

MEETING MINUTES
PERKINS TOWNSHIP ZONING COMMISSION
MONDAY, December 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
 Mrs. Hoty- Lynch
 Mr. Greg Schmid
 Mr. John Lippus
 Mr. Les Wilson, Alternate

Board Members Absent & Excused: Mr. Criscione

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.

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

II. Pledge of Allegiance.

Mrs. Best-Wilke led everyone in the Pledge of Allegiance.

III. Roll Call.

Mrs. Best-Wilke asked Mrs. Jessica Gladwell for a call of the roll.

Roll Call: Mrs. Best-Wilke, here; Mrs. Hoty-Lynch, here; Mr. Greg Schmid, here; Mr. Lippus, here; Mr. Wilson, here.

Mrs. Best-Wilke advised members of the audience that they must first sign in if they plan on speaking tonight. Then, they will be asked to state their name and address prior to speaking.

IV. Approval of Meeting Minutes from Wednesday, November 20, 2024.

Mrs. Best-Wilke entertained a motion to approve the meeting minutes from the Zoning Commission's previous meeting on Wednesday, November 20, 2024.

Mr. Schmid motioned to approve the previous meeting minutes. Mr. Lippus seconded the motion.

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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 these meetings 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 or the Zoning Map 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, 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 open. 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, subject to legal review.

VI. Secretary - Request for Proposed Amendment.

Mrs. Best-Wilke requested that Mrs. Gladwell read the proposed Zoning Map amendments into the record.

Mrs. Gladwell read the request for proposed amendment.

Case #ZC2024-03 – To consider text amendments to the Zoning Resolution’s Article 3 – “Construction of Language & Definitions” and Article 25 – “Supplementary District Regulations” to prohibit Poker Clubs in all zoning districts.

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.

His presentation is summarized as follows.

Utilizing a PowerPoint slide show and maps contained within as a visual aid, Mr. Panas summarized the information in the table below.

Over the last several years, the Township has been actively examining the legality of conducting games of poker for profit by collecting “club membership fees” before playing. This differs from the normal profit method of collecting a “rake”, or a scaled

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commission fee, which is usually a percentage of each player's pot and is collected after the winner is determined.

In early 2024, the owner of a limited liability corporation (LLC) met with Township Administration and the Police Department to get questions and concerns answered regarding the legality of operating a poker club within Township limits. The LLC received all required permits from Perkins Township and began operating on March 15, 2024.

During their meeting on 4/23/2024, the Perkins Township Board of Trustees passed Resolution 2024-056 to establish a moratorium "on the establishment of Poker Clubs within Perkins Township until a determination can be made as to the legality of such businesses within the State of Ohio and the effect of such businesses upon the surrounding businesses and community".

At this Commission's 10/15/2024 meeting, the first proposal was tabled due to being too broad in scope.

At our last meeting on 11/20/2024, the revised proposal was not heard. You all were provided the revised language prior to tonight's meeting, which more squarely focuses on "poker clubs", as opposed to "gambling clubs". The amendments proposed within the staff report provided to you all were approved by our Law Director.

SUMMARY OF EXISTING REGULATIONS

After consulting the Merriam-Webster dictionary, the Ohio Revised Code, and the Perkins Township Zoning Resolution, The existing regulations can be summed up into 2 points.

First, the Ohio Revised Code clearly prohibits conducting games of poker for profit.

Second, there does not appear to be any state-level agency enforcing these regulations.

A more thorough synopsis was provided via the staff report last week.

The proposed text amendments can be best explained by splitting them into two (2) groups.

First, it's important to add definitions to our Zoning Resolution. Second, it's important to create a regulation prohibiting what we define.

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Proposed text amendments

The first definition that I will discuss is “poker”. This definition, minus the addition of a few words, comes straight from Merriam-webster’s dictionary. The Ohio revised Code does not provide a definition.

It reads: *“Poker means any of several card or electronic games in which a player bets that the value of his or her hand is greater than that of the hands held by others, in which each subsequent player must either equal or raise the bet or drop out, and in which the player holding the highest hand at the end of the betting wins the pot.”*

The second definition I will review is “poker conducted for profit”. This definition is largely inspired by the Ohio revised code’s definition of “games of chance conducted for profit”.

It reads *“Poker conducted for profit means any game of poker designed to produce income for the person who conducts or operates the game”*

As stated in my staff report, The Ohio Revised Code is clear that conducting games of poker for profit is prohibited. Chapter 2915 – “Gambling”, Section 2915.02(A) states that “No person shall do any of the following ... Establish, promote, or operate or knowingly engage in conduct that facilitates any game of chance conducted for profit or any scheme of chance”.

Section 2915.02(D) states that poker is a type of “game of chance” but does *not* provide exemptions under which games of poker may be conducted for profit by any method. Therefore, all methods of earning a profit from conducting games of poker are illegal.

Furthermore, the Ohio Revised Code considers poker a game of chance but does not provide a definition for it.

The third and final definition I will review is “poker club”.

“A poker club is a land use that primarily conducts games of poker for profit.”

This ties the previous definitions together. It is intended to be very straightforward and leave room for discussion about what qualifies on a case-by-case basis. This is like our discussion about smoke and vape shops, if you all recall.

Article 25- Supplementary District Regulations

Poker Clubs Prohibited

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“As defined in this resolution, Poker clubs are prohibited from locating in any zoning district within Perkins Township.”

VIII. Chair Opens Public Hearing for Case #ZC2024-03.

Mrs. Best-Wilke opened the public hearing for Case #ZC2024-03 and stated, “This is the time for anyone in the audience to ask questions, make comments or raise concerns.”

a. Audience remarks.

The following audience members spoke, and their comments, questions, and concerns are summarized as follows:

Note- There was no audience.

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

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. Schmid seconded the motion.

Roll Call – All ayes, motion carried.

X. Discussion from Commission.

Mrs. Best-Wilke asked if there was any discussion to be had regarding the proposed zoning map amendments.

Mrs. Hoty- Lynch stated that it makes sense the way Adam had explained it. I asked if there were any other prohibitions/use because I would be concerned that specific spots open but it's not permitted in the state of Ohio period, it seems to be just taking that extra step for enforcement purposes that we need.

Mrs. Best-Wilke stated that there aren't exceptions like when they have fundraisers for games of charity or charitable purposes.

Mr. Panas stated that there are, but we don't memorialize those, we are not proposing that.

Mr. Lippus stated that if you are a nonprofit, you still must go to the state for it.

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Mrs. Best-Wilke stated that since Mr. Lambs is a club and you are paying membership fees, is that how they can get around it?

Mr. Panas stated that, correct that has been their argument regarding it, we don't agree with it. We were not given a legal opinion from the prosecutor's office when we asked about it.

Mr. Schmid stated that he is limited in size because he only has one restroom, so he had to eliminate one of his tables because he can only have less than 25 people.

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 amendments to the Zoning Map.

Mrs. Hoty-Lynch motioned to recommend modification of the proposed resolution for amendment.

Mr. Wilson seconded the motion.

Roll Call – All ayes, except Mr. Schmid – he abstained, motion carried.

XII. Secretary - Request for Proposed Amendment.

Mrs. Best-Wilke requested that Mrs. Gladwell read the proposed Zoning Map amendments into the record.

Mrs. Gladwell read the request for proposed amendment.

Case #ZC2024-08 – To consider text amendments to 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 medical marijuana land uses.

XIII. 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.

His presentation is summarized as follows.

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Utilizing a PowerPoint slide show and maps contained within as a visual aid, Mr. Panas summarized the information in the table below.

BACKGROUND:

As we all recall, 2 election days ago, Ohio Voters passed issue 2. The State of Ohio's Department of Commerce: Division of Cannabis has since implemented various rules and regulations concerning Adult Use Cannabis.

