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RESOLUTION NO. 22-1499

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, ESTABLISHING THE CREATION OF AN ENTERTAINMENT DISTRICT, PER ARIZONA REVISED STATUTE §4-207(C)(4) GEOGRAPHICALLY COTERMINOUS WITH THE EXISTING HISTORIC PRESERVATION (H-P) OVERLAY ZONING DISTRICT OF THE CITY OF DOUGLAS.

WHEREAS, in April 2010, the State Legislature passed House Bill 2596, amending §4-207 and §41-1493, Arizona Revised Statutes (A.R.S.); amending Title 41, Chapter 9, Article 9, A.R.S.; and

WHEREAS, A.R.S. §4-207 restricts granting certain types of liquor license to establishments within three hundred (300) feet of existing schools and places of worship; and

WHEREAS, A.R.S. §4-207 allows the governing body of a city or town to grant an exemption from these distance restrictions, on a case-by-case basis for an establishment located in an area that is designated as an Entertainment District; and

WHEREAS, A.R.S. §4-207(D)(2) declares that, "Entertainment district" means a specific contiguous area that is designated an entertainment district by a resolution adopted by the governing body of a city or town, that consists of no more than one square mile, that is no less than one-eighth of a mile in width and that contains a significant number of entertainment, artistic and cultural venues, including music halls, concert facilities, theaters, arenas, stadiums, museums, studios, galleries, restaurants, bars and other related facilities; and

WHEREAS, the area proposed as the Downtown Douglas Entertainment District, coterminous with the City of Douglas Historic Preservation (H-P) Overlay Zoning District, satisfies the geographic qualifications of A.R.S. §4-207(D)(2) in describing an Entertainment District; and

WHEREAS, authorizing the City Council to grant such exemptions from distance requirements for establishments requiring certain liquor licenses in the Entertainment District would support the location of desirable and activating uses in this defined area; and

WHEREAS, the Mayor and Council has determined that the establishment of an entertainment district will serve to promote the economic, cultural and general welfare of the public by providing additional business options along with creating a more vibrant and active downtown, consistent with the General Plan Policy 3-1g of the Growth Areas and Population Element.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Douglas, Arizona as follows:

Section 1. That a Downtown Douglas Entertainment District is hereby created and designated in Downtown Douglas in accordance with A.R.S. §4-207.

Section 2. That under Arizona law, an Entertainment District allows a municipality's governing body to approve an exemption from the three hundred (300) foot distance restriction applicable to certain liquor licenses and schools and places of worship.

Section 3. The Downtown Douglas Entertainment District, coterminous with the Historic Preservation (H-P) Overlay Zoning District, is attached hereto as Attachment A, and is approximately 0.25 square miles, containing a large share of all of the cultural, entertainment, and artistic venues in Douglas.

Section 4. That the Mayor and Council consider requests for exemptions from the separation requirements of A.R.S. §4-207(A) for the following liquor licenses: in-state producers, in-state microbreweries, in-state farm wineries, in-state craft distilleries, remote tasting rooms, and beer and wine bars.

Section 5. That the Mayor and Council consider requests for exemptions from the separation requirements of A.R.S. §4-207(A) within the Downtown Douglas Entertainment District against the following time, place, and manner criteria:

1 A. Zoning and Land Use. The proposed use complies with all applicable zoning requirements of
2 the Historic Preservation (H-P) Overlay Zoning District, per Ordinance 22-1143, adopted April 13, 2022,
and effective May 13, 2022;

3 B. Effects. The proposed use is not materially detrimental to and will not adversely affect as a result
4 of hours of operation, noise, odor, traffic, parking, safety, and pedestrian accommodation:

- 5 1) Any church, public or private school that was established prior to the proposed use, situated
6 within three hundred (300) feet.
7 2) The persons residing, working, or visiting the entertainment district or surrounding
8 neighborhoods, or
9 3) The surrounding properties, neighborhoods, and the city.

10 C. Character. The proposed use complements and enhances the surrounding area and does not
11 adversely affect the character of Downtown Douglas.

12 Section 6. Severability. In the event any part, portion, or paragraph of this Resolution is found to be
13 invalid by any court or competent jurisdiction, the invalidity of such part, portion, or paragraph will not
14 affect any other valid part, portion, or paragraph of this Resolution and effectiveness thereof.

15 Section 7. That this Resolution becomes effective in the manner provided by law.

16 **PASSED AND ADOPTED** by the Mayor and Council of the City of Douglas, Arizona this 11th day of May,
17 2022.

18 _____
19 Donald C. Huish, Mayor

20 Attest:

21 Approved as to form:

22 _____
23 Alma Andrade, City Clerk

24 _____
25 Denis Fitzgibbons, City Attorney

26 Prepared by:
27 William Osborne, City Planner
28 Nick Cook, City Attorney