

Appendix A: Riverfront Development District (RDD)

DRAFT

ARTICLE XXXVII. Riverfront Development District (RDD)

[Added 12-13-2007 by Ord. No. 845]

§ 116-278. Legislative intent.

The legislative intent of this article with respect to the Riverfront Development District (RDD) is to recognize the unique character and natural resources of the Schuylkill Riverfront and to preserve and enhance the public's access to the area. It is further the intent to establish reasonable standards for the height and size of buildings, the areas and dimensions of yards and open spaces, the provision of facilities to minimize traffic congestion, noise, glare and pollution so as to lessen the danger to the public safety and surrounding building values from traffic congestion, overcrowding of land and inadequate transportation and to establish reasonable standards for the riverfront area. It is further the intent of the RDD to:

- A. Allow mixed use development and redevelopment with a distinction between the area that is riverfront and the supporting area beyond (to be known as the "RDD-1 and RDD-2 Subdistricts" respectively).
- B. Provide a uniformity of design and orderly arrangement of buildings, land uses and parking areas.
- C. Acknowledge the unique character of both the area along the riverfront and the area immediately beyond the riverfront.
- D. Recognize the proximity of the rail station and the need for transit-oriented development and redevelopment.
- E. Ensure greater public access to the riverfront and provide for a greenbelt along the river.
- F. Implement the Comprehensive Plan.
- G. Implement transfer of development rights as a tool to promote development and redevelopment while conserving land in other areas of the Township.
- H. Promote redevelopment to correct inadequate street patterns and access, abandoned industrial buildings that are obsolete in terms of economic feasibility, or are incompatible with surrounding uses, in order to allow better use of the waterfront properties.

§ 116-279. Application.

- A. Areas where the RDD-1 and RDD-2 subdistricts apply are shown on the Zoning Map of Whitemarsh Township.
- B. The RDD shall be deemed to be an overlay on the area designated on the Zoning Map of Whitemarsh Township.

(1) In those areas of Whitemarsh Township where the RDD applies, the requirements of the RDD shall be additive to the requirements of the underlying zoning district(s) and in the event of a conflict, take precedence over the underlying zoning district(s).

(2) Should the RDD boundaries be revised as a result of legislative or administrative actions or judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zoning district(s) without consideration of this article.

(3) If a structure is otherwise permitted by virtue of the requirements of the RDD, relief from the Zoning Hearing Board from the provisions of Article [XXXV](#), Riparian Corridor Conservation District, shall not be required, provided approval is recommended to the Board of Supervisors by the Township Engineer.

§ 116-280. Use regulations.

A. Residential uses.

- (1) Single-family detached.
- (2) Single-family attached.
- (3) Multifamily.

B. Commercial uses.

- (1) Retail (with a maximum floor area limit for any individual use of 30,000 square feet).
- (2) Office.
- (3) Restaurant, including outdoor dining and take-out service.
- (4) Bank or other financial institution.
- (5) Child or adult day-care center.
- (6) Parking structure, provided that a freestanding parking structure is considered a building for purposes of computation of building coverage and all other dimensional requirements of this district.
- (7) Clubhouse facility as part of a residential development.
- (8) Mixed use including any permitted use in the appropriate RDD-1 or RDD-2 Subdistrict.

C. Public/semi-public uses.

- (1) Municipal facility.
- (2) Firehouse or ambulance station, which may include a supporting social club building or facility.

D. Any use of the same general character as any of the uses above is permitted when authorized as a conditional use, provided that:

- (1) The applicant can demonstrate that traffic and other impacts are similar to those of permitted uses.

E. Conditional uses.

(1) More intensive development pursuant to § [116-281A\(7\)\(d\)](#) herein.

F. Additional conditional uses permitted in the RDD-1 Subdistrict (Riverfront Area):

- (1) Hotel, including meeting room facilities when ancillary and subordinate to the hotel.
- (2) Recreational open space, boat club/boathouse, river-oriented recreation and marina.
- (3) Community center or library.
- (4) Cultural center or museum.
- (5) School, public or private, primary or secondary.
- (6) Fitness center, health club, or racquet club.
- (7) Theater.
- (8) Places of worship.
- (9) Public/private utilities including telecommunication facilities, satellite antennas and similar equipment on proposed buildings and structures.

G. Drive-in or drive-through uses are specifically prohibited in the RDD-1 and RDD-2 Subdistricts.

H. In the RDD-1 Subdistrict, a minimum of 2% of the footprint area of a residential development must contain a permitted nonresidential use(s); provided, however, that such area shall not be less than 2,000 square feet.

§ 116-281. Dimensional requirements.

A. RDD-1 Subdistrict.

- (1) Minimum lot area: three acres
- (2) Minimum width at building setback line: 200 feet.
- (3) Minimum building setbacks:
 - (a) Perimeter: From all property lines, 20 feet for up to four habitable stories above the floodplain; any portion of the building above four habitable stories must be setback a minimum of 30 feet; any portion of the building above six habitable stories must be setback a minimum of 35 feet. The minimum setback from the ultimate right-of-way of abutting streets shall be 10 feet with an average of 20 feet. For a building with greater than six habitable stories, the minimum setback from the ultimate right-of-way of abutting streets shall be 15 feet with an average of 25.

