

BOARD OF  
SUPERVISORS

THOMAS D. HARVEY  
North District

ERNIE Q. REED  
Central District

JESSE N. RUTHERFORD  
East District

J. DAVID PARR  
West District

DR. JESSICA LIGON  
South District



CANDICE W. MCGARRY  
County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**AGENDA  
NELSON COUNTY BOARD OF SUPERVISORS  
DECEMBER 18, 2024**

**THE CONTINUED MEETING CONVENES AT 5:00 P.M. IN THE  
GENERAL DISTRICT COURTROOM AT THE COURTHOUSE IN LOVINGSTON**

**I. CALL TO ORDER**

**II. PUBLIC HEARING**

**A. Wintergreen Master Plan Amendment (Resolution R2024-84)**

Consideration of a request for County approval to amend a portion of Wintergreen's Master Plan. The subject property is located at Tax Map Parcel #11-A-2G and is currently designated for residential development (Grassy Ridge I and II). The owner is proposing to place a portion (355.451 acres) of the property into an open space conservation easement. The subject properties are owned by Wintergreen Partners, Inc. a Virginia Corporation.

**III. JOINT WORKSESSION WITH PLANNING COMMISSION ON ZONING AND  
SUBDIVISION ORDINANCE UPDATES.**

**IV. OTHER BUSINESS (AS PRESENTED)**

A. Proposed Work Order Amendment – Zoning Text for Short Term Rentals

**V. ADJOURNMENT**

**DATE:** December 17, 2024

**RE:** Wintergreen Master Plan Amendment for Conservation Easement – Additional Information

**Acreage Requested for Conservation Easement:** 355.451 (Parcel 1: 221.900 ac, Parcel 2: 133.551 ac)

**Current Tax Value of 355.451 acres:** \$5,630.34

**CE Tax Value of 355.451 acres:** \$1,039.69 (Land Use Classification value per acre of \$450 Forest-Good)

**Current Tax Payment Status:** First and Second Half of 2024 outstanding as of 12/5/24. Owner advised to make current by COB, December 17<sup>th</sup>. \$3,544.26 due 12/5/24 and \$3,721.47 due 6/5/24 total of \$7,265.73. PAID IN FULL ON 12/17/24.

**Comprehensive Plan:** This CE is in concert with the County's Comprehensive Plan Chapter 6 – Protecting Valuable Resources.

- Area is deciduous Forest (Map 6.3 Land Cover)
- Area is classified as a C1: Outstanding Ecological Core (Map 6.4 Ecological Cores)
- Area is not in a floodplain (Map 6.5 Floodplains)
- Area is in the North & South Fork Rockfish River Watershed (Map 6.6 Watersheds and Waterways)
- Area is not suitable farmland (Map 6.7 Suitable Farmland)
- Area is in close proximity to other private and federal conservation lands (Map 6.8 Conservation Lands)

**Board Priorities:** A #3 priority for the Board of Supervisors is Preserving Rural Character and Heritage by protecting natural and cultural resources through “protecting agricultural and forested landscapes from development, through tools such as conservation easements, ag and forestall districts, use-value assessments, and purchase of development rights program”

***Focus Area: Preserve Rural Character and Heritage***

(CH 6 – Protecting Natural & Cultural Resources)

- Strategy Priority 1: 6.17 Protect agricultural and forested landscapes from development through tools such as conservation easements, ag and forestall districts, use-value assessments, and purchase of development rights program **(O)**

BOARD OF  
SUPERVISORS

THOMAS D. HARVEY  
North District

ERNIE Q. REED  
Central District

JESSE N. RUTHERFORD  
East District

J. DAVID PARR  
West District

DR. JESSICA LIGON  
South District



CANDICE W. MCGARRY  
County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**RESOLUTION R2024-83**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION FOR PUBLIC HEARING**  
**PROPOSED WINTERGREEN MASTER PLAN AMENDMENT**  
**FOR CONSERVATION EASEMENT**

**BE IT RESOLVED**, that pursuant to §15.2-2204, of the Code of Virginia 1950 as amended, the Nelson County Board of Supervisors authorizes a public hearing to be held on **December 18, 2024 at 5:00 PM** in the General District Courtroom in the Courthouse in Lovingson, Virginia. The purpose of the public hearing is to receive public input on a request for County approval to amend a portion of Wintergreen's Master Plan. The subject property is located at Tax Map Parcel #11-A-2G and is currently designated for residential development (Grassy Ridge I and II). The owner is proposing to place a portion (355.451 acres) of the property into an open space conservation easement. The subject properties are owned by Wintergreen Partners, Inc. a Virginia Corporation.

Approved: December 10, 2024

Attest: Candice W. McGarry, Clerk  
Nelson County Board of Supervisors

**Please publish Thurs. November 28 and Thurs. December 5 in The Nelson County Times:**

LEGAL NOTICE  
NOTICE OF PUBLIC HEARING  
NELSON COUNTY BOARD OF SUPERVISORS

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-2204, the Nelson County Board of Supervisors hereby gives notice that a Public Hearing will start at **5:00 p.m., Wednesday, December 18, 2024 at the General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovington, for the following:

Public Hearing(s):

**1. Wintergreen Master Plan Amendment**

Consideration of a request for County approval to amend a portion of Wintergreen's Master Plan. The subject property is located at Tax Map Parcel #11-A-2G and is currently designated for residential development (Grassy Ridge I and II). The owner is proposing to place a portion (355.451 acres) of the property into an open space conservation easement. The subject properties are owned by Wintergreen Partners, Inc. a Virginia Corporation.

Copies of the above files are available for review in the Dept. of Planning & Zoning office, 80 Front Street, Lovington, Virginia, Monday through Friday, 8:00 a.m. to 4:00 p.m., or the Office of the County Administrator, 84 Courthouse Square, Monday through Friday, 9:00 a.m. to 5:00 p.m. For more information, call the County Administrator's Office at (434) 263-7000. EOE.

BY AUTHORITY OF NELSON COUNTY BOARD OF SUPERVISORS



**Nelson County  
Planning & Zoning**

# Memo

**To:** Board of Supervisors

**From:** Dylan M. Bishop, Director of Planning & Zoning *DMB*

**Date:** December 10, 2024

**Re:** Request for Amendment to Wintergreen Master Plan

---

The Planning & Zoning Department received a request from Taylor Cole with Conservation Partners in Lexington, VA on November 1, 2024, to amend the Wintergreen Master Plan to allow for a conservation easement on a portion of property located in Wintergreen. The properties are currently designated for residential and mixed use development as *Grassy Ridge 1 & 2*. Virginia Code 15.2-2204 requires that the governing body advertise for adoption of any plan, ordinance or amendment thereof. WPOA Executive Director Jay Roberts indicated that the WPOA would not approve all of Grassy Ridge being in a conservation easement, and is requiring that a portion of approximately 40 acres be held for future development.

The public hearing for this request is scheduled for December 18, 2024 at 5:00 p.m. in the General District Courtroom.

*Property Information:*

Tax Map Number: 11-A-2G (portion)  
Owner: Wintergreen Partners, LLC  
Acreage of Proposed Conservation Easement: 355.451

*Attachments:*

Letter from Taylor Cole  
Associated Maps and Plats  
GIS Aerial of Area to Remain for Development  
Wintergreen Master Plan



---

## Taylor Cole Request Letter

---

**From** Dylan Bishop <dbishop@nelsoncounty.org>

**Date** Thu 12/5/2024 1:27 PM

**To** Dylan Bishop <dbishop@nelsoncounty.org>

---

**From:** Taylor Cole

**Sent:** Friday, November 1, 2024 1:44 PM

**To:** 'Dbishop@nelsoncounty.org' <[Dbishop@nelsoncounty.org](mailto:Dbishop@nelsoncounty.org)>

**Subject:** FW: Letter to Nelson County and the WPOA

Good morning Ms. Bishop!

My name is Taylor Cole and I am with Conservation Partners in Lexington Virginia. Conservation Partners works with landowners throughout the Commonwealth of Virginia helping them protect their farms and other open space lands for the future. As outlined below, I have two requests of Nelson County, and by extension, the Wintergreen Property Owners Association (WPOA).

### Request # 1 Approval of a Conservation Easement Donation

You may be aware that the owners of two Nelson County tracts near Wintergreen are proposing to donate an open space conservation easement on these properties. The properties are designated on the attached map as Grassy Ridge 1&2 and in the county records as portions of tax map number 11-A-2.

The goal of the conservation easement on Grassy Ridge is to protect the natural character of the property for the appreciation and enjoyment of future generations of Nelson County and Wintergreen residents. In addition to restrictions intended to protect the extraordinary conservation values of the property, the rights retained are particularly restrictive and include only one permitted division and only one building envelope encompassing two residential structures. We will forward the draft deed of conservation easement outlining the terms as soon as it is available.

To comply with federal and state law for charitable conservation easement donations, Nelson County has frequently been asked to approve easements on properties throughout the county. Meeting this requirement is particularly important when, as is the case here, those properties have been previously designated as potential residential developments. To meet the locality approval requirement, the owners of Grassy Ridge are requesting that the county approve the proposed conservation easement. As the easement will be held by the Land Trust of Virginia, the county's approval would be indicated in a letter to the following:

Ashton Cole, Executive Director  
Land Trust of Virginia  
119 The Plains Road, Suite 200  
Middleburg, VA 20117

Ashton can be reached at [ashton@landtrustva.org](mailto:ashton@landtrustva.org), 540-907-8204

With copies to:

Taylor M. Cole,  
Conservation Partners  
P.O. Box 152  
Lexington, VA 24450

Since Nelson County and the Wintergreen Property Owners Association have joint planning jurisdiction over the Grassy Ridge property, we are also requesting that the WPOA approve the conservation easement. Jay Roberts, Executive Director of the WPOA, has suggested that the Nelson County letter approving the easement also include reference to the WPOA's planning jurisdiction over the Grassy Ridge property and be signed by the WPOA indicating their approval. I believe you have Mr. Roberts' contact information.

#### Request # 2 Approval of Residential Development to be Subsequently Restricted by the Conservation Easement

As evidenced in the attached maps, the development potential of the Grassy Ridge tracts has been recognized since the earliest days of the Wintergreen project. With the proposed conservation easement designed to protect the natural character of the property, there will be no development beyond the very limited building allowance mentioned above. As the value of the conservation easement is to be treated as a charitable donation, the restrictions on subdivision development must be addressed in the donation appraisal. Therefore, we are requesting that the county and the WPOA provide a letter indicating their approval of the attached subdivision plan. The letter should be addressed to the owners as provided below:

Wintergreen Partners, Inc.  
302 S. Jefferson Street Roanoke, Virginia 24011

With Copies to:

Weasley Woods, MAI  
Myers and Woods Appraisal Group  
3700 S. Amherst Hwy  
Madison Heights, VA 24572

Wesley can be reached at [wesley@myersandwoods.com](mailto:wesley@myersandwoods.com), 434-841-0414

Taylor M. Cole,  
Conservation Partners  
P.O. Box 152  
Lexington, VA 24450

Attached to this email are the maps, surveys, and development plan for the Grassy Ridge properties near Wintergreen. Included are the following:

- GIS aerial and topo maps
- The original Wintergreen development plat from 1975
- The proposed plan Grassy Ridge parcels 1 & 2
- Plat indicating approximate locations of buildings permitted in the conservation easement

I very much appreciate your expedited attention to these requests as we are trying to accomplish recordation of the Deed of Gift as quickly as possible, and hopefully during the month of November so that the other required tasks associated with the donation can be accomplished by year end. With that compressed timeline in mind, please do not hesitate to call on me for any additional information you might need or for answers to any questions that may arise.

Thank you!

