

ATTACHMENT B

Article-4 Primary Zoning Districts

Division 4-I Establishment and Purpose

Section 4-I-I General¹

- A. **Zoning districts established.** Land within the County, as it exists at the time of this Ordinance being enacted, is hereby divided into classes of primary zoning districts to:
- (1) Regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes in accordance with the objectives of the comprehensive plan;
 - (2) Regulate and restrict the location, height, and size of buildings hereafter erected or structurally altered; and
 - (3) Ensure adequate setbacks, open spaces, and public facilities to support the County’s population.
- B. Enumeration of Primary Zoning Districts. To carry out the purpose stated in Article I, In General, of this Ordinance and (A) above, Nelson County is hereby divided into the following primary zoning districts:

Table 4-I: Primary Zoning Districts

Rural Districts	
C-1	Conservation District
A-1	Agricultural District
Residential Districts	
R-1	Low-Density Residential District ²
R-2	Mid-Density Residential District ³
R-3	High-Density Residential District ⁴

¹ Editor’s Note: This is a new section of text that provides an overall purpose for primary zoning districts.

² Editor’s Note: R-1 Residential District renamed to “Low-Density Residential District” to establish unique district names that clearly state district purpose.

³ Editor’s Note: R-2 Residential District renamed to “Mid-Density Residential District” to establish unique district names that clearly state district purpose.

⁴ Editor’s Note: R-3 Residential District renamed to “High-Density Residential District” to establish unique district names that clearly state district purpose.

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Commercial Districts	
B-1	Highway Business District
B-2	Neighborhood Business District ⁵
SE-1	Service Enterprise District
Industrial Districts	
M-1	Light Industrial District
M-2	Heavy Industrial District ⁶
Planned Development Districts	
RPC	Residential Planned Community District

Section 4-1-2 References to District Names⁷

- A. For reference throughout this Ordinance, unless specifically provided to the contrary, the following terms shall be used to refer to primary zoning districts:
- (1) “Rural district” shall include C-1 and A-1 districts;
 - (2) “Residential district” shall include R-1, R-2, and R-3 districts;
 - (3) “Commercial district” shall include B-1, B-2, and SE-1 districts;
 - (4) “Industrial district” shall include M-1 and M-2 districts; and
 - (5) “Planned development district” shall include the RPC district.

Section 4-1-3 Purpose and Intent of Primary Zoning Districts⁸

- A. Rural Districts.

⁵ Editor’s Note: B-1 and B-2 Business Districts renamed to “Highway Business District” and “Neighborhood Business District” to establish unique district names that clearly state district purpose, and match a similar naming structure to industrial districts.

⁶ Editor’s Note: Editor’s Note: M-1 and M-2 Industrial Districts renamed to “Light Industrial District” and “Heavy Industrial District” to establish unique district names that clearly state district purpose, and match a similar naming structure to industrial districts.

⁷ Editor’s Note: This is a new section of text that provides a disclaimer that references to various districts could include all those districts within that category.

⁸ Editor’s Note: Intent statements have been moved from their respective zoning district Articles and placed into this section. They have been edited for clarity and with proposed uses and terminology.

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- (1) **C-1, Conservation.** This district encompasses areas of the County characterized by natural open spaces, including steep slopes, forests, parks, wetlands, rivers, marshlands, lakes, and stream valleys. The district is established to protect and conserve critical natural resources and aims to minimize soil erosion, safeguard watersheds, mitigate flood and fire risks, and preserve the ecological integrity of these sensitive landscapes. Land uses should be limited to those that directly support these conservation objectives, including agricultural activities and single-family dwellings that adhere to best conservation practices.⁹
- (2) **A-1, Agricultural District.** This district is established to support and protect agricultural and forestry uses while allowing limited residential development. It is intended to preserve farmland, maintain the viability of working landscapes, and sustain the rural character of the County. While some rural areas may experience residential growth, this district seeks to prevent the scattered encroachment of residential, commercial, or industrial development that could compromise agricultural operations and open space preservation.¹⁰

B. Residential Districts.

- (1) **R-1, Low-Density Residential.** This district is intended to accommodate low-density residential development, primarily consisting of single-family homes. The district is designed to protect residential identity, support a high quality of life for residents, and ensure compatibility with the surrounding rural or suburban landscape. While residential use is the primary focus, certain complementary uses, such as schools, parks, and places of worship, may be permitted to serve the needs of the community. Commercial and high-intensity development are not permitted to maintain the district's low-density character.¹¹

⁹ Editor's Note: The C-1 intent statement has been streamlined and modified to serve as a protection to natural resources. The existing inclusion of farmlands has been omitted in this district and is instead moved to the Agricultural District intent statement.

¹⁰ Editor's Note: The Agricultural District intent statement has been revised to provide a greater emphasis on the preservation of existing farmlands.

¹¹ Editor's Note: The R-1 intent statement has been modified to better fit the districts new title and purpose as a low-density neighborhood district.

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- (2) **R-2, Mid-Density Residential.** This district is intended to accommodate medium-density residential development in areas served by public water and wastewater infrastructure. It supports a mix of single-family, duplexes, townhomes, and similar multi-family housing while maintaining residential character, providing a suitable environment for households, and limiting commercial uses that could disrupt neighborhoods. Certain public facilities, such as schools, parks, and places of worship, may be permitted to serve residents and enhance community character.¹²
- (3) **R-3, High-Density Residential.** This district is intended to accommodate high-density residential development, primarily consisting of multi-family housing, in areas that are served by adequate infrastructure, such as public water and wastewater services and major transportation routes. This district promotes well-planned, sustainable residential growth while maintaining compatibility with surrounding land uses. Limited non-residential uses, such as community-oriented services, parks, and facilities, may be permitted to support residents and enhance the district's livability.¹³

C. Commercial Districts.

- (1) **B-1, Highway Business District.** This district is intended to support general commercial activities that require direct and frequent public access. It accommodates a broad range of retail, service, and office uses designed to serve both the traveling public and the surrounding community. The district promotes attractive, accessible development along principal roadways while discouraging traffic diversion onto local streets or through residential neighborhoods. Uses involving heavy trucking are not supported, except for routine stocking and delivery of retail goods. Activities should not generate nuisance impacts beyond the typical light and noise associated with customer traffic and passenger vehicles.¹⁴

¹² Editor's Note: The R-2 intent statement has been modified to better fit the districts new title and purpose as a medium-density suburban district.

¹³ Editor's Note: This is a new proposed district selected by the Board and Planning Commission (PC) for inclusion. The Board and PC should review and consider if the intent of the new district aligns with their vision. .

¹⁴ Editor's Note: The B-1 and B-2 intent statements have been slightly alter to further expand upon their current intents and create commercial districts suitable for the principal traffic routes in the County and another for smaller neighborhood scale commercial activity.

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- (2) **B-2 Neighborhood Business District.** This district is intended to provide small-scale commercial development with uses designed for the service of daily needs of nearby residents, while maintaining the character of the surrounding neighborhood. Traffic and noise are held to a minimum to protect surrounding property.
- (3) **SE-1, Service Enterprise District.** This district is designed to balance the area's need for service-oriented commercial uses adjoining residential and agricultural districts. The district allows limited service-oriented commercial uses that are compatible with the low-density, quiet, rural atmosphere characterized and promoted within agricultural and residential districts. This district is characterized by significant setbacks and limited signage. The district supports a mix of agricultural, residential, and small-scale commercial enterprises—such as farm-based businesses, agritourism, and artisan services—that promote economic vitality while preserving the area's scenic qualities and rural way of life.¹⁵

D. Industrial Districts.

- (1) **M-1, Light Industrial District.** The intent of this District is to foster the local economy in appropriate locations for less intense industrial uses, such as research facilities, wholesale, warehousing, light industrial, offices, and heavy commercial uses. Uses should occur in enclosed buildings, and activities should not create a danger to health and safety in surrounding areas nor create off-site noise, vibration, smoke, dust, lint, odor, heat, or glare.¹⁶
- (2) **M-2, Heavy Industrial District.** The intent of this District is to encourage and provide for larger-scale industrial, manufacturing, processing, and warehousing operations in appropriate areas separated from daily services and residences. The uses in this District may require outside storage, or generate noise, smoke, or odor, which shall be mitigated with industry best practices for the compatibility of the surrounding area and the preservation of the environment.