Soon after, on December 12, 2023, our Board of Trustees voted to establish a moratorium on all adult use cannabis related land uses. The original date of expiration was December 12, 2024.

At this Commission's August 12th meeting, we conducted a public working session to discuss the approach to regulation of these land uses.

The day after, the Board of Trustees extended the moratorium for an additional 3 months, through March 12, 2025.

At the September 9th Zoning Commission meeting, you all recommended approval of text amendments to the Trustees via Zoning Commission Resolution. Due to the nature of the land uses being regulated, we were waiting to officially forward this request to the Board until after we received approval from the Law Director. That 30-day period passed, and we unfortunately received no feedback.

Since then, staff made a few more tweaks to the proposed amendments and received approval from the Law Director.

SUMMARY OF EXISTING REGULATIONS:

The existing regulations of marijuana, also known as cannabis, can be summarized into 3 points.

First, the Ohio Revised Code regulates both medical marijuana and adult use cannabis through their own chapters. These chapters mirror each other.

Second, the Perkins Township Zoning Resolution currently allows *medical* marijuana dispensaries as a conditional use but prohibits its cultivation or processing.

Lastly, the Zoning Resolution does not directly address adult use cannabis land uses. Except for the moratorium in effect, they would likely be considered as principally permitted as retail land use within the C-2, I-1, and I-2 zoning districts.

STAFF NOTES:

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The Zoning Resolution addresses three different types of medical marijuana land uses – dispensaries, processors, and cultivators. The first is conditionally permitted but limited to no more than two (2) within the Township, in addition to other conditions, whereas the latter two land uses are prohibited.

Given that staff had another opportunity to edit the language this Commission previously considered, we wanted to ensure that the approach to combine land uses was supported by data.

We researched the societal effects of recreational, or adult use marijuana dispensaries. We searched the internet using a variety of key word combinations from both the “good” and “bad” angles of marijuana dispensing. We compiled a list more than 5 pages long of basic summaries from these articles, which all referenced studies, which tend to be peer-reviewed.

What we found was that evidence is mixed about if recreational dispensaries were good or bad for communities. Therefore, we thought it appropriate to propose that adult use cannabis dispensaries, processing operations, and cultivation operations mirror their medical marijuana counterparts.

We saw this as a two-step process, first focusing on amending the existing definitions to clearly include their adult use cannabis counterparts.

If they ask about the articles: One study from 2019 found an association between the presence of medical and recreational marijuana dispensaries and increases in rates of crime and disorder in Denver neighborhoods. This was shortly after retail sales legally commenced. However, that same article noted the following: “Although our results indicate that both medical and recreational marijuana dispensaries are associated with increases in most major crime types, the weak strength typical of these relationships suggests that, if Denver’s experience is representative, major spikes in crime are unlikely to occur in other places following legalization.”

However, we also found articles that discussed a 2020 study with a follow-up in 2023 of trends in California and Washington state, which found that teens used marijuana less after legalization.

Other articles noted studies that appear to suggest that while the density of marijuana retailers is not associated with their intention to use, that exposure to directly targeted advertising is.

The point is research is ongoing, new, and largely inconclusive.

Proposed text amendments

3.108 Medical Marijuana

~~Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.~~ means marihuana as defined in section 3719.01 of the Ohio Revised Code, as may be amended, and includes both “medical marijuana” as defined in section 3796.01 of the Ohio Revised Code, as may be amended, and “adult use cannabis” as defined in section 3780.01 of the Ohio Revised Code, as may be amended, in this Article 3.

We have 4 existing definitions. I will briefly flip through them all. As you can see, we are proposing to amend the wording to more clearly include both medical marijuana and adult use cannabis, as regulated by the orc. At the same time, you will see the proposed definitions being more general in nature, which should allow for the state’s rules to change and avoid us having to amend ours.

