

**TOWN OF WEST POINT
TOWN COUNCIL
WORK SESSION
MINUTES
July 25th 2022**

I Tappahannock

Mr. Edwards advised that a go-fund-me page has been set up for the fire in the Historic Business District of Tappahannock. Mr. Edwards suggest the Town make a donation to assist with the recovery from the fire.

The consensus of Town Council is for the Town Manager to make a donation to the recovery of the fire in downtown Tappahannock.

Mr. Edwards stated he will contact the Town Manager of Tappahannock to make sure the donation is made in the correct manner and to see what is needed.

II Airport Bridge

Mr. Edwards advised that he is still working with MPPDC on the application for a grant to do some renovations to the bridge at the airport.

III Chelsea Road Paving

Mr. Edwards advised that after working on the replacing of the brick pavers at 14th Street some surplus asphalt appeared on Chelsea Road. VDOT will be resurfacing the area this week to correct this problem.

IV Clutter Ordinance

Mr. Edwards advised that the Town Attorney and Town Staff have been working on enforcement of the Clutter Ordinance. Some residents have been responsive while three residences have not. The property on Mattaponi Avenue, 1st Street and the property on Lee Street may require legal action to abate the issues.

V House at 14th Street and Main Street

Andrea Erard stated that she has been talking with Lorraine Mooney regarding the contract. Mrs. Mooney has advised that does not understand the contract. Ms. Erard stated that she removed some items in the contract so that it is simple, and Mrs. Mooney can understand it. Ms. Erard will email the revised contract to Mrs. Mooney and make arrangements to get her to sign the contract.

Mr. Edwards asked if Town Council is all right with the Town Manager signing the revised contract.

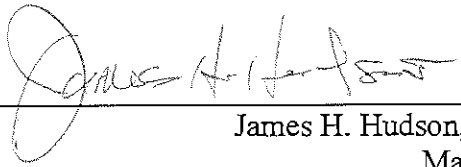
The consensus of Town Council is for the Town Manager to sign the contract once Ms. Mooney has signed it.

VI Historical Society


Mr. Edwards stated that Mr. and Mrs. Shreaves would like to keep the Chesty Puller sign at Beach Park, it was an Eagle Scout project that their son Hunter Shreaves made. The sign at Beach Park will be repaired and remounted. Mr. Edwards also stated that the Historical Society will be working on other signs in town that will have QR codes and audio information.

VII Town Manager Performance Goals

Mr. Edwards presented his Goals for 2021/22 and reviewed the completed goals while other on-going projects will roll over to a new list of new goals for 2022/23. Mr. Edwards also stated that a Closed Session is on the agenda for the Town Managers annual review.


James H. Hudson, III
Mayor

ATTEST:


Karen M. Barrow
Town Clerk

**TOWN OF WEST POINT
TOWN COUNCIL
MINUTES
July 25th, 2022**

I. CALL TO ORDER

The West Point Town Council held its regular monthly meeting on Monday, July 25th 2022. The Honorable James H. Hudson, III called the meeting to order at 6:30 p.m. The Invocation was given followed by the Pledge of Allegiance.

Members Present: Mayor, Jim Hudson; Deborah Ball, Vice Mayor; Robert Lawrence; Jack Lawson; James Pruett and Chris Vincent.

Members Absent: Tina Gulley and John Ragsdale

Also Present: John B. Edwards, Jr., Town Manager; Andrea Erard, Town Attorney; Karen Barrow, Town Clerk; Tim Sawyer, Chief of Police; Spencer Chatham, Fire Chief; Holly McGowan, Community Development Coordinator; Susan Harlow, Town Treasurer; Walt Feurer, Director of Public Works; and Donna Pauley, Human Resource Officer.

II. CITIZENS ADDRESS TO COUNCIL

A. Public Hearing, Ordinance 02-2021 and Ordinance 05-2022

Mr. Hudson read ordinance 02-2021 and asked the Town Clerk if the town received any requests for a copy of Ordinance 02-2022 or for assistance to attend the meeting.

The Town Clerk advised that no requests were received.

Mr. Hudson opened the floor for the public to comment on the ordinance. There being none, the public hearing was closed.

Mr. Hudson read ordinance 05-2022 and asked the Town Clerk if the town received any requests for a copy of the ordinance or for assistance to attend the meeting.

The Town Clerk advised that no requests were received.

Mr. Hudson opened the floor for the public to comment on the ordinance. There being none, the public hearing was closed.

ACTION

Mr. Vincent made a motion to adopted Ordinance 02-2021 and Ordinance 05-2022, Seconded by Mrs. Ball. Upon roll call Mrs. Ball; Mr. Lawrence; Mr. Lawson; Mr. Pruett, and Mr. Vincent all voted "Aye". The motion was approved.

B. Citizens Address to Council

Mr. Hudson opened the floor for citizens to address Town Council on any Town related business. There being none, the Citizens Address was closed.

III. COUNCIL RESPONSE

None was noted.

IV. AGENDA CHANGES

Mr. Lawson made a motion to adopt the agenda as presented, seconded by Mr. Lawrence. Upon Roll call Mrs. Ball; Mr. Lawrence; Mr. Lawson; Mr. Pruett, and Mr. Vincent all voted "Aye". The motion was approved.

V. ADOPTION OF CONSENT AGENDA

Mrs. Ball made a motion to adopt the following consent agenda, seconded by Mr. Lawrence Upon roll call Mrs. Ball; Mr. Lawrence; Mr. Lawson; Mr. Pruett, and Mr. Vincent all voted "Aye". The motion was approved.

- 1) Town Council and Work Session minutes of May 23rd 2022, Special Called meeting of July 7th 2022
- 2) Cash Reports
 - a) General Fund
Cash on hand as of June 30th 2022 - \$5,534,394.08
 - b) Water Fund
Cash on hand as of June 30th 2022 - \$2,560,387.13
 - c) CIP
Cash on hand as of June 30th 2022 - \$(162,041.73)
 - d) Solid Waste
Cash on hand as of June 30th 2022 - \$324,545.47
- 3) Monthly Budget Report
- 4) School Fund Cash Report
 - a) Cash on hand as of June 30th 2022 - \$736,831.98
- 5) West Point Monthly Police Activity Report
- 6) Building Official Monthly Report
- 7) Public Works Monthly Permit Report
- 8) Community Development Monthly Permit Report
- 9) Treasurer Monthly Report
- 10) Human Resource Monthly Report
- 11) Fire Department Monthly Report

VI. COMMITTEE REPORTS

A. Economic and Community Development – Mr. Lawson reported for the Committee

Mr. Lawson advised that the Committee met on July 12, 2022 to discuss; 1) The Crab Carnival Master Plan. 2) the Historical Society Sign Project. 3) The Library relocation, and 4) the Homestay Ordinance. The next meeting will be on August 9th 2022 at 4:00 P.M.

B. Education Committee

Mr. Edwards advised that the Education Committee did meet on July 21st. The School Superintendent gave an update on school data, school security and test scores from last year.

C. Finance Committee – Mrs. Ball reported for the Committee

Mrs. Ball advised that the Committee did meet to discuss the tax rate and the PPTRA is set at 53.2%.

D. Public Safety

Mr. Edwards advised that updates were given by the Chief of Police and the Fire Chief. There will be upgrades done to the town radios, and a Law enforcement Mutual Aid Agreement with King William County is under review.

E. Public Works – Mr. Lawrence reported for the Committee

Mr. Lawrence advised that the Committee met on July 12th to discuss the following: 1) Pointers Drive addition to the VDOT secondary road system. 2) Playground improvements to the 8th Street location, the improvements will be paid out of the ARPA funds. 3) Replacement of the brick pavers on 14th Street are complete. VDOT will come back at a later date to stamp and color the asphalt. 4) A Dump Truck ordered 2 years ago will be delivered within the next few weeks, and 5) Trash Carts and Recycling Bins that were on back order will also be delivered in the next few weeks.

1) Pointers Drive VDOT Resolution

Mr. Lawrence made a motion to adopt the Resolution attached, seconded by Mr. Vincent. Upon roll call, Mrs. Ball, Mr. Lawrence, Mr. Lawson, Mr. Pruett and Mr. Vincent all voted “Aye”. The motion was approved.

VII. TOWN MANAGER’S ITEMS

Mr. Edwards advised he has nothing to report.

VIII. OLD BUSINESS

There was nothing to report under Old Business.

IX. NEW BUSINESS

A. Planning Commission Report - Mr. Pruett Reported for the Committee

Mr. Pruett advised that he has been sworn in and will be attending his first meeting on August 3rd 2022.

B. Closed Session

Mr. Vincent made a motion to enter into closed meeting pursuant to Virginia Code §2.2-3711(A)(1), a matter involving the discussion of the performance evaluation of the Town Manager, seconded by Mr. Lawrence. Upon roll call, Mrs. Ball, Mr. Lawrence, Mr. Lawson, Mr. Pruett, and Mr. Vincent all voted “Aye”. The motion was approved.

Reconvene

Mr. Lawrence made a motion to reconvene in open meeting, seconded by Mrs. Ball. Upon roll call, Mrs. Ball, Mr. Lawrence, Mr. Lawson, Mr. Pruett, and Mr. Vincent all voted “Aye”. The motion was approved.

Certification

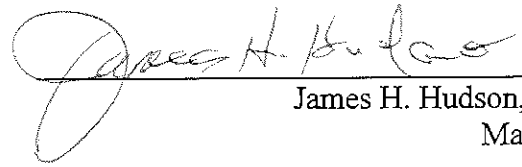
Mr. Lawson made a motion to certify that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the Council. Seconded by Mrs. Ball, upon roll call, Mrs. Ball, Mr. Lawrence, Mr. Lawson, Mr. Pruett, Mr. and Mr. Vincent all voted “Aye”. The motion was approved.

Action

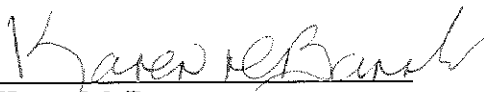
Mrs. Ball made a motion to approve a 5% salary increase for the Town Manager effective August 1, 2022 seconded by Mrs. Ball. upon roll call, Mrs. Ball, Mr. Lawrence, Mr. Lawson, Mr. Pruett, and Mr. Vincent all voted “Aye”. The motion was approved.

X. ADJOURNMENT

There being no further business, Mayor Hudson adjourned the meeting.


James H. Hudson, III
Mayor

ATTEST:


Karen M. Barrow
Town Clerk

Adopted: July 25, 2022

ORDINANCE NO. 02-2021

ORDINANCE NO. 02-2021 AMENDS THE WEST POINT TOWN CODE, CHAPTER 70, "ZONING," "SECTION 70-713, "DEFINITIONS," SECTION 70-416, "USE REGULATIONS," AND ADDS SECTION 70-418, "GRANDFATHER PROVISION" TO MAKE IT CLEAR THAT A HOMESTAY USE REQUIRES THAT THE OWNER HAVE HIS/HER PRIMARY RESIDENCE ON THE PROPERTY, TO LIMIT THE AMOUNT OF TIME THAT A GUEST MAY STAY AT A HOMESTAY TO FOURTEEN DAYS AND TO GRANDFATHER EXISTING LAWFUL HOMESTAY USES. ORDINANCE NO. 02-2021 IS AUTHORIZED BY THE GRANT OF AUTHORITY CONTAINED IN VA. CODE § 15.2-901.

BE IT ORDAINED by the West Point Town Council that the West Point Town Code Chapter 70, "Zoning," Section 70-713, "Definitions," Section 70-416, "Use Regulations," and Section 70-418, "Grandfather Provision," be amended to read as follows:

Homestay Regulations

"Section 70-413. Definitions

As used in this article, unless the context requires a different meaning:

Booking transaction means any transaction in which there is a charge to a transient by a host for the occupancy of any dwelling, sleeping, or lodging accommodations.

Hosting platform means any person or entity that is not a host but facilitates reservations or collects payments for any booking transaction on behalf of a host through an online digital platform.

Guest or transient means a person who occupies a homestay unit.

Homestay means the use of a residential dwelling unit as defined in Section 70-24, or a portion of a residential dwelling unit, by a host to provide room or space that is intended for short term (fourteen days or less) transient rental purposes in exchange for a charge for the occupancy. The primary use of the homestay unit shall remain residential. For each booking transaction, all applicable taxes must be collected and remitted to the town as required by either the host or the associated hosting platform. Such use shall not create a landlord/tenant relationship.

Host means the person who is the owner and primary resident of a homestay unit offered for homestay lodging.

Primary resident means the owner of the homestay unit who also occupies the property as his or her principal place of residence or domicile.

Section 70-414 - Registration and other requirements.

- 1) No host shall operate a homestay unit or advertise a residential property for homestay use without the host first having registered with the West Point Town Treasurer. The registration shall be valid January 1st (or from whatever date the registration first occurs) through December 31st of the calendar year and shall be renewed annually.
- 2) The host shall also collect and remit the town's transient lodging tax.

Section 70-415 - Safety.

The unit shall have smoke alarms and carbon monoxide detectors installed as follows:

- 1) In all sleeping areas.
- 2) In every room in the path of the means of egress from the sleeping area to the exterior door of the sleeping unit.

Section 70-416 - Use regulations.

The host shall not permit occupancy of the homestay unit for a period of less than twenty-four (24) hours, nor greater than fourteen (14) consecutive days.

Section 70-417 - Penalty.

It shall be unlawful to operate a homestay without registering; the penalty shall be a fine of one thousand dollars (\$1,000.00) per occurrence.

Section 70-418. Grandfather provision.

Any person who lawfully conducted a use that would meet the definition of homestay as defined in Section 70-413 shall be exempt from the requirements of Sections 70-413 through 70-417. Homestay uses in existence do not run with the land and are not transferrable.

This Ordinance shall take effect upon adoption.

Adopted: July 25, 2022

ORDINANCE NO. 05-2022

ORDINANCE NO. 05-2022 AMENDS THE WEST POINT TOWN CODE AND AMENDS DEFINITIONS OF FAMILY, HOTEL, AND MOTEL AND REMOVES ALL REFERENCES TO MOTOR LODGES, AUTO COURTS, TOURIST COURTS, TOURIST HOME, TRAILER PARKS, LODING HOUSES, ROOMING HOUSES AND LODGING HOUSES, LODING HOUSE, AND LODGING UNIT. ORDINANCE NO. 05-2025 IS AUTHORIZED BY THE GRANT OF AUTHORITY CONTAINED IN VA. CODE § 15.2-901.

