area, plus 1 space for each employee on the largest shift
Institutional Uses		
	Churches and religious institutions	1 space per 4 seats in a place of worship
	Colleges, universities, or business, technical or fine arts schools	1 space for each 2 students, plus 1 space per classroom, laboratory, or instruction area, plus required spaces for uses provided by the facility other than classrooms as regulated by this schedule
	Day care centers	1 space for each employee on the largest shift plus 1 space for every 6 students, and off-street waiting spaces to accommodate at least 6 automobiles

## e. Minimum Off-Street Parking Space Requirements (cont):

Category of Uses	Uses	Minimum Required Parking
Institutional Uses- cont'd.		
	Elementary and middle schools	1 space per 4 seats in an auditorium or 1 space for each 15 students of design capacity, whichever is greater, plus required spaces for uses provided by the facility other than classrooms as regulated by this schedule
	High schools	1 space per 5 students of design capacity, plus 1 space per teacher and staff member, plus required spaces for uses provided by the facility other than classrooms as regulated by this schedule
	Hospitals	1 space per 3 beds, plus 1 space for each employee on the largest shift
Public and Cultural Uses		
	Community buildings and social halls	1 space per 100 sq. ft. of gross floor area
	Public libraries, art galleries, and museums	1 space per 250 sq. ft. of gross floor area open to the public, plus 1 space for each employee

- 16.4 Spillover Parking** - Residential uses shall also provide parking for visitors, service vehicles, emergency vehicles and other similar type of vehicles as follows:
- The parking may be provided directly adjacent to the dwelling unit or within the development itself at a central point(s) such as a parking lot.
  - Single-family house are exempt from the spillover parking requirement if the house is located on a street with on-street parking.

- c. The number of parking spaces for spillover parking shall be provided as follows:

Use	Required Spillover Spaces
Single-family house and patio homes	0.5 space per home
Duplexes and townhomes	0.5 space per DU
Multi-family (apartment and condominiums) For first 10 units 11th-50th units, and For the remainder of units	0.25 spaces per DU 0.2 spaces per DU 0.1 spaces per DU
Group living facilities	0.15 spaces per person based on Maximum Design Capacity

### 16.5 Reduction of Parking Requirements

- a. The minimum off-street parking requirements may be reduced upon application for a special exception to be approved by the Zoning Hearing Board.
- b. The following conditions must be satisfied to be granted the special exception:
  - i. The land development plan shows all required spaces, accessways and buffer areas;
  - ii. The land development plan shows the spaces to be removed;
  - iii. Satisfactory documentation is submitted attesting to the reduced need for off-street parking; and
  - iv. The developer enters into an agreement and executes a performance bond to construct the waived space when, in the opinion of the Board of Supervisors, such additional parking is deemed necessary. The performance bond and agreement shall terminate after five (5) years.

### 16.6 Joint Parking Facilities

- a. The following regulations shall apply to all districts. Joint parking facilities shall be allowed subject to the following requirements:
  - i. The nearest point of the parking lot shall be no further distance to the nearest point of the property served as provided below:
    1. Residential use: 100 feet
    2. Commercial use: 200 feet
    3. Industrial use: 300 feet
  - ii. The required parking shall be not less than the total required separately for each use with the following exceptions:
    1. Where it shall be demonstrated that the uses are utilizing the lot at different periods of the day, a reduction may be granted to the total number of parking spaces. The required number of spaces shall be based on the use which requires the most spaces.
    2. To encourage joint use of facilities in areas of contiguous commercial development fronting on public highways, a parking reduction of 10 percent may be granted in those areas which demonstrate safe and convenient walking distance between uses and meet the criteria in (1) above.

3. The parking area must remain under the control of the owner or operator of the use to which the parking area is appurtenant and shall be recorded as a deed restriction filed in the Centre County Courthouse to maintain the required number of spaces available throughout the life of the use.
- b. In the C District, community parking lots are encouraged. Community parking lots may be available to non-residential uses only when subject to the following:
  - i. The parking requirement for the use shall be reduced by one-half ( $\frac{1}{2}$ ) of the required spaces for customers, subject to a determination that the community lot will be able to accommodate the additional parking required by the use.
  - ii. Off-street parking shall continue to be provided onsite for employees and/or resident owners. Signage shall be displayed prominently on the site, indicating the availability and location of additional parking at the community parking lot.
  - iii. An agreement shall be signed by the owner or operator of the use with the owner or operator of the community parking lot indicating the estimated number, frequency and expected time of parking space use and any other maintenance obligations.

**16.7 Design Standards of the Parking Facilities. - Layout of the Parking Facilities.** The general design standards complement the parking lot design standards set forth in the Centre County and/or Benner Township Subdivision and Land Development Ordinance.

- a. Every parking lot shall be connected to a street by means of an unobstructed access drive.
- b. Parking lots shall be designed so that each motor vehicle may proceed to and from the parking space without requiring the moving of any other motor vehicle and without backing onto any public street.
- c. Parking areas shall not be within the following: A required buffer yard for a future or existing street, unless otherwise stipulated in Article XIII, Use Regulations, of this Ordinance.
- d. No parking or other paved area shall be located within 10 feet of an onlot wastewater disposal system absorption area.
- e. All parking areas shall include clearly defined and marked traffic patterns, raised curbs and landscaped areas in accordance with the Centre County and/or Benner Township Subdivision and Land Development Ordinance. Major vehicular routes shall be separated from major pedestrian routes.

- f. Handicapped parking spaces shall be designed in conformance with the Americans with Disabilities Act of 1990, as amended. Multi-family, commercial, public, office, recreation and industrial uses shall provide handicapped parking spaces according to the following scale:

Total Parking Spaces	Required Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

g. Setback Requirements:

- i. All parking lots shall be set back from any street line in conformance with the applicable building setback requirements set forth in the Centre County and/or Benner Township Subdivision and Land Development Ordinance.
- ii. All off-street parking shall be set back 10 feet from the principal structure.
- iii. All off-street parking shall be set back 10 feet from the side or rear lot line, with the exception of alleyways, in which case the parking area may be contiguous to the alley.
- iv. When the parking lot abuts a residential use or zone, a five (5) foot buffer area shall be provided contiguous to the property line of the residential use or zone in addition to the required setback.

**16.8 Drainage of the Parking Facilities** - All driveways, access drives and entrance ways shall be graded, surfaced and drained to the satisfaction of the Township Engineer and within the parameters established in the Centre County and/or Benner Township Stormwater Management Ordinance to the extent necessary to prevent nuisances of dust, erosion or excessive water flow across streets or adjoining property.

**16.9 Lighting of the Parking Facilities**

- a. All public parking shall be adequately lit during evening operating hours.
- b. All standards shall be located on raised parking islands and not on the parking surface.
- c. Lighting shall be arranged and shielded so the direct rays from the luminaries shall not fall off-site on adjacent properties.

**16.10 Off-Street Loading**

- a. Off-street loading berths, open or enclosed, are permitted accessory to any use other than residential and subject to the following minimum provisions:
  - i. Each use shall provide off-street loading facilities sufficient to accommodate the maximum demand generated by the use.
  - ii. The applicant shall provide evidence at the time of land development to demonstrate sufficient numbers of loading spaces are being provided. The following criteria shall apply:
    1. Funeral homes shall provide one (1) loading space for a gross floor area of 3,000



- to 5,000 square feet and one (1) additional space for each 5,000 square feet in excess of 5,000 square feet.
- 2. Licensed hospitals and other institutions shall provide one (1) loading space for a gross floor area of 10,000 square feet to 100,000 square feet and one (1) additional space for each 100,000 square feet in excess of 100,000 square feet.
- 3. Manufacturing, storage, display or sale of goods uses shall provide one (1) loading space for a gross floor area of 5,000 to 25,000 square feet and one (1) additional space for each 10,000 square feet in excess of 25,000 square feet.
- 4. Offices, hotels, theatres and similar uses shall provide one (1) space for a gross floor area from 20,000 to 100,000 square feet and one (1) additional space for each 40,000 square feet in excess of 100,000 square feet.
- b. Design and Layout of Loading Facilities
  - i. Each required space/berth shall not be less than 12 feet in width, 45 feet in length and 14 feet in Height, exclusive of drives and maneuvering space and located entirely on the lot being served.
  - ii. The maximum width of access drives and sidewalk openings, measured at the street line, shall be 35 feet; the minimum width shall be 20 feet.
  - iii. Each space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot.
  - iv. The loading facilities shall be designed subject to the same drainage, setback and lighting requirements set forth for the parking facilities in this Ordinance and the requirements of the Centre County and/or Benner Township Subdivision and Land Development Ordinance.
  - v. All off-street loading areas shall be screened from any abutting residential use or district and any public street or pedestrian walkway in accordance with this Ordinance and the Centre County and/or Benner Township Subdivision and Land Development Ordinance.

This page left intentionally blank

## ARTICLE XVII - Signs

### 17.1 Purpose and General Regulations for all Signs

- a. To provide for signs as a means of effective visual communication.
- b. To promote adopted comprehensive planning and zoning objectives.
- c. To assure compatibility of signs with land uses and buildings in the vicinity of the signs and in the community as a whole.
- d. To improve the safety of pedestrians, vehicular traffic and property.
- e. To enhance the economic value of the community.
- f. To enhance the aesthetic environment.
- g. To minimize adverse effects of signs on nearby property.
- h. To otherwise promote the public health, safety, morals and general welfare of the community.
- i. To regulate the use of signs through a sign permitting process.
- j. To enable the fair and consistent enforcement of these sign regulations.

### 17.2 General Regulations - The following regulations shall apply to all signs, in addition to the specific regulations contained in the following provisions of this Article. Where these general regulations are contradicted by a specific regulation, the specific regulation shall control.

- a. Exempted Signs - The following signs shall be allowed without a sign permit and shall not be included in the determination of the number or sign area of other signs allowed within a zoning district.
  - i. Address signs
  - ii. Civic event signs on premises
  - iii. Incidental signs
  - iv. Interior and window signs
  - v. Memorial signs
  - vi. Governmental/Regulatory signs
  - vii. Personal expression signs
  - viii. Political signs
  - ix. Property use signs
  - x. Public interest signs
  - xi. Real estate signs
  - xii. Warning signs
  - xiii. Yard/Garage/Moving sale signs
- b. Flags - In addition to any other signage permitted by this Article, each commercial or industrial property may display one (1) flag not to exceed 35 square feet with a company or corporate identification logo on the premise on an approved standard flagpole.
- c. Illumination
  - i. All electrically illuminated signs shall be constructed to the standards of the latest edition of the National Electrical Code.
  - ii. No sign shall have lights or other illuminating devices that constitute a public safety or traffic hazard.
  - iii. The light from any illuminated sign shall not adversely affect the vision of operators of vehicles moving on public or private streets or parking areas, any residential district, or any part of a building or property used for residential purposes.
  - iv. Signs may be interior lighted with non-glaring lights; signs may be externally lighted by

lights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.

- d. Sign Material and Maintenance
  - i. All signs shall be constructed of durable materials, maintained in good condition and secured in a safe manner.
  - ii. The areas surrounding all signs shall be maintained in a neat, clean and attractive condition.
- e. Sign Removal
  - i. When a sign becomes unsafe, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that the sign must be made safe or removed immediately.
  - ii. All signs shall be removed within three (3) months if the purpose for which they were erected no longer exists.
- f. All freestanding signs shall be set back a minimum distance equal to the sign height from each lot line. No sign within the clear sight triangle shall obstruct vision between the heights of three (3) feet and eight (8) feet above the elevation of the centerline of the street.
- g. Advertising painted upon or displayed upon a barn or other structure shall be considered a sign and shall comply with this Article.
- h. Any sign may be exempted from the regulations of this Article as a special exception, if the applicant can demonstrate to the satisfaction of the Zoning Hearing Board that the sign has been authenticated as historically significant and accurate for its specific location, whether original or a replica.
- i. Animated Signs

Signs incorporating LCD, LED, plasma, CRT, pixelized lights or other animated and/or video-like displays shall be limited to the C, L and LI Zoning Districts.

**17.3 Definitions** - Words and phrases used in this Article shall have the meanings defined in this Article. Words and phrases not defined in this Article, but defined elsewhere in this Ordinance shall be given the meanings set forth in Article II of this Ordinance.

a. General Sign definitions

**ABANDONED SIGN** - A sign which no longer identifies or advertises an existing business, leased, service, owner, product or activity and/or for which no legal owner can be found.

**LEGALLY NONCONFORMING SIGN** - Any existing sign which 1) is located on a premises in the Township with a permitted use; 2) is legally erected prior to the adoption of this Ordinance; or 3) does not meet the provisions of the current Ordinance.

**SIGN** - Any permanent or temporary structure or part thereof or any device attached, painted or represented, directly or indirectly, on a support structure or other surface that displays or includes any letter, word, insignia, flag or representation used as, or which is in the nature of, an advertisement, announcement, visual communication, direction or which is designated or attracts the eye or brings the subject matter to the attention of the public.

**SIGN AREA** - The area of the sign face. All visible faces of a multi-faced sign shall be counted separately and totaled together in calculating sign area.

**SIGN FACE** - The part of a sign that is or can be used to identify, advertise and communicate information for visual representation, which attracts the attention of the public for any purpose.

**DOUBLE-FACED SIGN** - A sign with two (2) identical faces of equal sign area and which are back-to-back.

**SIGN STRUCTURE** - The portion of the sign that supports the sign face.

**TEMPORARY SIGN** - A sign which advertises community or civic projects, construction projects, real estate for sale or lease or other special events on a temporary basis.

**TYPES OF SIGNS** - Signs are defined by form and by purpose. Form refers to the physical sign itself. Purpose refers to the type of message contained in the sign.

- b. Signs as defined by purpose: The type of message contained in the sign.

**ADDRESS SIGN** - A sign or individual lettering/numbering that designates the street number and/or street name for identification purposes as designated by the United States Postal Service.

**ARTISAN SIGN** - Any sign giving the name or names of principal contractors, architects and lending institutions responsible for painting or construction on the site where the sign is placed.

**CIVIC EVENT SIGN (ON-PREMISES)** - A non-commercial temporary sign, posted to promote and advertise an activity sponsored by the municipality, school district, church, public agency, civic or charitable association or other similar non-commercial organization on the premises where the event is to be held.

**CIVIC EVENT SIGN (OFF-PREMISES)** - A non-commercial temporary sign posted off premises to promote and advertise an activity sponsored by the municipality, school district, church, public agency or civic or charitable association or other similar non-commercial organization,

**DIRECTORY SIGN** - A sign which identifies multiple uses in a planned development on a single sign; may be used for shopping centers, shopping streets or business campuses and similar large complexes which have a variety of tenants and/or uses.

**DEVELOPMENT SIGN** - A temporary sign indicating that the premises is in the process of subdivision or development.

**DIRECTIONAL SIGN** - An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance," "Exit," "Parking," "One-Way," or similar direction or instruction but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

**GENERAL PURPOSE** - A sign that directs attention to a business, to a product sold, manufactured or assembled, or to services or entertainment offered on the premises where the sign is displayed.

**INCIDENTAL SIGN** - A sign used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to, drive-through window menu boards, signs on automatic teller machines, gas pumps, vending machines or newspaper delivery boxes.

**INSTITUTIONAL OR RESIDENTIAL DEVELOPMENT SIGNS** - A permanent sign that displays the name of an institution or neighborhood.

**MEMORIAL SIGN** - A memorial plaque or tablet, to include grave markers or other remembrances of persons or events which is not for commercial or advertising purposes.

**PERSONAL EXPRESSION SIGN** - Any sign that expresses an opinion, interest, or position (not including political signs).

**PLANNED CENTER SIGN** - A freestanding sign that is associated with a coordinated development of more than one (1) land use all sharing common vehicle access and off-street parking.

**POLITICAL SIGN** - A temporary sign relating to the election of a person to a public office or a political party or a matter to be voted upon by the public at an election.

**PROPERTY USE SIGN** - A sign that informs of use limitations on a property (e.g., No Trespassing, No Hunting, Private Property, Private Drive).

**PUBLIC INTEREST SIGN** - A sign on private property that displays information pertinent to the safety or legal responsibilities of the public, such as warning and no trespassing signs.

**REAL ESTATE SIGN** - A temporary sign indicating the sale, rental or lease of the premises on which the sign is placed.

**YARD SALE SIGN** - A temporary sign advertising a yard or garage sale.

c. Signs as defined by form: The physical structure of the sign.

**ANIMATED SIGN** - A sign with action or motion, flashing, color changes and requiring electrical energy, but not including wind-actuated elements such as flags, banners or specialty items.

**BANNER** - A sign consisting of lightweight, flexible material which is supported by a frame, rope, wires or other anchoring devices, which may or may not include copy, logo or graphic symbols.

**FREESTANDING SIGN** - A sign and supporting structure that is secured in the ground and independent of any building, fence or other support. For the purpose of this definition, "freestanding signs" may consist of the following:

**GROUND SIGN** - A sign designed to be viewed at eye level. The bottom of the sign is no more than three (3) feet from the ground.

**POLE SIGN** - A sign which is detached from a building and supported by no more than two (2) poles or other structural supports which are architecturally dissimilar to the design of the sign.

**ON-PREMISES SIGN** - A sign which advertises or otherwise directs attention to an activity on the same lot where the sign is located.

**REVOLVING SIGN** - A sign which revolves in a circular motion rather than remaining stationary on its supporting structure.

**ILLUMINATED SIGN** - A non-flashing or non-twinkling sign which has letters, figures, designs or outlines illuminated by an internal or external lighting source as part of the sign.

**INTERIOR SIGN** - Any sign located fully within the interior of any building or stadium that is intended solely for information relating to the operation of such building or stadium.

**PENNANTS** - Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string usually in a series and designed to move in the wind.

d. Wall Signs

**FLAT WALL SIGN** - A sign that is attached to the wall of a building and whose face runs parallel to the wall to which it is attached and does not extend beyond the outside of the edges of the wall in any direction. No flat wall sign shall project more than 18 inches from the face of the wall to which it is attached over a public sidewalk.

**PROJECTING WALL SIGN** - A sign whose support structure is attached to the wall of a building and whose face either runs generally perpendicular to the wall or extends beyond the outside edges of the wall to which it is attached.

**WINDOW SIGN** - A sign that is either located on the inside or outside surface of a window but whose message faces outward.

**17.4 Non-Conforming Signs** - Non-conforming signs may continue to be displayed as long as there is compliance with the following limitations and conditions:

- a. There shall be no expansion or increase in the non-conforming aspect in any way.
- b. Maintenance and repair of the sign is permitted. If necessary, up to 50 percent of the entire area of a sign may be replaced in the event of damage. Any such replacement must be completed within six (6) months of the damage occurring.
- c. The sign must be brought into conformity if, for a period of at least three (3) months, the message has no longer applied to an activity on the premises.

**17.5 Permitting Procedures and Fees**

- a. Permits for the placement of signs are required as indicated by the last column in the Tables listed in Tables 17-1 to 17-3 of this Article of this Ordinance. All signs requiring permits must have such permit prior to the erection, installation or alteration of the sign. Sign permit applications, forms, plan requirements and fees shall be established by resolution of the Board of Supervisors.
- b. Application for permit shall be made in writing to the Zoning Officer and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to the requirements of this Ordinance. All applications for sign permits shall be accompanied by scaled plans or diagrams showing the following:
  - i. The exact dimensions of the lot including any right-of-way lines or building upon which the sign is proposed to be erected;
  - ii. The exact size, dimensions and location of the said sign on the lot or building together with its type, construction, materials to be used and the manner of installation; and
  - iii. Any other lawful information that may be required of the applicant by the Zoning Officer.
- c. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.
- d. Permits shall be granted or refused within 45 days from the date of application, or within 45 days from the date of the Zoning Hearing Board's decision, where applicable.

**17.6 Specific Sign Requirements** - The tables on the following six (6) pages tabulate requirements imposed upon permanent, temporary and planned center signs as permitted within the Township:

**Table 17 – 1 - Permanent Sign Requirements**

Sign type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Flat Roof and Wall Signs	Maximum Height of Roof and Wall Projecting Signs	Maximum Projection from Wall/Roof Projecting Signs	Permitted Districts	Other Requirements	Permit Required
Signs identifying public and semi-public uses (e.g. schools, churches, utilities, hospitals, libraries, parks, fire stations, post offices and other similar uses.	2 per principal building	64 sq. ft. for freestanding signs; 20% of the area of the wall/roof façade not to exceed 300 sq. ft.	10 feet	Height of wall to which sign is attached	Height of wall to which sign is attached	10 feet, but no closer than 10 feet from any lot line	All	See footnote 1. below	Yes
Institutional and Residential development neighborhood signs. Such signs shall only list the name of the neighborhood /development and shall not list any names of contractors, realtors, or both.	1 per street entrance, but no more than 2 total	1 sq. ft. per dwelling, not to exceed 32 sq. ft.	15 feet	Height of wall to which sign is attached	Height of wall to which sign is attached	10 feet, but no closer than 10 feet from any lot line	A, RR, C, I and LI	The applicant shall submit a written description of the maintenance responsibilities in a form satisfactory to the Township Solicitor	Yes



Sign type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Flat Roof and Wall Signs	Maximum Height of Roof and Wall Projecting Signs	Maximum Projection from Wall/Roof Projecting Signs	Permitted Districts	Other Requirements	Permit Required
General and On-Premise signs. This does not include businesses contained within planned centers, as defined herein.	Up to 3 per principal use	Total of 3 signs not to exceed 96 sq. ft.	15 feet	Height of wall to which sign is attached	Height of wall to which sign is attached	20 feet, but not closer than 10 feet from any lot line	All	No flat wall sign nor wall projecting sign shall be larger than 15% of the wall area to which the sign is attached	Yes
Instructional and Directional signs	4 per building	2 sq. ft. per sign; however, no more than 10% shall exceed 16 sq. ft.	5 feet	10 feet	Height of wall to which sign is attached	2 feet	All		No
<p>1. In addition, two (2) off premise signs shall be permitted per use. Such signs shall not exceed six (6) square feet per side. If more than one (1) organization collectively erects one (1) sign, each organization shall be permitted a maximum of six (6) square feet of sign area; however, no such sign shall exceed a total sign area of 24 square feet. Each use of a collective sign shall constitute one (1) of the organization's two (2) permitted off-premise signs. Off-premise signs may only be located upon private property with the written permission of the landowner, a copy of which must be submitted to the Zoning Officer upon application for a zoning permit. No off-premise sign shall be located within the street right-of-way. Off-premise signs must be designed and located so as not to interfere with the clear sight triangle of any driveway, access drive or street. No more than two (2) off-premise signs shall be located within 200 feet of any street intersection.</p>									

<b>Table 17 – 2 - Temporary Sign Requirements</b>									
Sign type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Flat Roof and Wall Signs	Maximum Height of Roof and Wall Projecting Signs	Maximum Projection from Wall/Roof Projecting Signs	Permitted Districts	Other Requirements	Permit Required
Artisan Signs - displayed only while actual on-site work is in progress.	1 per firm whose work is in progress	6 square feet	5 feet	Not permitted	Not permitted	Not permitted	All	Should a sign be left on-site beyond allowable time period, the Township may impound it and recover a fee from the owner equal to cost of impoundment and storage	No
Proposed development signs for residential, office, or both, complexes.	1 per street frontage, maximum of 2 signs	1 square foot per unit of occupancy not to exceed 32 square feet	10 feet	Height of wall to which sign is attached	Not permitted	Not permitted	All, but only after final plan is approved	Such signs shall be removed upon completion of construction of final unit	Yes

Sign type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Flat Roof and Wall Signs	Maximum Height of Roof and Wall Projecting Signs	Maximum Projection from Wall/Roof Projecting Signs	Permitted Districts	Other Requirements	Permit Required
Proposed development signs for commercial uses, industrial uses, other non-residential uses, or any combination thereof.	1 per street frontage, maximum of 2 signs	1 square foot per 1,000 square feet of gross leasable floor area, not to exceed 64 sq. ft.	10 feet	Height of wall to which sign is attached	Not permitted	Not permitted	A, RR, C, I, LI, but only after final plan approval is approved	All such signs shall be removed upon completion of building construction	Yes
Special event signs for businesses (e.g. grand openings, change of ownership, closeout sale, clearance sale, holiday sale, etc.).	1 per business per event	32 sq. ft. if freestanding, 48 sq. ft. if attached to wall	10 feet	Height of wall to which sign is attached	Not permitted	Not permitted	C, I, LI	Such signs may only be used during two (2) consecutive periods per calendar year, not exceeding 30 days total	No
Roadside stand signs for the sale of agricultural products upon a principal farm property.	1 per farm	5 square feet	5 feet	Height of wall to which sign is attached	Height of wall to which sign is attached	5 feet	All	Roadside stand signs shall only be displayed during seasons when products are for sale	No

<b>Table 17 – 3 - Planned Center Sign Requirements</b>					
Sign type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Permitted Height	Other Requirements	Permit Required
Freestanding Planned Center sign	1 per street frontage with entrance or exit	1 square foot for each lineal feet of frontage within the planned center, with a maximum of 110 square feet	20 feet	This sign shall devote no less than 50% of the total sign area (per side) to the advertisement of the planned center's name	Yes
Anchor tenant sign for one (1) use containing more than 150 lineal feet of storefront	1 per side facing a street, with a maximum of 2 signs	If sign is less than 300 feet from facing street, then sign can be up to a maximum of 100 square feet. If sign is more than 300 feet from facing street, then sign can be up to a maximum of 150 square feet.	Height of wall to which sign is attached	These signs shall only be provided as flat wall, wall projecting or roof signs	Yes
Storefront sign for one (1) use containing up to 150 lineal feet of storefront	1 per principal use	2 square feet per lineal foot of storefront up to a maximum of 75 square feet	Height of wall to which sign is attached	This sign shall only be provided as a flat wall or a wall projecting sign	Yes
Storefront under-canopy signs for all principal uses	1 per use with less than 150 lineal feet of storefront. Two (2) per use with more than 150 feet lineal feet of storefront	4 square feet	To base of canopy, or where no canopy is provided, 10 feet	No under-canopy sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under-canopy sign shall be no less than 8 feet 6 inches above the finished grade below such sign	Yes

Sign type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Permitted Height	Other Requirements	Permit Required
Outparcel signs for principal freestanding uses sharing common ingress and egress to planned center	2 per principal use, but only 1 per wall	75 square feet per sign, not exceeding 20% of wall area to which sign is attached	Height of wall to which sign is attached	These signs shall only be provided as flat wall, wall projecting or roof signs	Yes
Freestanding planned center sign along limited access highway	1 per planned center	165 square feet	45 feet	This sign shall devote no less than 50% of the total sign area (per side) to the advertisement of the planned center's name	Yes

This page left intentionally blank

## **ARTICLE XVIII - Administration and Enforcement**

### **18.1 Appointment and Powers of Zoning Officer**

- a. For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in Benner Township, shall be appointed.
- b. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.
- c. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.
- d. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of employment.

