

A G E N D A

MASSILLON PLANNING COMMISSION
SEPTEMBER 12, 1984 7:30 P.M.
MASSILLON CITY COUNCIL CHAMBERS

1. Approval of the Minutes for the August 8, 1984 Commission Meeting.
2. Petitions and Requests

Rezoning Request

Location: Lot No. 10425, located on the north side of Tremont Avenue, S.E., between 16th Street, S.E., and 18th Street, S.E., to be rezoned from R-1 Single-Family Residential to B-1 Local Business. The request has been submitted by Ronald Sinay of Buckeye Trophy for the purpose of providing future access onto Tremont Avenue from O.L. 333 (the location of Buckeye Trophy).

3. New Business

Proposed Amendments to the Zoning Code

- A. An amendment creating a new zoning classification: A-1 Agricultural District (See attached amendment).
 - B. An amendment creating a new zoning classification: R-MH Mobile Home Park District (See attached amendment).
 - C. An amendment establishing home occupations as a permitted use subject to special conditions, in R-1 through R-3 Single Family Residential Districts. (See attached amendment).
4. Other Business

The Massillon Planning Commission met in regular session on August 8, 1984, at 7:30 p.m. The following were present:

Chairman Fred Wilson
Ted Willoughby
Pearl Gray
Rudy Turkal
Henry Joiner

Robert Wagoner
Aane Aaby
Marilyn Frazier

The first item on the agenda was the approval of the minutes of the August 8, 1984, meeting. The minutes were approved as prepared.

The next item under Petitions and Requests was a rezoning request; Location: Lot No. 9544, located on the south side of North Avenue, N.E., adjacent to North Sippo Park, presently zoned R-1 Single Family Residential, to be rezoned to RM-1 Multiple Family Residential. The request has been submitted by George W. Lindsey III, in order to construct a 4-unit apartment building on the property. Aane Aaby presented the request. He stated that there are a number of duplexes along North Avenue. The lot could support a 4 unit apartment building and multiple family is suitable for the area. More than the 50% needed signatures had been secured. Mr. Lindsey was present and said he would work with the City concerning setback requirements and anything else necessary. Mr. Wagoner said that Mr. Lindsey had requested an easement and he saw no problem with that. Faith Ali, 1241 North Avenue was present and spoke against the request because of depreciation of property, possible trespassing onto her property. Mrs. James (Jean) Beatty was also present. She stated that she and her husband presently own the property and feel that this would be an improvement to the area. Mr. Willoughby moved for approval, seconded by Mr. Joiner, motion carried unanimously.

The next item was an alley vacation, location: A 10 foot alley lying between Cherry Road, N.E., and Andrew Avenue, N.E., running in an east-west direction between 7th Street, N.E. and 8th Street, N.E.; to vacate that portion between 7th Street, N.E. and 8th Street, N.E. This request has been submitted by Larry R. Kracker. Aane Aaby presented this request also. All four owners have signed the petition for the vacation. All of these owners will receive a ten foot strip. Their garages abutt this property. They have had an easement drawn up for the property. Mr. Turkal moved for approval, seconded by Mr. Willoughby, motion carried unanimously.

The final item on the agenda was a lot split, Location: Lot No. 4031, a vacant 40 foot wide lot located between 738 and 746 Medill Avenue, N.E. John Ferrero, attorney for Mr. and Mrs. Ralph Snyder of 738 Medill Avenue, N.E. (Lot No. 4030) has requested approval to purchase a 10 foot wide portion of Lot No. 4031 to add to their property. Mr. Ferrero states that the neighbors to the east (Lot No. 4032) plan to purchase the remaining 30 foot portion of Lot No. 4031 to add to their property. The splitting of Lot No. 4031 into two lots of substandard size requires the approval of the Planning Commission. Aane Aaby presented the request. He explained that this was a vacant lot between two homes. The property will be replatted so it could not be sold as substandard lots. Mr. Ferrero was present and stated that he represented the Snyders who would be purchasing the 10 foot portion, but he was also sure that the neighbors to the east (Lot No. 4032) would be purchasing the remaining 30 feet to add to their lot. Both transactions would be handled at the same time. Mr. Snyder intends to widen his driveway and the neighbors will use theirs as a garden. Mr. Willoughby moved for approval, seconded by Mr. Joiner, motion carried. The approval was contingent upon the replatting of the lots.

