



# **NELSON COUNTY PLANNING COMMISSION**

## **Meeting Agenda**

### **March 26, 2025**

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General District Courtroom, 3<sup>rd</sup> Floor, Nelson County Courthouse, Lovingson

- **7:00 – Meeting Convenes / Call to Order**
- **Other Business:**
  - **Battery Energy Storage Discussion**
  - **Short Term Rental Discussion**
  - **Proposed Overlay Districts**
- **Board of Supervisors Report**
- **Upcoming Scheduled Meetings:**
  - **Continue to April 23, 2025 at 5:00 p.m. for Joint PC/BOS Work Session**
  - **Regular Planning Commission Meeting to Follow at 7: 00 p.m.**

BOARD OF  
SUPERVISORS

THOMAS D. HARVEY  
North District

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Central District

JESSE N. RUTHERFORD  
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J. DAVID PARR.  
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County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

GRACE E. MAWYER  
Director of Finance and  
Human Resources

March 24, 2025

To: Dylan Bishop, Director of Planning & Zoning  
From: Amanda Spivey, Administrative Assistant/Deputy Clerk *abs*  
Re: Battery Energy Storage

Please be advised of the Board of Supervisors' request in session on March 13, 2025:

1. Battery Energy Storage: The Board of Supervisors requested that the Planning Commission reconsider amending the ordinance for battery energy storage, and instead treat it as an accessory to the utility.

CC: file – County Administration



## Short Term Rentals

### Introduction

Nelson County has requested a review of short-term rental standards in anticipation of a zoning text amendment to modify regulations to this use. The county currently regulates a short-term rental use as a “Vacation House” and allows them in six different zoning districts. Berkley Group has conducted a review of the American Planning Association best practices, relevant Code of Virginia sections, and several pre-selected peer communities. Relevant strategies from the Nelson 2042 Comprehensive Plan have also been included for consideration. The following memo summarizes the findings from the review.

### American Planning Association

Short-term rentals (STRs) can provide economic opportunities for homeowners and local businesses, but they can also lead to negative impacts such as rising housing costs, neighborhood disruptions, and loss of community character. Communities must find a regulatory balance that allows STRs to operate without compromising long-term housing affordability and neighborhood cohesion.

- STRs create income opportunities for homeowners and increase local tourism revenue by offering more accommodation options for visitors.
- Unregulated STRs can lead to excessive noise, parking shortages, and increased transient populations, which can alter the character of residential communities.
- When investors buy properties solely for STR use, it can reduce the availability of long-term rental housing and drive-up home prices, making it harder for residents to afford housing.
- Effective regulations should allow responsible STR use while protecting neighborhoods from commercialization and housing displacement.

For STR regulations to be effective, they must be clear, easy to understand, and enforceable. A well-defined regulatory framework ensures compliance and prevents property owners from exploiting loopholes.

- STR operators should be required to obtain permits, with different categories for owner-occupied, temporary, and commercial rentals.
- Regulations should specify where STRs are allowed, how many guests they can host, and whether they must be owner-occupied. For example, some cities prohibit STRs in historic districts or cap the number of nights a property can be rented annually.
- Fines and enforcement actions, such as revoking permits, should be implemented to deter illegal STR operations.
- Rules should be straightforward to enforce and make reporting violations easily accessible to residents.

STR regulations should include mechanisms to capture some of the economic benefits and reinvest them into the community, particularly to address housing affordability and neighborhood concerns.

## Nelson County, Virginia

### Short-term Rental Best Practice and Benchmarking



- Communities can require STR operators to pay lodging taxes, similar to hotels, and contribute to local funds that support affordable housing or infrastructure improvements.
- Some cities use STR tax revenue to finance affordable housing initiatives, mitigating the displacement effects of STR expansion.
- STR operators should pay fees to cover the administrative costs of permitting, compliance monitoring, and enforcement.

To build trust and encourage compliance, STR regulations should be transparent, with clear enforcement procedures and accessible public data on licensed properties.

- Creating an online database of permitted STRs allows residents to verify compliance and report suspected violations.
- Engaging residents, neighborhood groups, and businesses in the rule-making process ensures that regulations address local concerns and reflect community values.
- Residents should have an easy way to report STR violations, and local governments should provide timely enforcement updates to maintain public confidence.
- Informing STR operators and residents about local regulations through workshops, online resources, and public meetings can improve compliance and reduce conflicts.

### The Code of Virginia

**§ 58.1-3510.4. Short-term rental property; short-term rental businesses.** This section defines short-term rental properties and the criteria for businesses to qualify as a short-term rental business. It authorizes local governments to collect taxes from short-term rentals.

**§ 58.1-3510.5. Renter's certificate of registration.** This section requires businesses engaged in short-term rentals to apply for an annual certificate of registration if the locality they are doing business in has imposed a short-term rental tax (see § 58.1-3510.6 below). This registration must be displayed prominently on the property.

**§ 58.1-3510.6. Short-term rental property tax.** This section allows a locality to impose a specific tax on short-term rentals and details the provisions and exemptions of such a tax.

**§ 15.2-983. Creation of registry for short-term rental of property.** This section authorizes localities to create a short-term rental registry and require annual registration by all short-term rental operators. The section includes the details required to be disclosed on the registry and allows for a registration fee to cover administrative costs. Additionally, this section states that localities cannot require a special exception, special use, or conditional use permit for an owner-occupied short-term rental.

### Benchmark Communities

The table on the following pages provides regulations for STRs for the following communities:

- Amherst County
- Bedford County
- Louisa County

# Nelson County, Virginia

## Short-term Rental Best Practice and Benchmarking



- Albemarle County

*Text has been condensed for report brevity, but links to the full regulations are provided.*

Topic	Amherst	Bedford	Louisa	Albemarle
Definitions	<p><a href="#">Sec. 302</a></p> <p><i>Dwelling, short-term tourist rental of.</i> The rental for compensation of a dwelling for periods of less than thirty (30) consecutive days.</p>	<p><a href="#">Sec. 30-28</a></p> <p>Operator: The proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, of any other possessory capacity.</p> <p>Short-term rental: The provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy</p>	<p><a href="#">Sec. 86-13</a></p> <p><i>Short-term rental of a dwelling:</i> The rental of a dwelling for periods of 30 days or less.</p>	<p><a href="#">Sec. 3.1</a></p> <p><i>Homestay:</i> "Homestay" means an accessory residential use providing transient lodging and rooms for dining and meetings for use by homestay guests provided that the dining and meeting rooms are subordinate to the homestay use. A homestay use may offer no more than five guest rooms for lodging.</p> <p><i>Hosted Stay:</i> "Hosted stay" means a homestay use in which at least one individual owner of the subject parcel or an approved resident manager is present overnight at the subject parcel during the entirety of a homestay rental period.</p>
Use Permission	By Right:	<p>By Right:</p> <ul style="list-style-type: none"> <li>○ Agricultural/Rural Preserve District (AP)</li> <li>○ Agricultural/Residential District (AR)</li> <li>○ Agricultural Village Center District (AV)</li> <li>○ Low Density Residential District (R-1)</li> </ul>	<p>By Right:</p> <ul style="list-style-type: none"> <li>○ Agricultural District (A-1)</li> <li>○ Agricultural District (A-2)</li> </ul> <p>By Right, with Restrictions:</p>	<p>By Right:</p> <ul style="list-style-type: none"> <li>○ Rural Areas District (RA)</li> <li>○ Village Residential District (VR)</li> <li>○ Residential District (R-1)</li> <li>○ Residential District (R-2)</li> <li>○ Residential District (R-4)</li> </ul>

