

**A SPECIAL ORDINANCE OF THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA, DESIGNATING A
DORA NO. 2 AS “ELECTRIC WORKS 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”); and

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 Ind. Code §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 the Electric Works West Campus in order to promote economic development, vitality, and activity within the Electric Works West Campus, 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 Ind. Code §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.** An entity that holds:
 - a. A small brewery permit under Ind. Code §7.1-3-2-7(5); or
 - b. A farm winery permit under Ind. Code §7.1-3-12; or
 - c. An artisan distiller’s permit under Ind. Code §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 Ind. Code §7.1-3-31 *et seq.*, where an individual may: (i) exit the License Premises of a Designated

1 Permittee or Vendor with not more than two (2) open containers of an alcoholic
2 beverage at a time, and (ii) consume the alcoholic beverages within such area.

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

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

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

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

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

20 (1) Signs shall be posted at locations that are conspicuous from the public right-of-
21 way at each pedestrian exit of the DORA. Approximately eleven (11) signs
22 identifying DORA exists are proposed at the time of establishment of the
23 Electric Works DORA.

24 (2) Signs identifying exits to the Electric Works DORA will be spaced no further
25 than one block apart.

26 (3) Additional outdoor signs within the Electric Works DORA not located at exits
27 to the district shall be placed in areas of high pedestrian activity.

28 (4) Outdoor signs shall be composed of high-quality, all-weather, durable material,
29 and shall be no smaller than 36 square inches.

30 (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.

1 b.Possessing an open container of alcoholic beverages in a motor vehicle may
2 constitute a Class C infraction under Ind. Code §9-30-15.

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

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

11 (F) *Additional Signage.* Council acknowledges that the sign standards contained in
12 Section F hereof are minimum requirements, that additional signage designating
13 the Electric Works DORA may be warranted and necessary, that additional signage
14 may be required by the Indiana Alcohol and Tobacco Commission
15 (“Commission”), and that installation of additional signage designating the Electric
16 Works DORA shall be allowed under this Ordinance provided the minimum
17 signage standards contained in paragraph E hereof are maintained.

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

22 (H) *Designated Permittees.*

23 (1) Businesses located at the following addresses and further identified on the
24 attached Exhibit “C” and Exhibit “D” have submitted completed applications to
25 the City to participate as Designated Permittees within the Electric Works
26 DORA, subject to approval by the Commission:

27 a.Chapman’s Cider Company, LLC d/b/a Chapman’s Brewing Company
28 1660 Broadway, Suite 140, Fort Wayne, Indiana 46802

29 b.The Charlie Horse, LLC d/b/a The Charlie Horse
30 1620 Broadway, Suite 130, Fort Wayne, Indiana 46802

c.Kekionga Cider Company, LLC d/b/a Kekionga Craft Company
1622 Broadway, Suite 131, Fort Wayne, Indiana 46802

d.Local Apple Cart L.L.C. d/b/a Local Apple Cart
1622 Broadway, Suite 116, Fort Wayne, Indiana 46802

e.From My Side of the Kitchen, LLC d/b/a The Kitchen & Co.
1620 Broadway, Suite 112, Fort Wayne, Indiana 46802

(2) Any additional business located within the Electric Works 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 Electric Works 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 and identified on Exhibit "D" have submitted completed applications to the City to participate as Vendors within the Electric Works DORA:

- a. BSW Innovation Lab, LLC d/b/a Union Street Market
1620-1622 Broadway
(Buildings 20, 20A, and 22 in Electric Works)
Fort Wayne, Indiana 46802
- b. Dynamo Alley

(2) Any additional individual or entity located within the Electric Works 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.

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

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

ALL OF WHICH IS ORDAINED by the Common Council of Fort Wayne, Indiana, this ____ day of _____, 2024.

COMMON COUNCIL OF
THE CITY OF FORT WAYNE

By: _____
Council Member

APPROVED as to form and legality

Malak Heiny, City Attorney

EXHIBIT "A"

TRACT I

Lot 23 and the East Half of Lot 24 in Swinney's Addition to the City of Fort Wayne, Indiana, as per plat thereof as recorded in Deed Record 95, page 332 in the Office of the Recorder of Allen County, Indiana. TOGETHER WITH the alley vacated under General Ordinance No. G-14-19, recorded on July 15, 2019 as Instrument No. 2019033653.

