

June 9, 2016

TO: Mayor Krasnoff, Vice Mayor de Triquet and Members of the City Council

Re: **RESOLUTION REQUESTING THE CHESAPEAKE PLANNING COMMISSION TO CONSIDER AND MAKE RECOMMENDATIONS CONCERNING PROPOSED AMENDMENTS TO ARTICLE 14 OF THE CHESAPEAKE ZONING ORDINANCE TO AMEND THE SIGN REGULATIONS TO BE CONSISTENT WITH CONSTITUTIONAL REQUIREMENTS.**

Please find enclosed a resolution that will initiate amendments to Article 14 of the Chesapeake Zoning Ordinance to amend the sign regulations to be consistent with constitutional requirements. This resolution will ensure that the City's sign regulations comply with the United States Supreme Court's decision in *Reed v. Town of Gilbert, Arizona*. Currently, the sign ordinance classifies different types of signs based on the content and then sets out standards which control quantity, placement, size, timing of display and other characteristics of each category of sign. Based on the *Reed* decision, such "content based" regulations violate the First Amendment of the United States Constitution.

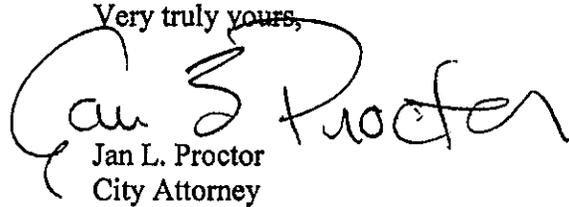
Prior to the *Reed* case, message based sign classifications were upheld in several cases by the United States Court of Appeals for the Fourth Circuit, which includes the Commonwealth of Virginia, as being content neutral provided that the regulations were viewpoint neutral (i.e., the government was neither promoting nor discouraging a particular viewpoint). The *Reed* case rejects the principle of viewpoint neutrality and instead finds that a speech regulation targeted at a specific message is content based even if it does not discriminate among viewpoints.

As a result of the *Reed* case, many Virginia localities have amended their sign ordinance to eliminate content based regulations. Chesapeake's sign regulations are complex and, therefore, the review is taking several months in order to ensure content neutrality while preserving public safety and other basic tenets of the sign ordinance. The basic framework of the proposed amendments has been developed and the adoption of the enclosed resolution will allow the presentment of a final draft to the Planning Commission as well as give notice to the public and business community of the forthcoming comprehensive amendments. Several correlating amendments to other sections of the Zoning Ordinance and companion amendments to the City Code will also be necessary.

Pursuant to Section 15.2-2285 of the Code of Virginia, the Planning Commission must report on the proposed amendments within 100 days of the first meeting of the Commission after adoption of the initiating resolution.

Please advise if you have any questions or concerns in this regard.

Very truly yours,



Jan L. Proctor  
City Attorney

JLP:hvm

Enclosure

cc: James E. Baker, City Attorney  
Jaleh M. Shea, Director, Planning Department