

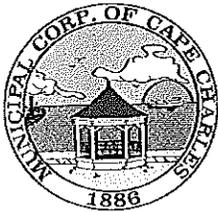
Planning Commission

Regular Session Agenda

May 5, 2014

6:00 P.M.

1. Call to Order – Planning Commission Regular Session
 - a. Roll Call – Establish a quorum
2. Invocation and Pledge of Allegiance
3. Public Comments
4. Consent Agenda
 - a. Approval of Agenda Format
 - b. Approval of Minutes
 - c. Reports
5. Old Business
 - a. Backyard Chickens – Discuss draft ordinance language
 - b. Tourism Zone - Discussion
6. New Business
7. Announcements
8. Adjourn



DRAFT
PLANNING COMMISSION
Regular Meeting
Town Hall
April 1, 2014

At 6:00 p.m. in the Town Hall, Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman McCoy, present were Commissioners Andy Buchholz, Dan Burke, Joan Natali, Sandra Salopek, Bill Stramm and Mike Strub. Also present were Town Planner Rob Testerman and Assistant Town Clerk Amanda Hurley. There were two members of the public in attendance.

A moment of silence was observed followed by the Pledge of Allegiance.

PUBLIC COMMENTS

There were no comments from the public nor any written comments submitted prior to the meeting.

CONSENT AGENDA

Bill Stramm recommended adding an item for discussion under New Business; commercial parking.

Motion made by Mike Strub, seconded by Joan Natali, to accept the agenda format as amended. The motion was unanimously approved.

The Commissioners reviewed the minutes for the March 4, 2014 Regular Meeting.

Motion made by Joan Natali, seconded by Andy Buchholz, to approve the minutes from the March 4, 2014 Regular Meeting as presented. The motion was unanimously approved.

REPORTS

Rob Testerman reported the following: i) The Historic District Review Board (HDRB) met on March 18 and reviewed and approved three applications. No HDRB applications had been received this month; ii) He and Heather Arcos met with Elaine Meil of the Accomack-Northampton Planning District Commission (A-NPDC) on March 20 to discuss Ms. Meil's findings in her review of the Comprehensive Plan. The A-NPDC was ready to facilitate the public kick-off meeting. The Commissioners agreed on April 28 for the date of the meeting; iii) Staff would be compiling the notes that had been made over the past months and would provide them to the A-NPDC for inclusion into the plan; iv) The Wetlands Board hearing which was scheduled for March 24 was cancelled. Due to environmental concerns (Tiger Beetle habitat, sub-aqueous vegetation and nearby oyster leases), the Army Corps of Engineers decided not to pursue the Bay Creek beach as a spoils site for the dredging. They were currently exploring new options which would likely delay the dredging project by a month or two; v) Site plans for Cape Charles Lofts had been provided to VDOT for comment and staff was awaiting their response; and vi) He had signed up for a living coastlines workshop for wetlands management later in the month.

OLD BUSINESS

A. Backyard Chickens – Discuss draft ordinance language

Rob Testerman had prepared a draft ordinance for backyard chickens that was formatted to be inserted into existing zoning district regulations under permitted uses in Sections 3.1, 3.2 and 3.3.

Rob Testerman spoke with Dr. Brigid McCrea, State Poultry Specialist for the Cooperative Extension of Delaware State University and a Professor for the Department of Agriculture and Natural Resources.

There were concerns raised previously regarding chickens and Dr. McCrea recommended the following: i) the local 4-H would be able to set up a program to handle hens from residents who may no longer want them. There were also swaps and auctions for this issue. Dennis McCoy commented that it would be up to the owner to handle this issue; ii) infrared heaters were recommended for the coops; iii) owners should be required to register their flock with Virginia Department of Agriculture and Consumer Services in case of disease and for tracking purposes; iv) larger chickens each required 2-2.5 square feet of space in a coop; and v) chicken waste would not be an issue in reference to the water quality of the bay. Dennis McCoy asked if water quality of the bay could be measured before and after introduction of chickens to determine if there were any changes.

Rob Testerman stated that if the Commissioners were interested, Dr. McCrea could come speak and the Commissioners were in agreement that a professional who was not vested here would be beneficial. Dennis McCoy stated that the Commission would think about that once public comment feedback was received.

Rob Testerman stated that the backyard chickens survey was online and several responses had been received so far. Names and addresses were required to be provided. The survey data would be separated into four categories including residents of the historic district, residents of Bay Creek, property owners who lived outside of Town and those who did not answer the question. The survey would be included in the next Gazette and it would close before the next Planning Commission meeting so that Rob Testerman had time to collect the data and include in the packet for review.

Rob Testerman was waiting to hear a response from the Northampton County Sheriff regarding his opinion on dogs and chickens.

There was much discussion regarding the size of the coops and fences and if permits or zoning clearance would be required.

Joan Natali pointed out that there needed to be language under the Permitted Uses section regarding dominant hens taking on characteristics of roosters.

Dan Burke suggested adding language that the enclosure and fence must be in accordance with existing Town Code.

Dan Burke asked Rob Testerman to confirm with Dr. McCrea if chickens could fly eight feet in the air. Rob Testerman stated that enclosures would need to be covered by a solid surface anyway because of the threat of disease from feces of other birds.

It was noted that rodent proof containers should be metal.

There was some concern regarding setting standards and how to enforce. Rob Testerman stated that it would be primarily complaint driven.

Rob Testerman suggested annual permits and stated that they could add language that a permit could be revoked for an owner who received a certain number of substantiated complaints in a given time or for safety reasons.

B. *Tourism Zone – Refresher*

Rob Testerman stated the Tourism Zone had not been reviewed by the Planning Commission since 2010 and it had never been adopted and went on to state that the Commission would resume more in depth discussions after they finished with the chicken ordinance.

Joan Natali commented that the Planning Commission had not clarified what types of businesses would qualify for incentives in the Tourism Zone.

There was much discussion regarding the similarities as well as the differences between the Technology and Tourism Zones.

Joan Natali read excerpts from information she researched on the internet and noted that the Commonwealth of Virginia had implemented a tourism development financing program. See attached.

NEW BUSINESS

A. *Commercial Parking*

Bill Stramm commented that there was a commercial parking problem in Town and asked about the Town owned lots behind the Library.

Rob Testerman stated that he had been reviewing and calculating parking standards around Town.

Bill Stramm pointed out that at one time there were diagonal parking spaces on Mason Avenue and he wanted to know what VDOT's rationale was for not allowing this again and suggested revisiting it. There was some discussion regarding reverse parking and Bill Stramm stated that it was in the Eastern Shore Healthy Communities Walkability Study.

Dan Burke suggested reviewing reverse parking options for Bay Avenue. Joan Natali commented that there had been discussions of closing the west side lane to create parking spaces and opening the east side lane to two-way traffic.

ANNOUNCEMENTS

There were no announcements.

Motion made by Bill Stramm, seconded by Joan Natali, to adjourn the Planning Commission meeting. The motion was unanimously approved.

