



City of Dublin

Office of the City Manager

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Memo

To: Members of Dublin City Council
From: Dana L. McDaniel, City Manager
Date: June 8, 2020
Initiated Jennifer D. Readler, Law Director
By: Alison LeRoy, Community Events Director
Jennifer M. Rauch, AICP, Planning Director
Re: Potential Creation of a DORA

Summary

Both the Dublin Convention and Visitors Bureau (DCVB) and Crawford Hoying have inquired as to whether City Council would consider creating a designated outdoor refreshment area (DORA). Below is a discussion of the DORA creation process as well as a potential timeline. Staff seeks Council input and direction at this time.

Designated Outdoor Refreshment Area, DORA

The Ohio Revised Code (Section 4301.82) permits municipalities to create DORAs, which legally permit bar and restaurant patrons to walk outside and potentially into other retail establishments within the boundaries of the DORA with an alcoholic beverage that has been served by a liquor-permit holding establishment within that boundary. This would only be permitted during days/times/events designated by Dublin in the legislation creating the DORA.

To create a DORA in Dublin, the City Manager would submit an application to City Council that contains the following information:

- A map or survey of the proposed outdoor refreshment area in sufficient detail to identify the boundaries of the area, which shall not exceed three hundred twenty contiguous acres or one-half square mile;
- A general statement of the nature and types of establishments that will be located within the proposed outdoor refreshment area;
- A statement that the proposed outdoor refreshment area will encompass not fewer than four qualified permit holders;
- Evidence that the uses of land within the proposed outdoor refreshment area are in accordance with the master zoning plan or map of the municipal corporation or township;
- Proposed requirements for the purpose of ensuring public health and safety within the proposed outdoor refreshment area.

City Council would then consider the application and potentially adopt a resolution that establishes requirements the City determines necessary to ensure public health and safety within the area. The resolution shall contain all of the following:

- The specific boundaries of the area, including street addresses;
- The number, spacing, and type of signage designating the area;
- The hours of operation for the area;
- The number of personnel needed to ensure public safety in the area;
- A sanitation plan that will help maintain the appearance and public health of the area;
- The number of personnel needed to execute the sanitation plan;
- A requirement that beer and intoxicating liquor be served solely in plastic bottles or other plastic containers in the area.

Once an application is filed, a two-week notice is required to be published and then a resolution would be presented for Council consideration, which, if approved, would be effective immediately. The timeline from the filing of the application to the adoption of the DORA resolution is approximately 45 days.

If a DORA is approved, the Ohio Division of Liquor Control will then issue an outdoor refreshment area designation to each qualified permit order, as long as the permit holder is in compliance with all applicable requirements under Ohio Revised Code Sections 4301 and 4303. There is no fee to the City or to the permit holders for this designation.

City Council has the authority to modify or dissolve a DORA by legislation at any time if it deems it necessary.

This topic has been raised by the Downtown Dublin Strategic Alliance in the past (see attached email). Grove City, as well as several other Ohio communities, including Worthington, Hillard, Delaware, Powell, Hamilton and Middletown have created DORAs. We have provided Grove City's application/legislation for background information as well as a DORA FAQ sheet that answers some of the most common questions.

Since we are currently operating under a pandemic, we realize it is unlikely that Council would consider creating a DORA now. In the future though, if Council were to consider a DORA, public input would be solicited and Staff would seek direction from Council as to potential DORA boundaries, suggested hours of operation and the design of any DORA signage and plastic cups used within the DORA. We would also examine whether City staff time would be required in order to implement the required sanitation plan and to ensure public safety.

Recommendation

Staff seeks guidance from Council as to whether the creation of a DORA should be pursued at this time or at some other point in the future.

