



Ohio Legislative Service Commission

Bill Analysis

Jeff Grim

S.B. 298

129th General Assembly
(As Introduced)

Sens. Cafaro, Brown, Seitz, Kearney

BILL SUMMARY

- Permits persons located in municipal corporations or unincorporated areas of counties of specified populations to apply to establish a local entertainment district.
- Exempts an application for a D-1, D-2, or D-5 liquor permit for an establishment located in a local entertainment district from certain population quota restrictions.

CONTENT AND OPERATION

Local entertainment districts

Definition of "local entertainment district"

The bill defines a "local entertainment district" as a bounded area that includes or will include a combination of entertainment, retail, educational, sporting, social, cultural, or arts establishments within close proximity to some or all of the following types of establishments within the district, or other types of establishments similar to these: hotels; restaurants; retail sales establishments; enclosed shopping centers; museums; performing arts theaters; motion picture theaters; night clubs; convention facilities; sports facilities; entertainment facilities or complexes; or any combination of the establishments described above that provide similar services to the community.¹

Application to seek designation of local entertainment district

Any owner of property located in a municipal corporation with a population of less than 100,000 seeking to have that property, or that property and other surrounding property, designated as a local entertainment district must file an application seeking that designation with the mayor of the municipal corporation in which that property is

¹ R.C. 4301.82(A)(1).

located. Any property owner located in the unincorporated area of a county with a population of more than 125,000 seeking to have that property, or that property and other surrounding property, designated as a local entertainment district must file an application seeking that designation with the board of county commissioners of the county in whose unincorporated area that property is located. The application is a public record for purposes of the Public Records Law upon its receipt by the mayor or board of county commissioners.

The bill requires an application to designate an area as a local entertainment district to contain all of the following:

- (1) The applicant's name and address;
- (2) A map or survey of the proposed local entertainment district in sufficient detail to identify the boundaries of the district and the property owned by the applicant;
- (3) A general statement of the nature and types of establishments described above that are or will be located within the proposed local entertainment district and any other establishments located in the proposed local entertainment district that are not described above;
- (4) If some or all of the establishments within the proposed local entertainment district have not yet been developed, the proposed time frame for completing the development of those establishments;
- (5) Evidence that the uses of land within the proposed local entertainment district are in accord with the municipal corporation's or county's master zoning plan or map; and
- (6) A handling and processing fee to accompany the application, in an amount determined by the municipal corporation or county, payable to the municipal corporation or county.²

Process for application for area located in municipal corporation

The bill requires an application relating to an area located in a municipal corporation to be addressed and submitted to the mayor of the municipal corporation in which the area described in the application is located. The mayor, within 30 days after receiving the application, must submit the application with the mayor's recommendation to the legislative authority of the municipal corporation.

² R.C. 4301.82(B).

Within 30 days after it receives the application and the mayor's recommendations relating to the application, the legislative authority of the municipal corporation, by notice published once a week for two consecutive weeks in at least one newspaper of general circulation in the municipal corporation, must notify the public that the application is on file in the office of the clerk of the municipal corporation and is available for inspection by the public during regular business hours. The notice must also indicate the date and time of any public hearing by the municipal legislative authority on the application.

Within 75 days after the date on which the application is filed with the mayor of a municipal corporation, the legislative authority of the municipal corporation by ordinance or resolution must approve or disapprove the application based on whether the proposed local entertainment district does or will substantially contribute to entertainment, retail, educational, sporting, social, cultural, or arts opportunities for the community. The bill requires the community considered to include at a minimum the municipal corporation in which the community is located. Any approval of an application must be by an affirmative majority vote of the legislative authority. The bill specifies that not more than one local entertainment district can be designated within the municipal corporation.³

Process for application for area located in county

An application relating to an area located in the unincorporated area of a county must be addressed and submitted to the board of county commissioners of the county in whose unincorporated area the area described in the application is located.

Within 30 days after it receives the application, the board of county commissioners, by notice published once a week for two consecutive weeks in at least one newspaper of general circulation in the county, must notify the public that the application is on file in the office of the county auditor and is available for inspection by the public during regular business hours. The notice must also indicate the date and time of any public hearing by the board of county commissioners on the application.

