

# Scenic Watch

Citizens for a Scenic Florida



October 2013

## First District Court of Appeal Rules Against CBS Outdoor In Dispute with FDOT Over Sound Wall Installation



Photo: Citizens for a Scenic Florida

On October 23, the court affirmed FDOT's position that CBS's was not entitled to redress in their dispute.

"CBS Outdoor...owns three 'nonconforming signs' (billboards) ...along what is now Interstate 95 in Jacksonville, Florida. CBS Outdoor and SLG Investments, LLC, both own land upon which the billboards are erected. Adjacent to these signs, FDOT erected a sound wall on its own property along I-95 that will screen or obstruct the view of Appellants' signs from the interstate.

Under Florida law, when signs become screened or blocked due to the construction of a sound barrier, the owners of some types of signs may raise the height of their signs or receive other statutorily provided remedies...

...A sign must fall within the class of signs 'lawfully erected', 'conform[ing] to state and federal requirements', and 'lawfully permitted' in order to qualify for the process and benefits available under this statute.

In conclusion, we affirm FDOT's order of dismissal because Appellants' [CBS] nonconforming signs are not entitled to the process and remedies provided for in § 479.25, Florida Statutes..."

-- Case No. 1D12-5483, The District Court Of Appeal, First District, State Of Florida

November



## Fun Festivals and Events

### Central Florida

#### Nov 1-3

Lady of the Lakes Renaissance Faire, Tavares

#### Nov 1-3

Melbourne Air and Space Show, Melbourne

#### Nov 2

6th annual Stone Crab Jam, Crystal River

#### Nov 2

2013 Blues 'n Bar-B-Que, Homosassa

#### Nov 2-3

The Fall Fiesta in the Park, Orlando

#### Nov 2-3

Halifax Art Festival, Daytona Beach

#### Nov 2-3

27th Annual Lake Mary-Heathrow Festival of the Arts, Heathrow

#### Nov 2-3

Festival of the Arts, Inverness

#### Nov 2-3

Ruskin Seafood Festival, Ruskin

#### Nov 2-3

The Venice Main Street Art Fest

#### Nov 3

Conga Caliente Festival, Tampa

#### Nov 8

Harvest Jamboree and Hunter's BBQ, Astor

#### Nov 8-10

## Cautionary Tale for Miami: What Happens When Building Billboards Go Digital?



Photo: Washington Post



Photo: Washington Post



Photo: Washington Post

**Traditional billboards have been routinely swapped out for digitals across the nation during the last few years.**

**Since "Wall Murals" are simply giant billboards, it's worth asking the obvious question. Are they next in line for LED conversions?**

**Here's the story about what happened recently when an event center went digital within a dense urban area.**

"From 6 a.m. to midnight daily, the new 50-by-24-foot screens at Verizon Center flash images of the District's sports teams, their sponsors and coming events.

To some, the new electronic signs hanging from the arena give an illusion of New York's Times Square and add a sense of vibrancy to the neighborhood, but to other residents and businesses in Penn Quarter, the billboards have created frustration and exacerbated a two-year battle with Verizon Center.

'It's like having a giant television set outside my window,' said Catherine

12th Annual Winter Park Concours d'Elegance, Winter Park

**Nov 8-10**

Sebastian Clambake Lagoon Festival, Sebastian

**Nov 8-10**

RibFest, St. Petersburg

**Nov 9**

28th annual Highlands Hammock Civilian Conservation Corps Festival, Sebring

**Nov 9-10**

25th Annual St. Armands Art Festival, Sarasota

**Nov 9-10**

Homosassa Arts, Crafts and Seafood Festival, Old Homosassa

**Nov 10**

The Fourth Annual Siesta Key Crystal Classic Masters' Sandsculpting Competition

**Nov 14-15**

Quilts and Tea Festival, Davenport

**Nov 15-17**

Hudson Seafest Celebration, Port Richey

**Nov 16**

Pirates and Pioneers Day, Sarasota

**Nov 16-24**

Festival of Trees at Orlando Museum of Art, Orlando

**Nov 17**

14th Annual Cigar Heritage Festival, Ybor City

**Nov 21-24**

SkyQuest 2013, DeLand

**Nov 23**

The Plant City Pig Jam, Plant City

**Nov 23-24**

Yankeetown Seafood and Arts Festival, Yankeetown

**Nov 28-Dec 1**

40th Annual Daytona Turkey Run, Daytona

**Nov 29**

The Christmas at Bok Tower Gardens Holiday Home Tour, Lake Wales

**Nov 29-Dec 30**

Holidays Around the World, Lake Buena Vista

**Nov 30**

32nd Annual Light Up Mount Dora, Mount Dora

Sickles, who lives two blocks from the arena and has a direct view of the new screens from her penthouse apartment at the Lexington at Market Square. 'It is really bright. It is a lot of images—the same images over and over again.'

The city approved the new signs last year after months of public debate over the request by Washington sports mogul Ted Leonsis to erect the animated billboards on the Seventh Street NW side of Verizon Center. Residents and community leaders said then that they feared the signs would be intrusive. The D.C. Council, however, unanimously backed the proposal, with some members saying it was necessary to replace outdated billboards in one of the city's growing entertainment districts....

