



# Outdoor Advertising in Georgia

November 13, 2008

# **History of Outdoor Advertising**

**Federal-Aid Highway Act of 1958**  
**Highway Beautification Act of 1965**  
**1968 Amendments to the 1965 Act**  
**Federal-Aid Highway Act of 1970**  
**Federal-Aid Highway Act of 1974**  
**Federal-Aid Highway Act of 1976**  
**Surface Transportation Act of 1978**  
**ISTEA of 1991**

## **U.S. Code Title 23, Section 131 – Control of Outdoor Advertising**

***“The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the interstate system and primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.”***

**Georgia Outdoor Advertising  
Control Law – O.C.G.A.  
§ 32-6-70 - § 32-6-97**

**Provides statutory basis  
for GDOT regulation of  
Outdoor Advertising**

# **State Transportation Board Rules**

- 1. 672-6-.01 – 672-6-.12  
Granting, Renewal, and  
Revocation of Permits for  
Outdoor Advertising**
- 2. 672-7-.01 - 672-7-.04  
Removal of Unauthorized  
Outdoor Advertising**

# Classification of Regulated Signs

- 1. Conforming**
- 2. Nonconforming**
- 3. Illegal**

# **Conforming Sign**

**State Transportation Board Rules:  
672-6-.01(e) – Those signs defined  
by § 32-6-72 (1), (4), (5), O.C.G.A. &  
§ 32-6-72 (1), O.C.G.A.**

**“Conforming Sign” means a sign that meets  
all current rules and regulations.**

# Nonconforming Sign

**State Transportation Board Rules:**

**672-6-.01(o) – Those signs defined by § 32-6-71 (12), O.C.G.A. Provided that this definition is relevant to only those signs as authorized within § 32-6-72 (1), (4), (5), (6) O.C.G.A. & 32-6-73 (1), (4), O.C.G.A.**

**“Nonconforming Sign” means a sign which was lawfully erected but which does not comply with state law or state regulations due to changes in state law or changes in rules and regulations since the date the sign was erected.**

# Illegal Sign

**State Transportation Board Rules:  
672-6-.01(m) – Those signs defined by  
§ 32-6-71 (6), O.C.G.A.**

**“Illegal Sign” means a sign that has been erected and /or changed for which a permit cannot be issued.**

# Regulates Advertising Signs Only



## EXEMPTED SIGNS INCLUDE:

- On-premise
- Directional and Official
- Landmark Signs  
(as of October 22, 1965)
- “Property for Sale”

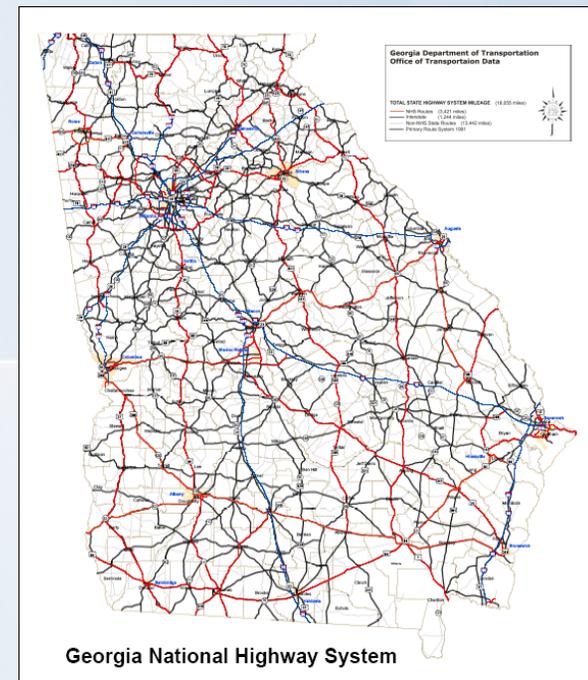
# Effective Control of Outdoor Advertising

Highway Beautification Act Required States to:

1. Enact legislation (**O.C.G.A. , § 32-6-70 - § 32-6-97**)
2. Enter into an agreement (**January 26, 1972**)
3. Enforce State law

