



## Legislation Text

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**File #:** 1184-2024, **Version:** 1

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**Background:** The City and Columbus Downtown Development Corporation (dba Downtown Columbus, Inc.) have partnered together to put forward an application to Columbus City Council on March 19, 2024 to create a Designated Outdoor Refreshment Area or DORA in the Downtown and Franklinton areas. Creating the DORA will add to the vibrancy of our community and provide more opportunities for our Downtown and Franklinton businesses. The DORA will be active seven (7) days a week from 11am to 10pm. Downtown Columbus, Inc. has formed Center City DORA, Ltd. (the LLC) and will provide management and operations services in the DORA, in cooperation with the Franklinton Special Improvement District and Capital Crossroads Special Improvement District. At this time, no additional City resources will be needed to operate the DORA.

Approval of the DORA will allow participating bars, restaurants, and other vendors to sell alcoholic beverages in designated eco-friendly containers to patrons. Patrons will then be legally allowed to depart the establishment or site where the beverage was purchased and move freely around within the DORA with that beverage. The designated eco-friendly containers or labels will be provided by the LLC to the brick and mortar establishments or other approved outdoor vendors, such as for special events.

All vendors must still maintain required liquor permits to sell alcohol in accordance with state law. All property owners and establishments have the option of opting-out of participating in the DORA. In accordance with state law, patrons may only leave establishments with alcoholic beverages in the designated eco-friendly containers. Further, no outside alcoholic drinks are permitted-meaning only alcoholic drinks that are purchased in the designated eco-friendly container and from a properly permitted vendor in the DORA may be enjoyed outside. Signage, as further described below, will inform patrons of the rules and boundaries of the DORA.

The DORA is being launched in cooperation with the LLC. The City will contract with the LLC in a supplemental memorandum of understanding to provide operations and managements services, including marketing, the production, maintenance, and distribution of signage throughout the DORA, as well as the distribution of the designated official container and labels.

**EMERGENCY DESIGNATION:** Emergency action is requested in order to immediately allow for qualified license holders and businesses to prepare for the operational and maintenance needs of the new designated outdoor refreshment area.

To approve an application of the Mayor for the creation of a designated outdoor refreshment area to be known as the "Center City DORA;" to designate the boundaries of the Center City DORA; to adopt a safety plan for the Center City DORA; to authorize the Mayor or his designee(s) to enter into a memorandum of understanding or other agreements with Center City DORA, Ltd. to provide for the operation and maintenance of the designated outdoor refreshment area; and to declare an emergency.

**WHEREAS,** pursuant to Ohio Revised Code ("R.C.") Section 4301.82, municipal corporations are authorized, upon application by their executive officers, to designate certain areas within their borders as designated outdoor refreshment areas ("DORAs"); and

**WHEREAS**, on March 19, 2024, the Mayor submitted a proper application pursuant to R.C. Section 4301.82 and Council has received the application; and

**WHEREAS**, notice of the application was published in a newspaper of general circulation within the City during the weeks of March 27, 2024 and April 3, 2024, which notice indicated that the application is on file with the City Clerk and is available for public inspection; and

**WHEREAS**, a public hearing on the application was held on April 10, 2024; and

**WHEREAS**, the application demonstrates that the creation of the proposed DORA strengthens the Downtown and Franklinton areas and encourages further economic growth; and

**WHEREAS**, creation of the Center City DORA will aid in the attraction and retention of new patrons and visitors to the establishments and will encourage economic growth within the district; and

**WHEREAS**, the Mayor and Council have reviewed the application and determined that the creation and designation of the Center City DORA conforms to the applicable requirements of R.C. Section 4301.82; and

**WHEREAS**, it is in the public interest of the City to approve the application and create the Center City DORA; and

**WHEREAS**, the proper operation and management of the Center City DORA is also in the interests of the City and the health, safety, and public welfare of its residents and is in accordance with the applicable provisions of federal, state, and local laws and requirements; and

