

**ORDINANCE NO. 2023-08**

**AN ORDINANCE TO AMEND CHAPTER 165, ARTICLE VIII, SECTION 165-53, ACCESSORY USES, OF THE CODE OF THE TOWN OF MYERSVILLE, TO ALLOW FOR ACCESSORY DWELLING UNITS WITHIN THE MULTIFAMILY RESIDENTIAL DISTRICT (R-2) AS AN ACCESSORY USE.**

**SECTION I. BE IT ENACTED AND ORDAINED**, by the Mayor and Council of the Town of Myersville that Chapter 165 “Zoning”, Article VIII “Multifamily Residential District”, Section 165-53, “Accessory Uses”, of the Code of the Town of Myersville be, and hereby is, amended as hereinafter provided. New language is designated by being **IN BOLD CAPITAL LETTERS**, and deletions are designated by being ~~{in brackets and stricken through}~~.

Chapter 165 – Zoning

Article VIII – Multifamily Residential District

§ 165-53 Accessory uses.

Accessory uses are accessory buildings and uses customarily incidental to any principal use or authorized special exception use in the R-2 District and including: ~~{those permitted in § 165-47}~~

- A. PRIVATE GARAGES**
- B. SIGNS AS REGULATED IN §165-17**
- C. PRIVATE SWIMMING POOLS**
- D. UTILITY SHEDS OR BUILDINGS**
- E. ACCESSORY DWELLING UNITS, PROVIDED THAT:**
  - (1) THE MINIMUM SIDE YARD WIDTH REQUIREMENT FOR THE STRUCTURE IS EQUAL TO THAT OF A SINGLE-FAMILY DETACHED DWELLING UNIT WITHIN THE R-2 DISTRICT**
  - (2) THE MINIMUM REAR YARD DISTANCE REQUIREMENT FOR THE STRUCTURE IS EQUAL TO ONE HALF (1/2) OF THE MINIMUM REAR YARD DISTANCE REQUIREMENT FOR A SINGLE-FAMILY DETACHED DWELLING UNIT WITHIN THE R-2 DISTRICT**
  - (3) THE STRUCTURE DOES NOT PENETRATE THE FRONT YARD AREA BEYOND THE FRONT FAÇADE OF THE PRIMARY STRUCTURE**

- (4) THE TOTAL LIVABLE AREA OF THE ACCESSORY DWELLING UNIT IS NO GREATER THAN 700 SQUARE FEET, NOT TO INCLUDE CRAWL SPACES, ATTICS, CAR PORTS, AND OTHER AREAS NOT DEEMED SUITABLE FOR HUMAN HABITATION
- (5) THERE IS NO MORE THAN ONE (1) ACCESSORY DWELLING UNIT PERMITTED PER LOT OF RECORD
- (6) A STRUCTURE NOT PERMANENTLY ATTACHED TO OR CONTAINED WITHIN THE BUILDING FOOTPRINT OF THE PRIMARY RESIDENTIAL STRUCTURE SHALL NOT BE CONSTRUCTED MORE THAN 16 FEET IN HEIGHT
- (7) THE STRUCTURE IS CONSTRUCTED IN A PERMANENT MANNER AND DOES NOT INCLUDE MOBILE HOME UNITS, VEHICLES, OR WATERCRAFT OR ANY PORTIONS THEREOF.
- (8) THE STRUCTURE DOES NOT DIRECTLY CONNECT TO MUNICIPAL WATER OR SEWER UTILITY MAINS OR TRUNK LINES

INTRODUCED on the 10<sup>th</sup> day of October, 2023.

ENACTED AND APPROVED this 14<sup>th</sup> day of November, 2023 by a vote of 5 for, 0 against, 0 absent and 0 abstaining.

ATTEST:

Kathy Gaver  
Kathy Gaver, Town Clerk

MAYOR AND COUNCIL OF THE  
TOWN OF MYERSVILLE

By: Mark Hinkle (SEAL)  
Mark Hinkle, Mayor