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Summer 1985

## Visual Pollution Study

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# Visual Pollution study

*A Report to the Citizens of Jacksonville • Summer 1985*

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## SCOPE OF THE STUDY

Measures to protect and enhance the visual environment are effectively used throughout the country to maintain and improve the quality of life. Visual pollution controls enhance the economic environment while contributing a positive feeling of the people about their city.

The JCCI committee's charge was to determine the responses needed to address visual pollution in Jacksonville. The study focuses on visual pollution such as sign proliferation and clutter, unscreened junkyards, inadequate landscaping, overhead wires and other eyesores that diminish the quality of life and the natural beauty of the community. The study seeks new ways to improve Jacksonville's image.

The scope of this study includes a review and analysis of:

- . Factors contributing to visual pollution
- . Cost and benefits of improving the visual environment
- . Consequences of visual pollution
- . Individual rights versus community judgment of aesthetics
- . Current laws, policies, and agencies with regulatory powers
- . Enforcement of existing laws
- . Innovative programs in other communities
- . Appropriate regulations and implementation agencies needed to solve the identified problems

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## HIGHLIGHTS

### MAJOR PROBLEMS

Visual pollution is a serious problem in Jacksonville. The natural beauty of the city has been marred by:

- . Inadequate control of signs
- . Inadequate enforcement of existing legislation
- . "Grandfathering in" nonconforming sources of visual pollution
- . Inadequate plans for long term preservation of open space
- . Lack of commitment to street landscaping
- . Unsightly clutter of overhead wires

### RECOMMENDED SOLUTIONS

To address the sources of visual pollution public officials should:

- . Enact new, stronger sign ordinance
- . Create a Code Enforcement Board and increase the number of trained staff enforcing code
- . Remove nonconforming uses after amortization
- . Implement the 2005 Plan recommendations for a stream valley park system
- . Change policies to promote the greening of city
- . Plan to convert wires in high visibility areas to underground

# FINDINGS

Findings represent the data base of the committee. They are derived from the published materials listed in the references, facts reported by resource persons or from a consensus of committee understanding as reported by resource persons.

## Aesthetics

### COMMUNITIES HAVE A LEGAL RIGHT TO CONTROL AESTHETICS.

"The concept of the public welfare is broad and inclusive. The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that a community shall be beautiful as well as healthy; spacious as well as clean; well balanced as well as carefully patrolled." Berman vs. Parker (1954)

The legal decision quoted above was written by Supreme Court Justice William O. Douglas, and is one of the most far reaching judicial interpretations of aesthetic value as a factor in the the public welfare.

In City Council of Los Angeles v. Taxpayers for Vincent the U.S. Supreme court also found that visual assault... is a significant substantive evil within the city's power to prohibit. This has been reaffirmed most recently in Florida by a 1982 Supreme Court decision in which the Court noted: "Cities have the authority to take steps to minimize sight pollution ..." City of Lake Wales vs. Lamar Advertising Association of Lakeland, Florida Supreme Court, 1982.

Citizens in communities throughout the United States have objected to intrusive elements that mar the vista and offend the senses of the average person. Many of these communities have formulated ordinances designed to improve the community's visual environment. In the earlier days of zoning control, most courts would not accept aesthetic considerations as valid grounds for regulations. In an attempt to address aesthetic problems, many communities attempted to defend aesthetics under the guise of implausible fictions dealing with safety, morality or decency. As times and the courts change to respond to the concerns of citizens, aesthetic considerations have become acceptable and have been successfully defended on numerous occasions.

It is often argued that beauty is in the eye of the beholder; a building or sign that one citizen may find offensive another citizen may consider eye-catching, good advertising and an economic asset. Nevertheless, in a democratic society it is possible for citizens to agree on many of the influences that blight the visual environment. A community's appearance is often important in attracting or repelling business, industry and new residents. Many communities across the United States have established and codified their priorities for aesthetic considerations.

## Economic Value of Aesthetics

AESTHETIC CONSIDERATIONS MAKE GOOD BUSINESS SENSE. According to the Joint Economic Committee of the United States Congress, a city's quality of life is more important than purely business-related factors when it comes to attracting new businesses, particularly the rapidly growing high tech and service industries. Many communities with healthy economies and national images as desirable places to live, work, and do business also have reputations as aesthetically pleasing communities and have strong ordinances to ensure that they remain so. Notable among these are Boca Raton, Florida; Chapel Hill, North Carolina; Boulder, Colorado; Seattle, Washington; Portland, Oregon; and Honolulu, Hawaii.

Sign control is even more important to tourism. Americans spend millions of dollars each year vacationing in communities that offer natural, historic and architectural assets. Such vacation areas include Palm Springs, Lake Tahoe, and Carmel, California; Sante Fe, New Mexico; Scottsdale, Arizona; Hilton Head Island, South Carolina; Williamsburg, Virginia; Boca Raton, Florida; and Martha's Vineyard, Massachusetts. All these communities have recognized that sign and other visual pollution controls help attract tourist dollars and aid the local economy.

Businesses also find that sign controls can save money. Property values can be higher when controls protect the environment. Unregulated signs may lead to competition among establishments for the most attention-getting devices; this may escalate, with more money being spent on more numerous and bigger signs. The end result is that none of the signs attract much attention, the overall environment is cluttered and property values decline. Fewer signs can increase the visibility of each and thus are of more advertising value.

Most successful private developers recognize the value of attractive design and the need to control the visual environment. Preservation of existing vegetation and open space, stringent controls on signage, underground wiring, harmonious architecture and landscaped roadways are characteristics of exclusive developments, whether residential, commercial or multi-use. Contrary to the common practice in the 50's and 60's of preparing land for residential development by clearcutting, most home builders now recognize that trees are worth money and develop building sites accordingly. Responsible developers and builders are concerned about the overall appearance of their projects and preserve trees as a marketing tool. Some builders and some commercial interests still remove all trees from a lot in the belief that quantity of usable business space rather than quality is the better way to promote their products.

## Jacksonville's Progress

IN RECENT YEARS JACKSONVILLE HAS MADE SOME PROGRESS TOWARD IMPROVING THE VISUAL ENVIRONMENT. THE DESIRE TO ENHANCE THE COMMUNITY'S VISUAL IMAGE IS REFLECTED IN PUBLIC AND PRIVATE PROGRAMS AND CITY ORDINANCES.

### Greenscape

One of the earliest community projects designed to improve the visual environment was the Greenscape Program founded in 1975 by Anne Baker and Susan Fisher. Greenscape's goal is to beautify Jacksonville through its landscape. It acts as a catalyst in civic groups and within the government to create and maintain green spaces. Working primarily in the downtown area, Greenscape initiated several tree planting programs that became an integral part of the development and redevelopment of

Jacksonville. Greenscape also worked with other civic groups in the development of a tree and landscape ordinance for the city. It serves in an advisory capacity to the Downtown Development Authority in downtown redevelopment plans.

Greenscape works closely with the city's Recreation and Parks Division, which plants and maintains these trees, and with the Department of Public Works, which is responsible for locating underground utilities and cutting sidewalks.

Greenscape has long-range plans for downtown vestpocket parks, for expanding the Adopt-a-Park Program and for the greening of the Gator Bowl Complex. Immediate plans call for landscaping around the Florida Theatre Building and on Bay Street.

### Keep Jacksonville Beautiful

The Keep Jacksonville Beautiful Program, originally a Chamber of Commerce program, was established as a commission by the Mayor in 1983. This program educates citizens in control of trash and litter and helps citizens develop more positive attitudes and behaviors.

Keep Jacksonville Beautiful has created a number of programs within local schools to teach children how to deal with waste materials and to instill change in citizen attitudes.

People tend to litter in areas where litter already is present; areas where they have no sense of

ownership or where they think someone else will clean up. Keep Jacksonville Beautiful attempts to change these attitudes so that all citizens work together to keep the community cleaner. Major sources of litter identified by this program are:

- . Improper disposal of household and commercial trash.
- . Loading docks
- . Construction sites
- . Uncovered trucks
- . Motorists and Pedestrians

Greenscape operates without staff. Its projects are financed through donations. A major source of the donations is from individuals who pay for the planting of a commemorative tree.

## **Landscape and Tree Ordinance**

Although the Planning Commission and its predecessor worked in past years for the adoption of a landscape ordinance, opposition by builders and developers made passage of such an ordinance impossible. In 1983, the Planning Department formed a coalition of concerned citizens, representatives from the Northeast Florida Builders Association and city officials to create tree and landscape ordinances. Enactment of these ordinances constituted an important beginning in improving community appearance.

