



MIAMI SHORES

DEPARTMENT OF PLANNING & ZONING
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PLANNING BOARD HEARING			
Miami Shores Village Town Hall Council Chambers 10050 NE 2 nd Avenue Miami Shores			
Hearing Date		February 23, 2017	
Subject			
		Village council request to planning board to hold a public hearing on gas station / convenience store hours of operation and provide a recommendation on hours to the council.	
Action Required		Provide the village council with a recommendation on gas / convenience store hours of operation and hours for liquor sales at convenience stores.	
Staff Report		David A. Dacquisto AICP, Director, Planning and Zoning	Report Date February 10, 2017

Background

At a public meeting November 15, 2016, the village council requested that the planning board hold a public hearing on the question of allowing gas station / convenience stores to operate 24 hours a day and to provide a report and recommendation back to the council.

Staff developed a proposed ordinance amendment allowing 25-hour gas station / convenience store operation, for discussion purposes:

New language is underlined.

ARTICLE II. - LOCAL BUSINESS TAX

Sec. 14-17. - Required; hours for retail sales.

(c) The retail sale of consumer goods between the hours of 1:00 a.m. and 6:00 a.m. is prohibited except that gasoline stations, gasoline sales and accessory convenience store sales only, may operate 24-hours per day in the B2 zoning district.

The above amendment does not increase the hours of sale for alcohol as regulated in Sec. 4-6.

Sec. 4-6. - Hours of sale and commercial deliveries.

Liquor, wine and beer may be sold by the vendors and commercial deliveries may be made to the vendors hereinafter specified at the times fixed in this section and at no other time:

- (1) Grocery stores selling beer and wine for consumption off the premises:
 - a. Monday through Saturday between 7:00 a.m. and 1:00 a.m.;
 - b. On Sundays between 1:00 p.m. and 1:00 a.m.
- (2) Package stores selling liquor, beer and wine for consumption off the premises:
 - a. Monday through Saturday between 7:00 a.m. and 1:00 a.m.;
 - b. On Sundays between 12:00 p.m. (noon) and 7:00 p.m.

Please note: There is proposed legislation in Tallahassee that would allow convenience stores to sell hard liquor.

Analysis

Presently no businesses are allowed to operate in Miami Shores past 1:00 am.

The amendment would only permit gas station / convenience stores to operate 24 hours per day in the B2 district. Gas stations are only listed as a permitted use in the B2 district. Gas stations are specifically prohibited in the B1 district.

The board may look at 4 basic options:

- 1. A gas station / convenience store may operate as currently in the code closing at 1:00 am.
- 2. A gas station / convenience store may operate 24 hours a day with 24-hour liquor sales. [24-hour liquor sales would also require amendment to Chapter 4 Alcoholic Beverages Sec. 4-6. - Hours of sale and commercial deliveries.]
- 3. A gas station / convenience store may operate 24 hours a day with liquor sales ending at 1:00 pm.
- 4. A gas station may operate 24 hours a day while the attached convenience store closes at 1:00 am.

Other gas stations with convenience stores along Biscayne Boulevard lock their doors in the evening and only permit gas sales at the pump. They have made the business decision that operating a 24-hour convenience stores is not in the best interests of their business so there is no consensus amongst operators that 24 hour sales of both gas and convenience store items is essential.

Recommendation

Provide the village council with a recommendation on gas / convenience store hours of operation and hours for liquor sales at convenience stores.