

1 19A NCAC 02E .0203 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

2
3 **19A NCAC 02E .0203 OUTDOOR ADVERTISING ON CONTROLLED ROUTES**

4 ~~The following standards~~ Except for those signs set forth in G.S. ~~129(1),~~ 136-129(1), (2), (2a), and (3), this Rule shall
5 apply to the erection and maintenance of outdoor advertising signs in all zoned and unzoned commercial and industrial
6 areas located within 660 feet of the nearest edge of the right of way of the controlled route. ~~The standards shall not~~
7 ~~apply to those signs enumerated in G.S. 136-129(1), (2), (2a) and (3), which are directional and other official signs~~
8 ~~and notices, signs advertising the sale or lease of property upon which they are located, signs advertising the sale of~~
9 ~~crops at roadside stands, and signs which advertise activities conducted on the property upon which they are located.~~

10 (1) Configuration and Size of Signs: Signs shall be configured and sized as follows:

11 (a) ~~The the~~ maximum area for any one sign shall be 1,200 square feet with a maximum height
12 of 30 feet and maximum length of 60 ~~feet.~~ feet, inclusive of All measurements shall include
13 any border and ~~trim~~ trim, but ~~excluding~~ shall exclude the base or apron, embellishments,
14 ~~extended~~ embellished advertising space, supports, and other structural ~~members.~~
15 members;

16 (b) ~~The area shall be calculated by measuring the outside dimensions of face, excluding any~~
17 ~~apron, embellishments, or extended advertising space.~~

18 (c) ~~The the~~ maximum size limitations shall apply to each side of a sign ~~structure;~~ structure.
19 ~~The signs~~ Signs may be placed back-to-back, side-by-side; ~~side-to-side,~~ or in V-type
20 construction with ~~not no~~ more than two displays to each ~~facing,~~ and such sign structure
21 facing shall be considered as one sign. The maximum size limitations shall apply to each
22 facing of a sign ~~structure.~~ structure;

23 (d) ~~Side-by-side~~ Side-by-side signs shall be structurally tied together to be considered as one
24 sign ~~structure.~~ structure;

25 (e) ~~V-type~~ V-type and back-to-back signs shall not be considered as one sign if located more
26 than 15 feet apart at their nearest ~~points.~~ points;

27 (f) ~~The the~~ height of any portion of the sign structure, excluding cutouts or embellishments,
28 as measured vertically from the adjacent edge of pavement of the main traveled way shall
29 not exceed 50 ~~feet.~~ feet; and

30 (g) ~~Double-decking~~ Double-decking of sign faces so that one is on top of the other is
31 prohibited.

32 (2) Spacing of Signs: Signs shall be spaced as follows:

33 (a) Signs ~~may~~ shall not be located in a manner to obscure, or otherwise physically interfere
34 with the effectiveness of any ~~official~~ traffic sign, signal, or device, or to obstruct or
35 physically interfere with ~~the a~~ driver's view of approaching, merging, or intersecting ~~traffic.~~
36 traffic;

