APPLICATION TO THE URBANA CITY COUNCIL DOWNTOWN URBANA DESIGNATED OUTDOOR REFRESHMENT AREA Ohio Revised Code 4301.82



The Mayor of the City of Urbana, Ohio and the Office of the Director of Administration of the City of Urbana, Ohio respectfully submit the following application to the City Council of Urbana, Ohio to approve and establish a Designated Outdoor Refreshment Area (DORA) in Downtown Urbana in accordance with Ohio Revised Code Section 4301.82.

Submitted: October 18, 2022

By:

Mr. Bill Bean, Mayor

City of Urbana

Bv:

Mr. Kerry Brugger Director of Administration

City of Urbana

A. Introduction and Submittal of Application

The Mayor of the City of Urbana, Ohio and the Office of the Director of Administration of the City of Urbana, Ohio respectfully submit the following application to the City Council of Urbana, Ohio to approve and establish a Designated Outdoor Refreshment Area (DORA) in Downtown Urbana in accordance with Ohio Revised Code Section 4301.82.

Furthermore, Ohio Revised Code Section 4301.82 authorizes municipalities under 50,000 in population to create up to three Designated Outdoor Refreshment Areas or "DORAs". A DORA is an area where the open container restrictions are relaxed during particular timeframes, and adults who are 21 years of age or older are permitted to possess and consume alcohol in public with certain restrictions. In order to consider creation of a DORA, the Chief Executive Officer of the municipality is required to file an application with City Council which meets certain statutory requirements outlined below.

In order to consider the creation of a DORA, the Mayor (Chief Executive Officer) and Administration are required to prepare and submit an application (this document) to Urbana City Council which meets certain statutory requirements as outlined below. The application filing, including the date and time of the required public hearing, shall be advertised for two consecutive weeks in *The Urbana Daily Citizen*, our local newspaper of general circulation. Not earlier than 30 days, but not later than 60 days after the initial notice publication, Urbana City Council must approve or disapprove of the application by ordinance. The purpose of this application is to request that Urbana City Council consider the creation and approval for a Designated Outdoor Refreshment Area (DORA) in Downtown Urbana.

The establishment of a Designated Outdoor Refreshment Area for Downtown Urbana has been requested by existing establishments downtown and by establishments who are planning to open within the downtown district. Furthermore, the approval of the Urbana Downtown Revitalization District in June of 2020 by the Ohio Department of Commerce, Division of Liquor Control and this district's later amendment in September of 2021 has expanded the availability of D5 liquor licenses downtown. As a result of additional D5 licenses being available within the Urbana Downtown Revitalization District, the number of establishments operating downtown or planning to operate downtown has already increased.

Regionally and throughout the State of Ohio, Designated Outdoor Refreshment Areas have proven to be generally popular and have been well received in the vast majority of communities where they have been established. Furthermore, communities with Designated Outdoor Refreshment Areas already in place and operational have reported minimal issues as a result of the operation of their Designated Outdoor Refreshment Areas. In addition, most communities that have started with trial periods or stricter operational limitations of their Designated Outdoor Refreshment Areas have later revised their operating requirements to be less restrictive.

Lastly, the overall purpose of establishing a Designated Outdoor Refreshment Area (DORA) for Downtown Urbana will continue to build upon increased economic activity, investment, and development within the downtown. Furthermore, the establishment of a DORA in Downtown Urbana will assist with the continued revitalization of Downtown Urbana by furthering patronage of new and existing dining and shopping options by the local community, region, and tourists.

The application includes the following sections:

- B. Map and Description of Boundaries
- C. Nature and Types of Establishments
- D. Qualified Permit Holders
- E. Land Use and Zoning
- F. Public Health and Safety
- G. Sanitation
- H. Signage
- I. Hours and Additional Rights and Requirements

B. Map and Description of Boundaries

In accordance with Ohio Revised Code Section 4301.82(B)(1)(b) and (F)(1)(a), the specific boundaries of the DORA are presented in EXHIBIT A – Boundary Map. While the statute allows a municipality with a population of 50,000 or less to include up to 320 contiguous acres within the DORA boundaries, the DORA being proposed for Downtown Urbana is only +/- 18.117 acres and is focused on the locations where issued or pending qualified liquor permits are located. Furthermore, the boundaries have been drawn to keep the walking areas of the DORA confined to the predominantly commercial areas of the downtown area. Within the proposed DORA boundaries, there are eight establishments currently licensed with the qualified license types to participate in the DORA. In addition, there are three establishments with pending liquor permit applications who are also located within the DORA boundaries. Once licensed, these three establishments will also qualify as the proper liquor license type to participate in the DORA.

