

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

Except for those signs set forth in G.S. 136-129(1), (2), (2a), and (3), this Rule shall apply to the erection and maintenance of outdoor advertising signs in all zoned and unzoned commercial and industrial areas located within 660 feet of the nearest edge of the right of way of the controlled route.

- (1) Signs shall be configured and sized as follows:
 - (a) the maximum area for any one sign shall be 1,200 square feet with a maximum height of 30 feet and maximum length of 60 feet. All measurements shall include any border and trim, but shall exclude the base or apron, embellishments, embellished advertising space, supports, and other structural members;
 - (b) the maximum size limitations shall apply to each side of a sign structure. Signs placed back-to-back, side-to-side, or in V-type construction with no more than two displays to each facing shall be considered as one sign. The maximum size limitations shall apply to each facing of a sign structure;
 - (c) Side-by-side signs shall be structurally tied together to be considered as one sign structure;
 - (d) V-type and back-to-back signs shall not be considered as one sign if located more than 15 feet apart at their nearest points;
 - (e) the height of any portion of the sign structure, excluding cutouts or embellishments, as measured vertically from the adjacent edge of pavement of the main traveled way shall not exceed 50 feet; and
 - (f) Double-decking of sign faces so that one is on top of the other is prohibited.
- (2) Signs shall be spaced as follows:
 - (a) Signs shall not be located in a manner to obscure, or otherwise physically interfere with the effectiveness of any traffic sign, signal, or device, or to obstruct or physically interfere with a driver's view of approaching, merging, or intersecting traffic;
 - (b) Controlled Routes with Fully Controlled Access:
 - (i) No two structures shall be spaced less than 500 feet apart;
 - (ii) Outside the corporate limits of towns and cities, no structure may be located within 500 feet of an interchange, collector distributor, safety rest area or information center regardless of whether the main traveled way is within or outside the town or city limits. The 500 feet spacing shall be measured from the point at which the pavement widens for a ramp and the direction of measurement shall be along the edge of pavement away from the interchange, collector distributor, safety rest area or information center. In those interchanges where a quadrant does not have a ramp, the 500 feet for the quadrant without a ramp shall be measured along the outside edge of main traveled way for highways as follows:
 - (A) Where a route is bridged over a fully controlled access highway, the 500 foot measurement shall begin on the outside edge of pavement of the fully controlled access highway at a point below the edge of the bridge. The direction of measurement shall be along the edge of pavement away from the interchange;
 - (B) Where a fully controlled access highway is bridged over another route, the 500 foot measurement shall be made from the end of the bridge in the quadrant. The direction of measurement shall be along the edge of main traveled way away from the bridge; and
 - (C) Where the routes involved are both fully controlled access highways, measurements on both routes shall be made according to (A) or (B) 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 of incorporated towns and cities no two structures shall be spaced less than 300 feet apart; and

