

# APPLICATION TO THE AMHERST CITY COUNCIL

*for the establishment of an*

## AMHERST DESIGNATED OUTDOOR REFRESHMENT AREA



O.R.C. 4301.82

The Mayor of Amherst, Ohio respectfully submits the following application to the Amherst City Council to approve and enact the Amherst Designated Outdoor Refreshment Area, in accordance with O.R.C. 4301.82

\_\_\_\_\_  
Mark Costilow, Mayor

\_\_\_\_\_  
Date

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

Section 4301.82 of the Ohio Revised Code (O.R.C.) authorizes municipalities to create Designated Outdoor Refreshment Areas (“DORA”). To begin the process of creating a DORA, the municipality's Executive Officer may submit an application to the City Council which meets certain statutory requirements. The application must be advertised for two consecutive weeks in a newspaper of general circulation within 45 days of the application submission to the City Council. Not earlier than 30 days, but not later than 60 days, after the initial publication of the notice, the City Council may approve, disapprove, or modify the application.

Mayor Costilow has submitted a request that the City Council adopt legislation to create a DORA in Downtown Amherst. Members of the Amherst Downtown & Betterment Association d.b.a. Main Street Amherst met with Council Members and the Administration to discuss the desirability of such a project as well as the requirements for establishing a DORA.

The creation of a DORA is meant to serve as an economic tool to attract patrons to Downtown Amherst and highlight the area as a destination for dining and entertainment. The purpose of this application is to request that the City Council create and approve a Designated Outdoor Refreshment Area (DORA) in Amherst.

### **Section 1. Map of Proposed DORA, not exceeding 320 contiguous acres**

Please refer to **Exhibit A** attached. In accordance with O.R.C. 4301.82 (B)(1), Exhibit A includes a map of the proposed DORA that does not exceed 320 acres in size. The proposed area is 7.39 acres in size.

### **Section 2. Nature and Types of Establishments located within the DORA**

Please refer to **Exhibit B** attached. In accordance with O.R.C. 4301.82(B)(2), Exhibit B lists the names and types of establishments located within the DORA. The types of establishments located within the proposed DORA are primarily businesses in the retail, dining, or services sectors.

### **Section 3. List of Qualified Permit Holders**

Please refer to **Exhibit C** attached. In accordance with O.R.C. 4301.82(B)(3), Exhibit C identifies the establishments within the DORA that currently have a “D” class liquor permit. The DORA will include not fewer than two (2) qualified permit holders. Amherst identified 12 qualified permit holders located in the DORA.

### **Section 4. Evidence that Use of Land within the DORA are in accord with Amherst’s Comprehensive Plan**

Please refer to **Exhibit D** attached. In accordance with O.R.C. 4301.82(B)(4), Exhibit D shows a map of Amherst's zoning for the DORA that shows the uses of land within the DORA. The land within the proposed DORA is zoned commercial, and the uses of such

land within the DORA would be consistent with Amherst's master zoning map and land use plan.

### **Section 5. Proposed Requirements to Ensure Public Health and Safety within the DORA**

In accordance with O.R.C. 4301.82(B)(5), the proposed requirements for ensuring public health and safety are included below. The Amherst Public Service Department will be responsible for maintaining the appearance and public health within the DORA.

#### **Required Cups:**

Those liquor permit establishments within the DORA selling alcohol that can be carried outside permit areas must provide special cups marked with the name of the establishment. The Tavern owners and Amherst Downtown & Betterment Association d.b.a. Main Street Amherst will establish rules for the types and cost of cups. Examples of the cup must be provided to safety forces for training and enforcement purposes.

#### **Law Enforcement Duties:**

The Amherst Police Department will be responsible for providing law enforcement services within the DORA.

For special events in the DORA drawing large attendance, additional officers and other agency personnel may be required as determined by the Safety Service Director. Cost for the additional services may be passed on to the event organizer.

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

Amherst is serviced by Life Care Ambulance and the Amherst Fire Department, who will be responsible for providing Fire, Rescue and EMS within the DORA.

- Amherst Fire Station is located approximately 286 feet away from the closest boundary and 1,200 feet away from the furthest boundary. Life Care is 0.0 feet away from the closest boundary (*i.e.* located within the DORA) and 800 feet from the farthest boundary. The estimated response time would be between one (1) and three (3) minutes to any area within the DORA.
- For planned events in the DORA drawing large attendance, the Fire Chief, Life Care and Police Chief may stage personnel and/or equipment in a location to allow for an immediate response.

