

Planning Commission

Regular Session Agenda

July 8, 2014

6:00 P.M.

Cape Charles Civic Center

500 Tazewell Ave

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. Floodplain Ordinance – Discuss model floodplain ordinance
 - b. Tourism Zone- Resume discussion on the draft ordinance
6. New Business
7. Announcements
8. Adjourn



DRAFT
PLANNING COMMISSION
Regular Meeting
Town Hall
June 9, 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 Dan Burke, Sandra Salopek, Bill Stramm and Mike Strub. Commissioner Andy Buchholz arrived at 6:02 p.m. and Commissioner Joan Natali arrived at 6:23 p.m. Also present was Town Clerk Libby Hume. Town Planner Rob Testerman was not in attendance due to illness. There were no 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.

Town Clerk Libby Hume read several comments which were submitted in writing prior to the meeting.

Minda Vargas, potential future resident

"I am looking to move to Cape Charles on my retirement. I intend to keep 4, up to 6, hens not only to help keep me occupied but also to provide organic, nourishing sustenance. There will be no roosters so any shrill crowing in the wee hours is not likely. There are now plenty of chicken coops on sale so my chickens will not be running rampant all over. Please allow your residents to keep chickens in their yard. It's a trend that's likely to stay since plenty of young couples are into it now."

Libby Gray, 522 Tazewell Avenue

"I'd like to support an ordinance permitting a small number (2-3) of backyard HENS, properly cooped and cleaned. There's no justification for denying residents of our rural town a prerogative they could enjoy in almost any city. It's educational for children, promotes hormone-free protein, and humane stock handling. There is not downside as long as the town provides a mean of redress/correction if residents do not abide by rules of coop cleanliness and manure disposal."

Hazel Vargas, potential future resident

"I'm for allowing chicken coops in the backyard, with limitations, of course. If I decide to buy a home in town, I would like to keep maybe 3 egg-laying chickens in my backyard for personal use. I heard that the town is considering an ordinance to allow this. How is that coming along? It's a shame not to allow this here, a rural town. Even NYC allows it."

CONSENT AGENDA

Dennis McCoy stated that he would like to add an item under New Business to discuss the June 30 Comprehensive Plan Meeting and July 1 Regular Meeting dates.

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

The Commissioners reviewed the minutes for the April 28, 2014 Comprehensive Plan Work Session, the May 5, 2014 Regular Meeting, and the June 2, 2014 Comprehensive Plan Work Session.

Motion made by Bill Stramm, seconded by Sandra Salopek, to approve the minutes from the April 28, 2014 Comprehensive Plan Work Session, the May 5, 2014 Regular Meeting, and the June 2, 2014 Comprehensive Plan Work Session as presented. The motion was unanimously approved.

REPORTS

The Commissioners reviewed Rob Testerman's report. Mike Strub asked about the U.S. Army Corps of Engineers' (USACE) harbor dredging project. Libby Hume stated that, at their May 22nd meeting, the Town Council reviewed the current schedule from the USACE. Although the project was anticipated to be completed by April 2015, there was concern that any additional project delays could possibly push the construction time into Cape Charles' peak tourist season. The USACE requested a letter from the Town, for inclusion in their permitting process, confirming an amenable plan in case of a delay. The Council approved submitting a letter requesting that the Town beach site be completed first, and that in the event of delays, half of the beach would remain open at any given time. If purchased, the estimated cost of the sand was about \$1M based on 78K cubic yards.

OLD BUSINESS

A. *Backyard Chickens – Discuss survey results*

The Commissioners reviewed the survey results and comments. There was much discussion regarding the code enforcement issues, the requirement for a permit and inspections, the variety of lot sizes in the Town, required setbacks, and the philosophy of people not asking whether certain things were permissible within the town limits.

