

ORDINANCE NO. 077-2024(CRR), *Fifth
Reading as Amended*

By Councilmember Mattox

An Ordinance approving the application filed by the Mayor and authorizing the establishment of a Designated Outdoor Refreshment Area (“DORA”).

WHEREAS, Council is committed to furthering economic development throughout the City of Cleveland Heights and creating a welcoming atmosphere for residents and visitors; and

WHEREAS, Ohio Revised Code, Section 4301.82 provides for the creation of DORA's, within which businesses with liquor permits may sell beer, wine, and intoxicating liquor for on-premises consumption **and** for consumption off-premises but within the DORA; and

WHEREAS, on April 15, 2024, Mayor Seren submitted an application to City Council in accordance with R.C. Section 4301.82 (B), seeking to have specified property within the City of Cleveland Heights designated as a DORA; and

WHEREAS, the creation of a DORA within the City of Cleveland Heights will generally strengthen economic development in the affected area of the city, not only within, but also in the vicinity of the DORA; and

WHEREAS, pursuant to R.C. 4301-82(F)(1), it is necessary for City Council to establish requirements of the DORA to ensure public health and safety within the area; and

WHEREAS, Council finds that the application meets the requirements of R.C. 4301.82(F); and

WHEREAS, Council has fulfilled the requirements contained in R.C. 4301.82(C) and R.C. 4301.82(F).

NOW, THEREFORE, BE IS RESOLVED by the Council of the City of Cleveland Heights, Ohio that:

SECTION 1. City Council accepts the application as submitted, attached hereto, and hereby approves the creation of the Designated Outdoor Refreshment Area within the boundary area as described in the application, and specified by street addresses as described in the attached Application (Exhibit A), incorporated herein by reference.

SECTION 2. The Cleveland Heights Cedar-Lee Designated Outdoor Refreshment Area will encompass no fewer than two qualified permit holders, as identified in Section VI of the Application.

ORDINANCE NO. 077-2024(CRR)

SECTION 3. To ensure public health and safety, and pursuant to R.C. 4301.82(F)(1), Sections III through VIII of the Application, incorporated herein by reference, include the following: the number of personnel needed to ensure public safety; the sanitation plan to help maintain the appearance and public health of the area; the number, spacing, and type of signage designating the area; and the hours of operation for the area.

SECTION 4. All alcohol served in the DORA shall be served solely in plastic cups as detailed in Section III of the Application to readily identify such alcoholic beverages as being permitted in the DORA during the times specified hereunder.

SECTION 5. Pursuant to R.C. 4301.82(H)(1), in five years Council shall conduct a review of the Cleveland Heights Cedar-Lee DORA and either approve the continued operation of the DORA or dissolve the area.

SECTION 6. Council may, at any time, amend or dissolve all or part of the Cedar-Lee DORA. The Mayor reserves the right to temporarily suspend the operation of the DORA at his or her discretion.

SECTION 7. This Council determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 8. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 9. This Ordinance shall take effect and be in force from and after the earliest time allowed by law.



TONY CUDA
President of Council

ORDINANCE NO. 077-2024(CRR)



ADDIE BALESTER
Clerk of Council

PASSED: June 24, 2024

Presented to Mayor: 06/25/2024 Approved: 06/27/2024



KAHLIL SEREN
Mayor

APPLICATION TO THE CLEVELAND HEIGHTS CITY COUNCIL
for the establishment of a
CEDAR-LEE DESIGNATED OUTDOOR REFRESHMENT AREA (DORA)

The Mayor of Cleveland Heights respectfully submits the following application to the Cleveland Heights City Council to approve and enact the Cedar-Lee Designated Outdoor Refreshment Area in accordance with Ohio Revised Code 4301.82.

Mayor Kahlil Seren

I. INTRODUCTION

Section 4301.82 of the Ohio Revised Code (ORC) authorizes municipalities under 50,000 in population to create up to three (3) Designated Outdoor Refreshment Areas (DORAs) up to 320 acres in size. The City of Cleveland Heights is a chartered Ohio municipal corporation with a population of 44,652 (2021). To consider the creation of a DORA, the Mayor of the City of Cleveland Heights is filing this application with the Cleveland Heights City Council, which meets certain statutory requirements. The application filing must be advertised in a newspaper of general circulation. If Council elects to hold a public hearing regarding the application, the date and time of the hearing shall be provided in the public notice of the receipt of the application by Council. Not earlier than 30 days, but not later than 60 days, after the initial publication of the notice, the City Council may approve or disapprove of the application by ordinance or resolution.