Street right of ways and address ranges within the DORA include:

Street Name	Address Range	Even/Odd
Monument Square	1-42	Even & Odd
Miami Street	100-198	Even
Miami Street	101-199	Odd
Scioto Street	100-208	Even
Scioto Street	101-299	Odd
South Main Street	100-216	Even
South Main Street	101-199	Odd
North Main Street	100-198	Even
North Main Street	101-299	Odd
East Court Street	100-116.5	Even
East Court Street	101-119	Odd
West Court Street	101-127	Odd

C. Nature and Types of Establishments

In accordance with Ohio Revised Code Section 4301.82(B)(2), the nature and types of establishments within or adjacent to the Downtown Urbana DORA are primarily businesses in the retail, restaurant, entertainment, and service sectors. Furthermore, within the Downtown Urbana DORA, the majority of the buildings have businesses consisting of retail, restaurants, and commercial services on the first floor.

The upper-level floors have a mixture of office space and residential units. In recent years, upper floor spaces that were previously vacant have been converted into upstairs apartments and lofts. For example, the former Douglas Inn had been vacant since 2004 and was reoccupied in 2022 when seventeen new senior apartments were completed. In addition, another thirty-nine residential loft apartments are proposed or under construction within the DORA boundaries.

There are also institutional and governmental uses typical of a historic downtown in an Ohio county seat such as the Champaign County Courthouse and the Masonic Temple. In addition, adjacent to the boundaries of the Downtown Urbana DORA, there is the Urbana Municipal Building, the Champaign County Municipal Court, the Urbana Fire Division, and the Urbana Police Division.

All properties within the Downtown Urbana DORA are located within the B-3 Central Business District and these properties are familiar with the type of activity (pedestrian foot traffic, retail/commerce, and community events) typically found within the area and how the creation of a DORA would further promote commerce within Downtown Urbana.

Examples of retail, restaurant, financial/service, and institutional/governmental establishments located in the Urbana DORA are as follows:

Retail				
Middle of the Wood	231 North Main Street			
Archetype	102 South Main Street			
Bell's Flowers	33 Monument Square			
The Boston	121 North Main Street			
Carmazzi's	100 South Main Street			
Downtown Divas	16 Monument Square			
Ethel's Flower Shop	239 Scioto Street			
Eve's Place	122 South Main Street			
Farm Charm	106 South Main Street			
The Garden by Dorcey's	200 Scioto Street			
Guild Galleries Interiors & Gifts	118 North Main Street			
Hometown Music	237 North Main Street			
In Good Taste Market	12 Monument Square			
Kaleidoscope	117 North Main Street			
Lily's Garden	125 North Main Street			
The Merchant Shops	112 North Main Street			

Nanny Goat's	115 East Court Street		
Nivroc's Country Store	15 Monument Square		
Our Kitchen Window	223 North Main Street		
Sideline Sports	202 Scioto Street		
Vape on the Square	17 Monument Square		
The Vintage Traveler	107 Scioto Street		
Willow & Walker Plant Boutique	121 Scioto Street		

Dining					
Abuela's Kitchen	23 Monument Square				
Bracken's Pub	106 Miami Street				
Café Paradiso	13 Monument Square				
Downtown Nutrition	221 North Main Street				
Fusion 40 83	115 Miami Street				
In Good Taste Market	12 Monument Square				
Let's Eat Cake	117 Scioto Street				
Mayflowers Chinese Restaurant	225 North Main Street				
Tapas Pequenos	31 Monument Square	*Under Construction			
Teabaggers	127 North Main Street				
The Spotted Owl Coffee Bar	113 North Main Street				
Urbana Brewing Company	35 Monument Square	*Under Construction			

