

Ohio Byway Segmentation Application Guidelines

In accordance with Ohio Revised Code 5516.05¹: *The director of transportation may designate any portion of the interstate system, national highway system, or primary system as a scenic byway. The director shall exclude from designation as a scenic byway any segment of a highway in a zoned or unzoned commercial or industrial area that is determined by the director to be inconsistent with the designation of a scenic byway.*

After designating the director shall segment a portion of a byway which becomes inconsistent with the original byway designation and its intrinsic quality.

No advertising device may be erected upon a designated scenic byway, except in accordance with division (A), (B), or (C) of section 5516.02² of the Revised Code, division (A), (B), (C), (D), (E), or (G) of section 5516.06³ of the Revised Code, or division (A), (B), (C), or (D) of section 5516.061⁴ of the Revised Code. Any advertising device lawfully in existence prior to the designation of a scenic byway, upon such designation, is a nonconforming advertising device under section 5516.07⁵ of the Revised Code. (Effective Date: 09-16-1998).

In order to retain the continuity of the intrinsic quality of each of Ohio's Scenic Byways, and minimize visual intrusions of the traveler's experience, the Ohio Department of Transportation (ODOT) and the Scenic Byway Advisory Committee (SBAC) have established the following criteria and guidelines for the application for Segmentation on designated byways which are on the Interstate System, National Highway System and Federal Aid Program (FAP) routes:

1. ODOT's Advertising Device Control (ADC) staff's review of the Application for Permit is complete and certify that all criteria have been met, except Scenic Segmentation⁶.
2. ODOT will review the byway's Corridor Management Plan (CMP), online mapping tools including Google Earth and Street View, the State Historic Preservation Office's Online Mapping System (SHPO GIS), and ODOT's Transportation Information Mapping System (TIMS), to identify the presence of significant intrinsic resources of the byway within one linear half-mile, in each direction, from the proposed sign location.

None of the Intrinsic Qualities for which the byway has been designated are located within one linear half-mile of the proposed sign location, along the roadway corridor, within ½ mile in each direction. Intrinsic Qualities include any or combination of the following: Scenic, Natural, Historic, Cultural, Recreational, and Archaeological.

¹ <http://codes.ohio.gov/orc/5516.05v1>

² <http://codes.ohio.gov/orc/5516.02v1>

³ <http://codes.ohio.gov/orc/5516.06v1>

⁴ <http://codes.ohio.gov/orc/5516.061v1>

⁵ <http://codes.ohio.gov/orc/5516.07v1>

⁶ <http://www.dot.state.oh.us/Divisions/ContractAdmin/Contracts/NHSFAP/Forms/Maps.aspx>

3. The byway representatives have been contacted by ODOT and given the opportunity to respond in writing, or by e-mail, any comments relative to the Segmentation application to ODOT's State Byway Coordinator. Please allow for a 30 day response period.
4. The applicant must compile a list of the adjacent parcel owners' addresses within 250 linear feet of the proposed sign (both sides of the roadway) for the State Byway Coordinator.

ODOT's Office of Environmental Services (ODOT-OES) will send a notification letter to provide adjacent property owners the opportunity to comment on the proposed sign installation on the scenic byway. All responses will go directly to ODOT-OES for SBAC consideration. Note that the list must include properties across the street from the proposed sign location (250 feet linear in each direction from sign location). The recipients will be given 30 days to respond. The SBAC meets quarterly, allowing for sufficient time to accommodate the response period.

Letters of support or opposition from members of the community, may be sent to the State Byway Coordinator at any time. Form letters shall not be accepted.

5. The Segmentation Application package must include the following attachments:
 - a. A map of the proposed sign location
 - b. Dimensions of the sign
 - c. Photographs toward the sign location, from both directions, and outward from the sign location (North, East, South, and West).
 - d. Mailing list of adjacent parcel owners within 250 linear feet from sign and letters of support in accordance with #4.

Approvals for Segmentation may include recommendations or comments from the SBAC relative to architecturally-sensitive design elements which fit into the overall setting and continuity of the Byway. Applicants are encouraged to work with local communities on architectural matters.

An audit of noncompliant signs on designated byways can be conducted at any time by ADC.

Once notified of the segmentation approval, ODOT's Office of Technical Services, Roadway Information, will record a 100-foot (0.002 miles) segment in TIMS on the Scenic Byways map layer. The segment is depicted as a gap in the highlighted section of the roadway.

Please send questions, comments and application materials to Thomas P. Barrett, State Scenic Byways Coordinator, Office of Environmental Services, Ohio Department of Transportation, Mail Stop 4170, 1980 W. Broad St. Columbus OH 43223. Or 614-466-3932, email:

tom.barrett@dot.ohio.gov.