ORDINANCE C-17-19

AN ORDINANCE CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA FOR THE GROVE CITY TOWN CENTER AND ENACTING REGULATIONS

WHEREAS, pursuant to the provisions of Ohio Revised Code §4301.82, the City of Grove City is permitted to create a Designated Outdoor Refreshment Area ("DORA"); and

WHEREAS, on April 03, 2019 Mayor Stage submitted an application to City Council for approval of a DORA in a specified section of the Grove City Town Center; and

WHEREAS, pursuant to §4301.82(C), notice of the filing of the DORA Application and the date of a public hearing thereon was published in a newspaper of general circulation in the City on April 18, 2019 and April 25, 2019; and

WHEREAS, the public hearing on the application was held on May 20, 2019 during which public testimony was held; and

WHEREAS, the DORA Application as submitted meets the requirements of Ohio Revised Code Section 4301.82.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. City Council approves the DORA Application as having met the requirements of ORC 4301.82(B)(1-5) and approves the establishment of a Grove City Town Center Designated Outdoor Refreshment Area comprised of the area as depicted on Exhibit A, attached hereto and made a part hereof, such area to include and encompass the premises of the permit holders located at the street addresses listed in Exhibit C, as is required to be included pursuant to ORC Section 4301.82(F)(1)(a).

SECTION 2. The DORA encompasses not fewer than four (4) qualified permit holders, all of which are identified in Exhibit C, attached hereto and made a part hereof, by business name, address, liquor permit type and liquor permit number.

SECTION 3. That in order to ensure public health and safety and in accordance with ORC 4301.82(F)(1)(b), the number, spacing, and type of signage designating the DORA boundary shall be as set forth on Exhibit F, attached hereto and made a part hereof.

SECTION 4. Section 6 of the DORA Application in accordance with ORC 4301.82(F)(1)(c) are the hours of operation for the DORA, which will apply to all activity within the DORA. City Council hereby recognizes that the DORA shall not be applicable and/or in operation for the events set forth in Section 6 of the DORA Application.

SECTION 5. The Public Health & Safety Plan as described in Section 5 of the DORA Application, attached hereto and made a part hereof is hereby approved as meeting the requirements of ORC 4301.82(F)(1)(d), including the manner in which the number of personnel needed to carry out the plan shall be determined.

SECTION 6. The Sanitation Plan that will help maintain the appearance and public health of the area as described in Section 5 of the DORA Application, attached hereto and made a part hereof, is hereby approved as meeting the requirements of ORC 4301.82(F)(1)(e), including the manner in which the number of personnel needed to carry out the plan shall be determined.

SECTION 7. As is required by ORC4301.82(F)(1)(g), beer and intoxicating liquor shall only be served in plastic bottles or other plastic containers, which shall be provided by the qualified permit holders in a readily-identified container that identifies the name of the establishment that is serving the beverage, as approved by the City's Department of Public Safety.

SECTION 8. City Council shall review the requirements of the DORA, as established herein, at a minimum one (1) year from the effective date of this Ordinance to determine whether to continue the DORA under the same or modified terms and conditions, or dissolve it according to statutory provisions.

SECTION 9. City Council determines that all public notice requirements of ORC 4301.82 prior to the passage of this Ordinance have been met.

SECTION 10. The Clerk of Council is hereby instructed to forward a copy of this Ordinance to the Ohio Division of Liquor Control and to the investigative unit of the Ohio Department of Public Safety, all in accordance with ORC 4301.82(C) and 4301.82(F)(3).

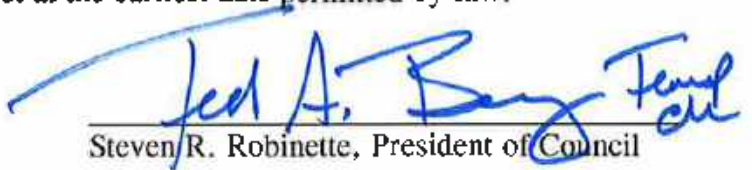
SECTION 11. This Ordinance shall take effect at the earliest date permitted by law.

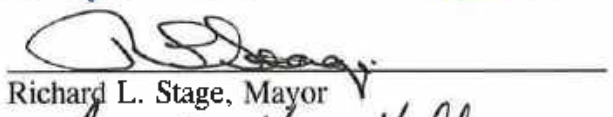
Passed: 05-20-19

Effective: 06-20-19

Attest:

I certify that this ordinance is correct as to form.


