

20. PB25-0753. Distance Separation Exemptions for Adult Material in Retail Cosmetic Stores.

MIAMI BEACH

Land Use Boards

Planning Board

TO: Planning Board
FROM: Thomas Mooney, Director
DATE: April 8, 2025
TITLE: PB25-0753. DISTANCE SEPARATION EXEMPTIONS FOR ADULT MATERIAL
IN RETAIL COSMETIC STORES.

PROPERTY

Distance Separation Exemptions for Adult Material in Retail Cosmetic Stores.

FILE NO.

PB25-0753

APPLICANT

City of Miami Beach

IN RE:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 1, ENTITLED "GENERAL PROVISIONS," ARTICLE II, ENTITLED "DEFINITIONS," SECTION 1.2.2, ENTITLED "USE DEFINITIONS," BY ADDING A DEFINITION FOR 'COSMETICS STORE', AND BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE V, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," SECTION 7.5.5, ENTITLED "SUPPLEMENTARY USE REGULATIONS," SECTION 7.5.5.2, ENTITLED "ADULT ENTERTAINMENT", BY CREATING EXEMPTIONS FROM THE DISTANCE SEPARATION REQUIREMENTS FOR COSMETIC STORES, WHERE ADULT MATERIAL CONSTITUTES LESS THAN 20% OF THE FLOOR AREA OF THE ESTABLISHMENT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

PRIOR ORDER NUMBER:

Applicable Area

Citywide

**Is this a “Residents Right to Know” item,
pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond
Funds?**

No

MIAMIBEACH

PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: www.miamibeachfl.gov/planning

LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

| | | | |
|---|--|---|----------------------|
| Application Information | | | |
| FILE NUMBER PB25-0753 | | Is the property the primary residence & homestead of the applicant/property owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if "Yes," provide office of the property appraiser summary report) | |
| Board of Adjustment <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision <input type="checkbox"/> Modification of existing Board Order | | Design Review Board <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order | |
| Planning Board <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Lot Split <input checked="" type="checkbox"/> Amendment to the Land Development Regulations or Zoning Map <input type="checkbox"/> Amendment to the Comprehensive Plan or Future Land Use Map <input type="checkbox"/> Modification of existing Board Order | | Historic Preservation Board <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic District/Site Designation <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order | |
| <input type="checkbox"/> Other: | | | |
| Property Information – Please attach Legal Description as "Exhibit A" | | | |
| ADDRESS OF PROPERTY N/A | | | |
| FOLIO NUMBER(S) | | | |
| Property Owner Information | | | |
| PROPERTY OWNER NAME N/A | | | |
| ADDRESS | | CITY | STATE |
| | | | ZIPCODE |
| BUSINESS PHONE | | CELL PHONE | EMAIL ADDRESS |
| | | | |
| Applicant Information (if different than owner) | | | |
| APPLICANT NAME City of Miami Beach | | | |
| ADDRESS 1700 Convention Center Drive | | CITY Miami Beach | STATE FL |
| | | | ZIPCODE 33139 |
| BUSINESS PHONE 3056737550 | | CELL PHONE | EMAIL ADDRESS N/A |
| | | | |
| Summary of Request | | | |
| PROVIDE A BRIEF SCOPE OF REQUEST SEE AFFIDAVIT | | | |

| | | | |
|--|------------|---|-----------------------------|
| Project Information | | | |
| Is there an existing building(s) on the site? | | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| If previous answer is "Yes", is the building architecturally significant per sec. 142-108? | | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does the project include interior or exterior demolition? | | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Provide the total floor area of the new construction. | | SQ. FT. | |
| Provide the gross floor area of the new construction (including required parking and all usable area). | | SQ. FT. | |
| Party responsible for project design | | | |
| NAME | | <input type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____ | |
| ADDRESS | | CITY | STATE ZIPCODE |
| BUSINESS PHONE | CELL PHONE | EMAIL ADDRESS | |
| Authorized Representative(s) Information (if applicable) | | | |
| NAME | | <input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____ | |
| ADDRESS | | CITY | STATE ZIPCODE |
| BUSINESS PHONE | CELL PHONE | EMAIL ADDRESS | |
| NAME | | <input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____ | |
| ADDRESS | | CITY | STATE ZIPCODE |
| BUSINESS PHONE | CELL PHONE | EMAIL ADDRESS | |
| NAME | | <input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____ | |
| ADDRESS | | CITY | STATE ZIPCODE |
| BUSINESS PHONE | CELL PHONE | EMAIL ADDRESS | |

