

PART II - CODE OF ORDINANCES
Chapter 22 - BUSINESSES
ARTICLE IV. - TOURISM ZONES

BE IT ORDAINED By the Board of Supervisors of the County of Prince Edward, Virginia that Chapter 22 Business is hereby amended and re-ordained by adding a new Article IV, Tourism Zones, Division I, Establishment of a Tourism Zone, as follows:

DIVISION I. Establishment of a Tourism Zone

[Sec. 22-410. - Definitions.](#)

[Sec. 22-411. – Establishment of a Tourism Zone.](#)

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[Sec. 22-413. - Eligibility.](#)

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Sec. 22-410. – Definitions

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

Administrator means the County’s Administrator.

Base Year defined as the calendar year preceding the Calendar year in which applicant submits the Tourism Zone Program Qualification Application to the Administrator.

Business means any corporation, partnership, electing small business (subchapter S) corporation, limited liability company or sole proprietorship authorized to conduct business in the Commonwealth of Virginia.

The term “Business” does not include organizations that are exempt from state income tax on all income except unrelated business taxable income as defined in the Internal Revenue Code, Section 512; nor does it include homeowner associations as defined in the Internal Revenue Code, Section 528.

Capital Investment means money used by a Tourism Business to purchase fixed assets and not moneys used for day-to-day operating expenses. Fixed Assets owned by the Tourism Business that are moved into the Tourism Zone from another location within the County shall not be included in the calculation of Capital Investments.

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County Code means the Code of the County of Prince Edward, Virginia, as amended.

DED means the County's Department of Economic Development.

Existing Tourism Business means a Tourism Business that was actively engaged in the conduct of trade or business in the County prior to an area being designated as a Tourism Zone pursuant to this Article.

Fixed Asset means long-lived tangible property owned by a Tourism Business that is used by the Tourism Business in the production of its income including real estate, plant, machinery and equipment.

Incentive Period means a period of up to twenty (20) years during which a Qualified Tourism Business receives the benefits of Tourism Zone incentives.

Internal Revenue Code means the Internal Revenue Code of 1986, as amended, Title 26 of the United States Code.

New Tourism Business means a Tourism Business not already existing within the County prior to an area being designated as a Tourism Zone pursuant to this Article.

Qualified Tourism Business means a Tourism Business that has met the qualifications set forth in Section 22-413 and continues to meet such qualifications as required by this Article.

Tourism Business means a Business whose purpose is to establish a desirable destination to attract tourists or customers from outside the County, make a substantial capital investment, create new jobs, and create an environment for those visitors or customers that will deliver a memorable experience or promote educational opportunities while increasing travel-related revenue. Examples of Tourism Businesses include retail trade establishments, grocery stores, eating establishments, lodging facilities, cultural art centers, health clubs/fitness centers, conference/event centers, and commercial recreation centers.

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 Administrator to renew and submit data in order to continue receiving Tourism Zone incentives.

Tourism Zone Program Qualification Application means an application available from the Administrator 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.

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Sec. 22-411. – 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, 1950, as amended.

Sec. 22-412. – Boundaries

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

Sec. 22-413. – Eligibility.

A Business seeking the benefit of the Tourism Zone incentives must be a Tourism Business located within the Tourism Zone.

- (a) Economic incentives and regulatory flexibility may be made available to any new, expanded, or existing business which seeks to attract customers from the Prince Edward County region and beyond. The businesses must advance the County's strategic goals identified in the County's Comprehensive Plan. The business must commit to a performance agreement based upon investment, jobs, sales revenues, or other significant criteria. Examples of eligible business include retail trade establishments, grocery stores, eating establishments, hotels and motels, cultural art centers, health clubs/fitness centers, conference/event centers, and commercial recreation centers.
- (b) An existing business must make a capital investment of at least \$250,000.00 within the Tourism Zone, or create and sustain at least ten new full time jobs in order to be eligible for economic incentives or regulatory flexibility. A new business must make a capital investment of at least \$500,000.00 within the Tourism Zone, or create and sustain at least twenty-five new full time jobs in order to be eligible for economic incentives or regulatory flexibility.
- (c) Economic incentives may be provided for up to twenty years from the effective date established in the performance agreement. In the case of multi-year incentives, the business shall establish its qualification for the incentives on an annual basis.

