

APPLICATION TO THE CITY COUNCIL OF THE CITY OF SIDNEY, OHIO

for the establishment of a

DOWNTOWN SIDNEY DESIGNATED OUTDOOR REFRESHMENT AREA

ORC 4301.82



City of Sidney

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I. INTRODUCTION AND SUBMITTAL OF APPLICATION

The Office of the City Manager of the City of Sidney, Ohio respectfully submits the following application for the creation of a Downtown Sidney Designated Outdoor Refreshment Area (DORA) to the Sidney City Council, in accordance with ORC 4301.82.

Downtown Sidney is the heart of the Sidney and Shelby County community. A Downtown Sidney DORA will create an appealing, unique experience for our residents and our visitors and encourage them to support our local downtown businesses. Additionally, a DORA would create new opportunities for community events downtown.

As outlined in this application, all City departments will work together to ensure the safe, professional implementation of the DORA. The City of Sidney will review the DORA after five years has passed, in accordance with ORC 4301.82

The application includes the following:

- Section II.** A map and list of addresses for the proposed DORA district.
- Section III.** A general statement on the types of establishments located in the proposed DORA district.
- Section IV.** A list of qualified liquor permit holders in the proposed DORA district. ORC 4301.82 requires a minimum of four; the City has determined the proposed DORA district meets this standard.
- Section V.** A statement on land use and a zoning map of the proposed DORA district.
- Section VI.** A public health and safety plan that will be implemented in the proposed DORA district.
- Section VII.** A sanitation plan that will be implemented in the proposed DORA district.
- Section VIII.** A preliminary design for signs to be placed at the boundaries of the proposed DORA district, with a list of proposed sign locations.
- Section IX.** A description of the hours and additional rights and requirements for the proposed DORA district.
- Section X.** The text of the proposed enacting ordinance for the DORA.

II. MAP AND DESCRIPTION OF BOUNDARIES

In accordance with ORC 4301.82(B)(1)(a) and (F)(1)(a), the boundaries of the proposed DORA district are depicted and listed below:

Starting at the intersection of West Avenue and North Street; south on West Avenue to Court Street; then east on Court Street to the north-south alley between Court Street and Ohio Avenue; then south on the north-south alley to South Street; then east on South Street to the north-south alley between Main Avenue and Miami Avenue; then north on the north-south alley to the east-west alley; then east to Miami Avenue; then north on Miami Avenue to Poplar Street; then west on Poplar Street to the north-south alley between Miami Avenue and Main Avenue; the north on the north-south alley to North Street; then west on North Street to West Avenue.

Total area of proposed DORA is 34.46 acres.



Parcel ID	Address	Property Owner
01-18-36-207-004	West Ave.	City of Sidney
01-18-36-207-005	North St.	City of Sidney
01-18-36-207-002	West Ave.	City of Sidney
01-18-36-207-006	North St.	City of Sidney
01-18-36-207-007	West (Rear)	City of Sidney
01-18-36-207-009	Poplar St.	Raise the Roof
01-18-36-207-008	110 West Ave.	City of Sidney
01-18-36-210-009	166 W. Court St.	Silver Shield (Dollar General)
01-18-36-210-011	117 S. Ohio & 120 S. West St.	Backwoods Investment LLC
01-18-36-210-015	122 & 124 W. Court St.	EWR Properties LTD
01-18-36-208-001	132 N. Ohio	Watson Inv. LLC
01-18-36-208-009	109 E. North	Louis Fahnestock
01-18-36-208-010	115 E. North	Shelby Co. Historical Society
01-18-36-208-011	121 E. North	Ryan J. Havill
01-18-36-208-012	Main & North	United Telephone
01-18-36-228-001	128 N. Main Ave.	Backwoods Inv. LLC
01-18-36-228-002	209 North St.	Stephen Yeager
01-18-36-228-005	126 N. Main Ave.	Kerrigan, Boller, (etal)
01-18-36-228-006	124 N. Main Ave.	LLL Real Estate Inv.
01-18-36-228-007	120 N. Main Ave.	Charles Hewitt
01-18-36-228-008	118 N. Main Ave.	Christopher & Amber Bucio
01-18-36-228-009	114 N. Main Ave.	Hugh Bonnoront
01-18-36-228-010	112 N. Main Ave.	Bunny's Pharmacy
01-18-36-228-011	110 N. Main Ave.	Bunny's Pharmacy
01-18-36-230-008	223 E. Poplar St.	Sidney Parking Co.
01-18-36-230-007	217 E. Poplar St.	City of Sidney
01-18-36-230-009	231 E. Poplar St.	City of Sidney
01-18-36-230-012	Miami (Rear)	City of Sidney
01-18-36-230-010	Poplar (Rear)	City of Sidney
01-18-36-230-013	111 Miami (Rear)	City of Sidney
01-18-36-230-015	Poplar (Rear)	City of Sidney
01-18-36-230-014	Miami (Rear)	City of Sidney
01-18-36-230-011	Poplar (Rear)	City of Sidney
01-18-36-230-016	Miami (Rear)	Sidney Parking Lot Co.

