

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 <sup>3</sup>	.40	-. <sup>4</sup>	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 <sup>19</sup>	Minimum of 30 acres	-. <sup>20</sup>	-	-	-	-	29/2 <sup>21</sup>	-	.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.

<sup>3</sup> 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.

<sup>4</sup> Individual lots are not required.

<sup>19</sup> 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).

<sup>20</sup> Individual lots are not required

<sup>21</sup> 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 \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the Board of Supervisors of Upper Southampton Township in a public session duly assembled.

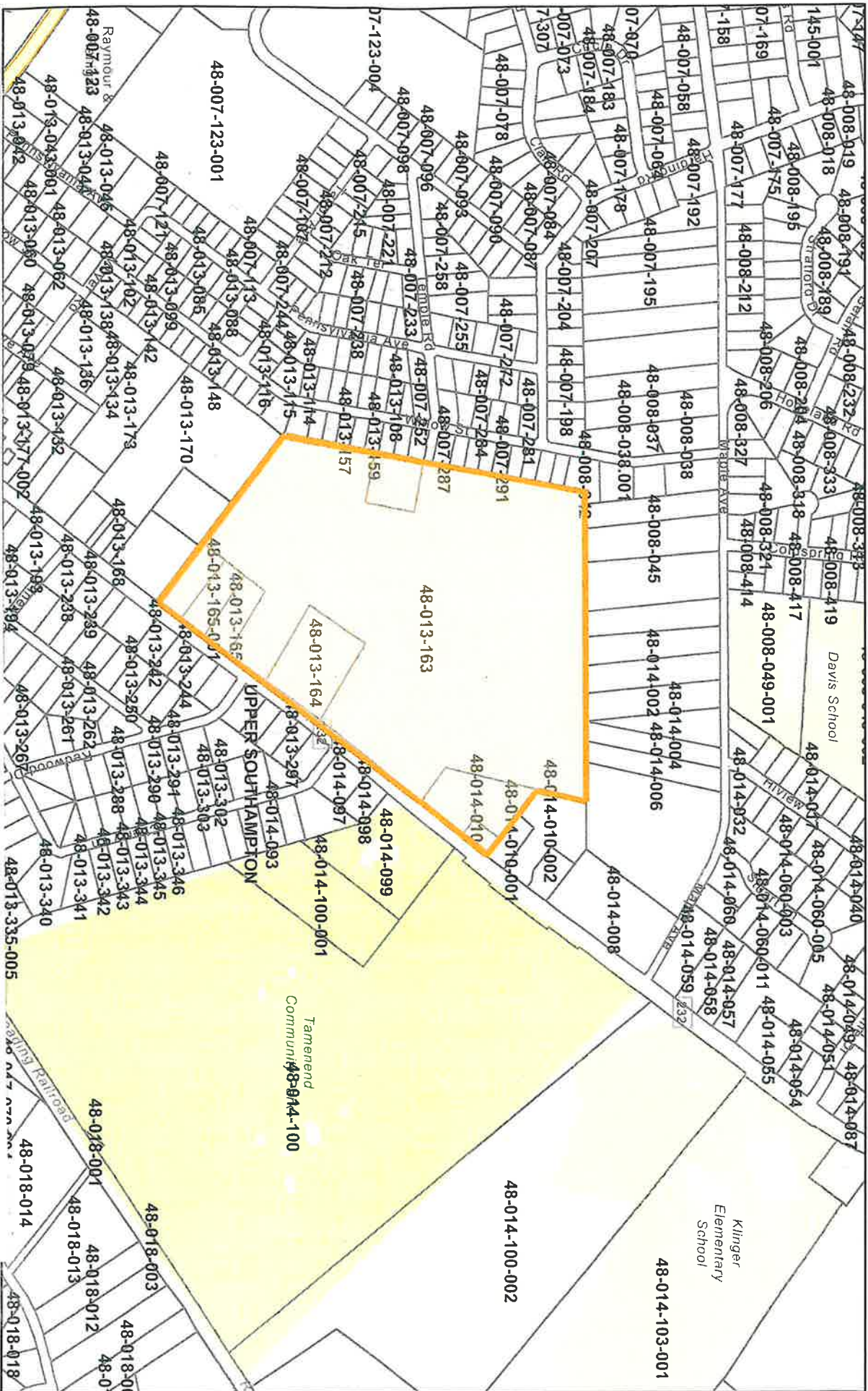
ATTEST:

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

\_\_\_\_\_  
Stephen A. Wallin, Secretary/Treasurer

By: \_\_\_\_\_  
Thomas A. McCullough, Chairperson

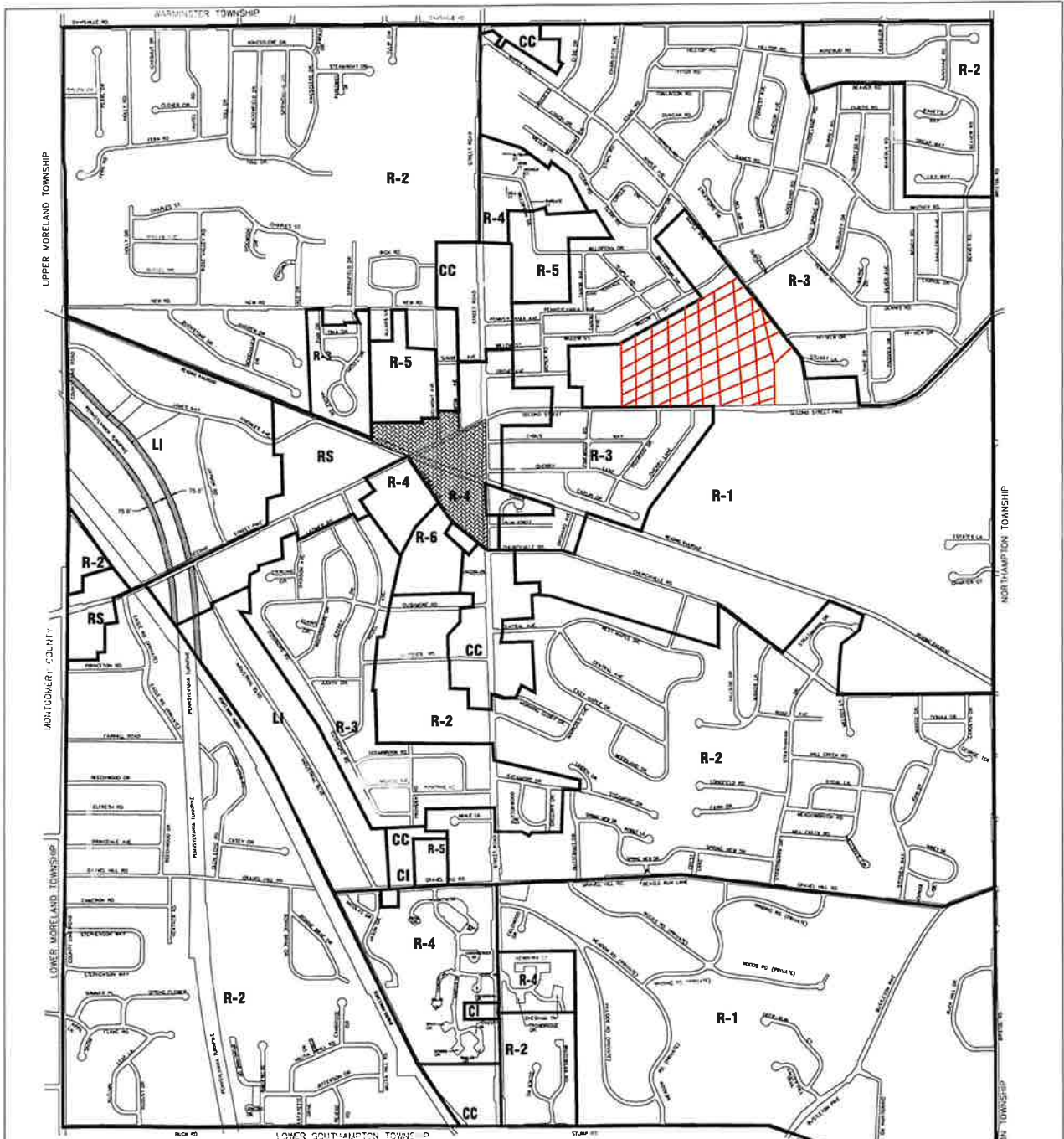
# EXHIBIT A



## 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  
 ROUTE 62  
 ROUTE 100  
 ROUTE 113

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

**Proposed NAA-Neighborhood Active Adult Overlay District**

OPAS OFF-PARKS ADVERTISING SIGN DISTRICT (OVERLAY ZONING DISTRICT, ORD. #381)

TCAA TOWN CENTER ACTIVE ADULT DISTRICT (OVERLAY ZONING DISTRICT, ORD. #318)



TRI-STATE ENGINEERS & LAND SURVEYORS, INC.  
 80 WEST STREET ROAD, FEATHERVILLE, PENNSYLVANIA 19023  
 PHONE (610) 557-5950 FAX (610) 557-9858



DATE	DESCRIPTION