### **18.2 Duties of the Zoning Officer**

- a. It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance and such power and authority as is necessary for enforcement is hereby conferred upon the Zoning Officer.
- b. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents and make such reports as the governing body may require.
  - i. Permits for construction and uses which are a special exception or a variance to requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board.
  - ii. Permits for construction and uses which are a conditional use shall be issued only upon written order of the Board of Supervisors.

### **18.3 Permits**

- a. A building and zoning permit shall be required prior to the following activities:
  - i. the erection, addition or alteration of any building or portion thereof;
  - ii. the use or change in use of a building or land; and
  - iii. the change or extension of a nonconforming use.

It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use until a permit has been duly issued.
- b. Applications for Permits. All applications for permits shall be accompanied by plans, in duplicate and drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Ordinance and all other ordinances. One (1) copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.
- c. Issuance of Permits. No occupancy permit shall be issued until the Zoning Officer and the certified Building Inspectors have certified that the proposed building, addition or alteration, complies with all the provisions of this Ordinance as well as the provisions of all other

applicable ordinances. A permit issued hereunder shall become void 24 months after issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least 30 days prior to the permit's expiration date.

- d. Temporary Permits. A temporary permit may be authorized by the governing body for a structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such permits shall be issued for a specified period of time not to exceed six (6) months and may be renewed once for an additional six (6) month period.

#### **18.4 Fees**

- a. The governing body shall establish a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, certificates of occupancy, appeals, variances, conditional uses, special exceptions, amendments, bonds and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Officer.
- b. Such fees shall be payable to the Township and until all applicable fees, charges and expenses have been paid in full, the applications shall be considered incomplete and no action shall be taken on any application or appeal.

#### **18.5 Records**

- a. It shall be the duty of the Zoning Officer to keep a record of all applications for building and zoning permits, a record of all permits issued and a record of all certificates of occupancy which the Zoning Officer countersigns, together with a notation of all special conditions involved. The Zoning Officer shall file and safely keep copies of all plans submitted and the same shall be available for the use of the Board of Supervisors.
- b. The Zoning Officer shall prepare a monthly report for the Township Supervisors summarizing for the period since the previous report all zoning permits issued and certificates countersigned and all complaints of violations and the action taken by the Zoning Officer. A copy of each such report shall be filed with the office of the Chief Assessor of Centre County at the same time it is filed with the Board of Supervisors.

#### **18.6 Certificate of Use**

- a. A Certificate of Use shall be a statement issued by the Zoning Officer setting forth that a building, structure, parcel or use of land complies with the provision of this Ordinance.
- b. No vacant land shall be occupied or used and no structure or part of a structure hereafter erected, substantially altered or changed in use shall be occupied or used until the Zoning Officer shall have issued a Certificate of Use.
- c. A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for a whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the applications for a building or zoning permit, and shall be issued or denied within 15 days after a final inspection by the Zoning Officer.
- d. A Certificate of Use for changing or extending a nonconforming use, existing at the effective date of this Ordinance or of an amendment thereto, shall be applied for and issued before any such nonconforming use shall be changed or extended. Such Certificate shall be issued within 15 days after a final inspection and approval by the Zoning Officer.
- e. A record of all Certificates of Use shall be kept on file in the office of the Zoning Officer and a



copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

**18.7 Appeals and Applications** - An appeal or application for an amendment or variance from the terms of this Ordinance shall be filed with the Zoning Officer and shall contain the following information:

- a. The name and address of the applicant.
- b. The name and address of the owner of the real estate to be affected by such proposal.
- c. A brief description and location of the real estate to be affected by such proposal.
- d. A statement of the present zoning classification of the real estate in question, the improvements thereon and the present use.
- e. A statement of the section of this Ordinance under which the appeal or application is filed and reasons why it should be granted or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.
- f. An accurate description of the present improvements and the additions intended to be made under this application indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and locations of improvements now erected and proposed to be erected thereon.

**18.8 Conflicting Regulations** - In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, or whenever the requirements of this Ordinance are internally at variance, the most restrictive or that imposing the higher standard, shall govern.

**18.9 Zoning Hearing Board**

- a. There is hereby created for the Township a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.
- b. The membership of the board shall consist of three (3) residents of the Township appointed by resolution by the Board of Supervisors. The terms of office shall be for three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the board shall hold no other office in the Township.
- c. The Board of Supervisors may appoint by resolution one (1) resident of the Township to serve as an alternate member of the board. The term of office of the alternate shall be three (3) years. If, by reason or absence or disqualification of a member, a quorum is not reached, the chairman of the board shall designate the alternate of the board to sit on the board to provide the quorum. The alternate shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. When seated pursuant to these provisions, an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including, specifically, the right to cast a vote as a voting member during the proceedings and shall have all the powers and duties set forth herein and otherwise provided by law. The alternate shall hold no other office in the

municipality, including membership on the planning commission and Zoning Officer. The alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board, nor be compensated, unless designated as a voting alternate member as described herein.

- d. Any board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- e. The board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the board as provided in this Ordinance.
- f. The board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The board shall keep full public records of its business, which records shall be the property of the Township and shall submit a report of its activities, as requested, by the Board of Supervisors.
- g. Within the limits of funds appropriated by the Board of Supervisors, the board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

**18.10 Hearings** - The board shall conduct hearings and make decisions in accordance with the following requirements:

- a. Public notice and written notice shall both be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- b. The first hearing before the board or hearing officer shall be commenced within 60 days from the date of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record.
- c. The hearings shall be conducted by the board or the board may appoint any member as a hearing officer. The decision or, where no decision is called for, findings shall be made by the board, however, the appellant or the applicant, as the case may be, in addition to the Township may, prior to the decision of the hearing, waive decision or findings by the board and accept the decision or findings of the hearing officer as final.
- d. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the board. The board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the board for that purpose.

- e. The chairman or acting chairman of the board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- f. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- g. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- h. The board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the board. The cost of the original transcript shall be paid by the board if the transcript is ordered by the board or hearing officer or shall be paid by the person appealing from the decision of the board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- i. The board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present.
- j. The board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that the hearing officer's decision or findings are final, the board shall make the hearing officer's report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the board prior to final decision or entry of findings, and the board's decision shall be entered no later than 30 days after the report of the hearing officer. Except for challenges filed under Section 916.1 of the Pennsylvania Municipalities Planning Code, as reenacted and amended, where the board fails to commence, conduct or complete the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as hereinabove provided, the board shall give public notice of the said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in sub-Section A. of this Section. If the board shall fail to provide such notice, the applicant may do so. Nothing in this sub-Section shall prejudice the right of any

- party opposing the application to appeal the decision to a court of competent jurisdiction.
- k. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the board not later than the last day of the hearing, the board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
    - i. Parties to proceedings authorized in the Article may utilize a mediation option as an aid in completing such procedures as set forth in Section 908.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), Act of 1968, P.L. 805, No. 247, as reenacted and amended.
  - l. The Board of Supervisors shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

#### **18.11 Jurisdiction**

- a. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:
  - i. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors, pursuant to Section 609.1 and Section 916.1(a)(2) of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended.
  - ii. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
  - iii. Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
  - iv. Appeals from a determination by the Township engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
  - v. Applications for variances from the terms of this Ordinance and any flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended.
  - vi. Applications for special exceptions under this Ordinance or any flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended.
  - vii. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended.
  - viii. Appeals from the determination of the Zoning Officer or Township engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relates to development not involving applications under Article V or VII of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

- b. The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudication in the following matters:
  - i. All applications pursuant to Section 508 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended, for approval of subdivisions or land developments under Article V of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended.
  - ii. Applications for conditional use under the express provisions of this Ordinance.
  - iii. Applications for curative amendment to this Ordinance or pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended.
  - iv. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Section 609 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.
  - v. Appeals from the determination of the Zoning Officer or the Township engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relates to applications for land development under Articles V and VII of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Township engineer shall be to the Zoning Hearing Board pursuant to this Section.

#### **18.12 Variances**

- a. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The board may grant a variance, provided that all of the following findings are made where relevant in a given case:
  - i. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;
  - ii. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
  - iii. That such unnecessary hardship has not been created by the applicant;
  - iv. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
  - v. That the variance, if authorized, will represent the minimum variance that will afford

relief and will represent the least modification possible of the regulation in issue.

- b. In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania MCP, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

**18.13 Special Exceptions** - Where the Board of Supervisors, in this Ordinance, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria below:

- a. The location of the use, including with respect to the existing or future streets giving access to it, is in harmony with the orderly and appropriate development for the district in which the use is to be located.
- b. The nature and intensity of the operations involved are in harmony with the orderly and appropriate development of the district in which the use is to be located.
- c. The grant of the special exception shall not materially increase traffic congestion on roads and highways, nor cause nor encourage commercial or industrial traffic to use residential streets.
- d. The applicant must meet all specific requirements for the specified use in accordance with Article XIII, herein.
- e. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

**18.14 Conditional Use** - Where the Board of Supervisors, in this Ordinance, has stated conditional uses to be granted or denied by the Board of Supervisors pursuant to express standards and criteria, the Board of Supervisors shall hear and decide requests for such conditional uses in accordance with such standards and criteria below:

- a. The location of the use, including with respect to the existing or future streets giving access to it, is in harmony with the orderly and appropriate development for the district in which the use is to be located.
- b. The nature and intensity of the operations involved are in harmony with the orderly and appropriate development of the district in which the use is to be located.
- c. The grant of the conditional use shall not materially increase traffic congestion on roads and highways, nor cause nor encourage commercial or industrial traffic to use residential streets.
- d. The applicant must meet all specific requirements for the specified use in accordance with Article XIII, herein.
- e. In granting a conditional use, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

**18.15 Referrals to the Benner Township Commissions, Committees and Engineer and the Centre County Planning Commission**

- a. The Zoning Hearing Board in the case of special exceptions and variances and the Board of Supervisors in the case of conditional uses may refer applications to the Township Planning Commission, the Township engineer, or any other committee, commission or advisor for their advice, but is not required to do so.
- b. Within 30 days of receiving an application for a special exception or conditional use, or within

40 days of receiving an application for a variance from the decision-making body, the referral body or advisor must give a written report on it to the decision-making body.

**18.16 Parties Appellant Before the Board.** - Appeals raising the substantive validity of any land use ordinance, except those to be brought before the Board of Supervisors pursuant to the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore; the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Township engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any performance density provisions of this Ordinance; from the determination of the Zoning Officer or Township engineer in the administration of any land use ordinance of provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relates to development not involving subdivision and land development or planned residential development may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance and for special exception may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

**18.17 Time Limitations**

- a. No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by the Township if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to their interest after such approval, they shall be bound by the knowledge of their predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or an amendment hereto or map or an amendment thereto, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- b. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

**18.18 Stay of Proceedings**

- a. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order

- such persons to post bond as a condition to continuing the proceedings before the board.
- b. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
  - c. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
  - d. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

#### **18.19 Enactment of Zoning Ordinance Amendments**

- a. The Board of Supervisors may, from time to time, amend, supplement or repeal any of the regulations and provisions of this Ordinance. The procedures for the preparation of a proposed Zoning Ordinance as set forth in Section 607 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended, is hereby declared optional.
- b. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing. In addition to the requirement that notice be posted, where proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least 30 days prior to the date of the hearing by First Class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by the tax records within the possession of the municipality. The notice shall include the location, date and time for the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this sub-Section. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.
- c. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- d. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- e. At least 30 days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the county planning agency for recommendations.



- f. Within 30 days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the county planning agency.

#### **18.20 Procedure for Landowner Curative Amendments**

- a. A landowner who desires to challenge, on substantive grounds, the validity of this Ordinance or the Zoning Map or any provisions thereof which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in Section 609 and notice of the hearing thereon shall be given as provided in Sections 610 and 916.1 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended.
- b. The hearing shall be conducted in accordance with Section 908 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Board of Supervisors, however, that the deemed approval provision of Section 908 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended, shall not apply and the provision of Section 916.1 of the Pennsylvania MPC shall control. If the Township does not accept a landowner's curative amendment brought in accordance with this sub-Section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Ordinance and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- c. The Board of Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
  - i. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
  - ii. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning Map.
  - iii. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, flood plains, aquifers, natural resources and other natural features.
  - iv. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
  - v. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

#### **18.21 Procedure for Township Curative Amendments**

- a. If the Township determines that this Ordinance, or any portion thereof, is substantially invalid, it shall take the following actions:
  - i. The Township shall declare by formal action this Ordinance, or portions thereof, is

substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration and proposal, the Board of Supervisors shall, by resolution, make specific findings setting forth the declared invalidity of this Ordinance which may include:

1. References to specific uses which are either not permitted or not permitted in sufficient quantity;
  2. Reference to a class of use or uses which requires revision; or
  3. Reference to this entire Ordinance which requires revisions.
- ii. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.
- b. Within 180 days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this Ordinance pursuant to the provisions of Section 609 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended, in order to cure the declared invalidity of this Ordinance.
  - c. Upon the initiation of the procedures as set forth in sub-Section (1), the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 609.1 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended, nor shall the Zoning Hearing Board be required to give a report requested under Sections 909.1 or 916.1 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by sub-Section (1)(a). Upon completion of the procedures set forth in sub-Sections (1) and (2), no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247, as reenacted and amended, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Ordinance for which there has been a curative amendment pursuant to this Section.
  - d. The Township, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of 36 months following the date of enactment of a curative amendment or reaffirmation of the validity of this Ordinance; provided, however, if after the date of declaration and proposal, there is a substantially new duty imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to propose a curative amendment to this Ordinance to fulfill said duty or obligation.

**18.22 Causes of Action** - In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

**18.23 Enforcement Notice**

- a. If it appears to the Township that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
- b. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.
- c. An enforcement notice shall state at least the following:
  - i. The name of the owner of record and any other person against whom the Township intends to take action;
  - ii. The location of the property in violation;
  - iii. The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance;
  - iv. The date before which the steps for compliance must be commenced and the date before which the steps must be completed;
  - v. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of days; and
  - vi. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions clearly described.
- d. In any appeal of an enforcement notice to the Zoning Hearing Board, the municipality shall have the responsibility of presenting its evidence first.
- e. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

#### **18.24 Enforcement Remedies**

- a. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- b. The Court of Common Pleas, upon petition, may grant an order of stay upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- c. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
- d. District justices shall have initiation jurisdiction over proceeds brought under this Section.

**18.25 Interpretation**

- a. Conflict with Other Laws - The provisions of this Ordinance shall be deemed to be minimum requirements to meet the purposes stated herein. Where the provisions of this Ordinance impose greater restrictions than those of any Federal or State statute, rule, regulation or other ordinance, the provisions of this Ordinance shall prevail. Where the provisions of any Federal or State statute, rule, regulation or other ordinance impose greater restrictions than those of this Ordinance, the provisions of such Federal or State statute, rule, regulation or ordinance shall prevail.
- b. Severability - The provisions of this Ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, phrase or provision hereof is held or judged by any court of competent jurisdiction to be unconstitutional, illegal or otherwise invalid, any such holding or judgment shall not be construed as affecting or impairing any other section, subsection, sentence, clause, phrase or provision of this Ordinance, it being the expressed intent of the Board of Supervisors that this Ordinance would have been enacted had such unconstitutional, illegal or otherwise invalid section, subsection, clause, phrase or provision not been included.
- c. Saving Clause - Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquitted, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**18.26 Validity** - Should any provision, section, subsection, clause or phrase of this Ordinance, or its application, be declared or held, for any reason, 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.

**18.27 Repealer** - Ordinance No. 104, as amended, is hereby repealed. All other ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this Ordinance are repealed to the extent of such conflict or inconsistency is necessary to give this Ordinance full force and effect.

**18.28 Adoption** - This Ordinance No. \_\_\_\_\_ is hereby enacted and adopted by the Board of Supervisors of Benner Township, Centre County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

## **APPENDIX A - Environmental Protection**

**A.1 Purpose** - In accordance with sound community and site planning principles, this Article provides for requirements that are imposed upon proposed uses and activities that, because of their location, pose a threat to the environmental integrity of the Township and thereby threaten public welfare. The respective sections of this Article impose necessary restrictions to ensure environmental stewardship and require an applicant to engage a proper site planning process.

### **A.2 Relationship to Other Sections of This Ordinance**

- a. The provisions of this Article are designed to supplement the provisions contained elsewhere in this Ordinance. In those instances where design, application, review and/or performance criteria contained herein differ from those imposed elsewhere in this Ordinance, the most restrictive standard shall apply. However, all other provisions of all other articles of this Zoning Ordinance and all other ordinances of the Township shall remain in full force.
- b. This Section shall expressly not prohibit land management practices which are intended to ecologically improve any wetland, woodland, stream, lake or pond, provided that all necessary permits have been obtained from the Pennsylvania Department of Environmental Protection and all other applicable regulatory entities.

### **A.3 Feature Identification Procedures**

- a. **FEATURE IDENTIFICATION** - All applications for new uses that involve land disturbance (except agricultural tilling and gardening) and/or development may be required to conduct an investigation that identifies all natural and cultural features located on the subject property. Such investigation can include literary research, aerial photograph interpretation through on-site verification. It is noted that the Township has preliminarily identified specific natural and cultural features as depicted upon the Benner Township Natural Features Maps which are hereby incorporated as part of this Ordinance.
- b. **PREPARATION OF NATURAL & CULTURAL FEATURES SITE PLAN & REPORT** - Next, the applicant may be required to prepare a detailed natural and cultural features site plan depicting the extent and location of the various natural and cultural features as regulated by this Article. Site Plan shall be prepared to the specifications and at the same scale as required for a sketch/preliminary plan as regulated by the SALDO. In addition, the applicant shall prepare a report that demonstrates compliance with all applicable requirements of this Article. The sources of all discovered natural and cultural features should be documented upon the Site Plan and contained within the Report as well as the qualifications of the preparer.
- c. **DISPUTES OVER THE PRESENCE/LOCATION OF NATURAL OR CULTURAL FEATURES** - Should a dispute concerning the presence, extent and/or location of a particular natural or cultural feature arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board in accordance with Section 18.9 of this Ordinance. In such instances, the burden of proof shall rest with the applicant.

### **A.4 Review Procedures**

- a. **REVIEW OF USES REQUIRING SUBDIVISION / LAND DEVELOPMENT APPROVAL** - For uses that require "subdivision" and/or "land development" (both, as defined herein) approval, the natural and cultural features site plan and report shall be submitted as part of the sketch/preliminary application requirements as listed in the SALDO. Such materials shall be reviewed and approved by the Board of Supervisors, after review by the Planning Commission and/or any other specified agent of the Township in accordance with the procedures contained within the SALDO. Should

the Board of Supervisors determine that the applicant's submission does not adequately address the relevant natural and cultural features, or that the proposed use, by nature or design, cannot be accomplished in a manner that is compatible with the relevant natural and cultural features, the application shall be denied. As an alternative, the Board may approve the application with conditions imposed that directly overcome the application's deficiencies. Nothing within this Section shall be interpreted to supersede the requirement for individual lot grading plans as required by Section 513 of this Ordinance.

#### **A.5 Resource Protection & Management Strategies**

##### **a. SUBMISSION OF REQUIRED MANAGEMENT REPORT**

- i. Depending upon the presence of those natural and cultural features contained upon the site, the applicant for uses that require "subdivision" and/or "land development" (this Section shall not apply to uses reviewed under Section 503.2. of this Ordinance) shall be required to submit a written Management Report detailing the specific actions being employed to protect and manage the respective features. Such Management Report shall be prepared under the responsible charge of a Pennsylvania-licensed professional and should be signed and sealed by such professional for each respective natural and/or cultural feature and include the following minimum requirements.
  1. Description of methods used to ensure the perpetual protection of those natural and cultural features contained on the site in accordance with the regulations of this Appendix A.
  2. Description of methods used to protect those vulnerable natural and cultural features from grading and construction activities during any proposed development or disturbance on the site.
  3. Description of suitable long-term maintenance and management strategies of any required improvements, plantings, mitigating features and/or any other methods required under this Appendix A.
  4. Description of ownership and maintenance responsibilities and methods to enforce compliance with the requirements of this Article.

#### **A.6 Floodplain Ordinance**

- a. **STATUTORY AUTHORIZATION** - The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of the Township of Benner does hereby order as follows.
- b. **GENERAL PROVISIONS**
  - i. **Intent** - The intent of this Ordinance is to:
    1. Promote the general health, welfare, and safety of the community.
    2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
    3. Minimize danger to public health by protecting water supply and natural drainage.
    4. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
    5. Comply with federal and state floodplain management requirements.
  - ii. **Applicability**
    1. It shall be unlawful for any person, partnership, business or corporation to

undertake, or cause to be undertaken, any construction or development anywhere within the Township of Benner unless a Permit has been obtained from the Floodplain Administrator.

2. A permit shall not be required for minor repairs to existing buildings or structures.
- iii. Abrogation and Greater Restrictions - This ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.
- iv. Severability - If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.
- v. Warning and Disclaimer of Liability - The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

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

c. ADMINISTRATION

- i. Designation of the Floodplain Administrator. The Zoning Officer is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.  
In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Township Engineer.
- ii. Permits Required - A permit shall be required before any construction or development is undertaken within any area of the Township of Benner.
- iii. Duties and Responsibilities of the Floodplain Administrator
  1. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
  2. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits

required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachment Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

3. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work necessary.
4. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
5. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
6. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
7. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.
8. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.
9. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

iv. Application Procedures and Requirements

1. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township of Benner. Such application shall contain the following:
  - a. Name and address of applicant.
  - b. Name and address of owner of land on which proposed construction is to occur.
  - c. Name and address of contractor.
  - d. Site location including address.
  - e. Listing of other permits required.
  - f. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.