BE IT ORDAINED by the West Point Town Council that the West Point Town Code Chapter 30, "Licenses," Section 30-17, "Exclusions," Chapter 46, "Solid Waste," Section 46-1, "Definitions," Chapter 70, "Zoning," Article II, "Rules of Interpretation and Definitions," Section 70-23, "Rules of Interpretation," Section 70-416, "Use Regulations," and Section 70-418, "Grandfather Provision," be amended to read as follows:

Sec. 30-17. - Exclusions.

The following businesses, trades, professions, occupations and callings shall not be required to pay a license tax under this chapter:

- (1) Sales of farm or domestic products or nursery products, ornamental or otherwise, or for the planting of nursery products, as an incident to the sale thereof, outside of the regular market houses and sheds within the town, provided such products are grown or produced by the seller.
- (2) Printing or publishing any newspaper or operating or conducting any radio or television broadcasting station or service.
- (3) Manufacturing and selling goods, wares and merchandise at wholesale by the manufacturer at the place of manufacture, or selling minerals severed from the earth at wholesale at the place of severance.
- (4) Wholesale sales of goods, wares and merchandise by a wholesaler to other persons for resale, unless the wholesaler has a definite place of business or store in the town.
- (5) The business of renting real property by the owner of such real property, other than hotels, or motels.
- (6) Receipts or purchases from other members of the same affiliated group by a corporation which is a member of an affiliated group of corporations, as defined in the Code of Virginia.
- (7) Any other business, trade, profession, occupation or calling upon which the levying of a local license tax is prohibited by any general law of the commonwealth, or on any public service corporation except as permitted by other provisions of law.
- (8) Receipts from management, accounting or administrative services provided on a group basis under a nonprofit cost-sharing agreement by a corporation which is an agricultural cooperative association under the provisions of Code of Virginia, §§ 13.1-312—13.1-345, or a member or subsidiary or affiliated association thereof, to other members of the same group. This exemption shall not exempt any such corporation from such license or other tax measured by receipts from outside the group.

(Ord. of 10-31-83)

State law reference— Similar provisions, Code of Virginia, § 58.1-3703.

Sec. 46-1. - 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:

Bags. Disposable, plastic garbage bags that can be sealed, and which when filled do not exceed 40 pounds in weight.

Bulky items. Normal household items too large to be placed in the town-furnished solid waste container, including such items as stoves, refrigerators, hot water tanks, washers, dryers, up to six rolls of carpet, a set of box springs and mattresses, regular size doors, lawn mowers, grills, or other normal household items. The term "bulky items" does not include dead animals, manure or other waste materials resulting from the operation of a horse or other animal stable, hazardous waste (including, but not limited

to, batteries, used motor oil, etc.), tires, construction or renovation debris or other items too heavy or too bulky to be handled by a two-man crew.

Business and commercial establishments. Premises wherein:

- (1) There is carried on any business, profession or occupation subject to chapter 30 of this Code.
- (2) There is carried on any broadcasting, publishing, manufacturing or commercial activity or process.
- (3) Renting of residential property.

Commercial waste. Waste material from a commercial enterprise, including wholesale, retail and service establishments, such as office buildings, stores, markets, theaters, hotels and warehouses, or from enterprises providing services for a fee, such as yard services, refuse collection services, etc.

Construction and demolition waste. Waste, including building materials and rubble, resulting from the construction, remodeling, repair and demolition of houses, commercial buildings, pavements and other structures.

Construction site. Any area in which construction of any type is conducted, including roads, buildings and all other places actively being constructed or renovated by public or private owners or the agent, employees or contractors thereof.

Dwelling. Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Garbage or trash collectors. All persons engaged in the business of picking up garbage and trash of any description, by truck or other vehicle, for delivery to a sanitary landfill or other place for disposal as permitted by law.

Hazardous wastes. As so characterized or designated by the United States Environmental Protection Agency or appropriate state agency by or pursuant to federal or state law; dead animals, batteries or tires, waste oil, poisons, acids or caustics, explosives, hot ashes, pool chemicals, human excreta or manure from animals, any other unacceptable waste defined above or waste that cannot be disposed of at a permitted landfill without special handling.

Highway. All public streets, avenues, boulevards, roads, alleys, walkways, lanes, viaducts, bridges and approaches thereto, and all other public ways in the town. The term "highway" shall also mean the entire width thereof between abutting property lines.

Household. A dwelling and its occupants.

Industrial waste. Includes building material waste resulting from erecting, removing, repairing, remodeling or razing buildings and ashes from boilers or incinerators and other trash or matter originating in a business or manufacturing establishment intended not for use or sale.

Institution. Any public or private establishment which educates, instructs, treats for health purposes or otherwise provides service to the community.

Operator. The person operating any business or commercial establishment as distinguished from the owner of the premises involved.

Private property. Property owned by a person that is not used or held out for use by the public.

Public property. Any area that is used or held out for by the public, whether owned or operated by public or private interests.

Recyclable material. Any material, such as glass bottles and jars, aluminum cans, steel cans, newspapers, mixed paper, plastic bottles and jugs, placed in containers for collection for recycling by a recycling program authorized by the town.

Refuse. Includes any putrescible and no putrescible solid wastes (except body waste), including garbage, rubbish, trash, ashes and other similar wastes.

Regular service. Solid waste collection services for households.

Roadside. That portion of the right-of-way adjacent to a paved or traveled public roadway, or adjacent to a private lane or long driveway.

Single-family dwelling. A room or group of rooms within a building and constituting a separate and independent housekeeping unit occupied or intended for occupancy by one family and containing kitchen, sleeping and sanitary facilities. A dwelling unit shall not include a recreational vehicle or room or group of rooms within a hotel, or motel.

Solid waste. Waste as defined in 9 VAC 20-80-140 of the Solid Waste Management Regulations, Department of Environmental Quality, Commonwealth of Virginia.

Solid waste container. Town-furnished, wheeled solid waste reusable container with a lid designated to each household.

Solid waste materials. Solid waste and bulky items.

Trash. All organic waste material, including rubbish, cans, bottles, paper, cardboard, mattresses, furniture, appliances, and other discarded inorganic matter.

Trees and tree stumps. Branches, limbs and parts of trees, bushes or shrubbery larger than four inches in diameter.

Vehicle. Every device capable of being moved upon a public highway and in, upon or by which any person or property may be transported upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Watercraft. Any boat, ship, vessel, barge or other floating craft.

Yard waste. Grass clippings, leaves, plant materials, roots, branches, and similar biodegradable materials.

(Ord. No. 9-11, 9-26-11)

Cross reference— Definitions and rules of construction generally, § 1-2.

ARTICLE II. - RULES OF INTERPRETATION AND DEFINITIONS

FOOTNOTE(S):

--- (2) ---

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 70-22. - Applicability of article.

For the purposes of this chapter, certain words and terms shall be interpreted as set forth in this article, unless otherwise specifically prescribed elsewhere in this chapter. Words and terms not defined herein shall be interpreted in accord with such normal dictionary meaning or customary usage as is appropriate to the context.

(Ord. of 3-27-89, § 15-12)

Sec. 70-23. - Rules of interpretation.

