

# Zoning for Outdoor Advertising Purposes

Or

**When is a cow pasture a commercial or  
industrial area?**



**How do we determine in a zoned jurisdiction if an area is acceptable for outdoor advertising purposes?**

**New factors are affecting what we should consider commercial or are they?**

- **Expansion of urban centers into previously rural areas**
- **Development of rural corridors linking urban areas**
- **Mixed use development in established urban centers**

- **Local government economic development efforts- especially on interstates and major highways**
- **Limitations on on-premise advertising that severely limit the ability of rural small businesses to advertise**
- **Growth of outdoor advertising industry**

**What tools can we, as regulators, use to determine when zoning is appropriate?**

# State Zoning Law

- **Did the zoning comply with the requirements of state law?**
- **Usually significant application, notice and public hearing requirements need to be met**
- **Familiarize yourself with the basics of what is required under state law, local government may affirmatively waive their own requirements but state law always must be complied with**

# **Local zoning ordinances**

- **Does the zoning of the property actually comply with the local zoning ordinance?**
- **If local requirements were waived, was it done explicitly?**
- **Has the property been rezoned to an actual designation found in the local ordinance?**

**Is the property zoned purely to  
allow Outdoor Advertising  
structures in violation of State or  
Federal Law?**

- **What is the stated reason for the (re)zoning?**
- **If the property is not developed, are there actual plans for development and a timetable for that development?**
- **If there are no plans for development, is there a “common knowledge” or non-specific intention the area will eventually be commercial?**
- **What is the character of the area?  
Commercial areas may look different in different places**



Kellys Creek Rd

23

John-Beck-Docking Rd

Yorkhouse Rd

Wolf-Fork Rd

Americus Ln

Hawkeye-Trl

15

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Pointer 34°56'38.85" N 83°23'13.31" W elev 2116 ft

Streaming ||||| 100%

Eye alt 13091 ft

## **In Georgia regulations say:**

**"Zoned Commercial or Industrial Areas":**

**.....the primary use or the Intended Primary Use of the area or district must be consistent with its zoning designation.....**

**“Intended Primary Use”:** 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:**

- **reasons for the zoning change**
- **the zoning for the surrounding area**
- **the actual land uses nearby**
- **plans for commercial or industrial development**
- **the assessment of real estate taxes at commercial/industrial rates**
- **presence of utilities-water, sewer, electric**
- **existence of access roads or dedicated access to the newly zoned area**

- **A recent decision from the Georgia Court of Appeals held that it is acceptable for the agency to utilize informal criteria for interpretive purposes as part of the decision making process in determining a zoned area's acceptability for outdoor advertising purposes. (Walker et.al. v. DOT, 279 Ga. App. 287, 2006)**



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- The Walker decision held that even if property is adjacent to the interstate, actual uses in the surrounding area is a valid consideration in finding a property strip zoned.
- A 200x2500 foot section, zoned commercial but actually used as a soybean field, of a 2600x2500 foot zoned agricultural parcel, adjacent to I-75 in Peach County is strip zoned.



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**Questions???**