



47           **WHEREAS**, there is an adult entertainment business operating within the City; and

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49           **WHEREAS**, the Supreme Court of the United States, in *City of Renton v. Playtime*  
50 *Theatres, Inc.*, determined a municipality may regulate the “time, place and manner” of adult  
51 entertainment establishments “so long as [the regulations] are designed to serve a substantial  
52 governmental interest and do not unreasonably limit alternative avenues of communication.” 475  
53 U.S. 41, 47 (1986); and

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55           **WHEREAS**, however, the Supreme Court of the United States has consistently held “that  
56 regulations enacted for the purpose of restraining speech on the basis of its content presumptively  
57 violate the First Amendment.” *City of Renton*, 475 U.S. 46-47; and

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59           **WHEREAS**, the Eleventh Circuit held, in *Fly Fish, Inc. v. City of Cocoa Beach*, 337 F.3d  
60 1301 (11th Cir. 2003), “[a] law that prohibits nude dancing because of disapproval of its expressive  
61 content is unconstitutional;” and

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63           **WHEREAS**, the Eleventh Circuit in *Fly Fish, Inc.*, explained that “[n]othing in *Renton*  
64 indicates that an ordinance that purports to reduce the harmful secondary effects of protected  
65 conduct may do so by eliminating the protected conduct . . . . On the contrary, *Renton* requires that  
66 an adult entertainment ordinance ‘refrain from effectively denying [adult businesses] a reasonable  
67 opportunity to open and operate an adult theater within the city.’” 337 F.3d.1310 (citing *Renton*  
68 475 U.S. 54); and

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70           **WHEREAS**, when considering secondary effects, the Supreme Court of the United States  
71 in *City of Renton* held “[t]he First Amendment does not require a city, before enacting [an adult  
72 entertainment zoning] ordinance, to conduct new studies or produce evidence independent of that  
73 already generated by other cities, so long as whatever evidence the city relies upon is reasonably  
74 believed to be relevant to the problem that the city addresses.” 475 U.S. 51-52; and

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76           **WHEREAS**, in 2024, the Florida Legislature proposed and passed Bill No. 7063 (the  
77 “Anti-Human Trafficking Bill”) to combat human and sex trafficking in the State of Florida, noting  
78 that Florida ranks third in the nation for reported cases of human trafficking, many of which  
79 involve sex trafficking; and

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81           **WHEREAS**, the Anti Human Trafficking Bill provides that “adult entertainment  
82 establishments are widely recognized as being a significant part of the sex trafficking network used  
83 by traffickers to coerce and facilitate men, women, and children into performing sexual acts, which  
84 places the employees of these establishments in direct and frequent contact with the victims of  
85 human trafficking”<sup>1</sup>; and

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87           **WHEREAS**, the Anti-Human Trafficking Bill created section 787.30 of the Florida  
88 Statutes, establishing prohibitions to combat human and sex trafficking in Florida, including a ban  
89 on the employment of individuals under the age of 21 in adult entertainment establishments; and

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<sup>1</sup> Fla. HB 7063 (2024).

91           **WHEREAS**, the City has reviewed its current zoning regulations and determined that there  
92 is a need to identify and designate an area within the City where adult entertainment establishments  
93 may be appropriately located, consistent with land use compatibility and the protection of  
94 community character; and

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96           **WHEREAS**, the City has identified a limited area within its jurisdiction that, due to its  
97 location, proximity to non-residential land uses, and relative distance from sensitive uses, may be  
98 suitable for accommodating adult entertainment establishments subject to reasonable time, place  
99 and manner regulations; and

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101           **WHEREAS**, the City has a legitimate interest in promoting the health, safety, morals, and  
102 general welfare of the community through the regulation of adult entertainment establishments;  
103 and

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105           **WHEREAS**, on April 14, 2026, the Planning Board, sitting in its capacity as the Local  
106 Planning Agency, reviewed this Ordinance and voted 6-0 to recommend approval to the City  
107 Commission subject to modifications relating to signage, hours of operations, security, and spacing  
108 requirements; and