The proposed definition for “marijuana” reads “Marijuana means marihuana as defined in section 3719.01 of the Ohio Revised Code, as may be amended, and includes both “medical marijuana” as defined in section 3796.01 of the Ohio Revised Code, as may be amended, and “adult use cannabis” as defined in section 3780.01 of the Ohio Revised Code, as may be amended, in this Article 3.”

3.109 Medical Marijuana Cultivator

~~As used in Chapter 3796 of the Revised Code, means an entity that has been issued a certificate of operation by the department to grow, harvest, package, and transport medical marijuana as permitted under Chapter 3796. of the Revised Code. A marijuana cultivator is an entity that is properly licensed and permitted to grow, harvest, package, and transport marijuana, in accordance with the Ohio Revised Code, as may be amended.~~

The definition for Marijuana Cultivator now reads “A marijuana cultivator is an entity that is properly licensed and permitted to grow, harvest, package, and transport marijuana, in accordance with the Ohio Revised Code, as may be amended.” With this one, you can see that we are using the previous definition as a basis for the new definition.

3.110 Medical Marijuana Dispensary

~~As used in Chapter 3796 of the Revised Code, means an entity licensed pursuant to sections 3796.04 and 3796.10 of the Revised Code and any rules promulgated thereunder to sell medical marijuana to qualifying patients and caregivers. A marijuana~~

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dispensary is an entity that is properly licensed and permitted to sell marijuana, in accordance with the Ohio Revised Code, as may be amended.

The proposed definition of a “Marijuana Dispensary” reads “A marijuana dispensary is an entity that is properly licensed and permitted to sell marijuana, in accordance with the Ohio Revised Code, as may be amended.”

3.111 Medical Marijuana Processor

~~As used in Chapter 3796 of the Revised Code, means an entity that has been issued a certificate of operation by the department to manufacture medical marijuana products. A~~ marijuana processor is an entity that is properly licensed and permitted to manufacture marijuana products, in accordance with the Ohio Revised Code, as may be amended.

Here is the last definition.

Mrs. Hoty-Lynch stated that she had a technical question, normally when you state in accordance with the Ohio Revised Code, it’s going to reference a chapter or a code to avoid confusion. Maybe again, just talk to the law director, so it would be ORC Code.

The second step of combining land uses is amending the language within the regulating standards themselves to reflect the changes in the definitions. We believe the way we proposed to do this will consolidate our regulations for all marijuana dispensaries without sacrificing the intent to limit marijuana dispensary operations to two (2) locations in our jurisdiction. On the board right now is the front half of the existing conditionally permitted use. As you can see, by making simple language changes, they are beginning to add up to be more inclusive, while saving wording.

The last article/section that we need to amend is the section within the supplementary district regulations prohibiting medical marijuana cultivation and processing. Prohibiting adult use cannabis cultivators and processors is permitted by O.R.C. Section 3780.25(A) because there are no existing adult use cannabis cultivators or processors within Township limits.

XIV. 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.

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The following audience members spoke, and their comments, questions, and concerns are summarized as follows:

Note- There was no audience.

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

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. Lippus seconded the motion.

Roll Call – All ayes, motion carried.

XVI. Discussion from Commission.

Mrs. Best-Wilke asked if there was any discussion to be had regarding the proposed zoning map amendments.

Mrs. Hoty-Lynch stated that she likes it, it is simplified and easy to understand. My only thought is from a cultivation standpoint, but someone could always come back and discuss it at a later time, just because we are so agriculturally based.

Ms. Watkins stated that they would have to go through a lot of other hoops before coming back for zoning.

Mr. Lippus stated that do we know or has anyone done research. Are there cultivation farms/business. Are there any out there on the Mucci farms scale anywhere in the country. As this gets bigger, we know there is probably going to be an increase in growth, for conversation's sake should we put it in there that his could be as per development basis. So, if someone looks at our zoning and they're like nope they don't allow it here, they don't want to put a Mucci farm here when it could be tens of thousands of dollars in tax revenue to the Township because they looked at our zoning and it says no.

