

RESOLUTION NO. 25-26

***RESOLUTION DIRECTING THE PLANNING AND ZONING COMMISSION TO REVIEW
PROPOSED AMENDMENTS REGARDING LIQUOR AND TOBACCO SALES***

WHEREAS, the City Council of the City of Charles City, Iowa, has discussed potential amendments to the Charles City Unified Development Ordinance regarding definitions, permitted uses, distance requirements, and related provisions for liquor sales and tobacco sales establishments; and

WHEREAS, the City Council finds it appropriate to request that the Planning and Zoning Commission review such potential amendments and determine whether changes to the Unified Development Ordinance are warranted;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charles City, Iowa, that the City Clerk is hereby directed to submit to the Planning and Zoning Commission the City Council's request to review potential amendments to the Unified Development Ordinance concerning liquor sales and tobacco sales; and

BE IT FURTHER RESOLVED that the Planning and Zoning Commission is requested to review the proposed matter and make a recommendation to the City Council if it determines that amendments to the Unified Development Ordinance are warranted.

COUNCIL MEMBER moved for the adoption of the foregoing resolution;

COUNCIL MEMBER seconded the motion to adopt, and on roll call the
voting was as follows:

AYES:

NAYS:

Passed and approved this _____ day of February, 2026.

Dean Andrews, Mayor

Attest: _____
Brittney Lentz, City Clerk

ORDINANCE NO. 1198

AN ORDINANCE AMENDING THE CHARLES CITY UNIFIED DEVELOPMENT ORDINANCE TO PROVIDE ADDITIONAL REQUIREMENTS FOR LIQUOR AND TOBACCO SALES

BE IT ENACTED by the City Council of the City of Charles City, Iowa:

SECTION 1. Amended Subsections. **Section 1, General Provisions, Section 2.03, General Definitions**, is hereby amended to modify the definition of “Liquor Sales” and to add a new definition for “Tobacco Sales” as follows:

Liquor Sales/Stores: Liquor stores; wine shops; grocery stores; convenience stores; and other retail establishments for which a class E liquor control license or wine or beer permit has been issued that allows sale of alcohol or alcoholic beverages in closed containers for off premises consumption; excluding, however, any bar or establishment whose principal business is serving alcoholic beverages for consumption on the premises.

Tobacco Sales: Any retailer actively engaged in the sale of tobacco products, cigarettes, alternative nicotine products, or vapor products, all as defined in Iowa Code Chapter 453A, as amended, pursuant to a tobacco permit.

SECTION 2. Amended Subsection. **Section 2, Land Use Regulations, Subsection 2.1.6, Land Use Categories/Matrix**, is hereby amended in the following particulars:

- Add **Tobacco Sales** as “Use Type” under “Special Commercial” Use Category as Permitted Use in **B-1, B-2, and B-3** Zoning Districts.
- Add Under “Additional Requirements” for Liquor stores/sales: **See Section 2.2.4.22**
- Add Under “Additional Requirements” for Tobacco Sales: **See Section 2.2.4.22**

All as follows: **(Paste Updated Matrix)**

SECTION 3. New Subsection. **Sections 2, Land Use Regulations, Section 2.2.4, Additional Regulations**, is hereby amended to add the following new subsection for Liquor Sales and Tobacco Sales:

Section 2.2.4.22 Liquor Sales and Tobacco Sales. This section is intended to establish special conditions by which liquor sales and tobacco sales may be established within the jurisdiction of Charles City.

1. Except for supermarkets, grocery stores, businesses primarily engaged in the retail sale of food or household products for home consumption, and/or convenience stores engaged in retail gas sales, no person shall engage in tobacco sales in the City of Charles City within:

A. 500 feet of a business engaged in tobacco sales; or

B. 500 feet of a residential district, residential use, residence, church, educational institution, park, or recreational facility.

C. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure containing the tobacco sales to the closest point on a property boundary of another business engaged in tobacco sales at the premises, a residential district, a residential use, a residence, a church, an educational institution, park, or a recreational facility.

2. Except for supermarkets, grocery stores, businesses primarily engaged in the retail sale of food or household products for home consumption, and/or convenience stores engaged in retail gas sales, no person shall engage in liquor sales or operate a liquor store in the City of Charles City within:

A. 500 feet of a business engaged in liquor sales or operation of a liquor store; or

B. 500 feet of a residential district, residential use, residence, church, educational institution, park, or recreational facility.

C. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure containing liquor sales to the closest point on a property boundary of another business engaged in liquor sales or operating a liquor store, residential district, a residential use, a residence, a church, an educational institution, park, or a recreational facility.

SECTION 4. Amended Subsection. Sections 2, Land Use Regulations, Subsection 2.2.1.9, **Nonconforming Uses**, Subsection 1, is hereby amended as follows:

2.2.1.9 NONCONFORMING USES

A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

1. If such use is discontinued for eighteen (18) consecutive months, any future use of the building premises shall conform to this Ordinance.

SECTION 5. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. Severability. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 7. When Effective. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the City Council on this _____ day of _____, 2026

Approved this ____ day of _____, 2026.

Dean Andrews, Mayor

ATTEST:

Brittney Lentz, City Clerk

As certified, the foregoing was published as Ordinance No. _____ on the ____ day of _____, 2026.

City Clerk