

MEETING MINUTES
PERKINS TOWNSHIP ZONING COMMISSION
MONDAY, SEPTEMBER 9, 2024 @ 4:00 PM
PERKINS TOWNSHIP SERVICES FACILITY – BIG MEETING ROOM
2610 COLUMBUS AVENUE, SANDUSKY, OH 44870

Board Members Present:

Mrs. Cheryl Best-Wilke, Chair
Mr. Billy Criscione, Vice-Chair
Mrs. Kula Hoty Lynch

Board Members Absent & Excused:

Mr. Greg Schmid
Mr. John Lippus
Mr. Les Wilson, Alternate

Staff in Attendance:

Ms. Charlene Watkins, Director of Community
Development
Mr. Adam Panas, Planner/Zoning Inspector
Mrs. Jessica Gladwell, Administrative Assistant

I. Call to Order.

Mrs. Cheryl Best-Wilke called the meeting to order at 4:00 p.m.

II. Pledge of Allegiance.

Mrs. Best-Wilke led everyone in the pledge of allegiance.

III. Roll Call.

Mrs. Jessica Gladwell took Roll Call: Mrs. Best-Wilke, here; Mr. Billy Criscione, here; Mrs. Kula Hoty Lynch, here.

Mrs. Gladwell swore everyone in.

IV. Approval of Meeting Minutes from Monday, August 12, 2024.

Mrs. Best-Wilke noted that she had advised Mr. Adam Panas prior to the meeting about a minor typo, located on page 11, 3 paragraphs from the bottom. Mrs. Best-Wilke stated that, where the last sentence uses the word “opposing”, it should instead be “imposing”. Mrs. Hoty Lynch and Mr. Criscione agreed about the presence of the typo. Mr. Panas confirmed that this change was reflected on the “clean copy” of the minutes that he brought to the meeting for the Chair to sign.

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Mrs. Best-Wilke entertained a motion to approve the meeting minutes from August 12, 2024.

Mrs. Hoty Lynch motioned to approve the minutes. Mr. Criscione seconded the motion.

Roll Call – All ayes, motion carried.

V. Chair's Welcome and Explanation of Public Hearing & Meeting.

Mrs. Best-Wilke welcomed everyone to the meeting. She stated that the purpose of the meeting is for the Perkins Township Zoning Commission to consider and make a recommendation of approval, denial, or modification of a resolution to amend the text of the Perkins Township Zoning Resolution. Mrs. Best-Wilke stated that the Zoning Commission's authority to do so comes directly from the Zoning Resolution being considered for amendment, as does its responsibility to conduct this public hearing. She stated that, the request for amendment will first be read into the record. Then, she stated that the Zoning Commission will open a public hearing during which it will hear comments, questions, and any concerns from members of the audience. Then, she stated that the public hearing will be closed, and the public meeting will opened. During the public meeting, Commission members will discuss the proposed resolution for amendment and vote to recommend approval, denial, modification, or tabling. Then, this recommendation will be forwarded to the Board of Trustees who will consider the request at a future meeting.

VI. Secretary - Request for Proposed Amendment.

Mrs. Gladwell read the request for proposed amendment.

"Case #ZC2024-08 - The Perkins Township Zoning Commission will consider a resolution to amend the text of the Zoning Resolution's "Article 3 – Construction of Language & Definitions", "Article 17 – General Commercial District (C-2)", and "Article 25 – Supplementary District Regulations" regarding the regulation of marijuana dispensaries." The Commission will then set the date and time for a public hearing, during which these amendments will be formally considered."

VII. Staff Report - Planning & Zoning Department.

Mr. Panas summarized information provided within the staff report, which was provided to Zoning Commission members ahead of the meeting. Ms. Charlene Watkins also stated into the record that the last sentence of the official request was unintentionally included by Mr. Panas, as the public hearing during which the amendments are to be considered is the public hearing occurring right now. Mr. Panas confirmed and apologized for this oversight.

Mr. Panas proceeded with this presentation, which is summarized as follows.

