



Zoning Text Amendment Guilford Township

Meeting: January 6, 2015	Amendment: Sections 3.8 Billboard definition & 15.6. Oil & Gas Well Setbacks
Applicant: Zoning Commission (ZC)	
Hearing: January 14, 2015 (ZC)	Reviewer: Rob Henwood

Proposal: The ZC proposes edits to Sections 3.8 Billboard definition and 15.6. Oil and Gas Well Setbacks. The proposed edits are intended to provide specifications to residents for the construction of driveways in the Residential District. Proposed deletions are shown as ~~struck through~~ and proposed new text is underlined. Staff comments are contained in the proposed submitted text below and are *italicized*.

1. DEFINITIONS: SECTION 3

3.8 - BILLBOARD: Other than directional signs to ~~local~~ Guilford Township or Seville businesses, means a sign which calls attention to a business, commodity, service, entertainment, or other activity conducted, sold, placed or otherwise offered elsewhere on the premises on which the billboard is located. Billboards shall be regarded as buildings or structures within the meaning of the Zoning Resolution. *The proposed change implies that any off-site sign providing directions to businesses not located in Guilford Township or Seville are prohibited. The township may not regulate signs based upon the location of the advertised business. Staff recommends that the first part of the sentence be deleted so that the definition reads as follows;*

3.8 - BILLBOARD: Means a sign which calls attention to a business, commodity, service, entertainment, or other activity conducted, sold, placed or otherwise offered elsewhere on the premises on which the billboard is located.

While not part of the proposed amendment, Staff recommends the definition be further edited by deleting the words "buildings or" from the second sentence of the section. A billboard can be a structure but it would not be considered a building.

Staff would encourage the township to consult with the Prosecutor's office regarding the content neutrality of the proposed text. A recent court decision (Reed v. Town of Gilbert, AZ) further limits a government's ability to regulate signs based on the content of the language contained on the sign.

2. OIL AND GAS WELLS: SECTION 15

1 - No building used for human occupancy shall be erected within one hundred (100) ~~three hundred (300)~~ feet from any oil or gas well, storage tanks, and/or separator units, abandoned or not abandoned. *This proposed change is consistent with other local community regulations.*

Recommendation: Staff recommends the MCPC **APPROVE WITH MODIFICATIONS** the amendment to the Guilford Township Zoning Resolution subject to the recommended modifications.