

## ORDINANCE NO. 2021-009

### AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF THE FINDLAY DESIGNATED OUTDOOR REFRESHMENT AREA (D.O.R.A.), MAKING CERTAIN FINDINGS AND DETERMINATIONS, AND ENACTING REGULATIONS TO THAT EFFECT.

WHEREAS, Section 4301.82(D)(3)(b) of the Ohio Revised Code authorizes municipal corporations with a population of between thirty-five thousand to fifty thousand (35,000-50,000) to designate within their corporate limits outdoor refreshment areas for the purpose of complimenting the cultural and economic vitality of the designated area composed of up to three hundred twenty (320) continuous acres; and,

WHEREAS, outdoor refreshment areas allow individuals, subject to local time and place regulations, to possess and consume alcoholic beverages in designated places, provided that the beverage is purchased from qualified permitted premises within the area and in preapproved containers; and,

WHEREAS, the Mayor of the City of Findlay, on behalf of various businesses within the Downtown Findlay Improvement District (DFID) has submitted an application to the Findlay City Council. The application reflects the nature and types of establishments that will be located within the area. The proposed area and land use is consistent with the C-3 Downtown Business District and the proposed hours of operation and rules will ensure the public health, safety, and welfare within the area; and,

WHEREAS, Section 4301.82(F)(1) of the Ohio Revised Code requires the legislative authority of a municipal corporation to establish requirements that it determines necessary to ensure the public health and safety within the area; and,

WHEREAS, Section 4301.82(F)(2) of the Ohio Revised Code requires the legislative authority of the municipal corporation to give notice of the proposed action once a week for two (2) consecutive weeks in one (1) newspaper of general circulation in the municipal corporation; and,

WHEREAS, the outdoor refreshment area application (hereinafter referred to as "APPLICATION") as submitted includes the premises of the permit holders at the street addresses on Exhibit A, along with the permit holders located at the street addresses listed in Section 3.1 of the application, and meets the requirements of Section 4301.82(B); and,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, State of Ohio:

SECTION 1: Pursuant to Section 4301.82 of the Ohio Revised Code, there is hereby established and designated the Findlay Designated Outdoor Refreshment Area (D.O.R.A.) with the boundaries of the area including the street addresses described in the application attached hereto as EXHIBIT A and incorporated herein.

SECTION 2: That the Council of the City of Findlay, Ohio for the purpose to ensure the public health and safety within the area, finds that the following conditions are identified in Exhibit A and incorporated herein:

1. The number, spacing and type of signage designating the area;
2. The hours of operation for the area;
3. The number of personnel needed to ensure public safety in the area;
4. A sanitation plan that will maintain the appearance and public health of the area; and,
5. The number of personnel needed to execute the sanitation plan.

SECTION 3: That all beer and intoxicating liquor within the area shall be served solely in new, unused official D.O.R.A. cups.

SECTION 4: That the Council of the City of Findlay, Ohio gave notice of the establishment of the D.O.R.A. by publication once a week for two (2) consecutive weeks in one (1) newspaper of general circulation in the municipal corporation prior to adoption of this Ordinance pursuant to Section 4301.82(F)(2) of the Ohio Revised Code.

SECTION 5: That the Clerk of Council shall provide notice of the public health and safety requirements to the Ohio Department of Commerce, Division of Liquor Control and to the investigative unit of the Ohio Department of Public Safety pursuant to Section 4301.82(F)(3) of the Ohio Revised Code.

SECTION 6: That the area shall encompass no fewer than four (4) qualified liquor permit holders identified in Exhibit A by business name, address, liquor permit type, and liquor permit number.

SECTION 7: That the hours of operation of the D.O.R.A. contained in Exhibit A may be limited during special events.

SECTION 8: That the sanitation plan contained in Exhibit A will help maintain the appearance and public health of the area and is hereby approved pursuant to Section 4301.82(F)(1)(e-f).

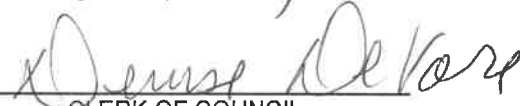
SECTION 9: That it is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

SECTION 10: This Ordinance shall take effect and be in force from and after the earliest period provided by law.

