

AN ORDINANCE

NO. _____

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 155, Entitled Zoning To Amend Article XXXV, City Avenue District, Bala Village §155 -219 C, Dimensional Standards For Development By Amending §155-219 C(3) Side Yards and §155-219 C(4) Rear Yards By Providing Height Penalties Where A Property With Frontage Along City Avenue Abuts A Residential Use In A Residential District And By Amending §155-219 C(7) Building Height By Reducing The Building Height Limit Along Sections Of City 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, entitled Zoning, Article XXXV, City Avenue District, Bala Village §155 -219 C (3) Side yards and §155 -219 C (4) Rear yards are hereby amended to provide as follows:

§ 155-219. City Avenue District - Bala Village (BV).

C. Dimensional standards for development

(3) Side yards.

- (a) Minimum. Where a shared party wall exists with the adjoining property, there shall be no required side yard setback. Where a shared party wall does not exist, the minimum side yard setback shall be 10 feet and a maximum of 15 feet from the side lot line.
- (b) The maximum dimension of the side yard setback may be increased up to 25 feet from the side lot line, where the side yard includes a vehicular driveway.
- (c) For a lot immediately contiguous to a residential use in a residential zoning district, the side yard abutting the residential use shall be at least 25 feet. For properties with frontage along City Avenue, when a new, expanded or redeveloped parking structure is on a lot that abuts a residential use in a residential district the depth of the side yard for parking structures shall be increased 1/2 foot for each foot or portion thereof by which the parking structure exceeds 38 feet in height.

OR:

- (c) For a lot immediately contiguous to a residential use in a residential zoning district, the side yard abutting the residential use shall be at least 25 feet. For properties with

frontage along City Avenue, when a new, expanded or redeveloped building is on a lot that abuts a residential use in a residential district the depth of the side yard for buildings shall be increased 1/2 foot for each foot or portion thereof by which the building exceeds 38 feet in height

(4) Rear yards.

- (a) When a new, expanded or redeveloped building is on a lot that backs up to a commercially zoned lot or railroad right-of-way, a rear yard setback is not required. The lot must comply with the minimum buffer requirements.
- (b) When a new, expanded or redeveloped building is on a lot that backs up to a residentially zoned lot, the rear yard setback is 25 feet. The lot must also comply with the minimum buffer requirements.

(c) For properties with frontage along City Avenue, when a new, expanded or redeveloped parking structure is on a lot that abuts a residential use in a residential district the depth of the rear yard for parking structures shall be increased 1/2 foot for each foot or portion thereof by which the parking structure exceeds 38 feet in height.

OR:

(c) For properties with frontage along City Avenue, when a new, expanded or redeveloped building is on a lot that abuts a residential use in a residential district the depth of the rear yard for buildings shall be increased 1/2 foot for each foot or portion thereof by which the building exceeds 38 feet in height

Section 2. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XXXV, City Avenue District, Bala Village §155 -219 C (7) Building Height is hereby amended to reduce the building height limit along sections of City Avenue and renumber subsequent sections to provide as follows:

§ 155-219. City Avenue District - Bala Village (BV).

C. Dimensional standards for development

(7) Building height.

OPTION 1:

- (a) The maximum height of any building along City Avenue between the Cynwyd Rail Line and Oakland Terrace shall be 65 feet.
- (b) The maximum height of any building along City Avenue between Oakland Terrace and Orchard Road shall be 38 feet.

OPTION 2:

- (a) The maximum height of any building along City Avenue between the Cynwyd Rail Line and Hampton Terrace shall be 65 feet.
- (b) The maximum height of any building along City Avenue between Hampton Terrace and Oakland Terrace shall be 48 feet.
- (c) The maximum height of any building along City Avenue between Oakland Terrace and Orchard Road shall be 38 feet.

OPTION 3:

- (a) The maximum height of any building along City Avenue between the Cynwyd Rail Line and the common property line of 25 W City Avenue and 27 W City Avenue shall be 65 feet.
- (b) The maximum height of any building along City Avenue between the common property line of 25 W City Avenue and 27 W City Avenue and Oakland Terrace shall be 48 feet.
- (c) The maximum height of any building along City Avenue between Oakland Terrace and Orchard Road shall be 38 feet.

OPTION 4:

(a) The maximum height of any building along City Avenue ~~between the Cynwyd Rail Line and the common property line of 25 W City Avenue and 27 W City Avenue~~ shall be 65 feet.

(b) The maximum height of any building along City Avenue between the common property line of 25 W City Avenue and 27 W City Avenue and Maple Avenue shall be 48 feet.

(c) The maximum height of any building along City Avenue between Maple Avenue and Orchard Road shall be 38 feet.

~~(b)~~(d) The maximum height of any building in the Bala Village District between North Highland Avenue and Montgomery Avenue shall be 60 feet. A minimum six-foot step back from the primary front facade is required on the portion of the building above 38 feet when the building fronts on Bala Avenue (Figure 17).

~~(c)~~(e) The maximum height of any building located between Bala Avenue and the Cynwyd Rail Line from City Avenue to Montgomery Avenue shall be 60 feet. A minimum six-foot step back from the primary front facade is required on the portion of the building above 38 feet when the building fronts on Bala Avenue (Figure 17). The maximum height of a building in this area may be increased as follows:

[1] The maximum height may be increased to 65 feet, provided that the step back at 38 feet is increased to eight feet.

~~(d)~~(f) The maximum height of any building within the BV District along the westerly side of Bala Avenue between Aberdale Road and North Highland Avenue shall be 49 feet. A minimum six-foot step back from the primary front facade is required on the portion of the building above 38 feet when the building fronts on Bala Avenue (Figure 18).

Section 3. 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 proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause of causes of action existing under the said Chapter 155 prior to the adoption of this amendment.

Section 4. 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 this 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, or provision had not been included herein.

Section 5. This Ordinance shall take affect 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 day
of , 2017.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Daniel S. Bernheim, President

ATTEST:

Jody L. Kelley, Secretary