- (ii) within incorporated towns and cities no two structures shall be spaced less than 100 feet apart.
 - (d) The rules of this Section regarding spacing between sign structures shall not apply to structures separated by buildings or other obstructions where only one sign facing located within the distances set forth in the rules of this Section is visible from the highway at any one time;
 - (e) Official signs, on-premise signs, or structures that are not lawfully maintained shall not be included, nor shall measurements be made from them for purposes of determining compliance with spacing requirements; and
 - (f) The minimum distance between structures shall be measured along the nearest edge of the main traveled way between points opposite the signs along each side of the highway and shall apply only to structures located on the same side of the highways.
- (3) Signs shall meet the following lighting requirements:
- (a) No sign shall contain, include, or be illuminated by any flashing, intermittent, or moving light or lights, including animated or scrolling advertising except as allowed by Item (4) of this Rule or it is giving public service information, such as time, date, temperature, or weather;
 - (b) 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 driver, or which otherwise interfere with the operation of a motor vehicle;
 - (c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal; and
 - (d) All sign lighting shall be subject to any other provisions relating to lighting of signs applicable to all highways under the jurisdiction of the State, including G.S. 136-32.2.
- (4) Automatic changeable facing signs shall meet the following requirements:
- (a) the sign does not contain or display flashing, intermittent, or moving lights, including animated or scrolling advertising;
 - (b) the changeable facing remains in a fixed position for at least eight seconds;
 - (c) if a message is changed electronically, it must be accomplished within an interval of two seconds or less;
 - (d) the sign is not placed within 1,000 feet of another automatic changeable facing sign on the same side of the highway;
 - (e) the 1000-foot distance is measured along the nearest edge of the pavement and between points opposite the signs along each side of the highway;
 - (f) a legally conforming structure may be modified to an automatic changeable facing structure as set forth in Rule .0225 of this Section. Signs not conforming to State standards shall not be modified to an automatic changeable facing;
 - (g) the sign must contain a default design that will freeze the sign in one position if a malfunction occurs; and
 - (h) the sign application meets all permitting requirements as set forth in Rule .0206 of this Section.
- (5) Unzoned commercial or industrial area qualification for signs shall meet the following requirements:
- (a) To qualify an area unzoned commercial or industrial for the purpose of outdoor advertising control, one or more commercial or industrial activities shall meet all of the following criteria prior to submitting an outdoor advertising permit application:
 - (i) The activity shall maintain all necessary business licenses as may be required by applicable state, county, or local law or ordinances;
 - (ii) The property used for the activity shall be listed for ad valorem taxes with the county and municipal taxing authorities as required by law;
 - (iii) The activity shall be connected to utilities, including power, telephone, water, and sewer, or septic service;
 - (iv) The activity shall have vehicular access and generate traffic;
 - (v) The activity shall have a building designed with a permanent foundation, built or modified for its current commercial or industrial use, and the building must be located within 660 feet from the nearest edge of the right of way of the

- controlled route. Where a mobile home or recreational vehicle is used as a business or office, the following conditions and requirements also apply;
- (A) the mobile home unit or recreational vehicle shall meet the North Carolina State Building Code criteria for commercial or business use;
 - (B) a self-propelled vehicle shall not qualify for use as a business or office for the purpose of these rules;
 - (C) all wheels, axles, and springs shall be removed;
 - (D) the unit shall be permanently secured on piers, pad, or foundation; and
 - (E) the unit shall be tied down in accordance with local, state, or county requirements.
- (vi) The commercial or industrial activity must be in operation a minimum of six months prior to the date of submitting an application for an outdoor advertising permit;
 - (vii) The activity shall be open to the public during hours for that type of activity, but not less than 20 hours per week;
 - (viii) One or more employees shall be available to serve customers whenever the activity is open to the public; and
 - (ix) The activity shall be visible and recognizable as commercial or industrial from the main travel way in a vehicle traveling at the posted speed of the controlled route for 12 months of a year.
- (b) Each side of the controlled route shall be considered separately. All measurements shall begin from the outer edges of buildings where business is conducted including parking lots, storage, or processing areas of the commercial or industrial activity, not from the property line of the activity, and shall be along the nearest edge of the main traveled way of the controlled route.
 - (c) The proposed sign location must be within 600 feet of the activity.
 - (d) To qualify an area as unzoned commercial or industrial for the purpose of outdoor advertising control, none of the following activities shall be recognized:
 - (i) outdoor advertising structures;
 - (ii) on-premise or on-property signs defined by Rule .0201(18) of this Section if the on-premise sign is the only part of the commercial or industrial activity that is visible from the main-traveled way;
 - (iii) agricultural, forestry, ranching, grazing, farming, and related activities, including temporary wayside fresh produce stands;
 - (iv) transient or temporary activities;
 - (v) activities more than 660 feet from the nearest edge of the right of way;
 - (vi) activities conducted in a building used as a residence;
 - (vii) railroad tracks and minor sidings;
 - (viii) any outdoor advertising activity or any other business or commercial activity carried on in connection with an outdoor advertising activity; and
 - (ix) illegal junkyards, as defined in G.S. 136-146, and nonconforming junkyards as set out in G.S. 136-147.

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