

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

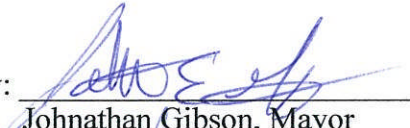
ENACTED AND ORDAINED THIS 17TH DAY OF JANUARY, 2011. This ordinance shall become effective upon passage.

Motion: A Scott

Second: B G. Bson

Ayes: 3

Nays: 0

By: 
Johnathan Gibson, Mayor

By: 
Greg Jones, Clerk of Council