

**BOROUGH OF FOUNTAIN HILL  
LEHIGH COUNTY, PENNSYLVANIA  
AN AMENDMENT TO THE CODE OF ORDINANCES, CHAPTER 27, ZONING, TO ADOPT A NEW ZONING ORDINANCE  
AND ZONING MAP.  
ORDINANCE No. 736**

**FOUNTAIN HILL BOROUGH ZONING ORDINANCE**

**TITLE; ENACTMENT; SEVERABILITY**

1. **TITLE.** A New Ordinance: a) dividing the Borough of Fountain Hill into districts with varying regulations; b) permitting, prohibiting, regulating and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as yards and other open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code, including provisions for special exceptions and variances to be administered by a Zoning Hearing Board; and e) establishing provisions for the protection of certain natural features.

2. **SHORT TITLE.** This Ordinance shall be known and be cited as the "Fountain Hill Borough Zoning Ordinance" of 2008.

3. **SEVERABILITY.** It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

4. **PROCEDURAL DEFECTS IN ENACTMENT.** Any procedural challenge shall be filed in accordance with the Pennsylvania Municipalities Planning Code and other applicable law.

5. **REPEALER.** The pre-existing Borough of Fountain Hill Zoning Ordinance codified in the Fountain Hill Code of Ordinances, as Chapter 27, Zoning, as amended, is hereby expressly repealed; provided, further that nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this Ordinance. All ordinances and parts of ordinances and all resolutions and parts of resolutions which are inconsistent herewith by virtue of references to or incorporation of requirements contained in the pre-existing Zoning Ordinance as amended shall, as nearly as possible, be construed to reference this Ordinance.

6. **ENACTMENT.** Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, Borough Council of Fountain Hill Borough hereby enacts and ordains into an Ordinance the attached document this date of September 8, 2008. The provisions of this Ordinance shall become effective immediately from the date of passage of this Ordinance.

Date of Planning Commission Public Meeting: May 12, 2008.

Date of Borough Council Public Hearing: July 23, 2008.

**DULY ENACTED AND ORDAINED** on this 8TH day of September , 2008, by the Borough of Fountain Hill in lawful session duly assembled.

**BY:**

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Lawrence Rapp, President of Council

**ATTEST:**

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Randy Soriano, Executive Secretary

**APPROVED:**

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Ned C. Fink, Mayor

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**DATE**