

Monroe County Board of County Commissioners
February 1, 1986

The Highway Beautification Committee recommends to the Monroe County Commission the Logo System be adapted throughout the county as an equitable and economic way to inform visitors and residents of businesses available in the county.

Logo signs are standard throughout the United States. Each sign is approximately 9 foot by 9 foot, is blue and white and contains space for many 2 foot x 2 foot business signs or logos.. The entire sign is placed and controlled by DOT, will look uniform and asthetically acceptable and save space. Off-highway particularly will benefit from this system, as one sign can advertise many businesses.

Further equitability is realized as greenbelt areas will remain so while areas of concentrated gas stations, restaurants, hotels, etc., will also contain the highest concentration of signage. Business will be assuming the responsibility of advertising in their own area.

The HBC further recommends that a Florida Keys Information Center be developed and staffed in Key Largo, where brochures, maps of all business enterprises can be displayed. Also, Wayside directory stands should be established where appropriate and applicable: In the wayside park near MM 80, on Big Pine near the Post Office, in Marathon in the parks by the airport.. The Wayside Directories and the Tourist Information Centers should be paid for from TDC funds. If Key West feels it needs a Tourist Information Center out near the new Hampton Inn, it should also have one, since no one can find their present Hospitality House.

Editor; *The Reporter*

This report from the Chairman of Roadside Development for the Florida Federation of Garden Clubs District XII. Betty B. Wilson, who also serves on the Monroe County Highway Beautification Committee, whose members are appointed by the county commissioners. These are excerpts from talks given before the Upper Keys Chamber of Commerce at Key Largo, when Mrs. Wilson presented the Chamber with a check for \$500.00 donated by the Upper Keys Garden Club of Tavernier, toward beautification of the median strip project. Mrs. Wilson also spoke before the U.K. Garden Club last Tuesday reporting on the progress of the M.C. H.B.H.B.C.:

About three weeks ago two D.O.T. engineers called us to gather a group of Upper Keys people together for a meeting at the Frances Tracy Garden Center, M.M. 94, to get our input on their newly drawn plans for additional planting of trees along the edge of their right-away. These would conform to their guidelines and funds have been set aside for plantings similar to this along all of the new highway areas down to Key West. This is not a part of the Median Strip Project. Mile Marker 106 down to 92.5 is set to be done in June of this year. The tree groupings will be protected by federal and state and removed under penalty of law.

Now, about the care of the plantings in the median strip at present. Perhaps you have noticed that grass and weeds have grown up around them, making them unsightly and causing the shrubs to struggle to grow. We spoke to Mr. McAllister about D.O.T. using their crews from Big Pine Key to care for these plantings, but it seems that it is difficult for them to get their men that far north...too bad for the Upper Keys!

I called Commissioner John Stormont about this problem, and asked if a man from the county road department could go out with a weed eater and keep these areas cleared, and the head of that department is trying to re-arrange things so that they can help us on that problem. Many studies have been in the works for the H.B.C. the past few months: About nine months ago every member of the committee conducted a survey of the Billboards on U.S. 1 in Monroe County. We covered every sign, checking for permits and licenses, wading through weeds and dense undergrowth to get to many of these. It was a tremendous task, and what we found should make every citizen of Monroe County grimace. The latest license that we found was for 1977, but most of the signs were only licensed through 1973-74. Someone really slipped up there, just think of all the licensing fees that could have been collected. Several of the new steel signs did not have a building permit posted nor a license. A few of these, "steel monstrosities" were put up by the Legg Co. and hurried to get their permits during the two month interim last year before the moratorium on sign boards went into effect. Some of the new signboards were replacing old signboards without a new permit. Did you know that most of the billboards in the Keys do not conform to our building code, and would be a hazard in a time of a severe

wind storm. Also have you ever noticed that most of the billboards in the Upper Keys are advertising Marathon or Key West.?

We do not want any local merchant or businesses of any kind to suffer by the removal of billboards, that is why the H.B.C. recommended to the Monroe County Commissioners that the Logo System be adopted throughout the county, as an equitable and economic way to inform both our residents and visitors alike of the businesses that are available in each area.

