

MEMORANDUM

Agenda Item No. 4(C)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: July 6, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance pertaining to zoning
and adult entertainment;
amending section 33-259.1
of the Code; prohibiting adult
entertainment clubs from
allowing minors on the premises
at any time; providing for
revocation of certificate of use

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



Abigail Price-Williams 
County Attorney

APW/smm



MEMORANDUM
(Revised)

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(C)
7-6-16

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING AND ADULT ENTERTAINMENT; AMENDING SECTION 33-259.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING ADULT ENTERTAINMENT CLUBS FROM ALLOWING MINORS ON THE PREMISES AT ANY TIME; PROVIDING FOR REVOCATION OF CERTIFICATE OF USE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Section 33-259.1 of the County Code currently provides that adult entertainment uses, including adult entertainment clubs, shall be permitted only in districts zoned Industrial – Light (IU-1), subject to certain distance and spacing requirements; and

WHEREAS, pursuant to Chapter 847, Florida Statutes, minors may not be admitted to any establishment where adult entertainment is occurring; and

WHEREAS, however, neither Florida law nor the County Code expressly prohibits minors from entering such establishments at times when adult entertainment is not occurring there; and

WHEREAS, the operation of adult entertainment clubs has historically and regularly been accompanied by secondary effects that are detrimental to the public health, safety, morals, and general welfare of the residents of the County; and

WHEREAS, such secondary effects include significant criminal activity and activities injurious to the public health, safety, morals, and general welfare of the community, including prostitution, narcotics and liquor law violations, breaches of the peace, assaults, employment or

involvement of minors, human trafficking, sexual conduct between customers or between customers and performers, the opportunity for the spread of sexually transmitted diseases, and the presence within the industry of individuals with hidden ownership interests and outstanding arrest warrants; and

WHEREAS, an adult entertainment club is no place for minors, whether or not adult entertainment is occurring there at a particular time; and

WHEREAS, accordingly, there is a compelling need to regulate, and interest in regulating, adult entertainment clubs as provided in this ordinance to protect and promote the public health, safety, morals, and general welfare of the residents of the County by prohibiting minors from the premises of such establishments at all times,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-259.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-259.1. – Additional uses permitted.

* * *

(c) The following additional uses shall be permitted in the IU-1 zone:

* * *

(3) Adult entertainment club;

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

>>(i) Regardless of any other uses that may be permitted at the location, any establishment that has a certificate of use (C.U.) to operate as an adult entertainment club shall not allow minors on the premises at any time. Violators will be subject to revocation of the C.U. and all applicable penalties.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of this Board, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. 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 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

James Eddie Kirtley

Prime Sponsor: Commissioner Barbara J. Jordan