Taylor

**Taylor M. Cole**

**Cell: 540-292-1492**

**Office: 540-464-1899**

[tcole@conservationpartnersllc.com](mailto:tcole@conservationpartnersllc.com)

[www.conservationpartnersllc.com](http://www.conservationpartnersllc.com)

**or for conservation ideas: [www.scotthollowfarm.com](http://www.scotthollowfarm.com)**







*Neither Taylor M. Cole nor Conservation Partners can provide legal or tax advice, and nothing herein should be considered professional advice of any sort. This email may contain confidential or privileged information. If you are not the intended recipient, please notify the sender and erase this email.*



# Aerial Map

Grassy Ridge Properties I & II  
Tax Map No. 11-A-2G (portion)  
369.27 acres (GIS)  
Nelson County

## Legend

-  Property Boundary
-  Crawford's Knob State Natural Area Preserve
-  Roads
-  Hydrology



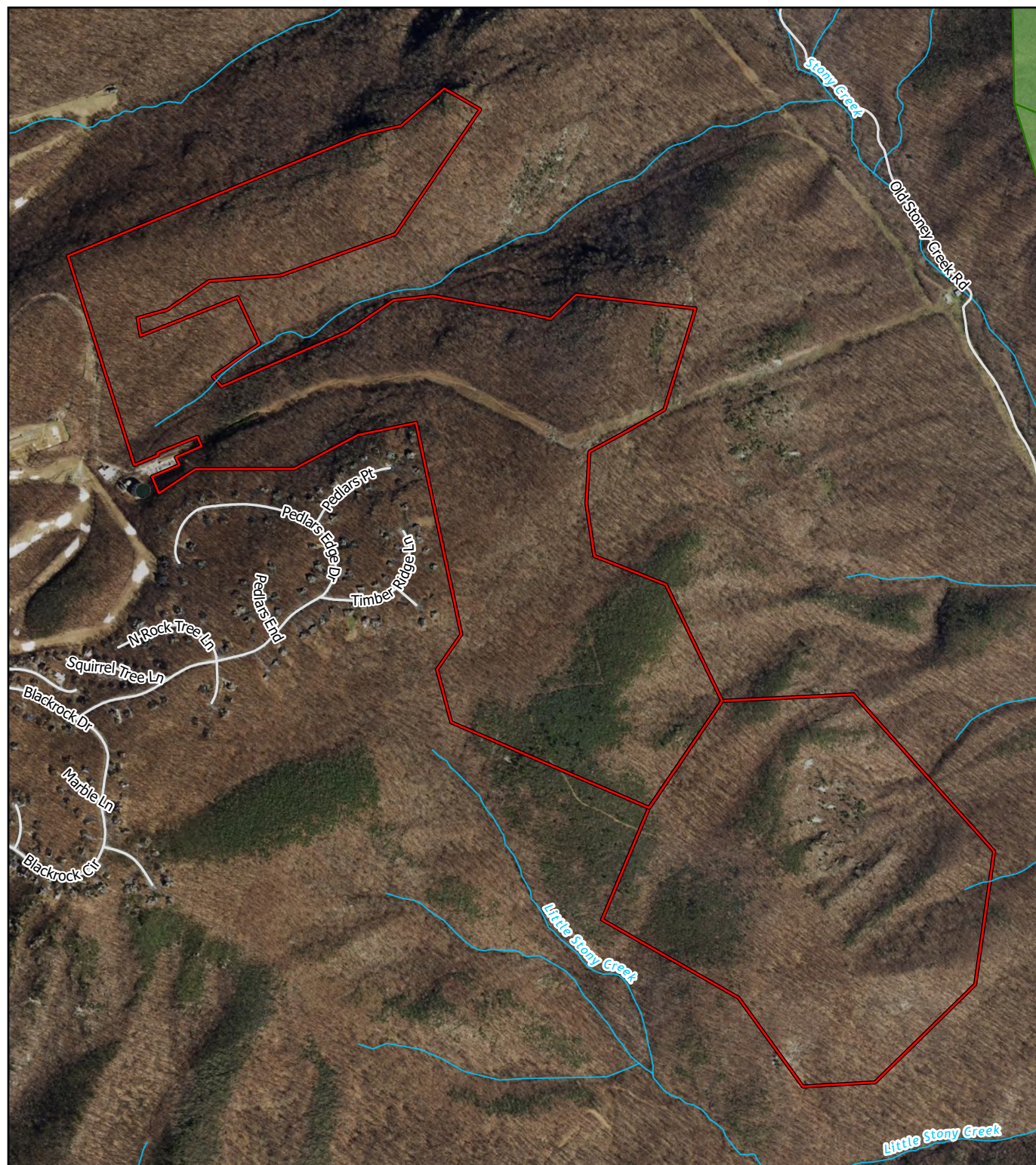
0 550 1,100 Feet



Data sources: VGIN (parcel(s), roads), USGS NHD (hydrology), VA DCR - Natural Heritage (conserved lands). Aerial imagery dated 2022, from VGIN VBMP, copyright Commonwealth of Virginia.

Map prepared by Conservation Partners on 10/28/2024.

This data information and related graphics are for preliminary illustrative purposes only. Any property boundaries or other delineations are approximate. This is not a legal document and is not intended to be used as such. This map is for informational purposes only, and it is distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use.








# Topographic Map

Grassy Ridge Properties I & II  
Tax Map No. 11-A-2G (portion)  
369.27 acres (GIS)  
Nelson County

## Legend

-  Property Boundary
-  Crawford's Knob State Natural Area Preserve
-  Roads



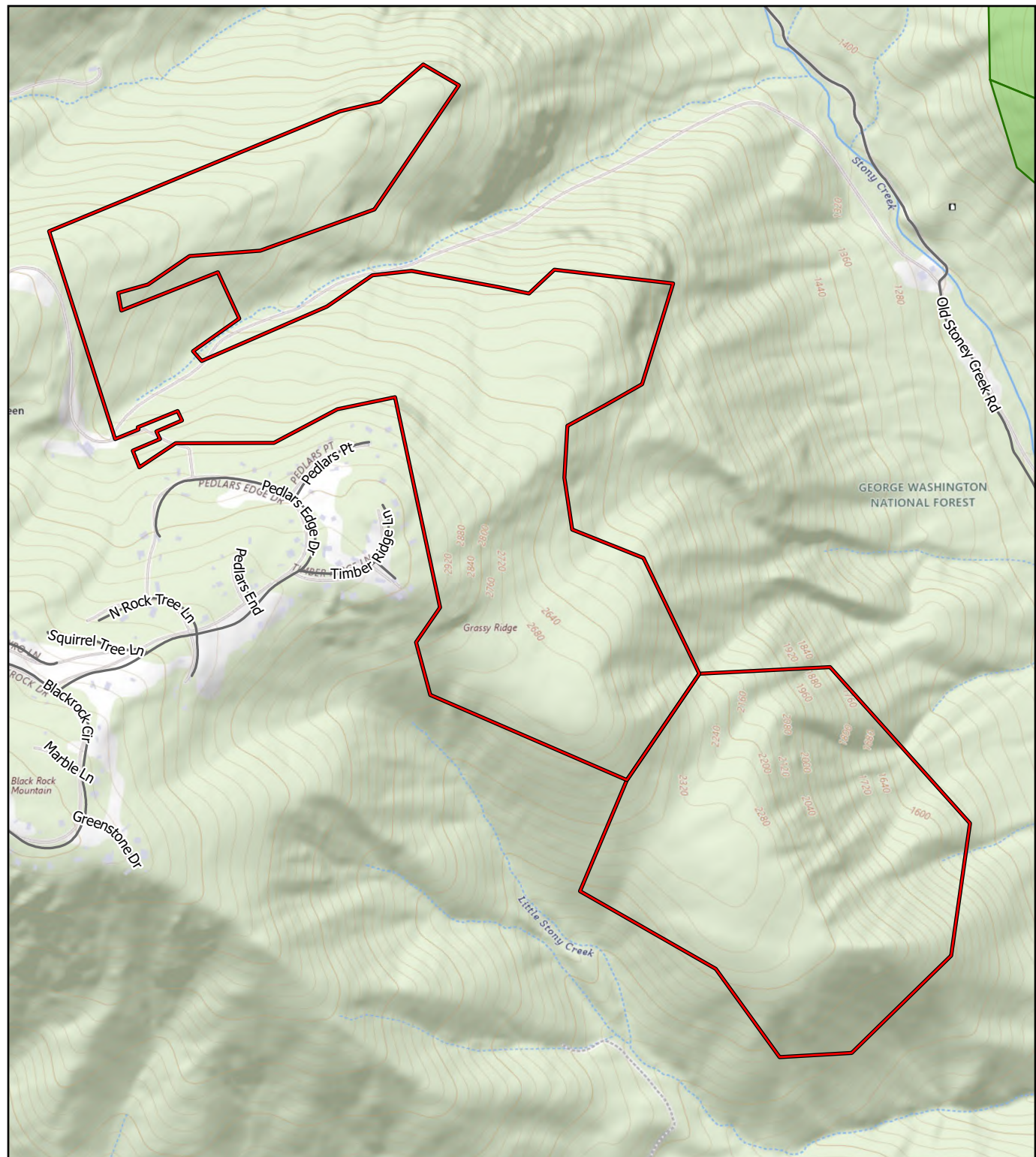
0 550 1,100 Feet



Data sources: VGIN (parcel(s), roads), VA DCR - Natural Heritage (conserved lands).  
USGS quadrangle(s): Sherando.

Map prepared by Conservation Partners on 10/28/2024.

This data information and related graphics are for preliminary illustrative purposes only. Any property boundaries or other delineations are approximate. This is not a legal document and is not intended to be used as such. This map is for informational purposes only, and it is distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use.



**SURVEY NOTES:**

TAX MAP PARCEL: 11-A-2  
PRESENT OWNER: WINTERGREEN PARTNERS INC.  
SEE DEED BOOK 215, PAGE 494 FOR TITLE REFERENCE.

SEE INSTRUMENT 13-0001045 (PLAT CABINET 9, SLIDE 1A)  
FOR RIGHT OF FIRST REFUSAL AND EMERGENCY EASEMENT.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE  
REPORT, AND AS SUCH MAY NOT SHOW ALL EASEMENTS OR  
ENCUMBRANCES AFFECTING THE PROPERTY.

PROPERTY IS ZONED: RPC (RESIDENTIAL PLANNING COMMUNITY)

SETBACKS:  
FRONT -  
SIDE -  
REAR -

THE PROPERTY SHOWN HEREON IS SITUATED IN FLOOD ZONE  
X(UNSHADED); AREAS DETERMINED TO BE OUTSIDE OF THE  
500-YEAR FLOOD PLANE, AS PER FEMA FLOOD INSURANCE  
RATE MAP 51125C0120B DATED 6/18/2010.

IN THE COURSE OF THIS SURVEY NO HUMAN GRAVES SITES  
WERE OBSERVED OR ARE KNOWN OF, ON THE SUBJECT  
PROPERTY.

**OWNERS APPROVAL:**

THE PLATTING OR DEDICATION OF THE FOLLOWING  
DESCRIBED LAND, A "SUBDIVISION OF WINTERGREEN  
PARTNERS, INC. TMP 11-A-2", IS WITH THE FREE  
CONSENT AND IN ACCORDANCE WITH THE DESIRES OF  
THE UNDERSIGNED OWNERS, PROPRIETORS AND  
TRUSTEES, IF ANY.

FOR WINTERGREEN PARTNERS, INC. DATE

**NOTARY PUBLIC:**

CITY / COUNTY OF \_\_\_\_\_  
COMMONWEALTH OF VIRGINIA  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED  
BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY \_\_\_\_\_

FOR WINTERGREEN PARTNERS, INC.

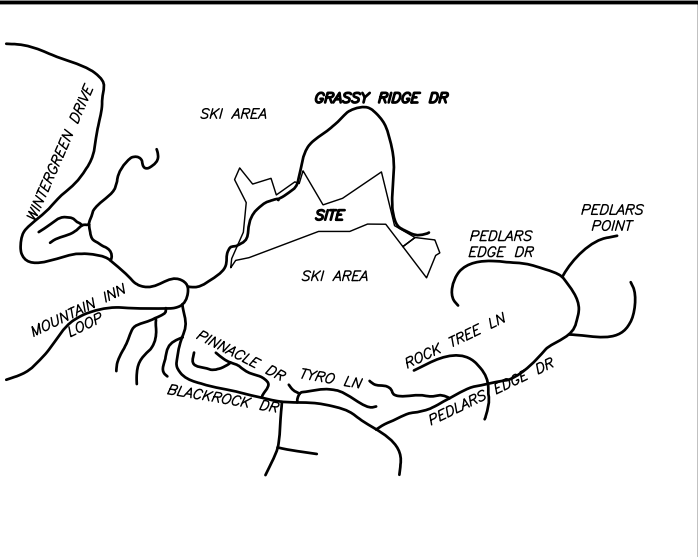
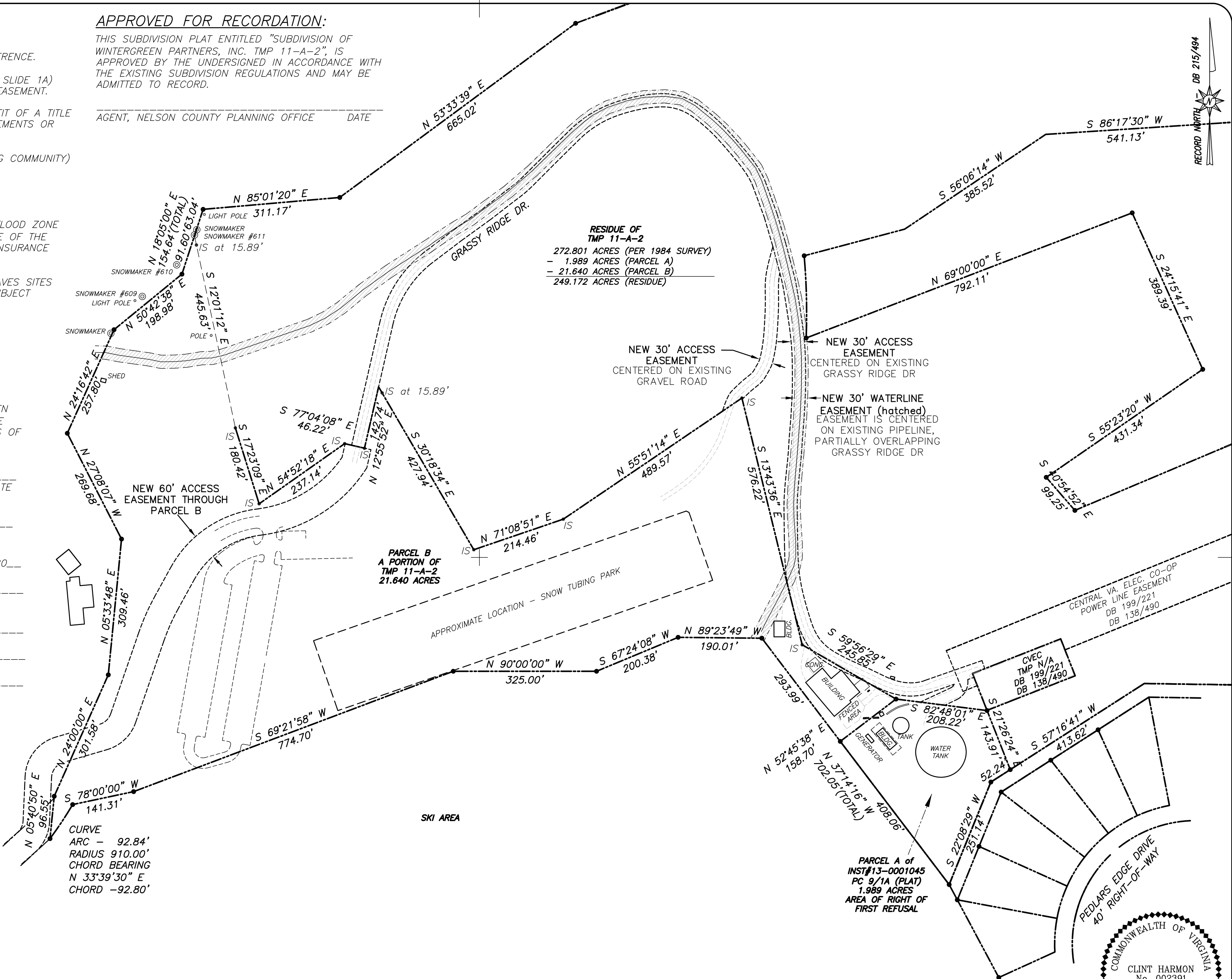
NOTARY  
REGISTRATION NUMBER: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

