

**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 21st, 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:

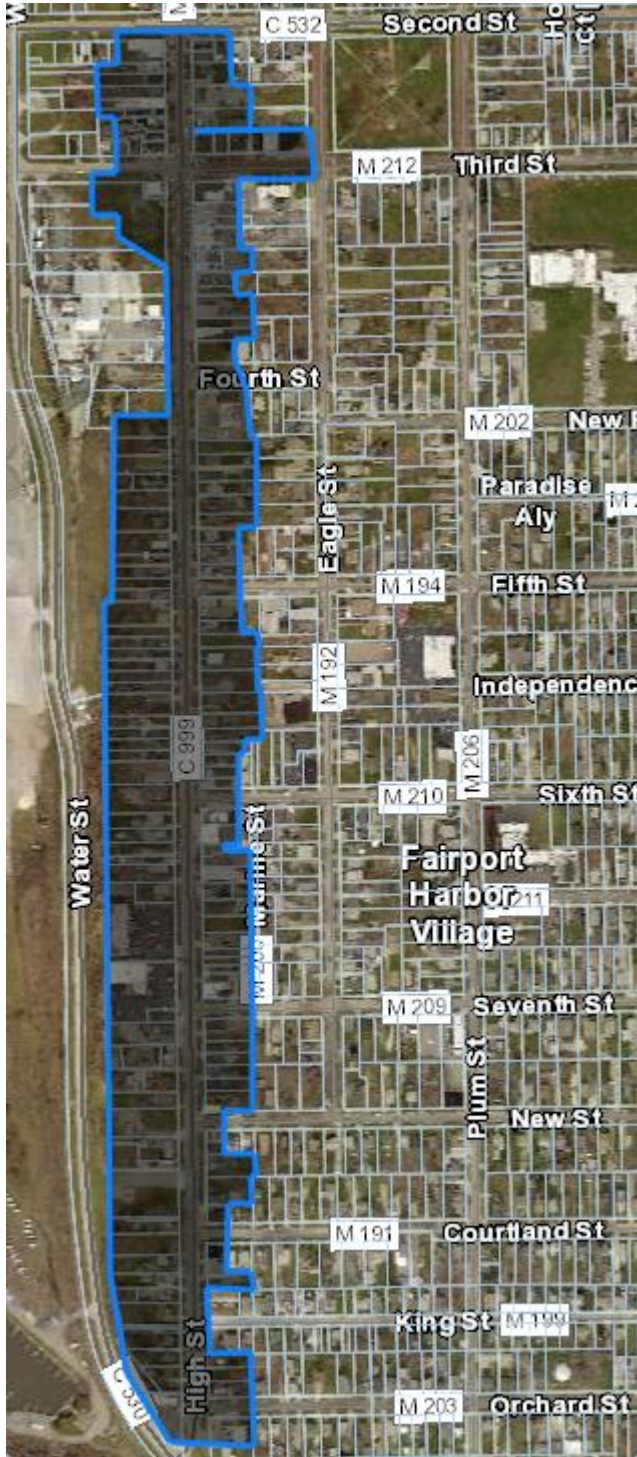
1. Allow full service (including alcoholic beverages) outdoor dining that is currently restricted because of our streetscape and due to health department rules for spacing from the COVID-19 pandemic.
2. Large scale events would be made less restrictive with the creation of the D.O.R.A. Guests at these 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 2nd 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 2nd Street and High Street, traveling south along High Street, widening easterly at the intersection of 3rd 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:

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

Business Name	DBA	Business Address	Permit Types	Permit #
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.