

R5 J 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.
Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: February 26, 2025 10:15 a.m. First Reading Public Hearing

TITLE: 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.

RECOMMENDATION

BACKGROUND/HISTORY

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).

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? No
(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)

Commissioner Laura Dominguez

Commissioner Joseph Magazine

Commissioner Tanya K. Bhatt

Condensed Title

10:15 a.m. 1st Rdg PH, Special Event Permit for Large Scale Residential Parties.
(Fernandez/Dominguez/Magazine/Bhatt) CA

Previous Action (For City Clerk Use Only)

ORDINANCE NO. _____

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.

WHEREAS, 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, attached as Exhibit A; and

WHEREAS, 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; and

WHEREAS, 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 the Mayor and City Commission determine 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; and

WHEREAS, the Mayor and City Commission 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; and

WHEREAS, 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).

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

SECTION 1. Section 12-5.2 of Article II, of Chapter 12 of the City Code, entitled “Special Event Permit Required for Large Scale Residential Parties and Events During Enumerated Periods” is hereby created as follows:

CHAPTER 12

ARTS, CULTURE AND ENTERTAINMENT

* * *

ARTICLE II. SPECIAL EVENTS

* * *

Sec. 12-5.2. Special Event Permit Required for Large Scale Residential Parties and Events During Enumerated Periods.

- (a) Created. A Special Event Permit system for large scale residential parties and events during specified periods is hereby created in order to allow residents to entertain friends and family at large parties and events in their homes while mitigating the negative impacts to neighboring residents and neighborhoods.
- (b) Parties and Events Requiring a Special Event Permit for Large Scale Residential Parties and Events.
- (1) Qualifying Parties and Events. A Special Event Permit for Large Scale Residential Parties and Events shall be required whenever a party or event is held in or on the grounds of a residence during one of the enumerated periods set forth in this section and:
- A. Where fireworks will be involved;
 - B. More than 100 attendees may reasonably be expected to attend;
 - C. Where more than 50 vehicles are expected to pick up/drop off passengers (or park) at the party or event;
 - D. Where institutional/commercial grade speakers, lighting, and/or generators are to be utilized; or

- E. Where institutional/commercial grade bars that are large enough to allow more than one bartender to work behind each bar or the use of more than three (3) single-bartender bars are to be utilized.
- (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 1 – March 31 [Spring Break];
 - B. May 15 – May 31 [Memorial Day];
 - C. June 25 - July 15 [Independence Day];
 - D. October 15 – November 10 [Halloween]; and
 - E. November 28 - December 31 [Art Basel, the Holidays, NYE].
- (3) Requirements. A non-exhaustive list of requirements to obtain a Special Event Permit for Large Scale Residential Parties and Events shall be:

 - A. Agreement by the property owner to the ability of City personnel to enter the private property for compliance inspections prior to (accompanied by the owner or agent with mutually agreeable scheduling) and during the party (at any time);
 - B. Property owner must obtain all relevant permits from all relevant City departments, such as, for example, obtain any required building permits where required;
 - C. Property owner shall be required to comply with the special event guidelines and provide required documents, which include Certificate of Insurance and Indemnification; and
 - D. Any requirements or restrictions imposed by the city manager to protect the health, safety, and welfare of residents, visitors, and surrounding neighborhoods' residents and visitors.
- (4) Timeframe for Applications for a Special Event Permit for Large Scale Residential Parties and Events. Applications for a Special Event Permit for Large Scale Residential Parties and Events required by this section shall be submitted no later than ninety (90) days before the party or event and shall be subjected to review by all relevant City departments, review committees, and to advisory review and comment by any applicable recognized neighborhood association.
- (5) Penalties. Any qualifying party or event requiring a Special Event Permit for Large Scale Residential Parties and Events required by this section that proceeds without the homeowner first obtaining a special event permit and complying with all of its terms, conditions, limitations, and requirements:

- A. Shall cease and desist and end the party or gathering upon demand by the City and a code compliance violation shall be issued under all applicable provisions of the City Code, including, without limitation, this section.
- B. If the owner, manager, director, or resident of the property does not comply with the cease and desist demand, the Miami Beach Police Department may arrest each owner, manager, director, or resident for, without limitation, resisting arrest without violence or any other applicable charge, or for violation of this section pursuant to Section 1-14 of this Code.
- C. Additionally, no special event permit shall be granted for any event at any property owned by the homeowner for a period of the next thirteen (13) months if a party or event occurs without first obtaining and complying with a Special Event Permit for Large Scale Residential Parties and Events, where required, at any property.
- D. Finally, the following fines shall be imposed if a party or event is announced to invitees, promoted, or occurs without first obtaining and complying with a Special Event Permit for Large Scale Residential Parties and Events, where required, at any property:
 - (i) \$1,000.00 per day for a first violation;
 - (ii) \$5,000.00 per day for a second or subsequent violation; and
 - (iii) \$15,000.00 for any violation if the special magistrate finds the violation to be irreparable or irreversible in nature. For purposes of this subsection, a violation shall be irreparable or irreversible in nature if an unpermitted party or event has already begun or occurred.

SECTION 2. 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 part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect 10 days after passage.

PASSED AND ADOPTED this _____ day of _____, 2025.

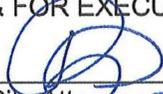
ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Alex Fernandez and
co-sponsored by Commissioner Laura Dominguez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



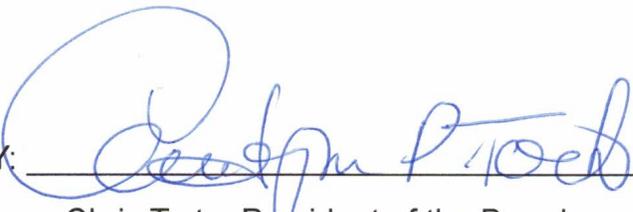
City Attorney RR

2/18/2025
Date

PHS Board of Directors
RESOLUTION

The Palm Hibiscus Star Islands Association, Inc. supports items **C4 I**, and **C4 J** being sponsored by Commissioner Alex Fernandez as well as **R 5J**, being co-sponsored by Commissioners Alex Fernandez and Laura Dominguez at the City of Miami Beach Commission Meeting on February 26, 2025.

PALM-HIBISCUS-STAR ISLANDS ASSOCIATION, INC.

BY: 
Chris Torto, President of the Board

DATE: 02/24/25

Palm-Hibiscus-Star Islands Association, Inc.