(b) From other unattached buildings on the same site, the minimum setback shall be 40 feet, so long as the average setback is equal to the height of the taller building, up to a maximum of 70 feet.

[Amended 8-14-2008 by Ord. No. 857]

(c) From public trails, buildings shall be set back 10 feet.

(d) In the event that a property abuts a utility or railroad, the setback from any utility or railroad right-of-way shall be 10 feet.

(4) Minimum parking setback: 15 feet from all property lines.

(5) Building coverage: maximum of 40% of the total lot area, unless an integrated parking structure is utilized, in which case the building coverage may be increased as long as overall impervious coverage requirements are met. A freestanding parking structure is considered a building for purposes of computation of building coverage.

(6) Density: Residential density shall not exceed 30 dwelling units per gross acre, except as otherwise provided in § [116-281A\(7\)\(d\)](#), below.

(7) Building height.

(a) Maximum building height is four habitable stories above the floodplain except in the case of single-family houses which shall be a maximum of three habitable stories above the floodplain. The number of stories of an attached parking garage is not regulated as long as it does not exceed the height of the lowest building to which it is attached. In addition, no portion of the parking garage shall be visible from the riverfront access and open space as required by § [116-284](#) herein.

(b) A freestanding parking structure shall not exceed a height of 60 feet.

(c) One hundred percent of a building, other than a freestanding parking structure, shall be permitted to be constructed to the maximum habitable stories above the floodplain as long as no more than 75% of the footprint is at one height with the remainder being at least one story lower. This requirement applies to any building of four stories or higher.

(d) For buildings other than freestanding parking structures, residential density may be increased to 50 dwelling units per gross acre and building height may be increased to a maximum of six habitable stories above the floodplain, as a conditional use, provided the following conditions are met:

[1] A right-of-way of at least 25 feet in width is provided to the Township perpendicular to the Schuylkill River to provide public access to the river in accordance with § [116-284D](#).

[2] A red shale macadam area of at least 10 feet in width shall be provided within the right-of-way.

[3] Building height shall be varied to allow vistas to the river in accordance with § [116-281A\(7\)\(c\)](#) herein.

[4] The building includes more than one level of structured parking above grade and no more than 10% of the parking shall be surface parking.

[5] At least 75% of the building is residential.

[6] A minimum of 5% of the parking spaces provided are designated for public use.

[7] At least one of the public amenity(ies) is provided in accordance with § [116-283B](#) herein.

(e) Notwithstanding the provisions of § [116-32B](#), a parapet wall, cornice or similar projection of sufficient height to screen mechanical equipment on the roof of a building (as seen from the ground) shall be provided but may be excluded in the calculation of height, provided that it shall be no higher than 12 feet.

(8) Impervious ground cover: 75% maximum of the total lot area if the maximum building height is four habitable stories above the floodplain or less. If the maximum building height is greater than four habitable stories above the floodplain, the maximum impervious cover shall be 65%.

(9) Building and impervious coverage are calculated on the area of the tract, excluding the area of riverfront open space along riverfront parcels, in accordance with the requirements of § [116-284A](#), [B](#), or [C](#), whichever is applicable.

B. RDD-2 Subdistrict.

(1) Each single-family detached dwelling shall be subject to the following minimum area, width and yard requirements and maximum height, building coverage, and impervious ground cover requirements:

(a) Minimum lot area: 6,000 square feet.

(b) Minimum width at building setback line: 40 feet.

(c) Minimum front yard: 20 feet.

(d) Minimum side yard: 10 feet.

(e) Rear yard: 30 feet.

(f) Maximum height: 35 feet for the principal building and 20 feet, not exceeding one story, for an accessory building.

(g) Maximum building coverage: 25% of the total lot area.

(h) Maximum impervious ground cover: 40% of the total lot area.

(2) Each attached single-family dwelling unit shall be subject to the following minimum area, width and yard requirements and maximum height, building coverage, and impervious ground cover requirements:

(a) Minimum lot area: 2,200 square feet.

- (b) Minimum width at building setback line: 20 feet.
- (c) Minimum front yard: none required.
- (d) Minimum side yard, where they occur: 15 feet.
- (e) Minimum rear yard: 30 feet minimum. Accessory buildings may be situated in the rear yard, but not any closer than five feet from a side lot line.
- (f) Fences and walls. No fence or wall over six feet in height, except a retaining wall or a wall of a building permitted under the terms of this chapter, shall be erected within three feet of the rear lot line of any single-family attached residential lot. In instances where the side lot line does not pass through a common wall, no such fence or wall shall be erected within three feet of said side lot line.
- (g) Maximum height: 35 feet for the principal building and 20 feet, not exceeding one story, for an accessory building.
- (h) Maximum building coverage: 60% of the total lot area.
- (i) Maximum impervious ground cover: 75% of the total lot area.