E. Planned Development Districts.

¹⁵ Editor's Note: The SE-1 District's intent statement has been adjusted to further add strength and clarity to the district's purpose without changing the substance or the intent.

¹⁶ Editor's Note: The M-1 and M-2 District's intent statements have been slightly modified to improve clarity and language to better fit expected uses and standards throughout the Ordinance.

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- (1) **RPC, Residential Planned Community District.** This district is intended to permit development in accordance with a master plan therefor of cluster-type communities containing not less than three thousand (3,000) contiguous acres under one (1) ownership or control, in a manner that will protect and preserve the natural resources, trees, watershed, contours and topographic features of the land, protect and enhance the natural scenic beauty and permit the greatest amount of recreational facilities by leaving as permanent open area not less than twenty-five (25) percent of the total acreage. Within such communities, the location of all improvement shall be controlled in such manner as to permit a variety of housing accommodations in an orderly relationship to one another, with the greatest amount of open area and the least disturbance to natural features. "Open area" shall include parks, lakes, roads, roadways, walkways, trails, playground and recreation facilities, golf, skiing and other sports facilities, nonresidential clubhouse grounds and rights-of-way and surface easement for drainage and other utilities over areas not within the lines of any residential lot. (A planned residential district may include a variety of residential accommodations with light commercial facilities and light craft manufacturing facilities in Village Centers to an extent necessary to serve the needs of the particular residential planned community and its visitors.)¹⁷

Division 4-2 General District Standards

Section 4-2-1 Application of Standards¹⁸

- A. The requirements specified in this Article shall be considered the minimum required to promote public health, safety, and general welfare.
- B. Regulations shall apply uniformly to each use, structure, and lot within the zoning district.
- C. Except as provided in **Article 9, Nonconformities**, of this Ordinance, every structure hereafter constructed shall be located on a lot meeting the minimum requirements for the district in which it is located.

¹⁷ Editor's Note: The RPC District's intent statement has not been modified from its existing version at staff's direction to ensure that it aligns with the existing Wintergreen Resort. The BOS and PC should review and give direction if they wish to see any modifications to this district's intent including, but not limited to, restricting the expansion of this district to other portions of the County.

¹⁸ Editor's Note: This section has been added to provide clarity on how the regulations of this Article shall be enforced.

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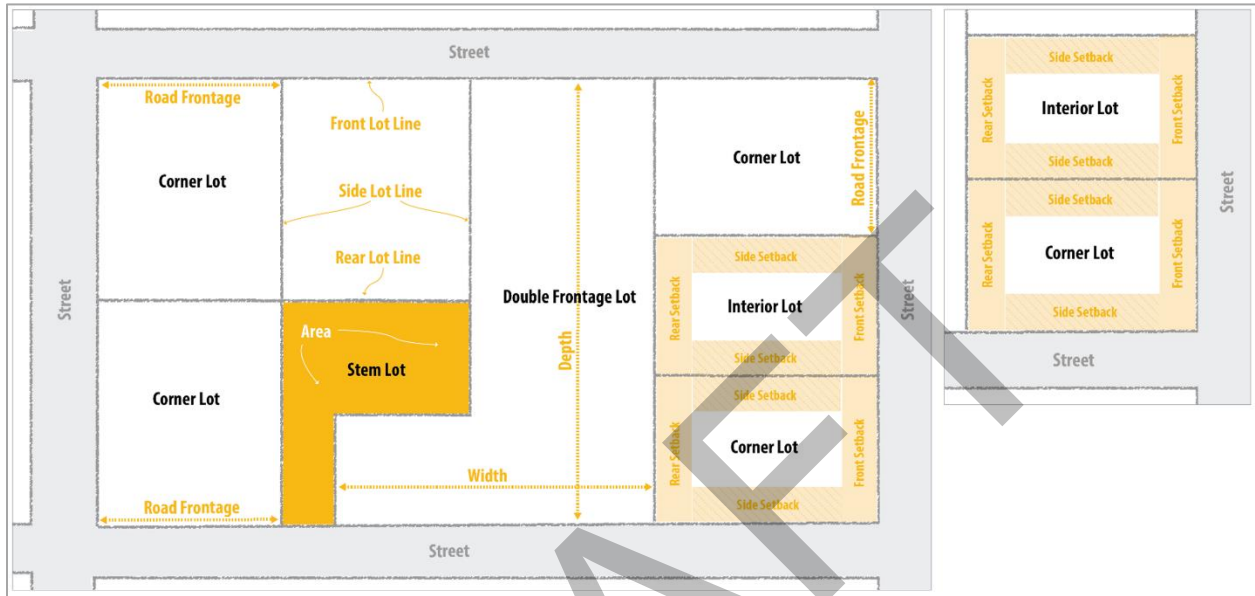
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- D. Photographs, graphics, and/or diagrams in this Article are included for illustrative purposes only. If there is any inconsistency between them and the text of this Ordinance, including tables, the text will govern.
- E. It is the intent of the height regulations of this Ordinance to secure safety, to provide light and air, and to protect the character of districts and the interests of the public. No building shall be erected, constructed, or altered to exceed the height limitations specified in the district regulations set in this Ordinance.
- F. Required minimum setbacks may be altered by the Board of Supervisors, with recommendation from the Planning Commission, when any right-of-way is proposed to be widened, in order to preserve and protect the widening of such right-of-way.
- G. In addition to the provided standards for each district, additional standards may apply, including but not limited to:
 - (1) Use Performance Standards. Article 7, Use Performance Standards, of this Ordinance establishes additional standards pertaining to specific uses.
 - (2) Community Design Standards. Article 8, Community Design Standards, of this Ordinance establishes additional standards for:
 - (a) Landscaping and screening;
 - (b) Walls and fences;
 - (c) Parking and loading;
 - (d) Lighting;
 - (e) Signs; and
 - (f) Open space.
 - (3) Drainage. Provisions shall be made for proper stormwater drainage from streets, parking, and loading areas, in accordance with Nelson County stormwater regulations. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Provisions shall be made for protection against erosion and sedimentation in accordance with Nelson County stormwater regulations.
 - (4) Streets and Sidewalks. Provisions shall be made for the construction and maintenance of streets and sidewalks, in accordance with Article 8, Community Design Standards.

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Section 4-2-2 Determination and Measurement¹⁹

Figure 4-1: Lot Standard Terms and Required Setbacks



A. Lot Standards.

(1) Determination of Lot Front.

- (a) **Interior Lots.** The front shall be construed to be the portion adjacent to the street.
- (b) **Corner Lots.** The front shall be construed to be the shortest boundary fronting a street. If the lot has equal frontage on two (2) or more streets, the front shall be construed in accordance with the prevailing building pattern, or the prevailing lotting pattern if a building pattern is not established.