Chairman Dennis McCoy

Assistant Town Clerk

Planning Commission Staff Report

From: Rob Testerman

Date: April 30, 2014

Item: 4C – Reports

Attachments: None

1. The Historic Review Board had no applications and did not meet in April.
2. Town Council has decided to hold a work session to discuss the currently proposed Northampton County zoning ordinance revisions. Discussions will likely include the proposed elimination of the Town Edge district, the Towns submission of the Historic Town Entrance Overlay, and other aspects of the ordinance.
3. The Board of Zoning Appeals met on April 7th and 14th to discuss variances requested by Mr. Patrick Hand regarding the former Be-Lo Grocery Store property. The Board approved variances regarding setback, open space, and parking.
4. The Urban Chicken online survey has been extended to gain a greater response from property owners. Notice of the survey will be sent out in the utility bill.
5. Staff plans to attend a Living Shoreline Workshop on May 1. Environmental agencies have expressed a preference to living shorelines with regards to wetlands management, and the workshop should be beneficial for decisions to be made by the Wetlands Board.
6. Staff will be attending the Transpiration Technical Advisory Committee meeting Wednesday, April 16th at the VDOT residency.

Planning Commission Staff Report

From: Rob Testerman
Date: April 30, 2014
Item: 5A – Backyard Chickens
Attachments: Draft Ordinance Language

Background

Last month, draft language was introduced to the Planning Commission regarding backyard chickens. During the discussion, a few suggestions were made, and have since been included in the draft language.

The online survey has been extended through the end of May in order to get a better response rate from property owners. Notice of the survey will be included in the May utility bill, in order to ensure that all property owners are aware of its existence. To date, we have received 62 responses.

Item Specifics

Items added to the draft language that was provided at the last meeting:

- 8.c. No person shall keep any rooster, or hen that crows in manner resembling a rooster.
- 8.f. Hen houses and outdoor enclosures may only be located in rear yards, in accordance with Town zoning.
- 8.h. Food for the hens must be kept in a rodent-proof, metal container
- 8.j. A permit must be obtained from the Zoning Administrator annually.
- 8.k. Flocks must be registered with the Virginia Department of Agriculture and Consumer Services.

Discussion

Commissioners should discuss the proposed regulations, and determine if additional edits are needed. Prior to the next meeting, staff will analyze survey responses and report the findings at the June meeting. At that point, we can determine the next steps.

Section 3.2 Single Family Residential District R-1

B. Permitted Uses

8. Keeping of up to five (5) egg laying hens, provided the following requirements are met:
 - a. The principal use is a single-family dwelling
 - b. The person raising the hens must occupy the residence.
 - c. No person shall keep any rooster, or hen that crows in a manner resembling a rooster.
 - d. No person shall slaughter any hens outdoors.
 - e. The hens shall be provided with both a hen house and a fenced outdoor enclosure.
 1. The hens must be kept in the hen house or fenced outdoor enclosure at all times and shall not be allowed to roam free.
 2. The hen house shall be a covered, predator-resistant, well-ventilated structure providing a minimum of 2 square feet per hen.
 3. The outdoor enclosure shall be adequately fenced to contain the hens and to protect the hens from predators.
 4. The hen house must be kept in a clean, dry, and sanitary condition at all times.
 5. The outdoor enclosure shall be cleaned on a regular basis to prevent the accumulation of animal waste.
 - f. Hen houses and outdoor enclosures may only be located in rear yards, in accordance with Town zoning regulations.
 - g. Hen houses and outdoor enclosures shall be located at least ten (10) feet from side and rear property lines, AND at least thirty (30) feet from any dwelling unit on an adjacent lot.
 - h. Food for the hens must be kept in a rodent-proof, metal container.
 - i. Eggs shall not be sold.
 - j. A permit must be obtained from the Zoning Administrator annually.
 - k. Flocks must be registered with the Virginia Department of Agriculture and Consumer Services

Planning Commission Staff Report

From: Rob Testerman

Date: April 30, 2014

Item: 5B – Tourism Zone

Attachments: VA Code § 58.1-3851, Tourism zone information, Technology Zone language, Tourism Zone examples

Background

Previously, the Planning Commission had begun discussion and working on a Tourism Zone for Cape Charles. At the January 28, 2011 Town Council retreat, Town Council agreed that i) a Technology and Tourism Zone should both be adopted by the Town, ii) both zones should encompass the entire town, iii) a list of targeted businesses needed to be developed, and iv) fees for water and sewer, BPOL and real estate taxes could be offered. The Technology Zone was adopted by Town Council on March 8, 2012.

A tourism zone allows for qualifying businesses to receive tax credits or other incentives that would not be available to that business elsewhere, thus encouraging the business to locate within the tourism zone, increasing employment opportunity, and growth.

Creation of a tourism zone is authorized by VA Code § 58.1-3851. The language of the Tourism Zone will likely be very similar to that of the Technology Zone, and will be adopted into the Town Code, if approved. The qualifying businesses and incentives will differ from those existing in the Technology Zone.

Discussion

Begin discussing a list of business types that would qualify for Tourism Zone incentives. If time permits, also begin discussing incentives to be offered. Staff will then begin drafting the language to be presented to the Planning Commission at an upcoming meeting.

§ 58.1-3851. Creation of local tourism zones.

- A. Any city, county, or town may establish, by ordinance, one or more tourism zones. Each locality may grant tax incentives and provide certain regulatory flexibility in a tourism zone.
- B. The tax incentives may be provided for up to 20 years and may include, but not be limited to (i) reduction of permit fees, (ii) reduction of user fees, and (iii) reduction of any type of gross receipts tax. The extent and duration of such incentive proposals shall conform to the requirements of the Constitutions of Virginia and of the United States.
- C. The governing body may also provide for regulatory flexibility in such zone that may include, but not be limited to (i) special zoning for the district, (ii) permit process reform, (iii) exemption from ordinances, excluding ordinances or provisions of ordinances adopted pursuant to the requirements of the Chesapeake Bay Preservation Act (§ [62.1-44.15:67](#) et seq.), the Erosion and Sediment Control Law (§ [62.1-44.15:51](#) et seq.), or the Virginia Stormwater Management Act (§ [62.1-44.15:24](#) et seq.), and (iv) any other incentive adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.
- D. The establishment of a tourism zone shall not preclude the area from also being designated as an enterprise zone.

(2006, c. 642; 2008, c. 462; 2013, cc. 756, 793.)

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TOURISM ZONES In the Commonwealth of Virginia

WHAT Is a Tourism Zone?

Much like traditional business enterprise zone, a *tourism zone* allows for businesses to take advantage of state and local tax credits and deductions not available to businesses elsewhere. The goal of the incentives is to stimulate business attraction, growth, and increased employment opportunities within economically challenged areas of a locality. This can include, but are not limited to: hiring credits, sales & use tax credits, expense and interest deductions, discount utilities hook-up and payment plans, sewer facility hookup payment plans and reduced parking requirements.

Any city, county, or town may establish, by ordinance, one or more tourism zones. Each locality may grant tax incentives and provide certain regulatory flexibility in a tourism zone.

