

Ordinance No. 2007-05
CONDITIONAL USE CRITERIA

Date Enacted 1 May 07

ORDINANCE NO. 2007-05

**TOWNSHIP OF HOPEWELL
BEAVER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF HOPEWELL TOWNSHIP, BEAVER COUNTY PENNSYLVANIA, AMENDING THE HOPEWELL TOWNSHIP ZONING ORDINANCE NO. 2004-01 AS FOLLOWS; AMENDING THE DEFINITION FOR COMMERCIAL RECREATIONAL FACILITY, ESTABLISHING WHICH DISTRICTS A COMMERCIAL RECREATIONAL FACILITY IS PERMITTED AS A CONDITIONAL USE AND ESTABLISHING CRITERIA FOR THE CONDITIONAL USE.

WHEREAS, the Hopewell Township Planning Commission and Board of Commissioners have reviewed the proposed zoning amendment; and

WHEREAS, the Hopewell Township Planning Commission reviewed the Ordinance on March 22, 2007 and April 26, 2007 and made a recommendation to the Board of Commissioners on April 26, 2007; and

WHEREAS, the Board of Commissioners held a Public Hearing on May 7, 2007 as provided by the Hopewell Township Code and the Pennsylvania Municipalities Planning Code at which time testimony was received concerning the amendment; and

WHEREAS, the Board of Commissioners advertised the Public Hearing and the notice of intent to adopt on April 13th, 2007 and April 23rd, 2007 as provided by the Hopewell Township Code and the Pennsylvania 1st Class Township code; and

WHEREAS, the judgment of the Board of Commissioners, such an amendment to the Zoning Ordinance of the Township of Hopewell, Beaver County, Pennsylvania is consistent with the overall Comprehensive Plan adopted by the Township.

NOW, THEREFORE, in consideration of the foregoing, it is hereby ordained and enacted by the authority of the Board of Commissioners of the Township:

SECTION 1. Article III DEFINITIONS, Section 301 "MEANING OF WORDS" is hereby amended by revising the following definition:

COMMERCIAL RECREATIONAL FACILITY – An enterprise and/or establishment operated by other than a public entity for profit for the indoor and outdoor pursuit of sports, recreation and leisure activities including, but not limited to, such establishments as miniature golf, golf or batting practices facilities, ice and roller rinks, bowling alleys, playing fields, paintball facilities, racquet clubs, swimming pools, theaters, boat marinas and amusement parks and similar facilities, however, go-carts, motorcross or similar motorized vehicles are not permitted within a Commercial Recreational Facility.

SECTION 2. Article XI MU – MIXED USE DISTRICT, Section 1101
“PERMITTED USES” is hereby amended by deleting the following strikeout text:

A. Principle Uses:

~~9. Private recreation facilities, including but not limited to, theaters and bowling alleys.~~

SECTION 3. Article XI MU – MIXED USE DISTRICT, Section 1102
“CONDITIONAL USES” is hereby amended by adding the following text:

C. COMMERCIAL RECREATIONAL FACILITY (as defined)
(See Section 2304 BBB.)

SECTION 4. Article XII C-1 – HIGHWAY COMMERCIAL DISTRICT,
Section 1201 “PERMITTED USES” is hereby amended by deleting the following
strikeout text:

A. Principle Uses:

~~6. Commercial recreational facilities (as defined)~~

SECTION 5. Article XII C-1 – HIGHWAY COMMERCIAL DISTRICT,
Section 1202 “CONDITIONAL USES” is hereby amended by adding the following text:

B. COMMERCIAL RECREATIONAL FACILITY (as defined)
(See Section 2304 BBB.)

SECTION 6. Article XIII C-2 – COMMERCIAL SHOPPING CENTER
DISTRICT, Section 1302 “CONDITIONAL USES” is hereby amended by deleting the
following strikeout text and adding the following text:

~~There are no conditional uses provided for in this District.~~

A. COMMERCIAL RECREATIONAL FACILITY (as defined)
(See Section 2304 BBB.)

SECTION 7. Article XIV I-P – INDUSTRIAL PARK DISTRICT, Section 1402
“CONDITIONAL USES” is hereby amended by adding the following text:

C. COMMERCIAL RECREATIONAL FACILITY (as defined)
(See Section 2304 BBB.)

SECTION 8. Article XVI RID – RIVERFRONT INDUSTRIAL DISTRICT, Section 1601 “PERMITTED USES” is hereby amended by deleting the following ~~strikeout~~ text:

A. Principle Uses:

~~12. Commercial recreational facilities, including boat marinas~~

SECTION 9. Article XVI RID – RIVERFRONT INDUSTRIAL DISTRICT, Section 1602 “CONDITIONAL USES” is hereby amended by adding the following text:

D. COMMERCIAL RECREATIONAL FACILITY (as defined)
(See Section 2304 BBB.)

SECTION 10. Article XVII SP – SPECIAL GROWTH DISTRICT, Section 1701 “PERMITTED USES” is hereby amended by deleting the following ~~strikeout~~ text:

A. Principle Uses:

~~10. Commercial recreational~~

SECTION 11. Article XVII SP – SPECIAL GROWTH DISTRICT, Section 1702 “CONDITIONAL USES” is hereby amended by adding the following text:

C. COMMERCIAL RECREATIONAL FACILITY (as defined)
(See Section 2304 BBB.)

SECTION 12. Article XXIII STANDARDS AND CRITERIA GOVERNING ALLOWANCE OF SPECIAL EXCEPTIONS AND CONDITIONAL USES, Section 2304 “SPECIFIC CRITERIA FOR CONDITIONAL USES” is hereby amended by adding the following section and text:

Section BBB. Commercial Recreational Facility: Conditional Use in the MU, C-1, C-2, I-P, RID and SP Districts

1. No lighting, noise or other aspect of the commercial recreation facility shall in the opinion of the Planning Commission and Board of Commissioners produce any nuisance factor to the residential and/or public uses in the proximity.
2. Adequate off-street parking shall be provided for all proposed uses at peak demand times.
3. All ingress and egress to and from the site(s) shall be situated so as not to unduly interfere with through traffic movements on adjacent streets.
4. Outdoor playfields and outdoor recreational facilities shall be located a minimum of one hundred (100) feet from the property line adjoining any R-1, R-2, R-3 or R-4 zoned property.

5. A landscape buffer yard shall be provided along all property lines adjoining any R-1, R-2, R-3 or R-4 zoned property. The landscape buffer yard shall consist at a minimum of five (5) evergreen trees and four (4) deciduous trees per every forty (40) lineal feet of perimeter. The evergreen and deciduous trees may be staggered to enhance the buffer effect and shall be complemented with mounding and/or aesthetically compatible fencing or other structures. In-lieu of the required landscape buffering, where an existing one-hundred fifty (150) foot vegetation buffer with mature adequate vegetation occurs, and it is designed to remain along the perimeter, then the existing vegetation may be substituted for the buffer yard.
6. All equipment for the use shall be properly stored when not in use.
7. All garages, equipment shelters, offices and similar structures shall be screened from adjacent residential properties by appropriate planting or fences approved by the Township on the basis of design, aesthetic quality and general adequacy.
8. Outdoor lighting, if any shall be shielded and/or reflected away from adjoining properties so that no direct beam, but only diffuse or reflected light, enters adjoining properties.
9. No loudspeakers shall be permitted outside any enclosed structures.
10. The Commissioners may impose restrictions deemed necessary regarding access to facility, hours of operation, landscaping and other such matters, as they deem necessary, to insure that there is no adverse impact upon the functioning of the district, municipal infrastructure or adjacent land uses.

SECTION 5. Severability.

If any chapter, section, subsection, paragraph, sentence or phrase of this ordinance is for any reason declared invalid by a court of competent jurisdiction, such decision shall not effect the validity of the ordinance as a whole or any section or part thereof other than the section or part thereof so declared to be invalid.

SECTION 6. Repealer.

Any ordinance, chapter, section, subsection, paragraph, sentence or phrase of any ordinance conflicting with the provisions of this ordinance shall and the same is hereby repealed to the extent of such conflict.

Ordained and enacted this 7th day of May, 2007, by the Board of Commissioners of the Township of Hopewell.

ATTEST:


Gerald Orsini, Township Manager

Board of Commissioners
Hopewell Township


Mario Leone, Chairman