

WAYNE PLAN COMMISSION COMMENTARY

Gregory M. Richard

April 2, 2023

This commentary is for information only and should not be discussed by members outside of an official commission meeting.

At the last PC meeting Chairperson Dimitroff asked for some language about Black wire fencing, off street parking, small sheds and to do some llama research. Here are my thoughts. I've also added some **new business** about rebuilding nonconforming residences.

BLACK WIRE FENCING

10-3-7 YARDS

Add a paragraph to the end of section B,5

- i. Black vinyl coated welded wire fencing, not including chain link or chicken wire, may be securely attached to split rail or other board fences (not picket fences). Uncoated, galvanized, or other colors of welded wire fencing are prohibited.

GOATS

10-7B-1: PERMITTED USES:

- A. Principal Uses: Those uses permitted in a W1 district, except a guesthouse and except in the noncommercial pursuit of agriculture and private stables as accessory uses, there shall be not more than two (2) horses or more than two (2) other livestock animals kept on a lot containing two (2) acres of area, and on lots over two (2) acres in area, no more than one additional horse or other livestock animal in excess of two (2) shall be permitted for each one acre of lot area over two (2) acres. (Ord. 89-13, 5-16-1989)

COMMENTARY

I could recommend adding female goats (at certain times of the year, male goats can get pretty stinky, but this provision would be difficult to enforce) to the list of livestock animals.

From what I understand, Llamas, alpacas, and goats are social animals and need company. One single animal will not thrive. It seems that 2 or 3 animals solve that need.

I could see increasing the number of livestock animals from 2 to 4 on 2-acre property with an additional animal for each additional acre up to a maximum of 6.

These animals **should be viewed more as pets** than working animals. Any more than just a few animals and things start to become a “home occupation” and would violate the provision that “the home occupation shall be conducted entirely within the dwelling unit, and not in or from any detached or attached garage or other accessory structure.”

OFF-STREET PARKING

Proposed changes to OFF-STREET PARKING 10-7-4, C

2. On Lots of Record of Less Than Two Acres Not Located Within The Wayne Village Historic District: No more than **five (5)** ~~four (4)~~ unenclosed and unscreened vehicles may be parked or located on a single-family lot ~~in front of the setback line, one of which may be a commercial vehicle.~~ No **commercial vehicle** or recreational vehicle may be parked or located on any portion of a lot unless screened or enclosed. **All vehicles need to be operable and parked on a graded surface per 10-7-4-D. Additional parking for a temporal event is permitted**
3. On Lots of Record of Two Acres Or More: No more than **seven (7)** ~~four (4)~~ unenclosed and unscreened vehicles may be parked or located on a single-family lot ~~in front of the setback line, one of which may be a commercial vehicle.~~ No **commercial vehicle** or recreational vehicle may be parked or located on any portion of a lot unless screened or enclosed. **All vehicles need to be operable and parked on a graded surface per 10-7-4-D. Additional parking for a temporal event is permitted.**

SMALL SHEDS

10-3-5: ACCESSORY BUILDINGS, STRUCTURES AND USES:

B. Location Of Accessory Buildings And Structures: No detached accessory building or structure shall be erected, altered, or moved to any location less than ten feet (10') from the nearest wall of the principal building, or within the minimum required front or side yard for the zoning district in which the lot is located, unless such accessory building or structure conforms to the requirements for accessory buildings or structures for special uses in such district. In Residence Districts, accessory buildings and structures shall be located only in the rear yard, between the minimum required side yards, and shall be a minimum distance from the rear lot line that is equal to the minimum required side yard for the district in which it is located, except as otherwise specified by the regulations of the particular district in which the subject property is located. The provisions of this subsection shall apply to guesthouses and private stables except to the extent subsections E and F of this section permit or require otherwise.

1. **However, on lots of a one acre or less, an accessory building no larger than 200 sq.ft. may be placed in the rear yard, a minimum of two feet (2') from the side or rear property lines.**

- a. However, the accessory building may not be placed in a dedicated easement, a drainage swale, nor require the removal of any Village approved trees over 4" caliper. Unapproved or weed trees may be removed to accommodate the structure.
- b. The style of the accessory building shall match the color, roof line, and other architectural features of the main residence.
- c. The accessory building shall not be closer than 10' from another building

OUTDOOR STORAGE ISSUES

Add the following definitions to 10-2-2

CONSTRUCTION EQUIPMENT: Any equipment or device designed and intended for use in construction or material handling.

CONSTRUCTION SUPPLIES: All raw materials, landscape materials, manufactured products or subassemblies intended for use in construction or to be incorporated into a construction project.

Add this language to 10-3-7 B,6

1. No CONSTRUCTION EQUIPMENT or CONSTRUCTION SUPPLIES shall be temporarily or permanently stored in any yard except during a permitted construction project on that lot.
2. No boat or watercraft shall be temporarily or permanently stored in any yard.

NEW BUSINESS

Zoning setbacks for grandfathered buildings

In our part of town, many of the existing residences do not comply with current setbacks. While many homeowners' insurance policies provide for building code upgrades they do not address covering the additional costs of current zoning compliance. To that end, it would be good policy to "grandfather" those nonconforming residences. Here is the language I propose.

Existing text:

10-13-3 D. Restoration Of Damaged Nonconforming Building: A building or structure, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed fifty percent (50%) of the cost of restoration of the entire building or structure new, shall not be restored unless said building or structure, and the use thereof, shall conform to all regulations of the district in which it is located. In the event that such damage or destruction is less than fifty percent (50%) of the cost of restoration of the entire building or structure new, no repairs or reconstruction shall be made unless such restoration is started within one year from the date of the partial destruction and is diligently prosecuted to completion.

Additional text”

However, a nonconforming residence in a residential zoning district may be rebuilt, reconfigure and/or enlarge, regardless of the level of damage, to a distance from the property line equal to that which existed at the time of loss, or the existing setback, whichever is less”. Provided that the construction commences within 18 months of the loss. Reasonable extensions may be granted if the homeowner can demonstrate that delays have been caused by others.