- g. A plan of the existing site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
  - 2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
    - a. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
    - b. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
    - c. adequate drainage is provided so as to reduce exposure to flood hazards;
    - d. structures will be anchored to prevent floatation, collapse, or lateral movement;
    - e. building materials are flood resistant;
    - f. appropriate practices that minimize flood damage have been used; and
    - g. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
  - 3. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
    - a. A completed Permit Application Form.
    - b. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
      - i. north arrow, scale, and date;
      - ii. topographic contour lines, if available;
      - iii. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
      - iv. the location of all existing streets, drives, and other access ways; and
      - v. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
    - c. Plans of all proposed buildings, structures and other improvements, drawn at a suitable scale showing the following:
      - i. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
      - ii. the elevation of the base flood;
      - iii. supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC.
    - d. The following data and documentation:
      - i. detailed information concerning any proposed floodproofing

measures and corresponding elevations.

- ii. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and Floodway Area (See section A.6.d.ii.1) when combined with all other existing and anticipated development, will not increase the base flood elevation at any point.
- iii. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within the AE Area/District without the floodway (See A.6.d.ii.1) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within the community.
- iv. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.

Such statement shall include a description of the type and extent of the flood proofing measures which have been incorporated into the design of the structure and/or the development.

- v. detailed information needed to determine compliance with A.6.e.iii.6., Storage, and A.6.e.iv., Development Which May Endanger Human Life, including:
    - 1. the amount, location and purpose of any materials or substances referred to in A.6.e.iii.6. and A.6.e.iv., which are intended to be used, produced, stored or otherwise maintained on site.
    - 2. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in A.6.e.iv., during a base flood.
  - vi. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
  - vii. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
4. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.
- v. Review by County Conservation District - A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

- vi. Review of Application by Others - A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.
- vii. Changes - After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.
- viii. Placards - In addition to the Permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit, the date of its issuance, and be signed by the Floodplain Administrator.
- ix. Start of Construction - Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within twelve (12) months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of a development permit does not refer to the zoning approval.

The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the ordinance and FIRM/FIS in effect at the time the extension is granted.

- x. Enforcement
  - 1. Notices - Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided, such notice shall:
    - a. be in writing;
    - b. include a statement of the reason for its issuance;
    - c. allow a reasonable time not to exceed a period of thirty (30) days for the

- performance of any act it requires;
  - d. be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;
  - e. contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Ordinance.
2. Penalties - Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order or direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of an offense and upon conviction shall pay a fine to Township of Benner, of not less than Twenty-five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00) plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and non-compliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the municipal governing body to be a public nuisance and abatable as such.
- xi. Appeals
- 1. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
  - 2. Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Municipal Planning Code and any other local ordinance.
  - 3. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.
- d. IDENTIFICATION OF FLOODPLAIN AREAS
- i. Identification - The identified floodplain area shall be:
    - 1. any areas of Township of Benner, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated January 16, 2015 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Township of Benner and declared to be a

part of this ordinance.

- ii. Description and Special Requirements of Identified Floodplain Areas - The identified floodplain area shall consist of the following specific areas:
  1. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.
    - a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
    - b. Within the floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
  2. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
    - a. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
    - b. AE Area without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
      - i. No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
      - ii. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
  3. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For those areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. When other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified

floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

- iii. Changes in Identification of Area - The identified Floodplain Area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See A.6.e.i.1.c for situations where FEMA notification is required.
  - iv. Boundary Disputes - Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township of Benner and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.
  - v. Jurisdictional Boundary Changes - Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.
- e. TECHNICAL PROVISIONS
- i. General
    1. Alteration or Relocation of Watercourse
      - a. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.
      - b. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
      - c. In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.
    2. When a community proposes to permit the following encroachments:
      - any development that causes a rise in the base flood elevations within the floodway; or
      - any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or

- alteration or relocation of a stream (including but not limited to installing culverts and bridges)
- the applicant shall (as per 44 CFR Part 65.12):
- a. Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
  - b. Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and/or revised floodway reflecting the post-project condition.
  - c. Upon completion of the proposed encroachments, a community shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.
3. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.
- ii. Elevation and Floodproofing Requirements
1. Residential Structures
    - a. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
    - b. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section A.6.d.ii.3 of this ordinance.
    - c. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.
  2. Non-residential Structures
    - a. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
      - i. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
      - ii. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
    - b. In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or

above, the regulatory flood elevation determined in accordance with Section A.6.d.ii.3 of this ordinance.

- c. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
  - d. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.
3. Space below the lowest floor
- a. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
  - b. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
    - i. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
    - ii. the bottom of all openings shall be no higher than one (1) foot above grade.
    - iii. openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. Historic Structures - Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
- iii. Design and Construction Standards - The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:



1. Fill - If fill is used, it shall:
  - a. extend laterally at least fifteen (15) feet beyond the building line from all points;
  - b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
  - c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
  - d. be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
  - e. be used to the extent to which it does not adversely affect adjacent properties.
2. Drainage Facilities - Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
3. Water and Sanitary Sewer Facilities and Systems
  - a. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
  - b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
  - c. No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
  - d. The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.
4. Other Utilities - All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
5. Streets - The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.
6. Storage - All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section A.6.e.iv., Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.
7. Placement of Buildings and Structures - All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

8. Anchoring

- a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- b. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

9. Floors, Walls and Ceilings

- a. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- b. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
- c. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
- d. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

10. Paints and Adhesives

- a. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
- b. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
- c. All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

11. Electrical Components

- a. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
- b. Separate electrical circuits shall serve lower levels and shall be dropped from above.

12. Equipment - Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

13. Fuel Supply Systems - All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

14. Uniform Construction Code Coordination - The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and supplement the requirements of this ordinance.

International Building Code (IBC) 2009 or the latest edition thereof:  
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest edition thereof:  
Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

iv. Development Which May Endanger Human Life

1. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

- a. will be used for the production or storage of any of the following dangerous materials or substances; or,
- b. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- c. will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone
  - Ammonia
  - Benzene
  - Calcium carbide
  - Carbon disulfide
  - Celluloid
  - Chlorine
  - Hydrochloric acid
  - Hydrocyanic acid
  - Magnesium
  - Nitric acid and oxides of nitrogen
  - Petroleum products (gasoline, fuel oil, etc.)
  - Phosphorus
  - Potassium
  - Sodium
  - Sulphur and sulphur products
  - Pesticides (including insecticides, fungicides, and rodenticides)
  - Radioactive substances, insofar as such substances are not otherwise regulated.
2. Within any Identified Floodplain Area, any new or substantially improved structure of the kind described in Subsection iv.1., above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
  3. Within any Floodway Area, any structure of the kind described in Subsection iv.1., above, shall be prohibited. Where permitted within any Identified Floodplain Area,

any new or substantially improved residential structure of the kind described in Subsection iv.1., above, shall be elevated to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation and built in accordance with Sections A.6.e.i, A.6.e.ii, and A.6.e.iii.

4. Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Subsection iv.1. above, shall be built in accordance with Sections A.6.e.i, A.6.e.ii, and A.6.e.iii. including:
  - a. elevated, or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation, and
  - b. designed to prevent pollution from the structure or activity during the course of a base flood - Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.
- v. Special Requirements for Subdivisions and Development - All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.
- vi. Special Requirements for Manufactured Homes
  1. Within any Identified Floodplain Area manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
  2. Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
    - a. placed on a permanent foundation;
    - b. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation;
    - c. and anchored to resist flotation, collapse, or lateral movement.
  3. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.
  4. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s)

installation.

vii. Special Requirements for Recreational Vehicles

1. Recreational vehicles in Zones A, A1-30, AH and AE must either:
  - a. be on the site for fewer than 180 consecutive days, and
  - b. be fully licensed and ready for highway use, or
  - c. meet the permit requirements for manufactured homes in Section A.6.e.vi.

f. ACTIVITIES REQUIRING SPECIAL PERMITS

- i. General - In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area unless a Special Permit has been issued by the Township of Benner:
  1. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
    - a. Hospitals
    - b. Nursing homes
    - c. Jails or prisons
  2. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.
- ii. Application Requirements for Special Permits - Applicants for Special Permits shall provide five copies of the following items:
  1. A written request including a completed Permit Application Form.
  2. A small scale map showing the vicinity in which the proposed site is located.
  3. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
    - a. north arrow, scale and date;
    - b. topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;
    - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
    - d. the location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
    - e. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
    - f. the location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;
    - g. the location of all proposed buildings, structures, utilities, and any other improvements; and

- h. any other information which the municipality considers necessary for adequate review of the application.
- 4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
  - a. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
  - b. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
  - c. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;
  - d. detailed information concerning any proposed floodproofing measures;
  - e. cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
  - f. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
  - g. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- 5. The following data and documentation:
  - a. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
  - b. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;
  - c. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;
  - d. a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;
  - e. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;
  - f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"
  - g. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;

- h. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
      - i. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.
  - iii. Application Review Procedures - Upon receipt of an application for a Special Permit by the Township of Benner the following procedures shall apply in addition to those of Article XIV:
    - 1. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township of Benner Planning Commission and Township of Benner engineer for review and comment.
    - 2. If an application is received that is incomplete, the Township of Benner shall notify the applicant in writing, stating in what respect the application is deficient.
    - 3. If the Township of Benner decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
    - 4. If the Township of Benner approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
    - 5. Before issuing the Special Permit, the Township of Benner shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township of Benner.
    - 6. If the Township of Benner does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.
    - 7. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township of Benner and the applicant, in writing, of the reasons for the disapproval, and the Township of Benner shall not issue the Special Permit.
  - iv. Special Technical Requirements
    - 1. In addition to the requirements of Section A.6.e. of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Section A.6.e. of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
    - 2. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
      - a. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

- i. the structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.
- ii. the lowest floor (including basement) will be elevated to at least one and one half (1 ½) feet above base flood elevation.
- iii. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.

- b. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township of Benner and the Department of Community and Economic Development.

**g. EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS**

- i. Existing Structures - The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section A.6.g.ii shall apply.
- ii. Improvements - The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:
  - 1. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.
  - 2. No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
  - 3. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
  - 4. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.
  - 5. Within any Floodway Area/District (See Section A.6.d.ii.1), no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office
  - 6. Within any AE Area/District without Floodway (See Section A.6.d.ii.2.b.), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
  - 7. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent



possible.

h. VARIANCES

- i. General - If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township of Benner may, upon request, grant relief from the strict application of the requirements.
- ii. Variance Procedures and Conditions - Requests for variances shall be considered by the Township of Benner in accordance with the procedures contained in Section A.6.c.xi and the following:
  1. No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
  2. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
  3. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (A.6.f) or to Development Which May Endanger Human Life (Section A.6.e.iv.).
  4. If granted, a variance shall involve only the least modification necessary to provide relief.
  5. In granting any variance, the Township of Benner shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
  6. Whenever a variance is granted, the Township of Benner shall notify the applicant in writing that:
    - a. The granting of the variance may result in increased premium rates for flood insurance.
    - b. Such variances may increase the risks to life and property.
  7. In reviewing any request for a variance, the Township of Benner shall consider, at a minimum, the following:
    - a. That there is good and sufficient cause.
    - b. That failure to grant the variance would result in exceptional hardship to the applicant.
    - c. That the granting of the variance will
      - i. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
      - ii. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
  8. A complete record of all variance requests and related actions shall be maintained by the Township of Benner. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

i. DEFINITIONS

i. General - Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its' most reasonable application.

ii. Specific Definitions

1. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).
3. Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
4. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
5. Basement - any area of the building having its floor below ground level on all sides.
6. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
7. Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
8. Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
9. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
10. Flood - a temporary inundation of normally dry land areas.
11. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

12. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
13. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
14. Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
15. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
16. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
17. Historic structures – any structure that is:
  - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - c. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
  - d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
    - i. By an approved state program as determined by the Secretary of the Interior or
    - ii. Directly by the Secretary of the Interior in states without approved programs.
18. Identified Floodplain Area- this term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections A.6.d.i and A.6.d.ii for the specifics on what areas the community has included in the Identified Floodplain Area.
19. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided

that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

20. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
21. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
22. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, mechanical or other work affecting public health or general safety.
23. New construction - structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after June 5, 1989 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
24. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
25. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
26. Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated June 5, 1989, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
27. Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated June 5, 1989, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

28. Recreational vehicle - a vehicle which is:
  - a. built on a single chassis;
  - b. not more than 400 square feet, measured at the largest horizontal projections;
  - c. designed to be self-propelled or permanently towable by a light-duty truck,
  - d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
29. Regulatory flood elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet.
30. Special permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks/ subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
31. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
32. Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
33. Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
34. Subdivision - the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than

ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

35. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
36. Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
37. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
38. Variance- A grant of relief by a community from the terms of a floodplain management regulation.
39. Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

#### **A.7 Riparian Buffers**

- a. PURPOSE - In order for Pennsylvania to meet the aggressive goals of the Chesapeake Bay Tributary Strategy, communities located within this drainage area will need to implement Best Management Practices (BMPs) to address point and non-point pollution sources; riparian buffers are one of the BMPs that will help the region meets these goals;
  - i. Riparian buffer definition. The riparian buffer is defined as areas surrounding Township designated surface water bodies, including but not limited to creek, streams, lakes, intermittent watercourses and wetlands that intercept surface water runoff, wastewater, subsurface flow, and/or deep groundwater flows from upland courses and function to remove or "buffer" the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters.
  - ii. Riparian buffers are established upon the following areas which shall be identified on the Natural and Cultural Features Map incorporated herein and, if applicable, the Benner

**Township Official Map:**

- Lands adjacent to municipally designated streams within Benner Township.
  - Lands adjacent to municipally designated intermittent water courses within Benner Township.
  - Lands at the margins of municipally, state or federally designated lakes and wetlands.
- iii. **Width Determination** - The measurement of the riparian buffer shall extend a minimum total width of 100 feet from each defined upper edge of an identified watercourse or surface water body at bank full flow or level, or shall equal the extent of the 100-year floodplain, whichever is greater. The Zone will consist of two distinct zones designated as:
1. **Zone One:** This zone will begin at the edge of an identified waterway and occupy a margin of land within a minimum width of 35 feet measured horizontally to the edge of water at bank full flow.
  2. **Zone Two:** This zone will begin at the outer edge of Zone One and occupy a minimum width of 65 feet in addition to Zone One
  3. The developer, applicant, or designated municipal representative shall be responsible for the initial width determination of the riparian buffer and identifying this area on any plan that is submitted to Benner Township for subdivision, land development, or other improvements that require plan submissions or permits.
- iv. **Applicability.** The requirements of this ordinance will apply to any structure(s) built, constructed or erected on a property, the use of which requires location on the ground or attached to something on the ground that is 300 square feet or greater in size.
- v. **Other applicable definitions.** The following words and/or phrases shall have their respective meanings throughout this Section unless when such words and/or phrases used in the context clearly indicates otherwise.

**AVERAGE TOTAL BUFFER WIDTH** - The total area of the riparian buffer (Zones One and Two) along the length of a stream or body of water divided by the total linear length of the stream for the case where buffer averaging is permitted.

**BEST MANAGEMENT PRACTICE (BMP)** - A structural or non-structural device designed to temporarily store or treat urban storm water runoff in order to mitigate flooding, pollution, and reduce soil loss and water quality degradation caused by nutrients, animal wastes, toxins, sediments and runoff.

**BUFFER** - An area adjacent to a shoreline, wetland or stream where development is restricted or prohibited.

**BUFFER WIDTH AVERAGING** - A technique for delineating the width of a buffer such that the buffer boundary can be narrower at some points along the stream and wider at others so that its average width meets the minimum criteria.

**CHESAPEAKE BAY TRIBUTARY STRATEGY (CBTS)** - Pennsylvania's Chesapeake Bay Tributary Strategy is a catalog of measures that, if applied to the state's Susquehanna and Potomac Watersheds, will generate appreciable sediment and nutrient reductions in order to provide cleaner water resources in the state and downstream at the Chesapeake Bay.

**CORRIDOR** - A spatial link between two significant locations.

**HERBICIDES** - Chemicals developed to control or eradicate plants.

**INSECTICIDES** - Chemicals developed to control or eradicate insects.

**INTERMITTENT STREAM** - Surface water drainage channels with definite bed and banks in which there is not a permanent flow of water. Most intermittent streams are shown on the U.S.D.A. Soil Conservation Service "Soils Survey of Centre County" mapping or as watercourses shown on a U.S.G.S., 7.5 minute quadrangle map as dashed lines or as State Open Waters identified in a letter of interpretation issued by the Pennsylvania DEP. Intermittent streams are shown as thin blue lines on the most recent Streams Within the Centre Region, U.S.G.S. National Hydrologic Dataset (NHD) mapping noted on attached Appendix A which shows the municipal area of applicability.

**MINIMUM AVERAGE BUFFER WIDTH** - The minimum value permitted in this Section for the Average Buffer Width in Zone One is 35 feet.

**MINIMUM AVERAGE TOTAL BUFFER WIDTH** - The minimum value permitted in this Section for the Average Total Buffer Width is 100 feet.

**NOXIOUS WEEDS** - Plants identified by the Pennsylvania Department of Agriculture's Noxious Weed Control list, as may be amended. The following lists the current known species at the time of adoption of this Ordinance:

- Cannabis sativa, commonly known as Marijuana
- Cirsium arvense, commonly known as Canadian thistle
- Rosa multiflora, commonly known as Multiflora rose
- Sorghum halepense, commonly known as Johnson grass
- Polygonum perfoliatum, commonly known as Mile-a-minute
- Pueraria lobata, commonly known as Kudzu-vine
- Cirsium vulgare, commonly known as Bull or Spear Thistle
- Carduus nutans, commonly known as Musk or Nodding Thistle
- Sorghum bicolor, commonly known as Shattercane
- Datura stramonium, commonly known as Jimsonweed
- Lythrum salicaria, commonly known as Purple Loosestrife, including all cultivars
- Heracleum mantegazzianum, commonly known as Giant Hogweed
- Galega officinalis, commonly known as Goatsrue

Source:<http://www.agriculture.state.pa.us>, April 13, 2007.

**NUTRIENT** - A substance that provides food or nourishment, such as usable proteins, vitamins, minerals or carbohydrates. Fertilizers, particularly phosphorus and nitrogen, are the most common nutrients that contribute to eutrophication.

**NUTRIENT LOADING** - A quantity of nutrients, such as phosphorous and nitrogen, entering an ecosystem in a given period of time.

**OPEN SPACE** - A portion of a development site which is permanently set aside for public or private use and will not be developed with homes. The space may be used for passive or active recreation, or may be reserved to protect or buffer natural areas.

**RIPARIAN BUFFER** - That area defined by Benner Township which borders any body of water on either (or all) side(s) from the defined edges and which is 100 feet perpendicular to those defined edges as shown on a Township's Natural and Cultural Features Map and/or, if applicable, its Official Map. In most cases this riparian buffer will be composed of two distinct zones; Zone One will be 35 feet in width and directly adjacent to the body of water and Zone Two will be the next 65 feet outside the end boundary of Zone One.

**SEDIMENT** - Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on



the earth's surface either above or below sea level.

STREAM - Surface water drainage channels with definite bed and banks in which there is a permanent flow of water. Most streams are shown on the U.S.D.A. Soil Conservation Service "Soils Survey of Centre County" mapping or as watercourses shown on a U.S.G.S., 7.5 minute quadrangle map as solid blue lines or as State Open Waters identified in a letter of interpretation issued by the Pennsylvania DEP. Streams are also shown as blue lines on the most recent Streams Within the Centre Region, U.S.G.S National Hydrologic Dataset (NHD) mapping noted on attached Appendix A which shows the municipal area of applicability.

STREAM CROSSING - A bridge, ford or structure installed across a stream or watercourse for temporary and/or permanent use as a means of ingress and egress, livestock, or construction and/or agricultural vehicles.

TOTAL BUFFER WIDTH - The sum of the widths of Zone One and Zone Two riparian buffers for the standard case where buffer averaging is not permitted.

TOTAL MAXIMUM DAILY LOAD (TMDL) - A tool for establishing the allowable loadings for a given pollutant in a surface water resource to meet predetermined water quality standards.

VEHICULAR STREAM CROSSING - A bridge, ford or structure installed across a stream or watercourse for temporary and/or permanent use as a means of ingress and egress for vehicular use.

WETLAND - An area that is regularly saturated by surface water or groundwater and is characterized by a prevalence of vegetation that is adapted for life in saturated soil conditions (e.g., swamps, bogs, fens, marshes, and estuaries).

- b. USES PERMITTED IN THE RIPARIAN BUFFER - The following uses are permitted by right in the riparian buffer.
  - i. Zone One and Zone Two Uses Permitted by Right - Uses that are primarily passive in character shall be permitted to extend into the area defined as Zone One and Zone Two, including:
    - 1. Agricultural uses.
    - 2. Removal of trees, where such removal is necessary.
    - 3. Minimum required front, side and rear yards on private lots.
    - 4. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands and native planting and reforestation.
    - 5. Stream bank stabilization and/or recommended native tree reforestation
    - 6. Stream crossings for farm vehicles and/or livestock if part of a federal, state and/or privately funded Centre County Conservation District and/or local non-profit riparian buffer improvement project.
- c. NON-CONFORMING STRUCTURES AND USES IN THE RIPARIAN BUFFER - Non-conforming structures and uses of land within a riparian buffer shall be regulated under provisions of Article XV of this Ordinance except as is modified as follows:
  - i. Existing non-conforming structures or uses within Zone One or Two that are not permitted under Section A.7.b. of this Ordinance may be continued but shall not have the existing building footprint or uses expanded or enlarged.
  - ii. Discontinued non-conforming uses may be resumed any time within one year from such discontinuance but not thereafter when showing clear indications of abandonment of use. No change or resumption shall be permitted that is more detrimental to the riparian buffer, as measured against the intent and objectives under Section A.7.a. of this

Ordinance, than the existing or former non-conforming use. This one-year time frame shall not apply to agricultural uses which are following prescribed best management agricultural practices for crop rotation.

#### **A.8 Wetland and Wetland Buffers**

a. PURPOSE

- i. The requirements of this Section help to protect valuable wetlands that:
1. supply food and habitats for wildlife.
  2. recharge groundwater, particularly during periods of drought.
  3. offer breeding, spawning, feeding, and cover for fish and amphibians.
  4. provide important nesting, migrating and wintering areas for waterfowl.
  5. naturally store surface waters during floods and storms.
  6. purify ground and surface waters by filtering and assimilating pollutants.

- b. APPLICABILITY & USE - Any property containing a wetland and/or wetland buffer, or portion thereof, shall clearly depict such area upon the Natural and Cultural Features site plan. Such area shall be permanently protected from filling, grading, clearing, water diversion and/or development.

c. WETLAND & WETLAND BUFFER DELINEATION

- i. Wetlands shall be delineated by qualified experts having formal training and experience and using the techniques set out by the following referenced manuals:
1. the United States Army Corps of Engineers Technical Report Y87-1, Corps of Engineers Wetlands Delineation Manual;
  2. the United States Environmental Protection Agency Wetlands Identification Delineation Manual, Volume I, Rational, Wetland Parameters, and Overview of Jurisdictional Approach, Volume II, Field Methodology, as most recently updated or modified; or,
  3. the Pennsylvania Department of Environmental Protection's Resources Wetlands Identification and Delineation, Chapter 105 Dam Safety and Waterways Management Rules and Regulations, as most recently updated or modified.
- ii. Wetlands buffers shall be established using the combination of the following methods that delineates the greatest land area:
1. A width of twenty-five (25) feet from the outside edge of that identified wetland as described in the above Section A.8.c.i.
  2. Any area adjoining a wetland that possesses upward slopes in excess of ten (10%) up to a maximum of fifty (50) feet from the outside edge of the identified wetland.

#### **A.9 Steep Slopes**

a. PURPOSE

- i. The requirements of this Section help to protect sensitive areas of steep slope that:
1. reduces rapid stormwater runoff.
  2. minimizes harmful soil erosion.
  3. prevents developments upon unstable soil conditions.
  4. prevents the installation of hazardous roads, access drives and driveways.

- b. APPLICABILITY & USE - Any property containing steep slopes (as defined herein), shall clearly depict such area upon the natural and cultural features site plan.

- c. STEEP SLOPE DELINEATION - A topographic map of the site which depicts and distinguishes those areas that possess slopes exceeding fifteen percent (15%) and twenty-five percent (25%),

respectively shall be incorporated into the natural and cultural features site plan.

