



Roll Call Number

17-1510

Agenda Item Number

57

Date August 28, 2017

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

WHEREAS, on August 14, 2017, by Roll Call No. 17-1364, the City Council received a communication from the City Plan and Zoning Commission advising 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; and

WHEREAS, on August 14, 2017, by Roll Call No. 17-1364, it was duly resolved by the City Council that the proposed adoption of amendments to Sections 134-3 and 134-954 be set down for public hearing on August 28, 2017 at 5:00 p.m. in the City Council Chambers at the Municipal Service Center; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendments to the Zoning Ordinance; and

WHEREAS, in accordance with the notice, those interested in the proposed amendments, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon consideration of the facts, statements of interested persons and arguments of counsel, any and all objections to said proposed amendments to the Zoning Ordinance be and the same are hereby overruled, and the hearing is closed.

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MOVED by Coleman to approve the proposed adoption of amendments to Sections 134-3 and 134-954 of the Zoning Ordinance of the Des Moines Municipal Code, subject to final passage of the enacting ordinance.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin, Mayor

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.

Diane Rauh, City Clerk