

Bond Case Briefs

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ZONING - GEORGIA

Golden Isles Outdoor, LLC v. Lamar Co., LLC

Court of Appeals of Georgia - March 24, 2015 - S.E.2d - 2015 WL 1296635

Applicant sought permit to convert poster billboard to digital billboard, after applicant's business competitor sought to obtain last two available permits for digital billboards. Zoning administrator approved applicant's request, and granted only one of competitor's applications. Competitor appealed. City's zoning board of appeals (ZBA) rescinded applicant's permit after concluding that governing ordinance prohibited digital billboards on collector streets such as one where applicant's billboard was located. Applicant appealed. The Superior Court, in action in which competitor intervened, reversed ZBA's decision. Competitor sought discretionary review.

The Court of Appeals held that "arterial roadway," as used in municipal ordinance which permitted digital billboards only along four lane or more arterial roadways, did not encompass collector streets.

"Arterial roadway," as used in municipal ordinance which permitted digital billboards only along four lane or more arterial roadways, did not encompass collector streets, despite ordinance's general cross-reference to section of ordinance regulating separate use signs, of which digital billboards were a type, and indicating that separate use signs were permitted only on sites which abutted a street classified as a collector or arterial roadway. Restriction's cross reference could more reasonably be read to clarify that placement of digital billboards on arterial roadways, as defined in street classification map, had to comply with terms and conditions of separate use signs generally.