

ORDINANCE NO. 23-143

AN ORDINANCE EXPANDING THE DESIGNATED OUTDOOR REFRESHMENT AREA IN DOWNTOWN SANDUSKY; ESTABLISHING REQUIREMENTS TO ENSURE PUBLIC HEALTH AND SAFETY WITHIN SUCH AREA; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Ohio Revised Code §4301.82 permits the City of Sandusky to create and expand a Designated Outdoor Refreshment Area (DORA) within its corporate limits upon approval of the City Commission; and

WHEREAS, this City Commission approved the creation of a Designated Outdoor Refreshment Area in downtown Sandusky by Ordinance No. 21-094, passed on June 14, 2021; and

WHEREAS, on June 9, 2023, the City Manager submitted an application to this City Commission for approval to expand the Designated Outdoor Refreshment Area within the City of Sandusky to include 212 Hancock Street, as well as other future potential liquor-serving establishments in the downtown area; and

WHEREAS, pursuant to Ohio Revised Code §4301.82(C), notice of the filing of an Application for the expansion of the Designated Outdoor Refreshment Area was published in a newspaper of general circulation in the City on June 9, 2023; and

WHEREAS, pursuant to Ohio Revised Code §4301.82(F)(2), notice of this action by City Commission was published in a newspaper of general circulation in the City on July 6, 2023; and

WHEREAS, expansion of the Designated Outdoor Refreshment Area will serve to enhance the experiences of the patrons of the business establishments within the expanded area downtown; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately submit the application and Ordinance to the Ohio Division of Liquor Control so the DORA designations can be issued to the applicable permit holders and the expanded DORA can be operational at the earliest opportunity as the summer event schedule has already begun; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Community Development, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

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Section 1. This City Commission hereby approves the Application for expansion of the Designated Outdoor Refreshment Area submitted to this City Commission on June 9, 2023, a copy of which is attached and marked Exhibit “1” and specifically incorporated as if fully rewritten herein, as having met the requirements of Ohio Revised Code Section 4301.82, thereby expanding the Designated Outdoor Refreshment Area in downtown Sandusky.

Section 2. In order to ensure public health and safety within the Designated Outdoor Refreshment Area, this City Commission establishes the following requirements:

(a) The specific boundaries of the Designated Outdoor Refreshment Area, including street addresses, are described in Section I of Exhibit “1” and Exhibits “A” and “B”, copies are which are attached to this Ordinance;

(b) There will be signs designating the boundary of the Designated Outdoor Refreshment Area, including the number, spacing, and type of signage as described in Exhibit “2”, a copy of which is attached to this Ordinance;

(c) The hours of operation for the Designated Outdoor Refreshment Area shall be Monday through Sunday from 9:00 a.m. to 12:00 midnight. The City Manager may temporarily suspend DORA operations in order to accommodate the permitting of special events that may occur within the boundaries of the DORA;

(d) A Sanitation Plan has been developed to maintain the appearance and public health of the Designated Outdoor Refreshment Area as described in Exhibit “C”, a copy of which is attached to this Ordinance;

(e) A Safety Plan has been developed to ensure public safety in the Designated Outdoor Refreshment Area as described in Exhibit “D”, a copy of which is attached to this Ordinance; and

(f) For purposes of the Designated Outdoor Refreshment Area, beer, wine, and intoxicating liquor shall only be served and consumed within the DORA in a specifically designated plastic cup approved by the City Manager’s Office; and

Section 3. Five (5) years from the effective date of the adoption of Ordinance No. 21-09, passed on June 14, 2021, City Commission shall review the operation of the Designated Outdoor Refreshment Area hereby expanded and shall either approve its continued operation or dissolve it and such review shall be repeated five (5) years after any subsequent approval of the Designated Outdoor

Refreshment Area.

Section 4. This City Commission may, at any time, dissolve all or part of the Designated Outdoor Refreshment Area.

Section 5. The Clerk of the City Commission be 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.

Section 6. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 7. This Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 8. That for reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: July 10, 2023



**Application to the Sandusky City Commission for
the Expansion of the Downtown Sandusky
Designated Outdoor Refreshment Area (DORA)**

Submitted June 9, 2023

The Office of the City Manager for the City of Sandusky, Ohio submits the following application to the Clerk of the Sandusky City Commission to expand the Designated Outdoor Refreshment Area in downtown Sandusky in accordance with ORC 4301.82.