Steven R. Robinette, President of Council


Richard L. Stage, Mayor


Tami K. Kelly, MMC, Clerk of Council


Stephen J. Smith, Director of Law

C-17-19

APPLICATION TO THE GROVE CITY
COUNCIL

for the establishment of a

GROVE CITY TOWN CENTER
DESIGNATED OUTDOOR REFRESHMENT
AREA



O.R.C. 4301.82

The Office of the Mayor of Grove City, Ohio respectfully submits the following application to the Grove City Council to approve and enact the Grove City Town Center Designated Outdoor Refreshment Area, in accordance with O.R.C. 4301.82

Submitted: _____

Richard L. Stage, Mayor

I. INTRODUCTION AND SUBMITTAL OF APPLICATION

Section 4301.82 of the Ohio Revised Code (O.R.C.) authorizes municipalities to create Designated Outdoor Refreshment Areas ("DORA"). To begin the process of creating a DORA, the municipality's Executive Officer may submit an application to City Council which meets certain statutory requirements. The application must be advertised for two consecutive weeks in a newspaper of general circulation within 45 days of the application submission to City Council. Not earlier than 30 days, but not later than 60 days, after the initial publication of the notice, City Council may approve, disapprove or modify the application.

In September 2018, the Heart of Grove City organization submitted a request that the City Council adopt legislation to create a DORA in the Grove City Town Center. Members of the Heart of Grove City organization met with Council Members and the Administration to discuss the desirability of such a project as well as the requirements for establishing a DORA.

The creation of a DORA is meant to serve as an economic tool to attract patrons to the Grove City Town Center and highlight the area as a destination for dining and entertainment. The purpose of this application is to request that City Council create and approve a Designated Outdoor Refreshment Area (DORA) in Grove City.

Section 1. Map of Proposed DORA, not exceeding 150 contiguous acres

Please refer to **Exhibit A** attached. In accordance with O.R.C. 4301.82 (B)(1), Exhibit A includes a map of the proposed DORA that does not exceed 150 acres in size. The proposed area is 15.81 acres in size.

Section 2. Nature and Types of Establishments located within the DORA

Please refer to **Exhibit B** attached. In accordance with O.R.C. 4301.82 (B)(2), Exhibit B lists the names and types of establishments located within the DORA.

Section 3. List of Qualified Permit Holders

Please refer to **Exhibit C** attached. In accordance with O.R.C. 4301.82 (B)(3), Exhibit C outlines the establishments within the DORA that currently have a D liquor permit which is the necessary permit required to participate in a DORA. The DORA will include not fewer than four (4) qualified permit holders. Grove City identified nine (9) qualified permit holders located in the DORA.

Section 4. Evidence that Use of Land within the DORA are in accord with Grove City's Comprehensive Plan

Please refer to **Exhibit D** attached. In accordance with O.R.C. 4301.82 (B)(4), Exhibit D shows a map of Grove City's zoning for the DORA that shows the uses of land within the DORA.

Section 5. Proposed Requirements for Ensuring Public Health and Safety within the DORA

In accordance with O.R.C. 4301.82(B)(5), the proposed requirements for ensuring public health and safety are included below. The Grove City Public Service Department will be responsible for maintaining the appearance and public health within the DORA.

Required Cups:

Those liquor permit establishments within the DORA selling alcohol that can be carried outside its permit area must provide special cups marked with the name of the establishment. The city will establish rules for the types and cost of cups. Cups shall be made of compostable material.

Law Enforcement Duties:

The Grove City Division of Police will be responsible for providing law enforcement services within the DORA. The city is divided into four (4) patrol districts with at least one officer assigned to each district. The DORA is in District 1 and the officers assigned to the district will have primary responsibility for providing services within the DORA.

The on-duty supervisor shall ensure that appropriate attention is provided to the DORA during the hours of operation. In the event a larger than normal number of people are in the DORA, the on-duty supervisor may assign additional officers, and/or assign an officer to specifically patrol the DORA. The use of foot patrol, bicycle patrol as well as the special operation bureau will be considered as alternate methods of patrolling in the DORA.

For special events in the DORA drawing large attendance, additional officers, other agency personnel and/or private security may be required as determined by the Safety Director.

Fire/EMS Responsibilities:

Jackson Township Fire Department will be responsible for providing Fire, Rescue and EMS within the DORA.

- Donald F. Miller Station 201 is located approximately 0.7 miles away from the closest boundary and one (1) mile from the farthest boundary. The estimated response time would be between one (1) and three (3) minutes to any area within the DORA.