In summary, this application for a Cedar-Lee DORA would provide the following:

- a. The DORA would ease or make more accessible outdoor dining in front of liquor permit holding establishments. It would allow such establishments to serve alcoholic beverages in a plastic cup pursuant to the law within a designated area during certain hours. Signage, sanitation, and safety requirements would be established by permits issued by the City as described in subsequent sections below.
- b. The DORA would provide the ability for individuals to walk within the DORA boundaries with an alcoholic beverage purchased from a liquor permit holding establishment during permitted periods. Creation of the DORA would enable residents and visitors to Cedar-Lee to enjoy alcoholic beverages at designated indoor and outdoor spots throughout the business district in a safe and regulated manner.

Many cities throughout Ohio have realized measurable benefits with the implementation of DORAs. Cedar-Lee, as the largest business district in Cleveland Heights, is uniquely positioned as a hub of community activity to capitalize on this opportunity. The Office of the Mayor is confident that the DORA will not only enhance the entertainment and cultural appeal of the Cedar-Lee District as a destination, but it will also serve to enhance the economic appeal of Cleveland Heights. This is particularly true with the advent of The Marquee, a \$60M mixed-use development underway within the District, which will be complete in 2025 bringing hundreds of new residents, retail offerings and a public green space to Cedar-Lee.

II. BOUNDARIES

The boundaries of the Cedar-Lee DORA are depicted in Attachment A.

The proposed boundary is outlined in a solid red line. This area is approximately 17.78 acres in size and includes all sidewalks within or abutting the boundary lines. The boundary would include all alleys and streets not listed as having establishments located on them.

III. SIGNAGE AND OFFICIAL CUP

The City of Cleveland Heights will supply Entrance/Exit signs to the DORA at the major district access points. The number, spacing and type of signage designating the DORA are indicated in Attachment B.



The signage on the left side of this graphic will be prominently displayed at these designated access points, with additional language that no alcoholic beverages are permitted beyond those points, as well as the designated days and hour permitted.

The signage on the right side of the graphic will be displayed at the district establishments to indicate their level of participation. Only approved establishments with appropriate licenses (see Section IV) who choose to participate in the program will be permitted to display the "Purchase DORA Beverages Here" signage.

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 be served and consumed in the DORA in specifically designated cups produced and provided by the Cedar Lee Special Improvement District, or other entity designated by the City, (the "Official Cup"). No other container will be permitted. All DORA beverages must be served in a new, unused, Official Cup. Only one (1) Official Cup per person will be permitted in the DORA. Used Official Cups must be disposed of before entering any establishment in the DORA. Official Cups shall hold no more than sixteen (16) fluid ounces and shall be composed of recyclable materials. The Cedar Lee Special Improvement District, or other entity designated by the City, shall supply the Official Cups and offer them to qualifying permit holders for purchase at cost. Each qualifying permit holder shall attach a fee of one dollar (\$1.00) on every DORA beverage sold and accompanied by an Official Cup to help cover costs incurred.

IV. HOURS OF OPERATION

In accordance with ORC 4301.82(F)(1)(c), the hours of operation for the DORA will be as follows:

Monday-Thursday, 4-9pm
Friday, 4-11pm
Saturday, 12-11pm
Sunday, 12-8pm

V. NATURE OF ESTABLISHMENTS

In accordance with ORC 4301.82(B)(2), the nature and types of establishments that will be located within the DORA are listed below. The types of establishments located within the DORA are in primarily dining, retail, service, or office sectors.

