

# ATTACHMENT E

Nelson County, Virginia, Zoning & Subdivision Ordinance

Draft Article 11 – Definitions

April 23, 2025

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*This Article will contain all the definitions for the Zoning & Subdivision Ordinance. As articles are drafted, definitions related to the new proposed articles are added here for context and review. **\*The most recent text related to the current Articles under review are highlighted in green to ease review.***

## Article-11 Definitions

### Division 11-1 Abbreviations

A. Abbreviations used in this Ordinance are listed below with the term they abbreviate.

- (1) ANSI: American National Standards Institute
- (2) BFE: base flood elevation
- (3) BOS: Board of Supervisors
- (4) BZA: Board of Zoning Appeals
- (5) DEQ: Department of Environmental Quality
- (6) DU: dwelling unit
  - (a) du/acre: dwelling unit per acre
- (7) FT: feet
- (8) LF: linear foot
- (9) N/A: not applicable
- (10) PC: Planning Commission
- (11) SF: square feet
- (12) VDH: Virginia Department of Health
- (13) VDOT: Virginia Department of Transportation
- (14) USBC: Uniform Statewide Building Code
- (15) ZA: Zoning Administrator

### Division 11-2 Word Usage

A. For the purposes of this Ordinance, certain words or terms shall be defined as follows:

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- (1) Words used in the present tense include the future. Words in the singular include the plural, and the plural includes the singular.
  - (2) The word "shall" or "must" is always mandatory; the word "may" is permissive.
  - (3) The words "may not" indicate a prohibition.
  - (4) The words "used for" include "designed for," "arranged for" or "occupied for."
  - (5) The word "building" includes "structures" and shall be construed as if followed by the phrase "or part thereof."
  - (6) The word "person" includes "individual," "partnership," "company," "profit or nonprofit corporation," "organization" or other similar entities.
  - (7) The word "erected" shall be deemed also to include "constructed, reconstructed, altered, placed, or moved".
  - (8) The word "State" means the Commonwealth of Virginia.
  - (9) The word "County" means Nelson County, Virginia.
  - (10) The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building".
  - (11) Unless otherwise specified, the term 'day' means a calendar day.
  - (12) Unless otherwise specified, all distance shall be measured horizontally and at right angles to the line in relation to which the distance is tied.
  - (13) The terms "architect," "engineer," "landscape architect," and "surveyor," or other profession listed, refer to those professionals who are registered with the Virginia Department of Professional and Occupational Regulation to practice those professions.
  - (14) The words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning.
- B. When a term or phrase is not specifically defined within this Article, the common definition of such term or phrase shall be applied per the Merriam-Webster Dictionary.
- C. See **Article 11, Division 4** for definitions that specifically pertain to the Floodplain Management Overlay District.

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## Division 11-3 General and Use Definitions

**Act of God.** Pursuant to the Code of Virginia § 15.2-2307(E), any natural disaster or phenomena including, but not limited to, a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or fire caused by lightning or wildfire.

**Accessory Use or Structure.** A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building.

**Adjacent.** To be separated by common property lines, lot lines, streets, or roads; also known as: abutting, adjoining, contiguous, or touching.

**Adjoining.** Touching and/or contiguous to.

**Administrator.** The person or their designated agent responsible for the administration and enforcement of this Ordinance. The term Administrator shall apply to the Subdivision Agent and Zoning Administrator.

**Area, buildable.** The portion of a lot or site, exclusive of required setbacks, landscaping, or open space within which a structure may be built. May also be referred to in this Ordinance as “net area” or “net buildable area.”

**Area, gross.** The total area within a lot before dedication for roads, open spaces, or other public uses – but not including rights-of-way, easements owned by others, or marshlands/wetlands within a development.

**Appeal.** An action taken pursuant to Article 3, Division 10, of this Ordinance.

**Board of Supervisors (BOS).** The County’s governing body. Board of Supervisors members are elected by popular vote and are responsible for enacting ordinances, imposing taxes, making appropriations, and establishing County policy. The Board of Supervisors adopts the comprehensive plan, zoning, and subdivision regulations.