Please note the following information:

- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

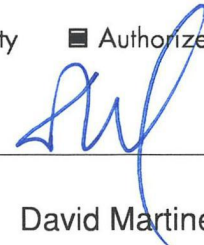
Please read the following and acknowledge below:

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- All disclosures must be submitted in CMB Application format and be consistent with CMB Code Sub-part A Section 2-482(c):
 - (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.
- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

☐ Owner of the subject property

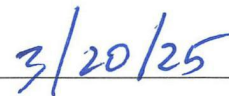
☒ Authorized representative



SIGNATURE

David Martinez

PRINT NAME



DATE SIGNED

AFFIDAVIT

I, David Martinez, being duly sworn, depose and say that I am the Assistant City Manager of the City of Miami Beach and as such, have been authorized by the city, to file the following application for a Planning Board public hearing:

PB25-0753. Distance Separation Exemptions for Adult Material in Retail Cosmetics Stores.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 1, ENTITLED "GENERAL PROVISIONS," ARTICLE II, ENTITLED "DEFINITIONS" SECTION 1.2.2, ENTITLED "USE DEFINITIONS," BY ADDING A DEFINITION FOR 'COSMETICS STORE', AND BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE V, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," SECTION 7.5.5, ENTITLED "SUPPLEMENTARY USE REGULATIONS," SECTION 7.5.5.2, ENTITLED "ADULT ENTERTAINMENT", BY CREATING EXEMPTIONS FROM THE DISTANCE SEPARATION REQUIREMENTS FOR COSMETIC STORES, WHERE ADULT MATERIAL CONSTITUTES LESS THAN 20% OF THE FLOOR AREA OF THE ESTABLISHMENT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE. This instrument is executed pursuant to the requirements of the Planning Department and attests to the accuracy of the above statement. Execution hereof does not constitute approval or disapproval of the application which it addresses.

ASSISTANT CITY MANAGER'S SIGNATURE

STATE OF FLORIDA)

) SS

COUNTY OF MIAMI-DADE)

Sworn to and subscribed before me this 21st day of March, 2025. The foregoing instrument was acknowledged before me by David Martinez, who is personally known to me and who did/did not take an oath.

My commission expires:

NOTARY PUBLIC

STATE OF FLORIDA

(Type, print or stamp name)

MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: April 8, 2025

FROM: Thomas R. Mooney, AICP
Planning Director

^{DS}


For TRM

SUBJECT: **PB25-0745. Distance Separation Exemptions for Cosmetic Stores w/Adult Material**

RECOMMENDATION

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation, with the modification noted herein.

HISTORY/BACKGROUND

On February 26, 2025, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred the proposed ordinance to the Planning Board (C4 H).

REVIEW CRITERIA

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Not applicable

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Partially Satisfied – If not carefully controlled, the proposed change could be incompatible with the needs of the city.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Not applicable

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not applicable

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Partially Consistent – While adult material can be accessed in other physical locations, and online, a potential cosmetics retailer has indicated that there is a market for their products in Miami Beach, some of which are classified as adult material.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Partially Satisfied – If not carefully controlled, the proposed change to expand where adult material may be sold, could be adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Not applicable

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Not applicable

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Partially Satisfied – If not carefully controlled, the proposed change to expand where adult material may be sold, could adversely affect property values.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Partially Satisfied – If not carefully controlled, the proposed change to expand where adult material may be sold, could be a deterrent to the improvement of adjacent properties.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not Satisfied – It has not been established that the property cannot be used in accordance with existing zoning.

