



Community Entertainment Districts (aka “CED’s”)

What is a CED?..... 2

How is a CED created? 2

 Land Owning Applicant..... 3

 Population Requirements if a CED is created under R.C. 4301.80(B) 4

 Joint Economic Development District..... 5

How does a Legislative Authority expand an existing CED? 5

How does a CED lose its designation? 6

What does the Legislative Authority or township need to send to the Division? 6

What does the Division do with the information it gets from the Legislative Authority or Township Trustees? 7

How to Apply for a D-5J Liquor Permit?..... 7

APPENDIX A – Street Boundary Format to be Submitted by the Legislative Authority:..... 8

What is a CED?

The requirements involving Community Entertainment District's ("CED") are found within [R.C. 4031.80](#) and [R.C. 4303.181\(J\)](#). Per R.C. 4301.80, a CED is a defined area that includes or will include a combination of entertainment, retail, educational, sporting, social, cultural, or arts establishments that are near some or all the below types of establishments:

- Hotels
- Enclosed shopping centers
- Motion picture theaters
- Sports facilities
- Restaurants
- Museums
- Night clubs
- Convention facilities
- Retail sales establishments
- Performing arts theaters
- Entertainment facilities/complexes

While the law places certain restrictions on CEDs, the decision of whether to create a CED is a locally driven decision.

Where do I send general questions regarding CEDs?

While the Division cannot provide legal advice to local governmental officials or the general public, questions surrounding CEDs or the Division's process can be directed to ced-rd@com.ohio.gov. The Division will answer your question as quickly as it can.

What permit gets issued within a CED and how many can be issued?

Per [R.C. 4303.181\(J\)](#), a D-5J liquor permit mirrors the privileges, fees, and hours of a D-5 liquor permit. A D-5J permit can only be issued within a CED, however, other classes of permits can be issued within a CED's boundaries. For example, if under the quota, there is a D-1 liquor permit available, an applicant located within a CED can apply for and get a D-1 permit issued to it provided it otherwise qualifies.

D-5J permits cannot be transferred outside of the CED from which it is issued. While not part of the traditional quota, D-5J's within a CED have its own quota. The quota ratio for a D-5J within a CED is one D-5J permit for each 5 acres of land within the applicable CED. The maximum number of D-5Js that can be issued within a CED is 15. Thus, any CED over 75 acres in size can only have 15 D-5J permits available for possible issuance.

How is a CED created?

There are two ways to create a CED. A land-owning applicant can apply with its local government or the local government can create a joint economic development district.

Land Owning Applicant

Per [R.C. 4301.80\(B\)](#), a property owner in a municipal corporation or unincorporated township who wants to have their property, including any surrounding property, become a CED shall file an application (not provided by the Division) with either the mayor, if a municipal corporation where the property is located, or the board of trustees, if the subject property is in a township.

Per [R.C. 4301.80\(B\)](#), the application must include:

- The applicant's name and address;
- A map or survey of the proposed CED that sufficiently identifies the district's boundaries, including what property the applicant owns;
- A general statement of the nature and types of establishments that are or will be located within the proposed CED;
- If some or all of the establishments within the proposed CED have not yet been built, then the applicant shall provide the proposed time frame for when the development will be complete;
- Evidence that the uses of land within the proposed CED do not violate the Municipal Corporation's or Township's master zoning plan or map;
- A certificate from a surveyor or engineer licensed under [R.C. 4733](#) stating that the area encompassed by the proposed CED contains no less than twenty contiguous acres; and
- The application should be submitted to the applicable Municipal Corporation or Township with a fee in an amount determined by them.

The Applicant shall submit their application to either the mayor or township board of trustees, as applicable.

Within 30 days of receipt, the mayor shall submit the application, with a recommendation, to the Legislative Authority of the Municipal Corporation. Within 30 days after receiving the application from the mayor, the Legislative Authority shall:

- Publish public notice for two consecutive weeks in a newspaper of general circulation in the Municipal Corporation or Township or as provided in [R.C. 7.16](#).
- Ensure the notice states the application is on file in the office of the clerk of the Municipal Corporation or fiscal officer of the Township and is available for inspection by the public during regular business hours; and
- Indicate in the notice the date and time of any public hearing it will hold regarding the application.

The township trustees shall follow the same publication and notice requirements within 30 days of receiving the application.

