§ 160D-912.1. On-premises advertising.

(a) As used in this section, the following definitions apply:

(1) Monetary compensation. – An amount equal to the sum of (i) the greater of the fair market value of the nonconforming on-premises advertising sign in place immediately prior to the removal or the diminution in value of the real estate resulting from the removal of the sign and (ii) the cost of a new on-premises advertising sign that conforms to the local government's development regulations.

(2) On-premises advertising sign. – A sign visible from any local or State road or highway that advertises activities conducted on the property upon which it is located or advertises the sale or lease of the property upon which it is located.

(3) Reconstruction. – Erecting or constructing anew, including any new or modern instrumentalities, parts, or equipment that were allowed under the local development rules in place at the time the sign was erected.

(b) Notwithstanding any local development regulation to the contrary, a lawfully erected on-premises advertising sign may be relocated or reconstructed within the same parcel so long as the square footage of the total advertising surface area is not increased, and the sign complies with the local development rules in place at the time the sign was erected. The construction work related to the relocation of the lawfully erected on-premises advertising sign shall commence within two years after the date of removal. The local government shall have the burden to prove that the on-premises advertising sign was not lawfully erected.

(c) A local government may require the removal of a lawfully erected on-premises advertising sign under a local development regulation only if the local government pays the owner of the sign monetary compensation for the removal. Upon payment of monetary compensation, the local government shall own the sign and remove it in a timely manner.

(d) Nothing in this section shall be construed to diminish the rights given to owners or operators of nonconforming uses, including nonconforming structures, as set forth in G.S. 160D-108 or the rights of owners or operators of outdoor advertising signs in Article 11 of Chapter 136. (2024-45, s. 23.1(a).)