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not Satisfied. It has not been demonstrated that the proposed use could be adequately established in another part of the city.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

Not Applicable

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

Not Applicable

- (3) **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

Not Applicable

ANALYSIS

The following are existing definitions in Chapter 1 of the Land Development Regulations of the City Code (LDR's) pertaining to adult entertainment and adult material:

Adult bookstore means an establishment which sells, offers for sale or rents adult material for commercial gain. This definition includes establishments selling or renting adult videos when applicable under the above-stated conditions.

Adult entertainment establishment means any adult bookstore, adult booth, adult motion picture theater or nude dancing establishment as defined in this section.

Adult material means one or more of the following, regardless of whether it is new or used:

- a. Books, magazines, periodicals or other printed matter; photographs, films, motion pictures, videocassettes, slides or other visual representations; recordings, other audio matter; and novelties or devices, including, but not limited to, clothing, food, drinks, materials for preparing food and drinks; which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to sexual conduct or specified anatomical areas as defined in this section; or*
- b. Instruments, novelties, devices or paraphernalia which are designed for use in connection with sexual conduct as defined in this section, except for birth control devices or devices for disease prevention.*

Whenever any adult material offered for sale or rent, such establishment is classified as both an 'Adult bookstore,' and an 'Adult entertainment establishment', both of which are subject to the minimum distance separation requirements set forth in Section 7.5.5.2 of the LDR's. Pursuant to Section 7.5.5.2 of the LDR's, no such establishment may be located:

1. Within 300 feet of any district designated as RS, RM, or RPS on the city's official zoning district map;
2. Within 300 feet of any parcel of land upon which a house of worship, school, public park or playground is located; or
3. Within 1,000 feet of any parcel of land upon which another adult entertainment establishment is located.

The only exemption to the above noted distance separation requirements is for a hotel with a minimum of 300 hotel units.

Additionally, Section 7.5.5.2(b) of the city code includes the following prohibitions on the sale or rental of adult material to minors:

1. Adult bookstores are prohibited from displaying adult material in such manner that such material is visible to minors (persons under 17 years of age).
2. Adult bookstores are prohibited from knowingly selling or renting adult material to minors. As used in this subsection, "knowingly" shall mean having general knowledge of, reason to know, or a belief or ground for belief which warrants further inspection or inquiry or both.

The attached draft ordinance would amend Section 7.5.5.2 of the LDR's to allow for a limited expansion of the sale of items classified as adult material by allowing for a portion of retail cosmetic stores to have certain exceptions from the current minimum distance separation requirements from residential zoning districts and houses of worship.

As proposed, the subject ordinance creates the following definition for cosmetics store:

Cosmetics store is a non-medical retail business that is primarily engaged in retailing cosmetics, perfumes, toiletries, personal grooming products, hair-care products, skin-care products and beauty tools.

The ordinance further amends the distance separation requirements for cosmetic stores located in a commercial zoning district, where adult material constitutes less than 20% of the floor area of the establishment. Specifically, a cosmetics store with limited adult material may be located within 300 feet of a multi-family residential (RM or RPS) district and within 300 feet of a house of worship. Such an establishment would not be allowed within 1000 feet of another adult entertainment establishment, nor within 300 feet of a residential single-family district (RS) district, nor within 300 feet of a school, public park, or playground.

The following is the draft text proposed:

7.5.5.2 ADULT ENTERTAINMENT

a. Adult entertainment establishments prohibited in certain locations.

1. No adult entertainment establishment is permitted on a parcel of land located:
 - A. Within 300 feet of any district designated as RS, ~~RM, or RPS~~ on the city's official zoning district map;

- B. Within 300 feet of any district designated as RM, or RPS on the city's official zoning district map;
 - C. Within 300 feet of any parcel of land upon which a house of worship, ~~school,~~
~~public park or playground~~ is located;
 - D. Within 300 feet of any parcel of land upon which a school, public park or playground is located; or
 - E. Within 1,000 feet of any parcel of land upon which another adult entertainment establishment is located.
2. 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.
 3. 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~~ a.1.A through a.1.E of this section.
 4. A cosmetics store located in a commercial zoning district and where adult material constitutes less than 20% of the floor area of the establishment, and such material is not visible from any storefront, nor visible to minors (persons under 17 years of age) shall be exempt from subsections a.1.B , a.1.C, and a.1.E. of this section.