Within 75 days after the application is filed with either the *mayor* of the Municipal Corporation or the *township trustees*, the Legislative Authority or township trustees must:

- By an affirmative majority vote through either an ordinance or resolution, as applicable, approve or disapprove the application.
- The decision should be based on whether the proposed CED does or will substantially contribute to entertainment, retail, educational, sporting, social, cultural, or arts opportunities for the community.
- If the application is not approved, the Applicant can change the application to secure passage.
- If passed, a CED has been created and a local option election, if needed, can be held (See [R.C. 4301.356](#)).

Population Requirements if a CED is created under R.C. 4301.80(B)

The Legislative Authority of a Municipal Corporation can approve a CED created under [R.C. 4301.80\(B\)](#) (applicant initiated) if one of the following applies:

- It has a population of at least 100,000;
- It has a population of at least 20,000, and either:
 - It has an amusement park, the rides of which are issued a permit by the department of agriculture under [R.C. 1711](#); **OR**
 - \$50 million dollars or more will be invested in development and construction in the CED's area;
- It has a population between 7,000 and 20,000, and it was both:
 - Incorporated as a village prior to 1880 and currently has a historic downtown business district; **AND**
 - In the same county as another Municipal Corporation with at least one CED;
- It has a population of at least 10,000, and not less than \$70 million dollars will be invested in development and construction of the CED; or
- It has a population of at least 3,000, and not less than \$150 million dollars will be invested in development and construction of the CED.

The Township Trustees can approve a CED if one of the following applies:

- The Township has a population of at least 40,000; or
- The Township has a population of a least 20,000, and not less than \$70 million dollars will be invested in development and construction in the CED.

The populations referenced above are determined by what is on file with the Division, which is certified each year from the Ohio Development Services Agency or the federal 10-year census when applicable.

Joint Economic Development District

The second way to create a CED, as provided in [R.C. 4301.80\(D\)](#), is that the Legislative Authority designate property as a CED pursuant to a joint economic development district contract provided that all of the following apply:

- The property is located in a joint economic development district;
- The owner of the property consents in writing to designation of the property as a CED; and
- The designation of the property as a CED will substantially contribute to entertainment, retail, educational, sporting, social, cultural, or arts opportunities for the community. At a minimum, the proposed CED shall include the Municipal Corporation or Township in which the community is located, and the entire area included in the joint economic development district.

How does a Legislative Authority expand an existing CED?

A Municipal Corporation or Township may expand the size of an existing CED, but anything over 75 acres can still only get the maximum number of D-5J permits, which is 15. Thus, if the legislative authority or township has maxed out the number of D-5J permits that can be issued in a particular CED, then it may want to consider making another one provided it is able to do so under Ohio law.

If the Legislative Authority or township expands the CED, it must:

- Follow the same procedures, like public notice and passing a resolution or ordinance, that were utilized to create the CED; and
- Send the same information to the Division that it would upon initial creation, including a new street boundary listing that includes all streets, not just the newly added streets.

If the Legislative Authority or township is not increasing the size of the CED but rather developing parcels of property within the existing CED, which means adding new addresses, then all the Division needs is the updated street listings.

How does a CED lose its designation?

For CED's created under [R.C. 4301.80\(B\) and \(C\)](#), the legislative authority or township trustees, whichever is applicable, may pass an ordinance or resolution dissolving all or part of a CED provided proper notice was given to the public. Once passed, the CED ceases to exist.

Likewise, CED's created under [R.C. 4301.80\(D\)](#) can also lose their designation as a CED if the parties to the joint economic development gives notice consistent with Ohio law of its intent to dissolve all or part of the CED. After all notice requirements have been met, the legislative authority or township trustees can pass an ordinance or resolution dissolving all or part of the CED.

Under either situation, the legislative authority or township trustees must:

- send the same information to the Division that it would upon initial creation, including whether the entire CED was dissolved or a portion thereof; and
- If a portion of the CED is dissolved, the Legislative Authority or trustees must provide the Division the updated boundaries that remain within the CED, including any street listings.

Upon receipt of the dissolution notice, the Division must revoke all D-5J permits issued to permitted establishments within the dissolved area.

What does the Legislative Authority or township need to send to the Division?

