

672-6-.01 Definitions.

The following terms, as used in the Rules of this Chapter, shall have the following meanings unless the context thereof indicates to the contrary:

- (a) "Abandoned" or "Discontinued": 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. The addition of a "for rent" panel and/or a phone number do not qualify as a "message" for purposes of this section.
- (b) "Administrative Law Judge": An individual who is authorized to hear administrative appeals in contested cases as provided for in Code Section 50-13-41(a), O.C.G.A.
- (c) "Board": The State Transportation Board of Georgia.
- (d) "Comprehensive Zoning Plan": Means a zoning plan or ordinance approved by either a city or a county which in the Department's judgment effectively zones the entire city or county; does not utilize strip zoning 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 Georgia Code of Public Transportation Code Section 32-6-70 et. seq., the rules and regulations of the State Department of Transportation and all policies as issued by the Department of Transportation relating to the control of outdoor advertising on controlled routes. 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.
- (e) "Conforming Sign": Those signs defined by Georgia Code of Public Transportation Code Section 32-6-72(1), (4), (5), O.C.G.A., and Code Section 32-6-73(1), O.C.G.A.
- (f) "Controlled Routes": the Federal-aid primary system in existence on June 1, 1991 and any highway which is not on such system but which is on the National Highway System.
- (g) "Department": The Department of Transportation of the State of Georgia.
- (h) "Destroy" or "Destroyed": An act which renders the sign useless for its intended purpose, though it may not literally demolish or annihilate the sign. A sign no longer in existence due to factors other than vandalism or other criminal or tortuous act or a sign or structure whose cost to repair exceeds fifty (50%) of the replacement cost of such sign using similar materials.
- (i) "Display" or "Face": That portion or side of an outdoor advertising sign which is designed, intended or is used to advertise or inform. In the event that a sign facing consists of two or more separate but physically connected slats or similar devices which are designed, intended, or used to advertise or inform, then each such separate device shall be considered a separate display or face.
- (j) "Engineer": The Chief Engineer, acting directly or through a duly authorized representative, such representative acting within the scope of the particular duties assigned to him and within the authority given him.
- (k) "Facing": Either side of an outdoor advertising sign.
- (l) "General Office": Georgia Department of Transportation, No. 2 Capitol Square, Atlanta, Georgia, 30334.
- (m) "Illegal Sign": Those signs defined by Georgia Code of Public Transportation, Code Section 32-6-71(6), O.C.G.A.
- (n) "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: the expressed reasons for the zoning change, the zoning for the surrounding area, the actual land uses 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.

(o) "Nonconforming Sign": Those signs defined by Georgia Code of Public Transportation, Code Section 32-6-71(12), O.C.G.A. Provided that this definition is relevant to only those signs as authorized within the Georgia Code of Public Transportation Code Section 32-6-72(1), (4), (5), (6), O.C.G.A., and Code Section 32-6-73(1), (4), O.C.G.A.

(p) "On Site" or "On Premise" Sign: Those signs authorized by Georgia Code of Public Transportation, Code Section 32-6-72(2), O.C.G.A.

(q) "Outdoor Advertising" or "Sign": The "Outdoor Advertising" or "Sign" as defined in Georgia Code of Public Transportation, Code Section 32-6-71(14), O.C.G.A.

(r) "Property Owner": The owner, or his lessee, of the land on which outdoor advertising authorized by the Georgia Code of Public Transportation, is sought to be erected or maintained.

(s) "Residence Owner": The owner of a residence within three hundred (300) feet of the existing or proposed location of outdoor advertising authorized by Georgia Code of Public Transportation, Code Section 32-6-72(1), (4), (5), O.C.G.A., and Code Section 32-6-73(1), O.C.G.A. For the purpose of these Rules, "residence" shall mean a building or structure in which one or more persons actually maintain living quarters although it may be temporarily vacant and said premises are used primarily for residential purposes.

(t) "Spot Zoning": The process of designating a small parcel of land for a use classification totally different from and less restrictive than that of the surrounding area which proposed classification is made without any consideration overall of the neighborhood land use character thereby benefiting the owner of the land so zoned and failing to benefit the owners of similarly situated surrounding lands.

(u) "Strip Zoning": The process of designating a narrow strip of land for a use classification totally different from and less restrictive than that of the surrounding area which proposed classification is made without any consideration overall of the neighborhood land use character thereby benefiting the owner of the land so zoned and failing to benefit the owners of similarly situated surrounding lands.

(v) "Unzoned Commercial or Industrial Areas": For purposes of outdoor advertising, those areas or districts as defined in Georgia Code of Public Transportation, Code Section 32-6-71(25), O.C.G.A. Additionally, one or more commercial or industrial activities must meet the following criteria before submitting an outdoor advertising permit application:

1. The activity shall maintain all necessary business licenses as required by applicable state, county or local law or ordinances;
2. The activity shall have direct vehicular access from a public way that is normal and customary for ingress and egress by the public to the activity as well as adequate parking to accommodate public access;

3. The activity shall include customary facilities such as indoor restrooms, running water, functioning electrical connections, and adequate heating and shall be equipped with a permanent flooring from material other than dirt, gravel or sand;

4. The activity shall be open to the public during hours that are normal and customary for that type activity in the same or similar communities; and

5. If the activity includes a building, it shall have a permanent foundation, built or modified for its current commercial or industrial use, and the building must be located within 660 feet from the nearest edge of the right-of-way of the controlled route. Where a mobile home or recreational vehicle is used as a business or office, the following conditions and requirements shall also apply:

a. A self-propelled vehicle shall not qualify for use as a business or office for the purposes of these rules;

b. All wheels, axles and springs shall be removed;

c. The vehicle shall be permanently secured on piers, pad or foundation.

Provided, however none of the following, but not limited to the following, shall be considered commercial or industrial activities for the purpose of outdoor advertising:

1. outdoor advertising structures;

2. agricultural, forestry, ranching, grazing, farming and related activities, including but not limited to wayside fresh produce stands;

3. transient or temporary businesses and activities. All businesses and activities that qualify must be established at least 90 days before the location is eligible;

4. activities not visible from the main traveled way;

5. activities more than 660 feet from the nearest edge of the right-of-way;

6. activities conducted in a building principally used as a residence; and

7. railroad tracks and minor sidings.

(w) "Urban Areas": The area within the incorporated boundaries of a municipality having a population of 5,000 or more or an adjacent area including within the latest boundaries designated and fixed by the outdoor advertising urban area boundary maps on file in the Atlanta Office of the Department of Transportation and more specifically defined by Georgia Code of Public Transportation, Code Section 32-6-71(26), O.C.G.A.

(x) "Zoned Commercial or Industrial Areas": Those areas or districts as defined in Georgia Code of Public Transportation, Code Section 32-6-71(29), O.C.G.A.

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

Authority O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4. **History.** Original Rule entitled "Definitions" adopted. F. Dec. 2, 1976; eff. Dec. 22, 1976. **Repealed:** New Rule of same title adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980. **Amended:** F. Sept. 15, 1988; eff. Oct. 5, 1988. **Repealed:** New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.