**Nelson County, Virginia**  
**Short-term Rental Best Practice and Benchmarking**



Topic	Amherst	Bedford	Louisa	Albemarle
	<ul style="list-style-type: none"> <li>○ Agricultural Residential District (A-1) if; (i) the dwelling is served by a single-access driveway on a state maintained road, and (ii) is a distance of at least five hundred (500) feet from the nearest dwelling.</li> <li>○ Limited Residential District (R-1) if; (i) the dwelling is served by a single-access driveway on a state maintained road, (ii) is a distance of at least five hundred (500) feet from the nearest dwelling, and (iii) adjoining property owners shall be notified per Section 1005.2.b.</li> <li>○ Village Center District (V-1) if; (i) the dwelling is served by a single-access driveway on a state maintained road, (ii) is a distance of at least five hundred (500) feet from the nearest dwelling, and (iii) adjoining property owners shall be notified per Section 1005.2.b;</li> </ul> <p>By Special Exception:</p>	<ul style="list-style-type: none"> <li>○ Medium Density Residential District (R-2)</li> <li>○ Office District (C1)</li> <li>○ General Commercial District (C2)</li> <li>○ Planned Commercial District (PCD)</li> <li>○ Planned Residential District (PRD)</li> </ul>	<ul style="list-style-type: none"> <li>○ Residential Limited District (R-1) Growth Area Overlay District (GAOD)</li> <li>○ Residential General District (R-2) Growth Area Overlay District (GAOD)</li> <li>○ Resort Development District (RD)</li> </ul> <p>By Conditional Use Permit:</p> <ul style="list-style-type: none"> <li>○ Residential Limited District (R-1)</li> <li>○ Residential General District (R-2)</li> <li>○ Light Commercial District (C-1)</li> <li>○ General Commercial District (C-2)</li> <li>○ Industrial District (IND)</li> <li>○ Industrial Limited District (I-1)</li> <li>○ Industrial General District (I-2)</li> </ul>	<ul style="list-style-type: none"> <li>○ Residential District (R-6)</li> <li>○ Residential District (R-10)</li> <li>○ Residential District (R-15)</li> <li>○ Downtown Crozet District (DCD)</li> <li>○ Planned Unit Development District (PUDR)</li> <li>○ Planned Residential Development District (PRD)</li> </ul> <p>By Special Use Permit:</p> <ul style="list-style-type: none"> <li>○ Commercial District (C1)</li> <li>○ Commercial Office District (CO)</li> <li>○ Highway Commercial District (HC)</li> <li>○ Light Industry District (LI)</li> <li>○ Heavy Industry (HI)</li> <li>○ Planned Development-Mixed Commercial District (PD-MC)</li> </ul>

**Nelson County, Virginia**  
**Short-term Rental Best Practice and Benchmarking**

Topic	Amherst	Bedford	Louisa	Albemarle
	<ul style="list-style-type: none"> <li>○ General Residential District (R-2)</li> <li>○ Multi-Family Residential District (R-3)</li> </ul>			
Use Standards	<p><u><a href="#">Sec. 916</a></u></p> <ul style="list-style-type: none"> <li>○ Must be accompanied by a site plan, approved by the Zoning Administrator or Planning Commission. Site Plans must include a maintenance schedule and low impact development techniques.</li> <li>○ There shall be no change in the outside appearance of the dwelling or premises.</li> <li>○ Maximum occupancy is limited to two (2) adults per bedroom.</li> <li>○ Private septic systems shall be pumped out and inspected every three (3) years.</li> <li>○ Park only on driveways or designated parking areas. No road side parking is allowed.</li> </ul>	<p><u><a href="#">Sec. 30-100-18</a></u></p> <ul style="list-style-type: none"> <li>○ STR owners must register annually for a license, unless they are a licensed realtor or similar.</li> <li>○ A property management plan must be submitted which must include the STR floorplan, local points of contact, garbage disposal, management of unruly tenants, number of permitted guests, parking information, location of fire extinguisher(s) and smoke detectors, utility contact information, advertisement plan, and any other requested information. These plans shall be included in the STR and provided to each customer.</li> <li>○ Every STR must include a two- pound minimum, ABC rated, fire extinguisher. Working smoke detectors shall be installed in each bedroom as well as one (1) on each floor outside of any bedrooms.</li> <li>○ STRs are limited to one non-illuminated sign.</li> </ul>	<p><u><a href="#">Sec. 86-114</a></u></p> <ul style="list-style-type: none"> <li>○ STR owners must provide contact information for the owner and any property manager.</li> <li>○ Rental contracts must include the County noise, waste, and special event regulations.</li> <li>○ Special events are prohibited without a valid conditional use permit.</li> <li>○ STR must comply with all Virginia Department of Health regulations.</li> <li>○ The dwelling must comply with all applicable state building code and safety regulations.</li> <li>○ STR owners unable to meet the above conditions must obtain a conditional use permit.</li> </ul>	<p><u><a href="#">Sec. 5.1.48</a></u></p> <ul style="list-style-type: none"> <li>○ STR owner must obtain a zoning clearance.</li> <li>○ STR applications must include the proposed use, maximum number of guests, provided off-street parking, and outdoor lighting height, location, and lumens.</li> <li>○ STR applications must include a drawn schematic plan that shows all structures, location of guest rooms, access, parking, outdoor lighting, signage, and setbacks.</li> <li>○ STR applications must be signed by the responsible agent and an owner of the subject parcel(s).</li> <li>○ The owner must provide two forms of verification of permanent residency, at the subject parcel(s).</li> </ul>

