

RESOLUTION NO. 30-2017  
(As Amended)

Creating a Designated Outdoor Refreshment Area for  
Downtown Worthington and Enacting Regulations.

WHEREAS, effective April 30, 2017, a municipality with a population of less than thirty-five thousand is permitted to create a designated outdoor refreshment area (“DORA”) pursuant to the provisions of Ohio Revised Code §4301.82; and,

WHEREAS, on April 11, 2017 the City Manager submitted an application to City Council for approval of a DORA in a specified section of Downtown Worthington (the “DORA Application”); and,

WHEREAS, pursuant to §4301.82(C), notice of the filing of the DORA Application and the date of a public hearing thereon was published in a newspaper of general circulation in the City on April 13, 2017 and April 20, 2017; and,

WHEREAS, the public hearing on the application was held on May 15, 2017 during which public testimony was held; and,

WHEREAS, §4301.82(F)(1) requires the City to establish requirements that the City determines necessary to ensure public health and safety in the area and §4301.82(F)(2) provides for notice of this proposed action to be published in a newspaper of general circulation once a week for two consecutive weeks, such notice having been published on May 26, 2017 and June 3, 2017; and,

WHEREAS, the DORA Application as submitted, to include the premises of the permit holders located at the street addresses on Exhibit “A,” meets the requirements of §4301.82(B)(1-5), it being further clarified that the boundary of the DORA includes the premises of the permit holders located at the street addresses listed on Exhibit “A”; and,

WHEREAS, approval of the Designated Outdoor Refreshment Area will serve to enhance the experiences of the patrons of the business establishments and the special events within the Downtown Worthington area.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. City Council approves the DORA Application as having met the requirements of ORC §4301.82(B)(1-5) and approves the establishment of a Downtown Worthington Designated Outdoor Refreshment Area comprised of the area as depicted on Exhibit “A”, attached hereto and made a part hereof, such area to include and encompass the premises of the permit holders located at the street addresses listed on Exhibit “A”, as is required to be included pursuant to §4301.82(F)(1)(a).

SECTION 2. City Council determines that all public notice requirements of ORC §4301.82 prior to the passage of this Resolution have been met.

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SECTION 3. That in order to ensure public health and safety and in accordance with ORC §4301.82(F)(1)(b), the number, spacing, and type of signage designating the DORA boundary shall be as set forth on Exhibit “B”, attached hereto and made a part hereof.

SECTION 4. The DORA encompasses not fewer than four (4) qualified permit holders, all of which are identified on Exhibit “C”, attached hereto and made a part hereof, by business name, address, liquor permit type and liquor permit number. Also included on Exhibit “C” and in accordance with §4301.82(F)(1)(c) are the hours of operation for the DORA, which will apply to all activity within the DORA, only as may be limited by approval of special event permitting.

SECTION 5. The Public Health & Safety Plan as described on Exhibit “D”, attached hereto and made a part hereof is hereby approved as meeting the requirements of §4301.82(F)(1)(d), including the manner in which the number of personnel needed to carry out the plan shall be determined.

SECTION 6. The Sanitation Plan that will help maintain the appearance and public health of the area as described on Exhibit “E”, attached hereto and made a part hereof, is hereby approved as meeting the requirements of §4301.82(F)(1)(e-f), including the manner in which the number of personnel needed to carry out the plan shall be determined.

SECTION 7. As is required by §4301.82(F)(1)(g), beer and intoxicating liquor shall only be served in plastic bottles or other plastic containers, which shall be provided by the qualified permit holders in a readily-identified container that identifies the name of the establishment that is serving the beverage, as approved by the City’s Department of Public Safety.

SECTION 8. City Council shall review the requirements of the DORA, as established herein, one year from the effective date of this Resolution to determine whether to continue the DORA under the same or modified terms and conditions, or dissolve it according to statutory provisions.