  
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 PRESIDENT OF COUNCIL

  
 \_\_\_\_\_  
 MAYOR

PASSED March 2, 2021

ATTEST   
CLERK OF COUNCIL

APPROVED March 2, 2021



Application to Findlay City Council for a  
Designated Outdoor Refreshment Area

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## **I. INTRODUCTION AND SUBMITTAL OF APPLICATION**

Section 4301.82 of the Ohio Revised Code (ORC) authorizes, effective April 30, 2017, municipalities over 35,000 in population to create a Designated Outdoor Refreshment Area or "DORA." In order to consider creation of a DORA, the Executive Officer of the City of Findlay must file an application with the Findlay City Council (City Council), which meets certain statutory requirements. The application filing must be advertised for two consecutive weeks in a newspaper of general circulation. Not earlier than 30 days, but not later than 60 days, after the initial publication of the notice, the City Council may approve or disapprove of the application by ordinance or resolution.

In summary, this application would provide the following:

- A. The DORA would ease or make more accessible outdoor dining in front of liquor permit holding establishments. It would allow such establishments to serve alcoholic beverages in a plastic cup pursuant to the law within a designated area during certain hours. Creation of the DORA would relieve these establishments of current requirements for fencing around a dining area. Signage, sanitation and safety requirements would be established by the City.
  
- B. The DORA would provide the ability for individuals to walk within the DORA boundaries with an alcoholic beverage purchased from a liquor permit holding establishment during permitted hours. This authority would be limited to the hours of 11:00AM to 11:00PM seven days per week.