**Board of Zoning Appeals (BZA).** A quasi-judicial board appointed to review appeals and requests for variances made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance and to authorize, upon appeal, variances from the terms of this ordinance when justified by special conditions.

**Boundary.** A line, which may or may not follow a visible feature, that defines the limits of a geographic entity such as a zoning district, block, census tract, county, or place.

**Building.** Any structure having a roof supported by columns, walls, or other means.

**Building height.** The vertical distance, measured in feet, the vertical distance from the established curb grade to the roofline.

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**Building Official.** An appointed official of Nelson County who is responsible for certifying building inspections, and who administers and enforces the provisions of the Nelson County Building Code.

**Certificate of Occupancy.** The permit issued by the building code official that is required under the Uniform Statewide Building Code prior to the use or occupancy of certain buildings and structures.

**Circuit Court.** The circuit court for Nelson County, Virginia.

**Cluster development.** A development design technique that concentrates buildings on a portion or portions of the site to allow the remaining land to be used for recreation, open space, or preservation of land areas.

**Code of Virginia.** The official code of laws of the Commonwealth of Virginia. The term “Code of Virginia” shall include “as amended.”

**Comprehensive Plan.** The official plan of Nelson County that sets forth goals, policies, objectives, or strategies intended to direct the present and future physical, social, and economic development that occurs within the County, adopted pursuant to Code of Virginia, § 15.2-2223.

**Concept Plan.** A generalized plan indicating the boundaries of a tract or tracts of land, and presenting the general arrangement of proposed facilities, uses, structures, and improvements.

**Condition.** A specific requirement, restriction, or provision imposed as part of conditional zoning action that governs the use or development of land. A condition may supplement or modify the regulations of the underlying zoning district and is intended to address potential impacts or promote compatibility with surrounding land uses.

**Conditional Zoning.** A method for rezoning that permits the reasonable and orderly development and use of land with special restrictions in those situations in which unique, specific circumstances indicate that the existing zoning district regulations are not adequate.

**County.** Nelson County, Virginia.

**County Code.** The official code of laws of Nelson County, Virginia.

**County Fee Schedule.** The official schedule of County fees adopted by the Board of Supervisors.

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**Critical slope.** The portion of a lot with a grade of more than 35%, grade being the vertical elevation of land area divided by the horizontal distance.

**Cul-de-sac.** A street with only one (1) outlet having an appropriate turn-around area for safe and convenient reverse of traffic movement.

**Dam.** A manmade structure across a watercourse used to retain water.

**Dam break inundation zone.** The area downstream of a dam that would be inundated or otherwise directly affected by the failure of the dam, as established in Code of Virginia § 10.1-604, as amended. The dam break inundation zone must be shown on the dam break inundation zone map filed with the County and Virginia Department of Conservation and Recreation.

**Deck line.** The intersection of two (2) roof surfaces of a mansard roof forming the highest horizontal line of the steeper roof slope.

**Density.** The number of dwelling units that are allowed on a given unit of land, which will be permitted to include dedicated streets contained within the development. Density is determined by dividing the total number of residential units or lots to be located on the parcel by the area of the base parcel, excluding any minimum required open space.

**Density Bonus.** Pursuant to the Code of Virginia § 15.2-2305.1, as amended, an increase in the maximum allowed gross residential density beyond the usual limit, based on the applicant's request, or, the applicant may choose, a lesser percentage of density increase, or even no increase in density.

**Development.** A tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. The term "development" will not be construed to include any tract of land which will be principally devoted to agricultural production.

**Dimensional standards.** Regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines, including but not limited to maximum building height, maximum floor area ratio, minimum setback and yard requirements, and grade.

**District.** See "Zoning District."

**Division, family.** The division of land for simultaneous conveyance to a member of the immediate family, or beneficiaries of a trust, of the property owner.

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**Engineer.** A professional who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience, and whose competence has been attested, through licensure, as a professional engineer by the Commonwealth of Virginia.

**Engineer, Highway.** The resident engineer employed by the Virginia Department of Transportation.

**Grade, curb.** The elevation of the recognized edge of the street, or centerline of the street, in front of a building or structure.

