

UPPER SOUTHAMPTON TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-481

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF UPPER SOUTHAMPTON TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, AMENDING A PORTION OF THE ZONING ORDINANCE OF UPPER SOUTHAMPTON TOWNSHIP, AS AMENDED, TO ADD THE NAA OVERLAY DISTRICT, TO UPDATE THE TOWNSHIP ZONING MAP, TO MODIFY CERTAIN PROVISIONS OF THE ZONING ORDINANCE, TO REPEAL INCONSISTENT PROVISIONS, AND TO ESTABLISH SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Upper Southampton Township Board of Supervisors adopted a Code of Ordinances in 1986; and

WHEREAS, the Municipalities Planning Code confers upon the Board of Supervisors of Upper Southampton Township the Authority to amend, change, or modify its Zoning Ordinance as set forth in Chapter 185, all of which shall be in accordance with the provisions of the Pennsylvania Municipalities Planning Code, pursuant to Act 168, P.S. 805, No. 245, as reenacted and amended; and

WHEREAS, the Board of Supervisors of Upper Southampton Township, after public hearing, has determined that it is in the best interests to amend the Upper Southampton Township Code of Ordinances Chapter 185, Article IV, by adding a Subsection 185-16.3 related to the addition of the NAA – Neighborhood Active Adult Overlay District and, *inter alia*, amending Section 185-22, Table of Dimensional Requirements and Performance Standards, amending the Township Zoning Map, to repeal inconsistent provisions and to establish severability and an effective date.

NOW THEREFORE, the Board of Supervisors of the Township of Upper Southampton does hereby enact and ordain the following:

Section 1. The provisions of Chapter 185. Zoning, Article III. Zoning Districts § 185-7. Classes of Districts shall be **deleted** and **replaced** with the following:

“§ 185-7. Classes of Districts.

For the purposes of this Chapter, Upper Southampton Township is hereby divided into ten (10) Zoning Districts which shall be designated as follows:

a. Residential District:

R-1 Residential Conservation District

- R-2 Low Density Residential District
- R-3 Moderate Density Residential District
- R-4 Moderately High-Density Residential District
- R-5 High Density Residential District
- R-6 Highest Density Residential District

b. Commercial Districts:

- CC Controlled Commercial District
- RS Retail Service District

c. Industrial Districts:

- CI Campus Industrial District
- LI Limited Industrial District

d. Special Overlay District:

- OPAS Off Premises Advertising Sign District
- TCAA Town Center Active Adult Overlay District
- NAA Neighborhood Active Adult Overlay District”

Section 2. The provisions of Chapter 185, Zoning, Article III, § 185-8. Zoning Map is **amended** by **adding** the NAA Neighborhood Active Adult Overlay District in a portion of the R-1 Zoning as depicted on Exhibit “A” which is incorporated herein by reference.

Section 3. The provisions of Chapter 185, Zoning, Article III. Purposes of Districts is **amended** by **adding** the following Section L as follows:

“L. NAA Neighborhood Active Adult Overlay District. The purpose of the NAA Neighborhood Active Adult Overlay District is to guide redevelopment of areas within the R-1 Residential Conservation District in accordance with the findings, recommendations, goals, objectives, design guidelines and themes, policies, and purposes of the Upper Southampton Township Comprehensive Plan which formed the basis for this Neighborhood Active Adult Overlay District. “In order to encourage and promote creative and flexible development, redevelopment and revitalization of Upper Southampton Township in conjunction with preservation of Open Space and the conservation and enhancement of existing natural features such as wooded areas, stream valleys, flood plains, scenic vistas, surface and underground water supplies, areas for outdoor recreation and the like so as to promote and protect the health, safety and general welfare of the citizens of the Township and surrounding/adjacent communities while enhancing the economic stability of the Township by promoting the attractiveness, convenience and stability of this Region.”