B. Measurement Methods. (See figures 4-3 and 4-4). The following methods shall be used for measuring setbacks:

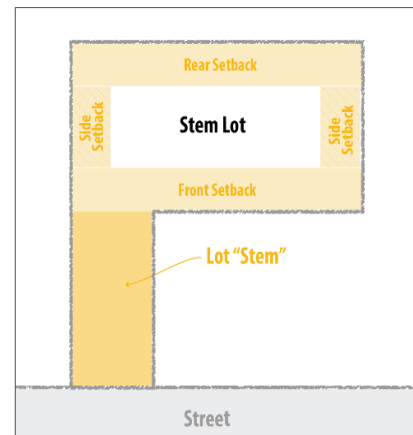
- (1) **All Setback Types.** Setbacks shall be measured in such a manner that the lot line and the setback line are parallel to one another.
 - (a) Where lots are convex or concave, required setbacks shall be measured radially from the edge of the right-of-way (ROW). (See figure 4-4)

¹⁹ Editor's Note: This new section has been added to give guidance on how to measure lot lines, setbacks, and building heights.

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- (b) In accordance with Article 2, Administration, the Administrator shall determine the boundary line(s) from which the setback(s) shall be measured for Irregular lots.
- (2) **Street Frontage Required.** Except as otherwise provided in this Ordinance, every lot shall front a public street.
- (3) Lot area shall be the total horizontal area included within the property lines of a lot.
 - (a) The Administrator may require a larger minimum lot size than prescribed in this Article if it is considered necessary by the Virginia Department of Health to facilitate private water or sewer systems.
- (4) Lot width shall be the horizontal distance between the side property lines of a lot, measured at the front setback.
- (5) Creation of new pipe stem, or stem, lots is prohibited. (See Figure 4-1)
 - (a) No building or structure shall be permitted in the stem portion of existing pipe stem lot.
- (6) **Front Setback.** Front setbacks are determined as follows:
 - (a) A front setback shall be included for the full width of the lot frontage, measured between the side lot lines.
 - (b) Depth of the front setback shall be measured from the front lot line at the edge of the public right-of-way, inward towards the lot, until the distance required in the district standards is met.
 - (c) Interior Lots, Corner Lots, and Stem Lots shall have the following setbacks (See **Figures 4 – 1 and 4 - 2**):
 - i. One (1) front, two (2) side, and one (1) rear.
 - (d) Double Frontage Lots shall have the following setbacks (See *Figures 4 – 1*):
 - i. Two (2) fronts and two (2) sides.

Figure 4 – 2: Stem Lot Front Setback



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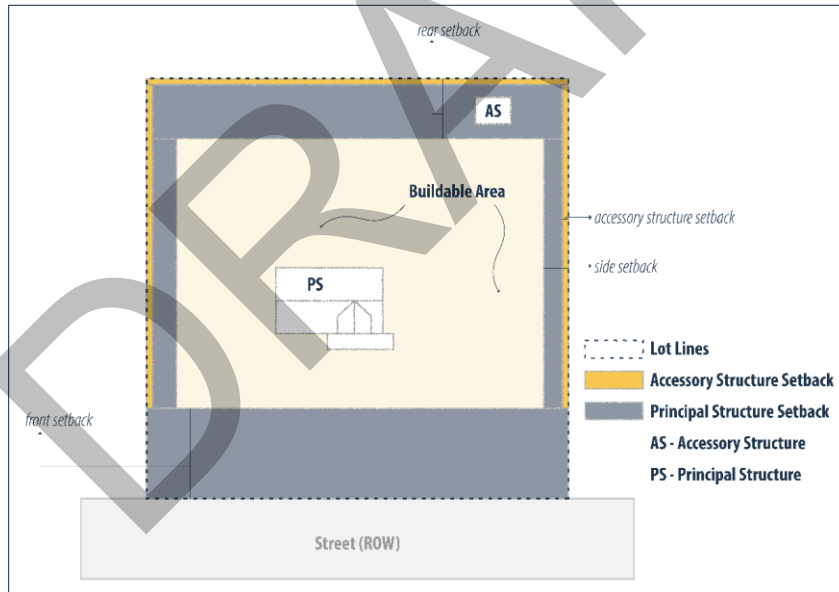
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- (e) The front setback required for nonconforming lots may be the average of the front setbacks within 125 ft. on either side of the lot, except that no front setback shall be required to be greater than the minimum required for the underlying zoning district.
 - i. To maintain the pattern of the neighborhood, if the adjacent lots are vacant, the average(s) of the nearest developed lot(s) on the same side of the street shall be used.

(7) Side Setback.

- (a) Side setbacks shall be measured from the front setback to the rear setback.
- (b) Depth of a side setback shall be measured from the lot line in towards the lot until the distance required in the district standards is met.

Figure 4-3: Setback Example



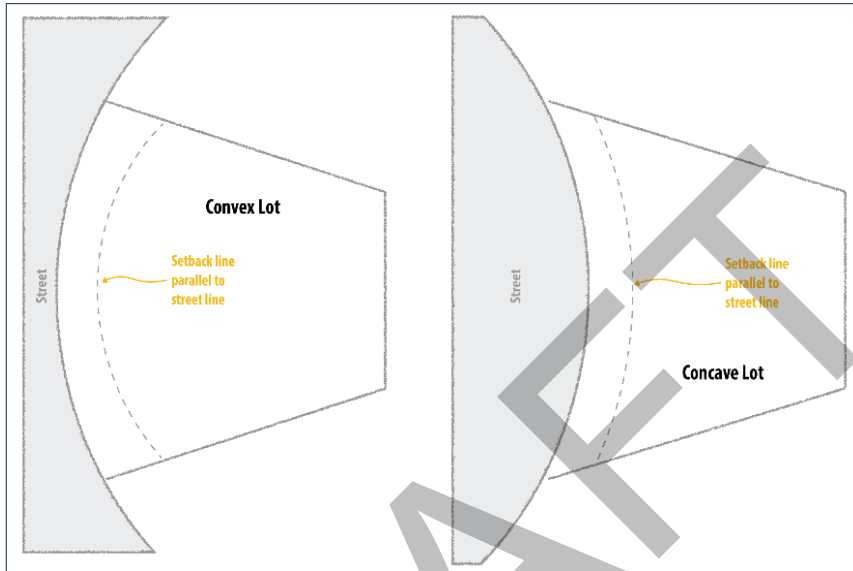
(8) Rear Setback.

- (a) A rear setback shall be included for the full width of the rear of the lot, measured between the side lot lines.

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- (b) Depth of a rear setback shall be measured from the rear lot line in towards the lot until the distance required in the district standards is met.

Figure 4-4: Concave or Convex Setback Example

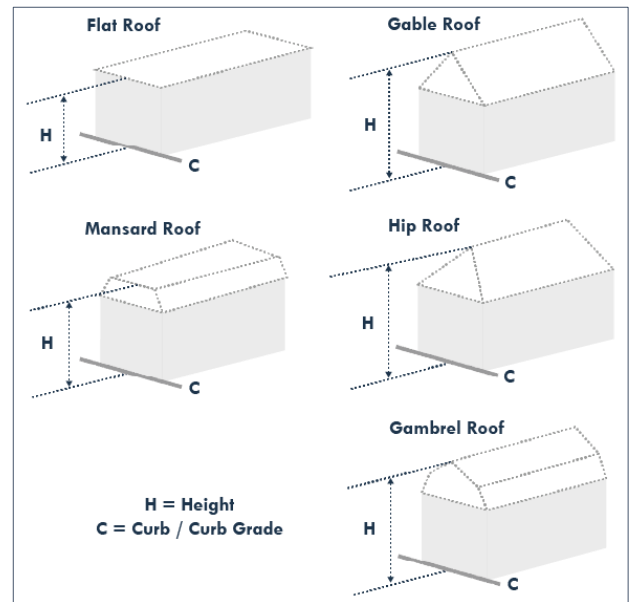


- (9) **Measuring Height.** Building height is measured, in feet, as the vertical distance from the established curb grade to the roofline. (See Figure 4-5)²⁰