Parcel ID	Address	Property Owner
01-18-36-230-017	Miami Ave.	Shelby Co. Comm. Bd of Elections
01-18-36-230-018	Court St.	Shelby Co. Comm. Bd of Elections
01-18-36-230-019	Court St.	Shelby Co. Comm. Bd of Elections
01-18-36-230-022	Court St.	Shelby Co. Comm. Bd of Elections
01-18-36-230-023	230 E. Court St.	Shelby Co. Comm. Bd of Elections
01-18-36-230-024	Court St.	Shelby Co. Comm. Bd of Elections
01-18-36-230-020	127 (&127 1/2) S. Miami Ave.	Ted & Cory Huelskamp
01-18-36-230-021	122 S. Miami Ave.	Ted & Cory Huelskamp
01-18-36-276-011	223 (&225) Court St.	Derek Sheiner
01-18-36-276-012	Court St.	Derek Sheiner
01-18-36-276-013	221 S. Miami St.	Derek Sheiner
01-18-36-276-014	Court St. (Rear)	Derek Sheiner
01-18-36-276-015	Court St. (Rear)	Derek Sheiner
01-18-36-276-016	213 (&215) S. Miami	ES & EM Rentals II LLC
01-18-36-276-005	222 S. Main Ave	Edwards Inv.
01-18-36-276-006	S. Main Ave	Edwards Inv.
01-18-36-276-007	S. Main Ave	Edwards Inv.
01-18-36-276-008	218 E. South	Edwards Inv.
01-18-36-253-017	217 S. Main Ave.	NKTelco Inc
01-18-36-253-013	221 S. Main Ave.	Sidney Lodge BPOE
01-18-36-253-014	Main Ave.	Sidney Lodge BPOE
01-18-36-253-015	Main Ave.	Star Bank
01-18-36-253-012	118 (& 120) E. South St.	Peoples Federal
01-18-36-253-011	222 S. Ohio	Peoples Federal
01-18-36-252-016	215 S. Ohio	City of Sidney
01-18-36-252-013	207 S. Ohio	Big Buy Property LTD

III. NATURE AND TYPES OF ESTABLISHMENTS

In accordance with ORC 4301.82(B)(2), the types of establishments located in the proposed DORA are primarily businesses in the retail, dining, services, or governmental sectors.

IV. QUALIFYING PERMIT HOLDERS

In accordance with ORC 4301.82(B)(3), the DORA will encompass not fewer than four qualified permit holders as defined by ORC 4301.82(A). The Office of the City Manager has identified seven qualified permit holders, each of whom are listed below:

Business Name/DBA	Business Address	Permit Classes	Permit #
Raise the Roof for the Arts INC	120 W. Poplar St.	D5H	8352254
LK Sidney Restaurant INC/The Bridge	127 W. Poplar St.	D1, D2, D3	4951127
Murphys Craftbar & Kitchen LLC	110 E. Poplar St.	D5L	6239537
Ameilos Pizzeria LLC	115 S. Ohio Ave.	D5L	0160916
K Burdiss Investments LLC/ KB's TapHouse	111 S. Ohio Ave.	D5	4422606
Tavolo LLC	101 S. Ohio Ave.	D5L/D6	8128180
Rainbow Grill INC	126 N. Ohio Ave.	D1, D2, D3	7174039

Note: Raise the Roof, Ameilos, and KB's Taphouse are currently pending. The Rainbow Grill is currently ready for transfer to a new owner. KB's TapHouse is currently doing business under Louise McGees (Permit #5311668) until the Burdiss licensed is approved.