The tree ordinance requires a City permit before any trees above a certain size (18 inches in diameter), except pine and palms, may be removed from within 20 feet of streets in multi-family residential district, or within 10 feet of streets in commercial, industrial or governmental districts.

The landscape ordinance requires interior and perimeter landscaping in commercial and industrial parking lots, ranging between five and ten percent total coverage depending on the zoning classification. The ordinance also requires preservation or planting of trees and other greenery for driveways and road frontages, stipulates at least one shade tree in the front yard of each residential lot

and controls the size and number of driveways.

Jacksonville's landscape ordinance is similar to those in most other Florida cities. Improved landscaping resulting from this ordinance can already be seen in newly developing areas of the community. The landscaped areas and greenery planted in new projects, the restrictions in the size of driveways and in the amount of parking area without landscaping greatly improve the visual impact of these developments. However, since Jacksonville's ordinance is new, most of the community businesses are not landscaped. Other communities have required landscaping for years and have accomplished a great deal more.

Existing businesses are not required to comply with the tree and landscape ordinances, even when they are expanding. Unless a new building permit is required, no regulatory official reviews plans and verifies if the businesses are landscaped. In fact, after plan review, no city staff are assigned to follow-up on landscape approval plans that are submitted to ensure that the requirements of the tree and landscape ordinances are met.

## **Downtown Beautification**

Most beautification activities occurring in Jacksonville are in the downtown area where all overhead wires have been placed underground, all of the Greenscape tree planting activity to date has occurred, none of the bus benches contain advertising, billboards are less common in proportion to population, and redevelop-

ment is occurring with many aesthetic improvements.

The Downtown Development Authority, (DDA) a seven member body appointed by the Mayor, acts as a go-between with governmental bodies and developers to assist in removing slum and blight in downtown Jacksonville. In its dealings with developers, the Downtown Development Authority negotiates tradeoffs to encourage quality development. In projects where city assistance, such as new infrastructure from tax increment financing is needed or when a city-owned building is being purchased, the Downtown Development Authority is directly involved via a contract with the developer. This contract includes negotiated amenities such as landscaping and public art to ensure a good quality development.

The DDA has worked with city agencies and Greenscape to encourage the planting of trees and landscaping in the Downtown area. It is trying to work with the state to encourage landscaping of new state road construction within its downtown jurisdiction.

## **Mandarin Beautification Project**

Another good example of a community project designed to enhance the beauty of Jacksonville is the Mandarin Beautification Project begun by members of the Greater Mandarin Civic Coalition and the Mandarin Business Association. The project calls for extensive landscaping on a strip of San Jose Boulevard which is considered the "Gateway to Mandarin".

The efforts of interested citizens were hampered by the State Department of Transportation (DOT), which owned the boulevard and generally does not agree to maintain such projects. However, as a matter of policy, the DOT was willing to sign an agreement to allow the city to maintain greenery along the state right-of-way. The citizens, realizing that they could not guarantee private maintenance, requested that the city pass a resolution to do so. Despite initial concerns that too many such projects could strain the maintenance budget of the Recreation and Parks Division, the proposal was adopted by the City Council and signed by the Mayor. The Mandarin citizens are now raising funds to complete the project, which the city will maintain.

The City Council resolution, adopting this project, specifically states that if it is successful, the council desires to participate with the private sector in similar projects for landscaping and beautifying other of Jacksonville's corridors.

## Mayor's Task Force

In 1984, Mayor Godbold appointed a Blue Ribbon Growth Management Task Force. Aesthetic considerations were included in the charge of this group. A committee on Aesthetics and Growth Management was created to review standards governing advertising and signs, and to develop a set of written recommendations to ensure that such standards minimize unsightly areas while serving reasonable commercial and other needs. This com-

mittee also was asked to develop written recommendations in conjunction with the Keep Jacksonville Beautiful Program to help beautify the community. The Aesthetic and Growth Management Committee was charged to do the following:

- A. Consider all areas of growth with respect to what can be done aesthetically to minimize the effect of growth on Jacksonville's natural beauty, as well as what can be done to enhance that beauty.
- B. Consider signs and regulations of signs.
- C. Consider adequacy of tree ordinances.
- D. Consider the effect of existing transportation and its expansion on the beauty of Jacksonville and what can be done to minimize that effect.
- E. Consider preservation of aesthetics of existing buildings and neighborhoods in Jacksonville and what can and should be done to maintain historic areas in the face of growth.

- F. Confer with existing organizations in Jacksonville to obtain their thoughts and concerns in this area

The recommendations of the Aesthetics and Growth Management committee were adopted by the Task Force in April and presented to the mayor in June of 1985. Specific recommendations from the Task Force are summarized in other sections of this study.

The creation of this group was an indication of the growing concern for the preservation of an aesthetically pleasing environment. The public and private programs designed to improve Jacksonville's appearance build upon each another and generate other projects. Greenscape's activities in the downtown area were a stimulus for planting of numerous trees by the Jacksonville Ship-Shipyard. This was followed closely by the mayor's initiating the complete landscaping of City Hall grounds and city plans for landscaping Bay Street and planting additional trees and shrubs in parks.

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## Techniques to Improve Visual Environment

### Open Green Space

JACKSONVILLE HAS NOT PLACED A HIGH PRIORITY ON THE RETENTION OF OPEN GREEN SPACE FOR THE LONG TERM AESTHETIC ENHANCEMENT OF THE CITY.

One City Council member has suggested that Jacksonville may not yet have reached the level of sophistication and maturity to support passage of strong ordinances

designed to improve the visual environment. Jacksonville may be so eager for growth that it may sacrifice visual and environmental concerns. He suggested that Jacksonville's government reacts, but does not initiate, and that planning to preserve open space, save scenic vistas and to improve our visual image is not be-

ing addressed because there is not yet a crisis.

This lack of foresight may result in part from the abundance of open space traditionally available in Jacksonville. The city has enjoyed the luxury of vast open spaces and large bodies of water. In the last survey (1977) 59 percent of the city's 490,048 acres was open, agricultural land and 20 percent was water or wetlands. Most acres previously preserved as green space, through the slow growth in our community, are privately owned and can be developed as growth pressures continue. Over the last five years, more than 4,500 acres have been rezoned for development, more than 1,500 acres have been developed by the city (St. Johns River Power Park) and other previously zoned land has been developed. Last year, the city approved three times more development than was previously approved in any one year. Jacksonville is in the midst of rapid growth and much of the remaining open space is available for development.

Many other communities in the United States found that increasing development was consuming the very green areas that contributed to their beauty. The natural features, streams and wooded areas that people find so pleasing, are often developed to accommodate the growth that they attract. In Raleigh, North Carolina, and Austin, Texas, the solution has been to establish networks of ribbon-like parks to perpetuate the green open space. For example, the Parks and Recreation Department in Austin, Texas began planning years ago to

purchase linear parks, mostly along lakes and creeks, rather than the square plots of land they had previously sought. This creates a more pleasing visual effect because the green preserves tie the community together. Another example is Raleigh's "Little Rock Greenway Trail" and "Shelley Greenway Trail" that provide a link to the natural beauty of the town. Besides leaving green space to enhance the beauty of the entire community, these parks provide opportunities for active recreation through the use of foot paths and trails used by cyclists, joggers, and hikers. By combining the trail system with the waterway system, the sensitive environment surrounding the water is protected, in addition to providing access for fishermen and boaters.

The published goals of Jacksonville's Recreation and Parks Division mention no acquisition of large-scale open space or land banking. The division has concentrated on the creation of community recreation parks for organized activities, such as baseball, swimming, tennis, and basketball.

The Recreation and Parks Division has refused land dedications offered by developers of land considered unsuitable for active parks. Although some of this land has been low lying areas and stream beds unsuitable for ballparks, it is often scenic, green areas.

This J.C.C.I. study did not address the recreational needs of the community and thus made no attempt to analyze the need for ballparks, swimming pools and

boatramps. However, in addressing the visual needs of the community, the availability of open green space to mitigate the negative visual impact of development was considered.

