

# **TOWNSHIP OF LOWER MERION**

## ***Building & Planning Committee***

### **Issue Briefing**

**Topic:** Institutional Zoning

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**Date:** April 16, 2019

#### **I. Action To Be Considered By The Board:**

The Board will review the Institutional District standards of the draft Zoning Code. No formal action is required by the Board at this time, but any direction provided will be incorporated into the Zoning Code.

#### **II. Why This Issue Requires Board Consideration:**

The Board of Commissioners must adopt Zoning Code amendments in compliance with the Pennsylvania Municipalities Planning Code.

#### **III. Current Policy Or Practice (If Applicable):**

The Zoning Code update is part of a multi-year effort to synchronize the Township's land use codes (Zoning, Subdivision & Land Development, Natural Features and Stormwater Management) to implement the goals and recommendations of the 2016 Comprehensive Plan.

#### **IV. Other Relevant Background Information:**

This is a workshop meeting to prepare for the advertisement and adoption of a comprehensive update to the Township's land use codes. Staff proposes that the draft Zoning Code be evaluated/calibrated to ensure that it meets the following overarching goals of the Comprehensive Plan:

1. Align the standards with Land Use and other relevant recommendations;
2. Promote the desired form and pattern of the built environment; and
3. Create a user friendly, publicly-accessible document.

Institutions can be broadly defined as land uses which serve a community's educational, religious, social, healthcare, recreational, and cultural needs. The presence of a large number and diverse range of institutions provides Township residents numerous benefits, including the convenience of high-quality medical services in close proximity to their homes, access to first rate public and private educational resources, as well as a wealth of unique cultural, religious, and recreational facilities. Institutions also contribute to the Township's economy in the form of jobs.

Because institutions are so ingrained within the fabric of the Township, the physical and operational changes generated by institutional evolution have the potential to significantly impact surrounding land uses. Recognizing the unique economic, social, and environmental benefits of the Township's diverse

institutions, the Comprehensive Plan recommendations focused on finding ways to allow the evolution of institutions while continuing to protect the Township's residential areas and conserving important natural and cultural resources.

The institutional chapter of the Comprehensive Plan provided the framework for the draft Zoning Code standards. This document should be reviewed prior to next Wednesday's discussion.

(<https://www.lowermerion.org/home/showdocument?id=13724>).

## **Background**

Lower Merion's vast array of cultural religious, educational, recreational, and medical institutions collectively comprise over 13% of the land area of the Township. The presence of a large number of renowned institutions, many of which have historic and cultural significance, is a distinguishing characteristic of Lower Merion Township and contributes to the Township's unique sense of place. The location of many major institutions along public thoroughfares and also adjacent to and within residential neighborhoods, helps to define the Township's land use pattern and impacts the transportation network. Promoting a healthy balance between dynamic institutional land uses and the surrounding residential neighborhoods was identified as a high priority through the comprehensive planning process.

Most institutional uses are currently permitted in all residential zoning districts by Special Exception. The current Zoning Code includes specific dimensional standards for each institutional use as well as additional requirements related to a traffic impact study, spacing and impervious surface limits, and standards related to loading/queuing, lighting, and buffering. All institutional uses that are permitted in residential zoning districts by Special Exception may only be expanded by Special Exception.

The consultant team reviewed the Township's Comprehensive Plan and existing institutional zoning criteria. In addition, an institutional land use and zoning workshop was held on March 1, 2018 to receive public feedback on an initial draft of zoning regulations for institutions. This information guided the development of four Institutional Zoning Districts and associated standards:

- Institutional Natural Preserve (IN) – includes cemeteries, golf clubs, and environmental and open space preserves;
- Institutional Civic (IC) – includes locally beneficial land uses, such as organizations dedicated to the arts and culture, active recreation, social and religious use, senior housing, and wellness;
- Institutional Education (IE) – includes sites or buildings operated for the provision of full-time or part-time educational services for students of all ages. Many Educational Institutional uses are regionally oriented; and
- Institutional Housing (IH) – includes sites or buildings providing housing and health care services for the elderly, including Continuing Care Facilities.