CITY OF SIDNEY, OHIO
DOWNTOWN OUTDOOR RECREATION AREA (DORA)



1. Rainbow Bar & Grill (126 N Ohio Ave)
2. The Historic Sidney Theatre (120 W Poplar St)
3. The Bridge Restaurant (127 W Poplar St)
4. Tavolo Modern Italian (101 S Ohio Ave)
5. KB's Tap House (111 S Ohio Ave)
6. Murphy's Craft Bar & Kitchen (110 E Poplar St)

 DOWNTOWN OUTDOOR RECREATION AREA

0 300 600 Feet

1 inch = 250 feet

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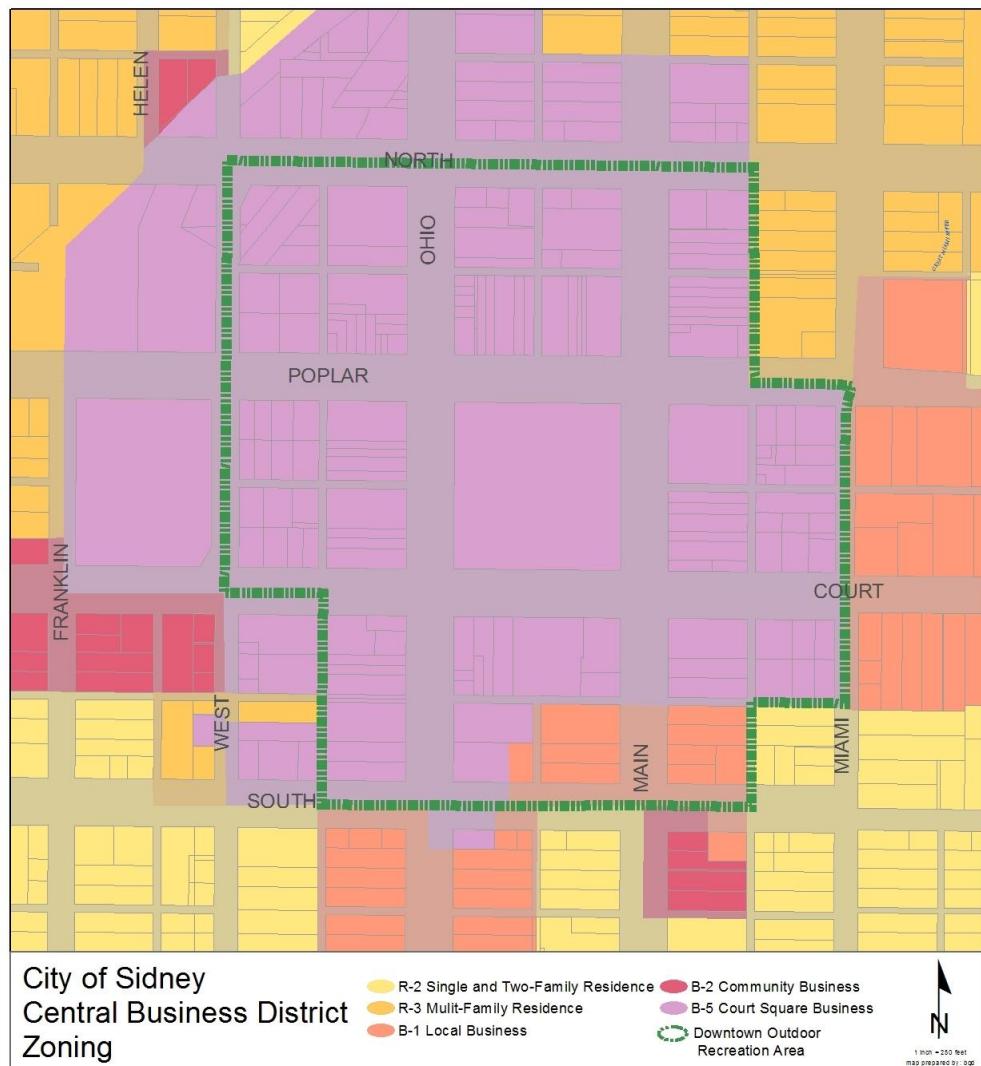


