
Sec. 94-404. - Legal noncomplying signs.

- a. *Legal noncomplying signs defined.* A legal noncomplying sign is any sign which was legally established pursuant to the issuance of a sign permit on or before the effective date of the ordinance from which this article is derived, and which is rendered noncomplying by the provision of such ordinance or a subsequent amendment thereto. In order to be considered a legal noncomplying sign, a sign must comply with all applicable regulations in effect at the time it was erected, including having been issued a sign permit. Signs for which no sign permit was required at the time they were established and which are rendered noncomplying by the provisions of this article or a subsequent amendment thereto shall not enjoy legal noncomplying status, but shall be illegal noncomplying signs.
- b. *Regulations applicable to legal noncomplying signs.* Legal noncomplying signs shall be subject to the building and structural nonconformity provisions of [ARTICLE XIV](#) of this chapter and the provisions of this section.
- c. *Replacement of legal noncomplying sign with another noncomplying sign restricted.* The sign face of a legal noncomplying sign may be changed, replaced, or repaired provided the change, replacement or repair shall not prolong the life of the sign structure or so as to change the shape or size of the sign. Normal maintenance of noncomplying signs to preserve structural soundness shall not be prohibited.
- d. *Alteration of noncomplying message prohibited.* No sign with a noncomplying commercial message shall have any changes made in the words or symbols which would result in a different noncomplying commercial message unless the sign is a billboard, an off-premises advertising sign, a bulletin board, or substantially similar type of sign, specifically designed for periodic change of message.
- e. *Removal of damaged noncomplying signs.* No noncomplying sign shall be reconstructed or repaired to a noncomplying state after damage or destruction if the cost of reconstruction exceeds 50 percent of the replacement cost of the sign. Damaged noncomplying signs which may not be reconstructed or repaired under the terms of this article shall be removed immediately.
- f. *Removal of obsolete noncomplying signs.* Obsolete signs which are noncomplying in their number, size or placement shall be removed not less than 30 days after becoming obsolete. An obsolete sign is hereby defined as any such sign which no longer correctly directs or exhorts any person; or which advertises a business, service, product or activity no longer conducted, available or in the case of on-premises signs, or on any lot in the case of off-premises signs.
- g. *Removal of legal noncomplying signs.* Any sign which may become noncomplying as a result of this article or any amendment to this article may be continued in operation and maintained indefinitely as a legal noncomplying sign, provided that:
 1. No structural alteration, enlargement, or extension shall be made to a legal noncomplying sign unless the structural alteration, enlargement, or extension will result in the elimination of the noncomplying features of the sign.
 2. No sign shall be moved in whole or in part to any other location where it would remain noncomplying.
 3. If a legal noncomplying sign is damaged or destroyed by any means to the extent of 50 percent or more of its replacement value at the time of the damage, the sign may not be rebuilt or used thereafter unless it conforms to all of the provisions of this ordinance. In the event the damage or destruction is less than 50 percent of its replacement value at the time, the sign may be rebuilt to its original condition and may continue to be displayed.
 4. Normal maintenance of legal noncomplying signs, including necessary nonstructural repairs and incidental work which does not extend or intensify the noncomplying features of the sign, shall be permitted.
5. *Billboards*
 - a. Any billboards within the City of West Palm Beach, with exception of those located within 350 feet of the main line of Interstate 95, existing before March 9, 1998, may be relocated adjacent to Interstate 95 by March 23, 2007, subject to the approval of a Class A special use permit prior to applying for a billboard sign permit with the construction services department. The city commission may grant waivers of the additional standards if the request is found consistent with the waiver standards outlined in subsection [94-273\(a\)\(2\)](#). All distance requirements provided in this section shall be measured from the furthest projection of the structure.