Appendix

Ohio Revised Code

5516.05 Designation of scenic byways - advertising devices.

The director of transportation may designate any portion of the interstate system, national highway system, or primary system as a scenic byway. The director shall exclude from designation as a scenic byway any segment of a highway in a zoned or unzoned commercial or industrial area that is determined by the director to be inconsistent with the designation of a scenic byway.

No advertising device may be erected upon a designated scenic byway, except in accordance with division (A), (B), or (C) of section [5516.02](#) of the Revised Code, division (A), (B), (C), (D), (E), or (G) of section [5516.06](#) of the Revised Code, or division (A), (B), (C), or (D) of section [5516.061](#) of the Revised Code. Any advertising device lawfully in existence prior to the designation of a scenic byway, upon such designation, is a nonconforming advertising device under section [5516.07](#) of the Revised Code.

5516.02 Limiting advertising devices along interstate highways.

No advertising device shall be erected or maintained within six hundred sixty feet of the edge of the right-of-way of a highway on the interstate system except the following:

- (A) Directional and official signs and notices that conform to rules adopted by the director of transportation;
- (B) Signs advertising the sale or lease of the property upon which they are located;
- (C) Advertising devices indicating the name of the business or profession conducted on such property or that identify the goods produced, sold, or services rendered on such property, and that conform to rules adopted by the director;
- (D) Advertising devices that are located in commercial or industrial zones traversed by segments of the interstate system within the boundaries of a municipal corporation as such boundaries existed on September 21, 1959, and that conform to rules adopted by the director;
- (E) Advertising devices that are located on the premises of a professional sports facility and that conform to rules adopted by the director.

5516.06 Requirements for advertising devices along state primary highways.

No advertising device shall be erected or maintained within six hundred sixty feet of the edge of the right-of-way of a highway on the primary system except the following:

- (A) Directional and other official signs and notices that conform to rules adopted by the director of transportation;
- (B) Signs advertising the sale or lease of the property upon which they are located;
- (C) Advertising devices indicating the name of the business, activities, or profession conducted on such property or that identify the goods produced, sold, or services rendered on such property and that conform to rules adopted by the director;
- (D) Precautionary signs relating to the premises;
- (E) Signs, displays, or devices which locate, identify, mark, or warn of the presence of pipe lines, utility lines, or rail lines, and appurtenances thereof, including, but not limited to, markers used in the maintenance, operation, observation, and safety of said lines;
- (F) Advertising devices located in zoned or unzoned industrial or commercial areas adjacent to highways on the primary system that conform to rules adopted by the director;
- (G) Signs lawfully in existence on October 22, 1965, that the director, subject to the approval of the secretary of the United States department of transportation, has determined to be landmark signs, including signs on farm structures or natural surfaces, which are of historic or artistic significance;
- (H) Advertising devices that are located on the premises of a professional sports facility and that conform to rules adopted by the director.

5516.061 Requirements for advertising devices outside urban areas.

No advertising device shall be erected outside of urban areas further than six hundred sixty feet from the right-of-way of the main traveled way of a highway on the interstate or primary system if such device would be visible from such main traveled way, except the following:

- (A) Directional and official signs and notices that conform to rules adopted by the director of transportation;
- (B) Signs advertising the sale or lease of the property upon which they are located;
- (C) Advertising devices indicating the name of the business, activities, or profession conducted on such property or that identify the goods produced, sold, or services rendered on such property and that conform to rules adopted by the director;

(D) Signs lawfully in existence on October 22, 1965, that the director, subject to the approval of the secretary of the United States department of transportation, has determined to be landmark signs, including signs on farm structures or natural surfaces, which are of historic or artistic significance.

Any advertising device lawfully in existence prior to November 28, 1975, or lawfully on any highway made a part of the interstate or primary system on or after that date, the erection of which would be illegal under this section, is nonconforming, and may be maintained subject to the permit provisions of section [5516.10](#) of the Revised Code. An advertising device existing prior to the effective date of this section which would be illegal under this section shall be considered a nonconforming advertising device and may be maintained subject to the permit provisions of section [5516.10](#) of the Revised Code.

As used in this section, "urban area" means an urbanized area or an urban place as designated by the bureau of the census having a population of five thousand or more, and within boundaries approved by the United States secretary of transportation.

5516.07 Nonconforming advertising devices.

All nonconforming advertising devices shall be maintained, subject to the provisions of sections [5516.10](#) and [5516.12](#) of the Revised Code.

A nonconforming advertising device found to be in violation of any of the provisions of this Chapter or the rules adopted thereunder may be subject to removal without compensation. A nonconforming advertising device may be sold, leased, or otherwise transferred without affecting its status, but its location may not be changed. The director may adopt rules regarding the repair or maintenance of, or changes to, nonconforming advertising devices, including the size, lighting, replacement, rebuilding, or re-erection of the structure, and damage or depreciation of the nonconforming advertising device.