

Introduction and Submittal of Application

Section 4301.82 of the Ohio Revised Code authorizes municipalities under 50,000 in population to create Designated Outdoor Refreshment Areas or "DORAs." To consider the creation of a DORA, the City Manager must file an application with City Council which meets certain statutory requirements outlined below. Within 45 days of the application, City Council shall publish notice of the application in one newspaper of general circulation that indicates the application is on file and available for inspection at the City offices and announce the date of a public hearing regarding the application.

Not earlier than 30 days, but not later than 60 days, after initial publication of the notice, City Council may approve or disapprove of the application by ordinance or resolution. Public notice must be given, in the same manner as above, prior to adopting an ordinance regarding the DORA. If approved, the application, legislation and supporting materials must be sent to the Ohio Department of Public Safety, Investigative Unit.

The creation of a DORA will serve as an economic tool to attract patrons to the City of Madeira, generate additional sales at local restaurants, increase foot traffic and highlight the area as a destination for dining and entertainment.

The purpose of this application is to request that City Council create and approve a DORA in the City of Madeira. The application includes the following sections:

- A map of the proposed Designated Outdoor Refreshment Area (320 acres or less)
- Statement that population requirement is met.
- Statement of the nature and type of establishments in the proposed area
- Evidence that the proposed Designated Outdoor Refreshment Area is in accord with the City of Madeira's Comprehensive Community Plan and Strategic Plan
- Proposed public health and safety in the Designated Outdoor Refreshment Area per ORC 4301.82(F)

Map of Proposed DORA, Not Exceeding 320 Contiguous Acres

Please refer to Exhibit A attached. Exhibit A includes a map of the proposed Designated Outdoor Refreshment Area. Six (6) establishments have been identified that qualify as A1, A1A, A1c, A2, A2f or D License holders to be included in the DORA. In accordance with Section 4301.82(D) the DORA will encompass not fewer than two (2) qualified permit holders. These include:

1. Ali's Bar & Grill LLC, DBA – Ali's Bar & Grill – 7820-22 Camargo Rd. Permit # 0129075 (D1, D2, D3, D3A, D6)
2. Cooks Creations LLC, DBA – Daveeds – 7896 Camargo Rd. Permit # 1717420 (D5)
3. LE&M Enterprises LLC, DBA – The Madeira Inn – 7717 Laurel Ave. Permit # 4951010 (D1, D2, D3, D3A, D6)

4. Swing Line Grill LLC, DBA – Swing Line Grill – 7710-7722 Railroad Ave. Permit # 8752636-0005 (D5, D6, D1, D2, D3, D3A)
5. Velo Wine LLC, DBA – Piazza Discepoli – 7754 Camargo Rd, Unit 3. Permit # 9242350 (D1, D2)
6. Wthree LLC, DBA – A Tavola Trattoria – 7022 Miami Ave. Permit # 8794805 (D1, D2, D3)

The proposed Designated Outdoor Refreshment Area is 39.8 acres in size which is well below the requirements of the area being 320 acres or less. Appendix A provides the street boundary information.

Population Requirement

Per the 2021 US Census update, the City of Madeira has an estimated population of 9,444 people.

Nature and Types of Establishments Located With the DORA

The proposed DORA encompasses the Central Business District in downtown Madeira. Additionally, the proposed Dawson Promenade area is included in the DORA to further enhance the connection between downtown Madeira and McDonald Commons, the primary community gathering space.

The DORA was designed to encompass key areas of entertainment, restaurant and retail in the pedestrian friendly commercial area of the City. The area includes restaurants, bars, boutique stores, professional services, and miscellaneous retail.

Evidence that the Proposed DORA is in accord with the City of Madeira Comprehensive Plan

The City's Comprehensive Plan identifies a strong community interest in having more local businesses, including restaurants, breweries/taverns, and entertainment options in downtown Madeira. The Comprehensive Plan also emphasizes the desire amongst residents to improve on public gathering space(s), pedestrian friendly corridors, and connection between downtown and McDonald Commons Park.

Additionally, the Madeira Planning Commission has recommended, in its 2022 goals, the pursuit of a DORA as part of an effort to enhance downtown.

Proposed Requirements for Ensuring Public Health and Safety Within the DORA

The City of Madeira Public Works Department will be responsible for ensuring that all trash receptacles in the DORA are emptied regularly and are ample to handle generated waste. The proposed DORA cups are recyclable and biodegradable. Public restrooms are being proposed along the Dawson Promenade. Special events which are anticipated to draw additional crowds will be addressed by the placement of additional temporary trash receptacles and portable toilets. The Police Department will conduct routine patrols and will enforce responsible behavior. The boundaries of the DORA will be strictly enforced. Boundary signage will be installed on the perimeter of the DORA. For planned events that may draw an additional crowd, the Police Chief may have additional officers assigned specifically to the DORA.