For planned events in the DORA drawing large attendance, the Fire Chief may stage personnel and/or equipment in a location within or near the DORA to allow for an immediate response.

Sanitation:

Please refer to **Exhibit E** attached. Grove City has staff specifically allocated to the Town Center area to ensure the area remains clean. Grove City will install 12 additional refuse and recycling containers.

Signage:

Please refer to **Exhibit F** attached. Grove City will install 22 DORA signs as indicated, nine (9) on existing signposts and 13 on newly placed signposts. Portable signs may be used as needed.

Special Events:

Grove City is home to numerous events and festivals throughout the year including, but not limited to, Alumni Weekend, Homecoming, Wine and Arts Festival, Bourbon Festival, and other Heart of Grove City Events.

Grove City may require event organizers pay for special duty officers, private security or overtime for public service or safety personnel if necessary to ensure adequate health and public safety requirements are maintained at the event holders expense.

Outdoor Dining and/or Events on Property within the DORA:

Permit holders that sell alcoholic beverages as part of providing an outdoor dining area in Grove City's right of way (adjacent to the establishment), must obtain a right of way permit (or encroachment agreement) and meet the requirements of the Codified Ordinances for right of way use, the DORA, and the City's Outdoor Seating policy in the Town Center (Chapter 907.) The permit holder may not sell alcoholic beverages outside their liquor permit area. These policies will require the qualifying permit holder to submit sanitation and signage plans and a physical layout of the tables, chairs, and other facilities. Additionally, the permit review will ensure there are adequate pedestrian passageways and ingress/egress for emergency services is adequate. Failure to comply with the requirements of the permit can result in revocation.

Restaurants without a liquor permit and any other establishment within the DORA may allow patrons with DORA cups to enter their establishment if permitted by the owner.

Section 6. Designated Hours of Operation

The hours of operation of the DORA will be Thursday, Friday and Saturday from 2:00 p.m. to Midnight. The days which the following events occur are specifically excluded:

Boo Off Broadway/Beggars Night;
Christmas Celebration;
Homecoming; and

Circumstances or situations determined by the Safety Director to be in the best interest of the community in maintaining public safety.

EXHIBIT A

Liquor Permit Holders



City of Grove City, Ohio
DORA 2019

- Liquor Permit Holder
- DORA District - 1.58' acres

1 inch = 150 feet

Exhibit B

3975	Arbutus Avenue, Suite A	Sonic Lounge Recording Studios
3937	Broadway	Hair Gallery and Day Spa
3937	Broadway Ste D	The Honey House
3937	Broadway Unit A-1	Vacant
3937	Broadway, Suite B	Country Hearth Primitives
3940	Broadway	Zassy's Tap Room and Home Décor
3946	Broadway	Grove City Brewing Company
3946	Broadway	Plum Run Winery
3952	Broadway	Kitty's Kottage
3952	Broadway	The Farm Table on 62
3968	Broadway	Vacant
3971	Broadway	Personal Expressions, LLC
3974	Broadway	White's Barber Shop
3980	Broadway	Roach Enterprises
3981	Broadway	Little Theatre Off Broadway
3984	Broadway	Tammy's Pizza of Grove City
3985	Broadway	Michael's Hibachi
3989	Broadway	Certify, Inc.
3989	Broadway	Cultivate
3989	Broadway	KatBro Marketing
3989	Broadway	Keller Williams
3989	Broadway	Rampart Websites and Mobile Apps
3989	Broadway	Sensus
3989	Broadway	Tammel Homecare Solutions
3989	Broadway	The Garden Bar
3989	Broadway	ViaForge
3989	Broadway Ste 275	Healthcare Revenue Services & Consulting
3995	Broadway	Grove City Visitors Center
3995	Broadway	Quick Square Consulting, LLC
3998	Broadway	Parkers Tavern
3999	Broadway	Shepherd Insurance Partners Inc
3999	Broadway, Suite A	Vacant
3999	Broadway, Suite B	Jeans Tax Service
4007	Broadway	Edward Jones Investments / Jeff Danziger, AAMS
4008	Broadway	Lilly's Kitchen Table
4009	Broadway	Capital City Cakes & Sweet Treats
4011	Broadway	Coldwell Banker King Thompson
4014	Broadway	Sharp's Grove City Auction Gallery