Logo signs are standard throughout the United States. Each sign is approx. 9'x9', is blue and white, and contains space for many 2'x2' business signs or logos. The entire sign is placed and controlled by D.O.T., will look uniform and aesthetically acceptable and save space. Off highway business will also benefit from this system, as one sign can advertise many businesses.

The H.B.C. further recommends that a Florida Information Center be developed and staffed in Key Largo using T.D.C. funds where brochures, maps of all business enterprises can be displayed...also along wayside directory stands established where appropriate and applicable. Some of these ideas are mentioned in the Land Use Plan.

According to David Etheridge, editor of *Florida Keys Magazine*, "The root question here is how big a hit the county treasury will take to purchase the 400 billboards". Did you know that there is still almost 9 million dollars held in Federal Trust Funds for removal of illegal and non-conforming billboards, and of that sum there is still over \$800,000 in Florida's share of funds that we can apply for. But...we must adopt an ordinance to be eligible for these funds, even if they went for the expense of a referendum we must still have an ordinance.

John Stormont, who always seems to be prepared, has been studying many of the Billboard Ordinances now being used in other counties of Florida and other states all over the U.S. A few weeks ago he called the H.B.C. members to his office, and we came from all over the Keys, for the reading of his proposed ordinance. The U.S. Supreme Court and virtually all state courts have found that the aesthetic interest in community appearance...either alone or when linked with non-aesthetic public purposes...such as traffic safety, property values, or tourism, is of sufficient government interest to support and help to remove these signs.

Did you know that last year there was a federal survey of states based on "aesthetic quality" *Florida rated the 10th ugliest*...because of the surplus of off-property billboards. Quoting again from David Etheridge, "...we elect our officials to lead...and taking such an issue as billboards to referendum shows neither leadership nor political courage.

What the H.B.C. has endeavored to do is: to see that the 106 miles of Overseas Highway, *Our String of Pearls*, be cleaned up, so that we can be designated one of the "Great scenic highways of America"...and then we can all be proud that we have contributed toward this designation!



Keynoter photo by PHIL FOLEY

Growing fund

BETTY WILSON, ^{PAST} president of the Upper Keys Garden Club, presents Key Largo Chamber of Commerce President Lee Ganim with a \$500 check for highway beautification at a recent chamber meeting. Mrs. Wilson said told chamber members the state Department of Transportation has set aside money for more plantings along U.S. One between mile marker 106-92½. She said the work is slated for June.

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U.K. CHAMBER UPDATE

HIGHWAY BEAUTIFICATION PROGRAM

On July 27, 1984, the Monroe County Board of Commissioners appointed Mayor Ken Sorensen Chairman of the Highway Beautification Program, and allocated \$10,000 for the project to be used for the purchase and planting of trees between Mile Markers 106 and 93.

The landscaping plan, tree selection, and pricing of the trees is being obtained by Dale Baldwin and Dan Carter with advisement from Monroe County Horticulturist, Janet Bunch. Mr. Baldwin and Mr. Carter of Dale Baldwin and Associates, Landscape Architects, are donating their time and knowledge in providing the maximum utilization of the \$10,000.

Ms. Bunch is coordinating the project to assure the planting falls within the Department of Transportation and County requirements.

Continued maintenance of the trees will be done by the County.

The permits from DOT and purchasing of the trees is slated for about September 30, 1984. To insure the completion of success of the Highway Beautification Program, it is hoped that the \$10,000 from the County can be matched by local business, civic and individual contributions and donations.

The Upper Keys Chamber of Commerce, represented by Dr. Jim Boilini, is enlisting the aid of all residents, businesses, and organizations to complete this much needed Highway Beautification Program. Dr. Boilini asks that you let your concern and pride in our Upper Keys Community be shown through your donation for the success of this project.

Any contributions should be directed to the Florida Upper Keys Chamber of Commerce, Highway Beautification Fund, Box 274-C, Key Largo, FL 33037.

