

ORDINANCE NO. 807

AN ORDINANCE ESTABLISHING A RIVERFRONT DEVELOPMENT DISTRICT AND SETTING THE BOUNDARIES THEREOF

WHEREAS, Indiana Code § 7.1-3-20-16 and 16.1 (“the Act”), authorizes municipalities, including the Town of Yorktown, Indiana, to establish a Riverfront Development District and sets forth the qualifications for establishing the same; and;

WHEREAS, the Act allows the Indiana Alcohol and Tobacco Commission to issue one-way, two-way, and three-way nontransferable permits to enterprises located within an authorized Municipal Riverfront Development District without regard to statutory permit quota restrictions; and

WHEREAS, the Yorktown Redevelopment Commission has recommended the creation of a Municipal Riverfront Development District within the Downtown District as an aid and incentive to economic development areas contained therein; and

WHEREAS, numerous communities throughout Indiana have designated Municipal Riverfront Development Districts, resulting in the issuance of permits, economic growth, and development; and

WHEREAS, the Town Council of the town of Yorktown, Indiana, has determined that the establishment of a Municipal Riverfront Development District will encourage economic growth and development, improve Yorktown’s reputation as an area with unique and pleasant dining experiences, further promote the development of downtown, and immediately benefit the Town of Yorktown, Indiana, and its citizens.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Yorktown, Indiana as follows:

1. That the area described in and shown on the legal description and map attached to this ordinance as Exhibit A is hereby designated as the Yorktown Municipal Riverfront Development District, meeting all qualifications and requirements specified in the Act.
2. The Yorktown Redevelopment Commission is directed to develop Policies and Procedures for all permit applications in the Yorktown Riverfront Development District consistent

with the requirements established in the Act and any regulations promulgated as a result of the Act.

3. This Ordinance shall be in full force and effect from and after its passage by the Council and such publication as may be required by law.

SO ORDAINED this ____ day of _____, 202__.

Rich Lee, Town Council President

ATTESTED: _____

Lance Turner, Clerk-Treasurer

Pertinent sections of authorizing statute:

IC 7.1-3-20-16

Restaurants; airports; certain economic development areas; redevelopment projects or districts; historic river vessels; cultural centers; historic districts; motorsport development districts; premises in qualified motorsports facilities

Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of [IC 7.1-3-22](#).

...

(d) Subject to section 16.1 of this chapter and except as provided in section 16.3 of this chapter, the commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

- (1) on land; or
- (2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. The ownership of a permit issued under this subsection and the location for which the permit was issued may not be transferred. The legislative body of the municipality in which the municipal riverfront development project is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment required under [IC 7.1-3-19-17](#). Notwithstanding [IC 7.1-3-1-3.5](#) and [IC 7.1-3-1.1](#), if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation.

IC 7.1-3-20-16.1

Municipal riverfront development project; alcoholic beverage permit requirements

Sec. 16.1. (a) This section applies to a municipal riverfront development project authorized under section 16(d) of this chapter.

(b) In order to qualify for a permit, an applicant must demonstrate that the municipal riverfront development project area where the permit is to be located meets the following criteria:

- (1) The project boundaries must border on at least one (1) side of a river.
- (2) The proposed permit premises may not be located more than:
 - (A) one thousand five hundred (1,500) feet; or
 - (B) three (3) city blocks;

from the river, whichever is greater. However, if the area adjacent to the river is incapable of being developed because the area is in a floodplain, or for any other reason that prevents the area from being developed, the distances described in clauses (A) and (B) are measured from the city blocks located nearest to the river that are capable of being developed.

(3) The permit premises are located within:

(A) an economic development area, a redevelopment project area, an urban renewal area, or a redevelopment area established under [IC 36-7-14](#), [IC 36-7-14.5](#), or [IC 36-7-15.1](#);

(B) an economic development project district under [IC 36-7-15.2](#) or [IC 36-7-26](#); or

(C) a community revitalization enhancement district designated under [IC 36-7-13-12.1](#).

(4) The project must be funded in part with state and city money.

(5) The boundaries of the municipal riverfront development project must be designated by ordinance or resolution by the legislative body (as defined in [IC 36-1-2-9\(2\)](#) or [IC 36-1-2-9\(3\)](#)) of the city in which the project is located.

(c) Proof of compliance with subsection (b) must consist of the following documentation, which is required at the time the permit application is filed with the commission:

(1) A detailed map showing:

(A) definite boundaries of the entire municipal riverfront development project; and

(B) the location of the proposed permit within the project.

(2) A copy of the local ordinance or resolution of the local governing body authorizing the municipal riverfront development project.

(3) Detailed information concerning the expenditures of state and city funds on the municipal riverfront development project.

(d) Notwithstanding subsection (b), the commission may issue a permit for premises, the location of which does not meet the criteria of subsection (b)(2), if all the following requirements are met:

(1) All other requirements of this section and section 16(d) of this chapter are satisfied.

(2) The proposed premises is located not more than:

(A) three thousand (3,000) feet; or

(B) six (6) blocks;

from the river, whichever is greater. However, if the area adjacent to the river is incapable of being developed because the area is in a floodplain, or for any other reason that prevents the area from being developed, the distances described in clauses (A) and (B) are measured from the city blocks located nearest to the river that are capable of being developed.

(3) The permit applicant satisfies the criteria established by the commission by rule adopted under [IC 4-22-2](#). The criteria established by the commission may require that the proposed premises be located in an area or district set forth in subsection (b)(3).

(4) The permit premises may not be located less than two hundred (200) feet from facilities owned by a state educational institution.

(e) A permit may not be issued if the proposed permit premises is the location of an existing three-way permit subject to [IC 7.1-3-22-3](#).

As added by P.L.72-2004, SEC.11. Amended by P.L.155-2005, SEC.2 and P.L.214-2005, SEC.49; P.L.185-2005, SEC.2; P.L.1-2006, SEC.149; P.L.2-2007, SEC.131; P.L.278-2019, SEC.166.