## Controlled Routes:

- Interstates
- Primary System
- National Highway System



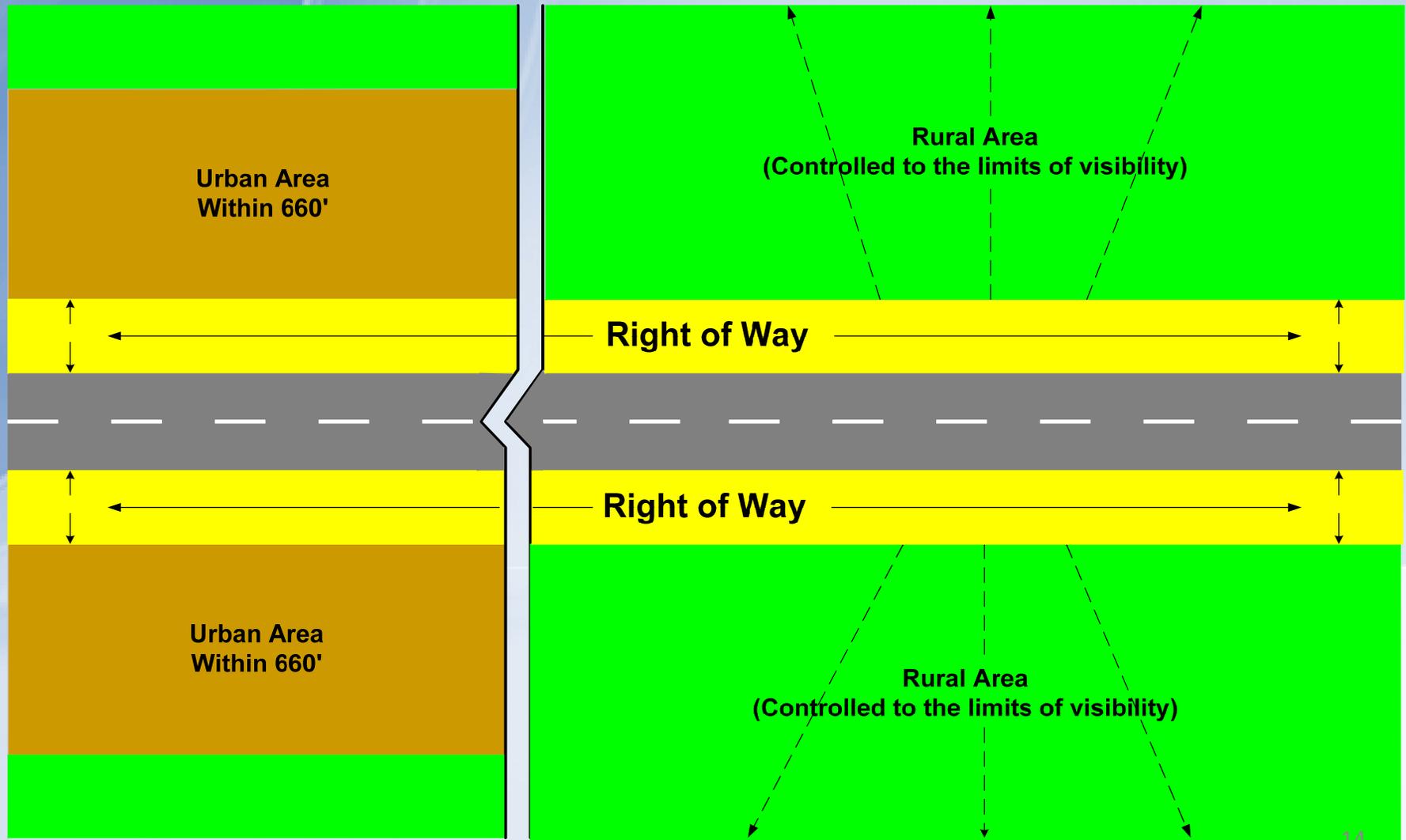
# Federal / State Agreement

- Federal/State Agreement is required by Federal Law (U.S. Code Title 23, Section 131)
- Sets minimum regulatory requirements:
  - ✓ *Size*
  - ✓ *Lighting*
  - ✓ *Spacing*
  - ✓ *Zoning*
- Georgia's Agreement signed January 26, 1972
- Authorized by O.C.G.A. 32-6-87

# Enforcement of Law

- Applies to controlled routes
- Regulates advertising signs only
- Includes conforming, nonconforming and illegal signs
- Applies to both urban and rural areas
- Only allowed in commercial & industrial areas
- Applies to both zoned and unzoned property

# Urban and Rural



# Commercial or Industrial

Highway Beautification Act states that outdoor advertising shall be limited to Commercial or Industrial areas only.