Board of County Commissioners
County, State of Florida

Report of state by state
Laws and Actions taken,
from the desk of Betty B. Wilson

against Billboards began in 1909, in Hawaii, by a group of woman calling them "Outdoor Circle". The battle for legislation took 14 years, but Hawaii eliminated billboards, eliminating signs from their beautiful islands.

The a tourism for the Hawaiian Is. stated in 1983, "Tourism is important to the economy of the State, and the business community understands the need to protect and preserve the beauty of the islands, in order to promote and perpetuate this industry.

We, the residents of our scenic Florida Keys, feel this way about our 107 mile chain of islands. Many people have spoken out against billboards as, "a form of pollution", as far back as Roosevelt in 1902. They have been called, "Acts of aggression against the American landscape"; "A form of blight which invariably lowers property values, wastes energy, and invariably discourages tourism". "Tourists seek the unspoiled countryside and unobstructed scenic beauty of nature". Unlike what we have developed on the Fl. Keys, with billboards and signs covering up the Atlantic Ocean, the Gulf of Mexico, and the mangrove and hammocks of our Keys.

"Billboards violate our constitutional right to privacy". Unlike other forms of advertisement which can be eliminated at the flip of a switch on a turn of a page... there is no possible way to turn off a billboard. They are designed to distract motorists attention. BILLBOARDS ALSO CAUSE ACCIDENTS. "Highways with billboards have more accidents", according to a survey by the Nat'l Highway Council.

"Billboards are unnecessary". Most billboards advertise liquor, cigarettes, and other products which have nothing to do with roadside business". A national poll of Holiday Inns found that 97% of their guests reserved their rooms in advance, and their company reflects this with their new advertising...no pulsing light, just sophisticated advert.

There are a number of alternatives to billboards to bring tourist to the businesses. The County Highway Beautification Committee researched these and in Febr. 1986 made recommendations to the Board of County Commissioners for their study: Besides the use of Logo systems at Mile Markers, the Tourist Development Council could set up a welcome station near MM 106 with all of the brochures and other business announcements of special events; and of course there is always the radio stations, the newspapers and the yellow pages, and many other P.R. ways to draw the tourist into each of the businesses.

Some states have gone further with their logo signs than the usual food, lodging and fuel (that D.O.T. sets up). However I have been informed by the Fl. state Highway Adm. Mr. P.E. Carpenter that he saw no reason why the Interstate and Parkway logo signs could not be extended on down the Overseas Highway, if we can get an ordinance controlling signs. This is of course just an option, to consider. Oregon became one of the first states to use Logo signs 13 years ago, and that has become a model of all other states. If tourists arrive at MM Welcome station without reservation, and need information then our T.D.C. dollars should go toward this. Hundred of municipalities, and 37 states have banned billboards and set controls on business signs. I have further information if needed.

PULL OUT PACKET

BOTH SIDES

For the board of County Commissioners
Monroe County, State of Florida

Report of state by state
Laws and Actions taken,
from the desk of Betty B. Wilson

The fight against Billboards began in 1909, in Hawaii, by a group of woman calling themselves "The Outdoor Circle". The battle for legislation took 14 years, but Hawaii eliminated all polluting signs from their beautiful islands.

The director for tourism for the Hawaiian Is. stated in 1983, "Tourism is important to the economy of the State, and the business community understands the need to protect and preserve the beauty of the islands, in order to promote and perpetuate this industry.

We, the residents of our scenic Florida Keys, feel this way about our 107 mile chain of islands. Many famous people have spoken out against billboards as, "a form of pollution", as far back as Teddy Roosevelt in 1902. They have been called, "Acts of aggression against the American landscape"; "A form of blight which invariably lowers property values, wastes energy, and invariably discourages tourism". "Tourists seek the unspoiled countryside and unobliterated scenic beauty of nature". Unlike what we have developed on the Fl. Keys, with billboards and signs covering up the Atlantic Ocean, the Gulf of Mexico, and the mangrove and native hammocks of our Keys.