**APPROVED FOR RECORDATION:**

THIS SUBDIVISION PLAT ENTITLED "SUBDIVISION OF  
WINTERGREEN PARTNERS, INC. TMP 11-A-2", IS  
APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH  
THE EXISTING SUBDIVISION REGULATIONS AND MAY BE  
ADMITTED TO RECORD.

AGENT, NELSON COUNTY PLANNING OFFICE DATE



VICINITY MAP 1" = 2000'

**ROUDABUSH, GALE & ASSOCIATES, INC.**  
ENGINEERS, SURVEYORS AND LAND PLANNERS  
A PROFESSIONAL CORPORATION  
SERVING VIRGINIA SINCE 1966  
914 MONTICELLO ROAD - CHARLOTTESVILLE, VIRGINIA 22902  
PHONE 434-977-0205 - FAX 434-296-5220 - EMAIL INFO@ROUDABUSH.COM

Q:\RGA\TMPROJ\8593-PARCEL GRASSY RIDGE DRIVE\GRASSY RIDGE-BLA.dwg



**SUBDIVISION OF  
WINTERGREEN PARTNERS, INC.  
TMP 11-A-2  
ROCKFISH MAGESTERIAL DISTRICT  
NELSON COUNTY, VIRGINIA  
PREPARED FOR: WINTERGREEN PARTNERS, INC.**

**APRIL 10, 2015  
REVISED: MAY 12, 2015  
SCALE: 1" = 150'  
FILE: 8593**

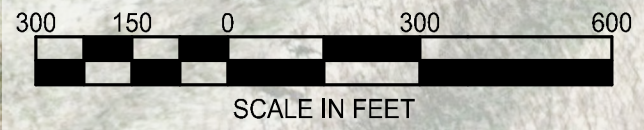






# Grassy Ridge Parcel #1

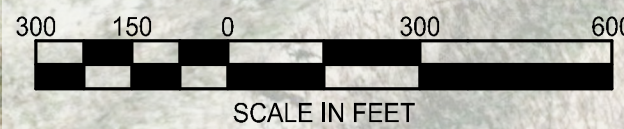
5 AC  
Reservation







# Grassy Ridge Parcel #1

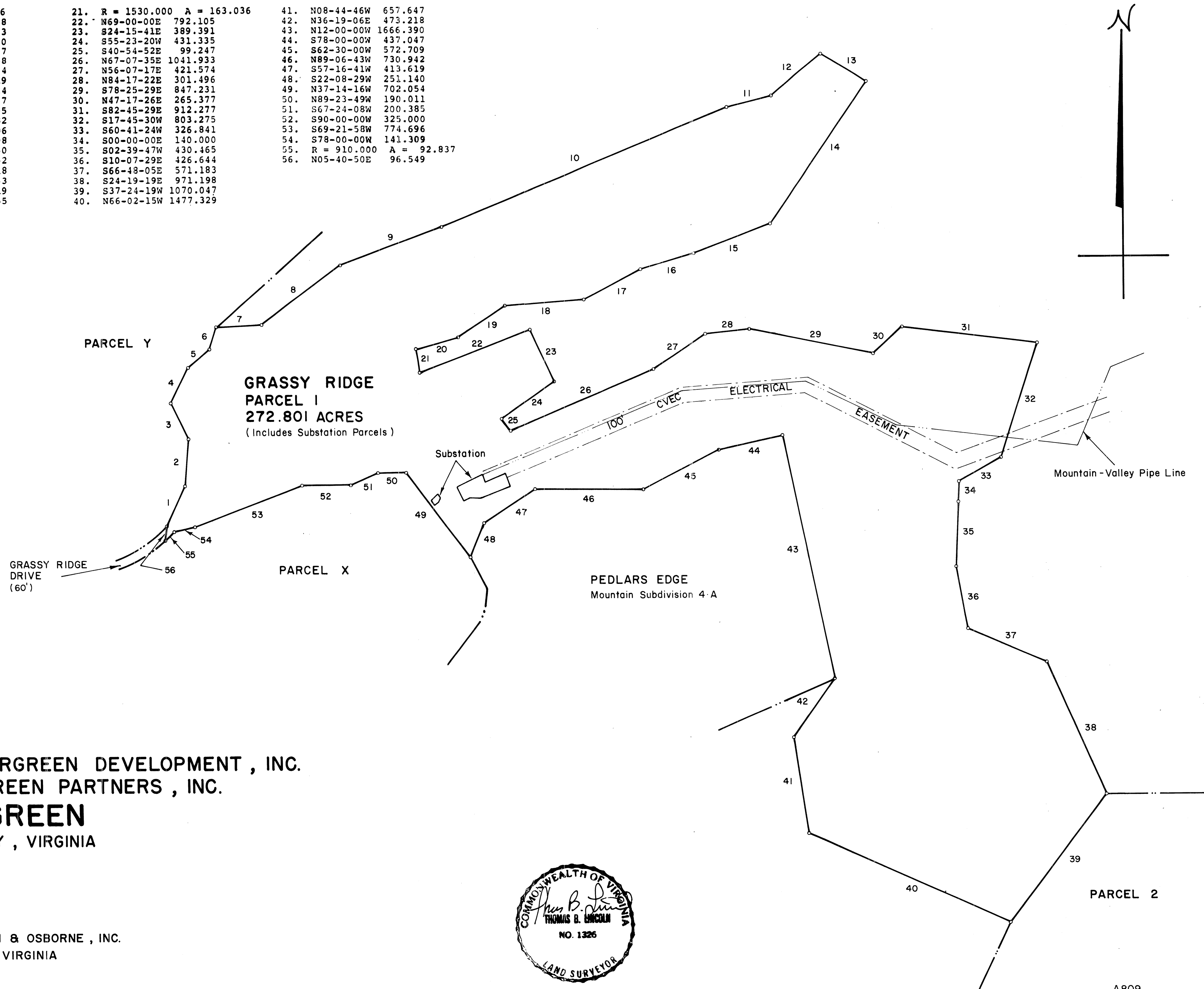




1. N24-00-00E 301.576  
 2. N05-33-48E 309.458  
 3. N27-08-07W 269.683  
 4. N24-16-42E 257.800  
 5. N50-42-38E 198.977  
 6. N18-05-00E 154.638  
 7. N85-01-20E 311.174  
 8. N53-33-39E 665.019  
 9. N69-34-54E 730.924  
 10. N67-45-45E 2074.277  
 11. N77-16-32E 317.805  
 12. N49-41-09E 432.782  
 13. N59-10-20E 316.006  
 14. S34-52-09W 1145.698  
 15. S69-26-38W 555.360  
 16. S72-47-02W 371.652  
 17. S62-14-29W 429.418  
 18. S86-17-30W 541.133  
 19. S56-06-14W 385.519  
 20. S75-10-29W 235.755

21. R = 1530.000 A = 163.036  
 22. N69-00-00E 792.105  
 23. S24-15-41E 389.391  
 24. S55-23-20W 431.335  
 25. S40-54-52E 99.247  
 26. N67-07-35E 1041.933  
 27. N56-07-17E 421.574  
 28. N84-17-22E 301.496  
 29. S78-25-29E 847.231  
 30. N47-17-26E 265.377  
 31. S82-45-29E 912.277  
 32. S17-45-30W 803.275  
 33. S60-41-24W 326.841  
 34. S00-00-00E 140.000  
 35. S02-39-47W 430.465  
 36. S10-07-29E 426.644  
 37. S66-48-05E 571.183  
 38. S24-19-19E 971.198  
 39. S37-24-19W 1070.047  
 40. N66-02-15W 1477.329

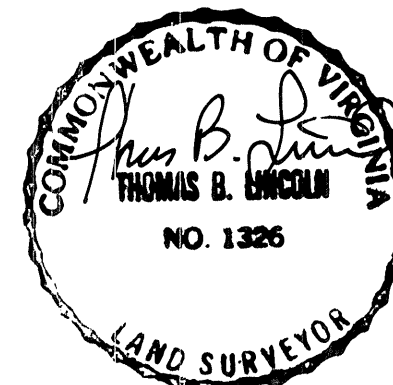
41. N08-44-46W 657.647  
 42. N36-19-06E 473.218  
 43. N12-00-00W 1666.390  
 44. S78-00-00W 437.047  
 45. S62-30-00W 572.709  
 46. N89-06-43W 730.942  
 47. S57-16-41W 413.619  
 48. S22-08-29W 251.140  
 49. N37-14-16W 702.054  
 50. N89-23-49W 190.011  
 51. S67-24-08W 200.385  
 52. S90-00-00W 325.000  
 53. S69-21-58W 774.696  
 54. S78-00-00W 141.309  
 55. R = 910.000 A = 92.837  
 56. N05-40-50E 96.549



PLAT SHOWING  
 GRASSY RIDGE  
 PARCEL I  
 FROM WINTERGREEN DEVELOPMENT, INC.  
 TO WINTERGREEN PARTNERS, INC.  
**WINTERGREEN**  
 NELSON COUNTY, VIRGINIA

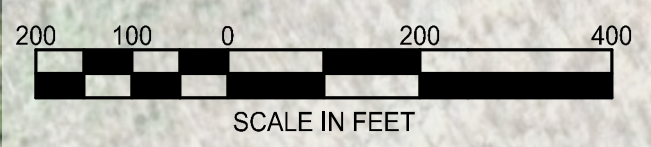
SCALE: 1" = 400'  
 AUGUST 15, 1984

GLOECKNER, LINCOLN & OSBORNE, INC.  
 CHARLOTTESVILLE, VIRGINIA





Grassy Ridge Parcel #2





PLAT SHOWING  
GRASSY RIDGE  
PARCEL 2 133.551 ACRES  
FROM WINTERGREEN DEVELOPMENT, INC.  
TO WINTERGREEN PARTNERS, INC.  
**WINTERGREEN**  
NELSON COUNTY, VIRGINIA

SCALE : 1" = 400'  
AUGUST 15, 1984

GLOECKNER, LINCOLN & OSBORNE, INC.  
CHARLOTTESVILLE, VIRGINIA

PARCEL 1

Due East 1000.00'

S 38° 39' 35" E  
1600.78'

1019.80'

S 11° 18' 36" W  
1063.02'

S 48° 48' 51" W  
1063.02'

Due West 550.00'

N 32° 44' 07" W  
832.17'

Wintergreen

N 56° 58' 34" W  
1192.69'

N 25° 01' 01" E  
827.65'

N 37° 24' 19" E  
1070.05'

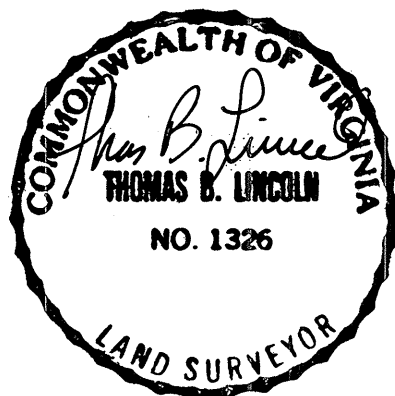
" WINTERGREEN "

