

RESOLUTION NUMBER R19-038

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAFFORD, GRAHAM COUNTY, ARIZONA, DESIGNATING AN AREA WITHIN THE CITY OF SAFFORD AS AN ENTERTAINMENT DISTRICT IN ACCORDANCE WITH ARIZONA REVISED STATUTES SECTION 4-207 (C)(4)

WHEREAS, the Mayor and City Council seek to promote the City of Safford business community and provide for diverse economic development that will continue the revitalization of downtown; and,

WHEREAS, A. R. S. § 4-207 restricts the granting of certain types of liquor licenses to establishments that are located within 300 horizontal feet of a church, public or private K – 12 school building, or a fenced recreational area adjacent to a K – 12 school building, which law has the effect of prohibiting new establishments operating with a spirituous liquor license in significant areas of downtown; and,

WHEREAS, A. R. S. § 4-207 C.4. allows the governing body of a city or town, on a case by case basis, to approve an exemption from the separation requirements for a church, public or private K – 12 school building, or, a fenced recreational area adjacent to a K – 12 school building that is located in an area designated as an entertainment district; and,

WHEREAS, the City of Safford 2016 General Plan identifies the Safford Downtown Character Area or Central Business District as the civic, cultural, arts, retail, and historic core of Safford; and,

WHEREAS, the Mayor and City Council has determined that the area to be established as the Safford Entertainment District is a contiguous area of no more than one square mile, is no less than one-eighth of a mile in width, and contains a significant number of entertainment, artistic, cultural venues, and other related facilities; and,

WHEREAS, the Mayor and City 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.

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

Section 1. That the area described on the map attached hereto as Exhibit A is hereby designated and delineated as an entertainment district within the City of Safford.

Section 2. That the Mayor and City Council of the City of Safford will 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 distillers, remote tasting rooms, and beer and wine bars.

Section 3. That the Mayor and City Council of the City of Safford will consider requests for exemptions from the separation requirements of A. R. S. § 4-207 (A) within the entertainment district against the following time, place, and manner criteria:

- A. Zoning and Land Use. The proposed use complies with all applicable zoning requirements.
- B. Effects. The proposed use is not materially detrimental to and will not adversely affect (1) any church or public or private K-12 school that is within 300 feet of the proposed use, (2) the persons residing, working or visiting the entertainment district or surrounding neighborhoods, or (3) the surrounding properties, neighborhoods, and the city. Adverse effects may result from several sources, including but not limited to hours of operation, noise, odor, traffic, parking, safety, and pedestrian accommodation.
- C. Character. The proposed use complements and enhances the surrounding area and does not adversely affect the character of downtown Safford.

Section 4. Severability. In the event any part, portion or paragraph of this Resolution if found to be invalid by any court or competent jurisdiction, the invalidity of such part, portion, or paragraph will not affect any other valid part, portion, or paragraph of this Resolution and effectiveness thereof.

Section 5. That this Resolution becomes effective in the manner provided by law.

PASSED, ADOPTED AND APPROVED by the Mayor and City Council of the City of Safford, Graham County, Arizona this 14th day of October 2019.




Jason Kouts, Mayor

ATTEST:



Georgia Luster, MMC, City Clerk

APPROVED AS TO FORM:



William J. Sims, III, City Attorney

CERTIFICATION

STATE OF ARIZONA)
) ss
County of Graham)

I HEREBY CERTIFY, that the foregoing Resolution Number R19-038 was duly passed and adopted by the Mayor and City Council of the City of Safford, Graham County, Arizona, at a regular council meeting held October 14, 2019. A quorum was present at the meeting.



Georgia Luster, MMC, City Clerk

Oct. 14, 2019

Date:

ENTERTAINMENT DISTRICT EXHIBIT A