Mr. Panas first gave a summary of the existing regulations. He stated that, currently, for commercial land uses related to medical marijuana:

- “Article 3 – Construction of Language & Definitions” provides several definitions related the medical marijuana.
- “Article 17 – General Commercial District” permits the medical marijuana dispensary land use as a conditionally permitted use, subject to approval by the Perkins Township Board of Zoning Appeals.
- “Article 25 – Supplementary District Regulations” prohibits the cultivation and processing of medical marijuana.

Mr. Panas confirmed that, staff’s proposed direction is to mirror this for “adult use cannabis” land uses. Mrs. Best-Wilke added that she appreciated that Mr. Panas called out in the staff report that avoiding redundancy was a top priority for these proposed amendments.

Continuing his presentation, Mr. Panas noted that, currently, the Zoning Resolution does not directly address commercial land uses related to adult use cannabis. Except for the moratorium that is in effect, an adult use cannabis dispensary would be considered to be allowed as a principal permitted use (“retail business establishment”) in the General Commercial (C-2), Light Industrial (I-1), and Heavy Industrial (I-2) zoning districts.

Mr. Panas confirmed that, as of today, the Ohio Revised Code, Chapter 3780 Adult Use Cannabis Control, Section 3780.25(A) - “Local authority regarding adult use cannabis operators” still states the following:

“Local authority regarding adult use cannabis operators.

(A) The legislative authority of a municipal corporation may adopt an ordinance, or a board of township trustees may adopt a resolution, by majority vote to prohibit, or limit the number of adult use cannabis operators permitted under this chapter within the municipal corporation or within the unincorporated territory of the township, respectively.”

Mr. Panas stated that staff agrees with the opinion shared at the public working session held on Monday, August 12, 2024, that it will be more efficient to simply regulate the “marijuana dispensary” land use as one use instead of two, because

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the conditions would be the same in both. Mr. Panas proceeded to summarize the proposed text amendments to the Zoning Resolution, contained within "Exhibit A", which was provided ahead of the meeting in the members' packets. Mr. Panas noted that, like with the previous meeting minutes, he has a "clean copy" for record keeping purposes.

VIII. Chair Opens Public Hearing for Case #ZC2024-08.

Mrs. Best-Wilke opened the public hearing for Case #ZC2024-08 and stated, "This is the time for anyone in the audience to ask questions, make comments or raise concerns."

a. Audience remarks.

There were no members of the audience present at this public hearing.

IX. Commission Motion & Second to Close the Public Hearing and Open the Public Meeting – Roll Call Vote.

With no members of the public present to provide comments, Mrs. Best-Wilke entertained a motion to close the public hearing and open the public meeting. Mrs. Hoty Lynch motioned to close the public hearing and open the public meeting. Mr. Criscione seconded the motion.

Roll Call – All Ayes, motion carried.

The public meeting was opened.

X. Discussion from Commission.

Mrs. Best-Wilke asked if there was any discussion to be had regarding the proposed resolution for text amendments.

Mr. Panas stated that he would like to quickly review the three "prongs" of this approach to text amendments so that the Commission understood the amendments prior to voting.

His review is summarized as follows.

Prong 1. Referencing the PowerPoint visual aid, which is a distilled version of the provided staff report and Exhibit, Mr. Panas noted that the first set of amendments would be to "Article 3- Construction of Language & Definitions". Mr. Panas stated that the resolution proposes that the following definitions be added:

- 3.9 Adult Use Cannabis
- 3.10 Adult Use Cannabis Cultivator
- 3.11 Adult Use Cannabis Dispensary

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- 3.12 Adult Use Cannabis Level I Cultivator
- 3.13 Adult Use Cannabis Level II Cultivator
- 3.14 Adult Use Cannabis Level III Cultivator
- 3.15 Adult Use Cannabis Operator
- 3.16 Adult Use Cannabis Processor

He stated that the resolution also proposes that sections of that *Article 3* be renumbered as appropriate. The full renumbering was provided in the staff report.

