



LOCAL GUIDELINES FOR THE CITY OF LA PORTE RIVERFRONT ALCOHOL PERMIT

Objectives and Criteria for Permit Allocation

The Indiana state legislature enacted I.C. 7.1-3-20 *et. seq.* (the “Act”) which authorizes the Indiana Alcohol and Tobacco Commission (the “ATC”) to issue alcohol permits (one, two, or three-way) without regard to the quota provisions of I.C. 7.1-3-22 in a Municipal Riverfront Development Project Area established by a city (known as a “Riverfront Permit”). The City of La Porte, pursuant to Resolution No. R-20-2019, has established a Municipal Riverfront Development Project area, which resolution and map is attached hereto as Exhibit 1 (the “Project Area” or the “Riverfront District”). Pursuant to the Resolution, an application for a Riverfront Permit is to be submitted to the City of La Porte Alcohol Beverage Review Committee (“LABRC”), which committee will review such application and have the authority to make a favorable recommendation to the La Porte City Council (the “Council”) to grant an applicant a Riverfront Permit if the LABRC believes such applicant will strengthen the economic vitality of the Riverfront District.

Background

The Council has determined that the creation of the Riverfront District will help further the aims of the City of La Porte by removing barriers to development in the Riverfront District. Through the creation of this district, the Council will be able to attract additional development opportunities to the district, expand the tax base through additional development and create more opportunities for the people of La Porte and surrounding areas to spend time in and enjoy the various venues present in this redeveloped district.

The Act permits the ATC to issue alcohol permits (one, two and three-way) within the Riverfront District, above the normal number allowed within the City of La Porte. The Council believes that granting additional alcohol permits within the District will enable the creation of new food and beverage businesses which will create economic opportunities in the area and will lengthen the useful life of the Riverfront District into the evening hours. The current lack of available permits is considered to be a barrier to development.

The Act allows the ATC to grant an unlimited number of permits within the district, subject to limitations set by the City of La Porte. The application process for a permit within the district is the same set forth for licenses elsewhere in the community, but with the additional requirement that a recommendation from the Council (and ultimately signature by the Mayor) be provided to the ATC prior to their granting of the permit application. Without this recommendation, an applicant will not be eligible for a Riverfront Permit.

Purposes and Goals

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

1. Enhance La Porte's regional appeal by encouraging the location and operation of a diverse mix of restaurants and entertainment venues in the Riverfront District.
2. Removes a significant barrier to riverfront development.
3. Provide an experience that encourages repeat visits by residents and visitors.
4. Assist in reinforcing the existing physical fabric of the area to create a sense of place and gathering areas.
5. Provide opportunity for economic development, increase the tax base and create jobs.

Riverfront District Requirements

1. The District will be geographically defined to conform to the requirements of the Act and as shown in Exhibit 1.
2. An unlimited number of Riverfront Permits may be granted in the District, however, the LABRC will pay special attention to limit oversaturation of the market.
3. A Riverfront Permit is not transferable, not portable within or without the district and any renewal is subject to compliance with the terms of these local rules and any agreement negotiated with the City Council. The permits shall not be pledged as collateral or subject to any lien, judgment, property settlement agreement, or third-party claim.
4. The purpose and goal of this program is to spur development of restaurants that focus on dining and entertainment experiences rather than alcohol consumption.
5. The applicant will comply with local application procedures as well as those required by the State of Indiana and the ATC.

Criteria and Factors:

A favorable recommendation from the LABRC to the City Council will be based on the following general criteria:

1. Granting of the permit will benefit the purposes of the district.
2. Granting of the permit and the business activity of the applicant will not be detrimental to the property values and business interest of others in the district. Additionally, the LABRC will consider several other factors including but not limited to the following in making a recommendation:
 - a. the Applicant's plans to improve (or construct) the facility in which they will operate and the consistency of such plans with the nature and architecture of the riverfront area;
 - b. the Applicant's ability to draw people to La Porte and, specifically, the Riverfront District;
 - c. the number and nature of the jobs added to or retained in the La Porte employment base;

- d. the Applicant's focus on a non-smoking dining and entertainment experience rather than an alcohol consumption experience.
- e. financial and ownership strength, which may best be demonstrated by a business plan;
- f. history of operation;
- g. reputation in the La Porte Community and in other communities as well;
- h. the control and participation of the Applicant's owners in the day to day operation of the business;
- i. the location of Applicant's restaurant;
- j. the size, floor plan, and layout of Applicant's restaurant and exterior dining areas, if any;
- k. any physical improvements to the restaurant; and
- l. the expected timetable for work and business commencement.

Application procedure

The application process is as follows:

1. Applicant shall complete a Riverfront Permit application and submit it to the La Porte City Planner.
2. The La Porte City Planner will review the application for completeness and then schedule a meeting of the LABRC where the applicant is required to attend. The Committee's action on the application will be in the form of a recommendation of approval. Approvals will be forwarded to the La Porte City Council for the Council's final approval, rejection or continuance.
3. The Council will review the LABRC recommendation and make a determination for approval or rejection for the Mayor's signature. If approved, a letter of approval will be given to the Applicant for the Applicant to include with the Applicant's ATC application. It is understood that the ATC will not take action on the Riverfront District License without this letter of recommendation.
4. Should an applicant ultimately receive a permit through this program, the applicant agrees to maintain continual compliance with the criteria and factors of the City's program, which compliance will be monitored and reviewed by the LABRC on an annual basis. Additionally, the City Council has the ability to require a formal written commitment as a condition of granting the permit. An applicant's failure to continuously abide by the criteria and factors, or a formal written commitment if applicable, may result in the permit being revoked.

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