ADDENDUM “I”

CONDITIONAL USE – ALCOHOLIC LIQUOR, WINE, & BEER SALES

PREAPPLICATION MEETING

In accordance with City Code Section 134-6.4.2, any property owner requesting a Conditional Use for consideration by the Zoning Board of Adjustment must attend a pre-application meeting before filing an application for a conditional use.

<table>
<thead>
<tr>
<th>I, the signed applicant, have attended a preapplication meeting, as required.</th>
<th>Date of Preapplication Meeting</th>
<th>Signature</th>
</tr>
</thead>
</table>

NEIGHBORHOOD MEETING REQUIREMENTS

In accordance with City Code Section 134-6.4.4, applicants requesting a conditional use are responsible for conducting a neighborhood meeting and providing a summary of such meeting before required public hearing, pursuant to City Code Section 134-6.1.6. The purpose of this meeting is to educate applicants and neighbors about one another’s interests, and to attempt to resolve any concerns before the public hearing.

<table>
<thead>
<tr>
<th>Description</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td>I have received a copy of the Neighborhood Meeting Requirements document, which is posted online at <a href="https://www.dsm.city/ZBOAApplication">https://www.dsm.city/ZBOAApplication</a></td>
<td></td>
</tr>
<tr>
<td>I have received, from the City, a list of property owners and Recognized Neighborhood Association representatives that I must invite to the Neighborhood Meeting.</td>
<td></td>
</tr>
<tr>
<td>I agree to conduct a Neighborhood Meeting, inclusive of property owners and Recognized Neighborhood Association representatives contained on the list provided by the City prior to the scheduled public hearing for this Conditional Use request.</td>
<td></td>
</tr>
<tr>
<td>I also agree to submit a summary of the Neighborhood Meeting to <a href="mailto:nhmeeting@dmgov.org">nhmeeting@dmgov.org</a> at least 3 days prior to the scheduled public hearing. This summary will include the following information: 1. Address of property requesting the conditional use. 2. Describe efforts to notify neighbors about the proposal, including how and when notification occurred, who was notified, and when and where the public meeting was held; 3. List who was involved in the discussions; 4. Identify suggestions and concerns raised by neighbors; and 5. Identify what specific changes, if any, were considered or made as a result of the Neighborhood Meeting.</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 134-3.1-2. ALCOHOLIC LIQUOR, WINE OR BEER SALES

<table>
<thead>
<tr>
<th>USE</th>
<th>Alcoholic Liquor Sales</th>
<th>Wine or Beer Sales</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DX1, DX2, MX1, MX2, DXR</td>
<td>MX3, CX, P1, P2</td>
</tr>
<tr>
<td>Retail Sales</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limited</td>
<td>Not allowed</td>
<td>40% / 500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,320</td>
</tr>
<tr>
<td>General</td>
<td>40% / 75</td>
<td>40% / 75</td>
</tr>
<tr>
<td>Large</td>
<td>40% / 75</td>
<td>40% / 75</td>
</tr>
<tr>
<td>Fuel Station</td>
<td></td>
<td>40% / 500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,320</td>
</tr>
<tr>
<td>Liquor Store</td>
<td>Not allowed</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tobacco Store</td>
<td></td>
<td>25% / 500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,320</td>
</tr>
<tr>
<td>Restaurant</td>
<td>50% / 75</td>
<td>50% / 75</td>
</tr>
<tr>
<td>Bar</td>
<td>Not allowed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>40% / 150</td>
<td></td>
</tr>
<tr>
<td>Other Uses with Sales for On-Premise Consumption</td>
<td>Not allowed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>40% / 150</td>
<td></td>
</tr>
</tbody>
</table>

