

CHAPTER 7

PROTECTION POLICIES AND METHODS

“A society is defined not only by what it creates, but by what it refuses to destroy.”

—John Sawhill, former president and CEO of The Nature Conservancy

Alternative Open Space Protection Methods

Whitemarsh Township is at a crossroads between increasing development and retaining the rural character that has dominated much of its history. The current economic climate makes outright purchase, and in some cases purchase of easements, extremely difficult due to the cost of land. However, there are still opportunities for acquisition.

The township should explore alternative methods to preserve open space that do not require financial resources. To help ensure the long-term improvement, updating and creation of new open space, park and recreation amenities within the Township, the following open space preservation techniques, which are used today, should be pursued whenever possible.

Open Space Preservation Through Development Proposals

Whitemarsh Township has open space preservation regulations for some types of development and in certain zoning districts. The following regulations apply to development proposals within the Township.

Zoning Ordinance

There are many undeveloped land holdings within the Township that have the potential to add a significant amount of new housing. The land development process, dictated through the Township’s current Zoning Ordinance and Subdivision and Land Development Ordinance, requires certain open space amenities (see below) to be provided or significant natural features to be protected. Open space set asides will be increased once the Growing Greener Ordinance is approved.

1. Article V, Section §116-38 - Planned Cluster Developments in the AAA and AAAA Zoning Districts. In these two districts, a Planned Cluster Development is permitted, by conditional use, and required to set aside 40% of the tract as open space for parks, woodlands, conservation, common use or other open space purposes such as preservation of natural features or historical areas.

2. Article XII, Section §116-66 - Apartment House Districts LR and HR allow for playgrounds, parks, tot lots and open space by right (116-66).

3. Article XIV, Section §116-89- In MHP Mobile Home Park Districts, at least 20% of the site area must be common open space (116-89).

4. Article XX, Section §116-144 - In LIM and LIM-X Limited Industrial Districts, age-restricted apartment buildings and condominiums are allowed by right. Such sites must have at least 50% common open space.

5. Article XXII - Floodplain Conservation District. The Conservation District is an overlay that includes

CHAPTER 7 · PROTECTION POLICIES AND METHODS

the areas adjoining any watercourse, drainage course or body of water subject to periodic inundation or overflow. Within this district, no structure or land may be used, and no structure may be located, relocated, reconstructed, enlarged or structurally altered except as permitted in full compliance with the district regulations.

6. Article XXIII - Steep Slope Overlay. This overlay regulates the amount of disturbance which is permitted on areas with a steep slope ratio of 15% or more.

7. Article XXXV - Riparian Corridor Conservation District (RCCD). The RCCD is an overlay district that requires minimum setbacks from perennial streams, intermittent streams and wetlands or other water bodies. In the overlay areas, clearing of existing vegetation, except as necessary for a permitted use, is prohibited. Additional prohibited activities include the storage of hazardous or noxious material, construction of roads or driveways, except as permitted for crossings, motor or wheeled-vehicle traffic in any area not designed to accommodate such uses, parking lots, any permanent structure, subsurface sewage disposal areas, sod farming and storm water basins. This overlay further requires the reestablishment of forest cover and woodland habitat and mitigation measures for crossings or other encroachments.

8. Article XXXVI Conservation Design Overlay District - As part of the pending Growing Greener Ordinance, the overlay district provides a means to conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands, by setting them aside from development. The overlay district designates portions of each tract within the

overlay as greenway lands, which can be used only for conservation and/or open space purposes, such as pastureland, forestry, common open space, or active recreation areas. Applicable tracts within the overlay district are given use options which provide varying degrees of open space preservation based upon calculations provided in the ordinance.

Acquire Agricultural, Conservation or Recreation Easements on Tracts of Land

Though not technically acquiring land, purchasing an agricultural, conservation or recreation easement provides a financial benefit to the landowner and allows continued ownership of the property. It also reduces the tax burden on the property owner.

If a municipality is interested in permanently preserving a significant natural area, buying a conservation easement on the property is one way to preserve the land at a fraction of the cost

of purchasing the property outright. A conservation easement should be used in situations when a tract of land is a priority for preservation and is too expensive to purchase. It can also be beneficial when a landowner wishes to permanently preserve a significant tract of land but wishes to retain ownership of the land.

A recreation easement is most likely to occur within the Township in the form of a trail or footpath easement. The Township should consider the applications in which a recreation easement may or may not be necessary to create the trails, footpaths, or other recreation-oriented elements.

"Should we allow environmental deterioration to continue, man's fate may be worse than extinction"

—Ron S. Boster