By: John Orzech, Interim City Manager

INTRODUCTION AND SUBMITTAL OF APPLICATION

The Office of the City Manager for the City of Sandusky respectfully submits this application to City Commission of Sandusky, Ohio to approve and expand the Downtown Sandusky Designated Outdoor Refreshment Area (DORA), pursuant to Ohio Revised Code (ORC) 4301.82. The proposed application meets all the state requirements.

On June 14, 2021, the Sandusky City Commission passed Ordinance 21-094, which created the Downtown Sandusky DORA. The DORA subsequently received approval from Ohio Liquor Control and officially opened on July 16, 2021. Since that time, Everwild Spirits opened at 212 Hancock Street, which sits just outside the current DORA boundaries. The City is requesting to expand the boundaries of the DORA to include Everwild Sprits, as well as other future potential liquor-serving establishments in the downtown area. The size of the current DORA is 121 acres and the proposed expanded DORA is 137 acres.

In order to consider the expansion of a DORA, the executive officer of the City of Sandusky must file an application with the City Commission that meets certain statutory requirements outlined in the Table of Contents. Within forty-five days after the date the application is filed with the Legislative Authority of a Municipal Corporation, the Legislative Authority shall publish a public notice of the application in one newspaper of general circulation in the Municipal Corporation as provided in section 7.16 of the Revised Code. The Legislative Authority shall ensure that the notice states that the application is on file in the office of the clerk of the Municipal Corporation and is available for inspection by the public during regular business hours.

Not earlier than 30, but not later than 60, days after the initial publication of the notice, the Legislative Authority must approve or disapprove the application. To approve the application, it must pass an ordinance or resolution by an affirmative majority vote. Upon the approval of expanding the DORA, the Legislative Authority must send notice of the approval and a description of the DORA to the Division of Liquor Control and the Investigative Unit in the Department of Public Safety. If the application is disapproved, the executive officer of the Municipal Corporation may make changes to secure approval.

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I. BOUNDARY MAP OF PROPOSED DORA

In accordance with the ORC requirements, the boundaries of the DORA are depicted in the Appendix. The proposed expanded DORA is approximately 137 acres.

DORA Street Boundary Listing

Street Name	Range	Even/Odd
Columbus Ave.	100-256	Even & Odd
Decatur St.	100-112	Even
E. Market St.	100-332	Even & Odd
E. Market St.	401-499	Odd
E. Shoreline Dr.	100-305	Even & Odd
E. Washington Row	100-165	Even & Odd
E. Water St.	100-337	Even & Odd
E. Water St.	411-701	Odd
E. Water St.	814	Even
Franklin St.	101-116	Even & Odd
Franklin St.	101-235	Odd
Hancock St.	100-255	Even & Odd
Jackson St.	100-265	Even & Odd
Meigs St.	100-225	Even & Odd
W. Market St.	100-220	Even & Odd
W. Market St.	327-433	Odd
W. Shoreline Dr.	100-409	Even & Odd
W. Shoreline Dr.	611	Odd
W. Washington Row	100-237	Even & Odd
W. Washington St.	201-333	Odd
W. Water St.	100-409	Even & Odd
Warren St.	124	Even
Wayne St.	100-160	Even & Odd

II. POPULATION REQUIREMENT FOR DORA

The City of Sandusky, Ohio has a population of 25,095 according to the 2020 decennial census. This is less than 50,000 and therefore, in accordance with the O.R.C. § 4301.82(D), is eligible for consideration of two DORA districts. Regulations also specify that the DORA shall not exceed 320 contiguous acres for communities with less than 50,000 population.

III. NATURE AND TYPES OF ESTABLISHMENTS

In accordance with 4301.82 (B)(2), the nature and types of establishments located within the DORA are as follows: The central business district is the primary hub of locally-owned small businesses, including retailers and restaurants, in addition to a mixture of office spaces, banks, apartments, hotels, and government establishments. Residential housing within the DORA consists primarily of upper-floor apartments and apartment towers.

IV. QUALIFIED PERMIT HOLDERS

In accordance with ORC 4301.82 (B)(3), the DORA will encompass not fewer than two qualified permit holders as defined by ORC 4301.82 (A)