ALSO The South 100 feet of Lot 26 in Swinney's Addition to the City of Fort Wayne, Indiana, as per plat thereof as recorded in Deed Record 95, page 332 in the Office of the Recorder of Allen County, Indiana.

ALSO Lots 25 through 31, Inclusive and the West 28 Feet of Lot 32 in Edsall's Addition to the City of Fort Wayne, Indiana as per plat thereof recorded in Plat Record N, page 352 in the Office of the Recorder of Allen County, Indiana. Together with that portion of a 16 foot alley extending from the north boundary line of Lots 29 and 30 in Edsall's Addition to the south boundary line of Lots 29 and 30 in Edsall's Addition to the City of Fort Wayne, Indiana heretofore vacated by proceeds under General Ordinance No. G-23-85 adopted September 24, 1985 by the City Planning Commission and as depicted in Plat Map 16, page 5.

ALSO The South 13 and one-half feet of Lot Numbered 1, Lots 2 through 8, Inclusive, and the South 29 and one-half feet of Lot Numbered 9 in Wall's Addition to the City of Fort Wayne, Indiana, as per plat thereof as recorded in the Office of the Recorder of Allen County, Indiana.

ALSO Lots 2 through 4, Inclusive, in the General Electric Company Addition as per plat thereof recorded in the Office of the Recorder of Allen County, Indiana.

ALSO Lot 5 in General Electric Company Addition as per plat thereof recorded in the Office of the Recorder of Allen County, Indiana. TOGETHER WITH the vacated Wall Street and Morell Street under Declaratory Resolution No. 682-1936 and the vacated alley along the north side of Lot 3 as per Declaratory Resolution No. 261-1913.

TRACT II

Lot Number 25 in Swinney's Addition as recorded in Deed Record 95, pages 332-333, in the Office of the Recorder of Allen County, Indiana. TOGETHER WITH the alley vacated under General Ordinance No. G14-19, recorded on July 15, 2019 as Instrument No. 2019033653.

TRACT III

The West 1/2 of Lot Number 24 in Swinney's Addition, an Addition to the City of Fort Wayne, according to the plat thereof, and recorded in Deed Book 95, page 332, recorded in the Office of the Recorder of Allen County, Indiana. TOGETHER WITH the alley vacated under General Ordinance No. G-14-19, recorded on July 15, 2019 as Instrument No. 2019033653.

TRACT IV

North 50 feet of Lot Number 26, Swinney's Addition to the City of Fort Wayne, Allen County, Indiana according to the plat thereof, recorded in Deed 95, pages 332-333, in the Office of the Recorder of Allen County, Indiana. TOGETHER WITH the alley vacated under General Ordinance No. G-14-19, recorded on July 15, 2019 as Instrument No. 2019033653.

The above mentioned real estate being more particularly described as follows:

Real Estate located in the City of Fort Wayne, Indiana; described as follows:

Beginning at the southeast corner of Lot 5 in General Electric Company Addition, the plat of which recorded in Plat Book 14A, Page 41 in the Office of the Recorder of Allen County, Indiana; thence along the northern boundary of Swinney Avenue, South 89 degrees 3 minutes 26 seconds West 745.63 feet, more or less, to the southwest corner of Lot 26 in Swinney's Addition to the City of Fort Wayne, Indiana, the plat of which is recorded in Deed Record 95, page 332 in the Office of the Recorder of Allen County, Indiana, said southwest corner being on the eastern boundary of College Avenue; thence North 01 degree 51 minutes 46 seconds West 537.85 feet along said eastern boundary to the southern boundary of the CSX Railroad right-of-way; thence along said railroad right-of-way the following three (3) courses: 1) North 89 degrees 18 minutes 22 seconds East 862.01 feet; 2) North 81 degrees 41 minutes 33 seconds East 30.19 feet; 3) North 89 degrees 18 minutes 22 seconds East 249.31 feet to northwestern boundary of Broadway; thence South 34 degrees 50 minutes 37 seconds West 661.77 feet along said northwestern boundary to the point of beginning and containing 11.61 acres, more or less.