In Virginia, tax incentives may be provided for up to 10 years and may include, but are not be limited to

- reduction of permit fees
- reduction of user fees
- reduction of any type of gross receipts tax.
- The extent and duration of such incentive proposals shall conform to the requirements of the Constitutions of Virginia and of the United States.

A governing body may also provide for regulatory flexibility in such zone that may include, but not be limited to:

- special zoning for the district
- permit process reform
- exemption from some ordinances, excluding ordinances or provisions adopted pursuant to the Chesapeake Bay Preservation Act, Erosion & Sediment Control Law and the VA Storm water Management Act
- other incentive adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.

Tourism Zone Considerations

Factors when considering the opportunity and impact of tourism zones

- Pre-existing enterprise or business development zones
- The level and nature of adjoining developments
- Any relevant local planning policy, legislation, state planning policies and development control regulations
- Preparation, advertising, adoption and implementation tourism zones, in relation to local community and business development plans
- Any tourism development zone fundamentals including the use of land, including the extent of preservation, further development, land use

Factors and changes to consider with establishing a tourism zone

- Density or proximity of any residential developments within a tourism zone
- Tourist center and locality-wide services and operations
- Any new types or quantities of merchandise or goods to be stored, processed, produced or sold
- Personal safety and security in streets and around buildings or new business development
- Strategic importance for the tourist industry is for local residence and out-of-town tourists
- Balance with local transportation without restricting access and use of tourist attractions
- Tourists visit places for a variety of purposes which do not include work or a permanent home.
- Effectiveness of travel, retail and hospitality signage
- Control the service of alcohol so as not to adversely impact on residents or the community.
- Storm water drainage details including design levels and erosion control at outlets.
- And access to non-emergency and emergency health care needs of visitors
- Diverse lodging development and needs, in relations to residential nearby

ESTABLISHING A TOURISM ZONE

Localities interested in pursuing the Commonwealth of Virginia Tourism Development Financing Program will need to have a defined tourism zone(s) within which the proposed project is contained. Virginia cities, counties, or towns can currently establish such tourism zones as allowed for in the Code of Virginia. Interested localities are encouraged to begin development of the required tourism zones.

2006 Virginia Code § 58.1-3851 - Creation of local tourism zones.

§ 58.1-3851. Creation of local tourism zones

A. Any city, county, or town may establish, by ordinance, one or more tourism zones. Each locality may grant tax incentives and provide certain regulatory flexibility in a tourism zone.

B. The tax incentives may be provided for up to 20 years and may include, but not be limited to (i) reduction of permit fees, (ii) reduction of user fees, and (iii) reduction of any type of gross receipts tax. The extent and duration of such incentive proposals shall conform to the requirements of the Constitutions of Virginia and of the United States.

C. The governing body may also provide for regulatory flexibility in such zone that may include, but not be limited to (i) special zoning for the district, (ii) permit process reform, (iii) exemption from ordinances, excluding ordinances or provisions of ordinances adopted pursuant to the requirements of the Chesapeake Bay Preservation Act (§ 10.1-2100 et seq.), the Erosion and Sediment Control Law (§ 10.1-560 et seq.), or the Virginia Stormwater Management Act (§ 10.1-603.1 et seq.), and (iv) any other incentive adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.

D. The establishment of a tourism zone shall not preclude the area from also being designated as an enterprise zone. (2006, c. 642; 2008, c. 462.)

Examples of tourism zones from other Virginia localities can be found at the following links:

<p>City of Fredericksburg, VA http://www.fredericksburgva.gov/Departments/economicdevelopment/index.aspx?id=572</p> <p>CONTACT Ms. Karen W. Hedelt Director Dept. of Econ Dev. & Tourism City of Fredericksburg 706 Caroline Street Fredericksburg, VA 22401 (540) 372-1216 khedelt@fredericksburgva.gov www.visitfred.com</p>	<p>Spotsylvania County, VA http://www.spotsylvania.org/TourismZone.htm</p> <p>CONTACT Debble Sanders Deputy Director Spotsylvania County dsanders@spotsylvania.va.us 9019 Old Battlefield Blvd, Suite 310 Spotsylvania, VA 22553 800 972 2526 www.spotsylvania.org</p>	<p>Town of Pocahontas, VA http://www.pocahontasva.org/Tourism%20Zone%20Ord%2018-76%20%20011711.pdf</p> <p>CONTACT Johnathan Gibson Mayor Town of Pocahontas 300 Centre Street P.O. Box 128 Pocahontas, VA 24635 276-945-9522 Johnathan.Gibson@Pocahontas.org</p>
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For more information on establishing a defined tourism zone, contact tdfund@virginia.org or 804 545 5552

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TOURISM DEVELOPMENT FINANCING PROGRAM

- [\(1\) Performance Agreement](#)
- [\(2\) Tourism Zones](#)
- [\(3\) Tourism Development Plan](#)
- [\(4\) Submission and Payment](#)

Contact Department Staff

Chris Canfield
Vice President, Partnership Alliance Marketing
(804) 545-5562

Wirt Conroy
Director of Partnership Marketing Outreach
(804) 545-5552

Commonwealth of Virginia Tourism Development Financing Program

The Commonwealth of Virginia has established a financing program for qualified Virginia tourism development projects. The purpose of the program is to provide a gap financing mechanism for projects in partnership with developers, localities, financial institutions, and the state. This program provides a method of financing to compensate for a shortfall in project funding not to exceed 20% of a qualified project's total cost.

Section 58.1-3851.1 of the Virginia Code details the requirements for eligible tourism projects.

For those tourism projects that are eligible, (A) one percent of the state sales tax, (B) one percent of the local sales tax and (C) a developer access fee equal to 1% of the state sales tax are used to pay the debt service on the project.

As required in the legislation, localities that are interested in pursuing the financing program will need to complete the following steps.

Review and print this TDFP overview for more information >> [TDFP Overview 2014 - pdf](#)

Related Links

- [Enabling Legislation](#)
- [Code of Virginia](#)

(1) PERFORMANCE AGREEMENT

The first and key components to applying for the Tourism Development Financing Program is the securing of development, financial local economic development partners, as well as insuring that 80% financing is in place. Localities should structure its debt and equity financing and enter into a performance agreement with the appropriate political subdivision in the locality and confirm participating project developers will pay an access fee equal to one percent of the sales tax revenue generated and returned to the tourism project. > [See more](#)

(2) TOURISM ZONE IDENTIFICATION OR ESTABLISHMENT

Localities that are interested in pursuing the financing will need to have a defined tourism zone(s) enacted by ordinance within which the proposed project is contained. Virginia cities, counties, or towns can establish such tourism zones as allowed for in the Code of Virginia. This section of the Virginia Code can be found at <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+58.1-3851>. Interested localities are encouraged to begin development of the required tourism zones. > [See more](#)