Figure 4-5: Height Measurement in Primary Districts

- (10) **Floodplain Height.** For structures that are in AE and A Flood Zones, as identified in Article 5, Overlay Zoning Districts, of this Ordinance, the following applies:

- (a) Height is measured from the required number of inches above the base flood elevation (freeboard) to the ridge of the roof as required in this Section, item (1) for the building site. (See figure 4-6)

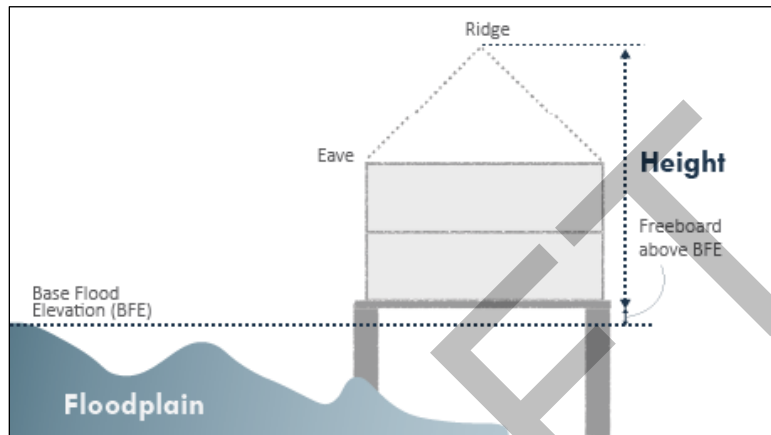


²⁰ Editor's Note: This subsection modifies the current definition for 'Building, height of' which was: "The vertical distance measured from grade to the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a gable, hip, or other roof."

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- (b) In cases where there is a ground floor enclosure below the base flood elevation, height shall be measured as provided in (1), above. (See figure 4-6)

Figure 4-6: Height Measurement of Raised Structures in Floodplain Areas



Section 4-2-3 Steep and Critical Slopes²¹

- A. **Purpose.** The purpose of this section is to address development within areas of the County that have extreme elevation change and are considered steep or critical slopes. The disturbance of these areas is subject to additional consideration to:
- (1) Protect downstream lands and waterways from the adverse effects of the unregulated disturbance of steep slopes;
 - (2) Protect land from excessive stormwater runoff;
 - (3) Avoid the degradation of surface water;
 - (4) Promote a safe means of ingress and egress for vehicular and pedestrian traffic in sloped areas;
 - (5) Preserve the visual quality of steep and critical slope areas, which are a valuable natural resource; and
 - (6) Encourage innovative and imaginative building techniques to create structures and site plans that are suited to sloped terrain.

²¹ Editor's Note: This new section of text has been included to add regulations for steep and critical slopes throughout the County.

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- B. Definitions.** Areas of extreme elevation change within the County shall have the following definitions:
- (1) Steep slopes are those areas in the County with slopes greater than 20%.
 - (2) Critical slopes are those areas in the County with slopes greater than 35%.
- C. Methods of Measurement.** The source of delineation of steep and critical slopes in the County shall be a field-prepared or aerial topographic survey, certified by a licensed surveyor or engineer. The Administrator, based upon the available information, shall determine the slope of any land in question.
- D. Requirements.** Prior to the issuance of any Zoning or Building Permit(s) for any use, structure, or activity, the following must be satisfied:²²
- (1) For any use, structure, or activity on any parcel of land which includes within its boundaries steep slopes:
 - (a) The developer shall submit a map, plan, or plat showing the location and extent of steep slopes within the area to be disturbed, as well as the location and extent of land disturbing activities and mitigation measures, including the proposed building sites, paved areas, drainfields, well locations, and other uses.
 - (b) The developer shall obtain a Land Disturbance Permit and incorporate stormwater management facilities and erosion and sediment control measures, in accordance with the Nelson County Code.
 - i. Any development occurring on steep slopes shall submit an Erosion and Sediment Control Plan and is not eligible to submit an Agreement in Lieu of a Plan, as provided in the Nelson County Erosion and Sediment Control Ordinance in Chapter 9 of the Nelson County Code.
 - (2) For any use, structure, or activity on any parcel of land which includes within its boundaries critical slopes:

²² Editor's Note: This text proposes that any slope of 20-34% in grade can be administratively approved through a normal building/zoning permit process provided the proper mitigations are documented. Any development upon slopes with a gradient of 35% or higher will require an approved special use permit through the normal SUP method.

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- (a) In addition to the requirements of Sec. 4-2-3(D)(1), above, if any portion of a development is intended to disturb areas with critical slopes, the developer must obtain a Special Use Permit following the requirements of Article 3, Division 4, Special Use Permits, of this Ordinance.

E. Design Limitations.

- (1) All streets/roads and driveways shall follow natural contour lines to the maximum extent feasible.
- (2) No driveway shall be constructed with a grade greater than 10%.
- (3) Minor utilities, individual water systems, or septic lines serving an individual sewage disposal system shall not disturb steep slope areas with slopes greater than 15%.
 - (a) However, a run of no more than 200 ft. or 10% of the entire length of the minor utility, water line and/or septic line, whichever is greater, shall be allowed to disturb steep slope areas with slopes greater than 15%, based on a geotechnical study or findings from a geotechnical professional that:
 - i. Such minor utility, water lines and/or septic lines will not have significant adverse visual, environmental or safety impacts, or appropriate engineering or other measures will be taken by the developer to substantially mitigate any such adverse impact; and
 - ii. No alternative location for such minor utility, water line and/or septic line is feasible or available.

Section 4-2-4 Family Division Dimensional Standards

- A. The provisions of this Division are subject to the provisions of Article 10, Subdivisions, of this Ordinance.
- B. All family divisions are subject to all the applicable standards of this Ordinance, and all other requirements of Nelson County, unless specifically modified or excepted by the provisions of this Article.
- C. Family divisions as allowed by the provisions of this Division are permitted only in the following districts:
 - (1) C-1, Conservation District
 - (2) A-1, Agricultural District

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- (3) R-1, Low-Density Residential District
- D. Family divisions are not required to front a public street as required by **Sec. 4-2-2(B)(2)**.
- E. The dimensional requirements set forth in **Table 4-2** shall supersede those stipulated in this Ordinance for other development types. If a dimensional requirement is not listed in **Table 4-2**, then the dimensional requirement of the primary or overlay zoning district shall apply.

Table 4-2: Family Division Dimensional Regulations

	C-1 Conservation District	A-1 Agricultural District	R-1 Low-Density Residential District
Minimum Lot Size			
All lots	1 acre	1 acre	1 acre
Minimum Required Setbacks			
Front	50 ft.	50 ft.	50 ft.
Side	25 ft.	25 ft.	25 ft.
Rear	25 ft.	25 ft.	25 ft.

Section 4-2-5 Exemptions²³

- A. The following uses and structures are permitted in required setbacks, subject to the limitations provided:
 - (1) Plantings, fences, or shrubbery.
 - (a) On a Corner Lot, fences, walls, shrubbery, or other plantings, that will materially obstruct vision within the visibility triangle shall be prohibited by the Administrator.
 - (2) Unenclosed porches, steps, and decks, not exceeding 24 sq. ft. in size, may project into any required setback, but shall not be closer than five (5) ft. to any lot line.

²³ Editor’s Note: This new section has been added to include any exemptions to the regulations contained within this article.

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- (3) Architectural features, chimney, eaves, windowsills, and other like building features may project into any required setback but shall not be closer than three (3) ft. to any lot line.