Financial/Service				
Alexander Spencer Kramer, CPA	113 East Court Street			
Coverlink Insurance	121 Miami Street			
Dye & Doss Insurance	127 South Main Street			
Edwin A. Grinvalds, Attorney at Law	125 Scioto Street			
Farmers & Merchants State Bank	120 North Main Street			
	1 Monument Square, Suite			
Martin, Browne, Hull, and Harper; Attorneys at Law	200			
Martin Insurance	125 South Main Street			
The Peoples Savings Bank	10 Monument Square			
	1 Monument Square, Suite			
Phillip M. Edwards Financial Planning	202			
Sellman Insurance Group	38 Monument Square			
Stocksdale Insurance	114 North Main Street			
Thompson, Dunlap, and Heydinger LTD. (TDH Law)	18 Monument Square			
Tompkins & Ellis Attorneys	121 South Main Street			
Ron Burns State Farm Agent	219 Scioto Street			

Wagner, Maurice, Davidson, and Zook; LPA	117 West Court Street
Wallace & Turner Insurance	113 Scioto Street

Institutional/Governmental				
Champaign County Courthouse	200 North Main Street			
Champaign County Municipal Court	205 South Main Street	*Adjacent to DORA		
Masonic Temple	222 North Main Street			
Urbana Fire Division	107 East Market Street	*Adjacent to DORA		
Urbana Municipal Building	205 South Main Street	*Adjacent to DORA		
Urbana Police Division	205 South Main Street	*Adjacent to DORA		

D. Qualified Permit Holders

In accordance with Ohio Revised Code Section 4301.82 (B)(3), the Downtown Urbana DORA is located within a municipal corporation with a population of less than 50,000. The 2020 federal decennial census determined that the population of the City of Urbana is 11,115 as of the date of the census. Furthermore, as required by Ohio Revised Code Section 4301.82 (D)(2), the Downtown Urbana DORA will not encompass fewer than two qualified permit holders as defined in Ohio Revised Code Section 4301.82(A)(1). As of the date of this application, there are eight qualified permit holders with an additional three establishments with pending liquor permit applications for qualified license types who are also located within the DORA boundaries.

			Permit	Permit	
Permit Holder	DBA	Address	Class	No.	Status
Monument Brewing	Urbana Brewing	35 Monument			
LLC	Company	Square	A1A, A1C	6115035	Pending
Our Kitchen Window		223 North Main			
LLC	Our Kitchen Window	Street	A2	6606870	Pending
	Mayflowers Chinese	225 North Main			
Dale Chiyoung Tai	Restaurant	Street	D1, D2	8779950	Issued
			D1, D2,		
Patrick E. Field	Coppertop	116 Miami Street	D3	2710842	Issued
		127 North Main			
Grant A. Holcomb	Teabaggers	Street	D2	3911597	Issued
		115 Miami Street &			
Fusion 40 83 LLC	Fusion 40 83	Patio	D5	2972261	Issued
		13 Monument			
Happytime LLC	Café Paradiso	Square & Patio	D5	3589836	Issued
		106 Miami Street &			
Patrick Crowley	Brackens Pub	Patio	D5	1836584	Issued
		23 Monument			
Abuelas Kitchen LLC	Abuelas Kitchen	Square	D5L	0036902	Issued

Spotted Cow	The Spotted Owl Coffee	113 North Main			
Coffeehouse LLC	Bar	Street	D5L	8443141	Issued
		31 Monument			
Tapas Pequenos LLC	Tapas Pequenos	Square	D5L	8782189	Pending

E. Land Use & Zoning

In accordance with Ohio Revised Code Section 4301.82(B)(4), the land uses within the Downtown Urbana DORA are located within the B-3 Central Business District and the City Center Heritage Overlay District and are in accord with local zoning regulations. See EXHIBIT B – Zoning Map.

As stated within the Chapter 1125.01 of the Codified Ordinances of the City of Urbana, "It is the purpose of the B-3 Central Business District to encourage the functional grouping of those commercial, office, institutional, residential and accessory establishments encouraging the preservation of the historic character of downtown Urbana. Multi-family housing is encouraged on upper stories of buildings in the B-3 Central Business District".

