

A G E N D A
MASSILLON PLANNING COMMISSION
MARCH 11, 2009 7:30 P.M.
CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meeting of February 11, 2009.*
2. *New Business*

Revision to Zoning Regulations – Free Standing Windmill

Description: The City of Massillon is considering updating its subdivision regulations to include provisions for “free-standing windmill structures” as used for on-site power generation. These new regulations would be added to Chapter 1187, Supplemental Zoning Regulations as ***Section 1187.16 “Free Standing Windmill Regulations”***

3. *Other Business*

Massillon Planning Commission

February 11, 2009

The Massillon Planning Commission met in regular session on February 11, 2009, at 7:30 P.M. in Massillon City Council Chambers. The following were present:

Members

Vice Chairman Todd Locke
Mayor Francis H. Cicchinelli, Jr.
Susan Saracina
Sheila Lloyd
Frank Cilona

Staff

Aane Aaby
Marilyn Frazier
Jason Haines

The first item of business was the minutes for the January 14, 2009, Commission meeting. Mrs. Saracina moved for approval, seconded by Mayor Cicchinelli, motion unanimously carried.

The next item under New Business was a request for conditional land use presented by Mr. Aaby.

Request for approval of Conditional Land Use – Massillon Senior Housing

Location: 117 First Street SW, located on the west side of First Street SW, between David Canary Drive SW and Tremont Avenue SW.

Existing zoning: B-2 Central Business District

Request: To construct a 52-unit apartment building for seniors age 55 and older, pursuant to Section 1165.04(g) of the Massillon City zoning code.

Applicant: Massillon Senior LLC/The NRP Group

NRP Group is making application to Ohio Housing Finance Agency for tax credits. If the application is approved, the property will be acquired and demolished for development of a senior housing complex. Mary Hada from NRP, was present and commented that they are proposing a four (4) story senior building which will also include commercial space. The application will be submitted by March 19. They will find out if the application is approved in July. She also provided proposed plans for the development. Mr. Locke asked about the number of parking spaces. Mrs. Hada replied that there would be one per unit, even though the City requires less than that. Mrs. Saracina moved for approval, seconded by Mayor Cicchinelli, motion unanimously carried.

The next item was a replat presented by Mr. Haines.

Replat – 1807-1815 Lincoln Way East

Location: Lots No. 10406 and 10407, located on the south side of Lincoln Way East. The request is to replat these two existing lots into one new lot to provide for expansion of the existing parking lot for Superior Savings Credit Union.

Applicant: Superior Savings Credit Union

Previously, there was a house on this site which has been demolished. The property will be used for parking for Superior Savings Credit Union. Sean Roseman was present representing Superior Savings Credit Union. Mayor Cicchinelli moved for approval, seconded by Mrs. Saracina, motion unanimously carried.

The next item was a rezoning request presented by Mr. Aaby.

Rezoning – Columbia Heights Neighborhood

Area description: The City of Massillon is considering changing the zoning classification of a portion of the Columbia Heights neighborhood bounded by Anthony Avenue SW on the north, by Duncan Street SW on the west, and by the railroad on the southeast and east.

Zone change from: I-1 Light Industrial

Zone change to: R-1 Single Family Residential

Applicant: City of Massillon

Proposed use: The City of Massillon is proposing this zone change to single family residential in order to promote the revitalization and redevelopment of the Columbia Heights neighborhood.

Columbia Heights was a mixed use area for many years. When the master plan was developed in the 1970s, Republic Steel was “booming.” Therefore I-1 Industrial was appropriate. However, things have changed over the years. Habitat for Humanity (HFH) has acquired some lots in the area and is interested in building houses. Council passed a resolution to look at the area for housing development. The existing businesses would be able to remain as legal non-conforming uses.

Bob Maurer from Habitat for Humanity (HFH) was present and provided information about their plans for the area, and said HFH has no objections to existing businesses.

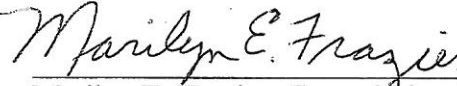
Anthony Smith, who has a business in the area, asked for clarification on the legal non-conforming use status. Mr. Aaby explained the status to him. Mr. Locke asked about the neighborhood meeting.

Mr. Aaby explained the meeting was well attended and the neighbors seemed positive about the plan.

Mayor Cicchinelli moved for approval, seconded by Mrs. Saracina, motion unanimously carried.

There being no further business before the Commission, the meeting adjourned at 7:55 P.M.

Respectfully submitted,


Marilyn E. Frazier, Commission Clerk *ky*

Approval:

MEF/ky

DATE: FEBRUARY 17, 2009

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 28 – 2009

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS" of the Codified Ordinances of the City of Massillon, Ohio, by enacting a new Section 1187.16 "FREE STANDING WINDMILL REGULATIONS", and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

New Section 1187.16 "FREE STANDING WINDMILL REGULATIONS" of CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS" of the Codified Ordinances of the City of Massillon, Ohio, be and hereby is enacted.