B. The height limitations of this Ordinance shall not apply to:

- (1) Agricultural Buildings;
- (2) Belfries;
- (3) Broadcasting or communication towers;
- (4) Chimneys, flues, and smokestacks;
- (5) Cooling towers;
- (6) Church Spires;
- (7) Cupolas;
- (8) Domes;
- (9) Flagpoles;²⁴
- (10) Public memorials or monuments;
- (11) Parapet walls;
- (12) Radio aerials;
- (13) Roof-top mechanical equipment screened by parapet walls;
- (14) Silos;
- (15) Solar collectors;
- (16) Spires;
- (17) Television antennas;
- (18) Utility service, major; and
- (19) Water storage tanks.

²⁴ Editor's Note: Current height regulations provide a blanket exemption for flagpoles but the PC and Board may wish to consider only exempting flagpoles under a certain height and require additional approvals to be pursued for taller flagpoles.

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Division 4-3 Rural Districts Dimensional Standards

Section 4-3-1 Rural Districts Regulations

Table 4-3: Rural Districts Regulations

	C-1 Conservation District	A-1 Agricultural District
Minimum Area Requirements		
Minimum Lot Size	20 acres	10 acres ^{25,26}
Minimum Required Setbacks		
Front	300 ft.	50 ft.
Side	300 ft.	20 ft. ²⁷
Rear	300 ft.	50 ft.
Corner Lot Side	35 ft.	30 ft.
Accessory Structure	15 ft.	15 ft.
Minimum Lot Width²⁸		
Road Frontage	200 ft.	200 ft.
Maximum Structure Height²⁹		
Building Height	35 ft.	35 ft.

²⁵ Editor’s Note: Minimum lot size for the A-1 district is proposed to be increased to 10 acres from the current 2 acres. This is based on guidance from the comprehensive plan and community engagement to better protect rural parts of the County. Division rights have also been removed in favor of a larger minimum lot size approach.

²⁶ Editor’s Note: Single and two family detached dwellings are currently allowed a smaller minimum lot size in A-1. This standard is proposed to be removed but can be incorporated back into use standards for these uses if the Board or PC desires.

²⁷ Editor’s Note: Rear and side setbacks from Section 4-3 have been modified to no longer be different for lots less than 5 acres and lots larger than 5 acres. Proposed setbacks are 20 feet for all side setbacks other than family subdivisions. In addition, the larger yard requirements have been removed in favor of a simpler flat side setback.

²⁸ Editor’s Note: Minimum required road frontage has been increased from 125 ft. to 200 ft.

²⁹ Editor’s Note: The provision allowing structures to be higher than 35 feet in height, provided they receive a Special Use Permit, has been removed.

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Division 4-4 Residential Districts Dimensional Standards

Section 4-4-1 Residential District Regulations

Table 4-4: Residential Districts Regulations

	R-1 Low-Density Residential District	R-2 Mid-Density Residential District	R-3 High-Density Residential District
Minimum Area Requirements			
Minimum Lot Size without Public Water and Sewer	2 acres ³⁰	1 acre ³¹	.32
Minimum Lot Size with Public Water and Sewer		20,000 sq. ft. ³³	10,000 sq. ft. + 5,000 sq. ft. per additional du
Minimum Required Setbacks			
Front	50 ft.	35 ft. ³⁴	20 ft.
Side	10 ft. ³⁵	10 ft. ³⁶	5 ft.
Rear	25 ft.	25 ft.	10 ft.
Corner Lot Side	20 ft.	20 ft.	10 ft.
Accessory Structure	10 ft.	10 ft.	5 ft.
Minimum Lot Width			
Road Frontage	125 ft.	100 ft.	75 ft.
Maximum Structure Height			

³⁰ Editor’s Note: Removed the 30,000 sq. ft. minimum lot size for lots served by public sewer to better match zoning district density expectations.

³¹ Editor’s Note: Development in R-2 currently requires lots be served by public water services. The proposed text is recommending that developments be allowed in the R-2 district with a minimum of 1 acre lots.

³² Editor’s Note: Development of lots in the R-3 district will require lots be served by public water and sewer.

³³ Editor’s Note: The proposed text removes increases the minimum lot size required for lots, removes the allowance for lots with only public sewer, and removes the additional lot size requirements for multiple dwelling structures to better accommodate the new R-3 district. Multi-family dwellings are intended to be only allowed by SUP in R-2 where additional lot size requirements can be set.

³⁴ Editor’s Note: Current front setbacks scale based on the width of the fronting street.

³⁵ Editor’s Note: Removed required combined side yard width of 25 ft.

³⁶ Editor’s Note: Removed required combined side yard width of 25 ft.

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Building Height	35 ft.	35 ft.	45 ft. ³⁷
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**du = dwelling unit*

Division 4-5 Commercial Districts Dimensional Standards

Section 4-5-1 Commercial District Regulations

Table 4-5: Commercial Districts Regulations

	B-1 Highway Business District	B-2 Neighborhood Business District	SE-1 Service Enterprise District
Minimum Area Requirements			
Minimum Lot Size		20,000 sq. ft. ³⁸	40,000 sq. ft.
Minimum Required Setbacks			
Front		50 ft. ³⁹	50 ft. ⁴⁰
Front, Adjoining Rural or Residential District		75 ft.	
Side		10 ft.	25 ft.
Side, adjoining Rural or Residential District	10 ft.	20 ft.	
Corner Lot Side		25 ft.	75 ft.
Corner, Lot Side Adjoining Rural or Residential District	10ft.	50 ft.	
Rear		10 ft.	25 ft.
Rear, Adjoining Rural or Residential District	10 ft.	25 ft.	
Accessory Structure		10 ft.	15 ft.
Accessory Structure, Adjoining Rural or Residential District	10 ft.	15 ft.	

³⁷ Editor’s Note: A 45 ft. height limitation is recommended to allow for up to four story multi-unit buildings. The County should consider if their emergency response units are able to accommodate such heights.

³⁸ Editor’s Note: A minimum lot size for the B-2 district has been added to better capture the intent of the district.

³⁹ Editor’s Note: Setbacks for the B-2 district have been added and modified to better capture the intent of the district.

⁴⁰ Editor’s Note: Current setbacks for this district differ based on whether the use is commercial or residential. Instead, the proposed text removes this distinction and uses similar setbacks to the B-2, R-1, and A-1 Districts but it is recommended that the Board and PC review these setbacks and recommend any changes they wish to see.

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Minimum Lot Width ⁴¹			
Road Frontage	75 ft.	125 ft.	125 ft.
Maximum Structure Height			
Building Height	45 ft. ⁴²	35 ft.	35 ft.

Division 4-6 Industrial Districts Dimensional Standards

Section 4-6-I Industrial District Regulations

Table 4-6: Industrial Districts Regulations

	M-1 Light Industrial District	M-2 Heavy Industrial District ⁴³
Minimum Area Requirements		
Minimum Lot Size	20,000 sq. ft.	40,000 sq. ft.
Minimum Required Setbacks		
Front	20 ft.	40 ft.
Front, Adjoining Rural or Residential District	50 ft.	100 ft.
Side	10 ft.	30 ft.
Side, Adjoining Rural or Residential District	20 ft.	100 ft.
Rear	10 ft.	30 ft.
Rear, Adjoining Rural or Residential District	20 ft.	100 ft.
Corner Lot Side	20 ft.	40 ft.
Corner Lot Side, Adjoining Rural or Residential District	40 ft.	100 ft.
Accessory Structure	10 ft.	30 ft. ⁴⁴
Accessory Structure Adjoining Rural or Residential District	20 ft.	100 ft.

⁴¹ Editor’s Note: Road frontage requirements have been added for the B-1 and B-2 districts that complement the district’s intent statements.