Establishment Name	Address	Permit Class	Permit Number
Amaron Italian Restaurant	160 Wayne St.	D5J	4220454
Bait House Brewery	223 Meigs St.	A1A, A1C, D6	0379495
Barra	142 Columbus Ave.	D5J	99116300005
Barrel House	105 E. Shoreline Dr.	D5J	0072120 007212000003
Small City Taphouse / CLAG Brewing Company	202-218 Columbus Ave.	A1A, A1C, D6	8247685
Clubhouse No. 3	220 E. Water St.	D1, D2, D3, D6	8782222
Crowbar	206 W. Market St.	D5	7175545
Crush Wine Bar	139-145 Columbus Ave.	D5J	1839325
Dalys Pub	104 Columbus Ave.	D1, D2, D3, D3A	19091360005
Dockside Café	611 W. Shoreline Dr.	D5J	2223482
Everwild Spirits	212 Hancock St.	A1A, A3A, D6	25948070005
Goodtime I	109 W. Shoreline Dr.	D1, D2, D3, D3A	4975662
J Bistro	129 W. Market St.	D5J	5484929
Jax Bar LLC	123 W. Market St.	D5J	1968730
Jim's Pizza Box	301 W. Water St.	D5J	4920851
Landmark Kitchen & Bar	101 E. Water St.	D5J	3675208
Moseley's Rooftop	223 W. Water St.	D5J, D6	7722345
Noble Axes	127 E. Market St.	D1, D2, D3, D3A	0892199
OH Taco	223 W. Water St.	D5J, D6	772234500003
Paddle Bar	305 E. Water St.	D1, D2, D3, D3A, D5, D6	6620544
Sandusky Sailing Club	814 E. Water St.	D5J	7724203
Sandusky Yacht Club	529 E. Water St.	D4, D6	7724285 772428500003
Saucy Brew Works Sandusky	215 & 217 E. Water St.	A1A, A1C, D6	7764876
Shorehouse Tavern	306 W. Water St.	D5J	59477500005
State Theatre	107 Columbus Ave.	D5H	7724258
Tony's	115 W. Water St.	D5J	3466260
Vita	256 Columbus Ave.	D5J	5402040
Volsted	316 E. Water St.	D5J, D6	7073095
Wine Merchant	211 W. Water St.	D2	4975580
Wake Up and Waffle	122 E. Water St.	D5J, D6	9359414

SOURCE: Ohio Department of Commerce, Division of Liquor Control

V. LAND USE AND ZONING

In accordance with 4301.82 (B)(4), the land uses within the expanded DORA are zoned Downtown Business District (DBD) and Commercial Recreation (CR) and are in accordance with the goals of the 2016 City of Sandusky Bicentennial Comprehensive Plan and Downtown Sandusky Master Plan.

The expansion of the DORA in downtown Sandusky aligns with the goals of the aforementioned planning documents to define this area as a desirable destination within the City as it provides yet another opportunity to not only support small businesses downtown - bars, restaurants, and retailers - but also another opportunity for promotion of the City. This promotion will support the desire to maintain a strong local economy and provide ambience that is attractive to patrons of the central business district.

The City of Sandusky's Zoning Map can be found in Exhibit B in the Sandusky DORA Application Appendix.

VI. PUBLIC SANITATION

In accordance with ORC 4301.82 (B)(5), (F)(1)(e), and (F)(1)(f), a Public Sanitation Plan has been developed to ensure public safety in the DORA and help maintain the appearance and public health of the area within the DORA. The Public Sanitation Plan can be found in the Appendix of this application. The Public Sanitation Plan can be executed with existing staff.

VII. PUBLIC SAFETY

In accordance with ORC 4301.82 (B)(5) and (F)(1)(d), a Public Safety Plan has been developed to ensure public safety in the DORA and help maintain the appearance and public health of the area within the DORA. The Public Safety Plan can be found in the Appendix of this application. The Public Safety Plan can be executed with existing staff.

VIII. SIGNAGE PLAN

In accordance with the ORC 4301.82 (F)(1)(b), the City of Sandusky will install signage at all new entry/exit points of the DORA along the expanded boundaries. The signs will be mounted and located at all street intersections along the boundary of the DORA.

The signage will clearly mark the DORA boundary as well as any stipulations surrounding permitted activities inside and outside the boundary area.

IX. SANDUSKY DORA RULES OF OPERATION

A. Hours of Operation

In accordance with ORC 4301.82 (F)(1)(c), the hours of operation for the DORA will remain Monday-Sunday from 9:00am - midnight.

The applicant requests that City Commission reserve the right to allow the City Commission or City Manager to temporarily suspend DORA operations in order to accommodate the permitting of special events that may occur within the boundaries of the DORA.

B. Official DORA Cup

In accordance with ORC 4301.82 (F)(1)(g), beer, wine, and intoxicating liquor shall only be consumed within the DORA as follows: Beer, wine, and intoxicating liquor shall only be served and consumed within the DORA in the specifically designated plastic cup approved by the City Manager's Office (the "Official Cup"). No other container will be permitted. Used cups must be disposed of before entering any establishment of a qualified permit holder. The approval of distribution of the DORA cups will be managed by the City Manager's Office. The City Manager may, upon mutual agreement, designate another organization to manage the sale and distribution of cups.

