

# Scenic Watch



News  
Reports  
During  
February  
2022

## Legal update:

### "Maryland high court upholds Baltimore billboard tax"

"Maryland's highest court has upheld a tax imposed by the city of Baltimore on selling billboard advertising.

The Court of Appeals last week rejected arguments by Clear Channel that the tax violates constitutional provisions that protect freedom of speech.

The appeals court ruled 6-1 that the tax ordinance was not subject to heightened scrutiny under the First Amendment because it did not single out the press, target a small group of speakers or discriminate on the basis of the content of speech.

The Baltimore City Council passed an ordinance in 2013 imposing a tax on the selling of advertising on billboards that are not located on the premises where the goods or services being advertised are offered or sold...

Clear Channel's challenge to the ordinance had previously been rejected in federal court, the Maryland Tax Court, the Baltimore City Circuit Court and the Court of Special Appeals."

-- Associated Press in Baltimore Sun

[Read entire article](#)  
[Additional background - Forbes](#)

"Stroll Through a 3D World at the International Chalk Festival"



Photo: Courtesy Photo in Sarasota Magazine

"The International Chalk Festival has been taking place in Sarasota and Venice

since 2007. Thousands of people come every year to experience 3D chalk designs by more than 100 international and local artists. This year, the festival's theme is resilience.

Prior to the pandemic, Mexican muralist Carlos Alberto traveled the world sharing his paint and chalk murals at festivals. He attended Sarasota's 2019 festival and will return this year, sharing his optical illusion drawings, which use the floor and walls to produce immersive work.

'I've been painting all my life and moved into chalk as a medium recently,' says Alberto. 'One of the reasons I love working with chalk is you can create ephemeral pieces that people can enjoy during the creative process. They can be done quickly; you do not have to wait for each layer to dry.'

Alberto says the fact chalk can be erased easily with water is part of the medium's charm. It can be appreciated during its execution, in the same way we experience live concerts, dance performances and plays. It survives as a memory in spectators' minds...

This year, the festival will take place at the Venice Municipal Airport from Friday, April 1, to Sunday, April 3."

For more information, a list of artists and to purchase tickets AND additional Sarasota location/details on the Sarasota "Chalk it up event", visit [chalkfestival.org](http://chalkfestival.org)"

-- Allison Forsyth, Sarasota Magazine

[Read entire article](#)

"Soon when you walk down the street, 3-D creatures could try to sell you something"



Photo: Ocean Outdoor in Washington Post

"A new form of outdoor advertising is slowly taking hold. But experts warn of overload...Anamorphic advertising is coming – usually right out of a building. (

It all began with a floating cat.





Photo: Independent UK (click photo for article)

The giant feline suddenly appeared suspended over Tokyo's Shinjuku train station. Throughout the summer, it stretched awake in the morning, meowed at passersby during rush hour and curled into a sleepy ball after midnight.

The cat, along with a cresting ocean wave above the streets of Seoul, wasn't a biology experiment gone awry. It was a 3-D anamorphic outdoor ad, a proof-of-concept from several Asian design firms. The pieces would inspire principals at British ad company Ocean Outdoor, owner of many public screens across Europe, to create tools for a 3-D ad platform called DeepScreen. Part art installation, part '1984'-esque vision, the results hint at what our commercialized outdoor spaces might soon look like...

In just a few months, Ocean Outdoor's Piccadilly Circus location and others across Europe have attracted advertisers including Fortnite, Netflix, Vodafone (the ad has 25-foot rugby stars and their ball bursting through a building), Sony, Amazon's Prime Video (for its new 'Wheel of Time' fantasy series) and food-service company Deliveroo. Two weeks ago, the British agency that worked on the 'Wheel of Time' spot, Amplify, brought it to Times Square...

'This is exciting and it's attention-getting,' said Arun Lakshmanan, an associate

professor of marketing at the University at Buffalo School of Management and an expert in immersive advertising. 'It also could really start getting intrusive...'

Production is expensive — it can cost upward of \$500,000, several times a 30-second TV spot — and labor intensive...

Nir Eyal, an author and expert on the attention economy, called this in an email the 'shiny pony' problem. New forms of advertising lose their luster. Customers could lose interest.

But these ads may not be aimed only at them. Teixeira notes that the appearance of innovation could be equally important for what it telegraphs to investors, retailers and competitors.

Even the skeptical would admit there's something cool about dynamic images occupying the space around us. But is it scary in the hands of corporations? Could advertising get 'Minority Reported,' where we are all Tom Cruise, assaulted by airborne ads tailored to us every time we leave our homes?

