

Beauty is Good for Business: How the City of Clearwater tackled its signage and won

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CLEARWATER – Tourists visiting this city on Florida's west coast typically use Gulf-to-Bay Boulevard, a six-lane commercial thoroughfare, to reach Clearwater's most famous destination, its sugar-sand beach. The street's purpose is clear: to funnel traffic to the beach and to serve tourists' and residents' needs for hotels, restaurants, gas stations and stores.

Thirty years ago, it was no scenic gateway. Big on-premise business signs as well as billboards – 49 of them along a four-mile stretch – dominated the skyline. Portable signs with flashing lights and misspelled words flashed messages at motorists. And there was virtually nothing green to soften barren expanses of asphalt.

Today, though, visitors gazing down Gulf-to-Bay see a much-improved vista. The skyline features oak trees and palms, with comparatively unobtrusive business signs below them. And this fall, 30 years after the city passed a sign ordinance so tough that it affected virtually every business property in the city and led to years-long legal battles, the last of those 49 billboards finally will come down.

Clearwater eventually would spend more than \$1 million defending its right to improve the aesthetics of its commercial thoroughfares. Unlike many U.S. cities that abandon their sign-control efforts when they are threatened with lengthy litigation, Clearwater dug in for the long haul.

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“I think we should leave this alone. Who needs the aggravation?” a former Clearwater mayor said at one of the first public hearings on the proposed new sign code in 1985.

It was clear that some aggravation lay ahead. The proposed code tied the size of signs to zoning categories, and even the biggest signs in the city could be no more than 192 square feet and 24 feet tall. Business owners claimed that 90 percent of the on-premise signs in Clearwater would violate the code. And billboards, which then were typically 400 square feet and more than 30 feet tall, would essentially be outlawed. The code would give sign owners seven years – what's known as an amortization period – to recoup their investments and replace or remove their signs.

Attorneys representing billboard companies, sign manufacturers and commercial property owners were present at every public hearing. They painted the city's proposal as an unfair taking of property and warned that other cities had spent thousands of dollars in legal fees trying to defend similar ordinances.

Furious business owners were organizing to fight the ordinance, raising the specter of political consequences for the elected city commissioners. Owners said they might have to close their businesses because of the high cost of replacing their signs. They predicted unemployment would go up. In a letter to the editor, one opponent even called the proposed sign ordinance “the beginning of annihilation of the American way of life.”

Determined commissioners approved the ordinance; non-conforming signs would have to come down by 1992. But in a last-minute twist, they exempted billboards along Gulf-to-Bay Boulevard after a billboard industry lawyer told them Gulf-to-Bay was a federal-aid primary road and its billboards were protected by a federal law. The commission's split vote for the exemption started a bitter battle over billboards that wouldn't conclude for 30 years.

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The man visiting from pastoral Minnesota saw little to love as he drove along U.S. 19 in Clearwater. The congested highway lacked sidewalks and landscaping and was bordered by unattractive low-budget motels and low-end retail. But what bothered Bill Jonson most was the forest – not of trees, but of signs. Big billboards lined the road. Multiple business signs on each property competed for drivers' attention. Portable sign trailers parked alongside the highway advertised merchandise and sale prices.

“Gee, this place looks kinda tacky,” thought Jonson, who was in Clearwater that day in 1984 for a job interview. “Do we really want to live here?”

Jonson got the job and moved his wife and children to Clearwater. He soon found he wasn't alone in lamenting that the natural semi-tropical beauty of Clearwater was marred by a jungle of ugly signs along its commercial streets. City officials already were writing a new land development code that would include significant landscaping requirements and a strict sign ordinance.

Though a newcomer, Jonson went to some of the public hearings and began learning about sign laws, including the federal Highway Beautification Act passed by Congress in 1965. The law required states to regulate billboards along interstate highways and federal-aid primary roads or face a cut in their federal highway funding. But buried in the law was a gift for the billboard industry: Owners of billboards along those federal roads had to be paid “just compensation” if their billboards were regulated out of existence. Owners claimed they were owed not just the value of the sign structures, but also the revenue the billboards would have brought in over time. Few communities could afford that, so they commonly exempted billboards on federal-aid primary roads and interstates from any ban.