Exhibit B (continued)

4018	Broadway	Grove City Barber Shop
4022	Broadway	Plank's on Broadway
4026	Broadway	Marks Sports Cards Plus
4030	Broadway	Bowshier, Davitz & Rieser LLC
4030	Broadway	S.J. Parkway Properties, Inc.
4030	Broadway, Suite 100	Steve J. Edwards, Attorney at Law
4030	Broadway, Suite 300	Peters. Laura, Attorney at Law, LLC
4032	Broadway - 2nd Floor	Rise Yoga Ohio
4034	Broadway	Grandstand Pizza
4038	Broadway	Sommer House Gallery, Inc.
4002	Broadway	Never Grow Up Boutique
4050	Broadway	Transcend Coffee + Roastery
4056	Broadway	Broadway Cleaners LLC
4057	Broadway	Hop Yard 62
4063	Broadway	Total Platinum Salon
4063	Broadway, Suite B	A Classic Touch, Inc.
3323	Cleveland Avenue	Daystarz Childcare Center
3306	Columbus St	Board & Brush Grove City
3343	Columbus Street	The Hair Shoppe
3425	Grant Ave., Suite B	Novocain Lounge (pending)
3425	Grant Avenue, Suite A	John J. Dubos, D.D.S.
3449	Grove City Road	Heritage Cycles
3391	Park Street	Scruffy to Fluffy
3378	Park Street, Suite B	Southwest Franklin County Historical Society
3378	Park Street, Suite C	Grove City Town Center Inc.
3378	Park Street, Suite D	The Franklin County Genealogical & Historical Society
3378	Park Street, Suite E	Grove City Arts Council

Exhibit C

Business Name	DBA	Business Address	Permit Types	Permit #
MJG Design Co. LLC	Board and Brush	3306 Columbus St.	D1, D2	60699020010
Parkers Tavern LLC	Parkers Tavern	3998 Broadway	D5, D6	6713399
Planks Garden Inc.	Planks on Broadway	4022 Broadway	D5	69562980005
Kevin S. Bradley	Grandstand Pizza Shop	4034 Broadway	D1	0904575
Grey Beard LLC	Hop Yard 62	4057 Broadway	D1, D2, D3	3374329
Michael Cui, Inc.	Michaels Hibachi	3985 Broadway	D1	5903470
Local Cantina Grove City LLC	Local Cantina	3937 Broadway	D1, D2, D3	5253979
Zassy Taproom LLC	Zassy's Tap Room	3940 Broadway	D1, D3	9896574
Plum Run Vineyard LLC	Plum Run Winery	3946 Broadway	A1A, A1C, A2, B2A, D6, S	6970215
Novocain Lounge	Novocain Lounge	3425 Grant Ave	Pending	Pending

EXHIBIT D

Zoning Classification



White Pl

PSO
Professional
Services

CBD

D-1
Duplex

R-2

R-2

CBD

CBD

Local Cantina
D1, D2, D3

Zassy's Taproom
D1, D3

Plum Run Winery
A1A, A1C, A2, B2A, D6, S

CBD

CBD

Board & Brush
D1, D2

Cleveland Ave

R-2

IND-1

CBD

Grant Ave

Novocain Lounge
Permits Pending

CBD
Central Business
District

CBD

R-2
Single-Family
Residential

Columbus St

R-2

Broadway

First St

Arbutus Ave

Michael's Hibachi
D1
CBD

Jackson St

IND-1

CBD

Parker's Tavern
D5, D6
CBD

CBD

CBD

CBD

Plank's on Broadway
D5

Park St

PUD-R

CBD

Grandsand Pizza Shop
D1
CBD

CBD

CBD

SD-1
Educational

CF
Community
Facility

R-2

PUD-R
Planned Unit
Development
Residential

Hop Yard 62
D1, D2, D3

CBD

CBD

PUD-R

SD-1

CBD

SD-2
Service

SD-1

C-2
Retail
Commercial

Voeller Ave

Civic Pl

IND-2

R-2

R-2

PSO

R-2

R-2

EXHIBIT E

Refuse Container Locations



EXHIBIT F

Boundary Signage



City of Grove City, Ohio
DORA 2019

- Liquor Permit Holder
- Existing Signpost (9)
- Proposed Signpost (13)
- DORA District: 15.81 acres

