



# City of Hampton, Virginia

## Ordinance - Coded

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 15-0315

Enactment Number: 15-0025

**Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Adding a New Article II to Chapter 42 Entitled, "Arts and Cultural Districts" Pertaining to The Establishment and Regulation of Arts and Cultural Districts With an Effective Date of January 1, 2016.**

**BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Article II of Chapter 42 of the City Code of the City of Hampton, Virginia be added to read as follows:

### **CHAPTER 42 – ZONES; DEVELOPMENT INCENTIVES**

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### **ARTICLE II. – ARTS AND CULTURAL DISTRICTS**

#### **Sec. 42-11. – Arts and cultural districts; purpose and intent.**

The city council finds that establishment of one or more arts and cultural districts, as authorized by Virginia Code § 15.2-1129.1, as amended, will benefit the public health, safety, and welfare, by increasing awareness and support for the arts and culture in the City of Hampton and stimulating related economic development opportunities.

#### **Sec. 42-12. – Arts and cultural districts; definitions.**

As used in this article, the following terms are defined as follows:

**Antique.** A work of art, piece of furniture or decorative object produced at least 100 years ago.

**City Code.** The City Code of the City of Hampton, Virginia, as amended.

**District Administrator.** The City Manager of the City of Hampton or her designee.

**Expanded Business.** A Qualified Arts or Cultural Business that is currently located within an Arts and Cultural District and does one of the following:

- (a) Makes a capital investment in the business of at least \$10,000 to acquire or upgrade productive fixed assets, including but not limited to buildings, machinery and equipment, and vehicles, to increase the capacity or efficiency of the business for more than one accounting period. Capital investments do not include funds spent for working capital or day-to-day operation of the business.
- (b) Creates at least one new full-time job at the business.

**New Business.** A Qualified Arts or Cultural Business that is not currently located within the Arts and Cultural District.

**Qualified Arts or Cultural Business.** A New Business, Expanded Business, or non-profit organization that is certified by the District Administrator and that meets at least one of the following:

- (a) A business or non-profit organization that presents or hosts live performances of theatre, dance, music, or other imaginative work or produces or exhibits physical works created by, or under the direction of artists, which are intended for unique production or limited reproduction. Museums or historic sites, the primary mission of which is education, history, or historic preservation, may also be certified as a Qualified Arts or Cultural Business.
- (b) A business whose primary economic activities are the generation or utilization of innovation, knowledge, and information involving individual creativity, skill, and talent. Said economic activities may have the potential for wealth and job creation through the generation of ideas, products, or services and may constitute the intellectual property of the business or artist. This category includes but is not limited to: advertising, architecture, art, antiques, auctioneering, culinary arts instruction, craft breweries, crafts, design, designing computer games or software, embroidery or silk-screening, fashion design or modeling, film and video, furniture design, interior design, landscape architecture, music, performing arts, pottery, publishing, and television and radio.

In no case shall a restaurant or an office use, including but not limited to a bank, real estate office, medical office, or attorney's office, be deemed to be a Qualified Arts or Cultural Business; nor shall a business or individual requiring licensure by the Virginia Department of Professional and Occupational Regulations qualify as a Qualified Arts or Cultural Business, unless otherwise expressly stated in this article.

**Zoning Ordinance.** The Zoning Ordinance of the City of Hampton, Virginia, as amended.

**Sec. 42-13. – Arts and cultural districts; administration and enforcement.**

- (a) This article shall be administered and enforced by the District Administrator.
- (b) The District Administrator is authorized to develop an application process for the grant of incentives and regulatory flexibility, which shall be kept on file in the office of the department of economic development.

**Sec. 42-14. – Arts and cultural districts; creation of district and boundaries.**

The boundaries of the city's arts and cultural districts shall be shown on the map entitled "City of Hampton Arts and Cultural Districts Map." The City of Hampton Arts and Cultural District Map is hereby declared to be a part of this article and to have the same force and effect as if it was fully set forth and described herein. The City of Hampton Arts and Cultural District Map shall be kept on file in the office of the department of economic development.

**Sec. 42-15. – Arts and cultural districts; incentives.**

- (a) Qualified Arts or Cultural Businesses shall be eligible for incentives for up to 5 years provided the following conditions are met:
  - (1) The Qualified Arts or Cultural Business is certified by the District Administrator to be a Qualified Arts and Cultural Business as defined by this article. The burden shall be on the Qualified Arts or Cultural Business to prove, to the satisfaction of the District Administrator, that it meets the definition contained in this article;
  - (2) The Qualified Arts or Cultural Business is located within an "Incentive Area" designated on the City of Hampton Arts and Cultural District Map; and
  - (3) The Qualified Arts or Cultural Business complies with all applicable federal, state, and local laws and regulations at all times.
- (b) Qualified Arts or Cultural Businesses meeting all of the criteria of this article shall be eligible for the following incentives for up to 5 years from the date of certification by the District Administrator as set forth in Section 42-15(a)(1):

- (1) Reduction of certain permit fees. 100% reduction of building permit (City Code § 9-42), electrical permit (City Code § 9-43), mechanical and gas permit (City Code § 9-44), plumbing permit (City Code § 9-45), sign permit (Zoning Ordinance § 1-10), use permit application (Zoning Ordinance § 14-3), and rezoning application (Zoning Ordinance § 14-22) fees.
  - (i) Qualified Arts or Cultural Businesses are eligible to receive no more than \$10,000 in reduced permit fees within the 5-year incentive period.
- (2) Reduction of certain fees related to Special Events. For Special Events that will take place within the Arts and Cultural District boundaries, a 100% reduction of the Special Event Permit Application Fee (City Code § 2-314), Park and Outdoor Facilities Rental Fee (City Code § 26-26.1), and Park and Outdoor Facilities Staff Fee (City Code § 26-26.1). No other fees shall be reduced, including but not limited to the Deposit Fee, Security Fee, or other equipment rental or personnel fees as may be required by the Special Event Permit or set forth in City Code § 2-318.
  - (i) Qualified Arts or Cultural Businesses are eligible to receive no more than \$10,000 in reduced Special Event fees within the 5-year incentive period.
- (3) Increased awards related to Economic Development Authority (EDA) grant programs. Subject to approval by the EDA and the availability of funds, Qualified Arts or Cultural Businesses may be eligible for increased awards as set forth in the EDA's adopted grant guidelines for the Downtown and Phoebus Retail Incentive Grant and Revolving Loan Fund/Business Improvement Grant.

**Sec. 42-16. – Arts and cultural districts; compliance with article.**

- (a) A Qualified Arts or Cultural Business that fails to pay in full any tax imposed by the City by the due date shall lose its certification for the year of such tax and its entitlement to any incentives afforded under this article during such period.
- (b) A Qualified Arts or Cultural Business receiving incentives under this article that fails to at all times comply with all applicable federal, state and local laws and regulations and this article shall in the case of a first offense lose its Qualified Arts or Cultural Business certification for the remainder of the current fiscal year and in the case of any subsequent failure shall lose its Qualified Arts or Cultural Business certification for the duration of the total remaining 5-year incentive term.

**Sec. 42-17. – Arts and cultural districts; effective date.**

This article shall have an effective date of January 1, 2016.

**Secs. 42-18- 42-20. – Reserved.**

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on October 14, 2015.

**Signed by** \_\_\_\_\_ **Date** \_\_\_\_\_  
George E. Wallace, Mayor

**Attested by** \_\_\_\_\_ **Date** \_\_\_\_\_  
Katherine K. Glass, CMC  
Clerk of the Council