In addition, under the Draft Zoning Code, public schools may be located in any zoning district throughout the Township. Staff is still working on the bulk and area standards for public schools.

Zoning standards were created for the Lankenau and Bryn Mawr Hospitals following years of planning and civic engagement. These zoning districts were incorporated wholly into the new code as Special Districts. The Special Districts for institutional areas include:

- SD1 – Medical Center District (MC)
- SD2 – Bryn Mawr Medical District (BMMD)

The following Articles are most applicable to the Committee's review of institutional zoning districts:

- Article 2 – Definitions
- Article 3 - General to Districts
- Article 4 - District Specific Standards
- Article 5 - Uses
- Article 6 - Special Districts (SD1 and SD2)
- Article 7 – Conservation & Preservation Overlays
- Article 8 - Parking Standards
- Subdivision & Land Development Code

### **Consistency of Draft Code with Institutional Land Use Recommendations**

The following recommendations of the Comprehensive Plan are directly applicable to the institutional zoning districts:

- LI1** Establish Institutional Zoning Districts/Overlay Districts for institutional uses five-acres and larger to maintain large institutional properties within the Township and to guide future evolution of institutional campuses.
- LI2** Establish specific regulations for institutional uses five-acres and larger, particularly private educational uses to ensure that future growth is compatible with its surroundings.
- LI4** Protect valued resources, open space and scenic viewsheds under all future circumstances.
- LI5** Partner with institutions to optimize the public use of playing fields and facilities to serve Township residents.
- LI6** Manage the external impacts of activities occurring on institutional properties, particularly when the frequency and/or intensity of use is proposed to increase. Develop general policies, clear guidelines and specific requirements for controlling the increased use by outside groups such as other public or private institutions or camps.

### **What the Draft Zoning Code Does and Why**

Institutional Zoning may be the most challenging aspect of the Township's Zoning update due to:

- Comprehensive Institutional Zoning establishes new districts and standards within the Zoning Code; and
- Expectations from the public and institutions that Institutional Zoning will address approval, development and operational issues primarily associated with a handful of regionally-scaled educational issues. Staff notes that the majority of institutional zoning and land development activity generates minimal public concern.

The general goal of institutional rezoning is to better regulate institutional uses in relation to their surrounding residential context by creating fixed boundaries and by establishing specific height, impervious surface, setback and parking standards within those boundaries.

Institutions significantly differ in character and operation from single-family homes which they co-exist with in several zoning districts. Single-family homes usually contain a house, driveway and some modest hardscaping for circulation and entertaining. Institutions usually contain larger or multiple buildings and feature pathways, gathering areas and large parking lots requiring a higher percentage of impervious surface than a single-family home. Currently, institutions are permitted as Special Exceptions within residential zoning districts. The current Special Exception process lacks specific regulations to appropriately guide the evolution of dynamic institutional uses in established residential districts. Allocating the same percentage of impervious surface to institutional and surrounding residential uses has led to institutions purchasing adjacent residential property to facilitate modernization. Adjusting impervious surface requirements and establishing a defined district for institutional uses is necessary to limit future institutional creep into established neighborhoods.

Institutional boundaries have been developed very tightly around existing campuses, but in some cases the boundaries have been developed to round off a block to accommodate logical future expansion. Under the proposed zoning, single-family uses can remain as-is in the district or evolve into the institutional use if desired in the future. Properties not included in the institutional district can only be added to the Institutional District by a zoning map amendment.

The draft regulations employ an adjacency approach to proportionally increase institutional impervious surface in relation to the surrounding residential context. In addition, the draft regulations include exceptions for certain types of impervious surfaces, such as headstones, monuments and pedestrian pathways that differentiate institutions from single-family homes.