SECTION 9. The Clerk of Council is hereby instructed to forward a copy of this Resolution to the Ohio Division of Liquor Control and to the investigative unit of the Ohio Department of Public Safety, all in accordance with ORC §4301.82(C) and §4301.82(F)(3)

SECTION 10. That the Clerk of Council be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted June 5, 2017

/s/ Bonnie D. Michael  
President of Council

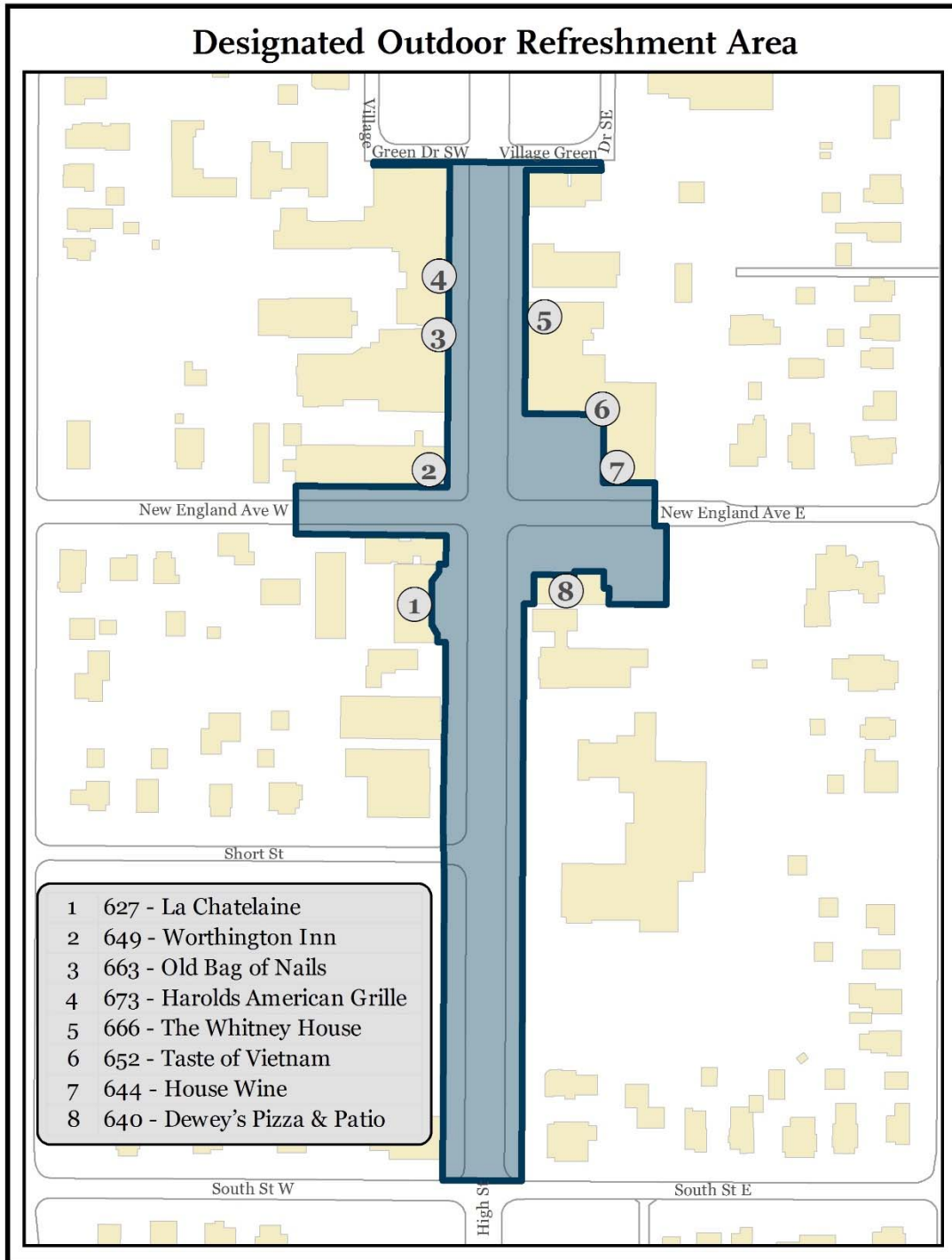
Attest:

/s/ D. Kay Thress  
Clerk of Council

## EXHIBIT A

### BOUNDARIES

In accordance with O.R.C. 4301.82(F)(1)(a), a depiction of the specific boundaries of the area, including and encompassing the premises of the permit holders located at the street addresses as indicated in the box below (all street addresses being located on High Street), are:



The description of the DORA by street addresses is expressed as follows:

On the West Side of High Street (north to south):

- From 695 High Street to 547 High Street - Odd Numbers Only

On the East Side of High Street (north to south):

- From 694 High Street to 544 High Street – Even Numbers Only

On West New England Avenue (east to west):

- From 11 West New England to 41 West New England – Odd Numbers Only

Said description contains approximately 4.06 acres.

The parcels of real property located within the DORA are as follows:

<b>Parcel ID</b>	<b>Address</b>	<b>Qualified Permit Holder (QPH)</b>	<b>DBA</b>
100-000039	547 High Street		
100-000326	559 High Street		
100-000718	571 High Street		
100-000192	579 High Street		
100-000027	597 High Street		
100-003922	615 High Street		
100-000212	623 High Street		
100-000238	627 High Street	La Marquise Inc.	La Chatelaine
100-000225	633 High Street		
100-000715	633 High Street		
100-000167	25 W. New England Avenue		

100-000312	39 W. New England Avenue		
100-000312	41 W. New England Avenue		
100-006622	649 High Street		
100-006630	649 High Street		
100-006629	649 High Street		
100-006620	649 High Street		
100-006625	649 High Street		
100-006627	649 High Street		
100-006619	649 High Street	WI Restaurant Operations LLC	Worthington Inn
100-006624	649 High Street		
100-006626	649 High Street		
100-006623	649 High Street		
100-006628	649 High Street		
100-006621	649 High Street		
100-006227	659 High Street		
100-006227	663 High Street	Old Bag of Nails Pub Inc.	Old Bag of Nails
100-000037	669 High Street		
100-000037	673 High Street	Harolds American Grille Ltd.	Harolds American Grille
100-000335	677 High Street		
100-000049	679 High Street		
100-000049	681 High Street		
100-000197	689 High Street		
100-000197	691 High Street		
100-000197	693 High Street		

100-000197	695 High Street		
100-006686	694 High Street		
100-000100			
100-000080			
100-000084	688 High Street		
100-000391	666 High Street	PIBB & BEAN LLC	The Whitney House
100-000227	660 High Street		
100-000349	656 High Street		
100-000619	654 High Street		
100-000619	652 High Street	Taste of Vietnam LLC	Taste of Vietnam
100-000619	650 High Street		
100-000619	646 High Street		
100-000619	644 High Street	Grapeful Jane LLC	House Wine
100-000294	646 High Street		
100-000294	644 High Street		
100-006763	634 High Street		
100-000102	640 High Street	AED Enterprises LLC	Dewey's Pizza & Patio
100-006769	634 High Street		
100-000517	600 High Street		
100-000327			
100-000093	600 High Street		
100-000094	560 High Street		
100-000243	556 High Street		
100-000097	544 High Street		

## EXHIBIT B

### SIGNAGE

In accordance with O.R.C. 4301.82(F)(1)(b), the number, spacing, and type of signage designating the area are:

#### Outdoor Dining in Right of Way

The City will use its existing Right of Way permitting process to determine the number, spacing, and type of signage for the outdoor dining operations of each Qualified Permit Holder. It is anticipated that each Qualified Permit Holder that wishes to allow alcohol as part of their outdoor dining will be required to pay for and produce no less than 2 signs. As part of the Right of Way permitting process and within the Outdoor Dining Policy, the Director of Service & Engineering and the Director of Planning & Building will determine the number, spacing, and type of signage necessary.

