



Staff Report – Wayne Township (C) Zoning Amendment

Applicant:	<p>Wayne Township Zoning Commission c/o Tony James 5346 Bowers Rd Cable, OH 43009 jamesgangrwo@gmail.com</p>
Request:	<p>The Zoning Commission initiated an amendment to the text of the Zoning Resolution. The proposal amends Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected, Article II Definitions, Article V Administration, Article VI Amendments, Official Schedule of District Regulations, Article X Supplementary District Regulations, and adds diagrams.</p>
Location:	<p>Wayne Township is located in northeast Champaign County and contains the unincorporated areas of Cable, Middletown, and Mingo. It shares a northern boundary with Logan County.</p>

Staff Analysis:	<p>Agriculture The Township is proposing to update Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected to fully take advantage of the (limited) powers that the ORC grants townships for regulating agricultural uses, buildings, and structures through zoning (ORC 519.21). They are also updating the definition of “Agriculture” to match that of ORC 519.12. Last, they are adding making “Agriculture (except animal husbandry, poultry husbandry, and dairying)” as a permitted use in the R-1, R-2, and B-2 Districts. All of these changes mean that on lots that are in a platted subdivision, or are a part of 15 or more lots arranged as described in ORC 519.21, and the lots are 1 acre or less, the Township is allowing all types of agriculture except for animal husbandry, poultry husbandry, and dairying.</p> <p>Agritourism The Township had previously adopted the LUC Model Text for Agritourism from 2020, and is proposing to update it with the changes found in the most recent version adopted February 12, 2026. This includes amending the definition of Agriculture and Agritourism related definitions, Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected, and Section 1062 Agritourism. The Township initiated the amendment before the model text was finalized, so there are some proposed changes:</p> <ul style="list-style-type: none"> ○ Staff recommends that in the first paragraph of Section 101, the Township replace “In adopting this Resolution, the Township recognizes the restrictions on its zoning authority in...” with “It is the intent of this Resolution to be and remain in compliance with...”
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Staff Report – Wayne Township (C) Zoning Amendment

- Staff recommends that in the second paragraph of Section 101 the text “including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture,” be placed in between the words “located” and “and”.
- Staff recommends that the Township remove the last sentence of the second paragraph.
- Staff recommends modifying the next to last paragraph to read: “Within forty-five (45) days after the date the hearing was first opened, or a later date the person who filed the appeal agrees to in writing, the board of zoning appeals shall conclude and adjourn the hearing. The board shall decide the appeal within twenty days after the conclusion and adjournment of the hearing. Appeals from Board decisions shall be made in a manner specified in Section 530 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal”.

Adult Use Cannabis Operators

The Township proposes to adopt Version 1 of the LUC Adult Use Cannabis Model Text. This establishes Adult Use Cannabis related definitions in Article II, and creates Section 1070 General Conditions for Adult Use Cannabis Operators, which prohibits Adult Use Cannabis Operators.

Small Off-Site Battery Energy Storage System

The Township is proposing to adopt a definition for “Small Off-Site Battery Energy Storage System”, which was recommended by LUC Staff. The Township is electing not to list it as a permitted or conditional use in any zoning district, meaning it is not a permissible use in the Township and is effectively prohibited.

Data Center

The Township is proposing to adopt a definition for “Data Center”, which was recommended by LUC Staff. The Township is electing not to list it as a permitted or conditional use in any zoning district, meaning it is not a permissible use in the Township and is effectively prohibited.

Dwelling Related Definitions

The Township is proposing to clean up the definitions that are related to dwelling and place them all under “Dwelling related definitions” as recommended by LUC Staff to make them easier to find.

Fences & Walls

The Township is proposing to add a definition and standards for fences and walls. While not technically LUC “model text”, the language comes from text developed by LUC Staff for Washington



Staff Report – Wayne Township (C) Zoning Amendment

Twp (U) with input from the Union County Prosecutor’s Office in 2024, and has since been used by other Townships.

