

Joint Work Session with PC & BOS

Final Draft Zoning & Subdivision Ordinance

July 15, 2026

Agenda:

Calls to Order

Staff Presentation
(Remaining Items for Feedback and Consideration)

Proposed August Date for Public Open House – location

Adjourn

Short Term Rentals

Division 7-3-10

Three Categories:

- *Short Term Rental, Homestay*
- *Short Term Rental, Hosted Stay*
- *Short Term Rental, Unhosted Stay*

A. **Operation and Owner Occupancy.**^{22, 23}

- (1) **Short-Term Rental, Homestay** shall be the owner's primary residence and they shall be present on the premises during all rental periods.
 - (a) Only one (1) short-term rental may be operated on the premises.
- (2) **Short-Term Rental, Hosted Stay** shall be managed and operated as follows:
 - (a) By the primary resident or a designated resident manager who is present on the premises during all rental periods; or
 - (b) By the primary resident owner of an adjacent parcel who is present on the premises of the adjacent parcel during all rental periods.
 - (c) A maximum of two (2) short-term rental units may be allowed per lot.²⁴
- (3) **Short-Term Rental, Unhosted Stay**²⁵ shall be managed and operated as follows:
 - (a) By a designated owner or manager who is not present on the premises during rental periods; and
 - (b) A maximum of two (2) short-term rental units may be allowed per lot.²⁶

Associated Definitions

Short-term rental. The provision of a room, space, dwelling, or portion thereof that is suitable or intended for transient occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for compensation.

Operator. The proprietor of any dwelling, lodging, or sleeping accommodation offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

Short-term rental, homestay. A residential dwelling in which a room or rooms are offered for rent for less than 30 consecutive days by an owner who resides in the residential dwelling as their primary residence and is present on the premises during all rental periods. This use does not include bed and breakfast, short-term rental, hosted stay or short-term rental unhosted stay uses as defined in this Ordinance.

Short-term rental, hosted stay. A residential dwelling in which a room or rooms are offered for rent for less than 30 consecutive days and is supervised by one of the following:

- (a) An owner who occupies, as their primary residence, another dwelling on the same parcel and is present during all rental periods;
- (b) An owner who occupies, as their primary residence, a dwelling on an adjacent parcel and is present during all rental periods; or
- (c) A designated resident manager who resides in a dwelling on the same parcel and is present during all rental periods.

This use does not include bed and breakfast, short-term rental, homestay, or short-term rental, unhosted stay uses as defined in this Ordinance.

Short-term rental, unhosted stay. A residential dwelling in which a room or rooms are offered for rent for less than 30 consecutive days in which no owner, primary resident, or resident manager resides on the premises or an adjacent parcel during rental periods. This use does not include bed and breakfast, short-term rental, homestay, or short-term rental, hosted stay uses as defined in this Ordinance.

Short Term Rentals

Division 7-3-10

Occupancy based on statewide building code and number of bedrooms in accordance with VDH septic compliance.

