



Application to the Miamisburg City Council
-for the establishment of a-

**Downtown Miamisburg
Designated Outdoor Refreshment Area**

O.R.C. 4301.82

RECEIVED
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BY: *Kim Combs*
Clerk of Council

Office of the City Manager

The office of the City Manager of the City of Miamisburg, Ohio, respectfully submits the following application to the Miamisburg City Council to approve and enact the Downtown Miamisburg Designated Outdoor Refreshment Area, in accordance with ORC 4301.82.

Submitted March 12, 2021

By 
Keith Johnson, City Manager

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I. INTRODUCTION AND SUBMITTAL OF APPLICATION

Section 4301.82 of the Ohio Revised Code (ORC) authorizes, effective April 30, 2017, municipalities under 35,000 in population to create Designated Outdoor Refreshment Areas or "DORAs." In order to consider creation of a DORA, the City Manager must file an application with the Miamisburg City Council which meets certain statutory requirements. The application filing must be advertised in a newspaper of general circulation. Not earlier than 30 days, but not later than 60 days after the initial publication of the notice, the City Council may approve or disapprove the application by ordinance or resolution.

City Council held a work session on February 16, 2021 to review the plan for the creation of a DORA. The City Council favored the creation of a DORA in the downtown district.

II. BOUNDARIES

In accordance with ORC 4301.82(B)(1)(b), the boundaries of the proposed DORA are depicted below:

DORA Boundary



The boundaries of the proposed DORA are described as follows:

Beginning at the intersection of the centerline of E. Ferry St. and N. 2nd St. running west along the center line of E. and W. Ferry Streets to the western ROW line of N. Miami Ave. Then south along said ROW line to City Lot Number 147, then along the eastern Miami Conservancy District ROW line until it meets the northern Linden Ave. ROW line. Then East along said ROW line to the centerline of S. Miami Ave. Then south along that center line to a point even with the southern property line of City Lot No. 2. Then east along the southern property line of City Lot Nos. 2 and 3, crossing a public alley, and continuing along the southern property line of City Lot. Nos. 4 and 6 and continuing to the S Main St ROW. Then continuing east across S. Main St to the southern property line of City Lot No. 7. Then along the lot line of City Lot Nos. 7 and 9, crossing a public alley and continuing along the southern lot line of City Lot Nos. 10 and 11 to the centerline of S. First St. Then Traveling south along the centerline of S. First St. to a point equal to the southern ROW line of an alley located on the north side of City Lot No. 1317. Then east along this alley ROW to the eastern ROW line of S. 2nd St. Then north along the eastern ROW line of S. 2nd St., crossing the Linden Ave. ROW and continuing to the southern ROW of Central Ave. Then Crossing Central Ave to the Centerline of N. 2nd St. and continuing to the point of beginning. Said description contains approximately 41.2 acres (**EXHIBIT A**).

The street addresses of the proposed DORA are as follows:

Street Name	Range	Odd/Even
Ferry Street, West	30-2	Even
Ferry Street, East	2-30	Even
Second Street, North	1-151	Odd
Second Street, South	1-450	Odd/Even
Miami Avenue, North	1-61	Odd
Miami Avenue, South	65-113	Odd
Linden Avenue, West (Main)	0-20	Odd/Even
Linden Avenue, East (Main)	0-120	Odd/Even
Main Street, North	1-100	Odd/Even
Main Street, South	1-120	Odd/Even
First Street, South	120-412	Even
Alley North of S. First Street, South	412	Even
Alley North of S. Second Street, South	411	Odd
First Street, North	1-80	Odd/Even
First Street, South	1-400	Odd/Even

III. NATURE OF ESTABLISHMENTS

The proposed DORA includes the City downtown area. The business area includes bars, restaurants, boutique stores, financial institutions, professional services, miscellaneous retail, churches, and apartments.