**Nelson County, Virginia**  
**Short-term Rental Best Practice and Benchmarking**

Topic	Amherst	Bedford	Louisa	Albemarle
	<ul style="list-style-type: none"> <li>○ Every STR must include a two-pound minimum, ABC rated, fire extinguisher. Working smoke detectors shall be installed in each bedroom as well as one (1) on each floor outside of any bedrooms.</li> <li>○ Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked.</li> <li>○ Notice of the application for special exception, shall be conspicuously posted on the property.</li> </ul>	<ul style="list-style-type: none"> <li>○ Park only on driveways or designated parking areas. No road side parking is allowed.</li> <li>○ There shall be no change in the outside appearance of the dwelling or premises.</li> <li>○ STR license shall be revoked following three violations and shall only be approved after a time determined by the Zoning Administrator, no longer than two years.</li> <li>○ All short-term rental licenses are valid for one (1) year from issuance.</li> </ul>		<ul style="list-style-type: none"> <li>○ STR applications must include approvals from the building official, fire official, and Virginia Department of Health.</li> <li>○ STR owners must provide notice to all adjoining property owners, with contact information, on an annual basis.</li> <li>○ Each homestay use must be accessory to a primary residential use. A homestay use may not be accessory to an accessory apartment.</li> <li>○ STR owner must live on the subject parcel for at least 180 days in a year, except if the Board of Supervisors approves a property manager to live on subject parcel.</li> <li>○ Minimum setbacks shall apply to all structures used for the STR.</li> <li>○ Require one off-street parking space per guest room in addition to required parking for the dwelling.</li> </ul>

**Nelson County, Virginia**  
**Short-term Rental Best Practice and Benchmarking**



Topic	Amherst	Bedford	Louisa	Albemarle
				<ul style="list-style-type: none"> <li>○ STR must have a responsible agent to reply to complaints that live within 30 miles of the STR and can respond to any complaint within 60 minutes.</li> <li>○ On parcels less than five acres in the rural area or a residential zoning district; only one STR per parcel, STR only in detached single-family dwelling or accessory apartment unless otherwise allowed by the Board of Supervisors, the owner or property manager must reside on the property, and STRs are limited to two guest rooms unless otherwise authorized by Board of Supervisors.</li> </ul>

**Nelson County, Virginia**  
**Short-term Rental Best Practice and Benchmarking**



Topic	Amherst	Bedford	Louisa	Albemarle
				<ul style="list-style-type: none"> <li>○ On parcels in the rural areas more than five acres; up to two STRs per parcel are allowed, STRs are allowed in dwelling or accessory structures, STRs are limited to five guest rooms, no more than one accessory STR per dwelling, STRs will use a development right on parcels less than 21 acres, STRs must comply with density requirements, STRs and their accessory uses must be properly screened from adjoining properties within 125 feet, the owner or property manager must reside on the property but are except for 7 rental days in any month up to a maximum of 45 days per year, and the owner must maintain a log of all rental operations.</li> <li>○ STRs may not include restaurants or special events for attendees not staying at the STR.</li> </ul>



### **Comprehensive Plan Strategies**

The following strategies come from the Nelson County Comprehensive Plan and are directly or indirectly related to short-term rentals. They have been included here to help policymakers make a more informed decision regarding the County's policy on regulating STRs.

