


CENTRE COUNTY
P E N N S Y L V A N I A

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TO: Benner Township Supervisors
Benner Township Planning Commission

FROM: Robert B. Jacobs, AICP
Linda Marshall
Elizabeth Lose 

DATE: November 27, 2018

SUBJECT: Benner Township Zoning Ordinance Review

The Centre County Planning Office appreciates the opportunity to provide comments on your proposed Benner Township Zoning Ordinance and Map which will replace your current Zoning Ordinance and Map. This review is in accordance with the Pennsylvania Municipalities Planning Code, Act 247 as amended. Our comments are as follows:

ZONING DISTRICTS

Each of the zoning districts should include a use chart or list of uses for ease of administration and interpretation by the public. Limiting references to different section of the zoning ordinance (Articles 13 and 14) is important and probably one of the main reasons for the ordinance to be rewritten to begin with.

Article 4 - Forest Conservation and Article 5 - Agriculture Districts – The allowance of 15,000 square foot lots is counter-intuitive and inconsistent with the intent of these districts. This minimum lot size should be deleted and provided for in a separate and/ or expanded district that can be located where public services are readily available.

Article 8 – High Density Single Family Residential Zone (R-3) – The Township should reconsider uses in the district to accommodate and recognize the existing develop/ style of homes.

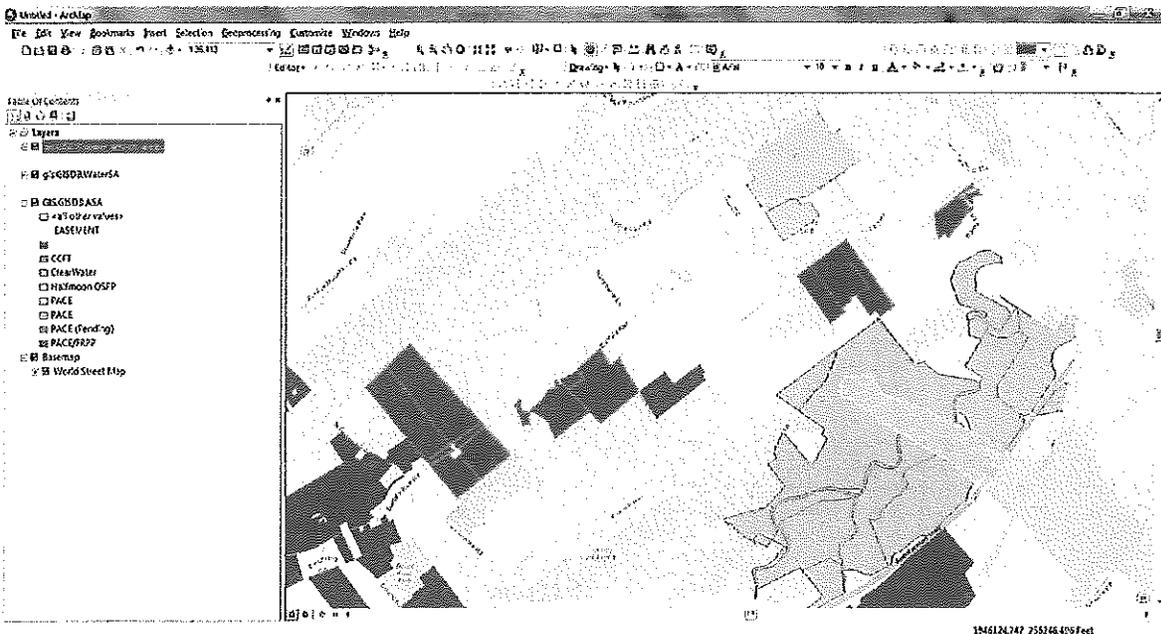
Article 10 – Commercial and Article 11 – Industrial Districts. The increase in impervious coverage from 70% to 80% is most likely in conflict with the adopted Spring Creek Stormwater Ordinance (see additional comments below in this review). We understanding the concern to allow increased develop activity on each lot however this can be achieved with reduced off street parking standards and still maintain the 70% impervious coverage.