**Governing Body.** The Board of Supervisors of Nelson County, Virginia.

**Health Official.** An authorized official employed with the Virginia Department of Health.

**Leadership in Energy and Environmental Design (LEED) Certification.** An internationally used green rating designation given to a structure based on its performance in aspects of sustainability, including but not limited to energy use, water efficiency, and indoor environmental quality.

**Lot.** A parcel of land intended to be separately owned, developed, or otherwise used as a unit, established by plat, subdivisions, or as otherwise permitted by law. May also be referred to in this Ordinance as a “parcel”.

**Lot, corner.** A lot abutting on two or more streets at their intersection, where the interior angle of the intersection does not exceed 135 degrees.

**Lot, interior.** Any lot other than a corner lot.

**Lot, regular.** A lot that has direct access to a public or approved private road. They are located, shaped, and oriented to adjacent lots in such a way that the application of general measurements can be reasonably applied, and the location of front, side, and rear setbacks is logically determined by, and related to, adjacent streets and setback patterns.

**Lot, stem.** A lot which does not abut a public street other than by its driveway which affords access to the lot; may also be referred to as a flag lot or pipestem lot.

**Lot, through.** An interior lot, but not a corner lot, abutting on two (2) or more roughly parallel public streets, but not including an alley.

**Lot area.** The total horizontal area included within the lot lines of a lot.

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**Lot coverage.** The percentage of a lot, when viewed from above, that would be covered by a structure or structures (or any part thereof), including driveways, decks, stairs, eaves, and other improvements.

**Lot depth.** The distance between the front lot line and rear lot line of a lot, measured along a straight line.

**Lot frontage.** The horizontal distance between the side lot lines of a lot, measured at the street or road right-of-way.

**Lot line, front.** A lot line connecting the foremost points of the side lot lines and delineating the lot from the abutting street or road.

**Lot line, rear.** A lot line which is opposite and most distant from the front lot line and connecting the rearmost points of the side lot lines.

**Lot line, side.** Any lot line not considered a front or rear lot line.

**Lot of record.** A lot shown upon a plan of subdivision or upon a plat attached or referred to in a deed described by metes and bounds and recorded in the Circuit Court Clerk's Office of Nelson County.

**Lot width.** The horizontal distance between the side lot lines of a lot, measured at the front setback.

**Low-Impact Development (LID).** Methods of stormwater treatment and control that use the natural capacities of soil and vegetation to prevent or reduce stormwater runoff and associated nonpoint source pollution. LID methods may be combined with conventional or structural stormwater treatment systems. May also be referred to as “green infrastructure”.

**Market-rate affordable housing.** A non-subsidized, privately owned dwelling unit that is either rented or owned by those who pay market-rate rents or who paid market value to purchase the property.

**Nonconforming lot.** A lot of record that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

**Nonconforming structure.** An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance, for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

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**Nonconforming use.** The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

**Open space.** The total area, inclusive of both land and water, in a development that is not covered by buildings, roads, driveway and parking areas, or outdoor storage areas – including, but not limited to, land area set aside for passive and active recreation, landscaping, and/or natural preservation.

**Planned Development.** A type of development that is designed and approved as a unified project, typically allowing for a mix of land uses, flexible design standards, and coordinated site planning. Planned developments often depart from traditional zoning requirements in order to promote creative design, efficient land use, and compatibility with surrounding areas.

**Planning Commission.** A board of the local government consisting of such appointed members whose functions include advisory or nontechnical aspects of planning and may also include such other powers and duties as may be assigned to it by the Board of Supervisors.

**Proffer.** A voluntary offer that addresses an impact or impacts from use of property or development, tendered by an applicant for conditional rezoning.

**Public Hearing.** A meeting announced and advertised for soliciting formal public comment on matters under consideration.

**Rezoning.** See “Zoning Map Amendment.”

**Setback.** The minimum distance by which any building or structure must be separated from a street right-of-way or lot line. Any area covered by a roof, such as a porch, will be subject to setback requirements.

**Setback, front.** The minimum distance from the edge of the public right-of-way, inwards towards the lot, until the distance required in the district standards is met. For Stem Lots, the front setback is the minimum distance from the edge of the right of way or “end” of the stem portion.

**Setback, rear.** The minimum distance from the rear lot line, inwards towards the lot, until the distance required in the district standards is met.

**Setback, side.** The minimum distance from the side lot line(s), inwards towards the lot, until the distance required in the district standards is met.



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**Site Plan.** A plan prepared by a professional engineer or land surveyor licensed by the state showing all proposed improvements to the site in accordance with this Ordinance. A Site Plan can be a Minor Site Plan or a Major Site Plan, see Article 3, Division 6.

**Site Plan Review Committee.** The Site Plan Review Committee shall consist of, but is not limited to, representatives from Federal, State, and local governments, utility companies, other agencies and departments, and other professionals as necessary to review, but not limited to, the site plan, subdivision plat, Special Use Permit application, Rezoning application, zoning amendment, in preparation of the Planning and Zoning Director's comments and recommendations.

**Special Use Permit.** An approval for a use that may be appropriate in a zoning district, but because of its nature, extent, and external effects, requires special consideration and restrictions relating to its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

**Steep slope.** The portion of a lot with a grade of more than 20%, grade being the vertical elevation of land area divided by the horizontal distance.

**Structure.** Anything constructed or erected, which requires location on the ground, or attached to something having location on the ground.

**Structure, accessory.** A subordinate structure, use of land, building, or a portion of a main building or use which is clearly incidental to or customarily found in connection with and located on the same lot as the principal structure or use. Accessory structures must not be used for human habitation unless permitted as a Dwelling, accessory, as defined herein.

**Structure, mixed-use.** A building containing residential uses in addition to non-residential uses permitted in the zoning district. Mixed-use structure should not be confused with a mix of uses each in separate structures in a single development.

**Structure, non-residential.** A building or structure, or part of a building or structure, not occupied in whole or in part for the purpose of human habitation. Examples include warehouse and industrial buildings, commercial buildings, buildings for public entertainment, hotels, restaurants, educational buildings, health buildings, etc.

**Structure, principal.** A building in which is conducted the primary use of the lot on which it is situated, or where a lot contains residential uses, the principal structure on the lot will mean the largest building that contains any dwelling unit.

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**Structure, residential.** A building, or any portion thereof, containing a complete set of living accommodations suitable for occupancy by one or more persons, consisting of sleeping, bathroom, and complete kitchen facilities for the exclusive use of such occupants.

**Subdivide.** The process of dealing with land so as to establish a subdivision as defined herein.

**Subdivision.** The division of a parcel of land into two (2) or more lots or parcels of land for the purpose of transfer of ownership or building development, including any parcel previously separated by the owner or prior owner of such land for such purpose. The sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building lots, shall be exempt from the provisions of this Ordinance.

**Subdivision Agent.** An official responsible for administering and enforcing the Subdivision Code of the County.

**Surveyor.** An individual or firm licensed by the Commonwealth of Virginia to practice surveying.

**Use.** The activity occurring on a lot or parcel for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

**Use, accessory.** Uses of land and buildings that are found on the same parcel as the principal use but are subordinate and incidental, including parking.

**Use, principal.** A use that fulfills a primary function of a household, establishment, institution, or other entity.

**Use, secondary.** A use that is intended to provide for the needs and conveniences of residents or property owners within a district and is only permitted in a development which contains one or more approved principal uses.

**Variance.** A reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

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***Vested Right.*** Any written order, requirement, decision, or determination regarding the permissibility of a specific use, structure, or density of a landowner's property that constitutes a significant affirmative governmental act pursuant to the Code of Virginia, § 15.2-2307 and is issued in strict accordance with the requirements of this Ordinance.

***Zoning.*** The process of classifying land within a locality into areas and districts, such areas and districts being generally referred to as "zones," by legislative action and the prescribing and application in each area and district of regulations concerning building and structure designs, building and structure placement and uses to which land, buildings and structures within such designated areas and districts may be put.

***Zoning Administrator.*** The official, or an authorized agent thereof, responsible for administering and enforcing the Zoning Ordinance of the County, also referred to in this ordinance as the Administrator.

