

ORDINANCE NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING AND AUTHORIZING A STREET PERFORMER'S PILOT PROGRAM AT SOUNDSCAPE PARK, LOCATED AT 400 17<sup>TH</sup> STREET, FOR A PERIOD OF FOUR MONTHS, EVERY SUNDAY, FROM 5PM TO 8PM, TO THE EXTENT THAT THE CITY MANAGER, IN HER SOLE DISCRETION, DEEMS PRUDENT AND ADVISABLE TO CONTINUE.**

**WHEREAS**, the City recognizes the constitutional rights of street performance artists; and

**WHEREAS**, in most of the City of Miami Beach, playing live music in public can occur freely without a permit; and

**WHEREAS**, to address public safety concerns from the proliferation of performers and frequent complaints regarding gridlock on sidewalks and other City right of ways in South Beach, the City established a Street Performer's Program in 2007 via Section 18 Article XV of the City Code; and

**WHEREAS**, the Street Performer's Program established 16 designated street performer zones in the heart of South Beach, on Lincoln Road, Collins Avenue and Ocean Drive, where the City experiences the largest footfall of local and tourist traffic; and

**WHEREAS**, the Mayor and City Commission referred to the Public Safety and Neighborhoods Quality of Life Committee an item for the City Administration to explore options for the implementation of a Street Performer's Pilot Program at Soundscape Park; and

**WHEREAS**, the Public Safety and Neighborhoods Quality of Life Committee instructed the City Administration to bring back to the City Commission, recommendations for a four-month pilot program for street performers at Soundscape Park with included the following parameters: no solicitation, no amplification, and performances once a week on Sundays from 5pm to 8pm; and

**WHEREAS**, the Public Safety and Neighborhoods Quality of Life Committee instructed the City Administration to work on identifying feasible locations and streamlining the permitting process; and

**WHEREAS**, the City Administration has worked together with street performer advocates and internal City departments on identifying feasible locations and streamlining the permitting process; and

**WHEREAS**, the proposed four-month pilot program would add four locations at Soundscape Park to the current 16 locations available for street performance in South Beach, for a total of 20 dedicated locations for street performance; and

**WHEREAS**, the proposed framework would permit any current participant in the City's Street Performer Lottery Program to occupy one of four locations at Soundscape Park, on a first-come and first-serve basis, Sundays between the hours of 5pm to 8pm.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby direct the City Administration to establish a Street Performer's Pilot Program at Soundscape Park, located at 400 17<sup>th</sup> Street, for a period of four months, every Sunday, from 5pm to 8pm, to the extent that the City Manager, in her sole discretion, deems prudent and advisable to continue.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Alex J. Fernandez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney RFR      2-15-23  
Date