It was fear of having to shell out cash that led three of the five Clearwater city commissioners to vote to exempt billboards on Gulf-to-Bay from the 1985 sign ordinance. But Jonson and a friend he made at the public hearings, William Zinzow, believed city officials had been misinformed when they were told Gulf-to-Bay was a federal-aid primary road. They and some other like-minded residents couldn't stand that the city's primary gateway for tourists would continue to be dominated by billboards. Soon, they figured out a way to do something about it.

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Jonson hadn't started out as a billboard opponent. He just believed Clearwater could be a more attractive place to live. But Gulf-to-Bay bothered him. He took striking photographs of sign clutter around the city and showed them to his Lion's Club, which decided to support removal of the Gulf-to-Bay billboards. So Jonson showed the photos to other groups. Eventually, he and Zinzow showed them to the City Commission, asking commissioners to remove the exemption for Gulf-to-Bay -- which, in fact, was not a federal-aid primary road at the time.

A majority of commissioners declined, but after the vote, Jonson got a call from City Commissioner Lee Regulski, who told him that a successful citizen petition drive would force

the commission to either ban the billboards or put the issue to a public vote.

“So, we got serious,” Jonson said.

A handful of residents formed Citizens for a Better Clearwater, with Jonson as president, and set out to get the signatures of 10 percent of the city's registered voters. Local planners helped Jonson write the petition. William Brinton, a Jacksonville attorney embroiled in a similar billboard battle in that city, advised Jonson on how and where to collect signatures. Media giant 3M, which owned billboards in Clearwater, sued to invalidate the petition drive, but failed in court.

In January 1989, with almost 6,000 validated signatures on their desks, city commissioners approved a seven-year amortization schedule for Gulf-to-Bay billboards.

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This year Clearwater celebrates its centennial, and this year, the last billboard on Gulf-to-Bay Boulevard will come down, though the amortization period ended in 1996. There are lots of reasons it took so long. Property owners dallied. Sign companies sued. Sometimes, the city tried patience rather than aggressive enforcement.

In 1992 when the first amortization period expired, more than 1,000 illegal signs remained. “Amortization had touched almost every business in the city, and most of them in a big way,” said John Richter, a city planner who had helped write the code and in 1992 became the city's code enforcement manager. He bolstered the code enforcement team with temporary workers, trained them and sent them out to enforce the sign code. “We wanted to show that we meant business,” Richter said, but it took two more years to complete the scheduled 1992 removals.

Clearwater's code was challenged in state and federal court several times, leading to years-long battles, delayed removals and legal settlements:

- Portable sign companies sued in 1987 hoping to bring down the entire sign code. The litigants pursued the case all the way to the U.S. Supreme Court, but the ordinance was upheld.
- Patrick Media Group, which owned more than 30 billboards in the city, sued in 1993. After five years of court battles, Patrick, by then known as Eller Media Co., agreed to remove 21 billboards in exchange for being allowed to erect advertising on bus shelters.
- National Advertising Co. sued in 2000, claiming the city's code was unconstitutional, was an unjust taking without compensation, was a violation of free speech and should be voided. Six years later, National dropped the lawsuit and agreed to take down its five billboards under a phased schedule that ends this November.

City officials never wavered in their determination, said City Attorney Pam Akin, even hiring expert litigators to bolster the work of its small city legal staff. Among them was William Brinton, the Jacksonville attorney seasoned by billboard battles in his own city and today one of the nation's top experts on billboard litigation.

Brinton says that few local governments around the country have shown the “spine” Clearwater has in defending its right to improve aesthetics, even as elections changed the faces in City Hall.

“To have the history Clearwater has is relatively unique in the United States. Cities ... eventually lose in the face of relentless lobbying of new officials,” he said. “There's no city I've worked

with that has had such a determined effort to continuously improve its beauty. Clearwater understands that beauty is good for business.”

Regulski, the former city commissioner who helped Jonson start the citizen initiative in the 1980s, is pleased with the result. “I’ve traveled enough to see how bad uncontrolled advertising can get to be, and I’m satisfied we did the right thing,” he said. “Business growth has not been hurt. Business moves to where the market is, not whether billboards are allowed.”

Jonson, who serves on the national board of Scenic America and continues to pursue local and state signage issues with what one billboard company official once called “religious zeal,” says cities need to be vigilant about their appearance.

“A clean, attractive city is good for businesses and good for residents. It’s good for the mind and the spirit,” he said. “Cities would do well to decide what their aesthetic standards are. And they would do well to maintain a vision for the future.”