Strategy 3.13: Update land use regulations to provide clear and simplified requirements that promote economic development, enable creative housing choices, and protect sensitive resources.

Strategy 5.1: Update the definition of short-term rentals. Maintain an inventory of all short-term rentals in order to track and better understand costs and benefits. Create regulations for short-term rentals as necessary through the Zoning Ordinance and other tools that maintain a significant stock of single-family homes and long-term rentals.

Strategy 5.8: Explore County investment in a community land trust that can create more affordable housing options.

Strategy 6.14: Carefully consider noise-intensive uses near residential or rural properties, and require noise mitigation efforts such as perimeter buffers and sound barriers.

Strategy 7.7: Continue to support the tourism industry while being mindful of over-tourism; diversify tourism assets across the County to distribute traffic and prevent negative impacts to local quality of life.

### **Conclusion**

Review of the regulatory standards for short-term rentals (STR) reveals key themes to inform and direct the creation of a Zoning Text Amendment for regulations of STRs within Nelson County. Common themes and ideas from the American Planning Association, Code of Virginia, and peer localities include clear and enforceable regulations, registration and licensing requirements, and several operational use standards such as parking requirements, noise restrictions, and limiting special events held at the STR. Some regulatory standards found in other benchmarked localities, such as occupancy tracking or use limitations that require extensive monitoring, are not recommended for inclusion to Nelson County STR standards, mainly due to the difficulty of enforcement for these provisions. The recommended Zoning Text Amendment is included with this memo as Appendix A and includes those provisions that would be best suited to Nelson County. Additional measures for STRs should also be considered by Nelson County such as a short-term rental registry, collection of associated taxes and fees, and digital monitoring programs.

*Proposed new text*

*Existing text to be removed*

*Existing text*

## **Appendix A - Zoning**

### **Article 2. – Definitions**

*Dwelling, Short-term Rental: A residential dwelling in which the entire dwelling is offered for rent for less than thirty (30) consecutive days by an owner. This use does not apply to month-to month extensions following completion of a long-term lease.*

*Dwelling, Short-term Rental Homestay: A residential dwelling in which a room or rooms are offered for rent for less than thirty (30) consecutive days by an owner who resides in the residential dwelling as the primary residence. This use does not include Bed and Breakfast uses as defined in this ordinance.*

*Vacation house: A house rented to transients. Rental arrangements are made for the entire house, not by room. Vacation houses with more than five (5) bedrooms are subject to the requirements contained in Article 13, Site Development Plan.*

### **Article 3 – Conservation District C-1**

3-1 - *Uses—Permitted by right.*

*3-1-18*

*Dwelling, Short-term Rental Homestay*

### **Article 4 – Agricultural District A-1**

4-1 - *Uses—Permitted by right.*

*4-1-32*

*Vacation House:*

*4-1-38*

*Dwelling, Short-term Rental Homestay*

4-1-a - *Uses—Permitted by Special Use Permit only.*

*4-1-53a*

*Dwelling, Short-term Rental*

### **Article 5 - Residential District R-1**

5-1 - *Uses—Permitted by right.*

*5-1-19*

*Vacation house, if the subject property contains more than one (1) zoning classification with a majority portion of the subject property zoned Agricultural A-1.*

*5-1-19*

*Dwelling, Short-term Rental*

5-1-20

Dwelling, Short-term Rental Homestay

## **Article 6 – Residential District R-2**

6-1 - *Uses—Permitted by right.*

6-1-18

Dwelling, Short-term Rental

6-1-19

Dwelling, Short-term Rental Homestay

## **Article 7 – Residential Planned Community District RPC**

7-5-2

In Single-Family Residential Sectors, the following uses will be permitted:

1. Single-family detached dwellings.
2. Single-family attached dwellings.
3. Other uses as permitted in Residential Districts R-1 and in Section 7-5-1(b); except that ~~Vacation House Dwelling, Short-term Rental and Dwelling, Short-term Rental Homestay~~ shall be a permissible by-right use in the SR Sector of the RPC District and shall not require a Special Use Permit.