Designated Hours of Operation

The DORA will be in operation Monday through Thursday from 5:00 p.m. to 11:00 p.m., Friday from 5:00 p.m. to midnight, Saturday from noon to midnight, and Sunday from noon to 9:00 p.m. Special hours of DORA operation will be allowed as designated in advance by the City Manager for the occasion of holidays or special events, with the consent of City Council.

Staff Recommendation

Staff believes that the establishment of a DORA in downtown Madeira will be an economic draw for the City. The downtown district is uniquely positioned to provide a lively, pedestrian friendly environment and the establishment of a DORA will provide an opportunity to continue to build on these attributes. The proposed DORA is well below the 320-acre area limit established by the State. The proposed hours of operation and plan for enforcement will limit any potential negative impact on surrounding residentially zoned properties.

Staff respectfully ask City Council for consideration to move forward in the process to establish a DORA within the City of Madeira.

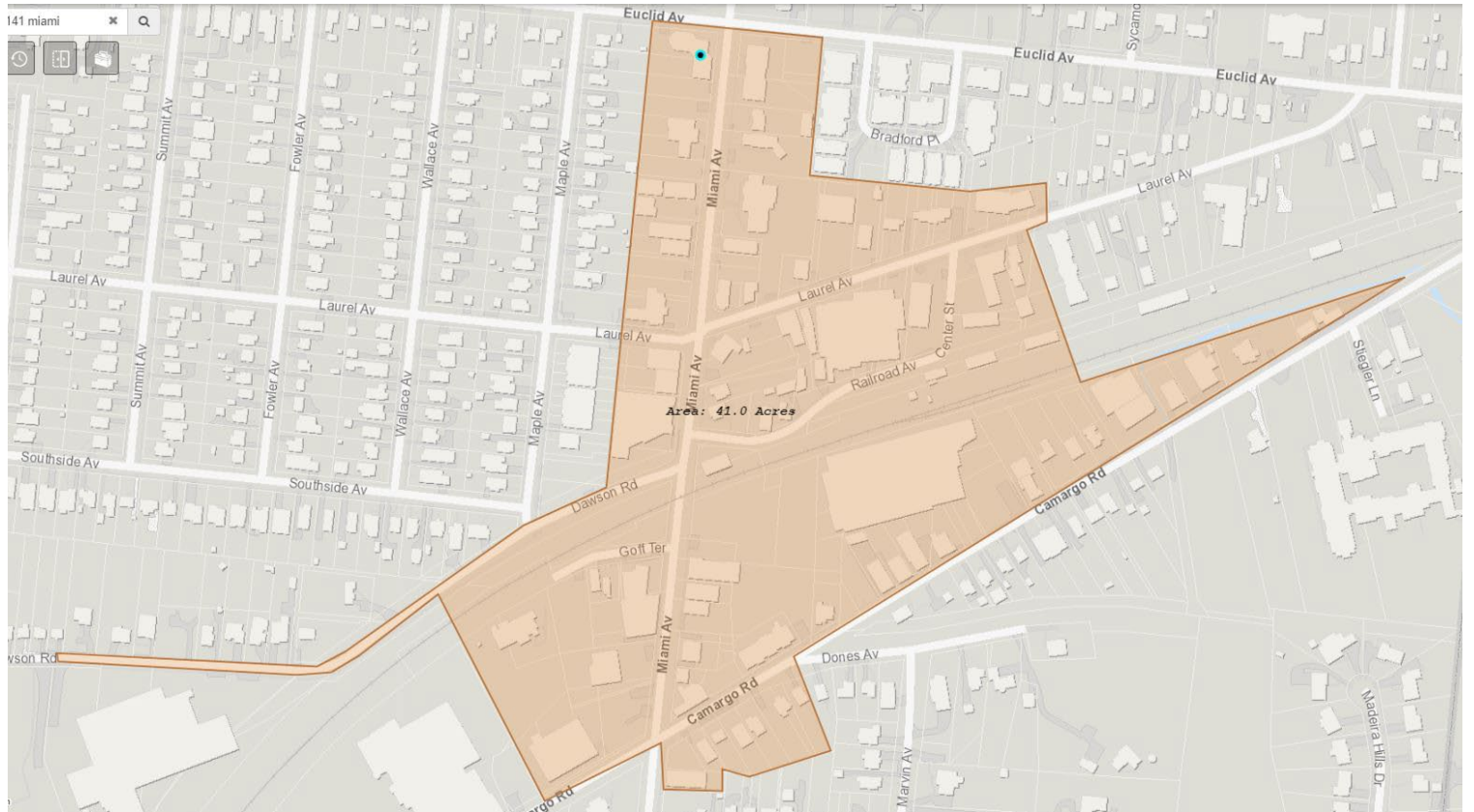
APPENDIX A - MAP

Proposed DORA Boundaries – Downtown Madeira

OPTION 1:



OPTION 2:



LIST OF STREET ADDRESS RANGES TO BE ADDED WHEN BOUNDARIES ARE FINALIZED.

ORDINANCE NO. 22-07

**ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT
AREA WITHIN THE DOWNTOWN BUSINESS DISTRICT IN THE
CITY OF MADEIRA**

WHEREAS, the Ohio Constitution and the Madeira Home Rule Charter vest the Madeira City Council with all powers of local self-government available to the City under Ohio law; and

WHEREAS, Section 4301.82 of the Ohio Revised Code allows for the establishment of Designated Outdoor Refreshment Areas (“DORA”); and

WHEREAS, Exhibit A, attached hereto and made a part hereof, accurately reflects the qualified liquor permit holders within the jurisdictional boundaries of the City; and

WHEREAS, on June 13, 2022 the City Manager submitted an application to City Council for approval of a DORA within Downtown Madeira; and

WHEREAS, notice of the filing of the DORA application and the date of a public hearing thereon was published within the *Cincinnati Enquirer* and posted on the Legal Advertisement section of the City’s website on June 22, 2022; and

WHEREAS, a public hearing upon such application was held June 27, 2022; and

WHEREAS, Council recommends establishing a DORA after receiving comment at the public hearing in an area depicted upon Exhibit B (attached hereto and made a part hereof) including the addresses depicted upon Exhibit C (which is also attached hereto and made a part hereof); and

WHEREAS, the application submitted by the City Manager and reviewed at the public hearing outlined the nature and types of business establishments that are located within the DORA, identified seven (7) currently active qualified permit holders under the authority of the Division of Liquor Control (Exhibit A) located within the DORA, verified that the proposed DORA is consistent with the Comprehensive Plan for the City as it will support redevelopment within the designated area as well as enhance current and planned pedestrian friendly features in Downtown Madeira, and outlined proposed requirements to insure appropriate public health and safety in the operation of the DORA; and

WHEREAS, pursuant to Article III, Section 4 of the Madeira City Charter and with respect to Ordinance No. 22-07, Council may dispense with the three-reading requirement for ordinances upon the affirmative vote of at least five members of Council; and

WHEREAS, pursuant to Article XI, Section 1 of the Madeira City Charter and with respect to Ordinance No. 22-07, Council may – by an affirmative vote of not less than five of its members – declare the necessity of putting this measure into immediate force and effect in order to preserve the public peace, order, safety, health or welfare of the municipality, and to provide for the usual daily operation of the City; and

WHEREAS, Council believes the approval of the DORA will serve to enhance the experience of patrons in the business establishments within the DORA area, and such special events as may be scheduled now and in the future within such DORA area.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MADEIRA, OHIO:

SECTION 1. The foregoing recitals, because they provide foundation and context to the decision reflected hereinafter, are hereby incorporated. City Council hereby accepts the DORA application as submitted by the City Manager per the requirements of R.C. 4301.82.

SECTION 2. City Council finds that the DORA encompasses the qualified permit holders, which are identified on **Exhibit A** by business name, address, liquor permit type, and liquor permit number. Council further finds that the DORA depicted on **Exhibit B** comprises an area of less than Three Hundred and Twenty (320) acres.

SECTION 3. City Council hereby approves the establishment of a DORA comprised of the area depicted on **Exhibit B**. Such area shall include and encompass the premises and current qualified permit holders located on the street addresses as listed on **Exhibit C**, and it shall encompass the street addresses of those sections of the public streets located within the DORA to allow future permit holders to receive properly coded permits to be incorporated in the DORA.

SECTION 4. To ensure public health and safety, and in accordance with R.C. 4301.82(F)(1)(b), the number, spacing and type of signage designating the DORA boundaries as set forth in **Exhibit B** are hereby approved.

SECTION 5. As recommended by the City Manager, the hours of operation for the DORA shall be Monday through Thursday from 5:00 PM to 11 :00 PM, Friday from 5:00 PM to Midnight, Saturday from Noon to Midnight, and Sunday from Noon to 9:00 PM. Additionally, special hours of DORA operation may be allowed as designated in advance by the City Manager for the occasion of holidays or special events to be held within the DORA sponsored by F Class permit holders.

