

**RESOLUTION NO. 23-871**

**RESOLUTION CREATING A DESIGNATED OUTDOOR REFRESHMENT  
AREA WITHIN THE VILLAGE OF SILVERTON**

**WHEREAS**, in 2017 the Ohio Revised Code was amended to allow for the establishment of Designated Outdoor Refreshment Areas (“DORA”) under R.C. § 4301.82; and

**WHEREAS**, on January 19, 2023 the Village Manager submitted an application to Village Council for approval of a DORA within the Village of Silverton; and

**WHEREAS**, pursuant to R.C. § 4301.82(C), notice of the filing of the DORA application and the date of a public hearing thereon was published within the Cincinnati Court Index on January 25, 2023 and February 1, 2023; and

**WHEREAS**, a public hearing, upon such application, was held on February 2, 2023; and

**WHEREAS**, the application submitted by the Village Manager and reviewed at the public hearing is consistent with the Village’s Comprehensive Plan as it will provide an additional amenity to visitors of Silverton, provide for economic betterment of businesses, and provide an additional incentive for restaurants to locate within the area; and

**WHEREAS**, Council determines that approving the DORA will serve to enhance the experience of visitors to Silverton, patrons in the business establishments within in the DORA area, and such special events as may be scheduled now and in the future within such DORA area; and

**WHEREAS**, after receiving comment at the public hearing, Council recommends establishing a DORA as referenced in the application attached hereto.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Village of Silverton, Ohio, that:

**SECTION I:** This Council determines that all public notice requirements of R.C. § 4301.82 prior to the passage of this resolution have been met.

**SECTION II:** This Council declares that the proposed DORA as described in the attached application will further the Village’s 2008 Comprehensive Plan, provide an additional amenity to visitors of the Village of Silverton, substantially contribute to the economic betterment of businesses, and provide an additional incentive for restaurants to locate within the area.

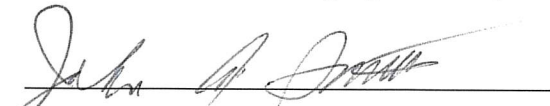
**SECTION III:** This Council hereby incorporates, accepts, and approves the DORA application submitted by the Village Manager and determines that

the application sets forth and establishes the required measures necessary to ensure public health and safety within the DORA area and meets all the requirements of R.C. § 4301.82 as noted in such application. The DORA application is hereby incorporated herein by reference and approved in its entirety as set forth in the attachment to this Resolution.

**SECTION IV.** The Village Manager is hereby authorized to forward a copy of this resolution to the Ohio Division of Liquor Control and to the Investigative Unit of the Ohio Department of Public Safety, all in accordance with R.C. § 4301.82(F)(3) and to take any necessary action to implement the DORA.

**SECTION V.** This resolution shall be in full force and take effect immediately upon its adoption.

***PASSED this 2<sup>nd</sup> day of March, 2023.***

  
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**John A. Smith, Mayor**

**ATTEST:**

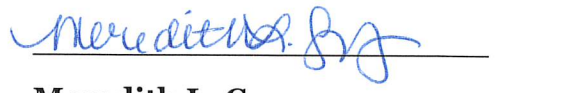
  
\_\_\_\_\_  
**Jack Cameron, Village Manager**

***Approved as to form:***

  
\_\_\_\_\_  
**Bryan E. Pacheco, Village Solicitor**

**CERTIFICATION:**

I, Meredith L. George, Clerk of Council of the Village of Silverton, County of Hamilton, State of Ohio; do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing Resolution No. 23-871 has been duly made by posting true copies in two (2) places that are accessible by the public in said municipality, as determined by Council as follows: 1) Silverton Town Hall lobby area and Council Chambers foyer; and 2) Silverton's official website. Said posting was for a period of fifteen days commencing March 6, 2023.

  
\_\_\_\_\_  
**Meredith L. George**  
**Clerk of Council of Silverton, Ohio**



**APPLICATION TO THE VILLAGE OF SILVERTON, OHIO COUNCIL FOR THE ESTABLISHMENT OF A DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) IN THE SILVERTON CITY CENTRAL AREA**

The Village Manager hereby submits an application to the Council of the Village of Silverton, Ohio to establish a Designated Outdoor Refreshment Area (DORA) pursuant to Ohio Revised Code § 4301.82. The proposed DORA area is focused on the Silverton City Central area.

