

SOME INFORMAL COMPARISONS OF UNZONED C/I AREA CRITERIA

CALIFORNIA:

Unzoned C/I areas are not defined since other California law encouraging zoning of all areas means "there eventually will be no unzoned areas in the State."

MARYLAND:

Area not zoned and has one or more permanent structures devoted to business or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not there is a permanent structure located thereon and 500 feet along the highway measured from the edge of the activity, each side of the highway considered separately.

"Those activities generally recognized as commercial or industrial by local zoning authorities... except that none of the following shall be considered [C/I]"

- o OA structures
- o Agriculture, forestry, ranching, grazing, farming, and related activities, including wayside produce stands
- o Activities in operation less than 3 months of a year
- o Transient/temporary activities
- o Activities not visible from main travelled way [mtw]
- o Activities more than 660 ft from nearest edge of R/W
- o Activities conducted in principally residential structure
- o RR tracks and minor sidings

MASSACHUSETTS:

Within 660 ft of FAI/FAP highway and not zoned by state or local authority, but used for C/I purposes.

Must have 2 or more separate business, industrial, or commercial activities w/in 500 ft of sign, including property on directly opposite side of highway.

C/I activities are those generally recognized by zoning authorities, except:

same as MD with addition of

- o Temporary/transient activities
- o Those activities directly accessible from limited access highway
- o Dumps, gravel pits, landfills

NEW HAMPSHIRE:

Requires 2 or more activities within 1,000 feet of each other.

OHIO:

Area not zoned by state or local zoning authority, having **one or more C/I activities** "and the lands along the highway for a distance of 850 feet immediately adjacent to such activities." [Ohio, initially, had wanted 1000 feet, which FHWA thought too restrictive and sought 500. The 850 is a compromise.] Each side considered separately.

Exceptions are the same as for MD with addition of highways, roads, and streets.

PENNSYLVANIA:

Area not zoned by state or local zoning authority, having **one or more C/I activities** "along the highway extending outward eight hundred feet from and beyond the edge of such activity." UZ C/I area shall not include land on the opposite side of the highway from the activity, except on two or three lane non-access controlled highways the UZ C/I area may be located on the opposite side of the highway from the C/I activity if the topography where the activity is located is not reasonably usable and the land on the opposite side is not designated scenic by the department. In no event shall such UZ C/I area be located on both sides of the highway. All measurements from the outer edges of the regularly used C/I activity area, not from the property line.

C/I activities are those generally recognized as C/I by zoning law in the COMMONWEALTH, except:

- o OA signs
- o Agricultural, forestry, grazing, etc.
- o Activities not visible from mtw
- o Activities conducted in a principally residential structure
- o RR tracks and minor sidings

TENNESSEE:

TN modified their agreement in 1984 to make their UZ C/I more restrictive.

Area must have **one or more permanent structures within which a C/I business is "actively conducted and which are equipped with all customary utility facilities and open to the public regularly or regularly used by employees of the business as their principal work station, or which, due to the nature of the business, are equipped, staffed and accessible to the public as is customary,"** and the area along the highway

extending outward 600 feet from and beyond the edge of such activity in each direction and a corresponding zone directly across a primary highway which is not also a limited access highway when the same is not a public park, public playground, public recreational area, public forest, wildlife, or waterfowl refuge, historic site, scenic area, cemetery, or primarily residential in character. The UZ areas shall not include land across an Interstate or controlled access primary highway from the C/I activity. Measurements are from outer edges of regularly used structures and activity areas, not from the property lines.

VERMONT:

Requires 3 or more activities within 1,000 feet of each other.

WASHINGTON:

Requires 3 or more activities within 500 feet of each other.

WEST VIRGINIA:

Area not zoned by state or local authority, with one or more C/I activities, and the area along the highway extending outward 800 feet from and beyond the edge of such activity. UZ not include land on opposite side of highway except - on two lane non AC controlled if in the opinion of the Commission the topography on the same side as the activity is not reasonably usable and the land opposite has not been designated scenic by the Commission. In no instance will UZ C/I established by a single activity include both sides of the highway. Measurements are to be from the outermost edge of the used area of the activity.

C/I activity are those generally recognized by zoning authorities in the State of WV, except:

- o OA structures
- o Agricultural, forestry, etc.
- o Activities conducted in a primarily residential structure
- o RR tracks and sidings
- o More than 660 distant from mtw
- o Transient/temporary activities

WISCONSIN:

Not zoned by state or local authority. One or more permanent structures devoted to C/I use, or actual C/I use w/o a perm. structure, extending 800 feet from and beyond edge of activity. Each side of highway considered separately. All measurements from outer edge of activity, not the property line.

C/I activities are those generally recognized by authorities in WI except:

Same as MD without activities conducted in primarily residential structure and the addition of areas which are predominantly used for residential purposes.

October 3, 1994

F:\HOME\RHARTER\UNZCI

From: Harter, Robert P. (RHARTER)
To: FH08MT:MVOEGELE
Date: Monday, October 3, 1994 12:54 pm
Subject: INFORMAL UNZ C/I COMP; MORE INFO

You may also be interested to know that on August 21, 1974 Oregon amended its agreement to, in part, remove the unzoned area definition which was eliminated by State law.