***Zoning District.*** A specifically delineated section of the County in which the regulations are uniform and so designated on the Zoning Map.

***Zoning district, overlay.*** A district which addresses special land use circumstances or environmental safeguards by superimposing additional standards and regulations over the underlying Primary Zoning District.

***Zoning Map.*** A legally adopted map depicting the location of each zoning district of the county and all amendments thereto.

***Zoning Map Amendment.*** A change in the zoning or district boundaries of the Official Zoning Map.

***Zoning Permit.*** A permit issued by the Zoning Administrator on an appropriate form or certificate which certifies that a building or use of property complies with the regulations of the Zoning District in which the building or use is located.

***Zoning Text Amendment.*** A revision, change, addition, or deletion of the text of this Ordinance.

## Division 11-4 Overlay District Definitions

### Section 11-4-1 General Floodplain Overlay Definitions

A. For purposes of the Floodplain Overlay District, the following terms will have the meanings respectively ascribed to them, unless the context clearly requires otherwise:

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**100-Year Flood.** The flood having a 1% chance of being equaled or exceeded in any given year. It does not imply that no greater flood is likely to occur, nor that such a flood will not happen more often than once every 100 years.

**Base flood.** The flood having a 1% chance of being equaled or exceeded in any given year.

**Base flood elevation (BFE).** The Federal Emergency Management Agency designated 100-year water surface elevation. The water surface elevation of the base flood in relation to the datum specified on the community's flood insurance rate map. For the purposes of this Division, the 100-year flood or 1% annual chance flood.

**Basement.** A portion of a building where at least 50% of the exterior wall area between the floor and the ceiling is below ground level.

**Development.** Pursuant to the Code of Virginia § 15.2-2201, a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. The term "development" will not be construed to include any tract of land which will be principally devoted to agricultural production.

**Dock.** A piling-mounted stationary or floating platform extending into the water and used as a landing place for boats or to protect or form a cove.

**Elevated building.** Any building without a basement built to have the lowest floor elevated above the ground by means of solid perimeter walls, pilings, or columns (posts and piers).

**Encroachment.** For the purposes of this Division, the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Existing construction.** For the purposes of the insurance program, structures for which the "start of construction" commenced before the effective date of the FIRM or before December 1, 1987 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures" and "pre-FIRM".

**Existing development.** Any lawful development which existed on or before the effective date of the most-current FIRM, and/or development which has been properly permitted and for which construction has commenced on or before the effective date of the most-current FIRM.

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**Existing manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community. (See “existing construction” above).

**Expansion to an existing manufactured home park or subdivision.** The preparation of additional sites, as permitted by the Zoning Ordinance, by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Federal Emergency Management Agency (FEMA).** An independent agency of the United States government that provides a single point of accountability for all federal emergency preparedness and mitigation and response activities.

**Fill.** The placing of any material which results in increasing the natural ground surface elevation.

**Flood or flooding.**

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(c) Mudflows which are proximately caused by flooding as defined in this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1) of this definition.

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**Flood Insurance Rate Map (FIRM).** The most recent official map prepared by the Federal Emergency Management Agency (FEMA) upon which has been delineated both the special hazard areas and risk premium zones applicable for Nelson County. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

**Flood Insurance Study (FIS).** An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudflow and/or flood-related erosion hazards.

**Floodplain or flood-prone area.** Any land susceptible to being inundated by water from any source.

**Floodproofing.** A combination of design modifications that results in a building or structure that is subject to flooding, including the attendant utility and sanitary facilities, being watertight with walls substantially impermeable to the passage of water.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot at any point within the community.

**Floodway fringe.** The floodway fringe encompasses the portion of the floodplain that could be completely obstructed without increasing the base flood elevation by more than 1.0 foot at any point.

**Freeboard.** A factor of safety usually expressed in inches or feet above a base flood elevation for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

**Highest adjacent grade.** The highest natural elevation of the ground surface prior to construction and next to the proposed walls of a structure.

**Historic structure.** Any structure in any of the following categories:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

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- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as defined by the Secretary of the Interior; or,
  - (b) Directly by the Secretary of the Interior in states without approved programs.