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A statement by Chief Justice Warren Burger of the U.S. Supreme Court
 "A city or county has the power to regulate visual clutter in much the same manner it can regulate any other feature of it's environment; pollution is not limited to the air that we breathe and the water that we drink; it can equally offend the eye and ear." With aesthetic interest in community appearance,

The following states have done something about visual clutter and found that it not only improved the beauty of their state or area, but that it brought in more tourists:

★ Alaska All billboards banned and sign ^{*****}control laws covering on-site signs.

All of the major areas in the state of Arizona for tourism have ordinances controlling signs and eliminating billboards.

Alabama, 1984, Billboard bans in all tourist areas and moratoriums. Non-conforming signs shall be removed by sign owner under agreement with A.D.O.T.

Arkansas has set up scenic areas and historic areas banning all signs.

★ California coastal area sign banning and controls as well as the Sierra ski areas.

Colorado has banned billboards on all freeway and interstates, and in all scenic areas.

★ Florida has many cities and counties that have initiated billboard ordinances and sign controls...most of which have been tested in court and are now law.

Georgia has very good Outdoor adv. laws. The state GOVT is authorized to acquire any lawfully directed non-conforming, and has the power to exercise eminent domain.

★ Hawaii eliminated billboards in early 1900s

Idaho laws contain controls on any signs or billboards in their scenic areas ^{so} designated.

Kansas has an eminent domain law, allowing 90 days for the owner to remove sign.

★ Illinois also has excellent sign control, no billboards in any scenic area, or historic significance, parkland, water fowl or wildlife protected areas.

★ Mass. Large city governments and commerce are working together to eliminate the clutter of all billboards and control signs.

★ Michigan Total ban on off premise signs and control of on-site business signs.

★ Minnesota sign controls on all of their designated scenic areas (1000 lakes)

Montana has moratoriums on off premise signs and is working on all scenic areas

Nebr. like Kansas has laws taking control of any billboard by rights of eminent domain and does not pay for removal.

Nevada 1983, no compensation to owner on removal of unsafe or non-conforming signs. 1986 Moratorium and condemnation of billboards in gambling city of Reno.

★ Maine...complete elimination of all billboards good sign control

★ Missouri 1984 sign control laws controlling all signs and designating scenic areas.

★ Maryland April 86, working on total elimination

★ New Hampshire 1983, Devoid of distracting devices (billboards, signs, junk) 5 yr. amortizat.

★ New Jersey 1979 Sign control, power of removal on 30 days notice, the commissioner of transportation may without further notice deputize any person or persons to enter upon private property without liability, to effect said removal.

★ New Mexico Sign control laws for scenic beauty areas

★ New York Highway beautification act did not preclude municipalities from directing removal of non-conforming billboards without compensation Catskill Park vs Modjeska signs

- ★ New York continued... New York state vs Rochester Poster Co. also Vs Suffolk Outdoor Adv. N.Y. does not require that compensation be provided for removal of billboards located within 660' of Fed. Aid Highway.
- North Carolina 1983 Sign Control and highway beautification act. { remove all signs, by purchase, gift, or condemnation, & all property rights thereto.
- Ohio Sign and billboard controls
- ★ Oklahoma Signs that become non-conforming are removed (5 years from date). All controlled areas 660' signs were required to be removed before July 1, 1980
- ★ Oregon Billboard control in all scenic areas, many cities have complete ban
- ★ Pennsylvania 1986 has legislation to protect all scenic areas and historic areas from the blight of billboards (do not have outcome).
- Rhode Island Billboard and sign control laws.
- ★ South Carolina Sign Control laws allow municipalities to ban billboards and control signs on Nov 1984 an ordinance was upheld in Beaufort County abolishing all signs, also Myrtle Beach and many cities have sign control ordinances.
- ★ Tennessee 1972 law removing illegal and non-conforming signs at the cost of the sign owner 1978 billboards were removed from all of the maximum routes of travel through the state. Tex. is working on legis. to become the nations strictest regulator in U.S.
- ★ Texas laws allow municipalities to have ordinances banning all billboard adv. Most of the large cities in Texas have taken advantage of this and are conducting removal. Houston is the latest city, the chamber of commerce is taking the action to remove the billboards
- ★ Utah has billboard controls and has not allowed any new signs in their scenic state.
- ★ Vermont has a total ban on signs and billboards
- ★ Virginia is working on billboard legislation. The state economic council stated "Competitive Factors Analysis and an Action Agenda for Economic Development, identifies improper land development and environmental blight as significant constraints in the states economic development.Key components of urban blight said the report are commercial strip developments, open storage areas, "neon sign", billboard and the like which have cluttered our environment and caused tourists to avoid this area.
- ★ Washington this state enacted Scenic Vistas law in 1980, gave sign owner 15 days to remove signs after revocation of permit. In no event shall compensation be paid for the taking or removal of signs adjacent to protected or scenic systems. Since that time they have removed most billboards from the state of Washington.
- ★ Wisconsin Sign control laws protecting all of their scenic views, and in other urban areas for aesthetic purpose.

