

ORDINANCE NO. 239

AN ORDINANCE OF THE TOWNSHIP OF LOWER HEIDELBERG, THE TOWNSHIP OF SOUTH HEIDELBERG AND THE BOROUGH OF WERNERSVILLE, BERKS COUNTY, PENNSYLVANIA, AMENDING THE SOUTHWESTERN BERKS COUNTY ZONING ORDINANCE OF 2004, AS AMENDED, BY ADDING HOTEL AS A PERMITTED USE IN THE "MD/VC MEDIUM DENSITY/VILLAGE COMMERCIAL OVERLAY DISTRICT."

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of the Townships of Lower Heidelberg and South Heidelberg and the Borough Council of the Borough of Wernersville, Berks County, Pennsylvania that the Southwestern Berks County Zoning Ordinance of 2004, as amended (the "Ordinance") is hereby amended as follows:

Section 1. District Regulations. Subsection 423.2 entitled "Uses Permitted By Right" of Section 423 entitled "MD/VC Medium Density/Village Commercial Overlay District" of Article IV entitled "District Regulations" of the Ordinance is hereby amended and supplemented by adding a new sub-subsection 423.2(t) as an additional category of use permitted by right to read as follows:

"t. Hotel."

Section 2. Repealer. All ordinances or parts of ordinances, together with all amendments and supplements thereto, are hereby repealed to the extent that the same conflict with the provisions of this Zoning Ordinance Amendment. This Zoning Ordinance Amendment shall not affect any suit or prosecution pending or to be instituted to enforce any provision of such repealed ordinance or to punish any offense against any such repealed ordinance committed prior to the effective date of this Zoning Ordinance Amendment.

Section 3. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Zoning Ordinance Amendment is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase word or remaining portion of the Zoning Ordinance. The Boards of Supervisors of the Townships of Lower Heidelberg and South Heidelberg and the Borough Council of the Borough of Wernersville, Berks County, Pennsylvania hereby declare that they would have adopted this Zoning Ordinance Amendment and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof irrespective of the fact that any one or more of the articles, sections, subsections,

provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 4. Effective Date. This Ordinance shall become effective five (5) days after the date of its enactment.

DULY ENACTED AND ORDAINED this 12<sup>th</sup> day of September 2013.

TOWNSHIP OF SOUTH HEIDELBERG,  
BERKS COUNTY, PENNSYLVANIA

Richard E. Hummel

Dennis E. Melally

David A. Schauff

Attest:

David A. Schauff

Secretary