The proposed regulations provide a modest increase in impervious surface and height for institutional uses in relation to surrounding residences while clearly establishing regulatory boundaries to limit encroachment into established residential neighborhoods.

The Comprehensive Plan also recommended distinguishing institutions based on their total acreage using five-acres as a threshold as larger institutions generally have a larger, regional draw. Instead, the Draft Zoning Code creates four separate zoning districts for institutional land uses, reflecting the variety of activities and unique impacts associated with each category of institutions.

#### Existing Conditions of Approval

The establishment of Institutional Districts will require that previous Special Exception and land development approvals be migrated into new Institutional Districts. Many Special Exception and land development approvals include conditions imposed by the Zoning Hearing Board and Board of Commissioners to address specific externalities associated with an individual institution in a particular location. The Draft Zoning Code maintains all previous conditions of approval imposed by the Zoning Hearing Board or the Board of Commissioners in force. Modifications to the conditions of approval must be approved by the Board of Commissioners.

#### New Approval Process

The current Zoning Code requires Special Exception approval for the creation or expansion of most institutional uses in residential zoning districts. The Draft Zoning Code eliminates the Special Exception process and permits institutional uses by-right through the land development process, but only in those areas zoned Institutional District.

### Form and Density Standards

The Draft Zoning Code includes specific standards for institutional uses as well as impervious surface exceptions to recognize the inherent difference between residential uses and institutional uses. This approach permits institutions a modest increase of on-site development compared to adjacent residential uses. The standards of the proposed Institutional Districts will permit the majority of institutions some degree of logical by-right modernization. The Institutional District standards establish minimum setbacks, maximum height, and impervious surface limits. The standards take the surrounding context of the institution into account. Many of the minimum setback standards are required to follow those of the most restrictive abutting zoning district.

The proposed building height has also been adjusted. In order to construct a building over three-stories, an additional 50 feet setback from the side and rear yard property lines is required. This is intended to create a “wedding cake” effect, essentially pulling the more intense development to the center of the property and away from adjacent residences.

The maximum impervious surface allowed will match that of the most restrictive abutting zoning district, plus 5%. Should an institution submit a Campus Plan, they may achieve another 5% impervious surface. It is important to note that institutions may take advantage of impervious surface exemptions prior to triggering the Campus Plan. Up to 5% of the lot area may be comprised of pervious or porous hard surface areas, provided that they are not used for vehicular use and that they maintain a runoff co-efficient less than or equal to grass. Examples of where the exemptions may be used include walkways, building entrance areas, gathering areas, sports courts, and running tracks. Some institutions may be nonconforming to the new levels of impervious surface based upon past approval history. The nonconforming institutions may either take advantage of the impervious surface exemptions and/or submit a Campus Plan to expand. The Draft Zoning Code establishes a cap on the total impervious surface that can be reached in the Institutional District.

### Campus Plan

A Campus Plan is essentially a phased development plan that shows how the institution intends to evolve and grow over the course of several years. The intent of the Campus Plan process is to facilitate the evolution of institutions according to the goals of the Township Comprehensive Plan, while protecting surrounding residential properties, and promoting public benefits such as historic preservation, open space preservation, community connectivity, and public use of recreational facilities.

The Campus Plan process will provide additional predictability and transparency allowing nearby residents to more easily understand and be engaged in the evolution of the Township’s many institutional properties.

The Campus Plan will allow an additional 5% of impervious surface if the institutions can meet specific standards. The Campus Plan provisions provide a ‘relief valve’ for institutions that become nonconforming to impervious surface at the enactment of the ordinance or conforming institutions who seek to expand beyond permit impervious levels and allows for the modernization of these institutions.