The 2005 Comprehensive Plan, a legal document designed to guide the future growth of Jacksonville, considered the city's need for open space. In addition to other recreational needs, this plan calls for the creation of Metropolitan/Conservation-Stream Valley Parks along major stream valleys and natural drainage ways. The plan identifies over 8,500 acres of land recommended for inclusion in this Stream Valley Park System. Parks also have been planned for Hogan's Creek and McCoy's Creek. This land not only provides a pleasing visual environment but protects the main elements of the city's drainage system and flood plains from development. The 2005 plan suggests the acquisition of the sites listed on the following table.

Because short range plans and activities of the Recreation and Parks Division are heavily oriented towards active park creation, there has been no acquisition to implement the foregoing recommendations. The State of Florida has made two large acquisitions in Northeast Florida - Talbot Island and Guana Tract - and it is unlikely it will soon make other major land purchases for green space in Jacksonville. However, the state Conservation and Recreational Land (CARL) committee lists land on the Julington-Durbin Creek peninsula among the 20 par-

cels in the state for acquisition.

As development increases, land values rise dramatically. Rising land values

in Mandarin already have made it unlikely that the city will be able to purchase any major green space in that area.

wires require continuous maintenance and replacement, as well as requiring unsightly tree trimming. Poles along streets and highways also are hazardous to automobiles.

### Parks in 2005 Comprehensive Plan

<u>Site</u>	<u>Approximate Size</u>
Tiger Pond Park on Tiger Creek	3,000 acres
Julington Creek/Big Pottsburg Creek Stream Valley Park	3,000 acres
Ortega River/McGirts Creek Stream Valley Parks	2,000 acres
Cedar River/Six Mile Creek Stream Valley Park	500-600 acres
Pelotes Island Park	8,300+ acres

### Underground Utilities

THROUGHOUT JACKSONVILLE, THE LANDSCAPE IS CLUTTERED BY NUMEROUS POLES, CROSSARMS, CABLES, WIRES, TRANSFORMERS INSULATORS, GUY WIRES, SERVICE DROPS AND OTHER UNSIGHTLY FEATURES THAT PROVIDE ELECTRIC POWER, TELEPHONE AND CABLE TELEVISION SERVICE.

The tree trimming required to maintain the overhead wires further degrades the visual environment and denies the community the beauty of a full canopy of trees.

Utility companies try to make overhead insulations as neat as possible. The Jacksonville Electric Authority (JEA) has initiated numerous programs to reduce the visual pollution caused

by their hardware. JEA substations are being placed behind solid walls to blend with the surroundings or in secluded areas surrounded by trees and greenery. When replacing electrical service, the JEA tries to blend new poles into the tree line for a neater appearance. It also attempts to remove crossarms and secondary wires from poles.

Jacksonville requires all new developments (with some exceptions for very small developments) to install utilities underground. Underground installation has many benefits. In addition to the aesthetic considerations, underground wiring virtually eliminates the need for maintenance and tree trimming, improves reliability and vehicular safety. On the other hand, overhead

DESPITE THE CLEAR EVIDENCE THAT UNDERGROUND WIRES ARE PREFERABLE TO OVERHEAD WIRES, IT WOULD BE EXTREMELY EXPENSIVE TO CONVERT THEM THROUGHOUT THE ENTIRE CITY. In new construction it is possible to lay wires underground in machine dug ditches without interference from other utilities, pavement or vegetation. However, in retrofitting a previously developed area, utilities must contend with paved driveways and streets, gas lines, water lines, sewer lines, cable television lines and other underground utilities. This requires expensive, selective digging and boring under existing streets. In two different types of developments, the JEA estimates it costs from \$7,151.00 to \$9,432.00 per lot to convert from overhead to underground wiring. In areas where the JEA is paying already to convert from one type of service to another (4kv to 25kv) the difference in cost still amounts to \$4,604.00 per lot. A 1973 study for the City Council determined that providing underground service for all the city of Jacksonville would cost approximately \$570 million. With inflation, the cost now probably would exceed \$1 billion. In addition, the customer would be charged for replacing cable television and telephone wires now installed on JEA poles. The JEA also would suffer some financial loss from these services, since the use of



JEA poles is presently leased to the other utilities.

The long term savings in maintenance and tree trimming resulting from underground installation has not yet been calculated in Jacksonville. Realizing the advantages both aesthetically and in service costs, the JEA already has converted from overhead to underground service in some areas of the city, such as in the downtown. There may be many other areas where such conversion could be economically justified.

## Tree Preservation

IN JACKSONVILLE, ONLY TREES IN A FEW FRONT FEET OF A LOT ARE OFFERED ANY PROTECTION. MANY COMMUNITIES HAVE ENACTED TREE ORDINANCES THAT PROTECT LARGER TREES FROM INDISCRIMINATE REMOVAL. Many citizens and elected officials in Jacksonville have been outraged by the removal of large, old oak trees from developments where they could have been preserved without unduly limiting the proposed land use. Most notably, citizens were upset that the new tree ordinance failed to preserve numerous live oaks when a building supply store was built on State Road 13 in Mandarin.

Many communities have recognized the economic value of tree preservation. For example, Tallahassee has a strong tree ordinance that preserves trees whenever possible for their stabilizing effect on the soil, to control sedimentation and to control storm water runoff. Trees are recognized for their value

in energy conservation, noise control, air purification and other benefits to the environment. The Tallahassee ordinance requires a permit for removal of any tree over 36 inches in diameter and protects trees over 24 inches in diameter in some zones.

The Mayor's Blue Ribbon Growth Management Task Force has recommended that Jacksonville's tree ordinance be strengthened to provide for similar protection of large trees. However, the increased cost of complying with such a regulation is a concern to the builders in Jacksonville. Many people say restrictions on cutting of trees on private property is an invasion of personal property rights.

## Architectural Review

MANY COMMUNITIES IN THE UNITED STATES HAVE SOME TYPE OF ARCHITECTURAL REVIEW OF NEW BUILDINGS IN ORDER TO PROTECT COMMUNITY APPEARANCE. The extent of these architectural review standards varies. Some communities like Boca Raton, Florida, require prior approval by a community appearance board of all new construction except single family residences. Other communities, such as St. Augustine have standards only in specific districts (the historic district).

In Boca Raton, a board, which must include three architects, reviews plans for all new construction. No building permit is issued until the board approves the plans and no occupancy permit is granted until the board determines that the requirements have been met. The board has

established standards to ensure that all construction meets community standards. The standards do not govern architectural style, but ensure that all buildings are properly buffered for outdoor equipment and parking. The city even has provisions for ensuring that landscaping is maintained.

St. Augustine requires architectural review of the exterior of buildings in its designated historic district. The historic architectural review board uses a set of guidelines to ensure that new construction does not detract from the unique historical appearance of the area and its appeal to tourists.

Many communities across the United States have established similar boards. However, most of these communities are small with unique character, usually known for a particular architectural style or for an environment that attracts tourists.

In Jacksonville, a city staff member has recommended establishment of a community design standards panel to review the design of all public facilities; buildings within areas identified by the city as requiring special concern (designated as areas of critical city concern); and buildings financed with public funds or benefitting from special government resources, such as building in tax increment finance districts or those financed with industrial revenue bonds. One purpose of this panel would be to establish and maintain aesthetic standards and to provide incentives for good design.

Nationally, architectural controls have become widespread even in the suburbs, and in some cases these controls can be contradictory. For example, an ordinance that mandates all shops in a business district to adhere to a particular architectural style may also require every house in a residential block to vary in some aspect of its design from other houses on the same block.

## Historic Preservation

RECOGNIZING THAT SOME OLD BUILDINGS ARE BEAUTIFUL AND HAVE INTRINSIC VALUE, MANY COMMUNITIES HAVE ESTABLISHED HISTORIC PRESERVATION/CONSERVATION DISTRICTS TO IDENTIFY, CLASSIFY AND PROTECT SITES, BUILDINGS, STRUCTURES, OBJECTS AND DISTRICTS THAT ARE HISTORICALLY AND/OR ARCHITECTURALLY SIGNIFICANT.

Jacksonville has a growing number of organizations working on surveys to have their neighborhoods listed on the National Historic Register. A local historic preservation ordinance is not required for obtaining federal status as a historic preservation district. Local ordinances, however, are useful in preserving the unique character of historic districts and can be helpful in obtaining federal status. Local regulations in other communities are designed to protect historic districts so that no building or demolition permit can be issued without determining its appropriateness to the district. In Gainesville this appropriateness is determined by an appointed historic conservation board.

In addition to preserving the unique visual character of a neighborhood, advan-

tages of a historic preservation/conservation district can include obtaining funding or reduced interest rates for restoration of significant buildings and obtaining tax benefits from the restoration of commercial buildings.

## Community Surveys

SOME CITIES HAVE MADE COMMUNITY DESIGN SURVEYS TO DETERMINE THE GOOD AND BAD VISUAL QUALITIES OF THE COMMUNITY AND TO GUIDE PLANS IMPROVING THE VISUAL ENVIRONMENT. The most notable example of this type of survey was that in Seattle, Washington, a city similar to Jacksonville in size and proximity to water. Smaller scale surveys also have been performed in Savannah and Charleston in connection with the historical districts.

The planning department in Seattle coordinated a community design survey by local architects, university students and other volunteers. The survey covered the entire community and included a review of building groups, landmarks, open space, views and vistas, landscaping, civic art and other identified aesthetic components of the city.

Working with neighborhood groups, the city determined what needed to be preserved, what needed to be improved and what required top priority attention. This survey was useful in educating citizens as to what is good and what is bad aesthetically. No development is permitted without reference to this visual survey.

Two architectural consultants were used in Seattle to train surveyors and to guide the survey. They chose significant styles of buildings and other aesthetic considerations to classify neighborhoods and supplied sketches and photographs of the various views of the city for the survey.

The Seattle project, with funding from the National Endowment for the Arts and the City of Seattle, was quite time-consuming and costly. Smaller surveys have been made by volunteers and with private funding from groups such as the Junior League.

## Community Art

THE CONCEPT OF PUBLIC ART AS AN INTEGRAL PART OF A COMMUNITY'S DEVELOPMENT AND URBAN REVITALIZATION STRATEGY HAS GAINED BROAD ACCEPTANCE. More than 45 states, counties and cities have instituted policies requiring that a certain percentage of construction costs must be spent for public art. States with such policies include Florida, Hawaii, Washington, Colorado, Nebraska, New Jersey, Connecticut and Maine; cities include Philadelphia, Baltimore, Miami, Atlanta, Kansas City, Tulsa, Seattle, New Orleans, San Francisco and Anchorage.

At the federal level, through art-in-architecture programs of the General Services and Veterans Administrations, new works have been commissioned for office buildings, courthouses and medical facilities. The National Endowment for the Arts (NEA), through its Art in Public Places program

has, for the past 18 years, provided matching grants to communities across the country to commission American artists to create works of art. The NEA has awarded more than \$6 million in grants matched by \$12 million from local sponsors, predominantly in the private sector, for works of art for public places.

## Scrap Old Signs

Dilapidated signs contribute to visual clutter. In deteriorating districts or neighborhoods a proliferation of signs may occur and many are abandoned when businesses move.

An SOS - Scrap Old Signs Program - has been used in other parts of the United States to provide a system whereby unused and abandoned signs can either be removed and scrapped or blanked out, at no cost to the property owner. In this program, sign companies sponsor an "SOS" day and donate the men and equipment necessary for removing abandoned or dilapidated signs. The city usually takes responsibility for hauling away the scraps. Property owners are first contacted for approval and specific signs are identified; then sign companies donate time and spend a Saturday or Sunday removing the signs for scrapping. The sign companies gain a positive image in the community and positive publicity from this program. This type project has been done under the auspices of the Chamber of Commerce, the city itself or through an organization of sign companies.

## Buffering Junkyards

JACKSONVILLE'S REGULATION OF JUNKYARDS, AUTOMOBILE WRECKING OR STORAGE YARDS AND SCRAP PROCESSING YARDS IS GENERALLY ADEQUATE TO MITIGATE THE VISUAL IMPACT OF THESE OPERATIONS. The absence of valid licenses on old cars in a yard is the criteria for classifying it as a junkyard. Junkyards are now permitted by exception in industrial-

light warehousing districts and by right in industrial-heavy districts.

All junkyards and scrap processing yards adjoining any public right-of-way must be screened from the street to lessen the visual impact. The screening must be a fence, wall or evergreen hedge, not less than six feet in height, which creates a visual barrier.



The most obvious visual problem of junkyards is with those established prior to the zoning of the entire community during consolidation in 1968. These now may be in primarily residential and commercial areas. This "grandfathered-in" use can-

not be expanded but has the right to remain regardless of its blighting influence. The presence of junk vehicles outside the screened areas is against regulations and is primarily an enforcement problem.

## Boulevards and Median Strips

POLICIES OF THE TRAFFIC ENGINEERING DIVISION OF THE CITY OF JACKSONVILLE DISCOURAGE THE USE OF GRASS AND THE PRESERVATION OF TREES IN MEDIANS OF NEW DEVELOPMENTS. The city does not place medians in new public construction and the city frequently has removed medians to increase traffic lanes and improve the safety and flow of traffic and be-

cause it lacks funds to maintain shrubbery in medians. Trees represent obstacles which can be hazards to traffic.

The Division Chief of the Traffic Engineering Division does not think that medians offer added safety to vehicular traffic by dividing the opposing lanes. Nevertheless, the separation of

traffic lanes through the use of medians is often recognized as a safety feature elsewhere. All interstate construction is required to separate oncoming lanes via a median for safety.

The Jacksonville Traffic Engineering Division bases its decisions solely on transportation needs, with little consideration for aesthetics. Additional lanes and pavement can increase traffic flow and reduce maintenance costs. Thus, many small green triangles and green medians that once existed in streets throughout the community have been paved over.

In contrast, many communities recognize the aesthetic and environmental benefits of green spaces and trees and have begun programs of public tree planting along street right-of-ways and in medians. The Tampa and Orlando urban highways have extensive landscaping. Charlotte, North Carolina began a program in 1972 to identify and protect all trees within the city's right-of-ways. In addition, Charlotte started a massive cooperative tree planting program. The program allows residents to purchase at wholesale prices trees that the city installs and maintains on

right-of-ways and medians. Many other cities recognize and protect their beautiful, tree-lined boulevards.

The Jacksonville City Council and Mayor have encouraged more street greening as exemplified by the legislation passed recently to assist the Mandarin Civic Coalition in beautifying a section of State Road 13. However, there are few areas in Jacksonville where this type of project can be accomplished. Very few areas have median strips which can be landscaped. Under existing traffic engineering policies, no new boulevards will be created.

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## On-site and Off-site Signs

FUNCTIONALLY, LEGALLY AND VISUALLY THERE IS A DISTINCT DIFFERENCE BETWEEN ON-SITE AND OFF-SITE SIGNS. On-site signs are those typically used by merchants to call attention to the type of business conducted in their building or to advertise goods and services. An on-site sign is related to the building and the business; it is not a separate and distinct land use or business. On-site signs, often the only way to identify a business, are protected by the merchants' First Amendment right to free speech. On-site signs are also an accessory to a use that has already been permitted by the zoning of the lot. Thus, on-site signs cannot be eliminated, but they can be regulated.

In contrast, off-site signs provide a means of advertising that is not directly related to the land use of the site where they are

installed. Off-site signs are a separate and distinct business since they are not accessory to a building or a business on the lot on which they are located. The generic name for an off-site or off-premise sign is billboard. Because of the functional differences between on-site and off-site signs, communities may treat billboards differently from on-site signs. In fact, this difference has provided justification for the total prohibition of billboards in some communities.

Since billboards are considered a distinct business, like other businesses, they can be regulated through the zoning ordinance. If a community considers billboards a nuisance, as with other nuisances, they may be totally prohibited. The regulation of billboards varies widely among communities, ranging from total prohibition to mandatory clustering or spacing.

The Federal government, in most instances, has allowed states to regulate signs as they see fit. Florida, in turn, has given the regulatory responsibility to the local governments which have placed varying controls on signage. These range from strict regulation of on-site signs and total prohibition of billboards to a laissez-faire attitude with minimum regulatory control.

## Present Sign Controls

JACKSONVILLE PRESENTLY HAS NO EFFECTIVE ORDINANCE FOR CONTROLLING THE PROLIFERATION OF SIGNS. Except for height, no restriction exists on the size of signs in commercial and industrial districts in Jacksonville. The entire side of a building can be a sign as long as it does not exceed the 50 foot height limit. Other requirements of the Jacksonville sign code include:

- . Signs in residential areas are severely re-

stricted and limited, where allowed, to 32 square feet and may not be lighted.

