


MEMORANDUM



May 9, 2023

TO: Shelley Dickstein, City Manager
Office of the City Manager

FROM: Todd M. Kinskey, Director 
Department of Planning, Neighborhoods & Development

SUBJECT: Downtown DORA Ordinance

The Department of Planning, Neighborhoods & Development is requesting approval of the attached Ordinance that establishes and describes the boundaries and controls of the Downtown Dayton Designated Outdoor Refreshment Area (Downtown DORA). On May 17, 2023, there will be a first reading and a public hearing for the proposed Downtown DORA. The second reading will occur on May 24, 2023. The ordinance is written as an emergency to facilitate economic recovery of small businesses.

On March 15, 2023, an application for the Downtown DORA was received from the Downtown Dayton Partnership. The application was determined to be complete. The application was forwarded to the Clerk of Commission and the required notice and advertisement occurred.

The application was created through engagement with City departments, downtown businesses, the Oregon District Business Association, and residents of downtown. Input from City departments was reflected in the application and has been incorporated into the Ordinance. All applicable City departments have had the opportunity to review the proposed Downtown DORA, and do not object. The application includes various ways to monitor the conditions of the Downtown DORA, including regularly scheduled meetings with City departments, and the creation of a Downtown DORA Oversight Committee. As with the Oregon DORA, the City Commission would have the ability to dissolve the Downtown DORA at any time.

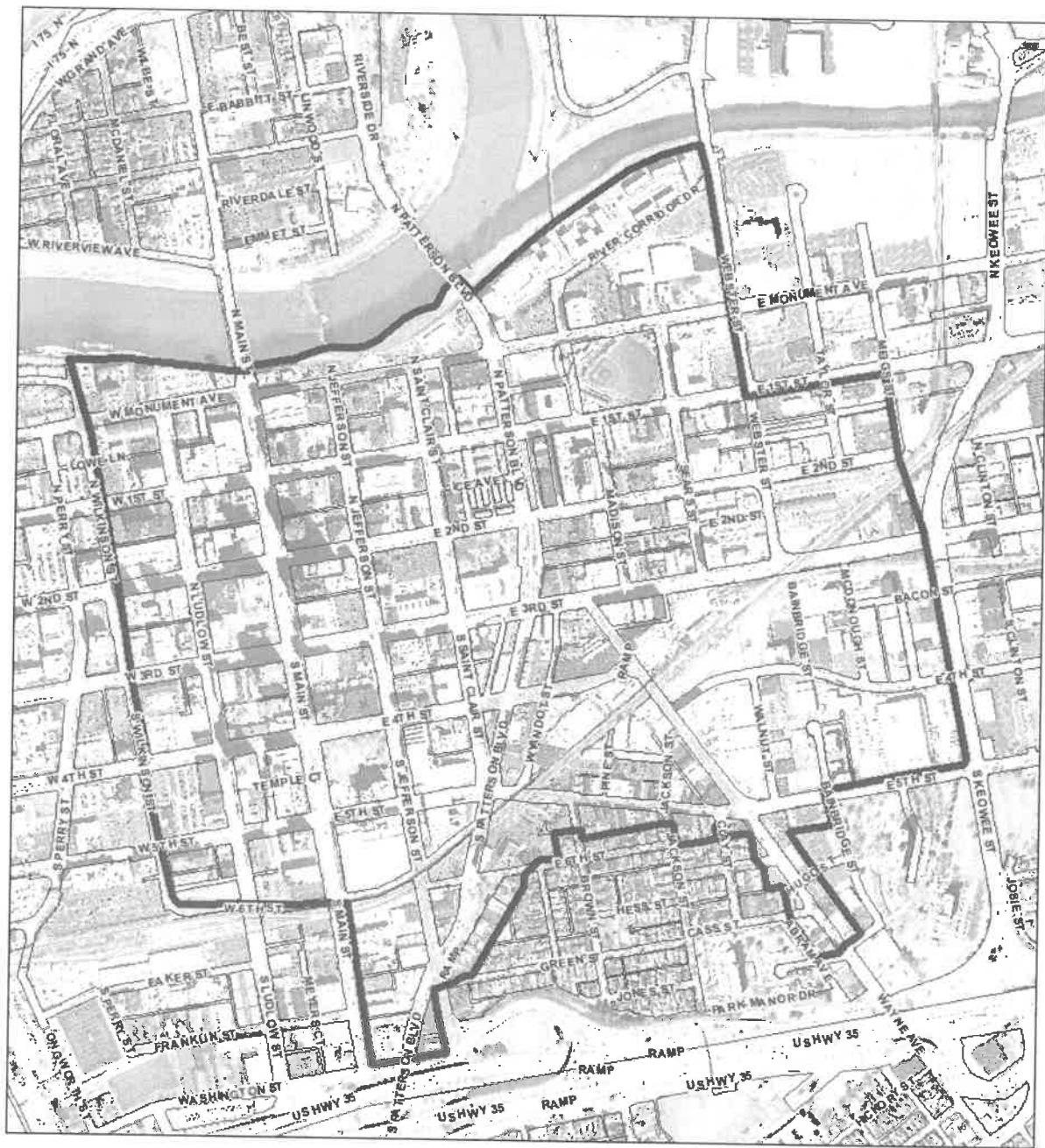
Cities of Dayton's size are allowed up to six DORAs, each allowed to encompass an area of 640 acres. The proposed Downtown DORA is 391 acres. Currently, there are 123 DORAs in the State of Ohio. Upon passage of the Downtown DORA and concurrent dissolution of the Oregon DORA, it would be the only DORA in the City.