D. Registration.²⁷

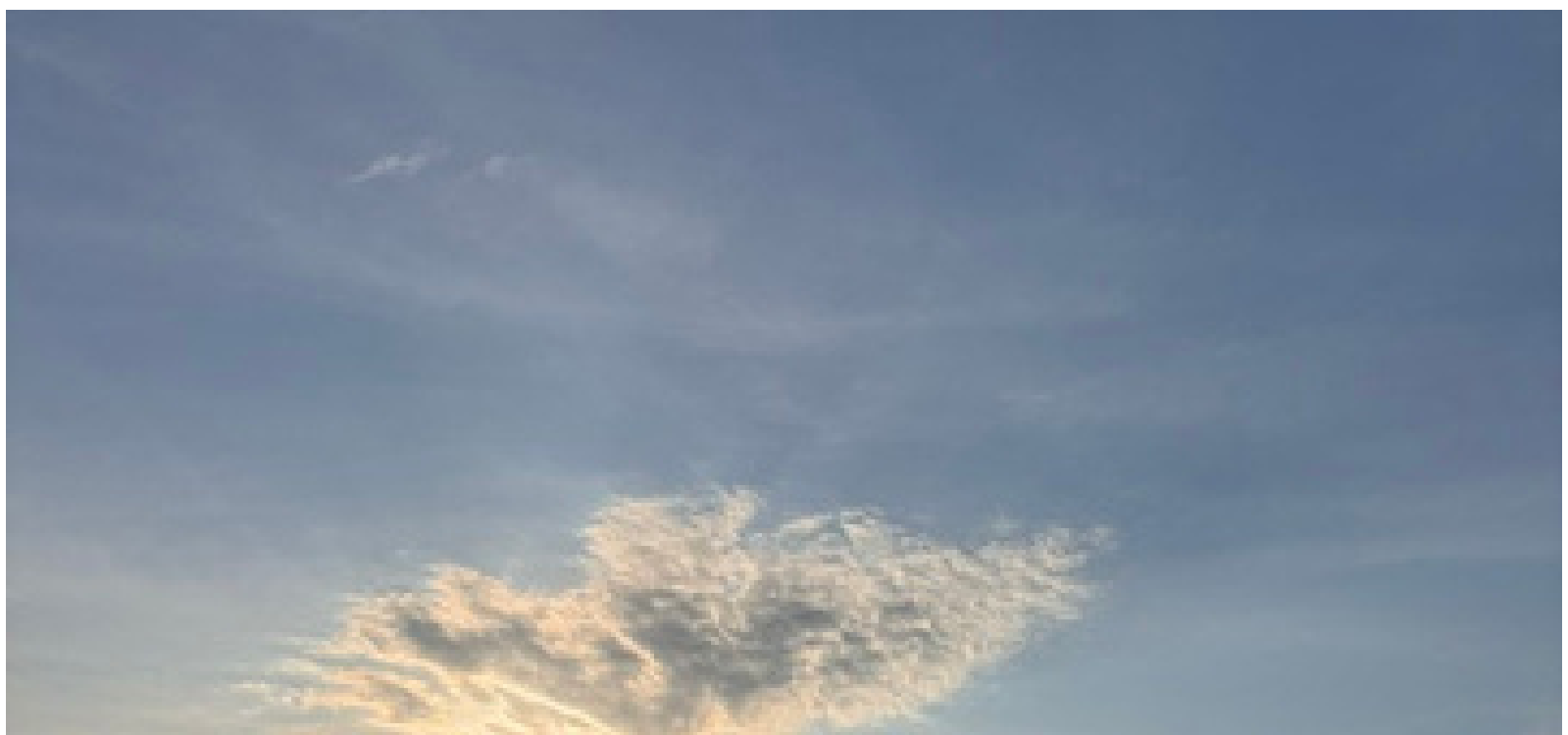
- (1) Short-term rentals shall be registered with the Administrator prior to beginning operation as provided by Code of Virginia § 15.2-983.
- (2) The registration shall be renewed annually; due on or before July 1st of each year. The operator shall complete an application through electronic means or on forms provided by Nelson County that contains the following:
 - (a) Name and contact information of the operator;
 - (b) Property owner's name and contact information;
 - (c) Physical address(es) of the property being rented;
 - (d) Annual registration fee due on or before July 1st of each year.
- (3) Management Plan. A property management plan shall be provided to the Administrator, reviewed annually, and shall demonstrate how the short-term rental will be managed. At a minimum the plan shall include:
 - (a) Local points of contact available to respond to complaints;
 - (b) Number of permitted guests;
 - (c) Parking information;
 - (d) Location of safety equipment, such as fire extinguishers, smoke detectors, and carbon monoxide detectors;
 - (e) Methods of trash management; and
 - (f) If the short-term rental is not serviced by public sewer, the operator shall provide proof as part of the annual registration renewal that septic maintenance has occurred at least once within the three (3) previous calendar years.