The following general rules of interpretation shall apply throughout this chapter as they are appropriate to the context of specific provisions:

- (1) The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- (2) The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.
- (3) The word "shall" is mandatory and the word "may" is permissive.
- (4) The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied".
- (5) The words "building" or "structure" include any part thereof, and the word "building" includes the word "structure".
- (6) The words "main" and "principal" are used in this chapter as synonymous terms.
- (7) The word "land" includes the words "water" and "marsh". (Ord. of 3-27-89, § 15-13)

Sec. 70-24. - Definitions.

For the purposes of this chapter, the following words and terms shall be interpreted as having the meaning set forth herein, unless a specific meaning to the contrary is indicated elsewhere in this chapter:

Accessory building or structure: A building or structure used for purposes customarily incidental and clearly subordinate to the principal use of the lot on which it is located.

Accessory use: A use of land or a use of a building or structure for purposes customarily incidental and clearly subordinate to the principal use of the lot on which it is located.

Agricultural lands: Those lands used for the tilling of the soil; the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock.

Alley: A public way affording or intended to afford secondary means of vehicular access to abutting properties and situated along the side or rear of such properties.

Auto service center: An establishment for the servicing and minor repair of motor vehicles within enclosed service bays or stalls, and which may include the dispensing of motor fuels and related products at retail and the sale of minor automobile parts and accessories such as tires, batteries, spark plugs, fan belts, shock absorbers, mirrors, floor mats, cleaning and polishing materials and similar items. "Auto service center" shall not include any establishment engaging in general auto or truck repair, body repair or painting, welding, frame straightening, tire recapping or vulcanizing, storage of wrecked vehicles or any operation involving the installation or removal of engines, cylinder heads, crankcases, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts.

Auto service station: An establishment for the dispensing of motor fuels and related products at retail and having pumps, underground storage tanks and other facilities for such activity, and which may include the retail sale of minor automobile parts and accessories such as tires, batteries, spark plugs, fan belts, shock absorbers, mirrors, floor mats, cleaning and polishing materials and similar items, and which may include the inspection, servicing or minor repair of motor vehicles in enclosed service bays or stalls. A "service station" shall not include any establishment engaging in general auto or truck repair, body repair or painting, welding, frame straightening, tire recapping or vulcanizing, storage of wrecked vehicles or any operation involving the installation or removal of engines, cylinder heads, crankcases, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts.

Automobile graveyard: Any area outside of a completely enclosed building used for the storage, keeping or parking of one or more motor vehicles of any kind, incapable of being operated and not economically practical to make operative.

Best management practices (BMPs): A practice or a combination of practices, that is determined by a state or designated areawide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Board of zoning appeals: The board of zoning appeals of the town, the composition, powers and duties of which are set forth in Article VI of this chapter.

Buffer area: An area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances.

Buffering: The planting of hedges, brushes, berms or other landscaping to provide a visual break.

Building: A structure having a roof and intended for the shelter or enclosure of persons or chattels, and which is enclosed within exterior walls or party walls or which, in the case of a structure used or occupied for nondwelling purposes, is enclosed within exterior walls, party walls or other permanent wall separation having no ingress or egress through to another such structure.

Building official: The official designated by the town council to enforce the provisions of the Virginia Uniform Statewide Building Code within the jurisdiction of the town.

Chesapeake Bay Preservation Area (CBPA): Any land designated by the town council of the Town of West Point pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9VAC 10-20-70 et seq., and Code of Virginia, §

10.1-2109, as amended. A Chesapeake Bay Preservation Area shall consist of a resource protection area and a resource management area.

Child care center: Any facility operated for the purpose of providing care, protection and guidance to a group of more than five children separated from their parents or guardians during a portion of the day, not including children of a family residing on the premises. The term "child care center" shall include family day care homes licensed by the state.

Completely enclosed building: A building enclosed on all sides and having no outside openings other than ordinary doors, windows and means of ventilation.

Construction footprint: The area of all manmade surface including but not limited to buildings, roads and drives, parking areas, sidewalks and the area necessary for construction of such improvements, but only to the extent that such improvements are impervious.
Development: The construction, or substantial alteration, of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

Development site: All of the land developed or intended to be developed for single-family attached dwellings and related accessory uses, structures and facilities, when such land is contiguous and under single ownership or control for purposes of planning and initial development. A development site shall include the individual lots on which attached dwellings are or will be located, as well as all open spaces, parking areas, driveways, recreational facilities, community areas and other areas owned or to be owned in common by owners of individual lots within the development.

Diameter at breast height (DBH): The diameter of a tree measured outside the bark at a point four and one-half feet above ground.

Dripline: A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

Dwelling, multiple-family: A building containing three or more dwelling units.

Dwelling, single-family attached: A building which contains one dwelling unit located on an individual lot of record and which is attached by means of party walls in a series of two or more buildings each of which contains one dwelling unit and is located on a separate lot of record. A building meeting the terms of this definition and commonly known as a townhouse unit shall be considered a single-family attached dwelling for purposes of this chapter.

Dwelling, single-family detached: A building completely separated from any other main building and containing only one dwelling unit.

Dwelling, two-family: A building containing two dwelling units.

Dwelling unit: A room or group of rooms within a building and constituting a separate and independent housekeeping unit occupied or intended for occupancy by one family and containing kitchen, sleeping and sanitary facilities. A dwelling unit shall not include a recreational vehicle or room or group of rooms within a hotel or motel.

Family: One or more persons related by blood, marriage or adoption, including foster children, or not more than five unrelated persons occupying a single dwelling unit. The term "family" shall not be construed to include a fraternity, sorority, club or a group of persons occupying a hotel, motel or institution of any kind.

Fences and walls: A wood, brick, steel or concrete fixture erected for security, defining property lines, screening and/or decorative purposes.

Floor area: The sum of the horizontal areas of all usable floors of a building as measured from the exterior faces of exterior walls and including all intervening walls, partitions, hallways, corridors, lobbies and stairways. "Floor area" shall not include unenclosed porches, balconies, carports, garages or basement or attic areas which are not improved for use in conjunction with the principal use of the building.

Frontage: That portion of a lot abutting a street and being situated between the lot lines intersecting the street: also referred to as "street frontage".

Group home: A residential facility, otherwise meeting the definition of a single-family detached dwelling, in which not more than eight physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons, not related by blood or marriage, reside on a long-term basis, with one or more resident counselors or staff persons, the purpose of such facility being to provide to its occupants the benefits of normal residential surroundings to achieve optimal assimilation into the community. The term "group home" shall include family care homes or foster homes, and shall not include residential facilities the principal purpose of which is to provide emergency shelter, diagnostic or treatment services on a short-term residential basis.

Health official: The official designated to enforce the requirements of the state department of health.

Height: The vertical distance measured from the average of the lowest and highest elevations of the finished grades immediately adjacent to a building or structure to the highest point of a flat roof, mansard roof or parapet, or to the midpoint of a gable, hip or shed roof, or to the highest point of any structure having no roof.

Highly erodible soils: Soils (excluding vegetation) with an erodibility (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined as the product of the formula $RKLS/T$, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

Highly permeable soils: Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resources Conservation Service.

