

## **LOCAL RULES RIVERFRONT ALCOHOL BEVERAGE LICENSE**

### **Objectives and Criteria for License Allocation**

The Indiana state legislature enacted I.C. 7.1-3-20 et. seq. (Act). The Act permits the Indiana Alcohol and Tobacco Commission (ATC) to issue liquor licenses (one, two, or three- way)(Riverfront Licenses) in the MICHIGAN CITY RIVERFRONT DISTRICT. The Redevelopment Commission of Michigan City (Redevelopment Commission) may recommend to the Indiana ATC sites in the riverfront district where permits may be issued.

The Redevelopment Commission shall determine those sites which meet the qualifications in this Policy and are appropriate for Riverfront Licenses. The Redevelopment Commission may appoint a subcommittee of not more than three persons to investigate the qualifications of any applicant.

### **Purposes and Goals**

The purpose behind these Local Rules is to further a key component of the city's TRAIL CREEK strategic plan by encouraging the location and operation of a diverse mix of upscale and family oriented restaurants in the riverfront district. The goal is to provide the widest range of both upscale and family oriented dining experiences in Northwest Indiana in a single riverfront district.

The purpose of these Local Rules is also to assist small business owners. These business owners invest not only in their business but also in our community. They are often active within the business community, sit on local boards, and participate in the local community.

The City, through implementation of the Act and this Policy, seeks to achieve the following:

- A. Encourage the opening, location or upgrade of a variety of distinctive and unique year-round restaurants in Michigan City's riverfront district to a degree that distinguishes it as the best family oriented dining environment in Northwest Indiana.
- B. Assist local, talented restaurant owners to achieve success by providing them the ability to offer a full line of beverages to their clientele.
- C. Use the license allocation program to encourage recipients to make improvements to their buildings, support the Riverfront Improvement District (RID), participate in unified marketing efforts, encourage a healthy and fun atmosphere in the riverfront district, and to generally complement other redevelopment efforts identified in the LOHAN ANDERSON TRAIL CREEK PLAN.

## **Factors**

The recommendation of the Redevelopment Commission will be based on several factors.

**Corporate Condition and Operations.** The Commission will consider the Applicant's (1) financial and ownership strength, which may best be demonstrated by a business plan, (2) history of operation, (3) reputation in the Michigan City community and, if from other than Michigan City, the Applicant's reputation in other communities, (4) the Applicant's owners' past participation in the Michigan City community and the likelihood of continued participation of the owners in the future, (5) the control and participation of the owners of the Applicant in the day to day operation of the business, and (6) the nature of the jobs added to or retained in the Michigan City employment base.

**Restaurant Operations.** The Commission will consider the Applicant's (1) experience operating a restaurant similar to that proposed, (2) the upscale nature of the restaurant and its proposed menu, (3) the unique features of the proposed restaurant, (4) the restaurant's ability to draw people to Michigan City and, specifically, the riverfront area, and (5) the focus of the restaurant to provide a dining experience rather than an alcohol consumption experience.

**Community Participation and Commitment.** The Commission will consider the applicant's (1) commitment to the riverfront area and the Michigan City community in general and (2) the impact of the business on the riverfront and Michigan City in general.

**Location and Physical Elements.** The Commission will consider (1) the location of the restaurant, (2) the size, floor plan, and layout of the restaurant and exterior dining areas, if any, (3) the Applicant's plans to improve the facility in which they will operate and the consistency of such plans with the nature and architecture of the riverfront area, (4) any physical improvements to the restaurant, and (5) the expected timetable for work and business commencement.

**Other Considerations.** The City encourages Applicants to include in the Application any other factors that will aid the City to evaluate the application. All other considerations, favorable and unfavorable, will be considered.

Included with this document is an application that summarizes the numerous considerations which will be considered when weighing an application for a Riverfront License. It will aid the Redevelopment Commission to determine the merit of an application and develop any conditions upon which the recommendation is made. The summary should serve as a guide to assist the Redevelopment Commission in evaluating the request according to the criteria set forth by the state and the Redevelopment Commission.