(3) TOURISM DEVELOPMENT PLAN IDENTIFICATION OR ESTABLISHMENT

Localities that are interested must have a Tourism Development Plan approved by the Virginia Tourism Authority dba Virginia Tourism Corporation (VTC). A clear understanding and proof of how a proposed tourism project will meet an identified deficiency is required in the plan. Upon approval by VTC the locality must adopt an ordinance authorizing the tourism project. Upon approval of the Tourism Development Plan by VTC, the locality must adopt such plan by ordinance. VTC will advise localities throughout the approval process. Localities should be aware that there is a \$500 application and processing fee paid to the Virginia Tourism Corporation upon submission of their plan for approval. > [See more](#)

(4) SUBMISSION AND ADMINISTRATION FEE

After complying with all the stages of the application process, outlined in Section 58.1-3851.1 of the Virginia Code, all necessary documentation supporting a locality's application will be submitted to the VTC. VTC, on behalf of the locality, will submit the application to the Virginia State Comptroller for certification. > [See more](#)

Chapter 23 TECHNOLOGY ZONE Sec. 23-1. Purpose.Sec. 23-2. Administration.Sec. 23-3. Boundary area.Sec. 23-4. Definitions.Sec. 23-5. Qualifications.Sec. 23-6. Economic stimulus grants and enforcement.Sec. 23-7. Non-waiver.**Sec. 23-1. Purpose.** 

The town council finds that the creation of a local technology zone, with incentives for growth, as authorized by Code of Virginia 1950, § 58.1-3850, as amended, will foster the town's development, maintenance and expansion of commercial, tourist and industrial businesses engaged in the development and implementation of technology, all of which would benefit the citizens of the town.

(Ord. No. 20120308, 3-8-12)

Sec. 23-2. Administration. 

This chapter shall be administered by the town manager or his or her designee (the "administrator"). The administrator shall be responsible for determining if a business qualifies as a qualified technology manufacturing business or a qualified non-manufacturing applied technology business, and shall determine and publish the procedures for obtaining the benefits created by this chapter.

(Ord. No. 20120308, 3-8-12)

Sec. 23-3. Boundary area. 

The entire area of the Town of Cape Charles is designated a technology zone pursuant to Code of Virginia 1950, § 58.1-3850, as amended.

(Ord. No. 20120308, 3-8-12)

Sec. 23-4. Definitions. 

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Economic stimulus grants means the incentive grants payable to a qualified technology manufacturing business or a qualified non-manufacturing applied technology business as provided in section 23-6 of this chapter.

Existing business means a corporation, partnership, limited liability company or sole proprietorship authorized to conduct business in the Commonwealth of Virginia, located in and actively engaged in the conduct of trade or business in the town prior to the adoption of this chapter.

Full time job means a job that is to be performed by a worker for an average of at least 35 hours per week for a minimum of one year, with reasonable allowances for holidays and vacations.

New business means a corporation, partnership, limited liability company or sole proprietorship authorized to conduct business in the Commonwealth of Virginia not previously located in the town that begins actively conducting business after the adoption of this chapter.

Qualified business means either a qualified non-manufacturing applied technology business or a qualified technology manufacturing business.

Qualified non-manufacturing applied technology business means a new or existing business that has met the applicable qualifications set forth in section 23-5 of this chapter and that is engaged in the research, application, upgrading, repair or installation of computer hardware or software or other high-technology equipment in any business or research sector including but not limited to transportation, food production, and marine technology or any other similar activity deemed appropriate for a technology zone as defined in another jurisdiction of the commonwealth, and found as such by the administrator.

Qualified technology manufacturing business means a new or existing business that has met the applicable qualifications set forth in section 23-5 of this chapter and that is engaged in technology-driven production of advanced materials or products for high-technology sectors or fields, including, but not limited to, robotics, computer hardware and software, sensors, marine technology, aerospace, or any other similar activity which is deemed appropriate for a technology zone as defined in another jurisdiction of the commonwealth, and as found as such by the administrator.

(Ord. No. 20120308, 3-8-12)

Sec. 23-5. Qualifications.

- (a) **Manufacturing.** To be eligible for economic stimulus grants, a qualified technology manufacturing business must:
 - (1) Create and maintain a minimum of five new full time jobs which are each compensated at 1½ times the wage rate of the currently-defined federal minimum wage.
 - (2) Make a new verified capital investment of no less than \$250,000.00 in a building, building improvements, and/or in machinery and tools. A capital investment does not include the cost to acquire real property.
- (b) **Non-manufacturing.** To be eligible for economic stimulus grants, a qualified non-manufacturing applied technology business must:
 - (1) Create and maintain a minimum of three new full time jobs which are each compensated at 1½ times the wage rate of the currently-defined federal minimum wage.
 - (2) Make a new verified capital investment of no less than \$100,000.00 in a building, building improvements, and/or in machinery and tools. A capital investment does not include the cost to acquire real property.
- (c) Mere use of computers or technology in the course of an otherwise low-technology or traditional business shall not qualify a business as a qualified business.

(Ord. No. 20120308, 3-8-12)

Sec. 23-6. Economic stimulus grants and enforcement.

- (a) A qualified technology manufacturing business shall be eligible to receive the following economic stimulus grants:

- (1) A grant equal to 25 percent of the new or increased machinery and tools tax paid to the town with a verified capital investment of \$250,000.00 that shall increase proportionately up to 100 percent with a capital investment of \$1,000,000.00 or more.
 - (2) A grant of up to 100 percent of the amount of the net increase in real estate tax paid to the town.
 - (3) A grant of up to 100 percent of the amount of BPOL tax paid to the town.
 - (4) For a qualified technology manufacturing business that maintains at least 25 full time jobs, a grant of up to 50 percent of the facility and connection fees paid to the town.
 - (5) A grant of up to 100 percent of the building permit fee paid to the town.
- (b) A qualified non-manufacturing applied technology business shall be eligible to receive the following economic stimulus grants:
- (1) A grant equal to 25 percent of the new or increased machinery and tools tax paid to the town with a verified capital investment of \$100,000.00 that shall increase proportionately up to 100 percent with a capital investment of \$1,000,000.00 or more.
 - (2) A grant of up to 100 percent of the amount of the net increase in real estate tax paid to the town.
 - (3) A grant of up to 100 percent of the amount of BPOL tax paid to the town.
 - (4) For a qualified non-manufacturing applied technology business that maintains at least 15 full time jobs, a grant of up to 50 percent of the facility and connection fees paid to the town.
 - (5) A grant of up to 100 percent of the building permit fee paid to the town.
- (c) The types and amounts of the economic stimulus grants shall be based on the factors that the town deems relevant, including without limitation the type of business conducted by the qualified business and amount of verified capital investment and the number of full time jobs created by the qualified business. The types and amounts of economic stimulus grants awarded to a qualified business shall be initially determined by the administrator, subject to approval by the town council.
- (d) No taxes, fees, or other charges shall be deemed waived by this chapter. All such taxes, fees, and charges shall be paid by the qualified business in full as and when due. Economic stimulus grants described in subparts (1), (2), and (3) of subsections (a) and (b) above that are awarded to a qualified business shall be paid annually, in arrears, for each year that the qualified business meets all eligibility criteria up to a maximum of five years. If a qualified business fails to meet all eligibility criteria in any given year, the economic stimulus grants for that year and all future years shall be forfeited. Economic stimulus grants described in subparts (4) and (5) of subsections (a) and (b) above that are awarded to a qualified business shall be paid upon verification by the administrator of the completion of construction of the improvements to which the applicable facility and connection fees and/or building permit fees relate.
- (e) As a condition to receiving an economic stimulus grant, a qualified business agrees to provide such information and allow such inspections as the town deems reasonably necessary to verify the eligibility criteria and to ensure the qualified business's ongoing compliance therewith.
- (f) Notwithstanding anything to the contrary in this chapter:
- (1) An otherwise qualified business shall lose its eligibility for economic stimulus grants, and shall repay any previously awarded economic stimulus grants, upon any of the following:
 - a. A violation by such business or, to the extent related to the operation of the business, by any of its principals or officers, of any statute, regulation, or order of the United States or the Commonwealth of Virginia or any department or agency thereof; or

