

Draft Zoning & Subdivision Ordinance Changes

The following summary highlights major differences between the existing Nelson County Zoning and Subdivision Ordinances and the new Draft Nelson County Zoning and Subdivision Ordinance, including new content, as proposed to date.

Detailed information about the changes that were made throughout the drafting process is provided as follows:

- Footnotes in the draft ordinance were inserted in black text during the original draft.
- After the joint worksessions revisions were made to the document according to guidance given by the Planning Commission, Board of Supervisors, and staff. These revisions are footnoted in red text.
- Red text within the body of the Articles indicates recent changes necessitated by new Code of Virginia requirements and according to guidance given by the Planning Commission, Board of Supervisors, and staff during the most recent worksessions (in 2026).

The existing Ordinance was analyzed for cohesive flow; clarity; compliance with Code of Virginia; planning best practices; and input from the Board of Supervisors, Planning Commission, Nelson County Staff, and the community feedback received. This process resulted in the rearrangement (combining of articles and sections to provide like-material in one place), revision (changing of content/text for clarity, streamlining, and Code of Virginia compliance), and addition and/or removal of items (for Code compliance and appropriateness for the County's needs).

General Reorganization

The existing Ordinance was reorganized to provide a more user-friendly structure. The Draft Ordinance is organized as follows:

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| • Article 1: General Provisions | • Article 7: Use Performance Standards |
| • Article 2: Administration | • Article 8: Community Design Standards |
| • Article 3: Permits and Applications | • Article 9: Nonconforming Uses, Lots, and Structures |
| • Article 4: Primary Zoning Districts | • Article 10: Subdivisions |
| • Article 5: Overlay Zoning Districts | • Article 11: Definitions |
| • Article 6: Use Matrix | |

Article 1: In General Provisions

Article 1 establishes the legal authority for the County to regulate land through zoning, discusses conflicts with other ordinances, establishes the official zoning map, and details the transition from the existing ordinance.

Some key changes in this Article are:

- Streamlined and reduced text to ease comprehension. Where possible, references to state code sections were inserted rather than repeating those provisions within the Ordinance.
- Combined general provisions from the existing subdivision and zoning ordinances to merge into a one ordinance.
- Created procedures governing the creation and maintenance of the Official Zoning Districts Map.

Article 2: Administration

Article 2 details the powers and duties of the relevant bodies and entities responsible for administering the Ordinance. This Article also discusses the required enforcement and fee structure for the Ordinance. Some key changes in this Article are:

- Created provisions for the official appointment, powers, and duties of the Zoning Administrator.
- Moved provisions regarding the Planning Commission from Chapter 9 of the County Code into this Article.
- Included provisions to allow for civil penalties for violations of the Ordinance prior to the issuance of criminal charges.
- Created the framework for a countywide schedule of fees that can be created administratively outside of the Ordinance.

Article 3: Permits & Applications

Article 3 details the requirements for zoning permits and applications, including: rezonings, special use permits, variances, zoning permits, zoning determinations, temporary use permits, and site plans. This Article also includes the process for appeals, public hearings, and notification requirements. Some key changes in this Article are:

- Streamlined application requirements allow the Zoning Administrator more flexibility in determining what is needed for an application to be deemed complete.
- Developed concept plan requirements for most applications, unless the Administrator determines that a site plan is needed.
- Removed the required content for a major site plan from the Ordinance in favor of an administratively determined list to allow more flexibility and to reduce the need for zoning text amendments when additional requirements are desired.
- Allowed all minor and major site plans to be to be approved or denied by the Administrator.

- Added a new provision requiring the posting of a notice sign near the road on all properties undergoing potential zoning action.
- Removed the notary requirement for applications.
- Added requirement to include agricultural and forestal districts on site plans.

Article 4: Primary Zoning Districts

Article 4 includes regulations and procedures for the primary zoning districts within the County, including provisions that apply to all districts, the district standards for each district, cluster development standards, and new provisions for affordable housing that are required by Code of Virginia as of April 2026. Some key changes in this Article are:

- Added Division 4-9 in response to 2026 state legislation requiring localities to permit affordable housing on certain tax-exempt properties.
- Revised the descriptors for several districts to differentiate the districts and align them with their intent statements. This includes:
 - R-1, Low-Density Residential District
 - R-2, Mid-Density Residential District
 - B-1, Primary Business District
 - B-2 Neighborhood Business District
 - M-1, Light Industrial District
 - M-2, Heavy Industrial District
- Modified the intent statements for the primary zoning districts to clarify their purpose.
- Clarified how the standards contained within the Article are to be applied, measured, and determined.
- Added regulations for steep and critical slopes. The regulations in Section 4-2-3 include:
 - Established a purpose of protection of downstream lands and waterways, emergency vehicle access, and protection of the visual quality of steep and critical slopes.
 - Requirement to provide detailed maps and plans that cover mitigation measures on steep slopes and a Special Use Permit on critical slopes.
 - A 10% grade limit for roads and driveways to allow emergency vehicle access.
 - Utility limits on slopes greater than 15%.
 - Revised definitions for critical areas and steep slopes.
- Family subdivision standards are consolidated in one location, exempted them from sliding scale, and set the minimum lot size at one acre.
- Consolidated standard exemptions into one section to apply to all districts.
- Removed minimum yard requirements from all districts due to redundancy with setbacks.
- Modified front setback measurements to measure from the edge of the road right-of-way rather than the centerline for clarity and ease of measurement.

- The district standards for C-1 and A-1 have been modified as follows:
 - Sliding scale zoning was revised.
 - Minimum lot size in C-1 set at 20 acres.
 - Minimum lot size in A-1 set at two acres.
 - The reduced minimum lot size for lots served by private water and sewer has been removed.
 - Required road frontage in A-1 increased to 150 feet.
 - The allowance for additional building height by SUP was removed.
- The district standards for R-1 have been modified as follows:
 - The reduced minimum lot size for lots without public water and sewer was removed.
 - Minimum lot size was changed from 2 to 1 acre; the front setback from 50 to 35 feet; and frontage from 125 to 100 feet.
- The district standards for R-2 were modified in the following ways:
 - Development within R-2 no longer requires public water & sewer.
 - Minimum lot size for lots without public water and sewer is 1 acre, and for lots with public water and sewer 20,000 square feet (~1/2 acre).
 - Scaled front setbacks based on road frontage were removed in favor of a single 35-foot setback.
 - Frontage was changed from 100 to 75 feet.
- The R-3, High-Density Residential District, was added as a new district. This district is intended for multi-family developments and has lower district standards than R-1 and R-2 to allow denser development which is required to be served by public water and sewer.
 - Frontage was changed from 75 to 50 feet.
- District standards for commercial districts have been modified to create a more tiered approach for commercial activities depending on their location within the County.
- The district standards for B-2 were modified as follows:
 - A minimum lot size of 20,000 square feet (~1/2 acre) was added.
 - Setbacks were added that reflect a mid-point in intensity between B-1 and SE-1.
- The M-2 District has many new standards such as minimum lot sizes, setbacks, and height. These are not in the existing Ordinance, and are designed to better protect the surrounding lands, especially when bordering rural or residential districts.
- Cluster housing development standards were modified as follows:
 - Private streets are required to be built to VDOT standards.
 - Lots serving internal lots in cluster developments must be setback at least 100 feet from any road or property line. Setbacks for structures located on the internal lots are listed in the district standards.
 - Maximum density was increased.

- Minimum lot sizes were reduced and differentiate those lots being served by public water or sewer. The maximum lot size for developments with public water or sewer was removed.
- Additional density requirements were included based on a point system to allow more housing density if the developments include certain features that improve the community, preserve the character of the development, or address sustainability.
- A new division was added for affordable housing developed by religious organizations and other nonprofit tax-exempt properties in accordance with the changes required by the General Assembly in April 2026.

Article 5: Overlay Zoning Districts

Article 5 includes the regulations and procedures for overlay zoning districts within the County, including provisions for floodplains and three new overlay districts: the Village Overlay (VO), the Route 29 Corridor Overlay (CO29), and Route 151 Corridor Overlay (CO151). Some key changes in this Article are:

- General Floodplain District provisions were mostly carried over from the current ordinance and were reorganized. In some cases sections were reworded or modified to improve clarity and match FEMA's model ordinance.
- VO Village Overlay District is a new district with standards intended to modify underlying district standards in rural villages to promote traditional village design principles. Some of the key standards include:
 - Decreased minimum lot sizes and setbacks, especially if served by public water and sewer.
 - Additional landscaping requirements (included in Article 8).
 - Limited size of commercial uses.
 - Parking located at the rear or side of buildings.
 - Roads built to VDOT standards and accepted into the VDOT system.
 - Pedestrian accommodation for new roadways.
- The CO29 Route 29 Corridor Overlay District is new. Its standards are intended to promote commercial activities along Route 29 while maintaining high quality development and improved aesthetics along the County's main gateway corridor. Some key standards include:
 - CO29 overlay will apply to any new commercial or industrial developments within 500 feet on either side of Route 29, except for the area contiguous to Lovingson, which is defined in Section 5-4-1 Applicability.
 - New developments are required to address impacts on traffic.
 - A landscape plan in conformance with Article 8 is required.
 - Certain uses are prohibited or require a SUP per Section 5-4-3 Permitted Uses.
 - Sign standards were added to encourage signs that complement the natural beauty of the County.

- Roads built to VDOT standards and accepted into the VDOT system.
- Reduction of access points along Route 29 and encouragement of interconnectivity between developments.
- The CO151 Route 151 Corridor Overlay District is new. Standards are intended to preserve the rural and scenic character of this gateway corridor and to protect its role as an outdoor, rural tourism destination. Some key standards include:
 - CO151 overlay will apply to any new commercial, and minor/major subdivision developments within 500 feet on either side of Route 151, from the Albemarle County boundary to the intersection at Rhue Hollow Road.
 - New developments are required to address impacts on traffic.
 - A landscape plan in conformance with Article 8 is required.
 - Certain uses are prohibited or require a SUP per Section 5-5-3 Permitted Uses.
 - Open space requirements.
 - Cluster Development standards that are unique to the overlay.

Article 6: Use Matrix

Article 6 contains a matrix that includes all allowable uses within the County, and which districts these uses are allowed in, either by right or by special use permit. The matrix also provides a reference to use performance standards in Article 7 for specific uses. Some key changes in this Article are:

- Existing uses consolidated into broader categorical uses that can apply to a wide range of uses rather than overly specific uses.
- Modernized use terms and added new and emerging land uses.
- Included uses required by, and modified permissions to ensure compliance with, the Code of Virginia. These include changes required by the General Assembly in April 2026.
- Added new land uses based on planning best practices, public engagement results, and guidance from the Comprehensive Plan.
- Provided definitions for every allowable use in Article 11, Definitions.

Article 7: Use Performance Standards

Article 7 establishes performance standards for specific land uses to mitigate potential externalities that may affect the health, safety, and welfare of the surrounding area and community. Standards include operational, locational, and design requirements. Uses in this Article are required to adhere to the standards regardless of their use permission established in Article 6 (by right or by special use permit). These standards are baseline mandatory requirements; if a use is allowed by special use permit the County may add additional standards as conditions. Some changes in this Article are:

- Added new use standards for many land uses based on requirements from the Code of Virginia, best planning practices, public engagement results, or guidance from the Comprehensive Plan.
- Included additional standards for Home Occupations, both Class A & B.
- Modified standards for telecommunications facilities to meet state and federal requirements.
- Added standards for newer uses, such as data centers, short-term rentals, smoke/vape shop, resort, and retreat center.
 - Added standards for three types of short-term rentals.
- Added adaptive reuse project standards and incentives.
- The standards for data centers, wireless facilities temporary support structures, accessory dwelling units, solar facilities, and battery energy storage projects were revised in accordance with the changes required by the General Assembly in April 2026.

Article 8: Community Design Standards

Article 8 contains design standards for the following: lighting, landscaping, walls and fences, streets, bikeways and sidewalks, parking and loading, and signage. Most of this Article is new content, as follows:

Division 8-1. New content. General — states the purpose and provides for visibility clearance at intersections.

Division 8-2. New content. Lighting — standards are included that are compliant with recommendations from the International Dark Skies Association. These standards apply to all new lighting in the County. However, several exemptions include: agriculture lighting, single-family residential lighting, and athletic facility lighting. These provisions help preserve night skies and reduce light pollution while providing for safety.

Division 8-3. New content. Landscaping and Screening — protects the visual character and natural environment and provides safety and privacy measures while promoting economic development. The landscape standards address buffers between districts with differing intents and density, such as commercial districts adjacent to residential. Existing parking lot landscaping is included in this division and has been edited based on best practices and clarity. Frontage landscaping was added as a requirement along CO151 and CO29 Overlay Districts. Tables were added to ease referencing and use of the Ordinance.

Division 8-4. New content. Walls and Fences — provided standards to ensure that walls and/or fences provide buffering, privacy, separation, security, and aesthetic functions. Standards apply to all construction, reconstruction, or replacement of walls and/or fences in the Village Overlay, CO151, and CO29 Overlays.

Division 8-5. Some new content. Streets, Bikeways, and Sidewalks — ensure adequate and safe pedestrian and vehicular improvements and connectivity. The provisions apply to all subdivisions and developments requiring submittal of site plans, unless granted a waiver if necessary to meet stormwater quality

requirements on sites greater than one acre. This division was added to help implement comprehensive plan strategies, but it does contain content regarding streets from the existing subdivision ordinance.

Division 8-6. Parking and Loading — established standards for off-street parking and off-street loading areas. Standards were expanded to include all areas of the County. Table 8-6 consolidates minimum parking requirements into a user-friendly format. Bicycle parking requirements are added for CO151 and allowed in other districts for credit toward required vehicle spaces. In general, the amount of parking required for new developments has been lowered to reduce pervious surfaces and unnecessary development.

The standards for minimum off-street parking requirements were revised in accordance with the changes required by the General Assembly in April 2026.

Division 8-7. Sign regulations were revised for compliance with Code of Virginia and the findings of *Reed v. Gilbert* case law. Sign size standards were modified based on zoning districts, while overlay district standards supersede the underlying district standards. Included is a list of signs that are prohibited, and a list of signs that are exempt from regulation. Sign standards were formatted into tables for ease of reference.

Article 9: Nonconforming Uses, Lots, & Structures

Article 9 includes the regulations and procedures for legally protected status to land uses, lots, and structures that are conforming with the existing Ordinance but may not conform to the new Ordinance at the time of adoption. Many of the regulations found within this Article are controlled by state and federal codes but some changes have been made. Some key changes in this Article are:

- Reorganized and streamlined provisions by referencing state code sections where possible and clarified any conflicting regulations.
- Removed the provision to allow for discontinued nonconforming uses to apply for an extension of their nonconforming use after two years of discontinuation.
- Added a provision to allow for building on nonconforming lots with reduced setbacks in certain circumstances.

Article 10: Subdivisions

Article 10 establishes the regulations for subdividing land in the County. The standards were expanded upon and updated to ensure compliance with the Code of Virginia. Below is a synopsis of the Divisions in Article 10 and noted changes:

Division 10-1. General. — established subdivision regulations, exemptions, and exceptions. Most of this division is new content.

Division 10-2. New content. Types of Subdivisions — established four types of subdivisions: major, minor, single lot, and family.

Division 10-3. Design Requirements — established requirements for how subdivisions are designed and managed, such as lot configurations and homeowners’ associations. Most of this Division is new content.

- All street, bikeway, and sidewalk standards are now in Article 8 rather than being in both 8 and 10.

Division 10-4. Guarantees — established the type, amount, and release of guarantees required for public and other site-related improvements. This Division streamlined and reorganized content from the existing Subdivision Ordinance and ensures Code of Virginia compliance.

Division 10-5. through **Division 10-8.** — Outlined required elements for plats, review timeframes, and approval and disapproval actions. Incorporated recent state code changes that reduce the review timeframes and remove the Planning Commission from the approval/disapproval process.

Division 10-9. Enforcement, Violations, and Fees — provided enforcement measures, penalties, and fees associated with the subdivision regulations.

Article 11. Definitions

Article 11 contains all definitions for the entire ordinance. Definitions have been updated per Code of Virginia. All uses are included and have been updated. New definitions were added in accordance with the changes required by the General Assembly in April 2026.

Comprehensive Plan Implementation

The following table articulates how the updated Zoning and Subdivision Ordinance will help to implement the Nelson County Comprehensive Plan.

COMPREHENSIVE PLAN STRATEGIES ADDRESSED	
Strategy Number	Strategy Text
3.1	Review and update alternative energy standards to ensure the adopted standards protect rural character and the interests of the community.
3.10	Continue to encourage and administer cluster subdivision regulations and incentivize their use in rural areas of the County to preserve open space and reduce the impact of development. Regularly evaluate and modify cluster subdivision regulations as needed to ensure they are effective and meet County standards.

COMPREHENSIVE PLAN STRATEGIES ADDRESSED	
Strategy Number	Strategy Text
3.11	Discourage the use of large-scale development in Montebello through Zoning. Conduct a regular review of zoning and land development codes and ordinances on a yearly basis to ensure compatibility with the goals, objectives, and recommendations of this Plan.
3.13	Update land use regulations to provide clear and simplified requirements that promote economic development, enable creative housing choices, and protect sensitive resources.
3.14	Review the zoning ordinance, and amend it as necessary, to allow for a wider mix of use types, including accessory dwellings and mixed-use buildings.
3.15	Encourage new development in designated growth areas so that existing infrastructure can be efficiently used, and rural lands will be protected from development.
3.16	Ensure that a natural transition is maintained between the Land Use Elements through careful development review.
3.17	Discourage the use of large-scale development in Montebello through zoning actions.
3.4	Encourage the use of energy-efficient lighting and investigate outdoor light standards to reduce the impacts of over-lighting, glare, and light pollution.
3.5	Explore changes to zoning and development provisions to update parking requirements and encourage permeable paving and other materials that promote infiltration of stormwater.
3.6	Revise landscaping regulations to require the placement of shade trees in parking lots and use of native plants in all commercial and institutional landscaping.
3.7	Identify opportunities to connect neighborhoods and development through sidewalks, shared paths, and trails. Require such connections in new development or redevelopment proposals.
3.8	Encourage revitalization, repurposing, and rehabilitation of existing structures by promoting available resources, such as grants and tax credits, and pursuing funding to support such efforts.
4.10	Support an expanded greenway trail network and ensure that the trail network connects to key public destinations such as parks, libraries, schools, and community centers, as well as to private developments and other trail systems, including regional trail networks.
4.13	Work with community organizations to help facilitate the installation of EV charging stations in the County.
4.7	Identify areas to construct or expand natural trails and sidewalks for pedestrian traffic.
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.
5.16	Protect and connect to the surrounding environment by encouraging cluster development and green infrastructure principles for new developments.
5.11	Target housing near the County's existing growth areas where public utilities are available with a range of housing types and densities.

COMPREHENSIVE PLAN STRATEGIES ADDRESSED	
Strategy Number	Strategy Text
5.15	Explore opportunities to implement cluster subdivision provisions within the Subdivision Ordinance.
5.16	Protect and connect to the surrounding environment by encouraging cluster developments and green infrastructure principles for new developments.
5.2	Consider allowing accessory dwelling units by right through zoning changes that can allow affordable rental options that benefit renters and homeowners.
5.4	Create ordinances that offer a mixture of housing types and sizes integrated within the development area, including affordable and senior housing.
5.5	Expand the types of allowable housing in appropriate areas to accommodate multi-family housing unit, such as townhouses, condominiums, and duplexes.
5.6	Evaluate current zoning district densities and adjust them to allow for additional housing in appropriate areas.
6.1	Define and guide development on steep slopes to maintain balance between slope, soils, geology, and vegetation. Where disturbance is unavoidable, enforce erosion and sediment control measures to prevent unnecessary degradation.
6.10	Condition approval of operations utilizing underground storage tanks (USTs) on assurances guaranteeing proper closure or removal of unused USTs and remediation of impacted soils.
6.24	Encourage architectural compatibility of new development, including infill development, where significant historic resources exist.
6.27	Continue improving flood resiliency by updating the Floodplain District Ordinance as needed to reflect new flood maps and best practices, and participating in FEMA's Community Rating System.
6.28	Continue working toward the stated goal of becoming a SolSmart-designated community.
6.29	Encourage and incentivize green building certifications, energy efficiency, and renewable energy sources for new developments and existing development retrofits.
6.3	Implement green infrastructure principles to preserve and connect natural habitats to support native species and wildlife.
6.30	Consider amendments to existing ordinances to encourage installation of solar panels on existing impervious surfaces, such as rooftops and parking lots.
6.31	Strengthen performance standards for ground-mounted solar energy systems to protect existing landscapes, such as limiting clear-cutting on undeveloped parcels, specifying minimum vegetation requirements, and increasing perimeter buffer widths.
6.4	Support the use of low impact development and stormwater best management practices to reduce nonpoint source pollution in local waterways.
6.14	Carefully consider noise intensive uses near residential or rural properties, and require noise mitigation efforts such as perimeter buffers and sound barriers.

COMPREHENSIVE PLAN STRATEGIES ADDRESSED	
Strategy Number	Strategy Text
6.15	Adopt an outdoor lighting ordinance with design and performance standards that increase safety and protect dark skies, consistent with International Dark Sky Association recommendations.
7.10	Expand water access, trails, and bike infrastructure to promote outdoor recreation to encourage connection with the outdoors, encourage healthy recreation activities and enhance transportation options.
7.13	Support multiple revenue streams for farmers by reviewing and amending ordinances to better allow farmers to host complementary agritourism uses on agricultural properties.
7.16	Review and modify the Zoning Ordinance, as necessary, for regulations regarding special event venues and temporary events in the County.
7.18	Update and enforce the temporary event ordinance to protect Nelson's rural character.
7.5	Support private and public investments in the County's service economy to provide long-term economic and community growth and stability.
7.6	Promote and support community centers as hubs for education and economic development.
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.
8.25	Support expansion of cellular service quality and availability through cooperation with cellular providers. Evaluate the need for planning and zoning changes to improve service.
8.29	Develop a strategy for greater investment in personnel, facilities, and/or public-private partnership as needed to expand access to childcare programs.