As proposed, the Ordinance would dissolve the current Oregon DORA, and the new Downtown DORA would include the Oregon DORA as well as much of downtown. A map of the proposed Downtown DORA is attached.

If you have any questions, please contact Tony Kroeger at extension 3673.

TMK/tdk

Proposed Downtown DORA area:



 Proposed Downtown Dayton DORA



0 0.125 0.25 0.5 Miles

0 500 1,000 2,000 Feet

By

No

AN ORDINANCE

Establishing and Describing the Boundaries and Controls of the Downtown Dayton Designated Outdoor Refreshment Area and Dissolving the Oregon District Designated Outdoor Refreshment Area, and Declaring an Emergency.

WHEREAS, Section 4301.82 of the Ohio Revised Code permits the City of Dayton to establish up to six “Designated Outdoor Refreshment Areas” within its corporate limits; and

WHEREAS, The Downtown Dayton Partnership (DDP) prepared and submitted a proposal to create a Designated Outdoor Refreshment Area (DORA) in parts of downtown Dayton, the Oregon District and vicinity; and

WHEREAS, Pursuant City of Dayton Resolution No. 6121-15 (“Establishing the Procedure for the Designation of an Outdoor Refreshment Area”), The City Manager determined an application to establish and designate The Downtown Dayton DORA, incorporating City staff input, be submitted to the Commission of the City of Dayton (“Dayton City Commission”) and was filed in accordance with Section 4301.82(B); and

WHEREAS, The geographical boundaries of the proposed Downtown Designated Outdoor Refreshment Area (“Downtown DORA”) are depicted in the map attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, The area of this Downtown DORA Area incorporates the area of the Oregon District Designated Outdoor Refreshment Area (“Oregon DORA”), allowing for the dissolution of Oregon DORA; and

WHEREAS, On March 31, 2023, notice of the filing and consideration of said application was published in a newspaper of general circulation in the City of Dayton in compliance with Section 4301.82(C) of the Ohio Revised Code; and

WHEREAS, On May 17, 2023, the Dayton City Commission conducted a public hearing on its consideration of the application, after published notice of such hearing in a newspaper of general circulation in the City of Dayton on April 21, 2023; and

WHEREAS, The Dayton City Commission finds that the application is in compliance with Section 4301.82(B) and that the Designated Outdoor Refreshment Area to be created in compliance with Section 4301.82(D) of the Ohio Revised Code; and

WHEREAS, To support economic recovery of small businesses and to facilitate socially distant outdoor gatherings it is necessary that this Ordinance take effect at the earliest possible date; now, therefore,

By

No

AN ORDINANCE

Establishing and Describing the Boundaries and Controls of the Downtown Dayton Designated Outdoor Refreshment Area and Dissolving the Oregon District Designated Outdoor Refreshment Area, and Declaring an Emergency.