Signage Example:

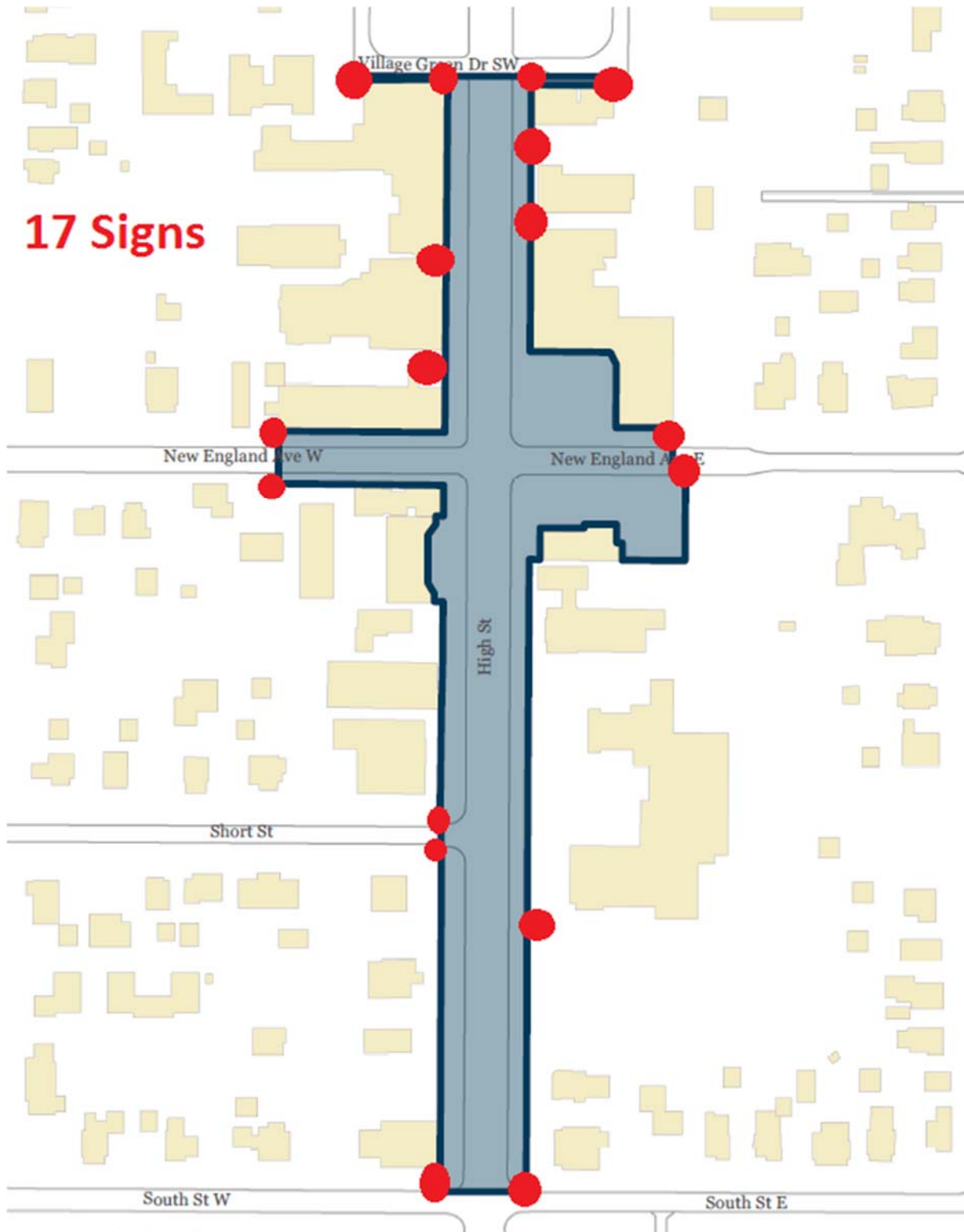


9" x 6" Acrylic Sign  
Magnetic Strips

Heavy Duty Stanchion  
Black Finish

### Special Events

The City will use its existing Special Events permitting process to determine the number, spacing, and type of signage for each event. The City's Director of Service & Engineering and the Director of Planning & Building will determine the specific needs of each event. While each event has its own needs and may vary, it is anticipated that approximately (17) signs will be needed to mark the DORA boundaries:





## EXHIBIT C

### QUALIFIED PERMIT HOLDERS & HOURS OF OPERATION

In accordance with O.R.C. 4301.82(B)(3), the DORA will encompass not fewer than four qualified permit holders. Worthington has identified (8) qualified permit holders that will be included in the area:

<b>Business Name</b>	<b>DBA</b>	<b>Business Address</b>	<b>Permit Types</b>	<b>Permit #</b>
Harolds American Grille Ltd.	Harolds American Grille	673 High Street	D5 & D6	3614301
PIBB & BEAN LLC	Whitney House	666 High Street, 1st Floor & Basement	D5 & D6	6897007
Old Bag of Nails Pub Inc.	Old Bag of Nails	663 High Street	D1, D2, D3, D4	6528523
WI Restaurant Operations LLC	Worthington Inn	649 High Street & Patios	D5 & D6	9726301
La Marquise Inc.	La Chatelaine	627 High Street, 1st Floor & Patio	D1, D2, D3, D6	49492700005
AED Enterprises LLC	Dewey's Pizza & Patio	640 High Street	D1, D2, D6	00661240095
*Taste of Vietnam LLC	Taste of Vietnam	652 High Street	D5 & D6	8788450
Grapeful Jane LLC	House Wine	644 High Street & Patio	D5 & D6	3329356

*\*As of May 9, 2017, the Division of Liquor Control shows both the D5 & D6 permits as "Pending".*

In accordance with O.R.C. 4301.82(F)(1)(c), the hours of the operation for the area are:

<b>Day</b>	<b>Start Time</b>	<b>End Time</b>
Monday	9:00 AM	10:00 PM
Tuesday	9:00 AM	10:00 PM
Wednesday	9:00 AM	10:00 PM
Thursday	9:00 AM	10:00 PM
Friday	9:00 AM	11:00 PM
Saturday	9:00 AM	11:00 PM
Sunday	9:00 AM	10:00 PM