Medical Marijuana Entities

The Township proposes to adopt Version 1 of the LUC Medical Marijuana Entities Model Text. This establishes Medical Marijuana related definitions in Article II, and creates Section 1071 General Conditions for Medical Marijuana Entities, which prohibits Medical Marijuana Entities.

Public Service Facility

The Township is proposing to amend the definition of Public Service Facility.

- Staff recommends modifying the definition of “Public Service Facility” to read “The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures whether publicly or privately owned, or by a governmental agency, including the furnishing of electrical, gas, rail transport, communication, public or private water and sewage services. This definition excludes small off-site battery energy storage systems, principal solar energy production facilities, sanitary landfill, wind power projects, and other uses defined separately herein.”

Short Term Rental and Bed & Breakfast Establishment

The Township is proposing to adopt language to regulate short term rentals and bed and breakfast establishments. Changes are made to the definition of “Transient Lodgings” to add “Bed and Breakfast Establishment”, “Motel or Hotel”, and “Short Term Rental” as sub-definitions. Then the amendment creates Section 1051 Short Term Rentals and Bed and Breakfast Facilities which establishes the development standards for the use. The proposal adds Short Term Rentals and Bed & Breakfast Facilities as a conditional use in the U-1, R-1, R-2, and B-2 Districts.

BZA Hearing

The Township is changing the time requirement to hold a public hearing for a BZA application from 20 days of submittal of an application to 40 days.

BZA Public Notices

The Township is modifying several sections in Article V Administration. The change eliminates specific public notice requirements, and instead references the relevant ORC language. This is similar to what has been recommended to other Townships.



Staff Report – Wayne Township (C) Zoning Amendment

	<p>Revocation of a Conditional Use Permit The Township is proposing to remove a section that states a conditional use permit can be revoked by the BZA if the use fails to comply with the conditions imposed by the BZA. Staff recommended this change to the Township because ORC 519.14 <i>Powers of township board of zoning appeals</i> specifies that they can revoke a conditional use permit for the extraction of minerals, but does not appear to grant the power to revoke any other conditional use permit. Staff believes that a violation of the terms of a conditional use permit would just be a zoning violation handled by enforcement action by the zoning inspector.</p> <p>Zoning Amendments The Township is modifying Article VI Amendments. Instead of listing out the entire process, it leaves in place application and initiation information, but then references ORC 519.12 for the remainder of the process. This is similar to what has been recommended to other Townships.</p> <p>Prosecutor’s Office A copy of this proposal was forwarded to the County Prosecutor’s Office for consideration and comment. At the time of the writing of this report, the Prosecutor’s Office has not provided any comments. However, the Prosecutor’s Offices of Logan and Union counties gave some comments on similar amendments and their comments can be summarized as having concerns about prohibition of a use by omission in the list of permitted or conditional uses without the Zoning Resolution explicitly stating that is how the Resolution should be interpreted. Additionally, comments from the Prosecutor’s Office in Union County raised concerns about the possibility of a data center being considered as a “Service Business”.</p> <ul style="list-style-type: none">○ Staff recommends including language in the Resolution that states that uses not listed as permitted or conditional uses are prohibited. LUC Staff will have sample language ready to provide the Zoning Commission by the time of their public hearing for consideration.○ Staff recommends adding the sentence “This definition excludes those uses defined separately herein.” to the end of the definition of Business, Service.
<p>Staff Recommendations:</p>	<p>Staff recommends APPROVAL WITH MODIFICATIONS of the proposed zoning text amendment. Those modifications are:</p> <ul style="list-style-type: none">○ Staff recommends that in the first paragraph of Section 101, the Township replace “In adopting this Resolution, the Township recognizes the restrictions on its zoning authority in...” with “It is the intent of this Resolution to be and remain in compliance with...”



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<p>Z&S Committee Recommendations:</p>	<p><i>Options for action:</i></p> <ul style="list-style-type: none"> • <i>Approval</i> • <i>Approval with Modifications (state modifications)</i> • <i>Denial</i>
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