

ORDINANCE NO. 2022-01

AN ORDINANCE TO AMEND CHAPTER 165, ARTICLE XVIII, SECTION 165-151, HISTORIC TOWN CENTER (HTC) OVERLAY DISTRICT, OF THE CODE OF THE TOWN OF MYERSVILLE, TO ALLOW SINGLE FAMILY DETACHED, DUPLEX, AND TOWNHOUSE DWELLINGS IN THE HTC OVERLAY DISTRICT, TO ESTABLISH ACCESSORY USES WITHIN THE HTC OVERLAY DISTRICT, AND TO ESTABLISH A PROCESS FOR PUBLIC HEARING PRIOR TO THE DEMOLITION OF STRUCTURES GREATER THAN 500 SQUARE FEET IN AREA WITHIN THE HTC OVERLAY DISTRICT.

SECTION I. BE IT ENACTED AND ORDAINED, by the Mayor and Council of the Town of Myersville that Chapter 165 "Zoning", Article XVIII, Section 165-151 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 XVIII – Overlay Zones

§ 165-151 Historic Town Center (HTC) Overlay District.

- A. Purpose and intent. There shall be an Historic Town Center (HTC) Overlay District. The HTC Overlay District is a mapped overlay district which may be superimposed only in the Village Center (VC) District. The HTC District is intended to permit planned development in the VC District in order to preserve an aesthetically pleasing appearance in that district, to avoid the creation of nuisance or nuisance-like conditions in that district, to protect the historic character within that district, and to promote reinvestment and revitalization within that district. The establishment and placement of an HTC District should be such that ~~{multifamily}~~ residential and commercial activities may be grouped together in an attractive and convenient manner, sensitive to the historic character of the surrounding community. The establishment and placement of an HTC District must provide for appropriate pedestrian access routes to allow pedestrian connectivity to desirable services and businesses within that district.
- B. Permitted uses. In the HTC District, no building or structure may be erected or used and no land may be used or occupied except for the following principal uses:

- (1) Parks and other public open space areas.
- (2) Public buildings and facilities.
- (3) Multifamily dwellings.
- (4) General merchandise, variety or department stores, retail.
- (5) Food, groceries, retail.
- (6) Apparel and accessories, retail.
- (7) Furniture, home furnishings and equipment, retail.
- (8) Paint, glass, wallpaper and hardware, retail.
- (9) Heating, plumbing and electrical equipment, retail.
- (10) Finance, insurance and real estate services.
- (11) Personal services, laundry, barber, beautician, funeral.
- (12) Business services, advertising, employment, consulting.
- (13) Professional services, medical, dental, legal, engineering.
- (14) Commercial recreation.
- (15) Private and commercial schools, dance, business, day care, trade.
- (16) Eating and drinking establishments, restaurants.

**(17) SINGLE-FAMILY DETACHED DWELLINGS**

**(18) DUPLEX DWELLINGS**

**(19) TOWNHOUSE DWELLINGS**

**C. PERMITTED ACCESSORY USES ARE ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO ANY PRINCIPAL USE OR AUTHORIZED SPECIAL EXCEPTION USES IN THE VC DISTRICT AND INCLUDE:**

**1. PRIVATE GARAGES**

**2. SIGNS AS REGULATED IN § 165-17.**

### 3. PRIVATE SWIMMING POOLS AS REGULATED IN § 165-18.

### 4. UTILITY SHEDS OR BUILDINGS.

~~{C.}~~ **D.** Special exception uses. The Board of Appeals may authorize the following principal uses as special exceptions in accordance with § 165-90:

- (1) Shopping centers.
- (2) Public utility structures and buildings.

~~{D.}~~ **E.** Special conditions.

- (2) In an HTC District, processes and equipment employed and goods processed or sold shall be limited to those which are not hazardous to public health and safety or which are not a nuisance, nuisance-like or objectionable by reason of hazard, odor, dust, smoke, cinders, gas, fumes, noise, vibration, radiation, refuse matter or water-carried waste.
- (3) In an HTC District, the site and development design should be planned in such a manner as to give consideration to the preservation of existing historic features, architecture and character.
- (4) In an HTC District, the site and development design should be planned to accommodate off-street parking only for the uses proposed on the site improvement plan. Off-street parking for uses other than those approved on an approved site improvement plan is prohibited.
- (5) An amendment to an approved overlay district master plan, sketch plat, or site plan may, at the discretion of the Planning Commission, be submitted and considered concurrently with a pending sketch plat.
- (6) **IN AN HTC DISTRICT, A PUBLIC HEARING MUST BE HELD BY THE PLANNING COMMISSION PRIOR TO THE ISSUANCE OF A ZONING CERTIFICATE FOR THE DEMOLITION OF ANY BUILDING GREATER THAN 500 SQUARE FEET IN AREA BY THE ZONING ADMINSTRATOR.**

~~{E.}~~ **F.** Development standards.

- (1) In the HTC District, the minimum standards apply to each lot of record:
  - (a) Each lot shall have frontage on a public road and shall have a minimum frontage of 35

feet on that road.

- (b) There shall be no minimum lot area.
  - (c) The minimum front yard depth shall be 15 feet from a public street on which the lot fronts.
  - (d) The minimum side yard width shall be eight (8) feet from the side yard lot lines.
  - (e) The minimum rear yard depth shall be 20 feet from the rear yard lot lines.
- (2) The maximum height limitation is 2 1/2 stories.
- (3) Site plan fee. A fee shall be paid by the applicant for each site plan when submitted to the Planning Commission to partially defray the costs of examination and consideration of the site plan in accordance with these regulations. Such fees shall be established, from time to time, by the Town Council upon the recommendation of the Planning Commission. The fee schedule shall be maintained on file in the office of the Town Clerk.

INTRODUCED on the 8<sup>th</sup> day of March, 2022.

ENACTED AND APPROVED this 12<sup>th</sup> day of April, 2022 by a vote of 5  
for,  against,  absent and  abstaining.

ATTEST:

Kathy Gaver  
Kathy Gaver, Town Clerk

MAYOR AND COUNCIL OF THE  
TOWN OF MYERSVILLE

By: Mark Hinkle (SEAL)  
Mark Hinkle, Mayor