Creating a DORA further advances the Silverton City Central as a hub of activity elaborated in the 2008 Comprehensive Plan and as evidenced by various business investments and activities in the area. The purpose of this DORA is to allow for more interaction and pedestrian-focused events within the Plainfield Road corridor, north and around the intersection of Montgomery Road. Creation of a DORA in this area would encourage more investment of businesses there focused on dining, activity and neighborhood/street level interaction.

Future vision for this area captured in the 2008 Comprehensive Master Plan included; Promote Plainfield Road Pedestrian and Residential Land Use Mix, Help Create Activity Downtown Through Organized Programs, Encouraging Evening Activity in the District, and Living in the Silverton City Central District.

As the Village Manager, it is my opinion that a DORA for this area will advance many of these ideas and be part of furthering a vibrancy and energy that already exists in the Silverton City Central area.

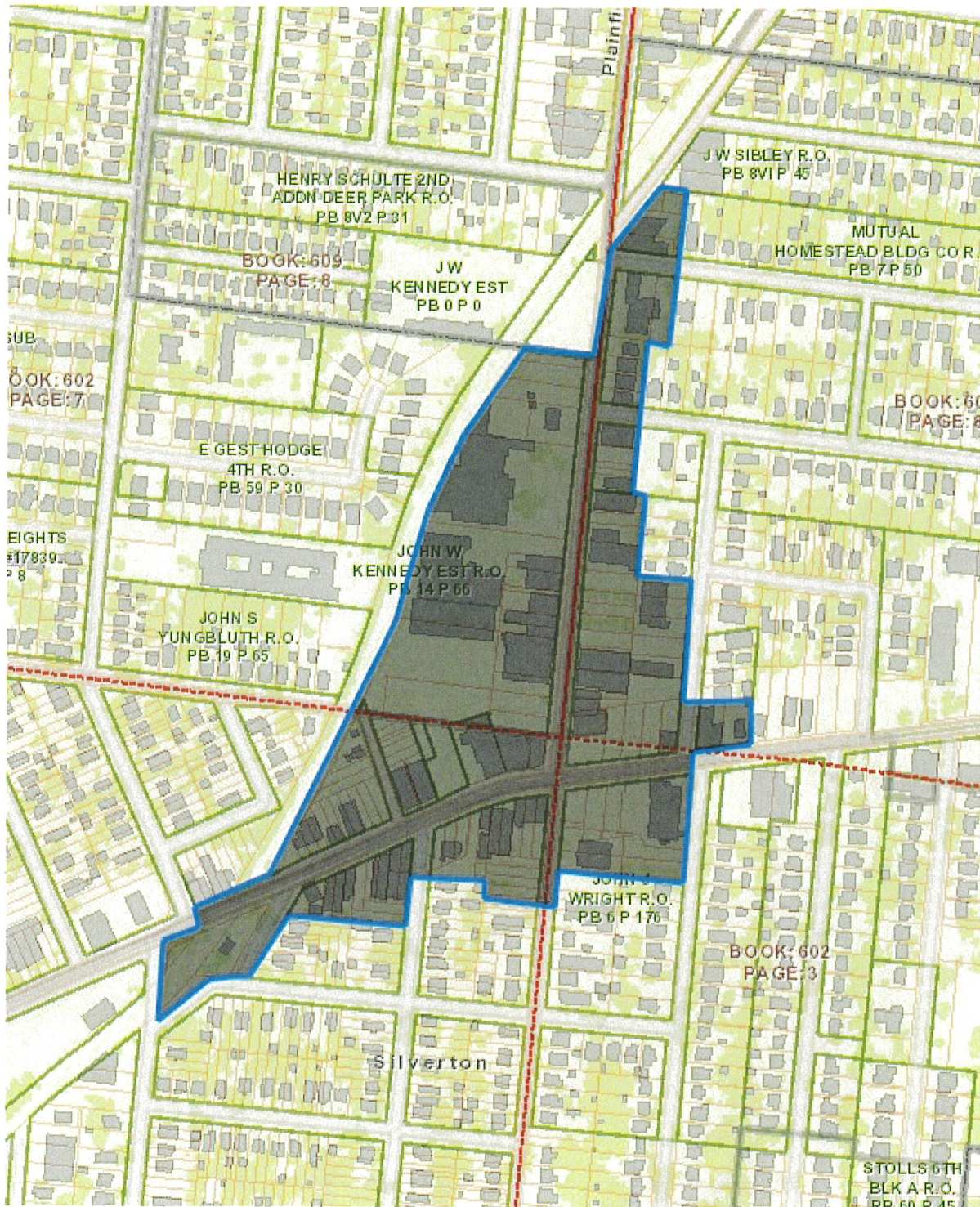
**Section 1 – Boundaries and Street Addresses**

In accordance with ORC § 4301.82 (B)(1)(b) and F(1)(a), the boundaries of the DORA are shown below and include approximately 20 contiguous acres. The Village of Silverton has a population of 4,908 per the 2020 Decennial Census, which allows up to a 320-acre DORA boundary area.

