

**AN ORDINANCE**

**No. 4028**

**AN ORDINANCE TO AMEND the Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Section 155-6, Zoning Maps, Zoning Map No. 2, To Extend The Boundary Of The City Avenue District By Rezoning From R-4, R-6A And R-7 Residence Districts And C-1 And C-2 Commercial Districts Variously To City Avenue District Bala Village BV, Those Properties At 1, 7, 11, 15, 17, 19, 21, 25, 27, 29, 35, 45, 48, 101, 102, 104, 105, 107, 108, 109, 111, 112, 116, 118, 120, 122, 124, 128, 130, 134, 163, 171, 201, 202, 206, 210, 215, 216, 220, 221, 224 And 225 Bala Avenue, Together With Properties At 229 City Avenue, Together With Property Owned By SEPTA At City Avenue, Together With Properties At 15, 23, 25, 27, 31, 101, 111, 115, 119, 121, 125, 169, 181, 183, 185, 189 And 199 West City Avenue, Together With Properties At 3, 5, 7, 8, 9, 15, 17, 19, 21, 23, 25, 115, 117 And 118 Cynwyd Road, Together With Property At Heather Road Owned By Consoto Corp, Together With Property At 10 Montgomery Avenue, Together With Properties At 5 And 7 North Highland Avenue, Together With Property At 1 Oakland Terrace, Together With Properties At 10 And 11 Union Avenue.**

The Board of Commissioners of the Township of Lower Merion hereby ordains:

**Section 1.** The Code of the Township of Lower Merion, Chapter 155 thereof, entitled Zoning, Section 155-6, Zoning Maps, Map No. 2, are hereby amended to provide as follows:

A. To extend the City Avenue District by changing from R-4, R-6A And R-7 Residence Districts And C-1 And C-2 Commercial Districts variously to City Avenue District Bala Village BV, those properties at 1, 7, 11, 15, 17, 19, 21, 25, 27, 29, 35, 45, 48, 101, 102, 104, 105, 107, 108, 109, 111, 112, 116, 118, 120, 122, 124, 128, 130, 134, 163, 171, 201, 202, 206, 210, 215, 216, 220, 221, 224 and 225 Bala Avenue, together with properties at 229 City Avenue, together with property owned by SEPTA at City Avenue, together with properties at 15, 23, 25, 27, 31, 101, 111, 115, 119, 121, 125, 169, 181, 183, 185, 189 and 199 West City Avenue, together with properties At 3, 5, 7, 8, 9, 15, 17, 19, 21, 23, 25, 115, 117 and 118 Cynwyd Road, together with property at Heather Road owned by Consoto Corp, together with property at 10 Montgomery Avenue, together with properties at 5 and 7 North Highland Avenue, together with property at 1 Oakland Terrace, together with properties at 10 and 11 Union Avenue. The description of the rezoned area is more fully and particularly set forth as follows:

**ALL THAT CERTAIN** parcel of land **SITUATE** in Lower Merion Township, Montgomery County, Pennsylvania, being shown on Exhibit A – City Avenue District – Bala Village Map dated July 22, 2014, and being more fully described as follows:

**BEGINNING** at a point where the centerline of the Pennsylvania Railroad meets the centerline of City Avenue measured at a distance of approximately 356.14 feet southwesterly