Mike Strub stated that annual permits and inspections were necessary. Property owners would be required to provide a sketch of the coop and site plan as part of the permit process. It was suggested that written permission from the adjacent property owners be required as part of the permit process. Joan Natali added that there should also be complaint-driven inspections. There was also some discussion regarding reasonable fees and the Commissioners agreed that a fee in the \$15 range would be reasonable.

There was also some discussion regarding dogs chasing chickens. Libby Hume noted that a bill was currently being reviewed in the state legislature regarding law enforcement officers and individuals being permitted to shoot dogs that were witnessed attacking chickens and added that she would follow the legislation to see if it was passed.

Dennis McCoy suggested a 1-year trial with re-evaluation upon completion of the first year. Libby Hume stated that the City of Chesapeake did a 1-year trial, evaluated the number of complaints, etc., and recently approved continuation of allowing backyard chickens. Dan Burke stated that once it was allowed, it would be difficult to stop.

Motion made by Dan Burke, seconded by Bill Stramm, to address adjacent property owners, side and back setbacks, permit fees, annual inspections and complaint-driven inspections in the ordinance language. The motion was unanimously approved.

Motion made by Joan Natali, seconded by Bill Stramm, to schedule a public hearing immediately preceding the July Planning Commission meeting to hear comments regarding the draft chicken ordinance as modified. The motion was unanimously approved.

NEW BUSINESS

A. *Flood Plain Ordinance*

The Town was required to update its Flood Plain Ordinance within six months of adoption of the new Flood Insurance Rate Maps (FIRM). Mr. Charley Banks from the Department of

Conservation and Recreation (DCR) provided the Town with a model flood plain ordinance which included the National Flood Insurance Program (NFIP) minimum requirements. As a Community Rating System (CRS) community, the Town was eligible for credit under the CRS program for enacting more restrictive floodplain management programs. The CRS program provided insurance premium discounts to policyholders in the community. The higher standards under the CRS program were also provided by the DCR. The Commissioners briefly reviewed the model flood plain ordinance and higher standards along with the preliminary FIRM for the Town. After some discussion, the Commission agreed to postpone further discussion and review of the ordinance until the July meeting when Rob Testerman would be in attendance to help answer their questions.

B. *Chairman Unavailable for June 30 and July 1 Planning Commission Meetings*

Dennis McCoy stated that he would not be available for the June 30 Comprehensive Plan meeting with Elaine Meil of the A-NPDC and the July 1 Regular Meeting.

After some discussion, it was agreed that Mike Strub would chair the June 30th Comprehensive Plan meeting and the July Regular Meeting was rescheduled for Tuesday, July 8.

ANNOUNCEMENTS

- There were no announcements.

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

Chairman Dennis McCoy

Town Clerk



DRAFT
PLANNING COMMISSION
COMPREHENSIVE PLAN WORK SESSION WITH
ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION
Town Hall
June 30, 2014

At 6:00 p.m. in the Town Hall, Vice-Chairman Mike Strub, having established a quorum, called to order the Work Session of the Planning Commission with Ms. Elaine Meil, Executive Director of the Accomack-Northampton Planning District Commission (ANPDC). In addition to Vice-Chairman Strub, present were Commissioners Dan Burke, Joan Natali, Sandra Salopek, and Bill Stramm. Chairman Dennis McCoy and Commissioner Andy Buchholz were not in attendance. Also present was Town Clerk Libby Hume. There were three members of the public in attendance.

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

Mike Strub stated that the business for the evening would be to continue discussion regarding the Comprehensive Plan update with Ms. Elaine Meil of the ANPDC.