Home occupation: An occupation, profession, enterprise or similar activity conducted within a dwelling unit which is the residence of the practitioner, or conducted within an accessory building located on the same lot and clearly incidental to the dwelling unit. In order to qualify as a home occupation, an activity as described herein must be clearly secondary to the principal dwelling use of the premises and must meet all of the following criteria:

(1) No one other than a member of the family residing on the premises shall be employed on the premises in the conduct of the activity;

(2) There shall be no signs, displays or alterations to the exterior of the building that would distinguish it as being devoted to any nonresidential use;

(3) No sales or services shall be offered that would create parking, traffic or noise nuisance problems within the neighborhood;

(4) No mechanical equipment or machinery shall be used or maintained on the premises, other than that which is customarily used for domestic or household purposes and might normally be found on residential premises;

(5) Any exceptions to the above would require a special use permit.

Hospital: A facility in which the primary function is the provision of diagnostic, treatment, medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, and which provides inpatient beds, but not including a facility exclusively or primarily for the care and treatment of psychiatric patients or persons suffering from substance abuse.

Hotel: A building or group of buildings on the same lot containing rooms for transient guests principally on a daily basis, for which housekeeping services are provided, and in which each room has a separate entrance through a common lobby.

Impervious cover: A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to; roofs, buildings, streets, parking areas, and any concrete, asphalt or compacted gravel surface.

Industrial park: An area zoned industrial and containing sites for many separate industries and developed and managed as a unit.

Intensely developed areas (IDAs): A portion of a resource protection area or a resource management area designated by the town council of the Town of West Point where development is concentrated and little of the natural environment remains, which were served by a public water and/or sewer utility on November 1, 1991. IDA boundaries shall be contiguous with:

- (1) Property lines; or
- (2) RMA boundary lines.

Junkyard: An outdoor area used for the depositing, keeping, storing, buying or selling of discarded materials no longer usable in their present form, including but not necessarily limited to, scrap metals, building materials, machinery, household appliances, plumbing supplies, trash, refuse, furnishings, fixtures, or motor vehicles or parts thereof. The term "junkyard" shall include automobile graveyards, garbage dumps and sanitary fills.

Kennel: Any lot, structure or enclosure used for the keeping, boarding, raising or breeding of dogs or cats for commercial or noncommercial purposes, and involving four or more such animals over the age of four months. A noncommercial facility housing a fewer number of such animals as household pets shall not be construed to be a "kennel" and shall be considered an accessory use or structure.

Life care facility: A residential facility for the continuing care of adults, who may have physical or mental impairments and require only minimal assistance with the activities of daily living, providing for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home-type care, where all related uses are located on the same lot. Such facility shall include other services integral to the personal and therapeutic care of the residents thereof.

Living area: That portion of the floor area within a dwelling unit which is fully enclosed, heated and intended to be occupied by human beings. "Living area" shall not include attached garages or unfinished basement or attic areas. "Living area" shall be measured from the exterior faces of the enclosing walls of the occupiable space or, in the case of attached or contiguous dwelling units, from the centerlines of party walls or partition walls. In the case of buildings containing more than one dwelling unit, only that floor area which is for the private use of occupants of a dwelling unit shall be counted as living area for that unit.

Lot: A parcel of land occupied or intended for occupancy by buildings, structures or uses permitted by the provisions of this chapter, together with such area, yards and other open spaces as are required by this chapter. The term "lot" includes the terms plot, tract, and parcel, and may consist of a single lot of record, a combination of contiguous lots of record, or a unit of land described by metes and bounds.

Lot, corner: A lot abutting upon two or more streets at their intersection, or a lot bounded entirely by streets. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

Lot line: Any boundary of a lot, including a boundary which constitutes a street right-of-way line.

Lot line, irregular: For the purposes of section 70-343, any lot line which intersects the bank of the river at an angle other than a right angle.

Lot of record: A lot which is part of a subdivision recorded in the office of the clerk of the circuit court, or a lot or parcel which is described by metes and bounds and is similarly recorded.

Lot, through: A lot other than a corner lot having frontage along more than one street.

Lot width: The minimum horizontal distance between the side lines of a lot measured between the points where the minimum required front yard line intersects the side lines of the lot. On a corner lot or through lot on which more than one front yard is required, the lot width shall be measured adjacent to the frontage with the least dimension.

Main building: A building in which is conducted the principal or main use of the property on which such building is located.

Marina: A boating establishment located on a navigable waterway and which provides, for compensation, covered or uncovered boat slips or dock space and which may include in connection therewith dry boat storage, boat and motor repairs, the sale of marine fuel and lubricants, marine supplies and accessories, boat and motor sales or rental, and accessory restaurant or refreshment facilities and sanitary facilities.

Material recovery facility: A solid waste management facility that receives and prepares recyclable materials that shall be generated by either residential or commercial sources that shall be prepared for marketing to end-user manufacturers. Material is sorted to specifications, then baled, shredded, crushed, compacted, or otherwise prepared for shipment to market. Recyclable materials shall be defined as newspaper, corrugated cardboard, aluminum, yard debris, office paper, glass, tin and steel cans, metal, motor oil, plastic, antifreeze, wood, and food waste.

Mobile home: A structure of vehicular, portable design, used for dwelling purposes by one family on a year- round basis, built on a chassis and designed to be moved from one site to another, subject to the industrial building and manufactured home safety regulations, and designed to be used without a permanent foundation.

Mobile home park: A lot or parcel on which are located, or which is arranged or equipped for the accommodation of, ten or more mobile homes with spaces for such available for rent or lease for periods of not less than six months, and including such open spaces and other facilities as may be provided for the use of or service to residents of mobile homes located on such lot or parcel.

Mobile home space: An area within a mobile home park devoted to the site of an individual mobile home and set aside for the private use of residents of such mobile home, shown on a plat or site plan of the mobile home park, and which includes such yards, open spaces and other contiguous areas necessary to support such individual mobile home, as distinguished from common areas, peripheral buffers, roadways and other facilities of the mobile home park.

Motel: A building or group of buildings on the same lot containing rooms for transient guests principally on a daily basis, for which housekeeping services are provided, and in which each room has a separate entrance from the outside as opposed to through a common lobby.

Nonpoint-source pollution: Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

Nonconforming building or structure: A building or structure which was lawfully existing at the effective date of this chapter or subsequent amendment thereto, which building or structure does not conform with the lot size, lot width, height, yard, or other open space, area, screening, parking or bulk regulation established by this chapter or subsequent amendment thereto. A use of land which includes no building or structure, but which otherwise meets Page 6the terms of this

definition, shall be subject to the regulations and limitations applicable to nonconforming buildings or structures.

Nonconforming sign: A sign which was lawfully existing at the effective date of this chapter or subsequent amendment thereto, which sign does not conform with the area, height, location, placement, type, number, or other regulation pertaining to signs established by this chapter or subsequent amendment thereto.

Nonconforming use: A principal or accessory use of land, buildings or structures, which use was lawfully existing at the effective date of this chapter or subsequent amendment thereto and which is not a permitted use under the provisions of this chapter or subsequent amendment thereto.

Nontidal wetlands: Those wetlands other than tidal wetlands that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act, in 33 C.F.R. 38, 3b.

Noxious weeds: Weeds that are difficult to control effectively, such as Johnson grass, kudzu and multiflora rose. **Nursing home:** Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals. A nursing home shall include facilities known by varying nomenclature or designation such as convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities and infirmaries, except for such exclusions as may be provided under applicable state law.