WHEREAS, Section 4301.82 of the Ohio Revised Code permits the City of Dayton to establish up to six “Designated Outdoor Refreshment Areas” within its corporate limits; and

WHEREAS, The Downtown Dayton Partnership (DDP) prepared and submitted a proposal to create a Designated Outdoor Refreshment Area (DORA) in parts of downtown Dayton, the Oregon District and vicinity; and

WHEREAS, Pursuant City of Dayton Resolution No. 6121-15 (“Establishing the Procedure for the Designation of an Outdoor Refreshment Area”), The City Manager determined an application to establish and designate The Downtown Dayton DORA, incorporating City staff input, be submitted to the Commission of the City of Dayton (“Dayton City Commission”) and was filed in accordance with Section 4301.82(B); and

WHEREAS, The geographical boundaries of the proposed Downtown Designated Outdoor Refreshment Area (“Downtown DORA”) are depicted in the map attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, The area of this Downtown DORA Area incorporates the area of the Oregon District Designated Outdoor Refreshment Area (“Oregon DORA”), allowing for the dissolution of Oregon DORA; and

WHEREAS, On March 31, 2023, notice of the filing and consideration of said application was published in a newspaper of general circulation in the City of Dayton in compliance with Section 4301.82(C) of the Ohio Revised Code; and

WHEREAS, On May 17, 2023, the Dayton City Commission conducted a public hearing on its consideration of the application, after published notice of such hearing in a newspaper of general circulation in the City of Dayton on April 21, 2023; and

WHEREAS, The Dayton City Commission finds that the application is in compliance with Section 4301.82(B) and that the Designated Outdoor Refreshment Area to be created in compliance with Section 4301.82(D) of the Ohio Revised Code; and

WHEREAS, To support economic recovery of small businesses and to facilitate socially distant outdoor gatherings it is necessary that this Ordinance take effect at the earliest possible date; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. In accordance with City of Dayton Resolution No. 6121-15 (“Establishing the Procedure for the Designation of an Outdoor Refreshment Area”) the application has been reviewed by the Outdoor Refreshment Petition Review Committee for compliance with the criteria set forth therein and its recommendations have been submitted to the City Manager.

Section 2. That pursuant to Ohio Revised Code Section 4301.82, this Commission hereby establishes the Downtown Designated Outdoor Refreshment Area which is more fully depicted on the map and list of addresses which are attached hereto and incorporated herein as Exhibit A and Exhibit B, subject to the requirements set forth herein to ensure the public health and safety.

Section 3. In order to ensure the public health and safety within the subject Designated Outdoor Refreshment Area, the Dayton City Commission establishes the following requirements:

- (a) Signage shall be installed to clearly indicate the boundaries of the Downtown DORA. This shall consist of approximately 80 to 100 signs, with double-sided signs permitted to count as two (2) signs. The approximate locations of these signs are depicted on Exhibit A. These signs shall be made of a metal-like material and be located and mounted in a manner approved by the Director of the Department of Public Works.
- (b) The hours of operation of the Downtown DORA will be from 12:01 p.m. to 12:01 a.m., seven days per week. However, the City maintains the ability to modify these hours, based on the ability to maintain safety and welfare.
- (c) The City Manager and/or Police Chief may, in whole or in part, suspend DORA hours of operation or days of operation from time to time in their discretion.
- (d) The DDP or a neighborhood association or business association officially recognized by the City operating within the DORA may request suspension of the DORA from the City Manager for conflicting events with at least 30-day notice, which may be approved or denied in the City Manager’s sole discretion.
- (e) A Safety Plan has been developed to ensure public safety in the Downtown DORA, which is attached as Exhibit C. The Chief of the Dayton Police Department or the Chief of the Dayton Fire Department, at their sole discretion, may modify the Safety Plan to maintain the safety and welfare of the public.
- (f) A Sanitation Plan has been developed to maintain the appearance and public health of the Downtown DORA, which is attached as Exhibit D. The Director of Public Works, at their sole discretion, may modify the Sanitation Plan to maintain the appearance of the Downtown DORA, and the public health of Dayton’s residents.
- (g) Within the boundaries of the Downtown DORA, beer and intoxicating liquor to be consumed outdoors shall be served only in the plastic containers approved by the Director of Planning, Neighborhoods & Development.

Section 4. The DDP shall be responsible for installing and maintaining required additional trash receptacles, installing and maintaining signage indicating the boundaries of the Downtown DORA, and for the purchase and dissemination of plastic containers to

participating businesses. Failure to adhere to the requirements set forth by this Ordinance may result in suspension of all or part of the Downtown DORA by the City.

Section 5. In accordance with Section 4301.82 of the Ohio Revised Code, five years from the date of the adoption of this Ordinance, the Dayton City Commission shall review the operation of the Downtown DORA hereby created and shall either approve its continued operation or dissolve it. Such review shall be repeated five years after any subsequent approval of the Downtown DORA in the same manner.

Section 6. The Dayton City Commission, at its sole discretion, may, at any time, dissolve all or part of the Downtown DORA.

Section 7. The Dayton City Commission may expand the Downtown DORA at any time in accordance with Section 4301.82 of the Ohio Revised Code.

Section 8. The Oregon District Designated Outdoor Refreshment Area established under Ordinance 31795-20 shall continue until the Downtown DORA goes into effect and shall be dissolved thereafter when liquor permit designations have been issued to the Downtown DORA participants pursuant ORC Section 4301.82(E).

Section 9. Any reviews or other action taken under the authority of this Ordinance shall occur in a manner consistent with state law.

Section 10. For the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect immediately upon its passage.

PASSED BY THE COMMISSION....., 2023

SIGNED BY THE MAYOR....., 2023

MAYOR OF THE CITY OF DAYTON, OHIO

ATTEST:

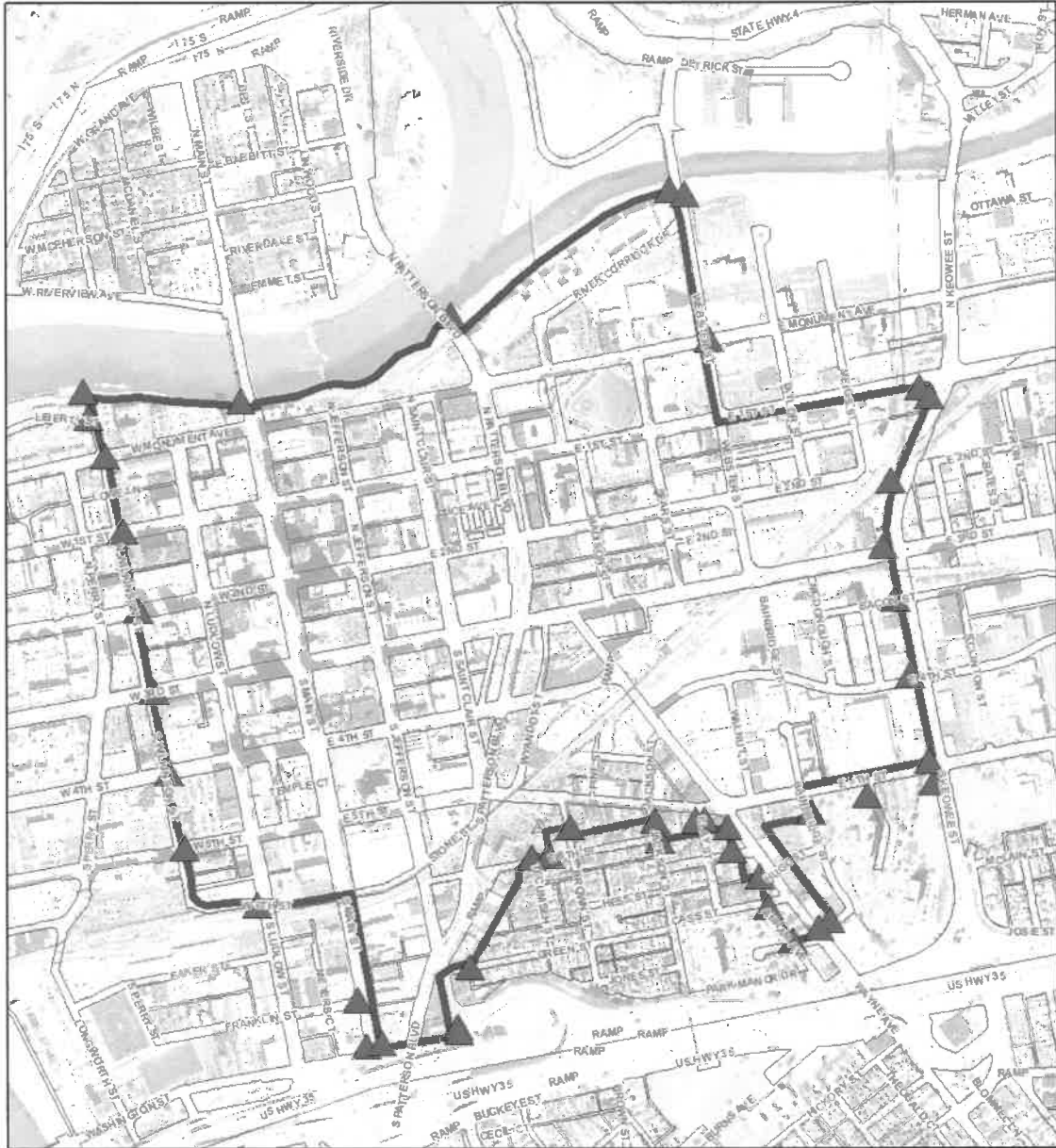
Clerk of the Commission

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

Boundary and Signage Map



Downtown DORA
 Boundary Signs

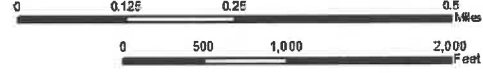


EXHIBIT B

Addresses and Boundaries

List of Addresses

Street Name	Range	Even/Odd
Bacon St.	1-299	Even/Odd
Bainbridge St.	301-311	Odd
Bainbridge St.	12-299	Even/Odd
Bainbridge St.	513-521	Odd
Brickstone Ct.	219-233	Even/Odd
Brown St.	1 to 20	Even/Odd
Brown St.	22-24	Even
Canal Boat Ct	124-136	Even/Odd
Cass St.	131-149	Even/Odd
Citylights Dr.	123-143	Even/Odd
Clay St.	1 to 7	Even/Odd
Commercial St.	100-199	Even/Odd
Cooper Place E	1 to 111	Even/Odd
Cooper Place W	1 to 111	Even/Odd
Court St.	101-199	Even/Odd
E Artz Ln.	1 to 99	Even/Odd
E Booher Ln.	1-199	Even/Odd
E Fifth St.	1-899	Even/Odd
E Fifth St.	901-1999	Odd
E First St.	1--599	Even/Odd
E First St.	600-898	Even
E Fourth St.	1 to 1999	Even/Odd
E Lowe Ln.	1-119	Even/Odd
E Monument Ave.	1-599	Even/Odd
E Second St.	1-835	Even/Odd
E Sixth St.	100-224	Even/Odd
E Sixth St.	225-311	Odd
E Third St.	1-999	Even/Odd
E Washington Street	1 to 99	Odd
Gates St.	1 to 35	Even/Odd
Harries St.	100 to 199	Even/Odd
Hugo St.	1 to 12	Even/Odd
Ice Ave.	1 to 299	Even/Odd
Jackson St.	1 to 109	Even/Odd
Jackson St.	110-122	Even
Keelboat Ct.	2218-232	Even/Odd
Kenton St.	1 to 99	Even/Odd

Kramer Ln.	1-199	Even/Odd
Madison St.	1-199	Even/Odd
Market St.	1 to 49	Even/Odd
McDonough St.	1-199	Even/Odd
Meigs St.	1 to 99	Even/Odd
N Ford St.	1 to 99	Even/Odd
N Jefferson St.	1-299	Even/Odd
N Keowee St.	1 to 99	Odd
N Ludlow St.	1-299	Even/Odd
N Main St.	1-312	Even/Odd
N Patterson Blvd.	1-399	Even/Odd
N St. Clair St.	1-299	Even/Odd
N Turpin Ln.	300-499	Even/Odd
N Wilkinson St.	2-398	Even
Pine St.	100-199	Even/Odd
Pond St.	600-799	Even/Odd
Race St.	100-199	Even/Odd
S Ford St.	1 to 99	Even/Odd
S Jefferson St.	1-399	Even/Odd
S Jefferson St.	401-503	Odd
S Keowee St.	1-299	Odd
S Ludlow St.	1-299	Even/Odd
S Main St.	1-299	Even/Odd
S Main St.	300-498	Even
S Patterson Blvd.	1-499	Even/Odd
S St. Clair St.	1-199	Even/Odd
S Turpin Ln.	300-499	Even/Odd
S Wilkinson St.	2-298	Even
Sears St.	1-299	Even/Odd
Stone St.	101-199	Odd
Swan Ln.	100-299	Even/Odd
Taylor St.	1 to 99	Even/Odd
Van Buren St.	117	Odd
Van Buren St.	119-130	Even/Odd
W Artz Ln.	100-199	Even/Odd
W Booher Ln.	1-199	Even/Odd
W Fifth St.	1-199	Even/Odd
W First St.	1-199	Even/Odd
W Fourth St.	1-199	Even/Odd
W Lowe Ln.	19-199	Even/Odd
W Monument Ave.	1-199	Even/Odd
W Second St.	1-199	Even/Odd
W Sixth St.	1-199	Odd