- b. A violation of any town ordinance that continues beyond the applicable cure period or, if none, a period of ten days.
- (2) All economic stimulus grants are subject to the appropriation requirements of the Commonwealth of Virginia and the town.
- (g) The town will issue a qualified approval letter which will specify the amount of the verified capital investment, the number of full time jobs created, the amount of the economic stimulus grant(s), the eligibility criteria for receiving the economic stimulus grant(s), the procedures for verifying compliance therewith, and such other terms as may be appropriate.

(Ord. No. 20120308, 3-8-12)

Sec. 23-7. Non-waiver.

Unless expressly stated herein, this chapter shall not be construed to waive the requirement of any ordinances, regulations, and policies that require permits and approvals for land use, construction, and business operation. Additionally, unless stated otherwise herein, nothing in this chapter shall be construed as waiving the right of the town to enforce its ordinances, regulations, or policies or to collect taxes, fees, fines, penalties, or interest imposed by law or by ordinance.

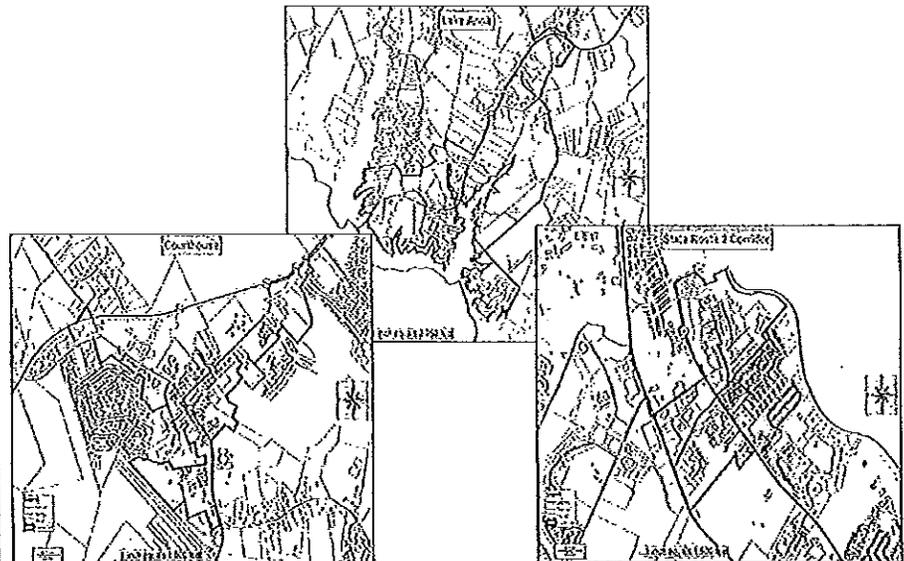
(Ord. No. 20120308, 3-8-12)

Spotsylvania County, VA

Tourism Zone Program

The Tourism Zone Program serves both new and existing qualified businesses, affording tax rebates on Business, Professional and Occupational License (BPOL) and Machinery & Tools Tax (M/T). The qualified business is also placed in the County's Targeted Industry Program, initiating the Fast Track Development Review Process. There are three designated Tourism Zones in the County to encourage growth in Spotsylvania's Tourism sector.

Zone Maps



Qualifications

A Tourism Business

• Business whose primary purpose is to establish a desirable location to attract tourists from outside of the community and create an environment for those visitors that will deliver a memorable experience or provide educational opportunities while increasing travel related revenue.

Existing Tourism Businesses must meet one of the following criteria:

- Capital Investment of at least \$250,000 over the last 5 years.

New Tourism Businesses must meet one of the following criteria:

- Provide Capital Investment of at least \$500,000 within the boundaries of the Tourism Zones.

Conditions that apply to both Existing and New Tourism Businesses:

- The Tourism Business must meet and maintain the minimum qualifying employment and investment levels through Year 5 in order to qualify as a qualified Tourism Business.

Incentives Available

Tax Rebates:

- Rebate on business, professional and occupational license tax imposed by the County.
- Rebate on machinery and tools tax imposed by the County.
- For those Qualified Tourism Businesses that are Existing Tourism Businesses, rebates shall only be applicable to taxes assessed on the portion of gross receipts or acquired machinery and tools directly attributable to the expansion of the business.

Targeted Industry Status:

- Qualified Tourism Businesses shall be placed in the County's established Fast Track Development Review, Permitting and Inspections program.

For more information and full details on the Spotsylvania County Tourism Zone Program call 1-540-507-7210 or visit www.spotsylvania.org

Sec. 24-11. Zoning Ordinance Not Affected.

This Article is an economic development incentive and is not a zoning change. Nothing herein shall be construed to affect any provision or requirement of any County zoning ordinance.

Sec. 24-12. Nonwaiver.

Nothing in this Article shall not be construed to waive the requirement of any ordinance, regulation or policy of the County including, but not limited to, those ordinances, regulations and policies that require permits and approvals for land use and construction. Additionally, unless stated otherwise herein, nothing in this Article shall be construed as waiving the right of the County to enforce its ordinances, regulations or policies to collect any taxes, fees, fines, penalties, or interest imposed by law on a Qualified Technology Business or upon real or personal property owned or leased by a Qualified Technology Business. The Board reserves the right to remove Qualified Technology Business status from any Business that is not compliant with any ordinance, regulation, policy or other legal requirement.

Sec. 24-13. Confidentiality.

To the extent permitted under the Virginia Freedom of Information Act, confidential Business records will be safeguarded from disclosure.

Sec. 24-14. Restrictions.

No Qualified Technology Business may apply for or receive a tax or fee exemption under this Article on the basis of a building permit issued or construction commenced prior to the establishment of the Technology Zone in which the property lies.

Sec. 24-15. Education and Promotion.

The DED shall develop programs to educate the public and potential businesses of the benefits of the Technology Zone.

Secs. 24-16—24-20. Reserved.

Article II. Tourism Zones

Sec. 24-21. Definitions.

For purposes of this Article, the following words and phrases shall have the meanings subscribed below, unless clearly indicated to the contrary:

Tourism Products, Processes or Related Services means engaging in activities which promote and provide an experience for visitors including but not limited to: cultural or historical sites; recreation or athletic facilities; areas of scenic beauty or distinctive natural phenomena; family oriented destinations; tours; events on location; museums; wineries or related activities; and lodging if:

- a) It involves restoration or rehabilitation of a historic structure;
- b) It contains meeting space with a minimum of 250 person capacity and supporting hotel rooms and food and beverage capabilities.