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 are as follows

1. A person may have in the person's possession an open container of beer, wine, or intoxicating liquor at an outdoor location within the DORA if the open container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:

- a. The permit holder's premises is located within the DORA; and
- b. The permit held by the permit holder has an outdoor refreshment areadesignation; and
- c. The open container consists of an official DORA cup.

2. No person shall do any of the following:

- a. Enter the premises of an establishment of a qualified permit holder within the DORA while possessing an open container of beer, wine, or intoxicating liquor acquired elsewhere, or
- b. Possess an open container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the DORA, unless the possession is otherwise authorized under division (D) or (E) of ORC 4301.62.

Appendix

**of the Application to the Sandusky City Commission for
the expansion of a Designated Outdoor Refreshment Area (DORA),
with specific boundaries, in downtown of Sandusky, Ohio**

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EXHIBIT "A"

Exhibit A: DORA Boundary**Size: 136.75 acres**

Source: ESRI, ArchGIS

Exhibit B: Official Zoning Map



Online map available at CityofSandusky.com/Zoning

Exhibit C: DORA Public Sanitation Plan

The Public Sanitation Plan will provide a framework for maintaining the satisfactory appearance and public health of the proposed DORA, as well as the number of personnel needed to execute the Public Sanitation plan. The details are as follows:

- As of April 2023, there are currently 99 trash receptacles located in the proposed outdoor refreshment area. 87 trash cans are picked up daily, while the remaining 12 are picked up twice per week.
- Additional collections will be made on an as needed basis and will be serviced by the City's refuse collection contractor. The Division of Parks and Recreation will monitor the receptacles and coordinate additional collections, if needed.
- Trash receptacles may be relocated and additional trash receptacles may be added within the DORA at the discretion of the Division of Parks and Recreation. Upon approval of the City Commission, additional receptacles may be added by the City or any qualified permit holder, and the servicing of such additional non-City receptacles shall remain the responsibility of the installing entity.
- Each qualified permit holder located within the DORA shall be responsible for the collection of litter near or around the premises occupied by the permit holder.
- The Division of Parks and Recreation shall evaluate the need and frequency of street sweeping and servicing trash receptacles.

The City Manager and Parks and Recreation Superintendent have determined that the Public Sanitation Plan described herein is sufficient to maintain the appearance and public health expectations of areas within the DORA. This Public Sanitation Plan can be executed with the existing City of Sandusky personnel.

The City of Sandusky reserves the right to implement changes or modifications to the Public Sanitation Plan as needed from the commencement of the DORA until the dissolution of the DORA. Any significant changes will be communicated to all participating entities and stakeholders in DORA.

Exhibit D: DORA Public Safety Plan

The Public Safety Plan will help maintain public safety within the DORA. This will be accomplished in the following manner:

- The Sandusky Police Department shall provide law enforcement services for the Designated Outdoor Refreshment Area. The Sandusky Police Department is located adjacent to the boundary of the Area. Uniformed officers will patrol the Area as part of their regular patrol responsibilities and shall provide primary law enforcement services.
- The on-duty supervisor shall ensure that appropriate attention is provided to the Area during the hours of operation. In the event of the presence of an above-average number of people within the Area, the on-duty supervisor shall assign additional officers as deemed necessary.
- The Area may be patrolled by foot, bicycle or cruiser.
- For planned events within or adjacent to the DORA that may draw larger than normal attendance, the Chief of Police may assign additional officers to patrol the DORA area or may call in mutual aid.
- Large special events may require the organizers to provide additional security by hiring off-duty police officers or private security personnel.

The City Manager and Chief of Police have determined that the Public Safety Plan described herein is sufficient to maintain the appearance and public health expectations of areas within the DORA. This Public Safety Plan can be executed with the existing City of Sandusky personnel.

The City of Sandusky reserves the right to implement changes or modifications to the Public Safety Plan as needed from the commencement of the DORA until the dissolution of the DORA. Any significant changes will be communicated to all participating entities and stakeholders in the DORA.

Exhibit 2 - Signage

In accordance with ORC 4301.82 (F)(1)(b), the number, spacing, and type of signage designating the area will be as follows: City of Sandusky Public Works Department installed 26 boundary signs in 2021. The City will relocate six signs and add one additional sign at the spacing and location depicted below. The City anticipates the proposed signage locations will be adequate. Patron use will be monitored on an ongoing basis with additional signage installed where needed. Signage will clearly indicate with text that alcohol is not permitted beyond that point.

