

★ Roll Call Number

17-1364

Agenda Item Number

25

Date August 14, 2017

RESOLUTION SCHEDULING HEARING ON PROPOSED AMENDMENTS TO THE ZONING ORDINANCE REGARDING BUSINESSES SELLING LIQUOR, WINE AND/OR BEER

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 20, 2017, its members voted 10-0 in support of a motion to recommend APPROVAL of proposed amendments to Sections 134-3 and 134-954 of the Zoning Ordinance of the Des Moines Municipal Code to add and clarify the intended definitions of "alcoholic beverage" and "50% of sales", the form of accounting information necessary to overcome a presumption of non-compliance with the percentage requirements for sales of alcoholic beverages by gas station/convenience stores, restaurants, and tobacco stores, and prohibited accounting practices related to alcoholic beverage sales; and

WHEREAS, the proposed text amendments are attached hereto and on file in the office of the City Clerk.

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

- 1. The attached communication from the Plan and Zoning Commission is hereby received and filed.
2. The City Council shall consider the proposed amendments to Sections 134-3 and 134-954 of the Zoning Ordinance of the Des Moines Municipal Code at a public hearing to be held in the Council Chambers at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on August 28, 2017, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said hearing in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by Hensley to adopt.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL (7).

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.

Y. M. Franklin Council Mayor

Diane Rauh City Clerk