#### **Sanitation:**

Please refer to **Exhibit E** attached. Amherst has staff specifically allocated to the area to ensure the area remains clean. Event hosts will install additional refuse

and recycling containers, as needed.

**Signage:**

Please refer to **Exhibit F** attached. Amherst will install a minimum of 10 DORA signs as indicated. During the first year, signs will be temporary and removed from service during non-event hours. After one year, permanent signage will be placed in locations identified by law enforcement. Portable signs may be used as needed.

**Special Events:**

Amherst is home to numerous events and festivals throughout the year including, but not limited to, Wine & Chocolate Walk, Walkin' On Wednesday, Miracle on Main Street, and Jingle Bell Bus.

**Non-liquor permit holder participation:**

Restaurants without a liquor permit and any other establishment within the DORA may allow patrons with DORA cups to enter their establishment if permitted by the owner.

**Section 6. Designated Hours of Operation**

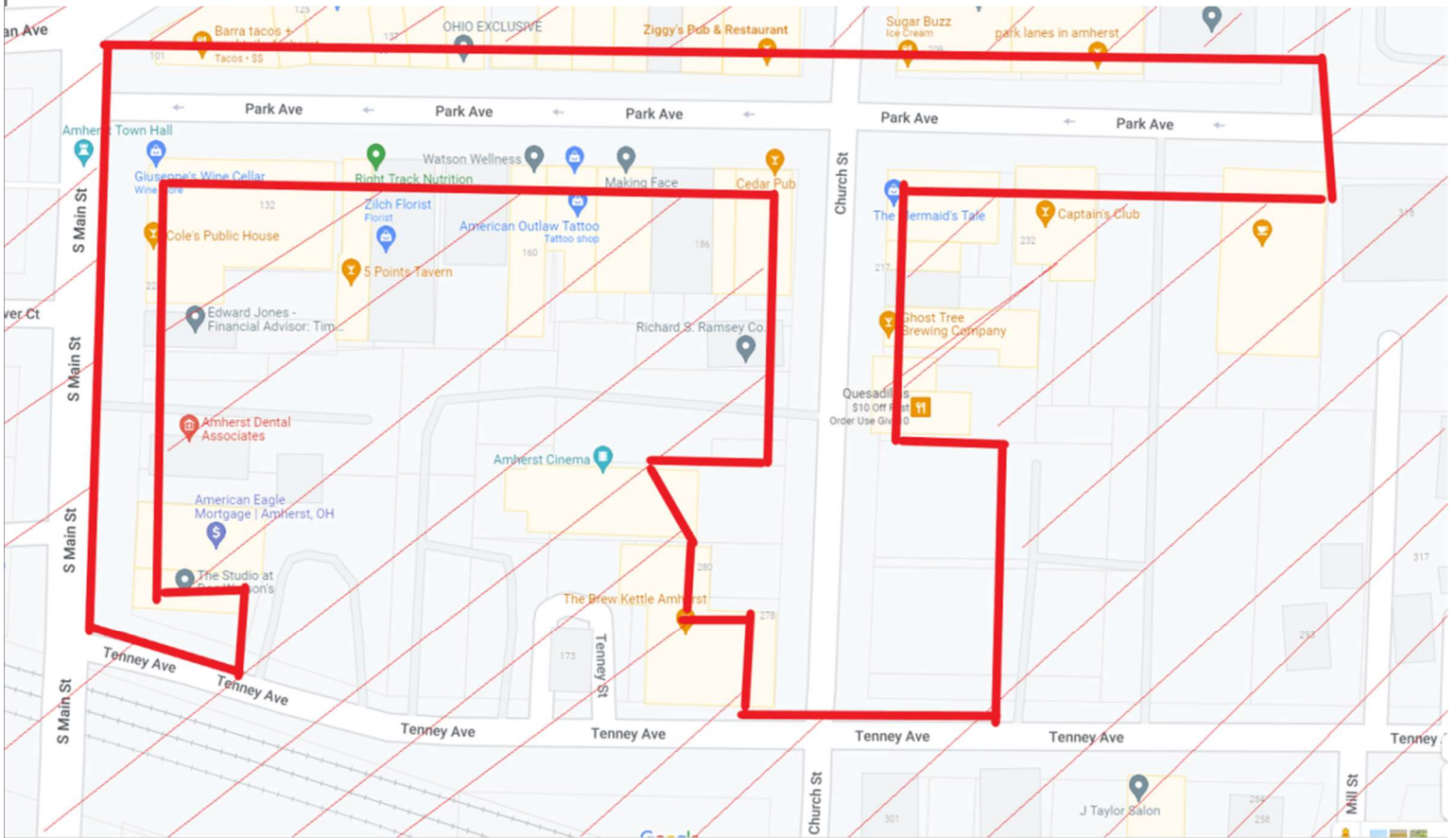
The list of approved events will be maintained by the Safety Service Director.