Prong 2. Mr. Panas noted that the second set of amendments would be to “*Article 17 – General Commercial District,*” “*Section 2 – Conditionally Permitted Uses,*” “*Subsection 14 – Medical Marijuana Dispensaries*”. Mr. Panas stated that the resolution proposes that the following changes be made:

17.2 Conditionally Permitted Uses

14) ~~Medical~~ Marijuana Dispensaries

a) A copy of a valid license to operate a marijuana dispensary (**Medical and/or Adult Use Cannabis**) from the State of Ohio must be submitted to the Community Development Department. In addition, a local emergency contact name and phone number must be on file with Perkins Township.

b) **Marijuana** Dispensaries are to be located no closer than 1,000 feet from any parcel on which sits a school, church, public library, public playground, or public park.

c) **Marijuana** Dispensaries must have a Security Plan approved by the Perkins Township Police Department.

d) **Marijuana** Dispensaries must have a Site Plan and Lighting Plan approved by the Community Development Department.

e) Outside sales or storage is not permitted.

f) There shall be no more than two (2) ~~medical~~ marijuana dispensaries within Perkins Township at any given time.

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Mr. Panas stated that the purpose of these amendments is to consolidate our regulations for all marijuana dispensaries. Mr. Panas stated that the first supporting reason for this is that medical marijuana and adult use cannabis dispensaries require the same safeguards in terms of land use. Mr. Panas stated that the second supporting reason is that combining the two land uses into one will allow the Township to simplify its approach without sacrificing the intent to limit marijuana dispensary operations to two (2) locations in our jurisdiction. Third, and last, Mr. Panas stated that these amendments should open a period of time during which staff will not have to amend these regulations again. Mr. Panas noted that this will help them focus on amending other pressing portions of the Resolution.

Prong 3. Mr. Panas stated that the third set of text amendments proposed by the Exhibit are to *"Article 25 – Supplementary District Regulations"*. As stated in the staff report, Mr. Panas noted that the resolution proposes prohibiting the cultivation and processing of adult use cannabis, and that this mirrors the approach taken to regulating the same for medical marijuana.

Mrs. Hoty Lynch commented on text amendments proposed within *"Prong 2"*. Specifically, Mrs. Hoty Lynch asked the Commission & staff's opinion on potentially changing the buffer distance requirement from being measured between parcel boundaries to instead being measured between buildings. She stated that the State of Ohio Department of Commerce made this switch and that she understood the industry and regulator alike felt that the revised standard for buffer measurement was fairer than the former. Mr. Criscione agreed, adding that measuring between parcel boundaries does seem overly restrictive. He asked Mr. Panas what his thoughts were. Mr. Panas stated that, the proposed wording of the buffer measurement is consistent with the existing language. He also stated that measuring between parcel boundaries is consistent with other sections of the Zoning Resolution. He added that, based on the contents of those sections, he would be inclined to keep the measurement convention consistent across the board. Mr. Panas stated that, under the existing convention, even a bioretention basin serving a land use *is part of the land use*. Mrs. Hoty Lynch added that she understands and is simply curious if it warrants changing. Ms. Watkins stated that the proposed language presents a more restrictive approach whereas measuring from buildings to buildings would present a less restrictive one. All Commission members acknowledged and agreed. Mrs. Best-Wilke stated that Mrs. Hoty Lynch raises a good point. She posited to the group: "Is it *too* restrictive?" Mr. Criscione noted that the limit of two (2) dispensaries may render this point moot. The Commission members acknowledged and agreed.

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Mrs. Best-Wilke stated, "Well, I suppose if this needs to be revisited in 10 years that it will be." Mr. Panas stated, "That is, in fact, why this Commission still exists."

Mr. Panas asked the Commission members if there were any other points in the proposed language that they wanted to discuss. The Commission members stated that there were not.