" OTHERS "

Property

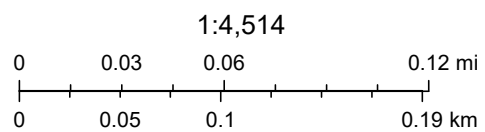
Line

A809

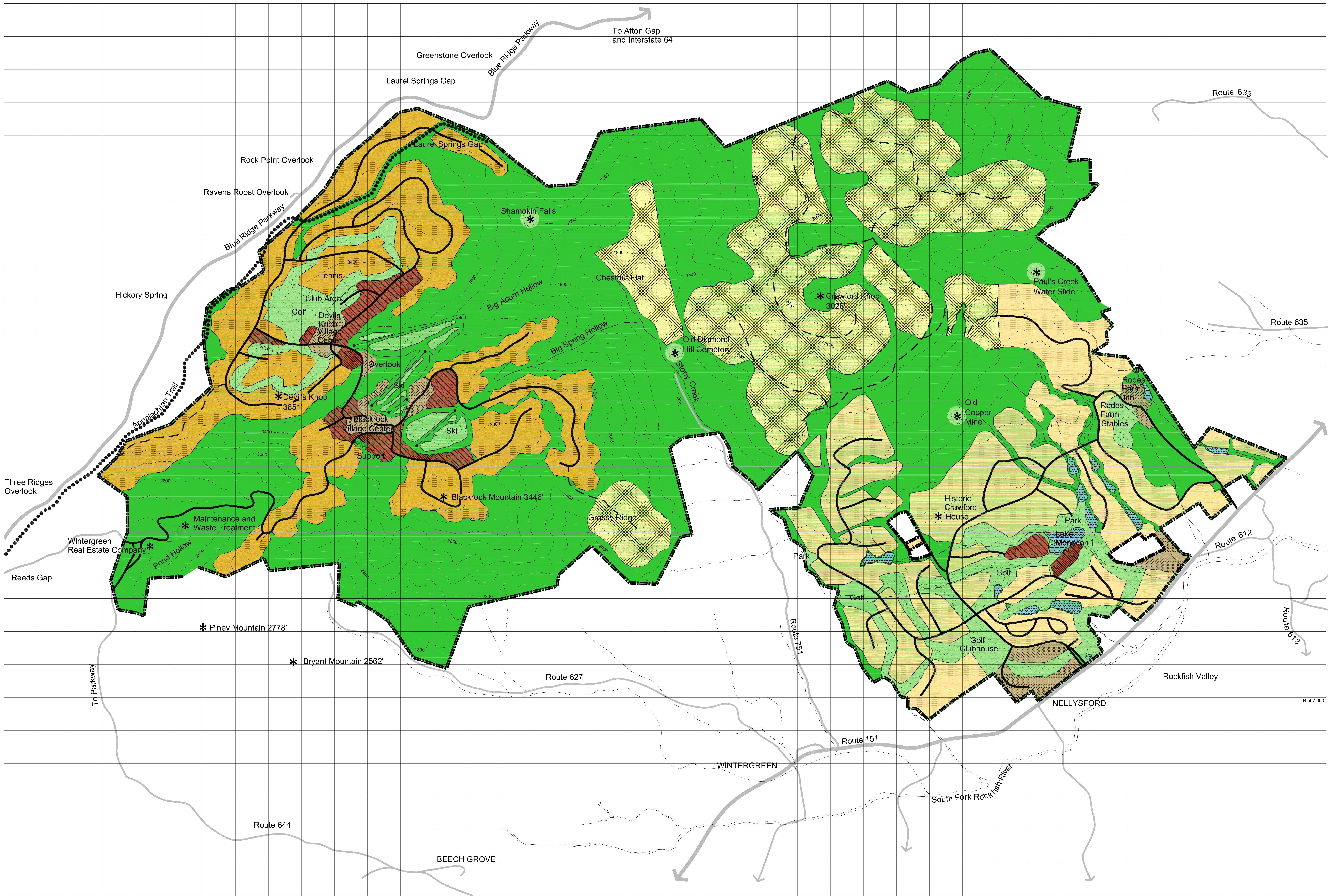




October 3, 2023







# MASTER PLAN

DESCRIPTION	MOUNTAIN VILLAGE			VALLEY VILLAGE			WILDERNESS AREAS			TOTAL		
	Acres	Units	Density	Acres	Units	Density	Acres	Units	Density	Acres	Units	Density
MU - Multiple Use												
Village Center (mixed use)	67	710		99	360	3.64				166	1070	
Recreation	400			238						638		
Lakes				75						75		
Undeveloped Open Space							5400			5400		
SR - Single Family Residential												
Wilderness Parcels							1450	200	.14	1450	200	.14
Valley Village Lots				1744	817	.47				1744	817	.47
Mountain Village Lots	1325	1714	1.29							1325	1714	1.29
MR - Multiple Family Residential												
Condominiums & Clusters	120	961	8.01	27	58	2.15				147	1019	6.93
TOTAL	1912	3385		2183	1235		6850	200		10945	4820	.44

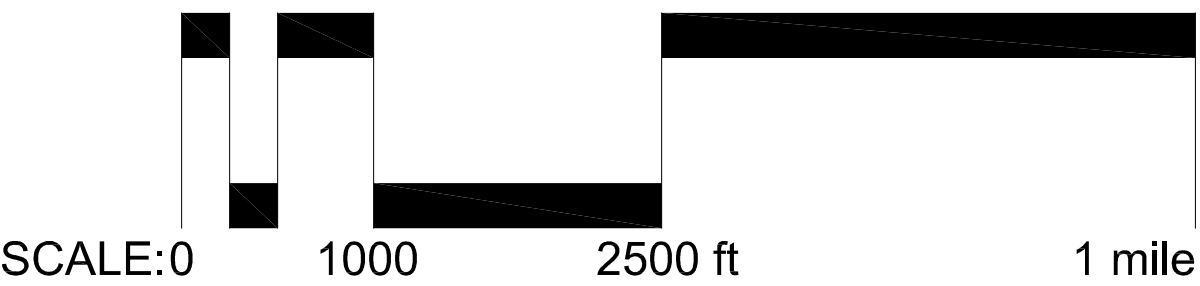
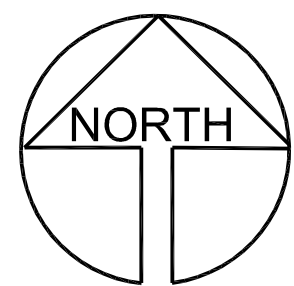
TOTAL AREA (Acres) = 10,945  
TOTAL DWELLING UNITS = 4,820  
GROSS DENSITY (D.U./Acre) = .44

- LEGEND
- \* Points of Interest
  - Property Line
  - Roads
  - - Jeep Trails
  - .... Appalachian Trail
  - / - Ski Lifts



Developer: High Country Associates, LLC

Revised April, 2004  
Revised September, 2005





# Nelson County Zoning Ordinance Update

## Worksession I Memo

12/18/2024

III



### **Overview:**

Nelson County has partnered with the Berkley Group, a local government consulting firm, to update, modernize, and restructure the Zoning and Subdivision Ordinances. The revised Zoning and Subdivision Ordinance will:

- Provide streamlined and user-friendly regulations;
- Incorporate best planning practices and current state code requirements;
- Address the goals and strategies identified in the Comprehensive Plan; and,
- Consider citizen needs and issues identified through the public engagement process.

This process will be guided by County staff, the Planning Commission, and the Board of Supervisors with opportunities for input from the community.

### **Agenda:**

The purpose of the joint work session scheduled for December 18, 2024, is to review the results of public engagement conducted for the project and to present the recommended organization of the updated Zoning Ordinance through a table of contents crosswalk. The following agenda is provided as an outline for discussion:

- Schedule & Progress to Date – 5 minutes
- Public Engagement Summary – 25 minutes
- Proposed Table of Contents - 10 minutes
- Table of Contents Crosswalk – 15 minutes
- Next Steps – 5 minutes

### **Schedule & Progress to Date:**

See (Attachment A) for current schedule.

Progress to date includes:

- **Land Use Tools Diagnostic** – A diagnostic of the current Zoning and Subdivision Ordinances was conducted. The purpose of this diagnostic was to identify deficiencies in the Ordinances compared to requirements of state regulations and planning best practices. It also included a comparison of the Ordinances to the updated Comprehensive Plan. This diagnostic was presented to the Board of Supervisors and Planning Commission on August 28, 2024.

# **Nelson County Zoning Ordinance Update**

## **Worksession I Memo**

### **12/18/2024**



- **Public Workshops** – Two public workshops were conducted on October 22, 2024, at the Rockfish Valley Community Center, and on October 30, 2024, at the Nelson Center. Following a presentation on the Zoning and Subdivision Ordinance Update, attendees worked in groups to respond to exercise questions and provide meaningful feedback on the project.
- **Focus Groups** - On October 30, 2024, Berkley Group facilitated four focus group listening sessions for the Zoning and Subdivision Ordinance update. The topics and list of invitees were selected by Nelson County, and each session was conducted in a roundtable discussion format. The four discussion topics were: agriculture and agritourism, natural and cultural preservation, development and real estate, and business and economic development. A list of relevant questions was used to guide discussions and identify challenges that participants or their organizations face related to the Zoning and Subdivision Ordinances

### **Public Engagement Summary (Attachment B):**

The public engagement summary provides an overview of the feedback collected through four focus group discussions and two public workshops conducted as part of the Zoning & Subdivision Update project. This document details feedback of community members and stakeholders, highlighting key themes and specific recommendations to help inform the update to the County's Zoning and Subdivision Ordinances.

### **Proposed Table of Contents (Attachment C):**

The proposed draft table of contents for the updated Zoning Ordinance is organized into eleven different articles. Each article has several divisions which will each include separate sections.

### **Table of Contents Crosswalk (Attachment D):**

The table of contents crosswalk serves to ensure that all existing sections are accounted for throughout the phased drafting process. It does so by matching existing ordinance sections to their new proposed locations in the updated ordinance.

It is important to note that this is a proposed ordinance structure, and titles and sections may shift during drafting to achieve the best organization of the final document. When reviewing the crosswalk of existing sections and new proposed location, any items that contain more than one proposed location indicate that the existing text will be split into those locations, as appropriate.



**Nelson County Zoning Ordinance Update**  
**Worksession I Memo**  
**12/18/2024**



**Next Steps:**

The Berkley Group will begin drafting ordinance articles. Articles to be discussed at the next meeting include:

- General Provisions
- Administration
- Permits & Applications
- Nonconforming Uses, Lots, & Structures
- Related Definitions

Nelson County  
Zoning & Subdivision Update  
Project Timeline & Meeting Schedule – Updated 12/18/2024

PROJECT TIMELINE																								
Phase	#	Task Description	2024						2025												2026			
			July	August	September	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April
Investigation	A1	Project Management / Staff Input																						
	A2	Project Kickoff (Virtual)	V																					
	A3	Joint Kickoff & Land Use Diagnostic Presentation		X																				
	A4	Public Workshop (1)				X																		
	A5	Focus Group Listening Sessions (up to 4)				X																		
	A6	Engagment Summary																						
Development	B1	Joint Work Sessions (up to 6)					X		X		X		X		X		X							
	B2	Ordinance Table of Contents & Crosswalk					*																	
	B3	Definitions																						
	B4	General, Administrative, Nonconformity								*														
	B5	Permit & Application Provisions								*														
	B6	District Standards										*												
	B7	Overlay & Special Districts										*												
	B8	Use Matrix											*											
	B9	Use Performance Standards											*											
	B10	Community Design Standards (Signs, Lighting, Subdivisions														*								
	B11	Subdivisions														*								
	B12	Formatting & Final Review																*						
	B13	Changes Matrix & Contents Crosswalk Update																*						
Adoption	C1	Open House (Public Draft Review) (up to 1)																	X					
	C2	Pre-Adoption Joint Work Session (up to 1)																		X				
	C3	Incorporate Final Revisions																						
	C4	PC & Board of Supervisors Public Hearings																				X	X	
	C5	Post-Adoption Deliverables																						
X = Anticipated In-person Attendance; V = Virtual Attendance; * = Meeting Topic																								

Nelson County  
Zoning & Subdivision Update  
Project Timeline & Meeting Schedule – Updated 12/18/2024



Note: Topics to be covered at each meeting are tentative and subject to change.  Public Meeting or Event

