

June 15, 2022

To: Mayor and Members of City Council 202201369
From: John P. Curp, Interim City Manager
Subject: **EMERGENCY ORDINANCE – APPLICATION FOR THE CREATION OF A DESIGNATED OUTDOOR REFRESHMENT AREA**

Attached is an Emergency Ordinance captioned:

APPROVING an application for the creation of a designated outdoor refreshment area in the Hyde Park neighborhood of Cincinnati, to be known as the “Hyde Park DORA,” pursuant to Chapter 838 of the Cincinnati Municipal Code, “Outdoor Refreshment Areas”; and **AUTHORIZING** the City Manager to take all necessary and proper actions to provide for the operation and maintenance of the designated outdoor refreshment area.

SUMMARY & BACKGROUND

Ohio Revised Code (“ORC”) 4301.82, initially enacted in 2015, allows the executive officer of a municipal corporation to submit an application to its legislative authority for the establishment of a designated outdoor refreshment area (“DORA”). In 2015, City Council enacted Chapter 838 of the Cincinnati Municipal Code (“CMC”), “Outdoor Refreshment Areas,” to provide for the creation of DORAs within the City of Cincinnati.

This submitted legislation contains an application for the creation of a DORA in the Hyde Park neighborhood covering the area depicted in Attachment A, encompassing community places like Hyde Park Square and most of the neighborhood business district along Erie Avenue.

PROJECT DESCRIPTION

Approval of this DORA will allow participating bars, restaurants, and other vendors to sell alcoholic beverages in designated plastic cups, plastic bottles, or other plastic containers to patrons. Patrons will then be legally allowed to depart the establishment or site where the beverage was purchased and move freely around outside within the DORA area and with that beverage. The designated plastic cups (or other non-glass containers) will be sold by brick-and-mortar establishments and may also be sold by 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 plastic cups, plastic bottles, or other approved non-glass containers. Further, no outside alcoholic drinks are permitted—meaning only alcoholic

drinks that are purchased in the designated plastic cup, plastic bottle, or other non-glass containers and from a properly permitted vendor may be enjoyed outside in the DORA. The DORA will operate from 6:00 PM - 9:00 PM Sunday through Thursday and 6:00 PM - 10:00 PM Friday and Saturday.

The DORA is being launched in partnership with the Hyde Park Square Business Association, Inc. (“HPBSA”). HPBSA will contract with the City to provide operational and management services for the DORA. This will ensure that the City’s expectations regarding security and sanitation are met to ensure a safe and clean public space. HPBSA will partner with participating DORA businesses to ensure the DORA consistently meets these standards. Therefore, by contracting with HPBSA for operational and management services of the DORA, the City will be able to operate the DORA safely, efficiently, and without any ongoing increased financial commitment by the City.

APPROVAL PROCESS, PUBLIC NOTICE, AND COMMUNITY ENGAGEMENT

Under state law the City Administration has published public notice of this application prior to consideration of this legislation by City Council. City Council must then act on the proposed application no less than thirty days and no more than sixty days from publication of notice. The City Administration has been deeply engaged with stakeholders in the Hyde Park neighborhood in assembling the proposed application and will continue that engagement process with community groups and stakeholders throughout implementation of the Hyde Park Square DORA.

PROJECT RATIONALE

The goal of the DORA is to build on the growth Hyde Park Square’s neighborhood business district has seen over the past few years and to further its position as a casual destination for families and individuals to live and play.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance.

Attachment: A. Proposed Hyde Park Square DORA Boundary

Copy: Markiea L. Carter, Director, Department of Community & Economic Development

ATTACHMENT A: PROPOSED HYDE PARK SQUARE DORA BOUNDARY

