



## CITY OF RICHMOND

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

**ORD. 2017-149:** To amend various provisions of ch. 30, art. V and § 30-1220 of the City Code for the purpose of conforming the sign regulations in the City's zoning ordinance to controlling legal authority as decided by the Supreme Court of the United States of America.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** September 5, 2017

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#### **PETITIONER**

City of Richmond

#### **LOCATION**

Citywide

#### **PURPOSE**

To amend various provisions of ch. 30, art. V and § 30-1220 of the City Code for the purpose of conforming the sign regulations in the City's zoning ordinance to controlling legal authority as decided by the Supreme Court of the United States of America.

#### **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*.

The Planning Commission approved a Resolution of Intent to amend the City Zoning Ordinance on July 17, 2017 as referenced above. Staff recommends approval of the proposed amendment to the Zoning Ordinance.

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