Date, Time, Location	Event	Topics/Notes	Attendees
7/24/2024, 10pm, Teams	Kickoff & Orientation	Staff & BG Internal Kickoff & Orientation	Berkley Group; County Staff
August 28, 2024 @6pm	Joint Worksession – Kickoff	Comprehensive Planning Overview Review Project Schedule Review Engagement Plan (Advertisement, Workshop Formats, Focus Groups) Review Land Use Report Discuss Current Issues, Challenges, and Opportunities	Berkley Group; County Staff; Planning Commission (PC); Board of Supervisors (BOS)
October 30, 2024	Focus Groups	Focus Topics (Development, Business, Agriculture, Conservation) and Issues Discussion with Stakeholder Groups – TBD	Berkley Group; Stakeholder Groups
October 22, 2024	Public Workshop # 1	Challenges & Opportunities Exercise	Public; Berkley Group; County Staff; Public Officials
October 30, 2024	Public Workshop # 2	Challenges & Opportunities Exercise	Public; Berkley Group; County Staff; Public Officials
December 18, 2024	Joint Worksession	Public Engagement Summary Report Table of Contents Crosswalk	Berkley Group; County Staff; Planning Commission (PC); Board of Supervisors (BOS)
February 26, 2025	Joint Worksession	Article Review: General Provisions Article Review: Administration Article Review: Permits and Applications Article Review: Nonconforming Uses, Lots, and Structures Article Review: Definitions Table of Contents Crosswalk Updates	Berkley Group; County Staff; Planning Commission (PC); Board of Supervisors (BOS)
April 23, 2025	Joint Worksession	Article Review: Primary Districts Article Review: Overlay Districts Article Review: Definitions Table of Contents Crosswalk Updates	Berkley Group; County Staff; Planning Commission (PC); Board of Supervisors (BOS)

Date, Time, Location	Event	Topics/Notes	Attendees
June 25, 2025	Joint Worksession	Article Review: Use Matrix Article Review: Use Performance Standards Article Review: Definitions Table of Contents Crosswalk Updates	Berkley Group; County Staff; Planning Commission (PC); Board of Supervisors (BOS)
August 27, 2025	Joint Worksession	Article Review: Community Design Standards Article Review: Subdivisions Article Review: Definitions Table of Contents Crosswalk Updates	Berkley Group; County Staff; Planning Commission (PC); Board of Supervisors (BOS)
October 22, 2025	Joint Worksession	Final Full Ordinance Review Table of Contents Crosswalk Updates	Berkley Group; County Staff; Planning Commission (PC); Board of Supervisors (BOS)
November, 2025	Public Open House	Present ordinance at a public open house. Receive feedback and comments from public.	Public; Berkley Group; County Staff; Public Officials
November, 2025	Joint Worksession – Final Review	Review open house public comments.	Berkley Group; County Staff; PC; BOS
January, 2026	Public Hearing & Recommendation	Present Final Ordinance for consideration by Planning Commission.	Berkley Group; County Staff; PC
February, 2026	Public Hearing & Adoption  Present ZO/SO Diagnostic Part II	Present Final Ordinance for adoption by Board of Supervisors.	Berkley Group; County Staff; BOS

# Nelson County Zoning & Subdivision Ordinance Update

## Public Engagement Summary



The public engagement conducted during the investigation phase of the Zoning & Subdivision Ordinance Update is vital to the success of the project. The Berkley Group, in partnership with Nelson County, facilitated six public engagement events to gather input on the community's challenges and concerns related to the Ordinances and to identify opportunities for improvement. This document provides a summary of the key feedback collected during two public workshops and four focus groups held during this phase.

Key themes heard in all public engagement events include:

Public Engagement Key Themes	
Preserve Rural Lands	The community expressed a strong desire to preserve the County's rural character by protecting large tracts of farmland and forested areas from overdevelopment, emphasizing the importance of balancing growth with land conservation.
Increase Housing Stock	Participants identified the need to expand the County's housing stock to meet demand, particularly for workforce, senior, and entry-level housing, while advocating for higher-density developments in areas like Lovingston that already have supporting infrastructure.
Enhance Short-term Rental Regulations	Respondents highlighted the impact of short-term rentals on housing availability and community character, calling for more robust regulations to manage their growth and ensure they do not displace long-term residents or degrade residential neighborhoods.
Concentrate Development Near Infrastructure	The community believes that certain areas of the County, particularly Nellysford, Afton, and the Route 151 corridor, are overly developed. They would prefer to see new development directed toward areas better equipped to handle the associated infrastructure demands, such as increased traffic.
Promote Local Economic Opportunities	Community members emphasized the importance of fostering local economic opportunities by encouraging mixed-use development and addressing gaps in essential services like grocery stores and farm supply stores to meet residents' needs.
Clarify and Simplify Zoning Ordinance	Participants expressed a need for the Zoning Ordinance to be more user-friendly, with clearer definitions and streamlined processes for permitting, to reduce confusion and delays for property owners and developers.



## Public Workshops Summary

Public workshops took place on October 22, 2024, at the Rockfish Valley Community Center, and on October 30, 2024, at the Nelson Center. Together, these workshops were attended by over 80 community members. Following a presentation on the Zoning and Subdivision Ordinance Update, attendees worked in groups to respond to exercise questions and provide meaningful feedback on the project. The most common themes from the group responses are summarized below.

### Question 1: Key Priorities & Issues

#### 1. Affordable Housing

- Accessory dwelling units (ADUs) and low-cost housing options are favorable.
- Locating affordable housing near essential services is a priority.

#### 2. Preservation of Rural Character

- Protecting farmland and natural resources from development is critical.
- Limit commercial and residential developments from designated conservation areas.
- Maintaining the rural character of the County and avoiding large-scale developments.

#### 3. Short-Term Rentals

- Concerns about short-term rentals reducing the availability of affordable housing.
- Regulations to address absentee ownership and enforce existing rules for short-term rental properties, particularly in conservation areas.

#### 4. Environmental and Design Considerations

- Use conservation overlays to protect sensitive areas like Montibello.
- Mitigate noise and light pollution with measures of control.
- Uniform signage design and village-style design standards were proposed to enhance community character.

#### 5. Zoning Enforcement and Design

- Enforcement of the zoning code is important to maintain standards.

### Question 2: Satisfaction and Concerns for Community

#### 1. Residential Neighborhoods

- Affordable housing is needed, but small-lot subdivisions should be limited.



- Larger lot sizes were preferred to maintain rural character, except in already populated areas.
- ADUs are encouraged with appropriate regulations.

### 2. Agricultural Areas

- Preserve agricultural and rural lands .
- Special use permits need stricter standards in agricultural zones.
- Riparian overlays should be used to protect waterways.

### 3. Commercial Areas

- Support local businesses in areas like Lovington and Nellysford.
- Prefer small-scale developments instead of large-scale developments, such as strip malls.

### 4. Industrial Areas

- Industrial development is acceptable in designated areas, such as the Route 29 corridor, to minimize the impact on rural areas.
- Limit industrial uses that pose a greater risk of pollution.
- The capacity of existing infrastructure to support industrial growth is questionable.

### 5. Major Roads (Route 29/151)

- Limit development along primary highways that exacerbates traffic congestion on major roads.

## Question 3: Feedback on Land Use Topics

### 1. Home Businesses

- Home businesses are acceptable if traffic and neighborhood impacts are managed appropriately.
- A case-by-case approach such as special use permits was suggested.

### 2. Multi-Family Dwellings

- Affordable housing in areas like Lovington and Nellysford, is supported, contingent on sufficient infrastructure.
- Overdevelopment and sufficient infrastructure, particularly water and sewer, are concerns.

### 3. Mobile Home Parks

- Mobile home parks are generally discouraged due to aesthetic and infrastructure concerns, but would be supported with adequate setbacks and infrastructure.

### 4. Short-Term Rentals (STRs)



- Concerns about short-term rentals reducing affordable housing availability and suggest stronger regulations to limit absentee ownership of STRs.
- 5. **Accessory Dwelling Units (ADUs)**
  - ADUs are supported for family use and affordable housing but discouraged for use as short-term rentals.
- 6. **Accessory Structures**
  - Accessory structures need appropriate use standards that allow flexibility but also appropriately limit.
- 7. **Mixed-Use Structures**
  - Mixed-use structures are appropriate in areas like Lovingsston, but there are concerns about them in areas like Nellysford.
- 8. **Agritourism**
  - Oversaturation of these uses in areas like Route 151 was identified as a concern and participants encouraged limiting these uses there and encouraging or incentivizing them elsewhere..
- 9. **Solar Facilities**
  - Small-scale solar installations are supported, but visibility from the public right of way and other impacts from utility-scale solar are concerns.
- 10. **Industrial Uses**
  - Industrial uses are supported with the enforcement of appropriate setbacks, height limits, and environmental mitigation measures.

### Question 4: Feedback on Community Design Elements

1. **Building Height**
  - Limit the height of buildings, particularly in Nellysford.
2. **Signs**
  - Limits on the size, height, and number of signs along with a uniform design and the avoidance of billboards are important.
3. **Landscaping Along Roadways**
  - Landscaping is important for safety and aesthetics, with a preference for native plants and the control of invasive species.





#### 4. Screening and Landscaping Between Land Uses

- Screening to create buffers between land uses is strongly supported, with an emphasis on native plant use.

#### 5. Screening for Dumpsters, Loading Areas, and Equipment

- Screening to minimize their visual impact is strongly supported, with suggestions for native plants.

#### 6. Parking Lot Landscaping

- Limiting the development of new parking lots and requiring landscaping to manage stormwater runoff and provide shade is desired.

#### 7. Parking Requirements

- Space optimization and adherence to VDOT guidelines were recommended, though opinions on stringent parking requirements, such as high minimum parking, varied.

#### 8. Bicycle Parking

- Support for bicycle parking was contingent on the development of complementary infrastructure, such as bike lanes or trails.

#### 9. Fence Style and Height

- Fence design was noted as important.

#### 10. Lighting Height and Style

- Respondents wanted to limit light trespass and preserve dark skies through appropriate lighting design.



## Focus Groups Summary

On October 30, 2024, Berkley Group facilitated four focus group listening sessions for the Zoning and Subdivision Ordinance update. The topics and list of invitees were selected by Nelson County, and each session was conducted in a roundtable discussion format. The four discussion topics were: agriculture and agritourism, natural and cultural preservation, development and real estate, and business and economic development. A list of relevant questions was used to guide discussions and identify challenges that participants or their organizations face related to the Zoning and Subdivision Ordinances. The following is a summary of the focus group discussions:

### Focus Group #1 — Agriculture & Agritourism

#### Agricultural Preservation and Viability

- Preservation of agricultural lands and farming operations.
- Encourage direct-to-consumer market opportunities and agritourism and eliminate obstacles for small-scale farmers to sell directly to consumers. Allow shared market spaces and reduce or eliminate requirements for the percentage of products that must be produced on the farm in order to operate a farm market or roadside stand.
- Concerned about solar utility projects consuming farmland and the need to balance economic opportunities with land preservation.

#### Land Use Policies and Zoning Ordinance

- Keep the County's land use taxation program and make it available to small farms and other rural uses, like campgrounds.
- Zoning requirements, such as large lot sizes and unclear ordinance language, are barriers to agricultural flexibility and innovation.
- Subdividing land to meet financial needs is difficult under current regulations, and delays in special use permit (SUP) reviews can threaten livelihoods.
- Clarifications are needed for regulations related to roadside stands, farm worker housing, and the percentage of land eligible for land use taxation.
- Concerned about subdivision regulations and the impact on farmland preservation when parcels are not big enough for agricultural taxation incentives.

#### Infrastructure and Economic Support

- Access to nearby agricultural support services, such as farm supply stores.
- Mixed-use development to increase economic activity in high-traffic areas.
- Permit roadside stands by-right and encourage shared spaces for farmers to sell their products.
- Allow more flexibility for agricultural events and farm-to-table uses without requiring extensive permitting processes.
- Local slaughterhouses and processing plants are needed to reduce transportation distances.



### Focus Group #2 — Natural & Cultural Preservation

#### Preservation of Natural and Cultural Resources

- Stricter regulations on ridgetop and mountaintop development to maintain the County's character and prevent environmental degradation.
- Develop a dark sky ordinance to complement the County's promotion of star-watching and tourism.
- Require riparian buffers and adopt regulations like the Chesapeake Bay Preservation Act (CBPA) to mitigate the impacts of clearcutting on stormwater runoff and stream health.
- Encourage cluster subdivisions with at least 50% open space.

#### Land Use Policies and Zoning Ordinance

- Clarify regulations, including mapping and identification of Agricultural and Forestal District (AFD) parcels and streams.
- Require cluster subdivisions to include environmental preservation measures, such as shared drainfields, recreation areas, and permeable surfaces.
- Large industrial uses such as data centers and large-scale solar or wind power projects are not appropriate for the County's landscape and resources.

#### Infrastructure and Development Standards

- Require regular maintenance of septic and well systems and allow commercial composting with appropriate buffer standards.
- Impose stricter sign and lighting design standards to limit up-lighting, brightness, and digital signs.
- Streamline processes for constructing permeable parking and encourage maintenance plans for such installations.
- Emphasize location of solar energy facilities on impervious surfaces and on buildings.
- Require vegetative buffers and agricultural uses for large-scale solar energy facilities.



### Focus Group #3 — Development & Real Estate

#### Land Use Policies and Zoning Ordinance

- Remove the special use permit (SUP) requirement for campgrounds by adopting use standards for smaller uses.
- Require SUPs for large-scale operations.
- Adopt a noise ordinance.
- Address visual concerns in sensitive areas like gateways and waterways by restricting outdoor trash and junk cars.
- Consider tax credits as incentives for design standards in areas like Lovingston.
- Clarify definitions in the ordinances.
- Wind and solar energy facilities are generally acceptable, but data centers are strongly opposed.