Establishment Name	Address	Operating Hours
Retail		
Cedar Lee Bikes	2309 Lee Road, Cleveland Heights, OH 44118	Sun-Mon Closed Tues-Sat 11am-7pm
CVS Drug Store	2160 Lee Road, Cleveland Heights, OH 44118	24 Hours
Twisted Minds	2150 Lee Road, Cleveland Heights, OH 44118	Sun 10am-10pm Mon-Wed 9am-10pm Thu-Sat 9am-11pm
All Makes Vacuum	2291 Lee Road, Cleveland Heights, OH 44118	Sun Closed Mon-Fri 10am-6pm Sat 10am-5pm
Kandy Doll Closet	2180 Lee Road, Cleveland Heights, OH 44118	Sun 12pm-3pm Mon-Thu Closed Fri-Sat 10am-7pm
Marchant Manor Cheese	2211 Lee Road, Cleveland Heights, OH 44118	Sun 11am-5pm Mon-Tue Closed Wed-Sat 11am-7pm
Mitchell's Fine Chocolates	2285 Lee Road, Cleveland Heights, OH 44118	Sun Closed Mon-Thu 10am-7pm Fri-Sat 10am-8pm
Dining and Beverage		
Anatolia	2270 Lee Road, Cleveland Heights, OH 44118	Sun 11am-10pm Mon Closed Tue-Thu 3pm-10pm Fri-Sat 11am-10pm
Best Gyros	2245 Lee Road, Cleveland Heights, OH 44118	Sun-Thu 10am-12am Fri-Sat 10am-3am
Boss Dog Brewing Company	2179 Lee Road, Cleveland Heights, OH 44118	Sun 11am-10pm Mon-Thu 4pm-12am Fri 4pm-2am Sat 11am-2am
Callaloo Café	2134 Lee Road, Cleveland Heights, OH 44118	Sun-Mon Closed Tue-Sat 1pm-1am
CLE Urban Winery	2180B Lee Road, Cleveland Heights, OH 44118	Sun-Mon Closed Tue-Fri 4pm-10pm Sat 12pm-10pm

Dewey's Pizza	2194 Lee Road, Cleveland Heights, OH 44118	Sun 4pm-9pm Mon-Thu 11am-9pm Fri-Sat 11am-10pm
Kensington Pub	2250 Lee Road, Cleveland Heights, OH 44118	Sun-Sat 5pm-2am
Lee's Seafood Boil	2201 Lee Road, Cleveland Heights, OH 44118	Sun 12pm-9pm Mon-Wed 4pm-9pm Thu 12pm-9pm Fri-Sat 12pm-10pm
Market on Lee	2256 Lee Road, Cleveland Heights, OH 44118	Sun-Mon 11am-5pm Tue-Sat 11am-8pm
Marotta's	2289 Lee Road, Cleveland Heights, OH 44118	Sun-Sat 4pm-9pm
Meraki Cocktail Cafe	2195 Lee Road, Cleveland Heights, OH 44118	Sun Closed Mon-Thu 4pm-12am Fri-Sat 4pm-1am
Cozumel	2196 Lee Road, Cleveland Heights, OH 44118	Sun-Mon TBD Tue-Sat TBD
Momo's Kebabs	2199 Lee Road, Cleveland Heights, OH 44118	Sun-Mon Closed Tue 5pm-9pm Wed-Sat 12pm-9pm
New Heights Grill	2209 Lee Road, Cleveland Heights, OH 44118	Sun 12pm-10pm Mon-Sat 11am-11pm
Nubeigel	2254 Lee Road, Cleveland Heights, OH 44118	Sun 8am-1:30pm Mon-Fri 7:30am-1:30pm Sat Closed
Phoenix Coffee	2287 Lee Road, Cleveland Heights, OH 44118	Sun 8am-5pm Mon-Fri 7am-6pm Sat 8am-6pm
Rudy's Pub	2191 Lee Road, Cleveland Heights, OH 44118	Sun-Sat 12pm-10pm
Social Room	2261 Lee Road, Cleveland Heights, OH 44118	Sun-Sat 4pm-2am
Sophia La Gourmande	2275 Lee Road, Cleveland Heights, OH 44118	Sun-Tue Closed Wed-Sat 9am-4pm
Stone Oven	2257 Lee Road, Cleveland Heights, OH 44118	Sat-Sun 8am-5pm Mon-Fri 7am-5pm
Taste	2317 Lee Road, Cleveland Heights, OH 44118	Sun 5pm-9pm Mon-Thu 5pm-10pm Fri-Sat 5pm-11pm
The Sweet Fix	2307 Lee Road, Cleveland Heights, OH 44118	Sun-Mon Closed Tue-Thu 1pm-4:30pm Fri 9am-7:30pm Sat 12pm-5pm
The Tavern Company	2299 Lee Road, Cleveland Heights, OH 44118	Sun-Mon Closed Tue-Thu 5pm-12am

