



## Miami awaits for judgment to remove final giant billboard

By GENEVIEVE BOWEN

After striking down an ordinance that allowed extra-large LED billboards to rise in downtown Miami, the city is waiting for a declaratory judgment to take down one last sign.

In a 4-1 vote on May 23, city commissioners rolled back a January 2023 resolution that allowed for 100-foot-tall, illuminated, multi-faced signs up to 1,080 square feet at an expanded list of locations including the Adrienne Arsht Center and the Pérez Art Museum Miami (PAMM). The commission also directed the city attorney to request a declaratory judgment regarding the city's contract with PAMM, which received a permit for a sign under the old legislation.

The new outdoor advertising ordinance amended the list of authorized sites, removing the Arsht Center and PAMM. Commissioner Damian Pardo, who represents the primarily affected area, sponsored the legislation to rescind the broader billboard ordinance that residents say disrupted

their quality of life and marred the aesthetic of Miami's downtown neighborhoods.

"Those giant billboards are done. The ones for the Arsht can't happen; it's been struck down. The one at PAMM, from the state perspective, everybody's being vigilant to make sure they're conforming with the state requirements, but the state itself isn't very clear," Mr. Pardo told Miami Today.

Under the city's current outdoor advertising laws, the PAMM sign is a 'non-conforming use.' However, since it sits just off I-395, questions remain about its permissibility under the Florida statute on outdoor advertising.

"The state sent a letter of concern to the PAMM about a Loews advertisement that they had, and now the museum has 30 days to respond, I believe, on Aug. 22. They're waiting for the response from PAMM to their letter of concern. So, we're waiting to see what PAMM responds about that specific advertising," Mr. Pardo said.

State Rep. Vicki Lopez, repre-



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**Damian Pardo**

senting District 113 and downtown Miami, spoke before the commission May 23 to address growing concern about digital signs in the urban core. She detailed the relationship between

the city's sign ordinance and the state's outdoor advertising statute.

"The permitting exemption will apply as long as any commercial advertisement to be displayed is for the business conducted or products, services, brands, activities, foods and beverages available to purchase at retail shop, gift shop, restaurant, self-service-to-commerce kiosk, both or other methods of sales or sales inquiry," she said.

She provided examples since there has been confusion on what types of advertisements are and aren't allowed. "If Coke is sold in the restaurant, they may advertise Coca-Cola on the sign. If it sells Chanel products in the gift shop, it may advertise Chanel. And since I tried to use the example of Mercedes-Benz, I just learned from FDOT (the Florida Department of Transportation) that there is a kiosk in the Kaseya Center that allows you to purchase a Mercedes-Benz. So, if that is the case on this property, it can also advertise Mercedes-Benz," she said. "This is the extent of the state's jurisdiction over the sign in

question. What FDOT can and will do is investigate all complaints regarding the sign's compliance with the permitting exemptions and if found to have merit, will enforce the statutory provisions."

If the state finds the Loews advertisement violates the permitting exemption, the city will have sole jurisdiction over the sign. Then, Mr. Pardo said, the legal pathway to removing the PAMM sign is through the lease with the city.

"Now, the best path for this to be taken down is with the City of Miami under its lease. The city filed a motion, a declaratory action before a judge to decide whether it can come down or stay up," he said.

He added that the law firm representing the museum met with the city to see if there was wiggle room without bringing the sign down.

"The attorney's office said it wants to go before a judge and see what they say about taking it down," he said. "So, the City of Miami is still moving for taking that sign down."