**Hydrologic/Hydraulic engineering analysis.** Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation (DCR) and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

**Letter of Map Change (LOMC).** An official written FEMA determination that amends or revises an effective FIRM or FIS. Letters of map change include:

- (1) **Letter of Map Amendment (LOMA):** An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area, and which amends the current effective FIRM and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.
- (2) **Letter of Map Revision (LOMR):** A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.
- (3) **Letter of Map Revision Based on Fill (LOMR-F):** A determination that a structure or parcel of land has been elevated by fill, permitted and placed in accordance with applicable regulations of the County, above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood.

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**(4) Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas, but does not revise the effective FIRM or FIS.

**Lowest floor.** The floor of the lowest enclosed area, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access, or limited storage provided that such enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44 CFR §60.3.

**Lowest adjacent grade.** The lowest natural elevation of the ground surface next to the walls of a structure.

**Mean sea level.** For purposes of the National Flood Insurance Program, the datum to which base flood elevations shown on the County's FIRM are referenced.

**New construction.** For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after *date of general floodplain district adoption*<sup>1</sup>, and includes any subsequent improvements to such structures. For floodplain management or development purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by Nelson County and includes any subsequent improvements to such structures.

**Post-FIRM structure.** A structure for which construction or substantial improvement occurred on or after *date of general floodplain district adoption*<sup>2</sup>, .

**Pre-FIRM structure.** A structure for which construction or substantial improvement occurred before *date of general floodplain district adoption*<sup>3</sup>, .

**Recreational vehicle.** Any vehicle which is:

(1) Built on a chassis;

(2) Four hundred (400) square feet or less when measured at the largest horizontal projection;

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<sup>1</sup> Editor's Note: The date when the general floodplain district was originally adopted by the County will need to be verified with and included here.

<sup>2</sup> Editor's Note: The date when the general floodplain district was originally adopted by the County will need to be verified with and included here.

<sup>3</sup> Editor's Note: The date when the general floodplain district was originally adopted by the County will need to be verified with and included here.



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(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

**Repetitive Loss Structure.** A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a ten (10) year period, in which the cost of the repair, on the average, equaled or exceeded twenty-five percent (25%) of the market value of the structure at the time of each flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

**Severe Repetitive Loss Structure.** A structure that:

(1) Is covered under a contract for flood insurance made available under the NFIP; and

(2) Has incurred flood-related damage for which:

(a) Four (4) or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or

(b) At least two (2) separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

**Shallow flooding area.** A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Special Flood Hazard Area (SFHA).** The land in the floodplain subject to a 1% or greater chance of being flooded in any given year as determined in Section 5-3-14 of this Ordinance. Properties within the SFHA are at a high risk of flooding, with at least a 26-percent chance of flooding over the course of a 30-year mortgage.

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**Start of construction.** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure.** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**Substantial damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Included in this term are flood-related damages sustained by a structure on two occasions in a ten (10)-year period, in which the cost of the repair, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure at the time of each such flood event.

**Substantial improvement.** Any reconstruction, rehabilitation, addition, modification, alteration, repair or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term, however, does not include:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the building official and which are the minimum necessary to assure safe living conditions, or
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

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(3) Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

**Violation.** The failure of a structure or other development to be fully compliant with Nelson County's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(d)(3) of the National Flood Insurance Program regulations, is presumed to be in violation until such time as that documentation is provided.

**Watercourse.** A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. This term includes specifically designated areas in which substantial flood damage may occur.

**Zone, A.** Those areas for which no detailed flood profiles or elevations are provided, but the 1% annual chance floodplain boundary has been approximated.

**Zone, AE.** Those areas for which one percent (1%) annual chance flood elevations have been provided and the floodway has been delineated on the FIRM.

**Zone, X.** If shaded on the FIRM, these are areas of the County where the annual flood risk is considered moderate at between one percent (1%) and 0.2 percent (0.2%). If unshaded, these are areas where the annual flood risk is considered low at below 0.2 percent (0.2%). There are no specific development requirements in the X Zone pursuant to this Division.