Mrs. Hoty-Lynch stated that she thinks people would ask before they read our zoning code. They are not afraid, we have 100 calls a week on this stuff and people are assuming, not looking at the zoning code.

XVII. Commission Motion & Second to Recommend Approval, Disapproval, Modification, or Tabling of the Zoning Commission Case – Roll Call Vote.

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With no further discussion, Mrs. Best-Wilke entertained a motion to recommend approval, disapproval, modification, or tabling of the proposed amendments to the Zoning Map.

Mrs. Hoty-Lynch motioned to recommend modification of that in section 3.109 3.110 3.111 that the reference to the ORC should have the actual chapter behind it.

Mr. Schmid seconded the motion.

Roll Call – All ayes, motion carried.

XVIII. Secretary - Request for Proposed Amendment.

Mrs. Best-Wilke requested that Mrs. Gladwell read the proposed Zoning Map amendments into the record.

Mrs. Gladwell read the request for proposed amendment.

Case #ZC2024-12 – To consider text amendments to the Zoning Resolution’s Article 25, Section 6 – “Storage of Automobiles, Trucks, RV’s & Boats in Residential Districts” to clarify the scope of applicability of these regulations.

XIX. 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.

His presentation is summarized as follows.

Utilizing a PowerPoint slide show and maps contained within as a visual aid, Mr. Panas summarized the information in the table below.

The existing regulations lack clarity, making it difficult for our Code Enforcement Officers to do their jobs effectively.

SUMMARY OF EXISTING REGULATIONS

For residentially zoned properties, the existing regulations ...

- Require current license plates to be displayed on all vehicles.
- Permits the storage of one (1) boat with trailer or RV in the rear or side yard, regardless of the time of year, as long as it is on an improved surface.
- Permits the storage of one (1) boat with trailer, personal watercraft, or RV to be parked in the driveway between 4/1 and 10/31.

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- Prohibits the storage of semitrailers, their accompanying trucks, and all double-axle vehicles.
- For properties that are 1-acre or less, all vehicles must be parked on an improved surface.
- *Uses terms such as “automotive vehicle”, “boat,” “truck,” “trailer,” “R.V. vehicle”, or “camper” but provides no definitions.

Mrs. Hoty-Lynch stated that when you say it permits from the rear or side yard, during that type of year on an improved surface, does that mean it can right against with no set back?

Mr. Panas stated yes, at least if gravel is down.

Mrs. Hoty-Lynch stated so ^{it can} ~~it~~ can be literally next to someone’s house.

Mr. Panas stated theoretically, it has to be on your property. That standard only applies to properties of one acre or less and zoned in the residential district.

PROPOSED TEXT AMENDMENTS

For the sake of time, it is most productive to view the proposed text amendments as three (3) main actions:

- 1) Add definitions that reference the Ohio Revised Code.
- 2) Amend regulations to apply to all “vehicles” and “vessels” parked on properties with residential land use.
- 3) Repeal one (1) cross-reference in Article 27 and move to Article 25, Section 6.

We are proposing three (3) new definitions. The first proposed definition is for an improved surface. It was drafted based on a combination of several definitions from case law, dictionaries, and encyclopedias. It reads “Improved Surface’ means an area which uppermost layer is comprised of a selected materials constructed to a depth sufficient to distribute the weight of a vehicle, vessel, or vehicle and vessel in combination, over such area to preclude deterioration and deflection of the area due to vehicle/vessel load, adverse weather, or other conditions. Improved surfaces include but are not limited to crushed stone, gravel or similar material, asphalt, concrete, brick, paving blocks, or interlocking pervious paver grid systems.”

Second is the definition of a vehicle, which has numerous sub-definitions. We see this formatting style in the Zoning Resolution for the definitions for signage and adult businesses. The full language was provided in your packets, but these are the sections/subsections.

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For example, we defined “vehicle” as “‘Vehicle’ means vehicle as defined in section 4501 of the Ohio Revised Code, as may be amended. They are almost all written like this because their purpose is to show that our interpretation aligns with the Ohio Revised Code. This is beneficial because our powers for removing the same come from the ORC, as well.