- XI. Commission Motion & Second to Recommend Approval, Disapproval, Modification, or Tabling of the Zoning Commission Case – Roll Call Vote.**
With no further discussion, Mrs. Best-Wilke entertained a motion to recommend approval, disapproval, modification, or tabling of the proposed resolution for amendment.
Mrs. Hoty Lynch motioned to approve the proposed resolution for amendment, pending the results of legal review.
Mr. Criscione seconded the motion to approve the proposed resolution for amendment, pending the results of legal review.
Roll Call – All Ayes, motion carried.
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- XII. Secretary Reads a Summary of the Topics to be Discussed During the Public Working Session.**

The Perkins Township Zoning Commission will conduct a public working session to discuss its preferred approach for the drafting of future text amendments to the Zoning Resolution related to swimming pools, and signage, respectively.

- XIII. Staff Report - Planning & Zoning Department.**
Private Swimming Pools

Mrs. Best-Wilke requested that Mr. Panas begin with the private swimming pool public working session.

Mr. Panas noted that as part of its ongoing review of zoning regulations, staff has identified that "Article 13 – Single-Family Serviced Residential (R-1) (R-1A) (R-1B)," "Section 6 – Accessory Structures" has been the source of numerous variance permit applications in recent years, suggesting that the current lifestyle of our residents no longer matches up well with the regulations in question.

As it relates to Private Swimming Pools, Mr. Panas stated that *“Article 3 – Construction of Language & Definitions,” “Section 148 – Swimming Pool”* provides the definition for a private swimming pool in Perkins Township.

He then stated that *“Section 3.7 – Accessory Building”* states that *“[a] swimming pool shall be deemed an accessory building for the purpose of the Resolution.”*

Mr. Panas stated that, utilizing these definitions, *“Article 13 – Single-Family Serviced Residential (R-1) (R-1A) (R-1B),” “Section 6 – Accessory Structures”* provides regulations specific to accessory buildings within the Single-Family zoning district. Mr. Panas noted that, according to *“Section 145 – Structures”*, a “building” is a type of “structure”.

Of those provisions, Mr. Panas stated that the source of the most variance permit applications has been *“Subsection 10”*. This subsection subjects all properties zoned “Single-Family Serviced Residential (R-1) (R-1A) (R-1B)” to a limit of two (2) of accessory structures per property. Mr. Panas noted that variance permit applicants have often expressed that this rule does not make sense to them, as a pool is not used for the same purpose as a shed. He said that some applicants have even stated that it makes them feel punished for improving their property.

Mr. Panas stated that numerous property owners have needed to obtain a variance or applied for a variance to erect a private swimming pool on their property. Mr. Panas stated that, normally, the people who desire to install such a structure have the space to do so, citing that he has not come across a situation where a property owner wanted to build a pool but could not because they would exceed the rear yard coverage limitation of 35%.

Mr. Panas noted that a minor change to the text of *“Subsection 10”* may be appropriate. If desired, a sentence could be added to the end of the subsection exempting private swimming pools from the 2-structure limit, while still subjecting them to overall rear yard coverage standards.

Mr. Panas stated that the amendment could be something to the following effect:

“13.6 Accessory Structures

10) In residential districts no more than two (2) accessory buildings can be erected on a lot. One of which can have an area equal to or less than the main floor of the primary residence. The second cannot exceed 196 square feet in area. Accessory structures must be subordinate to the principal use. For the purposes of this

section, private swimming pools are exempt from being counted toward the limit of two (2) accessory buildings.”

Mrs. Hoty Lynch stated that she likes the simplicity of this proposed direction and asked that Mr. Panas consider also adding language addressing that private swimming pools were still subject to all other regulations within that section.

Mrs. Best-Wilke asked Mr. Panas clarifying questions about the relationship between the definitions of a structure, accessory building, and a private swimming pool. Mr. Panas clarified these points.

