

R5 X AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," DIVISION 6, ENTITLED "PROHIBITED SIGNS OVER PUBLIC PROPERTY," SECTION 82-411 THEREOF, ENTITLED "PROHIBITED SIGNS GENERALLY; EXEMPTIONS; BANNERS; REMOVAL," TO UPDATE REFERENCES TO THE LAND DEVELOPMENT REGULATIONS AND TO MODIFY THE REQUIREMENTS FOR THE AFFIXATION OF LIGHT POLE BANNERS ON LIGHT POLES OR OTHER SIMILAR STRUCTURES ON THE PUBLIC RIGHT-OF-WAY IN THE CITY OF MIAMI BEACH; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: May 20, 2026 10:37 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," DIVISION 6, ENTITLED "PROHIBITED SIGNS OVER PUBLIC PROPERTY," SECTION 82-411 THEREOF, ENTITLED "PROHIBITED SIGNS GENERALLY; EXEMPTIONS; BANNERS; REMOVAL," TO UPDATE REFERENCES TO THE LAND DEVELOPMENT REGULATIONS AND TO MODIFY THE REQUIREMENTS FOR THE AFFIXATION OF LIGHT POLE BANNERS ON LIGHT POLES OR OTHER SIMILAR STRUCTURES ON THE PUBLIC RIGHT-OF-WAY IN THE CITY OF MIAMI BEACH; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

The attached Ordinance is presented by the sponsor, Commissioner Alex J. Fernandez, for consideration by the Mayor and City Commission at First Reading.

Chapter 82, Article IV of the City Code, Section 82-411 thereof, entitled "Prohibited Signs Generally; Exemptions; Banners; Removal," regulates the placement of signs on or across a public street or right-of-way. Currently, Section 82-411 permits banners to be installed on public rights-of-way that are approved by the City Manager or designee for a special event taking place in the City of Miami Beach ("City"), or upon approval of the Mayor and City Commission for an event taking place outside of the City. Banners are not currently permitted to be installed if they are not related to a special event.

ANALYSIS

The attached Ordinance amends Section 82-411 to update obsolete references to the Land Development Regulations and to modify the types of banners which may be affixed to light poles and similar structures in City rights-of-way. Specifically, the Ordinance permits the installation of banners depicting (i) nationally or internationally recognized symbols of cultural diversity, (ii) a national flag or the flag of any political subdivision of the United States, or (iii) a flag of a foreign country, upon approval of the Mayor and City Commission. These banners need not be associated with a special event.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

**Is this a “Residents Right to Know” item,
pursuant to City Code Section 2-17?**

No

**Is this item related to a G.O. Bond
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,
includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Condensed Title

10:37 a.m. 1st Rdg, Requirements for Approval of Light Pole Banners. (Fernandez) CA

Previous Action (For City Clerk Use Only)

Continued from 4/22/2026 - R5 Q

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," DIVISION 6, ENTITLED "PROHIBITED SIGNS OVER PUBLIC PROPERTY," SECTION 82-411 THEREOF, ENTITLED "PROHIBITED SIGNS GENERALLY; EXEMPTIONS; BANNERS; REMOVAL," TO UPDATE REFERENCES TO THE LAND DEVELOPMENT REGULATIONS AND TO MODIFY THE REQUIREMENTS FOR THE AFFIXATION OF LIGHT POLE BANNERS ON LIGHT POLES OR OTHER SIMILAR STRUCTURES ON THE PUBLIC RIGHT-OF-WAY IN THE CITY OF MIAMI BEACH; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach ("City") regulates the placement of banners, flags, and other displays on light poles and other similar structures on the public right-of-way in the City in order to enhance the public health, safety, and welfare; and

WHEREAS, Section 82-411(d) of the City Code of Ordinances sets forth the requirements for the affixation of light pole banners; and

WHEREAS, presently, the Code of Ordinances permits banners to be affixed to light poles and structures in the right-of-way following (1) administrative review and approval of the City Manager, if the banners are advertising events which are taking place in the City; or (2) a 4/7ths affirmative vote of the Mayor and City Commission, if the events are taking place outside the City; and

WHEREAS, the Mayor and City Commission desire to permit additional types of banners to be affixed to light poles and other structures in City rights-of-way upon an affirmative vote of the City Commission.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Section 82-411 of Chapter 82 of the Miami Beach City Code is hereby amended as follows:

**CHAPTER 82
PUBLIC PROPERTY**

* * *

ARTICLE IV. USES IN PUBLIC RIGHTS-OF-WAY

* * *

DIVISION 6. PROHIBITED SIGNS OVER PUBLIC PROPERTY

* * *

Subdivision II. Permit

* * *

Sec. 82-411. Prohibited signs generally; exemptions; banners; removal.

- (a) Except as provided in this chapter or by city ordinance, by statutes or by county ordinance, no sign of any character shall be suspended across any public street, alley or waterway; nor shall any sign of any description be posted or painted on or applied to any curb, sidewalk, tree, light standard, utility pole, hydrant, bridge, wall, or any structure, other than an awning, which is within the property lines of any street, alley or waterway within the city. The following signs shall be exempt from this requirement:
- (1) Official traffic signs, information signs and warning signs erected by a governmental agency and temporary signs indicating danger.
 - (2) Temporary special public event directional signs approved pursuant to article IV of this chapter.
 - (3) Historical markers approved by the historic preservation board.
 - (4) Light pole banners as provided for in subsection 82-411(d).
 - (5) Flags and flagpoles as provided in subsection section 6.2.9 of the land development regulations 138-72(b).
 - (6) Temporary business signs. Business signs identifying a particular establishment may be permitted in city rights-of-way during a public construction project, as follows:
 - a. Temporary business signs shall only be permitted adjacent to a licensed establishment within a commercial, industrial or multifamily zoning district.
 - b. A maximum of one sign per licensed establishment shall be permitted.
 - c. The overall sign area shall not exceed 15 square feet.
 - d. The base color of the signs shall consist of blue or green and the text portion of the sign shall be white. Only text shall be permitted on the sign; graphics or logos of any kind shall be prohibited.
 - e. The manner in which the subject signs are affixed to the right-of-way shall be subject to the review and approval of the public works director, or designee.
 - f. All signage shall be removed upon the completion of the construction project.

* * *

- (d) Light pole banners. Banners affixed to light poles or other similar structures on the public right-of-way shall be subject to the following regulations:
- (1) The right to install, as well as the number, location and method of installation of banners shall be subject to the design review process and approved by (i) the city manager, or his/her designee for special events taking place in the city, and (ii) by the city commission (A) for special events held outside of the city or (B) to depict a nationally or internationally recognized symbol of cultural diversity, a national flag or the flag of any political subdivision of the United States, or a flag of a foreign country.
 - a. In considering whether to approve light pole banners for events held outside of the city, the city commission may, among other factors, consider whether the municipality or other governmental entity hosting that special event would reciprocate such action within its own jurisdiction for special events taking place in the city.
 - (2) Banners shall not exceed three feet in width by seven feet in length. Banners may be double-sided. The color, design and material of all banners shall be approved under the design review process.
 - (3) Banners directing the public's attention to a public institution or special district may be erected for an indefinite period, subject to being maintained in good condition and periodic review for appropriateness under the design review process.
 - (4) Any text shall be limited to a maximum of 25 percent of the total area of the banner, unless the text constitutes the overall image of the banner.
 - (5) Banners announcing special events either to be held in city or to be associated in some manner with the city, as determined by the city commission, may be erected up to 30 days prior to the event being announced and must be removed within seven days after such event. Special event banners shall require prior approval by the city commission.
 - a. Text for special event banners shall be limited to the name of the event, the name of the sponsor and the date of the event.
 - b. Any single corporate symbol or logo associated with the sponsorship of any special event shall be limited to five percent or one square foot of the total area of the banner, whichever is smaller; two or more symbols or logos associated with sponsorship shall be limited to ten percent, or two square feet of the total area of the banner, whichever is smaller.
 - (6) A performance bond shall be required to ensure the removal of the banners in case of advanced deterioration of the banners, or if a dangerous condition presents itself, the city may at its sole discretion direct banners to be removed at any time.
 - (7) The city shall require the sponsoring organization to provide a certificate of insurance that covers the sponsor's property as well as the property of city. This certificate of insurance shall be approved by the city's office of risk management.

* * *

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect the ____ day of _____, 2026.

PASSED and **ADOPTED** this ____ day of _____, 2026.

ATTEST:


Steven Meiner, Mayor


Rafael E. Granada, City Clerk

(Sponsored by Commissioner Alex J. Fernandez)

Underline denotes additions
~~Strike through~~ denotes deletions.

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney 

5/13/2026
Date