

Scenic Watch

Citizens for a Scenic Florida



December 2012

Happy New Year



Photo: David Albers, Naplesnews.com

January



Fun Festivals and Events

"Clay Planning Panel Suggests Alterations to Digital Billboard Ordinance"

Central Florida

Jan 7, 14, 21, 28

Winter Music Series, Lakeridge Winery and Vineyards, Clermont

Jan 13-15

Sunshine City Antiques and Collectibles Show, St Petersburg

Jan 7-8

Sarasota Orchid Society Show and Sale, Sarasota

Jan 7-8

38th Annual Florida Rail Fair and Model Train Show and Sale, DeLand

Jan 7

Carillon Concert at Singing Tower, Lake Wales

Jan 12-22

Manatee County Fair, Palmetto

Jan 13-29

South Florida Fair, West Palm Beach

Jan 13-15

Nautical Flea Market and Seafood Fest, Tampa

Jan 14-15

Central Florida Scottish Highland Games, Winter Springs

Jan 21-22

Venice-Nokomis Rotary Art Festival, Venice

Jan 14-15

Coquina Beach Winterfest, Bradenton Beach

Jan 14-16

Tarpon Springs Sponge Docks Art and Craft Festival, Tarpon Springs

Jan 15

25th Annual Circus Ring of Fame Induction Ceremony, Sarasota

Jan 16

Martin Luther King Jr Birthday Carillon Concerts, Lake Wales

Jan 19-22

Fellsmere Frog Leg Festival,



Photo: The Florida Times-Union

"GREEN COVE SPRINGS - The Clay County Planning Commission has recommended denial of a proposed ordinance to allow digital billboards and suggested a series of changes to the measure....

As initially proposed, the ordinance would have allowed digital billboards in areas that already have existing non-digital ones. For each digital billboard put up, advertising companies must take down permanently up to three existing billboards, according to a swap-down ratio. Digital billboards with a sign area up to 672 square feet, and standing up to 50 feet tall would be allowed.

The Planning Commission rejected that proposal. Instead it recommended that County Commission consider revising the proposed ordinance to limit the digital billboards to no more than 40 feet, include a sunset provision of 25 to 30 years, increase the swap-down ratio and only allow a digital billboards at the exact site of a non-digital one that it is replacing. In addition, the panel recommended that an independent third party test the dimming technology of the digital billboards at the expense of the billboard company.

The panel's recommendation is non-binding.

The County Commission will now conduct public hearings on the matter at its Tuesday and Jan. 8 meetings. Commissioners may vote on it at the Jan. 8 session.

In 2004, the commission banned new billboards because they attract the attention of motorists, therefore 'adversely affecting traffic safety and constituting a public nuisance.'

Candace Bridgewater and Marion Hilliard thought they won the battle against what they deemed billboard blight blemishing Clay County eight years ago.

Back then, the women were at the forefront of a grassroots effort resulting in the County Commission banning all types of new billboards. That ban also forbade replacement or repair of existing billboards.

'We thought we had won the war, but here it's flared up again. The most disgusting part to me, is that real live people made the effort to ban billboards and now our county officials see fit to ignore the will of the people and want to allow digital billboards,' Bridgewater said...

'Why do the billboard companies and County Commission get to decide on what the rest of us don't want? They need to ask the residents first,' Bridgewater said.

Fellsmere

Jan 19-29

DeSoto County Fair, Arcadia

Jan 21

Go Do Go 5k Beach Run, Dog Dash and Dog Walk, New Smyrna Beach

Jan 21

Taste of DeLand, DeLand

Jan 14-15

Downtown Venice Craft Festival, Venice

Jan 21-22

Anna Maria Island Fest, Sarasota

Jan 18-27

Polk County Youth Fair, Bartow

Jan 27-29

5th Annual Sarasota Indian Festival, Sarasota

Jan 28

Kumquat Festival, Dade City

Jan 28

Pinellas Folk Festival, St. Petersburg

Jan 28-29

Images -- A Festival of the Arts, New Smyrna Beach

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South Florida

Jan 5-8

30th Annual Key West Literary Seminar, Key West

Jan 14-15

Cape Coral Festival of the Arts, Cape Coral

Jan 8

River, Roots and Ruts Trail Run, Alva

Jan 13-16

Miami International Art Fair, Miami Beach

Jan 21-22

15th Annual Sullivan Street Craft Fair, Punta Gorda

Jan 21-22

Home and Garden Show, Punta Gorda

Jan 13-15

Art Deco Weekend, Miami Beach

Jan 14

7th Annual Florida Keys Seafood Festival, Key West

Jan 14

Art Under the Oaks, Islamorada

Bridgewater and Hilliard are trying to rally residents to oppose the billboard ordinance. Hilliard, chairwoman of the state Department of Transportation Highway Beautification Council, will represent about 200 fellow members of the Garden Club of Orange Park during the Planning Commission hearing.