Off-street parking space: An area for the parking of one motor vehicle located other than within a public street or public alley right-of-way and having such dimensions as set forth in article XX of this chapter and having a permanent means of access to a public street or a public alley without requiring passage through another parking space.

Overwater accessory structure: Any construction of a structure supported by or built upon a pier or piling which extends beyond the mean low water shoreline. This includes boathouses, gazebos, or any structure with walls, sides and/or roofs.

Parking area: A parcel of land or a portion thereof used for the parking of motor vehicles, and including off-street parking spaces as defined herein as well as the access aisles and vehicular maneuvering space directly serving such off-street parking spaces.

Party wall: A wall separating and common to two buildings on individual lots and being of noncombustible material with a fire resistance rating and other characteristics as required by the Virginia Uniform Statewide Building Code.

Plan of development: The process for site plan or subdivision plat review to ensure compliance with the Code of Virginia, § 10-2109, and this article prior to any clearing or grading of a site or the issuance of a building permit.

Plan of development: The proposal for a development, including all plans, drawings, and information as required by the provisions of article IV of this chapter, and subject to the requirements, reviews and approval processes set forth in that article.

Planning commission: The planning commission of the town.

Principal use: The main or primary use of a lot or of a building.

Public sewer or water system: A sewer or water system owned and operated by the town or by such other authority as may be authorized by the laws of the Commonwealth of Virginia. **Recreational vehicle:** A vehicle intended to be towed or self-propelled on its own chassis or attached to the chassis of another vehicle, and designed or used for temporary dwelling, recreational or sporting purposes. The term "recreational vehicle" shall include, but shall not be

limited to; travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, boats and boat trailers.

Redevelopment: The process of developing land that is or has been previously developed.

Resource management area (RMA): That component of the Chesapeake Bay Preservation Area that is not classified as the resource protection area.

Resource protection area (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters, or 100 feet landward of any tidal wetlands, nontidal wetlands or tidal shores.

Retail stores and shops: Buildings wherein the principal activity is the sale of merchandise at retail to the customer, and where the merchandise is typically sold in small quantities and broken lots, and not in bulk. For purposes of illustration, the following shall be considered retail stores and shops: drug stores, newsstands, food stores, candy shops, dry goods, notions and clothing stores, boutiques, gift shops, hardware, home furnishings and household appliance and electronics stores, antique shops, furniture stores, florist shops, opticians, shoe stores, jewelry stores, auto accessory stores and music stores. Establishments for the sale in bulk of coal, wood, fuel, building materials and lumber, and establishments for the sale of vehicles, farm implements, boats, trailers, machinery and similar items shall not be considered retail stores and shops.

Screening: Defined as a physical or natural barrier to block an objectionable view.
Shopping center: A group of three or more commercial establishments on a site of two acres or more planned, developed, owned and managed as a unit and related in its location, size and types of establishments to the trade area which such unit is intended to serve, and which is provided with off-street parking on the premises.

Sign: A presentation of letters, numbers, figures, pictures, emblems, insignia, lines or colors, or any combination thereof which can be viewed from a public right-of-way, private road or another property, and which is displayed for the purpose of information, direction or identification or to advertise or promote a business, service, activity, interest or product or any otherwise lawful noncommercial message that does not attract attention to a business operated for profit or to a commodity or service offered for sale; provided that the following shall not be considered signs for the purposes of this chapter:

(1) The flag, emblem or insignia of a nation or other governmental unit, except when displayed in connection with a commercial promotion or as part of a presentation otherwise considered to be a sign;

(2) Legal notices and identification, informational or directional presentations erected or required to be erected by a governmental body;

(3) Presentations not exceeding one square foot in area identifying property numbers or addresses or occupants of premises.

Sign, animated: Any sign having a conspicuous and intermittent variation in illumination, message or physical position of any or all of its parts, except that a time and temperature display which changes its message not more than once every five seconds or any flag or banner which is entirely dependent upon wind for movement shall not be considered an animated sign for the purposes of this chapter.

Sign area: The area of the smallest individual rectangle, triangle or circle or combination of not more than two contiguous rectangles, triangles or circles which will encompass all elements of the sign which form an integral part of the display, including background, borders and structural trim. The area of a double-faced sign shall be construed to be the area of the largest single face of the sign, provided that the interior angle formed by the two faces does not exceed 30 degrees. A pole, post, upright or similar structural support for a freestanding sign,

including pole covers, shall be considered as part of the sign area if such pole, post, upright, structural support or pole cover exceeds 18 inches in width.

Sign, billboard: A sign used as an outdoor display for the purpose of advertising or promoting a business, service, activity or product which is not located, offered for sale or otherwise related to the use of the premises on which such sign is situated.

Sign, directional: A sign located on private property and intended for the purpose of directing or guiding traffic or persons or identifying parking spaces, when such sign contains no advertising matter and does not exceed an area of four square feet.

Sign, directory: A sign listing the names of various businesses conducted within a building or group of buildings defined as a shopping center or industrial park by this section.

Sign, electronic display: Any sign that displays messages electronically. Each message or image on an electronic display sign shall remain fixed and unchanged for a minimum period of five (5) seconds. There shall be no appearance of flashing, blinking, movement, scrolling, dissolving, or fading in which images or messages "move" or in which part of one message or image appears simultaneously with any part of a second or subsequent one. The illumination, intensity contrast or coloration of the message text or image shall remain constant for each display period. The intensity/brightness of such sign, as measured by the difference between the off and solid- message measurements, shall not exceed the industry standard recommended 0.3 foot candles. Such signs shall be equipped with technology that automatically dims the electronic message illumination intensity commensurate with ambient light conditions (i.e. illumination intensity lower in low-light and nighttime conditions than in daylight).

Sign, freestanding: Any sign supported by uprights, poles, posts or braces which are situated upon or anchored within the ground. A freestanding sign shall be considered a structure.

Sign, monument: A ground mounted sign on a contiguous base having a minimum width of at least 90 percent of the sign and its supporting structure, and not attached to any building. For the purposes of this chapter, a monument sign listing two or more businesses located on a property or in a shopping center, and which is designed as one sign, shall be considered one monument sign.

Sign, portable: A sign consisting of a fixed message or a changeable message panel, which is not attached to a building, structure or anchored within the ground and which is capable of being moved easily from one location to another on its own chassis or by other means. The term "portable sign" shall not include temporary signs as defined herein or as specifically permitted by the provisions of article XXI of this chapter.

Sign, temporary sale, announcement or merchandising: Any sign denoting a sale or special product promotion or announcing a grand opening, new management or similar event or activity occurring on the premises, when such sign is attached flat against a building wall or located within a window, and when such sign does not remain on the premises for a period exceeding 30 days. A permanently installed changeable message panel shall not be considered a temporary sign.

Silvicultural activities: Forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the state forester pursuant to Code of Virginia, § 10.1-1105 and are located on property defined as real estate devoted to forest under Code of Virginia, § 58.1-3230.

Special use: A use permitted in a particular district only upon approval of a special use permit by the town council in accordance with the provisions of article XXII of this chapter.

Street: A public or private thoroughfare which affords the principal means of vehicular access to abutting property.

Street line: The right-of-way line of a street.