Furthermore, as outlined in Chapter 1112.01 (b) of the Codified Ordinances of the City of Urbana, the City Center Heritage Overlay District is specifically designed to:

- 1) Maintain, promote, and ensure Urbana's downtown as its historic business and civic center.
- 2) Provide for increased opportunities and land use efficiency for redevelopment, new development and business development expansion.
- 3) Encourage a viable and compatible mix of commercial, business, office, and residential uses in the district.

F. Public Health & Safety

In accordance with ORC 4301.82(B)(5) and (F)(1)(d), the following public health and safety requirements have been developed for the purpose of ensuring the health and safety within the Downtown Urbana Designated Outdoor Refreshment Area (DORA).

The City of Urbana Police Division and the City of Urbana Fire Division will be responsible for providing public safety within the DORA through law enforcement and fire/EMS services.

Law Enforcement Responsibilities

The City of Urbana Police Division will be responsible for providing law enforcement services within the DORA. Uniformed officers are assigned to cover the city 24 hours per day, 7 days per week, 365 days per year, and throughout the hours of operation of the DORA. If law enforcement services are required, assistance can be obtained through dispatch and by phoning the conventional 9-1-1 system.

The on-duty shift Sergeant will do his/her best to ensure that appropriate attention is provided to the DORA during the hours of operation. As of the date of this application, there are four officers assigned to 1st shift, including a Sergeant. Furthermore, there are five officers currently assigned to 2nd shift, including a Sergeant. Lastly, as of the date of this application, there are four officers assigned to 3rd shift, including a Sergeant. In addition to this staffing, the Urbana Police Division is also staffed by a Chief of Police and Lieutenant.

For planned events in the DORA that may draw a larger than normal attendance, the organizer of the event will be responsible for hiring an appropriate number of off-duty police officers as security.

Fire/EMS Responsibilities

The Urbana Fire Division will be responsible for providing Fire, Rescue, and EMS within the DORA. The city's only fire station is located within one block of Monument Square and is within feet of the DORA boundaries. This station is also staffed 24 hours per day, 7 days per week, 365 days per year and during hours of operation of the DORA. Response time to any emergency within the DORA will be minimal.

Within the Urbana Fire Division, there is an assigned A, B, and C shift. Each shift rotates between 24 hours on duty and 48 hours off duty. For each assigned shift, there are five firefighters on station, including a Captain. In addition, the Fire Chief and Fire Prevention Official are employed within the Urbana Fire Division on a full-time basis as regular forty hour per week employees.

G. Sanitation

In accordance with ORC 4301.82(B)(5) and (F)(1)(e) and (F)(1)(f), the following sanitation plan has been developed to help maintain the appearance and public health within the Downtown Urbana Designated Outdoor Refreshment Area (DORA). See EXHIBIT C-Sanitation Plan.

Within the Central Business District, there are currently seventeen 30-gallon trash containers (trash only) that are collected by Rumpke of Ohio, Inc. pursuant to a contract with City of Urbana. Collection of these containers is twice per week from April through October (on Mondays & Thursdays, unless otherwise agreed upon) and once per week from November through March (preferably on Thursday, unless otherwise agreed upon). Additional collections will be done on an as-needed basis, and the existing placement of these containers may be adjusted at a later date based on the operational needs of the DORA. The City of Urbana Public Works Superintendent will monitor the containers and coordinate additional collections with Rumpke if needed and coordinate any required relocations of containers.

The DORA area will be monitored for litter and additional receptacles will be added as necessary. The City of Urbana will explore the possibility of adding recycling containers within the DORA by working with its recycling vendor, Rumpke.

The streets located within the DORA boundaries, including Monument Square, are regularly cleaned by the full-time staff of the City of Urbana Street Department with the city's street sweeper. If deemed necessary by the Director of Administration and/or the Public Works Superintendent, the City of Urbana will increase the frequency of street sweeping operations within the DORA.