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110           **WHEREAS**, the Planning Board also recommended that prior to adoption, City  
111 Administration quantify the City’s projected cost of addressing secondary impacts generated by  
112 such uses for the benefit of the City Commission’s deliberation and to evaluate whether the  
113 ordinance should require that all security be provided by off-duty police officers; and

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115           **WHEREAS**, on \_\_\_\_\_, 2026, the City Commission approved the ordinance on first  
116 reading; and

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118           **WHEREAS**, on \_\_\_\_\_, 2026, the City Commission conducted a duly noticed public  
119 hearing as required by law and approved the ordinance on second reading; and

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121           **WHEREAS**, the City Commission finds that the proposed zoning amendment is in the  
122 best interest of public health, safety, and welfare.

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124           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
125 **CITY OF SOUTH MIAMI, FLORIDA, AS FOLLOWS:<sup>2</sup>**

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127           **Section 1.**     **Recitals.** The above-stated recitals are true and correct and are incorporated  
128 herein by this reference.

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130           **Section 2.**     **Amending Article VIII.** Section 20-8.5, “Permitted and special  
131 nonresidential uses,” of Article VIII, “Transit-Supportive Development District (TSDD),” of the  
132 City LDC, is hereby amended to read as follows:

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<sup>2</sup> Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes recommended by the Planning Board are indicated with red underline. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline and are highlighted in grey. Modifications made at second reading are shaded in dark grey.

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134 **ARTICLE VIII. - TRANSIT-SUPPORTIVE DEVELOPMENT DISTRICT (TSDD)**  
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138 **20-8.2 – Definitions.**  
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141 Terms used throughout this article shall take their commonly accepted meaning unless  
142 otherwise defined in Article II of this Code. The definitions in this section shall only be used in  
143 this article. When there are conflicts between the Code and this section, this section shall control  
144 terms requiring interpretation specific to this article. The terms as used in this article shall have  
145 the following meaning:  
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147 *Accessway:* A street or driveway that traverses a parcel providing access to an abutting  
148 street, alley, or other vehicular use area.

149 *Adult entertainment:* a use operated for commercial gain wherein performers or employees  
150 of the establishment display or expose to others human genitals, pubic region, buttocks, anus, or  
151 female breasts below a point immediately above the top of the areolae, regardless of whether the  
152 performer or employee so exposed is actually engaging in dancing.  
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157 **20-8.5 - Permitted and special nonresidential uses.**  
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<b>Section 20-8.5</b>			
<b>Permitted and Special Nonresidential Uses in the TSDD District in Accordance with Section <u>20-8.3(C)(2)</u></b>			
	<b>Permitted Uses</b>		<b>Special Uses</b>
***			
<b>C.</b>	<b>Entertainment Uses</b>		
1.	i. This category permits and regulates establishments that provide entertainment uses, such as: coin arcades, movie theaters, performance theaters, piano bars,	2.	i. Entertainment uses that are located where the property directly abuts or is across a street from a single-family residential district,

	<p>childrens’ interactive experiences, interactive themed rooms, puzzle and game rooms.</p> <p>ii. Service of food, beverages, and alcoholic beverages that is ancillary to the entertainment is permitted.</p> <p>iii. Ambient sound levels outside the building shall not exceed the requirements Chapter 15, Article III of the City code.</p> <p>iv. All entertainment shall be completely enclosed at all times. Permanent outdoor amphitheatres and other open-air stage spaces shall not be permitted in this category, except by special use approval.</p> <p>v. <u>Adult entertainment shall be permitted only in the TODA, and only in conjunction with a full-service restaurant.</u><sup>1</sup></p>	<p>may be permitted by approval as a special use pursuant to Section 20.5-7.</p> <p>ii. Permanent outdoor amphitheatres and other open-air stage spaces may be permitted by approval as a Special Use pursuant to Section 20.5-7, and Section 203.4, “Special Use Conditions.”</p> <p><del>iii. Adult entertainment by special use approval after public hearing, only where located in the TODA and at least one thousand (1,000) feet from any public, charter, or private school, day nursery, public library, or public park as measured along a straight line from the nearest point on the property proposed for an adult entertainment establishment and the nearest portion of the school, nursery, library, or public park.</del></p>
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<sup>1</sup> Adult entertainment shall be permitted, subject to the following:

- (1) the structure fronts either Progress Road, or Commerce Lane; and
- (2) the structure is only accessible to pedestrians and vehicles from Progress Road or Commerce Lane, except for emergency access; and
- (3) the structure’s entrance/exit is at least ~~300-400~~ lineal feet from the pedestrian entrance to any public, charter, or private school, day nursery, public library, or public park, measured as a “lineal path of travel” along public rights of way; and
- (4) alcoholic beverages may be served consistent with Chapter 4, including Section 4-6(b), of the Code; and
- (5) any signage shall be oriented only to Progress Road or Commerce Lane. Signage shall not be visible from any other right-of-way; and
- (6) any exterior paint shall be either white, gray, black, or a muted beige, clay, light gold, or terracotta color. Colors that are commonly described with terms such as neon, fluorescent, day-glo, iridescent and similar terms shall not be permitted to be applied to the exterior surface of any structure unless such color has been approved by the Design Review Board; and

- (7) all outdoor lighting shall be directed internal to the property and downward, and shall be shielded by awnings, canopies, or other structures such as to ensure no spillover of light or glare across the property lines. Fluorescent, LED, or similar lighted bands shall not be permitted except as part of a permissible sign under this Land Development Code; and
- (8) the establishment shall employ not less than one private security or off-duty police officer between 3:30 PM and 8 PM and shall employ not less than three (3) private security or off-duty police officer between 8 PM and closing, in order to ensure the patrons entering or leaving the establishment do not loiter, disturb the peace, or engage in criminal mischief on adjacent rights-of-ways or private properties. Additionally, the establishment shall place warning signs to patrons advising that loitering and illegal parking are prohibited and will be enforced to the maximum extent of the law; and
- (9) site plan approval by the Development Services Director shall be required to confirm compliance with applicable codes, including the requirements of this section, configuration of parking and site access, paint colors, signage, and lighting, except that for new construction, the Development Services Director shall first obtain the recommendation of the Design Review; and
- (10) the owner of the property shall commit to operational conditions outlined herein by covenant recorded against the property, in form and substance acceptable to the City Attorney.
- (11) the hours of operation for adult entertainment are limited to Sunday through Thursday, from 3:30 p.m. to 5:00 a.m. the following day, and Friday and Saturday from 3:30 p.m to 7:00 am the following day; and
- (12) during the adult entertainment hours of operation, all patrons must be 21 years or older; and
- (13) all windows capable of being viewed from a public right-of-way shall be treated to fully obscure view into the structure; and
- (14) an establishment providing adult entertainment shall be located no closer than 500 feet to another establishment providing adult entertainment.

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**Section 3. Corrections.** Conforming language or technical scrivener-type corrections may be made by the City Attorney for any conforming amendments to be incorporated into the final Ordinance for signature.

**Section 4. Severability.** If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance

172 **Section 5. Conflicts.** That all ordinances or parts of ordinances, resolutions or parts of  
173 resolutions, in conflict herewith, are repealed to the extent of such conflict.

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175 **Section 6. Implementation.** The City Manager is hereby authorized to take any and  
176 all necessary action to implement the purposes of this Ordinance.

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178 **Section 7. Effective Date.** This Ordinance shall become effective immediately upon  
179 adoption.

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181 **PASSED** on first reading on the \_\_\_\_ day of \_\_\_\_\_ 202\_.

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183 **PASSED AND ADOPTED** on second reading on the \_\_\_\_ day of \_\_\_\_\_, 202\_.

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185 ATTEST:  
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187 CITY CLERK  
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189 READ AND APPROVED AS TO FORM,  
190 LANGUAGE, LEGALITY AND  
191 EXECUTION THEREOF

APPROVED:  
MAYOR  
COMMISSION VOTE:  
Mayor Javier Fernández:  
Vice Mayor Brian Corey  
Commissioner Lisa Bonich:  
Commissioner Steve Calle:  
Commissioner Danny Rodriguez:

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193  
194 \_\_\_\_\_  
195 WEISS SEROTA HELFMAN COLE  
196 & BIERMAN, P.L.  
197 CITY ATTORNEY