



Georgia Planning Officials Newsletter

June 2007

Sign control is undoubtedly one of the most complex, most litigated, and most controversial areas of land-use planning. Regulating billboards will differ among cities and counties across the state as development intensity changes from urban to suburban, and suburban to rural. Below are but a few examples of what other communities have done in order to help regulate billboards.

Regulation Through Ordinance

Scenic Missouri has created a model ordinance that details permitted and prohibited uses, along with design and construction standards. Also addressed in this ordinance are guidelines for permitting and enforcement. These guidelines can be accessed at: <http://www.scenicmissouri.org/bboardordin081599.pdf>.

The City of Cuyahoga Falls, Ohio initially faced tense pressure from Clear Channel when they decided to create billboard regulations. The city felt it would be of benefit to have them a part of the process and invited them to come to the table, along with citizens who objected to the billboards. The result was a code that faced no objection upon being passed. For more information, please visit: <http://cfo.cityofcf.com/website/web2/view.do>.

Regulation Through Encouragement

Some communities have offered incentive provisions as a way to improve billboard sign standards, rather than mandating changes. Others have gone a step further by classifying them within the 'large sign' category, making billboards privy to incentive provisions generally applied to other types of signs. It may be just as effective to encourage billboard owners to conform by way of incentive, than to try and force change upon them.

Regulating Billboards: Working to Balance Rights

Planning officials across the state must constantly deal with balancing rights...the rights of the individual, the property owner, the community and even the environment. In deciding the appropriate size and location of signs such as billboards, all of these interests have to be considered, making billboard regulation no easy task.

So how can your board or commission work to create a healthy balance between all parties? Is this even possible? This issue hopes to illustrate that billboard regulations can protect all interests, without infringing upon rights of one for the benefit of another. In addition, advice from successful communities will be given to ensure any regulations imposed upon billboards will be legally sound.

Please note: This newsletter is not intended to be legal advice, rather information that may help you in your planning efforts. Please contact your City or County Attorney before taking any action from the examples provided below.

Billboard Regulation

By Edward T. McMahon (Excerpted from the Planning Commissioners Journal)

When considering billboard regulation, the most important question to ask is whether your community wants more billboards or less. If the answer is more, your job is easy. Do nothing and you'll get lots more billboards. On the other hand, if you think your community has too many billboards or too many in the wrong places, you'll have to act. So where do you start?

Get the Facts -- Get a copy of your current sign ordinance and any applicable state regulations. Find out where billboards are allowed and where they are prohibited. Determine how many and what types of billboards currently exist in your community and how many permits have been issued in the past 5 years. Other important information to find out is how billboards are taxed, if they're classified as real or personal property, what the companies claim they're worth for purposes of local or state taxation? Also determine the location of each and document through photographs. This will help determine who is advertising where and whether billboards are disproportionately located in one area or another.

Temporary Moratorium -- Once you have the facts in hand and are ready to prepare (or revise) your sign control ordinance, you should—if at all possible—adopt a temporary moratorium on new billboard construction. A moratorium freezes the status quo and prevents erecting new signs while the community debates what to do. The length of the moratorium should coincide with the time required to develop and enact new legislation.

Billboard Ordinances -- Prohibiting New Billboards is one step a community can take in billboard regulation. A ban on new billboards will not improve a city's appearance overnight, but will prevent new ones from being built. Ordinances can also provide mechanisms for removing billboards. Historically, communities have had two options: 1) pay the owners to remove them, or 2) "amortize" the signs over a period of time. Given the difficulties with using amortization, a growing number of communities have enacted "exchange" provisions, which allow billboard companies to remove one or more existing nonconforming billboards in exchange for being allowed to erect a new conforming billboard. If your community does not want to ban all new billboards, other steps that could be taken include: changing billboards from a permitted use to a conditional use, adding spacing requirements and placing limitations upon size and location.

We want to hear from you! Please send us your thoughts, experiences and advice on being a Planning Official. E-mail or fax your submissions to Robbie Hayes at rhayes@atlantaregional.com or 404.463.3105