W Third St.	1-199	Even/Odd
Walnut St.	1 to 99	Even/Odd
Water St.	300-555	Even/Odd
Wayne Ave.	1-599	Even/Odd
Webster St.	1-199	Even/Odd
Webster St.	201-499	Odd
Wyandot St.	1-199	Even/Odd

Boundaries

- Starting in the northwest corner of the DORA where Wilkinson Street meets the levee on the south side of the Great Miami River and heading southwardly.
- Wilkinson Street
- West Sixth Street
- South Main Street
- Washington Street
- South Jefferson Street
- Green Street
- The alley east of Patterson Blvd.
- East Sixth Street
- A line following the east side of Montgomery County Parcel R72 01501 0019
- The alley South of Fifth Street
- Thence southwardly to include the properties on the west side of Wayne Avenue to Jones Street
- Thence northwardly to include properties on the east side of Wayne Avenue to the properties on the south side of East Fifth Street and following that line to Bainbridge Street
- East Fifth Street
- Keowee Street
- East First Street
- Webster Street to a point where Webster Street meets the levee on the south side of the Great Miami River
- Generally, along the south side of the Great Miami River to include properties on Water Street and Monument Avenue to the point of origin.

EXHIBIT C

Safety Plan

The Safety Plan for the Downtown DORA consists of the following components:

1. The Downtown Dayton Partnership (DDP) contracts with a third-party that monitors downtown conditions and activities. During peak season (currently, April through October), the Downtown Ambassadors patrol downtown streets within the Downtown Dayton Special Improvement District seven days per week.
2. Liquor license-holding establishments within the Downtown DORA are encouraged to participate in education and training opportunities, such as the Dayton Police Department's "Bar Safe" program and the YMCA's Gem City Safe Bars program.
3. A Downtown DORA Oversight Committee, consisting of liquor license-holding businesses participating in the Downtown DORA, representatives from downtown's residential community and other stakeholders, DDP staff, and representatives from the City of Dayton, including the Departments of Public Works and/or Police, will meet quarterly or as needed to assess safety and public health protocols.
4. At the time of application of the Downtown DORA, it was determined by the Chief of the Dayton Police Department that no additional security is required for the Downtown DORA, making the number of personnel required equal to normal levels of personnel on patrol at any time, which is variable.

Staffing for the DORA will include regularly assigned officers in Central Business District, who will patrol the DORA as part of their regularly assigned duties. These officers will have the ability to conduct these patrols on foot, by bicycle, or via cruiser. This flexibility can be exercised as conditions dictate.

The Chief of the Dayton Police Department and/or designee will review this safety plan, as needed, for any special events or circumstances within the DORA to analyze staffing levels and identify if additional staffing would be required.

Special event organizers may be required to contract overtime detail officers, if necessary, to ensure the health and safety of an event.

Coinciding with the commencement of the Downtown DORA, the Chief of the Dayton Police Department or designee, for the first year, shall review calls for service and crime report information on a monthly basis along with the DORA designated contact. After the first year, this review will occur on a quarterly basis in January, April, July, and October. This review will determine if updates or modifications to staffing or the plan are advisable or warranted due to an increase in calls for service or crime potentially related to the Downtown DORA. The review

will also determine specific businesses that warrant suspension from the Downtown DORA if associated with crime reports or increased calls for service.