(3) Buildings other than single-family detached or attached dwelling units shall be subject to the following minimum area, width and yard requirements and maximum height, building coverage, and impervious ground cover requirements.

- (a) Minimum lot area: 10,000 square feet.
- (b) Minimum width at building setback line: 75 feet.
- (c) Minimum front yard: none required.
- (d) Minimum side yard: 15 feet.
- (e) Minimum rear yard: 30 feet.
- (f) Maximum height: three habitable stories above the floodplain with a maximum of 35 feet for the principal building and 20 feet, not exceeding one story, for an accessory building.
- (g) Maximum building coverage: 60% of the total lot area.
- (h) Maximum impervious ground cover: 75% of the total lot area.

§ 116-282. Off-street parking and loading.

A. Parking structures, whether freestanding or integral with other uses in the same building, shall have another permitted first floor use on any portion of the structure visible from any streets, required pathways, or riverfront access or suitable architectural treatment shall be provided. For any parking structures, whether freestanding or integral with other uses in the same building, which contain three or more parking levels, another permitted first floor use on any portion of the structure visible from any streets, required pathways, or riverfront access,

shall be mandatory, if the first floor is out of the floodplain. If the first floor is within the floodplain, suitable architectural treatment shall be provided. Any additional floors of exposed parking structures shall also have suitable architectural treatment. Suitable architectural treatment shall be as defined in Subsections [B](#), [C](#) and [D](#) below and § [116-283A\(2\)](#) and [\(4\)](#) herein.

B. When part of a development with other principal uses, a parking structure must use the dominant exterior materials of the adjoining building and be of a similar vernacular style.

C. Exterior materials utilized for parking structures shall effectively and attractively obscure the view to the interior of all parking decks.

D. Parking structures shall be designed such that sloping circulation bays are internal to the structure and not expressed in the exterior treatment of the parking structure.

E. Required off-street parking facilities shall be in accordance with § [116-184](#), except that 1.75 parking spaces per dwelling unit shall be required for residential uses and residential uses shall not be subject to the overflow parking requirements of Chapter [105](#), Subdivision and Land Development § [105-38W](#). As a conditional use, the total number of parking spaces for all of the uses may be reduced based on the following:

[Amended 8-14-2008 by Ord. No. 857]

(1) In the case of a unified development plan in which there are efficiencies derived by shared parking for uses which have complementary peak demands, the applicant shall submit parking generation data based upon standard methodology (such as that published by the ITE, Institute of Transportation Engineers) sufficient for the Board of Supervisors to determine the appropriate reduction.

(2) In the case of a unified development consisting solely of two or more contiguous uses of the same classification, the Board of Supervisors may permit a reduction of the aggregate amount of required parking based upon a determination that greater efficiency is effected by joint use of a common parking area, but in such case the required number of off-street parking spaces shall not be reduced by more than 25%.

F. Parking may be permitted in the floodplain and riparian corridor in the RDD without relief from the Zoning Hearing Board from the provisions of Article [XXII](#), Floodplain Conservation District, and Article [XXXV](#), Riparian Corridor Conservation District, provided that a parking evacuation plan is provided by the applicant and is approved by the Board of Supervisors.

G. When approved as a conditional use in accordance with § [116-37](#), residential parking structures integrated with other uses in the same building may utilize a parking stall size of nine feet by 18 feet with a minimum drive aisle width of 24 feet.

[Added 8-14-2008 by Ord. No. 857]

§ 116-283. Design standards.

A. Architectural criteria.

(1) Variations in rooflines shall be used to screen HVAC, telecommunications, utility or other similar equipment and to provide interest and reduce the scale of large buildings. Roofs should provide a variety of vertical dimensions. Multiplaned and intersecting rooflines

are encouraged. Flat-roofed designs are discouraged. However, if utilized, then flat roofs shall include architecture/details such as cornices, decorative facings and arches to provide interest to the roofline. Additionally, all roof types should have at least one of the following features:

- (a) Overhanging eaves of at least three feet;
- (b) Sloping roofs with an average slope of between three to one and one to one that do not exceed the average height of the supporting walls; or
- (c) Three or more roof slope planes.

(2) Specific permitted dominant materials. Each development should be of a single, unified architectural style. The exterior building skin shall be composed of one dominant facing material and not more than two additional materials. The dominant material shall comprise 60% or greater of each building elevation, with the exception of any side that is hidden or otherwise cannot be viewed from an abutting street or from the riverfront. The requirements for dominant building materials herein shall also be applicable to freestanding parking structures and parking structures attached to another principal building.