**Table Notes**

- ☀ = Uses identified with a ☀ symbol are allowed only if reviewed and approved in accordance with the conditional use procedures of 134-6.4 of this chapter.
- 40% = no more than 40% of the gross receipts from sales from the premises may be derived from the sale of alcoholic liquor, wine, beer or tobacco products.
- 50% = at least 50% of the gross receipts must be derived from the sale of prepared food and food-related services. The sale of an alcoholic beverage is not the sale of prepared food and food-related services.
- 25% = no more than 25% of the gross receipts from sales from the premises may be derived from the sale of alcoholic liquor, wine or beer.
- 75 = the licensed premises occupied by such use must be separated by at least 75 feet from the property line of the lot where any church, school, public park or licensed child care facility as defined by Iowa Code Chapter 237A, are located. However, this condition is not applicable in the DX1, DX2, and DXR districts.
- 150 = the licensed premises occupied by such use must be separated by at least 150 feet from the property line of the lot where any church, school, public park or licensed child care facility as defined by Iowa Code Chapter 237A, are located. However, this condition is not applicable in the DX1, DX2, and DXR districts.
- 500 = the licensed premises occupied by such use must be separated by at least 500 feet from the property line of the lot where any church, school, public park or licensed child care facility as defined by Iowa Code Chapter 237A, are located. However, this condition is not applicable in the DX1, DX2, and DXR districts.
- 1,320 = the licensed premises occupied by such use must be separated by at least 1,320 feet from the property line of the lot where any other controlled use engaged in the sale of alcoholic liquor is located. In the DX1, DX2, and DXR districts, this condition is only applicable to liquor stores.
In accordance with City Code Section 134-3.8.1.B, the Zoning Board of Adjustment shall apply the following criteria when considering any application for a Conditional Use for the sale of alcoholic liquor, wine, and/or beer:

Conditional use approval is required for the use of a premises for the sale of alcoholic liquor, wine or beer, under the circumstances identified in indicated in Table 3.1-2 of this article. The board of adjustment is authorized to grant conditional use approval for such uses only when the business, operated in conformance with such reasonable conditions as may be imposed by the board, satisfies the following criteria:

**Please state how your request satisfies each requirement:**

1. The business conforms with the conditions identified in indicated in Table 3.1-2 of Chapter 134 of the City Code.

2. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing in the adjoining or surrounding residential area.

3. The business is sufficiently separated from the adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential uses.

4. The business will not unduly increase congestion on the streets in the adjoining residential area.

5. The operation of the business will not constitute a nuisance.

Furthermore, in accordance with City Code Sections 134-3.8.1.C-H, the following applies for any Conditional Use for the sale of alcoholic liquor, wine, and/or beer.

C. General Conditions. Any conditional use approval granted by the board of adjustment for the use of a premises for the sale of alcoholic liquor, wine and beer is subject to the following general conditions, together with such additional special conditions as may be reasonably required by the board of adjustment to ensure that the conditional use review approval criteria of paragraph B of this subsection, are satisfied:

1. Any parking area provided for the use of customers of the business must be illuminated at an intensity of at least one footcandle of light on the parking surface at all times. The entire site must be landscaped and illuminated so as to minimize hiding places for possible criminal activity.

2. The business shall comply with the noise control regulations of article IV of chapter 42 of this code. Outside speakers and amplified sound is prohibited except when used in compliance with a type E sound permit.

3. Any such business must comply with the following requirements:
   a. Every limited retail sales establishment, fuel station and tobacco store shall display alcoholic liquor only in a locked case or behind a counter accessible only to employees. Any other business selling alcoholic liquor for off premises consumption shall either:
      i. Display alcoholic liquor only in a locked case or behind a counter accessible only to employees;
      ii. Employ an electronic security cap or tag system on all containers of alcoholic liquor on display; or
iii. Have more than one employee on duty at all times the business is open to the public.
b. Conspicuously post 24-hour contact information for a manager or owner of the business near the
main public entrance.
c. Institute a strict no loitering policy, conspicuously post one or more “No Loitering” signs, and
cooperate with police in addressing loitering on the premises.
d. Not dispense alcoholic beverages from a drive-through window.

4. Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and
operators of such business shall remove all trash and debris from the premises and adjoining public
areas on a daily basis.

5. The conditional use approval is subject to amendment or revocation if the operation of the business
becomes a nuisance or exhibits a pattern of violating the conditions of the conditional use approval.

6. If the zoning enforcement officer determines at any time that the operation of such a business exhibits a
pattern of violating the conditions of the conditional use approval, the zoning enforcement officer may
apply to the board of adjustment to reconsider conditional use approval for such business. A copy of such
application and notice of the hearing before the board on such application shall be provided to the owner
of such business at least 30 days in advance and shall also be provided to all owners of record of
property within 250 feet of the subject property. If the board of adjustment finds that the operation of such
business exhibits a pattern of violating the conditions of the conditional use, the board shall have the
authority to amend or revoke the conditional use approval.