MASSILLON PLANNING COMMISSION MEETING

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The Commission moved to add two additional items to the agenda. One was a Preliminary Plat for a 19.9 Acre tract of land owned Massillon Development Foundation and located at the southeast corner of Oberlin Road, S.W. and 9th Street, S.W. Presently, 2.5 acres of this land is located within the City and is known as O.L. 289 and O.L. 290. The remaining 17.4 acres is located outside the City, as part of the southeast quadrant of Section 18 in Perry Township. The Commission is being asked to review the preliminary plat for this property at this time even though a final plat could not be approved until the entire tract is brought into the City. The preliminary plat subdivides this property into three lots, one being 8.4 acres in size, the second 1.2 acres, and the third 10.1 acres. The following public streets are proposed to be dedicated:

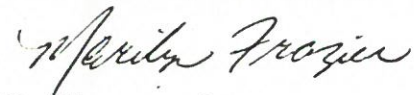
1. Oberlin Road, S.W. in this area is only an easement so the plat shows the dedication of the south half of Oberlin Road, S.W., running from 8th Street, S.W., to 9th Street, S.W.
2. Ninth Street, S.W., in this area is only a 30 foot easement, so the plat shows the dedication of 15 feet of the eastern half of 9th Street plus the dedication of an additional 15 feet for future widening of this roadway.
3. The extension of 8th Street, S.W., by dedicating a 461 foot X 40 foot strip of property as public right-of-way.

Massillon Development Foundation proposes to sell the 8.4 acre tract of land to Iron City Sash and Door Co. for relocation of the company's business operations.

The other item added was the replatting of four lots on Cliff Street, N.W., Lots No. 2502, 2503, 2504, 2505. (Clerk's Note: This item was heard prior to the Massillon Development Foundation item. The MDF item was inadvertently written up first) The proposal was to replat four lots into one lot to enable the owner to build a garage on the present lot line of one of these lots. The request was submitted by Richard Kettler, Attorney. Mr. Willoughby moved for approval contingent on the replatting of the lots, seconded by Mrs. Gray, motion carried.

The meeting adjourned at 8:45 p.m.

Respectfully submitted:


Marilyn Frazier, Clerk

Approved:

Fred Wilson, Chairman

LINCOLN

R-1

WAY

EAST

RM-1

B-1

Existing Zoning
Map

B-3

RM-1

R-1

10925
R-1

B-1

TREMONT AVE, SE

B-1

R-1

R-1

18 ST, SE

R-1

R-1

VERMONT AVE, S.E

PROPOSED AMENDMENT TO CITY ZONING CODE

SECTION 170.21 DEFINITIONS:

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided however, that the operation of any such accessory uses shall be secondary and incidental to the normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals or the raising of mink, foxes, or other nondomesticated animals. A use shall be classified as agriculture only if agriculture is the principal or main use of the land.

Roadside Stand: A temporary structure designed or used for the display or sale of neighborhood agricultural products or other products produced on the premises upon which such a stand is located.

A-1 AGRICULTURAL DISTRICT

INTENT:

The A-1 Agricultural District is established as a zone in which agricultural and certain related uses are encouraged as the principal uses of land. The specific intent is to facilitate the proper use of lands best suited to agriculture in order to minimize the conflicts between urban and agricultural uses, to preserve and protect agricultural land from unnecessary encroachment by nonagricultural uses, and to prevent the premature termination of agricultural pursuits.