(a) Dominant exterior materials may include:

- [1] Wood (to also include fiber-cement exterior siding with wood texture and finish or equivalent).
- [2] Brick.
- [3] Stone, or stone veneer (cultured stone or equivalent).
- [4] Concrete masonry unit (CMU). CMU is allowed only as split face block or block molded with a textured surface.
- [5] Architectural precast concrete panels.
- [6] Glass, warm and cool tones.
- [7] Stucco and synthetic stucco.

(b) Dominant exterior materials may not include:

- [1] Aluminum siding.
- [2] Vinyl siding.
- [3] Smooth-faced CMU.
- [4] Tilt-up concrete panels.
- [5] Glass, highly reflective/mirrored.

(3) Architectural style of the development shall be designed to avoid the massive scale and uniform impersonal appearances of a big box structure through facade ornamentation,

building offsets, window treatments, variation in rooflines, entry treatments and upgraded building materials. The focus should be on varying the spaces among groups of buildings to avoid creating a walled corridor of long, unbroken rows of buildings along a setback, or a monotonous pattern of buildings across a site. Facades should be divided into increments through the use of architectural features such as bay windows, offsets, recesses and other devices that break or minimize scale. Strong vertical and horizontal reveals, offsets and three-dimensional details between surface planes should be incorporated into building design to create shadow lines and to further break up flat surfaces.

(4) Building facades greater than 100 feet in length, including separate buildings that are attached, shall incorporate one or more architectural features over at least 20% of the length of the facade. There shall be no uninterrupted length of facade that exceeds 100 feet. These requirements shall also be applicable to freestanding parking structures and parking structures attached to another principal building.

(5) Building facades greater than 250 feet in length, including separate buildings that are attached, shall incorporate setbacks of at least 20 feet over at least 50% of the length of the facade. When approved as a conditional use in accordance with § [116-37](#), one building facade of parallel building facades on separate unattached buildings in which both facades are greater than 250 feet in length and no greater than an average of 90 feet apart may be set back 20 feet along 50% of the facade, provided that the other facade contains some compensatory embellishment such as facade ornamentation, window treatments, recesses, height differential or other devices to break or minimize the scale of the facade; and/or where a facade is parallel to a railroad, the twenty-foot setback shall be at least 35% of the length of the facade, with a minimum length of 80 feet. In addition, when said buildings contain only one story, they shall include facades that appear to be two stories in height and have architectural features that complement those of the ground floor. Sixty percent of facades of said buildings which face a street or the riverfront shall be two stories in height or appear to be two stories in height, and all buildings proposed on corner locations shall be or appear to be two stories. When a corner location does not contain a building, a compatible architectural feature shall be provided at the corner and be of a height similar to a two-story facade.

[Amended 8-14-2008 by Ord. No. 857]

(6) All ground-mounted exposed HVAC units or other utility equipment shall be screened from view. This shall be accomplished through the use of masonry walls and landscaping.

(7) All signage shall be in accordance with § [116-286](#) herein and Article [XXVIII](#) of the Zoning Chapter.

[Amended 8-14-2008 by Ord. No. 857]

(8) For commercial or office uses, loading facilities shall be provided through screened delivery courtyards, via underground service corridors, or in a similar fashion which is not visually or functionally obtrusive to patrons using the parking areas. Waste receptacles shall be located in areas convenient for on-site use and accessible for collections. Loading areas and trash enclosures shall be screened from views by the use of masonry walls, landscaping, or similar measure as approved by the Township.

B. Public amenities shall include the following when required in this district:

(1) Restrooms that are available to the public and will be maintained by the property owner.

(2) Boat launches using the most current specifications of the Pennsylvania Fish and Boat Commission. Boat launches shall include a minimum of five parking spaces or be in accordance with § [116-184C\(3\)](#), whichever requires a greater number of spaces. No overnight parking of boats or other recreational vehicles shall be permitted in any development in this district. A minimum of 50% of the required parking spaces must be tandem spaces to allow for the parking of vehicles with boat trailers.

(3) Scenic overlook. Scenic overlook areas shall be ADA accessible, and regularly maintained. They shall be made of durable, permanent materials that meet all ANSI specifications. Scenic overlooks shall be lit and designed so that all public safety and security issues are adequately addressed.

(4) Recreation facilities. If any public recreational facilities are provided, they shall conform to standards set forth by their respective associations (i.e., tennis facilities shall meet United States Tennis Association guidelines). All passive recreation, if surfaced in permanent material, such as asphalt or concrete pathways, shall be ADA compliant.

(5) Public gathering places. All public gathering spaces shall be designed to safely provide pedestrians with ingress and egress, shall be adequately lit, and shall be ADA compliant. Adequate seating and trash receptacles shall be provided.

(6) Sculpture garden. Sculpture gardens shall have ADA compliant access and be adequately lit. All landscaped and hardscaped areas shall be designed so that all public safety and security issues are addressed. There shall be no areas within public gardens where individuals can hide from view. Only sculptures made of durable, permanent material shall be placed in public gardens. If sculpture contains any dangerous or hazardous edges or points, especially around the base, it shall be located a safe distance from the public's reach. Designed elements such as ha-has or barricades, approved by the Township, may be utilized.