F. General.

- (1) The dwelling used as a short-term rental shall comply with all applicable state building code and safety regulations.
- (2) There shall be no change in the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such short-term rentals.
 - (a) Signage indicating the operation of the short-term rental is prohibited..
- (3) At least one fire extinguisher and safety detectors shall be provided in accordance with the management plan.
- (4) No recreational vehicles, buses, travel trailers, or non-permanent structures shall be used in conjunction with the short-term rental.
- (5) All trash shall be stored in closed containers and properly disposed of upon the conclusion of each rental period.
- (6) The rental period for each occupant shall be a period of fewer than 30 consecutive days.
- (7) The operator shall provide notice in the listing that special events and temporary uses as defined by **Article 11**, Definitions, of this Ordinance are prohibited without a valid SUP in accordance with **Article 3**, Permits and Applications, of this Ordinance.
- (8) All noise must comply with Chapter 8, Article II, Noise Control, of the Nelson County Code.

G. Parking.

- (1) The physical and aesthetic impact of required off-street parking shall not be detrimental to the existing character of the house and lot or to the surrounding neighborhood.
- (2) All vehicles of tenants shall be parked in driveways or parking areas designed and built to be parking areas. In the case of multi-unit dwellings, all vehicles shall be parked in spaces specifically reserved for the dwelling unit being rented.
- (3) Parking shall be in accordance with **Article 8**, Community Design Standards, of this Ordinance.



Use Types	C-1 Conservation	A-1 Agricultural	R-1 Low-Density Residential	R-2 Medium-Density Residential	R-3 High-Density Residential	RPC Residential Planned Community	B-1 Highway Business	B-2 Neighborhood Business	SE-1 Service Enterprise	M-1 Light Industrial	M-2 Heavy Industrial	Use Standards Reference
	<i>B = By-Right SUP = Special Use Permit Blank = Not Permitted See Section 6-1-1 B. and Article 5 for Overlay District Use Permissions</i>											
Short-Term Rental, Homestay	B	B	B	B	B	B			B			7-3-10
Short-Term Rental, Hosted Stay		B	B						B			7-3-10
Short-Term Rental, Unhosted Stay		SUP	SUP						SUP			7-3-10



Thoughts? Feedback? Questions?
Ready for public review?

Accessory Dwelling Units (ADU) Division 7-8-5

Definition

Dwelling.⁸ A single unit, providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation; also referred to as dwelling unit.

Dwelling, accessory unit (ADU).⁹ An attached or detached dwelling unit on a residential dwelling lot that:

1. Provides complete independent living facilities for one or more individuals;
2. Is located on the same lot as a proposed or existing primary residence; and
3. Includes facilities for living, sleeping, eating, cooking, and sanitation.

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Dwelling, Accessory ¹	B	B	B	B		B			B			7-8-5

A. **General Standards.**⁸⁰

- (1) Dwelling, Accessory Unit is permitted in accordance with Code of Virginia § 15.2-2292.3.⁸¹
- (2) Accessory dwelling units (ADU) shall only be allowed as accessory to a single-family detached dwelling, as defined in **Article 11**, Definitions, of this Ordinance.
- (3) An accessory dwelling may be within (e.g., a basement or upstairs apartment), attached to, or be detached from (e.g., a guesthouse) the primary dwelling.
 - (a) A detached accessory dwelling must be separated from the primary dwelling by at least 15 ft.
 - (b) Attached accessory dwellings may be connected by a common wall or a breezeway no longer than 15 ft.

⁷⁹ Editor's Note: This section contains all new provisions related to accessory dwellings. Name changed in accordance with [SB531](#).

⁸⁰ Editor's Note: Removed the requirement for architectural compatibility with the primary structure, the requirement for exterior entrances to appear as a SFH, and the prohibition of using a recreational vehicle as an ADU in accordance with [SB53](#).

⁸¹ Editor's Note: A. (1) added to reference state code § 15.2-2292.3.

- (4) The ADU shall not be subdivided or otherwise segregated in ownership from the principal dwelling.⁸²
- (5) Accessory dwellings must comply with:⁸³
 - (a) Building codes, including the requirements of the Uniform Statewide Building Code (§ 36-97 et seq.), for an accessory dwelling unit if the ADU is attached or for a dwelling unit if the ADU is detached;
 - (b) Water, sewer, septic, emergency access, flood zone, and stormwater requirements;
 - (c) Historic and architectural districts and corridor protection restrictions; and
 - (d) Air Installations Compatible Use Zone restrictions.