#### Infrastructure and Economic Support

- Allow uses like outfitters and other outdoor businesses, food truck lots, and cooperative uses at farmers' markets to stimulate economic growth.
- Incentivize convenient fresh markets or grocery stores at a neighborhood scale to address food deserts.

#### Housing Needs

- The County has a critical need for additional housing options.
- Cluster developments, manufactured housing, and higher densities is needed in areas like Lovingston to meet workforce and senior housing needs.



### Focus Group #4 — Business & Economic Development

#### Land Use Policies and Zoning Ordinance

- Need clear definitions and updates to the ordinance, such as explicitly defining shooting ranges and improving site plan requirements.
- Landscaping and architectural design requirements were suggested, particularly along key corridors like Route 151 and Route 29, although concerns were raised about overregulation potentially deterring businesses.
- Designate areas for higher density and rural development while allowing flexibility in development rights in rural areas.
- Include overlay districts for villages and tourism zones with community design standards.
- Simplify SUP processes for uses like campgrounds and small-scale outfitters.

#### Housing Needs

- Workforce housing is one of the County's most pressing challenges, need increased density and reduced setbacks, particularly in Lovington and surrounding areas.
- Diversify housing types, including senior housing, townhomes, multi-family units, and entry-level homes. Manufactured housing, particularly modern options, is supported.
- Clustering of affordable and manufactured housing is a strategy to address housing shortages.

#### Infrastructure and Economic Support

- Limited infrastructure, especially roads, is a significant barrier to higher-density development.
- Locate mixed-use development in Lovington to bolster economic activity and housing availability.
- Address food deserts by increasing access to grocery stores, local food markets, and mobile food vendors.
- Reduce barriers to business parks and outfitters.

Proposed Draft Zoning Ordinance		
Article	Division	Section / Content
1 – General Provisions	1 – Enactment and Authority	1 – Title 2 – Authority 3 – Purpose 4 – Applicability 5 – Conformity Required 6 – Severability
	2 – Ordinance Conflicts and Interpretation	1 – Interpretation 2 – Figures and References
	3 – Zoning Districts Map	1 – Establishment, Maintenance, and Amendment 2 – Incorporated by Reference 3 – Interpretation of Boundaries 4 – Unauthorized Changes
	4 – Transition of Regulations After Adoption	1 – Effective Date 2 – Violations Continue 3 – Nonconformities 4 – Complete Applications 5 – Other Approved Permits and Development Approvals 6 – Vested Right
2 – Administration	1 – Zoning Administrator and Subdivision Agent	1 – Appointment, Powers, and Duties
	2 – Planning Commission	1 – Appointment, Terms, and Membership 2 – Powers and Duties 3 – Meetings and Procedures
	3 – Board of Zoning Appeals	1 – Appointment, Terms, and Membership 2 – Powers and Duties 3 – Meetings and Procedures
	4 – Enforcement	1 – Authority 2 – Complaints and Inspection 3 – Notice of Violation 4 – Remedies and Penalties for Violation
	5 – Fees	1 – Fees and Charges
	6 – Taxes and Expenses Paid	1 – Delinquent Taxes and Charges

Proposed Draft Zoning Ordinance		
Article	Division	Section / Content
3 – Permits and Applications	1 – In General	1 – Preapplication Meeting 2 – Minimum Submission Standards 3 – Forms 4 – Ownership Disclosure 5 – Oath Required
	2 – Zoning Text and Map Amendments	1 – In General 2 – Standards and Procedures 3 – Reconsiderations
	3 – Conditional Zoning and Proffers	1 – Intent 2 – Standards and Procedures 3 – Amendments and Variations Prior to Final Decision 4 – Effect of Condition; Period of Validity 5 – Record of Conditional Zoning 6 – Reconsiderations
	4 – Special Use Permits	1 – Intent 2 – Applicability 3 – Standards and Procedures 4 – Effect of Decision; Period of Validity 5 – Revocation 6 – Reconsiderations
	5 – Variances	1 – Intent 2 – Standards and Procedures 3 – Effect of Decision; Period of Validity 4 – Reconsiderations
	6 – Site Plans	1 – Intent 2 – Applicability 3 – Preliminary Site Plans Specifications and Contents 4 – Final Site Plans Specifications and Contents 5 – Standards and Improvements 6 – Review 7 – Amendment of Site Plans 8 – Compliance with Approved Site Plan Required 9 – Period of Validity 10 – Waiver of Requirements
	7 – Zoning Permits	1 – Applicability 2 – Standards and Procedures 3 – Period of Validity
	8 – Temporary Use Permits	1 – Applicability 2 – Standards and Procedures 3 – Period of Validity
	9 – Zoning Determinations	1 – Applicability 2 – Standards and Procedures
	10 – Appeals	1 – Appeals of Zoning Administrator Determinations and Decisions 2 – Appeals to BZA Procedure 3 – Appeals of BZA, PC, or BOS 4 – Construction in Violation of Ordinance without Appeal to BZA 5 – Stay of Proceedings
	11 – Public Hearings and Notifications	1 – Public Hearing Required 2 – Advertisement and Mailings 3 – Posting Notice on Property 4 – Waiver of Notice



Proposed Draft Zoning Ordinance		
Article	Division	Section / Content
4 – Primary Zoning Districts	1 – Establishment and Purpose	1 – General 2 – References to District Names 3– Purpose and Intent of Primary Zoning Districts
	2 – General District Standards	1 – Application of Standards 2 – Lot Standards 3– Determination and Measurement 4 – Setback and Yard Standards 5 – Building Sites 6 – Critical Slopes 7 – Water Supplies and Sewer Systems 8 – Additional Standards 9 - Exemptions
	3 – Rural Districts Dimensional Standards	1– C-1 Conservation District 2 - A-1 Agricultural District
	4 – Residential Districts Dimensional Standards	1 – General Standards 2 – R-1 Residential 3 – R-2 Residential 4 - R-3 Residential
	5 – Commercial Districts Dimensional Standards	1 – B-1 Business District 2 – B-2 Business District 3 – SE-1 Service Enterprise District
	6 – Industrial Districts Dimensional Standards	1 – M-1 Limited Industrial District 2 – M-2 Industrial District
	7 – Planned Development Districts Dimensional Standards	1 – Purpose and Intent 2 – Where Permitted 3 – General 4 – RPC Residential Planned Community District
	8 - Cluster Housing Development Standards	1 - Purpose and Intent 2- Development Standards 3 - Review
5 – Overlay Zoning Districts	1 – Establishment and Purpose	1 – General 2 – Purpose and Intent of Overlay Zoning Districts
	2 – FP - General Floodplain District	1 – Applicability 2 – Standards
	3 - VO - Village Overlay District	1 – Applicability 2 – Standards
	4 - MR - Mountain Ridge Distict	1 – Applicability 2 – Standards
6 – Use Matrix	1 – General	1 – Organization 2 – Uses Not Provided
	2 – Primary Districts Use Table(s)	1 - Table of Permitted and Special Uses
	3 – Overlay Districts Use Table(s)	1 - Permitted, Special, and Exclusions



Proposed Draft Zoning Ordinance		
Article	Division	Section / Content
<b>7 – Use Standards</b>	1 – General	1 – Purpose and Intent 2 – Uses-Generally
	2 – Rural Use Standards	Specific use standards to be identified in drafting.
	3 – Residential Use Standards	Specific use standards to be identified in drafting.
	4 – Public/Civic/Recreation Use Standards	Specific use standards to be identified in drafting.
	5 – Commercial Use Standards	Specific use standards to be identified in drafting.
	6 – Industrial Use Standards	Specific use standards to be identified in drafting.
	7 – Miscellaneous Use Standards	Specific use standards to be identified in drafting.
<b>8 – Community Design Standards</b>	1 - General	1 - Purpose 2 - Visibility Clearance
	2 – Lighting	1 – Intent 2 – Applicability 3 – Standards 4 – Compliance
	3 – Landscaping and Screening	1 – Intent 2 – Applicability 3 – Landscape Plan Requirements 4 – General Standards 5 – Transitional Buffers 6 – Parking Lot Landscaping 7 – Screening and Enclosures 8 – Trees and Plant Standards 9 – Modifications
	4 – Walls and Fences	1 – Purpose and Intent 2 – Applicability 3 – Location 4 – Height 5 – Materials 6 – Maintenance 7 - Retaining Walls
	5 – Streets, Bikeways, and Sidewalks	1 – Purpose and Intent 2 – Applicability 3 – General 4 – Standards 5 - Inspections 6 – Maintenance 7 – Modifications
	6 – Parking and Loading	1 – Purpose and Intent 2 – General 3 - Obligations of Owner 4 – Location to Use 5 – Joint/Shared Parking 6 – Reduction or Increase in Parking 7 – Parking Design Standards 8 – Schedule of Required Spaces 9 - Bicycle Parking 10 - Joint/Shared Off-Street Loading 11 - Off-Street Loading Design Standards 12 - Schedule of Required Off-Street Loading Spaces
	7 – Signs	1 – Purpose and Intent 2 – Administration 3 – Exemptions 4 – Prohibited 5 – Measurement and General Sign Standards 6 – Permitted Signs by District 7 - Special Sign Standards 8 – Nonconforming Signs 9 – Maintenance and Enforcement 10 - Removal of Abandoned Signs
<b>9 – Nonconforming Uses, Lots, and Structures</b>	1 – General	1 – Intent 2 – General
	2 – Nonconformities	1 – Nonconforming Uses 2 – Nonconforming Lots of Record 3 – Nonconforming Structures, Buildings, and Improvements 4 – Repairs and Maintenance

Proposed Draft Zoning Ordinance		
Article	Division	Section / Content
10 - Subdivisions	1 - General	1 – Title 2 – Recording of Ordinance 3 – Amendments 4 – Repeal 5 – Circumvention 6 – Exemptions
	2 - Types of Subdivisions	1 – Major Subdivisions 2 – Minor Subdivisions 3 – Single Subdivisions 4 – Family Subdivisions
	3 - Design Requirements	1 – Suitability of Land 2 – Land Subject to Flooding 3 – Residential Density 4 – Mandatory Dedication of Open Space 5 – Lots 6 – Flag Lots 7 – Remnants 8 – Access 9 – Blocks 10 – Streets 11 – Public and Semi-Public Facilities 12 – Home Owners Associations (HOA) 13 – Obligation of Improvements 14 – Monuments
	4 - Guarantees	1 – Required to be Guaranteed 2 – Types of Guarantees 3 – Amount 4 – Release 5 – Extensions for Completion 6 – Default
	5 - Platting Requirements	1 – Approval Required Before Sale 2 – Subdivision Name 3 – Changes to Plats 4 – Separate Ownership
	6 - Preliminary Plats	1 – Procedure for Single, Family, and Minor Subdivision Plat Approval 2 – Procedure for Major Subdivision Plat Approval
	7 - Final Plats	1 – Plat Requirements for Single, Family, and Minor Subdivisions 2 – Final Approval Procedure for Single, Family, and Minor Subdivisions 3 – Final Approval Procedure for Major Subdivisions 4 – Recording 5 – Variations and Exceptions
	8 - Vacation of Plats	1 – Vacation
	9 - Enforcement, Violations, and Fees	1 – Enforcement 2 – Violation and Penalty 3 – Fees
11 – Definitions	1 – Abbreviations	
	2 – Word Usage	
	3 - General and Use Definitions	
	4 - Overlay District Definitions	