- . Billboards or off-site signs are permitted in all commercial and industrial districts except in the low density Commercial Neighborhood (CN) District; Commercial, Professional and Offices (CPO) District; and Industrial Select (IS).
- . Off-site signs must be spaced at least 1,000 feet apart on the same side of the street.

In commercial areas, there is no limit on the number of on-site signs with any type of flashing, revolving lights and any colors or shapes. As long as certain safety and structural conditions are met, the message is not obscene, the sign does not obstruct the right-of-way, and the lighting does not interfere with vehicular traffic, most permanent on-site signs are permissible.

Mobile signs are specifically designed for temporary use and to be moveable to a new site. These signs, usually yellow or white with changeable messages, may not exceed 100 square feet in area and may not be more than 12 feet high. Permits are required for mobile signs and must be renewed, or the sign removed, every six months. A code provision places minimal restrictions to keep the signs away from the street right-of-ways and property lines or utility poles. Mobile signs also are not allowed closer than 30 feet to another mobile sign.

Because of the temporary nature of these signs and the requirement for a six-month permit, there is a procedure for the removal and impoundment of illegal mobile signs.

## Enforcing Sign Ordinances

THE CITY HAS ONLY TWO INSPECTORS TO ENFORCE THE PRESENT ORDINANCES CONTROLLING SIGNS IN JACKSONVILLE. The Building Inspection Division of the City of Jacksonville is responsible for inspecting and enforcing regulations for signs on private property. The division is responsible for policing all on-site proprietary signs advertising the business located on the premises, and off-site outdoor advertising signs for commercial enterprise products.

In Jacksonville, a business owner or the sign company is required to obtain a permit from the Building and Zoning Inspection Division in City Hall for each sign. To obtain a permit, a business owner must submit an application and present three copies of plans with a legal description to the Building and Zoning Inspection Division. A licensed sign company representative must obtain the permit for a portable sign. If the sign is an outdoor advertising sign, the company must show a lease with the owner of the property or show ownership of the property. Engineering plans are required with the permit to show that the sign will meet specific wind strength requirements in the Building Code.

After the permits have been obtained, the city staff

must inspect the sign during construction to ensure that the company adheres to the plans. In addition, inspectors are responsible for checking portable signs. Six month permits for portable signs cost \$20.00. The signs then must be inspected to ensure that they are properly anchored to the ground and that the permit is renewed or the sign is removed after the six month period.

One of Jacksonville's two inspectors works full time in an effort to enforce the sign ordinance regulating the estimated 4,600 mobile signs and the other inspector is required to police all other on and off-site signs. Because of the great number and the high percentage of signs painted or erected without a permit, it is not possible to police them effectively. The Building and Zoning Inspection Division currently does not have adequate resources to inspect ill-maintained signs. Only signs brought to the attention of the Building and Zoning Inspection Division by the public are inspected for maintenance.

Illegal signs abound in Jacksonville. Portable signs are sometimes placed illegally in the street right-of-way and closer than 30 feet to other portable signs. Many signs are dilapidated and unsafe. Some signs do not comply with regulations regarding wiring and resistance to wind. Snipe signs, the small, temporary signs fastened to trees, poles or stakes are illegally placed on the street right-of-way, especially in election years.

## Treatment of On-Site Signs

ON-SITE SIGNS ARE NECESSARY TO IDENTIFY BUSINESSES, BUT THEY CAN BE CONTROLLED FOR AESTHETIC PURPOSES. Citizens make use of on-premise signs daily. For businesses, an effective on-premise sign can build and create an awareness of the business name and an image that attracts or repels future business. In our mobile society shoppers need on-premises signs to identify the product or service and to give directions to entrances and exits, drive-in-windows, etc.

Another type of on-site sign, often neglected by businesses, is one identifying the street number of the business. Shoppers sometimes find it difficult to locate a particular business because no street number is displayed and it is difficult to pick a specific business identification sign out of the clutter.

The difficulty the consumer has in locating businesses is often the reason for a "sign problem". In order to be noticed, businesses that must compete with a clutter of misplaced, oversized and/or garish signs, sometimes build oversized, garish signs that thrust far out and high in the sky. All businesses lose in such a competition. As shoppers search for information among a multitude of competing signs, the message of each one is lost. The businessman therefore pays more for additional larger, flashier signs and receives less from his investment. In addition, the overabundance of signs almost invariably leads to a deterioration of

property values.

When a community passes regulations effectively limiting the size and number of signs, shoppers can actually see more. As a result, the businesses in the community can do a more effective selling job at a lower cost. Additionally, eliminating clutter increases motorist safety and reduces the visual impact of sign clutter.

The value of tight sign controls is exemplified regularly in large scale private developments. Almost all new, large, commercial developments have stringent sign controls for their tenants. These businesses, if properly located, still thrive despite the lack of sign clutter. Many communities have seen the necessity for controlling signs through local ordinances. In recognition of increased community concern for aesthetics, the Planning Department, working with the Mayor's Blue Ribbon Growth Management Task Force and with representatives from local sign companies and concerned citizens, has been developing a new sign ordinance to permit merchants to advertise their establishments or products and also to protect citizen's rights to a visually unpolluted community.

The basic on-site sign provisions of the proposed ordinance include:

- . 25 definitions to describe adequately all types of signs.
- . One square foot of sign will be permitted for each linear foot of street frontage up to a maximum of 300 square

feet. (In other words, a 100-foot lot could have a 100-square-foot sign.)

- . The sign on the face of a building will be restricted to an area equal to 10 percent of the frontage on the street.
- . Signs will be required to be set back from the corner to allow visibility for traffic.
- . Changing message signs will be permitted but flags, banners, animated, flashing or revolving signs and roof signs will be prohibited.
- . Special signs, such as a car suspended over the right-of-way or a hot air balloon, will be prohibited.
- . Lots with over 500 feet street frontage will be permitted to have 2 signs. Smaller lots will be allowed only one free standing sign.
- . Portable signs will not be banned; however, they may not be added as a second sign on a lot which already has a permanent free standing sign.

The Mayor's Blue Ribbon Growth Management Task Force is also encouraging the use of a tagging system for all signs. Signs for which a tag has not been obtained and a permit fee paid could be removed within one year. The yearly fee for the tag would be used to finance additional inspectors to enforce the program. Signs that do not meet the cri-

teria established in the new ordinance could have their economic value amortized over a period of time and eventually be removed.

## **Illegal Signs**

The Planning Department and Task Force have determined that the required permits for a high percentage (estimated as high as 85 percent) of the present signs in Jacksonville were never acquired. An owner must acquire a permit for almost all signs, excluding real estate signs and residential identification name plates, before the sign may be painted or erected in Jacksonville. Because very few painters obtain a permit before painting the signs, the majority of signs in the community are not properly permitted.

City officials have estimated that Jacksonville has approximately 90,000 on-site signs. This estimate is not based on a visual survey but assumes two signs on each of the approximately 46,000 commercial parcels of land in Jacksonville. The city agency charged with inspecting and permitting signs, the Building and Zoning Inspection Division, does not have a verifiable count of signs.

## **Treatment of Off-Site Signs**

SOME BILLBOARDS ARE CONSIDERED USEFUL AS DIRECTIONAL SIGNS TO ASSIST IN FINDING BUSINESSES. HOWEVER, SOME COMMUNITIES HAVE FOUND ALTERNATIVES TO BILLBOARDS IN PROVIDING THESE DIRECTIONAL SIGNS. MOST OTHER BILLBOARDS ARE USED FOR ADVERTISING ALONE.

Most people find billboards identifying the services available at an upcoming intersection on a limited access road to be valuable and time saving for determining whether to exit for gas, food, etc. However, some communities provide adequate information through the use of logo-identification signs along expressways. These signs use the distinctive symbols or logos, for each business situated at an interchange. Instead of allowing billboards, the governmental entity responsible for the road erects signs carrying the logos, clustering them according to type: service stations, food establishments, lodging, etc. The state of Virginia has used these signs extensively to provide directional information for travelers while reducing the proliferation of billboards and highrise gasoline signs.

## **Billboard Advertising Economics**

The total expenditures for advertising in the United States are approximately 2% of the gross national product and are estimated to reach 130 billion dollars by 1988. The bulk of these advertising dollars goes to newspapers and television with radio a distant third. Magazine advertising is the fourth greatest expenditure in the United States and outdoor advertising is fifth.