EXHIBIT "B"

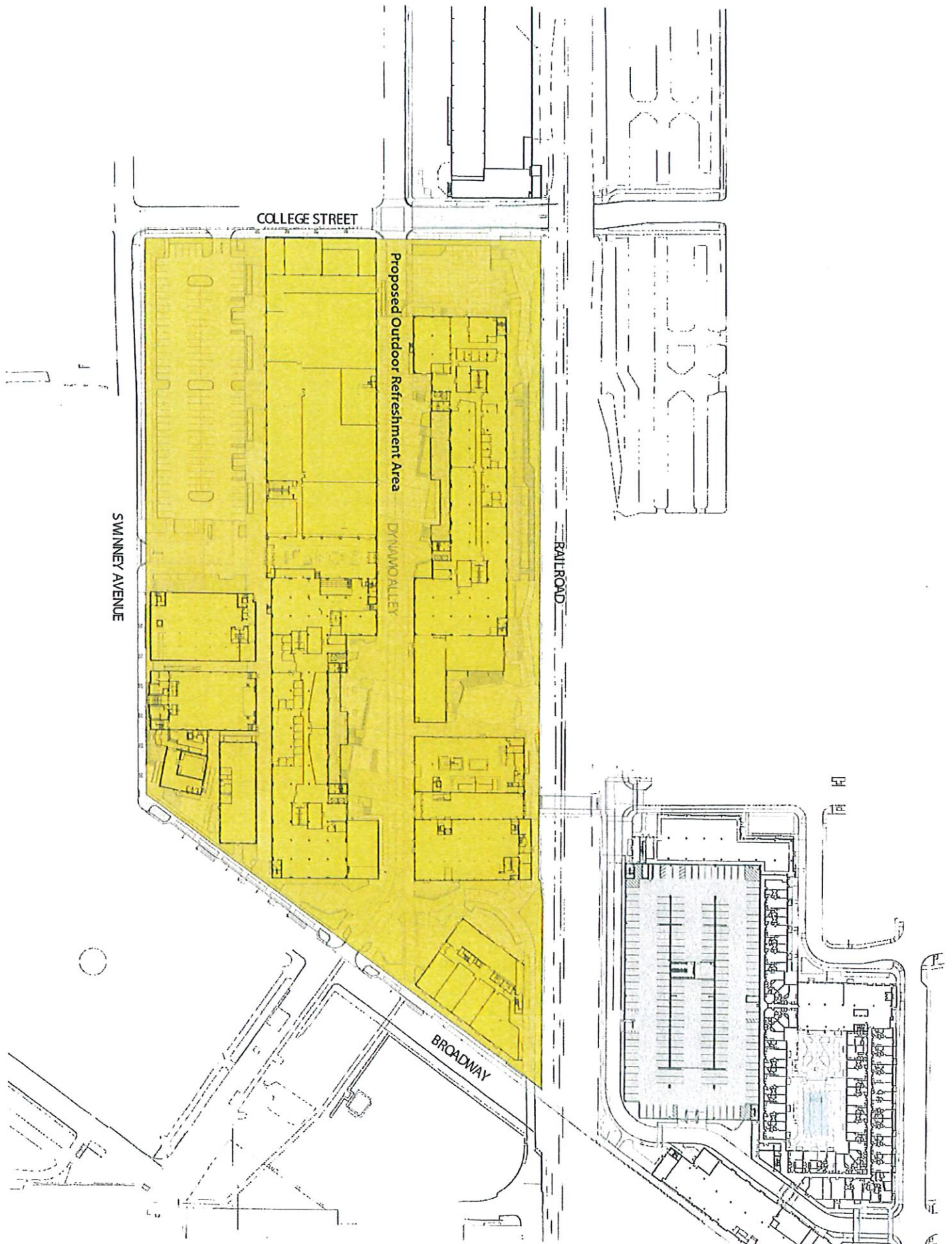
