

SECTION .0200 – OUTDOOR ADVERTISING

19A NCAC 02E .0201 DEFINITIONS FOR OUTDOOR ADVERTISING CONTROL

In addition to the definitions set forth in G.S. 136-128, of Article 11 of North Carolina General Statutes, also known as the Outdoor Advertising Act, the following definitions shall apply for purposes of the Rules of this Section:

- (1) **Abandoned Sign:** An outdoor advertising sign structure shall be considered abandoned if it has no lease or meets one of the following criteria for a period of 12 months:
 - (a) is not maintained in accordance with the Rules of this Section; or
 - (b) is without a message, contains out-of-date advertising matter, or is significantly damaged.
- (2) **Automatic Changeable Facing Sign:** A sign, display, or device that changes the message or copy on the sign facing electronically by digital means or movement or rotation of panels or slats.
- (3) **Blank Sign:** A sign structure that contains no message or only a telephone number advertising its availability.
- (4) **Comprehensive Zoning:** Zoning by local zoning authorities of each parcel of land under the jurisdiction of the local zoning authority placed in a zoning classification pursuant to a comprehensive plan, or reserved for future classification. A comprehensive plan means a development plan that guides decisions of the local zoning authority relating to zoning and the growth and development of the area. Even if comprehensively enacted, the following criteria shall determine whether a zoning is enacted to permit outdoor advertising:
 - (a) the zoning classification provides for commercial or industrial activity only incidental to other primary land uses;
 - (b) the commercial or industrial activities are permitted only by variance or special exceptions; or
 - (c) the zoning constitutes spot or strip zoning. "Spot zoning" or "strip zoning" is zoning designed primarily for the purpose of permitting outdoor advertising signs in an area that would not otherwise permit outdoor advertising.
- (5) **Conforming Sign:** A sign legally erected in a zoned or unzoned commercial or industrial area that meets all requirements of the rules of this Section and Article 11 of Chapter 136 of NC General Statutes.
- (6) **Controlled Access Highway:** A highway on which entrance and exit accesses are allowed only at designated points.
- (7) **Controlled Route:** Any interstate or federal-aid primary highway as it existed on June 1, 1991, and any highway that is or becomes a part of the National Highway System (NHS).
- (8) **Destroyed or Significantly Damaged Sign:** A sign that has sustained damage by more than 50 percent as determined by the criteria set forth in Rule .0225(f) of this Section by factors other than tortious or criminal acts, including vandalism. An example of a destroyed sign includes a sign damaged by wind.
- (9) **Dilapidated Sign:** A sign that fails to be in the same form as originally constructed, or that fails to perform its intended function of conveying a message. Characteristics of a dilapidated sign include structural support failure, a sign not supported as originally constructed, panels or borders missing or falling off, intended messages cannot be interpreted by the motoring public, or a sign that is blocked by overgrown vegetation outside the highway right of way.
- (10) **Directional Sign:** A sign that contains navigational information about public places owned or operated by federal, State, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation. Directional and other official signs and notices include:
 - (a) **Public Service Sign:** A sign located on a school bus stop shelter that meets all the following requirements:
 - (i) identifies the donor, sponsor or contributor of a shelter;
 - (ii) is located on a school bus shelter that is authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved;
 - (iii) contains only safety slogans that shall occupy not less than 60 percent of the area of the sign;
 - (iv) does not exceed 32 square feet in area; and