PRINCIPAL USES PERMITTED:

In an Agricultural District, no building or land shall be used and no building shall be created except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Agricultural buildings and uses provided:

- a) Buildings used to house farm animals shall be located no less than 200 feet from any residential structure other than that located on the property in question.
- b) Livestock or poultry raising or breeding for commercial purposes shall only be permitted on lots of five (5) acres or more.
- c) Roadside stands, including one sign advertising such products not exceeding twenty (20) square feet, may be erected beyond the building line on lands used for agricultural purposes. Such roadside stand and sign shall not be erected nearer than thirty (30) feet from either side lot line. A total of two (2) Off-Street parking places be provided. Such stand, sign, and required off-street parking shall be located and set back in such a manner so as not to create a traffic hazard.

- d. Slaughter houses, fertilizer works, plants for the processing of animal skins or hides, and plants for the reduction of animal matter are specifically excluded from this District.
2. One-family detached dwellings.
3. Publicly owned and operated parks, playgrounds, and recreational facilities.
4. Conservation of natural resources including land and water conservation and wildlife refuges.
5. Accessory buildings and uses, customarily incident to any of the above permitted uses.

PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

1. Utility and public service building and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
2. Private non-commercial recreational areas; institutional or community recreation center; non-profit swimming pool clubs, all subject to the following conditions:
 - a. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major thorofare as designated on the Major Thorofare Plan, and the site shall be so planned as to provide all access in accordance with Section 170.167.
 - b. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
 - c. Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will therefore be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirement shall be determined by the Planning Commission on the basis of usage.

- d. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with a protective fence, eight (8) feet in height, and entry shall be provided by means of a controlled gate.
3. Golf courses, excluding miniature golf courses, which may or may not be operated for profit, subject to the following conditions:
 - a. The site shall be so planned as to provide all access in accordance with Section 170.167.
 - b. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
 - c. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall be not less than two hundred (200) feet from any property line abutting residentially zoned lands provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
4. Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
 - a. There shall be a minimum distance of not less than ten (10) feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten (10) feet.
 - b. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
 - c. Swimming pools shall be located no less than thirty-five (35) feet from any front lot line.
 - d. No swimming pool shall be located in an easement.
 - e. For the protection of the general public, swimming pools shall be completely enclosed by a fence not less than six (6) feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Building Inspector upon inspection and approval.
 - f. A pool shall not be located nearer than twenty (20) feet of any overhead power line.
 - g. Accessory buildings and uses customarily incident to any of the above permitted uses.

AREA AND BULK REQUIREMENTS

	Minimum Lot Size		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)		
	Area	Width	Stories	Feet	Front	Each Side	Rear
A-1 District	1 Acre	100 ft	2 1/2	35	40	15	50

PROPOSED AMENDMENT TO CITY ZONING CODE

R-MH Mobile Home Park Districts

Intent:

The R-MH Mobile Home Park District is designed to provide sites for mobile home parks, which will generally serve as zones of transition between non-residential development and multiple-family residential districts. It is intended that such mobile home parks shall be so located, designed, and improved as to provide a desirable residential environment protection for adjacent residential properties, and access for vehicular traffic without traversing minor streets in adjoining residential neighborhoods.

Principal Uses Permitted:

In a Mobile Home Park District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Mobile Home Parks
2. Accessory structures and uses customarily incident to the above permitted uses.

In a Mobile Home Park District, recreational vehicles shall not be occupied as living quarters and commercial areas for the sale of new or second-hand mobile homes shall not be permitted.

Required Conditions

1. All site plans for mobile home park developments shall be submitted to the City Site Plan Review Committee for its review and approval prior to the issuance of a building permit.
2. Mobile Home Park Districts shall not directly abut any One-Family Residential District and shall be located a minimum of two hundred (200) feet from any One-Family Residential District. At least one side of the Mobile Home Park District shall directly abut either an RM-1 Multiple-Family or an R-T Two-Family Residential District.
3. All mobile home park developments shall be a minimum of ten (10) acres in size.