According to industry sources, erection of the metal structures to hold billboards costs about \$25,000. The base alone costs about \$5,000.00. If necessary, the metal structure can be relocated to

another base. Rent for outdoor billboards ranges from \$1200 to \$1500 per month in high volume areas and from \$400 to \$500 per month in low volume areas. The advertiser also pays for production of the graphic.

Billboards are used primarily for mass market products including cars, tobacco, liquor and restaurants. The message must be brief and clear as the automobile occupant usually has only five seconds to read the sign. Thus, billboard messages are usually kept to six words or less.

It is almost impossible to make an accurate comparison of the cost effectiveness of various forms of advertising. This is partially because of the difficulty in determining the amount of exposure received by any particular medium. However, it is clear that other advertising media are available for the small businessman if restrictions were placed on signs. There are no current studies which show what impact sign restrictions have on local businesses.

## **Controls on Billboards**

COURT CASES HAVE ESTABLISHED THAT A COMMUNITY CAN ELIMINATE BOTH EXISTING AND FUTURE BILLBOARDS. Billboards have been excluded from some states (Hawaii) and many cities for aesthetic reasons. Prohibitions on billboards also have been justified for traffic safety and the preservation of property values.

The billboard industry has countered these arguments with court cases maintaining that total prohibition vio-

lates the First Amendment right of freedom of speech and by contending that the distinction between on-site and off-site signs becomes invalid once the regulation or prohibition of billboards is based solely on aesthetics. Florida Courts, however, have upheld the right of communities to distinguish between on-site and off-site advertising and the right to control signs for aesthetic purposes. In the case of Lamar Advertising Associates of East Florida, Limited v. the City of Daytona Beach the court affirmatively held that in outdoor advertising not adjacent to any Interstate or Federal-Aid Primary Roads, an amortization of ten years was reasonably long enough to be a valid alternative to compensation to the sign owner. The Highway Beautification Act of 1965 requires compensation to owners of billboards located on Interstate or federal-aid primary roads rather than allowing the signs to be amortized.

Most communities that do not attempt outright bans on billboards have imposed partial prohibitions and regulations on the location of signs, setback distance from the roadway, spacing, height, size, clearance from ground, illumination and maintenance.

The Mayor's Blue Ribbon Growth Management Task Force has proposed the following controls on billboards in Jacksonville. First, placement of off-site signs will be restricted. Presently, these signs are required to be 1,000 feet apart on one side of the street. The new proposal requires a distance of at least 2,500 feet be-

tween signs on either side of the street. A 500 foot separation was required before the regulation was changed in 1979 to 1,000 feet; however, in many areas signs are clustered much closer together.

Second, billboard size would be limited to 300 square feet, (e.g. 10x30).

Third, billboards would be allowed only in Commercial

General Districts by zoning exception after a public hearing. Commercial General (CG) is the area that causes most citizen complaints since many of these are located near residential areas. Billboards still would be permitted in most industrial and in commercial intensive areas.

Billboards in Jacksonville already are restricted to a 50 foot height limit.

### Other Off-Site Signs

IN ADDITION TO BILLBOARDS, THERE ARE NUMEROUS OTHER TYPES OF OFF-SITE SIGNS THAT CAN CONTRIBUTE TO VISUAL CLUTTER. Signs can be found

on bus benches, taxi cabs and city buses in Jacksonville. Southern Bell has requested permission to sell advertising on telephone booths.

### BUS BENCH SIGNS

Advertising on bus benches has long been controversial in Jacksonville. The right to advertise on bus benches in the city was sought by two advertising firms in 1958. The City Commission of the old City of Jacksonville entered into contract with these advertising firms after they secured a civic sponsor, the Jacksonville Jaycees. The Jaycees has always considered the Jaycee Public Service Bench Project a community seating service rather than a sign program. They provide approximately 750 benches at bus stops and "other points of pedestrian convenience" in Duval County. In the 26 year history of the bus bench project, the city government has twice called for the removal of all or some of the benches because of violations of the terms of the contract. Each time, the order for removal was ignored and the politically active Jaycees lobbied successfully to have the ordinance revised to allow the bus benches to remain.

The bus bench signs in different sections of the county are controlled by two separate ordinances. Bus benches in the pre-consolidation City of Jacksonville are allowed in perpetuity by the original 1959 legislation. Bus bench advertising is permitted in the previously unincorporated areas of Duval County through a separate ordinance that must be renewed every five years. This ordinance was last renewed in 1984.

About half of the 750 bus benches in this program carry advertising. Renting at \$18.00 to \$22.00 per month, the benches generate approximately \$90,000 per year. The city benefits only through the use of benches by its citizens. The Jaycees receive approximately \$8,200 per year in direct financial support and additional free advertising on unleased benches from the advertising company, Metropolitan Systems, Inc. Some benches are destroyed each year and must be replaced at a cost of about \$300.00 each.

The president of the Jaycees has indicated that, as the focus of the project is community seating, if a suitable community seating arrangement could be developed independent of commercial messages, the Jacksonville Jaycees would not be averse to removing the signs from their benches. They also would hope that they could replace the lost revenues which provide them with funding for other community projects. However, the original legislation controlling bus bench signs in the pre-consolidated city limits provides that "so long as the company performs as set forth in the above conditions, then such rights and privileges shall be automatically renewed for similar periods." Thus, the company and not the Jaycees has the privilege of perpetually maintaining and receiving revenues from these signs.

Continued



### (Bus Benches continued)

The Jaycees Public Service Bench committee annually checks the benches to ensure proper placement and maintenance. However, it relies on Metropolitan Systems, Inc. to enforce the placement criteria in the bus bench ordinances and to respond to citizen complaints (the primary method of determining the adherence to the contract). Many of the benches violate the criteria outlined in the contracts by placement at an angle greater than 30 degrees to the curb, less than 18

inches from the curb and by placement in public parks. In addition, some benches are placed on private property without approval of the landowners and many benches obstruct the sidewalk. The contracts allow benches in "areas of public convenience or necessity", but many are apparently placed only for convenience in attracting advertising.

Bus bench signs are the primary method by which commercial advertising can be extended into the residential areas. Although the bus bench sign is only twelve square feet, the advertisers often utilize bright colors and flashy graphics in order to attract attention.

Many other cities, realizing the need for benches and the adverse impact of advertising on the visual environment, have found other ways to finance bus benches. Some bus benches are financed by city funds. Other communities have obtained aid from the State Department of Transpor-

tation. In some communities, civic associations and garden clubs have solicited funds from merchants in areas where benches are needed and supplied benches without advertising. Benches also have been provided in lieu of flowers as memorials for loved ones.

The city does not regulate some other types of advertising, such as that on taxi cabs and buses. Some communities do not allow this type of advertising. The Jacksonville Transportation Authority receives considerable revenue from advertising on buses.

## Visual Appearance Constituency

JACKSONVILLE HAS NO LARGE, VOCAL CONSTITUENCY THAT ACTIVELY WORKS FOR THE PASSAGE OF LEGISLATION TO PROTECT AND ENHANCE THE VISUAL ENVIRONMENT.

It may be politically difficult for Jacksonville to pass ordinances strong enough to control the visual environment. Historically, city leadership has been very slow to adopt such legislation and reluctant to enforce it when established.

In 1974, the City passed a bill requiring all signs

overhanging the public right of way to be removed within 10 years, a period of time allowed to amortize the overhanging signs existing in 1974. In 1984, when all these signs were to have been removed, opposition by a few sign users led to amendments of the ordinance to allow the signs to remain indefinitely.

The City Council, as an elected body, is often responsive to the most vocal group working to influence legislation. In the case of the overhanging signs, sign owners were the most vocal group. Few citizens

were concerned enough about the visual impact to appear before the council to oppose the signs. In 1984, when a bill was introduced to ban portable signs in the city, a similar lack of vocal support by citizens concerned about the visual impact of these signs contributed to the defeat of the bill.

## Code Enforcement Board

CODE ENFORCEMENT BOARDS AUTHORIZED TO LEVY FINES FOR CODE VIOLATORS HAVE BEEN AN EFFECTIVE ALTERNATIVE TO THE EXPENSIVE AND TIME CONSUMING PROCESS OF TAKING ALL CODE VIOLATORS THROUGH THE COURT SYSTEM.

