

# **Bond Case Briefs**

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## **ZONING & PLANNING - IOWA**

### **Lime Lounge, LLC v. City of Des Moines**

**Supreme Court of Iowa - March 22, 2024 - N.W.3d - 2024 WL 1221415**

Bar owner brought action for declaratory judgment to challenge city's requirement of conditional use permit to operate bar, alleging that the permit requirement was preempted by state statute.

The District Court granted bar owner's motion for a temporary injunction, but, following a bench trial, the District Court dissolved the temporary injunction and dismissed the action with prejudice. Bar owner appealed, and, following transfer, the Court of Appeals affirmed. Bar owner applied for further review, which was granted.

The Supreme Court held that:

- City zoning ordinance requiring an establishment to obtain a conditional use permit to sell alcohol was not expressly preempted by state statute;
- State statute did not expressly prohibit city from charging an application fee for a conditional use permit;
- City zoning ordinance requiring an establishment to obtain a conditional use permit to sell alcohol was not preempted, under implied-conflict preemption, by state statute;
- Statutes reserving to the state the ability to regulate traffic of alcoholic beverages did not, under implied-field preemption, preempt city zoning ordinance;
- Ordinance requiring conditional use permit did not violate bar owner's equal protection rights; and
- Ordinance did not result in improper spot zoning.