June 22, 2020

V. LAND USE AND ZONING

In accordance with ORC 4301(B)(4), the uses of land within the proposed DORA district are in accord with the City of Sidney's master zoning plan and the Comprehensive Plan. The land within the proposed district is zoned B-5 Court Square Business, except for an area zoned B-1 Local Business in the southeast corner of the DORA. Retail uses are permitted within both the B-5 and B-1 Districts. The Office of the City Manager is confident that the DORA will not only enhance the entertainment and cultural appeal of Downtown Sidney as a destination, but will also serve to enhance the economic appeal of the Downtown and surrounding areas and make the area more attractive to businesses in the creative, service and technology sectors, as well as housing.

A detailed zoning map is presented below:



VI. PUBLIC HEALTH AND SAFETY

In accordance with ORC 4301.82(B)(5) and (F)(1)(c), the proposed requirements for the purpose of ensuring public health and safety within the proposed DORA district and the number of personnel needed to ensure public safety in the area are as follows:

At the commencement of the DORA, the Sidney Police Department will have shift patrol officers that will regularly patrol the DORA during its hours of operation as part of their duties. These assignments may be tailored as needed, as dictated by attendance and nature of events.

Special event organizers within the district are required to develop and submit a public health and safety plan with their special event application. This plan will be reviewed by the Police Department and City Staff, and will guide police staffing decisions. If special duty officers are necessary to ensure adequate health and safety requirements, special event organizers will be required to pay these additional special duty officer and/or overtime for public works and/or public safety workers.

Holiday events will require special planning and may include an increase of public safety employees present in the DORA. The Police Department will work with the City Manager to guide decisions of police staffing in the DORA.

Each month after the commencement of the DORA, continuing for six months, and once every three months thereafter, the Police Chief and City Manager will meet to review these requirements.

VII. SANITATION

In accordance with ORC 4301.82(F)(1)(e), the sanitation plan that will help maintain the appearance and public health of the area and the number of personnel needed to execute the sanitation plan are as follows:

There are currently thirty-five (35) public trash receptacles located throughout the DORA that are serviced twice a week on Monday and Friday; this will continue after the commencement of the DORA. However, some of the proposed DORA area, particularly at the border of the DORA, does not have trash receptacles. City Staff will monitor if there is a problem with littering in these areas and will add receptacles if needed.