The Commissioners reviewed the following text revisions and additions resulting from the June 2, 2014 Comprehensive Plan Work Session:

1. Emergency Services – text addition. The language from § III-D.5 Public Services and Programs was reviewed and the following items were noted: i) The mileage regarding the relocation of Riverside Shore Memorial Hospital needed to be updated for the distance from Nassawadox to the Onley/Onancock area; ii) The name of the medical facility in Town was revised to Riverside Cape Charles Medical Center; iii) Ms. Meil would check the correct name for Bayview Medical Center; and iv) There was some discussion pertaining to the language regarding the level of medical training for Cape Charles Police Department. Libby Hume would check with Chief Jim Pruitt to determine the level of training. Ms. Meil would revise the language as discussed for review at the next meeting.
2. Parking Reform – text revision and addition. The proposed language for § II.8 Transportation was approved. The proposed language for § III-C.x Street Improvements was reviewed with several minor changes. Several of the Commissioners felt that this paragraph needed to be broken up into numbered or bulleted sections.
3. Cape Charles Harbor Environs:
 - a. Harbor Access Road & Harbor Master Plan – text revision and addition. The text revision in § III-C Transportation and Utilities was reviewed and the last sentence was modified to read “Route 184 is planned and construction is scheduled to begin when VDOT funds become available.” The text addition to § III.B.5.3 Goal: Facilitate Business Start-Up, Expansions and Relocations was approved.
 - b. Bayshore Concrete Products – text revision. The text revision in § III.6.3 Future Land Use was reviewed with minor changes.
 - c. Mason Avenue Harbor Connection – text addition. The text addition to § III.2.1.2 Harbor Mixed Use (Harbor) was reviewed with minor changes.
4. Great Place to Raise a Family – text addition. Development of this new section was underway and the Commissioners reviewed proposed language for § III.B.5.7 Goal: Attract Families with Children. There was some discussion regarding this paragraph and a number

of suggestions were given to Ms. Meil. Ms. Meil stated that she would make the necessary changes to this section for further review at the next meeting.

Ms. Meil went on to review the Town of Cape Charles Comprehensive Plan Update Staff Briefing #2 PowerPoint presentation with the Commissioners which dealt with water, wastewater, Town facilities and port research. (Please see attached.)

The Commissioners discussed the issue of shortfalls in space for the town offices. Joan Natali stated that with the Town's purchase of the former Bank of America building to house the Cape Charles Memorial Library, there was a potential to relocate at least some of the town offices to the third floor of the building located at 201 Mason Avenue or possibly rent out the space. The Town needed to think about how to use the space.

Dan Burke stated that language could be included regarding the Fig Street lots that were just purchased by the Town. Joan Natali stated that the current Comprehensive Plan talked about the Town's Gateway. Language regarding these lots could possibly be included in this section.

Ms. Meil stated that she would review the issues and draft language for review at the next meeting.

OTHER MATTERS

Mike Strub noted that this would be the last Planning Commission meeting at this location. The July 8th meeting would be held at the new Civic Center located in the former library building.

PUBLIC PARTICIPATION

The meeting was opened up for public participation.

Ms. Dorie Southern commented on the following: i) § III.B.5.7 Goal: Attract Families with Children. She stated that the entire sentence regarding the former high school should be deleted from this section since the building would only have one-bedroom apartments which were not suitable for families; and ii) Slide 7 of the PowerPoint presentation regarding Saltwater Intrusion. She asked about the number of wells at Bayshore Concrete adding that they were a source of saltwater intrusion. The Annexation Agreement allowed Bayshore Concrete to use wells but the Town needed to consider requiring them to use the Town's water system.

Mr. George Proto asked about a water quality plan being included in the Comprehensive Plan. Ms. Meil stated that she would bring back language regarding water quality for the next meeting as discussed earlier.

Mr. Proto stated that he felt the planning meetings were going in the right direction and asked whether the Comprehensive Plan should include language regarding high tech enterprises related to existing infrastructure, such as assembly of equipment for Orbital Sciences, and whether the Harbor could be used to test water drones. The Town needed to broaden the base of industry.

The next Comprehensive Plan Work Session was scheduled for Monday, July 28, 2014, beginning at 6:00 PM.