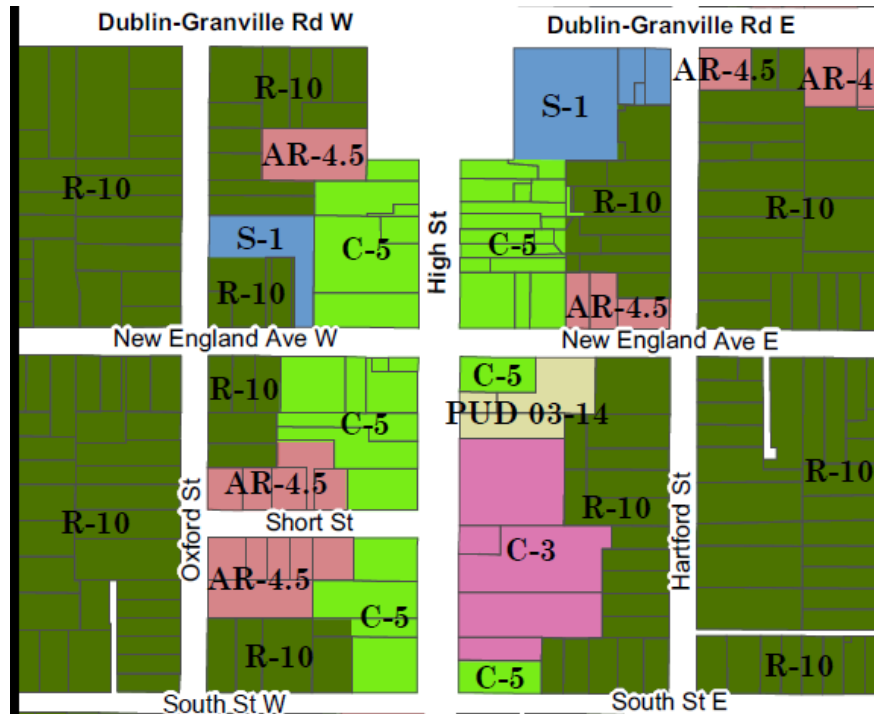
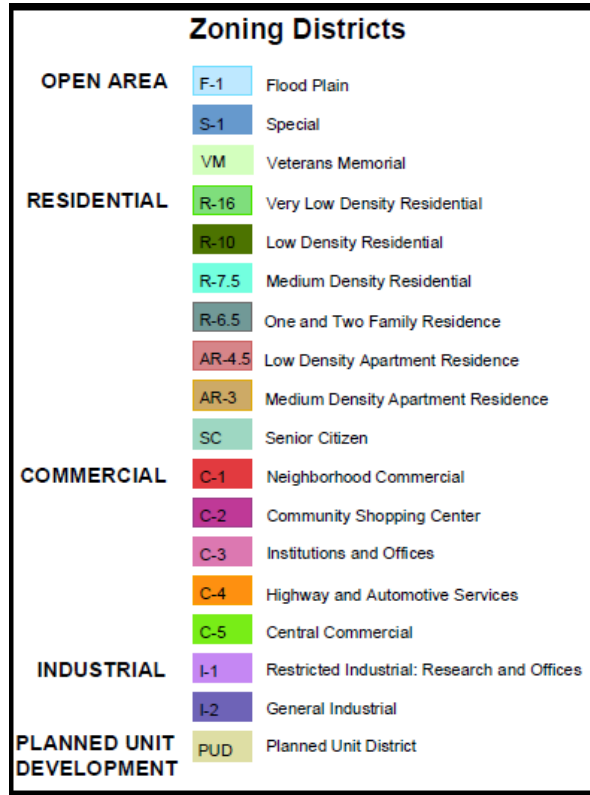
DORA Special Events may include, but are not limited to the following:

<b>Event</b>	<b>Date of Event</b>	<b>Host Organization</b>
Picnic with The Partnership	24-Jun-17	Old Worthington Partnership
Illuminating Shopping	Dec-17	Old Worthington Partnership
The Chocolate Walk	Feb-18	Old Worthington Partnership
*Market Day	23-Sep-17	Worthington Area Chamber of Commerce

*\*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.*

The City of Worthington staff may consider approval of additional events on a continual basis, as well as special events held on private property within the DORA. Additional events will be subject to local permitting processes and regulated by the approved boundaries and hours of operation established in this Resolution.

In accordance with O.R.C. 4301.82(B)(4), the uses of land within the DORA are zoned C-5 (Central Commercial), C-3 (Institutions & Offices), or are a PUD (Planned Unit District) and are in accord with Worthington’s master zoning plan:



## **EXHIBIT D**

### **PUBLIC HEALTH & SAFETY PLAN**

In accordance with O.R.C. 4301.82(F)(1)(d), the number of personnel and plan needed to ensure 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 Worthington's right of way (adjacent to the establishment), must obtain a Right of Way permit and meet the requirements of the Codified Ordinances for right of way use, the DORA and the City's Outdoor Dining Policy. These policies will require the Qualified Permit Holders to submit sanitation and signage plans and a physical layout of the tables, chairs and other facilities. It is anticipated that busing of tables will be required and/or adequate trash cans be in place, and the permitting process will regulate where and how those services and facilities will be provided. 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. The City does not anticipate the need for additional personnel to execute this portion of the Public Health & Safety Plan.