## **Article 8B – Service Enterprise District SE-1**

8B-1 - *Uses—Permitted by right.*

8B-1-3

Boardinghouse, ~~vacation house~~, Class A bed and breakfast, Class B bed and breakfast, churches, church adjunctive graveyards, libraries, schools, hospitals, clinics, parks, playgrounds, post offices, fire department, and rescue squad facilities. (O2016-02)

8B-1-29

Dwelling, Short-term Rental Homestay

## **Article 12 – General Provisions**

12-13

~~Reserved for future use. Short-term Rental~~

12-13-1

The provisions of this section shall apply the following uses:

- Dwelling, Short-term Rental

- Dwelling, Short-term Rental Homestay

#### 12-13-2

The following standards shall apply to all short-term rentals within the County:

- All short-term rentals must be registered with the Zoning Administrator as required by Code of Virginia § 15.2-983.
- The Zoning Administrator will report all registrations to the Nelson County Commissioner of the Revenue.
  - Registrations will be valid through December 31st of the calendar year and must be renewed annually.
- A property management plan shall be provided to the Zoning Administrator and shall demonstrate how the short-term rental will be managed. This plan shall include the local points of contact available to respond to complaints, number of permitted guests, parking information, location of fire extinguisher(s) and smoke detectors and any other requested information.
- No more than one dwelling per parcel shall be allowed for short-term rental.
- Noise levels shall be no greater than 60db heard at the property line of the parcel containing the short-term rental.
- No events shall be held at the short-term rental which include attendees who are not guests staying in the rental unless the short-term rental has a valid Special Use Permit as a special events venue.
- No recreational vehicles, buses, or travel trailers will be used in conjunction with the short-term rental use to increase the occupancy of the rental unit.
- All vehicles must be parked in driveways or designated parking areas established in the property management plan.
- Short-term rentals must comply with all Virginia Department of Health regulations.
- Short-term rentals must comply with all applicable state building code and safety regulations.
- Short-term rentals utilizing private septic systems must provide a proof of pump out every three (3) years.

#### 12-13-3

The following standards shall apply to short-term rentals of whole dwellings:

- Short-term rental of a dwelling shall only be permitted in single-family detached dwellings.

#### 12-13-4

The following standards shall apply to short-term rental homestays:

- Short-term rental homestay owners must reside in the residence where the short-term rental is being conducted for a minimum of 180 days of the year.
- Short-term rental homestay owners must occupy the residence during rental periods.

#### 12-13-5

Complaints.

Verbal or written complaints from neighboring property owners or other aggrieved parties to the Zoning Administrator shall be forwarded to the point of contact within the property management plan for correction or abatement. Failure to correct or abate substantiated complaints of a short-term rental shall be considered a violation of this section of the Zoning Ordinance.

12-13-6

Violations.

Violations of this section of the Zoning Ordinance shall be taken in accordance with Article 15 of this Ordinance.

12-13-7

Revocation.

A registration, zoning permit, and/or special use permit may be revoked for the following:

- Failure to pay transient occupancy or business taxes, or short-term rental registry registration fee, as required by Nelson County; or
- Three violations within a 12-month period.

Advertising and/or renting an unapproved or revoked short-term rental is a violation of this ordinance.

BOARD OF  
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Deputy Clerk

GRACE E. MAWYER  
Director of Finance and  
Human Resources

March 13, 2025

To: Dylan Bishop, Director of Planning & Zoning  
From: Amanda Spivey, Administrative Assistant/Deputy Clerk *ab*  
Re: Board Decision

Please be advised of the Board of Supervisors' decision in session on March 13, 2025:

1. Zoning District Drafting: The Board selected the three (3) following overlay districts: Village Overlay, Residential R-3 Overlay, and the Route 29 Corridor Overlay. The Board also requested a map of the Mountain Ridge Overlay so that they may consider it as a work order at a future date if desired.