- (v) contains not more than one sign facing in any one direction.
 - (b) Public Utility Sign: A warning sign, informational sign, notice or other marker erected and maintained by publicly or privately owned utilities.
 - (c) Service Club and Religious Notices: Any sign or notice that relates to meetings of nonprofit service clubs, charitable associations, or religious services. These signs shall not exceed eight square feet in area.
- (11) Discontinued Sign: A sign no longer in existence or a sign of which any part of a sign face is missing more than 180 days. In some cases, a sign may be both discontinued and dilapidated.
 - (12) Fully Controlled Access Highway: A divided highway for through traffic that persons, including the owners or occupants of abutting lands have no right of access except at the points and in the manner determined by the Department of Transportation.
 - (13) Highway: A highway that is designated as a part of the interstate or federal-aid primary highway system as of June 1, 1991, or any highway which is or becomes a part of the National Highway System. A highway shall be a part of the National Highway System on the date the location of the highway has been approved by federal authorities.
 - (14) Lease: An agreement by which possession or use of land or interests therein is given for a specified purpose and period of time, and which is a contract under North Carolina laws.
 - (15) Main Traveled Way or Traveled Way: Part of a highway on which through traffic is carried, exclusive of paved shoulders. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a traveled way. It does not include frontage roads, turning roadways, or parking areas.
 - (16) Nonconforming Sign: A non-conforming sign means as defined in G.S. 136-128(2a).
 - (17) Official Sign or Notice: A sign or notice erected and maintained by public officers or public agencies within their territorial or zoning jurisdictions and pursuant to and in accordance with federal, State or local law for the purpose of carrying out an official duty or responsibility. Official signs and notices include historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies.
 - (18) On-premise Sign: A sign that advertises the sale or lease of property upon which it is located or that advertises an activity conducted or product for sale on the property upon which it is located. An on-premise sign may not be converted to a permitted outdoor advertising sign unless it meets all rules in effect at the time of the conversion request. An on-premise sign shall be located on property contiguous to the property on which the activity is located. Tracts not considered to be contiguous include:
 - (a) tracts of land separated by a federal, State, city, or public access maintained road;
 - (b) tracts of land not under common ownership; or
 - (c) tracts of land held in different estates or interests.
 - (19) Parkland: Any publicly-owned land that is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.
 - (20) Permit Holder: A permit holder is the sign owner and the entity whose name is on the approved outdoor advertising permit application as "Permit Holder or Sign Owner".
 - (21) Salvageable Sign Components: Components of the original sign structure prior to the damage that can be repaired or replaced on site by the use of labor only. If any materials, other than nuts, bolts, nails or similar hardware, are required in order to repair a component, the component is not considered to be salvageable.
 - (22) Scenic Area: Any area of particular beauty or historical significance as determined by the federal, State, or local official having jurisdiction thereof, and includes interests in land which have been acquired for the restoration, preservation and enhancement of beauty.
 - (23) Scenic Byway: A scenic byway designated by the Board of Transportation, regardless of whether the route so designated was part of the interstate or federal-aid primary highway system as of June 1, 1991, or any highway that is or becomes a part of the National Highway System.
 - (24) Sign: Any outdoor sign, sign structure, display, light, device, figure, painting, drawing, message, placard, poster, billboard, or other object which is designed, intended, or used to advertise or inform. A sign includes any of the parts or material of the structure, such as beams, poles, posts, and stringers, the only eventual purpose of which is to display a message or other information for public view. For purposes of these rules, the term "sign" and its definition shall be interchangeable

with the following terms: outdoor advertising, outdoor advertising sign, outdoor advertising structure, outdoor advertising sign structure, sign structure, and structure.

- (25) Sign Not Conforming to State Standards: a sign which was legally erected but does not conform to the zoning, size, lighting, and spacing criteria established in Rule .0203 of this Section promulgated at a later date, or a sign which was legally erected but later fails to conform to the zoning, size, lighting, and spacing criteria established in Rule .0203 of this Section.
- (26) Sign Face: The part of the sign, including trim and background, that contains the message or informative contents.
- (27) Sign Location: A sign location is the latitude and longitude as determined by recreational grade global position system (GPS) equipment with imagery reference. The location shall be determined and listed on each outdoor advertising permit application by DOT personnel.
- (28) Sign Owner: A sign owner is the owner of the physical sign structure.
- (29) Unzoned Commercial or Industrial Area: An area that is not zoned by State or local law, regulation, or ordinance, and that is within 660 feet of the nearest edge of the right of way of the interstate or federal-aid primary system or NHS, in which there is at least one commercial or industrial activity that meets all requirements specified in Rule .0203(5) of this Section.
- (30) Zoned Commercial or Industrial Area: An area that is zoned for business, industry, commerce, or trade pursuant to a State or local zoning ordinance or regulation. Local zoning action shall be taken pursuant to the state's zoning enabling statute or constitutional authority. Zoning that is not part of comprehensive zoning or that is created to permit outdoor advertising structures shall not be recognized as valid zoning for purposes of the Outdoor Advertising Control Act and the rules promulgated thereunder, unless the land is developed for commercial or industrial activity as defined in Rule .0203(5) of this Section.

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