The current standard of 1 space per 250 square feet of building area is in most cases excessive. The proposed standard of 1 space per 200 square feet is very excessive. In fact, these proposed standards will have the opposite effect and will reduce the allowable building footprint to because more parking will be required. Planning staff can provide recommendations for appropriate off-street parking requirements.

AGRICULTURE

The fixed ratio of permitted non-agriculture lots that could be subdivided and/or principal uses created from agricultural parent tracts in the existing the zoning ordinance (Article 2, pg. 62) should be reconsidered for inclusion the proposed draft ordinance. The fixed ratio provision is a recommendation in the 2004 Nittany Valley Regional Comprehensive Plan (pg. 191) and serves as the primary mechanism by which agricultural lands are protected. The draft regional comprehensive plan updates address the need to recognize and support agri-businesses which requires maintaining farmland intact and, preferably contiguous, for successful agriculture operations. Currently, there are eight (8) properties in close proximity to the Spring Benner Walker Joint Sewer Authority service area. Applying the fixed ratio limitations of development to those tracts based on their acreages equates to 35 non-agriculture uses being created.

Removing the fixed ratio limitation but based on a 1.5 acre lot size, equates to 300 non-agricultural uses being created. Should those uses assumedly be residential that could result in 300 additional dwelling units (EDUs) being added to the public sewer system. Some regional-level discussions among the municipalities served by SBWJA regarding the impacts to future sewer capacity should be offered with respect to the municipalities' agreement of shared land uses and maintaining regional land use balance for the purposes of infrastructure, facility, and services planning. (Parcels referenced are highlighted in map, below.)



ENERGY PRODUCTION (ALTERNATIVE ENERGY AS ACCESSORY)

Within the Master Use Schedule, consideration should be given to allow accessory alternative energy facilities in all zoning districts. Accessory uses to supply and/or supplement energy needs may make available industrial-zoned lands more marketable to potential buyers.

TRANSPORTATION

The Township should continue with the provisions that require traffic studies in relation to particular uses. These requirements are important from the perspective the developers must be accountable for their on-site impacts to the community. Without these requirements, the Township will be responsible for necessary road improvements – essentially the residents/ tax payers of the community will have pay for the improvements.

MEDICAL RESIDENTIAL CAMPUS

Within the Master Use Schedule, further clarity and discussion is needed as to the definition of this use and its permitted use by right in the commercial, industrial, and mobile home park districts.

HISTORIC STRUCTURE CONVERSION

Within the Master Use Schedule, further clarity and discussion is needed as to the definition of this use and its permitted use by right in the Mobile Home Park district and conditional use in all other districts.

MAXIMUM PERMITTED IMPERVIOUS COVERAGE

The maximum permitted impervious coverage of 80% for the commercial and industrial districts exceeds the standard maximum permitted impervious coverage of 65-70%. The Spring Creek Watershed Stormwater Management Plan notes that both commercial and industrial land uses are more susceptible to increasing heavy metal pollutants in stormwater runoff (Table 4.1, pg. 4-16). The Best Management Practices (BMPs) to reduce heavy metals that ensure adequate filtering in the form of more sophisticated practices and stormwater infrastructure should be considered (Table 4.2, pg. 4-16).

ZONING MAP

- The Spring Creek Canyon Overlays for both the primary and secondary zones of protection could easily be added.
- The existing zoning ordinance mapping included more natural features, including riparian buffers, which tied into the ordinance in Section 511.
- The Henderson property (Tax ID 12-310/084L) is proposed as R-2 (Multi-Family Residential.) Given the measured percent slopes (>12%) and its adjacency to the Forested Conservation District, its general landscape and location beyond public water and sewer infrastructure makes it more suited for the conservation district.

ACCESSORY DWELLING UNITS (ADU)

The draft zoning ordinance provides for in-law suite as an allowable dwelling unit. The definition of the unit requires that the unit must be occupied by a close relative and that no separate utilities or address is permissible.

It is recommended that Benner Township consider expanding the allowable dwelling units to include Accessory Dwelling Units. It is a way to add to the affordable rental inventory while at the same time allowing residential property owners to supplement their income.