'When I speak, 200 people are speaking with me. We don't want our community over-run with billboards,' said Hilliard, who also serves with the Florida Federation of Garden Clubs. 'Once there's a crack in the dam, they'll all come flooding in and it's hard to stop.'...

"Digital billboards are intended to catch the eye They can be distracting to drivers and distracted drivers are dangerous. Just taking your eyes off the road for a second or two is dangerous, much less eight seconds,' said Bridgewater, equating them with texting while driving....

Jacksonville lawyer Bill Brinton helped write the 2004 Clay ban on billboards. He also represents Scenic Jacksonville in two lawsuits involving digital billboards. Relying on digital billboards to reduce non-digital ones is ineffective, he said.

'You are substituting digital billboards, new structures that have a life-span of seven decades for old obsolete billboards that likely will fall down long before then,' Brinton said....

Hilliard, who also said she felt the public wasn't given sufficient notice of the work being done on the ordinance and took exception to it being presented during the busy holiday season, said many of the county's garden clubs will be sending representatives to the meeting. Other opponents are expected as well, she said. 'I have gotten no citizen response in favor of passing the ordinance,' she said. 'They do not like the ordinance at all.'

Bridgewater has spent time recently encouraging people to write or call their commissioners to express their opinion.

'Say something very quickly and very loudly to our County Commissioners. I believe they will respond,' she said.....

County commissioners will vote on the issue at the end of the Jan. 8 hearing."

-- Teresa Stepzinski, Florida Times-Union Articles

[Read most recent article here>](#)

[Read full article on planning panel suggestions here>](#)

[Read full coverage on citizen opinions here>](#)

Legal News:

"Panel Orders Removal Of Digital Billboards Installed Across L.A."

Jan 14-15, Feb 11-12, March 10-11

Bonita Springs National Art Festival,
Bonita Springs

Jan 14-15

Coquina Beach Winterfest,
Bradenton Beach

Jan 21-22

Downtown Delray Beach Festival of
the Arts, Delray Beach

Jan 14-15, 21-22

Medieval Faire, Fort Myers

Jan 21

Redland Heritage Festival,
Homestead

Jan 19-22

Fellsmere Frog Leg Festival,
Fellsmere

Jan 19-29

DeSoto County Fair, Arcadia

Jan 20-21

52nd Annual Historic House Tours,
Key West

Jan 20-22

International Chocolate Festival,
Coral Gables

Jan 21-22

Big Pine Key Nautical Flea Market,
Big Pine Key

Jan 21-22

47th Annual Broward Shell Show,
Pompano Beach

Jan 14-15

Downtown Venice Craft Festival,
Venice

Jan 26-29

Key West Food and Wine Festival,
Key West

Jan 28

Annual Port Salerno Seafood
Festival, Port Salerno

Jan 14-15

25th Annual Boca Fest, Boca Raton

Jan 28-28

27th Annual Key West Craft Show,
Key West

Jan 14

Edison Day of Discovery, Fort Myers



Video: Los Angeles Times and KTLA 5

"Three-judge appeals panel says City Council never should have allowed advertising firms to convert dozens of billboards to electronic formats when existing laws prohibited such changes."

" A three-judge panel Monday ordered the removal of 100 digital billboards installed across Los Angeles under a 2006 legal settlement — the latest turn in a decade-long saga surrounding outdoor signs.

The panel convened by the state's 2nd District Court of Appeal said the City Council never should have allowed advertising companies CBS Outdoor and Clear Channel Outdoor to convert dozens of billboards to electronic formats when existing laws prohibited such changes. 'We do not see how the language could be plainer,' the ruling states.

The panel instructed a lower court to order the revocation of permits for electronic signs already permitted under the agreement, many of which were on the Westside.

Neighborhood activists have opposed digital signs for years, saying the brightly lighted images — which can change as frequently as every eight seconds — shone into yards and homes in Hollywood, Westwood and elsewhere. 'Needless to say, [it's] a very happy day for us,' said Dennis Hathaway, president of the Coalition to Ban Billboard Blight.

