

Munson Township

Zoning Commission Special Meeting

for Public Hearing followed by Regular Business

Minutes of March 25, 2021

Nick Christie called the meeting to order at 6:01pm with, Kurtis Taylor, Ed Hren and Glen Peck present. Adriano Fiucci was absent. Also present was Zoning Inspector James Herringshaw and Secretary Julie Johnston along with Trustee Andy Bushman. The Pledge of Allegiance was said.

Nick Christie gave the audience a brief description of the proposed Zoning Resolution Amendment from University Hospitals Geauga Medical Center. They are looking to rezone four (4) Residential parcels that they own to Medical Use.

Alejandro Cortes, attorney for Geauga Medical Center, stood in front of a large map on an easel and pointed to the four parcels owned by University Hospital Geauga Medical Center which they would like rezoned from Residential to Medical Use. In 1995, Geauga Hospital became part of University Hospital system and strive to serve the community and significantly invest in the campus. They now have a surgery program, a cancer suite and a level 3 trauma and wound care center all requiring space. After a significant flood in 2017 which closed off part of the hospital, they came up with a new mitigation system to avoid future flooding. The hospital continuously received complaints for the lack of parking spaces near the hospital. At that time, they started the construction of a parking lot after removing trees which was later found to be an error on their part. They stopped the construction after the base layer was in place and filled it in with topsoil and planted grass and trees. The hospital is trying to clean up their zoning issues. They do not have a comprehensive plan yet since they may have an agreement with Lake Hospital System to integrate. Until that agreement has been completed, the plans are on hold. The rezoning is in line with the Township's comprehensive Land Use Plan. The map in the Medical Use District is for professional offices and medical use so it is not out of line with the plan in the Township Zoning Resolution.

Public Comment

Mr. & Mrs. William Bauer, affected property owners at 13149 and 13153 Ravenna Road were not aware that two parcels adjacent to their property are in the Medical Use District. Mrs. Bauer mentioned that the previous owners wanted to sell their property to the hospital, but the hospital did not want it. Dr. DeCarlo, President, UH Geauga Medical Center said that he has never had contact with them. He said that most likely happened prior to his employment at this location. Flooding has been an issue because of the sewer system. Julie Novak, Director of Operations at University Hospital Geauga Medical Center, said the water follows the downward slope of the hill and the flood mitigation worked on the property. Mr. & Mrs. Bauer's son commented that the hospital wants to change the property to Medical Use so they can build their business which is located next door to his parent's property which would add to the light pollution and more buildings to look at. The Bauer's are afraid that a parking lot and helicopter pad next door to them will hurt their property's value. Mr. Cortes stated that there are no plans for a helicopter pad. Mrs. Bauer said that the hospital has already put all the overhead wires underground and it is for a helicopter pad. She went on to say that they moved to the area many years ago to be in a country setting. They do not want a public parking lot and buildings next to their property and feel the Board should not change zoning of the lots.

Mr. Cortes said that trees are planted for a buffer and they are complying with the setback. He understands and is not trying to mitigate the Bauer's comments. Mr. & Mrs. Bauer's son commented that the hospital cut trees down on residential property. They are pushing their weight around to get what they want. Mr. Cortes added that he realizes that mistakes were made, and they are trying to fix them. That is the reason for the rezoning the parcels. Dr. DeCarlo added that he also understands the Bauer's point of view. University Hospital Geauga Medical Center is the only hospital in the area trying to provide service to the community, especially during a time sensitive medical emergency. He realizes that the parking issue is less than ideal, but patrons do not want to walk a long distance to enter the

building. The Medical Center spent \$20,000 to \$25,000 on trees and purchased the tallest ones available. The residents and surrounding communities need the resources. The hospital needs to make sure they have a business component and are financially fragile with only a 2% profit. It would be tragic if the hospital were to close. Dr. DeCarlo wants to provide the right amount of care while remaining viable to the community.