**WHEREAS**, Center City DORA, Ltd. is an Ohio limited liability company, created to provide management and operation services within the DORA, including marketing, eco-friendly container and/or label distribution, creation and maintenance of signage, and any supplemental sanitation services needed in the DORA; and

**WHEREAS**, accordingly, the City desires to enter into a memorandum of understanding (“MOU”) with Center City DORA, Ltd. to provide for and obtain operational and management services for the Center City DORA, consistent with the provisions of the application and subject to any and all terms and conditions that the Mayor or his or her designee finds appropriate; and

**WHEREAS**, this Ordinance shall be an emergency measure necessary for the immediate preservation of the public peace, health, property, and safety, in that there is an immediate need to create the “Center City DORA” in order for qualified license holders and businesses to prepare for the operational and maintenance needs of the new designated outdoor refreshment area; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That Council hereby approves and adopts the Mayor’s application for the creation of a DORA as more fully described in **Exhibit A** of the application, with such area generally encompassing portions of the neighborhoods known as Downtown and Franklinton upon finding that the application contains all the information required by R.C. Section 4301.82, and upon further finding that the application meets the requirements of those sections in all respects, including the requirement that the proposed DORA contain no fewer than four qualified permit holders and the requirement that the application provide evidence that the uses of land within the proposed DORA are in accordance with the City’s Columbus Downtown Design Guidelines and Columbus Zoning Code as described in **Exhibits D and E** to the application. The full DORA application, including its accompanying exhibits, is attached to this ordinance and incorporated herein by reference.

**Section 2.** That Council hereby designates the approximately 396-acre area depicted in the application as the Center City DORA, which is generally described as follows:

- Western boundary: Gift Street
- Eastern boundary: 4th Street (with the addition of Cherry Street between 4th Street and Zettler

Street)

- Northern boundary: Broad Street on the western half and Nationwide Boulevard on the easternmost part
- Southern boundary: Main Street and extending to Mound Street in the eastern-most area

The DORA shall contain all of the street addresses and parcels listed on **Exhibit B** of the application, incorporated herein by reference, as required by ORC Section 4301.82(F)(1)(a).

**Section 3.** In accordance with R.C. Section 4301.82(F)(1)(b), clearly marked signs will delineate the boundaries of the Center City DORA with the number, spacing and type of signage to be as described in the application and exhibits attached thereto, incorporated herein by reference. Additionally, signage will be placed within the Center City DORA to notify patrons of the rules of operation. Examples of signage designs are depicted in **Exhibit C** of the application.

**Section 4.** In accordance with R.C. Section 4301.82(F)(1)(c), the Center City DORA will operate seven (7) days a week from 11:00 a.m. to 10:00 p.m. In addition, the DORA may be operated during Special Events occurring within the DORA boundaries.

Notwithstanding anything herein to the contrary, the Mayor or designee will retain the discretion to temporarily suspend the operations of the DORA or alter operational parameters at his or her sole discretion if determined necessary for public health, safety, or welfare.

**Section 5.** That Council finds that the City and Center City DORA, Ltd. are committed to ensuring the health and safety of patrons of the Center City DORA and cleanliness of the area. Pursuant to ORC 4301.82(F)(1)(d), the following safety plan is hereby implemented throughout the DORA boundaries.

#### **Fire/EMS Responsibilities**

The Columbus Division of Fire will be responsible for providing Fire, Rescue, and EMS within the DORA. Columbus Fire Station 1 & 9 is located at the northeast corner of the DORA boundary at 300 N 4th Street. Additionally, Station 2 is located at 150 E. Fulton Street, just outside the southeast border of the DORA boundary. For planned events that may draw larger than normal attendance in and around the DORA, the Fire Chief may station personnel and/or equipment in a location within or near the DORA to allow for an immediate response.