37 (b) Controlled Routes with Fully Controlled Access: ~~Access (Freeways):~~

- 1 (i) ~~No~~No two structures shall be spaced less than 500 feet ~~apart.~~ apart. ~~land~~
- 2 (ii) ~~Outside~~Outside the corporate limits of towns and cities, no structure may be
- 3 located within 500 feet of an interchange, collector distributor, ~~intersection at~~
- 4 ~~grade,~~ safety rest area or information center regardless of whether the main
- 5 traveled way is within or outside the town or city limits. The 500 feet spacing
- 6 shall be measured from the point at which the pavement widens for a ramp and
- 7 the direction of measurement shall be along the edge of pavement away from the
- 8 interchange, collector distributor, ~~intersection at grade,~~ safety rest area or
- 9 information center. In those interchanges where a quadrant does not have a ramp,
- 10 the 500 feet for the quadrant without a ramp shall be measured along the outside
- 11 edge of main traveled way for ~~freeways~~highways as follows:
- 12 (A) ~~Where a route is bridged over a freeway the 500 foot measurement shall~~
- 13 ~~begin on the outside edge of pavement of the freeway at a point directly~~
- 14 ~~below the edge of the bridge. The direction of measurement shall be~~
- 15 ~~along the edge of pavement away from the interchange.~~
- 16 (A)(iii) Where a route is bridged over a fully controlled access highway, the 500
- 17 foot measurement shall begin on the outside edge of pavement of the
- 18 fully controlled access highway at a point below the edge of the bridge.
- 19 The direction of measurement shall be along the edge of pavement away
- 20 from the interchange;
- 21 (B) ~~Where a freeway is bridged over another route, the 500 foot~~
- 22 ~~measurement shall be made from the end of the bridge in the quadrant.~~
- 23 ~~The direction of measurement shall be along the edge of main traveled~~
- 24 ~~way away from the bridge.~~
- 25 (B)(iv) Where a fully controlled access highway is bridged over another route,
- 26 the 500 foot measurement shall be made from the end of the bridge in
- 27 the quadrant. The direction of measurement shall be along the edge of
- 28 main traveled way away from the bridge; and
- 29 (C) ~~Where the routes involved are both freeways, measurements on both~~
- 30 ~~routes shall be made according to (A) or (B) of this Subitem, whichever~~
- 31 ~~applies.~~
- 32 ~~Should there be a situation where there is more than one point at which~~
- 33 ~~the pavement widens along each road within a quadrant, the~~
- 34 ~~measurement shall be made from the pavement widening which is~~
- 35 ~~farthest from the intersecting roadways.~~
- 36 (C)(v) Where the routes involved are both fully controlled access highways,
- 37 measurements on both routes shall be made according to (A) or (B)(iii)

~~or (iii)]~~ of this Subitem, whichever applies. Should there be a situation where there is more than one point at which the pavement widens along each road within a quadrant, the measurement shall be made from the pavement widening which is farthest from the intersecting roadways.

(c) Controlled Routes Without Fully Controlled Access:

(i) ~~Outside~~ outside of incorporated towns and ~~cities~~ cities no two structures shall be spaced less than 300 feet ~~apart~~ apart; and

(ii) ~~Within~~ within incorporated towns and ~~cities~~ cities no two structures shall be spaced less than 100 feet apart.

(d) ~~The foregoing provisions for the spacing of signs does~~ rules of this section regarding spacing between sign structures shall not apply to structures separated by buildings or other obstructions ~~where in such a manner that~~ only one sign facing located within the ~~above~~ spacing distances ~~set forth in the Rules of this Section~~ is visible from the highway at any one time; time;

(e) Official signs, and "on-premise" on-premise signs, ~~as permitted under the provisions of G.S. 136-129(1), (2), (2a) and (3), and or~~ structures that are not lawfully maintained shall not be ~~included~~ included, nor shall measurements be made from them for purposes of determining compliance with spacing ~~requirements~~ requirements; and

(f) The minimum distance between structures shall be measured along the nearest edge of the main traveled way between points ~~directly~~ opposite the signs along each side of the highway and shall apply only to structures located on the same side of the highways.

(3) ~~Lighting of Signs; Restrictions:~~ Signs shall meet the following lighting requirements:

(a) ~~Signs which~~ No sign shall contain, include, or ~~are~~ be illuminated by any flashing, intermittent, or moving light or ~~lights~~ lights, including animated or scrolling ~~advertising, are prohibited, unless expressly advertising except as allowed under by~~ Item 4, (4) of this Rule ~~rule except those or it is giving public service information~~ information, such as time, date, temperature, or ~~weather;~~ weather; weather, or similar information.