CC: file – County Administration

# **Nelson County, Virginia**

## **Zoning & Subdivision Ordinance Update**

### **Zoning District Drafting**



#### **Introduction**

On February 26, 2025, Berkley Group facilitated a joint work session with the Nelson County Board of Supervisors and Planning Commission as part of the Zoning & Subdivision Ordinance Update project. Due to time constraints, some planned discussions, including Article 9 and related definitions for Articles 1, 2, 3, and 9, were deferred to the next joint work session on April 23, 2025.

However, one critical discussion—regarding the direction Berkley Group should take in drafting zoning districts for the County—was not held and needs direction prior to the April work session. The April work session will focus on Article 4 (Primary Zoning Districts) and Article 5 (Overlay Zoning Districts), and it is essential that the Board of Supervisors (Board) provide direction on these articles in advance. Specifically, Berkley Group would like the Board to select which new districts should be incorporated. This guidance will enable Berkley Group to draft the zoning districts accordingly.

Based on the scope of work, Berkley Group can modify the existing zoning districts and add three new zoning districts to better meet the community's needs. These modifications and additions should directly support the Comprehensive Plan's strategies, ensuring zoning regulations effectively address the County's long-term vision.

#### **Comprehensive Plan Strategies**

The Comprehensive Plan identifies strategies that could be implemented through potentially new zoning districts, each serving different land use objectives. Berkley Group has selected the following strategies from the Nelson 2042 Comprehensive Plan as directly related to the County's need for additional zoning districts.

Strategy 5.6: Evaluate current zoning district densities and adjust them to allow for additional housing in appropriate areas.

Strategy 6.20: Discourage ridgeline development to protect scenic viewsheds.

Strategy 7.7: Continue to support the tourism industry while being mindful of over-tourism; diversify tourism assets across the County to distribute traffic and prevent negative impacts to local quality of life.

While there may be additional strategies within the Comprehensive Plan that could be implemented through the creation of a zoning district, the selected are the most viable for the current project. Further details on these districts are provided below to inform the decision-making process. Each proposed district is designed to address specific challenges and opportunities identified within the Comprehensive Plan.

#### **Potential New Zoning Districts**

##### **Residential R-3**

# **Nelson County, Virginia**

## **Zoning & Subdivision Ordinance Update**

### **Zoning District Drafting**



The Residential Zoning District (R-3) is intended to address the County's need for increased housing availability and diversity in areas appropriate areas identified in the Comprehensive Plan as suitable for higher-density residential development. This district would provide opportunities for a larger mix of housing types, including single-family homes, townhomes, condominiums, and multifamily developments, to better accommodate residents at different income levels and life stages.

The R-3 district would introduce higher density allowances, reduce minimum lot sizes, and allow for taller and larger structures. Additionally, development standards may be tailored to promote walkability, connectivity, and access to public infrastructure. The implementation of this district would help implement the Comprehensive Plan's housing strategies and direct residential growth in areas where infrastructure and services can support it.

#### *Mountain Ridge*

The Mountain Ridge Overlay District is designed to protect the County's most vital and vulnerable natural assets, including steep slopes, ridgelines, and ecologically sensitive areas that are essential to Nelson County's environmental health and scenic character. This overlay district would include strict district and use standards aimed at preserving natural landscapes, preventing erosion and deforestation, and protecting scenic viewsheds.

Given Nelson County's reliance on scenic tourism, outdoor recreation, and conservation efforts, the Mountain Ridge Overlay District would serve as a critical tool in balancing development with environmental stewardship. It would also help the County meet the goals outlined in the Comprehensive Plan related to land conservation, natural resource protection, and sustainable land use practices.

*Village Overlay Zoning District:* This overlay zoning district is intended to formally integrate the guidelines for rural villages, outlined in the land use chapter of the Comprehensive Plan, into the Zoning Ordinance. It would provide a mechanism to map these areas on the Zoning Map, to further align the Zoning Map with the Future Land Use Map. The Comprehensive Plan identifies six rural villages within the County: Arrington, Faber, Gladstone, Piney River, Schuyler, and Shipman.