1 inch = 150 feet

DORA Q & A

1. Who provides the glassware?
 - a. Option 1: Each participating establishment will be responsible for providing their own cups. The alcohol needs to be served in a plastic container with the name of the establishment and DORA printed on it.
 - b. Option 2: The city will purchase the cups and the DORA establishments can purchase order the cups for the city at cost.
2. How is over-consumption monitored and by whom?
 - a. By those serving alcohol, citizens, and the police.
3. Are consumers able to have beer, wine and liquor or just beer and wine?
 - a. The city can decide which alcohols will be allowed, but all are permitted within the ORC for a DORA.
4. How do we control underage drinking? If another establishment serves underage and then they come to us with a beverage from another establishment, are we to be the “bad guy” and toss their drink and ask them to leave? Or what if their 21-and-over friend buys 3 drinks and then passes them to their underage friends outside of the establishments’ perimeter, who carries that liability? (The establishment or the City?)
 - a. You cannot take a beverage purchased at one DORA establishment into another DORA establishment.
 - b. Some cities, such as Middletown, charge patrons \$1 for a wristband that allows them to take their alcoholic beverages outside an establishment within the DORA boundary.
 - c. Every establishment serving alcohol needs to check IDs, even if they already have a wristband.
 - d. Limit the amount of drinks a person can buy at one time.
5. Is the plan for this to evolve into a weekly weekend happening?
 - a. It depends on the desires of the business owners and residents.
6. What happens when some of the events occur when establishments are not open? Is the City expecting these establishments to open for this? (ex. farmers market, street market- start at 9 am and ends hour after most establishment open)
 - a. You are not required to open your establishment for off hours DORA events.
7. How quickly can the DORA district/rules change if it is just for special events and who would make the decision to make changes?
 - a. The changes would have to be approved by Council
8. Logistically, how will it work? Would a consumer be required to finish their current drink before entering another drinking establishment? Would not want to bring liquor from one establishment into a competitor establishment.
 - a. You are unable to take your alcoholic DORA drink from one bar/restaurant to another establishment that serves alcohol.
9. Do you need a liquor permit if you are within the DORA?
 - a. No, only those with liquor licenses will be able to serve alcohol. However, customers will be able to bring the alcohol into other stores if the business owners allow it. Window signage will be helpful.
10. How will the extra expenses of sanitation and/or extra security be absorbed?
 - a. Payment made for wristbands can go toward the costs of running DORA events.
11. Will it require extra liability insurance?
 - a. For the City no. For the businesses participating in the DORA their current liability insurance should cover, however each business will need to check with their own carrier.
12. Will there be any education of the public of rules/regulations of the DORA?
 - a. The establishment of a DORA needs to be posted in a newspaper.

- b. The city can create additional signage for this and create a webpage for the DORA.
13. Would there be a community resource officer and who will pay for the expense?
- a. Possibly, and expenses could potentially be paid for by wristband sales.
14. What will the fees be to be part of the DORA?
- a. As much as possible, if possible, we would like the participating establishments to not have to put money into the DORA.
15. How will the common cup be designed? Will it list no sponsors, some sponsors or no sponsors?
- a. No sponsors will be listed. The only things on the cup should be DORA and the establishment where the beverage was purchased.
16. Will the liquor license establishments that are participating in the DORA need a special DORA license on top of their liquor license?
- a. As soon as possible after receiving notice that an outdoor refreshment area has been approved, the division of liquor control, for purposes of section 4301.62 of the Revised Code, shall issue an outdoor refreshment area designation to each qualified permit holder location within the refreshment area that is in compliance with all applicable requirements under Chapters 4301 and 4303 of the Revised Code. The division shall not charge any fee for the issuance of the designation.
17. How will liability insurance work? Will it be an umbrella policy under the city's insurance?
- a. The businesses should not have to take on any additional insurance; their current liability insurance should cover these events, just as it would normally.

DORA DISTRICT PROPOSED ZONING

IMMEDIATE & SUSPENDED ZONES