Mrs. Bauer asked Zoning Inspector Jim Herringshaw if the hospital would be able to put the parking lot back. Mr. Herringshaw told her the setbacks would be different since the parcels would change from Residential to Medical Use and answered yes, they could put the parking lot back and the trees are in place if they do not want to change it. Mr. Herringshaw read Article 5, Section 521 I. of the Munson Township Zoning Resolution which states: Whenever a parking lot and/or Loading/Unloading Space is located in or adjacent to a residential district or use, it shall be effectively screened on all sides that adjoin or face any property used for residential purposes, by a wall, fence, or planting screen. Such wall or fence, shall be not less than six (6) feet nor more than eight (8) feet in height upon installation and shall be maintained in good condition. Planting screens shall be a minimum of six (6) feet in height upon installation, deer resistant evergreens and planted so as to provide greater than fifty percent (50%) of coverage adjacent to the residential use. The space between such wall, fence, or planting screen, and the lot line of the adjoining property in any residential district shall be landscaped and maintained in good condition.

Mrs. Bauer stated that Geauga Hospital does a good job but is concerned that an Ahuga Medical Center will be in their back yard and they do not want that. Doctor DeCarlo said that the future direction of the hospital is what the community wants and needs, top notch quality care. He lives in the Geauga county and wants the area to have a strong Hospital system. Mr. Cortes stated that zoning requires the parking lot to be lit at night and they will point the lights downward, so they do not shine onto the Bauer's property. He went on to mention that there are no plans to take down the newly planted trees. Mrs. Bauer commented that if their real estate agent would have told them this would be coming, they would have never purchased the property.

Zoning Commission Chair, Nick Christie, stated that Medical Use and Residential Area are basically clustered together. The Industrial area is on State Route 44 north of Mayfield Road. The zoning should be clustered together like it is. Ed Hren added that the long-range plan is done by looking at an area and keeping zones in an orderly manner while trying to preserve natural settings as much as possible. Growth is inevitable and it is managed the best way possible, it is clearly listed in the land use plan.

Nick Christie moved and Ed Hren seconded to closed the public hearing at 7:00pm. The Zoning Commission regular business immediately followed.

Edward Hren moved the adoption of the following motion:

That the Munson Township Zoning Commission recommends the approval of the following modifications to the proposed amendment (2021-01) as written herein to the Munson Township Zoning Resolution as attached hereto.

409.1

District Boundaries

District designations of the Zoning Map notwithstanding, the following parcel is a Medical Use District: Beginning at a point in the centerline of Ravenna Road (S.R. 44) about 2 feet South of its intersection with the centerline of Nantucket Drive, said beginning point being the Southwesterly corner of land conveyed to R.D. Stewart (Volume 731, Page 157); Thence Easterly along the Southerly line of R.D. Stewart about 816 feet to the Easterly line of Munson Township; Thence Northerly along the Easterly Munson Township line about 487 ~~852~~ feet to the Northeasterly corner of land conveyed to University Hospitals (Volume 2059, Page 2030)~~the Board of Commissioners of Geauga County (Volume 576, Page 178 now known as Journal 26-53)~~; Thence Westerly along the Northerly line of said University Hospitals' Board of Geauga County Commissioners' land about 818 ~~820~~ feet to the centerline of Ravenna Road; Thence Northerly along the centerline of Ravenna Road about 560 ~~196~~ feet to the Northeasterly corner of land conveyed to Joseph & Susan DiBlasio (Volume 853, Page 1341); Thence Westerly along the Northerly line of said land conveyed to Joseph & Susan DiBlasio about 750 feet to the Northeasterly corner of Sublot No. 23 in Head of the Meadow Subdivision (Plat Volume 10, Pages 141-142); Thence Southerly along the Easterly line of said Sublot No. 23 and the Easterly line of Sublot No. 25 and an extension thereof about

1089 feet to a point in the Southerly sideline of Nantucket Drive; Thence Easterly along said Southerly sideline about 23 feet to the Northeasterly corner of Sublot No. 1 in said Head of the Meadow Subdivision; Thence Southerly along the Easterly line of said Sublot No. 1 and a Southerly extension thereof about 1506 feet to a point in the Northerly line of Country Oaks Subdivision (Plat Volume 11, Page 86); Thence Easterly along said Northerly line of Country Oaks Subdivision and an Easterly extension thereof about 727 feet to a point in the centerline of Ravenna Road; Thence Northerly along said centerline of Ravenna Road about 1534 1,020 feet to the Southwesterly corner of land conveyed to University Hospitals (Volume 1923, Page 2814) Place of Beginning; Thence easterly along the Southerly line of said University Hospitals' Land about 815 feet to the Easterly Munson Township Line; Thence Northerly along the Easterly Munson Township line about 295 feet to Northeasterly corner of land conveyed to University Hospitals (Volume 2084, Page 1050); Thence Westerly along the Northerly line of said University Hospitals' land about 815 feet to a point in the centerline of Ravenna Road; thence northerly about 219 to the Place of Beginning.