The only other new language we proposed was stating the nature of the relationship very clearly. For example, the definition in your packets for an “All-Purpose Vehicle” is “‘All-Purpose Vehicle’ means all purpose vehicle as defined in Section 4519 of the Ohio Revised Code, as may be amended. An all-purpose vehicle is a type of vehicle.” The relationships shown reflect exactly what the ORC provides, just in a more digestible format.

ARTICLE 3 – CONSTRUCTION OF LANGUAGE & DEFINITIONS

3.158 VESSEL

- 1) Personal Watercraft
- 2) Watercraft

This is the last group of definitions proposed. Like previously mentioned, they reflect the Ohio Revised Code. Jet skis are intended to fall under the “personal watercraft definition,” and boats under the watercraft definition.

Amend regulations to apply to all “vehicles” and “vessels” parked on [1 of 4] properties with residential land use, so as to be more uniform.

ARTICLE 25 - SUPPLEMENTARY DISTRICT REGULATIONS

25.6 Storage of Vehicles and Vessels on Residential Properties.

- 1) Applicability.
- 2) Prohibited Uses.
- 3) Requirements.

Second, we propose amending the existing regulations to apply to all “vehicles” and “vessels” parked on properties with residential land use. On the board, you will see the division of this section into three subsections.

ARTICLE 25 - SUPPLEMENTARY DISTRICT REGULATIONS

25.6 Storage of Vehicles and Vessels on Residential Properties.

1) Applicability.

This Section applies to the parking & storage of all vehicles and vessels, as defined in this Resolution, on properties that are in a residential zoning district and/or have a residential land use.

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First, we thought it would be important to clearly define the applicability of the regulations. Whereas the existing regulations only apply to properties that were residentially zoned and had a lot area of 1 acre or less, the proposed regulations apply to those properties, as well as all properties which have a residential land use, regardless of lot size.

ARTICLE 25 - SUPPLEMENTARY DISTRICT REGULATIONS

25.6 Storage of Vehicles and Vessels on Residential Properties.

- 1) Prohibited Uses.
- 2) Human Habitation
- 3) Business Uses
- 4) Semitrailer Storage
- 5) Disabled Vehicle Storage (MOVED FROM ARTICLE 27)
- 6) Junk Motor Vehicles

Second, it was deemed important to enumerate all prohibited uses. Subsections “a)”, “b),” and “c)” are existing standards within the Zoning Resolution. Subsection “d)” was ported over from Article 27. You’ll see more about that in a bit. Lastly, subsection “e)” was only present in the Ohio Revised Code.

ARTICLE 25 - SUPPLEMENTARY DISTRICT REGULATIONS

25.6 Storage of Vehicles and Vessels on Residential Properties.

- 1) Requirements.
- 2) Requirements for All Vehicles and Vessels.
 - i) Operability, ii) Licensing, iii) Connection to Utilities
- a) Requirements for All Purpose Vehicles, Collector’s Vehicles, Buses, Recreational Vehicles, Snowmobiles, Trailers, Watercraft, and Personal Watercraft.
 - i) Quantity Limit, ii) Permitted Locations (Summer vs. Winter Seasons)
- a) Trailers Required for Watercrafts Personal Watercrafts, and Snowmobiles.

Other clarifying language was also added. Like before, this revised language continues to imply that these regulations do not apply to vehicles stored entirely within a garage or other enclosed accessory building.

For vehicles and vessels stored outside, subsection 3.a requires them to be in operable condition, display valid proof of licensing and registration, and prohibits the connection to utilities except for servicing or preparing for travel, such as with electric vehicles and RV’s.

Subsection 3.b requires that certain vehicles and vessels commonly found in residents' driveways, side, and rear yards be limited to a total of two (2) and be parked on an improved surface if not on the driveway.

