

**Application to the Fairport Harbor Village  
Council for the establishment of a Fairport  
Harbor Designated Outdoor Refreshment  
Area**

**O.R.C. 4301.82**

The Fairport Harbor Village Administrator, respectfully submits the following proposal to the Fairport Harbor Village Council to approve and enact the Fairport Harbor Designated Outdoor Refreshment Area (DORA), in accordance to O.R.C. 4301.82

**Submitted July 21<sup>st</sup>, 2020**

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## I. INTRODUCTION

Section 4301.82 of the Ohio Revised Code (ORC) authorizes, effective April 30, 2020, municipalities under 35,000 in population to create Designated Outdoor Refreshment Areas or “DORAs.” In order to consider creation of a DORA, the Village Administrator must file an application with the Fairport Harbor Village Council (Council) which meets certain statutory requirements. The application filing must be advertised for two consecutive weeks in a newspaper of general circulation. Not earlier than 30 days, but no later than 60 days, after the initial publication of the notice, the Council may approve or disapprove of the application by ordinance or resolution.

On July 10, 2020, the Fairport Harbor Arts and Culture Alliance (Alliance) submitted a letter requesting the City Council adopt legislation to create a DORA in village limits. The Alliance stated (2) reasons to enact this legislation:

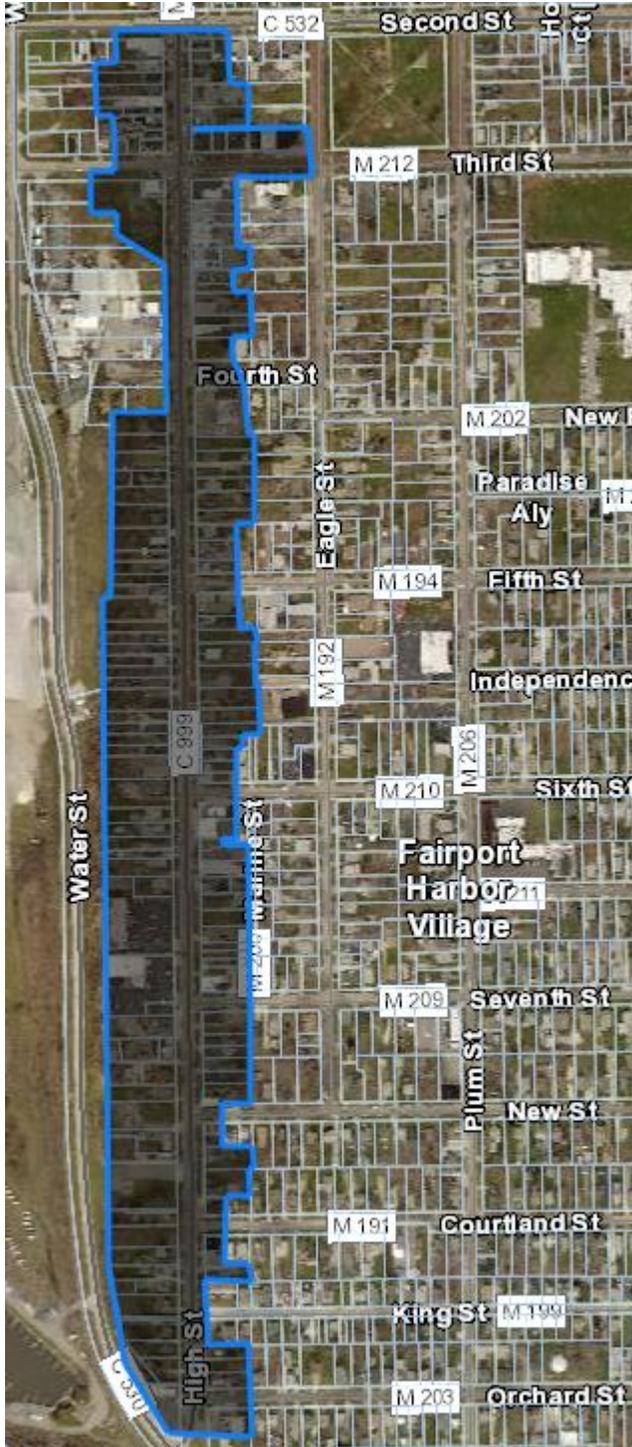
1. Allow full service (including alcoholic beverages) outdoor dining that is currently restricted because of our streetscape and due to health department rules for spacing from the COVID-19 pandemic.
2. Large scale events would be made less restrictive with the creation of the D.O.R.A. Guests at these events would be able to circulate freely throughout the business district with their beverages that were purchased at one of the establishments within the D.O.R.A. This would include events like Village Fest, Harbor Hogs and Hot Rods, Harbor Pop-up Market, Live at the Lighthouse Concerts, and the Friday Markets.

This application includes the following:

- Creation of a DORA in Fairport Harbor, mostly along High Street from 2<sup>nd</sup> Street to just passed Orchard Street (see Section II Boundaries for more detail).
- The DORA would ease or make more accessible outdoor dining around liquor permit holding establishments. It would allow such establishments to serve alcoholic beverages in a plastic cup pursuant to the law within the designated area during certain hours. Signage; sanitation and safety requirements would be established by permit. The DORA will also allow for permitted special events to occur in which individuals would be allowed to walk around the DORA boundaries with an alcoholic beverage purchased from a liquor permit holding establishment.

## II. BOUNDARIES

In accordance with O.R.C. 4301.82(b)(1)(b), the boundaries of the DORA are depicted below:



Boundaries include full parcels that touch the boundaries listed below. Commencing at the southern side of the intersection of 2<sup>nd</sup> Street and High Street, traveling south along High Street, widening easterly at the intersection of 3<sup>rd</sup> Street and High Street to Eagle Street. Continuing North on High Street to the intersection of Water Street and High Street, just South of Orchard Street. Said description contains 35.6 Acres.

### III. NATURE OF ESTABLISHMENTS

In accordance with O.R.C. 4301.82(B)(2), the nature and types of establishments that will be located within the DORA are listed below.

The types of establishments located within or adjacent to the DORA are primarily businesses in the retail, dining, or services sectors. Examples include:

| <b>Establishment Name</b>      | <b>Business Address</b>    |
|--------------------------------|----------------------------|
| <b>Dining</b>                  |                            |
| Highwater Tavern               |                            |
| Rich Lanes                     |                            |
| Hungarian Club                 |                            |
| Pompadour                      |                            |
| Mad Kathy's Ribs               |                            |
| Glazed Fairport                | 202 3 <sup>rd</sup> Street |
| Fairport Family Restaurant     |                            |
| Fairport Harbor Creamery       |                            |
| <b>Retail</b>                  |                            |
| Junie Balloonie                |                            |
| Gravel Pit                     |                            |
| Finnish Treasures              |                            |
| The Wine Roost                 |                            |
| RediGo                         |                            |
| <b>Services</b>                |                            |
| Tranquility Massage by Melanie |                            |
| Fairport Harbor Motorcycles    |                            |
| Finnish Museum                 |                            |
| Main Street Photography        |                            |
| Lake County Title              |                            |
| My World Better                |                            |
| Lew's Heating and Cooling      |                            |
| <b>Other</b>                   |                            |
| United States Postal Service   |                            |
| Laundromat                     |                            |

## IV. QUALIFYING PERMIT HOLDERS

In accordance with O.R.C. 4301.82(B)(3), the DORA will encompass not fewer than four qualified permit holders.

Fairport Harbor has identified (5) qualified permit holders that will likely be included within the DORA boundaries:

| <b>Business Name</b>         | <b>DBA</b>               | <b>Business Address</b> | <b>Permit Types</b>  | <b>Permit #</b> |
|------------------------------|--------------------------|-------------------------|----------------------|-----------------|
| DOUBLE D T INC               | HIGHWATER TAVERN         | 935 HIGH ST             | D2, D2X, D3, D3A, D6 | 22791870005     |
| FAIRPORT HARBOR CREAMERY LLC | FAIRPORT HARBOR CREAMERY | 202 HIGH ST             | D1, D2, D3, D6       | 2625589         |
| HUNGARIAN CULTURE CLUB       | HUNGARIAN CULTURE CLUB   | 633 HIGH ST             | D4, D6               | 4071713         |
| RICH LANES INC               | RICH LANES INC           | 637 HIGH ST             | D5, D6               | 7344000         |
| ROGUE FOOD & SPIRITS LLC     | THE POMPADOUR            | 320 HIGH ST             | D5, D6               | 7481265         |

## V. LAND USE AND ZONING

In accordance with O.R.C. 4301.82(B)(4), the uses of land within the DORA are zoned in accord with the master zoning plan or map of the municipal corporation or township:



| ZONING LEGEND                                |  |
|--|--|
| RESIDENTIAL (R)                              |  |
| MULTI-FAMILY (M-F)                           |  |
| NEIGHBORHOOD BUSINESS (C-1)                  |  |
| COMMUNITY BUSINESS (C-2)                     |  |
| COMMUNITY BUSINESS (C-3)                     |  |
| MARINE RECREATIONAL (M-R)                    |  |
| MARINE INDUSTRIAL (M-I)                      |  |
| INDUSTRIAL (I)                               |  |
| ENTERTAINMENT DEVICE ARCADE OVERLAY DISTRICT |  |

## VI. PUBLIC HEALTH AND SAFETY

In accordance with O.R.C. 4301.82(B)(5), the proposed requirements for the purpose of ensuring public health and safety within the DORA shall include:

**Special Events:** The Village of Fairport Harbor requires that each special event receive a permit. Permit requirements may differ between events depending on their size, layout, use of right of way, and program. However, each event will be reviewed to ensure that adequate sanitation, signage, and public safety requirements are established. The necessity for portable bathrooms, handicap accessibility, pedestrian mobility, police, fire and emergency medical ingress and egress, crowd control, DORA boundary management and trash management (dumpsters, cans, pick-up, etc.) will be addressed. Event organizers may be required to pay for special duty officers or overtime for public service or safety workers if necessary, to ensure adequate health, public and safety requirements.

**Outdoor Dining and/or Events on Private Property within the DORA:** Each of the qualifying permit holders whose private property abuts the DORA boundary currently operate pursuant to a Conditional Use Permit. To the extent necessary, the Conditional Use Permit could be amended to allow for these establishments to operate in compliance with DORA regulations. Notwithstanding inclusion within the DORA, such establishments also must comply with ADA requirements regulating pedestrian passage along the sidewalk adjacent to the businesses if they wish to offer outdoor dining.