

ORDINANCE NO. G-23-08

**ORDINANCE AUTHORIZING THE CREATION OF A DESIGNATED “OUTDOOR”  
REFRESHMENT AREA (“DORA”)**

**WHEREAS**, the City of New Albany (“City”) over the last decade has made substantial improvements and supported investment and growth in downtown.

**WHEREAS**, numerous stores and shops, entertainment venues, and restaurants have chosen New Albany for their businesses based upon these improvements.

**WHEREAS**, the City of New Albany has continually improved and expanded recreational opportunities to draw more residents, visitors, and patrons to New Albany.

**WHEREAS**, the State of Indiana recently passed Senate Enrolled Act 20 which allows for the creation of Designated “Outdoor” Refreshment Areas (“DORA”).

**WHEREAS**, having a designated refreshment area will attract more visitors, citizens, and patrons to local businesses within the area.

**WHEREAS**, having and implementing a Designated Outdoor Refreshment Area (DORA) in downtown New Albany will provide a significant economic boost to local businesses with similar initiatives in other cities showing a substantial increase in foot traffic, customer spending, and overall revenue for businesses within the designated area.

**WHEREAS**, having a DORA allows patrons to enjoy beverages outdoors, creating a more vibrant and enjoyable atmosphere for visitors and residents alike that will attract more people to downtown New Albany, leading to increased patronage for local restaurants, venues, bars, and shops.

**WHEREAS**, the new legislation allows businesses more flexibility in how they serve their customers and enables them to create unique and appealing outdoor environments.

**WHEREAS**, the implementation of a DORA will encourage collaboration among local businesses, as they can work together to promote the area, coordinate events, and create a cohesive and attractive experience for visitors which will strengthen the downtown community and foster a sense of unity among businesses.

**WHEREAS**, increasing foot traffic within the area will help the development and continued economic vitality of downtown.

**WHEREAS**, creating a DORA will build a livelier, pedestrian-friendly environment.

**WHEREAS**, City Ordinances § 111.01 and §111.99 (passed 1998) recognizes a River Heritage Overlook Cultural Center and related penalties that now are incorporated in the DORA and such no longer necessary and/or appropriate, in addition River Heritage Overlook Cultural Center was administratively dissolved by the State of Indiana in 1990.

**NOW, THEREFORE, BE IT ORDAINED AND RESOLVED BY THE COMMON COUNCIL OF CITY OF NEW ALBANY, INDIANA AS FOLLOWS:**

**SECTION 1. Creation.** Pursuant to IC 7.1-3-31, the Common Council hereby authorizes and approves the creation of a Designated “Outdoor” Refreshment Area in the City of New Albany.

**SECTION 2. Boundaries.** The boundaries of the Designated Refreshment Area are illustrated in the map attached (Exhibit A). Additionally, the Area is bounded by both sides of the following streets: Floyd Street from U.S. Highway 150 to East 6<sup>th</sup> Street; East 6<sup>th</sup> Street from Floyd Street to East Main Street; East Main Street from East 6<sup>th</sup> Street to Scribner Drive; Market Street from Scribner Street to 611 E. Market Street; Spring Street from West 1<sup>st</sup> Street to 612 E. Spring Street; East Elm Street from West 1<sup>st</sup> Street to 610 East Elm Street; Scribner Street from West Market Street to Floyd Street; West 1<sup>st</sup> Street to Floyd Street; State Street from 504 State Street to Floyd Street; Pearl Street from East Elm Street to Floyd Street; Bank Street from East Elm Street to Floyd Street; East Third Street from East Elm Street to 324 East 3<sup>rd</sup> Street; East 3<sup>rd</sup> Street from Market Street to Floyd Street; East Fourth Street from East Elm Street to Floyd Street; East Fifth Street from East Elm Street to Spring Street; East 5<sup>th</sup> Street from Market Street to East 6<sup>th</sup> Street.

**SECTION 3. Proposed Permittees & Vendors.** (See attached Exhibit B).

**SECTION 4. Statement Regarding Consistency with Zoning Ordinance.** Per the attached letter, it is the opinion of the Department of New Albany Planning Commission that the DORA is supported by the Comprehensive Plan and Zoning Ordinance and will continue to aid the effort of creating a vibrant community that promotes walkability and shares New Albany’s rich culture and history. (See attached Exhibit C).

**SECTION 5. Location & Type of Signage.** At each of the entries/exits from the DORA, the sidewalk will be painted/labeled with a logo/statement making it clear that someone is entering/exiting the DORA or appropriate signage as permitted indicating the same. An example is attached below (Exhibit D). There may be additional signage within the DORA at the discretion of the City.

**SECTION 6. Dates & Hours of Operation.** The DORA will be operational seven days a week, three hundred and sixty-five days a year. The hours of operation will be between 10:00am and 10:00pm.

**SECTION 7. Sign Postage by Retailer Permittees.** Every permittee and/or participating retailer may have a sign posted within their establishment that indicates they are a permittee and/or are participating in the DORA. The City will provide the establishments within the DORA with the appropriate signage/decal that identifies their participation upon request. (Exhibit E).

**SECTION 8. Designated DORA Cups.** All designated permittees and vendors must use cups that have the DORA logo provided by the City on them identifying that they are for use only in the refreshment area. The businesses are required to display the DORA logo on these cups at their cost. The DORA logo shall be prominently displayed on the cups to allow appropriate and easy visual identification by Alcohol and Tobacco Commission officials and New Albany Police Officers. The businesses may affix their company logos and/or branding on the cups in addition to the DORA logo. The additional business logo/branding may not display profanity, offensive language/gestures/images, or nudity. (See Exhibit F, as example).

**SECTION 9. Sanitation Plan.** The City currently has trash bins at most corners within the district and will add trash and recycling receptacles within the area as needed with additional monitoring and


collection upon evaluation. There is a regular maintenance and cleaning of these receptacles at a minimum of twice a week which will be evaluated, amended, and supplemented as needed.

**SECTION 10. Public Safety Plan.** The City currently conducts regular monitoring of the area that will be designated a DORA. The New Albany Police Department will evaluate the implementation of the DORA and adjust monitoring and patrols as needed. Any special event and/or use of public space in which alcohol is distributed, shall require approval from the Board of Public Works and Safety and the Chief of Police. The Chief of Police shall have the authority to require additional safety measures for any such special event and/or use of public space, including but not limited to security, fencing or other measures as deemed appropriate.

**SECTION 11. Prior Ordinance.** This ordinance shall repeal and replace the previous city ordinance §111.01 and 111.99. Upon passage of this ordinance, §98.02(M) and §130.30(1) shall be amended to add “except in an area approved for a Designated Outdoor Refreshment Area (“DORA”) pursuant to §111.00 et seq.

**SECTION 12.** The ordinance shall amend § 30.50 and add a standing committee for the Council as Section (K) Designated Outdoor Refreshment Area (“DORA”). The committee shall be bipartisan and meet 6 months after implementation of Dora; 12 months after implementation of DORA; and as needed thereafter.

**SECTION 13. Effective Date.** This ordinance shall become effective on July 1, 2023, or thereafter upon any and all necessary State of Indiana approvals.

By:   
Jennie Collier, President  
New Albany Common Council

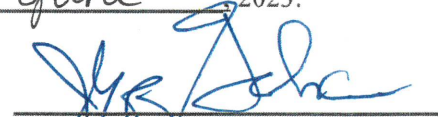
ATTEST:

  
Vicki Glotzbach, City Clerk

**PRESENTED** by me to the Mayor of the City of New Albany, Indiana for is approval and signature this 16 day of June, 2023.

  
Vicki Glotzbach, City Clerk

**ACCEPTED AND APPROVED** by me this 19 day of June, 2023.

  
Jeff M. Gahan, Mayor  
City of New Albany, Indiana

ATTEST:

  
Vicki Glotzbach, City Clerk

# Exhibit A

New Albany Designated Outdoor Refreshment Area (DORA) - Vendor Locations and Public Spaces

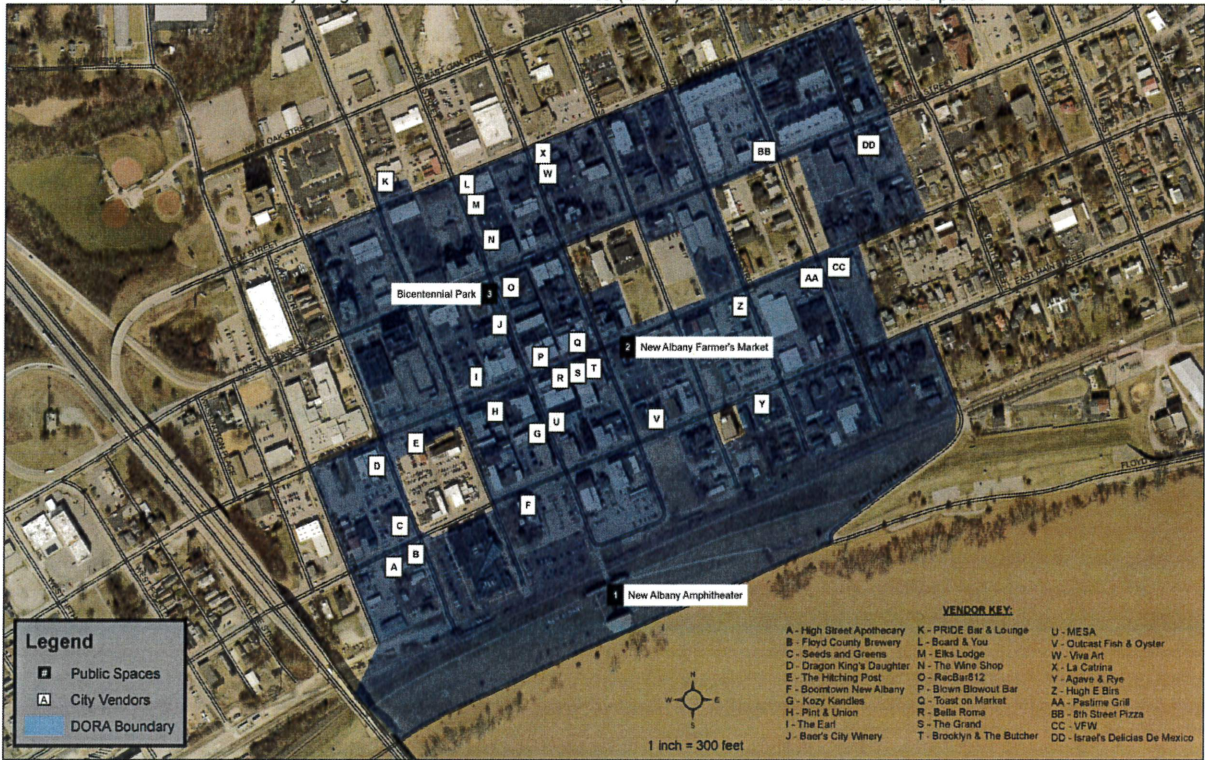


Exhibit B

<b>Potential DORA Permittees</b>	
<b>Business Name</b>	<b>Address</b>
8th St Pizza	411 E Spring St
Agave & Rye	324 E Main St
Baer's City Winery	321 Pearl St
Bella Roma	134 E Market St
Board & You	434 Pearl St
Boomtown New Albany	114 E Main St
Brooklyn & the Butcher	148 E Market St
Dog Haus Biergarten	415 Bank St
Dragon Kings Daughter	129 W Market St
Elks Lodge 270	426 Pearl St
Floyd County Brewing Company	129 W Main St
High Street Apothecary	141 W Main St
Hugh E Birs	324 E Market St
Israel's Delicias De Mexico Gourmet	604 E Spring St
Kozy Kandles	213 Pearl St
La Catrina	202 E Elm St
MESA	216 Pearl St
Outcast Fish & Oyster	207 E Main St
Pastime Grill & Pub	424 E Market St
Pints & Union	114 E Market St
PRIDE Bar & Lounge	504 State St
RecBar812	336 Pearl St
Seeds & Greens Natural Market & Deli	207 W 1st St

The Earl	109 E Market St
The Enchanted Forest & Music Hall	141 W Main St
The Grand	138 E Market St
The Hitching Post	115 W Market St
The Wine Shop	410 Pearl St
Toast on Market	141 E Market St
VFW Post 3281 Floyd County Post	232 E 5th St
Viva Art	426 Bank St Suite 100

## Exhibit C – Zoning Letter



Jeff M. Galan, Mayor

CITY OF NEW ALBANY, INDIANA  
NEW ALBANY CITY PLAN COMMISSION  
NEW ALBANY BOARD OF ZONING APPEALS  
SCOTT B. WOOD, DIRECTOR

May 30, 2023

### MEMO

RE: New Albany Designated Outdoor Refreshment Area (DORA)

#### To Whom It May Concern:

New Albany is located in southern Indiana just across the Ohio River from Louisville, Kentucky. It has a rich history including being one of the largest cities in Indiana until 1860. It currently boasts a number of historic districts listed on the National Register of Historic Places. Downtown New Albany, which is a National Register district, is roughly 0.4 square miles

New Albany is currently thriving under a resurgence of businesses, restaurants, and residential uses in the Downtown area. According to the Comprehensive Plan adopted in February 2017, the goal is to become a "vibrant, welcoming, inclusive, compassionate community where progress will be for the betterment of all. New Albany will build upon its natural assets and proximity to Louisville to become a truly connected, walkable, and bikeable community...and continue to build upon the success of its eclectic and unique downtown revitalization while not forgetting its heritage and history." Also, in Chapter 3, one of the goals to implement the Comprehensive Plan is to "Invest in infrastructure and amenities to make New Albany a premier location to live, learn, work, dine and shop." Particularly, section A-2 states the goal is to "encourage a balance of uses in the Downtown District to make it a regional destination with a healthy mix of activity during the day and evening."

The city has implemented a number of projects to make this happen, including transforming the one-way grid to two-way, and rebuilding East Main Street to enhance walking and bicycling and to slow traffic traveling through our Downtown. As a result, businesses and restaurants are thriving and residents are continuing to move back to the Downtown district.

A new initiative the city is pursuing is to create a Designated "Outdoor" Refreshment Area (DORA) in the Downtown to further boost the local economy. A DORA is a specified area of land designated by a city that would be exempt from certain open container laws. The DORA in New Albany would span the entire Downtown area as well as some of the outskirts. It is the opinion of the New Albany Plan Commission staff that the proposed DORA is supported by both the Comprehensive Plan and Zoning Ordinance and will continue to aid the effort of creating a vibrant community that promotes walkability and shares our rich culture and history.

NEW ALBANY CITY PLAN COMMISSION

A handwritten signature in blue ink that reads "SCOTT B. WOOD".

Scott B. Wood, Director

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Telephone: (812) 948-5327 • Indiana Statewide Relay 1-800-743-3333 (Hearing Impaired)  
[www.cityofnewalbany.com](http://www.cityofnewalbany.com)







Exhibit E



**D**  **R A**