Kurtis Taylor seconded the motion and upon the roll call, all members voted yes 4-0. Motion carried.

Kurtis Taylor moved the adoption of the following motion:

The Munson Township Zoning Commission hereby submits the attached recommendation on the proposed amendment, identified as number 2021-01 to the Munson Township Zoning Resolution together with the attached motion, text and map pertaining thereto, and the attached recommendation of the Geauga County Planning Commission to the Munson Township Board of Township Trustees this 25th day of March 2021.

Glen Peck seconded the motion and upon the roll call, all members voted yes 4-0. Motion carried.

Kurtis Taylor moved and Ed Hren seconded to approve the minutes of February 18, 2021 as written. Motion carried, 3-0.

Kurtis Taylor moved and Glen Peck seconded to approve the minutes of February 24, 2021 as written. Motion carried, 4-0.

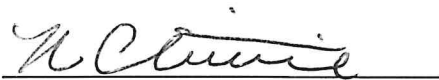
The Board discussed the proposed Zoning Resolution amendment after the informal review by the Planning Commission (attached to minutes).

Zoning Inspector Report

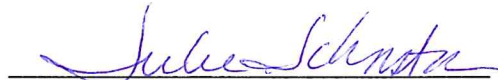
Mr. Herringshaw has been a little busier with residents inquiring about pools, accessory buildings, decks etc. Since the building season is here, they will be coming in for zoning permits soon.

Nick Christie moved and Ed Hren seconded to schedule the next meeting on Thursday, April 15, 2021 at 6:00pm. Motion carried, 3-0.

Nick Christie moved and Ed Hren seconded to close the meeting at 7:51pm. Motion carried, 4-0.



Nick Christie, Chair



Julie Johnston, Secretary

SECTION 202 DEFINITIONS

~~Agriculture - Includes farming, dairying, pasturage, apiculture, horticulture, viticulture, and animal and poultry husbandry.~~ Includes farming; algaculture meaning the farming of algae; ranching; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Agritourism – as defined in O.R.C. Section 901.80(A)(2) or as amended, means an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.

~~Home Occupation Use or "Home Occupation" - An occupational use of a dwelling which is clearly incidental to its primary use for residential purposes.~~ A Home Occupation is an accessory use which is an activity, profession, occupation, service, craft or revenue enhancing hobby which is clearly incidental and subordinate to the use of the lot as a dwelling and residence, and is conducted entirely within the dwelling unit, **without any adverse effect upon the surrounding neighborhood**.*.

**Language highlighted in yellow would be more appropriate in Section 520(b).*

SECTION 303 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning District Map, the following rules shall apply:

- 303.1 Boundaries indicated as approximately following the center lines or right-of-way lines of roads, highways, and/or alleys shall be construed to follow such center lines or their extensions;
- 303.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lines;
- 303.3 Boundaries indicated as approximately following township limits shall be construed as following township limits;
- 303.4 Boundaries indicated as parallel to or extensions of features or lines indicated in subsections 303.1 through 303.3 above shall be so construed. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.
- 303.5 If a lot or a proposed lot **in a Residential District**** is located so that it includes two or more ~~D~~districts, its use shall be subject to the ~~D~~district having the smaller lot size requirement only if ~~seventy-five percent (75%)~~ **the majority** of such lot's total area falls within the ~~D~~district having the smaller lot size requirement. This section is not intended to permit a significant number of lots in a given development to include land in a ~~D~~district requiring a larger lot size than that applicable to the ~~D~~district being developed.

***Good to add this clarifying language.*

General Requirements

The following development standards are established to control the planning, development and use of land in a Commercial District.

a. **Maximum Site Utilization** – The maximum Site Utilization Area for all:

1. buildings,
2. impervious surfaces, such as parking, driveways and service areas, and
3. site improvements and amenities, excluding storm water management facilities shall not exceed fifty percent (50%)* of the total site area of the Commercial District**. Site Utilization Area*** shall be calculated by drawing zoning compliance lot lines****, conforming to all setback, lot width, frontage, and separation requirements around each building and its associated improvements as if each building or operation was a stand alone facility. The total aggregate area contained within all said zoning compliance lot lines shall be the Site Utilization Area.

