

C4 H REFERRAL TO THE PLANNING BOARD – PROPOSED AMENDMENT TO SECTION 7.5.5.2 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE TO CREATE A DISTANCE SEPARATION EXEMPTION FOR RETAIL COSMETIC STORES THAT CONTAIN ADULT MATERIAL.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Kristen Rosen Gonzalez
DATE: February 26, 2025
TITLE: REFERRAL TO THE PLANNING BOARD – PROPOSED AMENDMENT TO SECTION 7.5.5.2 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE TO CREATE A DISTANCE SEPARATION EXEMPTION FOR RETAIL COSMETIC STORES THAT CONTAIN ADULT MATERIAL.

RECOMMENDATION

BACKGROUND/HISTORY

I am requesting that the Administration, in consultation with the City Attorney's Office, draft an ordinance amending Section 7.5.5.2 of the Land Development Regulations of the City Code (LDR's) to provide for a limited exemption from the distance separation requirements for adult entertainment establishments. The following is the proposed text for this amendment:

7.5.5.2 ADULT ENTERTAINMENT

Adult entertainment establishments prohibited in certain locations.

No adult entertainment establishment is permitted on a parcel of land located:

Within 300 feet of any district designated as RS, RM, or RPS on the city's official zoning district map;

Within 300 feet of any parcel of land upon which a house of worship, school, public park or playground is located; or

Within 1,000 feet of any parcel of land upon which another adult entertainment establishment is located.

The minimum distance separation shall be measured by following a straight line from the main entrance or exit of the adult entertainment establishment to the nearest point of the property designated as RS, RM, or RPS on the city's official zoning district map or used for a house of worship, school, or public park or playground. In cases where a minimum distance is required between an adult entertainment establishment and another adult entertainment establishment, the distance separation shall be determined by measuring a straight line between the principal means of entrance of each use.

A hotel with a minimum of 300 hotel units shall be exempt from subsections 7.5.5.2.a.1, 7.5.5.2.a.2, and 7.5.5.2.a.3 of this section.

A retail cosmetic store where adult material constitutes less than 20% of the floor area of the establishment, and such material is not visible from any storefront, shall be exempt from subsections 7.5.5.2.a.1 and 7.5.5.2.a.2 of this section.

As noted above, Section 7.5.5.2 contains an exemption from the distance separation requirements for hotels with a minimum of 300 hotel units. I am requesting that a similar exemption be created for retail cosmetic stores where adult material constitutes less than 20% of the floor area of the establishment, and such material is not visible from any storefront.

Due to the time sensitivity of this amendment, I am also requesting that the proposal be referred to the next available meeting of the Planning Board.

ANALYSIS

FISCAL IMPACT STATEMENT

NA

Does this Ordinance require a Business Impact Estimate?
(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-notice/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

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

Yes

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

Office of Commissioner Kristen Rosen Gonzalez

Sponsor(s)

Commissioner Kristen Rosen Gonzalez

Co-sponsor(s)

Condensed Title

Ref: PB - Create Distance Separation Exemption for Retail Cosmetic Stores w/ Adult Material.
(Rosen Gonzalez)

Previous Action (For City Clerk Use Only)