

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2018-298**

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA AUTHORIZING CIGAR CELLAR OF MIAMI LOCATED AT 1557 SUNSET DRIVE TO ADD THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON PREMISES AS AN ACCESSORY USE TO THE RETAIL CIGAR ESTABLISHMENT, AS PERMITTED BY STATE LAW, PROVIDED THAT TOTAL RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES NOT EXCEED TWENTY-FIVE PERCENT (25%) OF THE TOTAL ANNUAL GROSS RECEIPTS, AND PERMANENT BARS OR COUNTERS NOT EXCEED 45 SQUARE FEET IN SURFACE AREA, SUBJECT TO A VALID CERTIFICATE OF USE AND LOCAL BUSINESS TAX; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Cellar of Miami, LLC, a non-restaurant facility has requested the ability to sell beer and wine for consumption on premises (2COP) as an accessory use to its tobacco retail establishment located at 1557 Sunset Drive, Coral Gables Florida; and

**WHEREAS**, pursuant to Section 6-4(a)(4) of the City Code, a non-restaurant facility must receive approval from the City Commission after administrative review from the City Manager and meet the requirements set forth in the City Code; and

**WHEREAS**, the provisions of Section 6-4(b) of the City Code provide the following conditions for the issuance of a retail beverage or retail liquor store license for a non-restaurant facility:

1. That the non-restaurant facility shall have a valid certificate of use and occupational license.
2. The sale of alcoholic beverages and intoxicating liquors shall be only incidental to the primary function of the facility.
3. Permanent bars or counters with a surface area not exceeding 45 square feet shall be permitted.
4. Total receipts from the sale of alcoholic beverages and intoxicating liquors shall not exceed twenty-five percent (25%) of the total annual gross receipts of any non-restaurant facility. It shall be the responsibility of the non-restaurant facility to maintain records open for inspection by the city to demonstrate compliance with this requirement.
5. Non-restaurant facilities holding a state retail beverage or retail liquor store license shall always be subject to inspection by the city manager or his or her designee for the purpose of determining that such non-restaurant facilities are in compliance with the existing requirements.

**WHEREAS**, the request meets the minimum requirements set forth in Section 6-4(b) pf the City Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CORAL GABLES:**

**SECTION 1.** That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Resolution upon adoption hereof.

**SECTION 2.** That the City Commission authorizes Cigar Cellar of Miami, 1557 Sunset Drive, to add the sale of alcoholic beverages for consumption on premises as an accessory use to the retail establishment with certain conditions.

**SECTION 3.** The City Commission reserves the right, at its discretion, to revoke this approval without further enforcement proceedings if the conditions above are not met.

**SECTION 4.** That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS THIRTEENTH DAY OF NOVEMBER, A.D., 2018.

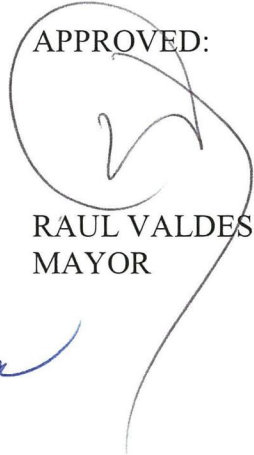
(Moved: Lago / Seconded: Quesada)

(Yeas: Quesada, Keon, Lago, Mena, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: J-3)

APPROVED:



RAUL VALDES-FAULI  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



MIRIAM SOLER RAMOS  
CITY ATTORNEY