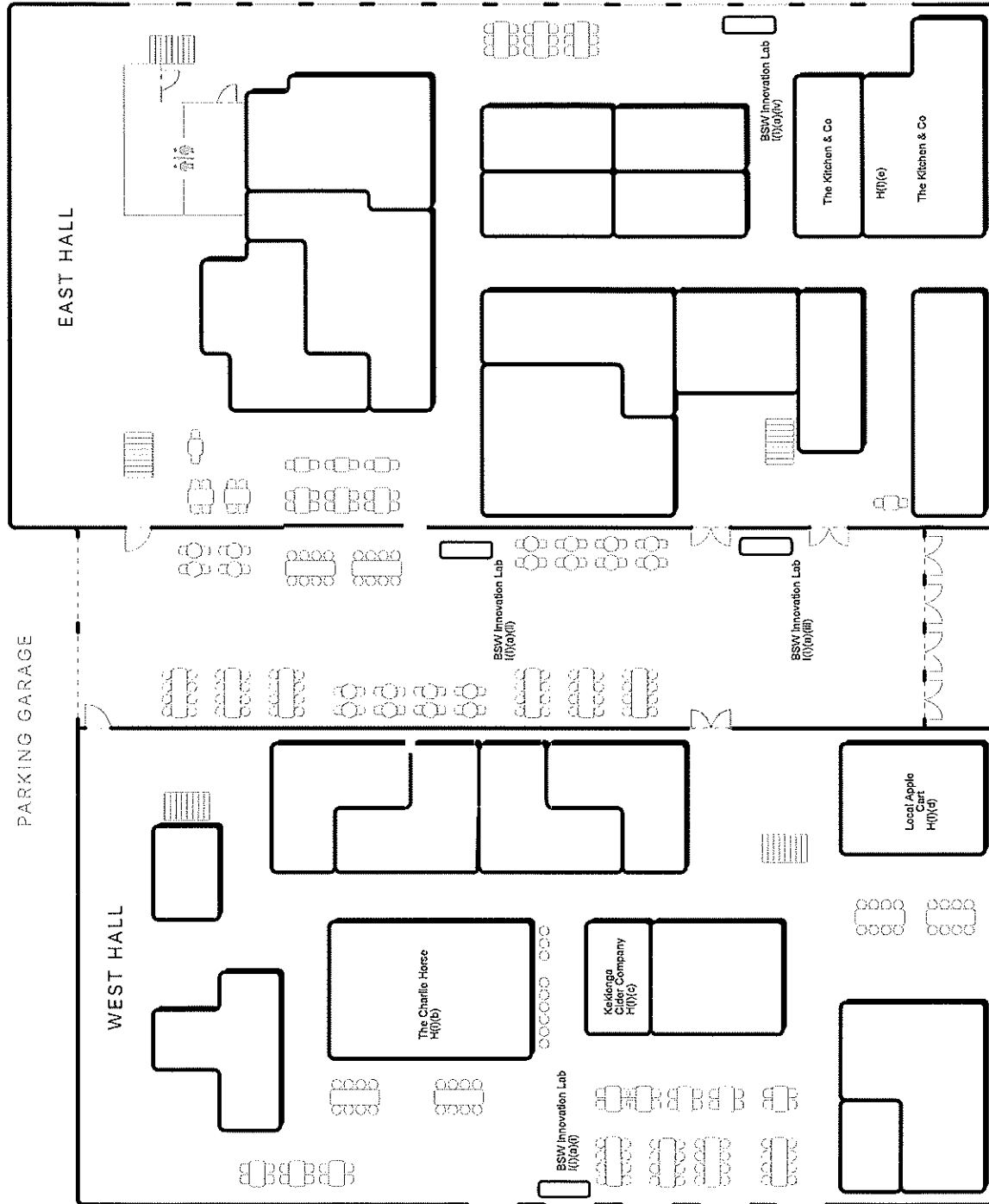