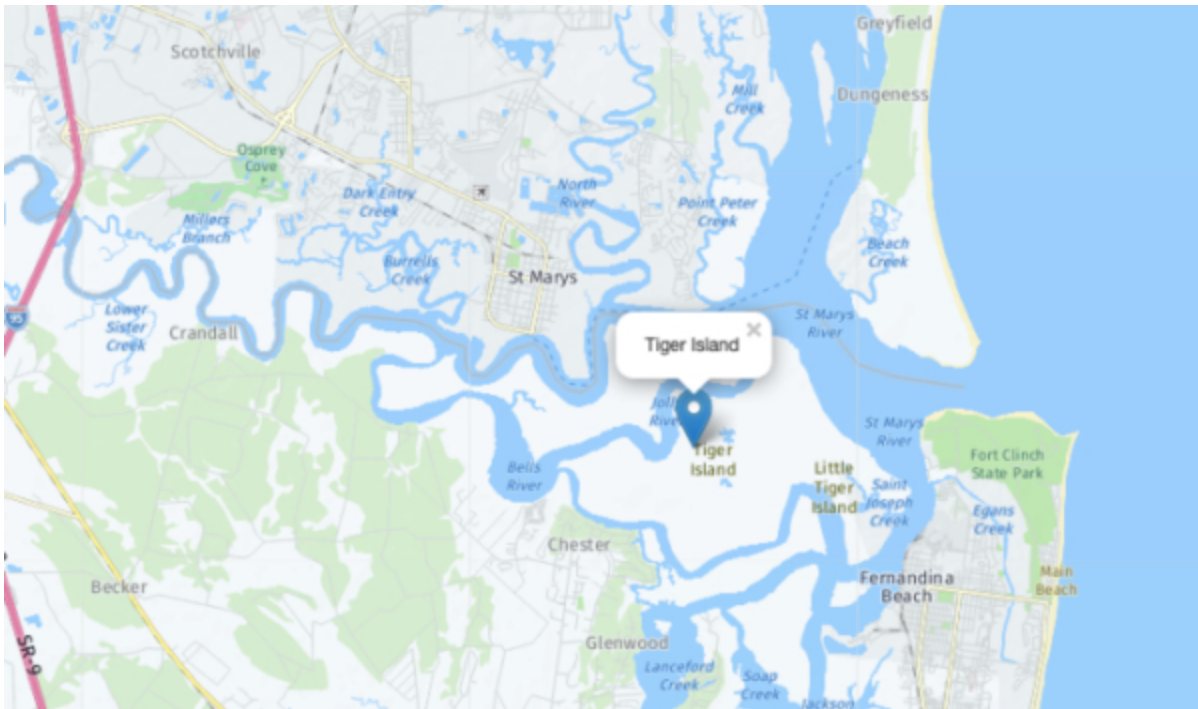
Could a political demagogue even use the tech to loom large in public?

'How we want to regulate this is a very good question,' said Buffalo's Lakshmanan. 'Unfortunately, in the history of advertising, it tends to be answered only after something has gotten popular.'

-- Steven Zeitchik, Washington Post

[Read entire article](#)

"North Florida Land Trust acquisition of Tiger Island moves forward slowly"



Map: from Fernandina Observer

Tiger Island has no zoning. Consequently, the County Planning Department is proposing that it be zoned Open Rural (OR). By doing so, North Florida Land Trust will be able to get it appraised and finally conserve it.

Tiger Island - a 981-acre parcel located in the middle of the Amelia and St. Mary's Rivers, has been on the watch list for the acquisition and protection of countless conservation organizations for years. Well over seven years at the very least, said a spokesperson for one conservation organization.

Why does this parcel rank so high on a most wanted list? Because Tiger Island is a barrier island . . . just like Cumberland Island and Amelia Island -and Tiger Island is one of the southernmost sea islands in the area. As such, these 'sea islands' help to protect surrounding areas from erosion, flooding and storm surge. Not to mention the fact that they provide and protect the habitats of so very many species - including manatees, gopher tortoises, sturgeon and countless birds.

In December of 2021, the North Florida Land Trust (NFLT) heralded news that it and the Florida Fish and Wildlife Conservation Commission had been awarded a \$1 million grant from the US Fish and Wildlife Service's National Coastal Wetlands Conservation Grant Program to preserve the salt marsh and maritime forest that is Tiger Island.

The ultimate goal is to have Tiger Island become part of Fort Clinch State Park with ongoing maintenance and management provided by Fort Clinch's parent organization—the State of Florida's Division of Recreation and Parks.



Getting any parcel of land protected is no easy job. To quote Jim McCarthy, President of the North Florida Land Trust (NFLT), 'conservation moves at glacier speed,' . . . and when he said it, he noted that he was taking a bit of poetic license from a developer he knew some time ago who was talking about his own line of business.

To get any particular piece of land protected, it takes a lot of coordination, cooperation, collaboration . . . and of course, community support. Here is an outline of some of the essential elements and how they relate to Tiger Island.

#1 A WILLING SELLER Many years ago, the owners of Tiger Island may have envisioned developing the acreage for housing or hotels . . . but not anymore. During a recent phone conversation with the NFLT, the owners have committed themselves to preservation. In fact, there is already a signed contract that basically 'seals the deal' which will preserve in perpetuity, this island paradise.

#2 A CRITICAL MASS OF INDIVIDUALS/ORGANIZATIONS DEDICATED TO THE CAUSE In addition to the main funding sources already mentioned, the Forever Florida program has promised a matching \$1 million grant.

#3 PRIVATE SUPPORT In addition to support at the federal, state and local levels, add to that list is an anonymous donor who has pledged to provide any additional funds necessary to complete the purchase and get the conservation program well underway - connecting a network of protected lands and waterways along the Florida-Georgia line.

There's just one (or two) last hurdle(s).

It seems Tiger Island has never been zoned - despite Florida law which requires that every acre of land in the State be zoned.

Some say the omission of Tiger Island was a mere 'Scrivener's Error' when Florida went 'digital.'

Regardless, Tiger Island now needs to be zoned and that step in the process cannot be 'skipped' because an actual zone classification is needed so that the land can be appraised..."

-- Cindy Jackson, Fernandina Observer

[Read entire article](#)

## Jacksonville: "Long awaited regulations arrive for

waterways"



Photo: FWC in Resident News

" ...The City of Jacksonville is on the cusp of limiting long-term anchoring in the city's waterways, and the highly-trafficked Ortega River in particular, to 45 days.

It didn't take an act of Congress, just the Florida Legislature, and cooperation from the Florida Fish and Wildlife Conservation Commission (FWC) that controls the state's waterways, plus a local push from Jacksonville City Councilwoman Randy DeFoor and the city's Waterways Commission.

Derelict vessels and the troubles they bring to the Ortega River and the larger St. Johns River are not new but they've become more common in recent years, residents say.

They damage other boats and docks in storms, serve as low rent housing and appear as eyesores against otherwise scenic vistas. But the river blight has united the many parties in cooperation of a common goal: improving traffic conditions for boaters, many of whom live and/or play on the river.

Councilwoman DeFoor put it like this for landlubbers; imagine an old car in disrepair. It may still run but it's not your weekend piddle project. It's just parked in front of your house. For months on end. And you can't do anything to move it.

That will soon change for derelict boats, however.

Two new city ordinances moving toward approval should improve traffic on the river. One measure will remove a nuisance vessel from the Ortega River via a state grant program funded from a portion of boater registration fees. The cost is \$30,000.

Another ordinance crafted by Councilwoman DeFoor will prohibit vessels from serving as long-term housing by capping anchoring periods in the high traffic parts of the St. Johns River, like the Ortega River, to 45 days.

'Neighbors who live along the Ortega River brought this issue to my attention when I was running for office,' explained Councilwoman DeFoor by email. 'I've been a boater my whole life and I understand the joy and responsibilities of owning a boat. Lisa Grubba, Mike Barker, and other neighbors shared their concerns with me and because the waterways are controlled by the state we brought Representative Wyman Duggan in on the conversations...

'We can't let the Ortega River fill up like a junkyard,' added Mr. Barker."

-- Joel Addington, Resident Community News

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Affordable housing/density:

"Council discusses accessory dwellings, zoning changes to increase housing"



Photo: In Catalyst

"As the debate rages on how best to address the housing crisis in St. Petersburg, city officials continue to explore every avenue for relief with a sense of urgency.

During Thursday's Committee of the Whole (COW) Meeting, members of the city council heard an expansive presentation on how increasing accessory dwelling units (ADU), changing zoning regulations and increasing density along major corridors could help the housing problem gripping the region. The presentation is part of the St. Pete 2050 Plan and encompasses information gleaned from an extensive series of stakeholder meetings that began in May 2021.

Liz Abernethy, director of planning and development for the city, led the presentation for the committee. She said she had the pleasure of attending Tuesday's St. Petersburg Development summit, and some of Mayor Ken Welch's remarks on how the city will manage its explosive [growth] resonated with her.

'He talked about protecting and preserving our authenticity, and that really struck a note with me,' Abernethy said.

Abernethy said the city currently receives about 60 ADU permits per year, and

outlined city code amendments that could increase that number. Those include removing the requirement for paved parking spaces and allowing gravel, deleting the 50% floor area restriction for two-story buildings, and allowing single-family ADUs in multifamily districts, which Abernethy called an oversight and contradictory.

Abernethy also proposed increasing the maximum unit size from 750 square feet to 800 square feet or 35% of the total floor area, excluding garages.

Abernethy explained that areas zoned as NT-3 (neighborhood traditional) do not allow new ADUs, although NT-3 areas are home to many existing ADUs. Many of these neighborhoods are on the far east and west sides of the city, and Abernethy said residents of Historic Old Northeast voiced concerns regarding additional ADUs. The reservations are due to potential parking congestion and increased stormwater intrusion.

'That is a neighborhood where there are many now that were there historically,' she said. 'This ability to have a new accessory dwelling unit in that neighborhood that does have the alleys seems consistent with the character of that neighborhood.'

While just 3,495 NT-3 parcels would qualify for ADUs, that number jumps to 35,506 in areas zoned as neighborhood suburban (NS). NS neighborhoods comprise wide swaths of the north, south, and west sides of St. Pete. Holiday Park recently expressed the same concerns as Old Northeast, with the additional worry that ADUs would change the neighborhood's character...

The committee approved several amendments to the city's ADU regulations while disregarding several others in a split vote. There was a heavy debate on specific details and hesitation for the universal language in Gabbard's motion to move the proposal forward..."

-- Mark Parker, St Pete Catalyst

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