- d. ROAD IMPROVEMENT EXEMPTIONS - The disturbance of steep slopes for widening, alignment improvement or sight distance improvements of an existing street for public safety reasons or that are required by, approved by or accomplished by the Township or PennDOT, are expressly exempted from the requirements of this Section.
- e. LIMITS ON AREA OF DISTURBANCE - The total area of disturbance that is permitted upon steep slopes shall be limited on each individual lot as follows:
  - i. Thirty percent (30%) of the aggregate areas of existing natural slopes of fifteen percent (15%) to twenty-five percent (25%); and/or,
  - ii. Fifteen percent (15%) of the aggregate areas of existing natural slopes greater than twenty-five percent (25%).
  - iii. The above limits listed in Sections A.9.e.i. and A.9.e.ii. shall not apply to contiguous areas of steep slope disturbance involving less than five thousand (5000) square feet.

#### **A.10 Forestry Uses**

- a. FORESTRY PERMITTED IN ALL ZONES - In accordance with State law, forestry (as defined herein) uses are permitted, by right, in every Zone, subject to the following standards:
- b. TIMBER HARVESTING PLAN REQUIREMENTS
  - i. Every landowner on whose land timber harvesting is to occur shall obtain a zoning permit, as required by this Ordinance. In addition to the zoning permit requirements listed in Section 18.3.a of this Ordinance, the applicant shall prepare and submit a written timber harvesting plan in the form specified below. No timber harvesting shall occur until a zoning permit has been issued. The provisions of the permit shall be followed throughout the operation. The timber harvesting plan shall be available at the harvest site at all times during the operation, and shall be provided to the Zoning Officer upon request. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the timber harvesting plan and the zoning permit. All timber harvesting operations will be conducted only in accordance with this ordinance and the approved timber harvesting plan.
    - 1. A forest regeneration plan that identifies the principle species of trees intended to be logged and their respective method or methods of forest regeneration,
    - 2. Site Plan - Each timber harvesting plan shall include a drawing containing the following information:
      - a. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place, and the boundaries of the proposed harvest area within that property;
      - b. Significant topographic features related to potential environmental problems;
      - c. Location of all earth disturbance activities, such as roads, landings and water control measures and structures;
      - d. Location of all crossings of waters of the Commonwealth; and,
      - e. The general location of the proposed operation to municipal and State highways, including any accesses to those highways.
    - 3. Compliance With State Law - The timber harvesting plan shall address and comply with the requirements of all applicable State regulations, including, but not limited to, the following:

- a. Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. §691.1. et seq.); and,
  - b. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §693.1 et seq.).
4. Relationship of State Laws, Regulations and Permits to the Timber Harvesting Plan - Any permits required by State laws and regulations shall be attached to and become part of the timber harvesting plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the timber harvesting plan and associated maps specified in Section A.1.b.i., provided that all information required by these sections is included or attached.
5. Required Marking of Trees - Before any permitted timber harvesting operation begins, all trees that are at least six (6) inches in diameter as measured four and one-half feet (4.5') above grade to be felled in connection therewith shall be clearly marked on the trunk and the stump so that the same may be easily identified both before and after a tree has been felled. No tree shall be felled which has not been designated for removal on the approved timber harvesting plan.
- c. REQUIRED NOTIFICATIONS
  - i. The holder of a permit to conduct a timber harvesting operation shall notify the Township in writing at least forty-eight (48) hours before any cutting of trees is to begin including, but not limited to, those in connection with the construction of roads or trails. Such notification shall also indicate an estimated completion date.
  - ii. The holder of a permit to conduct a timber harvesting operation shall notify the Township in writing within forty-eight (48) hours of the completion date of the timber harvesting operation.
- d. REQUIRED FOREST PRACTICES
  - i. The following requirements shall apply to all timber harvesting operations:
    1. Timber harvesting shall be accomplished with those professionally-accepted silvicultural practices that are most appropriate to the particular timber stand as indicated in the approved timber harvest plan.
    2. No treetops or slash shall be left within the fifty (50) feet of any public street, private roadway providing access to any adjoining residential property or Residential Zone, adjoining property or designated trail; or within ten (10) feet of any natural or artificial swale or drainage ditch. All tree tops and slash shall be lopped to a maximum height of four (4) feet above the ground.
    3. Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. No treetops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
    4. Littering is prohibited and litter resulting from a timber harvesting operation shall be removed from the site on a daily basis.
    5. All cutting, removing, skidding and transporting of trees shall be planned and

performed in such a manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself, unless authorized in the approved timber harvesting plan.

6. Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.
7. Roads and trails shall be only wide enough to accommodate the type equipment used and grades shall be kept as low as possible.
8. Where possible, stream crossings shall be avoided, but where deemed to be necessary, crossings shall be made at a right angle across suitable culverts or bridges.
9. Skidding across live or intermittent streams is prohibited except over bridges or culverts.
10. Unless superseded by the Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. §691.1. et seq.), "No Timber Harvesting Buffer Zones" are established in accordance with the following table. Except for the construction and use of roads and trails described in the approved timber harvesting plan, no trees shall be cut, removed, skidded or transported in a No Timber harvesting Buffer Zone.

<b>Table A – 1 - No Timber harvesting Buffer Zones</b>	
Use	Required Minimum Setback
Adjoining street	50 feet
Adjoining property	50 feet
Streams or other watercourse	25 feet
Designated Trails	25 feet
Springs, vernal ponds, seeps, Natural or artificial swale or drainage ditches	25 feet

1. Everything practicable shall be done to prevent damage or injury to young growth and trees not designated for cutting unless authorized within the approved timber harvesting plan.
2. All limbs and stubs shall be removed from felled trees prior to skidding.
3. All trees bent or held down by felled trees shall be released promptly.
4. No trees shall be left lodged in the process of felling with as little damage as possible to the remaining trees.
5. Felling or skidding on or across any public street is prohibited without the express written consent of the Township in the case of Township streets or the Pennsylvania Department of Transportation in the case of state Highways.
6. The stumps of all felled trees shall be permitted to remain for soil for stabilization provided that they extend no more than two feet (2') above grade.
7. During the periods of abnormal forest fire danger, as determined by the Fire Chiefs Association of Benner Township, the Township shall have the right to order a suspension of timber harvesting operations until the danger subsides.

8. Upon completion of a timber harvesting operation, all roads shall be graded to eliminate any wheel ruts, and access to such roads from any public street by motor vehicles of any kind shall be effectively blocked.
- e. **RESPONSIBILITY FOR ROAD MAINTENANCE AND REPAIR; ROAD BONDING** - Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation, to the extent the damage is in excess of that caused by normal traffic, and shall be required to furnish a bond to guarantee the repair of such potential damages, as determined by the Township Board of Supervisors with advice from the Township Engineer.
- f. **TOWNSHIP'S RIGHT TO INSPECT**
  - i. The Township may, by its own personnel or outside agent, go upon the site of any proposed timber harvesting operation after an application to conduct such operation has been filed for the purpose of reviewing the plans for the proposed operation and thereafter recommending or opposing the proposed operation or recommending or requiring changes or modifications thereto.
  - ii. After a permit for a timber harvesting operation has been issued, the Township shall have the right by its own personnel or agent, to go upon the site before, during and after the timber harvesting operation to insure and require compliance with the plans for said operation as finally approved and all of the terms and provisions of this Ordinance.

#### **A.11 Stormwater Ordinance**

Please refer to Benner Township Ordinance # 84, adopted March 3, 2003.

#### **A.12 Suspected Archaeological Resources**

- a. **PURPOSE**
  - i. To provide the means that the Township can derive valuable information about its pre-historic past and when applicable protect and preserve archaeological sites and structures.
  - ii. To initiate a process of technical review prior to the disturbance of suspected archeological resources.
- b. **APPLICABILITY**
  - i. At such locations identified by the Pennsylvania Historical and Museum Commission (PHMC) of suspected archeological significance, applicants shall be required to undertake, and present the findings of, a review procedure prior to the disturbance of suspected archeological resources.
  - ii. All applications for lands identified with an area of suspected archaeological significance shall require the preparation of a statement by a professional archaeologist which includes the following minimum considerations:
    1. A detailed account of a survey of archaeological resources conducted on the site and its findings. Such survey shall be conducted only after notification of the PHMC and undertaken in a manner specifically prescribed by the PHMC;
    2. A letter from the PHMC discussing the archaeological significance of the site. This letter should also suggest whether or not further study is warranted. If further study is warranted, a description of the level of investigation needed should also be explained.
    3. Should the PHMC determine that certain portions of the site can accommodate

the proposed use without risking the loss of archaeological resources contained elsewhere on the site, a detailed description of the methods that are being used to:

- a. prevent the disturbance of archaeologically-significant areas of the site during and following construction of the proposed use;
  - b. prohibit grading in the vicinity of archaeologically-significant areas of the site; and,
  - c. orient improvements and activities of the proposed use away from the archaeologically-significant areas of the site and suspected or known archaeologically-significant areas that adjoin the site; and,
  - d. A detailed description of the plans for disposition of any archaeologically-significant artifacts found, or to be found, on the site.
4. Written approval from the PHMC that the proposed use complies with all applicable state and federal requirements for the identification and protection of archaeological resources.

### **A.13 Spring Creek Canyon Conservation Overlay Zone (SCCC)**

#### **a. Purpose and intent of Zone**

- i. Purpose. The purpose of the Spring Creek Canyon Conservation Overlay is to implement the land use and land development-related goals, objectives and principles of the Spring Creek Canyon Conservation Strategy: A Master Plan and Management Plan for the Spring Creek Canyon [Conservation Strategy] (inclusive of any subsequent update and/or revision). Based on research, mapping and analysis by the Commonwealth and others, the Conservation Strategy identifies sensitive and ecologically diverse natural and cultural resources as well as recommendations to safeguard such resources from negative impacts of human activity and/or development.

- ii. Intent Statements. The intent of the Spring Creek Canyon Conservation Overlay is to:

1. Complement the stated Intent of the Township's Conservation District;
2. Minimize site disturbance in order to promote conservation and restoration of native plant communities and promote suitable buffers in proximity to critical habitat areas;
3. Preserve cultural and historical resources;
4. Safeguard groundwater infiltration and protect surface and groundwater quality conditions for local and regional residents;
5. Provide educational opportunities that are based on sustainable resource management;
6. Protect the economic value and importance of Spring Creek to the community and the Centre Region; and
7. Balance passive recreation opportunities with site capacity and sensitive environments.
8. Regulate properties within the Canyon Overlay that flow to Spring Creek only and not properties that flow to other nearby watersheds.

- b. Boundary. The boundaries of the Spring Creek Canyon Conservation Overlay Zone are delineated in two Zones: a Primary Canyon Zone and a Secondary Canyon Zone. The Overlay Zones are designated on the Benner Township Official Zoning Map. Within the Primary Canyon Zone, lines regulating specific Conservation, Restoration and Agricultural Research/Education

Areas shall be in accordance with the Areas defined in the most current Spring Creek Canyon Conservation Strategy Master Plan as adopted by Benner Township.

- c. Spring Creek Canyon Conservation Primary Canyon Zone Requirements. The following provisions shall not apply to an existing lot of record upon which a single family dwelling exists or a single family home is proposed so long as the existing lot of record has no further subdivision or land development following the date of enactment of this Ordinance.
  - i. Land Uses. For lands located within the Spring Creek Canyon Conservation Primary Canyon Zone Overlay, the following primary uses are permitted by Conditional Use.
    1. Conservation Area
      - a. Hatchery (including ancillary uses)
      - b. Forestry - Non-Commercial
      - c. Passive Parks/Recreation
      - d. Trails
      - e. Visitor/Education Center
      - f. Administrative Office associated with Conservation Uses
      - g. Support Parking
    2. Restoration Area
      - a. Forestry - Non-Commercial
      - b. Trails
      - c. Passive Parks/Recreation
    3. Agricultural Research / Education Area
      - a. Agricultural/Production - Non-Tillable
      - b. Agricultural/Production - Tillable
      - c. Livestock Range
      - d. Grasslands/Pasture
      - e. Forestry - Sustainable
      - f. Visitor/Education Center
      - g. Passive Parks/Recreation
      - h. Ancillary Equipment Storage Buildings
      - i. Administrative Office associated with Agricultural Research / Education
      - j. Support Parking
  - ii. Site Disturbance Restrictions/Limitations.
    1. The purpose of the Township establishing limitations on site disturbance is to optimize protection of the water quality of Spring Creek and the species which exist within the Creek and its vicinity.
    2. The Site Disturbance Analysis provides a rational methodology for:
      - a. Inventorying, mapping and evaluating the resource sensitivity of a lot based on the Existing Conditions found on said lot.
      - b. Establishing standards to define and determine the amount of disturbance (permissible disturbance) that a lot can reasonably support. Disturbance includes the portions of a lot where grading and construction activities can occur.
    3. The use of the Site Disturbance Analysis process is intended to enable:
      - a. Landowners to identify, early in the process, lot(s) resource sensitivity.
      - b. Protection of persons and lots from hazards resulting from the



inappropriate use of land in areas that contain sensitive existing conditions including soils, carbonate geology, floodplains, steep slopes, drainage ways, riparian buffers, springs and vernal pools.

4. As part of the required Natural and Cultural Features Plan, an Applicant shall illustrate topography according to the following:
  - a. Slopes < 10% = One (1) foot contour interval
  - b. Slopes > 10% = Two (2) foot contour interval
5. Within the Primary Canyon Zone, riparian buffers shall be a minimum of one hundred and fifty (150) feet.
6. This Ordinance protects specific natural resources that are sensitive to disturbance. These existing resources include:
  - a. Springs;
  - b. Vernal Pools;
  - c. Wetlands;
  - d. Floodplains (existing undisturbed);
  - e. Floodplains (existing [previous] disturbed);
  - f. Slopes  $\geq$  10%;
  - g. Drainageways;
  - h. Carbonate Geology;
  - i. Riparian buffers (existing undisturbed); and
  - j. Riparian buffers (existing [previous] disturbed)
7. For the purpose of carrying out the provisions of this Ordinance, a Site Disturbance Analysis shall be completed and submitted as part of any Zoning Ordinance application in the Primary Canyon Zone.
8. The Site Disturbance Analysis shall be completed on the official Township forms provided by the Township Zoning Officer. The official forms required by this Article and other applicable analyses defined by the Township shall be completed and submitted as part of any Zoning Application. No application shall be processed or accepted as administratively complete unless or until the Township Zoning Officer, or any other professional that the Township deems appropriate, determines that the Site Disturbance Analysis has been properly completed.
9. Official copies of Table A: Site Disturbance Analysis Worksheet-Primary Canyon Zone of this Ordinance, as available through the Township, shall be completed to determine the initial net disturbable area of the lot. Values of acreage documented on the Site Disturbance Analysis Worksheet-Primary Canyon Zone shall be identified to the nearest one-tenth of an acre. Allowable impervious area can be calculated using the acreage of all adjoining lands within the respective overlay district held under single ownership. If properties are contained within both overlays, only lands within the overlay where the disturbance is to occur can be combined for the purposes of this overlay district.

**Table A – 2 - Site Disturbance Analysis Worksheet-Primary Canyon Zone**

	Sensitive Existing Conditions	Gross Lot/Site Area (acres)	Permitted Disturbance Ratio	Net Disturbable Area (acres)
Line 1	All floodplains (existing undisturbed), wetlands, and hydric soils		X 0.0	
Line 2	All floodplains (existing [previous] disturbed)		X 0.5	
Line 3	All waterbodies and natural drainageways/streams		X 0.0	
Line 4	All springs and vernal pools (including 100 ft buffer)		X 0.0	
Line 5	Carbonate Geology		X0.1	
Line 6	Slopes $\geq 10\%$		X 0.05	
Line 7	Riparian buffers		X 0.05	
Line 8	Riparian buffers		X 0.2	
Line 9	Slopes 0% to 9 %		X 0.8	
Line 10	Sum of lines 1+2+3+4+5+6+7+8+9			

10. In areas of existing undisturbed land, no new disturbance shall occur within twenty-five (25) feet of the top of bank (floodway) of Spring Creek. In areas of existing (pervious) undisturbed land, no new disturbance shall occur within fifteen (15) feet of the top of bank (floodway) of Spring Creek.

11. See A.13.c.v.8 for Site Restoration Requirements.

iii. Impervious Surface Restrictions. For disturbable areas, the following maximum impervious surface restrictions apply:

1. Conservation Area

a. Ten percent (10%) impervious surface square footage of the permissible disturbance area for all land uses except hatchery and previously

- disturbed floodplain.
- b. Forty percent (40%) impervious surface square footage of the permissible disturbance area of the hatchery.
- c. Twenty percent (20%) impervious surface square footage of the permissible disturbance area of previously disturbed floodplain.
- 2. Restoration Area - Zero percent (1%) impervious surface square footage of the permissible disturbance area.
- 3. Agriculture Research / Education Area - Five percent (5%) impervious surface square footage of the permissible disturbance area.
- iv. Conditional Use Requirements. The following provisions shall apply to all uses within the Primary Canyon Zone:
  - 1. An Applicant shall submit written approval of Land Use Stewardship Plan by PA DCNR Bureau of Forestry and the Spring Creek Canyon Land Management Partnership (LAMP), or approved equivalent.
  - 2. A Forest Canopy Plan shall be provided for all forestry activity. The Forest Canopy Plan shall identify locations of removal and reforestation. In accordance with the disturbance area illustrated on the Erosion and Sedimentation Plan, the Forest Canopy Plan shall delineate the area of Forest Canopy applicable to both the existing and the proposed area(s), disturbance and/or development on the lot. The net density of established forest canopy existing at the time of the application is filed shall not be reduced. The following shall be illustrated on a Forest Canopy Plan; existing and proposed information shall be identified as applicable.
    - a. Property lines;
    - b. Footprints of all buildings/structures;
    - c. Pedestrian and vehicular circulation routes;
    - d. Overall Tree Canopy coverage;
    - e. Tree species, trunk locations and diameter at breast height; and
    - f. General Health (condition) of each tree.
  - 3. As part of any permanent and/or temporary agriculture-related activities, exhibits and the like, the following shall apply:
    - a. All building and/or equipment storage location(s), configuration(s) and vehicular access shall be subject to Township review and approval to ensure site disturbance is minimized to the greatest extent possible.
    - b. In addition to building(s) existing at the time of adoption of this Ordinance, no more than eight (8) buildings for agriculture-related activities shall exist in the Primary Canyon Area. Said limit shall be inclusive of the expansion of existing buildings.
    - c. The Maximum size of each building, inclusive of existing, proposed and expanded square footage, shall be ten thousand (10,000) square feet.
  - 4. As part of any permanent and/or temporary hatchery operations, any building square footage expansion shall not exceed forty percent (40%) of existing building square footage.
  - 5. All new structures and/or renovation of existing structures should meet the criteria of the United States Building Council's for LEED® New Construction and

## Major Renovation Projects or Core and Shell Projects.

6. Signage, including but not limited to location and quantity, shall be subject to approval based upon its consistency with the overall Primary Canyon Zone signage system.
7. A letter identifying that the Applicant has successfully completed a Phase I Cultural Resource Assessment and any other subsequent required studies as per guidelines of the Pennsylvania Historic and Museum Commission shall be submitted with any application for Township approval. The Applicant shall utilize and provide a listing of documentation utilized as part of the Phase I Cultural Resource Assessment and identify where said materials can be readily obtained by the Township if necessary.
8. Resource Protection and Restoration Plan.
  - a. All applicants shall be required to submit a plan which denotes the areas which disturbed, areas which will remain undisturbed (resource protection) and those areas where restoration will occur on the lot or site as applicable. The Applicant shall identify locations for restoration of lands that contain invasive species beyond those (in addition to) proposed for disturbance.
  - b. Restoration (removal of invasive species) shall be equivalent to or greater than the square footage of disturbed area identified on said Plan.
    - i. For disturbance on a site that utilizes impervious materials for all structures and paving, the disturbance: restoration ratio shall be 1:3 on slopes <15% that are disturbed. The disturbance: restoration ratio shall be 1:1 on slopes > 15% that are disturbed. Methods and timing of said restoration shall be identified on said Plan.
    - ii. For disturbance on a site that utilizes greater than 25% but less than 50% pervious materials (e.g. pervious paving), said disturbance: restoration ratio shall be 1:2.25 on slopes <15% that are disturbed. The disturbance: restoration ratio shall be 1:0.75 on slopes >15% that are disturbed. Methods and timing of said restoration shall be identified on said Plan.
    - iii. For disturbance on a site that utilizes greater than 50% pervious materials (e.g. pervious paving), said disturbance: restoration ratio shall be 1:2 on slopes <15% that are disturbed. The disturbance: restoration ratio shall be 1:0.5 on slopes >15% that are disturbed. Methods and timing of said restoration shall be identified on said Plan.
  - c. Unless a legal agreement has been prepared and executed outlining an alternative approach for Restoration or payment for such Restoration, identified area(s) for Restoration do not need to be located adjoining the area proposed for disturbance but shall be within the Primary Canyon Zone.
  - d. Identified area(s) for Restoration shall be consistent with the restoration parameters included within the Spring Creek Canyon Conservation

Strategy. In accordance with the disturbance area illustrated on the Erosion and Sedimentation Plan, the Resource Protection and Restoration Plan shall delineate the area of disturbance and restoration applicable on the lot. Identified area(s) for Restoration shall be proposed by the Applicant and shall be approved by the Township Board of Supervisors.

v. Parking Standards Requirements.

1. To optimize the effects of effective stormwater management and groundwater recharge, main access roads, support parking area cartways (drive aisles) and ADA accessibility, a parking space may be constructed of materials which enable 4-season access. Other areas of support parking and access shall be constructed of pervious paving material.
2. The maximum number of spaces (employees and visitors) for the following land uses shall apply to the Spring Creek Canyon Conservation Primary Canyon Zone. At no point shall the number of spaces of any one support parking lot accessed from Shiloh Road exceed ten (10) spaces. At no point shall the number of spaces of any one support parking lot accessed from Rock Road exceed twenty (20) spaces.

Conservation Area	Parking shall not exceed a total of 30 spaces per lot (parcel) or continuous lots under common ownership
Hatchery (including ancillary uses)	20 spaces
Forestry - Non-Commercial	2 spaces
Passive Parks/Recreation	10 spaces
Trails	10 spaces
Visitor/Education Center	15 spaces
Administrative Office (Conservation Uses)	2 spaces
Restoration Area	Parking shall not exceed a total of 20 spaces per lot (parcel) or continuous lots under common ownership
Forestry - Non-Commercial	2 spaces
Trails	10 spaces
Passive Parks/Recreation	10 spaces
Agriculture Research / Education Area	Not to exceed a total of 50 spaces per lot (parcel) or contiguous lots under common ownership

3. Parking spaces shall not be permitted to be calculated as part of any portion of a street, alley or access drive.
4. In order to minimize grading and/or disturbance within the Primary Canyon Zone, the Township encourages that any Applicant with proposed parking spaces to retain existing trees species and construct said spaces. If said spaces are constructed in such a manner then the provisions of Section A.13.c.vi.5 shall not be applicable and the disturbance: restoration ratio identified in Section

A.13.c.v.8 shall be reduced by 50% (e.g. original 1:1 to proposed 1:0.5).

5. Heat island reduction and parking (Tree Canopy Plan).

- a. An Applicant shall strive to minimize the amount of solar reflectance created by human activity and maximize the extent to which a tree canopy is established within (5) years over areas designated for vehicular circulation and/or parking created by the Applicant.
- b. An Applicant shall establish a tree canopy or otherwise utilize materials within the construction of the lot that shall create the equivalent effect of what the five (5) year tree canopy would produce.
- c. All paving in a parking area shall be under tree canopy within 5 years.
  - i. On the Plan included within the application, the Applicant shall show the canopy for the following:
    1. At original planted condition
    2. Projected at 5 years
    3. Projected at 20 years
  - ii. If an Applicant is unable to demonstrate that any portion of a parking area shall be under tree canopy in 5 years then the Applicant shall construct said portion(s) of the parking area with material(s) that has a Solar Reflective Index of at least 29.

vi. Additionally Sustainable Incentives.

1. The purpose of these incentives is to promote sustainable development practices and resource conservation through encouraging consistency with the principles of the United States Green Building Council's for existing buildings and new construction. Green buildings improve air and water quality, reduce solid waste, conserve natural resources, reduce operation costs, optimize life-cycle economic performance and minimize the strain on local infrastructure. Given that buildings are responsible for a large portion energy and resource use, the provisions of this section are intended to promote sustainable developments that reduce the impact of human activity in the vicinity of Spring Creek Canyon.
2. Special Definitions. LEED<sup>®</sup> Certified Building shall mean a building certified under the Leadership in Energy and Environmental Design (LEED<sup>®</sup>) program of the United States Green Building Council that meets LEED<sup>®</sup> standards for either New Construction and Major Renovation Projects or Core and Shell Projects.
3. Bonuses. In the event that a building or structure is determined to be a LEED<sup>®</sup> Certified Building, the building square footage shall be permitted to increase by a minimum of 25%. If Certification of Silver is achieved, the permitted square footage shall be 50%. If Certification of Gold or Platinum is received, the permitted square footage increase shall be 75%.

vii. Dark Sky Lighting Requirements.

