

of Kansas and Oklahoma: plus other liberalizing provisions for the definition of unzoned commercial or industrial areas.

But, as noted, the proposal was not firm, or binding—merely a suggestion. Hence the actual Federal-State agreement for Utah *narrowly defined* such unzoned areas as lands within 600 feet of a commercial or industrial activity (other than outdoor advertising) plus lands on the other side of the highway if not “deemed scenic” by the Utah Road Commission.

West Virginia: The Compliance Law of West Virginia (House Bill 845 of 1967) is unique in regard to the definition of unzoned commercial or industrial areas. Although the legislature did not propose its own definition of that term, leaving this to the Federal-State agreement, its law *cannot* be called open-end. This is because it did firmly state criteria (very similar to those stated in Report No. 542 of the Senate Committee on Public Works, dated August 25, 1967, in numbered paragraph 4 at page 9 thereof) to be observed by the Road Commissioner in negotiating the agreement-definition.

Thus, new Section 17-22-8 of the West Virginia Code, added by said Act, provides in part as follows: “signs * * * may be erected and maintained * * * in unzoned commercial or industrial areas, as may be determined by agreement between the state road commissioner of West Virginia and the secretary of transportation of the United States: *provided, That any such agreement shall contain a definition of unzoned commercial or industrial areas which reflects existing conditions in this state, such as, without limiting the foregoing, existing land use, availability of land for urban development, topography, and accepted zoning practices now prevailing in this state.* * * * Any agreement * * * defining unzoned commercial or industrial areas, or relating to size, lighting and spacing, *shall be no more restrictive than necessary* to secure to this state any federal-aid contingent upon compliance with federal laws, or federal rules and regulations relating to outdoor advertising, and *shall be subject to amendment or rejection* by the Legislature of West Virginia: *Provided, however, That the terms of any such agreement shall be no more restrictive than those included in any other similar agreement made by the secretary of transportation and other states: Provided further, That such agreement shall provide for its modification and amendment in the event and to the extent that the secretary of transportation and any other state shall thereafter agree to any provisions which shall be less restrictive.*”

Wyoming: Wyoming's Compliance Law (Chapter 242, Laws 1967), passed by its House by 47 to 5 and by its Senate by 20 to 7, is almost identical to that of Montana, except that the legislature, in protecting rural commercial activities, including signs, by its Section 5 *actually zoned* as commercial all agricultural lands outside of municipalities (rather than “approaches”, as did Montana).

The protections of beauty by re-zoning and otherwise are substantially identical to those of Montana, as are also the various roadside commercial uses permitted in such commercial zones. Please see abstract of Montana law, above.

PASSED IN 1968

Kansas: The Kansas Compliance Law (House Bill 1870, approved March 18, 1968) adopts the “approaches” concept. In its Section 2(f) it firmly provides as follows: “An unzoned commercial or industrial area’ means any part of [unzoned land] which (1) lies within a radius of one-half mile of the edge of the nearest property line of any commercial or industrial activity; or (2) lies within one-half mile of any two such unzoned areas; or (3) lies within five (5) miles of the corporate boundary of any city of the first class, or within three (3) miles of any city of the second class or city of the third class. An activity for purposes of this definition shall include all land, buildings, other structures or ancillary uses such as (without limiting the generality of the foregoing) drive-ways, parking lots, storage areas and landscaped areas which constitute an integral part of such activity.”

Maryland: By its Compliance Law (Chapter 589, Laws 1968), approved May 7, 1968, Maryland added new Section 251(c) to Article 89B of its Code which provides in part as follows: “Unzoned commercial or industrial areas, mean those areas which are not zoned and on which there is located one or more permanent structures devoted to a business or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 660 feet from and beyond the edge of such activity. Each side of the highway will be considered separately in applying this definition.”