

EMERGENCY

TJL

- 2024

APPROVING an application to expand an existing designated outdoor refreshment area in the College Hill neighborhood of Cincinnati, established under Ordinance No. 183-2022, known as the “College Hill DORA,” pursuant to Chapter 838 of the Cincinnati Municipal Code, “Outdoor Refreshment Areas”; and **AMENDING** Ordinance No. 183-2022 to modify the specific boundaries of the existing College Hill DORA.

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, in furtherance of this state authorization, Council enacted Chapter 838 of the Cincinnati Municipal Code (“CMC”), “Outdoor Refreshment Areas,” to provide for the creation of DORAs within the City; and

WHEREAS, pursuant to Ordinance No. 183-2022, passed on June 23, 2022, Council (i) approved an application for the creation of a designated outdoor refreshment area in the College Hill neighborhood of Cincinnati, which application was submitted by the City Manager pursuant to R.C. Section 4301.82 and CMC Chapter 838, and (ii) authorized the City Manager to take all necessary and proper actions to provide for the operation and maintenance of the designated outdoor refreshment area known as the “College Hill DORA”; and

WHEREAS, the City Manager has submitted a proper application pursuant to R.C. Section 4301.82 and CMC Chapter 838 requesting modifications to the College Hill DORA (the “Modified Application”), and Council has received the Modified Application; and

WHEREAS, pursuant to CMC Chapter 838-03(B), notice of the Modified Application was published once a week for two consecutive weeks in a newspaper of general circulation within the City, which notice indicated that the Modified Application is on file with the Clerk of Council and is available for inspection; and

WHEREAS, the Modified Application proposes to expand the boundaries of the College Hill DORA to aid in the attraction and retention of new patrons and visitors to College Hill and to encourage economic growth within the neighborhood; and

WHEREAS, the Mayor and Council have reviewed the Modified Application and determined that the modifications to the boundaries of the College Hill DORA conform to the applicable requirements of R.C. Section 4301.82 and CMC Chapter 838; and

WHEREAS, it is in the public interest of the City to approve the Modified Application and expand the boundaries of the College Hill DORA; and

WHEREAS, the proper operation and management of the College Hill 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 provisions of applicable federal, state, and local laws and requirements; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati:

Section 1. That Council hereby approves the City Manager's application for the modifications to expand the boundaries of the existing designated outdoor refreshment area ("DORA") in College Hill (the "College Hill DORA") to include additional property, which application is attached hereto as Attachment A and incorporated herein by reference (the "Modified Application"), upon finding that the Modified Application contains all information required by Ohio Revised Code ("R.C.") Section 4301.82 and Cincinnati Municipal Code ("CMC") Section 838-03 and upon further finding that the Modified 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 master zoning plan.

Section 2. That Council has determined it is necessary and advisable to expand the boundaries of the College Hill DORA to add additional property because such expansion will aid in the attraction and retention of new patrons and visitors to College Hill and will encourage economic growth within the neighborhood.

Section 3. That, accordingly, Council designates the additional property within the expanded area depicted on page 1 of the Modified Application and incorporated herein by reference as a designated outdoor refreshment area for purposes of R.C. Sections 4301.62 and 4301.82, and CMC Chapter 838, and that the expanded boundary area and the existing boundary area shall collectively be known as the "College Hill DORA" and which College Hill DORA shall

contain all of the street addresses and parcels list on Exhibit A of the Modified Application, incorporated herein by reference.

Section 4. That Ordinance No. 183-2022, passed by Council on June 23, 2022, is hereby amended (a) to add all of the street addresses and parcels listed on Exhibit A of the Modified Application, incorporated herein by reference, which includes all of the parcels within the expanded area, to the College Hill DORA; and (b) by replacing the Application, attached as Attachment A thereto, with the Modified Application, attached as Attachment A hereto.

Section 5. That the remainder of Ordinance No. 183-2022 shall remain in full force and effect.

Section 6. That the Clerk of Council is hereby instructed forthwith to provide notice of the expanded boundaries of the College Hill DORA, as required by R.C. Section 4301.82(F)(3), to the Ohio Division of Liquor Control and the Investigative Unit of the Department of Public Safety.

Section 7. That Council authorizes the proper City officials to take all necessary and proper actions to fulfill the terms of this ordinance.

Section 8. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the qualified license holders and businesses to prepare for the new operational needs of the College Hill DORA.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk