

Nelson County Zoning and Subdivision Ordinance Update

Planning Commission and Board of Supervisors
Joint Worksession 2
February 26, 2025





Agenda

- Schedule & Progress to Date
- Article Review
 - Article 1 – General Provisions
 - Article 2 – Administration
 - Article 3 – Permits & Applications
 - Article 9 -- Nonconforming Uses, Lots, and Structures
 - Article 11 - Definitions
- Next Steps

Project Overview & Schedule



****See Attachment A: Meeting Schedule***

Draft Ordinance Structure

Article 1 – General Provisions

Article 2 – Administration

Article 3 – Permits & Applications

Article 4 – Primary Zoning Districts

Article 5 – Overlay Zoning Districts

Article 6 – Use Matrix

Article 7 – Use Standards

Article 8 – Community Design Standards

Article 9 – Nonconforming Uses, Lots, and Structures

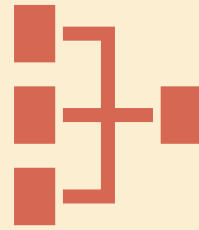
Article 10 – Subdivisions

Article 11 – Definitions

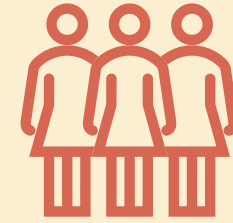
Drafting Process



Update to reflect and include all Code of Virginia requirements



General reorganization to simplify and ease burden on the reader



Update to reflect needs and desires of the community, staff, and comprehensive plan.

Article Review

Article I – General Provisions

Driven by Code of VA requirements

- Update text to comply with Code of Virginia requirements
- Streamline and simplify text for easier comprehension
- Included sections from both the Zoning Ordinance and Subdivision Ordinance to apply to both
- Created official Zoning Map regulations

Division 1. Enactment and Authority

Division 2. Ordinance Conflicts and Interpretations

Division 3. Zoning Districts Map

Division 4. Transition of Regulations After Adoptions



****See Attachment B***

Article I – General Provisions

Revisions to Note

- Updated the purpose of the Ordinance to align with §15.2-2283
- Established regulations governing the official Zoning Map, where it is located and who is responsible for interpreting it (Zoning Administrator)
- Included provisions about transition to new Ordinance
 - This is further expanded in Article 9, covering nonconformities
 - Also discusses any outstanding development already approved, but not completed, prior to adoption

Article 2 – Administration

Administration of the Ordinance

- Details powers and duties of responsible agents for administration of Ordinance
- Includes provisions for the Zoning Administrator, Planning Commission, and BZA
- Regulates enforcement of the Ordinance and any associated fees

Division 1. Zoning Administrator and Subdivision Agent

Division 2. Planning Commission

Division 3. Board of Zoning Appeals

Division 4. Enforcement

Division 5. Fees

****See Attachment C***



Article 2 – Administration

Revisions to Note

- Created official powers and duties of the Zoning Administrator, “Administrator” throughout the Ordinance
- Moved provisions governing the Planning Commission to this Article
 - These provisions will need to be repealed from Chapter 9 of the County Code
 - Removed voting power from BOS representative on PC
- Added civil penalties as an alternative form of violation enforcement
- Created provisions for a County-wide schedule of fees to be adopted by the BOS on an annual basis
- Allow for the County to charge applicants for any required professional services (i.e., professional engineer review)

Article 3 – Permits & Applications

Process for Zoning Actions

- Division 1. In General
- Division 2. Zoning Text and Map Amendments
- Division 3. Conditional Zoning and Proffers
- Division 4. Special Use Permits
- Division 5. Variances
- Division 6. Concept Plans & Site Plans
- Division 7. Zoning Permits
- Division 8. Temporary Use Permits
- Division 9. Zoning Determinations
- Division 10. Appeals
- Division 11. Public Hearings and Notifications



****See Attachment D***

Article 3 – Permits & Applications

Revisions to note

- Added preapplication and community meetings as optional services for applicants
- Removed minimum submission standards to be administratively determined
- Requiring ownership disclosure for PC/BOS in accordance with Code of Virginia
- Requiring a notarized oath for rezonings, variances, and SUPs
- Modified provisions for including expiration time limits on SUPs
- Added required regulations about posting a public notice sign on properties undergoing zoning action.

Article 3 – Permits & Applications

Revisions to note – Concept & Site Plans

- Require only a concept plan for most zoning actions, unless Administrator determines a site plan is needed or requirements for a site plan are triggered
- Concept plan and minor site plan requirements included in Division 3-6
- Moved requirements for major site plans to be administratively determined
- Minor site plans are approved by administrator, major by PC



DEVELOPMENT REVIEW GUIDE Concept Plans



What is a Concept Plan?

A concept plan is a generalized plan indicating the boundaries of proposed development and presenting the general arrangement of proposed buildings, uses, structures, and improvements. Concept plans are also sometimes referred to as general plans or generalized development plans.

Concept Plan Typical Requirements:

Mapped Plan:

- 1 A plan of the property showing all property lines, existing streets, and subdivisions
- 2 General location and

Concept Plan Example:



DEVELOPMENT REVIEW GUIDE Site Plans



What is a Site Plan?

A site plan is a plan prepared by a professional engineer or land surveyor showing all proposed construction and improvements to a site. A site plan should show compliance with local ordinances and include all covenants, grants, or easements and other conditions relating to use, location, density, and bulk of buildings, open space, public facilities, or other information required by the locality. Preliminary and final site plans are subject to approval and validity time periods as set by state code. (Virginia Code §§ 15.2-2241 through 15.2-2246)

Site Plan Typical Requirements:

A locality can require preliminary and final site plans. Preliminary site plans give the locality the opportunity to review development proposals to offer feedback to the applicant and clarify terms and conditions of final approval. A preliminary site plan should include:

Article 9 – Nonconforming Uses, Lots, & Structures

Dictates properties & uses that don't conform to new Zoning Ordinance

- Regulated through Code of Virginia
- Addresses instances where an existing lot, use, or structure doesn't meet standards in the new Ordinance but did under old Ordinance
- Allows those nonconformities to exist with specific restrictions

Division 1. General

Division 2. Nonconformities



****See Attachment E***

Article 9 – Nonconforming Uses, Lots & Structures

Revisions to Note

- Existing provision that allowed nonconforming uses to waive a fee for a rezoning/SUP has been expanded to include buildings and lots
- Now allow a nonconforming use to expand into a pre-existing building
- No longer allow for extension of nonconforming uses after discontinued for two years
- Allow lots to be used or built upon when they can't meet front setback if the front setback is no greater than the average of adjoining lots

Article I I – Definitions

Currently only includes definitions for Article 1, 2, 3, & 9

- Added several new definitions and abbreviations for current Articles
- Modified some definitions from existing (**See Attachment G*)
- Definitions based on Code of Virginia and planning best practices

Division 1. Abbreviations

Division 2. Word Usage

Division 3. General and Use Definitions

Division 4. Overlay District Definitions

**See Attachment F*

Questions & Discussion

Next Steps

Zoning Districts
(Articles 4, 5)
April 23

- Joint Kickoff Work Session
- Public Workshops – October 22 & 30
- Focus Groups – October 30
- Work Session 1: Public Engagement Summary and Table of Contents Crosswalk – December 18
- Draft Ordinance Articles
- Work Sessions 2-6 – Feb. 2025 through Oct. 2025
- Public Open House and Review – Nov. 2025
- Pre-Adoption Worksession – December 2025
- Final Revisions
- Public Hearings & Adoption – Feb. & March 2026



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