4. Access from the mobile home park to the nearest major thoroughfare shall be by means of a public right-of-way of not less than sixty (60) feet in width. No access shall be permitted through a One-Family Residential District. No mobile home lot shall have direct access for vehicles to a public thoroughfare.
5. The mobile home park development shall provide a twelve (12) foot greenbelt between itself and all abutting districts. The greenbelt shall provide a continuous year round obscuring screen. A five (5) foot masonry wall may be substituted for the greenbelt with the approval of the Planning Commission.
6. Each mobile home lot shall contain a minimum area of at least five thousand (5,000) square feet.
7. Each mobile home unit shall contain a minimum of five hundred (500) square feet of living space per family.
8. Each mobile home unit shall be parked on a concrete slab of a minimum size of 14 X 50 feet.
9. No mobile home shall be located closer than fifty (50) feet to the right-of-way line of a major thoroughfare, or twenty (20) feet to any mobile home park property line.
10. No building or structure hereafter erected or altered in a mobile home park shall exceed one-story or fourteen (14) feet in height.
11. A minimum of two (2) off-street, automobile parking spaces shall be provided on each mobile home lot. In addition, the operator of the mobile home park shall provide a separate parking lot, providing a minimum of one (1) parking space for every two (2) mobile home lots. Said parking lot shall conform to all yard requirements and shall be suitably paved to eliminate dirt and dust.
12. Each mobile home lot shall provide underground services and utilities for each mobile home and service center.
13. All mobile homes must be enclosed from the ground to the floor level of the mobile home with a solid or lattice type enclosure in order to eliminate any unsightly storage areas.
14. Unless otherwise provided for in this Ordinance, all mobile home parks shall conform to the following laws and regulations:
 - a. Section 3733.01 through 3733.08 of the Ohio Revised Code.
 - b. Chapter 3701-27 of the Rules of the Ohio Department of Health Public Health Council.
 - c. Section 154.90 of the Subdivision Regulations of the City of Massillon, Ohio.

Area and Bulk Requirements

See Section _____, "Required Conditions" limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard set back requirements, and other requirements for the location, layout construction, drainage, sanitation, safety tie-downs, and operation of mobile home parks.

PROPOSED AMENDMENT TO CITY ZONING CODE

SECTION 170.21 DEFINITIONS

Home Occupation: Any use or profession customarily conducted entirely within a dwelling which offers skilled services to clients and which does not engage in the purchase or sale of economic goods. Such use shall be clearly incidental and secondary to the use of the dwelling for dwellings purposes and shall not change the character thereof.

SECTION 170.42 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS
(in an R-1 through R-3 One-Family Residential District)

9. Home Occupations, subject to the following conditions:

- (a) No persons other than members of the family residing on the premises shall be engaged in such occupation as:
 - (1) Instructor in voice and/or musical instrument limited to a single pupil at a time.
 - (2) Dressmaker or seamstress
 - (3) Architect or engineer
 - (4) Real estate.
 - (5) Insurance.
 - (6) Income tax preparation.
 - (7) Notary Public.
 - (8) Beauty operator.
 - (9) Photographer.
 - (10) Professional consultant.
- (b) One person other than members of the family residing on the premises shall be permitted to be engaged in the assistance of such occupations as:
 - (1) Physician.
 - (2) Surgeon.
 - (3) Dentist.
 - (4) Attorney.
 - (5) Chiropractor.
- (c) Borderline cases shall be ruled on by the City Planning Commission.
- (d) Such use shall be conducted entirely within the dwelling unit and no use of any accessory building or yard space shall be permitted.
- (e) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent of the gross floor area of one floor of the dwelling unit shall be used in the conduct of the home occupation.
- (f) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign, not exceeding one and one-half square feet in area, nonilluminated and mounted flat against the wall of the principal building.

- (g) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- (h) Such uses shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference or other causes.