Section 4. The provisions of Chapter 185, Zoning, Article IV, will be **amended** by adding the following § 185-16.3. – NAA – Neighborhood Active Adult Overlay District as follows:

“§ 185-16.3. – NAA – Neighborhood Active Adult Overlay District

- A. Establishment of District. The Upper Southampton Township Zoning Ordinance and Map are hereby amended by the creation of the Neighborhood Active Adult Overlay District (hereafter “NAA”) as a mapped Overlay Zoning District applicable to the R-1 Residential District in the areas shown on the plan attached hereto and marked as Exhibit “A.”
- B. Designating NAA District developments. Any property owner who desires to develop and use property as a NAA community shall designate the properties for such use on the record plan that is required by the Upper Southampton Township Subdivision and Land Development Ordinance. A note restricting the use of the property as a NAA community shall be added to the record plan.
- C. Use. If a property is developed as a NAA community, the following regulations and requirements shall apply:
 - a. Use regulations.
 - i. Types of housing permitted.
 - 1. All dwelling units in a NAA community shall be used for residential uses only and specifically limited to following types of housing:
 - a. Townhouses, in accordance with the dimensional regulations of § 185-16.3.C (3), below.
 - ii. At least one of the residents, tenants, and/or lessees of each unit located in a NAA community shall be 55 years of age or older. A declaration in accordance with the Federal Fair Housing Act and Pennsylvania State Human Relations Act and any other applicable regulations shall be recorded against the property creating this restriction.
 - iii. Dwellings located within a NAA community may be privately owned and/or leased. All residents must meet the age and other restrictions established herein.
 - iv. The owner or community association of a NAA community shall file with the Township a notarized statement on January 1 of each year, or at other times deemed necessary by the Board of Supervisors, indicating the status of tenants with reference to qualification as elderly. Occupation of the use by persons not qualifying as elderly as defined herein shall constitute a violation of this chapter by the property owner.
 - b. Bulk regulations.

- i. Site Area. A minimum site area of thirty (30) acres shall be required for a NAA community.
 - ii. Frontage. The site shall have a minimum of five hundred (500) feet for frontage on a principal arterial, or higher classification road.
 - iii. Density. A maximum of 3.5 dwelling units per acre of gross tract area is permitted.
 - iv. Open Space Ratio. Forty (40%) percent of gross tract area. Open Space shall include preserved natural areas, active and passive recreation areas, buffers, easements, sub-surface stormwater facilities, naturalized and landscaped stormwater management facilities. Open Space shall not include any land within twenty-five (25) feet of the rear of a building or ten (10) feet of the side of an end unit. Open Space may include recreational facilities such as a swimming pool, clubhouse or game court, however, parking for such facilities shall not be included in Open Space.
 - v. Maximum Site Impervious Surface Ratio. Forty (40%) percent.
 - vi. Minimum Site Setback. A building setback of forty (40) feet shall be provided along all external tract boundaries.
 - vii. Buffer yard. A minimum buffer yard of twenty (20) feet shall be required along all external tract boundaries. The landscape buffer may contain walls and fences. This requirement shall supersede the requirements the requirements of § 185-60.B.
- c. Dimensional regulations for townhouses.
- i. Individual lots are not required.
 - ii. Minimum lot area: NA
 - iii. Maximum dwelling units per building: 6
 - iv. Minimum unit width: 28 feet
 - v. Minimum building setback from the curblines of internal roads:
 - 1. Curblines to front façade of the building: 27 feet
 - 2. Curblines to side of building: 20 feet
 - vi. Minimum building setback from common parking areas: 15 feet
 - vii. Minimum building separation:
 - 1. Side to side: 20 feet
 - 2. Side to front or rear: 35 feet
 - 3. Rear to rear or front: 50 feet
 - viii. Maximum Building Height. Twenty-nine (29) feet as measured from the mean elevation of the proposed finished grade at the front of the building to the mean height between eaves and ridge. The maximum number of stories shall be two (2).
- d. Signs. A NAA development is permitted to have permanent free-standing signs at the entrance(s) to identify the development subject to the following regulations.”