IV. QUALIFYING PERMIT HOLDERS

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

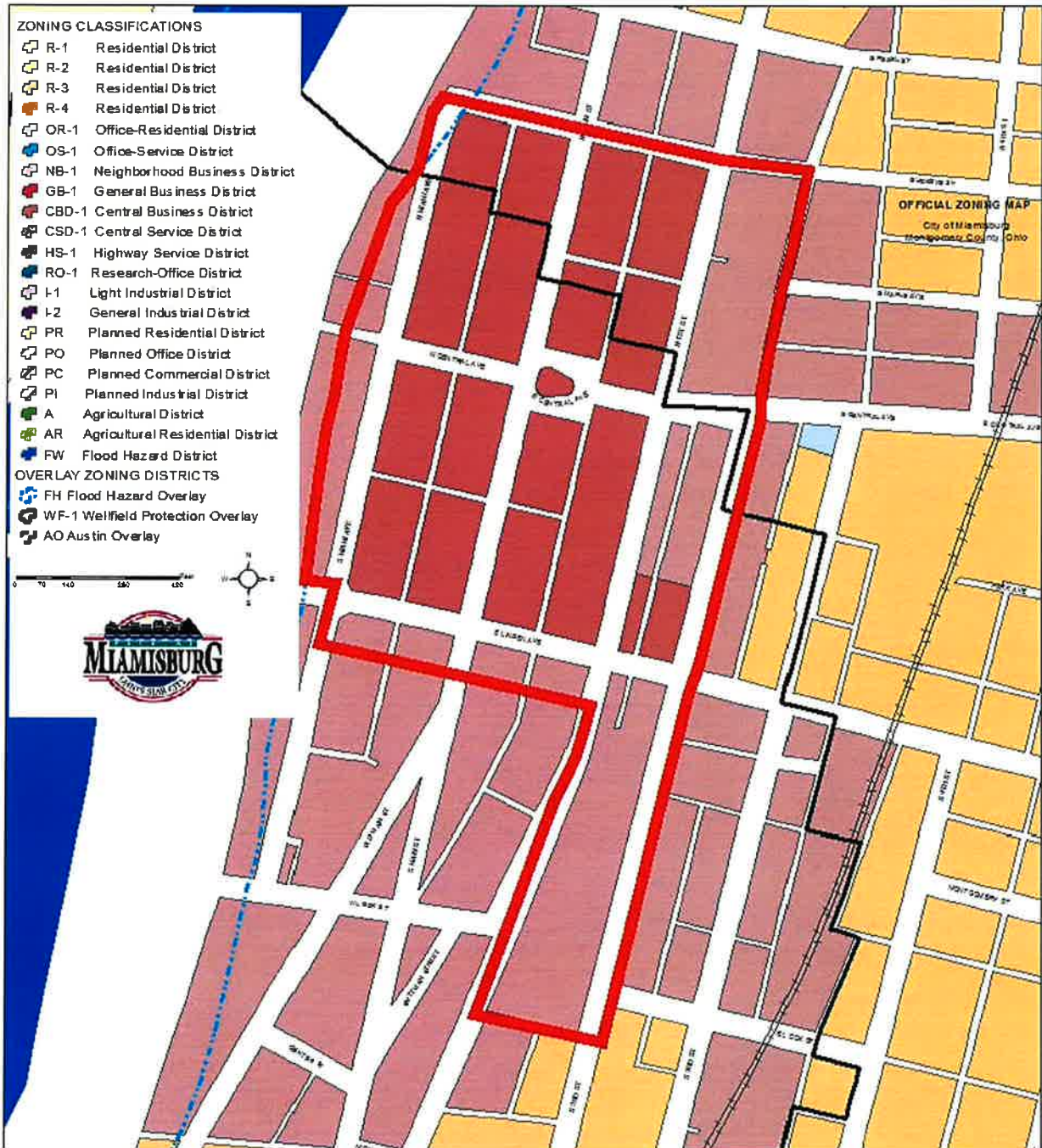
Miamisburg has identified 13 qualified permit holders that will likely be participants in the DORA:

Business Name	DBA	Business Address	Permit Types	Permit#
ALPost0165 Miamisburg	Legion	35 N. Main St.	D4, D6	903950165
Club 61 LLC	Good Time Charlie's	61 S. Main St.	D5, D6	1577175
Curious Styles and Coffee Shop LLC		16 S. Main St.	D2	1862350
Dodson Entertainment LLC	Bennett's Grill & Publical	67 S. Main St.	D5, D6	2225360
FOE Aerie2306	Eagle's	69 N. Main ST.	D4, D6	279401123061
LKM Enterprises LLC	A Taste of Wine	90 S. Main St.	D5, D6	52439940005
Lucky Star Brewery LLC		219 S. Second St.	A1A, A1C	5326194
Nibbles Culinary Entertainment LLC	Watermark	20 S. First St.	D1, D2, D3, D6	63816630001
Plaza Theatre Association	Plaza Theatre	33 S. Main St. C	D1, D2, D6	6961913
Sis Bro Inc	Ron's Pizza & Ribs	1 S. Main St.	D5, D6	81961470005
Star City Brewing LLC		319 S. Second St.	A1C, A2	8512005
Sunny Horizons Inc.	Bullwinkle's Top Hat Bistro	19 N. Main St.	D1, D2, D3, D3A, D6	8696723
TJ Chumps Inc.		12 E. Linden Ave.	D5, D6	89481810020

V. LAND-USE AND ZONING

In accordance with ORC 4301.82(B)(4), the uses of land within the DORA are zoned Central Business District and Central Service District. Both zoning districts allow for mixed uses and are in accord with the City of Miamisburg's master zoning plan:

Zoning Map



VI. PUBLIC HEALTH AND SAFETY

The City of Miamisburg Public Works and Parks and Recreation Departments will be responsible for ensuring that all trash receptacles in the DORA are emptied regularly and are ample to handle generated waste. Each participating permit holder will be required to utilize and purchase special DORA cups which will be supplied by the City or other local service entity at cost. Restrooms will be provided by the permit holders in the DORA zone. The Police Department is within the DORA, has a dedicated downtown police officer, and routine patrols will enforce responsible behavior. The boundaries of the DORA will be strictly enforced. Boundary signage will be installed on the perimeter of the DORA. For planned events that may draw an additional crowd, the Police Chief may have additional officers assigned specifically to the DORA.

The DORA will be in operation year-round. The hours of operation will be Monday-Friday 5:00pm-11:00pm and Saturday-Sunday 12:00pm-11:00pm. Special hours of DORA operation will be allowed as designated in advance by the City Manager with the consent of City Council.

Signage to designate the DORA will be posted in the proposed areas: SE corner of Miami and Ferry, SW/SE corners of N. Main and N. First, SW/SE corners of Ferry and N. First, SW corner of Buckeye and N. Second, NE/SE corners of E. Maple and N. Second, NE corner of N. Second and E. Central, SE corner of S. Second and E. Central, W side of Levee at Miami Ave and Bike Path entrance, NW corner of S. Miami and W. Linden, SW corner of W. Linden and S. Miami, Property line at 128 S. Miami, Property line at 115 S. Main, Property line at 118 S. Main, Property line at S. First and 109 S. First, NE corner of E. Linden and S. Second, SE corner of E. Linden and S. Second, NE corner of S. Second and E. Lock, SE corner of S. Second and E. Lock, SE corner of S. First and Alley, SW corner of Alley and S. Second, SE corner of Alley and S. Second. **A total of 24 signs are proposed (EXHIBIT B).**

EXHIBIT A

Engineer's Certification



March 3, 2021

To Whom It May Concern:

The area of the proposed City of Miamisburg DORA, shown in Exhibit A, is 41.2 acres.

Thank you,



Eric L. Vogel, PE
Engineering Tech

Note: The acreage noted above is based on GIS parcel and centerline data obtained from the Montgomery County Auditor's website on February 24, 2021. The exhibit is not intended to be a survey record of any kind.

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EXHIBIT B

Signage Map