A major difficulty in the enforcement of ordinances controlling the visual environment is the requirement of taking the violator to court to force compliance. For example, a violator of a sign code is unlikely to be successfully prosecuted because the Building and Zoning Inspection Division must compile data to establish a case and take the information to the State Attorney's office. The State Attorney's office would first summon the violator to a non-court hearing in an effort to obtain compliance. Otherwise, the State Attorney's office must prepare a case and take the violator to court.

In recognition of this problem, state statutes were amended to allow for a quasi-judicial code enforcement board. This is a lay board, appointed by the governing body, with the authority to levy fines for violations of the technical codes. If the fines are not

paid, the board has the authority to place a lien against property and eventually to foreclose on the property through the court system.

Code enforcement boards, which have been in use in various communities throughout Florida for the last five years, have been very successful in obtaining compliance with the codes without requiring the levying of fines. Statistics show that 97% of the cited violators come into compliance with the codes.

## "Grandfathering-In"

MUCH OF THE VISUAL BLIGHT IN THE CITY IS ALLOWED TO REMAIN BECAUSE IT WAS IN PLACE PRIOR TO THE ESTABLISHMENT OF REGULATIONS.

The process of allowing non-conformance to continue because it was lawful when originally established is called "grandfathering-in". There is a substantial body of law requiring just compensation for the elimination of lawful uses of private property. Even though a practice may no longer be permitted in an area, the fact that it was established lawfully allows the owner to continue use or to obtain just compensation before it is removed.

In many cases, just compensation can be made through amortization rather than a direct payment. For example, many communities have determined that a two to ten year payback period is sufficient for the owner of a sign to amortize his initial investment. Thus, communities desiring to eliminate signs often have allowed a two to ten year period from the date of the ordinance before requiring the removal of all non-conforming signs.

In other cases, the original cost of the sign is used to determine the length of time for which the sign should be allowed to remain in order to amortize the owner's investment.

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## CONCLUSIONS

Conclusions express the value judgments of the committee, based on the findings.

### Policy

1. Jacksonville has a serious problem with visual pollution. The city lags behind a number of Florida communities in determinedly addressing the sources of man-made, visual pollution.
2. Jacksonville as a community has not, until recently, expressed serious concern over the aesthetic environment and its effect in attracting or deterring desirable economic growth.
3. Jacksonville has the right, established in a number of court cases, to control visual pollution within the city, but there has been a weak commitment on the part of public officials.
4. Certain special interest groups (such as land developers and sign companies) which are well organized with strong lobbies, tend to perpetuate visual pollution in the pursuit of their eco-

nomic interests. Because of the past absence of a vocal citizen constituency, city officials have responded to these special interest groups.

### Signs

5. Jacksonville's predominant (but not sole) source of visual pollution is signs. The proliferating signs are often illegally placed and unsafe. The worst polluters of the visual environment, particularly when located in or adjacent to residential neighborhoods, are:
  - mobile or portable signs
  - billboards (off site signs)
  - political and other "snipe" signs
  - bus bench signs
  - oversized and excessive numbers of on-site signs

6. The reasons for Jacksonville's sign pollution problem include:

- inadequate sign control in Jacksonville's ordinance code
- a lack of commitment by elected officials and city staff to reducing visual blight
- inadequate numbers of people trained to enforce existing sign regulations

7. The city's bus bench agreements are ill-advised and contribute greatly to visual blight, particularly in residential areas where signs are not generally permitted. Furthermore, many are placed in contravention to contract terms, in parks or in areas where signs are otherwise prohibited, or interfere with motorists' unobstructed view at intersections or partially block public sidewalks or rights-of-ways. Bus benches without advertising can be unobtrusive and convenient to waiting bus riders or pedestrians.

8. As other communities have demonstrated, the physical and visual environment can be enhanced by controlling signage without preventing businesses from informing the public of their location and services.

### **Landscape and Tree Ordinances**

9. The landscape ordinance, a good first step in improving the visual environment, is not adequately enforced. The city does not review landscaping plans sufficiently, nor is there a mechanism for follow-up inspection. In addition, the ordinance fails to address landscaping on existing projects or on improvements, such as paving over a vacant lot, which do not require a building permit.

10. The tree ordinance is not sufficiently comprehensive; it does not protect trees in the interior of lots, nor does it recognize pines or palms as trees to be preserved.

### **"Grandfathering-in"**

11. Existing legislation or the actions of public officials "grandfathers-in" forever many of the non-conforming sources of Jacksonville's visual pollution. Amortization programs can allow owners a reasonable economic return while providing for the eventual elimination of the blight.

### **Open Space**

12. Little or no attention has been given to the long term preservation of open green spaces, the loss of which detracts from Jacksonville's visual image. A financial commitment from city officials and a change in policies are needed to implement plans for large, passive park lands or to provide for maintenance of public green spaces.

### **Streets and Highways**

13. The philosophy and recent practice of the Traffic Engineering Division to encourage the elimination of median strips and other green areas along streets and highways is destructive to the city's visual image.

### **Overhead Utilities**

14. Overhead wires contribute to visual pollution. Total and immediate conversion of remaining overhead facilities to underground is not economically feasible, but piecemeal change-over is a practical alternative.

### **Enforcement Capability**

15. The numbers of personnel assigned to enforcing existing sign regulations and other visual pollution regulations are inadequate.

16. A number of city regulations are not adequately enforced and thereby contribute to visual pollution. Inadequately enforced regulations include those controlling junk yards, automobile repair facilities, commercial activities on public rights-of-way, or abandoned property.

## Other Issues

17. The areas outside of the city core lack a coordinated beautification program such as that working in the downtown area.
18. Jacksonville lacks any type of archi-

tectural review, historic preservation ordinance or programs for public art as found in other communities.

19. Jacksonville's trash-abatement program is a step in improving the visual environment.

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## RECOMMENDATIONS

Recommendations are the committee's specific suggestions for change, based on the findings and conclusions. The JCCI recommends that:

1. Neighborhood groups, civic organizations and other parties interested in the visual environment organize, coordinate and maintain efforts to provide a unified voice to elected officials.
2. To ensure the continued visual enhancement of the city and the enforcement of ordinance code relating to visual pollution, the Mayor provide an advocate for beautification, qualified in urban design issues, in the Planning Department or other appropriate body.
3. The Mayor and City Council adopt the sign ordinance recommendations of the Mayor's Blue Ribbon Growth Management Task Force.
4. The new sign ordinance include the following provisions, many of which are recommended by the Mayor's Task Force.
  - . Control the spacing, size, number, and set-back of all on-site signs. Parking spaces established in accordance with building/zoning minimum requirements are not to be occupied by signs or other advertising devices.
  - . Prohibit all off-site signs (billboards) in Commercial General (CG) and Open Rural (OR) zoning classifications.
  - . Require a minimum 2,500-foot spacing between all off-site signs.
  - . Establish an amortization period of not more than five years to bring all signs into conformance.
  - . Prohibit advertising devices, such as tethered balloons, pennants, streamers, flashing lights, sandwich boards, T-frames, snipe signs (small, temporary, e.g. political signs) etc., not specifically permitted under the ordinance.
  - . Limit the maximum size of any sign to 300 square feet, except for identification at the top of tall buildings for which a special permit may be granted after prior city approval of the design, construction, and placement.
  - . Establish the permit-tag system with regular fees sufficient to fund the permitting process, inspection and enforcement, and the cost to the city of the removal of illegal signs or advertising devices.
  - . Promptly remove all signs projecting onto or over public right-of-ways.
  - . Designate, from time to time, scenic drives or corridors in which no off-site signs will be permitted and more stringent on-site controls may be established.
5. The Mayor strengthen the enforcement policies and capability of the Building and Zoning Inspection Division, including additional personnel, to enable it to enforce the ordinance code provisions related to visual pollution (i.e. signs, junkyards, landscape, trees, etc.).