But some residents say the full-motion billboards are out of place in an area that is considered historic and that is home to the National Portrait Gallery.

'They say this is Washington's Times Square, but the people that live here don't feel that way,' said Kevin Wilsey, general manager at the Lansburgh apartments at Eighth and E streets NW. 'We are not opposed to arenas and bars and things like that. People live down here for those kind of activities and conveniences...'

.. 'It's like we are actually watching a movie. I think people are sort of shocked about how vibrant and in their face it sort of is,' said Wilsey, who has lived in the neighborhood for 17 years and is a representative on the ANC.

Mital Gandhi, president of the condominium association at the Residences at Gallery Place, which has 192 condos next to Verizon Center, said his residents also are concerned about the light from the screens flashing into their units...

Some residents say they are considering moving out of the neighborhood. Others worry that their property values will drop.

Sickles, 43, a human resources executive who works from home, said she and her husband are planning to move because the appeal of their apartment was having a view of the city.

'At night, it is gorgeous, and now we have to pretty much close our blinds if we don't want to see flashing images on our walls,' she said....

-- Luz Lazo, Washington Post

[Read entire article here>](#)



Video: First Coast News



Video: First Coast News

## Jacksonville: Bill Brinton and Industry Representative Are Interviewed About Billboard Proposal

During an "On Point" program Interview on October 20, 2013, Shannon Ogden speaks with Attorney Bill Brinton and with Karl Sanders about the billboard

[Read more >](#)

## South Florida

### Nov 1-2

16th Annual American Indian Arts Celebration, Big Cypress Seminole Indian Reservation

### Nov 1-3

Calusa Blueway Paddling Festival, Pine Island and other locations in Lee County

### Nov 1-3

11th Annual Feast of Little Italy, Jupiter

### Nov 2

Aviation Day, Fort Myers

### Nov 3

Taste of the Town, Fort Myers

### Nov 3-10

Key West World Championship, Key West

### Nov 7-10

Cape Coral Coconut Festival, Cape Coral

### Nov 7-10

FGCU-Sanibel Island Writers Conference, Sanibel Island

### Nov 8-10

The 73rd annual Ramble, A Garden Festival

Coral Gables

### Nov 8-15

Miami Short Film Festival, Miami

### Nov 9

5th Annual Key Largo Bridge Run

### Nov 14

32nd Annual Cook-Off, Key Largo

### Nov 15-17

Sunny Isles Beach Jazz Fest

### Nov 16

Miami Beach Jazz Festival, Miami Beach

### Nov 16

Savor the Season Festival, Miami

### Nov 16-17

Biannual Estero Fine Art Show, Estero

### Nov 16-Dec 31

Festival of Lights at Fishermen's Village, Punta Gorda

### Nov 17-18

Salsa Fest, Greenacres

proposal in Jacksonville.

"The current laws in place have regulated commercial billboards in Jacksonville for over 25 years; laws that have reduced dramatically the billboard blight; laws that the billboard industry is trying to repeal, gut, and destroy."

There are two parts of the interview and they may be played via the video links above that will take you to the First Coast News site.

## Workshop Binder Sections From City Council Workshop Oct 2 on Billboard Proposal

### Downloadable Sections:

[Cover and Preface\(.pdf\)](#)

[I. The history of the Jacksonville City Charter and the Right of Initiative and Referendum\(.pdf\)](#)

[II. The Period Before the 1987 Charter Amendment on Off-Site Commercial Billboards\(.pdf\)](#)

[III. The 1987 Charter Amendment on Off-Site Commercial Billboards; and the Florida Legislature\(.pdf\)](#)

[IV. The Jacksonville City Council Ordinances 1987 – 1993\(.pdf\)](#)

[V. Constitutionality of the Prohibition of Off-Site Commercial Billboards\(.pdf\)](#)

[VI. Constitutionality of Amortization Provisions\(.pdf\)](#)

[VII. The Twelve Settlement Agreements; and Subsequent Breaches\(.pdf\)](#)

[VIII. Aesthetics and Traffic Safety\(.pdf\)](#)

[IX. Florida Legislature – 1994, 2001/2002 and 2005/2006\(.pdf\)](#)

-- Scenic Advocates for Jacksonville, Inc.