Structural alteration: Any change in the supporting members of a structure, including foundations, bearing walls, bearing partitions, columns, beams or girders, or any change in the supporting members of the roof of a structure.

Structure: Anything constructed or erected which has a fixed location on the ground or which is attached to something having a fixed location on the ground (excluding fences, walls and screening).

Substantial alteration: Expansion or modification of a building or development that would result in a disturbance of land exceeding an area of 2,500 square feet in the resource management area only.

Tidal shore: or shore: Land contiguous to a tidal body of water between the mean low-water level and the mean high-water level.

Tidal wetlands: Vegetated and nonvegetated wetlands as defined in the Code of Virginia, § 28.2-1300, as amended.

Town council: The governing body of the town.

Usable open space: The area of a lot which is not covered by buildings or structures and is not devoted to parking areas, driveways or other vehicular maneuvering area. Usable open space includes all yard areas, as well as other outdoor space available for active or passive use by occupants of the premises.

Variance: A departure from the strict application of the provisions of this chapter when authorized by the board of zoning appeals pursuant to and in accordance with the provisions of Code of Virginia, § 15.1-495, and the applicable provisions of article VI of this chapter.

Waterbody with perennial flow: A body of water that flows in a natural or manmade channel year-round during a year of normal precipitation. This includes, but is not limited to; streams, estuaries and tidal embayments and may include drainage ditches or channels constructed in wetlands or from former natural drainageways, which convey perennial flow. Lakes and ponds, through which a perennial stream flows, are a part of the perennial stream. Generally, the water table is located above the streambed for most of the year and groundwater is the primary source for stream flow.

Water-dependent facility: A development of land that cannot exist outside of the resource protection area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to: (1) Ports; (2) The intake and outfall structures of power plants, water treatment plants, sewage treatment plants, industrial and manufacturing facilities and storm sewers; (3) Marinas and other boat docking structures; (4) Beaches and other public water-oriented recreation areas; (5) Fisheries or other marine resources facilities; and (6) Docks for the loading and off-loading of marine vessels.

Wetlands: Tidal and nontidal wetlands.

Yard: An open space on a lot, unoccupied and unobstructed by any structure or portion of a structure from 18 inches above the ground level upward, except as otherwise provided in article XIX of this chapter.

Yard, front: A yard extending the full width of a lot and being adjacent and parallel to the street frontage of the lot.

Yard, rear: A yard adjacent and parallel to the rear lot line of a lot and extending between the minimum required side yards on the lot.

Yard, side: A yard adjacent and parallel to the side lot line of a lot and extending from the minimum required front yard to the rear lot line. On irregular shaped lots, any yard adjacent to a lot line to which the yard definitions of this section do not clearly apply shall be considered a side yard.

Yard, street side: A side yard adjacent to a street.

Zoning administrator: The officer appointed by the town council to enforce the provisions of this chapter.

(Ord. of 3-27-89, § 15-13; Ord. of 11-15-91, § 15-301; Ord. of 2-27-95; Ord. of 3-25-96; Ord. of 3-31-97; Ord. of 3-30-98; Ord. of 7-27-98; Ord. No. 02-04, 6-28-04); Ord. No. 04-04, 6-28-04; Ord. No. 09-07, 1-28-08; Ord. No. 07-09, 9-28-09; Ord. No. 6-13, 2-25-14) Secs. 70-25—70-34. - Reserved.

Sec. 70-103. - Permitted uses and structures.

The following uses and structures shall be permitted in the R-1 Low Density Residential District:

- (1) Single-family detached dwellings.
- (2) Churches, provided that a plan of development shall be required as set forth in article IV of this chapter.
- (3) Public schools and private schools having substantially the same curriculum as public schools, provided that a special use permit shall be required as set forth in article XXII of this chapter.
- (4) Parks, recreational facilities, libraries and museums owned or operated by a governmental agency, and other uses required for the performance of governmental functions and intended primarily to provide services to adjoining neighborhoods, provided that a special use permit shall be required as set forth in article XXII of this chapter for all uses and structures permitted by this subsection.
- (5) Propagation and cultivation of crops, flowers, trees and shrubs which are not offered for sale on the premises.
- (6) Rights-of-way, easements and appurtenances for public utilities and public transportation, but not including railroad yards, freight or passenger depots, generating plants, transformer stations, sewage treatment plants or similar facilities.
- (7) Home occupations, as defined in article II of this chapter.
- (8) Signs as regulated by the provisions of article XXI of this chapter.
- (9) Accessory uses and structures, excluding the use of truck bodies, vans, trailers, tanks and other vessels, as an accessory structure.
- (10) Life care facilities, provided that a special use permit shall be required as set forth in article XXII of this chapter and that 24-hour private ambulance service is provided by the life care facility.
- (11) Child care centers licensed by the state on lots containing one acre or more, provided that outdoor play areas shall not be located within any yard between the main building and a street or within any required side yard, and shall be enclosed with continuous fencing not less than four feet in height; and provided further that a special use permit shall be required as set forth in article XXII of this chapter.

(Ord. of 3-27-89, § 15-31; Ord. of 12-29-97; Ord. No. 09-07, 1-28-08; Ord. No. 02-10, 5-24-10)

Sec. 70-120. - Permitted uses and structures.

The following uses and structures shall be permitted in the R-2 Medium Density Residential District:

- (1) Single-family detached dwellings.
- (2) Churches, provided that a plan of development shall be required as set forth in article IV of this chapter.
- (3) Public schools and private schools having substantially the same curriculum as public schools, provided that a special use permit shall be required as set forth in article XXII of this chapter.
- (4) Parks, recreational facilities, libraries and museums owned or operated by a governmental agency, and other uses required for the performance of governmental functions and intended primarily to provide services to adjoining neighborhoods, provided that a special use permit shall be required as set forth in article XXII of this chapter for all uses and structures permitted by this paragraph.
- (5) Propagation and cultivation of crops, flowers, trees and shrubs which are not offered for sale on the premises.
- (6) Rights-of-way, easements and appurtenances for public utilities and public transportation, but not including railroad yards, freight or passenger depots, generating plants, transformer stations, sewage treatment plants or similar facilities.
- (7) Home occupations, as defined in article II of this chapter.
- (8) Signs as regulated by the provisions of article XXI of this chapter.
- (10) Accessory uses and structures, excluding the use of truck bodies, vans, trailers tanks and other vessels, as an accessory structure.

(Ord. of 3-27-89, § 15-38; Ord. of 12-29-97)

Sec. 70-136. - Intent of district.

Pursuant to the purposes of this chapter, the intent of the R-3 High Density Residential District is to provide appropriate areas for relatively high density residential development with a variety of housing types of a nontransient nature within a suitable residential environment. The district is designed to accommodate single-family, two-family and multiple-family dwellings, group homes and limited residential care facilities in addition to specific nonresidential uses which are necessary to provide for the recreational, educational, cultural and public service needs of a residential community. It is the intent of the district to exclude land uses of a primarily commercial nature which are potentially incompatible with residential uses. The district includes lot size, open space, yard and other requirements designed to avoid overcrowding of land, to ensure a suitable living environment, to promote compatible relationships among the various permitted housing types, and to avoid undue burden on utilities and public services which serve the area.

(Ord. of 3-27-89, § 15-44)

Sec. 70-137. - Permitted uses and structures.