H. Signage

In accordance with ORC 4301.82(F)(1)(b), permanent sidewalk stencils with the wording "NO ALCOHOL BEYOND THIS POINT" with the DORA logo/title will be installed and maintained by the City of Urbana Street Department as signage at the DORA boundaries. For instances where sidewalk stencils are not

feasible for installation as planned, a raised sign will be installed with similar wording and graphics. All DORA boundary signage will be placed where public sidewalks intersect with the DORA boundaries and where the DORA boundaries end in order to provide pedestrians with a clear indication of when they are entering or exiting the boundaries of the DORA. As of the date of this application, approximately thirty-five signs are estimated to be required to be installed to properly delineate the DORA boundaries as shown on the signage plan.

See EXHIBIT D - Signage Plan.

I. Hours and Additional Rights and Requirements

a) Hours of Operation

In accordance with ORC 4301.82(F)(1)(c), the hours of operation for the Downtown Urbana DORA will be year-round from 11:00AM to 10:00PM daily. Furthermore, the Director of Administration shall be permitted to issue special event permits that may operate within the boundaries of the DORA and which may extend the operational days or hours of the DORA. In addition, the Director of Administration shall be permitted to consider and approve additional events on an ongoing-basis.

The City of Urbana requires that each special event receives a permit, and each event will be reviewed by the Director of Administration and the appropriates Departments/Divisions of the City. Permit requirements may differ between events depending on the size, layout, use of right of way, or program requirements of the specific event. Furthermore, each event will be reviewed to ensure that adequate sanitation, signage, and public safety requirements are addressed. In addition, the necessity of portable restrooms, handicap accessibility, pedestrian mobility, public safety ingress and egress, crowd control, DORA boundary management, and trash management will be addressed. Event organizers may be required to pay for special duty officers or overtime for public service or safety workers if necessary to ensure adequate and public safety requirements are met.

Potential DORA Special Events:

Second Saturdays

Art Affair on the Square

Simon Kenton Chili Cook-Off & Hoopla Parade

Pumpkin Walk

Loft Tour

Holiday Open Houses

Holiday Horse Parade

Small Business Saturday

Christmas Shop Hop

* Inclusion as an eligible DORA event does not necessitate participation. Each host organization will have the opportunity to decide if the event will participate in the DORA process.

b) Official DORA Cup

In accordance with ORC 4301.82(F)(1)(g), beer, wine, and intoxicating liquor shall only be consumed within the Downtown Urbana DORA as follows:

- 1) Beer, wine, and intoxicating liquor shall only be served and consumed within the DORA in a specifically designated DORA cup (the "Official Cup").
- 2) Each official cup shall be clear and shall not hold more than sixteen (16) ounces of liquid.
- 3) Each official cup shall only be used once, and no permit holding establishment shall allow a cup to be refilled after use.
- 4) Each official cup shall consist of specific identifiable marks and logos to ensure the integrity of the DORA regulations.
- 5) No other container shall be permitted to be utilized within the Downtown Urbana DORA.
- 6) Used official cups shall be disposed of before entering any establishment of a qualified permit holder.

The Downtown Urbana DORA Cup (the "Official Cup") shall be sold and distributed exclusively through the Champaign County Chamber of Commerce. Participating establishments will contact the Champaign County Chamber of Commerce during regular business hours for all orders and sales of cups in advance of cups being needed by the establishment.

The Champaign County Chamber of Commerce shall reserve the right to charge \$0.25 per cup above actual cost of each cup to each participating establishment. Funds generated beyond the cost of the cups shall be placed in a designated fund at the Champaign County Chamber of Commerce that can be used for operation and marketing expenses for the Downtown Urbana Designated Outdoor Refreshment Area. If excess funds are generated beyond the required operating and marketing expenses for the DORA, the Champaign County Chamber of Commerce shall determine a process for distributing funds to support continued revitalization efforts within Downtown Urbana. Furthermore, the Champaign County Chamber of Commerce shall establish a committee to assist with the allocation of DORA cup proceeds.

Failure or non-compliance of permit holders to uphold the regulations and rules required by this application may result in a failure to renew the DORA permit or force the City of Urbana to revoke the permit holders' participation in the DORA.