#### **Law Enforcement Responsibilities**

The Columbus Division of Police will be responsible for providing law enforcement services within the DORA. Precinct 16 on Patrol Zone 5 encompasses Downtown Columbus and Franklinton, and the precinct substation located at 333 W. Town Street is within the proposed DORA boundary. The current staffing profile of the officers and supervisors assigned to the precinct on any given shift is adequate for effective patrolling of the DORA. Patrol officers are also augmented with additional patrol 5 units that work varying shifts. There are two (2) bicycle officers from 7:00 a.m. - 3:00 p.m. and four (4) from 3:00 - 11:00 p.m. when the 16th precinct is fully staffed. Also housed in the Precinct 16 substation is the Zone 5 Community Response Team, which is a group of officers responsible for problem-oriented policing projects in the zone, as well as patrolling other public events. This team of officers and a sergeant are bike-certified.

#### **Additional Safety and Security Coverage**

The proposed Center City DORA has additional safety and security coverage throughout most of the area and operating hours. This coverage is provided by the Capital Crossroads Special Improvement District, Franklinton Special Improvement District, Columbus Downtown Development Corporation, and Capitol South Community Urban Redevelopment Corporation via safety ambassadors (on foot and bike), private security, and special duty officers (Columbus Police officers, requested and paid for by the Capital Crossroads SID, CDDC, and Capitol South). In accordance with ORC § 4301.82(F)(1)(d), a map of the coverage areas, staffing profile and schedules can be found in **Exhibit F** of the DORA application.

**Section 6.** That Council adopts the sanitation plan set forth in the application and incorporated herein by reference as

required by ORC Section 4301.82(F)(1)(e) & (f), to maintain the appearance and public health of the area.

The City believes the current Department of Public Service (DPS), Department of Recreation and Parks (R&P), and applicable Special Improvement Districts (SIDs) staffing levels and services are sufficient to adequately maintain the appearance and public health when the Center City DORA is created. Further, the City will continually assess the public safety and sanitation needs on an ongoing basis, and the City will work with the LLC and/or the Special Event organizers to require those organizers to provide additional sanitation or security as deemed necessary in the City's reasonable discretion.

**Section 7.** That the Mayor or the Mayor's Designee may establish additional rules and regulations for operation of the Center City DORA and will update such rules and regulations from time to time as deemed necessary for public health, safety, or operational purposes; provided however, such rules will always require, pursuant to R.C. Section 4301.82(F)(1)(g), that all alcoholic drinks served to be consumed outside of establishments within the DORA shall be served in a designated eco-friendly container.

**Section 8.** That the Mayor or his or her designee is hereby authorized to take all necessary and proper actions to ensure the Center City DORA is operated and maintained in a clean and safe manner and with regard for the health, safety, and welfare of businesses, residents, visitors and other persons who are impacted by the operation and maintenance of the DORA, which authorization specifically includes but is not limited to:

- a. taking all necessary and proper actions to install the signage authorized by Section 3 of this Ordinance; and
- b. taking all necessary and proper actions to enforce the hours of operation established by Section 4 of this Ordinance; and
- c. taking all necessary and proper actions to provide for public safety within the DORA as provided in Section 5 of this Ordinance, and
- d. taking all necessary and proper actions to implement the sanitation plan established by Section 6 of this Ordinance; and
- e. establishing additional rules and regulations for the operation of the DORA as deemed necessary for public health, safety, or operational purposes.

**Section 9.** That the Mayor or his designee(s) are hereby authorized to enter into a memorandum of understanding ("MOU") or other agreements with Center City DORA, Ltd. to provide for the operation and maintenance of the Center City DORA consistent with provisions of the application and this ordinance.

**Section 10.** That, pursuant to R.C. Section 4301.82(I)(1), within five years following the effective date of this Ordinance, Council shall review the operations of the Center City DORA to determine whether to permit its ongoing operation, under either the same or modified requirements, or whether to dissolve it in accordance with R.C. Section 4301.82(I)(1).

**Section 11.** That the City Clerk is hereby instructed forthwith to provide notice of the creation of the Center City DORA, as required by R.C. Section 4301.82(C), to the Ohio Division of Liquor Control and the Investigative Unit of the Ohio Department of Public Safety.

**Section 12.** That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.