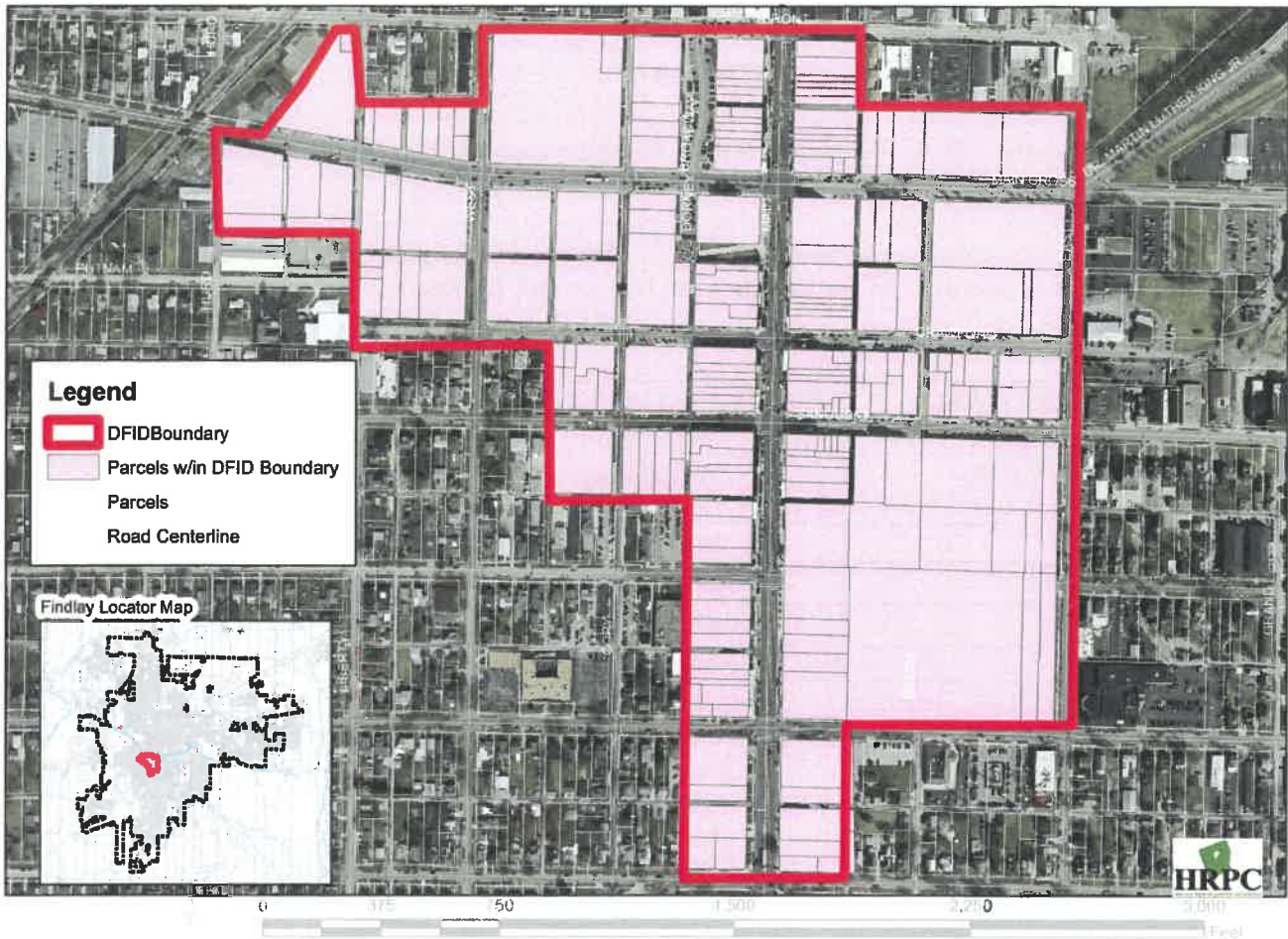
## **II. BOUNDARIES**

In accordance with **O.R.C. 4301.82(B)(1)(b)**, the boundaries of the DORA are depicted on the following map and described as follows. A list of the street addresses within the DORA are also attached.

### **Designated Outdoor Refreshment Area (DORA)**

The proposed boundary is consistent with the boundaries of the Downtown Findlay Improvement District and encompasses an area of approximately 95 acres. The proposed boundary extends between Front Street and Lima Street in the north/south direction and extends between Hurd Avenue and East Street in the east/west direction.

# DORA MAP



## STREET ADDRESSES IN THE DORA

Street Name	Range	Even/Odd
W Front St	0	Even
W Lima St	116	Even
East St	232	Even
Liberty St	319	Odd
S West St	351	Odd
E Sandusky St	107-218	Even & Odd
E Main Cross St	108-215	Even & Odd
E Lincoln St	109-300	Even & Odd
W Lincoln St	110-114	Even
E Lima St	116-120	Even
W Sandusky St	117-214	Even & Odd
E Crawford St	117-215	Even & Odd
W Crawford St	200-324	Even & Odd
W Main Cross St	200-433	Even & Odd
S Main St	200-731	Even & Odd
Broadway	206-222	Even & Odd
Hardin St	232	Even
Dorney Plz	308-318	Even

### III. NATURE OF ESTABLISHMENTS

In accordance with **O.R.C. 4301.82(B)(2)**, the nature and types of establishments that will be located within the DORA are listed below.

The types of establishments located within the DORA are primarily businesses in the retail, dining or services sectors. Examples include but are not limited to:

<b>BUSINESS NAME</b>	<b>BUSINESS CATEGORY</b>	<b>BUSINESS ADDRESS</b>
Marathon Center for the Performing Arts	Entertainment	200 W. Main Cross
Chase Bank	Financial/Service	500 S. Main Street
Fifth Third Bank	Financial/Service	337 S. Main Street
Huntington Bank	Financial/Service	236 S. Main Street
Premier Bank	Financial/Service	301 S. Main Street
State Bank	Financial/Service	
Waterford Bank	Financial/Service	209 S. Main Street
Alexandria's	Food & Drink	132 E. Crawford Street
Amy May's Downtown	Food & Drink	331 S. Main Street
Bistro	Food & Drink	407 S. Main Street
Coffee Amici	Food & Drink	328 S. Main Street
Findlay Brewing Company	Food & Drink	213 E. Crawford Street
The Gathering	Food & Drink	114 E. Main Cross Street
Japan West	Food & Drink	406 S. Main Street
JK Juices	Food & Drink	117 E. Crawford Street
Joey Fratello's Pizzeria	Food & Drink	116 E. Sandusky Street
Logan's Irish Pub	Food & Drink	414 S. Main Street
Main Street Deli	Food & Drink	513 S. Main Street
Mancy's Steakhouse at The Hancock Hotel	Food & Drink	631 S. Main Street
Rossilli's Restaurant	Food & Drink	217 S. Main Street
Scrambler's	Food & Drink	516 S. Main Street
Stix	Food & Drink	110 E. Sandusky Street
The Baker's Café	Food & Drink	408 S. Main Street
The Bourbon Affair	Food & Drink	121 E. Crawford Street
Vivir Modern Mexican	Food & Drink	119 E. Crawford Street
We Serve. Coffee.	Food & Drink	114 E. Sandusky Street
Wilson's Burgers	Food & Drink	600 S. Main Street
Dietsch Brothers	Food & Drink/Retail	400 W. Main Cross Street
Wine Merchant	Food & Drink/Retail	540 S. Main Street, Suite A
The Findlay Inn	Hotel	200 E. Main Cross Street
The Hancock Hotel	Hotel	631 S. Main Street
Gaslight Lofts	Housing	410 S. Main Street



Heck Rentals	Housing	101 W. Sandusky Street, Suite 306
The Sherman House	Housing	115 E. Front Street
Eyes On Main	Medical/Retail	334 S. Main Street
AR Marketing	Office	203 E. Crawford Street
CentraComm	Office	323 S. Main Street
Marathon Petroleum Corporation	Office	539 S. Main Street
Northwestern Mutual Insurance	Office	603 S. Main Street
RCM Architects	Office	322 S. Main Street
Rooney & Ranzau	Office	320 S. Main Street
Flag City Clothing	Retail	5212 S. Main Street
RooBarb Studio	Retail	622 S. Main Street
Smarty Pants Findlay	Retail	618 S. Main Street
The Shimmery Belle	Retail	620 S. Main Street
The Urban Market	Retail	624 S. Main Street
Trends on Main	Retail	501 S. Main Street
Findlay Art League	Retail/Entertainment	1117 W. Crawford Street
City Dry Cleaning	Service	116 E. Main Cross Street
Journey's Salon & Spa	Service	127 W. Hardin Street
Roman's	Service	626 S. Main Street

#### IV. QUALIFYING PERMIT HOLDERS

In accordance with **O.R.C. 4301.82(B)(3)**, the DORA will encompass not fewer than four qualified permit holders.

This is a sampling of the qualified permit holders.

Permit Number	Permit Name	DBA	Class	Street1
8200001	631 SOUTH MAIN STREET DEVELOPMENT LLC	DBA HANCOCK HOTEL & PATIO	D5A	631 S MAIN ST
8200001	631 SOUTH MAIN STREET DEVELOPMENT LLC	DBA HANCOCK HOTEL & PATIO	D6	631 S MAIN ST
0108500	ALEXANDRIAS OF FINDLAY LTD	DBA ALEXANDRIAS & ROOFTOP PATIO	D5I	132 E CRAWFORD ST & PATIO
0108500	ALEXANDRIAS OF FINDLAY LTD	DBA ALEXANDRIAS & ROOFTOP PATIO	D6	132 E CRAWFORD ST & PATIO
0430076	BANG A GONG LIMITED	DBA GATHERING & 235 S MAIN ST & PATIO	D5	112-114 E MAIN CROSS ST & 3RD FL PATIO
0430076	BANG A GONG LIMITED	DBA GATHERING & 235 S MAIN ST & PATIO	D6	112-114 E MAIN CROSS ST & 3RD FL PATIO
043007600003	BANG A GONG LIMITED	DBA THE GATHERING BAR 3	D5	& 235 S MAIN ST & PATIO
043007600003	BANG A GONG LIMITED	DBA THE GATHERING BAR 3	D6	& 235 S MAIN ST & PATIO
0346915	BBINK LLC	DBA BOURBON AFFAIR	D5	121 E CRAWFORD ST UNIT B
25291700001	EPICUREAN ADVENTURES INC	DBA ROSSILLIS RESTAURANT	D5	217 S MAIN ST
27185500001	FINDLAY BREWING COMPANY LLC	DBA FINDLAY BREWING COMPANY	A1A	213 E CRAWFORD ST & PATIO
27185500001	FINDLAY BREWING COMPANY LLC	DBA FINDLAY BREWING COMPANY	A1C	213 E CRAWFORD ST & PATIO
2723496	FINDLAY INN LIMITED PARTNERSHIP	DBA FINDLAY INN & CONFERENCE CENTER	D5A	200 E MAIN CROSS ST & PATIO
2723496	FINDLAY INN LIMITED PARTNERSHIP	DBA FINDLAY INN & CONFERENCE CENTER	D6	200 E MAIN CROSS ST & PATIO
2738272	FIRESIDE BRICK OVEN PIZZA LLC	DBA FIRESIDE BRICK OVEN PIZZA	D5	331 S MAIN ST & PATIO
2827166	FORT FINDLAY ENTERPRISES INC DUANE E JEBBETT EXECUTOR	DBA BISTRO ON MAIN	D2	407 S MAIN ST 1ST FL
2827166	FORT FINDLAY ENTERPRISES INC DUANE E JEBBETT EXECUTOR	DBA BISTRO ON MAIN	D2X	407 S MAIN ST 1ST FL
2827166	FORT FINDLAY ENTERPRISES INC DUANE E JEBBETT EXECUTOR	DBA BISTRO ON MAIN	D3	407 S MAIN ST 1ST FL