The following uses and structures shall be permitted in the R-3 High Density Residential District:

- (1) Single-family detached dwellings.

- (2) Single-family attached dwellings, provided that appropriate agreements and covenants approved as to form by the town attorney provide for the perpetuation and maintenance of all areas and facilities within a development site to be held in common ownership by property owners within such development site, and provided further that a plan of development shall be required as set forth in article IV of this chapter.
- (3) Two-family dwellings.
- (4) Reserved.
- (5) Nursing homes, provided that a plan of development shall be required as set forth in article IV of this chapter.
- (6) Group homes of eight or fewer and group homes of more than eight, provided that a plan of development shall be required as set forth in article IV of this chapter.
- (7) Churches, provided that a plan of development shall be required as set forth in article IV of this chapter.
- (8) Public schools and private schools having substantially the same curriculum as public schools, provided that a special use permit shall be required as set forth in article XXII of this chapter.
- (9) Parks, recreational facilities, libraries and museums owned or operated by a governmental agency, and other uses required for the performance of governmental functions and intended primarily to provide services to adjoining neighborhoods, provided that a special use permit shall be required as set forth in article XXII of this chapter for all uses and structures permitted by this paragraph.
- (10) Propagation and cultivation of crops, flowers, trees and shrubs which are not offered for sale on the premises.
- (11) Rights-of-way, easements and appurtenances for public utilities and public transportation, but not including railroad yards, freight or passenger depots, generating plants, transformer stations, sewage treatment plants or similar facilities.
- (12) Private wells, provided that a special use permit as set forth in article XXII of this chapter shall be required for any well which does not exclusively serve the property on which it is located.
- (13) Home occupations, as defined in article II of this chapter.
- (14) Signs as regulated by the provisions of article XXI of this chapter.
- (15) Accessory uses and structures, excluding the use of truck bodies, vans, trailers tanks and other vessels, as an accessory structures.
- (16) Child care centers, licensed by the state, provided that outdoor play areas shall not be located within any yard between the main building and a street or within any required side yard, and shall be enclosed with continuous fencing not less than four feet in height, and provided further that a special use permit is obtained in accordance with the procedures set forth in article XXII of this chapter.

(Ord. of 3-27-89, § 15-45; Ord. of 5-23-94; Ord. of 12-29-97; Ord. of 10-30-00(2); Ord. No. 04-05, 8-29-05)

Sec. 70-142. - Usable open space requirements.

In the R-3 District, usable open space in the amount of not less than two square feet for each one square foot of floor area contained in all buildings shall be provided on each lot devoted to nursing homes and group homes. For the purposes of this requirement, usable open space and floor area shall be as defined in article II of this chapter.

(Ord. of 3-27-89, § 15-50; Ord. No. 04-05, 8-29-05)

Sec. 70-157. - Permitted uses and structures.

The following uses and structures shall be permitted in the R-4 Downtown Residential District:

- (1) Single-family detached dwellings.
- (2) Funeral homes, provided that a special use permit shall be required as set forth in article XXII of this chapter. As used in this chapter, funeral home means a building primarily used for human funeral services. Such a building may contain space and facilities for embalming and the performance of other services used in the preparation of the dead for burial; the storage of funeral vehicles and facilities for cremation. A funeral chapel is also permitted.
- (3) Churches, provided that a plan of development shall be required as set forth in article IV of this chapter.
- (4) Public schools and private schools having substantially the same curriculum as public schools, provided that a special use permit shall be required as set forth in article XXII of this chapter.
- (5) Parks, recreational facilities, libraries and museums owned or operated by a governmental agency, and other uses required for the performance of governmental functions and intended primarily to provide services to adjoining neighborhoods, provided that a special use permit shall be required as set forth in article XXII of this chapter for all uses and structures permitted by this paragraph.
- (6) Propagation and cultivation of crops, flowers, trees and shrubs which are not offered for sale on the premises.
- (7) Rights-of-way, easements and appurtenances for public utilities and public transportation, but not including railroad yards, freight or passenger depots, generating plants, transformer stations, sewage treatment plants or similar facilities.
- (8) Private wells, provided that a special use permit as set forth in article XXII of this chapter shall be required for any well which does not exclusively serve the property on which it is located.
- (9) Home occupations, as defined in article II of this chapter.
- (10) Signs as regulated by the provisions of article XXI of this chapter.
- (11) Accessory uses and structures, excluding the use of truck bodies, vans, trailers tanks and other vessels, as an accessory structures.
- (12) Bed and breakfast establishments, provided that a special use permit shall be required as set forth in article XXII of this chapter.
- (13) Child care centers licensed by the state, provided that outdoor play areas shall not be located within any yard between the main building and a street or within any required side yard, and shall be enclosed with continuous fencing not less than four feet in height, and provided further that a special use permit shall be required as set forth in article XXII of this chapter.

(Ord. of 3-27-89, § 15-55; Ord. of 12-29-97; Ord. No. 04-05, 8-29-05; Ord. No. 1-13, 3-25-13)

ARTICLE XX. - OFF-STREET PARKING

FOOTNOTE(S):

— (6) —

Cross reference— Parking generally, § 34-35 et seq. ([Back](#))



**TOWN OF WEST POINT
VDOT SECONDARY ROAD
RESOLUTION**

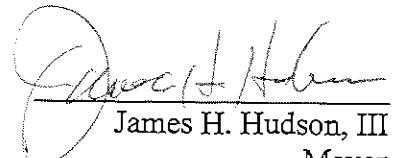
WHEREAS, the Town of West Point has authority pursuant to Section 33.2-340, Code of Virginia, to add mileage to the Secondary System as long as all proposed mileage conforms to specific requirements established by the Virginia Department of Transportation's Road Design Manual addressing the design standards, widths of pavement, and right-of-way that must be in place at the time of the addition.

WHEREAS, the Town Council of the Town of West Point does guarantee a clear and unrestricted right-of-way of 50' feet as required by agency standards and any necessary easements for cuts, fills and drainage.

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of West Point requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the Secondary System of State Highways, pursuant to Section 33.2-340, Code of Virginia.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Certified to be a true copy of a resolution adopted by the Town Council of the Town of West Point at its regular monthly meeting held on the 25th day July 2022, at which meeting a quorum was present and voting throughout.


James H. Hudson, III
Mayor

ATTEST:


Karen M. Barrow
Town Clerk

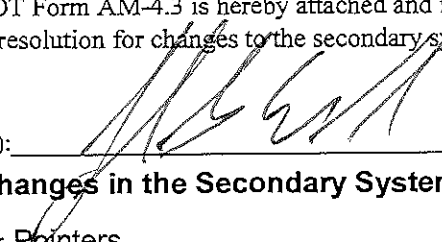
In Town of West Point

38242734

by Resolution of the governing body adopted July 25, 2022

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee

Signed (County Official): 

Report of Changes in the Secondary System of State Highways

Project/Subdivision: Pointers

Addition - Town new subdivision street §33.2-340, §33.2-705

Rte Number	Street Name	From Termini	To Termini	Length	Number Of Lanes	Recordation Reference	Row Width
1035	Pointers Drive	Int Route 1004 Mattaponi Ave	Int Route 1030 Bagby Street	0.39	2	Instrument #09001718	50