Nelson County Table of Contents Crosswalk - Current Location to Proposed Location				Staff Notes
Article	Section Number	Section Content	Proposed Location/Change	
Zoning Ordinance				
Article 1 - Introduction	1-1	Legislative Authority	Article 1, Division 1	
	1-2	Legislative Intent	Article 1, Division 1	
	1-3	Interpretation, Purpose, or Conflict	Article 1, Division 2	
	1-4	Enumeration of Districts	Article 4, Division 1	
Article 2 - Definitions	2-1	Definitions	Article 11, Division 2	
Article 3 - Conservation District C-1	3-1	Uses - Permitted by Right	Article 6, Division 2	
	3-1-a	Uses - Permitted by Special Use Permit Only	Article 6, Division 2	
	3-2	Area Regulations	Article 4, Division 3	
	3-3	Setback Regulations	Article 4, Division 3	
	3-4	Reserved	Remove	
	3-5	Reserved	Remove	
	3-6	Special Provisions for Corner Lots	Article 4, Division 1	
	3-7	Height Limitations	Article 4, Division 2 Article 4, Division 3	
	3-8	Site Plan	Article 3, Division 6	
Article 4 - Agricultural District A-1	4-1	Uses - Permitted by Right	Article 6, Division 2	
	4-1-a	Uses - Permitted by Special Use Permit Only	Article 6, Division 2	
	4-2		Remove	Sliding scale zoning will be removed in the Ordinance rewrite and will be replaced with other conservation tools.
		Lots Allowed and Area Regulations		
	4-3	Setback Regulations	Article 4, Division 3	
	4-4	Special Provisions for Corner Lots	Article 4, Division 1	
	4-5	Reserved	Remove	
	4-6	Height Limitation	Article 4, Division 2 Article 4, Division 3	
	4-7	Site Plan	Article 3, Division 6	
	4-8	Mobile Home Park Lot Size	Article 7, Division 2	
	4-9	Oil and Gas Exploration and Extraction	Article 7, Division 2	
	4-10	Multifamily Dwellings	Article 6, Division 2 Article 7, Division 2	
	4-11		Article 3, Division 7 Article 3, Division 8 Article 6, Division 2 Article 7, Division 2 Article 8, Division 7	
			Administrative Approvals	
Article 5 - Residential District R-1	5-1	Uses - Permitted by Right	Article 6, Division 2	
	5-1-a	Uses - Permitted by Special Use Permit Only	Article 6, Division 2	
	5-2	Area Regulations	Article 4, Division 4	
	5-3	Setback Regulations	Article 4, Division 4	
	5-4	Reserved	Remove	
	5-5	Reserved	Remove	
	5-6	Height Limitation	Article 4, Division 2 Article 4, Division 4	
	5-7	Special Provisions for Corner Lots	Article 4, Division 1	
	5-8	Site Plan	Article 3, Division 6	
Article 6 - Residential District R-2	6-1	Uses - Permitted by Right	Article 6, Division 2	
	6-1-a	Uses - Permitted by Special Use Permit Only	Article 6, Division 2	
	6-2	Area Regulations	Article 4, Division 4	
	6-3	Setback Regulations	Article 4, Division 4	
	6-4	Frontage Regulations	Article 4, Division 4	
	6-5	Yard Regulations	Article 4, Division 4	
	6-6	Height Limitation	Article 4, Division 2 Article 4, Division 4	
	6-7	Special Provisions for Corner Lots	Article 4, Division 1	
	6-8	Site Plan	Article 3, Division 6	

Nelson County Table of Contents Crosswalk - Current Location to Proposed Location				Staff Notes
Article	Section Number	Section Content	Proposed Location/Change	
Article 7 - Residential Planned Community District RPC	7-1	Request and Master Plan	Article 4, Division 7	
	7-2	Application	Article 3, Division 2 Article 4, Division 7	
	7-3	Final Plan	Article 3, Division 6 Article 4, Division 7	
	7-4	Additional Land	Remove	
	7-5	Use Regulations	Article 6, Division 2	
	7-6	Building Location Requirements	Article 3, Division 6 Article 4, Division 2	
	7-7	Utilities	Article 3, Division 6	
	7-8	Street Improvements	Article 3, Division 6	
	7-9	Average Daily Traffic Estimates	Article 3, Division 6	
	7-10	Road Widths	Article 3, Division 6	
	7-11	Special Provisions	Article 7, Division 7	
Article 8 - Business District B-1	8-1	Uses - Permitted by Right	Article 6, Division 2	
	8-1-a	Uses - Permitted by Special Use Permit Only	Article 6, Division 2	
	8-2	Height Regulations	Article 4, Division 2 Article 4, Division 5	
	8-3	Setback Regulations	Article 4, Division 5	
	8-4	Yard Regulations	Article 4, Division 5	
	8-5	Site Plan	Article 3, Division 6	
Article 8A - Business District B-2	8A-1	Uses - Permitted by Right	Article 6, Division 2	
	8A-1-a	Uses - Permitted by Special Use Permit Only	Article 6, Division 2	
	8A-2	Height Regulations	Article 4, Division 2 Article 4, Division 5	
	8A-3	Setback Regulations	Article 4, Division 5	
	8A-4	Yard Regulations	Article 4, Division 5	
	8A-5	Signage	Article 8, Division 7	
Article 8B - Service Enterprise District SE-1	8B-1	Uses - Permitted by Right	Article 6, Division 2	
	8B-1-a	Uses - Permitted by Special Use Permit Only	Article 6, Division 2	
	8B-2	Regulations for SE-1 Zone	Article 4, Division 5 Article 8, Division 6 Article 8, Division 7 Article 9, Division 2	
Article 9 - Industrial District M-2	9-1	Uses - Permitted by Right	Article 6, Division 2	
	9-1-a	Uses - Permitted by Special Use Permit Only	Article 6, Division 2	
	9-2	Requirements for Permitted Uses	Article 3, Division 7 Article 7, Division 6 Article 8, Division 3	
	9-3	Setback Regulations	Article 4, Division 6	
	9-4	Yard Regulations	Article 4, Division 6	
	9-5	Site Plan	Article 3, Division 6	
Article 10 - General Floodplain District FP	10-1	Purpose	Article 5, Division 1	
	10-2	Applicability	Article 5, Division 2	
	10-3	Compliance and Liability	Article 5, Division 2	
	10-4	Abrogation and Greater Restrictions	Article 5, Division 2	
	10-5	Severability	Article 5, Division 2	
	10-6	Penalties	Article 5, Division 2	
	10-7	Definitions	Article 11, Division 4	
	10-8	Establishment of Floodplain Districts	Article 5, Division 2	
	10-9	Official Zoning Map	Article 5, Division 2	
	10-10	District Boundary Changes	Article 5, Division 2	
	10-11	Interpretation of District Boundaries	Article 5, Division 2	
	10-12	Submitting Technical Data	Article 5, Division 2	
	10-13	Permit and Application Requirements	Article 5, Division 2	
	10-14	General Standards	Article 5, Division 2	
	10-15	Specific Standards	Article 5, Division 2	
	10-16	Standards for the Floodway District	Article 5, Division 2	
	10-17	Standards for the Special Floodplain District	Article 5, Division 2	
	10-18	Standards for Approximated Floodplain	Article 5, Division 2	
	10-19	Standards for Subdivision Proposals	Article 5, Division 2	
	10-20	Standards for Subdivision Proposals	Article 5, Division 2	
	10-21	Variances	Article 5, Division 2	
	10-22	Existing Structures in Floodplain Districts	Article 5, Division 2	
	10-23	Administration	Article 5, Division 2	
	10-24	Enactment	Remove	
Article 11 - Nonconforming Uses	11-1	Intent	Article 9, Division 1 Article 9, Division 2	
	11-2	Permits	Article 9, Division 2	
	11-3	Changes in District Boundaries	Article 9, Division 2	
	11-4	Expansion or Enlargement	Article 9, Division 2	
	11-5	Nonconforming Lots	Article 9, Division 2	
	11-6	Restoration or Replacement	Article 9, Division 2	
	11-7	Mobile Home Compliance with Ordinance	Remove	



Nelson County Table of Contents Crosswalk - Current Location to Proposed Location				Staff Notes
Article	Section Number	Section Content	Proposed Location/Change	
Article 12 - General Provisions	12-1	Zoning Permits	Article 3, Division 1 Article 3, Division 7	
	12-2	Certificate of Occupancy	Article 3, Division 1	
	12-3	Special Use Permits	Article 2, Division 4 Article 3, Division 4	
	12-4	Reserved	Remove	
	12-5	Reserved	Remove	
	12-6	Widening of Streets and Highways	Article 4, Division 2	
	12-7	Minimum Off-Street Parking	Article 8, Division 2 Article 8, Division 3 Article 8, Division 5 Article 8, Division 6	
	12-8	Permanent Mobile Home Parks	Article 6, Division 2 Article 7, Division 2	
	12-9	Fuel	Remove	This section is more suited to be, and should be, regulated by the County's building code.
	12-10	Temporary Mobile Home Parks	Remove	Temporary mobile home parks are to be removed as a use in the Ordinance.
	12-11	Signs	Article 8, Division 7	
	12-12	Electrical Hookup for Manufactured Home, Recreational Vehicle, or Travel Trailer	Remove	These provisions are redundant and unnecessary and will be removed.
	12-13	Reserved	Remove	
Article 13 - Site Development Plan	13-1	Categories and Applicability of Site Plans	Article 3, Division 6	
	13-2	Issuance of Permits by County	Article 3, Division 6	
	13-3	Amendment to Final Plans	Article 3, Division 6	
	13-4	Site Plan Content	Article 3, Division 6	
	13-5	Validity of Site Plans	Article 3, Division 6	
	13-6	Improvements	Article 3, Division 6	
	13-7	Administration	Article 3, Division 6	
	13-8	Reserved	Remove	
	13-9	Fees	Article 2, Division 5	
	13-10	Intentional Community	Remove	The regulations for intentional community are not currently utilized and outdated. They will be removed in the Ordinance.
Article 14 - Board of Zoning Appeals	14-1	Board of Zoning Appeals Membership and Organization	Article 2, Division 3	
	14-2	Powers and Duties of Board of Zoning Appeals	Article 2, Division 3	
	14-3	Rules and Regulations	Article 2, Division 3	
	14-4	Appeal to the Board of Zoning Appeals	Article 2, Division 3	
	14-5	Procedures on Appeals or Application to the Board of Zoning Appeals	Article 2, Division 3 Article 2, Division 5	
	14-6	Decision of Board of Zoning Appeals	Article 2, Division 3	
Article 15 - Violation and Penalty	15-1	Authority	Article 2, Division 4	
	15-2	Violations	Article 2, Division 4	
Article 16 - Amendment and Rezoning	16-1	Procedures for Amendment	Article 3, Division 2	
	16-2	Public Hearing	Article 3, Division 2	
	16-3	Denial of Petition to Amend	Article 3, Division 2	
	16-4	Conditional Zoning	Article 3, Division 4 Article 3, Division 3 Article 3, Division 10	
Article 17 - Administration and Interpretation	17-1	Enforcement	Article 2, Division 1	
	17-2	Construction Prior to Adoption	Article 1, Division 4	
	17-3	Interpretation	Article 1, Division 3	
	17-4	Effective Date	Article 1, Division 4	
	17-5	Severability	Article 1, Division 1	
	17-6	Conflicting Ordinance, Statutes, and Regulations	Article 1, Division 2	
	17-7	Certified Copy	Article 1, Division 1	
Article 18 - Limited Industrial M-1	18-1	Uses-Permitted by Right	Article 6, Division 2	
	18-2	Permitted Accessory Uses	Article 6, Division 2	
	18-3	Uses-Permitted by Special Use Permit Only	Article 6, Division 2	
	18-4	Special Regulations	Article 4, Division 6	
	18-5	Reserved	Remove	
	18-6	Area Regulations	Article 4, Division 6	
	18-7	Setback Regulations	Article 4, Division 6	
	18-8	Frontage and Yard Regulations	Article 4, Division 6	
	18-9	Height Regulations	Article 4, Division 2 Article 4, Division 6	
	18-10	Requirements for Permitted Uses	Article 7, Division 6	
Article 19 - Nuclear Waste Materials	19-1	Nuclear Waste Storage Regulations	Remove	This provision will be covered in the text of Art 6 Division 1 to state that uses not listed or fitting within an existing definition are prohibited.
Article 19B - Planned Unit Development - Industrial PUD ID	19-1	Repealed	Remove	

Nelson County Table of Contents Crosswalk - Current Location to Proposed Location				Staff Notes
Article	Section Number	Section Content	Proposed Location/Change	
Article 20 - Communication Towers	20-1	Title	Article 7, Division 4	
	20-2	Purpose	Article 7, Division 4	
	20-3	Jurisdiction	Article 7, Division 4	
	20-4	Definitions	Article 11, Division 2	
	20-5	Tellecommunications Facility Categories	Article 7, Division 4	
	20-6	Class A Personal Wireless Service Facilities	Article 7, Division 4	
	20-6-1	Design Standards	Article 7, Division 4	
	20-6-2	Compliance	Article 7, Division 4	
	20-7	Insurance	Article 7, Division 4	
	20-8	Building Permits	Article 7, Division 4	
	20-9	Standards for Location	Article 7, Division 4	
	20-10	Reserved	Article 7, Division 4	
	20-11	Colocation	Article 7, Division 4	
	20-12	Application and Approval of a Class B Communication Tower Permit	Article 7, Division 4	
	20-13	Application and Approval of a Class C Communication Tower Permit	Article 7, Division 4	
	20-14	Completion Requirements	Article 7, Division 4	
	20-15	Removal and Reporting	Article 7, Division 4	
	20-16	Access to Site	Article 7, Division 4	
	20-17	Tower Permit Amendments, Temporary Towers	Article 7, Division 4	
	20-18	Application Fee Schedule	Article 7, Division 4	
	20-19	Exemption from Regulations Otherwise Applicable	Article 7, Division 4	
	20-20	Modification of Certain Regulations	Article 7, Division 4	
	20-21	Authority of Planning and Zoning Director	Article 2, Division 1	
	20-22	Appeals	Article 3, Division 10	
Article 21 - Cluster Housing Development	21-1	Purpose and Intent	Article 4, Division 1	
	21-2	Area and Density	Aritcle 4, Division 8	
	21-3	Design of the Development	Aritcle 4, Division 8	
	21-4	Subdivision Street	Aritcle 4, Division 8	
	21-5	Lot Standards	Article 4, Division 8	
	21-6	Preservation of the Reserved Area	Article 4, Division 8	
	21-7	Procedure for Approval	Article 4, Division 8	
Article 22 - Small Wind Energy	22-1	Title	Article 7, Division 7	
	22-2	Purpose	Article 7, Division 7	
	22-3	Definitions	Article 11, Division 3	
	22-4	Permitted Uses	Article 6, Division 2 Article 7, Division 7	
	22-5	Noise	Article 7, Division 7	
	22-6	Utility Notification	Article 7, Division 7	
	22-7	Permit Requirements	Article 7, Division 7	
	22-8	Abandonment	Article 7, Division 7	
Article 22A - Solar Energy	22A-1	Title	Article 7, Division 7	
	22A-2	Purpose	Article 7, Division 7	
	22A-3	Definitions	Article 11, Division 2	
	22A-4	General Provisions	Article 7, Division 7	
	22A-5	Small Solar Energy Systems	Article 7, Division 7	
	22A-6	Large Solar Energy Systems	Article 7, Division 7	
Article 23 - Temporary Family Health Care Structures	23-1	Temporary Family Health Care Structures	Article 7, Division 2	
	23-2	Definitions	Article 11, Division 2	
	23-3	Applicability	Article 6, Division 2 Article 7, Division 2	
	23-4	Setback Regulations	Article 7, Division 2	
	23-5	Permit Requirements	Article 7, Division 2	
	23-6	Utility Requirements	Article 7, Division 2	
	23-7	Sign Requirements	Article 7, Division 2	
	23-8	Timeframe	Article 7, Division 2	
	23-9	Revocation	Article 2, Division 4	
Article 24 - Temporary Events, Festival Grounds, Out-of-Door Accessory Uses	24-1	Definitions	Article 11, Division 2	
	24-2	Temporary Events Permit	Article 7, Division 5	
	24-3	Issuance of Temporary Event Permits	Article 3, Division 8	