### **Application procedure.**

The application process is as follows:

1. First, the Applicant will meet with the Michigan City Plan Director to review the Application requirements and the proposed location. All communications concerning the application shall be made through the Michigan City Plan Director. No direct communication will be made by the applicant or others to any Committee or Commission members.
2. Second, the Applicant will file with the Michigan City Plan Director the application for a Riverfront License. The Application will be in the form promulgated by the Commission. Where appropriate, the form may include forms used by the Indiana ATC. These forms must be completed to apply with the state in order to obtain the state license.
3. Third, the applicants will attend a public hearing of any Committee to present its project and to offer evidence to support the Application.
4. Fourth, the applicant will attend a public meeting of the Michigan City Redevelopment Commission to present its project and to offer evidence to support the Application.

#### **Additional Conditions and Requirements of Restaurants**

1. An Applicant is not eligible to obtain a permit if, less than two years before the date of application, the applicant sold a retailer's permit that was subject to Indiana Code 7.1-3-22 and that was for a site within the riverfront district or within 500 feet of the district.
2. **Permits are not transferable and any renewal is subject to compliance with the terms of these local rules and any agreement negotiated with the Redevelopment Commission. The permits shall not be pledged as collateral or subject to any lien, judgment, property settlement agreement, or third party claim.**
3. Applicants will be required to be open for business for at least 330 days of the calendar year.
4. Applicants will be full paying members of the Riverfront Dining Marketing Fund when it is established; the dues for which shall not exceed \$200 per month for each restaurant after May1, 2008.
5. The restaurant must comply with all building, health, zoning laws, ordinances and all rules and regulations of the ATC. The restaurant shall also comply with any architectural standards for the riverfront area established by the Redevelopment Commission.
6. The applicant shall maintain and shall submit proof of general liability insurance, including dram shop insurance and workers compensation insurance acceptable to

the Redevelopment Commission.

7. The applicant will enter into a written commitment with the City to comply with these Local Rules and any conditions that the City places on the restaurant which shall include applicant's agreement to resolve any dispute to enforce the terms of same by arbitration.

### **Michigan City Riverfront Alcoholic Beverage License Application**

In addition to completing the attached Indiana State Form (TBA) "Application for New Riverfront Alcoholic Beverage License" for the Indiana Alcohol & Tobacco Commission, the Committee requires each applicant to provide complete answers to the

following:

### **Corporate Condition and Operations:**

Provide an executive summary of your business plan, including indicators of:

- the demonstrated financial strength of the business and the owners;
- a description and history of the operation;
- your reputation in your business community;
- the participation of owner(s) in the day-to-day operation of the business;
- the number and nature of the jobs added or retained in Michigan City.

### **Restaurant Operations:**

Provide a summary of your restaurant operations which includes references to:

- experience operating a restaurant similar to that proposed;
- the family oriented/upscale nature of the restaurant and its proposed menu;
- the unique features of the proposed restaurant;
- the restaurant's ability to draw people to the Michigan City Riverfront;
- quantifiable information indicating the focus of providing a dining experience rather than an alcohol consumption experience.

### **Community Participation and Commitment:**

Provide information supporting your demonstrated commitment to the Community by addressing the following with specific responses:

- commitment to the Michigan City community, and the riverfront area;
- indicators of the impact of the business on the riverfront and Michigan City in general.

### **Location and Physical Elements:**

Provide information on the following:

- the location of the establishment;
- the size, floor plan, and layout of the establishment;
- exterior dining areas, if any;
- consistency of the architectural elements with the riverfront architecture;
- describe, in detail, the estimated investment in personal property and real property improvements;
- Expected date of business commencement.

### **Other Considerations:**

Please outline any other factors which may aid the Committee in the consideration your application.