



**TROY CITY COUNCIL  
COMMITTEE MEETING  
COUNCIL CHAMBERS, CITY HALL  
100 S. Market Street, Troy, Ohio**

**MONDAY, JANUARY 9, 2023; 6:00 P.M.**

**Safety & Health Committee**

**(Twiss [Chm.], Marshall, Whidden)**

1. Discussion of information related to urban beekeeping in residential areas.

**Streets & Sidewalks Committee**

**(Phillips [Chm.], Pierce, Snee)**

1. Provide a recommendation to Council regarding approving the ODOT preliminary consent legislation for the resurfacing of a portion of SR 55 within the Corporate Limits (Staunton Road towards Casstown) at no cost to the City during State FY 2024. Consideration of emergency legislation requested based on the ODOT format and date to return legislation to ODOT.

**Committee of the Whole**

**(Chaired by Council President Lutz)**

1. Provide a recommendation to Council regarding the Amended DORA application.

Other Committees/Items may be added.

1-6-2023

cc: Mayor  
Mr. Titterington  
Mr. Kerber  
Mr. Frigge, Departments, Media

# SAFETY & HEALTH COMMITTEE

**MEMORANDUM**

**TO:** Patrick E. J. Titterington, Director of Public Service and Safety

**FROM:** Tim Davis, Development Director

**DATE:** November 7, 2022

**SUBJECT:** **URBAN BEEKEEPING**

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**DISCUSSION:**

This memorandum responds to your request for information related to urban beekeeping in residential areas throughout the City of Troy. Urban beekeeping has emerged as one of the latest trends of urban agriculture. Development staff surveyed thirteen (13) communities throughout the Miami Valley region intending to summarize the beekeeping regulations of larger and smaller sized communities.

**Survey:**

A survey of thirteen (13) communities throughout the Miami Valley region was conducted in order to see how similar sized communities addressed urban beekeeping. The survey includes two (2) area communities with populations less than 10,000, five (5) area communities with a population greater than 10,000 but less than 20,000, four (4) area communities with a population greater than 20,000 but less than 30,000, and two (2) area communities with a population greater than 30,000. The survey (attached) shows that three (3) of the thirteen (13) communities surveyed have ordinances that allow urban beekeeping in residential districts. Ten (10) of the communities either do not have specific ordinances pertaining to beekeeping or limit beekeeping to the agricultural districts similar to the City of Troy. The three (3) communities that have ordinances pertaining to beekeeping require safety precautions such as: limitations to the numbers of hives/colonies, installations of flyaway barriers, registration set by the Ohio Revised Code, and setback and maintenance requirements.

Staff also held discussions with the surveyed communities, along with our own research, to identify the potential positives and negatives of urban beekeeping in residential neighborhoods, which are discussed below.

**Positives involved with urban beekeeping include:**

**Ecosystem.** Bees are crucial when it comes to the health of Earth's ecosystem. They play an essential role in maintaining biodiversity, as they have a synergistic relationship with flowering plants, and they are a significant part of the food chain.

**Pollination.** Bees help in pollinating plants, trees, crops, etc., thus sustaining food sources. Some even believe that bees help in reducing exhaust gases in cities.

**Population.** Colony Collapse Disorder (CCD) is the phenomenon that occurs when the majority of worker bees in a colony disappear and leave behind a queen, food, and a few nurse bees to care for the remaining immature bees and the queen. CCD has been the cause of massive bee deaths over recent years leading to the reduction of bee population. Some experts believe urban beekeeping can be beneficial in increasing the bee population, in spite of CCD.

**Honey.** There's a high demand for honey; the U.S. consumes more honey than it can produce. Honey and beeswax products produced can be sold to the people in the community who prefer to buy from local vendors.

**Negatives involved with urban beekeeping include:**

**Stings.** While honey bees are considered docile, they will sting when they feel threatened, which is the most obvious risk of being near a bee hive. The United States Department of Agriculture reports that two percent of people are hypersensitive (have life-threatening results) to bee stings.

**Swarming.** Bees have a natural desire to swarm, which is a common occurrence for feral colonies or colonies that are not properly maintained by a beekeeper. Swarming typically occurs in the late spring when hive populations become congested and hives fill with honey. Beekeepers can monitor their colonies to help prevent swarming; however, the beekeeper cannot always prevent swarming and some of the colony may willingly leave the hive to find a new location. An increased number of urban hives could also encourage bees to swarm due to competition for pollen and airspace. While swarming is not as common for diligent beekeeping hobbyists, swarming may occur if bees are not able to pollinate.

**Colonization.** Other nuisance species (including Africanized bees and wasps) are also a potential problem. Africanized bees (originally produced by breeding African honey bees with European domestic bees) are more defensive and aggressive than domestic bees, which can lead to unexpected behavior, especially in more urban areas.

**Pollination.** Honeybees need to collect water for pollination and will look for the nearest water source, which could include the neighbor's pool, birdbath, fountain...etc. leading to an unwanted encounter by neighbors of beekeepers.

**Second Hive.** Even if you don't feel threatened by a beehive in your yard, allowing the hive to remain can put your home at risk. Bee colonies will occasionally split, allowing a smaller swarm to move off in search of a new home. If that swarm finds refuge in or near your house, you could soon have a beehive inside your home, rather than outside it. A beehive in your home presents an even greater risk of stings, as well as posing a fire hazard if the hive is located near a heat source, such as HVAC

equipment, chimney, or attic. Once you have a beehive in your home, bee removal will also be more complicated and potentially costlier as well.

**Complaints.** Speaking with several communities regarding neighbor complaints on beekeeping, many of them claim to have a "swarm" or claim these bees are not just honeybees. These complaints can be burdensome as it may require the jurisdiction to bring in an outside "expert" to identify the type of bees in the hive. It has also forced communities to place language in the code that states beekeeping privileges may be revoked if harm occurs to the public health. The adoption of new regulations may lead to additional training for the Zoning Inspectors to ensure they can identify various bee types.

#### **FINDINGS:**

Based on research, data collection and discussions with surveyed communities, staff concludes the negatives outweigh the positives of urban beekeeping and recommend that we continue to allow beekeeping as principally permitted uses in the Agricultural and Agricultural-Residential zoning districts.

Should City Council deem it appropriate to extend urban beekeeping in residentially zoned districts, I would strongly encourage the following regulations put in place:

- Limit beekeeping to an accessory use only in the R-1 Single-Family (40,000 square feet) and R-2 Single-Family (20,000 square feet) residential districts;
- Hives shall be located only within rear yards, at least 30' from abutting property lines, and establish a flyaway barrier adjacent to the hive(s). The barrier shall consist of a 6' high wall, fence, dense vegetation or combination thereof;
- Hive(s) shall be faced toward the principal structure on the lot;
- Maximum of one (1) hive permitted on lots with at least 20,000 square feet and two (2) hives permitted on lots 40,000 square feet or greater;
- The owner of the hive(s) must be a resident in a dwelling located on the same lot on which the hive(s) are registered;
- Each colony should be maintained in movable frames, have adequate space to prevent overcrowding and swarming, and be re-queened following any swarming or aggressive behavior;
- All beekeepers shall annually register and maintain their hives as set forth in the Ohio Revised Code, Chapter 909: Apiaries. Every hive shall bear the owner's Apiary Identification number on the base and box in a location that can be seen without moving or lifting of the hive;
- An adequate supply of fresh water shall be maintained within 15 feet from the hive to prevent bees from congregating at other sources of water on nearby properties;
- Beekeeping equipment shall be maintained in good condition, including keeping the hives painted;
- Revoking of beekeeping privileges when conditions jeopardize the public health and safety;
- Africanized bees shall not be kept in the City of Troy.

## **STREETS & SIDEWALKS COMMITTEE**

SP5

**MEMORANDUM**

TO: Mr. Lutz, President of Council

FROM: Patrick E. J. Titterington 

DATE: January 3, 2023

SUBJECT: ODOT PRELIMINARY CONSENT LEGISLATION, MICROSURFACING PART OF SR 55 WITHIN CORPORATE LIMITS.

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**RECOMMENDATION:**

That the preliminary consent legislation provided by the Ohio Department of Transportation (ODOT) related to an ODOT project on SR 55 within the Corporate boundary is approved by Council.

**BACKGROUND:**

ODOT has provided the preliminary consent legislation for a project of microsurfacing a portion of SR 55 (Staunton Road) heading towards Casstown. This project is currently scheduled to be let by ODOT in the second quarter of State FY 2024, or during the October – December 2023 time frame, and will be at no cost to the City.

Microsurfacing is a pavement preservation and maintenance treatment to improve the functional characteristics of the pavement surface and extend its service life. This process has been used by ODOT on other projects in Troy.

ODOT has requested the preliminary consent legislation be considered and returned no later than February 1, 2023. Therefore, consideration of emergency legislation is requested.

**REQUESTED ACTION:**

It would be appreciated if you would assign to a Committee of Council consideration of this consent legislation requested by ODOT.

## COMMITTEE OF THE WHOLE



**MEMORANDUM**

TO: Mr. Lutz, President of Council

FROM: Patrick E. J. Titterington, Director of Public Service and Safety 

DATE: January 4, 2023

SUBJECT: **DESIGNATED OUTDOOR REFRESHMENT AREA AMENDMENT**

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**RECOMMENDATION:**

That Council approves the proposed Amended Designated Outdoor Refreshment Area (DORA) pursuant to Ohio Revised Code § 4301.82.

**BACKGROUND:**

The Ohio Revised Code authorizes municipalities to create a DORA. A DORA is an area where the 'open carry' restrictions do not apply at particular hours. Adults 21 years of age or older are permitted to possess and consume alcohol in public, with certain restrictions.

In 2021, Council established a DORA. Since that time, through monitoring by the Troy Police Department, survey responses submitted by both DORA and non-DORA businesses, information shared by Troy Main Street, Inc., and observations by City staff, the DORA has been well received by the public and has resulted in minimal enforcement concerns. Most of the enforcement concerns have been related to reinforced education for the public and the businesses.

As a part of the Items of Interest report included in the Council packet, there have been monthly DORA reports, which included survey summaries. Many of the survey summaries have asked that the City consider expanding the DORA hours and days (so that each day is consistent) and consider a different form of identification for the DORA beverage containers instead of the cups that are now required.

In reviewing both the DORA status and the survey summaries with City departments and Troy Main Street, Inc., it is proposed that Council consider amending elements of the DORA rules and operation as follows:

**Boundary:**

- Current: The current DORA boundary encompasses 20.24 acres in size located in the downtown, all of which is permanent acreage. Per the ORC, the allowed DORA size is 320 acres or less for a municipal corporation or township with a population of 50,000 or less.
- Proposed: The amended boundary, depicted on **Exhibit A (page 9)**, would encompass 193.44 acres - 20.24 acres of existing permanent boundary (depicted in orange) as of November 2021; plus 11.56 acres of permanent expansion (depicted in yellow) for a total of 31.8 permanent acreage; and 161.64 acres of temporary boundary expansion (depicted in blue) for approved events only when requested by an event organizer and approved by the City through the notwithstanding legislative process.

**Hours & Days of Operation:**

- Current: The current hours and days of operation are Thursday through Saturday from 12:00 p.m. (noon) to 10:00 p.m.
- Proposed: The amended hours and days of operation proposed are Sunday through Saturday from 11:00 a.m. to 11:00 p.m.





**Official DORA Container:**

- Current: DORA liquor establishments obtain a specifically designated plastic cup approved by the City and provided to the businesses by Troy Main Street, Inc. There have been occasional supply chain issues in maintaining a supply of cups.
- Proposed: ORC § 4301.82 (F)(1)(g) permits the City to approve a sticker for non-glass containers rather than an official cup. The City proposes to allow 20 oz. or less non-glass containers marked with the DORA sticker. The proposed sticker is provided on **Exhibit E (page 15)** and can be obtained from a Troy Main Street-approved vendor.

**Sanitation and Signage Plan:** **Exhibit D (page 13-14)** depicts the Sanitation and Signage Plan, which shows litter receptacles and DORA signage placed along the amended permanent DORA boundary. The proposed permanent expansion includes six new trash receptacles with signage and five signs mounted on posts. The Sanitation and Signage Plan can be executed with existing staff. The Safety Plan is unchanged.

**REQUESTED ACTION:**

This amended application has the full support of Troy Main Street and Troy Area Chamber of Commerce, whose letters are included herein. It would be appreciated if you would assign to a Committee of Council approving the proposed Amended DORA.

encl.

cc: Mayor Oda  
Grant Kerber, Law Director



**APPLICATION TO THE TROY CITY COUNCIL  
THE DOWNTOWN TROY  
DESIGNATED OUTDOOR REFRESHMENT AREA  
AMENDMENT  
ORC 4301.82**



The Office of the Director of Public Service and Safety for the City of Troy, Ohio respectfully submits the following application to the Troy City Council to approve and enact the amended Designated Outdoor Refreshment Area in Downtown Troy in accordance with ORC 4301 .82.

Submitted: December 19, 2022

By:  Director of Public Service and Safety

## I. INTRODUCTION AND SUBMITTAL OF APPLICATION

The Office of the Director of Public Service and Safety of Troy respectfully submits the following application to City Council of Troy, Ohio to approve and establish **an amended** Designated Outdoor Refreshment Area (hereinafter "DORA"), pursuant to Ohio Revised Code ("ORC") § 4301.82. The proposed application meets all the state requirements.

Effective ~~April 30, 2017~~ **March 23, 2022** Section 4301.82 of the Ohio Revised Code authorizes municipalities **with population of fifty thousand or less** to create **no more than three 320 contiguous acres of** Designated Outdoor Refreshment Areas or "DORAs." A DORA is an area where the open carry restrictions do not apply at particular hours, and adults are permitted to possess and consume alcohol in public, with certain restrictions. In order to consider the creation of a DORA, the Director of Public Service and Safety must file an application with City Council which meets certain statutory requirements outlined below. The application filing must be advertised for two consecutive weeks in a newspaper of general circulation. Not earlier than 30 days, but not later than 60 days, after the initial publication of the notice, City Council may approve or disapprove of the application by ordinance or resolution.

**The Downtown Troy DORA went into effect in November 2021. Since then, Troy Main Street has engaged the downtown businesses for input and feedback on the DORA operation by conducting surveys. The survey results and direct feedback received resulted in Troy Main Street's recommendation to the City of Troy and City Council to amend the DORA. Proposed amendments are reflected herein.**

The purpose of this application is to request that the City Council **amend and expand** a Designated Outdoor Refreshment Area (DORA) in the City of Troy. The application includes the following sections:

|                    |                                    |
|--------------------|------------------------------------|
| <b>SECTION II.</b> | <b>POPULATION REQUIREMENTS</b>     |
| SECTION III.       | BOUNDARY MAP OF THE PROPOSED DORA  |
| SECTION IV.        | NATURE AND TYPES OF ESTABLISHMENTS |
| SECTION V.         | QUALIFIED PERMIT HOLDERS           |
| SECTION VI.        | LAND USE AND ZONING                |
| SECTION VII.       | SAFETY PLAN                        |
| SECTION VIII.      | PUBLIC HEALTH PLAN                 |
| SECTION IX.        | SIGNAGE PLAN                       |
| SECTION X.         | DORA RULES OF OPERATION            |

## II. POPULATION REQUIREMENTS

Pursuant to requirements of ORC 4301.83(D), the City of Troy is a municipal corporation with a population of less than fifty thousand and this application requests expanding one DORA area of the three that are allowed.

According to the Decennial U.S. Census, the population of City of Troy on April 1, 2020 was 26,305.<sup>1</sup>

<sup>1</sup> U.S. Census Bureau (2020). *DEC Redistricting Data (PL 94-171), Troy city, Ohio*. Retrieved from <https://data.census.gov/table?q=troy+ohio&g=1600000US3977588&tid=DECENNIALPL2020.P1>

### III. BOUNDARY MAP OF THE PROPOSED DORA

In accordance with ORC 4301.82(B)(1)(b), the **amended** boundaries of the DORA are depicted in the map provided in **Exhibit A**. Currently, ~~fourteen (14)~~ **fifteen (15) establishments (two permits are pending)** have been identified that qualify to be included in the DORA. The proposed DORA boundary encompasses ~~20.24~~ **193.44** acres in size - **20.24 acres existing boundary as of November 2021; 11.56 acres permanent expansion; and 161.64 acres temporary boundary expansion for approved events only** - which is below the requirements of the area being ~~150~~ **320** acres or less in a city with less than 50,000 residents.

It is the intent of the City that the segments of W Water St., N Short St., N Oxford St., N Monroe St., Brukner Park, N Elm St., Treasure Island Park, Southwest Levee Bank, Washington St., Adams St., Community Park, Riverside Dr., W Staunton Rd., Troy Aquatic Park, Hobart Arena, W Main St., N Walnut St., Pearson Ct., Southeast Levee Bank, N Mulberry St., S Mulberry St., E Franklin St., E Canal St., E Race St., N Market Street Bridge and Northwest Levee Bank from the terminus of the expanded permanent DORA boundaries will only be used in conjunction with the special events when requested by an event organizer and approved by City Council, and, when applicable, when recommended by the Miami Conservancy District, Troy Board of Park Commissioners, and/or Troy Board of Recreation. These segments are depicted in blue on the **Exhibit A** and will not be used on the regular DORA days and hours as outlined in Section (X)(A).

The following is the list of street addresses of real property included within the specific boundaries of the DORA.

| <u>Street Name</u>    | <u>Address Range</u>          | <u>Even/Odd</u>                                 |
|-----------------------|-------------------------------|-------------------------------------------------|
| W. Water St.          | 9-201                         | Even & Odd                                      |
| W. Water St.*         | 209-801                       | Even & Odd                                      |
| W. Main St.           | <del>2-220 ½</del> <b>522</b> | Even & Odd                                      |
| W. Main St.*          | 600-750                       | Even & Odd                                      |
| N. Short St.*         | 22-36                         | Even                                            |
| N. Oxford St.*        | 13-25                         | Odd                                             |
| N. Monroe St.*        | N/A                           | N/A                                             |
| N. Elm St.*           | 24-439                        | Odd                                             |
| Southwest Levee Bank* |                               | From Treasure Island Park to Adams St. Bridge   |
| Washington St.*       | N/A                           | N/A                                             |
| Adams St.*            | 124-265                       | Even & Odd                                      |
| Riverside Dr.*        | 101                           | Odd                                             |
| W. Staunton Rd.*      | 317-517                       | Odd                                             |
| N. Market St.         | 2-113                         | Even & Odd                                      |
| N. Market St.*        | 113-134                       | Even & Odd                                      |
| Northwest Levee Bank* |                               | Between N. Market St. Bridge & Adams St. Bridge |
| S. Market St.         | 4-235                         | Even & Odd                                      |
| NE Public Square      | 1-201 ½                       | Odd                                             |
| NW Public Square      | 101                           | Odd                                             |
| SE Public Square      | 217-305 ½                     | Odd                                             |
| SW Public Square      | 319-405                       | Odd                                             |
| E. Water St.          | 3-301                         | Even & Odd                                      |
| N. Walnut St.*        | N/A                           | N/A                                             |
| Pearson Ct.*          | 1-78                          | Even & Odd                                      |

|                       |                       |                                                                       |
|-----------------------|-----------------------|-----------------------------------------------------------------------|
| Southeast Levee Bank* |                       | From Adams St. Bridge to include levee portion along 301 E. Water St. |
| N. Mulberry St.       | 9-25                  | Even & Odd                                                            |
| N. Mulberry St.*      | 111-135               | Odd                                                                   |
| S. Mulberry St.*      | 9-229                 | Even & Odd                                                            |
| E. Canal St.          | 9-18                  | Even & Odd                                                            |
| E. Canal St.*         | 109-111               | Even & Odd                                                            |
| E. Race St.*          | 150-180               | Even                                                                  |
| E. Race St.           | 19                    | Odd                                                                   |
| N. Crawford St.       | 34                    | Even                                                                  |
| E. Main St.           | 1- <del>124</del> 203 | Even & Odd                                                            |
| W. Franklin St.       | 1-17                  | Odd                                                                   |
| E. Franklin St.       | 10-22                 | Even                                                                  |
| E. Franklin St.*      | 114-122               | Even & Odd                                                            |
| N. Cherry St.         | 20                    | Even & Odd                                                            |
| S. Cherry St.         | 5-19                  | Even & Odd                                                            |
| N. Walnut St.         | 9-31                  | Even & Odd                                                            |
| S. Walnut St.         | 17- <del>21</del> 225 | Even & Odd                                                            |

*\*Temporary expansion during approved events only*

#### IV. NATURE AND TYPES OF ESTABLISHMENTS

In accordance with ORC 4301.82(B)(2), the nature and types of establishments that will be within or adjacent to the DORA are primarily businesses in the retail, restaurant, entertainment and services sectors.

Within the DORA, the majority of the buildings have businesses consisting of retail, restaurants and commercial services on their first floor. The upper-level floors have a mixture of office space and residential units. There are also institutional uses typical of a historic downtown such as the Troy Historic Public Library, Troy City Hall, Troy Police Department, and city-owned park land.

Examples of the retail, restaurant, service, and institutional establishments located in the DORA:

| RETAIL              |                   |
|---------------------|-------------------|
| Establishment       | Address           |
| Be You Boutique     | 117 S Market St   |
| Echo Boutique       | 101 S. Market St. |
| Poppy Lane Boutique | 103 S. Market St. |
| Three Weird Sisters | 15 S. Market St.  |

| FINANCE/SERVICE COMMERCIAL    |                   |
|-------------------------------|-------------------|
| Establishment                 | Address           |
| AllState Insurance            | 220 W. Main St.   |
| Benefits Analysis Corporation | 101 W. Water St.  |
| Carr Insurance Group          | 115 S. Market St. |
| Flagel Huber Flagel           | 206 W. Main St.   |

| DINING                           |                   |
|----------------------------------|-------------------|
| Establishment                    | Address           |
| Bakehouse Bread & Cookie Company | 317 Public Square |
| Basil's on Market                | 18 N. Market St.  |
| Submarine House                  | 14 N. Market St.  |
| The Caroline                     | 5 S. Market St.   |

| INSTITUTIONAL/GOVERNMENT     |                   |
|------------------------------|-------------------|
| Establishment                | Address           |
| Miami County Safety Building | 201 W. Main St.   |
| Troy City Hall               | 100 S. Market St. |
| Troy Police Department       | 124 E. Main St.   |
| Historical Library           | 100 W. Main St.   |

Residential housing within the DORA is limited and consists primarily of urban apartments and the Metropolitan Housing Authority units which exist within the Central Business District. There are a limited number of single-family residential units along the periphery of the DORA.

## V. QUALIFIED PERMIT HOLDERS

In accordance with ORC 4301.82(B)(3), the DORA will encompass not fewer than ~~four~~ **two** qualified permit holders as defined by ORC § 4301.82(D)(2). The City of Troy has identified ~~14 qualified permit holders~~ **thirteen (13) qualified permit holders and two (2) pending permits** that will likely be included in the DORA, which are identified as follows:

| PERMIT NO.               | PERMIT HOLDER                  | DBA                                         | ADDRESS             | PERMIT CLASS        |
|--------------------------|--------------------------------|---------------------------------------------|---------------------|---------------------|
| 6548218                  | 111 W Water LLC                | Brewery 1st & 2nd Fl<br>Westside Only       | 111 W. Water St.    | D5                  |
| 6551088                  | 116 West Main LLC              | Tavern                                      | 116 W. Main St.     | D1, D2, D3, D3A     |
| 08984010833              | Bpoe Lodge0833 Troy            | Elks                                        | 17 W. Franklin St.  | D4                  |
| 41529790222              | Iorm Tribe0222 Tonquas         | Redmen                                      | 103 1/2 E. Main St. | D4                  |
| 90782710005              | Troy Meat Shop LLC & Patio     | Harens Market 1st & 2nd<br>Fl & Bsmt        | 2 E. Main St.       | D5                  |
| 6083150                  | Mojo Enterprises LLC           | Mojos Bar & Grill 1st Fl & Bsmt             | 107-109 E. Main St. | D5                  |
| 0006177                  | Agave & Rye Troy LLC           | Agave & Rye                                 | 2 N Market St.      | D1, D2, D3, D3A, D6 |
| 6253015                  | Music & Spirits LLC            | Leaf & Vine 1st Fl Bsmt & Mezzanine & Patio | 108 W. Main St.     | D1, D2, D3, D3A     |
| 8311412                  | Steve & Melanie Smith LLC      | The Caroline 1st Fl Patio & Mezzanine       | 5 S. Market St.     | D1, D2, D3, D6      |
| 86730300006              | Submarine Tyme LLC             | Submarine House No 6                        | 14 N. Market St.    | D5, D6              |
| 8774977                  | Tabernacle Brewing Company LLC | Moeller Brew Barn                           | 214 W. Main St.     | A1A, A1C            |
| 9138509                  | Todd M Uhler                   | Basils on Market                            | 18 N. Market St.    | D5, D6              |
| 26887560007              | Fermentum Enterprises LLC      | Crafted & Cured                             | 8 S. Market St.     | D1, D2, D3          |
| 84128660005<br>(pending) | Speakeasy Ramen LLC            | Speakeasy Miso                              | 101 W. Main St.     | D1, D2, D3, D6      |
| 2435685<br>(pending)     | Edible Concepts IV LLC         | Old Scratch Pizzeria                        | 19 E. Race St.      | D5, D5I, D6         |

## VI. LAND USE AND ZONING

In accordance with ORC 4301.82(B)(4), the land uses within the DORA are zoned B-1 Local Retail District, B-2 General Business District, B-3 Central Business District (CBD), OR-1 Office-Residential District, R-7 Multiple Family District, M-2 Light Industrial District, **and R-6 Two Family District, PUD Planned Unit Development and WO Wellhead Operation District - temporary DORA boundary expansions for approved special events only** - are in accordance with the City of Troy Comprehensive Plan as provided for in **Exhibit B**.

The Troy Comprehensive Plan designates the CBD as the Downtown District with the primary focus to preserve and enrich Downtown Troy. This designation's objective is to maintain, enhance, and grow the Downtown District as a vibrant, mixed-use gathering place and cultural center with an emphasis on retail, arts, and entertainment uses. The Downtown District maintains a highly urban, pedestrian-focused environment through building and streetscape.

The 2017 Troy Downtown Riverfront Strategic Development Study identifies key initiatives to maintain and enhance the special character of Troy's downtown and riverfront corridor, protect its sense of place, encourage investments, and create a dynamic commercial and residential district by attracting residents and visitors to enjoy downtown by creating additional programs to enhance local businesses and existing events. The properties within the proposed DORA are located within, or surround, the Central Business District which exemplifies the mixed-use development pattern within Downtown Troy.

The ~~creation of the~~ **expansion of the** DORA in downtown Troy **continues to** align with the City's Comprehensive Plan and objective to define this area as a popular destination for dining and entertainment within the City. The DORA is focused around the Central Business District wherein restaurants, bars, taverns, brewpubs and microbreweries are permitted uses and may operate under the current regulations.

## VII. SAFETY PLAN

In accordance with ORC § 4301.82(B)(5) and (F)(1)(d), a Safety Plan has been developed to ensure public safety in the DORA, off-street parking requirements will be enforced a copy of which is attached hereto as **Exhibit C**. The Safety Plan can be executed with existing staff per **Exhibit C**.

## VIII. SANITATION PLAN

In accordance with ORC § 4301.82(B)(5), (F)(1)(e), and (F)(1)(f), a Sanitation Plan has been developed that will help maintain the appearance and public health of the area within the DORA. A copy is attached hereto as **Exhibit D**. The Sanitation Plan can be executed with existing staff.

## IX. SIGNAGE PLAN

In accordance with the ORC § 4301.82(F)(1)(b), a minimum of ~~twenty-four (24)~~ **forty (40)** signs will be displayed throughout the boundary of the DORA. The signs are depicted on attached **Exhibit E**. Boundary signs will be located at street intersections along the boundary of the DORA. The location and spacing of the signs are shown on attached **Exhibit D: Signage & Sanitation Map**.

**If expanding the DORA area for a special event is requested by an event organizer and approved by City Council and, when applicable, when recommended by the Miami Conservancy District, Troy Board of Park Commissioners, and/or Troy Board of Recreation., the event organizer will be responsible for placing temporary DORA signage and trash receptacles at the DORA boundaries as approved by the Office of Service and Safety Director.**

Each establishment that is not a qualified permit holder will display a green or red sign that either accepts or prohibits DORA drinks. The signs are depicted on attached **Exhibit E**.

Qualified permit holders that may serve DORA beverages will display navy signs informing patrons that DORA beverages can be purchased at the establishment. The sign is depicted on attached **Exhibit E**.

## X. RULES OF OPERATION

### A. Hours of Operation

In accordance with ORC § 4301.82 (F)(1)(c), the hours of operation for the DORA will be: ~~Thursday, Friday, and Saturday from 12:00 p.m. (noon) to 10:00 p.m.~~

- 11:00 a.m. to 11:00 p.m. daily

~~The applicant requests that City Council reserves the right by legislation to: temporarily suspend DORA operations in order to accommodate the permitting of special events that may occur within the boundaries of the DORA.~~

- Change DORA days, hours and/or boundaries at any time
  - Any legislation passed by City Council regarding boundaries shall be subject to:
    1. Permission or recommendation by property owner
    2. Following the Division of Liquor Control notification process
- Activate temporary DORA areas for requested events
- Temporarily suspend DORA operations in order to accommodate the permitting of special events that may occur within boundaries of the DORA

### B. Official DORA ~~Cup~~ Container

In accordance with ORC § 4301.82(F)(1)(g), beer, wine, and intoxicating liquor shall only be consumed within the DORA as follows:

~~Beer, wine, and intoxicating liquor shall only be served and consumed within the DORA in the specifically designated plastic cup approved by the City (the "Official Cup"). The Official Cup will be distinctly marked, as on attached **Exhibit D**. No other container will be permitted. Used cups must be empty or disposed of before entering any establishment of a qualified permit holder.~~

- Beer, wine, and intoxicating liquor shall only be served and consumed within the DORA in 20 oz. or less non-glass containers. No other containers will be permitted
- The non-glass DORA containers shall be distinctly marked with the specifically designated sticker approved by the City (the "Official DORA Sticker") as depicted on attached **Exhibit E**. No other stickers will be permitted
- Used containers must be disposed of before entering any liquor establishment of a qualified permit holder or a business displaying red DORA sign prohibiting DORA beverages

### C. Additional Requirements

In accordance with ORC § 4301.82 (B)(5), and in conjunction with other rules, standards and requirements set forth in this application, additional rules and requirements for the purpose of ensuring public safety and health within the DORA are as follows:

1. A person may have in the person's possession an open container of beer, wine, or intoxicating liquor at an outdoor location within the DORA if the open container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which following applies:

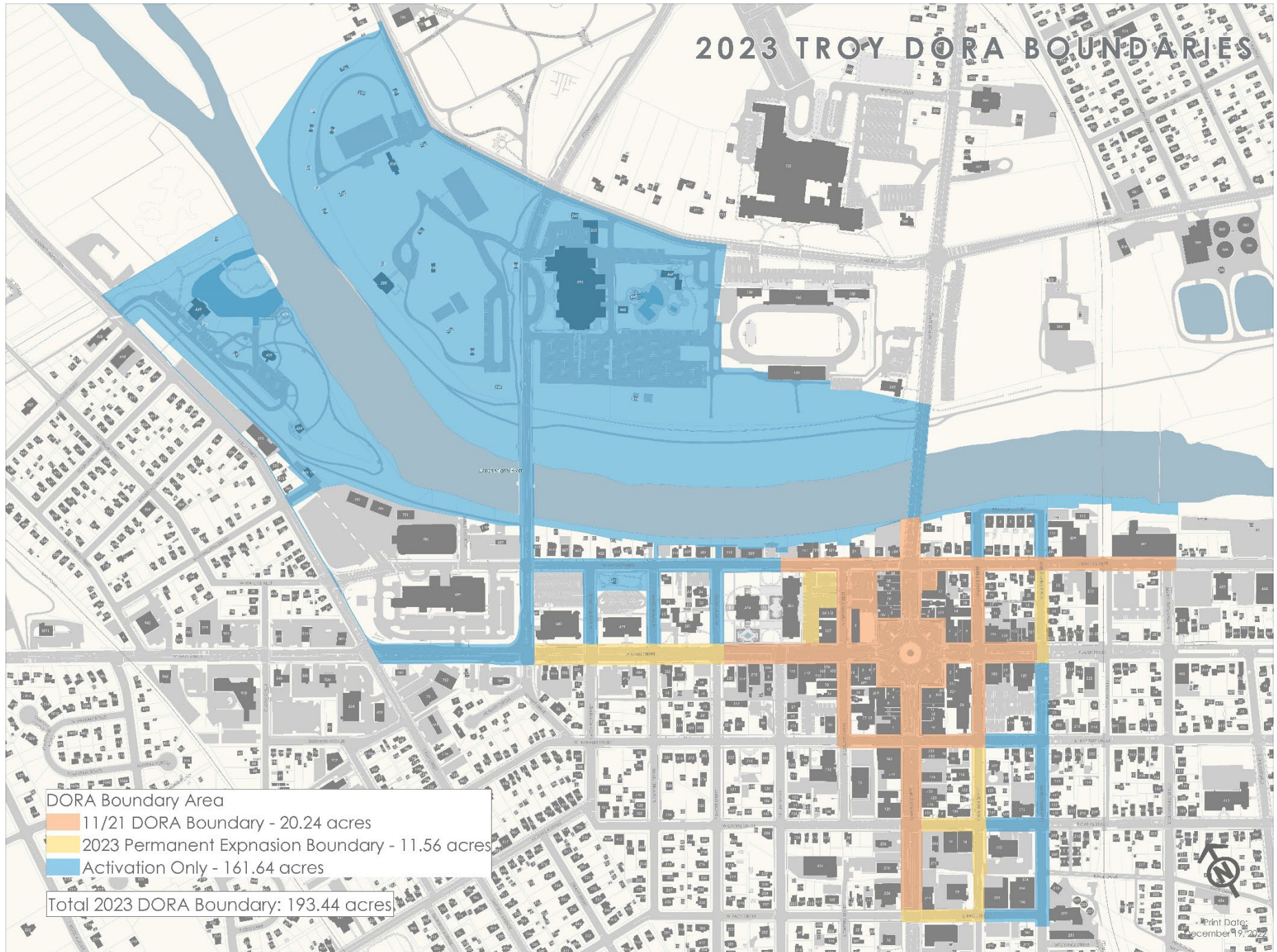
- a. The permit holder's premise is located within the DORA;

- b. The permit held by the permit holder has an outdoor refreshment area designation; and
- c. The open container consists of ~~an official DORA cup~~ a non-glass container with the official DORA sticker

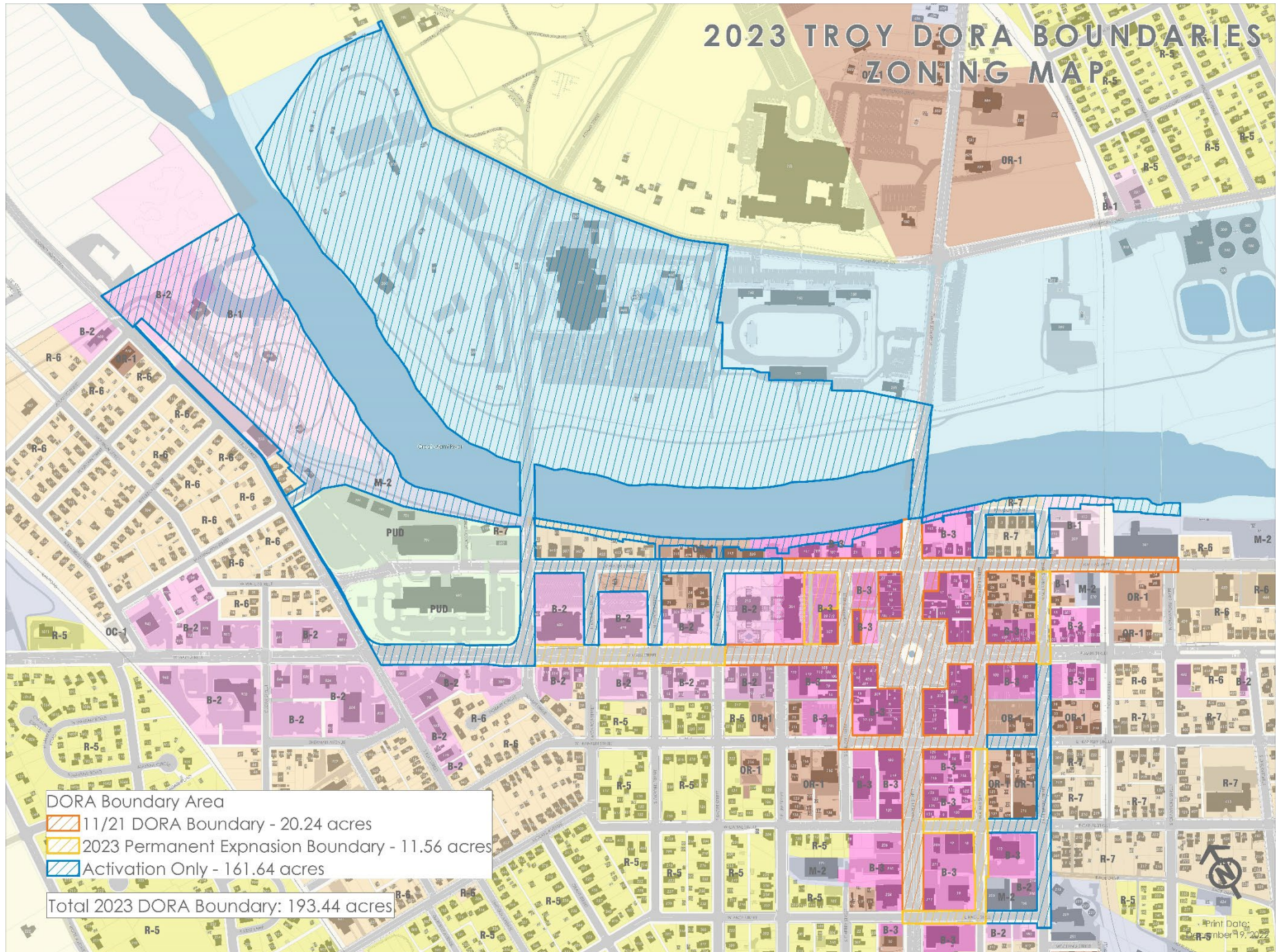
2. No person shall do any of the following:

- a. Enter the premises of an establishment of a qualified permit holder within the DORA while possessing an open container of beer, wine, or intoxicating liquor acquired elsewhere, or
- b. Possess an open container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the DORA, unless the possession is otherwise authorized under division (D) or (E) of ORC § 4301.62.

## EXHIBIT A: DORA BOUNDARY



## EXHIBIT B: OFFICIAL ZONING MAP OF DORA

2023 TROY DORA BOUNDARIES  
ZONING MAP

## EXHIBIT B: COMPREHENSIVE PLAN (APPENDIX L): 2017 TROY DOWNTOWN RIVERFRONT STRATEGIC DEVELOPMENT STUDY

### 0-2 YEARS INFILL DEVELOPMENT & KEY PUBLIC SPACES



The priorities laid out by Activate Troy and its public stakeholders were clear: address the negative perception of Troy's east side, improve connections to river, and take advantage of key development sites such as those near the new Lins Building and the former Hobart ITW site on West Main Street.

Chief amongst the initiatives in this phase of work is commercial and residential infill development to build off momentum being created by the Lins development, the Kettering Hospital announcement, and the proposed redevelopment of the Coleman-Alan-Saunders (CAS) Building. Wherever possible, infill development should come in the form of adaptive reuse of existing buildings or the development of parking lots and vacant land. Only when the

condition of a structure precludes its adaptive reuse should replacement structures be considered. New structures, both replacement and development on vacant land, should be built to accommodate any number of uses and reflect or reinterpret the diverse industrial and mercantile history of Troy's architecture. Potential infill opportunities along Water Street and Canal Street present the largest critical mass of this type of development although other opportunities throughout Downtown also exist.

While infill opportunities are pursued, investments in public space can be made by both public and private interests. A community garden, upgrades to Privy Plaza, an Arts Walk along Clay Street, and a Water Street Heritage Trail may be developed either by the

City or with non-profit and corporate partners. Public space along the river can also be created in places such as the proposed Troy Truck Yard on the river side of the former Hobart Cabinet building. Policies such as refining the Development Tools and auditing the zoning ordinances can further help accelerate and improve the quality of development.

#### POTENTIAL DEVELOPMENT SUMMARY

|                   |              |
|-------------------|--------------|
| RESIDENTIAL       | 20+ units    |
| RETAIL/COMMERCIAL | 10,000 sq ft |

STRATEGIC INVESTMENTS | TROY DOWNTOWN RIVERFRONT STRATEGIC DEVELOPMENT STUDY | 28

### 2-5 YEARS RECRUIT & ATTRACT AMENITIES AND ANCHORS



The second investment horizon for Downtown Troy is in the two-to-five year time frame. The work accomplished in the first phase will drive the successful recruitment and attraction of new amenities and anchors that start to scale up Troy's ability to retain and attract residents, a talented and creative workforce, and employers.

Around this time, the new Kettering Health Network hospital will have its first phase of development complete. This will anchor Downtown's west side with the proposed Water Street Heritage Trail (see 0-2 years) connecting it through the downtown core and eastward to the former Hobart Cabinet building where the Troy Truck Yard and Clay Street Arts Walk are proposed (see 0-2 years).

This barbell of initial investment will attract two-to-five year investments along and adjacent to it. This includes a metallurgical artist-in-residency and advanced caworking fabrication lab in the former Hobart Cabinet building, the potential redevelopment of Spineaker Coatings east of the Cabinet building, and development of the Hobart Arena parking lots across the river. Additional amenities and demand drivers, such as the Downtown condo rental program and the reuse of the grain elevator building as a best-in-class indoor/outdoor climbing facility and view deck, can also be realized in this window of time. To connect it all, the Study proposes modifying select oversized downtown streets to improve their safety and economic performance while maintaining their current travel and parking functions.

STRATEGIC INVESTMENTS | TROY DOWNTOWN RIVERFRONT STRATEGIC DEVELOPMENT STUDY | 35

### 5-10 YEARS INVEST AT EDGES, GROW AT HEART



#### POTENTIAL DEVELOPMENT SUMMARY

|                         |              |
|-------------------------|--------------|
| RESIDENTIAL             | 275 units    |
| RETAIL/COMMERCIAL       | 5,000 sq ft  |
| COMMUNITY/INSTITUTIONAL | 30,000 sq ft |
| PARKING                 | 300 spaces   |

Years zero-to-five set the stage for larger investment in the five-to-ten year window. These investments will be focused on growing the heart of Downtown while bringing online initiatives at the periphery of Downtown to expand the level of connectivity from surrounding neighborhoods to and from a growing downtown core.

In this window of time, the Kettering Health Network hospital campus is planned to be complete, the balance of the River District north of the Great Miami could be completed, large infill development sites around the Public Square and near the hospital might be realized, and a dedicated, iconic pedestrian bridge may be built to connect Downtown directly to its new River District.

STRATEGIC INVESTMENTS | TROY DOWNTOWN RIVERFRONT STRATEGIC DEVELOPMENT STUDY | 44

## EXHIBIT C

In accordance with ORC 4301.82(B)(5), the proposed requirements for the purpose of ensuring public safety within the Designated Outdoor Refreshment Area (DORA) are as follows:

### PUBLIC SAFETY PLAN

City of Troy Police Department and Fire Department will be responsible for providing public safety within the DORA through law enforcement and fire/EMS services.

### Law Enforcement Responsibilities

The Troy Police Department will be responsible for providing law enforcement services within the DORA. The Police Department Headquarters is located within the DORA boundary. Patrol Supervisors will monitor the DORA area during routine patrols. The safety plan will be analyzed and adjusted as needed.

