

## NOTICE TO THE RESIDENTS OF THE BOROUGH OF WYOMISSING

The Borough Council of Wyomissing, Berks County, Pennsylvania on Tuesday, April 13, 2021 at 6:30 p.m. via Zoom shall convene a public hearing regarding and at the regular meeting to be held immediately thereafter consider enactment of the proposed Zoning Ordinance amendment with a title and summary of the provisions as follows:

**AN ORDINANCE OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA, TO AMEND THE CODE OF ORDINANCES OF THE BOROUGH OF WYOMISSING, CHAPTER 27 ENTITLED “ZONING”, BY AMENDING PART 5 ENTITLED “COMMERCIAL AND INDUSTRIAL DISTRICT REGULATIONS”, SECTION 512, USES PERMITTED BY RIGHT IN THE C-2 RETAIL COMMERCIAL DISTRICT, TO ADD A NEW SUBSECTION R, TO PERMIT HOTEL -- 55 OR OVER APARTMENT – ADULT DAY CARE MIXED USE REDEVELOPMENT AS A USE PERMITTED BY RIGHT IN THE C-2 DISTRICT, AND BY AMENDING PART 6, GENERAL REGULATIONS, BY ADDING A NEW SECTION 627, ENTITLED “HOTEL – 55 OR OVER APARTMENT – ADULT DAY CARE MIXED USE REDEVELOPMENT REGULATIONS”, TO PROVIDE REGULATIONS FOR SUCH USE.**

Section 1 amends the Code of the Borough of Wyomissing Chapter 27 entitled “Zoning,” Part 5 entitled Commercial and Industrial District Regulations, Section 512, Uses Permitted by Right in the C-2 Retail Commercial District, to add a new Subsection R to be entitled “Hotel – 55 or Over Apartment – Adult Day Care Mixed Use and is set forth in full in the proposed Ordinance. Section 2 amends Chapter 27 entitled “Zoning”, Part 6 entitled “General Regulations” is amended to add a new Section 627, entitled “Hotel – 55 or Over Apartment – Adult Day Care Mixed Use Regulations” and is set forth in full in the proposed Ordinance. Section 3 is the repealer provision. Section 4 states that the provisions of this ordinance shall be severable. Section 5 provides for an effective date. Section 6 states that this Ordinance shall become part of the Code of Ordinances.

A complete copy of the proposed Ordinance is on file with this publication and the Berks County Law Library. A copy of the Ordinance is also available on the Borough's website at <https://wyomissingboro.org>. A complete copy of the proposed Ordinance is also available electronically without charge and for copying at a charge not greater than the cost thereof at the Borough Hall during regular office hours. Borough Hall is currently closed to the public due to COVID-19. Please call the Borough at 610-376-7481 or email [mmiller@wyomissingboro.org](mailto:mmiller@wyomissingboro.org) to arrange for receipt of a copy of the proposed Ordinance electronically or to make arrangements for a hard copy to be provided to you.

The public is invited to participate and testify at the hearing and meeting. The information to access the hearing and meeting can be found on the Borough's website under the Zoom Meetings menu option at <https://wyomissingboro.org/zoom-meetings/>. All public comments must be submitted by email to [mmiller@wyomissingboro.org](mailto:mmiller@wyomissingboro.org) no later than 24 hours in advance of the scheduled meeting time. The Borough has also provided a copy of the virtual meeting public participation policy on the website as well as the meeting agenda.

BOROUGH OF WYOMISSING,  
BERKS COUNTY, PENNSYLVANIA  
Melissa Miller, Borough Secretary

Christopher J. Hartman, Esquire, Solicitor  
To be published in the Reading Eagle on April 2, 2021 and April 6, 2021.

**BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 1417-2021**

**AN ORDINANCE OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA, TO AMEND THE CODE OF ORDINANCES OF THE BOROUGH OF WYOMISSING, CHAPTER 27 ENTITLED “ZONING”, BY AMENDING PART 5 ENTITLED “COMMERCIAL AND INDUSTRIAL DISTRICT REGULATIONS”, SECTION 512, USES PERMITTED BY RIGHT IN THE C-2 RETAIL COMMERCIAL DISTRICT, TO ADD A NEW SUBSECTION R, TO PERMIT HOTEL -- 55 OR OVER APARTMENT – ADULT DAY CARE MIXED USE REDEVELOPMENT AS A USE PERMITTED BY RIGHT IN THE C-2 DISTRICT, AND BY AMENDING PART 6, GENERAL REGULATIONS, BY ADDING A NEW SECTION 627, ENTITLED “HOTEL – 55 OR OVER APARTMENT – ADULT DAY CARE MIXED USE REDEVELOPMENT REGULATIONS”, TO PROVIDE REGULATIONS FOR SUCH USE.**

WHEREAS, the Council of the Borough of Wyomissing desires to amend the Code of the Borough of Wyomissing to promote mixed use redevelopment of existing hotel properties located in the C-2 Retail Commercial District of the Borough to promote the economic viability of older hotel structures; and