Tourism Zone means a specific geographic area or areas created pursuant to Chapter 38, Title 58.1 of the Code of Virginia of 1950, as amended, to foster the development and expansion of Tourism Businesses in the County.

Tourism Zone Program Annual Review Application means an application to be completed annually, available from the DED to renew and submit data in order to continue receiving incentive rebates.

Tourism Zone Program Qualification Application means an application available from the DED to qualify to receive Tourism Zone incentives established by this Article.

Year 1 means the calendar year in which the Tourism Business submits a Tourism Zone Program Annual Review Application to the Commissioner of Revenue on or before March 1st of that year and is qualified as a Qualified Tourism Business in such year pursuant to the Certification Procedure described in this Article.

Sec. 24-22. Establishment of Tourism Zone.

A Tourism Zone is hereby established in the County in accordance with Chapter 38, Title 58.1 of the Code of Virginia of 1950, as amended.

Sec. 24-23. Boundaries.

The Boundaries of the Tourism Zone shall be within the areas described in Appendix B of this Chapter.

Sec. 24-24. Administration.

An applicant seeking to obtain the benefits of the Tourism Zone will hold preliminary discussions with the DED, prior to any investment, resulting in a letter from the applicant describing the planned project and submittal of a completed Tourism Zone Program Qualification Application.

The DED will perform the initial review of the project to determine if the project meets the required criteria for a Qualified Tourism Business and is consistent with the

Periods will be treated as an Existing Tourism Business for qualification purposes And Tourism Zone incentives for a second five (5) year period will be treated as an Existing Tourism Business for qualification purposes.

Sec. 24-28. Incentives.

Qualified Tourism Businesses located within the boundaries of the Tourism Zone are afforded the following incentives:

(a) Tax Rebates:

(i) Rebate on Business, Professional and Occupational License tax imposed by the County pursuant to Section 11.1-10 of the County Code; and

(ii) Rebate on Machinery and Tools tax imposed by the County pursuant to Section 21-1 of the County Code and Chapter 35, Title 58.1 of the Code of Virginia of 1950, as amended

For those Qualified Tourism Businesses that are Existing Tourism Businesses, rebates shall only be applicable to taxes assessed on the portion of gross receipts or acquired machinery and tools directly attributable to the expansion of the business.

The amount of each tax rebate shall be a percentage of that portion of taxes paid by the Qualified Tourism Business each year of the Incentive Period that is directly attributable to the expansion of the Business. The percentage rebated for a five-year Incentive Period shall be determined by the following schedule:

Year 1 One hundred percent (100%)

Year 2 One hundred percent (100%)

Year 3 ...Fifty percent (50%)

Year 4...Fifty percent (50%)

Year 5....Fifty percent (50%)

b) Targeted Industry Status. Qualified Tourism Businesses shall be placed in the County's established Fast Track Development Review, Permitting and Inspections program.

Nothing herein shall be construed as limiting the Board's power to grant additional incentives as may be permitted by law to Tourism Businesses on a case-by-case basis including, but not limited to, incentives granted pursuant to performance agreements and

(h) If a Qualified Tourism Business leaves the County to conduct business in another location within five (5) years of completing any five-year Incentive Period, it will be required to repay the County the total amount of Tourism Zone incentives received.

Sec. 24-30. Special Service Districts Not Affected.

The establishment of the Tourism Zone shall not be construed to affect any provision or requirement of the County Code or state statute creating Special Service Districts, including but not limited to the collection of special taxes.

Sec. 24-31. Zoning Ordinance Not Affected.

This Article is an economic development incentive and is not a zoning change. Nothing herein shall be construed to affect any provision or requirement of any County zoning ordinance.

Sec. 24-32. Nonwaiver.

Nothing in this Article shall not be construed to waive the requirement of any ordinance, regulation or policy of the County including, but not limited to, those ordinances, regulations and policies that require permits and approvals for land use and construction. Additionally, unless stated otherwise herein, nothing in this Article shall be construed as waiving the right of the County to enforce its ordinances, regulations or policies to collect any taxes, fees, fines, penalties, or interest imposed by law on a Qualified Tourism Business or upon real or personal property owned or leased by a Qualified Tourism Business. The Board reserves the right to remove Qualified Tourism Business status from any Business that is not compliant with any Article, regulation, policy or other legal requirement.

Sec. 24-33. Confidentiality.

To the extent permitted under the Virginia Freedom of Information Act, confidential business records will be safeguarded from disclosure.

Sec. 24-34. Restrictions.

No Qualified Tourism Business may apply for or receive a tax or fee exemption under this Article on the basis of a building permit issued or construction commenced prior to the establishment of the Tourism Zone in which the property lies.

Sec. 24-35. Education and Promotion.

The DED shall develop programs to educate the public and potential businesses of the benefits of the Tourism Zone.



MOTION: SOLLEY

October 26, 2010
Regular Meeting
Ordinance No. 10-32

SECOND: PAOLUCCI

RE: CREATING A NEW "EAGLE VILLAGE" TOURISM ZONE, BY AMENDING CITY CODE CHAPTER 22, "BUSINESSES," ARTICLE V, "TOURISM ZONES," ADDING A NEW DIVISION 4, "EAGLE VILLAGE TOURISM ZONE."

ACTION: APPROVED: Ayes: 7 ; Nays: 0

FIRST READ: October 12, 2010 **SECOND READ:** October 26, 2010

IT IS HEREBY ORDAINED by the City Council of the City of Fredericksburg, Virginia, that Chapter 22 of the City Code is amended as follows:

SEC. I. Introduction.

The JumpStart! June 2006 Action Plan proposed the Jefferson Davis Highway corridor for conversion from large, strip mall shopping centers into mixed use, pedestrian friendly activity centers, and identified such redevelopment projects as long term development opportunities for the City. The redevelopment of the Park N' Shop shopping center was envisioned as an employment center with large format office space and ground floor retail. According to the JumpStart! 2006 Action Plan, "the site's adjacency to two of the City's largest employers, the University of Mary Washington and Mary Washington Hospital, will make it an ideal location for hospital- and university-related companies." JumpStart! recommended business license tax reductions, along with other incentives to achieve this long term development opportunity.

The Comprehensive Plan (2007) continued the planning for this area for economic development and physical redevelopment, adopting goals for corridors including commercial development, visual character, mixed use, and development that would complement other business centers.

City Council adopted Ordinance 09-12 on March 10, 2009, rezoning the former Park N' Shop shopping center for Planned Development Mixed Use, and the University of Mary Washington Foundation developed a portion of the site with a mix of residential, retail, and office uses. The new mixed use development is called "Eagle Village." Eagle Village is physically linked to the University of Mary Washington via a pedestrian bridge crossing U.S. Route 1, providing this corridor a distinct visual character and the City a signature architectural feature.