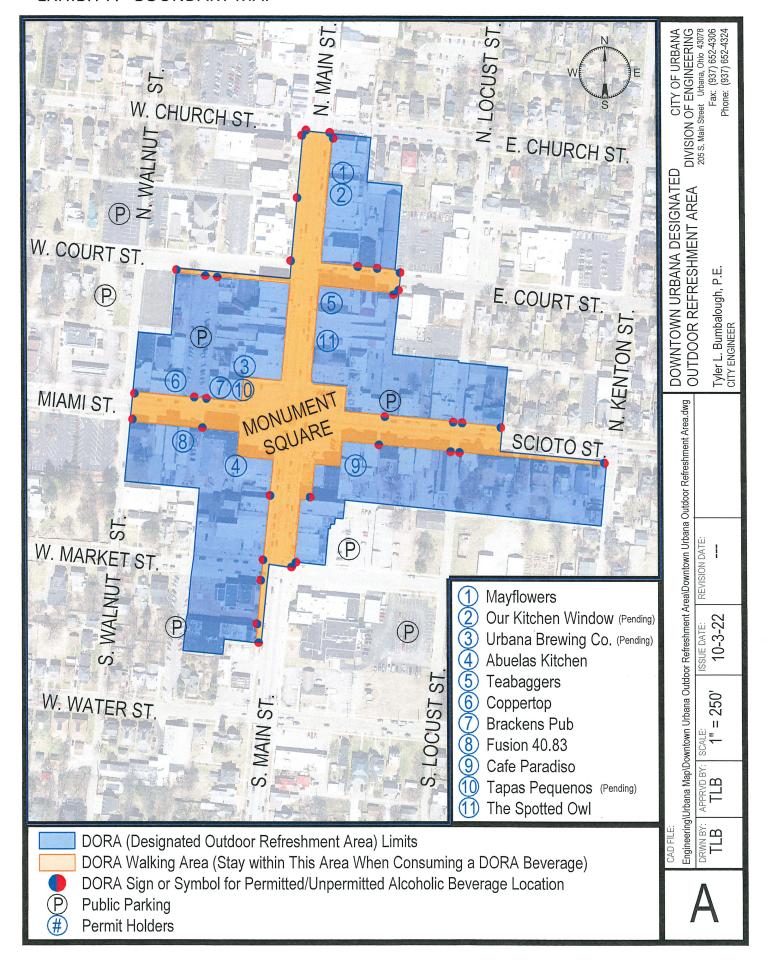
c) Additional Requirements

In accordance with ORC 4301.82(B)(5) and in conjunction with other rules, standards, and requirements set forth in this application, additional rules and requirements for the purpose of ensuring public safety and health within the Downtown Urbana DORA are as follows:

1) No person shall enter the premises of a non-liquor serving establishment within the DORA with an open container of beer, wine, or intoxicating liquor without the owner's permission.

- 2) No person shall enter the premises of a liquor serving establishment with an open container of beer, wine, or intoxicating liquor purchased from a separate liquor serving establishment.
- 3) No person shall reenter the premises of a liquor serving establishment with an open container of beer, wine, or intoxicating liquor purchased from the same establishment.
- 4) No person shall possess an open container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the Downtown Urbana DORA.
- 5) No person shall refill or reuse the "Official DORA Cup".
- 6) A person may have in his/her/their possession an open container of beer, wine, or intoxicating liquor at an outdoor location within the boundaries of the Downtown Urbana DORA if the open container was purchased from a qualified and active participating permit holder to which all of the following apply:
 - a) The permit holder's premises are located within the boundaries of the Downtown Urbana DORA.
 - b) The permit held by the participating establishment has an outdoor refreshment area designation as outlined in the local legislation.
 - c) The open container consists of the official Downtown Urbana DORA cup.
- 7) Any person who fails to comply with the rules and regulations outlined in this application may be charged with a misdemeanor equivalent to an open container violation, as prohibited by Ohio R.C. §4301.62, a disorderly conduct violation, as prohibited by Ohio R.C. §2917.11, and/or any other applicable criminal charge.