**O.C.G.A. , § 32-6-72 – No outdoor advertising shall be erected or maintained within 660 feet of the right of way & visible from the main traveled way...except:**

**(4)....in areas zoned commercial or industrial (Defined in O.C.G.A. , § 32-6-72 (29))**

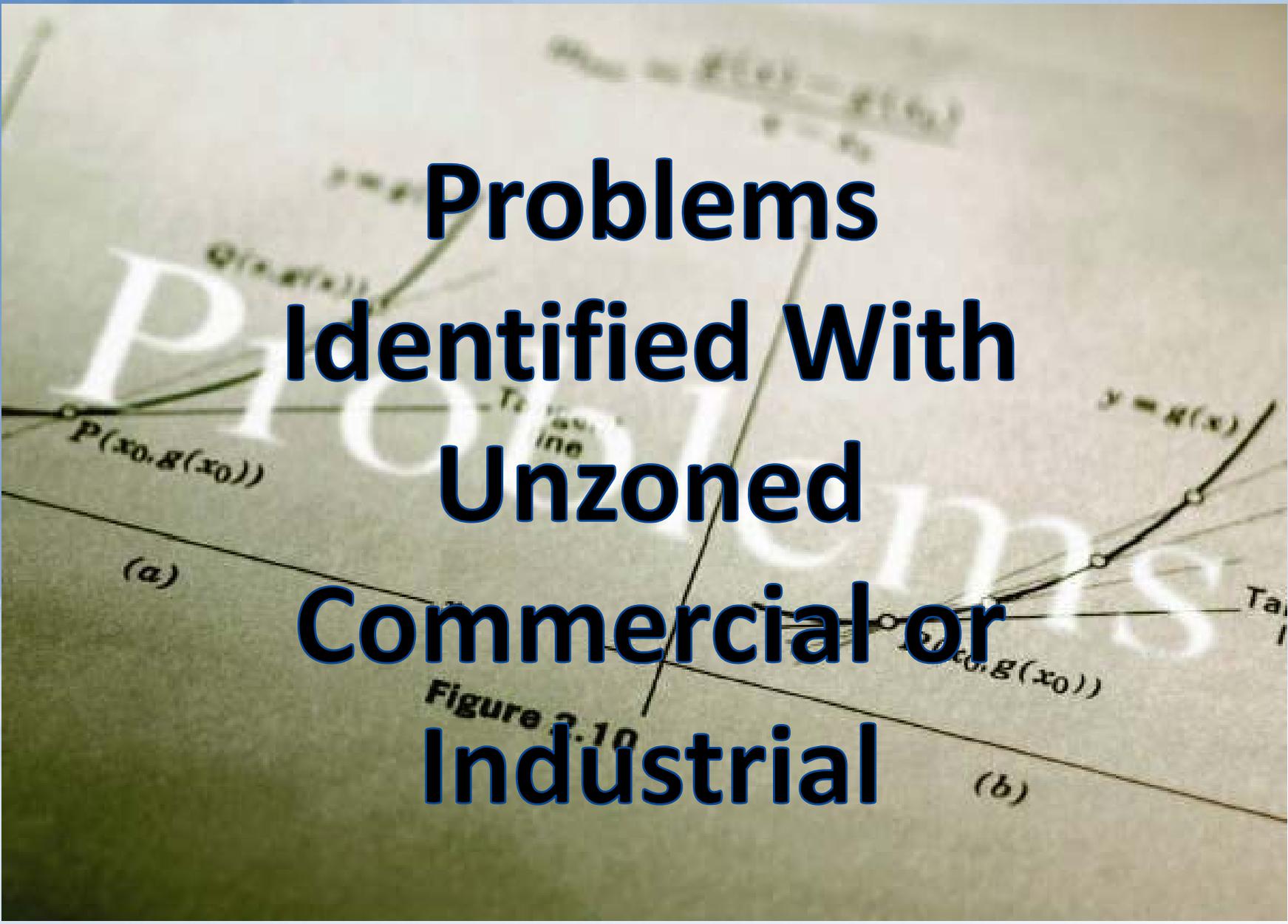
**(5)....in unzoned commercial or industrial areas (Defined in O.C.G.A. , § 32-6-72 (25))**