Nelson County Table of Contents Crosswalk - Current Location to Proposed Location				Staff Notes
Article	Section Number	Section Content	Proposed Location/Change	
Subdivision Ordinance				
Section 1 - Purpose and title.	1-1	Purpose of Ordinance	Article 10, Division 1	
	1-2	Title of Ordinance	Article 10, Division 1	
Section 2 - Definitions	2-1	Definitions	Article 11, Division 2	
Section 3 - Administration	3-1	Responsibility of Administration and Enforcement	Article 2, Division 1	
	3-2	Exceptions to Review by Commission	Article 2, Division 1	
	3-3	Duty of the Agent When Reviewing Plats with Commission	Article 2, Division 1	
	3-4	Reserved	Remove	
	3-5	Reserved	Remove	
	3-6	Fees	Article 2, Division 5 Article 10, Division 9	
	3-7	Plat Review - Time Limit	Artricle 10, Division 7	
	3-8	Preliminary Plat Approval - Limitations	Article 10, Division 6	
	3-9	When Plat may be Disapproved	Article 10, Division 7	
	3-10	Notice of Approval or Disapproval	Article 10, Division 7	
	3-11	Appeals	Article 3, Division 10	
	3-12	Reserved	Remove	
	3-13	Permits Required; Sale of Lots Prohibited	Article 10, Division 7	
	3-14	Maintenance of Private Streets, Easements, Facilities, or Other Improvments	Article 10, Division 3	
Section 4 - Design Standards	4-1	General	Article 10, Division 3	
	4-2	Improvements - General Requirements	Article 10, Division 3	
	4-3	Streams, Drainage and Erosion Control	Article 10, Division 3	
	4-4	Water and Sewer	Article 10, Division 3	
	4-5	Fire Protection	Article 10, Division 3	
	4-6	Streets	Article 10, Division 3	
	4-7	Lots	Article 10, Division 3	
	4-8	Blocks	Article 10, Division 3	
Section 5 - Platting	5-1	General Requirements	Article 10, Division 5	
	5-2	Changes on Preliminary Plats or Final Plats	Article 10, Division 5	
	5-3	Preliminary Sketch	Article 10, Division 6	
	5-4	Preliminary Plat	Article 10, Division 6	
	5-5	Final Plat	Article 10, Division 7	
Section 6 - Vacation of Plat	6-1	Prior to Sale of Lot	Article 10, Division 8	
	6-2	After Sale of Lot	Article 10, Division 8	
	6-3	Vacation of Boundary Lines	Article 10, Division 8	
Section 7 - Enforcement	7-1	Exception	Article 10, Division 1	
	7-2	Enfrocement of Maintenance of Private Streets, Easements, Facilities or Other Improvements	Article 10, Division 9	
	7-3	Penalties	Article 10, Division 9	
Section 8 - Validity	8-1	Validity	Article 1, Division 1	
Section 9 - Amendments	9-1	Amendments	Article 3, Division 2 Article 10, Division 1	
Section 10 - Filing of Ordinance	10-1	Filing of Ordinance	Article 1, Division 1	

**Nelson County  
Planning & Zoning**

# Memo

**To:** Board of Supervisors

**From:** Dylan M. Bishop, Director of Planning & Zoning *DMB*

**Date:** December 10, 2024

**Re:** Proposed Work Order Amendment: Zoning Text Amendment for Short Term Rentals (Berkley Group)

---

At their meeting on October 23, 2024, the Planning Commission directed staff to contact the Berkley Group to draft a proposed work order amendment for the Zoning & Subdivision Ordinance updates, to address short term rental regulations first and concurrently. Berkley Group provided the attached scope of work, which provides for a memo highlighting best practices summaries and benchmark research findings from 2 localities, as well as draft text for the amendment with one round of revisions. Staff would facilitate any worksessions and the public hearings.

The Planning Commission reviewed this proposed work order amendment at their meeting on November 20, 2024. Staff was asked to communicate with the Berkley Group regarding the selection criteria for these benchmark localities, and asked for a revision to provide for at least 10 benchmark localities, as well as ensuring legal actionable strategies are generated as a result.

Staff is awaiting response from the Berkley Group on this inquiry, as well as if and how the proposed cost (currently \$1,773.20) might be affected. Staff is recommending that the Board of Supervisors defer their consideration of this work order amendment to the joint worksession that is scheduled for December 18, 2024 at 5:00 p.m.





November 14, 2024

Ms. Dylan Bishop  
Director, Planning & Zoning  
P.O. Box 558  
Lovingson, VA 22949

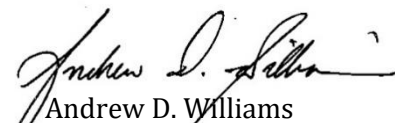
**RE: Comprehensive Plan Update and Recommendations for Zoning and Subdivision  
Ordinance Amendments RFP21-PZ01 Scope of Work  
Amendment 4: Zoning Text Amendment for Short-Term Rentals**

Dear Ms. Bishop:

We are pleased to present this amendment to the Comprehensive Plan Update scope of work. This amendment will add an immediate zoning text amendment for short-term rentals.

Should you or your staff have any questions related to the amendment and associated fee, please let me know.

Sincerely,



Andrew D. Williams  
Chief Executive Officer

I have reviewed the scope and fee for the associated work order and I hereby give the consultant notice to proceed for the work described herein.

---

Ms. Dylan Bishop, Director of Planning

---

Date

## **SCOPE OF WORK**

### **Deliverables:**

The Scope of Work will result in the following:

1. The County will receive a memo highlighting best practices summaries and benchmark research findings for short-term rentals.
2. The County will receive draft text for short-term rental use permissions and use standards. This will be submitted in digital (pdf) and word (.docx) format to the County.

### **Assumptions:**

The specific tasks required as part of this scope of work are outlined at the bottom of page 1 and top of page 2 in Attachment A, ZTA Fees. The following assumptions shall apply:

1. **Project Management:** Berkley Group will correspond regularly with the County point of contact. Two (2) virtual project meetings with County staff will occur to develop an understanding of the need and concerns and then to review and edit the drafted text. If additional meetings are needed, they will be charged based on hourly rates for each staff member by position unless a work order amendment occurs.
2. **Memo:** Berkley Group will provide a memo highlighting best practices for short-term rentals and comparisons from up to two (2) benchmark localities. The memo is to serve as background information for the proposed zoning text.
3. **Zoning Text Amendment:** To the extent possible, the text amendment will follow the current Nelson County style and numbering system.
4. **Comments & Revisions:** One (1) round of revisions is anticipated with County staff. Revisions associated with additional meetings, work sessions, or public hearings will require a scope amendment and additional fee.
5. **Work Sessions & Public Hearings:** No Planning Commission and/or Board of Supervisor work sessions or hearings are scoped with this project. It is assumed that County staff will conduct any meetings and required hearings. Berkley Group assistance can be added for an additional fee.
6. **Graphics:** No illustrations relating to the ordinances are associated with this scope but can be added as an optional service.
7. **Optional Services:** Optional services may be added with written authorization from the locality and subject to the following assumptions:
  - A. **Illustrations:** Basic illustrations by Berkley Group would be integrated into the draft text.
  - B. **Additional Work Session / Meeting / Public Hearing**

### **Schedule:**

Berkley Group proposes to perform the tasks included in this Work Order within 60 days of approval. This schedule is predicated on the assistance of County staff in providing timely documentation, guidance, and scheduling of necessary meetings.

*If the work order is not signed and work commenced within 30 days, the proposed fee and schedule expires, and Berkley Group may propose a new fee and schedule.*

# Estimate



**Date** 11-14-2024  
**Project** Nelson-PLAN-1A - Comprehensive Plan Update & Recommendations for Zoning & Subdivision Ordinance Amendments - Amendment 3: Zoning & Subdivision Ordinance Update

**Client**  
**Nelson**  
P.O. Box 558  
Lovington, VA 22949  
Attn:

## Project Totals

Task	Estimate	Previous	Grand Total
A1 - Project Management/Staff Input	\$0.00	\$6,400.00	\$6,400.00
A2 - Project Kickoff (Virtual)	\$0.00	\$760.00	\$760.00
A3 - Joint Kickoff & Land Use Diagnostic Presentation	\$0.00	\$3,000.00	\$3,000.00
A4 - Public Workshop (1)	\$0.00	\$3,400.00	\$3,400.00
A5 - Focus Group Listening Sessions (up to 4)	\$0.00	\$3,400.00	\$3,400.00
A6 - Engagement Summary	\$0.00	\$1,060.00	\$1,060.00
B01 - Joint Work Sessions (up to 6)	\$0.00	\$18,900.00	\$18,900.00
B02 - Ordinance Table of Contents & Crosswalk	\$0.00	\$4,880.00	\$4,880.00
B03 - Definitions	\$0.00	\$5,750.00	\$5,750.00
B04 - General, Administrative, Nonconformity	\$0.00	\$5,940.00	\$5,940.00
B05 - Permit & Application Provisions	\$0.00	\$7,160.00	\$7,160.00
B06 - District Standards	\$0.00	\$9,400.00	\$9,400.00
B07 - Overlay & Special Districts	\$0.00	\$7,750.00	\$7,750.00
B08 - Use Matrix	\$0.00	\$8,400.00	\$8,400.00
B09 - Use Performance Standards	\$0.00	\$7,750.00	\$7,750.00
B10 - Community Design Standards (Signs, Lighting, Landscaping, etc.)	\$0.00	\$8,760.00	\$8,760.00
B11 - Subdivisions	\$0.00	\$8,300.00	\$8,300.00
B12 - Formatting & Final Review	\$0.00	\$3,040.00	\$3,040.00
B13 - Changes Matrix & Contents Crosswalk Update	\$0.00	\$3,860.00	\$3,860.00
C1 - Open House (Public Draft Review) (up to 1)	\$0.00	\$4,150.00	\$4,150.00
C2 - Pre-Adoption Joint Work Session (Up to 1)	\$0.00	\$3,500.00	\$3,500.00
C3 - Incorporate Final Revisions	\$0.00	\$3,040.00	\$3,040.00
C4 - PC & Board of Supervisors Public Hearings	\$0.00	\$6,000.00	\$6,000.00
C5 - Post-Adoption Deliverables	\$0.00	\$2,120.00	\$2,120.00
D03 - Additional Public Outreach Meeting	\$0.00	\$3,400.00	\$3,400.00
D07 - Website Hosting (with Comp Plan)	\$0.00	\$2,500.00	\$2,500.00
D10 - ZTA Project Management	\$495.00	\$0.00	\$495.00
D11 - Memo - STR best practice	\$480.00	\$0.00	\$480.00

# Estimate



Task	Estimate	Previous	Grand Total
D12 - ZTA STR Text	\$730.00	\$0.00	\$730.00
Labor Subtotal	\$1,705.00	\$142,620.00	\$144,325.00
Direct Expenses	\$68.20	\$6,836.00	\$6,904.20
<b>Total</b>	<b>\$1,773.20</b>	<b>\$149,456.00</b>	<b>\$151,229.20</b>

Labor Total	\$1,705.00
Direct Expenses Total	\$68.20
<b>Total Estimate</b>	<b>\$1,773.20</b>
Previous Contract Amount	\$149,456.00
<b>Grand Total Budget</b>	<b>\$151,229.20</b>