

ARTICLE X  
**Institutional District**

**§ 325-45. IN Institutional District.**

A. The IN Institutional District shall be and is an overlay of the TC Town Center, NC Neighborhood Commercial, O/C Office/Commercial, O/L Office/Laboratory, O/R Office/Residential, I-1 Limited Industrial, and I-2 General Industrial Districts. The regulations in this district shall supplement the regulations otherwise applicable in the aforementioned underlying zoning districts when a use permitted by this subsection herein below is proposed. The purpose of this district is to encourage the preservation and subsequent logical and timely development of land for institutional purposes. The protective standards in this article are intended to minimize any possible adverse effect of an institutional development on nearby premises. **[Amended 5-9-2000 by Ord. No. 287; 11-24-2015 by Ord. No. 428; 10-14-2020 by Ord. No. 457]**

- (1) In the zoning districts where the Institutional District applies and is utilized, the regulations of this article shall supersede the use regulations and bulk regulations of the underlying zoning district. To the extent there is a conflict between any other regulation applicable in the underlying zoning district and the regulations applicable in the Institutional District, the more restrictive and comprehensive regulations shall apply.
- (2) Should the Institutional District 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.

B. Use regulations. The following uses, and no others, shall be permitted in this district:

- (1) Churches, chapels or other places of worship and their adjunct residential dwellings.
- (2) Colleges, universities and theological schools and adjunct dormitories and other uses customarily incidental to a school.
- (3) Convents and monasteries.
- (4) Institutional headquarters for educational, fraternal, professional, religious and other nonprofit organizations of a similar nature.

- (5) Medical and surgical hospitals or clinics and sanitarium and philanthropic institutions.
  - (6) Institutions for the care of the aged or children.
  - (7) Schools and other educational facilities.
  - (8) Municipal buildings, offices, garages and other municipal uses.
  - (9) Camps, recreational facilities and open space preservation areas.
  - (10) Libraries.
  - (11) Cemeteries, provided that a tract of not less than 10 acres is available.
  - (12) Licensed nursing or convalescent home.
  - (13) Life-care and personal care living facilities for senior citizens and service facilities associated with a life-care facility, including community facilities, congregate dining facilities, personal care and health care services, including resident nursing beds and nursing care for not more than 25% of the maximum population of the life-care facility to which these services are associated. These services shall be for the exclusive use of the residents of the associated facility, except that they may be open to nonresidents during the first three years of the facility's operation.
  - (14) Conference center with professional meeting and training facilities for 50 or more persons, which may include related lodging and dining facilities; provided, that, the minimum lot size is 25 acres. Recreational facilities, service stores and other similar facilities for use exclusively by conference participants and employees shall be permitted in conjunction with the conference center.
  - (15) Accessory uses customarily incidental to any of the above uses including, but not limited to, agriculture, offices of staff doctors, residences of institutional employees and recreational facilities
- C. Development regulations. For all authorized buildings and uses, the following regulations shall apply:

- (1) Area and width. No institutional district lot shall be less than four acres, and no institutional district lot shall have a width of less than 100 feet measured along the building line.
- (2) Lot coverage. The total impervious coverage shall not exceed 50% of the total lot area. The remaining area shall be used for and maintained as landscaped open space, a recreational area, woodlands or similar nonintensive use.
- (3) Height. The maximum height of any building shall be 35 feet, excluding steeples.
- (4) Sewer and water facilities. The proposed institutional use shall be served by a public sewer and water system.
- (5) Building and parking setbacks. The following building and parking setback requirements shall apply to all development in the IN Institutional District.

<b>Setback Requirement</b>	<b>Distance (feet)</b>
Minimum building setbacks:*	
From road right-of-way	50
From any other property line	50
From interior drives or parking lots except in areas required for loading or passenger dropoff	15
From adjacent buildings. (All structures connected by common roof lines or covered walkways shall be considered one building.)	Distance equal to height of taller building
Minimum parking setbacks	25

**NOTES:**

\* Minimum required setback shall be increased one foot for each foot or portion thereof of building height in excess of 35 feet.

- (6) General landscape requirements. In addition to the buffers required in § 325-33 herein, all other areas not devoted to buildings or parking shall be landscaped with trees, shrubs, ornamental plants and grass or other appropriate ground cover.

- (7) Parking lot landscaping. For parking areas of more than 20 cars, a minimum of 10% of the parking lot shall be devoted to interior parking lot landscaping, exclusive of any other landscaping or buffering requirements of this article. The minimum dimension of a planting island shall be nine by 18 feet.
  - (8) Landscape plan. A landscape plan shall be submitted for any development in the IN District to document all proposed buffering, general tract landscaping and parking lot landscaping.
- D. Life-care facilities. Recognizing the growing need for life-care facilities for the aged, which includes the need for quality housing, community, health and nursing centers, open space and recreational areas, regulations are provided to permit the development of life-care communities, as a conditional use subject to the following: **[Amended 3-10-2004 by Ord. No. 310]**
- (1) Administration. The administration of the procedures for application and approval of life-care facilities shall be vested exclusively in the Board of Supervisors as provided by § 325-124 of this chapter.
  - (2) Prerequisites for life-care facilities development. The following conditions must be satisfied before an application for a life-care facility can be considered.
    - (a) Any tract of land to be so developed shall be in one ownership or, in case of multiple ownership of the tract, evidence shall be presented of a written agreement between the parties involved and said agreement shall provide in terms satisfactory to the Board, that the development will be in accordance with a single plan with common authority and common responsibility.
    - (b) The tract must have available sewer and water facilities satisfactory to the Board. In this regard, centralized sewer and public water will be deemed to be satisfactory to the Board.
    - (c) The tract size must be a minimum of 20 acres.
    - (d) The life-care operation shall be subject to payment of real estate taxes and/or make alternative equivalent arrangement.