SECTION 6. To ensure public health and safety, and in accordance with R.C. 4301.82(F)(1), the Public Health and Safety Plan ("Plan") as outlined in **Exhibit D** (attached hereto and made a part hereof) is hereby approved. The Plan properly confirms the number, spacing and type of signage designating the DORA boundaries, the hours of operation for the DORA, the number of personnel needed to ensure public safety in the DORA, a sanitation plan to maintain the appearance and appropriate public safety in the DORA, and the number of personnel needed to execute the sanitation plan.

SECTION 7. As is required by R.C. 4301.82(F)(1)(g), beer and intoxicating liquor shall only be served in plastic bottles or other plastic containers, which shall be provided by the qualified permit holders in a readily identified container as approved by the office of the City Manager.

SECTION 8. City Council shall continue to review the requirements of the DORA as established herein, and the Administration is asked to report to City Council on or before August 31, 2023 concerning the operations of the DORA, the success of the DORA, and any recommended modification to the terms or conditions of the DORA. Further, on or before August 31, 2027, Council shall review the operation of the DORA and shall either approve the continuing operation of the DORA or dissolve the DORA. Council shall give appropriate public notice as required by Ohio law at that time before considering an extension or dissolution of the DORA. Such DORA may be dissolved earlier as provided by law.

SECTION 9. City Administration is hereby authorized to forward a copy of this Ordinance 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(C) and R.C. 4301.82(F)(3).

SECTION 10. Given the exigency of the forthcoming “Madeira Street Dance” public event, as well as Council’s desire to quickly provide clarity, structure, and direction – both to qualified liquor permit holders identified on Exhibit and patrons of the same – in anticipation of that event, Council hereby declares the necessity of putting this emergency measure into immediate force and effect, pursuant to Article XI, Section 1 of the Madeira City Charter.

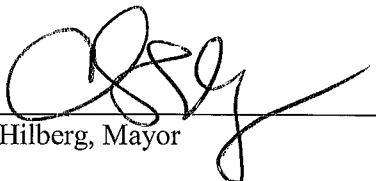
SECTION 11. In light of the foregoing and pursuant to Article III, Section 4 of the Madeira City Charter, Council hereby elects to dispense with the three-reading requirement ordinarily required for the enactment of ordinances.

SECTION 12. This Ordinance shall be in force and take effect from and after the earliest period allowed by law.


This Ordinance is subject to referendum per Article XII, Section 3 of the Madeira Home Rule Charter.

PASSED ON THE 27th DAY OF JUNE 2022 BY THE FOLLOWING 7-0 VOTE:

	YEA:	NAY:	ABSTAIN:	ABSENT:
Chris Hilberg	x			
Tim Brock	x			
Alicia Camper	x			
Scott Gehring	x			
Tom Henning	x			
Anne Horne	x			
Doug Moormann	x			