(7) Botanical garden. Botanical gardens may not include any species considered invasive to the southern Pennsylvania region. Any pathways or walks provided in the public garden shall be ADA compliant. Species that include nonedible, poisonous fruit, thorns, or prickles shall not be utilized.

(8) Fountain. Construction drawings for all public fountains shall be approved by the Township prior to their installation. Once installed, all fountains must be regularly maintained and meet public health standards.

(9) Similar amenities: a similar amenity when deemed appropriate by the Board of Supervisors. The design of each amenity shall be consistent with the overall design of the development of which it is a part. In addition, uses in the riverfront open space shall be designed in a manner in which they coordinate with nearby facilities along the river, even if these facilities are in adjacent or nearby developments. Durable, attractive materials shall be utilized, with natural colors appropriate to the setting. Use of any bright or deep hues for accent purposes shall only be permitted with the express approval of the Board of Supervisors.

(10) When required, public amenities shall encompass a minimum of 5% of the lot area of a development.

C. Landscaping and screening.

(1) Street trees shall be planted in accordance with § [105-48](#) of the Subdivision and Land Development Ordinance for Whitemarsh Township.

(2) Parking lot landscaping shall be in accordance with § [105-39](#) of the Subdivision and Land Development Ordinance for Whitemarsh Township except that all trees planted shall be a minimum of 2.5 inches caliper.

(a) Parking lots consisting of 20 vehicles or more, shall be screened from view by buildings on the site or by incorporating decorative walls, fences, landscaping, or a combination thereof.

(b) In no case shall tree trunks or shrubs negatively impact required sight triangles, or interfere with the opening of vehicle doors.

(c) Where a freestanding parking structure or an attached parking structure with a façade that is exposed to a public street or that is otherwise visible by the public is constructed, the landscaping required in Chapter [105](#), Subdivision and Land Development, § [105-52B\(2\)](#), Option A(1), shall be utilized to enhance the exterior of the parking structure.

[Amended 8-14-2008 by Ord. No. 857]

(3) Buffer yards shall be landscaped in accordance with § [105-52](#) of the Subdivision and Land Development Ordinance of Whitemarsh Township.

(4) Public amenity landscaping.

(a) Planters and other vessels for containerized landscaping are encouraged, especially at building entrances. All planters shall be safely and securely anchored.

(b) Trees located in plazas, sidewalk areas, courtyards, or other highly traveled areas shall include tree grates and guards and be subject to Township approval.

(5) Lighting fixtures shall be of a style as approved by the Board of Supervisors.

D. Pedestrian-oriented development.

(1) For all developments the following elements shall be included to create a pedestrian oriented development:

(a) Lighting along all street frontages with lighting fixtures to be of a style as approved by the Board of Supervisors.

(b) Benches, trash receptacles, bicycle racks and other street furniture in a style approved by the Board of Supervisors.

(c) Wide sidewalks and other pedestrian amenities, landscaping, shade trees.

(d) A variety of pavement materials for street surfaces and sidewalks.

(e) Planting strips, located between the curb and sidewalk.

§ 116-284. Riverfront access and open space.

A. An area of not less than 150 feet in width, parallel to the river, measured from the mean water elevation of the Rivers of the United States/Pennsylvania, shall be provided along the length of the river on each development site. This area shall be offered for dedication to the Township. If the area is not accepted for dedication, an easement for public use must be provided along with maintenance agreements acceptable to the Township. This area shall include:

- (1) A red shale macadam trail of at least 10 feet in width, the length of the river, to connect to adjoining property trails.
- (2) Seating areas at intervals of not more than 300 feet.
- (3) Landscaping to enhance the trail, which at a minimum shall include trees in a naturalized setting at the rate of one tree per every 50 feet of trail. Other landscape treatments may be utilized if approved by the Township.
- (4) Appropriate lighting fixtures shall be of a style as approved by the Board of Supervisors.
- (5) Street furniture located in the floodway shall be anchored in accordance with the requirements of Article [II](#), Floodplain Regulations, § [42-7](#) of the Building Construction Code.

B. The width of the riverfront area may be reduced to no less than 125 feet, provided at least one public amenity is provided for buildings four stories or less, the suitability of which shall be determined by the Board of Supervisors. If the building is greater than four habitable stories, then one additional public amenity must be provided in addition to the requirements of § [116-281A\(7\)\(d\)](#).

C. The width of the riverfront area may be reduced to no less than 100 feet, provided at least two public amenities are provided for buildings four stories or less, the suitability of which shall be determined by the Board of Supervisors. If the building is greater than four habitable stories, then two additional public amenities must be provided in addition to the requirements of § [116-281A\(7\)\(d\)](#).

D. Public riverfront access is required in accordance with Chapter [105](#), Subdivision and Land Development § [105-47K](#).