- (3) Use regulations. Subject to § 325-124A below:
- (a) Residential. Two-family detached dwelling, single-family semidetached dwelling, single-family attached dwellings, multifamily dwelling, interconnected by means of covered or enclosed walkways, with provision for wheel chair access to all units and facilities.
  - (b) Accessory uses. Community center, nursing facility, medical health center, central dining facilities, administrative offices used in the management of the life-care facility and activity, craft, hobby, gift and personal service shops reasonably integrated in the residential community and intended for its exclusive use.
- (4) Area, bulk and density regulations. The following regulations shall apply to life-care facilities in all areas of the Township.
- (a) Gross residential density (maximum): four dwelling units per acre.
  - (b) Building coverage (maximum): 20%.
  - (c) Lot coverage (maximum): 30%.
  - (d) Common open space (minimum): 50%.
  - (e) Height (maximum): 15 feet.<sup>1</sup>
  - (f) Building setback from exterior streets, roads or highways: 100 feet.
  - (g) Building setback from property line: 100 feet.
- (5) Development standards. The following standards shall govern the design of a life-care facility.
- (a) General tract considerations.
    - [1] Consideration shall be given to protecting and improving aesthetic quality of the tract. Earthmoving, including filling, tree clearance and destruction of natural amenities, including views shall be minimized. Natural features such as lakes, streams and wooded slopes shall be preserved and incorporated into the design of the development

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1. **NOTE: Except that the maximum height may be increased to 35 feet; provided that for each additional one foot of height over 15 feet all setbacks from lot lines shall be increased by five feet.**

wherever possible and desirable. The location of trees and other natural features must be considered when planning the open space, location of buildings, roads, parking areas, underground services, walks and finished grades. In order to facilitate adequate general tract design, the applicant shall prepare a site analysis, including graphic material of the natural conditions of the tract.

- [2] High quality landscaping shall be regarded as an essential feature of the life-care facility and shall conform to § 325-32 of this chapter. Particular attention shall be given to the landscaping of parking areas and streets.
- [3] Design and construction shall be such as to minimize any adverse effect on adjoining properties.

(b) Housing sites.

- [1] Dwellings may be provided for separate ownership and rental.
- [2] To create architectural interest in the layout and character within the life-care facility, variations in building setbacks shall be encouraged.
- [3] All housing shall be designed with regard to the topographic and other natural features on the site.
- [4] Housing shall be designed and sited so as to provide adequate privacy between dwelling units.
- [5] The life-care community shall be designed to include individual unit and central control of security, fire and life safety systems.
- [6] Routes for vehicular and pedestrian access and circulation and parking shall be convenient without creating nuisances or detracting from residential privacy.
- [7] All trash, refuse and similar containers therefor shall be directly concealed from view.

(c) Common open space.

- [1] Areas agreed by the applicant and the Township to be set aside for open space and residential areas shall be

suitable for the designated purpose and in any case shall be consistent with the Township policy and plan for future land use.

- [2] Open space shall contain no major structures other than those related to the purposes of open space and shall be maintained by the life-care community.
- [3] Up to 50% of an underground utility easement or 30% of an aboveground utility easement may be considered for part of the total common open space area required.

(d) Streets, parking and sidewalks.

- [1] Streets within the life-care facility development shall be related to land uses and to the adjacent street system, as well as to the layout of the housing and accessory uses. Each street shall be designed and constructed in accordance with the applicable specifications of Chapter 281, Subdivision and Land Development, of the Code of the Township of West Whiteland. However, where the purposes of this article would be served, the Board may modify the specific terms of Chapter 281, Subdivision and Land Development, provided that a similar standard in performance is achieved. Where private streets are proposed, acceptable provision for their maintenance shall be an essential part of the development plan.
- [2] Parking for all uses within the life-care facility development shall be in accordance with the requirements for off-street parking set forth in § 325-39 herein, with the exception that residential parking requirements shall be one space for every two residential units.
- [3] An adequate system shall be provided for safe and convenient pedestrian circulation consisting of approved paved all-weather surface walkways. Particular attention shall be given to pedestrian safety along the various streets proposed to be constructed.

(e) Lighting.

- [1] Lighting shall be provided and maintained in accordance with § 325-34 of this chapter.