In order for the Division to approve D-5J liquor permits to qualifying locations within the CED, the Legislative Authority or township trustees that created (or expanded) the CED must send the Division:

- An executed copy of the signed Ordinance or Resolution;
- A one-page document summarizing the following or a copy of the application submitted to the office of the Municipal Corporation or Township with the following information:
 - Map or survey of the proposed CED; and
 - Documentation from a certified surveyor or engineer licensed under [R.C. 4733](#), including the surveyor's name, stating the number of acres in CED. Keep in mind that:
 - The area encompassed by the proposed CED should be at least twenty continuous acres in size, and
 - The number of D-5J permits, maximum of 15, is one permit per every 5 acres of land;
- A general statement of the nature and types of establishments as provided under Ohio law that will be or are located in the CED;

- Evidence that the uses of land within the proposed CED do not violate the Municipal Corporation's or Township's master zoning plan or map;
- A list of the street boundaries that encompass the proposed CED. (See *Appendix A* for the format the Legislative Authority or township trustees should use when sending its street listings to the Division); and
- A statement indicating which population requirement the legislative authority or township trustees used when creating the CED if the CED were created under R.C. 4301.80(B).

For faster processing, the Division requests that all CED documents mentioned above, including any general questions regarding CED's, be sent to ced-rd@com.ohio.gov. Upon receipt, please provide the Division up to two weeks to process your CED application.

What does the Division do with the information it gets from the Legislative Authority or Township Trustees?

The Division:

- Reviews the documents submitted by the Municipal Corporation or Township;
- Ensures that the CED, if created under R.C. 4301.81(B), meets the population requirements as set forth under Ohio law;
- Creates the CED in its permitting system and enters the CED's street listing; and
- Notifies the Municipal Corporation or Township (via email or US Mail) that the CED has been created, which means that the Division can begin accepting D-5J applications for the newly created/expanded CED.

How to Apply for a D-5J Liquor Permit?

- Ensure your business meets the requirements under [ORC 4303.181](#).
- Check with your local Legislative Authority (City, Village or Township) to determine if your business address is located within an existing a CED.
 - If it is not located within an existing CED, you can apply to create a CED with your local government consistent with the process outlined above.
 - If it is located within an existing CED, complete the Division of Liquor Control Application https://www.com.ohio.gov/documents/liqr_4113.pdf and list the specific CED that your business is within. Your local government should be able to provide you the name of the CED as it was called on the Ordinance or Resolution that created it.

- In addition to listing the correct CED on your application, make sure you file a complete application with the Division, which includes:
 - Answering every question on the application, including any required supplemental answers/explanations;
 - The \$100 processing fee and \$2,344 permit fee made out to the Treasurer, State of Ohio;
 - A fully executed entity disclosure form ([partnership](#), [corporate business](#), [nonprofit](#) or [LLC](#) disclosure form); and
 - A [personal history background form](#) for persons disclosed on the entity disclosure form, including a spouse working at the permit premises as stated on the application.

The D-5J application process takes 10-12 weeks for the Division to process.

APPENDIX A – Street Boundary Format to be Submitted by the Legislative Authority:

(Type NAME OF COUNTY)
 (Type NAME OF CITY/VILLAGE/TOWNSHIP)
 (Type NAME OF CED)
 (Type DATE)

Street Boundary Listing

NOTE: Please sort to group all streets together		
Street Name	Range	Even/Odd
1st Ave	790-912	Even & Odd
1st Ave	1001-1199	Odd
2nd Ave	800-820	Even & Odd
4th Ave	791	Help
Central Ave	500-900	Even
Central Ave	901-1372	Even & Odd
Central Ave	1373-1391	Odd
Clark St	1-98	Even
Manchester Ave	1000-1199	Even & Odd
Manchester Ave	1200-1398	Even
N Broad St	1-299	Even & Odd
N Canal St	1-99	Even & Odd
N Clinton St	1-99	Even & Odd
N Main St	1-24	Even & Odd
N Main St	25-299	Odd
LIST STREETS LATER DEVELOPED AND ADDED, OR ANY CORRECTIONS TO THE ORIGINAL STREET LISTING, WITHIN THE BOUNDARIES OF THE CED.		
Streets Developed and Added		
(e.g., Expansion of District)	(Type Date streets added)	Even & Odd
Jon Doe St	200-300	Even & Odd