



**BOARD OF COUNTY COMMISSIONERS**

MAYOR Wilhelmina Harvey, District 1  
Ed Swift, District 2  
Wm. Billy Freeman, District 3  
Mayor Pro tem Alison Fahrner, District 4  
John Stormont, District 5

Plantation Key Government Center  
Tavernier, Florida 33070  
Telephone: 852-5050

M E M O R A N D U M

TO: **Billboard Committee**  
All Commissioners

FROM: John Stormont, Commissioner - District 5

SUBJECT: **Billboard Committee Discussions**

DATE: June 11, 1986

Enclosed, for your information and study, prior to the first committee meeting, are two billboard study papers, one prepared by county consultants Charles Siemon, the other by Charles Papy.

Enclosed, also, please find a copy of the minutes of the Monroe County Commission (**May 16, 1986**), establishing the Billboard Committee. Pursuant to the authority of the minutes, I am checking possibilities of legal assistance for the committee, although such may not be necessary, per the materials attached.

You will note that the minutes call for "**to develop alternative plans concerning billboards** and to present same back to the County Commission **for their review and action.**"

In reviewing all available materials (particularly Florida Statutes and DOT Rules 14-10 as revised in 1984 and subsequent Statutes enacted in 1985 and 1986), any "alternative plans" are controlled by the following items:

1. The new Comprehensive Plan prohibits off-premise signage (Section 19-1308). Therefore any and all off-premise signage becomes non-conforming as of July 15, 1986, without any action of the Commission or this committee.
2. All other off-premise signage along federal-aid highways (U.S. #1 through the Keys) is controlled by DOT.
3. However, the County may be able to remove lawful non-conforming off-premise signs upon payment of "just compensation" which can take any form from amortization over time with money value (former

State law indicated cost of materials as value), to allowing "reasonable" time factors alone to permit return of investment. (Courts have held in Daytona Beach that up to 10 years was "reasonable" for billboards within that City), or lump sum compensation.

4. No compensation need be paid for "illegal" signs, they must be removed, and DOT is the removal agency.
5. Illegal signs are those that:
  - a) are in the wrong zoning
  - b) have been constructed illegally or without Permit (i.e., in the wrong place)
  - c) have been erected in violation of Permit (i.e. a new sign placed when only permitted for "repair of existing"
6. In the DOT list of Monroe County signs, 365 signs are listed under their control. Of these 365, some 55 are illegal (14.9%), an additional 83 are already non-conforming (22.5%), some 38 are in violation of wording requirements (10.3%) and only 50% are properly legal.

As of July 15, 1986, these 50% become lawful non-conforming and can only be maintained or repaired if repairs are to less than 50% of the structure.

If need for repair exceeds 50%, they must be removed.

Therefore, it appears that the direction of the committee is limited in scope:

1. There is no need to write laws "banning" new billboards since the Comprehensive Plan already has, effective July 15, 1986.
2. Illegal status is already established under State regulations.
3. Non-conforming status is established under past County statutes.

However, in the areas where the committee may act, almost unlimited field presents itself:

1. Recommendations as to disposition of lawful non-conforming billboards
  - a) Permitting a hurricane to eliminate them (over 50% repair required)
  - b) Permitting time to eliminate them (amortization by time)
  - c) Providing "just compensation" for their removal earlier



July 2, 1986

A meeting of the newly appointed Billboard Committee was held in Comm. John Stormont's office in mid June. Present were Brad Collins, son of the owner of Monroe County's portion of the Legg franchise signs, Frank Romano representing the TDC, Grace Manillo AND Jean De St. Croix as citizens at large and Comm. Stormont. *Betty Mulson*

Salient points: Legg Company wants compensation for signs that come down equal to 48 times their monthly billing of \$72,000, or \$5,000,000. They have 185 faces. Since the moratorium, cost of advertising has risen from \$500 per side to \$1,200 in many cases. They also threaten a class ACTION ~~action~~ suit on behalf of land owners. Legg also owns <sup>7</sup>/<sub>8</sub> properties.

Frank Romano thinks billboards are marvelous, are attractive and very necessary to Key's survival. He will fight for them, even more of them, with all the funds from the TDC he can get. His idea of a beautiful US 1 is to get the other signs under control, which all agreed with, do away with trap storage along US 1 and have all old buildings remodeled or town down and replaced with better architecture. The night of the meeting he went on Channel 5 and said his peice--told the world billboards were beautiful.

D.O.T can now legally install LOGOS in the Keys. Mr. Romano is against these.

Next meeting will be in Marathon Courthouse <sup>through</sup> July 21 or 25, at 9 AM. Present for the Billboard Committee will be Earl Gallop of Miami as our attorney and the attorney for the Legg Co.

All delegates were requested to "come up with what they feel the committee should handle" for the next meeting. Also, what legal questions do they have? i.e. is it legal to go to referendum to buy the advertising companies as quoted, or go to referendum to amortise.

*bill -*  
*logo - sufficient to appease businesses*

JDSC

# MONROE COUNTY HIGHWAY BEAUTIFICATION ADVISORY COMMITTEE

ACTIVE MEMBERSHIP April 1985

## Upper Keys Chamber of Commerce

Dan Carter, P. O. Box 1065, Islamorada 33036 (Bus. 852-3221,  
Home 852-4237)

## Islamorada Chamber of Commerce

Joan Cutler, Postmaster, Islamorada Post Office, Islamorada  
33036 (664-4738)

## Upper Keys Garden Club

Mary Evalyn Wulff, 120 Camelot, Tavernier 33070 (852-9707)

## Greater Marathon Chamber of Commerce

Roland Fisch, P. O. Box 1178, Marathon 33050 (743-2133)

## Lower Keys Chamber of Commerce

Frank Powell, Rt. 2, Box 38, Summerland Key 33042 (743-3140)

## Mid-Keys Citizens Association

Bob Ernst, 7525 Gulfstream Blvd., Marathon 33050 (743-6872)

## Marathon Garden Club

Jean de St. Croix, P. O. Box 2721, Marathon Shores 33052  
(743-6684)

## Big Pine Civic Association

Mary Kilpatrick, Rt. 5, Box 774, Big Pine Key 33043 (872-2077)

## Big Pine Botanical Society

Mary Dennis, P. O. Box 222, Summerland Key 33042 (872-2887)

## Florida Keys Recreation and Conservation Council

Dorothy Lund, Rt. 1, Box 613, Big Pine Key 33043 (872-2459)

## Key West Garden Club

Martha Lorimer, P. O. Box 523, Big Pine Key 33043 (872-9527)

## Federation of Garden Clubs liaison

Betty Wilson, P. O. Box 794, Tavernier (852-3024)

## Ex officio - Florida Cooperative Extension Service

Janet S. Bunch, County Extension Horticulturist, P. O. Box  
2545, Key West 33040 (294-4641 x160)