

# ATTACHMENT F

Nelson County, Virginia, Zoning & Subdivision Ordinance

Draft Article 11 – Definitions

February 26, 2025

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## 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:

- (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.

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- (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.

## 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.

**Administrator.** See "Zoning Administrator."

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**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 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.

**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.

**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.

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**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.

**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.

**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.

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

**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.

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

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

**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".

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**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.

**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.

**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.

**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.”

**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.

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**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.

**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.

**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.

**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.

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**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 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