		Fri-Sat 5pm-2am
The Wine Spot	2271 Lee Road, Cleveland Heights, OH 44118	Sun 12pm-8pm Mon 1pm-8pm Tue-11am-8pm Wed-Sat 11am-10pm
Voodoo Brewery CLE	2279 Lee Road, Cleveland Heights, OH 44118	Sun 11am-5pm Mon-Tue Closed Wed-Thu 4pm-10pm Fri 4pm-11pm Sat 11am-11pm
Zoma Ethiopian Restaurant	2240 Lee Road, Cleveland Heights, OH 44118	Sun 3-8pm Mon Closed Tue-Fri 12-2pm, 4-9pm Sat 12pm-9pm
Services		
Cedar-Lee Theater	2163 Lee Road, Cleveland Heights, OH 44118	Sun-Mon 1:45pm-9pm Tue-Wed Closed Thu-Sat 1:45pm-9pm
Bryan's Marathon	2294 Lee Road, Cleveland Heights, OH 44118	24 Hours
Truenorth Shell Gas Station	2310 Lee Road, Cleveland Heights, OH 44118	Sub-Sat 6am-12am
Westwork Architectural Studio	2169 Lee Road, Cleveland Heights, OH 44118	By Appointment
Heights Uptown Barbershop	2244 Lee Road, Cleveland Heights, OH 44118	Mon Closed Sun, Tue-Sat 7am-7pm
Lee Road Dog Grooming	2246 Lee Road, Cleveland Heights, OH 44118	By Appointment
Lotus Flower Yoga	2319 Lee Road, Cleveland Heights, OH 44118	Sun Closed Mon-Sat 11:30am-4:30pm
Modern Edge Salon	2255 Lee Road, Cleveland Heights, OH 44118	Sun-Mon Closed Tue-Fri 10am-6pm Sat 8am-3pm
Two Brothers Beauty Supply	2203 Lee Road, Cleveland Heights, OH 44118	Sun Closed Mon-Fri 11am-7pm Sat 11am-6pm
Office/Other		
Heights Arts Gallery	2175 Lee Road, Cleveland Heights, OH 44118	Sun 12om-5pm Mon-Thu 1pm-7pm Fri-Sat 12pm-8pm
Christian Science Reading Room	2252 Lee Road, Cleveland Heights, OH 44118	Sat-Sun Closed Mon-Fri 10am-4pm
Funny Times	2176 Lee Road, Cleveland Heights, OH 44118	Sat-Sun Closed Mon-Fri 9am-5pm
SGI-USA Cleveland Buddhist Center	2255 Lee Road, Cleveland Heights, OH 44118	Sun 9am-4pm Mon 9am-2pm, 4pm-9pm

		Tue-Wed 9am-2pm Thu 9am-2pm, 6pm-9pm Fri 9am-2pm Sat 9am-4pm
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In accordance with ORC 4301.82(b)(4), the uses of land within the DORA is fall within the City's C2-X Multiple-Use zoning and is in accordance with Future Land Use Map contained in the 2017 adopted City of Cleveland Heights Master Plan. No properties within the DORA are zoned "Residential" as defined by Codified Ordinances of City of Cleveland Heights.