#### Special Events

The City of Worthington requires that each special event receive a permit. As is the City's practice, each event will be reviewed by the City's Departments/Divisions. Permit requirements may differ between events depending on their size, layout, use of right of way, and program. However, each event will be reviewed to ensure that adequate sanitation, signage and public safety requirements are established. The necessity for portable bathrooms, handicap accessibility, pedestrian mobility, police, fire and emergency medical ingress and egress, crowd control, DORA boundary management and trash management (dumpsters, cans, pick-up, etc.) 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 health and public safety requirements.

#### Outdoor Dining and/or Events on Private Property within the DORA

Each of the Qualified Permit Holders whose private property lies within the DORA boundary currently operates pursuant to a Conditional Use Permit. To the extent necessary, the Conditional Use Permit could be amended to allow for these establishments to operate in compliance with DORA regulations. For special events held on private property within the DORA, approval of a Temporary Use Permit will ensure that adequate sanitation, signage and public safety requirements are established. Notwithstanding inclusion within the DORA, such establishments also must comply with ADA requirements regulating pedestrian passage along the sidewalk adjacent to the businesses if they wish to offer outdoor dining. The City does not anticipate the need for additional personnel to execute this portion of the Public Health & Safety Plan.

The City of Worthington will review the results of the DORA after (1) calendar year and determine if any changes are warranted.

## **EXHIBIT E**

### **SANITATION PLAN**

In accordance with O.R.C. 4301.82(F)(1)(e) and 4301.82(F)(1)(f), the sanitation plan that will help maintain the appearance and public health of the area, as well as the number of personnel needed to execute the plan within the DORA shall include:

#### Outdoor Dining in Right of Way

The City intends to use a combination of the existing Right of Way permitting process and an amended Outdoor Dining Policy to keep downtown Worthington strong and vibrant. Each Right of Way permit will be reviewed by the City's Director of Service & Engineering to ensure the appearance and health of downtown Worthington is not adversely effected by the DORA. By combining the Right of Way permitting process with localized Outdoor Dining Policy requirements, the City's Sanitation Plan will address the busing of tables, trash can location and emptying, litter and debris removal and sidewalk/pavement cleanliness. Because the Qualified Permit Holders are required to bus the tables, it is not anticipated that additional trash receptacles will be needed to support daily outdoor dining. The City does not anticipate the need for additional personnel to execute this portion of the Sanitation Plan.

#### Special Events

The City intends to use the existing Special Event permitting process to support the success of local events while also maintaining the beauty of downtown Worthington. Each Special Event permit will be reviewed by the City's Director of Service & Engineering to ensure the appearance and health of downtown Worthington is not adversely effected by the DORA event. By using the existing Special Event permitting process, the City's Sanitation Plan will address the need for additional trash receptacles, trash receptacle location and frequency of emptying, dumpster locations, portable bathrooms, litter and debris removal and street and sidewalk cleanliness. Additional City personnel may be needed to execute this portion of the Sanitation Plan, and will be determined on a case-by-case basis.

#### Outdoor Dining and/or Events on Private Property within the DORA

Each of the Qualified Permit Holders whose private property lies within the DORA boundary currently operates pursuant to a Conditional Use Permit. To the extent necessary, the Conditional Use Permit could be amended to allow for these establishments to operate in compliance with DORA regulations. The City does not anticipate the need for additional personnel for outdoor dining activities on private property. For special events held on private property within the DORA, approval of a Temporary Use Permit will ensure that adequate sanitation requirements are established to uphold the appearance and health of downtown Worthington. Evaluating the need for trash receptacles and directing their location and frequency of emptying, determining whether portable bathrooms will be necessary, and addressing litter and debris removal will be established as part of the Temporary Use Permit process. It is anticipated that additional City personnel may not be needed for these smaller special events, but that determination will be made when a Temporary Use Permit application is submitted.