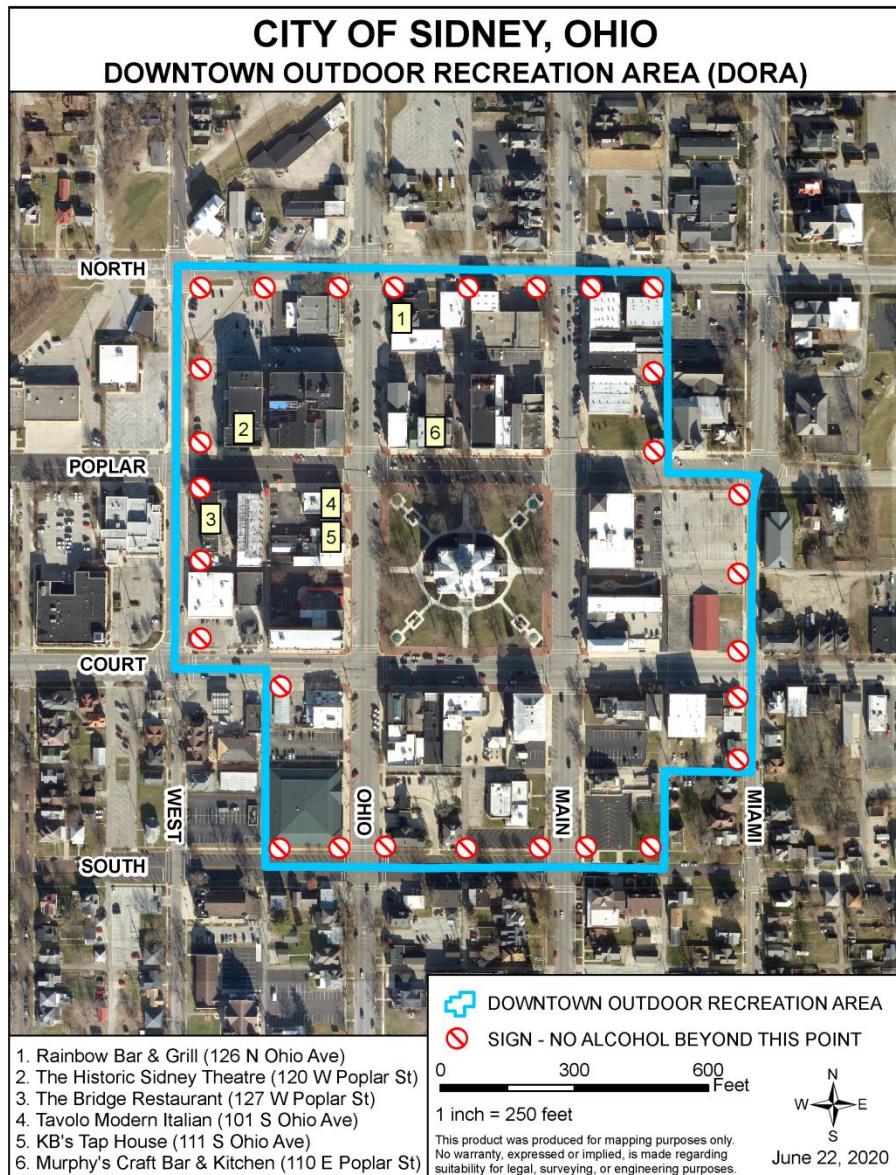
With approval, any qualified permit holder may add additional receptacles and assume responsibility of their servicing. Because the public receptacles are already in place and are under a current service contract, no additional City personnel will be needed. However, the City may need to re-negotiate with its solid waste contractor for this additional service.

The streets located in the proposed DORA are regularly cleaned by the City's street sweeper. If needed, the City will increase the regularity the streets are swept. If this is needed, additional overtime costs will be required. This decision will be left up to the City Manager and Public Works Director to maintain the appearance and health of the DORA.