Moreover in virtually all other states where municipalities have set up ordinances, courts have upheld them on the basis of aesthetics alone, with the additions of traffic safety, protection of property and tourism.

Handling (banning and removal) problems can be avoided or corrected in drafting sign control ordinances by simply tailoring the provision to narrow or enlarge its scope.

We must have no exceptions to Commercial vs non-commercial regulations because of problems in litigation. Maine, Olka, Calif, had these problems, but the state of Maine reworked their bill on total ban and has good on-site controls and is billboard free.

Sign control information regarding laws and settlement.

Elimination and Amortization on recent court decisions (illegal and non-conforming signs may be eliminated as a public nuisance) AS LONG AS THE GRACE PERIOD IS REASONABLE. On Amortization here are some examples: Fayetteville, 4 years; New Castle, Del. 1984 3 yr; Skokie 1983, 7 years; Syracuse 1982, 4yrs. 9mo.; Vt. state 1982, five years. and the 1986 U.S. Senate bill (Gorton) 5 years limit.

However Indiana Supreme court, also Tenn. and Ohio, ruled that communities may not amortize non-conforming or illegal signs... they must be removed at owners expense. California, Florida, Minn. Mass, N. Jers, and N.Y. have strong court decisions of recognizing aesthetics as a legitimate basis for controls, and if the law is properly handled or based on one that has already been tested in that state (as the Stormont ordinance, as written, has already been tested) then there should be no problem in implementing it.

Florida state Law Review information tells us that courts have upheld 1-10 years on amortization, and in Monterrey, Cal. court found that 31 signs had already been fully depreciated for income tax purposes, so the court upheld a one year amortization there.

Factors used for determining settlements are:

- Original cost of billboards
- Present depreciated value
- Remaining useful life
- Owners investment to that date

To reach a fair decision on this, the sign companies must furnish their income tax records, covering the period that they have had billboards in Monroe county. The Fl. Law 1410.19 says Net Value, total reproduction cost, less estimated depreciation.

Evidence of wear, tear, decay, structural defects are all taken into consideration.

Under the excellent chairmanship of John Stormont, (who has been fair in everyway on both sides of the issue), the five member committee who were appointed by each commissioner to gather information for presentation and "to offer solutions for billboard removal and sign control for Monroe County."....are composed of two members with "Conflict of Interest" in reaching a settlement. I suppose, in your opinion, that this is a fair way to handle the subject. However you must take into consideration the fact that only three members of the panel have been functioning in gathering and putting together this information for you to study.

For over 8 years your Monroe County Highway & Beautification Committee has been working on your behalf by the MONROE COUNTY COMMISSION RESOLUTION NO. 208 established in 1977, which says, "We are to study, develop and oversee plans for the beautification of U.S. Highway 1, and toward this end from time-to-time submit its plans and recommendation to the Board of County Commissioners for implementation and approval. It is the Boards intent that the plans and recommendations shall, when performed, become part of the County Master Plan in the County Transportation element."

I want to thank you for my appointment and I hope that I may continue to serve you.

Most sincerely,

R. B. (Mrs. M. J.) Wilson