Street Addresses

Blue Ash Road	7106 – 7038	Even Numbers
Montgomery Road	7124 – 7314	Even Numbers
Montgomery Road	7123 – 7337	Odd Numbers
North Avenue	4109	
Plainfield Road	7028 – 6860	Even Numbers
Plainfield Road	7011 – 6847	Odd Numbers
Section Road	6912 – 6916	Even Numbers
Section Road	6915	
Silverton Avenue	6905 – 6935	Odd Numbers

Village property bounded by Montgomery Road/Parkview Lane/St. James Ave./Highland Ave.



**Section 2 – General statement of the nature and types of establishments that will be located with the proposed outdoor refreshment area.**

The DORA is situated around the Silverton City Central corridor of Plainfield and Montgomery Roads. On the southern end of the boundary is a brewery, Highgrain Brewing Co., and on the northern end is longtime Silverton business, Meier’s Wine Cellars. The boundary limits also include several bar/restaurants; Silverton Café, Brothers Cafe, Delhi Palace, MVP Sports Bar & Grille and Italianette Pizza as well as food service operations; The Dipper, Big Ike’s BBQ and Just Brew Silverton Coffee House.

Other uses within the DORA boundary are office, retail, and business spaces

Silverton City Central is planned to continue to develop and secure investment with a targeted mix of uses, evening activities, planned events, and neighborhood/street level interaction.

**Section 3 – Qualified Permit Holders**

Permit Name	DBA	Class	Permit Number
Kenny Development LLC	MVP Sports Bar & Grille	D5, D6	4590009
Highgrain Brewing Co LLC	DBA Highgrain Brewing Co & Enclosed Patio	A1A, A1C, A2, D6	3833136
Kaile and Bhandal LTD	Delhi Palace	D5	4500330
Krimmer Italianette Pizzeria Inc	DBA Krimmers Italianette	D5	48766200005
Jepaco Inc (Silverton Café)		D1, D2, D3, D3A, D6	4276784
Meiers Wine Cellars Inc		A1C, A2, B4, B5, D6	58108770005
Brothers Café LLC	Brothers Café	D1, D2, D3, D3A, D6	1006152

**Section 4 – A statement that the proposed outdoor refreshment area complies with ORC § 4301.82 (D)(2).**

At the time of application for this DORA, the Village of Silverton does not have a designated outdoor refreshment area. This will be the first DORA, which includes at least two qualified permit holders, making the application compliant with ORC § 4301.82 (D)(2). Under that provision, a municipal corporation with a population of fifty thousand or less shall not create more than three outdoor refreshment areas. Any such outdoor refreshment area shall include at least two qualified permit holders.

**Section 5 – Area Impact**

In accordance with ORC § 4301.82 (B)(4), evidence that the uses of land within the proposed outdoor refreshment area are in accord with the master zoning plan or map of the municipal corporation. The DORA boundaries are wholly within the C-1 Neighborhood Commercial Zoning for the Village of Silverton.

The purpose of the C-1 Neighborhood Commercial District is to provide a planned, mixed-use and pedestrian-oriented commercial district. Allowable uses in this district include restaurants, bars and food and beverage services.

## Section 6 – Signage

In accordance with ORC § 4301.82 (F)(1)(b), there will be at least 19 signs designating the DORA's boundaries. The location of the signs is shown below. Signs will be mounted and located at visible vehicular and pedestrian ingress and egress points along the boundary of the DORA. The sign location map is shown below and sample signs are exhibited at the end of the document.



## Section 7 – Hours of Operation

In accordance with ORC § 4301.82 (F)(1)(c), the hours of operation will be Sunday through Saturday from 10:00 a.m. to 12:00 a.m. (midnight).

The application requests that the Village Manager reserves the right to temporarily suspend DORA operations for a period up to seven days in order to accommodate the permitting of special events that may occur within the boundaries of the DORA.

## **Section 8 – Safety Plan**

In accordance with ORC § 4301.82 (B)(5) and (F)(1)(d), a safety plan has been developed to ensure public safety in the DORA.