E. Other public access. For all parcels with frontage on Hector Street which do not have riverfront access, a connection perpendicular to said street and the Montgomery County Schuylkill River Trail shall be provided. Said right-of-way shall be 15 feet in width and is subject to the following:

- (1) This right-of-way shall not be contained within any road right-of-way.
- (2) The right-of-way shall be offered for dedication to the Township. If the area is not accepted for dedication, an easement for public use must be provided along with maintenance agreements acceptable to the Township.
- (3) A red shale macadam pathway with a minimum of 10 feet in width shall be provided and separated from any vehicular traffic.
- (4) Lighting fixtures shall be installed along the pathway and shall be of a style as approved by the Board of Supervisors.

(5) The access shall contain appropriate signage to direct pedestrians to the Montgomery County Schuylkill River Trail.

§ 116-285. Transfer of development rights option.

A. Intent.

(1) The primary purpose of the transfer of development rights (TDR) section is to permanently preserve open land, agricultural land, sensitive natural areas, and community character that would be lost if the land were developed. In addition, this section is intended to protect property rights by allowing landowners whose land is intended for preservation to transfer their right to develop to other areas of Whitemarsh Township. Specific objectives include:

(a) To effectively achieve the land use planning goals identified in Whitemarsh Township's Comprehensive Plan while preserving existing property rights.

(b) To preserve unique community features in residential districts while creating a more efficient land use pattern and provision of services and infrastructure in areas the municipality proposed for growth.

(c) To promote redevelopment of the riverfront area in the Township.

B. This section is enacted pursuant to the authority granted by § 603(c)(2.2) and 619.1 of the Pennsylvania Municipalities Planning Code, under the terms of which development rights are acknowledged to be severable and separately conveyable from a sending area to a receiving area. Compliance with the provisions of this chapter shall be prerequisites to the use of the transfer of development rights option.

C. Establishment of sending and receiving districts.

(1) Any zoning district, including but not limited to the RDD-1 Subdistrict, may qualify as a sending district for the purposes of the TDR program.

(2) The number of development rights which may be sold shall be computed using the methodology prescribed in this chapter.

(3) The RDD-1 Subdistrict described herein shall be the receiving district for the purposes of the transfer of development rights program.

D. Calculation of transfer development rights.

(1) The total number of development rights available to be severed from a sending area tract shall be determined by multiplying the gross tract area, minus a percentage of any constrained lands as required in Subsection [D\(4\)](#) below, by 0.51, subtracting from such product the number of retained development rights. Products resulting in fractions may be rounded to the nearest whole number; fractions of 1/2 may be rounded up.

(2) Development rights previously severed or land previously restricted from development by covenant, easement or deed restriction shall not be eligible for severance or transfer under this chapter and shall be subtracted from any applicable calculation of transferable development rights to the extent of the restriction(s) in force unless and until such time as

said covenant, restriction or easement is dissolved or rescinded with agreement of all beneficiaries of such covenant, restriction or easement.

(3) Any sending area tract shall retain at least one development right, unless the tract is joined in a single deed with an adjacent tract or tracts with retained or remaining development right(s). All remaining development rights may be severed from the tract.

(4) Constrained lands.

(a) When calculating eligible development rights for the sending area, a reduction of 50% in development rights shall be made for any portion of that area consisting of the following constrained lands:

[1] Any area within the Floodplain District.

[2] Any area comprising wetlands under the jurisdiction of the United States Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection.

[3] Any area of steep slope, as defined herein and where the ratio of the change in elevation over the horizontal distance as measured between consecutive two-foot contour intervals exceed 15%.

(b) For the purpose of development right determination, areas of constrained lands identified in Subsection [D\(4\)\(a\)\[1\]](#), [\[2\]](#), and [\[3\]](#) above may be determined by an applicant or landowner utilizing current Township mapping, Montgomery County Soils Survey maps, and National Wetlands Inventory information, unless more accurate site data is available and found acceptable to the Township.

E. Right to transfer development rights.

(1) Each transferor shall have the right to sever all or a portion of the rights to develop from the parcel in a sending district and to sell, trade, or barter all or a portion of those rights to a transferee consistent with the purposes above.

(2) The transferee may retire the rights, resell them, or apply them to property in a receiving district in order to obtain approval for development at a density or intensity of use greater than would otherwise be allowed on the land, up to the maximum permitted in Subsection [E\(3\)](#) below.