EXHIBITS



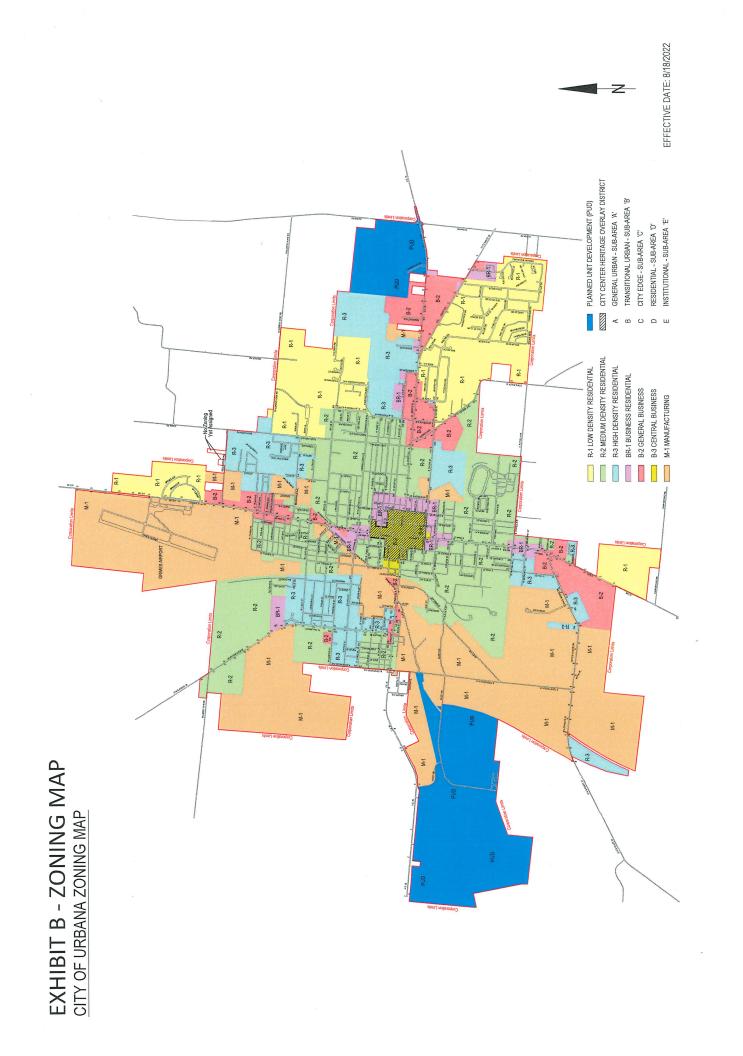


EXHIBIT C – Sanitation Plan Downtown Urbana Designated Outdoor Refreshment Area (DORA)

In accordance with ORC 4301.82(B)(5) and (F)(1)(e) and (F)(1)(f), the following sanitation plan has been developed to help maintain the appearance and public health within the Downtown Urbana Designated Outdoor Refreshment Area (DORA).

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The DORA area will be monitored for litter and additional receptacles will be added as necessary. The City of Urbana will explore the possibility of adding recycling containers within the DORA by working with its recycling vendor, Rumpke.

The streets located within the DORA boundaries, including Monument Square, are regularly cleaned by the full-time staff of the City of Urbana Street Department with the city's street sweeper. If deemed necessary by the Director of Administration and/or the Public Works Superintendent, the City of Urbana will increase the frequency of street sweeping operations within the DORA.

EXHIBIT D1 – Signage Plan Downtown Urbana Designated Outdoor Refreshment Area (DORA)

In accordance with ORC 4301.82(F)(1)(b), permanent sidewalk stencils with the wording "NO ALCOHOL BEYOND THIS POINT" with the DORA logo/title will be installed and maintained by the City of Urbana Street Department as signage at the DORA boundaries. For instances where sidewalk stencils are not feasible for installation as planned, a raised sign will be installed with similar wording and graphics. All DORA boundary signage will be placed where public sidewalks intersect with the DORA boundaries and where the DORA boundaries end in order to provide pedestrians with a clear indication of when they are entering or exiting the boundaries of the DORA. As of the date of this application, approximately thirty-five signs are estimated to be required to be installed to properly delineate the DORA boundaries as shown on the signage plan.

Representative Signage Examples/Concepts Are Shown Below:



