

**A SPECIAL ORDINANCE OF THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA, DESIGNATING A DORA NO. 1 AS
"DOWNTOWN DORA" PURSUANT TO FORT WAYNE CITY CODE CHAPTER 122**

WHEREAS, Indiana Code § 7.1-3-31 et seq. was recently passed by the Indiana Legislature which authorizes the establishment of a Designated Outdoor Refreshment Area ("DORA");

WHEREAS, on December 19, 2023, the Common Council of the City of Fort Wayne ("Council") passed an establishment ordinance containing certain findings in order to set up state and local requirements and guidelines to be incorporated into Fort Wayne City Code Chapter 122 for the lawful establishment of up to seven (7) DORAs within the City of Fort Wayne ("City") which may be approved by local ordinance pursuant to I.C. § 7.1-3-31 et seq.; and

WHEREAS, Council and the City Administration believe it is in the best interests of the citizens of the City to establish a DORA comprising a portion of the downtown in order to promote economic development, vitality, and activity within the downtown, while ensuring that the DORA is administered in an orderly fashion in accordance with state and local laws and regulations.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Fort Wayne, Indiana, as follows:

(A) *Definitions.* All definitions in IC §7.1-3-31 et seq., as amended, shall apply to this Ordinance. The following terms shall also have the meanings ascribed to them herein:

- (1) **CRAFT MANUFACTURER.** A entity that holds:
 - a. A small brewery permit under IC 7.1-3-2-7(5); or
 - b. A farm winery permit under IC 7.1-3-12; or
 - c. An artisan distiller's permit under IC 7.1-3-27.
- (2) **DESIGNATED PERMITTEE.** A retailer permittee that operates a Licensed Premises which is located within and has received all applicable approvals to participate in a DORA.
- (3) **LICENSED PREMISES.** A building, or part of a building, in which alcoholic beverages are authorized to be kept, manufactured, or sold, pursuant to all applicable laws and regulations.
- (4) **REFRESHMENT AREA.** An area established pursuant to IC §7.1-3-31 et seq, where an individual may: (i) exit the Licensed Premises of a Designated Permittee or Vendor with not more than two (2) open

containers of an alcoholic beverage at a time, and (ii) consume the alcoholic beverages within such area.

- (5) **VENDOR.** An entity issued a temporary vendor designation pursuant to all applicable laws and regulations and either: (i) a temporary beer or wine permit, or (ii) a supplemental catering permit.

(B) *Establishment of DORA.* Council establishes a DORA to be known as the Downtown Fort Wayne DORA (the "Downtown DORA"), which shall comprise certain land located within the City which is described in Exhibit A, attached hereto and made a part hereof.

(C) *Map.* A map of the Downtown DORA (the "Map") depicting the boundaries described in paragraph B is hereby approved and attached as Exhibit B. The Map shall be available for public inspection upon reasonable request at the Department of Community Development offices. In the event of a conflict between the Map and the boundary description contained in paragraph B, the boundary description shall govern.

(D) *Consistency with Zoning Code.* The Common Council finds that the Downtown DORA is consistent with the City of Fort Wayne Zoning Code.

(E) *Minimum Signage Standards.* The Common Council hereby approves and adopts the following minimum signage standards for the Downtown DORA:

- (1) Signs shall be posted at locations that are conspicuous from the public right-of-way at each pedestrian exit of the DORA. Approximately thirty-eight signs identifying DORA exits are proposed at the time of establishment of the Downtown DORA.
- (2) Signs identifying exits to the Downtown DORA will be spaced no further than one block apart.
- (3) Additional outdoor signs within the Downtown DORA not located at exits to the district shall be placed in areas of high pedestrian activity.
- (4) Outdoor signs shall be composed of high-quality, all-weather, durable material, and shall be no smaller than 36 square inches.
- (5) Notwithstanding any provision to the contrary, signs shall be placed in a conspicuous location at each exit of a Designated Permittee and on a Vendor's premises, and must contain the following information:
 - a. Any open alcoholic beverage containers purchased within the DORA must remain within the DORA.
 - b. Possessing an open container of alcoholic beverages in a motor vehicle may constitute a Class C infraction under IC 9-30-15

c. The Downtown DORA shall be in effect during all authorized times pursuant to IC §7.1-3-1-14, as amended from time to time by the Indiana General Assembly, and as may be further modified by the Mayor or his or her designee in accordance with Indiana Code.

(6) Designated Permittees must post in a conspicuous location approved by the City at each entrance a sign prepared by the City stating that they are participating in the Downtown DORA and whether a person may enter the business with an open container of alcohol.

(F) *Additional Signage.* Council acknowledges that the sign standards contained in Section F hereof are minimum requirements, that additional signage designating the Downtown DORA may be warranted and necessary, that additional signage may be required by the Indiana Alcohol and Tobacco Commission ("Commission"), and that installation of additional signage designating the Downtown DORA shall be allowed under this ordinance provided the minimum signage standards contained in paragraph E hereof are maintained.

(G) *Times of Operation.* The Downtown DORA shall be in effect during all authorized times pursuant to IC §7.1-3-1-14, as amended from time to time by the Indiana General Assembly, and as may be further modified by the Mayor or his or her designee in accordance with Indiana Code.

(H) *Designated Permittees.*

(1) Businesses located at the following addresses have submitted completed applications to the City to participate as Designated Permittees within the Downtown DORA, subject to approval by the Commission:

- a. JK O'Donnell's - 121 W Wayne St - 02-12-02-457-004.000-074
- b. Dash-In - 814 S Calhoun St - 02-12-02-453-009.000-074
- c. Pint & Slice - 816 S Calhoun St - 02-12-02-453-010.000-074
- d. Tolon - 614 S Harrison St - 02-12-02-418-000.000-074
- e. Copper Spoon - 301 W Jefferson Blvd #100 - 02-12-02-463-003.000-074
- f. Mercado - 111 W Columbia St, Ste. 103 - 02-12-02-411-004.000-074
- g. Papi's Pizza - 111 W Columbia St, Ste. 102 - 02-12-02-411-004.000-074
- h. Gnometown - 118 Columbia St - 02-12-02-405-004.000-074
- i. Nawa - 126 W Columbia St - 02-12-02-405-002.000-074
- j. Proximo - 898 S Harrison St - 02-12-02-452-013.000-074

k. Teds Snack + Bar (Promenade Park) - 202 W Superior St - 02-12-02-253-001.000-074

(2) Any additional business located within the Downtown DORA who desires to be a Designated Permittee shall submit an application for approval by the Mayor or his or her designee and recommendation to the Commission.

(3) A Designated Permittee within the Downtown DORA may allow, but shall not be required to allow open containers of alcohol to be carried into their Licensed Premises.

(I) *Vendors.*

(1) Individuals or entities located at the following addresses and/or locations have submitted completed applications to the City to participate as Vendors within the Downtown DORA:

a. Library Plaza - 900 Library Plaza

b. 100 Block of West Wayne St

c. Calhoun St, between Washington Blvd and Wayne St, including the midblock public alley west of Calhoun St

d. Pearl Street, between Webster St and S Harrison St

e. The Landing - Columbia Street between S Harrison St and S Calhoun St

f. Promenade Park - 202 W Superior St et. al.

g. Botanical Conservatory - 1100 S Calhoun St

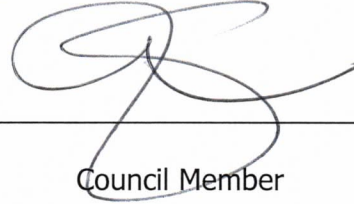
h. "PNC Plaza" – 121 W Main St et. al.

(2) Any additional individual or entity located within the Downtown DORA who desires to be a Vendor shall submit an application for approval by the Mayor or his or her designee and recommendation to the Commission.

1 (J) *Compliance with Chapter 122.* Compliance with all provisions of Chapter 122
2 shall be and are required within the Downtown DORA.

3 This Ordinance shall be in full force and effect upon its passage, approval, and
4 publication pursuant to Indiana law.

5 ALL OF WHICH IS ORDAINED by the Common Council of Fort Wayne, Indiana,
6 this 11th day of December, 2023.

7
8 
9 Council Member

10 APPROVED as to form and legality

11 
12 Malak Heiny, City Attorney

EXHIBIT A

BOUNDARY DESCRIPTION OF DESIGNATED OUTDOOR REFRESHMENT AREA

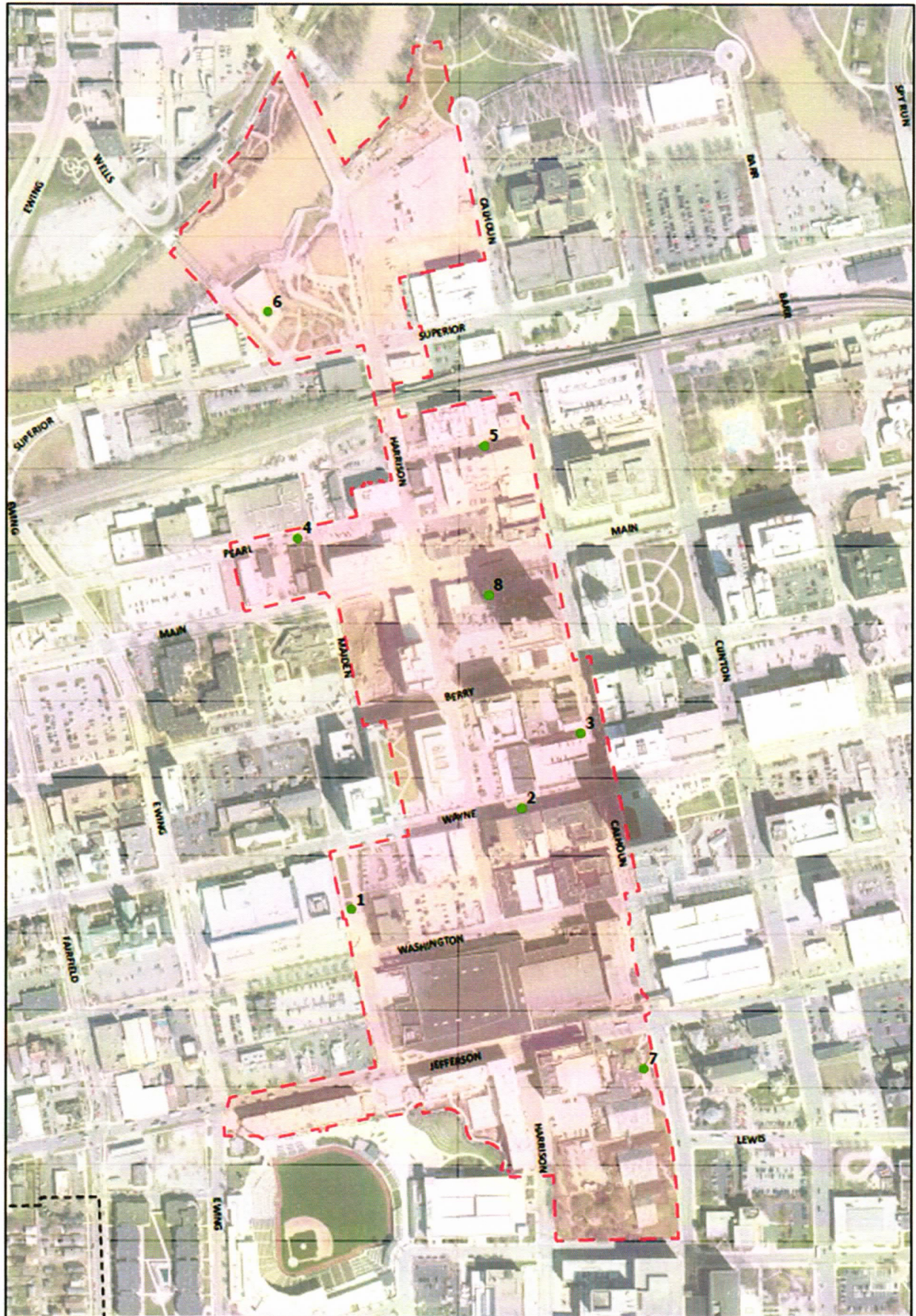
Beginning at the northeast corner of the right-of-way boundary at the intersection of East Berry Street and South Calhoun Street, thence continuing west approximately 66 feet to the northwest corner of the right-of-way boundaries of West Berry Street and South Calhoun Street, thence west along the northern extent of the West Berry Street right-of-way to the northeast corner of the right-of-way boundary at the intersection of South Harrison Street and West Berry Street, thence continuing north approximately 324 feet along the eastern extent of the South Harrison Street right-of-way to the southern curb of West Main Street, thence north approximately 71 feet following the trajectory of the eastern right-of-way boundary of South Harrison Street to the northern curb of West Main Street, thence continuing east approximately 393 feet along said curb to a point that it becomes the west curb line of South Calhoun Street, thence north along said curb approximately 480 feet to the point of intersection with the trajectory of the southern right of way boundary of Dock Street, thence continuing west along said Dock Street right-of-way boundary to the southeast corner of the right-of-way boundary at the intersection of South Harrison Street and Dock Street, thence continuing north along the eastern extent of the South Harrison Street right-of-way to the southwest corner of parcel number: 02-12-02-403-001.001-074, thence continuing east along the southern parcel line to the southeast corner of said parcel, thence continuing north along the eastern parcel line to the northeast corner of said parcel, thence continuing north along the same trajectory approximately 66 feet to the northern right-of-way boundary of West Superior Street, thence continuing west along the northern extent of the right-of-way boundary to the southeast corner of parcel number: 02-12-02-254-010.000-074, thence continuing north approximately 164 feet along the parcel line to the northwest corner of a public alley, thence continuing east along north right of way line of said alley approximately 280 feet to the western right-of-way boundary of South Calhoun Street, thence continuing north approximately 438 feet along the western right-of-way boundary of South Calhoun Street to the southeast corner of 02-12-02-254-009.000-074, thence continuing 19 feet along the eastern property line of said parcel to the southeast corner of parcel number: 02-12-02-254-003.000-074 , thence continuing approximately 200 feet along the eastern property line of said parcel to the northeastern corner of said parcel, thence continuing along the northern parcel line of said parcel approximately 86 feet to the northwestern corner of said parcel, thence continuing southwest following the southern extent of the Saint Marys River to a point of intersection with the western right of way boundary of South Wells Street, thence continuing southeast approximately 281 feet along the western extent of the South Wells Street right-of-way boundary to the north curb of West Superior Street, thence continuing east along said curb to the western extent of the South Harrison Street right of way, thence continuing south approximately 435 feet along the western extent of the South Harrison Street right-of-way boundary to northeastern corner of parcel number: 02-12-02-418-000.000-074, thence continuing east along the northern extent of the property line to the northwestern corner of said parcel, thence continuing south approximately 89 feet along the property line to the northern extent of the Pearl Street right-of-way boundary, thence continuing west approximately 400 feet along the northern extent of the Pearl Street right-of-way boundary to the intersection with the east right of way boundary of Webster Street, thence continuing south along the eastern extent of the Webster Street right-of-way boundary approximately 220 feet to the northern curb of West Main Street, thence continuing east along said curb approximately 263 feet to a point of intersection with the western extent of the Maiden Lane right-of-way boundary, thence diagonally across the intersection of Maiden Lane and West Main Street a distance of approximately 67 feet to the southeast corner of the intersection of the Maiden Lane and West Main Street rights of way, thence

continuing along the southern extent of the West Main Street right-of-way boundary to the southwest corner of the right-of-way boundary at the intersection of West Main Street and South Harrison Street, thence continuing south along the western extent of South Harrison Street right-of-way boundary to the northwest corner of the right-of-way boundary at the intersection of South Harrison Street and West Berry Street, thence continuing west along the northern extent of the West Berry Street right-of-way boundary to the eastern corner of the right-of-way boundary at the intersection of West Berry Street and Maiden Lane, thence continuing south approximately 66 feet to the northwest corner of 02-12-02-452-002.000-074, thence continuing east along the property line to the northeast corner of said parcel, thence continuing south approximately 314 feet along the property line to the northern extent of the West Wayne Street right-of-way boundary, thence continuing along the same trajectory south approximately 56 to the south curb of West Wayne Street, thence continuing west approximately 254 feet along the south curb of West Wayne Street to a point of intersection with the west right of way boundary of the Webster Street Right of Way (vacated, AKA Library Plaza), thence continuing south approximately 700 feet along the western extent of the Webster Street right-of-way boundary to the northwestern corner of the right-of-way boundary at the intersection of Webster Street and West Jefferson Boulevard, thence continuing east along the northern extent of the West Jefferson Boulevard right-of-way boundary to the northeast corner of the right-of-way boundary at the intersection of West Jefferson Boulevard and Ewing Street, thence continuing south to the southeast corner of the right-of-way boundary at the intersection of West Jefferson Boulevard and Ewing Street, thence continuing south approximately 52 feet along the eastern extent of Ewing Street right-of-way boundary to a point of intersection with the northern extent of Lewis Street (vacated), thence continuing east approximately 110 feet along the northern extent of Lewis Street (vacated) right-of-way boundary to the building footprint of Parcel ID: 02-12-02-463-003.000-074, thence continuing south approximately 22 feet to the southwest corner of the building footprint, thence continuing east to the southeast corner of said building footprint, thence continuing east approximately 97 feet to the northeast corner of parcel ID: 02-12-02-463-003.002-074, thence continuing east and south along the north property line of said parcel to a point representing the southwest corner of said parcel, thence continuing south and east along the east property line of parcel ID: 02-12-11-203-001.001-074 to the southwest corner of parcel ID: 02-12-11-203-004.000-074, thence continuing east approximately 77 feet along the southern extent of said property line to the western extent of the South Harrison Street right-of-way boundary, thence continuing east approximately 66 feet along the same trajectory to a point of intersection with parcel ID: 02-12-11-204-002.000-074, thence continuing south approximately 208 feet along said property line to a point representing the southwest corner of said parcel, thence continuing east approximately 391 feet along the southern property line of said parcel to a point representing the southeast corner of said parcel, thence continuing north approximately 310 feet along the property line of said parcel to a point representing the southeast corner of parcel ID: 02-12-02-465-006.000-074, thence continuing north approximately 355 feet along the property line of said parcel to the southwest corner of the right-of-way boundary at the intersection of West Jefferson Boulevard and South Calhoun Street, thence continuing north approximately 52 feet to the northern curb of West Jefferson Boulevard, thence continuing east approximately 15 feet along said curb to a point that said curb becomes the western curb of South Calhoun Street, thence continuing north approximately 325 feet along said western curb of South Calhoun Street to a point of intersection with the trajectory of the southern right of way boundary for West Washington Boulevard, thence north approximately 66 feet to a point of intersection between the trajectory of the northern right-of-way boundary for West Washington Boulevard and the western curb of South Calhoun Street, thence continuing east approximately 48 feet to the eastern extent of the South Calhoun Street right-of-way boundary, thence continuing north approximately 760 feet along eastern extent of the South Calhoun Street right-of-way boundary to the northeast corner of the right-of-way boundary at the intersection of

South Calhoun Street and East Berry Street; said intersection also being the point of beginning.

Exhibit B
Map of DORA

 DORA Boundary  Vendor Areas



DIGEST SHEET

TITLE OF ORDINANCE. A Special Ordinance of the Common Council of the City of Fort Wayne, Indiana, Designating a DORA No. 1 as "Downtown DORA" Pursuant to Fort Wayne City Code Chapter 122.

DEPARTMENT REQUESTING RESOLUTION. Community Development

SYNOPSIS OF ORDINANCE. This ordinance establishes Fort Wayne's first Designated Outdoor Refreshment Area ("DORA"), extending primarily along the Harrison Street corridor, from Promenade Park to Parkview Field, and including spaces hosting frequent outdoor events like the Library Plaza, the Porch Off Calhoun, and the Botanical Conservatory. It encompasses public spaces surrounding key downtown entertainment areas and attractions, such as The Landing, Promenade Park, and Harrison Square. The ordinance details signage requirements, operation times, and procedural aspects for effective district administration, and lists participating businesses and vendor locations.

EFFECT OF PASSAGE. Adopting this ordinance would allow Fort Wayne to enhance its appeal as a vibrant and dynamic destination by allowing patrons to move about more freely with open containers within a designated downtown area. The DORA initiative not only streamlines the often-burdensome regulations governing outdoor events but also promotes a more flexible and welcoming environment for residents and visitors alike. This approach aligns with broader trends in urban development, contributing to the city's overall livability and attractiveness to businesses. Ultimately, a downtown DORA has the potential to invigorate public spaces, support local businesses, and position Fort Wayne as a more competitive and progressive city in the broader regional landscape.

EFFECT OF NON-PASSAGE. Businesses and events would continue to be governed by current regulations, which create administrative and logistical challenges that, as acknowledged by the State's adoption of the DORA program, contribute little to public safety. More broadly, not passing the DORA program puts Fort Wayne at a disadvantage compared to regional competitors, hindering appeal to visitors, residents, and businesses.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS). Costs for establishing the Downtown DORA include one-time capital expenses, estimated at \$12,000, primarily for signage and sanitation. Annual operational costs, covering maintenance and equipment replacement, are projected at \$9,000. Branded cups, would be procured and distributed by the DID and purchased by businesses, at no cost to the City.

ASSIGNED TO COMMITTEE (PRESIDENT). _____



COMMUNITY DEVELOPMENT

Vibrant. Prosperous. Growing.

Thomas C. Henry, Mayor

City of Fort Wayne
Community Development
200 East Berry Street, Suite 320
Fort Wayne, IN 46802

260 427-1127 fwcommunitydevelopment.org

MEMO

To: City of Fort Wayne Common Council

Copy: City of Fort Wayne Community Development Division

From: Nancy Townsend, Community Development Director 427-2323

Subject: Approving a Special Ordinance Creating the Downtown Designated Outdoor Refreshment Area

Date: December 7, 2023

Community Development hereby requests that the Common Council approve the attached ordinance establishing a Designated Outdoor Refreshment Area (DORA) in downtown Fort Wayne. DORAs are defined outdoor spaces where patrons can responsibly enjoy alcoholic beverages. DORAs have successfully enhanced the vibrancy of many downtowns in the Midwest for several years, with several Indiana cities adopting them following the State's recent authorization of the program.

In collaboration with various City departments, the DID, and local business owners, Community Development has delineated a district encompassing public spaces surrounding key downtown entertainment areas and attractions, such as The Landing, Promenade Park, and Harrison Square. This contiguous and compact district extends primarily along the Harrison Street corridor, from Promenade Park to Parkview Field, and includes spaces hosting frequent outdoor events like the Library Plaza, the Porch Off Calhoun, and the Botanical Conservatory. To encourage positive behavior, signs and, where appropriate, trash cans, will be strategically placed at exits to the district.

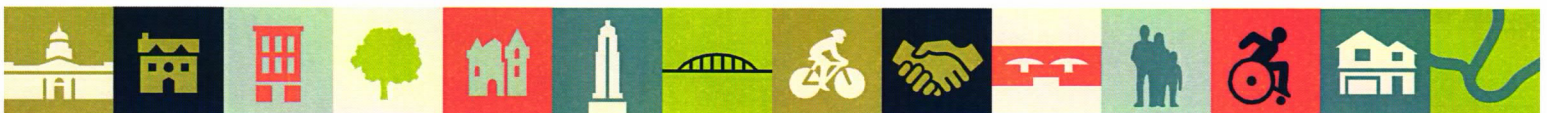
It's noteworthy that nearly all eligible establishments have expressed a desire to participate in the program. However, it is crucial to emphasize that, aside from local approval, participating establishments must also secure approval from the Indiana Alcohol and Tobacco Commission. Non-compliance with DORA provisions may result in the forfeiture of their license.

Community Development will oversee the State and local permitting process, but the DID will act as "boots on the ground" for the Downtown DORA, including maintaining signage, managing sanitation, and facilitating communication with businesses and other entities.

We appreciate your careful consideration of these ordinances and are available to address any questions you may have.

Nancy Townsend

An Equal Opportunity Employer



BILL NO. S-23-12-18

REPORT OF COMMITTEE ON REGULATIONS
December 19, 2023

Sharon Tucker Chair

Tom Freistroffer Co-Chair

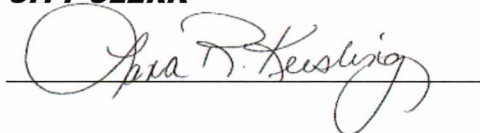
All Council Members

A Special Ordinance of the Common Council of the City of Fort Wayne, Indiana, designating a DORA No. 1 as "Downtown DORA" pursuant to Fort Wayne City Code Chapter 122

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
<u>ARP</u>			
<u>CHAMBERS</u>			
<u>DIDIER</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HINES</u>			
<u>JEHL</u>			
<u>PADDOCK</u>			
<u>TUCKER</u>			

LANA R. KEESLING
CITY CLERK



Public Hearing Date: N/A

Read the first time in full and on motion by Councilperson Tucker.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilperson Tucker, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	☐	☐	☐	☒
CHAMBERS	☒	☐	☐	☐
DIDIER	☒	☐	☐	☐
ENSLEY	☒	☐	☐	☐
FREISTROFFER	☒	☐	☐	☐
HINES	☒	☐	☐	☐
JEHL	☒	☐	☐	☐
PADDOCK	☒	☐	☐	☐
TUCKER	☒	☐	☐	☐

DATED: December 19, 2023

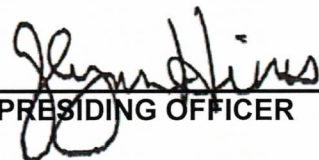

LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

General Ordinance No. S-23-12-18 on the 19th day of December, 2023

ATTEST:


LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 20th of December 2023, at the hour of 4:00 o'clock P.M. E.S.T.

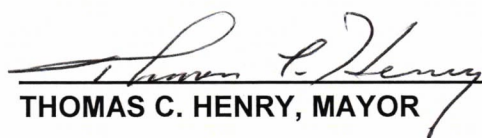

LANA R. KEESLING, CITY CLERK

Approved and signed by me this 22ND day of December 2023, at the hour of 10:00 o'clock AM E.S.T.

FORT WAYNE, INDIANA
RECEIVED

DEC 27 2023

LANA R. KEESLING
CITY CLERK


THOMAS C. HENRY, MAYOR