(3) Development rights may be utilized by the transferee to increase the allowable residential density of a receiving parcel above the applicable base or conditional limits in § [116-281A\(6\)](#) and [\(7\)\(d\)](#). Acquisition of one development right shall entitle the receiving parcel to an increase of five residential dwelling units over the applicable base density of 30 dwelling units per gross acre or conditional use density of 50 dwelling units per gross acre. In no event shall the use of transfer development rights result in an increase in the base or conditional use density by greater than 10 dwelling units per gross acre. For each 10 development rights purchased, there shall be a corresponding decrease in the required park and recreation obligation in accordance with the following:

TDRs Purchased	Land To Be Dedicated	Fee-In-Lieu (residential)	Fee-In-Lieu (nonresidential)
---------------------------	---------------------------------	--------------------------------------	---

TDRs Purchased	Land To Be Dedicated	Fee-In-Lieu (residential)	Fee-In-Lieu (nonresidential)
10 to 19	8%	\$800.00	\$0.40
20 to 29	6%	\$600.00	\$0.30
30 to 39	4%	\$400.00	\$0.20
40 to 49	2%	\$200.00	\$0.10
50 or more	0%	\$0.00	\$0.00

(4) Any transfer of development rights pursuant to this article authorizes only an increase in density and shall not alter or waive the development standards of the receiving district, including standards for floodplains, wetlands, and other environmentally sensitive areas, nor shall it allow a use otherwise prohibited in a receiving district.

F. Covenant restrictions. Except for retained development rights (not to be severed), if any, the sending tract must be permanently restricted from future development by a declaration of restriction of development or other restrictive covenant which meets the following requirements:

(1) Except where any retained development rights are specified, the restrictive covenant shall permanently restrict the entire sending tract from future development of any nonagricultural uses, except for public park land, conservation areas, municipal facilities and similar uses. Where development rights will be severed from less than an entire parcel, the portion of the parcel from which the development rights are transferred shall be clearly identified on a plan of the entire parcel, drawn to scale, the accuracy of which shall be satisfactory to the Township. Such plan shall also include a notation of the number of development rights applicable to the entire parcel, the number of development rights applicable to the identified portion of the parcel from which the development rights are to be severed, and the number of development rights which remain available to the remaining portion of the parcel. This plan shall be a part of the restrictive covenant and shall be recorded.

(2) The restrictive covenant shall be approved by the Board of Supervisors of the Township, in consultation with the Township Solicitor. Final plan approval of any subdivision or land development plan proposing the severance or use of TDRs, and endorsement of any deed of transferable development rights, will be contingent upon the recording of the restrictive covenant at the Montgomery County Recorder of Deeds.

(3) The restrictive covenant shall designate the Township, and/or a bona fide conservation organization acceptable to the Township at its sole discretion, as the beneficiary/grantee, but shall also designate both all future owners of all or a portion of the sending parcel, and all future owners of any portion of the receiving parcel as having separate and independent enforcement rights with respect to the restrictive covenants.

(4) The restrictive covenant shall apply to the tract of land from which development rights are sold, and shall specify the number of development rights to be transferred as well as any to be retained. No portion of the tract area used to calculate the number of development rights to be transferred shall be used to satisfy minimum yard setbacks or lot

area requirements for any development rights which are to be retained or for any other development.

(5) All owners of the tract from which development rights are severed shall execute the restrictive covenant(s). All lienholders of the tract from which development rights are severed shall execute a joinder and/or consent to the restrictive covenant(s).

(6) Agricultural uses not in keeping with the intent statement of this article may be restricted or denied by the Township.

(7) Should the Township acquire ownership of the sending tract, the land may be used for passive recreation coincidental with municipal purposes that allow for possible municipal uses and continue to promote the conservation of open space and preservation of viewsheds.

G. Plan submittal process.

(1) All applicants for use of transferable development rights shall submit a conditional use application in accordance with the provisions of this Code. In addition, an applicant shall submit a preliminary subdivision and/or land development plan showing development with purchase of development rights; this plan shall meet the requirements of the Township's Subdivision and Land Development Ordinance. *Editor's Note: See Ch. [105](#), Subdivision and Land Development.*

(2) Along with the preliminary plan, an applicant shall submit:

(a) An agreement of sale for all development rights proposed to be purchased from sending area sites.

(b) A note on the plan showing the total number of dwelling units proposed on the site.

(c) A note on the plan showing the total number of dwelling units that could be built on the site when development rights are purchased, the number of dwelling units that can be built without the additional development rights, and the difference between the two. This difference represents the number of additional units that could be constructed on the site.

(d) A note on the plan which shows the proposed number of additional dwelling units and the number of development rights that must be purchased, based on the proposed number of additional dwelling units determined in § [116-285D](#) above.

(e) A plan of all sending sites from which the applicant proposes to purchase development rights. This plan shall show all information needed to determine the number of development rights which may be sold. In addition, the plan shall be accompanied by metes and bounds description of the property(ies), as well as each property's parcel number, owner name, and tax block and unit number. If the applicant is purchasing development rights from a portion of a sending area site, this portion shall be shown on the plan and described with metes and bounds.

(f) In order to receive final plan approval, the applicant must agree to record restrictive covenants for all sending area land whose development rights are being used by the applicant. These restrictive covenants must meet the requirements of § [116-285F](#) above. The restrictive covenant on the sending area land shall be recorded first, followed by the

deed of transfer which transfers the development rights from the sending area landowner to the receiving area landowner.

H. Public acquisition. The Township may purchase development rights and may accept ownership of development rights through transfer by gift. All such development rights may be resold or retired by the Township. Any such purchase or gift shall be accompanied by restrictive covenants as specified above.

I. Amendment and/or extinguishment. The Township reserves the right to amend this article in the future, and the Township expressly reserves the right to change the manner in which the number of development rights shall be calculated for a tract in the sending area and the manner in which development rights can be conveyed. The Township further expressly reserves the right to terminate its transferable development rights program at any time. No owner of the land or owner of development rights shall have any claim against the Township for damages resulting from a change in this article relating to the regulations governing the calculation, transfer and use of development rights or the abolition of the transferable development rights program. If the transferable development rights program is abolished by the Township, no developer may attach development rights to any tract in the receiving area after the effective date of the ordinance abolishing the transferable development rights program unless an application in conformity with the provisions of this article was filed prior to the effective date of such ordinance and thereafter is continuously processed to approval, and, following such approval, a complete subdivision and/or land development application complying such rights is thereafter filed within six months from the date of such approval.

§ 116-286. Signs permitted in RDD Riverfront Development District.

A. General provisions.

- (1) All signs in the RDD Riverfront Development District shall be consistent with the overall design concept for the development and be appropriate to the type of activity to which they pertain.
- (2) Design elements, such as the size, shape, materials, lighting, color, lettering style and the number and arrangement of signs, should present a unified appearance.
- (3) The color of individual commercial or office signage should coordinate with any awnings that are provided.
- (4) Signs anchored in the ground shall not exceed 10 feet in height and shall be of a monument type.
- (5) All signs must be approved by the Board of Supervisors.
- (6) Signs shall be illuminated in accordance with § [116-210](#) with the exception that there shall be no internally illuminated box signs.

B. In the Riverfront Development District, the following signs shall be permitted and no other:

- (1) Any sign which may be permitted in any residential district, provided that the use to which it refers is permitted in the RDD Riverfront Development District.
- (2) Along each street frontage building facade, one wall sign for each use. The total sign area may be 5% of the wall area on which it is placed not to exceed 35 square feet.

(3) Any property which has two or more uses permitted in the district shall be permitted a directory sign. Each business in single and separate ownership shall be entitled to not more than three square feet of signage, and the total area of the directory sign shall not exceed 30 square feet per building.

(4) In the RDD-1 District, one freestanding sign is permitted for each property entrance. The area of the sign shall be no larger than 24 square feet.

(5) Interior property parking and traffic control signs are permitted in accordance with § [116-208A](#). Signs are also permitted to direct people to the public trail or other public amenities, provided the signs do not exceed four square feet in area.

(6) Each use located in a building fronting along the river, may have one sign to identify it from the riverfront trail. Said sign may either be on the building or be a monument sign. Said sign shall not exceed 12 square feet.

§ 116-287. Application and review of development proposals.

A. The submission of a sketch plan, in accordance with § [105-20](#) of the Township's Subdivision and Land Development Ordinance, is strongly encouraged. In addition to the requirements of § [105-13](#), the sketch plan shall include building setbacks, building heights, and the size and dimensions for all buildings. However, a sketch plan submission is neither required nor mandatory. The sketch plan is not subject to a formal review by Township professionals.

B. All submissions, including sketch, preliminary and final plans, shall include:

(1) A site plan to include buildings, pedestrian access, river access (both physical and visual) and open space areas.

(2) Architectural plans for any proposed buildings in adequate detail to indicate building setback, footprint dimensions, building heights, and building mass. Architectural elevations or sections in adequate detail to indicate how proposed buildings will affect views to the river and across the river to the hills and ridges. Architectural drawings showing concepts for facades, roof design and materials for buildings, structured parking facilities, signs as well as proposed lighting, street furniture and sidewalk design.

(3) Landscape plan showing the general location of all landscaping and buffer areas and the mature height of all proposed vegetation, differentiating between trees and shrubs.

(4) Any other pertinent data as the Planning Commission or Board of Supervisors may require.

(5) A transportation impact study (TIS) is required for all applications in the RDD-1 Subdistrict. Applications in the RDD-2 Subdistrict are required to submit a TIS in accordance with the provisions of § [105-21B\(9\)\(c\)](#) of the Subdivision and Land Development Ordinance.

C. In a review of a sketch plan, the Planning Commission shall provide the applicant with general guidance as to whether the design, layout and other features of the proposed development are in keeping with the intent and purposes of this article and will consider whether any of the following criteria have been met:

(1) The plan meets or exceeds applicable provisions.

(2) The plan is in best interest of the health, safety and welfare.

(3) General site considerations (including site layout, open space, and topography; orientation and location of buildings; circulation and parking; setbacks; height; walls; fences and similar elements) and general architectural considerations (including the character, scale and quality of design) have been designed and incorporated to invite pedestrian circulation in this area, will maintain a usable open space area along the river, will provide unobstructed views of the river from nearby streets and will not unduly restrict view of the ridges and hills across the Schuylkill River.