(b) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the controlled routes and which are of such ~~No light emitted or reflected off of a sign shall be of an~~ intensity or brilliance as to cause glare or to impair the vision of ~~a the driver of any motor vehicle, driver,~~ or which otherwise interfere with the operation of a motor ~~vehicle are prohibited.~~ vehicle; vehicle;

(c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an ~~official~~ official traffic sign, device, or signal. ~~signal;~~ signal; and

(d) All ~~such sign~~ lighting shall be subject to any other provisions relating to lighting of signs ~~presently~~ applicable to all highways under the jurisdiction of the state. ~~state; and~~ State, including G.S. 136-32.2.

1 ~~(e) — Lighting shall not be added to or used to illuminate nonconforming signs or signs~~
2 ~~conforming by virtue of the grandfather clause.~~

3 (4) Automatic Changeable Facing Sign:changeable facing signs shall meet the following requirements:

4 ~~(a) — Automatic changeable facing signs shall be permitted on the controlled routes under the~~
5 ~~following conditions:~~

6 ~~(a)(i) The~~the sign does not contain or display flashing, intermittent, or moving lights, including
7 animated or scrolling advertising;

8 ~~(b)(i)(ii) The~~the changeable facing remains in a fixed position for at least eight seconds;

9 ~~(c)(iii) If~~if a message is changed electronically, it must be accomplished within an interval of two
10 seconds or less;

11 ~~(d)(iv) The~~the sign is not placed within 1,000 feet of another automatic changeable facing sign
12 on the same side of the highway;

13 ~~(e)(v) The~~the 1000-foot distance shall be is measured along the nearest edge of the pavement
14 and between points directly opposite the signs along each side of the highway;

15 ~~(f)(vi) A~~a legally conforming structure may be modified to an automatic changeable facing
16 ~~structure as set forth in .0225 of this Section. upon compliance with these standards and~~
17 ~~approval by the Department. [An application for an outdoor advertising alteration permit~~

18 ~~shall be made on NCDOT form OA 1A, obtained at any District Office on the NCDOT~~
19 ~~website.] Nonconforming or grandfathered structures Signs not conforming to State~~
20 ~~standards shall not be modified to an automatic changeable facing;facing;~~

21 ~~(g)(vii) The~~the sign must contain a default design that will freeze the sign in one position if a
22 malfunction occurs; and

23 ~~(h)(viii) The~~the sign application meets all other permitting requirements,requirements as set forth
24 ~~in .0206 of this Section.~~

25 ~~(b) — The outdoor advertising permit shall be revoked for failure to comply with this Item.~~

26 (5) Unzoned Commercial or Industrial Area Qualification for Signs:commercial or industrial area
27 qualification for signs shall meet the following requirements:

28 (a) To qualify an area unzoned commercial or industrial for the purpose of outdoor advertising
29 control, one or more commercial or industrial activities shall meet all of the following
30 criteria prior to submitting an outdoor advertising permit application:

31 (i) The activity shall maintain all necessary business licenses as may be required by
32 applicable state, county-county, or local law or ordinances;

33 (ii) The property used for the activity shall be listed for ad valorem taxes with the
34 county and municipal taxing authorities as required by law;

35 (iii) The activity shall be connected to ~~basic utilities~~utilities, including ~~but not limited~~
36 ~~to~~ power, telephone, water, and sewer, or septic service;

