

Q&A: INSTITUTIONAL ZONING

On February 28, 2018 the consultant team, led by DPZ, presented their recommendations for regulating institutional uses in a new Zoning Code to the Building & Planning Committee. The primary recommendation was to create a new zoning district for institutional uses. The new zoning district would potentially follow the boundaries of existing institutions and include a clear set of regulations. An expansion to institutions over five-acres would require the submittal of a Master Plan outlining proposed future growth due to the large land holdings and regional catchment of larger institutions. The following comments/questions were posed by the Building & Planning Committee and the public on February 28th and were discussed by staff and the consultant team at a public workshop on March 1st. Similar questions or comments are grouped together and summarized below.

THE DECISION TO ZONE – WHY NOT SOMETHING ELSE?

Q. Why is a separate institutional zoning district being recommended?

- A. A separate institutional zoning district will provide the greatest degree of predictability.
1. Predictability: Clearly drawn boundary lines and defined uses necessitating a legislative action (rezoning) for expansion into adjacent neighborhoods. The rezoning process provides opportunities for public input during the process.
 2. Transparency: Clear land development approval process with Master Plan.
 3. Clarity: One single set of standards without underlying zoning standards
 4. Demonstrated Success: Both the MC - Medical Center District and the BMMD - Bryn Mawr Medical District have clear standards, a clear process, protections for neighbors and the ability for the hospitals to evolve.

Q. Using a district versus an overlay is a good discussion. Concerned that small, interspersed churches and small schools may not be allowed to have a district designation in PA and an overlay may be a better approach.

- A. The Township Solicitor has opined that as long as the Code includes a set of standards that apply uniformly to all smaller institutional properties, it would provide a good defense against a spot zoning challenge.

Q. Why one institutional district versus zoning for campuses, churches, etc.? Will different standards apply to different types of institutions? What is the most direct path?

- A. The revised institutional district standards may include different standards for larger institutions depending on the type of use.

Q. Will establishing an institutional zoning district limit new institutions from locating in the Township?

- A. It could. However, if you consider that over 13% of the Township's land area is occupied by institutional uses and less than 4% of the Township's land area is occupied by commercial uses, an institution may have an easier time locating in an institutional district in Lower Merion than a new business would in a commercial district in the Township. Under the proposed district, a significant portion of the Township will remain available for institutional uses.

Q. How does pulling from our existing code compare with best practices?

A. It is consistent with best practices. The existing code includes elements that work for the community, such as the MC – Medical Center District, and the BMMD – Bryn Mawr Medical District, which regulate hospital uses and those will remain. The areas of the code that require improvement will be modernized and simplified.

INSTITUTIONAL GROWTH AND DISTRICT BOUNDARIES

Q. It will be difficult to define the boundary for the Institutional Districts. Most are defined by a road and they should never cross the road. That is clear.

A. The proposed ordinance establishes the boundary of the institutional district at the property lines of parcels currently owned by institutions and used for that purpose. The new zoning map may logically extend the boundaries of institutional districts beyond property currently owned by institutions. This approach would ‘round off’ blocks of similar use rather than crossing roads.

Q. With regards to defining the boundaries, should we start with the existing footprint of the institution, or do we require all future growth to occur within the existing boundaries?

A. The proposed ordinance establishes the boundary of the institutional district at the property lines of parcels currently owned by institutions and used for that purpose.

Q. How does an institution grow within its own boundaries? Will there be a mechanism to allow an institution to change? Try to make it as predictable as possible.

A. Institutions will be allowed to evolve on their properties. There is an acknowledgement that what happens within Institutional properties is going to be different than residential uses. Having conditions spelled out, including accessory uses will allow for better supervision and enforcement. The Township cannot stop an institution from buying a property. However, if an institution desires to expand beyond the Institutional District, it would require a more substantive legislative rezoning process. The Master Plan process will provide an additional level of predictability.

Q. How will noncontiguous campus properties be treated (i.e. Shipley)?

A. The Institutional District will include clear standards that will apply to all properties within the district.

Q. The new Code should consider using buildings resourcefully (i.e. using flat roofs as track space).

A. Agreed.

Q. How will changes in intensity of use get dealt with if they’re not contained to center of site?

A. The consultant team will consider defining edge type uses as part of a tool kit of frontage types.

Q. Intensity of use is the problem with most institutions. It's generally not the buildings that neighbors object to, but the parking, the number of students, the loss of open space, etc.

A. Having conditions spelled out in the new Code, including accessory uses will allow for supervision and enforcement with regards to the intensity of use.