VI. QUALIFYING PERMIT HOLDERS

In accordance with ORC 4301.82(D)(2), the DORA will encompass the following (not fewer than two) qualified permit holders as defined by ORC 4301.82(A), further identified as follows:

	Business Name	DBA	Address	Permit Type(s)	Permit #
1	Primo Vino LLC	CLE Urban Winery	2180B Lee Rd, Cleveland Heights, OH 44118	A2, A1A, B2A, S1, D6	7085874
2	AED Enterprises	Dewey's Pizza	2194 Lee Rd, Cleveland Heights, OH 44118	D1, D2, D6	0066124-004D
3	TRICAT LLC	Voodoo Brewery CLE	2279 Lee Rd, Cleveland Heights, OH 44118	D5, D6	9046447
4	Boss Dog Brewing Company LLC	Boss Dog Brewing Co.	2179 Lee Rd, Cleveland Heights, OH 44118	A1C, A1A, D6	852022
5	Heights Arts Collaborative LLC	Heights Arts	2175 Lee Rd, Cleveland Heights, OH 44118	D5H	3716845
6	AEF Healthcare Consultants Inc.	The Wine Spot	2271 Lee Rd, Cleveland Heights, OH 44118	D5, D6	0003527-001D
7	TBD	Cozumel	2196 Lee Rd, Cleveland Heights, OH 44118	TBD	TBD

8	Armington Tavern LLC	Tavern Company	2299 Lee Rd, Cleveland Heights, OH 44118	D2, D2X, D3, D3A, D6	270615
9	Anatolia on Cedar Ltd	Anatolia Café	2270 Lee Rd, Cleveland Heights, OH 44118	D5, D6	0186009-0005
10	Seamus Marotta Inc	Marotta's	2289 Lee Rd, Cleveland Heights, OH 44118	D5, D6	7939372
11	Kathmandu Inc	Taste	2317 Lee Rd, Cleveland Heights, OH 44118	D5, D6	4509591-0010
12	Playa Inc	The Social Room	2261 Lee Rd, Cleveland Heights, OH 44118	D1, D2, D3, D3A, D6	6959296
13	POE KING LLC	Kensington Pub	2250 Lee Rd, Cleveland Heights, OH 44118	D1, D2, D3, D3A, D6	7008855
14	Big Greek	Best Gyros	2245 Lee Rd, Cleveland Heights, OH 44118		
15	Marchant Manor LLC	Marchant Manor Cheese	2211 Lee Rd, Cleveland Heights, OH 44118	D1, D2, D6	5528726
16	Kral and Faller LLC	New Heights Grill	2209 Lee Rd, Cleveland Heights, OH 44118	D2, D2X, D3, D3A, D6	4845441
17	Market on Lee LLC	Market on Lee	2256 Lee Rd, Cleveland Heights, OH 44118	C1, C2	5442256
18	Rudy's Pub LLC	Rudy's Pub	2191 Lee Rd, Cleveland Heights, OH 44118	D5, D6	7583540
19	Boiling Seafood LLC	Lee's Seafood Boil	2201 Lee Road, Cleveland	D1, D2, D3	0790564-0005

			Heights, OH 44118		
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VII. PUBLIC HEALTH & SAFETY PLAN

In accordance with ORC 4301.82(B)(5) and (F)(1) (d), the proposed requirements for the purpose of ensuring public health and safety within the DORA shall include the following:

City of Cleveland Heights DORA Safety Plan:

The Safety Plan will help maintain public safety within the DORA and designate the number of personnel needed to execute the Safety Plan. This will be accomplished in the following manner:

Current Public Safety personnel are adequate to maintain public safety within the DORA district. The City of Cleveland Heights Police Department (CHPD) currently has scheduled shifts which will enable it to maintain public safety within the DORA. CHPD has flexibility when deploying resources and has years of experience dealing with Cleveland Heights and Cedar-Lee events, such as Music Hop and Candy Crawl/Halloween Festival and other individual bar/venue events which draw large crowds throughout the year.

Public Safety staffing for the DORA would consist of the following:

1. Use of currently scheduled shifts of CHPD, giving them the ability to actively patrol the DORA and have a visible presence in the assigned area.
2. During pre-planned or known special events that will increase the activity in the DORA area, the CHPD will seek organizations involved with the events to help supplement the manning needed to effectively police the DORA area. CHPD will seek payment from such organizations for extra duty officer(s) as needed. The officer(s) primary responsibility would be the core business district where the DORA is located.
3. All Supervisors of Officers in Charge have the flexibility to call in additional staffing for emergency situations or if large crowds start to get out of control.