**Fifty (50%) is the current requirement but it could be higher (say 60%) and still be reasonable. If 50% has not been an issue, no need to change it.*

***In regard to the yellow highlighted text, it is 50% of the lot, not the Commercial District. This wording should be eliminated.*

****The wording for Site Utilization Area and zoning compliance lot lines is more complicated than it needs to be. Munson's Zoning Resolution already defines "Lot Coverage" in Article II and Section 411 stipulates the 50% Maximum Lot Coverage. The title here could be "Maximum Lot Coverage" and the wording could be "The maximum lot coverage for all buildings, parking, driveways, service areas, and other site improvements or amenities shall not exceed fifty (50%) percent of the total site area."*

Has there been an issue with determining 50% lot coverage? The applicant is expected to demonstrate compliance with the required lot coverage maximum. As written, the language is convoluted and the numbered format is not necessary. Is there a real life example that could be provided to help clarify the proposed language?

If Site Utilization Area is to be used, it needs to be defined.

*****The use of the phrase "zoning compliance lot line" could be confused with the actual lot line. Recommend revising.*

- b. **Open Space** – At least fifty percent (50%) of the acreage of each Commercial District use* shall be located outside of the Site Utilization Area determined by the zoning compliance lots and said areas** shall be reserved in a natural or undeveloped state as permanent* Open Space.

**Instead of "each Commercial District use, "the total site area" could be inserted here so it matches the language above in a-3:*

***The language "zoning compliance lots and said areas" is different wording than in a-3 above. Section b could be "Minimum Open Space" and wording be "The minimum Open Space shall be fifty (50%) percent of the total site area."*

****Open Space is currently defined in the resolution and it is not recommended to use "permanent" as permanent implies the land is restricted by conservation easement or some other covenant or restriction. It is fine for the language to be "...natural or undeveloped state as Open Space." An owner could propose to provide less than 50% Open Space, which would be handled through the variance process.*

- c. **Building Location** - The minimum distance between buildings shall be forty (40) feet.

407.56 **Agricultural Use Exception**

407.67 **Parking**

407.78 **Driveway**

408.5 **General Requirements***

The following development standards are established to control the planning, development and use of land in an Industrial District.

- a. **Maximum Site Utilization** – The maximum Site Utilization Area for all:
1. buildings,
 2. impervious surfaces, such as parking, driveways and service areas, and
 3. site improvements and amenities, excluding storm water management facilities shall not exceed fifty percent (50%) of the total site area of the Industrial District. Site Utilization Area shall be calculated by drawing zoning compliance lot lines, conforming to all setback, lot width, frontage, and separation requirements around each building and its associated improvements as if each building or operation was a stand alone facility. The total aggregate area contained within all said zoning compliance lot lines shall be the Site Utilization Area.
- b. **Open Space** – At least fifty percent (50%) of the acreage of each Industrial District use shall be located outside of the Site Utilization Area determined by the zoning compliance lots and said areas shall be reserved in a natural or undeveloped state as permanent Open Space.
- c. **Building Location** - The minimum distance between buildings shall be forty (40) feet.

**Same comments apply to Section 408.5(a) and (b) as with Section 407.5(a) and (b).*

408.56 **Agricultural Use Exception**

408.67 **Parking**

408.78 **Driveway**

409.5 **General Requirements***

The following development standards are established to control the planning, development and use of land in a Medical Use District.

- a. **Maximum Site Utilization** – The maximum Site Utilization Area for all:
1. buildings,
 2. impervious surfaces, such as parking, driveways and service areas, and
 3. site improvements and amenities, excluding storm water management facilities shall not exceed fifty percent (50%) of the total site area of the Medical District. Site Utilization Area shall be calculated by drawing zoning compliance lot lines, conforming to all setback, lot width, frontage, and separation requirements around

each building and its associated improvements as if each building or operation was a stand alone facility. The total aggregate area contained within all said zoning compliance lot lines shall be the Site Utilization Area.