B. **Development Standards.** ⁸⁴

- (1) **Density.** Maximum of one (1) ADU per lot.
 - (2) **Parking.** One off-street parking space must be provided for the accessory dwelling in addition to any requirements in **Article 8**, Community Design Standards, of this Ordinance.
 - (3) **Square Footage.** The floor area of an ADU must not exceed 50% of the finished area of the first floor of the primary dwelling, except that the minimum required floor area shall not be less than 500 square feet. ⁸⁵
 - (4) Accessory dwellings must adhere to the dimensional requirements **for a single-family dwelling** in the applicable zoning district as provided for in **Article 4**, Primary Zoning Districts, of this Ordinance. ⁸⁶
 - (5) No accessory dwelling will be permitted to exceed the height of the primary dwelling.
- C. **Nothing in this section shall apply to any existing permits for an ADU approved by the County prior to July 1, 2027.** ⁸⁷

My questions for you...

- Proposed limited to 50% of the floor space of the primary dwelling...?
- One ADU per lot permitted – amend to one per main dwelling (see below)?
- Do we want to permit multiple dwellings per lot? Currently no limit, density one dwelling per 2 acres (limit is on number of lots that can be created).
- Keep at 2 acres per main dwelling + 1 ADU?
- Align number of dwellings per lot allowed with sliding scale?

Review Criteria for SUP

Current:

- a. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;
- b. The use shall be in harmony with the uses permitted by right in the **zoning** district and shall not affect adversely the use of neighboring property;
- c. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and
- d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Proposed:

SUP Criteria... Potential Options

- a. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the county's comprehensive plan and/or this article;
- b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- c. Will not be hazardous or disturbing to existing or future neighboring uses;
- d. If applicable, will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structure, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- e. Will not create excessive additional requirements at public costs for public facilities and services and will not be detrimental to the economic welfare of the community;
- f. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or water pollution;
- g. If applicable, will have vehicular approaches to the property which shall be so designed as not to create any interference with traffic on surrounding public streets or roads; and
- h. Will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

State Code Compliance

#	Bill	Topic	Status	Mandatory or Optional
1	HB198	Local government; review of decision by board of zoning appeals, procedures for filing petition.	Acts of Assembly/Approved	Mandatory
2	HB277	Zoning; wireless facility modifications, application process.	Acts of Assembly/Approved	Mandatory
3	HB655/ SB346	Zoning; manufactured housing.	Acts of Assembly/Approved	Mandatory
4	HB153/ SB94	Data centers; site assessment, sound profile of the high energy use facility.	Approved	Mandatory
5	HB876	Zoning; wireless facilities, temporary support structures.	Approved	Mandatory
6	SB504	Vested rights; rulings or orders of the local circuit court, residential project.	Approved	Mandatory
7	SB531	Zoning; development and use of accessory dwelling units, delayed effective date.	Approved	Mandatory
8	HB1279/ SB388	Affordable housing; religious organizations and other nonprofit tax-exempt properties.	Governor's Recommendation	Mandatory
9	HB711	Solar facilities; local regulation, special exceptions.	Governor's Recommendation	Mandatory
10	HB888	Minimum off-street parking requirements; definitions, designated areas, administrative reductions.	Governor's Recommendation	Mandatory
11	HB891/ SB443	Siting of battery energy storage projects; commercial solar photovoltaic generation facilities, etc.	Governor's Recommendation	Mandatory
12	SB542	Cannabis control; establishes framework for creation of retail marijuana market, penalties, report.	Governor's Recommendation	Mandatory

Other Topics for Feedback

ADAPTIVE REUSE

RECREATIONAL ACCESSORY STRUCTURE +
PARAMETERS

CAMPGROUNDS

VILLAGES

FARMERS MARKETS AND FARM STANDS (use matrix
and performance standards)