⁴² Editor’s Note: The height limitation for the B-1 District has been increased to match the district’s purpose for more intensive commercial uses.

⁴³ Editor’s Note: The M-2 District currently has very limited district standards. The proposed text includes all new district standards that complement the new M-1 District. These modified district standards are intended to complement each districts intent statements and provide reasonable protections to the surrounding lands.

⁴⁴ Editor’s Note: Proposed text includes a new setback for accessory structures in the M-2 District.

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Minimum Lot Width		
Road Frontage	100 ft.	100 ft.
Maximum Structure Height		
Building Height	35 ft.	60 ft.

Division 4-7 Planned Development Districts Dimensional Standards

Section 4-7-1 Purpose and Intent

- A. The purpose of Planned Development Districts is to encourage innovative and efficient land use planning and physical design on large, unified sites. Planned Development Districts are intended to:
- (1) Achieve a high quality of development while protecting environmentally sensitive areas;
 - (2) Provide a well-integrated mix of non-residential and recreation uses with various residential dwelling types to achieve a walkable, connected neighborhood;
 - (3) Allow more efficient use of land through coordinated networks of streets, utilities, and pedestrian connections, both within the development and to adjacent development;
 - (4) Encourage the provision of accessible and useable open space and recreational amenities within the development;
 - (5) Promote development forms and patterns that respect the character of established surrounding neighborhoods and other land uses; and
 - (6) Promote development patterns that complement a site's natural and man-made features, such as rivers, lakes, wetlands, floodplains, trees, and historic and cultural resources.

Section 4-7-2 General⁴⁵

- A. The following standards will apply to all planned development districts:
- (1) **Character of Development.**

⁴⁵ Editor's Note: General standards for all planned communities have been included in this Section to prepare the Ordinance for more planned community districts if the County wishes to adopt them in the future.

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- (a) Development within planned development districts should encourage development form and character that is aesthetically pleasing and different from conventional suburban development through inclusion of the following elements:
 - i. Neighborhood friendly streets and paths;
 - ii. Interconnected streets and transportation networks;
 - iii. Open space amenities;
 - iv. Appropriately scaled buildings and spaces;
 - v. Mixture of housing types and affordability; and
 - vi. Environmentally sensitive design.
- (b) The planned development must:
 - i. Substantially conform to the adopted Comprehensive Plan with respect to type, character, intensity of use, density, and public facilities;
 - ii. Result in a development achieving the stated purposes of the planned development district more than development under a conventional zoning district;
 - iii. Efficiently utilize the available land, and protect and preserve to the extent possible all scenic assets and natural features such as trees, streams, and topographic features; and
 - iv. Prevent substantial injury to the use and value of existing and surrounding properties and uses in accordance with the adopted Comprehensive Plan.
- (2) **Application and Procedures.** All planned development districts must be established in accordance with the standards of **Article 3, Permits and Applications**, of this Ordinance.
- (3) **Consistency with Site Plan.** All development and subsequent operation within planned development districts must be undertaken in accordance with the provisions of the approved application and Site Plan.

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- (a) **Major Modifications.** Major modifications to a planned development district site plan – including changes to housing types, densities, permitted uses, architectural elevations, or general location of any elements, or other aspects of a planned development district site plan – where the change is not in keeping with the concept of the approved a planned development district site plan will require an amendment to the a planned development district site plan in accordance with **Article 3, Permits and Applications**, of this Ordinance.
- (b) **Minor Modifications.** Minor modifications to a planned development district site plan, which clearly are in substantial conformity with the approved a planned development district site plan, may be approved by the Administrator without applying for an amendment to the site plan.
 - i. Substantial conformity means that conformity which leaves a reasonable margin for adjustment due to final engineering data, but conforms to the general nature of the development, the specific uses, the general layout depicted by the plans, profiles, elevations, and other demonstrative materials presented by the applicant.
- (4) **Waivers.** A proposed development may vary from the guidelines outlined in this Division, except for uses subject to approval of a rezoning or Special Use Permit in accordance with **Article 3, Permits and Applications**, of this Ordinance. Any waiver from the standards and guidelines must be specifically acknowledged by means of a proffer or conditions. A request for waiver must:
 - (a) Clearly outline the requested waiver(s), and
 - (b) Justify the need or benefit to the public and community should the waiver be granted.

Section 4-7-3 RPC Residential Planned Community District⁴⁶

A. Establishment.

⁴⁶ Editor’s Note: Standards and regulations for the RPC district remain unchanged from the current Ordinance to ensure no conflicts arise between the County Zoning Ordinance and Wintergreen Resort. Minor edits have been incorporated to ensure proper organization and grammatical consistency. Much of the provisions in this section may be better suited in different areas of the Ordinance, some of the terminology differs from those found throughout the rest of the Ordinance, and potential conflicts between this section and other provisions of the Ordinance may arise. The BOS, PC, and County staff should review and give direction for any potential modifications for this section of the Article.

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- (1) **Request and Master Plan.** Request for establishment of a residential planned community shall be made initially to the Planning Commission and subsequently to the County Board of Supervisors accompanied by a "Master Plan" for the proposed community of not less than three thousand (3,000) contiguous acres under one (1) ownership or control.

B. Application.

- (1) The applicant shall furnish with his application for establishment of a Residential Planned Community ten (10) copies of a Master Plan prepared by a surveyor, engineer, or architect, duly authorized by the state to practice as such, upon which shall be shown the approximate location of the open areas which shall comprise not less than twenty-five (25) percent of the whole and the general location of the various types of land uses, including the general location of any Village Centers and the residential density classifications of each residential area.
- (2) The applicant shall further submit with his application ten (10) copies of a set of schematic preliminary plans which shall indicate a method by which the Master Plan may be implemented and show the general location of all public and private roads, the location and particular use of all open areas, the location and type of such proposed improvements and buildings as are required to be shown on the Final Plan, and a general sewer, storm drainage and water supply plan.
- (3) Upon approval by the County Board of Supervisors of the Master Plan, the Residential Planned Community shall be deemed established. After approval, the Master Plan may not be altered without approval of the County Board of Supervisors, but the preliminary plans shall be superseded by the Final Plans hereinafter provided for.

C. Final Plan.

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- (1) Following the establishment of a Residential Planned Community by approval of the Board of Supervisors of a Master Plan therefor, the applicant shall furnish to the planning commission ten (10) copies of a Final Plan of any part or section of the community comprising not less than five (5) acres of land shown on the Master Plan and from time to time thereafter shall submit additional Final Plans comprising the whole area of the Master Plan. The final plan shall be prepared or certified by a surveyor, engineer or architect. The final plans shall be consistent with the Master Plan as approved but may vary from the preliminary plans to any degree which the Planning Commission believes does not vary the basic concept or character of the development.
- (2) The final plans shall show by metes and bounds the layout of all major and local roads, public and private, the location of all buildings and improvements, other than single-family dwellings (as to these buildings the general location for improvements within the lines of each lot shall be shown) and other than school buildings or other buildings to be built by public authority (as to which the site or lot shall be shown), all parking areas, pedestrian ways, utility easements, lot lines, and shall show the different types of open areas and other public or community amenities, the proposed use of all buildings and of all areas dedicated for public or private common use.
- (3) The applicant shall furnish with a Final Plan a proposed deed of easement including restrictions safeguarding the permanent use of open areas and preventing encroachment thereupon.
- (4) When the Final Plan and deed of dedication shall have been approved by the Planning Commission as being in conformity with this ordinance and the Master Plan as approved by the County Board of Supervisors, and Final Plan submitted as provided for in the original Final Plan.

D. Additional Land.

- (1) Additional land area may be added to an existing Residential Planned Community if it is adjacent (except for public roads) and forms a logical addition to the existing Residential Planned Community and if it is under the same ownership or control.
- (2) The procedure for an addition shall be the same as if an original application were filed, and all of the requirements of this ordinance shall apply except the minimum acreage requirement of three thousand (3,000) acres.

E. Use Regulations.

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- (1) All uses permitted by right or by special permit in the Conservation District C-1, Residential Districts R-1 and R-2, and Business District B-1 of the Nelson County Zoning Ordinance shall be permitted in the Residential Planned Community District, subject to the limitations hereinafter provided. In addition, the following land use categories (sectors) shall apply to Residential Planned Community Districts. All land use sectors shall be clearly indicated on the Master Plan and subsequent Final Plans, including the area of each sector in acres, maximum floor areas used for commercial or light craft manufacturing purposes, total numbers of dwelling units, and average gross densities in dwelling units per acre.
- (2) **Multiple Use Sector, MU.** In Multiple Use Sectors, the following uses are permitted:
 - (a) Commercial, public, civic, and light craft manufacturing and sales uses as permitted in Business Districts B-1 and provided that the total floor areas used for commercial or light craft manufacturing purposes shall not exceed those shown on the Master Plan unless by special permit.
 - (b) Residential, recreation, public, semipublic, community, and professional office uses as permitted in Residential Districts R-1 and R-2, and Multiple-Family Residential Sectors as provided hereinafter in 4-7-3(E)(4), provided that the total number of dwelling units shall not exceed that shown on the Master Plan unless by special permit. The maximum allowable gross density shall not exceed twenty (20) dwelling units per acre, including roads, streets, parking, and open spaces and recreational areas.
 - (c) Ancillary recreation and public and private uses not specifically provided for in the zoning ordinance shall be permitted, including:
 - i. Golf courses and country clubs.
 - ii. Riding stables, horse show areas.
 - iii. Indoor and outdoor recreation facilities.
 - iv. Ski areas and facilities.
- (3) **Single-Family Residential Sector, SR.** In Single-Family Residential Sectors, the following uses will be permitted:
 - (a) Single-family detached dwellings.
 - (b) Single-family attached dwellings.

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- (c) Other uses as permitted in Residential Districts R-1 and in 4-7-3(E)(2); except that Vacation House shall be a permissible by-right use in the SR Sector of the RPC District and shall not require a Special Use Permit.
- (d) The total number of dwelling units shall not exceed that shown on the Master Plan unless by special permit. The maximum allowable gross density shall not exceed ten (10) dwelling units per acre, including roads, streets, parking, open spaces and recreational areas.

(4) Multiple-Family Residential Sector – MR.

- (a) In Multiple-Family Residential Sectors, the uses permitted in Residential Districts R-1 and R-2 and in Section 4-7-3(E)(2) will be permitted. The total number of dwelling units shall not exceed that shown on the Master Plan unless by special permit. The maximum allowable gross density shall not exceed fifteen (15) dwelling units per acre, including roads, streets, parking, open spaces and recreational areas.

F. Building Location Requirements.

- (1) The location of all structures shall be as shown on the Final Plan as required in Section 4-7-3(C) other than single-family dwellings as to which building restriction lines or construction area limit shall be shown with respect to each lot. The proposed location and arrangement of structures shall not be detrimental to the existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood.
- (2) Open spaces between structures shall be protected where necessary by adequate covenants running with the land, conveyances or dedications. There shall be no minimum lot size, no minimum setback lines, no maximum percentage of lot coverage, no minimum yard or side yard width and no frontage requirement on a public or private street in a Residential Planned Community except as shown on the approved Final Plan.

G. Utilities.

- (1) Prior to approval of the Final Plan, the applicant must submit plans and specifications of a public or private sewer and a public or private water supply system adequate to serve the area covered by the Final Plan in conformity with standards of the Virginia State Water Control Board and the Virginia State Health Department.

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- (2) Approval may be granted to a Final Plan subject to the condition that no lot may be sold or conveyed until assurances satisfactory to the Planning Commission have been given by the applicant with respect to the timely extension of water and sewer to the particular lot.

H. Street Improvements.

- (1) All dedicated public streets shown on the Final Plan shall meet all requirements of the Virginia Department of Highways Subdivision Standards. Before approval of any Final Plan the Resident Engineer shall so certify. Such public streets shall be coordinated with the Major Transportation Network shown in the County Comprehensive Plan.
- (2) Private streets shown on the Final Plan shall be similarly coordinated with existing or planned streets of both the Master Plan and the County Comprehensive Plan. Private streets shown on the Final Plan need not meet the requirements of the Virginia Department of Highways but shall meet all other requirements of the **Article 10, of this Ordinance**, as these may be waived or modified by the Planning Commission as set forth hereafter.
- (3) The following provisions of the **Article 10, of this Ordinance**, as applicable to Residential Planned Communities are modified as follows, subject to approval of the Final Plans by the Planning Commission:
 - (a) There shall be no predetermined requirements for intersection or approach angles for private streets.
 - (b) There shall be no predetermined maximum number of lots or units served by a cul-de-sac. Cul-de-sac turnarounds will not be required if serving less than twenty (20) lots, and if required, shall not be less than sixty (60) feet in diameter.
- (4) To the extent streets are private rather than public, the applicant must also submit assurances satisfactory to the Planning Commission that a property owners' community association or similar organization has been legally established under which the lots within the area of the Final Plan will be assessed for the cost of maintaining private streets, and that such assessments shall constitute a pro-rate [pro rata] lien upon the individual lots shown on the Final Plan.

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- (5) Approval may be granted to a Final Plan subject to the condition that no lot may be sold or conveyed until assurances satisfactory to the Planning Commission have been given by the applicant with respect to the timely extension of public or private roads to the particular lot.
 - (6) The uniqueness of each proposal for a Residential Planned Community requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities, and the specifications for curbs, gutters, sidewalks, streetlights, and stormwater drainage shall be subject to modification from the specified, waive or modify the specifications otherwise applicable for a particular facility where the Planning Commission finds that such specifications are not required in the interests of the residents of the Residential Planned Community and that the modifications of such specifications are not inconsistent with the interests of the entire county, and conform to all other applicable ordinances and laws.
 - (7) It shall be the responsibility of the applicant to demonstrate to the satisfaction of the Planning Commission with respect to any requested waiver or modification:
 - (a) That the waiver or modification will result in design and construction that is in accordance with accepted engineering standards;
 - (b) That the waiver or modification is reasonable because of the uniqueness of the Residential Planned Community or because of the large area of the Residential Planned Community within which the nature and excellence of design and construction will be coordinated, preplanned, and controlled;
 - (c) That any waiver or modification as to streets is reasonable, with respect to the generation of vehicular traffic that is estimated will occur within the area of the Master Plan;
 - (d) That traffic lanes of streets are sufficiently wide to carry the anticipated volume and speed of traffic; and
 - (e) That waivers or modifications as to base and surface construction of streets and as to the construction of ditches or drainage way be based upon soil tests for CBR value and erosion characteristics of the particular subgrade soils in the area.
- I. **Average Daily Traffic Estimates.** The basis for determining average daily traffic estimates from the Final Plans are:

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Table 4-7: Average Daily Traffic

Use	Peak Occupancy	Average Daily Trips	No. of Dw. Units	Average Daily Traffic
Hotel	95% X	.75 X	=	
Multifam. Res.	80% A	1.00 X	=	
Single-Fam. Att. Res.	80% X	1.25 X	=	
Single-Fam. Det. Res.	80% X	1.50 X	=	

J. **Road Widths.** The basis for determining road widths from the Final Plans are:

Table 4-8: Road Widths

Average Daily Traffic	Traffic Lanes Number	Traffic Lanes Width
0 – 100	2	8'
100 – 500	2	9'
500 – 1000	2	10'
1000 – 3000	2	11'
3000 – 7500	2	12'
Over 7500	4	12'

K. **Special Provisions.**

- (1) The provisions hereof shall not be limited by any provisions of any other part of the Nelson County Zoning or Subdivision Regulations herewith.
- (2) Temporary Events conducted wholly within the Residential Planned Community District (RPC) shall not be require an approved Temporary Use Permit per **Article 3, Permits & Applications, of this Ordinance.**
- (3) If following the establishment of a Residential Planned Community, a Final Plan shall be submitted to the Planning Commission as hereinbefore provided, such Final Plan shall be deemed approved by the Planning Commission if no action has been taken by the Planning Commission within sixty (60) days after such submission.