To ensure that the amount of adult material is clearly incidental to the business, staff recommends that the percentage of the floor area where adult material is permitted be reduced from 20% to 10%, not to exceed 100 square feet.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed Ordinance to the City Commission with a favorable recommendation, with the modification noted herein.

Distance Separation Exemptions for Adult Material in Retail Cosmetics Stores

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 1, ENTITLED "GENERAL PROVISIONS," ARTICLE II, ENTITLED "DEFINITIONS," SECTION 1.2.2, ENTITLED "USE DEFINITIONS," BY ADDING A DEFINITION FOR 'COSMETICS STORE', AND BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE V, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," SECTION 7.5.5, ENTITLED "SUPPLEMENTARY USE REGULATIONS," SECTION 7.5.5.2, ENTITLED "ADULT ENTERTAINMENT", BY CREATING EXEMPTIONS FROM THE DISTANCE SEPARATION REQUIREMENTS FOR COSMETIC STORES, WHERE ADULT MATERIAL CONSTITUTES LESS THAN 20% OF THE FLOOR AREA OF THE ESTABLISHMENT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, adult material is a legally protected form of expression under the First Amendment of the United States Constitution, and reasonable zoning regulations can ensure that such expression is balanced with community standards and business operations; and

WHEREAS, the integration of adult material within a retail cosmetics store, when restricted to designated areas and managed according to applicable zoning and licensing laws, can create a unique and appealing customer experience that differentiates the business in a competitive market; and

WHEREAS, proper oversight and adherence to age restrictions and content guidelines can ensure that adult material remains appropriate for the intended audience and does not interfere with the primary business of the cosmetics store; and

WHEREAS, limiting adult material to specific areas within a retail cosmetics store allows the business to maintain a professional and welcoming atmosphere for all customers while providing a separate space for adult material; and

WHEREAS, for the purposes of regulation and consistency, a "**cosmetics store**" shall be defined as a is a non-medical retail business that is primarily engaged in retailing cosmetics, perfumes, toiletries, personal grooming products, hair-care products, skin-care products and beauty tools; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

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

SECTION 1. Chapter 1 of the Miami Beach Resiliency Code, entitled "General Provisions," Article II, entitled "Definitions," is hereby amended as follows:

**CHAPTER 1
GENERAL PROVISIONS**

* * *

ARTICLE II – DEFINITIONS

* * *

1.2.2 USE DEFINITIONS

* * *

Cosmetics store is a non-medical retail business that is primarily engaged in retailing cosmetics, perfumes, toiletries, personal grooming products, hair-care products, skin-care products and beauty tools.

* * *

SECTION 2. Chapter 7 of the Miami Beach Resiliency Code, entitled “Zoning Districts and Regulations,” Article V, entitled “Supplementary District Regulations,” is hereby amended as follows:

**CHAPTER 7
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE V. – SUPPLEMENTARY DISTRICT REGULATIONS

* * *

7.5.5 SUPPLEMENTARY USE REGULATIONS

* * *

7.5.5.2 ADULT ENTERTAINMENT

a. Adult entertainment establishments prohibited in certain locations.

1. No adult entertainment establishment is permitted on a parcel of land located:
 - A. Within 300 feet of any district designated as RS, ~~RM, or RPS~~ on the city's official zoning district map;
 - B. Within 300 feet of any district designated as RM, or RPS on the city's official zoning district map;
 - C. Within 300 feet of any parcel of land upon which a house of worship, ~~school, public park or playground~~ is located;

- D. Within 300 feet of any parcel of land upon which a school, public park or playground is located; or
 - E. Within 1,000 feet of any parcel of land upon which another adult entertainment establishment is located.
- 2. 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.
 - 3. 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 a.1.A through a.1.E of this section.
 - 4. A cosmetics store located in a commercial zoning district and where adult material constitutes less than 20% of the floor area of the establishment, and such material is not visible from any storefront, nor visible to minors (persons under 17 years of age) shall be exempt from subsections a.1.B , a.1.C, and a.1.E. of this section.

* * *

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

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 ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2025.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading: _____, 2025

Second Reading: _____, 2025

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

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