As part of this safety plan, the Chief of Police is vested with the authority to suspend the DORA to protect the public in the presence of a civil emergency, curfew, or a threat to public order and wellness. The Chief of Police shall suspend operation of the Downtown DORA on St. Patrick's Day and may suspend the Downtown DORA for other designated special events. Suspensions of the DORA not listed in this safety plan will be communicated to the designated Downtown DORA contact and communicated via the news media and social media platforms.

Additionally, safety protocols will be reviewed quarterly by the Dayton Police Department and the Downtown DORA Oversight Committee. The Dayton Police Department will set benchmarks for police call levels. Based on these benchmarks, if there are increased police calls that are related to the DORA as designated by the Dayton Police Department, extra security may be put in place. If additional security is required, the cost will be shared by the Downtown DORA businesses and the DDP. If additional security is unavailable, the DORA may be suspended until security becomes available.

5. The Department of Fire Director and Chief has reviewed the Downtown DORA application and has determined that it is not anticipated to impact delivery of fire or EMS services. However, the Chief of the Dayton Fire Department may modify this safety plan in order to protect life and safety.
6. The designated point of contact regarding security will be the DDP President, with input from the Downtown DORA Oversight Committee.
7. The following rules and guidelines shall apply to the Downtown DORA and shall be posted on the website of the Downtown Dayton Partnership.
 - a. A person may have in their possession an open container of beer, wine or other alcohol if in an outdoor location within the DORA if the open container of beer, wine, or other alcohol is contained within the Official Cup of the DORA and was purchased from a qualified permit holder whose premises is located within the DORA.
 - b. No person shall enter the premises of another permitted establishment within the DORA while possessing an open container of beer, wine, or other alcohol acquired elsewhere.
 - c. All beer, wine, or other alcohol to be consumed in an outdoor location within the Downtown DORA district and outside boundaries of an existing liquor licensed establishments must be served in the Official DORA Cup and must be contained in the Official DORA Cup.
 - d. Only one Official Cup will be permitted at a time per DORA patron.

- e. Official Cups will be procured and distributed to participating liquor-licensed establishments by the DDP. No other cup can be substituted for the Official Cup.
- f. DORA patrons may not leave the Downtown DORA boundaries with an open container.
- g. DORA patrons may only have an open DORA container during the Downtown DORA hours of operation.
- h. Owners of unpermitted businesses may determine if and when to allow open DORA containers in their establishments.

EXHIBIT D

Sanitation Plan

The Sanitation/Public Health Plan consists of the following components:

1. Currently, there are approximately 140 waste receptacles within the Downtown Dayton DORA area. An additional 35 receptacles shall be furnished, or arraigned to be furnished, by the DDP for placement in the Downtown DORA area. The locations of these receptacles shall be subject to the City of Dayton Department of Public Works approval.
2. Downtown Ambassadors will continue to maintain the public right-of-way, removing litter and debris from sidewalks and along curbs. In areas outside of the Special Improvement Area where the Ambassadors do not patrol, businesses/property owners participating in the Downtown DORA shall enter into a "Good Neighbor Agreement" with the DDP, requiring businesses to keep sidewalks and property free of refuse. Failure to comply with this agreement, or refusal to participate in the agreement, may result in that business losing DORA cup privileges.
3. The City of Dayton Department of Public Works will check the Downtown DORA area trash receptacles and empty them if necessary, Monday through Saturday, and Sunday when weekly East Fifth Street closure ("Out on Fifth") occurs. On Sundays when the City of Dayton Department of Public Works is not checking receptacles, the Downtown Ambassadors will survey all waste receptacles to ensure they are emptied. There is a crew of two City of Dayton Department of Public Works employees serving the central business district Monday through Saturday, and this number is not anticipated to be impacted.
4. Through times of the year when there are weekly street closures of East Fifth Street ("Out on Fifth") the Oregon District Business Association will pay for extra waste collection on Sundays in the vicinity of the closure to ensure neighborhood receptacles are emptied.
5. The Downtown DORA Oversight Committee, consisting of liquor license-holding businesses participating in the DORA, representatives from downtown's residential community and other stakeholders, DDP staff, and representatives from the City of Dayton including public works and police, will meet quarterly or as needed to assess safety and public health protocols.