The Commission members asked Mr. Panas what *other* accessory structures are currently exempted. Mr. Panas replied that none were explicitly exempted, but that he does not count anything without walls toward the limit of 2 accessory structures. The Commission members stated that this may be worth looking into. Mrs. Best-Wilke asked the Commission members and staff why language exempting things like fences and playgrounds from the definition of a structure was not already present. Mrs. Hoty Lynch noted to Mrs. Best-Wilke that the same definition is used throughout the entire Zoning Resolution and has different implications in different places. Mrs. Best-Wilke acknowledged and stated that she now understands. Mr. Panas told the Commission members that he has made a note of the matters raised and will look into it for potential future amendment.

Mr. Panas stated that his intention was to present private swimming pool text amendments for formal consideration at the October Zoning Commission meeting. The Commission members agreed that this was the best course of action. No voting occurred.

Sign Regulations

Mrs. Best-Wilke requested that Mr. Panas begin the public working session about the sign regulations.

Mr. Panas stated that as part of staff's ongoing review of zoning regulations, "*Article 28 – Sign Regulations*" has been identified as needing an organizational overhaul.

Mr. Panas noted that the existing rules appear to strike a balance between the property owner's rights and protecting the public health, general welfare, private property, etc. of the community. However, he stated that the current formatting of

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the Zoning Resolution's "Article 28 – Sign Regulations" has led to consistent confusion among staff and developers about what those rules are.

Mr. Panas stated that, currently, "Article 3 – Construction of Language & Definitions," "Section 136 – Sign" provides a comprehensive definition for signage in our jurisdiction. He stated that, within that section are 67 subsections defining various types of signs. He stated that, at this point, he does not think that the problem necessarily lies in the number of definitions, but rather the organization of the subsections they are referred to in "Article 28 – Sign Regulations", which provides numerous provisions for signage.

Mr. Panas stated that Article 28 is currently organized into the following sections:

Blue represents high-level data you should be aware of before designing a sign for your property.

Yellow represents regulations for signs specific to type, location, and zoning.

Green represents high-level policies for keeping signs in working order.

- 28.1 Purpose**
- 28.2 Governmental Signs Excluded**
- 28.3 General Requirements for All Signs and Districts**
- 28.4 Permit Required**
- 28.5 Signs Not Requiring a Permit**
- 28.6 Permanent Sign Setback Requirement**
- 28.7 Setbacks for Public and Quasi Public Signs**
- 28.8 Sight Triangle**
- 28.9 Computations and Rules of Measurement**
- 28.10 Signs Permitted in Commercial and Industrial Districts Requiring a Permit**
- 28.11 Electronic Message Board**
- 28.12 US 250 Corridor**
- 28.13 Temporary Signs Requiring Permit**
- 28.14 Temporary Signs Not Requiring a Permit**
- 28.15 Freestanding Signs**
- 28.16 Vehicle Signs**
- 28.17 Portable Sign Requirements and Guidelines**
- 28.18 Off Premise Signs (Billboards)**
- 28.19 Non-Conforming Signs and Structures**
- 28.20 Loss of Legal Non-Conforming Status**
- 28.21 Violations**
- 28.22 Aesthetic Criteria**
- 28.23 Maintenance**
- 28.24 Abandoned Signs**

28.25 Dangerous or Defective Signs

28.26 Removal of Signs by the Zoning Inspector

Mr. Panas stated that there is a lot of redundancy within this Article. He stated that there are several instances throughout the Article where a type of regulation, such as the exemption of certain types of signs is addressed more than once and across different sections.

Mr. Panas stated that, throughout *Article 28*, this redundancy creates a general lack of clarity regarding which regulations apply to different types of signs.

Mr. Panas stated that there is ample opportunity to consolidate the existing rules so that they are easier to find and interpret by staff and developers alike. He stated that, for example, all sections highlighted in yellow share many of the same themes and could potentially be consolidated into one matrix. In this regard, Mr. Panas noted that staff has begun researching how the communities in our surrounding area regulate signage, and have identified Concord Township in Lake County, OH as a potential model for the desired reformatting update. Mr. Panas showed an example of a sign regulation matrix within Concord Township's Zoning Resolution, which Commission members identified as a desirable direction to move forward with.

