

RESOLUTION OF INTENT

WHEREAS, County Code § 18-4.15, which is part of the Albemarle County 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 County Code § 18-4.15 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 zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to consider amending County Code § 18-4.15 to achieve the purposes described herein, and to consider any other amendments to County Code § 18-4.15 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 Planning Commission will hold a public hearing on the zoning text amendment proposed pursuant to this resolution of intent, and make its recommendations to the Board of Supervisors at the earliest possible date.