- b. **Open Space** – At least fifty percent (50%) of the acreage of each Medical Use District use shall be located outside of the Site Utilization Area determined by the zoning compliance lots and said areas shall be reserved in a natural or undeveloped state as permanent Open Space.
- c. **Building Location** - The minimum distance between buildings shall be forty (40) feet.

**Same comments apply to Section 409.5(a) and (b) as with Section 407.5(a) and (b) and 408.5(a) and (b).*

409.56 **Parking**

409.67 **Driveway**

SECTION 503 PRINCIPAL STRUCTURES PER LOT

No more than one* principal building or structure may be constructed upon any one lot located within a Residential or Flood Prone District for the purposes of this Resolution. The construction of more than one principal building or structure upon any one lot shall require the approval of a variance from the Board of Zoning Appeals.

**Recommend format be “one (1) principal...” in both instances in this section.*

SECTION 520 HOME OCCUPATIONS

No person shall engage in a Home Occupation, or materially alter the scope of an existing Home Occupation, within the Township unless and until applicant has applied for, and the Zoning Inspector has issued, a Zoning Certificate pursuant to Article 12 of this Zoning Resolution.

Home Occupations shall not:

- a. Employ anyone not a member of the resident family;*
- b. Produce unreasonable and excessive noise, smoke, dust, heat, odor, or vibration that would disturb a reasonable person of ordinary sensibilities;**
- c. Offer for sale on the premises*** material products not produced by such Home Occupation;
- d. Present outward evidence of such use, including but not limited to signage;
- e. Operate any business that offers or provides lodging to the general public for compensation;
- f. Operate in violation of any federal, state or local laws or regulations

**This language is not proposed to be changed as part of this amendment but allowing one (1) outside employee is reasonable.*

*** This language is not proposed to be changed as part of this amendment but recommend the highlighted text be deleted.*

****I believe the intent of this is to allow for home occupations that perform online sales?*

SECTION 521 GENERAL REQUIREMENTS FOR PARKING, AND LOADING/UNLOADING SPACES

- k. Parking and Loading/Unloading Spaces shall not be located in the minimum setback* for front, side or rear yard of any lot, nor within fifty (50) feet of the front road right-of-

way.** Loading/Unloading Spaces shall be located to the side or rear of the building or structure they serve, and shall not be in any front yard.***

** The existing language is awkward as it is a given that parking and loading/unloading spaces shall not be located within minimum setbacks. Recommend the existing wording be looked at more closely in terms of revising this entire section.*

*** As written, the proposed language in red will allow parking and loading/unloading in the front yard as long as fifty feet is maintained from the front road right of way line.*

**** The last part of this sentence highlighted in yellow conflicts with the proposed language in red as it states loading/unloading spaces shall not be in any front yard, but the language in red permits it as long as it is fifty feet from the front right of way.*

As it is not the intent to permit loading/unloading in the front yard, Section k could read as follows:

“Parking may be located within any front, side, or rear yard, subject to all minimum setbacks, except parking may be permitted no closer than fifty (50) feet from a front or side road right of way. Loading/unloading spaces shall be located to the side or rear of the building or structures they serve, and shall not be located within any front yard.”

SECTION 526 FREESTANDING SOLAR ENERGY PANELS AND ARRAYS

526.2—All freestanding Solar Energy Panels and/or Arrays shall be walled or fenced and said wall or fence shall:

- a. Not be less than four (4) feet in height;
- b. Not be less than four (4) feet nor more than fifteen (15) feet from the Solar Energy Panel and/or Array's edge; and
- c. Maintained in good condition with a gate and lock.*

**It makes sense to remove these requirements.*

SECTION 701 INTENT AND PURPOSE

Within the districts established by this Resolution or amendments that may later be adopted, there exist lots, structures, or uses of land and structures which were lawful before this Resolution was passed or amended, but which would be prohibited or more restricted under the terms of this Resolution or amendment thereto. It is the intent of this Resolution to permit these nonconformities to continue until they are removed, but not to encourage their continuance. Additionally these nonconformities shall not be enlarged upon, expanded, or extended, and shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district, unless otherwise noted herein.

A nonconforming use may be substituted for a lawful nonconforming use provided that such use is of the same kind and character as the prior lawful nonconforming use and does not result in an increase in noise, pollution, traffic, dwelling units or in the number of persons using the property. See O.R.C. 519.19 or as amended.