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

Vice Chairman Mike Strub

Town Clerk

Planning Commission Staff Report

From: Rob Testerman

Date: July 3, 2014

Item: 4C – Reports

Attachments: None

1. The Historic Review Board had one application and met on June 17 to review a proposal for a siding replacement for 209 Jefferson Avenue. The proposal was approved unanimously.
2. A land reclamation and beach nourishment project has been finished at Bay Vistas. It was approved by the local wetlands board, and the Army Corps of Engineers. The project's intention was to reclaim land that has been lost to erosion, as well as provide beach nourishment in the vicinity.
3. There is no new discussion on the urban chicken ordinance. The public hearing was cancelled, as we are awaiting comments from the legal review.
4. Site plans have been resubmitted for the Cape Charles Lofts project. The resubmission addresses comments made by VDOT as well as erosion and sediment control issues. Staff is currently reviewing the plans, they have also been sent to VDOT for their review.

Planning Commission Staff Report

From: Rob Testerman

Date: July 3, 2014

Item: 5A – Flood Plain Ordinance

Attachments: None, please bring attachments from June packet

Background

As was reported at the June meeting, FEMA is currently in the process of updating the Flood Insurance Rate Maps. In addition to this, the Town is required to update its Flood Plain Ordinance within six months of adoption of the FIRMs. The Planning Commission has been provided with the model flood plain ordinance that was provided by the state. This ordinance lays out the NFIP minimum requirements. As a Community Rating System (CRS) community, we are eligible for credit under the CRS program for enacting more restrictive floodplain management programs. The CRS provides insurance premium discounts to policyholders in the community.

After preparing the Floodplain Ordinance, we must send it to the Department of Conservation and Recreation for review, prior to a public hearing. We should aim to send it to DCR prior to September.

Discussion

As a CRS community, we are encouraged to go above and beyond the minimum requirements put forward in the model ordinance.

One suggestion that has been given is to increase the freeboard requirements. The minimum requirements regarding freeboard state that in new construction, the lowest floor shall be elevated to or above the base flood elevation level. However, it is recommended that we require that the lowest floor to be elevated one foot or more above the base flood level.

Requiring the lowest floor to be elevated to one to two feet above base flood level would be reasonable. Given that the majority of new home construction includes a crawl space, a freeboard requirement of one to two feet would typically not affect property owners wishing to build a new home.

Additionally, staff has included the higher standard for Floodway Determination, in Section 3.1 A 3 of the model ordinance. Code Enforcement Official, Jeb Brady, has also recommended that we require that mechanical units such as air conditioner units be required to be elevated, staff is currently working on developing language for this addition.

Recommendation

Staff recommends that the Planning Commission review the model floodplain ordinance (staff edits bolded and italicized), as well as the attached “higher standards.” Determine if the suggested additions are acceptable, and discuss if any additional requirements are needed.

Planning Commission Staff Report

From: Rob Testerman
Date: July 3, 2014
Item: 5B – Tourism Zone
Attachments: Tourism Zone excerpts

Background

Previously, the Planning Commission had begun discussion and work 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.

During the most recent discussion, we determined that the Tourism Zone would encompass the entirety of the incorporated town. We also discussed various types of businesses that would qualify for Tourism Zone incentives.

Discussion

The Planning Commission should discuss specific incentives to offer qualifying businesses that locate within the Tourism Zone. I have put in a call to the Town of Pocahontas regarding questions about their tourism zone, but at the time of this writing, I have not received a response.

In addition to the types of businesses that would qualify, the Planning Commission should discuss possible additional criteria in order to qualify. For example, the Technology Zone requires that businesses create and maintain a defined number of full time jobs, and make a capital investment of a specific amount of money in order to qualify.

Examples of incentives and qualifying criteria are attached.

Pocahontas

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

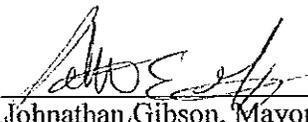
ENACTED AND ORDAINED THIS 17TH DAY OF JANUARY, 2011. This ordinance shall become effective upon passage.