Chris Hilberg, Mayor



Christine Doyle, Clerk of Council

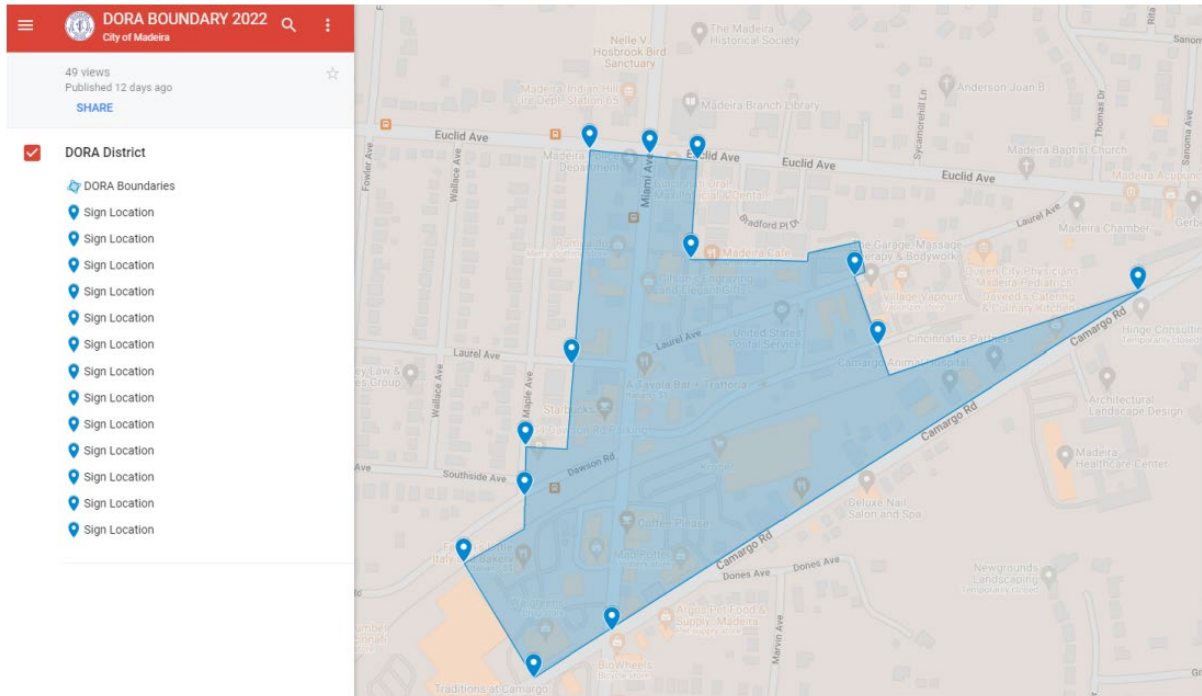
Exhibit A

Qualified Liquor Permit Holders

Permit Holder	DBA	Address	Permit Number/Type
Ali's Bar & Grill LLC	Ali's Bar & Grill	7820-22 Camargo Rd	# 0129075 D1, D2, D3, D3A, D6
Cooks Creations LLC	Daveeds	7896 Camargo Rd	# 1717420 D5
Ferraris Little Italy & Bakery	Ferraris Little Italy & Bakery	7677 Goff Terrace	# 2693759 D5
LE&M Enterprises LLC	Madeira Inn	7717 Laurel Ave	# 4951010 D1, D2, D3, D3A, D6
Swing Line Grill LLC	Swing Line Grill	7710-7722 Railroad Ave	# 8752636 D5, D6, D1, D2, D3, D3A
Velo Wine LLC	Piazza Discepoli	7754 Camargo Rd	# 924350 D1, D2
Wthree LLC	A Tavola Trattoria	7022 Miami Ave	# 8794805 D1, D2, D3

Exhibit B

DORA Map Boundaries and Sign Locations



I hereby certify that the area proposed is approximately 40 acres.

Sam A. Morton, PE – City Engineer



Sign Design

**Designated Outdoor
Refreshment Area**

Monday thru Thursday
5:00 PM to 11:00 PM

Friday
5:00 PM to Midnight

Saturday
12:00 PM to Midnight

Sunday
12:00 PM to 9:00 PM

**NO ALCOHOLIC
BEVERAGES BEYOND
THIS POINT**

**City of Madeira
Ohio**

Exhibit C

Street Address Ranges Included in the DORA

Madeira DORA Street Boundary Listing

County: Hamilton County
City: Madeira
Name of DORA: Downtown Madeira DORA
Date: 6/27/2022

Street Boundary Listing

Street Name	Range	Even/Odd
Camargo Road	7700 - 7896	Even
Goff Terrace	7683 - 7685	Odd
Laurel Avenue	7710 - 7805	Even & Odd
Miami Avenue	6808 - 7141	Even & Odd
Railroad Avenue	7000 - 7805	Even & Odd

Exhibit D

Requirements for Ensuring Public Health and Safety within the DORA

The City of Madeira Public Works Department will be responsible for ensuring that all trash receptacles in the DORA are emptied regularly and are ample to handle generated waste. Special events which are anticipated to draw additional crowds will be addressed by the placement of additional temporary trash receptacles and portable toilets. The Police Department will conduct routine patrols and will enforce responsible behavior. The boundaries of the DORA will be strictly enforced. Boundary signage will be installed on the perimeter of the DORA (see identified locations on Exhibit B). For planned events that may draw an additional crowd, the Police Chief may have additional officers assigned specifically to the DORA.

- Monday thru Thursday 5:00PM to 11:00PM
- Friday 5:00PM to Midnight
- Saturday Noon to Midnight
- Sunday Noon to 9:00PM

The DORA cups will be a plastic, reusable cup that will incorporate a standard logo as well as the information which follows.

DORA GUIDELINES:

Patrons must only consume DORA beverages in designated cup.
Patrons cannot take DORA beverage from one DORA serving establishment to another.

Hours of Operation:

- Monday thru Thursday 5:00PM to 11:00PM
- Friday 5:00PM to Midnight
- Saturday Noon to Midnight
- Sunday Noon to 9:00PM

Please drink responsibly.

Please do not litter.