Definitions from *A Planners Dictionary*, APA, 2004

Accessory Dwelling Unit

A residential dwelling unit, but not a mobile home, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Secondary dwelling units shall be developed in accordance with the standards set forth in local code and only in those zoning districts where the use is listed as a special review use. (Loveland, Colorado)

A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure. (Livermore, California)

ADUs may be:

- Attached above a garage
- Detached above a garage
- Inside SFD such as a lower level unit or to the side or rear

-Examples of Considerations:

- Allowing the unit as a permitted or conditional/special exception use
- Establishing a square footage/size and height limitation
- Deciding on the type or types of allowable units-interior only or detached.
- Requiring that the owner live in the primary or accessory unit.
- Providing parking for the units
- Issuing renewable and revocable permits

MANUFACTURED/ MOBILE HOME/ MODULAR DEFINITIONS

Definitions from *A Planners Dictionary*, APA, 2004

Manufactured housing

A factory-built, single-family structure, which is manufactured or constructed under authority 42 U.S.C. Sec. 5403 Federal Manufactured Home Construction and Safety Standards, and is to be used as a place of human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purpose of this title, a manufactured home shall be considered the same as any site-built, single-family detached dwelling. (North Liberty, Iowa)

Commentary: Manufactured housing is a generic term that describes housing that is manufacture in a factory rather than on site. As defined above, manufactured housing includes all housing built to the "HUD Code" which is cited in the definitions. Some zoning codes still refer to manufactured housing that is built to HUD Code as a mobile home. However, manufactured housing is the correct term.

HUD Homeowner's Fact Sheet HUD Manufactured Construction Standards

Manufactured homes are built as dwelling units of at least 320 square feet in size with a permanent chassis to assure the initial and continued transportability of the home. All transportable sections of manufactured homes built in the US after June 15, 1976 must contain a certification label (commonly referred to as a HUD Tag) on the home. The label is the manufacturer's certification that the home section is built in accordance with HUD's Manufactured Home Construction and Safety Standards. The Standards cover Body and Frame Requirements, Thermal Protection, Plumbing, Electrical, Fire Safety, and other aspects of the home. The Standards are published in the Code of Federal Regulations under 24 CFR Part 3280.

Modular housing HUD FAQ

What is the difference between manufactured and modular homes?

Manufactured homes are constructed according to a code administered by the US Department of Housing and Urban Development (HUD Code). The HUD Code, unlike conventional building codes, requires manufactured homes to be constructed on a permanent chassis. Modular homes are constructed to the same state, local or regional building codes as site-built homes.

What is a manufacture home?

A manufactured home (formerly known as a mobile home) is built to the Manufactured Home Construction and Safety Standards and displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis.

The Township should also consider the issues of Short Term Rentals, Tourist Rentals, and Tiny Homes. Please see the article below related Tourist Rentals.

Home Rentals for Football Weekends Under Review by Borough Officials

by Jennifer Miller on August 25, 2014 6:00 AM

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<http://www.statecollege.com/news/local-news/home-rentals-for-football-weekends-under-review-by-borough-officials.1460285/>

...The borough does have rules and regulations in place for "tourist rentals," the type of rental where the owner does not live in the home and instead allows short-term guests to rent the property. Not any property owner can operate a "tourist rental" in State College. If someone owns a home in the borough, doesn't reside in that property, and wants to rent it to short-term guests as the primary use, the home must be located in a particular zoning district. In State College, that only applies to homes in R-4, commercial, and Urban Village districts.

"The difference between standard football weekend rentals and tourist homes is whether or not the property owner resides there," says Wilson. "When a property is not owner-occupied and it's rented with an emphasis on short-term stays and special event weekends it would be considered a tourist home and is not permitted in most of the residential zoning districts in State College."

Staff Recommendation

Benner Township has made a concerted effort develop an ordinance with the best interest of the residents in mind. Overall, the proposed Zoning Ordinance has eliminated a lot of requirements of the current ordinance. However, with the changes recommended above and those of the Township Planning Commission, the ordinance will be appropriate for the Township.

Accommodating growth yet preserving the natural resources that make the Township special for its resident's is the main goal. Planning staff recommends that adoption of the be tabled until the issues identified in this review and the Township Planning Commission are discussed and addressed. Thank you.