Potential Amendments to Article 28

Mr. Panas acknowledged that the reorganization of the Article is more pertinent, but that the public working session provided a good opportunity for discussion about potential amendments to the following areas.

Potential Amendment Area #1 – Adding to the U.S. 250 Overlay District: Mr. Panas asked the Zoning Commission to consider adding area including “The Crossings” development and other vacant and existing commercial properties to the U.S. 250 Corridor zoning overlay district, so that these existing and future developments may also benefit from additional square footage allowances for wall signage.

The Commission members stated that they were not opposed but would like more information about how the Zoning Resolution protects the surrounding residential properties in Columbus Park from light pollution. Mr. Panas agreed that this should be clearly identified prior to proceeding with text amendments.

Potential Amendment Area #2 – Adding a Perkins Ave Overlay District: Mr. Panas then asked the Zoning Commission to consider adding a zoning overlay

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district for signage for the Perkins Avenue Corridor. Mr. Panas stated that a potential angle that could be taken is to somehow make wall signage more attractive for property/business owners than pole signage, noting that a primary obstacle to installing sidewalks on the south side of Perkins Avenue appears to have been the proximity of pole signs to the road.

The Commission members stated that they were not opposed but would like Mr. Panas to verify with the Chief Building Official how much wall signage those buildings can safely carry before proceeding with such an amendment process. Mr. Panas agreed that this was a good idea.

Potential Amendment Area #3 – Clarifying Existing Standards: Mr. Panas then presented to the Commission members that some clarifying language is needed throughout the Article, including but not limited to the following sections:

- “Section 5 – Computations and Rules of Measurement”
 - Clarify what “facing” a public street means.
- “Section 12 – US 250 Corridor”
 - Clarify setback language.

Potential Amendment Area #4 – Reconsider Language in Nonconforming Signs Sections: Mr. Panas requested that the Commission review and re-evaluate Sections 19 – Non-Conforming Signs and Structures and 20 – Loss of Legal Non-Conforming Status to determine if these are still fair requirements. Mr. Panas highlighted that, in effect, the existing requirements appear to require a sign be moved to meet existing setback requirements even for a simple face change project. He stated that this appears to work against property owners.

Potential Amendment Area #5 – Updating Graphics: Mr. Panas stated that the existing graphics in this Article are very helpful but should be updated to be clearer and easier to read. Staff also requests that the Zoning Commission considers adding more graphics throughout the Article. The Commission members acknowledged and agreed that this was worth exploring.

XIV. Discussion from Commission.

The Zoning Commission members stated that they believe Mr. Panas is headed in the right direction regarding reorganizing Article 28. They underscored that, while they sincerely appreciated his other ideas for changes, that they would enjoy the opportunity to talk about those changes after the reorganization itself is reviewed. Mr. Panas agreed.

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XV. Old Business:

There was no old business to be discussed at this meeting.

XVI. New / Other Business:

Mr. Panas reminded the Commission that staff will soon begin research for text amendments to prohibit poker clubs in all zoning districts, as well as amendments to clarify the procedure for enforcement of the Zoning Resolution, likely in that order.

Mrs. Hoty Lynch requested that Mr. Panas reach out to the Fireworks Store on Route 250 regarding their use of storage containers on the rear of the property. Mr. Panas stated that he would reach out to the owners.

XVII. Commission Motion & Second to Adjourn the Public Meeting – Roll Call Vote.

With there being no further business to discuss, Mrs. Best-Wilke entertained a motion to adjourn the meeting.

Mr. Criscione motioned to adjourn the meeting. Mrs. Hoty Lynch seconded the motion.

Roll Call – All ayes, motion carried.

The meeting was adjourned at approximately 5:20 p.m.

Respectfully Submitted,

x Adam Panas

Mr. Adam Panas, Clerk
Zoning Commission

x Cheryl Best-Wilke

Mrs. Cheryl Best-Wilke, Chair
Zoning Commission

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