Sec. 22-414. – Administration.

The County Administrator is authorized to administer the 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 County Administrator is authorized to negotiate performance agreements with potential new or expanded businesses. The Board of Supervisors shall have the sole authority to designate incentives for the implementation of economic development projects and the final approval authority for performance agreements.

Sec. 22-415. – Certification Procedure.

The following certification procedure applies to Tourism Businesses seeking to obtain benefits of the Tourism Zone: A Tourism Business must submit a Tourism Zone Program Qualification Application to the Administrator for certification as a Qualified Tourism Business.

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- a. The Administrator will review and verify that each applicant is in compliance with Tourism Zone qualifications and follow administrative procedures outlined in Section 22-413 above.
- b. After a Tourism Business has been certified as a Qualified Tourism Business, it must annually submit a Tourism Zone Program Annual Review Application to the Commissioner of Revenue on or before March 1st of each year of the Incentive Period, indicating the number of Full Time Employees employed by the Qualified Tourism Business, the amount of business license, real estate, business personal property, transient occupancy, food & beverage, state sales and/or machinery and tools taxes paid by the Qualified Tourism Business during the Incentive Period, and any other information as requested by the Commissioner of Revenue or the Administrator for purposes of administering the Tourism Zone. Applications must be signed by an official representative of the Qualified Tourism Business authorized to sign on its behalf. Applications received after March 1st will not be eligible to receive Tourism Zone incentives for that year.
- c. 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.
- d. If a Qualified Tourism Business fails to pay in full the taxes imposed by the County by the due date, the County reserves the right to require the forfeiture of the Tourism Zone incentives for that year.
- e. If a Qualified Tourism Business files for bankruptcy during any 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.

Sec. 22-416. – Special Service or Community Development 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 or Community Development Districts, including but not limited to the collection of any special taxes or assessments.

Sec. 22-417. – Zoning Ordinance Not Affected.

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

Sec. 22-418. – Non-waiver

Nothing in this Article shall 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, assessments, 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.

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Sec. 22-419. – Confidentiality

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

Sec. 22-420. – Restrictions.

No Qualified Tourism Business may apply for or receive an incentive 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. 22-421. – Education and Promotion.

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

Sec. 22-422. – Incentive Period

Qualified Tourism Businesses shall receive the benefits of the Tourism Zone incentives for the Incentive Period as defined herein.

Sec. 22-423 – Incentives

Qualified Tourism Businesses shall be entitled to the incentives authorized by Section 58.1-3851.1 of the Code of Virginia, 1950, as amended, and such other incentives as have been adopted by appropriate Ordinance by this County, upon completion of the following requirements:

- a) the adoption of an Ordinance establishing a tourism plan as determined by guidelines set forth by the Virginia Tourism Authority;
- b) adoption of an Ordinance authorizing a tourism project to meet a deficiency identified in the adopted tourism plan approved by the Virginia Tourism Authority;
- c) the tourism project has been certified by the State Comptroller as qualifying for the entitlement to tax revenues authorized by Section 58.1-3851.1 of the Code of Virginia, 1950, as amended.

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APPENDIX A

Tourism Zone Boundaries

Route 15 South Tourism Zone

PARCEL 1: ALL THAT CERTAIN tract or parcel of land, lying and being about 2 miles South of Farmville, in Farmville Magisterial District, Prince Edward County, Virginia containing 65 acres and being described on a plat of survey by John R. Nunnally, Jr., C.L.S. dated August 25-26, 1961 and recorded in the Clerk's Office of the Circuit Court of Prince Edward County, Virginia in Deed Book 148, at page 005.

PARCEL 2: ALL OF THAT CERTAIN tract or parcel of land containing fifty-eight (58) acres, lying and being in Farmville Magisterial District, Prince Edward County, Virginia, located wholly on the west side of Prince Edward County Highway No. 628 and about two miles South of the Town of Farmville, Virginia, and being described on plat of John R. Nunnally, Jr., C.L.S. dated July 29, 1963, and recorded in the Clerk's Office of the Circuit Court of Prince Edward County, Virginia in Deed Book 153, at page 340.