Motion: A SCOTT

Second: B G. B. SON

Ayes: 3

Nays: 0

By: 
Johnathan Gibson, Mayor

By: 
Greg Jones, Clerk of Council

CARROLL COUNTY

C. A Business seeking the benefit of Tourism Zone incentives must be a Tourism Business defined as follows:

- Lodging or Bed and Breakfast
- Restaurant
- Retail Merchandising
- Antique Mechandising
- Health Related

D. Qualified Tourism Businesses shall receive the benefits of the Tourism Zone incentives for up to a three (3) year Incentive Period.

E. For a Tourism Business to be a Qualified Tourism Business eligible to receive the benefit of Tourism Zone incentives, it must be located within the boundaries of the Tourism Zone and meet the following qualifications:

(a) An Existing Tourism Business must meet the following criteria:

(i) Provide additional Capital Investments of at least two hundred fifty thousand dollars \$250,000 and create a minimum of 5 new jobs over the base year. Base year is defined as the calendar year preceding the calendar year in which the applicant submits the Tourism Zone Program Qualification Application to the County Administrator.

(b) A New Tourism Business must meet the following criteria:

(i) Provide Capital Investments of at least five hundred thousand dollars \$500,000 and create a minimum of 5 new jobs within the boundaries of the Tourism Zone.

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

(a) Grants:

(i) Grant equal to Business, Professional and Occupational License tax imposed by the Town and paid by Qualified Business

(ii) Grant equal to Machinery and Tools Tax imposed by the Town and paid by Qualified Business

(iii) Grant equal to Real Estate Tax imposed by the Town and paid by Qualified Business

(iv) Grant of one (1) percent Meals Tax generated and paid by Qualified Restaurant Business

(v) Grant of one (1) percent Transient Tax generated and paid by Qualified Lodging Business

For those Qualified Tourism Businesses that are Existing Tourism Businesses, grants 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 grant 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 granted for a three-year Incentive Period shall be determined by the following schedule:

Year 1 One hundred percent (100%)

Year 2 Fifty percent (50%)

Year 3Fifty percent (50%)

- G. An Existing Tourism Business shall not qualify for Tourism Zone incentives by reorganizing or changing its form in a manner that does not alter the basis of the Tourism Business assets or result in a taxable event.
- H. If a Qualified Tourism Business fails to pay in full the taxes imposed by the County by the due date, this will result in the forfeiture of the Tourism Zone incentives for that year.
- I. If a Qualified Tourism Business files for bankruptcy during any three-year incentive period, this will result in disqualification and the business will be ineligible to receive Tourism Zone incentives for the remainder of the incentive period.
- J. In the event that the Tourism Business ceases to be a Qualified Tourism Business, ceases to meet the minimum capital investment criteria, or removes itself from operation from the County during any year within any three-year incentive period it shall be required to repay the total amount of Tourism Zone incentives received. A Tourism Business must sign an agreement to this effect before receiving Tourism Zone incentives.
- K. If a Qualified Tourism Business leaves the County to conduct business in another location within three (3) years of completing any three-year incentive period, it will be required to repay the County the total amount of Tourism Zone incentives received.
- L. This Article is an economic development incentive and is not a zoning change.

JAMES CITY COUNTY

Tourism business. A business whose primary purpose is to provide tourism products, processes or related services and establish a desirable destination to attract tourists from outside of the community and create an environment for those visitors that will deliver a memorable experience or promote educational opportunities and increase travel-related revenue in James City County.

Tourism products, processes or related services. Activities which promote and provide an experience for visitors to the county 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; special events within the county; museums; wineries or related activities; and lodging that involves restoration or rehabilitation of an existing structure or includes new construction of a facility supporting rooms for overnight stay and conference space.

Tourism zone. A specific geographic area or areas created pursuant to Chapter 38, Title 58.1 of the Code of Virginia, 1950, as amended, to foster the development and expansion of tourism businesses in the county.

