



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**CPCR 2017-056:** Resolution of Intent to amend Article V of the Zoning Ordinance concerning sign regulations.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** July 17, 2017

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#### **PETITIONER**

City of Richmond

#### **LOCATION**

Citywide

#### **PURPOSE**

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.

#### **SUMMARY & RECOMMENDATION**

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.

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.

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.

The proposed amendments to the City Zoning Ordinance are the result of the need 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*.

Staff therefore recommends approval of the Resolution of Intent to amend the City Zoning Ordinance.

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