The Village of Silverton contracts for police service with the Hamilton County Sheriff's Office. The Sheriff provides patrol officers 24 hours per day and 365 days per year. These officers are dedicated to the Village of Silverton service along with a lieutenant and sergeant overseeing these patrol officers. These patrol officers and supervisors are headquartered at the Village office at 6943 Montgomery Road which is two blocks from the beginning of the DORA.

Silverton is approximately 1.1 square miles with the DORA located in the Silverton City Central corridor, the heart of the Village. The Sheriff patrol efforts traverse the DORA boundaries as a matter of routine. These routine patrol efforts will continue along with a heightened awareness of the DORA boundaries and those participating establishments.

Along with daily patrol contracted service with the Sheriff, the Village utilizes staff to attend and manage any special events throughout the year. It is anticipated that events will be focused around utilizing the DORA more frequent in the future, at which time, Village staff will continue to be utilized during event times. Village staff are trained and aware of incidents and activity that require contacting the Sheriff's patrol officer(s) to respond and handle the matter.

On the occasion of larger planned events, the Sheriff has numerous other resources and personnel that can also be utilized beyond the daily officer's assigned to Silverton. This includes; pre-event planning, event safety operation, traffic control, pedestrian safety, and the equipment which supports these specific operations. The Sheriff has been involved in this DORA application and is ready, willing, and able to provide the assistance necessary to keep Silverton's DORA safe.

The Sheriff lieutenant responsible for the Village of Silverton's police operation has determined that the Safety Plan described, herein, is sufficient to maintain public safety within the DORA.

## **Section 9 – Sanitation Plan**

In accordance with ORC § 4301.82 (B)(5) and (F)(1) & (f), the DORA boundaries have garbage receptacles in various locations which are currently publicly accessible. More garbage receptacles will be placed in the more heavily travelled locations along Plainfield and Montgomery Road. The northeast corner of Plainfield and Montgomery Road will be developed as a park area. Garbage receptacles will be added in this area as well. As the DORA becomes utilized the need for more garbage receptacles will be assessed and added as needed.

The Village Service Department checks and empties all garbage receptacles during normal working hours. The need to service the DORA area during the weekend and holidays will be observed and adjustments to more frequent and during holidays and weekends will be adjusted.

## Section 10 – Official DORA Cup

In accordance with ORC § 4301.82 (F)(1)(g), beer, wine, and intoxicating liquor shall only be consumed within the DORA in a specially designed non-glass container produced and provided by the Village and shall be considered the “Official Silverton DORA cup”. No other container will be permitted.

If the “Official Silverton DORA cup” is disposable, used cups must be disposed of prior to entering any establishment of a qualified permit holder.

The Village Manager requests authority from the Village Council to approve the design of the “Official Silverton DORA cup” to be used by all qualified permit holders within the DORA. It is anticipated that the cup will include:

- Village of Silverton DORA
- DORA hours 10am to Midnight
- More info: [www.silvertonohio.us/dora](http://www.silvertonohio.us/dora)

Official Cups will be produced and purchased by the Village. Participating qualified permit holders must obtain the Official Cups from the Village. The Village Manager may withhold the sale of Official Cups to any establishment found to be in non-compliance with local, state and/or federal law. Official Cup charges will only be used to fund the direct costs incurred by the Village in administration of the DORA, or to otherwise benefit the operations within the DORA.

## Section 11 – Additional Rules and Requirements

In accordance with ORC § 4301.82 (B)(5) and in conjunction with other rules, standards and requirements set forth in this application, additional rules and requirements for the purpose of ensuring public safety and health within the DORA are as follows:

- A. A person may have in the person’s possession an open container of beer, wine, or intoxicating liquor at an outdoor location within the DORA if the open container was purchased from a qualified permit holder to which both of the following apply:
  1. The permit holder’s premises is located within the DORA; and
  2. The permit holder has an outdoor refreshment area designation.
- B. No person shall do any of the following:
  1. Enter the premises of an establishment of a qualified permit holder within the DORA while possessing an open container of beer, wine, or intoxicating liquor acquired elsewhere; or
  2. Possess an open container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the DORA, unless the possession is otherwise authorized under division (D) or (E) of ORC § 4301.62.

This application is submitted to the Silverton Village Council on Thursday, January 19, 2023 at their regular meeting.



Proposed Schedule for DORA consideration

Public notice required per ORC § 4301.82(C) will be made for public hearing to be scheduled for the Village Council Meeting on Thursday, February 2 at 7:00 p.m.

Consideration of an ordinance to approve or disapprove shall be considered on Thursday, March 2, 2023 at the Silverton Village Council meeting at 7 p.m.