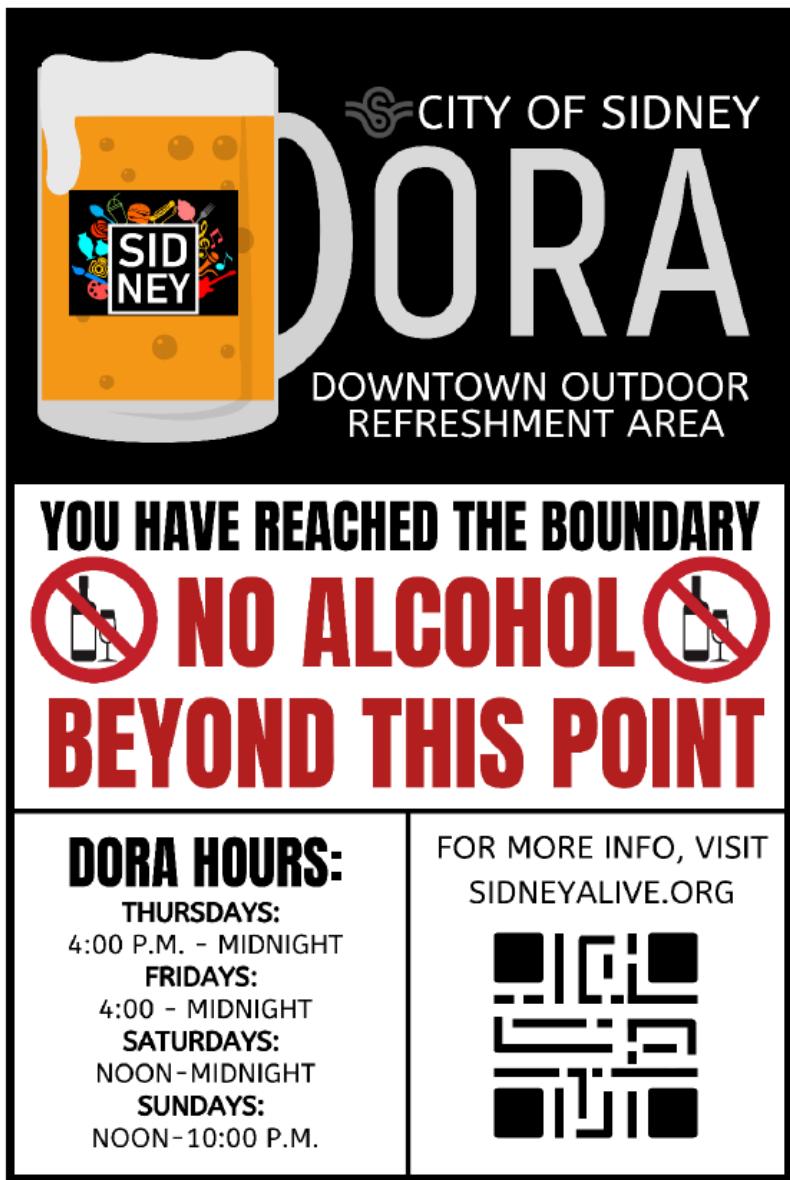
VIII. SIGNAGE

In accordance with ORC 4301.82(F)(1)(b), the number, spacing, and type of signage designating the proposed DORA district are as follows:

It is anticipated that twenty-eight (28) signs will be needed to mark the DORA boundaries at each corner and alleyway entry. The proposed location of the signs is shown below:



These signs shall be visible to the general public, with the content and style of this signage being similar to the following:



The City will monitor the need for additional signage or replacement signage

IX. HOURS AND ADDITIONAL RIGHTS AND REQUIREMENTS

In accordance with ORC 4301.82(F)(10)(c), the days and hours of operation for the Downtown Sidney DORA will be year round; Thursday-Friday 4:00 pm to Midnight; Saturday Noon-Midnight; Sunday Noon-10:00 pm. Upon approval of The City of Sidney City Council, the City of Sidney may consider approval of expanded hours for special events held within the boundaries of the proposed DORA.

In accordance with ORC 4301.82(F)(1)(g), beer and intoxicating liquor will be served solely in plastic containers in the area as described below:

- A. Each permit holder participating in the DORA will carry a specialized DORA cup or wrist band.
 1. The DORA cup will hold no more than sixteen fluid ounces of liquid.
 2. Each DORA cup may only be used once, and no permit holding establishment will allow a cup to be refilled after use.
 3. Each participating permit holder will track the amount of DORA cups used and be able to provide sales reports to the City Manager's Office if requested.
 4. The DORA wrist band will be in multiple colors and dated to avoid reuse.
- B. Failure or non-compliance of permit holders to uphold the regulations and rules laid out in this application can result in a failure to renew the DORA permit or force the city to revoke the permit holders' place in the DORA.
- C. Each individual cup will consist of specific marks and logos to ensure the integrity of the DORA regulations.

Additional rules and requirements for the purpose of ensuring public health and safety with the DORA are as follows:

- A. A person may have in their possession an open container of beer, wine, or intoxicating liquor at an outdoor seating area in the public right-of-way if the opened container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which the following apply:
 1. The permit holder's premises is located within the DORA;
 2. The permit held by the permit holder has an outdoor refreshment area designation; and
 3. The permit holder's outdoor seating area abuts the indoor portion of the business.

B. No person shall do any of the following:

1. Enter the premises of a non-liquor serving establishment within the DORA with an open container of beer, wine, or intoxicating liquor without the owner's permission.
2. Enter the premises of a liquor serving establishment with an open container of beer, wine, or intoxicating liquor purchased from a separate establishment.
3. Reenter the premises of a liquor serving establishment with an open container of beer, wine, or intoxicating liquor purchased from the same establishment.
4. Refill or reused a purchased Official Cup.
5. Any person's failure to comply with the rules and regulations laid out in the application shall be granted one (1) warning, to be recorded by the acting officer, and upon the second infraction shall be guilty of a misdemeanor equivalent to an open carry violation. This rule is applicable for two (2) years. After the two year period, the warnings shall be forgone and immediate action shall be taken.