Q. As neighbors, we oppose institutional creep. Our downtown (Gladwyne) is a historic district and we are concerned with institutions expanding, buying up individual homes and breaking the character of the downtown. How much input can neighbors have on institutional growth?

A. The establishment of an Institutional Zoning District will require property to be rezoned for expansion beyond the Institutional District. The legislative rezoning process provides opportunities for public input. The Master Plan process is also proposed when larger institutions expand, which will also provide opportunity for input from the neighbors.

Q. Give consideration to neighborhoods where there is more than one institution and determine how to create synergies between them.

A. Different standards may be provided where like-uses abut to allow for synergies between the institutions.

5-ACRE DIFFERENTIATION

Q. Why is a differentiation provided for institutions over and under five-acres? Some institutions just under five-acres in size have a similar impact on the neighbors.

A. The Comprehensive Plan includes an inventory of all institutions in the community. An analysis of the inventory revealed that the institutions over five-acres in size tend to have a regional draw, which results in more traffic and adverse impacts on the immediate neighborhood. It provides a consistent threshold; however, the intensity of use may also be taken into consideration with the new zoning district. This may require additional refinement.

Q. Can you provide clarity on the different regulatory standards that will apply to institutions over and under five-acres?

A. In the new code the setback, height, size, and buffer requirements would differ for the institutions under five-acres. A Master Plan may also be required when an institution over five-acres proposes to expand.

Q. It is not whether an institution is over or under five-acres. It is the impact that matters. How do you quantify the impact?

A. The consultant team will evaluate impact criteria in addition to a threshold on the size. It may include elements such as the number of students/members, the hours of operation, or the amount of traffic generated by the use. Another level of refinement will be added to the definitions for institutions to better understand how they function and how they differ.

MASTER PLAN

Q. How will a master plan process lead to more stability where it has been done?

A. The Master Plan process will require opportunities for public input, so residents can take part in the early planning stages when a larger institution expands. It will provide better predictability for the abutting neighbors.

Q. The proposed ordinance is heavy on master plans and the burdens may be different for properties over and under five acres. Will the standards be the same?

A. The standards will likely be different for properties over and under five-acres.

Q. Will the Master Plan requirements essentially set the same standards that words do in a zoning document? Do you have a Master Plan document that shows the standards line by line?

A. The Master Plan is different than a Zoning Code. A Zoning Code may be a blunt instrument versus the reality of a particular use, which is why we keep coming back to a Master Plan that allows for additional levels of specificity. The Zoning Code will establish a process for Master Plan approval and amendments thereto. Master Plans should demonstrate compliance with Zoning Code standards.

Q. There are 58 institutions over five-acres. Should they all have master plans? It seems like a lot. Many of these institutions are not thinking of growth beyond what they occupy.

A. A master plan would not be required until development or expansion of the institution is proposed. All institutions over five-acres would not be required to automatically submit a master plan.

Q. There is a concern that a periodic review of master plans may provide runaway flexibility from a planning standpoint.

A. Any development would be required to comply with the standards established in the Zoning Code. The Zoning Code will establish a process for amendments to Master Plans. The amendment process will include an opportunity for public input.

Q. Who facilitates the creation of master plan?

A. The institution would facilitate the creation of the master plan. The Code will outline a required process, and establish required elements of a master plan.

Q. Under the Master Plan structure, regulations can be burdensome for those producing them. There has to be public participation and the public needs to know what to comment on and how to understand if they comply with Township standards.

A. Agreed.

Q. Public participation in the Master Plan process is of particular importance. It can be very costly on neighbors to argue their positions. Hopeful the new Code can provide residents with ways to be heard at an early stage, and that there are opportunities for broad based review.

- A. The Master Plan process is intended to diminish the length of process. See iterative presentation responding to your comments (ie; charrettes) to have a more positive experience. In the long term it will be less intensive and less costly.

TRANSFER OF USE

Q. What happens when an institution sells? Concerned that if rules are not specific, institutions will take advantage of it. Not in favor of apartment buildings or Walmart for conversion. Rules for institutions cannot apply automatically to a new use when property is sold.

- A. If a property in the Institutional District is sold, another institutional use could use the property. Depending on the intensity of the new use an additional review process may be warranted. In order for the property to be redeveloped with residences or commercial uses, the property would have to be rezoned.

Q. What happens when an institution sells to another institution, but the use is different (i.e. a high school becomes an elementary school)?

- A. If a property in the Institutional District is sold, another institutional use could use the property. Depending on the intensity of the new use an additional review process may be warranted. In order for the property to be redeveloped with residences or commercial uses, the property would have to be rezoned.