1. All exterior lighting shall be full cut-off.
2. Exterior lighting shall have an average of 0.25 footcandles.
3. Exterior lighting shall not exceed 1.5 footcandles.
4. Lighting shall not exceed 0.0 footcandles at a property line as determined by the

- Township or cause any spill over onto a lot not within the Primary Canyon Zone.
- viii. Landscaping Requirements. Required Plant Palette - Plants permissible for planting in any disturbed area shall be as those defined as part of the Pennsylvania Department of Conservation and Natural Resources' "Landscaping with Native Plants" publication 8100-pa-dcnr3055.
  - ix. Stormwater Management and Infiltration Requirements. In addition to existing Township standards, the following shall apply:
    - 1. All stormwater shall be infiltrated, recycled for a domestic non-potable use or for irrigation so that no on-site detention facilities and their related appurtenances are necessary as is practical. This shall be applicable to all land uses unless the Applicant can demonstrate he has no other means for managing stormwater.
    - 2. Infiltration shall be designed and constructed in accordance with Best Management Practices as endorsed by the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Department of Conservation and Natural Resources.
    - 3. Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures consistent with the provisions of the applicable watershed stormwater management plan as are reasonably necessary to prevent personal injury to health and safety, or damage to adjacent property. Such measures shall include such actions as area required:
      - a. to assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities.
      - b. to manage the quantity, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.
    - 4. All stormwater runoff easements and detention controls shall be located and designed by a person qualified and/or experienced in the location and design of such structures.
    - 5. The method used in calculating stormwater runoff shall be the method designated in the applicable stormwater management plan, or an equal method (approved by DEP) if said plan has not been completed or adopted.
    - 6. Stormwater roof drains and pipes shall discharge water into cisterns, french drains (where soils are suitable), sheet drains or other stormwater runoff dispersion and absorption control device and not into storm sewers.
    - 7. No discharge of toxic materials into any stormwater management system is permitted.
  - x. Regulated Materials and Chemicals shall be listed within the Benner Township Wellhead Protection Ordinance Containment Source List.
  - d. Spring Creek Canyon Conservation Secondary Canyon Zone Requirements. The following provisions shall not apply to an existing lot of record upon which a single family dwelling exists or a single family home is proposed so long as the existing lot of record has no further subdivision or land development following the date of enactment of this Ordinance.
    - i. Land uses - For lands within the Secondary Canyon Zone, land uses shall be defined by the existing base zoning districts.

ii. Site Disturbance Restrictions/Limitations.

1. The purpose of the Township establishing limitations on site disturbance is to optimize protection of the water quality of Spring Creek and the species which exist the Creek and its vicinity.
2. The Site Disturbance Analysis provides a rational methodology for:
  - a. Inventorying, mapping and evaluation the resource sensitivity of a lot based on the Existing Conditions found on said lot.
  - b. Establishing standards to define and determine the amount of disturbance (permissible disturbance) that a lot can reasonably support. Disturbance includes the portions of a lot where grading and construction activities can occur.
3. The use of the Site Disturbance Analysis process is intended to enable:
  - a. Landowners to identify, early in the process, lot(s) resource sensitivity.
  - b. Protection of persons and lots from hazards resulting from the inappropriate use of land in areas that contain sensitive existing resource conditions including soils, carbonate geology, floodplains, steep slopes, drainage ways, riparian buffers, springs and vernal pools.
4. As part of the required Natural and Cultural Features Plan, an Applicant shall illustrate topography according to the following:
  - a. Slopes  $\leq$  15% = One (1) foot contour interval.
  - b. Slopes  $>$  15% = Two (2) foot contour interval.
5. Within the Secondary Canyon Zone, riparian buffers shall be a minimum of one hundred (100) feet.
6. This Ordinance protects specific natural resources that are sensitive to disturbance. These existing resources include:
  - a. Springs;
  - b. Vernal Pools;
  - c. Wetlands;
  - d. Floodplains (existing undisturbed);
  - e. Slopes  $\geq$  15%;
  - f. Drainageways;
  - g. Carbonate Geology.
7. For the purposes of carrying out the provisions of this Ordinance, a Site Disturbance Analysis shall be completed and submitted as part of any Zoning Ordinance application within the Secondary Canyon Zone.
8. The Site Disturbance Analysis shall be completed on the official Township forms provided by the Township Zoning Officer. The official forms required by this Article and other applicable analyses defined by the Township shall be completed and submitted as part of any Zoning Application. No application shall be processed or accepted as administratively complete unless or until the Township Zoning Officer, or any other professional that the Township deems appropriate, determines that the Site Disturbance Analysis has been properly completed.
9. Official copies of Table B: Site Disturbance Analysis Worksheet-Secondary Canyon Zone of this Ordinance, as available through the Township, shall be



completed to determine the initial net disturbable area of the lot. Values of acreage documented on the Site Disturbance Analysis Worksheet-Secondary Canyon Zone shall be identified to the nearest one-tenth of an acre. Allowable impervious area can be calculated using the acreage of all adjoining within the respective overlay district held under single ownership. If properties are contained within both overlays, only the lands within the overlay where the disturbance is to occur can be combined for the purposes of this overlay district.

10. See A.13.d.v.2 for Site Restoration Requirements.

**Table A – 3 - Site Disturbance Analysis Worksheet-Secondary Canyon Zone**

Line 1	All floodplains (existing undisturbed), wetlands, and hydric soils		X 0.0	
Line 2	All waterbodies and natural drainageways / streams		X 0.0	
Line 3	All springs and vernal pools (including 100 ft buffer)		X 0.0	
Line 4	Carbonate Geology		X 0.1	
Line 5	Slopes $\geq$ 15%		X 0.5	
Line 6	Slopes 0% to 15%		X 1.0	
Line 7	Sum of lines 1+2+3+4+5+6		X 0.05	

- iv. Impervious Surface Restrictions - Twenty Percent (20%) impervious surface square footage of the permissible net disturbable area.
- v. Conditional Use Requirements - The following provisions shall apply to all uses within the Secondary Canyon Zone:
  1. A fifteen percent (15%) density reduction shall be applicable to all proposed residential subdivisions following the adopted date of this Ordinance.
  2. A Forest Canopy Plan shall be provided. IN accordance with the disturbance area illustrated on the Erosion and Sedimentation Plan, the Forest Canopy Plan shall delineate the area of Forest Canopy applicable to both the existing and the proposed area(s) of disturbance and/or development on the lot. All Applicants shall denote the areas which will be disturbed, areas which will remain undisturbed and those areas where Forest Canopy reestablishment will occur on the lot or site as applicable. The net density of established forest canopy existing at the time the application is filed may be increased but shall not be reduced. The following shall be illustrated on a Forest Canopy Plan; existing

and proposed information shall be identified as applicable.

- a. Property lines;
  - b. Footprints of all buildings/structures;
  - c. pedestrian and vehicular circulation routes;
  - d. Overall Tree Canopy coverage;
  - e. Tree species, trunk locations and diameter at breast height; and
  - f. Health (Condition) of each tree.
- vi. Parking Standard Requirements.
  1. To optimize the effects of effective stormwater management and groundwater recharge, the Township encourages all parking areas and access drives to be constructed of pervious paving material.
  2. Heat Island Reduction - Any disturbed area for parking shall have an average total reflectance of nineteen (19) or greater.
- vii. Additional Sustainability Considerations.
  1. The Township encourages land owners and/or developers in the secondary zone to implement sustainable development practices and resource conservation consistent with the principles of the United States' Green Building Council's for existing buildings and new construction. Green buildings improve air and water quality, reduce solid waste, conserve natural resources, reduce operation costs, optimize life-style economic performance and minimize the strain on local infrastructure. Given that buildings are responsible for a large portion of energy and resource use, the Township encourages sustainable developments that reduce the impact of human activity in the vicinity of Spring Creek Canyon.
- viii. Dark Sky Lighting Requirements.
  1. All exterior lighting shall be of a full cut-off design and shall not exceed twenty-five (25) feet in height.
  2. Exterior lighting shall be a maximum average of 2 footcandle.
  3. Exterior lighting shall not exceed four and one half (4.5) footcandles.
  4. Nothing in this section shall be construed to override the lighting requirements of Section 309.B.3.
- ix. Landscaping Requirements.
  1. Parking Lot Landscaping - For every eight (8) parking spaces, a landscape area consisting of a minimum of 300 square feet and two (2) trees found in the Required Plant Palette shall be planted.
  2. Required Plant Palette - With the exception of tillable agriculture areas, plants permissible for planting in any disturbed area shall be as those defined as part of the Pennsylvania Department of Conservation and Natural Resources' "Landscaping with Native Plants" publication 8100-pa-dcnr3055 and/or the United States Department of Agriculture's Conservation Reserve Enhancement Program (CREP).
- x. Stormwater Management and Infiltration Requirements. In addition to existing Township standards, the following shall apply:
  1. If the Applicant can demonstrate through stormwater management plans that the drainage from development would flow into any other drainage area except for Spring Creek Canyon, said development shall be exempt from the following

- requirements.
2. Excluding land use for tillable agriculture, all stormwater runoff, as is practical, shall be managed in accordance with Benner Township Ordinance number 84, which is empowered by the Stormwater Management Act, number 167. ~~infiltrated, recycled for a domestic non-potable use or for irrigation so that no on-site detention facilities and their related appurtenances are necessary.~~ This requirement shall be applicable to all land uses unless the Applicant can demonstrate he has no other means for managing stormwater.
  3. Infiltration shall be designed and constructed in accordance with Best Management Practices as endorsed by the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Department of Conservation and Natural Resources.
  4. Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures consistent with the provisions of the applicable watershed stormwater management plan as are reasonably necessary to prevent personal injury to health and safety, or damage to adjacent property. Such measures shall include such actions as are required:
    - a. to assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities;
    - b. to manage the quantity, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.
  5. All stormwater runoff easements and detention controls shall be located and designed by a person qualified and/or experienced in the location and design of such structures.
  6. The method used in calculating stormwater runoff shall be the method designated in the applicable stormwater management plan, or an equal method (approved by DEP) if said plan has not been completed or adopted.
  7. Stormwater roof drains and pipes shall discharge water into cisterns, french drains (where soils are suitable), sheet drains or other stormwater runoff dispersion and absorption control device and not into storm sewers.
  8. No discharge of toxic materials into any stormwater management system is permitted.
  - xi. Regulated Materials and Chemicals shall be as listed within the Benner Township Wellhead Protection Ordinance Containment Source List.
  - e. Approval Requirements. As applicable for the Primary and Secondary Canyon Zone submissions, the following items shall be submitted for Township review.
    - i. Natural and Cultural Resource Plan in accordance with this Article and other applicable portions of this Ordinance.
    - ii. Site Plan in accordance with Township Standards.
    - iii. Conservation Plan in accordance with Township Standards.
    - iv. Site Disturbance Analysis Worksheet.
    - v. Resource Protection and Restoration Plan. All Applicants shall be required to submit a plan which denotes the areas which will be disturbed, areas which will remain

undisturbed (resource protection) and those areas where restoration will occur on the lot or site as applicable.

- vi. Forest Canopy Plan (forestry activities).
  - vii. Tree Canopy Plan associated with parking areas.
  - viii. Lighting Plan inclusive of proposed light locations, types, height and footcandle measurements.
  - ix. Certificates of Compliance/Clearance as required by Township Standards.
  - x. A letter identifying that the applicant has successfully completed a Phase I Cultural Resource Assessment.
  - xi. Chemical Application Permit. In order to minimize negative impacts of agricultural runoff, a plan for application (spraying) of herbicides and/or pesticides or other non-household chemicals shall be submitted. The plan shall outline the seasons of the year, quantity and the materials to be utilized as part of said application(s). The plan shall identify applicable on-site systems used to appropriately contain applied chemicals.
- f. Spring Creek Canyon Overlay Map.





**A.14 Benner Township Airport Zoning Ordinance**

- a. **GENERAL PROVISIONS AND AUTHORITY** - This *Airport Overlay District* is enacted pursuant to the authority of:
- The *Aviation Code of Pennsylvania, Act of 1984, Oct. 10, P.L. 837, No. 164 (74 Pa. C.S.A. 5101-6169)*, and specifically that subchapter of the *Aviation Code known as the Airport Zoning Act, 74 Pa. C.S.A. 5911-5920*; and
  - The *Pennsylvania Municipalities Planning Code (MPC), Act of 1988, P.L. 1329, No. 170, Sections 604 (1) and (2) and 605(2)(v), 53 P.S. 10101, et seq., specifically 53 P.S. 10604 (1) and (2) and 10605(2)(v)*.
  - The adoption of these regulations is mandated by *Section 5912(a) of the Airport Zoning Act, 74 Pa. C.S.A. Section 5912(a)*, and is intended to carry out the requirements of said Act.
- b. **INTENT AND PURPOSE** - The purpose and intent of the *Airport Overlay District* is to regulate airport hazard zones for public airports in the Township. These regulations are directed at the problem of airport operations effecting lands surrounding the airport. Activities at airports may limit the uses of the lands owned by others, and the uses of land in airport hazard zones may limit the operation of airport. Therefore, the purpose of the overlay district is to provide procedures and criteria for balancing the rights of airport owners and landowners in the vicinity of airports, in light of the need for aircraft safety.

The creation of this overlay district is the result of more than five years of intensive study of the problems and issues involved with airport zoning and the establishment of airport hazard zones affecting the rights of the neighboring landowners to use their property.

- c. **BASIC POLICY OBJECTIVES** - The intention of the *Airport Overlay District* is to assure all persons owning land in the Township are guaranteed the right to use their land for buildings and structures up to the maximum height limitation permissible in their zoning district under the terms of this Ordinance; and further, to assure all persons owning land in the Township have the right to plant or grow trees or to place any structures which may be exempted from the height limitations of this Ordinance up to a maximum height of 75 ft. above the surface. Seventy-five feet is deemed to be the reasonable height limitation on private property for the protection of airport hazard zones. This overlay district further intends to require airport owners to acquire from other landowners such land or air rights below 75 ft. necessary to protect aircraft in the airport hazard zones defined in this overlay district. All provisions of this overlay district shall be construed to carry out these intentions.
- d. **FINDINGS AND DECLARATION**
- i. **Obstructions to aircraft** - The Board of Supervisors have found:
- That obstructions to aircraft may potentially endanger the lives of users of public airports in the Township, and the property or occupants of land in its vicinity; and
  - That obstructions to aircraft may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of public airports in the Township and the public investment therein; and
  - That obstructions to aircraft concern the Federal Aviation Administration (FAA), and the Pennsylvania Department of Transportation, Bureau of Aviation (Bureau); and

- That FAA and the Bureau have issued model regulations and guidelines for Townships to facilitate the control of obstructions to aircraft; and
  - That the Township cooperated with FAA and the Bureau to develop this Airport Overlay District.
- ii. **Policy of obstructions to airports** - Based upon its findings, the Supervisors accordingly declare:
- That the creation or establishment of an obstruction to aircraft may potentially become a public nuisance and may injure the region served by the public airports in the Township; and
  - That it is necessary for the interest of public health, safety, morals, and general welfare that the creation or establishment of obstructions are a hazard to air navigation;
  - That the regulation of these obstructions, upon lands not owned by the airport owner or operator, shall not adversely affect the right of neighboring landowners to reasonably use their lands within the reasonable height limitations of the Zoning Ordinance; and
  - That the responsibility to prevent obstructions to aircraft up to the height of 75 ft. above ground shall primarily be the responsibility of the airport owner to acquire by purchase; and
  - That the prevention of obstructions to aircraft extending beyond 75 ft. above ground shall be accomplished, to the extent legally possible, by the exercise of the police power without compensation; and
  - That the height limitations for structures contained in this Zoning Ordinance, and the height limitations of 75 ft. contained in this overlay district, are reasonable; and it is further declared
  - That the prevention of the creation or establishment of hazards to air navigation are public purposes necessary for the protection of the safety, health, and welfare of the residents of the Township and the traveling public.
- iii. **Airport expansion and changes to airport hazard zones** - The Supervisors have found:
- That two public airports exist in the Township located in rapidly growing residential, commercial, and industrial areas; and
  - That expansion or changes at public airports in the Township may result in changes to airport hazard zones; and
  - That changes in airport hazard zones affect the rights of property owners to reasonably use or develop their land; and
  - That the *Airport Zoning Act* requires all airport zoning regulations be reasonable (74 Pa. C.S.A. 5915).
- iv. **Policy effects on neighboring lands** - Based upon its findings, the Supervisors declare:
- That the character of the flying operations conducted at airports, the nature of the terrain within airport hazard zones, the character of the neighborhood, and the public interest, are all considerations needing protection by airport hazard zoning regulations; and
  - That any changes to airport hazard zones resulting in changes at airports shall be carefully reviewed for its affects upon neighboring landowners as well as for the safety of the aircraft; and



- That persons and landowners should be secure in the ownership and enjoyment of their property from unreasonable limitations on their use and from unreasonable affects of airport operations upon the enjoyment of their property; and it is further declared
  - That the regulation, restriction, or prohibition of uses, and structures at, along, or near public airports is an important function for which zoning and land use ordinances are enacted, and that a Township may require permits prior to changes-in-uses or structures at airports, and may enact reasonable regulations to protect the public health, welfare, safety, morals, and general welfare.
- e. **AIRPORT HAZARD ZONES** - To carry out the provisions of the Airport Overlay District, the following zones are created and established.
- i. **Airport hazard zones defined**
1. Utility runway visual approach surface zone - Established beneath the visual approach surface. The inner edge of this airport zone coincides with the width of the primary surface and is 250 ft. wide. The airport zone expands outward uniformly to a width of 1,250 ft. at a horizontal distance of 5,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.
  2. Utility runway non-precision instrument approach surface zone - Established beneath the non-precision instrument approach surface. The inner edge of this airport zone coincides with the width of the primary surface and is 500 ft. wide. The airport zone expands outward uniformly to a width of 2,000 ft. at a horizontal distance 5,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.
  3. Runway larger than utility visual approach surface zone - Established beneath the visual approach surface. The inner edge of this airport zone coincides with the width of the primary surface and is 500 ft. wide. The airport zone extends outward uniformly to a width of 1,500 ft. at a horizontal distance of 5,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.
  4. Runway larger than utility with a visibility minimum greater than 3/4 mile non-precision instrument approach surface zone - Established beneath the non-precision instrument approach surface. The inner edge of this airport zone coincides with the width of the primary surface and is 500 ft. wide. The airport zone expands outward uniformly to a width of 3,500 feet to a horizontal distance of 10,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.
  5. Runway larger than utility with a visibility as low as 3/4 mile non-precision instrument approach surface zone - Established beneath the non-precision instrument approach surface. The inner edge of this airport zone coincides with the width of the primary surface and is 1,000 ft. wide. The airport zone expands outward uniformly to a width of 4,000 ft. at a horizontal distance of 10,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.
  6. Precision instrument runway approach surface zone - Established beneath the precision instrument approach surface. The inner edge of this airport zone



coincides with the width of the primary surface and is 1,000 ft. wide. The airport zone expands outward uniformly to a width of 16,000 ft. at a horizontal distance of 50,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.

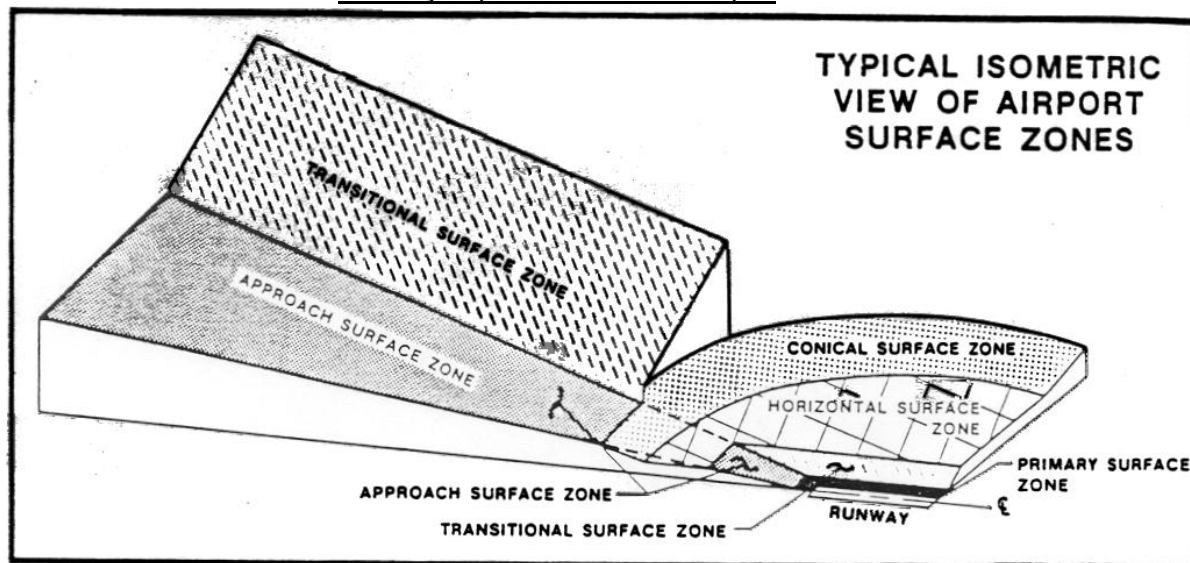
7. Transitional surface zones - Established beneath the transitional surfaces adjacent to each runway and approach surface.
  8. Horizontal surface zone - Established beneath the horizontal surface, 150 ft. above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 ft. radii (for all runways designated as utility or visual) or 10,000 ft. radii (for all other runways) from the center of each end of the primary surface of each runway connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface zone does not include the approach surface and transitional surface zones.
  9. 7.1.9 Conical surface zone - Established beneath the conical surface. This airport zone commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of 4,000 ft.
- ii. **Airport surface zone height limitations** - The height limitations applicable for each airport hazard zone defined in SECTION A.14.e.i above, shall be as follows:
1. Utility runway visual approach surface zone - Slopes 20 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 ft. along the extended runway centerline.
  2. Utility runway non-precision instrument approach surface zone - Slopes 20 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 ft. along the extended runway centerline.
  3. Runway larger than utility visual approach surface zone - Slopes 20 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 ft. along the extended runway centerline.
  4. Runway larger than utility with a visibility minimum greater than 3/4 mile non-precision instrument approach surface zone - Slopes 34 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 ft. along the extended runway centerline.
  5. Runway larger than utility with a visibility minimum as low as 3/4 mile non-precision instrument approach surface zone - Slopes 34 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 ft. along the extended runway centerline.
  6. Precision instrument runway approach surface zone - Slopes 50 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 ft. along the extended runway centerline; thence slopes upward 40 ft. horizontally for each

foot vertically to an additional horizontal distance of 40,000 ft. along the extended runway centerline.