6. The city's right to exclude advertising bus benches from the downtown core be extended city-wide. The JTA and the Planning Department develop alternatives to existing programs for placement of bus benches throughout the city of Jacksonville.
7. The Duval Delegation work to eliminate the authorization of billboard companies to remove trees on public rights-of-way adjacent to billboards.
8. Jacksonville's congressional representatives work to amend the Highway Beautification Act to allow for an amortization period as an alternative to cash compensation for removal of billboards on interstate highways and federal primary aid highways.
9. All private businesses display street number identification signs in a prominent place to aid shoppers and to reduce the need for additional signs.
10. The city and local sign companies jointly sponsor a scrap-old-signs program to remove abandoned signs.
11. The Landscape Ordinance Code be amended to:
  - . ensure that interior landscaping be distributed so as to break up the expanse of pavement in parking lots.
  - . apply to construction which does not currently require a building permit, such as paving an existing vacant lot.
  - . be made applicable to substantial expansions of existing businesses, such as those in which the square footage of the new construction is at least 50% of the original building size or where the cost of new construction is at least 50% of the original building cost.
  - . require landscape plans to be properly reviewed by trained personnel and enforced through follow-up inspections, similar to those required for plumbing and electrical requirements.
12. Jacksonville's tree protection ordinance be revised to provide protection to the palms and pines and to extend protection to larger trees (over 18 inches in diameter) throughout the lot.
13. The Jacksonville Transportation Authority, Florida Department of Transportation, City Council and Mayor:
  - . Adopt and implement plans for landscaping Jacksonville's streets and highways, particularly its expressway system.
  - . Provide grassed rather than asphalt medians when possible.
  - . Increase capabilities for maintenance of street landscaping.
  - . Support the efforts of organizations such as Greenscape and The Greater Mandarin Civic Coalition to provide street landscaping.
14. The Mayor and City Council establish a Code Enforcement Board, as authorized by State Statutes, to provide a more efficient method of enforcing the ordinance codes related to visual pollution (i.e. signs, landscaping, junkyards, abandoned buildings, etc.).
15. The city acquire undeveloped land for passive parks and greenspaces. A program should be established to encourage the donation of real property to the city for use as parks or greenspaces. The city should work to fund the implementation of the 2005 plans recommendations for a stream valley park system.
16. The Mayor and City Council establish programs of architectural review and public art for all public buildings and an historic preservation ordinance.
17. The Planning Department site plan review be expanded to require review of site plans for all commercial property similar to present requirements for multi-family housing.
18. The JEA develop long term plans to convert to underground utilities, beginning in high visibility, high impact areas such as neighborhood shopping districts.

## RESOURCE PERSONS TO THE COMMITTEE

The JCCI process relies upon information supplied by knowledgeable resource persons in addition to published reference materials. We wish to thank the following resource persons for meeting with the committee and making very valuable contributions to this report.

Tracey Arpen, Jr., Attorney, Marks, Gray, Conroy & Gibbs

Dick Basford, Associate Managing Director, System Engineering and Operations, Jacksonville Electric Authority

Bob Baughman, Horticulturist, Jacksonville Recreation Department

Forrest Boone, Jacksonville City Council, District III

Marvin Boutwell, Division Chief, Building and Zoning Inspection Division, Jacksonville Department of Public Works

Norman Bowman, Director of Community Development, Gainesville, FL

Matthew Carlucci, Mandarin Beautification Project of Mandarin Civic Coalition

William Cook, President, William Cook Advertising

Bill Cox, Director of Corporate Development, Naegele Outdoor Advertising

Myrtice Craig, Downtown Development Authority

Laura D'Alisera, Chief of Planning, Research and Grants, Jacksonville Recreation Department

Joyce Dyro, Executive Coordinator, Keep Jacksonville Beautiful

Carl Feiss, FAIA, AICP, Planning and Urban Conservation Consultant

Susan Fisher, Greenscape

Gifford Grange, Jacksonville City Council, District IV

Preston Haskell, President, The Haskell Company

Mary Ann Lederhaus, Associate Professor Marketing, UNF

Pete Liane, President, Jacksonville Jaycees

Terry McGowan, Real Estate Representative, 3-M, National Advertising Company

Henry Mock, Division Chief, Traffic Engineering Division, Jacksonville Department of Public Works

W. Ray Newton, Director of Planning, Jacksonville Planning Department

Joe M. Pepe, immediate past President, The North Florida Builders Association; President, JOPEP Construction

Bob Stone, Media Planner, William Cook Advertising

Chuck Swearingen, Vice President, Jacksonville Jaycees

## Resource Persons Continued

Pat Thornton, Chairman, Aesthetic and Growth Management Committee, Mayor's Blue Ribbon Growth Management Task Force

James G. Vaughan, Jr., Executive Vice President, Jacksonville Chamber of Commerce

Ron Watson, Deputy Director, Recreation and Parks Division, Jacksonville Recreation Department

Mike Wedner, Attorney, City of Jacksonville General Counsel's Office

Roger Williams, President, Quality Neon Sign Company

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## REFERENCES

American Planning Association. Billboards. Chicago, Illinois: Planning Advisory Service (May, 1980).

American Planning Association. Regulating Portable Signs. Chicago, Illinois: Planning Advisory Service (April, 1979).

Anderson, Raymond T. The Economic Values of On-Premise Signs. Alexandria, Virginia: National Electric Sign Association (1983).

Arlington Redevelopment Board. Sign Sense: Arlington, Massachusetts. Arlington, Massachusetts: Arlington Department of Planning and Community Development (June, 1977).

Berman v. Parker, 348 US 26, 75 S Ct 98, 99 L Ed 27 (1954).

California Roadside Council. Signs in California. Sacramento, California.

City Council of Los Angeles v. Taxpayers for Vincent, 104 S Ct 2118 (1984).

City of Lake Wales v. Lamar Advertising Association of Lakeland, Florida, 414 So. 2d 1030 (Fla. 1982).

Coalition for Scenic Beauty. Several published and unpublished documents. Media, Pennsylvania.

Floyd, Charles F. "Billboard Control Under the Highway Beautification Act - A Failure of Land Use Controls." APA Journal; Chicago, Illinois (April, 1979).

Jacksonville Area Planning Board. 2005 Comprehensive Plan--City of Jacksonville. Jacksonville, Florida (June, 1979).

Lamar Advertising Associates of East Florida, Limited v. City of Daytona Beach, 450 So. 2d 1145 (Fla. 5th DCA 1984).

Mayor's Blue Ribbon Growth Management Task Force. "Aesthetics and Growth Management Committee Report," Jacksonville, Florida (April, 1985).

McMahon, Edward T. "Opinion: How to Combat Billboard Blight." Washington, D.C.; Place, November 1984, Volume 4, Number 10, pp. 8-10.

Morris, Philip. Southern Living, Birmingham, Alabama; Numerous articles on improving community appearance.

So, Frank S.; Stallman, Israel; Beal, Frank; and Arnold, David S. The Practice of Local Government Planning. Washington D.C.: International City Management Association (1979).

## COMMITTEE MEMBERSHIP AND WORK

The Committee met weekly from November, 1984 through April 5, 1985 for a total of 22 meetings. In addition, the Management Team met numerous times to guide the study. The committee received information from 29 knowledgeable resource persons and additional written materials researched by JCCI staff. The Conclusions and Recommendations were discussed in March and April.

### Chairman: Douglas J. Milne

Tracey Arpen, Jr., Management Team  
 Joyce Bizot, Management Team  
 Hank Haynes, Management Team  
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## JCCI STAFF

Marian Chambers, Executive Director

PROFESSIONAL: \* John L. Hamilton  
 Carole Varney

SUPPORT: Marcia Whaley  
 \* Jane Gerald

\*Responsible for this study.

### Studies

### PREVIOUS STUDIES

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\*Copies no longer available for distribution



# THE JACKSONVILLE COMMUNITY COUNCIL, INC.

The Jacksonville Community Council, Inc. (JCCI) was formed to anticipate, identify and address the complex issues of urban life. JCCI is a community-based nonpartisan, nonprofit organization providing the vehicle for in-depth, objective, citizen analysis of community problems and issues. It seeks broader community awareness and understanding of the issues and provides Jacksonville a diverse citizen forum reaching across the traditional dividing lines of a complex and diverse urban community.

The primary goal of JCCI is a better quality of life in Jacksonville through positive change. It has an impressive record for the quality, objectivity, clarity, and practicality of its studies of community problems, and its advocacy for the solutions it develops. Jacksonville has experienced the benefits of numerous improvements growing from these citizen studies. Through its support of the Human Services Coalition, and work for the United Way, JCCI promotes the planning and coordination of human services.

JCCI is founded on a deep faith in the ability of citizens to set aside their differences and join together to learn and reason about problems of mutual concern. Its growth and success offer renewed hope for this basic democratic concept as a means of addressing the complex issues of modern urban communities.

JCCI receives funding from the United Way of Jacksonville, the City of Jacksonville, corporations, and individual members.

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