



December 1, 2021

To: Mayor and Members of City Council

From: Paula Boggs Muething, City Manager

*WOW
Action*

202103182

**Subject: 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 Westwood neighborhood of Cincinnati to be known as “Westwood DORA,” pursuant to Chapter 838 of the Cincinnati Municipal Code, “Outdoor Refreshment Areas,” and **AUTHORIZING** the City Manager to all necessary and proper actions to provide for the operation and maintenance of the designated outdoor refreshment area.

SUMMARY AND 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 Westwood neighborhood covering the area depicted in Attachment A, encompassing Westwood Town Hall and most of the neighborhood business district along Harrison 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 plastic 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 plastic containers. Further, no outside alcoholic drinks are permitted—meaning only alcoholic drinks that are purchased in the designated plastic cup, plastic bottle, or other plastic containers and from a properly permitted vendor may be enjoyed outside in the DORA. The DORA will operate from 5:00 PM - 11:00 PM Monday through Friday and 12:00 PM - 11:00 PM Saturday and Sunday.

The DORA is being launched in partnership with the Westwood Civic Association, Westwood's recognized Community Council (the "WCA"). The WCA 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. The WCA will partner with participating DORA businesses to ensure the DORA consistently meets these standards. Therefore, by contracting with the WCA 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 Westwood neighborhood in assembling the proposed application and will continue that engagement process with community groups and stakeholders throughout implementation of the Westwood DORA.

PROJECT RATIONALE

The goal of the DORA is to build on the growth Westwood's 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 Westwood DORA Boundary

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

Attachment A: Proposed Westwood DORA Boundary