Beginning with the commencement of the DORA and continuing for a period of three (3) consecutive months, the Mayor of Cleveland Heights and the CHPD Chief of Police shall meet monthly to review the Safety Plan herein. The purpose of this meeting will be to determine whether updates, modifications, or supplementation may be advisable or required; and, in said event, such changes shall be presented to the Cleveland Heights City Council for consideration and implementation. At the end of the three-month pilot phase, Cleveland Heights City Council will have the option to continue or discontinue the DORA.

Ensuring Compliance with Liquor Laws:

As consumers purchase their first drink on a given day at a qualified permit holder within the DORA, they will be required to provide proof of age for themselves and anyone for whom they are purchasing an alcoholic beverage. The qualified permit holder will provide wristbands for each

person and ensure they are placed on their wrists prior to leaving the establishment. The Cedar Lee Special Improvement District, or other entity designated by the City, will produce and provide wristbands to permit holders for purchase at cost. The wristbands must be worn until leaving the DORA for the day. The presence of the wristbands will assist CHPD in determining that no minors are carrying or consuming alcoholic beverages. Official Cups used for DORA beverages will also display a logo (see Section II). These cups will only be used by those of legal age eligible to wear wristbands that will provide additional visual confirmation for law enforcement.

In accordance with 4301.82(B)(5), additional rules and requirements for the purpose of ensuring public health and safety within the DORA are as follows:

1. Beer, wine, and intoxicating liquor may only be served and consumed in an Official Cup.
2. A person may have in the person's possession one (1) Official Cup of beer, wine or intoxicating liquor at a designated indoor or outdoor location within the DORA, purchased only from a qualified permit holder within the DORA.
3. No person shall enter the premises of an establishment within the DORA while possessing an Official Cup of beer, wine or intoxicating liquor acquired elsewhere.
4. No person shall possess an opened container of beer, wine or intoxicating liquor while being in or on a motor vehicle within the DORA.
5. In addition to all other rights and remedies pursuant to law, qualified permit holders are required to enforce all applicable rules, standards and requirements set forth in this application will constitute a failure to satisfy the public health and safety requirements of the DORA, and shall constitute adequate grounds for the permit holder will lose the privilege to participate as a qualified permit holder.
6. No person shall enter the premises of a non permit-holder establishment that does not allow DORA beverages while possessing an Official Cup containing a DORA beverage.

Special Events:

The City of Cleveland Heights requires that each special event using City property receive a permit from the City. As in the City's practice, each event will be reviewed as required in the Codified Ordinances of the City of Cleveland Heights. Permit requirements may differ between events depending on their size, layout, use of right of way, and program. However, each event will be reviewed to ensure that adequate sanitation, signage and public safety requirements are established. The necessity for portable bathrooms, handicap accessibility, pedestrian mobility, police, fire, and emergency medical ingress and egress, crows control DORA boundary management and trash management (dumpsters, cans, pickup, etc.) will be addressed. Event organizers may be required to pay for special duty officers or overtime for public service or safety workers in necessary, to ensure adequate health, public and safety requirements. If the special event includes the sale of alcoholic beverages, the event organizers can require that the City suspend the DORA for the duration of the special event.

Amendments and Possible Revocation:

The Mayor, City Staff, and Business District stakeholders will regularly meet to discuss the impacts of the DORA and recommend potential changes to Council including hours and days of operation up to and including the possible revocation of the DORA if its negatives are considered

to outweigh its benefits or if it is no longer considered to be an economic benefit to the City. Cleveland Heights City Council will have the final say in enacting any changes to the DORA.