In the summer, snowmobiles may not be stored on the driveway but still count toward the limit of 2 if parked elsewhere. In the winter, up to 2 snowmobiles may be stored on the driveway (on a trailer), and one additional vehicle or and vessel may be in the side or rear yard on an improved surface.

Section 3.c requires that watercrafts (boats), personal watercrafts (jet skis), and snowmobiles be stored on a trailer and that the combination of the two constitutes one (1) vehicle or vessel.

Some of these regulations previously existed, but it was hard to determine what exact cases they applied to without definitions in the Zoning Resolution. The main change is in the applicability.

PROPOSED TEXT AMENDMENTS

- 3) Repeal one (1) cross-reference in Article 27, and move to Article 25, Section 6 & [1 of 2]

Re-number subsequent sections of Article 27.

ARTICLE 27 – OFF-STREET PARKING & LOADING FACILITIES

27.7 ~~Parking of Disabled Vehicles~~

~~The parking of a disabled vehicle within a residential district for a period of more than one week shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.~~

Lastly, as we briefly touched on, it made sense to repeal Article 27, Section 7 – “Parking of Disabled Vehicles”. The standard references parking in a residential district, which does not align with the purpose of Article 27, which is to regulate parking on non-residential properties.

ARTICLE 25 - SUPPLEMENTARY DISTRICT REGULATIONS

25.6 Storage of Vehicles and Vessels on Residential Properties.

- 1) Prohibited Uses.
- 2) Human Habitation
- 3) Business Uses
- 4) Semitrailer Storage
- 5) Disabled Vehicle Storage (MOVED FROM ARTICLE 27)

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- 6) The parking or storage of a disabled vehicle within a residential district for a period of more than one week shall be prohibited, except that such vehicle may be stored in its entirety within an enclosed garage or other accessory building.
- 7) Junk Motor Vehicles

Instead, we believed this regulation was more appropriately housed within Article 25 – “Supplemental Regulations”, which does not have such a specific intent. On the board you’ll see subsection 2 again with the moved standard bolded.

Discussions among the board continued regarding environmental, safety, setbacks concern for the storage of vehicles in rear and side yards.

XX. Chair Opens Public Hearing for Case #ZC2024-12.

Mrs. Best-Wilke opened the public hearing for Case #ZC2024-12 and stated, “This is the time for anyone in the audience to ask questions, make comments or raise concerns.”

a. Audience remarks.

The following audience members spoke, and their comments, questions, and concerns are summarized as follows:

Note- There was no audience.

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

Mrs. Best-Wilke entertained a motion to close the public hearing and open the public meeting.

Mr. Wilson motioned to close the public hearing and open the public meeting. Mr. Schmid seconded the motion.

Roll Call – All ayes, motion carried.

XXII. Discussion from Commission.

Mrs. Best-Wilke asked if there was any discussion to be had regarding the proposed zoning map amendments.

XXIII. Commission Motion & Second to Recommend Approval, Disapproval, Modification, or Tabling of the Zoning Commission Case – Roll Call Vote.

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With no further discussion, Mrs. Best-Wilke entertained a motion to recommend approval, disapproval, modification, or tabling of the proposed amendments to the Zoning Map.

Mrs. Hoty-Lynch motioned to table this based on doing more research and consideration, I think it's a good start.

Mr. Lippus seconded the motion.

Roll Call – All ayes, motion carried

XXIV. Secretary - Request for Proposed Amendment.

Mrs. Best-Wilke requested that Mrs. Gladwell read the proposed Zoning Map amendments into the record.

Mrs. Gladwell read the request for proposed amendment.

Case #ZC2024-13 – To consider text amendments to the Zoning Resolution's Article 4 – "Administration," Section 6 – "Amendments to Zoning Resolution; Procedure; Referendum" to create an exception for fixing certain typographical or clerical errors.

XXV. 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.

His presentation is summarized as follows.

Utilizing a PowerPoint slide show and maps contained within as a visual aid, Mr. Panas summarized the information in the table below.