Virginia Code §58.1-3851 authorizes Virginia localities to establish, by ordinance, one or more tourism zones for the purpose of granting tax incentives and providing regulatory flexibility to qualified businesses. Fredericksburg established three such zones -- the Downtown/Princess Anne Corridor Tourism Zone, the Celebrate Virginia South Tourism Zone, and the Kalahari Resort Tourism Zone -- for this purpose. City Council now wishes to add a new tourism zone, the "Eagle Village Tourism Zone," in order to attract new businesses to this redeveloped, mixed-use project *and nearby commercial properties* on the U.S. Route 1 corridor.

SEC. II. City Code Amendment.

City Code Chapter 22, "Businesses," Article V, "Tourism Zones," is amended by the addition of a new Division 4, "Eagle Village Tourism Zone," as follows:

DIVISION 4. EAGLE VILLAGE TOURISM ZONE

Sec. 22-540. Eagle Village Tourism Zone created.

There is hereby established the "Eagle Village Tourism Zone" consisting of approximately 23 acres of land located on the *east and west* side of U.S. Route 1, generally across from the University of Mary Washington campus, consisting of Fredericksburg Tax Map parcels 186-48-L1, 186-48-1209, 186-50-1221, 249-3-PB, 249-3-1201 and 240-3-1257; 186-50-1209, 1210, 1214, 2002, 2006, 2010, 2014 and 2018; 187-49-1309, 1313, 1323, L9B, 1317 and 1325; 187-49-2000, 2004, 2018, L16A, L16B, L16C and L16D; 187-54-1300; 187-54-1301, 1305, 1311, 1313 and 1315; 188-53-1221, 1223, 1224, 1229, 1240 and 1901; 190-74-1311, 1316 and 1321; 228-73-1401 and 1810; 229-55-1900 and P1. The purpose of this zone is to provide economic incentives and regulatory flexibility for eligible business entities which will advance the long term development goals of the JumpStart! 2006 Final Report and Action Plan, and the Comprehensive Plan (2007) Corridors goals and policies.

Sec. 22-541. Eligibility requirements.

- (a) Economic incentives and regulatory flexibility may be made available to any new, expanded, or existing business which seeks to attract customers from the Fredericksburg region and beyond. The business must commit to a performance agreement based upon investment, jobs, sales revenues, or other significant criteria. The business must make a capital investment of at least \$500,000.00 within the Eagle Village Tourism Zone, or create and sustain at least twenty-five full time jobs in order to be eligible for economic incentives or regulatory flexibility.
- (b) Economic incentives may be provided for up to ten years, through the performance agreement. In the case of multi-year incentives, the business shall establish its qualification for the incentives on an annual basis.

Sec. 22-542. Administration.

The city manager is authorized to administer the Eagle Village Tourism Zone through the director of economic development and tourism. The director of economic development and tourism shall develop criteria and guidelines for the level of investment required for any particular range of tax incentive or regulatory flexibility. The city manager is authorized to negotiate performance agreements with potential new or expanded businesses. The city council shall have final approval authority for performance agreements.

SEC. III. Effective date.

This ordinance shall be effective immediately.

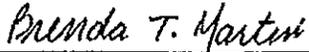
Approved as to form:



Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Deputy Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 10-32 duly adopted at a meeting of the City Council held October 24, 2010 at which a quorum was present and voted.



Brenda T. Martin
Deputy Clerk of Council



MOTION: SOLLEY

July 10, 2007
Regular Meeting
Ordinance No. 07-31

SECOND: DEVINE

RE: AMENDING CITY CODE CHAPTER 22, "BUSINESSES," BY ADDING A NEW ARTICLE 5, "TOURISM ZONES" WHICH ESTABLISHES TWO TOURISM ZONES WITHIN THE CITY -THE "DOWNTOWN/PRINCESS ANNE CORRIDOR TOURISM ZONE" AND THE "CELEBRATE VIRGINIA SOUTH TOURISM ZONE," AND BY ADDING A NEW ARTICLE 6, "TECHNOLOGY ZONES" WHICH ESTABLISHES A "ROUTE 3 CORRIDOR TECHNOLOGY ZONE"

ACTION: APPROVED; Ayes: 7; Nays: 0

FIRST READ: June 26, 2007

SECOND READ: July 10, 2007

IT IS HEREBY ORDAINED that the City Council of the City of Fredericksburg does hereby amend City Code Chapter 22, "Businesses," as follows:

SEC. I. Introduction.

State law authorizes the City to adopt tourism- or technology-based zones, in which economic incentives and regulatory flexibility are offered to targeted businesses. The purpose of the incentives is to attract business investment and job creation in the tourism or technology zone. The economic incentives may take the form of (i) the reduction in permit fees; (ii) reduction in user fees; and (iii) reduction of any type of gross receipts tax. In addition, within the designated zone, the governing body may provide regulatory flexibility such as (i) special zoning; (ii) permit process reform; (iii) exemption from ordinances; and (iv) any other incentive adopted by ordinance.

The JumpStart! Final Report includes the recommendation that the City consider innovative financing strategies to fund development incentive programs. The Final Report encourages the City to attract development and new businesses through economic incentives and other strategies that create a more business-friendly environment. The purpose of this ordinance is to respond to that recommendation.

SEC. II. City Code Amendment.

1. City Code Chapter 28, "Businesses," is amended by the addition of a new Article V, "Tourism Zones," and a new Article VI, "Technology Zones," as follows:

ARTICLE V. TOURISM ZONES

Division 1. Downtown/Princess Anne Street Corridor Tourism Zone

§28-501. Downtown/Princess Anne Street Corridor Tourism Zone Created.

There is hereby established the "Downtown/Princess Anne Street Corridor Tourism Zone," consisting of all the area designated as such on the map entitled "City of Fredericksburg Tourism and Technology Zones, July, 2007," attached hereto and incorporated herein. The purpose of this zone is to provide economic incentives and regulatory flexibility for eligible business entities which will attract visitors from the Fredericksburg region, make a substantial investment, and create new jobs in the City's Downtown and Princess Anne Street Corridor. The new and expanded businesses that participate in this Tourism Zone will enhance the revitalization efforts in the historic heart of the City.

§28-502. Eligibility Requirements.

(a) Economic incentives and regulatory flexibility may be made available to any new or expanded business which seeks to attract customers from the Fredericksburg region. The business must advance the City's strategic goals identified in the JumpStart! Final Report (July 2006) and the City's Comprehensive Plan. The business must commit to a performance agreement based upon investment, historic preservation, jobs, sales revenues, or other significant criteria. The business must make an investment of at least \$500,000 within the Downtown/Princess Anne Street Corridor Tourism Zone, or create and sustain at least twenty-five full time jobs in order to be eligible for economic incentives or regulatory flexibility.

(b) Economic incentives may be provided for up to ten years, through the performance agreement. In the case of multi-year incentives, the business shall establish its qualification for the incentives on an annual basis.

§28-503. Administration.

