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Date August 27, 2012

**RESOLUTION EXTENDING THE TEMPORARY MORATORIUM
ON NEW OR CONVERTED BUSINESSES SELLING LIQUOR FOR OFF-PREMISES
CONSUMPTION FROM A PREMISES OPERATED AS A LIMITED OR GENERAL
FOOD OR RETAIL SALES ESTABLISHMENT, A GAS STATION/CONVENIENCE
STORE OR A LIQUOR STORE**

WHEREAS, on April 9, 2012, by Roll Call No. 12-0572, the City Council established a temporary moratorium extending until June 26, 2012, on the commencement of any new business and on the conversion of any existing business to one selling alcoholic liquor for off-premises consumption, from any business premises which is operated as a Limited Food Sales Establishment, Limited Retail Sales Establishment, Gas Station/Convenience Store or Liquor Store, and further directed the Community Development Department and the Plan and Zoning Commission to diligently proceed with consideration of the appropriate amendments to the Zoning Ordinance to address the concerns identified by the City Council in the preamble to such roll call; and,

WHEREAS, on May 21, 2012, by Roll Call No. 12-0843, the City Council expanded the scope of the temporary moratorium to include General Food Sales Establishments and General Retail Sales Establishment (those between 10,000 and 40,000 square feet in size); and,

WHEREAS, on June 25, 2012, by Roll Call No. 12-1056, the City Council extended the duration of the temporary moratorium until August 28, 2012; and,

WHEREAS, on this date the City Council has considered first reading of a pending ordinance amending Section 134-954 of the Zoning Ordinance to further regulate the allowed location of businesses engaged in the sale of liquor, wine and beer for off-premises consumption; and,

WHEREAS, if the pending ordinance is given three reading and published in the Business Record in the ordinary course of business, the earliest the ordinance could be effective is September 28, 2012; and,

WHEREAS, it would be appropriate to maintain the status quo by continuing the moratorium until the earlier of September 28, 2012, or the publication of a future ordinance amending Section 134-954 of the Zoning Ordinance.

NOW THEREFORE, BE IT RESOLVED, by the City Council for the City of Des Moines, Iowa, as follows:

1. The moratorium imposed on April 9, 2012, by Roll Call No. 12-0572, as expanded in scope on May 21, 2012, by Roll Call No. 12-0843, and extended in duration on June 25, 2012, by

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Roll Call No. 12-1056, is hereby extended until the earlier of September 28, 2012, or the publication of a future ordinance amending Section 134-954 of the Zoning Ordinance.

- The City Council hereby declares its intention to immediately terminate the moratorium if it decides at a future date to abandon the proposal to further regulate the location and operation of businesses selling alcoholic liquor for off-premises consumption.

(Council Communication No. 12-462)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

(continued)