This district would establish zoning regulations tailored to the distinct character and development needs of these villages, differentiating them from the A-1 and R-1 districts, which currently encompass most of these areas. By allowing for a broader range of uses, increased residential densities, and village-specific design standards, this overlay would promote context-sensitive growth while preserving the historic and rural character of these communities. Potential considerations for this district may include mixed-use development opportunities, small-scale commercial uses to support local needs, and design guidelines that enhance walkability and maintain a traditional village aesthetic.



# Nelson County, Virginia

## Zoning & Subdivision Ordinance Update

### Zoning District Drafting



*Route 29 Corridor Overlay District:* One of the key components of the Comprehensive Plan is the County's approach to tourism-related development, focusing on both where such development should occur and how to prevent overdevelopment in sensitive areas. A potential tool to achieve this balance is the creation of a Route 29 Corridor Overlay District.

This overlay district would serve as a mechanism to encourage and streamline the development of tourism-related businesses by lowering barriers to entry. This could include designating certain tourism-related uses as by-right within the overlay, allowing greater lot coverage, or providing flexibility in development standards to support businesses that align with the County's tourism goals.

As Route 29 is a major gateway corridor for the County, this overlay could also introduce enhanced design standards to ensure that new development maintains the County's rural character and natural aesthetic. Architectural and landscaping requirements could be implemented to promote a visually cohesive and high-quality built environment, reinforcing a positive first impression for visitors while protecting the scenic nature of the corridor.

*Route 151 Corridor Overlay District:* Similar to the Route 29 Corridor Overlay District, a Route 151 Corridor Overlay District would focus on managing development along this significant roadway. However, unlike the Route 29 overlay, which is intended to encourage targeted development, the Route 151 overlay would emphasize preservation and stricter land use controls to mitigate the impacts of increasing commercial activity.

Route 151 is already a well-developed area with a high concentration of businesses, particularly those related to tourism and agritourism. As such, this overlay district would introduce restrictions on certain types of development, ensuring that future growth is carefully managed to protect the area's scenic, environmental, and infrastructure capacity. Regulations for this district could include limiting the types of uses allowed in the district, reducing allowable lot coverage and building footprints, increasing required setbacks and lot sizes, and establishing stringent use standards to ensure that any new development aligns with the County's long-term vision for Route 151.

This overlay would provide a framework for balancing economic activity with conservation efforts, ensuring that Route 151 remains a viable destination while avoiding the risks of overdevelopment, traffic congestion, and loss of rural charm.

### **Recommended New Districts**

Based on community engagement, staff input, and the Comprehensive Plan, Berkley Group recommends adding the following zoning districts:

- ☐ Residential Primary Zoning District, R-3, intended to supply the County with additional housing through increased density and diversified housing types, in appropriate areas.

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- ☐ Mountain Ridge Overlay District, intended to safeguard the County's most vital and environmentally sensitive assets.

If the Board agrees with the recommended districts above, one more district may be selected for inclusion in the new ordinance. However, if the Board chooses not to accept one or both recommended districts, additional overlay districts may be considered instead.

**Conclusion**

Berkley Group requests that the Nelson County Board determine the new districts to be drafted. Which three of the following districts shall be included in the new Zoning & Subdivision Ordinance?

- ☐ Residential (R-3)
- ☐ Mountain Ridge Overlay (MRO)
- ☐ Village Overlay (VO)
- ☐ Route 29 Corridor Overlay (CO29)
- ☐ Route 151 Corridor Overlay (CO151)

Once the Board establishes this direction, County staff may present it to the Planning Commission at their next regular meeting to obtain their input and consent. Following these steps, Berkley Group will proceed with drafting the districts in accordance with the established direction and will present the drafts to the County for review at the next scheduled joint work session to be held on April 23<sup>rd</sup>, 2025.

# Nelson County Elevation

## Contours of 2,000+ ft.