Permit Number	Permit Name	DBA	Class	Street1
2827166	FORT FINDLAY ENTERPRISES INC DUANE E JEBBETT EXECUTOR	DBA BISTRO ON MAIN	D6	407 S MAIN ST 1ST FL
2918527	FRESH ENCOUNTER INC		C1	301-07 W MAIN CROSS ST
2918527	FRESH ENCOUNTER INC		C2	301-07 W MAIN CROSS ST
4103736	IN G S INC	DBA JAPAN WEST	D5	406 S MAIN ST
5253500	LOGANS IRISH PUB LTD		D5	414 S MAIN ST
5253500	LOGANS IRISH PUB LTD		D6	414 S MAIN ST
5379352	M & J ENTERPRISES OF FINDLAY INC	DBA WALDO PEPPERS & PATIO	D1	411 S MAIN ST
5379352	M & J ENTERPRISES OF FINDLAY INC	DBA WALDO PEPPERS & PATIO	D2	411 S MAIN ST
5379352	M & J ENTERPRISES OF FINDLAY INC	DBA WALDO PEPPERS & PATIO	D3	411 S MAIN ST
5379352	M & J ENTERPRISES OF FINDLAY INC	DBA WALDO PEPPERS & PATIO	D6	411 S MAIN ST
5801144	MODCRAFT LLC		A1C	326 S MAIN ST
8594699	STIX RESTAURANT LLC		D5	110 E SANDUSKY ST
9285261	VIVIR MODERN MEXICAN LLC	DBA VIVIR MODERN MEXICAN	D1	119 E CRAWFORD ST
9285261	VIVIR MODERN MEXICAN LLC	DBA VIVIR MODERN MEXICAN	D2	119 E CRAWFORD ST
9285261	VIVIR MODERN MEXICAN LLC	DBA VIVIR MODERN MEXICAN	D3	119 E CRAWFORD ST
96908710005	WINE MERCHANT LLC		D2	540 S MAIN ST UNIT A
96908710005	WINE MERCHANT LLC		D2X	540 S MAIN ST UNIT A
96908710005	WINE MERCHANT LLC		D3	540 S MAIN ST UNIT A
96908710005	WINE MERCHANT LLC		D3A	540 S MAIN ST UNIT A

**V. LAND USE & ZONING**

In accordance with O.R.C. 4301.82(B)(4), the uses of land within the current and future DORA are zoned C-3 Downtown Business District and are in accordance with the City of Findlay's land use plan.