Section 5. The provisions of Chapter 185. Zoning, Article V, Dimensional Requirements, Section 185-22.B. District Regulations, , Table of Performance Standards, Attachment 4 shall be amended by adding the following requirements and footnotes:

District	Maximum Density (DU/AC)	Minimum Open Space Ratio	Maximum Site Impervious Surface Ratio	Maximum Lot Impervious Surface Ratio	Other
NAA Neighborhood Active Adult Overlay District	3.5	.40 ³	.40	. ⁴	Public water and sewer

Section 6. The provisions of Chapter 185. Zoning, Article V, Dimensional Requirements, Section 185-22.B. District Regulations, Attachment 5 shall be amended by adding the following requirements and footnotes:

District Permitted Use	Site Area (square feet)	Lot Area/Dwelling Unit (square feet)	Minimum				Height (feet/stories)	Maximum	
			Lot Width at Setback/Street Line (feet/feet)	Front Yard (Feet)	Side Yard Single Aggregate (feet/feet)	Rear Yard (feet)		Site Impervious Surface Ratio	
								Site Building Coverage (ratio)	Impervious Surface Ratio
NAA Neighborhood Active Adult Overlay District ¹⁹	Minimum of 30 acres	. ²⁰	-	-	-	-	29/2 ²¹	-	.40

Section 7. It is the intent of the Upper Southampton Board of Supervisors that the provisions of this Ordinance shall become and made a part of the Code of the Township of Upper Southampton and the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Section" or "Article" or such other appropriate word or phrase in order to accomplish the intention of the Board.

³ Open Space shall include preserved natural areas, active and passive recreation areas, buffers, easements, sub-surface stormwater facilities, naturalized and landscaped stormwater management facilities. Open Space shall not include any land within twenty-five (25) feet of the rear of a building or ten (10) feet of the side of an end unit. Open Space may include recreational facilities such as a swimming pool, clubhouse or game court, however, parking for such facilities shall not be included in Open Space.

⁴ Individual lots are not required.

¹⁹ The maximum buffer yard and all other Dimensional Requirements for Townhouses in the NAA Overlay District are set forth in § 185-16.3.C.(c).

²⁰ Individual lots are not required

²¹ Measured from the mean elevation of the proposed finished grade at the front of the building to the mean height between eaves and ridge.

Section 8. All other regulations, provisions, parts, paragraphs, sections, subsections, clauses, sentences or portions thereof of Chapter 185 of the Code of Ordinances of the Township of Upper Southampton not specifically amended by this Ordinance shall remain unchanged and in full force and effect.

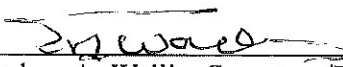
Section 9. The provisions of this Ordinance may be severed. Any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decisions of the Court shall not impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, clause, sentence or part of the provisions had not been included herein.

Section 10. This Ordinance shall be effective five (5) days after the adoption by the Board of Supervisors of Upper Southampton Township.

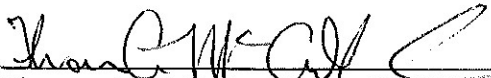
Duly enacted and ordained on this 3 day of December, 2024, by the Board of Supervisors of Upper Southampton Township in a public session duly assembled.

**TOWNSHIP OF UPPER SOUTHAMPTON
COUNTY OF BUCKS
COMMONWEALTH OF PENNSYLVANIA**

ATTEST:

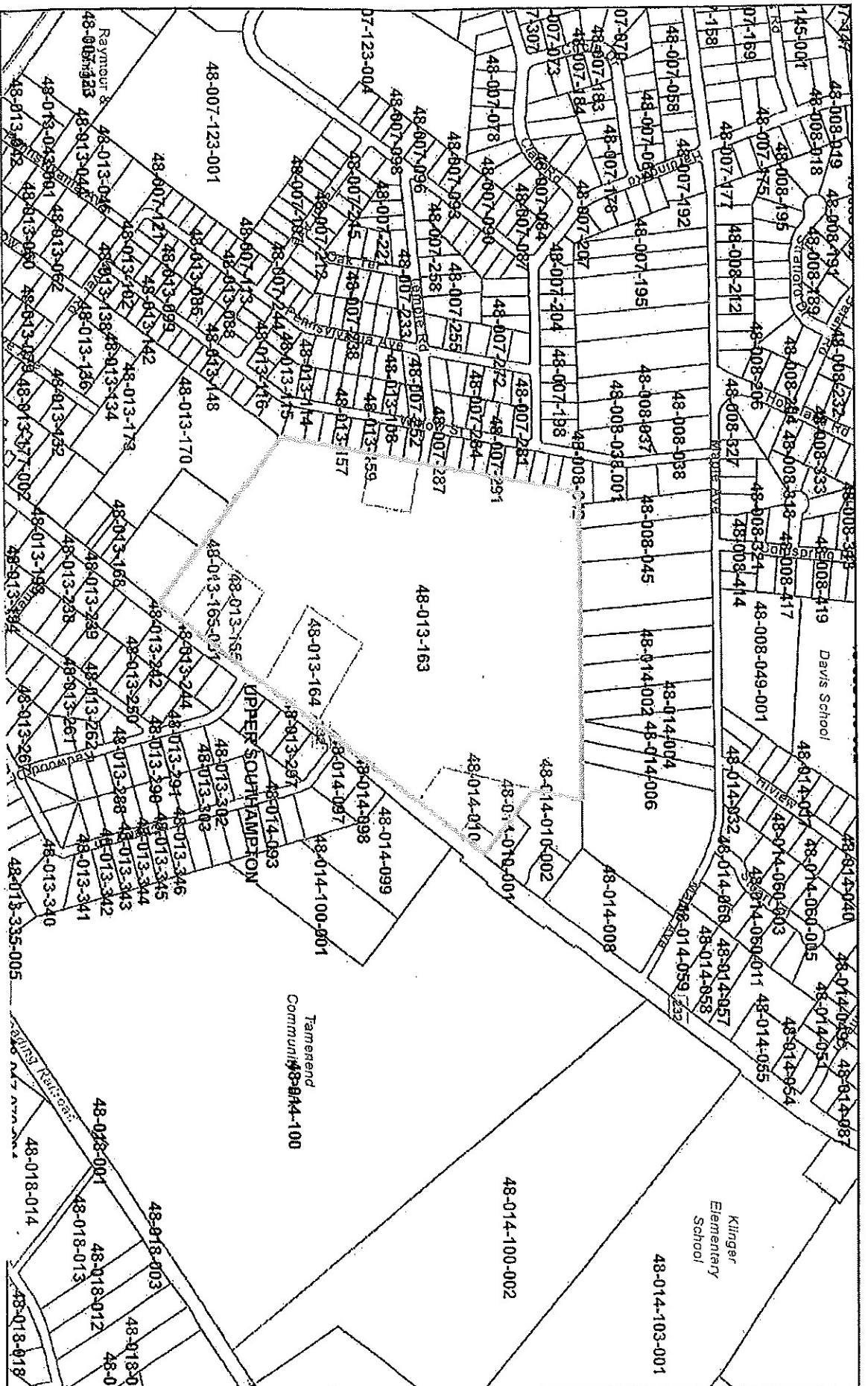


Stephen A. Wallin, Secretary/Treasurer

By: 

Thomas A. McCullough, Chairperson

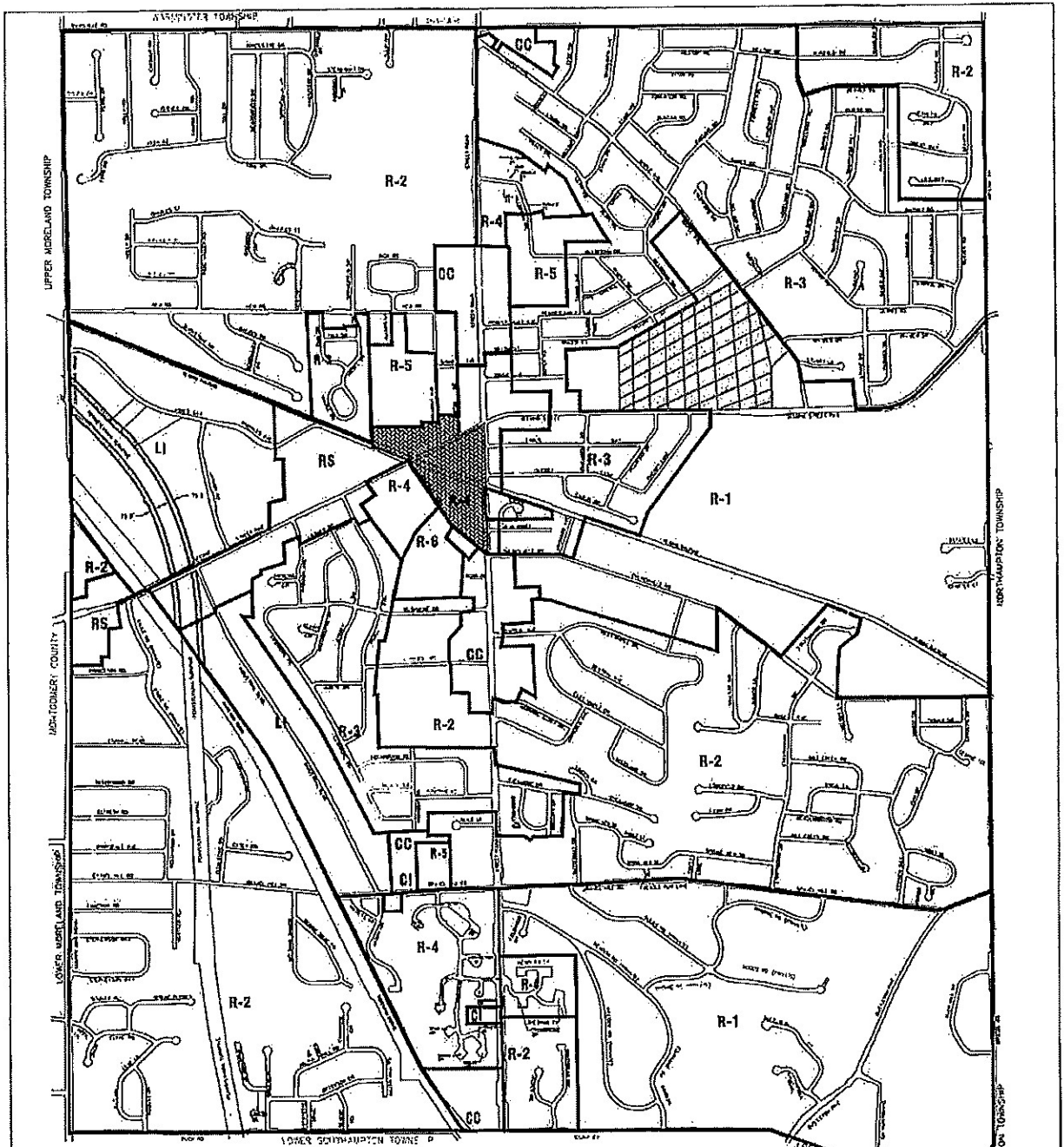
EXHIBIT A



PROPOSED NEIGHBORHOOD ACTIVE ADULT OVERLAY DISTRICT

PARCELS: 48-013-166, 48-013-165-001, 48-013-165, 48-013-163-001, 48-013-163, 48-013-164,

48-014-011, 48-014-010



STATE ROADS
 100' Right of Way
 150' Right of Way
 200' Right of Way
 300' Right of Way
 400' Right of Way
 600' Right of Way
 800' Right of Way
 1000' Right of Way
 1500' Right of Way
 2000' Right of Way
 3000' Right of Way
 4000' Right of Way
 6000' Right of Way
 8000' Right of Way
 10000' Right of Way

ZONING AND STREET MAP OF UPPER SOUTHAMPTON TOWNSHIP BUCKS COUNTY, PA.

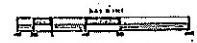
Proposed NAA-Neighborhood Active Adult Overlay District

0248 - 100' R/W DISTRICT
 0249 - 150' R/W DISTRICT
 0250 - 200' R/W DISTRICT
 0251 - 300' R/W DISTRICT
 0252 - 400' R/W DISTRICT
 0253 - 600' R/W DISTRICT
 0254 - 800' R/W DISTRICT
 0255 - 1000' R/W DISTRICT
 0256 - 1500' R/W DISTRICT
 0257 - 2000' R/W DISTRICT
 0258 - 3000' R/W DISTRICT
 0259 - 4000' R/W DISTRICT
 0260 - 6000' R/W DISTRICT
 0261 - 8000' R/W DISTRICT
 0262 - 10000' R/W DISTRICT



Adult Overlay District

STATE PRINTERS & LAND SURVEYORS, INC.
 100 WEST STREET, SUITE 200, PHILADELPHIA, PENNSYLVANIA 19106
 PHONE (215) 592-1234 FAX (215) 592-1234



DATE	BY	REVISION



The Almshouse Neshaminy Manor Center 1260 Almshouse Road
Doyiestown, Pennsylvania 18901 215.345.3400 FAX 215.345.3886
E-mail: planningcommission@buckscounty.org

PLANNING COMMISSION:
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Richard Donovan, *Vice Chairman*
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Walter S. Wydro

Evan J. Stone
Executive Director

MEMORANDUM

To: Upper Southampton Township Board of Supervisors
Upper Southampton Township Planning Commission

From: Bucks County Planning Commission

Date: December 7, 2022

Subject: BCPC #48-22-2
Proposal to Amend the Zoning Map and Zoning Ordinance—Neighborhood Active Adult Overlay District
TMPs #48-13-163, -163-1, and -164
Owners: Bethany Bible and Missionary Center and Upper Southampton Township Municipal Authority
Applicant: Upper Southampton Township Board of Supervisors
Date Received: November 10, 2022
Hearing Date: Not specified

In accordance with the provisions of Sections 304 and 609 of the Pennsylvania Municipalities Planning Code, this proposal was sent to the Bucks County Planning Commission for review. The following review has been prepared by the staff and endorsed by the Bucks County Planning Commission at a meeting held on December 7, 2022

GENERAL INFORMATION

Proposed Action: Amend the township zoning ordinance and zoning map. Amend the zoning ordinance to add the Neighborhood Active Adult Overlay District (NAA). Amend the township zoning map to add the NAA Neighborhood Active District as an overlay zoning district on TMPs #48-13-163, 48-13-163-1, and 48-13-164. The Bucks County Planning Commission previously reviewed and commented on a sketch plan for the site (BCPC #12721, dated March 14, 2022).

Location and Size of Tract: Northwestern side of Second Street Pike at Cherry Lane. The site consists of three tax parcels (#48-13-163, 48-13-163-1, and 48-13-164) totaling 39.987 acres.

Proposed Zoning Provisions:

- A. The proposed zoning district will overlay three tax parcels along Second Street Pike currently zoned R-1 Residential Conservation District. The proposed overlay district will be the NAA Neighborhood Active Adult Overlay.



- B. The NAA Neighborhood Active Adult Overlay District will permit the development of an age-restricted, 55 and older community, on a site area of 30 acres or more, with minimum frontage of 500 feet, maximum density of 3.5 dwelling units per acre, minimum open space requirement of 40 percent, maximum impervious surface ratio of 40 percent, and a minimum setback of 40 feet.

Townhouses will be permitted on a minimum lot area of 3,200 square-feet, minimum lot width of 28 feet, minimum setback of 27 feet from the from the curb line of internal roads, maximum of six dwellings per building, and maximum impervious surface ratio of 85 percent.

Existing Zoning Provisions:

- A. The R-1 Residential Conservation District is a low-density zoning district with the purpose of preserving natural resources and scenic areas.
- B. The R-1 district permits detached dwelling units on 1-acre lots, at a maximum density of 0.85 dwelling units per acre, minimum open space of 10 percent, and maximum impervious surface ratio of 14 percent.

There are also options for cluster development and environmentally sensitive cluster development in the R-1 district by special exception. The cluster development option requires a minimum 10-acre site area and permits single family dwellings on a minimum lot size of 20,000 square-feet, maximum density of 1.2 dwelling units per acre, maximum open space ratio of 25 percent, and maximum impervious ratio of 19 percent.

The environmentally sensitive cluster development option requires a minimum 30-acre site area (which may not contain any environmentally sensitive areas), minimum site open space area of 50 percent and maximum site impervious surface ratio of 12 percent. Single family dwellings are permitted on a minimum lot size of 9,000 square feet. Maximum density is 1.25 dwelling units per acre, minimum lot open space requirement is 25 percent, and maximum lot impervious surface ratio is 30 percent.

COMMENTS

We recommend that the board of supervisors consider the following in addressing the proposal to rezone TMPs #48-13-163, 48-13-163-1, and 48-13-164 from R-1 Residential Conservation District to NAA Neighborhood Active Adult Overlay District:

A. Zoning Map Change

1. **Comprehensive Plan**—The *Upper Southampton Township Comprehensive Plan (2010)* designates the site on the future land use map for residential conservation. The proposed zoning map amendment is not consistent with the comprehensive plan. Section 603.(j) of the Pennsylvania Municipalities Planning Code requires that the zoning ordinance be generally consistent with the comprehensive plan. The township should amend the future land use map of the comprehensive plan if the proposal for the zoning map change is adopted.
2. **Surrounding land use and zoning**—The permitted land uses in the proposed NAA Neighborhood Active Adult Overlay District are generally compatible with the surrounding land uses and zoning districts.

3. **Location of proposed district**—The proposed NAA Neighborhood Active Overlay district includes one site encompassing three parcels. The township may want to consider expanding where the overlay can be applied. There may be other parcels that could benefit from the provisions of the overlay. We also recommend lowering the minimum site area to allow the proposed overlay to be used for more areas of the township.

B. Zoning Amendment

Clubhouse and amenities—Since the proposed overlay is for active adults, age 55 and older, we recommend adding a provision to the zoning amendment that allows for a clubhouse and other amenities. Amenities may include both indoor and outdoor facilities for active and passive recreation.

We would appreciate being notified of the board of supervisors' decision regarding this matter. If the amendment is adopted, please send a copy within 30 days as required by Section 609.(g) of the Pennsylvania Municipalities Planning Code.

DGK:emh

cc: John A. Torrente, Esq. Begley, Carlin & Mandio, LLP (via email)
Donald E. Williams, Upper Southampton Township Manager (via email)
Mark Sarson, Upper Southampton Township, Assistant to the Township Manager (via email)

PERTINENT INFORMATION

Site Characteristics, Natural Features: Scattered buildings, parking areas, driveways, open areas; a stream, wetlands, trees, and woodlands.

Existing Land Use: Institutional, municipal utility

Surrounding Land Use:

North: Residential single-family
East: Residential single-family, wooded vacant, recreational
South: Residential single-family, recreational
West: Residential single-family

Surrounding Zoning:

North: R-1 Residential Conservation
East: R-1 Residential Conservation
South: R-3 Moderate Density Residential
West: R-3 Moderate Density Residential

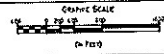
Municipal Comprehensive Plan: The municipal comprehensive plan does not make any specific recommendations for the site area. However, the proposed zoning map change and ordinance amendment does not appear to be consistent with the *Upper Southampton Township Comprehensive Plan, 2010* which designates the site on the future land use map for residential conservation.

UPPER SOUTHAMPTON
COMPREHENSIVE PLAN UPDATE
**FUTURE LAND USE
PLAN MAP**



- LEGEND**
- MUNICIPAL BOUNDARY
 - LOCAL STREET
- ZONING**
- R-1 - RESIDENTIAL CONSERVATION DISTRICT
 - R-2 - LOW DENSITY RESIDENTIAL
 - R-3 - MODERATE DENSITY RESIDENTIAL
 - R-4 - MODERATELY HIGH DENSITY RESIDENTIAL
 - R-5 - HIGH DENSITY RESIDENTIAL
 - R-6 - HIGHEST DENSITY RESIDENTIAL
 - RS - RETAIL SERVICE
 - CI - CAMPUS INDUSTRIAL
 - CC - CONTROLLED COMMERCIAL
 - LI - LIMITED INDUSTRIAL
 - OPAS - OFF-PREMISES ADVERTISING SIGN DISTRICT (OVERLAY ZONING DISTRICT, ORD. #361)
 - RENTALIZATION OVERLAY ZONING AREAS
 - POTENTIAL HOUSING DEVELOPMENT AREAS
 - POTENTIAL TURNPIKE EXIT AREA
 - NON-CONFORMING LAND USES

NOTES:
FOR THE SEPTA R8 CORRIDOR, A POTENTIAL RAILS TO TRAILS FEATURE FOR PRIORITY PRESERVATION AREAS, SUCH AS THE 100-YEAR FLOOD PLAIN, WETLANDS, AND FARMLANDS, SEE MAPS 4-2.A, AND 5-4.A



SOURCE: USHT ENGR TRI-STATE

