Kokomo Redevelopment Commission
Local Guidelines

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) in the KOKOMO RIVERFRONT REDEVELOPMENT DISTRICT ("Riverfront Licenses"). As part of the process, the Kokomo Redevelopment Commission ("RDC") will recommend to the Mayor of the City of Kokomo ("Mayor") applications for liquor licenses the RDC believes will strengthen the economic vitality of the riverfront district.

Background

The RDC has determined that the creation of a Riverfront Development District, under the Act will help further the aims of the RDC by removing barriers to development in the downtown district. Through the creation of this district, the RDC 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 Kokomo, Howard County and surrounding areas to spend time in and enjoy the various venues present in this redeveloped district.

The Act permits the ATC to issue Riverfront Licenses (one, two and three-way) within the district, above the normal number of liquor licenses granted to Kokomo. The RDC believes that granting additional three-way liquor licenses 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 downtown district into the evening hours. The lack of availability of such licenses is considered to be a barrier to development.

The Act allows the ATC to grant an unlimited number of licenses within the district, subject to limitations set by the locality. Additionally, the Act proscribes that no local fees or assessments may be added to those set by the ATC. The application process for a license within the district is the same set forth for licenses elsewhere in the community.

Purposes and Goals

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

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

DISTRICT REQUIREMENTS
1. The District will be geographically defined to conform to the requirements of the Act and as shown in Attachment A.
2. The District shall allow for the granting of three-way Riverfront Development District licenses.
3. **Permits are nontransferable, not portable within or outside the district and any renewal is subject to compliance with the terms of these local rules and any agreement negotiated with the RDC. The permits shall not be pledged as collateral or subject to any lien, judgment, property settlement agreement, or third party claim.**
4. Applicants receiving three-way licenses within the district will be required to comply with the ATC’s requirements regarding the sale of food. If the Applicant is a restaurant, the Applicant must sell at least $150,000 in food annually. If the Applicant is not a restaurant, the Applicant must also be applying for a Brewer’s license.
5. The applicant will comply with local application procedures as well as those required by the State of Indiana and the ATC.
6. 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 establishment after November 1, 2009. Membership will also be available to other businesses on a voluntary basis.
7. The establishment must comply with all building, health, zoning laws, ordinances and all rules and regulations of the ATC. The establishment shall also comply with any architectural standards established for the riverfront area.
8. The establishment must be maintained as a smoke-free environment, with the exception of hookah and cigar bars where tobacco products are sold on-site and where the enjoyment of such products is the business’ primary focus.
9. The establishment must submit a letter for the Plan Commission’s approval to confirm zoning of the building and its compatibility with the use the Applicant is proposing.
10. The establishment is responsible for all outside cleaning, maintenance, and debris pick up, which includes cigarettes and snow removal of the surrounding area and public walkways.
11. The applicant shall maintain and shall submit proof of general liability insurance, including dram shop insurance and workers compensation insurance acceptable to the RDC.
12. 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 establishment, which shall include applicant’s agreement to resolve any dispute to enforce the terms of same by arbitration.

**CRITERIA and FACTORS:**

The recommendation of the RDC will be based on the following general criteria:

1. Granting of the license will benefit the purposes of the district.
2. Granting of the license and the business activity will not be detrimental to the property values and business interest of others in the district.

Additionally, the RDC will consider several other factors, including but not limited to, the following in making a recommendation:

1. 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;
2. The establishment’s ability to draw people to Kokomo and, specifically, the riverfront area;
3. The number and nature of the jobs added to or retained in the Kokomo employment base;
4. The focus of the establishment to provide an overall entertainment experience for its patrons rather than just an alcohol consumption experience;
5. The Applicant's experience operating an establishment similar to that proposed;
6. The nature of the establishment and its proposed menu;
7. The unique features of the proposed establishment;
8. The Applicant's financial and ownership strength, which may best be demonstrated by a business plan;
9. The Applicant's history of operation;
10. The Applicant's reputation in the Kokomo community and, if from other than Kokomo, the Applicant's reputation in other communities;
11. The control and participation of the owners in the day to day operation of the business;
12. The location of the establishment;
13. The size, floor plan, and layout of the establishment and exterior areas, if any;
14. Any physical improvements the Applicant will be making to the establishment's location;
15. The expected timetable for work and business commencement;
16. The Applicant’s commitment to the riverfront area and the Kokomo community in general;
17. The impact of the business on the riverfront and Kokomo in general.

Application procedure.

The application process is as follows:

1. The Applicant will meet with the Executive Director of the RDC, who also serves as the City of Kokomo’s Director of Development, to review the Application requirements and the proposed location. All communications concerning the application shall be made through the Executive Director of the RDC. No direct communication will be made by the applicant or others to any Committee or Commission members concerning the application.
2. The Applicant will complete a Riverfront License application and submit it to the Executive Director of the RDC.
3. The Executive Director of the RDC will schedule a meeting with the full RDC for approval, rejection or continuance of the application.
4. The RDC will make a recommendation for either approval or rejection of the license application to the Mayor.
5. The Mayor will review the RDC recommendation and make a determination for approval or rejection of the application that will be forwarded to the ATC. This recommendation is a required part of the applicant’s application to the ATC.

It is understood that the ATC will not take action on a three-way Riverfront District License without this letter of recommendation.
Other Considerations:

The RDC will consider any other information and/or documentation the Applicant submits with its application.

Please submit inquiries to: Development Department
RDC Executive Director
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development@cityofkokomo.org