



**MOTION OF THE CITY OF RICHMOND PLANNING COMMISSION**

**TO DECLARE AN INTENT TO AMEND CHAPTER 30, ARTICLE V OF THE ZONING ORDINANCE CONCERNING SIGN REGULATIONS**

**WHEREAS**, in accordance with Section 15.2-2286 of the Code of Virginia an amendment to the zoning regulations or district maps may be initiated by motion of the City of Richmond Planning Commission provided any such motion or resolution of the Commission proposing an amendment to the regulations or district maps shall state the public purposes therefore; and

**WHEREAS**, Chapter 30, Article V, which is part of the City of Richmond Zoning Ordinance, establishes regulations pertaining to signs (the "Sign Regulations"); and

**WHEREAS**, the Sign Regulations are subject to the rights and protections guaranteed under the First Amendment to the United States Constitution, and under First Amendment jurisprudence, sign regulations must be content-neutral by regulating only their time, place, and manner, but not their content; and

**WHEREAS**, the Sign Regulations establish a number of sign classifications based on the subject of the sign's message without promoting or discouraging any particular viewpoint, an approach previously upheld by the United States Court of Appeals for the Fourth Circuit, whose jurisdiction includes the Commonwealth of Virginia, as being content-neutral; and

**WHEREAS**, on June 18, 2015, the United States Supreme Court in *Reed v. Town of Gilbert, Arizona* held that the sign classifications based on the subject of the message are content-based because they differentiate signs and the regulations that apply to them by the subject of their message and, therefore, violate the First Amendment in the absence of a compelling governmental interest; and

**WHEREAS**, in order to ensure that the Sign Regulations adhere to the rights and protections of the First Amendment as settled by *Reed v. Town of Gilbert, Arizona*, it is desired to amend City Code Chapter 30, Article V, and any other related sections of the Zoning Ordinance;

**NOW, THEREFORE BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good practices, the City of Richmond Planning Commission hereby adopts a resolution of intent to consider amending City Code Chapter 30, Article V to achieve the purposes described herein, and to consider any other amendments to City Code Chapter 30, Article V and other related sections of the Zoning Ordinance to ensure the proper administration and implementation of the Sign Regulations; and

**BE IT FURTHER RESOLVED THAT** the City of Richmond Planning Commission will hold a public hearing on the zoning text amendment proposed pursuant to this resolution of intent, and make its recommendations to City Council at the earliest possible date.

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Rodney M. Poole  
Chair, City Planning Commission

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Matthew J. Ebinger  
Secretary, City Planning Commission