## What the Draft Zoning Code Does Not Do and Why

### Special Districts

The Draft Zoning Code does not include significant changes to the Special Districts (SD1 – Medical Center District and SD2 – Bryn Mawr Medical District). The hospital districts were adopted following years of planning and civic engagement, leading to the modernization of both the Lankenau and Bryn Mawr Hospitals. The current standards work well and provide opportunities for the institutions to expand while also protecting adjacent neighbors.

## Policy Discussion Topics

### Overall Approval Process

Currently, institutional uses are permitted in all residential zoning districts. Under the current Zoning Code, most new and expanded institutions require Special Exception approval from the Zoning Hearing Board. The Draft Zoning Code removes institutional uses from the residential zoning districts, creates four institutional zoning districts that are separate from the residential zoning districts, and eliminates the Special Exception process. Institutional uses would be permitted by-right in their associated institutional district, however under certain circumstances a Campus Plan would be required.

### Absolute Cap on Impervious Surface

Because of the long diversity of institutional uses within the Township, the Draft Code includes several approaches to provide logical modernization of institutional campuses while providing protections for surrounding residential properties. Under this approach impervious surface on institutional campuses may potentially be increased beyond the level of adjacent residential properties via specific exceptions inherent to institutional campuses and through a Campus Plan. Staff acknowledges that there needs to be an absolute limit of impervious surface on a campus to ensure compatibility with the surrounding context. Staff proposes setting a cap of 55% impervious surface for the Institutional District.

The B&P is being asked to consider the following options:

1. **Move forward with the proposed Institutional District standards, which includes standards for each of the four categories of institutions: Institutional Natural Preserve, Institutional Civic, Institutional Education and Institutional Housing.**

As indicated above, this approach establishes a zoning district boundary for institutional uses. In order for an institution to expand beyond the district boundary the Board of Commissioners would have to approve a rezoning request. This could limit potential ‘creep’ into adjacent residential neighborhoods. Institutions would be allowed to expand within the Institutional District boundaries without requiring Special Exception approval. The public land development approval process would still be required for institutional expansion.

2. **Keep the existing Special Exception approval process and eliminate the proposed Institutional Zoning District.**

This approach maintains the existing approval process as it relates to institutional expansion. Instead of mapping institutions within a defined zoning district, institutional uses would still be

allowed by Special Exception in the underlying residential zoning district and would be subject to the same bulk and area standards as residential uses.

#### Public Schools

The current draft allows public schools in any zoning district. Staff is currently working on bulk and area standards for public schools. It may be necessary to establish a different set of bulk and area standards for public schools due to their obligation to accept any student residing in the Township seeking a public school education. Does the Board support creating a separate set of bulk and area standards for public schools?

#### Parking Standards

The Draft Zoning Code includes modest decreases to the parking standards. Staff is recommending that the current standards be used instead.

#### **V. Impact on Township Finances:**

This discussion will have no immediate impact on Township finances.

#### **VI. Staff Recommendation**

Staff recommends the Building & Planning Committee provide feedback on the institutional sections of the draft code and the topics in this Issues Briefing. A summary of staff recommendations is listed below:

- Overall Approval Process: Staff recommends that the Institutional District approach be utilized moving forward.
- Impervious Surface: Staff recommends approval of the proposed approach.
  - Base Level – Modernization – 5% over most restrictive abutting zoning district.
  - Exceptions – Modernization – Porous paving on non-vehicular surfaces, up to 5%.
  - Campus Plan – Modernization/Expansion of Nonconforming – 5% above base level or existing nonconforming impervious surface level.
  - Impervious Surface Cap – 55%
  - Historic Resource Incentives – 15% modification. Additional impervious surface may not exceed 50% of the building area of the historic resource.
- Form Standards/Adjacency: Staff recommends approval of the adjacency standards.
- Campus Plan Threshold: Staff recommends approval of the proposed approach.
  - Triggered when an institution seeks to expand impervious surface by more than 5%, or
  - For institutions with nonconforming impervious surface, the Campus Plan is triggered when the impervious surface is increased.