# 2003 FHWA Review of ODA Program

Excerpt from FHWA letter dated November 25, 2003:

*Recently, we have worked with your ODA Section to identify areas where “effective control” of the ODA program could be improved . . .*

*4. Sign control in zoned and unzoned commercial and industrial areas – 23CFR §750.706, §750.708(d) and Title 672: State Department of Transportation Rules of General Applicability for Outdoor Advertising 672-6-.01(b): Recent reviews of zoning changes submitted for FHWA approval involving local government comprehensive zoning and the recognition of business activities in unzoned areas revealed questionable activities that appear to be advanced solely for the purposes of permitting billboards. The GDOT needs to revise it’s ODA rules and definitions to assure that only “effective” comprehensive zoning and “valid” businesses are recognized for permitting purposes.*



**Problems  
Identified With  
Unzoned  
Commercial or  
Industrial**

# Laurens County



# Entrance to the Showroom



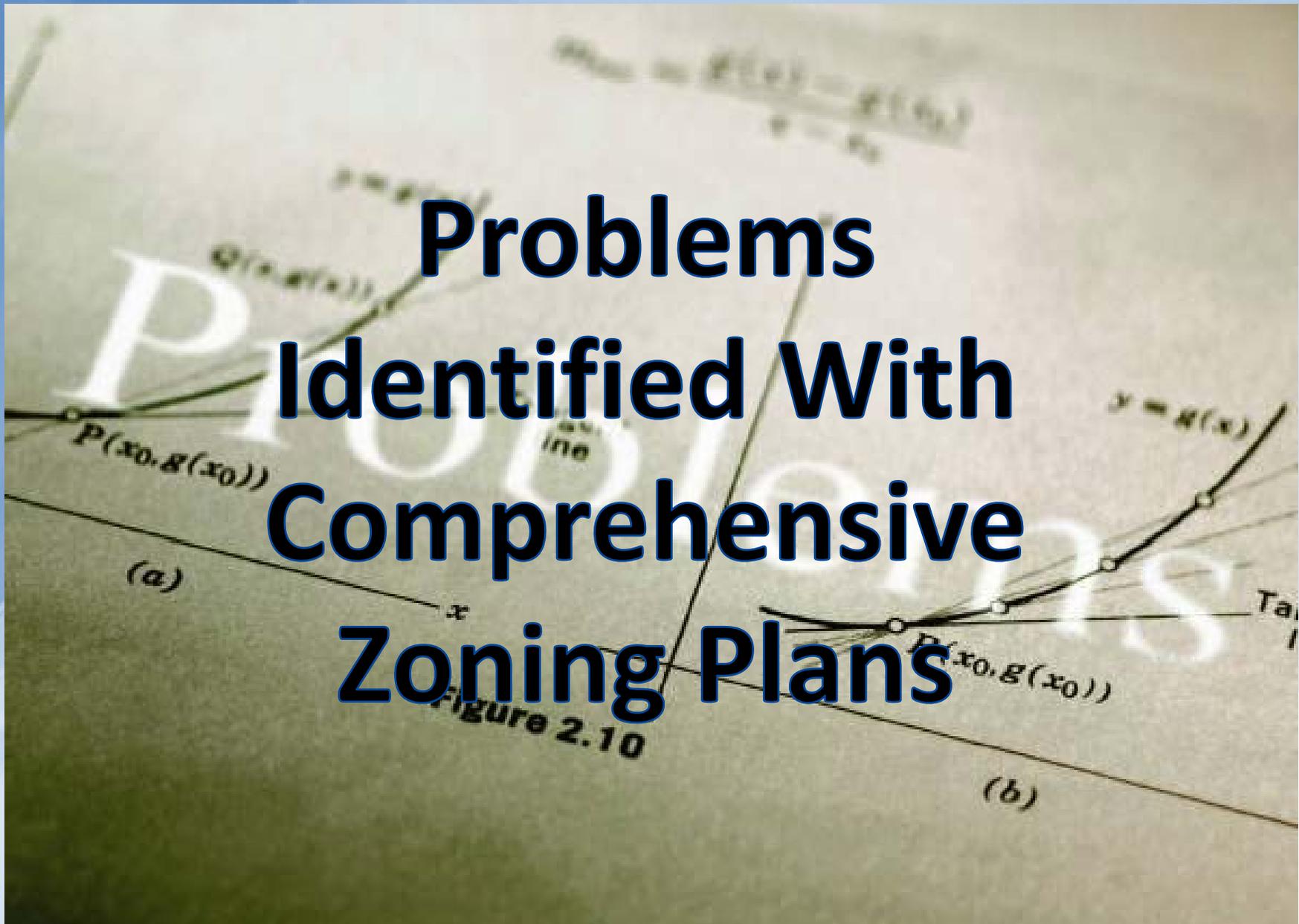
# Inside the Showroom



# Signs Near the “Business”



# Problems Identified With Comprehensive Zoning Plans



# I-75 Monroe County



# I-75 Peach County

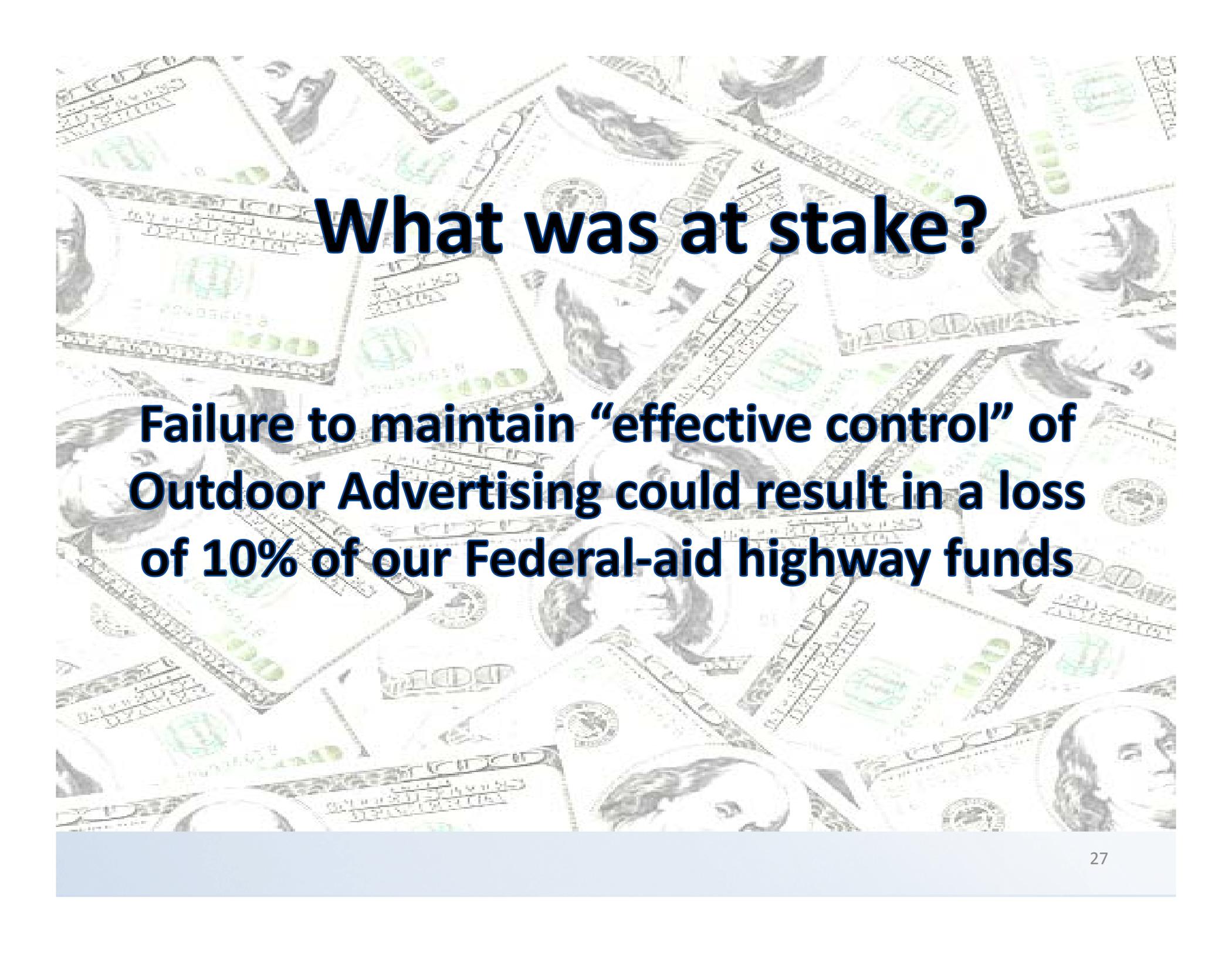