WHEREAS, the Council of the Borough of Wyomissing believes 55 or over apartments and adult day care uses are compatible with hotel use; and

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Wyomissing, Berks County, Pennsylvania, pursuant to the authority conferred by 1984 Pa. Laws 164 codified at 74 Pa. Cons. Stat. §§5912 et. seq., the Borough Code and the Pennsylvania Municipalities Planning Code as follows:

SECTION 1. The Code of the Borough of Wyomissing Chapter 27 entitled “Zoning”, Part 5 entitled Commercial and Industrial District Regulations, Section 512, Uses Permitted by Right in the C-2 Retail Commercial District, is hereby amended by adding a new Subsection R, Hotel – 55 or Over Apartment – Adult Day Care Mixed Use, which shall read as follows:

R. Hotel – 55 or Over Apartment – Adult Day Care Mixed Use, as provided in Section 627.

SECTION 2. The Code of the Borough of Wyomissing Chapter 27 entitled “Zoning”, Part 6 entitled “General Regulations”, is hereby amended by adding a new Section 627, entitled

“Hotel – 55 or Over Apartment – Adult Day Care Mixed Use Regulations”, which shall read as follows:

**§627. Hotel – 55 or Over Apartment – Adult Day Care Mixed Use Regulations.**

In the C-2 Retail Commercial District, a combination of hotel, 55 or over apartment, and adult day care uses may be located on a single parcel subject to the following regulations:

- A. The combination of uses permitted to be located on a single parcel shall be a hotel use, as defined in Section 201, an apartment use for “55 or Over Housing” within the meaning of the Fair Housing Act (42 U.S.C.A. 3601 et seq.), and an adult day care use as defined in Subsection C.
- B. The apartment use shall require long term residential occupancy (one year minimum lease term). The apartment use shall include common space facilities such as, but not limited to, a community room, exercise room, pool or spa area, outside sitting garden, or similar indoor and outdoor passive and active recreational areas.
- C. For purposes of this Section 627, an adult day care use shall be a use, not contained in a dwelling unit, providing supervised care and assistance to persons who need such assistance on a daily basis because of their age or disabilities; this use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse or involve typical stays of more than sixty (60) hours per week per person.
- D. The combination of the three (3) uses shall be located in an existing structure formerly used in its entirety as a hotel. The uses are not required to be located on separate lots, and no setbacks or buffering is required between the uses.
- E. At least forty (40) percent of the gross floor area of the former hotel shall continue to be used as a hotel.
- F. Off street parking requirements shall be as follows: hotel use - 1 space per hotel unit; apartment use - 1.5 spaces per apartment unit; adult day care use - 1 space per employee on the largest shift plus 1 space for loading and unloading each three persons served by the adult day care.
- G. The parcel shall have a minimum area of 9 net acres.
- H. Signage shall be as provided in Section 606, except that one (1) sign for each use shall be allowed on each of up to two (2) road frontages of the parcel; directional signs not greater than six (6) square feet each shall be permitted at each driveway entrance to the parcel; and internal directional signs not greater than four and one-half (4.5) square feet each shall be permitted to manage internal traffic flow.

- I. Lighting and landscaping plans prepared by a registered architect, professional engineer or registered landscape architect shall be submitted to the Borough and are subject to approval by the Borough Council. Provisions for the lighting and landscaping of the perimeter and interior of all parking areas shall be included in the plans.
- J. Sidewalks and curbs shall be repaired and replaced to comply with Chapter 21, entitled Streets and Sidewalks, of the Code of the Borough of Wyomissing.
- K. Paving shall be repaired and replaced where necessary, as determined by the Borough, to a like new condition.

SECTION 3. Repeal of Ordinances.

Any ordinance or part of ordinances conflicting with the provisions of this Ordinance is hereby repealed insofar as they are inconsistent with this Ordinance's provisions.

SECTION 4. Severability.

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Borough Council of the Borough of Wyomissing, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 5. Effective Date.

The effective date of the within amendments shall be immediately upon its enactment and approval by the Mayor.

SECTION 6. Code of Ordinances.

The Code of Ordinances, as amended, of the Borough of Wyomissing, Berks County, Pennsylvania shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances upon adoption.

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DULY ORDAINED and ENACTED as an Ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

BOROUGH OF WYOMISSING  
Berks County, Pennsylvania

By: \_\_\_\_\_  
Thomas M. Moll  
President of Borough Council

Attest: \_\_\_\_\_  
Melissa Miller  
Secretary of the Borough

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Frederick C. Levering  
Mayor of the Borough

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. \_\_\_\_\_-202\_ adopted by the Borough Council of the Borough of Wyomissing, Berks County, Pennsylvania at a regular meeting held on \_\_\_\_\_, 2021, pursuant to notice as required by law.

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Melissa Miller  
Secretary of the Borough