1. *Applicable locations.* Billboards may be located in any industrial or general commercial zoning district, or in any industrial or commercial planned development district, where billboards are permitted, subject to the following regulations:
 - i. Billboards shall be located a maximum of 350 feet from the main line of the Interstate 95 right-of-way;
 - ii. Billboards located along the same side of the Interstate 95 right-of-way shall have a minimum separation distance of 1,500 feet.
 - iii. All relocated billboards shall be constructed on a monopole.
 - iv. Roof-mounted billboards are prohibited.
2. *Additional application requirements.*
 - i. The plans submitted with the Class A special use permit and the billboard sign permit shall include the following:
 - I. The location and the billboard face square footage of the billboard(s) proposed for removal;
 - II. The location of the proposed relocated billboard;
 - III. A site plan and a survey indicating the proposed setbacks from the Interstate 95 right-of-way, the nearest billboard(s) to the north and south on the same side of the Interstate 95 right-of-way, residential zoning district(s) on the same side of the Interstate 95 right-of-way, and the nearest intersection on the same side of the Interstate 95 right-of-way;
 - IV. A cross section that depicts the distance between nearest point of the billboard and the main line of the Interstate 95 right-of-way, as well as the maximum height of the billboard at grade and from the crown of Interstate 95;
 - V. An elevation plan that depicts the dimension of the relocated billboard face; and
 - VI. The written permission of the property owner of the relocated billboard location.
 - ii. A relocated billboard structure with two faces may be constructed adjacent to Interstate 95 for each billboard structure with two faces removed.
 - iii. The face of the relocated billboard, including temporary embellishments, shall not exceed 700 square feet in area.
 - iv. A lighting plan showing the illumination for a relocated billboard directed only towards the billboard face.
 - v. The relocated billboard(s) may not commence construction prior to the removal of the existing billboard(s) being relocated. The relocated billboard(s) shall commence construction within six months of the issuance of the billboard sign permit. If the applicant has demonstrated good faith effort to commence construction, the building official may extend such billboard sign permit for a period not to exceed an additional six months. Should a sign permit for construction of a relocated billboard(s) lapse, the demolished billboard(s) shall not be reconstructed at the original location and no further billboard relocation right shall exist.
3. *Additional standards.*
 - i. A relocated billboard shall be located on a property that has a minimum frontage of 250 linear feet along Interstate 95.
 - ii. A relocated billboard shall comply with the setbacks listed below:
 - I. From side and rear property lines: 50 feet minimum.
 - II. From a residential zoning district on the same side of the right-of-way: 250 feet minimum.
 - iii. The height of a relocated billboard shall not exceed 65 feet above the crown of Interstate 95 to the top of the highest sign face, including temporary embellishments.
- b. An existing billboard affected by any roadway modification constructed or required by the state department of transportation may be modified or relocated on the same parcel subject to subsections (g)(5)a.1., (g)(5)a.2.iv., (g)(5)a.2.iv., and (g)(5)a.3. of this section and the following requirements:
 1. A billboard which is eligible for modification or relocation under these provisions shall be subject to Class A special use permit review.

2. Waivers from the dimensional requirements of subsection (g)(5)a.3. of this section may be granted provided that such waivers are found consistent with the waiver standards outlined in subsection 94-273(a)(2) and that such waivers are the minimum required for the modified or relocated billboard as demonstrated by the applicant.
 3. The face of the modified or relocated billboard shall not exceed that of the existing billboard.
 4. A modified or relocated billboard shall not commence construction prior to the demolition of the billboard that requires modification or relocation. The modified or relocated billboard shall commence construction within six months of the issuance of the billboard sign permit. If the applicant has demonstrated good faith effort to commence construction, the building official may extend such billboard sign permit for a period not to exceed six months. Should a sign permit for a modified or relocated billboard lapse, the demolished billboard shall not be reconstructed at the original location and no further billboard modification or relocation right shall exist.
 5. Mitigating measures including, but not limited to, a landscape buffer, shall be considered to mitigate any negative impacts of the modified or relocated billboard.
- h. *Illegal noncomplying signs defined.* An illegal noncomplying sign is any sign which was not in compliance with applicable regulations at the time such sign was established. Signs for which a required permit has not been issued shall be deemed to be illegal noncomplying signs even if they comply with all other requirement in effect at the time they were established.
 - i. *Regulations applicable to illegal noncomplying signs.* Nothing in this ordinance shall be deemed to allow the continued maintenance of an illegal noncomplying sign. Illegal noncomplying signs shall be subject to immediate removal.
 - j. *Construction and maintenance of signs subject to building code.* The construction, installation, erection, anchorage, and maintenance of all signs shall be subject to the regulations of the building code. All electrical service wiring associated with freestanding signs shall be installed underground.

(Code 1979, § 33-153; Ord. No. 3985-06, § 2, 10-23-2006)