## **VI. PUBLIC HEALTH & SAFETY**

In accordance with **O.R.C. 4301.82(B)(5)**, the proposed requirements for the purpose of ensuring public health and safety within the DORA shall include:

### **Outdoor Dining in Right of Way:**

Qualifying permit holders that desire to sell alcoholic beverages as part of providing an outdoor dining area in the City of Findlay's right of way (adjacent to the establishment), must obtain a Sidewalk Cafe permit and meet the requirements of the Codified Ordinances for right of way use. These policies will require the qualifying permit holder to submit a sanitation plan, and the physical layout of the tables, chairs and other facilities to among other things comply with ADA requirements. It is anticipated that bussing of tables will be required and/or adequate trash cans be in place. Additionally, the permit review will ensure that there are adequate pedestrian passageways and that ingress/egress for emergency services is adequate. Failure to comply with the requirements of the permit can result in revocation.

### **Special Events:**

The City of Findlay requires that each special event using City property receive a permit from the City. As is the City's practice, each event will be reviewed as required in the Codified Ordinances of the City of Findlay.

### **City of Findlay DORA Safety Plan:**

The Safety Plan will help maintain public safety within the DORA, and designate the number of personnel needed to execute the Safety Plan. This will be accomplished in the following manner.

Current Public Safety personnel are adequate to maintain public safety within the DORA district. The City of Findlay Police Department (FPD) currently has multiple overlapping shifts which will enable it to maintain public safety within the DORA district.

FPD has flexibility when deploying resources and has years of experience dealing with all of the downtown events such as Boogie on Main, Oktoberfest, Arts & Music Festivals and other individual bar events which draw large crowds throughout the year.

Staffing for the DORA would consist of:

1. Utilizes the current scheduled overlapping shifts of 7:30am-5:30pm, 4:00pm-2:00am, and 11:00pm-8:00am. These shifts give the ability to actively patrol the DORA and have a visible presence in the assigned area.

2. During pre-planned or known special events that will increase the activity in the DORA area the FPD will seek organizations involved with the events to help supplement the manning needed to effectively police the DORA area. FPD will seek payment from such organizations for extra duty officer(s) as needed. The officer(s) primary responsibility would be the downtown core business district and main street district where the DORA is located.
3. All supervisors or OIC's (Officer's in Charge) have the flexibility to call in additional manning for emergency situations or if large crowds start to get out of control.

### **Review and Dissolution of a DORA**

Beginning with the commencement of the DORA and continuing for a period of six (6) consecutive months, the Mayor and/or Safety Director of the City of Findlay and the Chief of Police of the City of Findlay shall meet monthly to review the Safety Plan herein. The purpose of this meeting will be to determine whether updates, modifications or supplementation may be advisable or required, and in said event, such changes shall be presented to Council for consideration and implementation.

The Mayor and/or Safety Director of the City of Findlay and the Chief of Police of the City of Findlay shall meet and review the Safety Plan as needed for any special events within the DORA or as other circumstances may require or arise.

The Mayor and/or Safety Director of the City of Findlay and the Chief of Police of the City of Findlay have determined that the Safety Plan described herein is sufficient to maintain public safety within the DORA. This Safety Plan can be executed with the existing personnel of the City of Findlay.

The Findlay City Council in accordance with Ohio DORA requirements will review the operation of the DORA every five years as long as the DORA is in operation.

As part of the review, Council must adopt an ordinance or resolution either approving the DORA's continued operation or dissolving it. Prior to adopting the ordinance or resolution, Council must give notice of the proposed action by publication once a week for two consecutive weeks in a newspaper of general circulation in the Municipal Corporation.

Additionally, by ordinance or resolution at any time, the Findlay City Council may, dissolve all or part of the DORA. It must give notice of the proposed dissolution by publication once a week for two consecutive weeks in a newspaper of general circulation in the Municipal Corporation. Once a DORA or portion of it is dissolved, the area that is the subject of the ordinance or resolution no longer constitutes a DORA. The Municipal Corporation must provide notice of its actions to the Division of Liquor Control and the Investigative Unit of the Department of Public Safety. Upon receipt of the notice, the Division must revoke all DORA designations issued to establishments within the dissolved area.