VIII. SANITATION PLAN

In accordance with ORC 4301.82(B)(5), (F)(1)(e) and (F)(1)(f), the following Sanitation Plan will help maintain the appearance and public health of the DORA as follows:

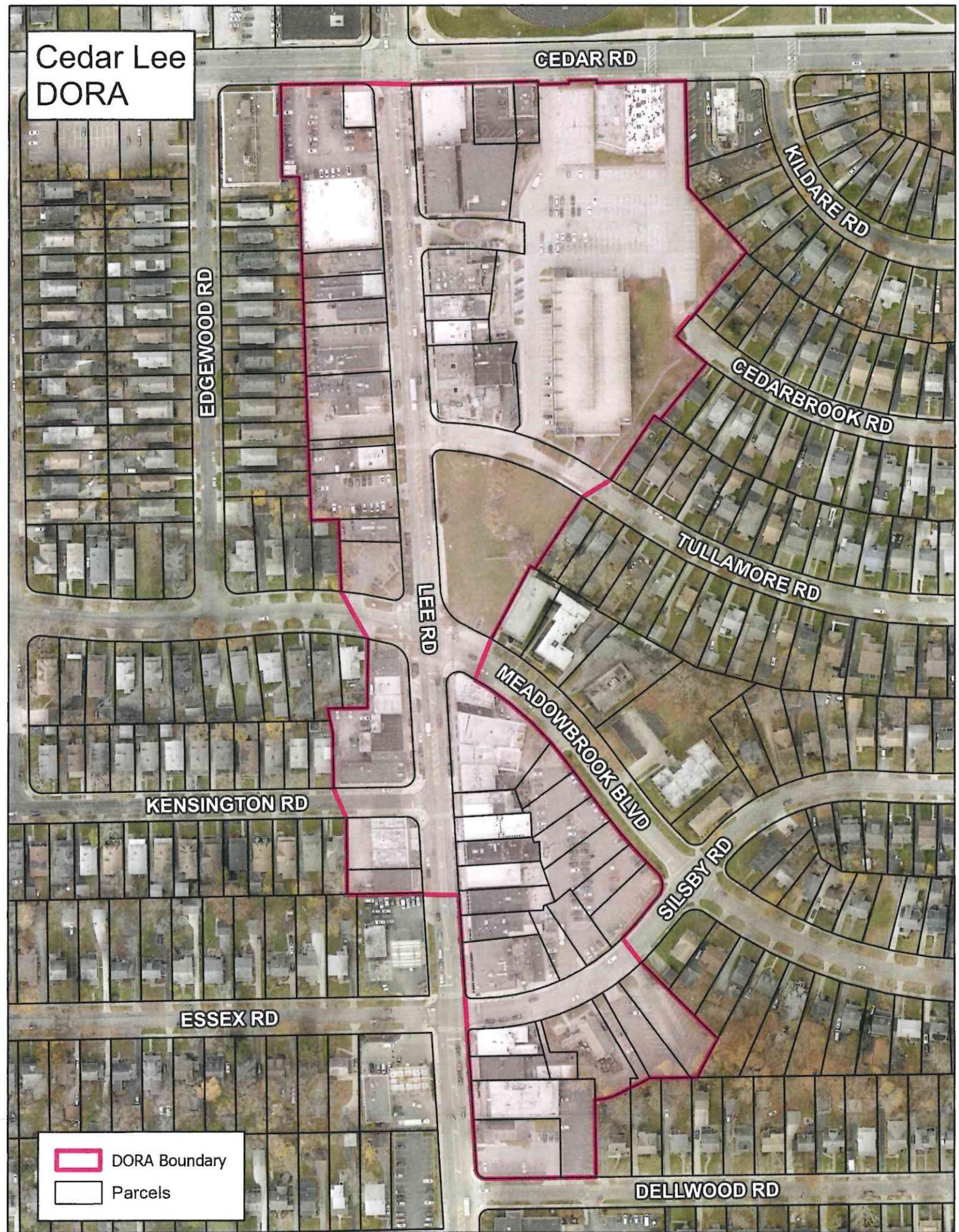
City of Cleveland Heights Department of Public Works staff would augment as needed the commercial trash collection contracted by the City. Additional permanent trash cans would be installed to collect the DORA cups. Staffing levels, trash cans and recyclable bins would be monitored and adjusted as needed.

The Director of Public Works for the City of Cleveland Heights has determined that the Sanitation Plan described herein is sufficient to help maintain the appearance and public health of the DORA. Attachment B shows the current location of City trash receptacles.

Attachment A

Map of Boundaries of the DORA

Cedar Lee DORA



Attachment B

**Map of Locations of Proposed DORA Signage
and Current Location of City Trash Receptacles**

Cedar Lee DORA