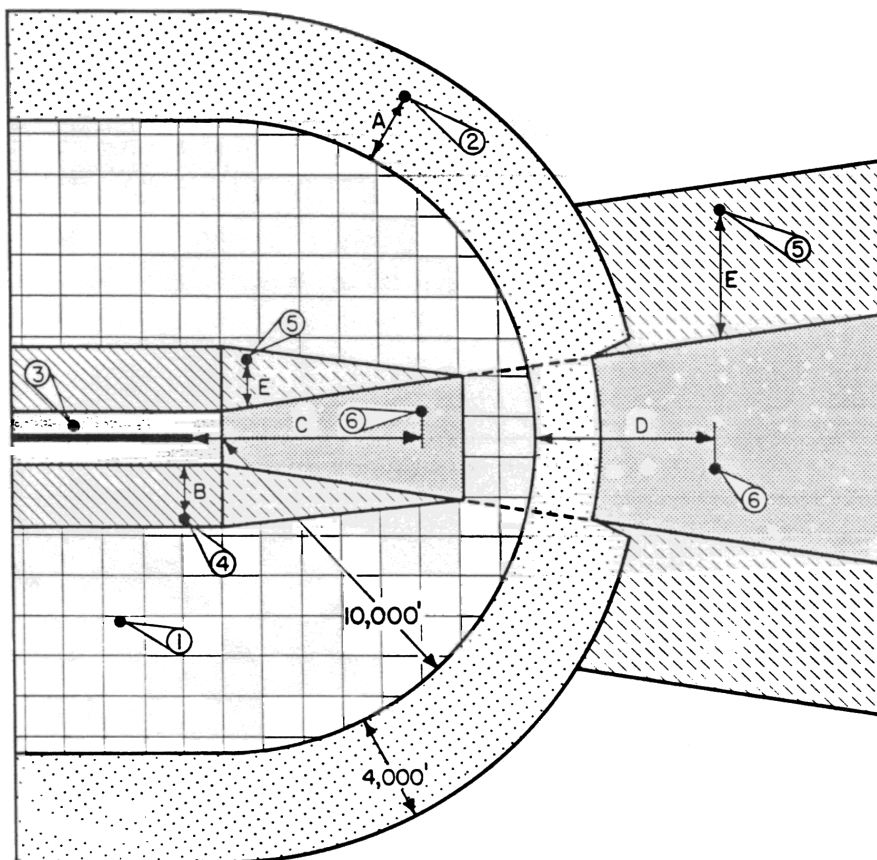
7. Transitional surface zones - Slopes 7 ft. outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 ft. above the airport elevation. In addition to the foregoing, when an airport has a precision instrument runway approach zone, there are established height limits sloping 7 ft. outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping 7 ft. outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 ft. measured at 90° angles to the extended runway centerline.
8. Horizontal surface zone - Established at 150 ft. above the established airport elevation.
9. Conical surface zone - Slopes 20 ft. outward for each foot upward beginning at the periphery of the horizontal surface and at 150 ft. above the established airport elevation and extending to a height of 350 ft. above the established airport elevation.
10. Excepted height limitations - Nothing in this overlay district shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 75 ft. above the surface of the land.

iii. **Diagrams and tables illustrating airport hazard zones** - For the purpose of understanding and illustrating the concepts and computations involved in applying the definitions and height limitation formulas relating to airport hazards zones, the following diagrams and tables are attached and incorporated herein as follows:

1. Typical isometric view of airport surface zones
2. Precision instrument runway zones and allowable height formulas
3. Visual and utility non-precision runway zones and allowable height formulas
4. Larger than utility non-precision runway zones and allowable height formulas
5. Table of airport hazard area slopes



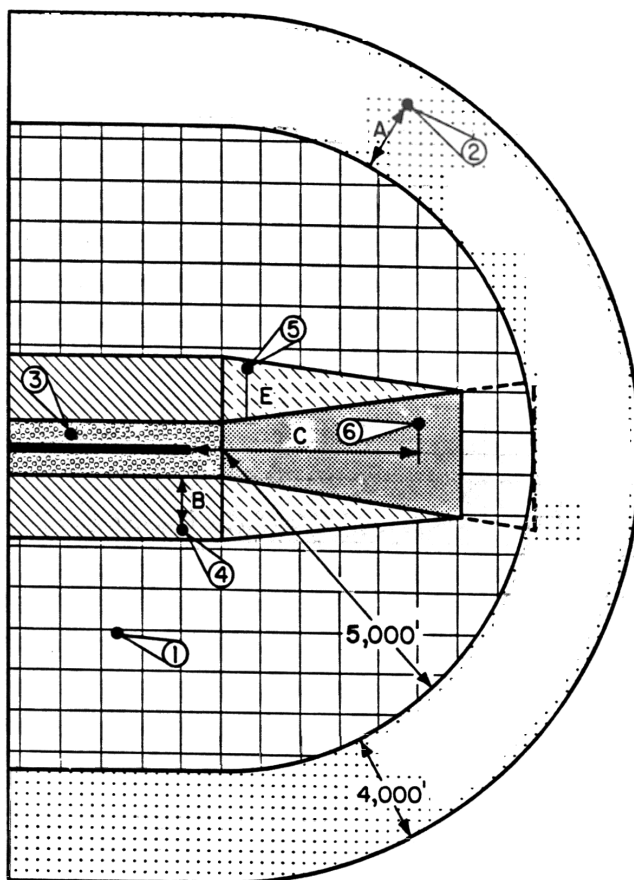
## PRECISION INSTRUMENT RUNWAY ZONES



### ALLOWABLE HEIGHT FORMULAS

	LOCATION ZONE	FORMULA
1	Horizontal Surface	Allowable Height = (Established Airport Elevation) + (150') - (Ground Elevation)
2	Conical Surface	Allowable Height = (Established Airport Elevation) + (150') + (A ÷ 20) - (Ground Elevation)
3	Primary Surface	Allowable Height = (Elevation of the Runway Perpendicular to the Location Point) - (Ground Elevation)
4	Transitional Surface	Allowable Height = (Elevation of the Primary Surface along the Runway Centerline Perpendicular to the Location Point) + (B ÷ 7) - (Ground Elevation)
5	Transitional Surface	Allowable Height = (Elevation of the Approach Surface along the Runway Centerline Perpendicular to the Location Point) + (E ÷ 7) - (Ground Elevation)
6	Precision Approach Surface	If Point Location is less than 10,200' from the Runway End: Allowable Height = (Runway End Elevation) + ((C-200) ÷ 50) - (Ground Elevation) If not: Allowable Height = (Runway End Elevation) + 200 + (D ÷ 40) - (Ground Elevation)

# VISUAL and UTILITY NON-PRECISION RUNWAY ZONES

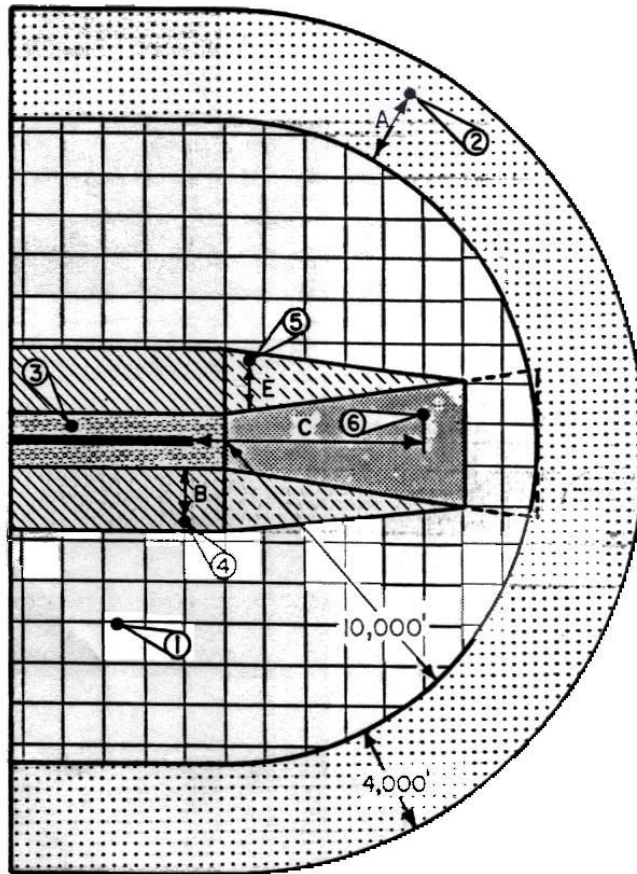


## ALLOWABLE HEIGHT FORMULAS

	LOCATION ZONE	FORMULA
1	Horizontal Surface	Allowable Height = (Established Airport Elevation) + (150' - (Ground Elevation))
2	Conical Surface	Allowable Height = (Established Airport Elevation) + (150') + (A ÷ 20) - (Ground Elevation)
3	Primary Surface	Allowable Height = (Elevation of the Runway Perpendicular to the Location Point) - (Ground Elevation)
4	Transitional Surface	Allowable Height = (Elevation of the Primary Surface along the Runway Centerline Perpendicular to the Location Point) + (B+7) - (Ground Elevation)
5	Transitional Surface	Allowable Height = (Elevation of the Approach Surface along the Runway Centerline Perpendicular to the Location Point) + (E+7) - (Ground Elevation)
6	Approach Surface	Allowable Height = (Runway End Elevation) + (C-200)* ÷ 20 - (Ground Elevation)

\*For Turf Runways do not subtract 200 from C

# LARGER THAN UTILITY NON-PRECISION RUNWAY ZONES



## ALLOWABLE HEIGHT FORMULAS

	LOCATION ZONE	FORMULA
1	Horizontal Surface	Allowable Height = (Established Airport Elevation) + (150') - (Ground Elevation)
2	Conical Surface	Allowable Height = (Established Airport Elevation) + (150') + (A ÷ 20) - (Ground Elevation)
3	Primary Surface	Allowable Height = (Elevation of the Runway Perpendicular to the Location Point) - (Ground Elevation)
4	Transitional Surface	Allowable Height = (Elevation of the Primary Surface along the Runway Centerline Perpendicular to the Location Point) + (B ÷ 7) - (Ground Elevation)
5	Transitional Surface	Allowable Height = (Elevation of the Approach Surface along the Runway Centerline Perpendicular to the Location Point) + (E ÷ 7) - (Ground Elevation)
6	Approach Surface	Allowable Height = (Runway End Elevation) + (C - 200) * ÷ 34 - (Ground Elevation)

\*For Turf Runways do not subtract 200 from C



## A P P E N D I X

## TABLE OF AIRPORT HAZARD AREA SLOPES

a slope, such as 20:1 expresses the horizontal distance of 20 feet to the vertical distance of 1 foot.

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
100	14.3	5.0	2.9	2.5	2.0
200	28.6	10.0	5.9	5.0	4.0
300	42.9	15.0	8.8	7.5	6.0
400	57.1	20.0	11.8	10.0	8.0
500	71.4	25.0	14.7	12.5	10.0
600	85.7	30.0	17.6	15.0	12.0
700	100.0	35.0	20.6	17.5	14.0
800	114.3	40.0	23.5	20.0	16.0
900	128.6	45.0	26.5	22.5	18.0
1,000	142.9	50.0	29.4	25.0	20.0
1,100	157.1	55.0	32.4	27.5	22.0
1,200	171.4	60.0	35.3	30.0	24.0
1,300	185.7	65.0	38.2	32.5	26.0
1,400	200.0	70.0	41.2	35.0	28.0
1,500	214.3	75.0	44.1	37.5	30.0
1,600	228.6	80.0	47.1	40.0	32.0
1,700	242.9	85.0	50.0	42.5	34.0
1,800	257.1	90.0	52.9	45.0	36.0
1,900	271.4	95.0	55.9	47.5	38.0
2,000	285.7	100.0	58.8	50.0	40.0
2,100	300.0	105.0	61.8	52.5	42.0
2,200	314.3	110.0	64.7	55.0	44.0
2,300	328.6	115.0	67.6	57.5	46.0
2,400	342.9	120.0	70.6	60.0	48.0
2,500	357.1	125.0	73.5	62.5	50.0
2,600	371.4	130.0	76.5	65.0	52.0
2,700	385.7	135.0	79.4	67.5	54.0
2,800	400.0	140.0	82.4	70.0	56.0
2,900	414.3	145.0	85.3	72.5	58.0
3,000	428.6	150.0	88.2	75.0	60.0
3,100	442.9	155.0	91.2	77.5	62.0
3,200	457.1	160.0	94.1	80.0	64.0
3,300	471.4	165.0	97.1	82.5	66.0
3,400	485.7	170.0	100.0	85.0	68.0
3,500	500.0	175.0	102.9	87.5	70.0
3,600	514.3	180.0	105.9	90.0	72.0
3,700	528.6	185.0	108.8	92.5	74.0
3,800	542.9	190.0	111.8	95.0	76.0
3,900	557.1	195.0	114.7	97.5	78.0
4,000	571.4	200.0	117.6	100.0	80.0

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
4,100	585.7	205.0	120.6	102.5	82.0
4,200	600.0	210.0	123.5	105.0	84.0
4,300	614.3	215.0	126.5	107.5	86.0
4,400	628.6	220.0	129.4	110.0	88.0
4,500	642.9	225.0	132.4	112.5	90.0
4,600	657.1	230.0	135.3	115.0	92.0
4,700	671.4	235.0	138.2	117.5	94.0
4,800	685.7	240.0	141.2	120.0	96.0
4,900	700.0	245.0	144.1	122.5	98.0
5,000	714.3	250.0	147.1	125.0	100.0
5,100	728.6	255.0	150.0	127.5	102.0
5,200	742.9	260.0	152.9	130.0	104.0
5,300	757.1	265.0	155.9	132.5	106.0
5,400	771.4	270.0	158.8	135.0	108.0
5,500	785.7	275.0	161.8	137.5	110.0
5,600	800.0	280.0	164.7	140.0	112.0
5,700	814.3	285.0	167.6	142.5	114.0
5,800	828.6	290.0	170.6	145.0	116.0
5,900	842.9	295.0	173.5	147.5	118.0
6,000	857.1	300.0	176.5	150.0	120.0
6,100	871.4	305.0	179.4	152.5	122.0
6,200	885.7	310.0	182.4	155.0	124.0
6,300	900.0	315.0	185.3	157.5	126.0
6,400	914.3	320.0	188.2	160.0	128.0
6,500	928.6	325.0	191.2	162.5	130.0
6,600	942.9	330.0	194.1	165.0	132.0
6,700	957.1	335.0	197.1	167.5	134.0
6,800	971.4	340.0	200.0	170.0	136.0
6,900	985.7	345.0	202.9	172.5	138.0
7,000	1,000.0	350.0	205.9	175.0	140.0
7,100	1,014.3	355.0	208.8	177.5	142.0
7,200	1,028.6	360.0	211.8	180.0	144.0
7,300	1,042.9	365.0	214.7	182.5	146.0
7,400	1,057.1	370.0	217.6	185.0	148.0
7,500	1,071.4	375.0	220.6	187.5	150.0
7,600	1,085.7	380.0	223.5	190.0	152.0
7,700	1,100.0	385.0	226.5	192.5	154.0
7,800	1,114.3	390.0	229.4	195.0	156.0
7,900	1,128.6	395.0	232.4	197.5	158.0
8,000	1,142.9	400.0	235.3	200.0	160.0
8,100	1,157.1	405.0	238.2	202.5	162.0
8,200	1,171.4	410.0	241.2	205.0	164.0
8,300	1,185.7	415.0	244.1	207.5	166.0
8,400	1,200.0	420.0	247.1	210.0	168.0
8,500	1,214.3	425.0	250.0	212.5	170.0
8,600	1,228.6	430.0	252.9	215.0	172.0
8,700	1,242.9	435.0	255.9	217.5	174.0
8,800	1,257.1	440.0	258.8	220.0	176.0
8,900	1,271.4	445.0	261.8	222.5	178.0
9,000	1,285.7	450.0	264.7	225.0	180.0
9,100	1,300.0	455.0	267.6	227.5	182.0
9,200	1,314.3	460.0	270.6	230.0	184.0
9,300	1,328.6	465.0	273.5	232.5	186.0
9,400	1,342.9	470.0	276.5	235.0	188.0



Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
9,500	1,357.1	475.0	279.4	237.5	190.0
9,600	1,371.4	480.0	282.4	240.0	192.0
9,700	1,385.7	485.0	285.3	242.5	194.0
9,800	1,400.0	490.0	288.2	245.0	196.0
9,900	1,414.3	495.0	291.2	247.5	198.0
10,000	1,428.6	500.0	294.1	250.0	200.0
10,100	1,442.9	505.0	297.1	252.5	202.0
10,200	1,457.1	510.0	300.0	255.0	204.0
10,300	1,471.4	515.0	302.9	257.5	206.0
10,400	1,485.7	520.0	305.9	260.0	208.0
10,500	1,500.0	525.0	308.8	262.5	210.0
10,600	1,514.3	530.0	311.8	265.0	212.0
10,700	1,528.6	535.0	314.7	267.5	214.0
10,800	1,542.9	540.0	317.6	270.0	216.0
10,900	1,557.1	545.0	320.6	272.5	218.0
11,000	1,571.4	550.0	323.5	275.0	220.0
11,100	1,585.7	555.0	326.5	277.5	222.0
11,200	1,600.0	560.0	329.4	280.0	224.0
11,300	1,614.3	565.0	332.4	282.5	226.0
11,400	1,628.6	570.0	335.3	285.0	228.0
11,500	1,642.9	575.0	338.2	287.5	230.0
11,600	1,657.1	580.0	341.2	290.0	232.0
11,700	1,671.4	585.0	344.1	292.5	234.0
11,800	1,685.7	590.0	347.1	295.0	236.0
11,900	1,700.0	595.0	350.0	297.5	238.0
12,000	1,714.3	600.0	352.9	300.0	240.0
12,100	1,728.6	605.0	355.9	302.5	242.0
12,200	1,742.9	610.0	358.8	305.0	244.0
12,300	1,757.1	615.0	361.8	307.5	246.0
12,400	1,771.4	620.0	364.7	310.0	248.0
12,500	1,785.7	625.0	367.6	312.5	250.0
12,600	1,800.0	630.0	370.6	315.0	252.0
12,700	1,814.3	635.0	373.5	317.5	254.0
12,800	1,828.6	640.0	376.5	320.0	256.0
12,900	1,842.9	645.0	379.4	322.5	258.0
13,000	1,857.1	650.0	382.4	325.0	260.0
13,100	1,871.4	655.0	385.3	327.5	262.0
13,200	1,885.7	660.0	388.2	330.0	264.0
13,300	1,900.0	665.0	391.2	332.5	266.0
13,400	1,914.3	670.0	394.1	335.0	268.0
13,500	1,928.6	675.0	397.1	337.5	270.0
13,600	1,942.9	680.0	400.0	340.0	272.0
13,700	1,957.1	685.0	402.9	342.5	274.0
13,800	1,971.4	690.0	405.9	345.0	276.0
13,900	1,985.7	695.0	408.8	347.5	278.0
14,000	2,000.0	700.0	411.8	350.0	280.0
14,100	2,014.3	705.0	414.7	352.5	282.0
14,200	2,028.6	710.0	417.6	355.0	284.0
14,300	2,042.9	715.0	420.6	357.5	286.0
14,400	2,057.1	720.0	423.5	360.0	288.0
14,500	2,071.4	725.0	426.5	362.5	290.0
14,600	2,085.7	730.0	429.4	365.0	292.0
14,700	2,100.0	735.0	432.4	367.5	294.0
14,800	2,114.3	740.0	435.3	370.0	296.0

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
14,900	2,128.6	745.0	438.2	372.5	298.0
15,000	2,142.9	750.0	441.2	375.0	300.0
15,100	2,157.1	755.0	444.1	377.5	302.0
15,200	2,171.4	760.0	447.1	380.0	304.0
15,300	2,185.7	765.0	450.0	382.5	306.0
15,400	2,200.0	770.0	452.9	385.0	308.0
15,500	2,214.3	775.0	455.9	387.5	310.0
15,600	2,228.6	780.0	458.8	390.0	312.0
15,700	2,242.9	785.0	461.8	392.5	314.0
15,800	2,257.1	790.0	464.7	395.0	316.0
15,900	2,271.4	795.0	467.6	397.5	318.0
16,000	2,285.7	800.0	470.6	400.0	320.0
16,100	2,300.0	805.0	473.5	402.5	322.0
16,200	2,314.3	810.0	476.5	405.0	324.0
16,300	2,328.6	815.0	479.4	407.5	326.0
16,400	2,342.9	820.0	482.4	410.0	328.0
16,500	2,357.1	825.0	485.3	412.5	330.0
16,600	2,371.4	830.0	488.2	415.0	332.0
16,700	2,385.7	835.0	491.2	417.5	334.0
16,800	2,400.0	840.0	494.1	420.0	336.0
16,900	2,414.3	845.0	497.1	422.5	338.0
17,000	2,428.6	850.0	500.0	425.0	340.0
17,100	2,442.9	855.0	502.9	427.5	342.0
17,200	2,457.1	860.0	505.9	430.0	344.0
17,300	2,471.4	865.0	508.8	432.5	346.0
17,400	2,485.7	870.0	511.8	435.0	348.0
17,500	2,500.0	875.0	514.7	437.5	350.0
17,600	2,514.3	880.0	517.6	440.0	352.0
17,700	2,528.6	885.0	520.6	442.5	354.0
17,800	2,542.9	890.0	523.5	445.0	356.0
17,900	2,557.1	895.0	526.5	447.5	358.0
18,000	2,571.4	900.0	529.4	450.0	360.0
18,100	2,585.7	905.0	532.4	452.5	362.0
18,200	2,600.0	910.0	535.3	455.0	364.0
18,300	2,614.3	915.0	538.2	457.5	366.0
18,400	2,628.6	920.0	541.2	460.0	368.0
18,500	2,642.9	925.0	544.1	462.5	370.0
18,600	2,657.1	930.0	547.1	465.0	372.0
18,700	2,671.4	935.0	550.0	467.5	374.0
18,800	2,685.7	940.0	552.9	470.0	376.0
18,900	2,700.0	945.0	555.9	472.5	378.0
19,000	2,714.3	950.0	558.8	475.0	380.0
19,100	2,728.6	955.0	561.8	477.5	382.0
19,200	2,742.9	960.0	564.7	480.0	384.0
19,300	2,757.1	965.0	567.6	482.5	386.0
19,400	2,771.4	970.0	570.6	485.0	388.0
19,500	2,785.7	975.0	573.5	487.5	390.0
19,600	2,800.0	980.0	576.5	490.0	392.0
19,700	2,814.3	985.0	579.4	492.5	394.0
19,800	2,828.6	990.0	582.4	495.0	396.0
19,900	2,842.9	995.0	585.3	497.5	398.0
20,000	2,857.1	1,000.0	588.2	500.0	400.0
20,100	2,871.4	1,005.0	591.2	502.5	402.0

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
20,100	2,871.4	1,005.0	591.2	502.5	402.0
20,200	2,885.7	1,010.0	594.1	505.0	404.0
20,300	2,900.0	1,015.0	597.1	507.5	406.0
20,400	2,914.3	1,020.0	600.0	510.0	408.0
20,500	2,928.6	1,025.0	602.9	512.5	410.0
20,600	2,942.9	1,030.0	605.9	515.0	412.0
20,700	2,957.1	1,035.0	608.8	517.5	414.0
20,800	2,971.4	1,040.0	611.8	520.0	416.0
20,900	2,985.7	1,045.0	614.7	522.5	418.0
21,000	3,000.0	1,050.0	617.6	525.0	420.0
21,100	3,014.3	1,055.0	620.6	527.5	422.0
21,200	3,028.6	1,060.0	623.5	530.0	424.0
21,300	3,042.9	1,065.0	626.5	532.5	426.0
21,400	3,057.1	1,070.0	629.4	535.0	428.0
21,500	3,071.4	1,075.0	632.4	537.5	430.0
21,600	3,085.7	1,080.0	635.3	540.0	432.0
21,700	3,100.0	1,085.0	638.2	542.5	434.0
21,800	3,114.3	1,090.0	641.2	545.0	436.0
21,900	3,128.6	1,095.0	644.1	547.5	438.0
22,000	3,142.9	1,100.0	647.1	550.0	440.0
22,100	3,157.1	1,105.0	650.0	552.5	442.0
22,200	3,171.4	1,110.0	652.9	555.0	444.0
22,300	3,185.7	1,115.0	655.9	557.5	446.0
22,400	3,200.0	1,120.0	658.8	560.0	448.0
22,500	3,214.3	1,125.0	661.8	562.5	450.0
22,600	3,228.6	1,130.0	664.7	565.0	452.0
22,700	3,242.9	1,135.0	667.6	567.5	454.0
22,800	3,257.1	1,140.0	670.6	570.0	456.0
22,900	3,271.4	1,145.0	673.5	572.5	458.0
23,000	3,285.7	1,150.0	676.5	575.0	460.0
23,100	3,300.0	1,155.0	679.4	577.5	462.0
23,200	3,314.3	1,160.0	682.4	580.0	464.0
23,300	3,328.6	1,165.0	685.3	582.5	466.0
23,400	3,342.9	1,170.0	688.2	585.0	468.0
23,500	3,357.1	1,175.0	691.2	587.5	470.0
23,600	3,371.4	1,180.0	694.1	590.0	472.0
23,700	3,385.7	1,185.0	697.1	592.5	474.0
23,800	3,400.0	1,190.0	700.0	595.0	476.0
23,900	3,414.3	1,195.0	702.9	597.5	478.0
24,000	3,428.6	1,200.0	705.9	600.0	480.0
24,100	3,442.9	1,205.0	708.8	602.5	482.0
24,200	3,457.1	1,210.0	711.8	605.0	484.0
24,300	3,471.4	1,215.0	714.7	607.5	486.0
24,400	3,485.7	1,220.0	717.6	610.0	488.0
24,500	3,500.0	1,225.0	720.6	612.5	490.0
24,600	3,514.3	1,230.0	723.5	615.0	492.0
24,700	3,528.6	1,235.0	726.5	617.5	494.0
24,800	3,542.9	1,240.0	729.4	620.0	496.0
24,900	3,557.1	1,245.0	732.4	622.5	498.0
25,000	3,571.4	1,250.0	735.3	625.0	500.0
25,100	3,585.7	1,255.0	738.2	627.5	502.0
25,200	3,600.0	1,260.0	741.2	630.0	504.0
25,300	3,614.3	1,265.0	744.1	632.5	506.0
25,400	3,628.6	1,270.0	747.1	635.0	508.0