# I-75 Peach County



# Cook Co. Site Zoned for Future Sign



The background of the slide is a dense, overlapping pattern of US dollar bills, including \$100 and \$20 bills, scattered across the entire frame. The bills are slightly faded and oriented in various directions, creating a textured, financial backdrop.

# **What was at stake?**

**Failure to maintain “effective control” of Outdoor Advertising could result in a loss of 10% of our Federal-aid highway funds**

# What we did?

**Recommended changes to definitions in Board Rules:**

- **672-6-.01(a) “Abandoned” or “Discontinued”**
- **672-6-.01(h) “Destroy” or “Destroyed”**

**(a) A sign that has not contained a message for twelve (12) consecutive months and which has not had a message displayed after 30 days notice by the Department.**

**(h) Is damaged in excess of 50%**



# What we did?

**Recommended changes to definitions in Board Rules:**

- **672-6-.01(d) “Comprehensive Zoning Plan”**
- **672-6-.01(n) “Intended Primary Use”**



# For Zoned Commercial or Industrial

**Department looks at the Comprehensive Zoning Plan (Board Rule 672-6-.01(d)) Means a zoning plan or ordinance approved by a city or county which in the Department's judgment effectively zones the entire city or county; does not utilize strip or spot zoning; is consistent with the primary use or the Intended Primary Use of the land; and conforms with, at a minimum the requirements of O.C.G.A. , § 32-6-70 et. Seq., and GDOT Policies relating to the control of outdoor advertising. If the zoning of a jurisdiction is not approved by the State Transportation Board, permits will not be issued within said jurisdiction until such time that said zoning is approved.**

## **Intended Primary Use (Board Rule 672-6-.01(n))**

**Shall be a determination by the Department, solely for the purposes of the issuance of outdoor advertising permits, whether a property zoned Commercial/Industrial under a local comprehensive zoning plan has been zoned as such primarily to permit outdoor advertising structures. Factors to be considered include, but are not limited to: the expressed reasons for the zoning change, the zoning for the surrounding area, the actual land use nearby, the existence of plans for commercial or industrial development, the assessment of real estate taxes at commercial/industrial rates, the presence of utilities such as water, electricity, and sewage, and the existence of access roads or dedicated access to the newly zoned area. No one of the above factors is determinative.**

# I-75 Monroe County



# What we did?

**Recommended changes to definitions in Board Rules:**

- **672-6-.01(t) “Spot Zoning”**

**Designating a small parcel of land for a use classification totally different from and less restrictive than that of surrounding areas.**



