

ORDINANCE NO. 2018-52 (AMENDED)
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE CREATING A DESIGNATED OUTDOOR
REFRESHMENT AREA FOR LEGACY VILLAGE AND
ENACTING REGULATIONS, AND DECLARING AN
EMERGENCY**

WHEREAS, effective April 30, 2017, a municipality with a population of less than thirty-five thousand is permitted to create a Designated Outdoor Refreshment area (“DORA”) pursuant to the provisions of Section 4301.82 of the Ohio Revised Code; and

WHEREAS, on May 28, 2018, the Mayor submitted an application to Council for approval of a DORA in a specified section of the City of Lyndhurst (the “DORA Application”), specifically in the area on the northwest corner of Richmond Road and Cedar Road and commonly referred to as Legacy Village; and

WHEREAS, pursuant to Section 4301.82(C) of the Ohio Revised Code, notice of the filing of the DORA Application was published in a newspaper of general circulation in the City on June 7, 2018 and June 14, 2018; and

WHEREAS, Section 4301.82(F)(1) requires the City to establish requirements that the City determines necessary to ensure public health and safety in the area, and Section 4301.82(F)(2) of the Ohio Revised Code provides for notice of this proposed action to be published in a newspaper of general circulation once a week for two consecutive weeks, such notice having been published on July 28, 2018, and August 2, 2018; and

WHEREAS, the public hearing on the application was held on August 6, 2018 during which public testimony was solicited; and

WHEREAS, the DORA Application as submitted, to include the premises of the permit holders located at the street addresses on Exhibit “A,” meets the requirements of Section 4301.82(B)(1 through 5) of the Ohio Revised Code, it being further clarified that the boundary of the DORA includes the premises of the permit holders located at the street addresses listed in Exhibit “A.”; and

WHEREAS, approval of the Designated Outdoor Refreshment Area will serve to enhance the experiences of the patrons of the business establishments and special events within Legacy Village. Now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST, CUYAHOGA COUNTY, OHIO, THAT:

SECTION 1. Council approves the DORA Application as having met the requirements of Section 4301.82(B)(1-5) of the Ohio Revised Code, and approves the establishment of a Legacy Village Designated Outdoor Refreshment Area comprised of the area as depicted on Exhibit “A,” attached hereto and made a part hereof, such area to include and encompass the premises of the permit holders located at the street addresses listed on Exhibit “A,” as is required to be included pursuant to Section 4301.82(F)(1)(a) of the Ohio Revised Code.

SECTION 2. Council determines that all public notice requirements of Section 4301.82 of the Ohio Revised Code prior to the passage of this Ordinance have been met.

SECTION 3. In order to ensure public health and safety and in accordance with Section 4301.82(F)(1)(b) of the Ohio Revised Code, the number, spacing, and type of signage designating the DORA boundary shall be as set forth on Exhibit “B,” attached hereto and made a part hereof.

SECTION 4. The DORA encompasses not fewer than four (4) qualified permit holders, all of which are identified on Exhibit “C,” attached hereto and made a part hereof, by business name, address, liquor permit type and liquor permit number. Also included on Exhibit “C” and

in accordance with Section 4301.82(F)(1)(c) of the Ohio Revised Code are the hours of operation for the DORA, which will apply to all activities within the DORA, only as may be limited by approval of special event planning.

SECTION 5. The Public Health & Safety Plan as described on Exhibit “D,” attached hereto and made a part hereof, is hereby approved as meeting the requirements of Section 4301.82(F)(1)(d) of the Ohio Revised Code, including the manner in which the number of personnel needed to carry out the plan shall be determined.

SECTION 6. The Sanitation Plan that will help maintain the appearance and public health of the area as described on Exhibit “E,” attached hereto and made a part hereof, is hereby approved as meeting the requirements of Section 4301.82(F)(1)(e) and 4301.82(F)(1)(f) of the Ohio Revised Code, including the manner in which the number of personnel needed to carry out the plan shall be determined.

SECTION 7. As is required by Section 4301.82(F)(1)(g) of the Ohio Revised Code, beer and intoxicating liquor shall only be served in plastic bottles or other plastic containers, which shall be provided by the qualified permit holders in a readily-identified container that identifies the name of the establishment that is serving the beverage, as approved by the City’s Police Department.

SECTION 8. City Council shall review the requirements of the DORA, as established herein, one year from the effective date of this Ordinance, to determine whether to continue the DORA under the same or modified terms and conditions, or to dissolve it according to statutory provisions.

SECTION 9. The Clerk of Council is hereby instructed to forward a copy of this Ordinance to the Ohio Division of Liquor Control and to the investigative unit of the Ohio Department of Public Safety, all in accordance with Sections 4301.82(C) and 4301.82(F)(3) of the Ohio Revised Code.

SECTION 10. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 11. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that the foregoing approval and designation are immediately necessary so that steps can be undertaken to continue development of Legacy Village, which is needed to provide economic advantages to the City of Lyndhurst, Ohio, in the form of increased tax revenues to the City of Lyndhurst, Ohio, additional job opportunities, and recreational and shopping alternatives to the citizens of the City of Lyndhurst, Ohio. Provided it receives the affirmative vote of five members of Council, it shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: August 6, 2018

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on August 16, 2018 and August 23, 2018.

Clerk of Council

First Reading: July 2, 2018

Second Reading: August 6, 2018

Third Reading: Suspended

Passed 8-06-2018