- [2] All utilities shall be underground within the life-care facility development.
- (6) Application for approval of life-care facility development.
- (a) An application for approval of a life-care facility shall be filed with the Township Secretary by or on behalf of the owner or owners of the land in accordance with § 325-124 of this chapter. The fee for review of the application for approval shall be as hereinafter provided in § 325-122.
- (b) Plans submitted for approval shall be signed and sealed by a registered engineer and prepared in accordance with all applicable Township ordinances except as noted below and shall show the following:
- [1] The location, size and topography of the site and the nature of the landowner's interest in the land proposed to be developed.
- [2] The zoning designations of the subject land area and adjoining properties. Any zoning district boundaries contained within the overall tract(s) shall be clearly indicated and described by their respective metes and bounds as well as gross land areas.
- [3] The location, size and uses of the common open space and the form of organization proposed to own and maintain the common open space.
- [4] The use and the approximate architectural design, height, bulk and location of buildings and other structures as well as any other site data for which compliance with zoning regulations under this chapter is required.
- [5] The feasibility of proposals for the disposition of the sanitary waste and stormwater and provision of public water supply as determined by a professional engineer, registered in the Commonwealth of Pennsylvania.
- [6] The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities.



- [7] The provisions for parking of vehicles and the location and width of proposed streets and public ways, together with a traffic feasibility study relative to anticipated impact on traffic circulation in the Township resulting from the proposed life-care facility and measures proposed to minimize such impact.
  - [8] The required modification in the land use regulations otherwise applicable to the subject property.
  - [9] Descriptions of any public facilities which would be required to be provided in connection with the proposed life-care facility.
  - [10] In the case of development plans which call for development over a period of years, the landowner shall designate geographic sections for development under the plan and file a schedule showing the proposed times within which applications for final approval of all sections of the development are intended to be filed. This schedule must be updated annually, on the anniversary of its approval until the development is completed and accepted and is subject to approval by the Board upon each submission.
  - [11] Additional information as required by the Planning Commission and/or the Board of Supervisors.
- (7) Introductory and economic statements.
- (a) The applicant shall submit with the application a written statement setting forth a description of the project, details about the owner (and if corporate, its Board of Directors, officers, capitalization and shareholders), how the project will be financed through the construction period and thereafter, the timetable for construction; details on how the project will be operated and the reasons why, in the applicant's opinion, a life-care facility would be in the public interest and would be consistent with the Comprehensive Plan for the development of the Township.
  - (b) The applicant shall submit with its application an economic impact statement, describing the economic

benefits, if any, to the public and Township from the project.

- (8) Enforcement and modification of provisions of the plan.
- (a) To further the mutual interest of the residents of the life-care facility and of the public in the preservation of the integrity of the development plan, as finally approved, and to insure that modifications, if any, in the development plan shall not impair the reasonable reliance of the said residents upon the provisions of the development plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the development plan as finally approved, whether those are recorded by plat, covenant, easement, or otherwise shall be subject to the provisions of the law as contained in § 706 of the Pennsylvania Municipalities Planning Code.<sup>2</sup>
- (b) In the event of conveyance of any land having been granted development plan approval under these sections, the surviving landowner(s) shall join in a new agreement as required under Subsection D(2)(a) above, prior to any application for construction of building(s) and/or improvements. Failure to provide evidence of such joinder in a form satisfactory to the Township shall be cause for invalidation of any prior approvals of development plans granted.
- (c) Any approvals granted to development plans under these sections shall remain applicable to the entire tract of land so approved and shall be deemed to run with the land in the event of conveyance from the original landowner to another provided the new landowner shall have within 30 days of the date of conveyance, filed with the Township a certified letter (in a form satisfactory to the Township) acknowledging acceptance of and intent to comply with the development plan together with any stipulations that may apply. Lack of such acknowledgment within the time indicated shall be cause for invalidation by the Township of any prior approvals granted.
- (d) A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board and shall be filed of record forthwith in the

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2. Editor's Note: See 53 P.S. § 10706.

Office of the Recorder of Deeds before any development shall take place in accordance therewith. Pending completion within five years of preliminary plan approval of said development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.

E. Nuisance controls. Institutional use(s) shall make provisions for control of each of the following:

- (1) Access. A planned system of efficient access, egress and internal circulation of traffic which shall interfere minimally with nearby traffic shall be required. Loading and unloading areas shall be provided where deemed necessary and shall be located to the rear of the proposed use and effectively screened from abutting residential district as set forth in § 325-33.
- (2) Lighting. Lighting shall be arranged in a manner which will protect adjacent highways and neighboring properties from unreasonable direct glare.
- (3) Solid waste disposal. A plan for the periodic, not less frequently than weekly, disposal of solid waste material shall be required. All solid waste shall be stored in covered containers either within a building or outside. Any trash disposal area outside a building shall be surrounded with either a masonry wall or opaque fence, in either case, a gate shall be provided for access to the trash container(s). The wall or fence shall be designed to shield the trash area from direct view of any adjacent property and must be at least six feet high. No solid waste shall be stored closer than 50 feet to any property line.