Within 75 days after the date on which the application is filed with a board of county commissioners, the board by resolution must approve or disapprove the application based on whether the proposed local entertainment district does or will substantially contribute to entertainment, retail, educational, sporting, social, cultural, or arts opportunities for the community. The bill requires the community considered to include at a minimum at least a portion of the county in which the community is located. Any approval of an application must be by an affirmative majority vote of the

³ R.C. 4301.82(C).

board of county commissioners. The bill prohibits more than one local entertainment district from being designated within the unincorporated area of the county.⁴

Approval or disapproval of application

If the municipal legislative authority or board of county commissioners disapproves the application, the applicant can make changes in the application to secure its approval by the legislative authority or board of county commissioners. Any area approved by the legislative authority or board of county commissioners constitutes a local entertainment district.⁵

Losing designation as local entertainment district

All or part of an area designated as a local entertainment district can lose that designation. The legislative authority of a municipal corporation in which a local entertainment district is located, or the board of county commissioners of the county in whose unincorporated area a local entertainment district is located, after giving notice of its proposed action by publication once a week for two consecutive weeks in at least one newspaper of general circulation in the municipal corporation or county, can determine by ordinance or resolution in the case of the legislative authority of a municipal corporation, or by resolution in the case of a board of county commissioners of a county, that all or part of the area fails to meet the standards for designation of an area as a local entertainment district. If the legislative authority or board so determines, the area designated in the ordinance or resolution no longer constitutes a local entertainment district.⁶

Liquor permits for local entertainment district

Continuing law generally limits the number of each type of D liquor permit (various beer and intoxicating liquor retail sales) that can be issued to any one person, firm, or corporation in a county based on the population of that county. Likewise, continuing law generally limits the total number of D-1 permits (beer sales for on-premises or off-premises consumption), D-2 permits (wine and mixed beverages sales for on-premises or off-premises consumption), and D-5 permits (beer and intoxicating liquor for on-premises or off-premises consumption--restaurants and night clubs) that can be issued in each municipal corporation and in the unincorporated area of each township, based on the population of that municipal corporation or unincorporated area of the township. However, continuing law provides that those population quota

⁴ R.C. 4301.82(C).

⁵ R.C. 4301.82(C).

⁶ R.C. 4301.82(D).

restrictions as well as any contained in Liquor Control Commission rules do not restrict the issuance of a D permit to authorized applicants for such a permit for certain municipally owned airports; a municipal corporation, township, or county soldiers' memorial; a municipal corporation-, township-, county-, metropolitan park district-, or state-owned golf course; the State Fairgrounds; Capitol Square; the Ohio Judicial Center; or certain zoological parks. Thus, an application for a D permit for any of those locations is exempt from the population quota restrictions.

The bill expands the list of exempt applicants by providing that the statutory population quota restrictions as well as any population quota restrictions contained in any Liquor Control Commission rule do not restrict the issuance of a D-1, D-2, or D-5 permit for a premises located in a local entertainment district, provided that all of the following apply:

(1) The applicant for the permit is the owner or operator of a licensed retail food establishment or a licensed food service operation.

(2) The applicant for the permit has not been issued a D-1, D-2, or D-5 permit in the six months before filing the application for a D-1, D-2, or D-5 permit for a premises located in a local entertainment district.

(3) The premises for which a permit is proposed to be issued has gross annual receipts from the sale of food and meals for consumption on the premises that constitute not less than 75% of its total gross annual receipts.

Under the bill, such a D-1, D-2, or D-5 permit must not be transferred out of the local entertainment district. Additionally, the bill prohibits more than one D-1, D-2, or D-5 permit to be issued within a local entertainment district for each five acres of land located within the district. Finally, not more than ten D-1, D-2, or D-5 permits, or any combination of those permits, can be issued within a single local entertainment district.⁷

Under law unchanged by the bill, the permit fee for a D-1 permit is \$376, for a D-2 permit is \$564, and for a D-5 permit is \$2,344.⁸

HISTORY

ACTION

DATE

Introduced

02-14-12

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⁷ R.C. 4303.29(B)(8).

⁸ R.C. 4303.13, 4303.14, and 4303.15 (not in the bill).