Q. What happens when an institution moves (3 large institutions have moved in the last decade)?

- A. If a property in the Institutional District is sold, another institutional use could use the property. Depending on the intensity of the new use an additional review process may be warranted. In order for the property to be redeveloped with residences or commercial uses, the property would have to be rezoned.

INCENTIVES AND PUBLIC BENEFIT

Q. There is a concern over incentives provided to institutions. While incentives may be used to advance community-wide goals (i.e. historic preservation), the more intense development effectively taxes immediate neighbors. Has this been taken into consideration?

- A. The consultant team will evaluate the use of incentives in the Zoning Code. Given limitations to require public amenities in the Commonwealth, density incentives have been used successfully in the Township to advance public goals.

Q. From a public safety aspect on the outside perimeter of these institutions, how can we prioritize sidewalks and impressive crosswalks that benefit everyone who wants to walk?

- A. Sidewalks are currently required under the Subdivision and Land Development Code when a property develops. The Comprehensive Plan includes a map of Prioritized Pedestrian Improvements highlighting areas with multiple destinations and gaps in the sidewalk network.

DEFINITIONS/LANGUAGE

Q. Is the proposed definition for institutions the right one? Should it be revised?

A. The draft definition includes those uses currently allowed by special exception in residential zoning districts. The draft definition for Institutional Use follows –

Institutional Use - All public, private and not-for-profit properties that serve public benefit and community use including: railway and bus passenger station; hospital; continuing care facility; emergency services; museum; community art, education, health, and recreation; club, lodge, country club; day care (for more than six children); public school; private school; college; university; religious institution. Also included are sites dedicated to open space and historic preservation that serve community use. Excluded are properties in municipal ownership.

The definitions will be closely reviewed and refined to address local needs.

Q. Reconsider the definition for ‘institutions’. It currently would include a for-profit use, such as the Philadelphia Country Club, but the characteristics are not in keeping with the rest of the institutions.

A. The definitions will be closely reviewed and refined to address local needs.

Q. The terminology needs to be closely defined, such as the definition of a ‘fence’ and ‘basement’.

A. The definitions will be closely reviewed and refined to address local needs.

Q. If there are conflicts between the Building Code definitions and the definitions in the Zoning Code, which prevails? Conflicting definitions may start debates.

A. It is important to keep in mind that the building code definitions are for life safety with the goal of getting people out of a building in an emergency and they do not necessarily work for occupancy from a land use perspective.

ACCESSORY USES

Q. Institutions have broader uses, such as incubators. Should they be allowed in commercial districts or should they be permitted to have commercial uses?

A. We’ve heard that growth is also about changing uses, such as colleges or universities that have incubator programs. There is a question if these uses should be allowed in commercial areas or in institutional areas. This will require additional consideration.

Q. Primary use versus secondary use is a gray area. How will these be determined?

A. The definitions for primary uses versus secondary uses will be closely reviewed and refined to address local needs.

Q. How will the code incorporate accessory uses for events on properties less than five-acres (i.e. church fundraisers)?

- A. Accessory uses will be provided for in the new code.

PUBLIC SCHOOLS

- Q. Do not restrict the location of public schools to a new Institutional District. Allow public schools to continue to be permitted in residential zoning districts, as they need the flexibility to locate new schools/facilities where they see fit. They are different than private schools: 1) All students live within the community; and 2) They are obligated to educate all students (they have no ability to limit the number of students).
- A. The new Code will continue to allow public schools in residential districts. Standards specific to schools will be established in the Institutional District and will apply to public schools.

PLAYFIELDS

- Q. Critically look at the way we use fields to see how we can retain within our neighborhoods.
- A. Playfields will be taken into consideration as the new standards are developed.

PARKING REQUIREMENTS

- Q. All parking for all institutions should be provided on their own grounds and not outside of their boundaries.
- A. Parking requirements will be closely examined and refined to ensure that adequate parking is provided for all institutions.

BUFFER REQUIREMENTS

- Q. Consider a holistic approach to buffers, to include buildings. The desired standard is compatibility with residential neighbors and not necessarily exclusive to landscaping.
- A. There is the potential to have the character of the buffer reflect the adjacent residential use (i.e. allow a single-family home on a campus adjacent to a residential use). A local example where this has occurred is the recent expansion of the Merion Cricket Club (Elbow Lane). They developed into the rear of the lot, but the residential houses along the street will remain, which will create a buffer to the residences across the street. The houses will be used for smaller events, meeting space, overnight accommodations, child care, and small office space.

ENVIRONMENTAL IMPACTS

- Q. Are institutions held to the same or higher standards than homeowners given their impact on environment?
- A. Standards will be developed to protect environmentally sensitive properties, regardless of use.