

ORDINANCE NO. 2023-10

AN ORDINANCE TO AMEND CHAPTER 165, ARTICLE XIV, SECTION 165-116.1, RESERVED, OF THE CODE OF THE TOWN OF MYERSVILLE, TO ESTABLISH SPECIFIC STANDARDS FOR ACCESSORY DWELLING UNITS WHEN AUTHORIZED AS A SPECIAL EXCEPTION USE.

SECTION I. BE IT ENACTED AND ORDAINED, by the Mayor and Council of the Town of Myersville that Chapter 165 “Zoning”, Article XIV “Specific Standards for Special Exception Uses”, Section 165-116.1, “Reserved”, 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 XIV– Specific Standards for Special Exception Uses

§ 165-116.1 ~~{Reserved}~~ **ACCESSORY DWELLING UNITS.**

IN R-1 AND R1-SG DISTRICTS AND SUBJECT TO THE REQUIREMENTS OF THE DISTRICT IN WHICH LOCATED, EXCEPT AS HEREIN PROVIDED, THE FOLLOWING REGULATIONS SHALL APPLY TO ACCESSORY DWELLING UNITS:

- A. THE MINIMUM SIDE YARD WIDTH REQUIREMENT FOR THE STRUCTURE IS EQUAL TO THAT OF A SINGLE-FAMILY DETACHED DWELLING UNIT WITHIN THE VC DISTRICT**
- B. 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 VC DISTRICT**
- C. THE STRUCTURE DOES NOT PENETRATE THE FRONT YARD AREA BEYOND THE FRONT FAÇADE OF THE PRIMARY STRUCTURE**
- D. 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**

- E. THERE IS NO MORE THAN ONE (1) ACCESSORY DWELLING UNIT PERMITTED PER LOT OF RECORD
- F. A STRUCTURE NOT PERMANANETLY ATTACHED TO OR CONTAINED WITHIN THE BUILDING FOOTPRINT OF THE PRIMARY RESIDENTIAL STRUCTURE SHALL NOT BE CONSTRUCTED MORE THAN 16 FEET IN HEIGHT
- G. THE STRUCTURE IS CONSTRUCTED IN A PERMANENT MANNER AND DOES NOT INCLUDE MOBILE HOME UNITS, VEHICLES, OR WATERCRAFT OR ANY PORTIONS THEREOF.
- H. THE STRUCTURE DOES NOT DIRECTLY CONNECT TO MUNICIPAL WATER OR SEWER UTILITY MAINS OR TRUNK LINES.

INTRODUCED on the 10th day of October, 2023.

ENACTED AND APPROVED this 12th 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