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
25,500	3,642.9	1,275.0	750.0	637.5	510.0
25,600	3,657.1	1,280.0	752.9	640.0	512.0
25,700	3,671.4	1,285.0	755.9	642.5	514.0
25,800	3,685.7	1,290.0	758.8	645.0	516.0
25,900	3,700.0	1,295.0	761.8	647.5	518.0
26,000	3,714.3	1,300.0	764.7	650.0	520.0
26,100	3,728.6	1,305.0	767.6	652.5	522.0
26,200	3,742.9	1,310.0	770.6	655.0	524.0
26,300	3,757.1	1,315.0	773.5	657.5	526.0
26,400	3,771.4	1,320.0	776.5	660.0	528.0
26,500	3,785.7	1,325.0	779.4	662.5	530.0
26,600	3,800.0	1,330.0	782.4	665.0	532.0
26,700	3,814.3	1,335.0	785.3	667.5	534.0
26,800	3,828.6	1,340.0	788.2	670.0	536.0
26,900	3,842.9	1,345.0	791.2	672.5	538.0
27,000	3,857.1	1,350.0	794.1	675.0	540.0
27,100	3,871.4	1,355.0	797.1	677.5	542.0
27,200	3,885.7	1,360.0	800.0	680.0	544.0
27,300	3,900.0	1,365.0	802.9	682.5	546.0
27,400	3,914.3	1,370.0	805.9	685.0	548.0
27,500	3,928.6	1,375.0	808.8	687.5	550.0
27,600	3,942.9	1,380.0	811.8	690.0	552.0
27,700	3,957.1	1,385.0	814.7	692.5	554.0
27,800	3,971.4	1,390.0	817.6	695.0	556.0
27,900	3,985.7	1,395.0	820.6	697.5	558.0
28,000	4,000.0	1,400.0	823.5	700.0	560.0
28,100	4,014.3	1,405.0	826.5	702.5	562.0
28,200	4,028.6	1,410.0	829.4	705.0	564.0
28,300	4,042.9	1,415.0	832.4	707.5	566.0
28,400	4,057.1	1,420.0	835.3	710.0	568.0
28,500	4,071.4	1,425.0	838.2	712.5	570.0
28,600	4,085.7	1,430.0	841.2	715.0	572.0
28,700	4,100.0	1,435.0	844.1	717.5	574.0
28,800	4,114.3	1,440.0	847.1	720.0	576.0
28,900	4,128.6	1,445.0	850.0	722.5	578.0
29,000	4,142.9	1,450.0	852.9	725.0	580.0
29,100	4,157.1	1,455.0	855.9	727.5	582.0
29,200	4,171.4	1,460.0	858.8	730.0	584.0
29,300	4,185.7	1,465.0	861.8	732.5	586.0
29,400	4,200.0	1,470.0	864.7	735.0	588.0
29,500	4,214.3	1,475.0	867.6	737.5	590.0
29,600	4,228.6	1,480.0	870.6	740.0	592.0
29,700	4,242.9	1,485.0	873.5	742.5	594.0
29,800	4,257.1	1,490.0	876.5	745.0	596.0
29,900	4,271.4	1,495.0	879.4	747.5	598.0
30,000	4,285.7	1,500.0	882.4	750.0	600.0
30,100	4,300.0	1,505.0	885.3	752.5	602.0
30,200	4,314.3	1,510.0	888.2	755.0	604.0
30,300	4,328.6	1,515.0	891.2	757.5	606.0
30,400	4,342.9	1,520.0	894.1	760.0	608.0
30,500	4,357.1	1,525.0	897.1	762.5	610.0
30,600	4,371.4	1,530.0	900.0	765.0	612.0
30,700	4,385.7	1,535.0	902.9	767.5	614.0
30,800	4,400.0	1,540.0	905.9	770.0	616.0

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
30,900	4,414.3	1,545.0	908.8	772.5	618.0
31,000	4,428.6	1,550.0	911.8	775.0	620.0
31,100	4,442.9	1,555.0	914.7	777.5	622.0
31,200	4,457.1	1,560.0	917.6	780.0	624.0
31,300	4,471.4	1,565.0	920.6	782.5	626.0
31,400	4,485.7	1,570.0	923.5	785.0	628.0
31,500	4,500.0	1,575.0	926.5	787.5	630.0
31,600	4,514.3	1,580.0	929.4	790.0	632.0
31,700	4,528.6	1,585.0	932.4	792.5	634.0
31,800	4,542.9	1,590.0	935.3	795.0	636.0
31,900	4,557.1	1,595.0	938.2	797.5	638.0
32,000	4,571.4	1,600.0	941.2	800.0	640.0
32,100	4,585.7	1,605.0	944.1	802.5	642.0
32,200	4,600.0	1,610.0	947.1	805.0	644.0
32,300	4,614.3	1,615.0	950.0	807.5	646.0
32,400	4,628.6	1,620.0	952.9	810.0	648.0
32,500	4,642.9	1,625.0	955.9	812.5	650.0
32,600	4,657.1	1,630.0	958.8	815.0	652.0
32,700	4,671.4	1,635.0	961.8	817.5	654.0
32,800	4,685.7	1,640.0	964.7	820.0	656.0
32,900	4,700.0	1,645.0	967.6	822.5	658.0
33,000	4,714.3	1,650.0	970.6	825.0	660.0
33,100	4,728.6	1,655.0	973.5	827.5	662.0
33,200	4,742.9	1,660.0	976.5	830.0	664.0
33,300	4,757.1	1,665.0	979.4	832.5	666.0
33,400	4,771.4	1,670.0	982.4	835.0	668.0
33,500	4,785.7	1,675.0	985.3	837.5	670.0
33,600	4,800.0	1,680.0	988.2	840.0	672.0
33,700	4,814.3	1,685.0	991.2	842.5	674.0
33,800	4,828.6	1,690.0	994.1	845.0	676.0
33,900	4,842.9	1,695.0	997.1	847.5	678.0
34,000	4,857.1	1,700.0	1,000.0	850.0	680.0
34,100	4,871.4	1,705.0	1,002.9	852.5	682.0
34,200	4,885.7	1,710.0	1,005.9	855.0	684.0
34,300	4,900.0	1,715.0	1,008.8	857.5	686.0
34,400	4,914.3	1,720.0	1,011.8	860.0	688.0
34,500	4,928.6	1,725.0	1,014.7	862.5	690.0
34,600	4,942.9	1,730.0	1,017.6	865.0	692.0
34,700	4,957.1	1,735.0	1,020.6	867.5	694.0
34,800	4,971.4	1,740.0	1,023.5	870.0	696.0
34,900	4,985.7	1,745.0	1,026.5	872.5	698.0
35,000	5,000.0	1,750.0	1,029.4	875.0	700.0
35,100	5,014.3	1,755.0	1,032.4	877.5	702.0
35,200	5,028.6	1,760.0	1,035.3	880.0	704.0
35,300	5,042.9	1,765.0	1,038.2	882.5	706.0
35,400	5,057.1	1,770.0	1,041.2	885.0	708.0
35,500	5,071.4	1,775.0	1,044.1	887.5	710.0
35,600	5,085.7	1,780.0	1,047.1	890.0	712.0
35,700	5,100.0	1,785.0	1,050.0	892.5	714.0
35,800	5,114.3	1,790.0	1,052.9	895.0	716.0
35,900	5,128.6	1,795.0	1,055.9	897.5	718.0
36,000	5,142.9	1,800.0	1,058.8	900.0	720.0
36,100	5,157.1	1,805.0	1,061.8	902.5	722.0
36,200	5,171.4	1,810.0	1,064.7	905.0	724.0

Distance (ft.) from Runway	Ratio 7:	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
36,300	5,185.7	1,815.0	1,067.6	907.5	726.0
36,400	5,200.0	1,820.0	1,070.6	910.0	728.0
36,500	5,214.3	1,825.0	1,073.5	912.5	730.0
36,600	5,228.6	1,830.0	1,076.5	915.0	732.0
36,700	5,242.9	1,835.0	1,079.4	917.5	734.0
36,800	5,257.1	1,840.0	1,082.4	920.0	736.0
36,900	5,271.4	1,845.0	1,085.3	922.5	738.0
37,000	5,285.7	1,850.0	1,088.2	925.0	740.0
37,100	5,300.0	1,855.0	1,091.2	927.5	742.0
37,200	5,314.3	1,860.0	1,094.1	930.0	744.0
37,300	5,328.6	1,865.0	1,097.1	932.5	746.0
37,400	5,342.9	1,870.0	1,100.0	935.0	748.0
37,500	5,357.1	1,875.0	1,102.9	937.5	750.0
37,600	5,371.4	1,880.0	1,105.9	940.0	752.0
37,700	5,385.7	1,885.0	1,108.8	942.5	754.0
37,800	5,400.0	1,890.0	1,111.8	945.0	756.0
37,900	5,414.3	1,895.0	1,114.7	947.5	758.0
38,000	5,428.6	1,900.0	1,117.6	950.0	760.0
38,100	5,442.9	1,905.0	1,120.6	952.5	762.0
38,200	5,457.1	1,910.0	1,123.5	955.0	764.0
38,300	5,471.4	1,915.0	1,126.5	957.5	766.0
38,400	5,485.7	1,920.0	1,129.4	960.0	768.0
38,500	5,500.0	1,925.0	1,132.4	962.5	770.0
38,600	5,514.3	1,930.0	1,135.3	965.0	772.0
38,700	5,528.6	1,935.0	1,138.2	967.5	774.0
38,800	5,542.9	1,940.0	1,141.2	970.0	776.0
38,900	5,557.1	1,945.0	1,144.1	972.5	778.0
39,000	5,571.4	1,950.0	1,147.1	975.0	780.0
39,100	5,585.7	1,955.0	1,150.0	977.5	782.0
39,200	5,600.0	1,960.0	1,152.9	980.0	784.0
39,300	5,614.3	1,965.0	1,155.9	982.5	786.0
39,400	5,628.6	1,970.0	1,158.8	985.0	788.0
39,500	5,642.9	1,975.0	1,161.8	987.5	790.0
39,600	5,657.1	1,980.0	1,164.7	990.0	792.0
39,700	5,671.4	1,985.0	1,167.6	992.5	794.0
39,800	5,685.7	1,990.0	1,170.6	995.0	796.0
39,900	5,700.0	1,995.0	1,173.5	997.5	798.0
40,000	5,714.3	2,000.0	1,176.5	1,000.0	800.0
40,100	5,728.6	2,005.0	1,179.4	1,002.5	802.0
40,200	5,742.9	2,010.0	1,182.4	1,005.0	804.0
40,300	5,757.1	2,015.0	1,185.3	1,007.5	806.0
40,400	5,771.4	2,020.0	1,188.2	1,010.0	808.0
40,500	5,785.7	2,025.0	1,191.2	1,012.5	810.0
40,600	5,800.0	2,030.0	1,194.1	1,015.0	812.0
40,700	5,814.3	2,035.0	1,197.1	1,017.5	814.0
40,800	5,828.6	2,040.0	1,200.0	1,020.0	816.0
40,900	5,842.9	2,045.0	1,202.9	1,022.5	818.0
41,000	5,857.1	2,050.0	1,205.9	1,025.0	820.0
41,100	5,871.4	2,055.0	1,208.8	1,027.5	822.0
41,200	5,885.7	2,060.0	1,211.8	1,030.0	824.0
41,300	5,900.0	2,065.0	1,214.7	1,032.5	826.0
41,400	5,914.3	2,070.0	1,217.6	1,035.0	828.0
41,500	5,928.6	2,075.0	1,220.6	1,037.5	830.0
41,600	5,942.9	2,080.0	1,223.5	1,040.0	832.0

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
41,700	5,957.1	2,085.0	1,226.5	1,042.5	834.0
41,800	5,971.4	2,090.0	1,229.4	1,045.0	836.0
41,900	5,985.7	2,095.0	1,232.4	1,047.5	838.0
42,000	6,000.0	2,100.0	1,235.3	1,050.0	840.0
42,100	6,014.3	2,105.0	1,238.2	1,052.5	842.0
42,200	6,028.6	2,110.0	1,241.2	1,055.0	844.0
42,300	6,042.9	2,115.0	1,244.1	1,057.5	846.0
42,400	6,057.1	2,120.0	1,247.1	1,060.0	848.0
42,500	6,071.4	2,125.0	1,250.0	1,062.5	850.0
42,600	6,085.7	2,130.0	1,252.9	1,065.0	852.0
42,700	6,100.0	2,135.0	1,255.9	1,067.5	854.0
42,800	6,114.3	2,140.0	1,258.8	1,070.0	856.0
42,900	6,128.6	2,145.0	1,261.8	1,072.5	858.0
43,000	6,142.9	2,150.0	1,264.7	1,075.0	860.0
43,100	6,157.1	2,155.0	1,267.6	1,077.5	862.0
43,200	6,171.4	2,160.0	1,270.6	1,080.0	864.0
43,300	6,185.7	2,165.0	1,273.5	1,082.5	866.0
43,400	6,200.0	2,170.0	1,276.5	1,085.0	868.0
43,500	6,214.3	2,175.0	1,279.4	1,087.5	870.0
43,600	6,228.6	2,180.0	1,282.4	1,090.0	872.0
43,700	6,242.9	2,185.0	1,285.3	1,092.5	874.0
43,800	6,257.1	2,190.0	1,288.2	1,095.0	876.0
43,900	6,271.4	2,195.0	1,291.2	1,097.5	878.0
44,000	6,285.7	2,200.0	1,294.1	1,100.0	880.0
44,100	6,300.0	2,205.0	1,297.1	1,102.5	882.0
44,200	6,314.3	2,210.0	1,300.0	1,105.0	884.0
44,300	6,328.6	2,215.0	1,302.9	1,107.5	886.0
44,400	6,342.9	2,220.0	1,305.9	1,110.0	888.0
44,500	6,357.1	2,225.0	1,308.8	1,112.5	890.0
44,600	6,371.4	2,230.0	1,311.8	1,115.0	892.0
44,700	6,385.7	2,235.0	1,314.7	1,117.5	894.0
44,800	6,400.0	2,240.0	1,317.6	1,120.0	896.0
44,900	6,414.3	2,245.0	1,320.6	1,122.5	898.0
45,000	6,428.6	2,250.0	1,323.5	1,125.0	900.0
45,100	6,442.9	2,255.0	1,326.5	1,127.5	902.0
45,200	6,457.1	2,260.0	1,329.4	1,130.0	904.0
45,300	6,471.4	2,265.0	1,332.4	1,132.5	906.0
45,400	6,485.7	2,270.0	1,335.3	1,135.0	908.0
45,500	6,500.0	2,275.0	1,338.2	1,137.5	910.0
45,600	6,514.3	2,280.0	1,341.2	1,140.0	912.0
45,700	6,528.6	2,285.0	1,344.1	1,142.5	914.0
45,800	6,542.9	2,290.0	1,347.1	1,145.0	916.0
45,900	6,557.1	2,295.0	1,350.0	1,147.5	918.0
46,000	6,571.4	2,300.0	1,352.9	1,150.0	920.0
46,100	6,585.7	2,305.0	1,355.9	1,152.5	922.0
46,200	6,600.0	2,310.0	1,358.8	1,155.0	924.0
46,300	6,614.3	2,315.0	1,361.8	1,157.5	926.0
46,400	6,628.6	2,320.0	1,364.7	1,160.0	928.0
46,500	6,642.9	2,325.0	1,367.6	1,162.5	930.0
46,600	6,657.1	2,330.0	1,370.6	1,165.0	932.0
46,700	6,671.4	2,335.0	1,373.5	1,167.5	934.0
46,800	6,685.7	2,340.0	1,376.5	1,170.0	936.0
46,900	6,700.0	2,345.0	1,379.4	1,172.5	938.0
47,000	6,714.3	2,350.0	1,382.4	1,175.0	940.0

Distance (ft.) from Runway	Ratio 1 7:1	Ratio 2 20:1	Ratio 3 34:1	Ratio 4 40:1	Ratio 5 50:1
47, 100	6,728.6	2,355.0	1,385.3	1,177.5	942.0
47, 200	6,742.9	2,360.0	1,388.2	1,180.0	944.0
47, 300	6,757.1	2,365.0	1,391.2	1,182.5	946.0
47, 400	6,771.4	2,370.0	1,394.1	1,185.0	948.0
47, 500	6,785.7	2,375.0	1,397.1	1,187.5	950.0
47, 600	6,800.0	2,380.0	1,400.0	1,190.0	952.0
47, 700	6,814.3	2,385.0	1,402.9	1,192.5	954.0
47, 800	6,828.6	2,390.0	1,405.9	1,195.0	956.0
47, 900	6,842.9	2,395.0	1,408.8	1,197.5	958.0
48, 000	6,857.1	2,400.0	1,411.8	1,200.0	960.0
48, 100	6,871.4	2,405.0	1,414.7	1,202.5	962.0
48, 200	6,885.7	2,410.0	1,417.6	1,205.0	964.0
48, 300	6,900.0	2,415.0	1,420.6	1,207.5	966.0
48, 400	6,914.3	2,420.0	1,423.5	1,210.0	968.0
48, 500	6,928.6	2,425.0	1,426.5	1,212.5	970.0
48, 600	6,942.9	2,430.0	1,429.4	1,215.0	972.0
48, 700	6,957.1	2,435.0	1,432.4	1,217.5	974.0
48, 800	6,971.4	2,440.0	1,435.3	1,220.0	976.0
48, 900	6,985.7	2,445.0	1,438.2	1,222.5	978.0
49, 000	7,000.0	2,450.0	1,441.2	1,225.0	980.0
49, 100	7,014.3	2,455.0	1,444.1	1,227.5	982.0
49, 200	7,028.6	2,460.0	1,447.1	1,230.0	984.0
49, 300	7,042.9	2,465.0	1,450.0	1,232.5	986.0
49, 400	7,057.1	2,470.0	1,452.9	1,235.0	988.0
49, 500	7,071.4	2,475.0	1,455.9	1,237.5	990.0
49, 600	7,085.7	2,480.0	1,458.8	1,240.0	992.0
49, 700	7,100.0	2,485.0	1,461.8	1,242.5	994.0
49, 800	7,114.3	2,490.0	1,464.7	1,245.0	996.0
49, 900	7,128.6	2,495.0	1,467.6	1,247.5	998.0
50, 000	7,142.9	2,500.0	1,470.6	1,250.0	1,000.0
50, 100	7,157.1	2,505.0	1,473.5	1,252.5	1,002.0
50, 200	7,171.4	2,510.0	1,476.5	1,255.0	1,004.0
50, 300	7,185.7	2,515.0	1,479.4	1,257.5	1,006.0
50, 400	7,200.0	2,520.0	1,482.4	1,260.0	1,008.0
50, 500	7,214.3	2,525.0	1,485.3	1,262.5	1,010.0
50, 600	7,228.6	2,530.0	1,488.2	1,265.0	1,012.0
50, 700	7,242.9	2,535.0	1,491.2	1,267.5	1,014.0
50, 800	7,257.1	2,540.0	1,494.1	1,270.0	1,016.0
50, 900	7,271.4	2,545.0	1,497.1	1,272.5	1,018.0
51, 000	7,285.7	2,550.0	1,500.0	1,275.0	1,020.0
51, 100	7,300.0	2,555.0	1,502.9	1,277.5	1,022.0
51, 200	7,314.3	2,560.0	1,505.9	1,280.0	1,024.0
51, 300	7,328.6	2,565.0	1,508.8	1,282.5	1,026.0
51, 400	7,342.9	2,570.0	1,511.8	1,285.0	1,028.0
51, 500	7,357.1	2,575.0	1,514.7	1,287.5	1,030.0
51, 600	7,371.4	2,580.0	1,517.6	1,290.0	1,032.0
51, 700	7,385.7	2,585.0	1,520.6	1,292.5	1,034.0
51, 800	7,400.0	2,590.0	1,523.5	1,295.0	1,036.0
51, 900	7,414.3	2,595.0	1,526.5	1,297.5	1,038.0
52, 000	7,428.6	2,600.0	1,529.4	1,300.0	1,040.0
52, 100	7,442.9	2,605.0	1,532.4	1,302.5	1,042.0
52, 200	7,457.1	2,610.0	1,535.3	1,305.0	1,044.0
52, 300	7,471.4	2,615.0	1,538.2	1,307.5	1,046.0
52, 400	7,485.7	2,620.0	1,541.2	1,310.0	1,048.0



f. **PROCEDURES FOR LANDOWNERS**

- i. **Zoning permits required** - No person shall construct, erect, alter, or establish any structure in any airport hazard zone defined above without first having complied with requirements specified in this Article.
- ii. **Procedures** - The following procedures apply to "*Applications for Zoning Permits*" by landowners in airport hazard zones:
  1. *Filing of aviation forms* -
    - a. Any person planning to erect a new structure, add to an existing structure, or to maintain an object — natural or manmade as defined in 14 CFR 77.13(a) (relating to construction or alteration requiring notice) shall:
      - File Form AV-57 with to the Bureau of Aviation; and
      - File FAA Form 7460-1 with the FAA; and
      - Apply for an Airport Permit with the Township. A copy of both Form AV-57 and FAA Form 7460-1 as filed with the Bureau of Aviation and FAA shall accompany the "*Application for Zoning Permit*."
    - b. The Zoning Officer shall not issue a Zoning Permit unless and until written responses are received from both FAA and the Bureau of Aviation.
      - i. If the Bureau of Aviation and the FAA report the landowner's proposed construction or alteration *does not* constitute an obstruction, the Zoning Officer may issue a Zoning Permit.
      - ii. If either the Bureau of Aviation or the FAA reports the proposed construction or alteration *is an obstruction*, the following procedures shall apply:
        1. Landowner shall notify the airport owner affected of the proposed construction or alteration. The landowner shall furnish to the airport owner copies of the following:
          - Copy of Form AV-57;
          - Copy of the Bureau of Aviation's response;
          - Copy of FAA Form 7460-1; and
          - Copy of FAA's response to the affected airport owner.
        2. (b) The airport owner affected by landowner's proposed construction or alteration shall have 30 days to negotiate with the landowner to acquire air rights or to develop alternative plans not create an obstruction.
        3. (c) If after 30 days, the landowner and airport owner have failed to reach an agreement as to air rights pursuant to *Section 7.2.1(B)* above, and if the landowner still desires to proceed, the following procedures shall apply:
          - a. *75 ft. or less:* If the proposed construction or alteration is 75 ft. in height or less, the landowner shall apply to the Zoning Hearing Board for a Zoning Permit in accordance with *Section 7* below.

- b. Greater than 75 Ft. If the proposed construction or alteration is greater than 75 ft. in height, the landowner shall apply to the Zoning Hearing Board for a Variance in accordance with *Section 7*, below.

g. **VARIANCE AND ZONING PERMIT**

- i. **Variance application procedures** - The following procedures shall apply to landowner "Applications for Variance or Zoning Permit" to the Zoning Hearing Board.
  1. Contents of application - An "Application for Variance or Zoning Permit" shall contain all information relative to:
    - Property ownership;
    - Identification of applicant;
    - Property code number;
    - Description of proposed construction or alteration or growth;
    - Reasons for the proposed construction, alteration, or growth and why it is necessary and important to the reasonable use of the property;
    - Description of the results of any negotiations with airport owner
    - Maps and drawings of proposed construction, alteration, or growth;
    - Copies of the Bureau of Aviation Form AV-57 and FAA Form 7460-1;
    - Copies of the written responses from the Bureau of Aviation and FAA; and
    - Filing fee.
  2. Distribution of application - A copy of the landowner's "Application for Variance or Zoning Permit" and all accompanying documents shall be sent by the Zoning Officer to the affected airport owner and to the Bureau of Aviation and FAA by certified mail, at least 14 days prior to the Zoning Hearing Board hearing.
  3. Scheduling of hearing - The Zoning Hearing Board shall schedule a hearing on the "Application for Variance or Permit" according to the procedures specified in this Ordinance.
- ii. Zoning hearing board review - The Zoning Hearing Board shall consider the following criteria in viewing its applications:
  1. Basic principle - The landowner has a right to reasonable use of their land.
  2. Zoning ordinance height limitations - For structures defined and regulated by this Ordinance, the landowner shall have the unqualified right to use their land up to the height as established in the applicable zoning district of this Ordinance.
  3. Other structures or growth up to 75 ft. - For structures not regulated by this Ordinance and for vegetation or trees, the landowner shall have a qualified right to use their land up to a height of 75 ft.
  4. Structures or growth greater than 75 ft. - The landowner shall have no right to construct, erect, alter, or establish any structures or to allow any vegetation or trees above 75 ft. in height unless a Variance is granted by the Zoning Hearing Board.
  5. Conditions - The Zoning Hearing Board may establish such reasonable necessary to protect the general health, welfare and safety of the Township.

