

1 19A NCAC 02E .0204 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

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3 **19A NCAC 02E .0204 LOCAL ZONING AUTHORITIES**

4 (a) Local-A local zoning authority ~~authorities~~ may ~~[request from]~~ become certified to control outdoor advertising
5 within its jurisdiction. In accordance with 23 CFR 750.706(c), the local zoning authority must demonstrate to the
6 Chief Engineer that it has [control of] certify [submit]to the Board of Transportation when they have established
7 effective control within zoned commercial and industrial areas, through regulations or ordinances with respect to size,
8 lighting and spacing of outdoor advertising signs in commercial and industrial zones [in accordance with 23 CFR
9 750.706(c) when they have established effective control within commercial and industrial zones, through regulations
10 or ordinances with respect to size, lighting and spacing of outdoor advertising signs]consistent with the intent of as
11 allowed under the Highway Beautification Act of 1965, Section 131 of Title 23 of the United States Code, and with
12 customary use. ~~Upon authorization from the Chief Engineer to the local zoning authority, the size, lighting and spacing~~
13 ~~requirements set forth in G.S. 136 Articles 11 and 11A or 19A NCAC 02E .0200, will not apply to those areas and the~~
14 ~~local zoning authority shall be authorized to issue permits for the erection and maintenance of outdoor advertising~~
15 ~~signs.~~

16 (b) Upon authorization from the Chief Engineer to the local zoning authority, the size, lighting and spacing
17 requirements set forth in this Section shall not apply to those areas and the local zoning authority shall be authorized
18 to issue permits for the erection and maintenance of outdoor advertising signs, subject to G.S. 136-131.2.[signs.] A
19 permit issued by a local zoning authority shall be accepted in lieu of a state permit issued by the Department of
20 Transportation.

21 (c) The Chief Engineer shall notify the Federal Highway Administration in writing of those zoning jurisdictions
22 wherein local control applies.

23 (d) Nothing contained herein shall relieve the State of the responsibility of limiting signs within controlled areas
24 to commercial and industrial zones. Where a local zoning authority fails to satisfy its obligations for maintaining local
25 control, the local zoning authority may be decertified.

26 (e) Outdoor advertising signs with a valid Department of Transportation permit are subject to the limitations set
27 forth in G.S. 136-131.2.

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29 *History Note:* Authority G.S. 136-130; 136-131.2; 136-138; 160D-912;
30 Eff. July 1, 1978;
31 Amended Eff. December 1, 2012; November 1, 1993-1993;
32 Readopted Eff. March 1, 2021.
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