Amherst will operate its DORA during special events during the first year. Amherst City Council may review and approve modifications to the program at any time after three readings and the signature of the Mayor.

Circumstances or situations determined by the Mayor, Safety Service Director, and Police Chief to be in the best interest of the community in maintaining public safety may be initiated and enforced at any time. The issue should be discussed at the next City Council or Committee meeting, requiring a Council vote on how the DORA will be operated from that point on.

# Exhibit A

## Map of DORA Area



This map demonstrates the Amherst DORA zone. This allows DORA beverages to be consumed during dates approved by the City's Safety Service Director. The map is drawn to be inclusive of building frontages. During special events, the DORA does not extend to roads that are open to traffic and does not allow carrying a drink into a parking lot. DORA containers are to be consumed, first sip to last, outside of D5 holder locations.

# Exhibit B

In accordance with O.R.C. 4301.82(B)(2), Exhibit B lists the names and types of establishments located within the DORA.

Address	Street	Business
101	Park Ave	Barra
125	Park Ave	Do or Dye Salon
133	Park Ave	Frsley and Fox
135	Park Ave	Studio Q Photography
141	Park Ave	Amherst Craft Vinyl
151	Park Ave	Ohio Exclusive Barber Salon
153	Park Ave	Essential Bodywork and Massage
161	Park Ave	Quarry Café
177	Park Ave	Lake Shore/Dinsmoor Insurance
183	Park Ave	Ben Franklin
175	Park Ave	Central Bookstore
193	Park Ave	Ziggys Pub and Restaurant
201	Park Ave	Sugar Buzz
209	Park Ave	Kathy Rogers Photography
215	Park Ave	Etc. Boutique & Gifts
221	Park Ave	Dirty Blonde Salon
249	Park Ave	Park Lanes
255	Park Ave	Main Street Amherst
254	Park Ave	Sandstone Café
254	Park Ave	Life Care Ambulance
254	Park Ave	EMS Discount Supply
248	Park Ave	Atty William Willis
248	Park Ave	Atty Matthew Hawley
232	Park Ave	Captains Club
200	Park Ave	Cedar Pub
192	Park Ave	Puffers Boutique
182	Park Ave	Thru the looking Glass
176	Park Ave	Making Face Spa
174	Park Ave	Dollhouse Boutique
166	Park Ave	Sandstone Candle Works
164	Park Ave	American outlaw Tattoo
160	Park Ave	Watson Wellness, INC
154	Park Ave	Dr. Scott A. Iloff, DDS
138	Park Ave	Right Track Nutrition
136A	Park Ave	After the Ball
136	Park Ave	Zilch Florist
134	Park Ave	5 Corners Tavern
209	Park Ave	Cole's Public House
209	Park Ave	Giuseppe's Wine Cellar
229	S. Main	Edward Jones - Financial Advisor
255	S. Main	Amherst Dental Associates
263	S. Main	American Eagle Mortgage
275	S. Main	Studio of Doc Watson
300	Church Street	The Brew Kettle Amherst
260	Church Street	Amherst Cinema
243	Church Street	Queasadillas
239	Church Street	Olde Towne Barber Shop
223	Church Street	Ghost Tree Tavern
238	Church Street	Richard Ramsey, Atty
219	Church Street	Mason Peggy family dentisty
215	Church Street	Ron Zeil Guitar
201	Church Street	The Mermaid's Tale
258	Tenney Ave	J Taylor Salon
240	Tenney Ave	Like Laine Salvage Décor

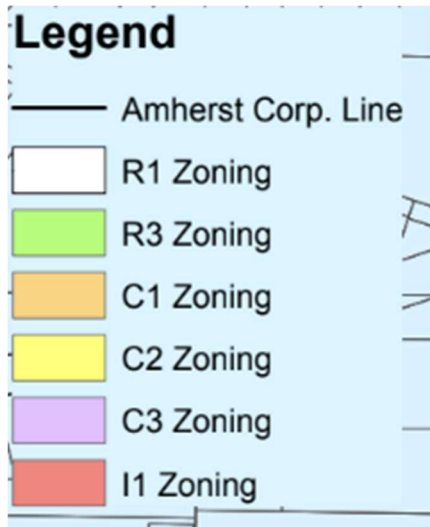
# Exhibit C

In accordance with O.R.C. 4301.82(B)(3), the establishments within the DORA that currently have a “D” class liquor permit are as follows:

<b>Beer/Wine/Liquor holders</b>
5 Corners Tavern
Captains Club
Cedar Pub
Cork Tree Tavern
Ghost Tree Tavern
Giuseppe's Wine Cellar
Park Lanes
Quesadillas
Studio of Doc Watson
The Brew Kettle Amherst
Ziggys Pub and Restaurant
Barra

# Exhibit D

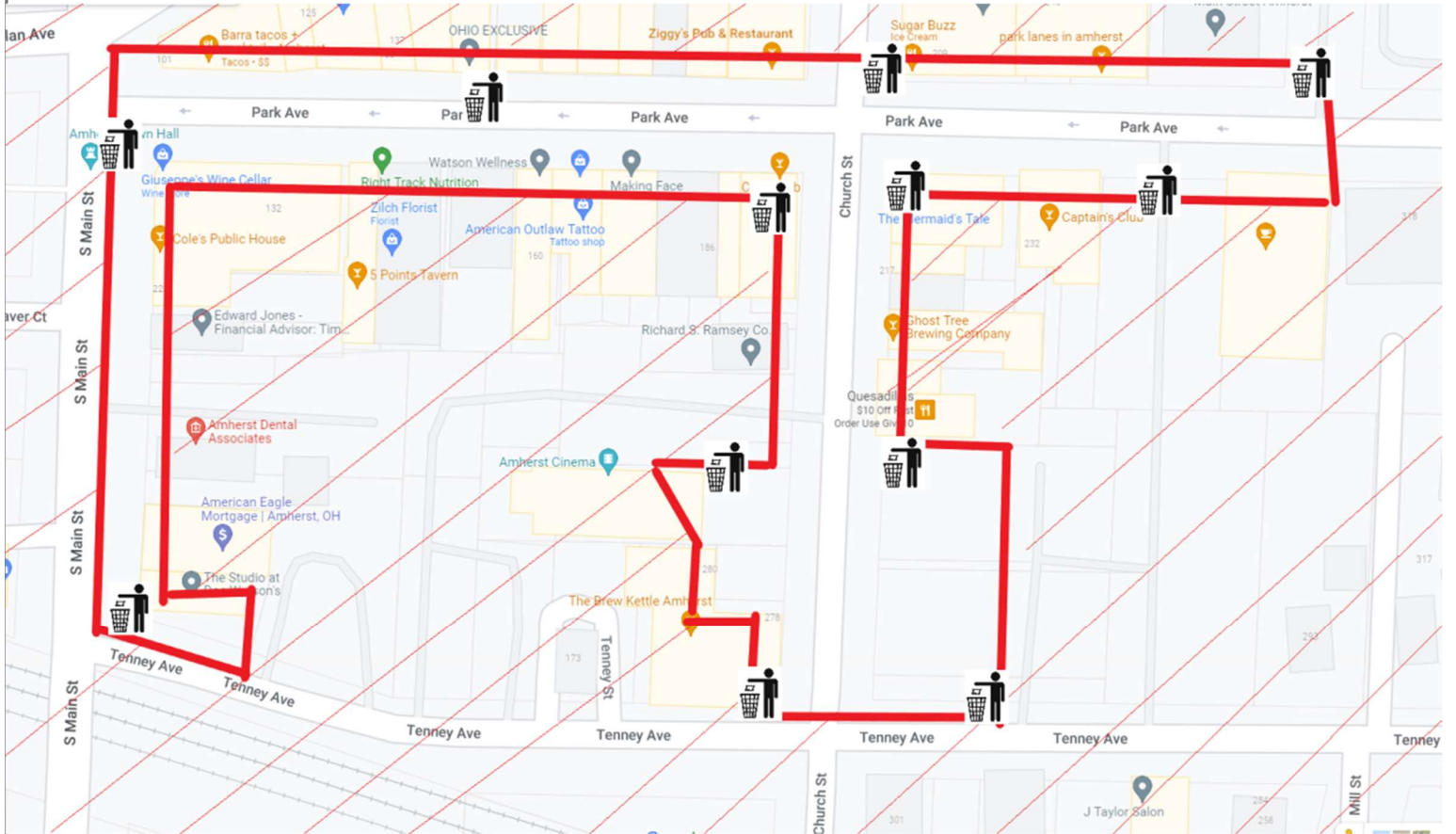
## Area Zoning Map





# Exhibit E

Amherst has staff specifically allocated to the area to ensure the area remains clean.



# Exhibit F

Amherst will install 10 DORA signs as indicated. During the first year, signs shall be temporary to prevent persons from believing the DORA is always in-service.