SEE ATTACHED EXHIBIT "A" HERETO

Section 3:

That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety and for the further reason that the codified code for the City of Massillon will include the regulation of wind energy systems. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2009

ATTEST:

MARY BETH BAILEY, CLERK OF COUNCIL

GLENN E. GAMBER, PRESIDENT

APPROVED _____

FRANCIS H. CICCHINELLI, JR., MAYOR

**PROPOSED AMENDMENT TO CHAPTER 1187
SUPPLEMENTAL ZONING REGULATIONS**

CHAPTER 1187.16 – FREE STANDING WINDMILL REGULATIONS

1187.16(A) Certain terms are defined for the purpose of this Chapter as follows:

- 1) "SMALL WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 150 kW and which is intended to reduce on-site consumption of utility power.
- 2) NACELLE: The enclosure located at the top of a wind turbine to tower that houses the gear box, generator and other equipment.
- 3) POWER CENTER: Serves as the central connection point for the electrical components in the system and provides a number of necessary control functions.
- 4) ROTOR: The rotating part of a turbine, including the blades.
- 5) TOWER: The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical devise is mounted.
- 6) TOWER HEIGHT: The height of the tower, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position along the vertical axis of the tower.
- 7) WIND TURBINE: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, power center and a rotor with two or more blades."

(B) SMALL WIND ENERGY SYSTEMS

- 1) It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity. A small wind energy system may be permitted in any zoning district as a conditionally permitted use.
- 2) No person shall cause, allow or maintain the use of a small wind energy system without first having obtained a conditional zoning certificate from the board of Zoning Appeals. Application for a conditional zoning certificate shall be submitted to the board of Zoning Appeals in accordance with Chapter 1129.

(C) DISTRICT REGULATIONS

- 1) Small wind energy systems shall be permitted in the following districts: R-1 through R-4 One-Family Residential, R-T Two-Family Residential, RM-1 and RM-2 Multiple-Family Residential, I-1 Light Industrial, I-2 General Industrial, A-1 Agricultural and A-2 General Agricultural.
- 2) Small wind energy systems shall meet the following requirements:
 - (a) Primary purpose shall be to provide power for the principal and accessory uses of the property and not for the generation of power for commercial purposes.
 - (b) Minimum lot size of two (2) acres.
 - (c) One small wind energy system tower per lot or parcel.
 - (d) Small wind energy system shall be located only in the rear yard area.
 - (e) Maximum height shall be 80 feet, measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position measured along the vertical axis of the tower.
 - (f) Minimum setback from all property lines, structures, and above ground utility lines shall be no less than 110 percent of the tower height.
 - (g) Anchor points for guy wires for the tower shall be located no closer than 25 feet to the property lines and not on or across any above ground electric transmission or distribution lines.
 - (h) Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be 12 feet.
 - (i) Tower and blade color shall be white or light gray.
 - (j) Lighting of the tower or aircraft and helicopter shall conform with Federal Aviation Administration standards for wattage and color, when applicable.
 - (k) The tower shall have either:
 - 1) Tower climbing apparatus located no closer than 12 feet to the ground level at the base of the structure;
 - 2) A locked anti-climb device installed on the tower; or
 - 3) Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.

- (l) A sign shall be posted at the base of the tower warning of electrical shock or high voltage.
- (m) An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
- (n) All small wind energy systems must separately comply with Massillon Building Department regulations (building, mechanical, electrical, etc.)
- (o) All small wind energy systems shall be installed, operated and maintained per the manufacturer's instructions, including compliance with Ohio EPA regulations regarding storage and disposition of batteries and other hazardous materials.
- (p) No variance shall be issued for the placement of a small wind energy system so close to a property line that it may result in any portion of the system to overhang, cross, or otherwise extend beyond the property line at any time, whether erect or in the event the system should fall or be toppled.
- (q) Decommissioning and Restoration. Any small wind energy system which has reached the end of its useful life or has been abandoned shall be removed. A small wind energy system shall be considered abandoned when it fails to operate for one year. The applicant shall include the following information regarding decommissioning of the project and restoring the site when submitting the application for a conditional zoning certificate:
 - 1) The anticipated life of the project;
 - 2) The estimated decommissioning costs in current dollars;
 - 3) The method and schedule for updating the costs of decommissioning and restoration;
 - 4) The method of ensuring funds will be available for decommissioning and restoration; and
 - 5) The anticipated manner in which the project will be decommissioned and the site restore.
- (r) Site Plan requirement shall include, but not be limited to:
 - 1) Property lines and physical dimensions of the site.
 - 2) Location of small wind energy system tower, guy wires, setbacks from property lines, above- and under- ground utility lines, easements and any structures on the property. Also, show location of sewage treatment system, if applicable.
 - 3) Location of signage.
 - 4) Elevation of the proposed small wind energy system tower.
 - 5) Location of tress within a 100-ft. radius of the proposed small wind energy system.

- 6) Manufacturer's specifications, including make, model, and picture.
- 7) Scaled drawing prepared by a licensed engineer and/or surveyor, no smaller than 1" = 100'.

Massillon Planning Commission

March 11, 2009, 7:30 P.M.

City Council Chambers

Sign in Sheet

Name:

Address and/or organization

Elaine Campbell

2542 Fallen Oak NE

David K McLean

2152 Winstlow Ave N.W.

THE CITY OF MASSILLON, OHIO

Internal Correspondence

To: City Planning Commission

Date: February 27 2009

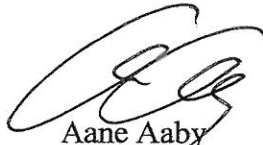
From: Aane Aaby, Community Development Director

Subject: Proposed Zoning Amendment – Free Standing Windmill Regulations

City Council has introduced the attached Ordinance, which would enact a new section of the Zoning Code regulating free standing windmills. Since this amends the zoning code, Planning Commission review and recommendation is required. This matter will be on the Agenda for the upcoming March 11 Planning Commission Meeting.

A copy of the Ordinance is attached for your review prior to the Commission Meeting. If you have any further questions or comments, please contact me at your convenience.

Very truly yours,



Aane Aaby

Community Development Director

AA:aa
encl.

DATE: FEBRUARY 17, 2009

CLERK: MARY BETH BAILEY

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