[Visit First Coast News>](#)

[Visit ScenicAdvocatesJax website for more information >](#)

## Lawsuit:

## Potential Ban Of All Digital Billboards Along Interstate and Federal Primary Highways Including Those Here in Florida

**Nov 17-24**

Miami Book Fair International,  
Miami

**Nov 21**

Third Thursday Art Walk, Islamorada

**Nov 22-Dec 1**

American Sandsculpting  
Championship Festival, Fort Myers  
Beach

**Nov 23**

One Love Nutrifest - Miami  
International Reggae Festival, Miami

**Nov 23-24**

Harvest Festival, Miami

**Nov 27-Dec 31**

"Bright" Before Christmas, Key West

**Nov 30- Dec 1**

14th annual Downtown Delray  
Beach Thanksgiving Weekend Art  
Fest, Delray Beach

[Read more >](#)

## North Florida

**Nov 1**

Apalachicola Oyster Roast,  
Apalachicola

**Nov 1-2**

50th Annual Florida Seafood  
Festival, Apalachicola

**Nov 1-3**

Great Gulfcoast Arts Festival,  
Pensacola

**Nov 3**

29th Annual Great Chowder Debate,  
St. Augustine

**Nov 5-6**

Sea and Sky Spectacular,  
Jacksonville Beach

**Nov 7-17**

29th Annual Frank Brown  
Songwriters Festival

**Nov 8-10**

St  
Augustine Pirate Gathering 2013, St.  
Augustine

**Nov 9**

Blues, Brews, & BBQ, Destin

**Nov 11**

Veteran's Day Parade, Jacksonville

**Nov 16**

Arts and Crafts Festival, St.

# "Challenge to Digital Billboards Gets Green Light"



Photo: National Law Journal photo by Diego M. Radzinski

**"In an opinion heavily trafficked with driving-related puns, a Washington federal judge ruled today that a legal challenge to the growing number of digital billboards along highways across the country could move forward."**

"U.S. District Judge James Boasberg found Scenic America...has standing to challenge the Guidance because its case is fueled by concrete harm to the organization's programs,' Boasberg wrote. 'And because the Guidance is the end of the road for [Federal Highway Administration] decisionmaking on this matter, it constitutes final agency action. The Court accordingly declines to take either exit proposed by Defendants and Intervenor and orders that the case should speed on to its next turn.'

Before 2007, according to the opinion, the agency typically took the position that digital billboards violated language in agreements between states and the federal government barring 'dynamic lighting'on billboards. In 2007, however, the agency issued new guidance that would permit digital billboards as long as they met certain standards for brightness, spacing and other factors.

According to the opinion, the number of digital billboards jumped from 500 in 2006 to at least 4,000 this year.

Scenic America sued the government earlier this year, saying the Federal Highway Administration failed to follow the required procedures in the Administrative Procedure Act before adopting its new position and that the 2007 guidance violated the federal Highway Beautification Act.

The nonprofit, Boasberg wrote, was concerned 'that the bright, moving lights on digital billboards tow a load of safety and aesthetic concerns; that they threaten to turn Route 66 into the Road to Perdition.' The judge added it wasn't clear why the group waited several years before filing suit.

The government moved to dismiss the case, arguing Scenic America failed to show it was hurt by the new guidance. The Outdoor Advertising Association of America intervened in the case to defend the agency's actions. The association also argued for dismissal of the lawsuit.

Augustine

**Nov 17**

Sunset / Moonrise Tour, St.

Augustine

**Nov 17-Jan**

**31**

Nights of Lights Festival and Celebration, St. Augustine

**Nov 22-Dec 1**

27th Annual American Sandsculpting Championship and Beach Festival

**Nov 23**

Amelia Island Holiday Cookie Tour, Amelia Island

**Nov 23-24**

Yankeetown Seafood and Arts Festival, Yankeetown

**Nov 26**

Jacksonville Light Parade, Jacksonville

**Nov 27**

26th annual Jacksonville Landing Tree Lighting, Jacksonville

Oct

26-Oct

27

Micanopy Fall Harvest Festival, Micanopy

**Nov 29-30**

Historic Apalachicola Annual Christmas Celebration

[Read more >](#)



**Note from the Editor**

Suggestions for improvement are always welcome.

An increase in digital billboards meant the nonprofit was spending more time and resources on the issue, from going to local zoning meetings where billboards were being challenged to providing information to affected communities, Boasberg said. The nonprofit showed it was injured because that activity diverted resources from its other conservation efforts, he said.

The Institute for Public Representation at Georgetown University Law Center is representing Scenic America..."

-- Zoe Tillman, The BLT, The Blog of the Legal Times

[Visit BLT website to read the opinion>](#)



Photo: Eye on Miami

**Port of Miami and West Miami**

**"The Latest On Visual LED Sign Pollution"**

"Did you know that Bill Johnson, one of the Port Directors (yes we have two), wants to install dozens of massive LED billboards on Dodge Island aimed at tourists and residents using the MacArthur Causeway?"

And in West Miami I heard that they have a new sign ordinance in the works:

- 35 feet tall (that's the height of a 2-story building)
- 500 feet apart (along 8th Street, that's 1 billboard per city block)!!!! That means from 57 Ave. to 67 Ave. there could be 10 billboards just on our side of 8th St.
- maximum of 300 square feet sign area (remember there's 2 sides per billboard). That means a possible 25 ft x 12 ft sign, times 2.

All of this would be just like the existing monster, flashing and blinking with LED color and digital reading copy and physical movement...

Won't Coral Gables love what their neighbor is proposing?"

-- Geniusofdespair, Eye On Miami

[Visit Eye On Miami to read entire article here>](#)

