

City of Fayetteville Staff Review Form

2019-0452

Legistar File ID

8/20/2019

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Garner Stoll

7/24/2019

DEVELOPMENT SERVICES (620)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

2019-0452: Submitted by the Development Services Department for creation of an Entertainment District as authorized by Act 812.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20180321

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



MEETING OF AUGUST 20, 2019

TO: Mayor; Fayetteville City Council

THRU: Don Marr, Chief of Staff

FROM: Garner Stoll, Development Services Director
Blake Pennington, Assistant City Attorney

DATE: July 23, 2019

SUBJECT: **Creation of an Entertainment District as authorized by Act 812**

RECOMMENDATION:

Staff recommends approval of an ordinance establishing boundaries for an entertainment district and promulgating rules for outdoor consumption of alcohol in public places at: 1) events with standing approval; 2) special events with specific approval, and; 3) sidewalk cafes.

BACKGROUND:

Act 812 of 2019 grants municipalities broad authority to approve “designated entertainment districts” in contiguous areas located within a city. The Act specifically allows entertainment districts in areas zoned for or customarily used for commercial purposes and allows local jurisdictions to create reasonable standards for the regulation of alcohol possession.

This proposed district is largely derived from Fayetteville’s approved 2007 Cultural and Arts District boundaries with modifications to eliminate residentially zoned areas not allowed to be included by Act 812.

Within this extensive district, the proposed ordinance limits the consumption of alcoholic beverages in public places to events with standing approval, such as the Fayetteville Farmer’s Market, First Thursday, and the Lights of the Ozarks, and special events permit with closed streets as approved by the Mayor. It also allows consumption of alcohol in public places associated with establishments with sidewalks café permits.

The ordinance establishes specific conditions for the consumption of alcoholic beverages in public outdoor areas including types, size, and numbers of containers, prohibited containers, the prohibition of alcoholic beverages not purchased within the district, and other rules and conditions.

DISCUSSION:

After the special events process and sidewalk cafes have been successfully tested and implemented the program could be expanded to allow off-premise alcohol consumption during

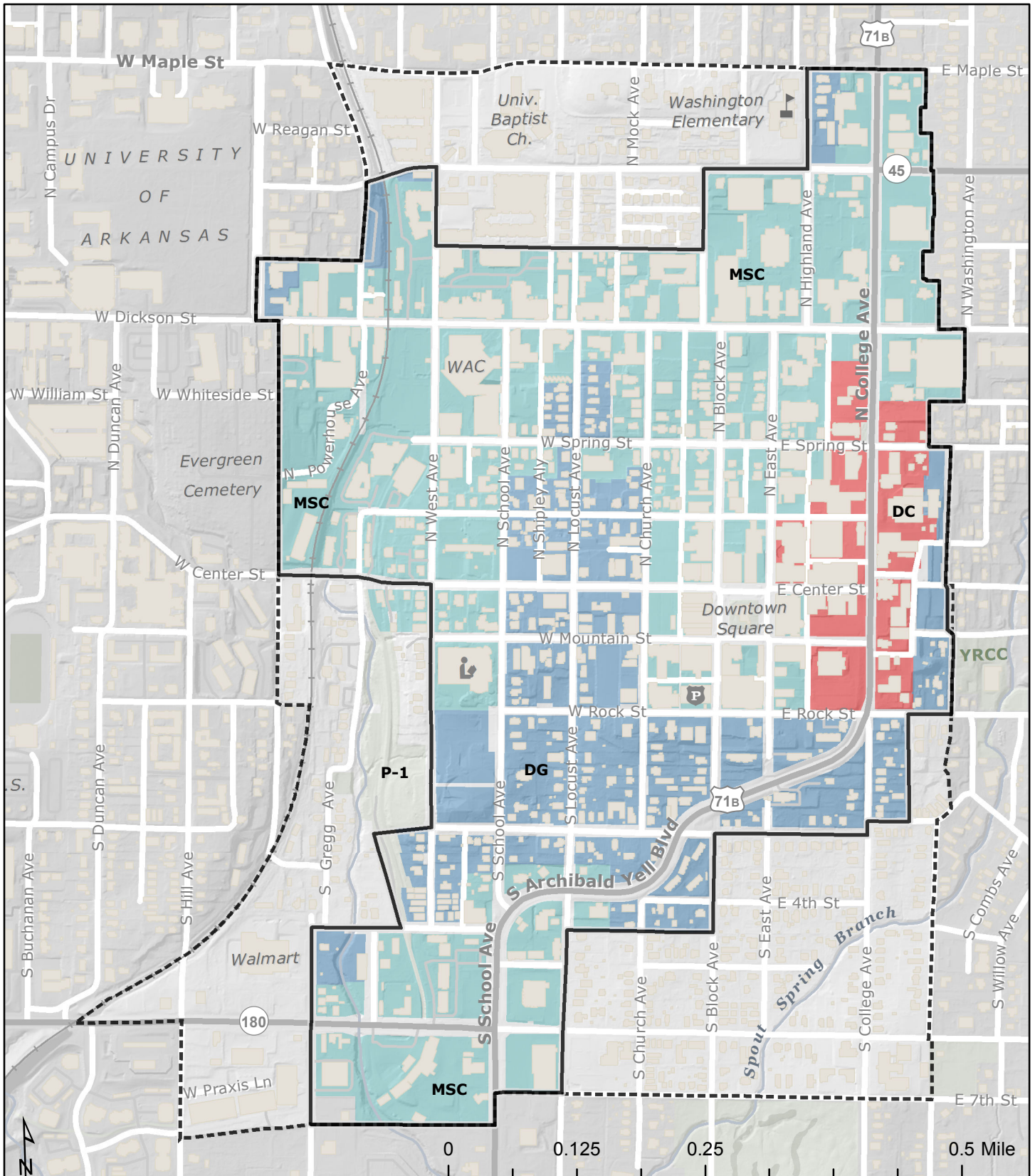
periodic hours on specified streets or other public areas. Eventually, with amendments, the entertainment district could evolve into permitting alcohol consumption, at regularly scheduled times, on specified open or closed streets, in addition to sidewalk cafes or special or standing events.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit 1: Entertainment District Boundary Map
- Exhibit 2: Act 812