along the said centerline of City Avenue from its intersection with the centerline of Conshohocken State Road; thence continuing along the centerline of the Pennsylvania Railroad in a northwesterly direction a distance of approximately 1,355.77 feet to a point formed by the intersection of the centerline of the Pennsylvania Railroad with the centerline of Union Avenue; thence continuing along the centerline of the Pennsylvania Railroad in a northwesterly direction a distance of approximately 1,116.4 feet to a point formed by the intersection of the centerline of the Pennsylvania Railroad with the centerline of Montgomery Avenue; thence continuing along the centerline of Montgomery Avenue in a southwesterly direction a distance of approximately 179.63 feet to a point formed by the intersection of the centerline of Montgomery Avenue with the centerline of Bala Avenue; thence continuing along the centerline of Montgomery Avenue in a southwesterly direction a distance of approximately 283 feet to an angle point where the said centerline meets the side property line of 20 Montgomery Avenue; thence continuing along the said property line in a southeasterly direction a distance of approximately 171.88 feet to an angle point; thence by the same in a southwesterly direction a distance of approximately 66.32 feet to an angle point; thence extending across the right of way of Hardie Way (a private road) in a southeasterly direction a distance of approximately 40 feet to an angle point where the side property line of 14 Hardie Way meets the southeasterly sideline of Hardie Way; thence continuing along the said property line in a southeasterly direction a distance of approximately 72.85 feet to a point where the said property line meets the rear property line of 7 N. Highland Avenue; thence by the same in a southwesterly direction a distance of approximately 14 feet to an angle point; thence by the same in a southeasterly direction a distance of approximately 203.61 feet to an angle point in the centerline of N. Highland Avenue; thence continuing along the said centerline in a northeasterly direction a distance of approximately 3.28 feet to a point formed by the intersection of N. Highland Avenue and Heather Road (40 feet wide); thence, continuing along the said centerline of Heather Road in a southeasterly and southwesterly direction on the arc of a circle curving to the right having a radius of 186.77 feet the arc distance of 106.5 feet to an angle point in the said centerline; thence continuing along the said centerline in a southwesterly direction a distance of approximately 57.62 feet to a point of curve; thence continuing in a southwesterly direction a distance of 46.51 feet to a point; thence extending across Heather Road in a northeasterly direction a distance of approximately 20 feet to a point where the easterly sideline of Heather Road meets the property line of 119 Cynwyd Road; thence continuing along the said property line in a northeasterly direction a distance of approximately 20.95 feet; thence, continuing along the side property line of 119 Cynwyd Road in a southeasterly direction a distance of approximately 90 feet to a point on the northwest side of Cynwyd Road (40 feet wide); thence, extending across Cynwyd Road in a southeasterly direction a distance of approximately 20 feet to an angle point at the centerline of Cynwyd Road; thence, continuing in a northeasterly direction along the said centerline a distance of approximately 8.31 feet; thence extending across Cynwyd Road in a southeasterly direction a distance of approximately 20 feet to a point in the southeast side of Cynwyd Road where the sideline of Cynwyd Road meets the property line of 118 Cynwyd Road; thence continuing along the said property line in a southeasterly direction a distance of approximately 90 feet where the property line meets the side property line of 112 Bala Avenue; thence continuing along the property line of 112 Bala Avenue in a southwesterly direction a distance of approximately 35.95 feet to a point; thence continuing along the property line of 112 Bala Avenue in a

southeasterly direction a distance of approximately 45.88 feet to a point; thence continuing along the said property line a distance of approximately 60.70 feet to a point in the center line of Chestnut Avenue (35 feet wide); thence, continuing along the said centerline of Chestnut Avenue in a northeasterly direction a distance of approximately 17.63 feet to an angle point; thence continuing in a southeasterly direction along the rear property lines of properties fronting onto the westerly side of Bala Avenue a distance of approximately 216.46 to a point in the centerline of Union Avenue; thence along the said centerline in a southwesterly direction a distance of approximately 52.4 feet to an angle point being the rear property line of 48 Bala Avenue; thence continuing along the said rear property line of 48 Bala Avenue in a southeasterly direction a distance of approximately 72.77 feet to an angle point being the side property line of 48 Bala Avenue; thence continuing along the said side property line of 48 Bala Avenue in a northeasterly direction a distance of approximately 196.32 feet to a point at the centerline of Bala Avenue, thence continuing along the centerline of Bala Avenue in a southeasterly direction a distance of approximately 895.7 feet to a point where the centerline meets the rear property line of 15 W. City Avenue; thence continuing in a southwesterly direction along the rear property lines of properties fronting onto the northerly side of City Avenue a distance of approximately 375 feet to a point where the said rear property lines meet the side property line of 25 W. City Avenue; thence by the same in a southeasterly direction a distance of approximately 48 feet to an angle point; thence continuing in a southwesterly direction along the rear property lines of properties fronting onto the northerly side of City Avenue a distance of approximately 125 feet to an angle point; thence by the same in a southeasterly direction a distance of approximately 19.99 feet to an angle point; thence by the same in a southwesterly direction a distance of approximately 17 feet to a point; thence by the same in a northwesterly direction a distance of approximately 19.91 feet to an angle point; thence extending across the property at 31 W. City Avenue and the bed of Heckamore Avenue in a southwesterly direction a distance of approximately 191.6 feet measured at a distance of 250 feet parallel to the centerline of City Avenue to an angle point in the centerline of Bryn Mawr Avenue; thence, continuing along the said centerline in a southeasterly direction a distance of approximately 25 feet to an angle point where the centerline meets the rear property line of 101 W. City Avenue; thence continuing in a southwesterly direction along the rear property lines of properties fronting onto the northerly side of City Avenue a distance of approximately 208 feet to an angle point; thence by the same in a southeasterly direction a distance of approximately 10 feet to an angle point; thence by the same in a southwesterly direction a distance of approximately 179 feet to a point in the centerline of Hampton Terrace; thence continuing in a southwesterly direction along the said rear property lines of properties fronting onto the northerly side of City Avenue a distance of approximately 186.84 feet to an angle point; thence by the same in a northwesterly direction a distance of approximately 85 feet to an angle point; thence by the same in a southwesterly direction a distance of approximately 186 feet to a point in the centerline of Maple Avenue; thence continuing along the said centerline in a southeasterly direction a distance of approximately 35 feet to an angle point in the said centerline; thence continuing in a southwesterly direction along the rear property lines of properties fronting onto the northerly side of City Avenue a distance of approximately 299 feet to a point in the northeasterly side line of Oakland Terrace; thence extending across Oakland Terrace in a southwesterly direction a distance of approximately 20 feet to a point in the centerline of Oakland Terrace; thence continuing along the said centerline in a southeasterly direction a