- 1 (iv) The activity shall have ~~direct or indirect~~ vehicular access and ~~be a generator of~~
2 ~~vehicular traffic; generate traffic;~~
- 3 (v) The activity shall have a building designed with a permanent foundation, built or
4 modified for its current commercial or industrial use, and the building must be
5 located within 660 feet from the nearest edge of the right of way of the controlled
6 route. Where a mobile home or recreational vehicle is used as a business or office,
7 the following conditions and requirements also apply;
- 8 (A) ~~The the~~ mobile home unit or recreational vehicle shall meet the North
9 Carolina State Building Code criteria for commercial or business
10 ~~use-use;~~
- 11 (B) ~~A a~~ self-propelled vehicle shall not qualify for use as a business or office
12 for the purpose of these ~~rules-rules;~~
- 13 (C) ~~All-all~~ wheels, axles, and springs shall be ~~removed-removed;~~
- 14 (D) ~~The-the~~ unit shall be permanently secured on piers, pad, or
15 ~~foundation-foundation; and~~
- 16 (E) ~~The-the~~ unit shall be tied down in accordance with local, state, or county
17 ~~requirements-requirements.~~
- 18 (vi) The commercial or industrial activity must be in ~~active~~ operation a minimum of
19 six months prior to the date of submitting an application for an outdoor advertising
20 permit;
- 21 (vii) The activity shall be open to the public during hours ~~that are normal and~~
22 ~~customary~~ for that type of activity, ~~activity in the same or similar communities~~
23 ~~[communities,]~~ but not less than 20 hours per week;
- 24 (viii) One or more employees shall be available to serve customers whenever the
25 activity is open to the public; and
- 26 (ix) The activity shall be visible and recognizable as commercial or industrial from
27 the main ~~traveled-travel~~ way of the controlled route. ~~An activity is visible when~~
28 ~~that portion on which the permanent building designed, built, or modified for its~~
29 ~~current commercial use can be clearly seen twelve months a year by a person of~~
30 ~~normal visual acuity while traveling in a vehicle traveling~~ at the posted speed ~~on~~
31 ~~the main traveled way~~ of the controlled route ~~for 12 months of a year, adjacent to~~
32 ~~the activity. An activity is recognizable as commercial or industrial when its~~
33 ~~visibility from the main traveled way of the controlled route is sufficient for the~~
34 ~~activity to be identified as commercial or industrial.~~
- 35 (b) Each side of the controlled route shall be considered separately. All measurements shall
36 begin from the outer edges of ~~buildings where business is~~ ~~conducted including~~
37 ~~[conducted.] regularly used buildings, parking lots, storage-storage, or processing areas of~~

1 ~~the commercial or industrial activity, not from the property line of the activity activity, and~~
2 ~~shall be along the nearest edge of the main traveled way of the controlled route.~~

3 (c) The proposed sign location must be within 600 feet of the activity.

4 (d) To qualify an area as unzoned commercial or industrial for the purpose of outdoor
5 advertising control, none of the following activities shall be recognized:

6 (i) ~~Outdoor~~ outdoor advertising structures;

7 (ii) ~~On-premise~~ on-premise or on-property signs defined by Rule .0201(18) of this
8 Section if the ~~on-premise/on-property~~ on-premise sign is the only part of the
9 commercial or industrial activity that is visible from the main-traveled way;

10 (iii) ~~Agricultural,~~ agricultural, forestry, ranching, grazing, farming, and related
11 activities, ~~including, but not limited to~~ including temporary wayside fresh
12 produce stands;

13 (iv) ~~Transient~~ transient or temporary activities;

14 (v) ~~Activities not visible and recognizable as commercial or industrial from the traffic~~
15 ~~lanes of the main traveled way;~~

16 (vi)(v) ~~Activities~~ activities more than 660 feet from the nearest edge of the right of way;

17 (vii)(vi) ~~Activities~~ activities conducted in a building ~~principally~~ used as a residence;

18 (viii)(vii) ~~Railroad~~ railroad tracks and minor sidings;

19 (ix)(viii) ~~Any~~ any outdoor advertising activity or any other business or commercial activity
20 carried on in connection with an outdoor advertising activity; and

21 (x)(ix) ~~Illegal~~ illegal junkyards, as defined in G.S. 136-146, and nonconforming
22 junkyards as set out in G.S. ~~136-147;~~ 136-147.

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24 *History Note: Authority G.S. 136-130;*

25 *Eff. July 1, 1978;*

26 *Amended Eff. August 1, 2000; November 1, 1993; December 1, 1990; November 1, 1988-1988;*

27 *Readopted Eff. January 1, 2021.*

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