D. Report of Findings. Upon reasonable suspicion that any fuel station, or retail sales establishment, or other uses
with sales for on-premise consumption excluding restaurants and bars, derives more than 40% of its gross
receipts from sales, from the sale of alcoholic liquor, wine, beer or tobacco products, the zoning enforcement
officer may require that the owner or operator of the business demonstrate within 45 days that during the prior six
months no more than 40% of its gross receipts from sales are derived from the sale of alcoholic liquor, wine, beer
or tobacco products. In such event it shall be presumed that more than 40% of the gross receipts from sales are
derived from the sale of alcoholic liquor, wine, beer or tobacco products, which presumption may be overcome by
the business timely furnishing a report of findings showing compliance with the percentage requirements of this
section for fuel station and retail sales establishments, prepared and verified by a certified public accountant as
the result of an agreed-upon procedures engagement, identifying the total dollar volume of all receipts, and
separately identifying the total dollar volume of gross receipts derived from the sale of alcoholic beverages from
the sale of tobacco products, and from the sale of all other merchandise and food exclusive of alcoholic
beverages and tobacco products, from the business premises in the preceding six months.

E. Report of Findings - Restaurant. Upon reasonable suspicion that any restaurant does not derive at least 50% of
its gross receipts from the sale of prepared food and food-related services, the zoning enforcement officer may
require that the owner or operator of the restaurant demonstrate within 45 days that during the prior six months at
least 50% of its gross receipts were derived from the sale of prepared food and food-related services. In such
event it shall be presumed that less than 50% of the restaurant’s gross receipts are derived from the sale of
prepared food and food-related services, which presumption may be overcome by the business timely furnishing
a report of findings showing compliance with the percentage requirements of this section for restaurants, prepared
and verified by a certified public accountant as the result of an agreed-upon procedures engagement, identifying
the total dollar volume of all receipts, and separately identifying the total dollar volume of gross receipts derived from
the sale of alcoholic beverages and from the sale of prepared food and food-related services exclusive of
alcoholic beverages and tobacco products, from the business premises in the preceding six months.

F. Report of Findings - Tobacco Store. Upon reasonable suspicion that any tobacco store derives more than 25% of
its gross receipts from sales from the sale of alcoholic liquor, wine or beer, the zoning enforcement officer may
require that the owner or operator of the business demonstrate within 45 days that during the prior six months no
more than 25% of the gross receipts from sales are derived from the sale of alcoholic liquor, wine or beer. In
such event it shall be presumed more than 25% of its gross receipts from sales are derived from the sale of
alcoholic liquor, wine or beer, which presumption may be overcome by the business timely furnishing a report of
findings showing compliance with the percentage requirements of this section for tobacco stores, prepared and
 verifies by a certified public accountant as the result of an agreed-upon procedures engagement, identifying the
total dollar volume of all receipts, and separately identifying the total dollar volume of gross receipts derived from
the sale of alcoholic beverages from the sale of tobacco products, and from the sale of all other merchandise and
food exclusive of alcoholic beverages and tobacco products, from the business premises in the preceding six months.

G. Prohibited Accounting for Alcoholic Beverages. The sale of an alcoholic beverage and any of its component ingredients whether mixed into one beverage or sold separately to the same customer, regardless of intent, shall not be divided for accounting purposes under this chapter.

H. Effective Date. All fuel stations, retail sales establishments, tobacco stores and restaurants that have not continuously held an alcoholic liquor license or a beer or wine permit since July 1, 2012, shall comply with the requirements of paragraphs A., B., C., D., E., F., and G. of this subsection. Any fuel station, retail sales establishment, tobacco store or restaurant which has continuously held an alcoholic liquor license or a wine or beer permit since July 1, 2012, shall comply with paragraphs A., B., C., D., E., F., and G. of this subsection, exclusive of any changed separation requirements, commencing on December 31, 2013, and prior to that date shall continue to be subject to the general regulations regarding nonconforming uses, as set forth in section 134-7.2 of this article.