SECTION 702 NONCONFORMING LOTS

All nonconforming lots shall be subject to the following provisions:

702.1 Single Nonconforming Lots

In any district a permitted building, structure or use may be located, erected, constructed, reconstructed or structurally altered on any lawfully existing nonconforming lot of record provided the requirements of this resolution are met with the exception of minimum lot area and/or frontage. Any legally permitted building or structure erected prior to the effective date of adoption or amendment of this Resolution that is destroyed by any means may be reconstructed in the same footprint, or less, within two (2) years.*

** It is reasonable to allow for reconstruction of a legally permitted building/structure to be rebuilt within 1 to 2 years of its destruction.*

SECTION 703 NONCONFORMING USES OF LAND

Where, at the time of adoption or amendment of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

703.1 No such nonconforming uses shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.

703.2 Any nonconforming use may be extended throughout any parts of a building which were arranged or designed for such use at the time of adoption or amendment of this Resolution, but no use shall be extended to occupy any land outside such building.

703.3 No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution unless it increases conformity with these regulations.

703.4 If any such nonconforming uses of land are voluntarily discontinued for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.

703.5 Solid Mineral Extraction Operations

Notwithstanding anything in this section to the contrary, any solid mineral extraction operation that constitutes a nonconforming use hereunder may be extended to the duly recorded boundaries of any contiguous parcel owned by the mineral extraction operator as of the date of adoption of this Resolution.

SECTION 704 NONCONFORMING STRUCTURES

Nonconforming structures shall not be subject to the requirements concerning structures contained in this Resolution, except as follows:

704.1 No such nonconforming structure may be enlarged, altered, or reconstructed in a way which increases its nonconformity within the minimum dimensional requirements of Section 411, with the exception of the minimum setback from the front road right-of-way.* ~~but~~ eAny structure or portion thereof may be altered to decrease its nonconformity;

**I believe the origin of this change stemmed from issues with property owners who wanted to construct an addition onto the side of their home, but as their home was located at a non-conforming front yard setback, say 50 feet, a front yard setback variance was required for the addition. I believe the intent of this language is to allow an owner to construct an addition onto a building located at a legal, non-conforming front yard setback provided the addition is no closer to the front lot line than is the existing building. (Side and rear yard setbacks would still apply.) As*

written, the language could still be interpreted that an addition is permitted to extend closer to the front lot line than the existing building. The language could be changed to something similar to the following: "...within the minimum dimensional requirements of Section 411, with the exception of the minimum setback from the front road right of way where such enlargement, alteration, or reconstruction is proposed no closer to the front lot line as the existing structure."

704.2 Should a **legal** nonconforming structure or **legal** nonconforming portion of a structure on any conforming lot of record be destroyed by any means, it shall not be reconstructed except* in conformity with the provisions of this Resolution, **unless such structure or portion of a structure was erected prior to the effective date of adoption or amendment of this Resolution and reconstructed in the same footprint, or less, within two (2) years;****

** The existing language is strict so the language in red is being added to allow for reconstruction of the building within a two year period, as long as it is legal non-conforming.*

***As this section applies to all zoning districts, the proposed language will allow any non-conforming building/structure built prior to the effective date of the resolution to be re-built within a 2 year period. Are there non-conforming structures that the township would not want continued, as per the Intent and Purpose Section 701?*

704.3 Should such structure be moved for any reason for any distance whatever, it shall there after conform to the regulations for the district in which it is located after it is moved;

704.4 Nothing contained herein shall be construed to prevent the performance of ordinary repairs on any nonconforming structure or portion thereof, including without limitation the repair or replacement of internal walls, fixtures, wiring or plumbing. However, the repair or modification shall not increase the specific property (height, location, square footage, etc.) which led to the initial nonconformity. Any addition or modification which, by itself, would conform to the present Zoning Resolution may be added to the structure without increasing the nonconformity of the structure.

704.5 Upon the order of any official charged with protecting the public safety, nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition any structure or part thereof declared to be unsafe by such official.

704.6 Any nonconforming structure, the use of which is voluntarily discontinued or abandoned for more than two (2) years shall not thereafter be used for any purpose unless the structure conforms to all requirements of these regulations or a variance therefrom has been granted by the Board of Zoning Appeals.