In the event that an above-average number of people are in the DORA, the on-duty supervisor may assign additional officers and/or assign an officer to specifically patrol the DORA. The use of foot patrol and bicycle patrol will be considered as alternate methods of patrolling in the DORA.

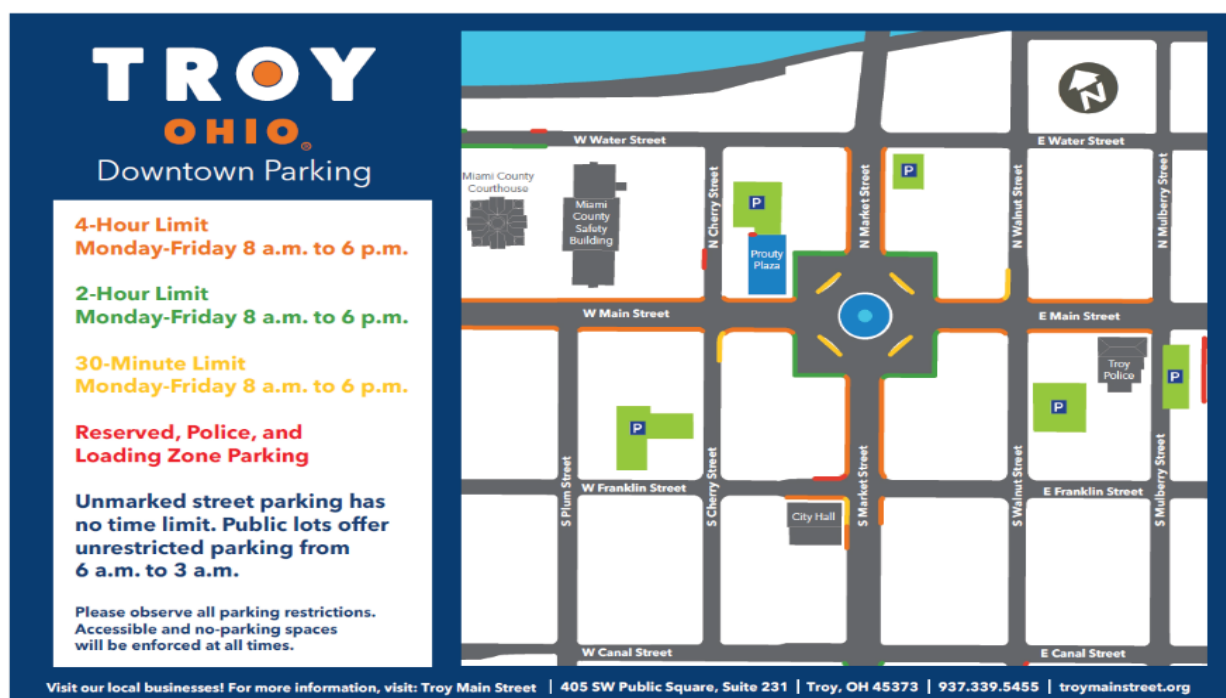
For planned events in the DORA that may draw a larger than normal attendance, the Chief of Police may have additional officers and/or other agency personnel assigned specifically to the DORA.

### Fire/EMS Responsibilities

The Troy Fire Department will be responsible for providing Fire, Rescue, and EMS within the DORA. Station ~~One~~ **Eleven** is currently located ~~on the periphery~~ **within** the DORA boundary. Estimated response time would be between two and three minutes to any area within the DORA.

For planned events in the DORA that may draw larger than normal attendance, the Fire Chief may stage personnel and/or equipment in a location within or near the DORA to allow for an immediate response.

### Downtown Public Parking Map



## EXHIBIT D

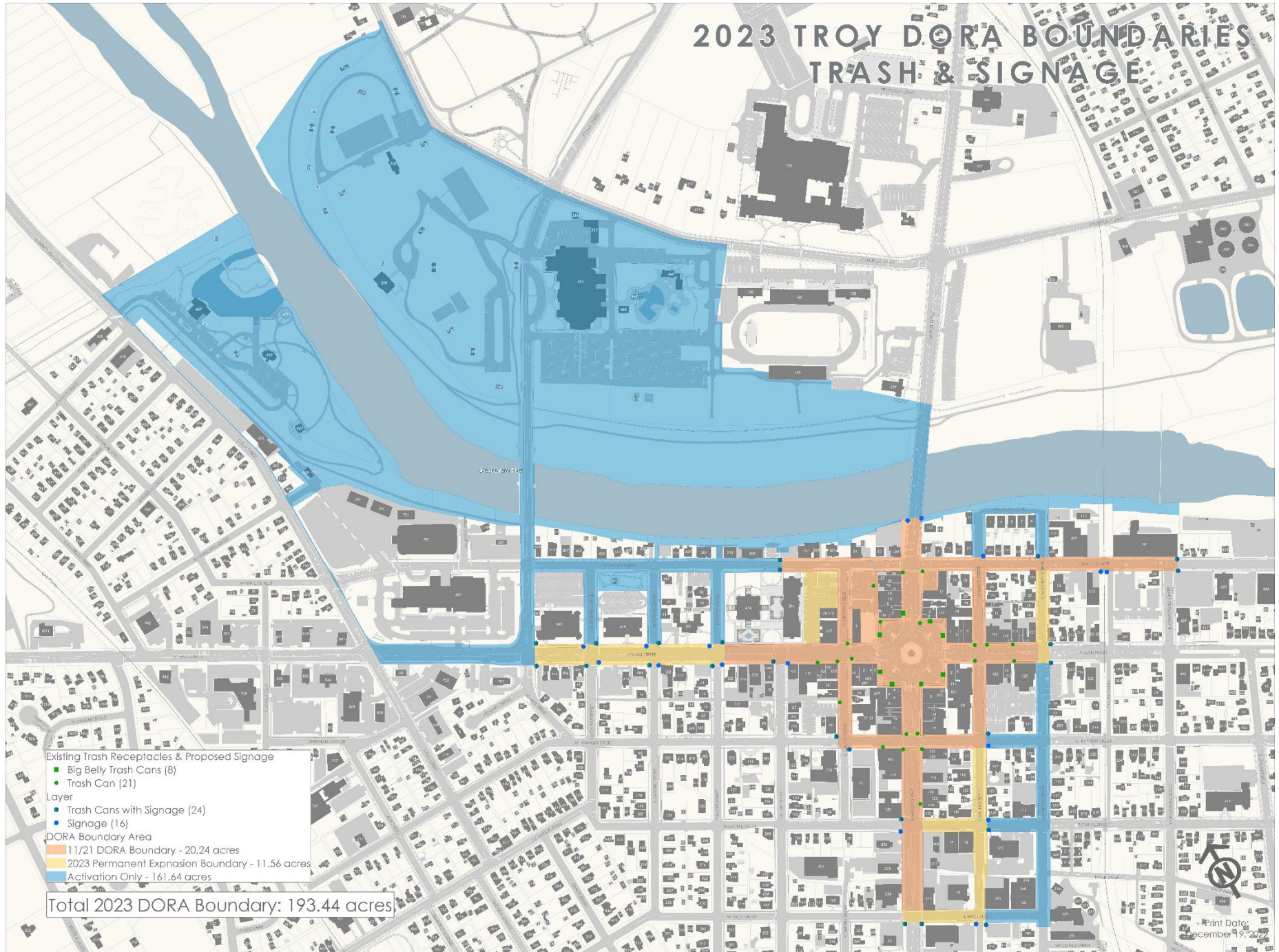
In accordance with ORC 4301.82(B)(5), the proposed requirements for the purpose of ensuring public health within the Designated Outdoor Refreshment Area (DORA) are as follows:

### **SIGNAGE & SANITATION PLAN**

City of Troy Street Department and Park Department personnel will be responsible for maintaining the appearance and public health within the DORA through trash collection, street sweeping, routine maintenance and signage placement.

**Exhibit D: Signage & Sanitation Map** (p.14) shows **fifty-three (53)** permanent trash receptacles (shown in green and half-green-half-blue) placed throughout and along the DORA boundary that will be serviced multiple times per week. The City is proposing the installation of **twenty-four (24)** signs on the trash receptacles (shown in half-green-half-blue) and an additional ~~six (6)~~ **sixteen (16)** signs throughout the DORA to mark the boundaries (shown in blue). The City's Street and Park Departments will monitor and empty full litter receptacles Friday, Saturday, and Sunday mornings in addition to the regular pick-up schedule. The Street Department will coordinate the installation of additional signage if needed.

## EXHIBIT D: SIGNAGE &amp; SANITATION MAP



## EXHIBIT E

Boundary signage



Sticker for DORA containers



Window decals for establishments



# TROY MAIN STREET

Home. Grown. Vibrant.



405 SW Public Sq, Suite 231 | Troy, Ohio 45373  
[TroyMainStreet.org](http://TroyMainStreet.org) | (937) 339-5455

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December 29, 2022

Troy City Council  
Council Chambers  
Troy, OH 45373

Dear Mr. President and Honorable Members:

Troy Main Street respectfully requests Troy City Council's consideration and adoption of the DORA application amending Troy's current DORA (Designated Outdoor Refreshment Area).

The implementation of the DORA in downtown Troy over the last year has complemented the mission of Troy Main Street as we seek to "create a charming, prosperous, and interactive downtown Troy." However, Troy Main Street is always looking for ways to improve the downtown experience for citizens, visitors, business owners, and employees. After many discussions and surveys with downtown businesses about how to improve the DORA, we believe the changes being recommended would make the DORA an even more effective tool for the merchants in downtown Troy. We also believe these changes would make it easier for Troy citizens and visitors to understand the rules of the DORA.

We are grateful to Troy City Council for considering this proposal. Thank you for your attention to this matter.

Sincerely,

Andrea Keller  
Executive Director  
Troy Main Street, Inc.

January 4<sup>th</sup>, 2023

Troy City Council  
Attn: Patrick Titterington, City Director  
100 S. Market Street, #1  
Troy, Ohio 45373

SUBJECT: Expansion of DORA

City Director:

The Troy Area Chamber of Commerce supports the expansion of the City of Troy Designated Outdoor Refreshment Area (DORA) and the suggested changes included in the amended Ohio Revised Code application.

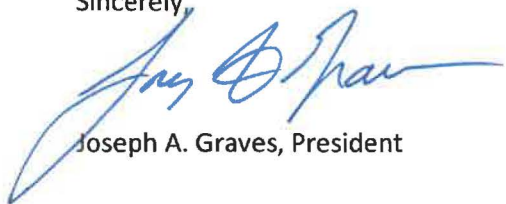
Founded in 1939 to become the voice for business advocacy, the Chamber strongly feels the expansion of the DORA will benefit additional businesses being included in the DORA. Also, the expanded DORA could be beneficial to several non-profits, including the Troy Area Chamber of Commerce, who may host festivals and/or events within the DORA in the future.

Over the last year, staff at the Troy Area Chamber of Commerce have been in contact with local downtown merchants concerning their experience with the current DORA and we heard very few negative comments. We will share that one negative comment concerned DORA participating establishments when they ran out of DORA cups, some businesses did resort to serving in regular cups. We believe changing from cups to stickers will help in this matter. Also, stronger enforcement of the stated rules and regulations would benefit all.

Staff has also been in contact with chambers of commerce in other Ohio communities with a DORA and other communities have shared that their respective DORA's have not been detrimental to their communities and beneficial to their businesses.

If you or Council have any questions, please feel free to contact me at 937-339-8769.

Sincerely,



Joseph A. Graves, President



## DORA SURVEY RESULTS SUMMARY

Feedback was obtained from the City of Troy Fire, Police, Park Department, Street Division, and businesses located inside the DORA boundaries covering DORA operation from November, 2021 through November 2022.

Overall, fifty-two (52) businesses participated in Troy Main Street's DORA surveys – the highest participation was observed in February (33 respondents) and the lowest in November (6 respondents).

### Police Interactions

- Seven (7) open container and one (1) underage consumption summons were issued.

### EMS Calls

- No DORA-related calls were reported.

### Litter Related

- Refuse collection was on a regular schedule - Mondays, Wednesdays, and Fridays. Additionally, Park Department collected trash downtown on weekends from April – October. An increase in trash attributed to the DORA was reported in April – September, especially after concerts and events. However, scheduling additional refuse collection has not become necessary.

### Feedback from Businesses

Received recommendations were:

- Consistent days and hours
- Use stickers on cups
- Extend the boundaries
- Expand the hours and days
- More advertising
- Flexibility in the size of cup
- Use biodegradable/recyclable plastic cups
- Always allow DORA during events downtown

Reported issues were:

- Taking DORA beverages purchased at one liquor establishment into another liquor establishment
- Purchasing to-go alcoholic beverages during non-DORA days and drinking outdoors
- Bringing empty DORA cups to a liquor establishment to be re-used
- Disregarding/not noticing red "DORA not permitted" signs
- Walking past W Main Street DORA boundary on St. Patrick's Day to go to Dunaway's

Customers' attitude toward DORA by number of establishments reported:

- Twenty-nine (29) – customers are in favor of DORA
- Five (5) - most customers are in favor of DORA



- Two (2) - most customers are not in favor of DORA
- Three (3) – customers are ambivalent about DORA
- Thirteen (13) - customers are indifferent toward DORA, establishments have not received any feedback, or their business is not affected by DORA days and hours

Suggested DORA Days by number of respondents:

- Six (6) - Thursday through Sunday
- Six (6) - daily
- Four (4) – Wednesday through Saturday
- Two (2) – Tuesday through Saturday
- One (1) – Wednesday through Sunday
- One (1) – Monday through Saturday
- One (1) – Friday through Sunday
- One (1) - Thursday through Saturday

Suggested DORA hours by number of respondents:

- Twelve (12) – noon to 10:00 p.m.
- Two (2) – 24/7
- Two (2) – noon to midnight
- Two (2) – 11:00 a.m. to 11:00 p.m.
- One (1) – 11:00 a.m. to 11:30 p.m.
- One (1) – 10:00 a.m. to midnight
- One (1) – noon to 2:20 a.m.
- One (1) – 11:00 a.m. to 1:00 a.m.
- One (1) – 9:00 a.m. to midnight
- One (1) – 5:00 p.m. to 10:00 p.m.

DORA area expansion:

- Twelve (12) establishments stated that they are satisfied with current DORA boundaries and do not see a need to extend it.
- Four (4) businesses suggested extending the DORA boundaries. Some of the proposed areas were:
  - Race Street to include Old Scratch Pizza
  - Water Street west of Miami County Courthouse
  - Some of the residential areas of SW Historic District for PorchFest (2)
- One (1) business reported its patrons mentioning that they would like to see the DORA boundary extended to include Dunaway's.