Tourism zone administrator. The tourism zone administrator shall be the county's director of economic development.

* *Section 7-23. Qualification for incentives.*

For a tourism business to be a qualified tourism business eligible to receive the benefit of tourism zone incentives, it must be located within the boundaries of the tourism zone and meet the following criteria:

- a) Provide new capital investment of at least \$350,000.*
 - i) Tourism businesses must meet and maintain the minimum qualifying investment levels through year five of the incentive period.*
- b) Submit a tourism zone application as required in section 7-26.*

The qualified tourism business must commit to a performance based agreement guaranteeing certain investments, sales revenues, or other criteria as determined by the county. In those areas designated by multiple incentive zones, a business may receive local incentives from only one.

The following limitations apply:

- a) *An existing tourism business shall not qualify for tourism zone incentives by reorganizing or changing its form in a manner that does not alter the basis of the tourism business assets or result in a taxable event.*
- b) *If a qualified tourism business fails to pay in full any taxes imposed by the county by the due date, this may result in the forfeiture of the tourism zone incentives for that year.*
- c) *If a qualified tourism business files for bankruptcy during any five-year incentive period, this will result in disqualification and the business will be ineligible to receive tourism zone incentives for the remainder of the incentive period.*
- d) *In the event that a qualified tourism business ceases to meet the minimum capital investment criteria or removes itself from operation from within the county at any time within any five-year incentive period, it shall be required to repay the total amount of the tourism zone incentives received.*
- e) *If a qualified tourism business leaves the county to conduct business in another location within five years of completing any five-year incentive period, it will be required to repay the county the total amount of tourism zone incentives received.*

Section 7-24. Incentive period.

Qualified tourism businesses shall receive the benefits of the tourism zone incentives for a five year incentive period. Qualified tourism businesses that have completed one five-year incentive period may seek qualification for one additional incentive period of five years and will be required to provide a new capital investment of \$350,000.

Section 7-25. Local tourism zone incentives.

Qualified tourism businesses located within the boundaries of the tourism zone shall be eligible for the following:

- a) *Reduction of selected development review fees. The county shall reduce by 50%, development review fees (as defined in Section 7-22) associated with the qualifying project.*
- b) *Business professional and occupancy license (BPOL) grant. - Qualified businesses located within a tourism zone may be eligible to receive from the economic development authority a five year declining grant to compensate the qualified business for the increase in BPOL based upon the increased capital investment.*
- c) *Business tangible personal property grant. Qualified businesses located within the tourism zone may be eligible to receive from the economic development authority a five year declining grant to compensate the qualified business for the increase in business tangible personal property tax triggered by the increased capital investment.*

The percentage for a five-year declining grant in shall be determined by the following schedule:

Year 1 – 90%

Year 2 – 70%

Year 3 – 50%

Year 4 – 40%

Year 5 – 30%

For existing tourism businesses, grants shall be based only on the taxes assessed on the portion of gross receipts directly attributable to the increased capital investment.

- d) Expedited review process. The qualified business may be eligible for the county's expedited review process. The standard expedited review process fee will be waived.*

Nothing herein shall be construed as limiting the county or the economic development authority from granting any 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 individualized arrangements with or without the involvement of the James City County economic development authority.

Section 7-26. Application.

Prior to submitting an application, a tourism business will schedule a preliminary meeting with the OED, prior to any investment. Once an application is submitted, the OED will perform an initial review to determine if the applicant is a qualified tourism business and that the proposed project meets the required criteria and is in compliance with the tourism zone qualifications.

Once the review is completed, the application and recommendation will be forwarded to the economic development authority for a decision.

Section 7-27. Construction and severability.

This chapter shall be liberally construed so as to effectuate the purposes hereof. If any clause, sentence, paragraph, section or subsection of this chapter shall be adjudged by any court of competent jurisdiction to be invalid for any reason, including a declaration that is contrary to