distance of approximately 140.02 feet to an angle point in the said centerline; thence extending across Oakland Terrace in a southwesterly direction a distance of approximately 20 feet to a point where the southwesterly side line of Oakland Terrace meets the middle of a certain 12 feet wide driveway which runs from Oakland Terrace to Old Lancaster Road common with the rear property lines of properties fronting onto the northerly side of City Avenue; thence continuing in a southwesterly direction along the rear property lines of properties fronting onto the northerly side of City Avenue a distance of approximately 366.76 feet to a point in the centerline of Old Lancaster Road; thence continuing along the said centerline in a northwesterly direction a distance of approximately 15.22 feet to an angle point; thence continuing in a southwesterly direction along the rear property lines of properties fronting onto the northerly side of City Avenue a distance of approximately 651.9 feet to a point in the centerline of Orchard Way; thence continuing along the said centerline in a southeasterly direction a distance of approximately 140 feet to a point formed by the intersection of the said centerline with the centerline of City Avenue; thence continuing along the centerline of City Avenue in a northeasterly direction a distance of approximately 675.50 feet to a point where the said centerline intersects the centerline of Old Lancaster Road; thence continuing along the centerline of City Avenue in a northeasterly direction a distance of approximately 365.28 feet to a point where the said centerline intersects the centerline of Oakland Terrace; thence continuing along the centerline of City Avenue in a northeasterly direction a distance of approximately 316 feet to a point where the said centerline intersects the centerline of Maple Avenue; thence continuing along the centerline of City Avenue in a northeasterly direction a distance of approximately 373 feet to a point where the said centerline intersects the centerline of Hampton Terrace; thence continuing along the centerline of City Avenue in a northeasterly direction a distance of approximately 387 feet to a point where the said centerline intersects the centerline of Bryn Mawr Avenue; thence continuing along the centerline of City Avenue in a northeasterly direction a distance of approximately 707.71 feet to a point where the said centerline intersects with the centerline of Bala Avenue; thence continuing along the centerline of City Avenue in a northeasterly direction a distance of approximately 396.05 feet to a point where the said centerline intersects the centerline of the Pennsylvania Railroad; said point being measured at a distance of approximately 356.14 feet southwesterly along the said centerline of City Avenue from its intersection with the centerline of Conshohocken State Road; being the first mentioned point and place of beginning; and **BEING** Montgomery County Assessment Map Block 40-1F, Units 1, 3, 4, 5, 69, 70, 71, 147, 162, 192 and 293, Together With Montgomery County Assessment Map Block 40-1G, Units 43, 50, 51, 52, 53, 54, 56, 58, 59, 60, 61, 62, 63, 64, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 106, 107, 108, 133, 134, 135, 158, 184, 185, 186, 187, 260, 261, 262, and 299, Together With Montgomery County Assessment Map Block 40-2G, Units 311, 313, 314, 315, 316, 317, 318, 319, 332, 333, 334, 335, 336, 343, 401, 403, 405, 407 and 431 and portions of the rights of way of Aberdale Road, Bala Avenue, Bryn Mawr Avenue, Chestnut Avenue, City Avenue (US-1), Cynwyd Road, Hampton Terrace, Hardie Way, Heather Road, Heckamore Avenue, Maple Avenue, Montgomery Avenue, North Highland Avenue, Oakland Terrace, Old Lancaster Road, Orchard Road, Union Avenue and the Pennsylvania Railroad.

**Section 2.** Nothing in this Ordinance or in Chapter 155 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any

rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 155 prior to the adoption of this amendment.

**Section 3.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part of provision had not been included herein.

**Section 4.** This Ordinance shall take effect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of the Township of Lower Merion this 17th day of September, 2014.

BOARD OF COMMISSIONERS OF THE  
TOWNSHIP OF LOWER MERION

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Elizabeth S. Rogan, President

ATTEST:

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Jody L. Kelley, Secretary