EXHIBIT "C"

PARKING GARAGE



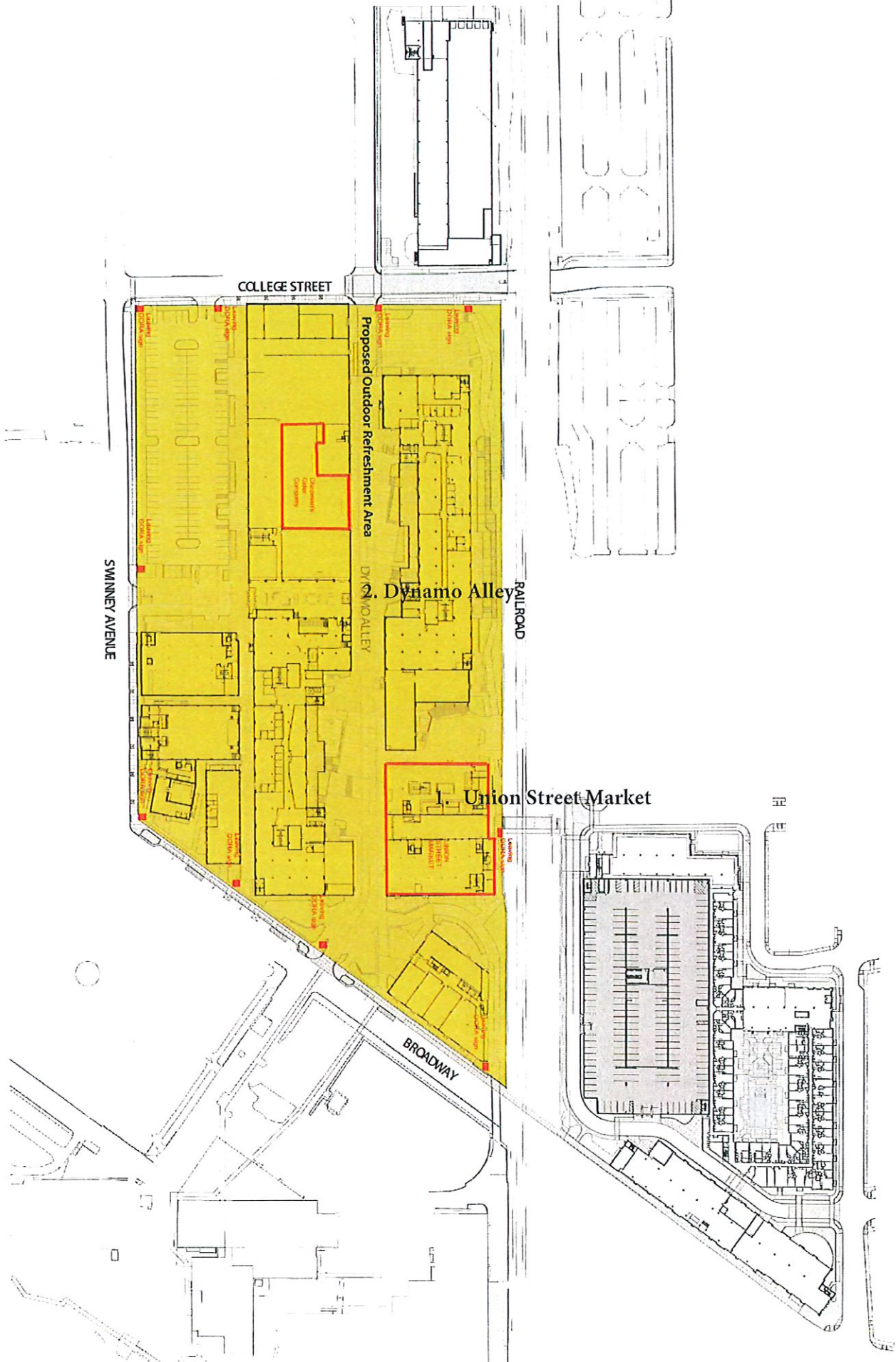
WEIGAND YARD

DYNAMO ALLEY

2nd Floor BSW
H(0)(a)(iv)

Chapman's Cider Co
H(0)(g)
See campus map

EXHIBIT "D"





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: Andrea Robinson, PhD, Economic Development Director

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

Date: March 21, 2024

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

Community Development will oversee the State and local permitting process. Electric Works will act as "boots on the ground" for the Electric Works DORA, including maintaining signage, managing sanitation, and facilitating communication with businesses and other entities. The proposed Electric Works DORA includes only the West Campus (area west of Broadway and south of the railroad tracks). It does not include any public rights-of-way.

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

An Equal Opportunity Employer



DIGEST SHEET

TITLE OF ORDINANCE. A Special Ordinance of the Common Council of the City of Fort Wayne, Indiana, Designating a DORA No. 2 as "Electric Works DORA" Pursuant to Fort Wayne City Code Chapter 122.

DEPARTMENT REQUESTING RESOLUTION. Community Development

SYNOPSIS OF ORDINANCE. This ordinance establishes Fort Wayne's second Designated Outdoor Refreshment Area ("DORA") inside the Electric Works Campus located at 1690 Broadway, Fort Wayne, IN 46802. The ordinance details signage requirements, operation times, and procedural aspects for effective district administration, and lists participating businesses and vendor locations. The proposed district is entirely confined to the West Campus of Electric Works and does not include any public rights-of-way.

EFFECT OF PASSAGE. Adopting this ordinance would allow Electric Works to enhance its appeal as a vibrant and dynamic destination by allowing patrons to move about more freely with open containers within a designated campus 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.

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). All costs and expenditures will be covered by the owners and operators of Electric Works.

ASSIGNED TO COMMITTEE (PRESIDENT). _____