6. Evidence - In considering "Applications for Variances or Zoning Permits," the Zoning Hearing Board may consider any written communication by the Bureau of Aviation or FAA without the requirement of testifying in person.
7. Criteria - The Zoning Hearing Board shall, at all times, attempt to balance:
  - The safety needs of aircraft to obstruction free passage;
  - The rights of landowners to reasonably use their land;
  - The intent of the *Airport Overlay District* as stated in *SECTION 3*,
  - The purpose, findings, and declaration of policy contained in this Article;
  - The affect on reasonable operations of the airport;
  - Whether the structure or vegetation or tree is necessary to the reasonable use of the land;
  - Good faith efforts of the airport owner to avoid impinging upon the rights of the neighboring landowners by the airport owners operations; and
  - Whether or not the flight path or plan of the airport as it affects the landowner's land is necessary to reasonable operation of the airport.
8. A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but would do substantial justice and would be in accordance with the spirit of the regulations and this overlay district.
9. Presumption - Construction or maintenance of structures or natural growth above the height of 75 ft., where such structure or growth are determined to constitute obstruction to aircraft, is presumed not to be necessary to the reasonable use of the land.
10. Hazard marking and lighting - In granting any Zoning Permit or variance under this Article, the Zoning Hearing Board shall, if it deems the action advisable to effectuate the purpose of this overlay district and reasonable under the circumstances, so condition the Zoning Permit or variance to require the owner of the structure or object of natural growth in question to allow the airport owner, at its own expense, or require the person or persons requesting the zoning permit or variance, to install, operate and maintain thereon such markers and lights as may be required by the guidelines or regulations adopted by the FAA or the Bureau of Aviation.
11. Notice to FAA and the Bureau of Aviation - Upon receipt of an "Application for Variance or Zoning Permit" under this Section, the Zoning Officer shall notify FAA and the Bureau of Aviation of the filing of an "Application for Variance or Zoning Permit" This notice shall be in writing and shall be sent by certified mail to FAA and the Bureau of Aviation at least 14 days prior to the date of the hearing.
- h. **NONCONFORMING USES AND STRUCTURES** - No provision of the Airport Overlay District requires the removal or lowering, or other change or alteration of any structure or any object of natural growth not conforming to these regulations. Neither this district or otherwise interfere with the continuance of any nonconforming use except as provided in Section 5916 of The Aviation Code and sections of this overlay district (relating to permits and variances).

- i. **OTHER USE RESTRICTIONS** - Notwithstanding any other provisions of this Airport Overlay District, no use may be made of land or water within any airport zone established by this overlay district in such a manner as to:
  - create electrical interference with navigational signals or with radio communication between the airport and aircraft;
  - provide difficulty for pilots to distinguish between airport lights and other lights;
  - result in glare in the eyes of pilots using the airport;
  - impair visibility in the vicinity of the airport;
  - create bird strike hazards; or
  - otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- j. **AIRPORT OWNER'S PROCEDURES FOR CHANGES TO AIRPORT HAZARD ZONES**
  - i. **Conditional Use required for any changes at airports** - The existence of airport hazard zones limits the uses of surrounding landowners. No public airport shall be permitted to make any change which would affect the location of airport surface zones, approach zones, or hazard zones unless Conditional Use approval has been granted. The following shall constitute changes at an airport requiring a Conditional Use approval prior to the change:
    - Any expansion of a runway, either in length or width;
    - Any change in the height of a runway;
    - The paving of any previously unpaved portions of a runway;
    - Any change of runway direction or alignment;
    - Any change in the status of taxiways or holding areas effecting the location areas of airport hazard zones;
    - Any change in airport rating category under *67 Pa. Code Section 471.5* as amended, effecting or altering the location or extent of airport hazard zone.
    - Any other physical, legal or rating change, or change in methods of operation, flight paths or change in instrumentation or technology resulting in a change in the location or extent of any airport hazard zone.
  - ii. **Procedures for Conditional Use** - The following procedures and criteria shall be considered in granting of a Conditional Use.
    1. **Application contents** - Any owner of any public airport desiring to change the location or extent of an airport hazard zone shall file an "Application for Conditional Use," together with the filing fee. The "Application for Conditional Use" shall contain the following documents and information:
      - A full narrative description of the changes proposed;
      - Plans and maps prepared by a registered professional engineer showing the changes proposed to the airport;
      - Plans and maps prepared by a registered professional engineer showing existing and proposed locations of the airport hazard zones;
      - Copies of all applications, correspondence, documents, maps or plans submitted to FAA and the Bureau of Aviation relating to the proposed change or construction, rating change, or other rating, legal or physical change;

- A plan showing of how the lands or air rights negatively affected shall be acquired and how the landowners negatively affected shall be compensated;
  - All plans shall be prepared to a scale of 1 in. equals 100 ft (1" = 100 ft);
  - A list of the names and addresses of all landowners negatively affected by the proposed change within a height of 75 ft. from the surface of said lands by the change in airport hazard zones; and
  - A list of the names and addresses of all landowners adjoining lands owned or leased by the airport owner.
2. Copies - The applicant shall submit 7 copies of the entire and complete "Application for Conditional Use" and all supporting documentation to the Zoning Officer. The Zoning Officer shall distribute the copies as follows:
- One copy shall be filed in the Township files;
  - One copy to the Township Planning Commission;
  - One copy to the Supervisors
  - One copy shall be sent to the Bureau of Aviation;
  - One copy to the FAA;
  - One copy to the Centre County Planning Office; and
  - One copy to the Township Engineer for review.
3. Engineering review - Upon receipt, the Township Engineer shall review the "Application for Conditional Use" and report whether the application to the Planning Commission (Airport Zoning Planning Agency) complies with all applicable ordinances, laws and regulations relating to airport hazard zones. The Township Engineer shall also report how the proposed change will affect neighboring landowners and landowners in airport hazard zones. The Township Engineer shall also review and report on expected obstructions to aircraft resulting from the change, and upon the adequacy, feasibility and practicality of the applicant's plan to compensate affected properties or to acquire the necessary air rights.
4. Costs - Any change resulting in a change of airport hazard zones shall be considered as land development, and the applicant shall be responsible for paying all engineering fees of the Township relating to its engineering review.
5. Notice to Adjoining Landowners - The Township Secretary shall send notice to adjoining or affected landowners of the date and time of the first hearing on the "Application for Conditional Use."
6. Notice to FAA, the Bureau of Aviation, and the County - The Zoning Officer shall send a copy of the completed application to the Bureau of Aviation, FAA and the County Planning Office by certified mail, at least 14 days before the date of the hearing.
7. Legal advertisement - In addition to the legal notices required by law, the Township Secretary shall place a display advertisement in a newspaper of general circulation in the Township giving notice of any request made for an "Application for Conditional Use." Said notice shall be at least 3 columns wide and 3 inches in length. Said notice shall state: "Notice to Benner Township Landowners. A Conditional Use has been filed relating to the \_\_\_\_\_ airport or airport hazard zones in Benner Township. A hearing is scheduled for the \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m., at the Benner Township Municipal Building. All citizens and landowners are invited to attend."

8. Cost of notices and advertising - The costs and expenses of all required notices and advertisement, shall be paid by the airport owner who makes an "Application for Conditional Use.."

- iii. **Criteria to review** - In granting or denying a Conditional Use, the Supervisors shall consider:

1. The effect upon reasonable use of properties affected by the changed area of the airport hazard zones;
2. How the applicant plans to purchase, acquire or otherwise compensate landowners whose reasonable use of the property is adversely affected;
3. The character of the flying operations expected to be conducted at the airport;
4. The nature of the terrain within the airport hazard zone area;
5. The character of the neighborhood which is affected by the change in airport hazard zones;
6. The effect upon roads, development, transportation routes, and other aspects of the Township's Comprehensive Plan;
7. The provision of hazard lighting and marking;
8. The importance of aircraft safety; and
9. The Supervisors may attach such reasonable conditions in the granting of a Conditional Use.

k. **ADMINISTRATION AND ENFORCEMENT**

- i. **Airport owner to file correspondence with Township** - The airport owner shall send to the Township copies of all forms, applications, and requests relating to airport hazard zone movement or hazard zone changes sent to FAA and the Bureau of Aviation by airport owner. Said copies shall be sent to the Township within 3 days of sending said forms, applications and requests to the FAA or the Bureau of Aviation. Airport owner shall also include copies of all maps, documents, correspondence and plans attached to, required by, or accompanying said requests, applications, or forms.
- ii. **Administration** - The following procedures are hereby established for the administration for the Airport Overlay District.
  1. Enforcement - It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed in this Article.
  2. Filing fees and application - The Township may establish by Resolution a "Schedule of Fees" for all permits, appeals, and other proceedings provided for in this district, and may amend such Resolution from time to time. No application for any permit, Variance or Conditional Use or other relief under this overlay district shall be considered filed until all fees are paid.
- iii. **Zoning hearing board** - The existing Township Zoning Hearing Board, consisting of three (3) members, is hereby appointed to act as the Board of Appeals specified in *Section 5917(c) of the Aviation Code*. It shall have the power to hear and decide:
  - All appeals from the determinations of the Zoning Officer;
  - Applications for permits; and
  - Variances.

It shall have all the powers granted to the Board of Appeals as provided by *Section 5917 of the Airport Zoning Act, 74 Pa. C.S.A. 5917*; and all powers granted to zoning hearing boards as provided by *Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. 10901 et. seq.*, as amended.

- iv. **Airport zoning planning agency** - The Planning Commission of the Township is hereby designated as the Airport Zoning Planning Agency, whose duties shall be as set forth in the Airport Zoning Act, 74 Pa. C.S.A. 5911 *et seq.*
- v. **Violations and penalties** - Failure to comply with any provisions of this overlay district shall be a violation of the *Airport Overlay District*.
  - 1. Complaints regarding violations - Whenever a violation of this overlay district occurs, or is alleged to have occurred, any person may file a complaint to the Zoning Officer stating fully the causes and basis thereof. The Zoning Officer shall record such complaint, investigate, and take action.
  - 2. Notice of violation - If the Zoning Officer finds that any provision of this overlay district has been violated, enforcement proceedings shall be followed as provided for by Section 616.1 of the MPC, 53 P.S. Section 10616.1, as amended.
  - 3. Penalties - Penalties and remedies for violations of this overlay district are stipulated in Section 617 and 617.2 of Article VI of the MPC, as amended, 53 P.S. Section 10617 and 10617.2; or as hereafter amended.
- vi. **Appeals** - Any appeal from a decision or action of the governing body or of any officer or agency of the Township in matters pertaining to this overlay district shall be made in accordance with *Article IX and X of the MPC*, as amended, and *Section 5918 of the Airport Zoning Act, 74 Pa C.S.A. Section 5918*.
- l. **LANGUAGE INTERPRETATIONS** - For the purposes of this Ordinance, certain terms and words herein shall be interpreted as follows:
  - i. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender, and words of feminine gender include masculine gender.
  - ii. The word “includes” or “including” shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character.
  - iii. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
  - iv. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.
  - v. The words “used” or “occupied” include the words “intended, designed, maintained, or arranged to be used or occupied.”
  - vi. The word “municipal” shall mean Township.
  - vii. The word “municipality” shall mean Township of \_\_\_\_\_.
  - viii. The term “county” shall mean the County of \_\_\_\_\_.
  - ix. The term “Department” shall mean the Department of Transportation, Bureau of Aviation.
- m. **DEFINITIONS** - Unless a contrary intention clearly appears, the following words and phrases shall have the meaning given in this section. All words and terms not defined herein shall be used with a meaning of standard usage.
  - AIRCRAFT** - Any contrivance, except an unpowered hang-glider or parachute, used for manned ascent into

**AIRPORT** - Any area of land or water used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities.

**AIRPORT ELEVATION** – The highest point of an airport’s usable landing area measured in feet above sea level.

**AIRPORT HAZARD** – Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined by “Airport Hazard” in 74 Pa. C.S.A 5102.

**AIRPORT HAZARD AREA** – Any area of land or water upon which an airport hazard might be established if not prevent as provided for in this Ordinance and the Airport Zoning Act, 74 Pa. C.S.A. 5901 et. Seq.

**AIRPORT ZONING PLANNING AGENCY** – Municipal Planning Commission.

**APPROACH SURFACE** – A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation set forth in this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach surface zone.

**BOARD OF ADJUSTMENT** – Municipal Zoning Hearing Board.

**BOARD OF APPEALS** – Municipal Zoning Hearing Board.

**CONICAL SURFACE** – A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 ft.

**DEPARTMENT** – Pennsylvania Department of Transportation.

**FAA** – Federal Aviation Administration of the United States Department of Transportation.

**HAZARD TO AIR NAVIGATION** — Any obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

**HEIGHT** — For the purposes of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall mean sea level elevation unless otherwise specified.

**HORIZONTAL SURFACE** – A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.

**LARGER THAN UTILITY RUNWAY** – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

**NONCONFORMING USE** – Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

**NONPRECISION INSTRUMENT RUNWAY** – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

**OBSTRUCTION** – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Ordinance.

**PLANNING COMMISSION** – Airport Zoning Planning Agency.

**PRECISION INSTRUMENT RUNWAY** – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precisions Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

**PRIMARY SURFACE** – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary is set forth in this Ordinance. The



elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**PRIVATE AIRPORT** – An airport which is privately owned and which is not open or intended to be open to the public as defined in 74 Pa. C.S.A 5102.

**PUBLIC AIRPORT** – An airport which is either publicly or privately owned and which is open to the public as defined in 74 Pa. C.S.A. 5102.

**RUNWAY** – A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**STRUCTURE** – An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, pavement, smokestacks, earth formation and overhead transmission lines.

**TRANSITIONAL SURFACES** – These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surface for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

**TREE** – Any object of natural growth.

**UTILITY RUNWAY** – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

**VISUAL RUNWAY** – A runway intended solely for the operation of aircraft using visual approach procedures.

**ZONING HEARING BOARD** – Board of Adjustment or Board of Appeals.

- n. **OTHER DEFINITIONS** - The definitions of terms contained in the following Acts or Ordinances are, for purposes of this Ordinance, adopted by reference herein, except where specifically defined in this Ordinance.

- i. Airport Zoning Act, 74 Pa. C.S.A. 5911-5920;
- ii. Pennsylvania Municipalities Planning Code, 53 P.S. 10101 et seq.;
- iii. Benner Township Zoning Ordinance;
- iv. Air Transportation Regulations, 67 Pa. Code 471-479.

All of these references are to such ordinances, laws or regulations as they are now or may hereafter be amended, it being the purpose of this Ordinance to be a part of a comprehensive system of regulations involving airports.

**A.15 Permitted Use Schedule**

	FC	A	RR	R-2	MHP	C	I	Q
Accessory uses	P	P	P	P	P	P	P	P
Administrative and support services						P	P	
Adult-oriented business							C	
Age 55+ high-rise residential buildings						P		
Agricultural Operations	P	P	P	P				P
Airports and aircraft facilities, flight training		C				P	P	
Alternate power generation		C					P	
Ambulance and health care services						P	P	
Amusement arcades						P		
Animal hospital and kennel		P	C	C		P	P	
Art dealers						P	P	
Artist studios and galleries						P	P	
Auction houses						P	P	
Auto repair						P	P	
Automobile driving schools							P	
Automotive parts sales						P		
Banks and financial institutions						P		
Barber and beauty shops and massage parlors						P		
Bed and breakfast			P	C		P		
Beer, wine and liquor store						P		
Boarding homes			C	C				
Book store						P		
Bookbinding, printing operations (see publishers)		C				P	P	
Botanical gardens		P	P			P		P
Bowling centers						P		
Breweries, wineries, distilleries							P	
Bus and other motor vehicle transit systems							P	
Business park							P	
Business service centers (Kinko's)						P		
Campgrounds and RV parks	P		C			P		
Car rental						P	P	
Car washes						P	P	
Catering operation							P	
Cemetery		P	P	P		P		
Child day care services		P	P			P		
Clothing, shoe store						P		
Clubs, lodges and social halls						P	P	
Coin operated laundry and dry cleaner						P		
Co-located communication antennas	P	P	P	P	P	P	P	P
Commercial banking						P		
Commercial greenhouse, nursery		P	P	P		P		

	FC	A	RR	R-2	MHP	C	I	Q
Commercial power generation facilities							P	
Commercial wind farms	C						P	
Communication, transmitting facilities (towers)	C	C	C	C		P	C	P
Community food services (Meals on Wheels)		P				P		
Construction and contractors							P	
Continuing care retirement facility			C	C				
Convenience store						P		
Convenience store with or without gas pumps						P		
Convention /conference centers						P	P	
Correctional institutions		P					P	
Dance, music, photography studios		C	C			P	P	
Day care centers			C	C		P		
Department store						P		
Drainfields for onlot septic systems			P					
Drive-in movie theater						P	P	
Drive-through facilities						P	P	
Electronics stores						P		
Elementary and secondary schools		P	P			P	P	
Emergency services						P	P	
Family day-care facility					P	P		
Farmer /flea market		C	C			P	P	
Farmstead		P	P					
Farmstead accessory dwelling unit		P	P					
Farmstead business		C	C					
Farmstead principal single family dwelling		P		P				
Fire protection services (see emergency services)						P	P	
Fish and Wildlife Management Areas	P							
Fish hatcheries	P	P	P					
Fitness and recreational sports complexes						P	P	
Flight training							P	
Florist						P		
Forestry	P	P	P	P	P	P	P	P
Full service restaurant						P		
Funeral home						P	P	
Furniture sales, home improvement						P		
Galleries for arts, crafts, antiques						P		
Gardening for personal use	P	P	P	P	P			
Gas station with convenience store						P		
General merchandise stores						P		
General rental centers						P		
General warehousing and storage							P	

	FC	A	RR	R-2	MHP	C	I	Q
Gift, novelty and souvenir store						P		
Golf course			P	C		P		
Governmental offices (see public)	P	P	P	P	P	P	P	P
Governmental use (see public)	P	P	P	P	P	P	P	P
Halfway house			C	C		P		
Hardware stores						P		
Hayrides, mazes, tours and barn dances		C						
Health and fitness club						P	P	
Health and personal care store						P		
Health practitioners						P	P	
Historic structure conversion	C	C	C	C	C	C	C	C
Hobby, game, toy store						P		
Home furnishing sales						P		
Home health care services						P		
Home-based impact occupations	P	P	P	C		P		
Hospitals						P	P	
Hotel, motel facility						P	P	
Household appliance sales						P		
Indoor recreation facilities						P	P	
Information services and data processing							P	
Intensive agriculture		C	C	C				
Jewelry store						P		
Junkyard		SE		SE				
Junkyards (accessory)		SE		SE				
Laundry and dry cleaning establishments						P		
Libraries						P	P	
Life, health, direct insurance carriers						P		
Limited service restaurant						P		
Long-term care nursing facility			C			P	P	
Low Intensity recreation areas	P	P						
Machine shops							P	
Machinery and equipment repair						P	P	
Manufactured home dealers						P	P	
Manufactured home park			C	SE	C			
Manufacturing							P	
Manure storage facilities		P						
Medical and diagnostic laboratories						P	P	
Medical residential campus				P		P	P	
Miniature golf course						P		
Mobile /manufactured home park			C	SE	C			
Motion picture production and distribution							P	

	FC	A	RR	R-2	MHP	C	I	Q
Motor vehicle dealer						P	P	
Motor vehicle towing						P	P	
Multi-family dwellings			P	P				
Museums						P	P	
Musical instrument and supplies store						P		
Nature preserves and Wildlife Refuges	P	P	P	P				P
New, used car dealers						P	P	
No-impact home-based business	P	P	P	P	P	P	P	P
Non-commercial beekeeping	P	P	P					
Non-commercial keeping of livestock	C	P	C	C				
Non-commercial park, recreation area	P	P	P					P
Non-store retailer (electronic shopping)						P	P	
Nursery, garden center and farm supply stores		P				P		
Office supplies						P		
Offices						P	P	
Oil change and lubrication shops						P		
Outpatient care centers						P	P	
Parking lots and garages	P	P	P	P		P	P	
Parking lots and valet services						P		
Parks and playgrounds		P	P	P	P			P
Performing arts companies						P	P	
Permanent agriculture produce stands		P	P			P		
Personal and household goods repair						P		
Personal care services (beauty salons, barbers, etc.)						P		
Pet and pet supply stores						P		
Pet care services						P		
Pharmacy and drug store						P		
Physician, dental practitioners						P	P	
Police protection (see emergency services)						P	P	
Postal service						P	P	
Power equipment stores						P		
Private garages /barns	P	P	P					
Professional, scientific and technical services						P	P	
Public and private passive recreation areas	P	P	P					
Public and semi-public buildings	P	P	P	P	P	P	P	P
Public utilities structures	P	P	P	P	P	P	P	P
Publishers, printers, bookbinding		C				P	P	
Quarries								C
Racetracks							P	
Radio station, telecommunications, television studios						P	P	
Railroads							P	

	FC	A	RR	R-2	MHP	C	I	Q
Refineries							P	
Religious organizations	P	P	P	P		P	P	P
Rental and leasing services						P		
Residential conversion			P					
Residential facilities incidental to permitted use						P	P	
Residential units in Mixed-use buildings (see mixed use)						P	P	
Resorts	C		C			P		
Restaurants						P		
Retail trade						P		
Riding academies and boarding stables		C	P	C				
Rural occupations	P	P	C	C	C			
RV parks	C	C				P		
RV, boat, motorcycle, ATV sales						P	P	
Sawmills		C					P	
Scenic sightseeing transportation	P					P		
Schools of higher education, professional training						P	P	
Self storage units						P	P	
Services to buildings (janitorial and other)							P	
Shooting ranges (skeet, firearms, archery)	C	C	P			P		
Shopping centers						P		
Single family attached - townhome (see dwelling)			P	P				
Single family detached dwelling unit (see dwelling)	P	P	P	P	P			P
Single family semi-detached - duplex (see dwelling)			P	P				
Small scale /light manufacturing operations						P	P	
Social assistance and services	P	P	P			P	P	
Solid waste processing or disposal facilities							C	
Sound recording							P	
Specialty food store						P		
Sporting goods store						P		
Sports and recreation instruction							P	
Sports teams and clubs							P	
Supermarkets and other grocery						P		
Taverns and nightclubs						P		
Tax preparation services						P		
Taxi service						P	P	
Testing laboratories							P	
Textile production							P	
Theater, excluding adult businesses						P		
Theme park		C				P		
Tire sales						P	P	
Tobacco stores						P		

	FC	A	RR	R-2	MHP	C	I	Q
Trucking and motor freight terminals							P	
Two-family conversions				C				
Used merchandise						P		
Uses of Benner Township	P	P	P	P	P	P	P	P
Vehicle body repair garage						P	P	
Vehicle sales lot						P	P	
Vehicle washes						P	P	
Warehouse clubs and supercenters						P		
Wedding /banquet hall facility						P	P	
Wholesale sales and services						P	P	
Wind turbines - personal use	P	C						
Zoo		C		C		P	P	
<p>*Public buildings includes governmental offices and uses, and public utilities structures</p> <p>*Residential uses shall be permitted on the upper stories of mixed-use buildings (ground-floor residential development shall not be permitted in commercial or industrial districts)</p> <p>*Semi-public buildings includes police, fire, postal service, and libraries</p> <p>*Schools of Higher Education, professional training includes technical and trade schools, fine art and language schools, and miscellaneous schools</p>								