Jim Cullinan, a spokesman for Clear Channel Outdoor, did not say whether his company would appeal. 'We respectfully disagree with the court's ruling and are in the process of reviewing the court's complete opinion,' he said in a statement.

Of the billboards that are at issue, 79 are operated by Clear Channel.

CBS and Clear Channel sued the city nearly a decade ago, joining another company that sought to block implementation of a 2002 ordinance banning the installation of billboards except in special sign districts. In 2006, the council backed a settlement with CBS and Clear Channel that allowed them to convert up to 840 existing billboards to electronic formats.

Summit Outdoor, a smaller sign company, went to court to invalidate the agreement, calling it a sweetheart deal. A judge sided with Summit, calling the agreement 'poison' and blocking the city from allowing new digital signs to go up. But he refused to order the removal of the 100 or so digital billboards that had already been installed under the 2006 settlement.

Those signs generated \$100 million annually for CBS and Clear Channel, according to Summit lawyers.

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North Florida

Jan 1

Polar Bear Plunge, Pensacola Beach

Jan 14

Artrageous Artwalk, Fernandina Beach

Jan 12-22

Manatee County Fair, Palmetto

Jan 14-16

Tarpon Springs Sponge Docks Art and Craft Festival, Tarpon Springs

Jan 21-22

25th Annual Florida Manatee Festival, Crystal River

Jan 26

Lu the Hippo's 52nd Birthday, Homosassa Springs

Jan 27-29

Goodland Mullet Festival, Goodland

Jan 28-29

Hoggetowne Medieval Faire, Gainesville

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Note from the Editor

Suggestions for improvement are always welcome.

On Monday, Summit attorney Timothy Alger said the ruling reinforced the notion that the city's zoning laws 'must be applied equally.'

'The appeals court confirmed that the city government cannot make special deals that grant special zoning rights to two rich and powerful corporations just to avoid lawsuits, generate revenues or to pay back political favors,' he said....

'This is a hard-fought win,' said Barbara Broide, president of the Westwood South of Santa Monica Blvd. Homeowners Assn., which filed an amicus brief in support of Summit's lawsuit..."

-- David Zahniser, LA Times

[Watch and read entire article here>](#)



Photo: Hiroko Masuike, The New York Times

Legal News:

"M.T.A. Challenges the City Over Billboard Restrictions"

New York City Says A Dozen Billboards Violate Zoning Rules

"For decades the Metropolitan Transportation Authority has subsidized subway and bus fares by selling advertising space on billboards affixed to its elevated train trestles and to the stilts towering over its railroad yards and tracks.

But New York City officials say that 12 of the billboards over or next to highways in Queens and the Bronx violate zoning regulations aimed at fighting visual pollution in residential neighborhoods or near highways or parks, and that the billboards have to be removed.

The transportation authority, however, is challenging the city's Buildings Department on the billboard restrictions, and next month, that challenge is expected to be adjudicated by the city's Board of Standards and Appeals.

The billboards generate about \$1 million a year for the authority....

CBS Outdoor, which holds the transportation authority contract for advertising on the affected billboards, declined to comment.

Two other railroads, Amtrak and CSX, are also challenging the city's jurisdiction, but under other provisions of the law.

The dispute has been brewing for more than five years, after the city began requiring billboard owners to register their signs so that the Buildings Department could determine whether they were originally installed legally. Billboard owners sued in federal court. The city won, and it maintains that the decision empowers it to proceed against illegal billboards installed by different

government entities, like the transportation authority.

Hundreds of signs were registered, and fines of \$10,000 were imposed on violators whose billboards can cost advertisers several times as much in monthly rent.

About a dozen billboards on transportation authority property were found to be in violation, but the agency has insisted that state law exempts it from local zoning regulations. Moreover, it argues that revenue from the signs helps to subsidize the authority's primary mission: mass transportation.

Generally, since 1940 large billboards within several hundred feet of an arterial highway or a park have been classified as being in violation of the city's zoning regulations. But loopholes have allowed advertising for businesses in the buildings to which signs are attached, and enforcement by the city was spotty.

In 1979, Washington threatened to withhold highway funds from the city for failing to enforce its own billboard rules. To comply, the City Council grandfathered in every existing billboard so that none would be in violation of the law.

In 2009, Judge Paul A. Crotty of the Federal District Court in Manhattan ruled against six private companies challenging the city's ban. They had argued that illegal signs were tolerated by the city itself and by other government agencies, like the transportation authority, on their own property. "

-- Sam Roberts, New York Times

[Read entire article here>](#)