# What we did?

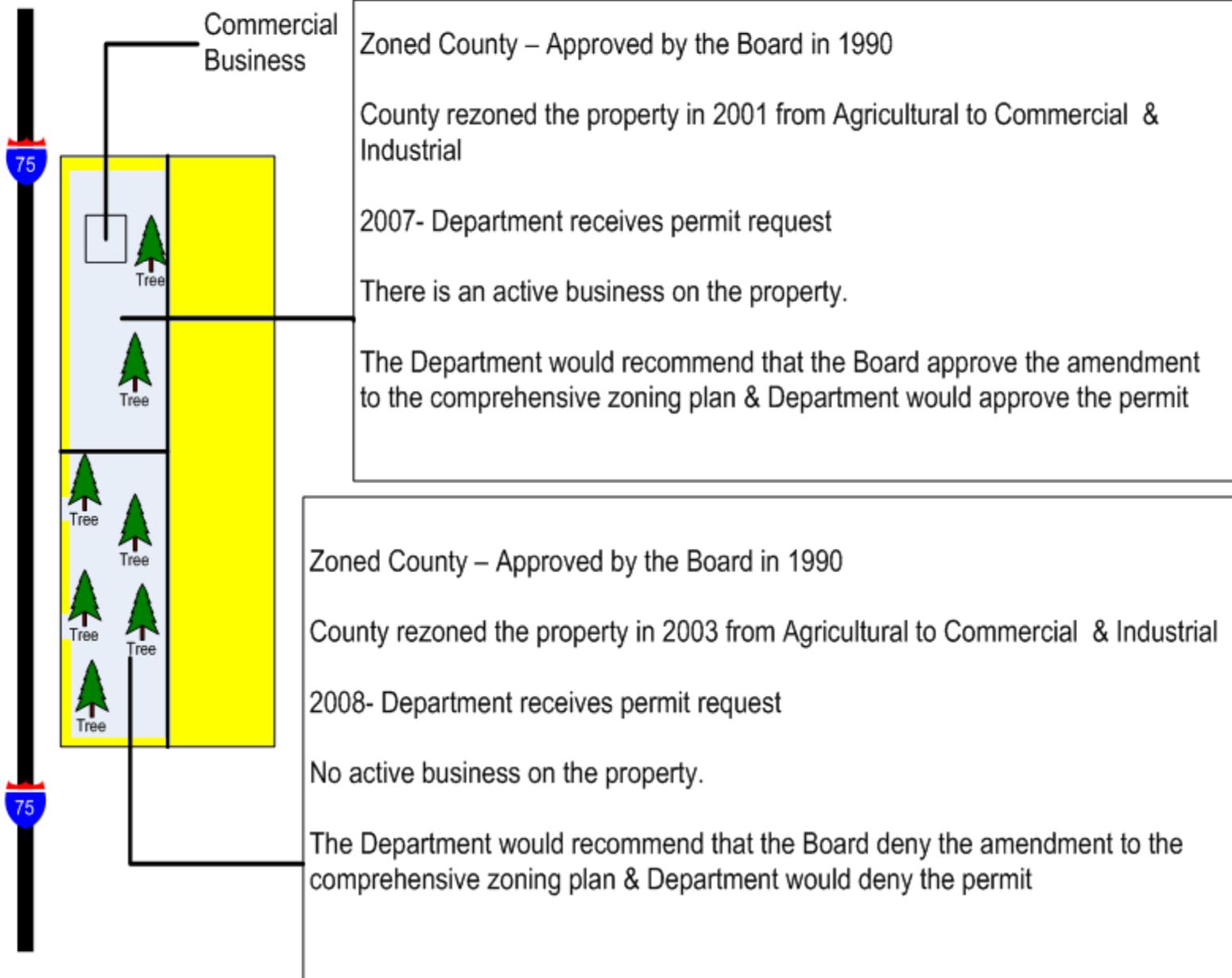
## Recommended changes to definitions in Board Rules: 672-6-.01(v) “Unzoned Commercial or Industrial Areas”



- The activity shall be connected to basic utilities
- The activity shall have direct vehicular access
- Building must have a permanent foundation and must be within 660 ft. of nearest edge of the R/W
- The activity shall be open to the public during hours that are normal and customary



**State Transportation Board adopted the changes and they went into effect in March 14, 2005**





# General Requirements

- Only allowed in commercial or industrial areas
- 500 feet spacing on interstates
- 300 feet spacing on primary routes
- 100 feet spacing inside municipalities
- No more than 1,200 ft<sup>2</sup> per direction
- 5,000 feet spacing for multiple message signs
- Each message remains fixed for at least 10 seconds
- Three seconds or less for change in messages

# For Unzoned Commercial or Industrial

**O.C.G.A. , § 32-6-72 (25) – those areas which are not zoned by state law or local ordinance and on which there is located one or more permanent structures devoted to an industrial or commercial activity or on which an industrial or commercial activity is actually conducted...**

- signs allowed within 600 feet of activity**

**Additional requirements found in Board Rule 672-6-.01(d))**

# Unzoned Commercial or Industrial Activity



# Board's Role in the Outdoor Advertising Program

- Establish rules for granting, renewal, and revocation of permits [OCGA 32-6-90]
- Approve recommended local comprehensive zoning plans including amendments [OCGA 32-6-71(29)]
- TOPPS 2E-3 - Outdoor Advertising – Board Policy