Proposed Entertainment District



Adopted Cultural Arts District



Building

Exhibit 1 Entertainment District

With Zoning - Fayetteville, AR



CITY OF
FAYETTEVILLE
ARKANSAS

The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user; and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warranties with reference to the data. No word, phrase, or clause found herein shall be construed to waive that tort immunity set forth under Arkansas law.

State of Arkansas

As Engrossed: H3/28/19

92nd General Assembly

A Bill

Regular Session, 2019

SENATE BILL 492

By: Senators T. Garner, Bond, B. Sample, G. Leding, L. Chesterfield, Elliott

By: Representatives Barker, A. Collins, McCullough, Scott

For An Act To Be Entitled

AN ACT TO PROMOTE HOSPITALITY AND TOURISM; TO
ESTABLISH AREAS OF A CITY OR TOWN THAT HIGHLIGHT
RESTAURANT, ENTERTAINMENT, AND HOSPITALITY OPTIONS;
TO ESTABLISH TEMPORARY OR *PERMANENT* DESIGNATED
ENTERTAINMENT DISTRICTS; AND FOR OTHER PURPOSES.

Subtitle

*TO PROMOTE HOSPITALITY AND TOURISM; TO
ESTABLISH AREAS OF A CITY OR TOWN THAT
HIGHLIGHT RESTAURANT, ENTERTAINMENT, AND
HOSPITALITY OPTIONS; TO ESTABLISH
TEMPORARY OR PERMANENT DESIGNATED
ENTERTAINMENT DISTRICTS.*

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 3-2-206, concerning the rulemaking authority of the Alcoholic Beverage Control Division, is amended to add an additional subsection to read as follows:

(f) A rule promulgated under this title that prohibits a person from possessing an alcoholic beverage outside of an establishment that holds a permit for on-premises consumption and from which the alcoholic beverage was purchased does not apply within a designated entertainment district as defined in § 14-54-1412.

SECTION 2. Arkansas Code § 5-71-212(e), concerning the exceptions to



1 consuming alcohol in public, is amended to read as follows:

2 (e) ~~The provisions of this~~ This section shall ~~does not be construed to~~
3 prohibit or restrict the consumption of an alcoholic beverage when consumed:

4 (1) as ~~As~~ a part of a recognized religious ceremony or ritual; or

5 (2) Within the physical boundaries of a designated entertainment
6 district as defined in § 14-54-1412.

7
8 SECTION 3. Arkansas Code Title 14, Chapter 54, Subchapter 14, is
9 amended to add an additional section to read as follows:

10 14-54-1412. Designated entertainment districts.

11 (a) As used in this section, "designated entertainment district" means
12 a contiguous area located in a part of a city, a municipality, or an
13 incorporated town that:

14 (1) Is zoned for or customarily used for commercial purposes;
15 and

16 (2) Contains any number and any combination of restaurants,
17 taprooms, taverns, entertainment establishments, hospitality establishments,
18 music venues, theaters, bars, art galleries, art studios, tourist
19 destinations, distilleries, dance clubs, cinemas, or concert halls.

20 (b)(1) A city, a municipality, or an incorporated town collecting a
21 gross receipts tax on prepared food or hotel and motel accommodations under
22 §§ 26-75-602 – 26-75-613 and located in a county authorized to sell alcoholic
23 beverages may by ordinance create a designated entertainment district.

24 (2) A designated entertainment district may be permanent or
25 temporary.

26 (3)(A) A city, a municipality, or an incorporated town that
27 creates a designated entertainment district under this section shall set by
28 ordinance reasonable standards for the regulation of alcohol possession
29 within the boundaries of the designated entertainment district.

30 (B) An ordinance enacted under this subsection does not
31 diminish the requirements of the Alcoholic Beverage Control Division
32 concerning permits issued within the designated entertainment district.

33 (4) A city, a municipality, or an incorporated town that creates
34 a designated entertainment district under this section shall notify the
35 division within ten (10) days of the issuance or removal of a permanent or
36 temporary designation as a designated entertainment district.

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/s/T. Garner

APPROVED: 4/9/19