

## COMMISSION MEMORANDUM

**TO:** Mayor Steven Meiner and Members of the City Commission

**FROM:** Ricardo J. Dopico, City Attorney  **SECOND READING**

**DATE:** March 19, 2025

**SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 12 OF THE MIAMI BEACH CITY CODE, ENTITLED "ARTS, CULTURE AND ENTERTAINMENT," BY AMENDING ARTICLE II, ENTITLED "SPECIAL EVENTS," BY CREATING SECTION 12-5.2 THEREOF, ENTITLED "SPECIAL EVENT PERMIT REQUIRED FOR LARGE SCALE RESIDENTIAL PARTIES AND EVENTS"; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

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### **ADMINISTRATION RECOMMENDATION**

For the reasons outlined in this Memorandum, the City Attorney's Office and the Administration have recommended that the Mayor and City Commission amend Chapter 12 of the Miami Beach City Code, entitled "Arts, Culture and Entertainment," by amending Article II, entitled "Special Events," by creating Section 12-5.2 thereof, entitled "Special event permit required for large scale residential parties and events."

### **BACKGROUND**

### **ANALYSIS**

The proposed ordinance is presented on first reading by the sponsor, Commissioner Alex Fernandez. It is cosponsored by Commissioner Laura Dominguez.

The City's special events guidelines define a special event as "a non-recurring special occasion or activity which is temporary in nature and has extraordinary or excessive impacts on public health, safety and welfare." See Special Event Guidelines, p.3.

In recent years, large-scale house parties and other special events have occurred during highly popular periods in the City's residential neighborhoods with so many attendees and the use of institutional grade event equipment, to include large and powerful commercial grade speakers, large commercial grade party and dancefloor lighting, large and commercial grade generators, and/or commercial grade firework displays such that the party or gathering cannot reasonably proceed without various violations of City Code and other laws, impact public safety by clogging roadways such that emergency vehicles cannot respond to emergencies in a timely fashion and by concentrating such a large number of people in an area that, by its residential nature, does not

allow for adequate and effective public safety management of the crowds and the overflow from these crowds in the residential neighborhoods of the City.

These large and institutional parties and gatherings during highly popular periods are so negatively impactful to public safety, neighborhood traffic, other residents' right to a decent quality of life, and/or the residential character of single-family neighborhoods that "extraordinary or excessive impacts on public health, safety and welfare" are produced such that item sponsor contends that they should not be allowed to proceed without the property owner first applying for and obtaining a special event permit that may include limitations and requirements (if it is granted at all) that would protect the City and residents' interest in maintaining public safety, neighborhood traffic, other residents' right to a decent quality of life, and/or the residential character of single family neighborhoods and the surrounding neighborhoods.

If enacted, the proposed ordinance would direct the City Administration to amend the City's special event guidelines to require a "Special Event Permit for Large Scale Residential Parties and Events" (which shall be separate and distinct from any issued pursuant to City Code Section 46-156) for large parties or gatherings involving institutional-or-commercial-grade vendors, services, or equipment in residential neighborhoods during highly popular periods, which shall be granted only if impacts to public safety, neighborhood traffic, residents' quality of life, and the residential character of single-family neighborhoods can be adequately ensured in advance of the event.

This "Special Event Permit for Large Scale Residential Parties and Events" ordinance is based on a virtually identical pilot program effective and evaluated over Art Basel Week 2024 and upheld as lawful by the United States District Court for the Southern District of Florida in *Hochstein v. City of Miami Beach*, No. 1:24-CV-24690-KMM, 2024 WL 4966598 (S.D. Fla. Dec. 3, 2024).

Between first and second reading, the ordinance was amended by the sponsor (at the request of the PHS Islands Association) to include new dates when a special event permit will be required for large house parties, as follows:

(2) Enumerated Periods. A qualifying party or event shall require a Special Event Permit for Large Scale Residential Parties and Events on the following dates:

- A. March February 1 – March 31 [Super Bowl Week and Spring Break];
- B. May 15 – May 31 [Formula 1 Race Week and Memorial Day];
- C. June 25 - July 15 [Independence Day];
- D. October 15 – November 10 [Halloween]; and
- E. November 28 1 - December 31 [Latin Grammys, Art Basel, the Holidays, NYE].

### **FISCAL IMPACT**

Pursuant to Section 12-5.2 of the City Code, the proposed ordinance will not result in an anticipated increase in budgeted revenues or expenditures of the City in this fiscal year, or in the next fiscal year.

RJD/sp