During the past year, staff has been working to create a "living" version of the Perkins Township Zoning Resolution in Microsoft Word so that when text amendments are passed, they may be quickly added to the Resolution after they become legally effective. While working on this, staff has noticed a variety of typographical and clerical errors throughout the Resolution.

The current version of the Zoning Resolution does not appear to have one predominant convention for formatting elements including but not limited to numbering, font, capitalization, or spacing. This undermines the Zoning Resolution's professionalism and credibility and makes it harder for readers to navigate and understand the information contained therewithin.

Ensuring the public-facing version of the Resolution is kept up to date is crucial for maintaining transparency, accuracy, and trust with the community. Outdated or incorrect information can lead to confusion, misinterpretation, and errors in decision-making, which can erode public confidence in the Township over time.

ARTICLE 4 – ADMINISTRATION

4.6 Amendments to Zoning Resolution; Procedure; Referendum; Exception

Zoning Commission Procedures

...

Board of Trustees Procedures

...

Exceptions

Typographical or clerical errors that do not require the use of judgment or subjective decision making for their correction and that do not call into question the meaning or interpretation of this Zoning Resolution but are obvious spelling, numerical, spacing, organizational or similar errors may be corrected by the Zoning Inspector.

Amending the Zoning Resolution to allow staff to correct typographical errors, formatting issues, numbering discrepancies, and other non-substantive edits without requiring the full amendment process acknowledges the evolving nature of the document in the 21st century. This change would enable staff to maintain accuracy and responsiveness while preserving the Resolution's integrity.

Unfortunately, two (2) attorneys have noted that they do not believe the Board ^{has} ~~as~~ ^{CSW} the authority to make this exception, as Townships are only permitted to act based on powers expressly afforded to them by the Legislature, and the power to avoid the public process for changes perceived as trivial has not been expressly afforded. Furthermore, they noted the potential for exploitation of an exception like this in the future.

On the bright side, I was made aware of some recent case law that allows the court to interpret a standard including a typo as if there were not one.

This came in after it was already advertised/ put on the agenda. So, quickly Townships are only permitted to act based on powers expressively by legislature. Simply put the power to avoid the public process for any reason, even for changes perceived by common sense as trivial has not been expressed ~~apported~~ ^{provided.} ^{CSW}

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Mrs. Best- Wilke stated that basically we have been told that we cannot do this. Then we don't need any motions?

Mr. Panas stated that is correct, you can disapprove if you'd like but it's null and void.

XXVI. Old Business:

Mrs. Best-Wilke asked if there was any old business to be discussed.

Mr. Panas stated that there was none.

XXVII. New / Other Business:

On Friday, Charlene informed me that she would like to bring forth several parcels within the Homeville subdivision that they own. The desired zoning district is R-2. Charlene informed me that the Township is working with Serving Our Seniors on several senior housing development potentials for a single-story duplex and by making these changes, we will allow it to become a reality.

On the right-hand side, I made a list of parcels and their addresses and parcel numbers. All properties are zoned "R-1B" (Single-Family Serviced Residential) and would be brought before this Commission for rezoning to "R-2" (Two-Family Residential).

All properties would become "Single Nonconforming Lots of Record" if rezoned, meaning that a home could be placed on each one as long as it met the setback requirements of the R-2 district. Of course, as the Resolution reads today, zoning variance permits must first be sought prior to construction because no home is likely to meet those requirements. Charlene informed me she was working on some text amendments to reduce the setback requirements for existing lots of this nature.

I will let Charlene fill in with any other details as I am unaware of anything further.

XXVIII. 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.

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

Roll Call – All ayes, motion carried.

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Respectfully Submitted,

x Adam Panas

Mr. Adam Panas, Clerk
Zoning Commission

x Cheryl Best-Wilke

Mrs. Cheryl Best-Wilke, Chair
Zoning Commission

Date of Signature:

1/13/2025

Date of Signature:

1-13-2025