The City Manager is authorized to administer the Downtown/Princess Anne Street Corridor Tourism Zone, through the Director of Economic Development and Tourism. The Director of Economic Development and Tourism shall develop criteria and guidelines for the level of investment required for any particular range of tax incentive or regulatory flexibility. The City Manager is authorized to negotiate performance agreements with potential new or expanded businesses. The City Council shall have final approval authority for performance agreements.

§§28-504 -- 509 [Reserved]

Division 2. Celebrate Virginia South Tourism Zone

§28-510. Celebrate Virginia South Tourism Zone Created.

There is hereby established the "Celebrate Virginia South Tourism Zone," consisting of all the area designated as such on the map entitled "City of Fredericksburg Tourism and Technology Zones, July, 2007," attached hereto and incorporated herein. The purpose of this zone is to provide economic incentives and regulatory flexibility for eligible business entities which will attract visitors from the Fredericksburg region and beyond, make a substantial investment, and create new jobs in the development north of Fall Hill Avenue and south of the Rappahannock River known as "Celebrate Virginia South," as well as undeveloped land south of Fall Hill Avenue and west of I-95. This is land ready for intensive new highway-based planned commercial development. Like nearby Central Park, this area will draw visitors from within and beyond the Fredericksburg region. The goal of the Celebrate Virginia South Tourism Zone is to create a distinct retail shopping, entertainment, or recreational experience, with opportunities unlike those available at other Interstate exits or shopping centers in the region.

§28-511. Eligibility.

(a) Economic incentives and regulatory flexibility may be made available to any new, expanded, or existing business which seeks to attract customers from the Fredericksburg region and beyond. The business must commit to a performance agreement based upon investment, jobs, sales revenues, or other significant criteria. The business must make an investment of at least \$500,000 within the Celebrate Virginia South Tourism Zone, or create and sustain at least twenty-five full time jobs in order to be eligible for economic incentives or regulatory flexibility.

(b) Economic incentives may be provided for up to ten years, through the performance agreement. In the case of multi-year incentives, the business shall establish its qualification for the incentives on an annual basis.

§28-512. Administration.

The City Manager is authorized to administer the Celebrate Virginia South Tourism Zone, through the Director of Economic Development and Tourism. The Director of Economic Development and Tourism shall develop criteria and guidelines for the level of investment required for any particular range of tax incentive or regulatory flexibility. The City Manager is authorized to negotiate performance agreements with potential new or expanded businesses. The City Council shall have final approval authority for performance agreements.

ORDINANCE NO. 18-76

AN ORDINANCE NO. 18-76, THE ZONING ORDINANCE OF THE TOWN OF POCAHONTAS, VIRGINIA, BY ESTABLISHING A TOURISM ZONE, BY REQUIRING THE ISSUANCE OF BUSINESS LICENSE FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY THE TOWN OF POCAHONTAS, Virginia, as follows:

GENERAL PROVISIONS

Section 1.1 -- Statutory Authorization and Purpose

This ordinance is adopted pursuant to the authority granted to localities by Va. Code §58.1-3851.

A. Any city, county, or town may establish, by ordinance, one or more tourism zones. Each locality may grant tax incentives and provide certain regulatory flexibility in a tourism zone.

B. The tax incentives may be provided for up to 10 years and may include, but not be limited to (i) reduction of permit fees, (ii) reduction of user fees, and (iii) reduction of any type of gross receipts tax. The extent and duration of such incentive proposals shall conform to the requirements of the Constitutions of Virginia and of the United States.

C. The governing body may also provide for regulatory flexibility in such zone that may include, but not be limited to (i) special zoning for the district, (ii) permit process reform, (iii) exemption from ordinances, excluding ordinances or provisions of ordinances adopted pursuant to the requirements of the Chesapeake Bay Preservation Act (10.1-2100 et seq.), the Erosion and Sediment Control Law (10.1-560 et seq.), or the Virginia Stormwater Management Act (10.1-603.1 et seq.), and (iv) any other incentive adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.

*D. The establishment of a tourism zone shall not preclude the area from also being designated as an enterprise zone.
(2006, c. 642.)*

The purpose of the Tourism Zone Ordinance is to promote the rich cultural heritage of the Town of Pocahontas while encouraging economic development within the Pocahontas Business District.

Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of the Town of Pocahontas General Business Zones.

Compliance and Liability

- A. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Town Treasurer.
- B. This ordinance shall not create liability on the part of the Town of Pocahontas or any officer or employee thereof for any damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

ESTABLISHMENT OF A TOURISM ZONE

Description of Districts

- 1. The Tourism Zone ordinance shall be available and applied to the Pocahontas General Business Zoning Districts B-1. This ordinance is not available for any concerns located in Residential Zones or any other areas not approved by the Pocahontas Town Council.

DISTRICT PROVISIONS

Business License and Application Requirements

1. Business Owners must apply for a Business License. Applications for Business License are approved by the Pocahontas Town Council.

General Standards

The following provisions shall apply to all Business Licenses:

- A. New construction and substantial improvements shall be according to the VA USBC as adopted by Pocahontas Town Code.
- B. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage if business is located within the Town Flood Zone.
- C. The base year for which the Business License tax is based upon the calendar year – January – December. The Business License tax for the base year is due by March 1st of the following year or unless otherwise indicated by the Pocahontas Town Treasurer. Business Owners who fail to pay the Business License Tax by the Due Date will forfeit any and all incentives within this ordinance.

D. The incentives listed in this ordinance are for the Specific Standards listed below:

Specific Standards

The Town of Pocahontas completed a Marketing Analysis to determine business opportunities within the Pocahontas Business District in 2010. The following business represents available opportunity in the Town's tourism market. Any business concern specific to the opportunities listed below will qualify for the incentives of this ordinance.

1. Lodging or Bed & Breakfast.
2. Restaurants: \$600,000 leakage within a 15 minute drive.
3. Health Related: \$380,000 local leakage. \$1.9 million within 15 minute drive.
4. Grocery: \$525,000 local leakage. \$8 million within 15 minute drive.
5. General Retail Merchandising: \$744,000 local leakage. \$9.9 million within 15 minute drive.
6. Outdoor Sporting Goods Merchandising: \$80,000 local leakage. \$608,000 within 15 minute drive.
7. Used/Antique Merchandising: \$1 million regional leakage
8. Gift Shop: \$1.2 million within 30 minute drive.

Business concerns that are not affiliated with the above opportunities will not qualify for the incentives listed in the Tourism Zone Ordinance.

Incentives

The following Tourism Zone incentives are offered for a term not to exceed three years.

1. Business License Tax Paid by March 1st = 100% Grant Reimbursement by June 30th.
2. Real Estate Tax Paid by December 5th = 100% Grant Reimbursement by June 30th.
(Business Owners who rent will not qualify)
3. \$20.00 application fee waived.

No incentive will be available for delinquent accounts.

ENACTMENT

ENACTED AND ORDAINED THIS 17TH DAY OF JANUARY, 2011. This ordinance shall become effective upon passage.

Motion: A Scott

Second: B G. B. Son

Ayes: 3

Nays: 0

By: 
Johnathan Gibson, Mayor

By: 
Greg Jones, Clerk of Council