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Division 4-8 Cluster Housing Development Standards⁴⁷

Section 4-8-1 Purpose and Intent⁴⁸

- A. The purposes of cluster housing developments are to:
- (1) Preserve rural character;
 - (2) Encourage the protection and preservation of open space and agricultural lands in the County;
 - (3) Encourage development in a manner which lessens the cost of infrastructure;
 - (4) Provide incentives for clustering residential development in the most appropriate locations;
 - (5) Encourage more efficient and aesthetic use of open space;
 - (6) Encourage the preservation of open space for agricultural, scenic, and recreational uses;
 - (7) Create and encourage the use of a variety of development choices to satisfy the changing needs of the County; and
 - (8) Offer flexibility to the developer in their approach and solution to land development problems.

Section 4-8-2 Development Standards

- A. The provisions of this Article will allow residential dwellings to be developed in clusters, subject to the provisions of **Article 10, Subdivision**, of this Ordinance.
- B. A cluster development shall be subject to all the applicable standards of this Ordinance, and all other requirements of Nelson County, unless specifically modified or excepted by the provisions of this Article.
- C. Cluster development as allowed by the provisions of this Article shall be permitted only in the following districts:
- (1) C-1, Conservation District;

⁴⁷ Editor's Note: This Division includes updated regulations for cluster housing development within the County. The standards for required open space areas for these developments will be found in Article 8, Community Design Standards.

⁴⁸ Editor's Note: The purpose and intent of cluster developments has been modified to be more streamlined and simplified.

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- (2) A-1, Agricultural District; and
 - (3) R-1, Residential District.
- D. All cluster developments shall provide open space in accordance with **Table 4-8** and the open space shall be designed and used in accordance with the standards for open space provided in **Article 8, Community Design Standards**, of this Ordinance.
- E. The permitted uses for cluster developments shall conform to the permitted uses for the zoning district in which the development is located, per **Article 6, Use Matrix**, of this Ordinance.
- F. The dimensional requirements set forth in **Table 4-8** shall supersede those stipulated for other development types, except that:
- (1) The allocated densities for each zoning district shall not be exceeded, as described in **Table 4-8**. The maximum net density and net buildable area for a cluster development shall be calculated as follows:
 - (a) Net buildable area is equal to the gross area of the property divided by minimum lot size based on the zoning district in which the project is located, as described in **Table 4-8**, below.
- G. Each lot within a cluster housing development must front a public or private road built to the Virginia Department of Transportation Standards for Residential Streets.⁴⁹
- H. All residential lots, buildings, and structures must be interior and setback 100 ft. from the development property line. Minimum setbacks included in **Table 4-8**, below, are for interior lots adjoining other lots within the cluster development.⁵⁰
- I. Each lot within a cluster housing development shall serve no more than one (1) dwelling unit.

⁴⁹ Editor's Note: Current cluster housing standards allow privately maintained streets to have standards defined within the Ordinance. Instead, the proposed text allows private roads but requires them to be built to VDOT standards to ensure that any future incorporation of these streets into the VDOT system will be possible.

⁵⁰ Editor's Note: This subsection proposes a minimum 100 foot setback from any property line for any dwelling within the cluster development. This require cluster subdivisions to be set back away from principal roads or other properties but still allow for smaller more clustered development of dwellings with reduced interior setbacks.

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Table 4-9: Cluster Development Standards

	C-1	A-1	R-1
Minimum Area Requirements⁵¹			
Minimum Open Space Required	40%	40%	40%
Maximum Density ⁵²	1 du / 10 acres	1 du / 5 acres	1 du / 1 acres
Minimum Development Area ⁵³	50 acres	30 acres	10 acres
Minimum Lot Size	1 acre	1 acre	1 acre
Minimum Lot Size with Public Sewer	30,000 sq. ft.	30,000 sq. ft.	30,000 sq. ft.
Minimum Lot Size with Public Water and Sewer ⁵⁴	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.
Minimum Required Setbacks			
Front	20 ft.	20 ft.	20 ft.
Side ⁵⁵	10 ft.	10 ft.	10 ft.
Rear	10 ft.	10 ft.	10 ft.
Accessory	10 ft.	10 ft.	10 ft.

**du = dwelling-unit*

J. Density Bonus. ⁵⁶

⁵¹ Editor’s Note: Cluster development standards have been modified to allow for more incentives and encourage them throughout the County. Notably, the minimum required road frontage has been removed to encourage more organic and creative clustering from developers.

⁵² Editor’s Note: The maximum density requirements for cluster housing developments have been changed to further encourage these types of developments.

⁵³ Editor’s Note: Minimum lot sizes for cluster developments have been reduced to further encourage these types of developments.

⁵⁴ Editor’s Note: The proposed text removes the maximum allowed lot size for developments with public sewer and/or water.

⁵⁵ Editor’s Note: The proposed text removes the requirement for a larger total yard than the required setbacks.

⁵⁶ Editor’s Note: This subsection contains newly proposed density bonus text for cluster subdivisions. This text would allow developers to incorporate development features that satisfy the requirements of the table and in exchange receive points that can be allocated towards additional densities within the cluster subdivision. It is recommended that the Nelson County BOS and PC review these development bonus features and ensure that they would be desirable and worthwhile for additional density bonuses.

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- (1) Cluster developments may exceed the base maximum density specified in **Table 4-8**, above, only in accordance with a density bonus by providing a development feature as detailed in **Table 4-7**, below. The following density bonus point system will apply:

Table 4-10: Cluster Development Density Bonus

Development Feature		Bonus Points
A	Use native plant species for at least 75% of the landscaping in the development.	2.5
B	Provide community garden space (at least 5% of the required open space acreage).	2.5
C	Install rainwater harvesting systems or greywater recycling for at least 50% of the development's units.	2.5
D	Provide electric vehicle charging stations for at least 10% of the residential units.	2.5
E	Preserve wetlands, steep slopes, or floodplains within open space.	2.5
F	Provide an additional 5% open space above the minimum requirement.	5
G	Provide additional active recreation areas such as playgrounds, sports fields, or community centers.	5
H	Use permeable paving, rain gardens, bioswales, or other LID techniques in at least 50% of the paved areas.	5
I	Preserve at least 70% of the existing mature tree canopy.	5
J	Install renewable energy systems (e.g., solar panels) on at least 50% of units.	5
K	Provide an additional 10% open space above the minimum requirement.	5
L	Provide pedestrian and bicycle accommodations that exceed standard requirements and provide connectivity to existing networks, where possible.	5
M	Achieve LEED or equivalent certification for all residential units.	5
N	Dedicate at least 10% of units to market-rate affordable housing.	5
O	In Rural Districts, dedicate conservation or agricultural easement for land preservation or continued farm use.	5

- (2) The density bonus is calculated as the total sum of points awarded for public benefits provided.

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- (a) 5 Points: Allows an increase of 10% in the number of dwelling units above the base density.
 - (b) 10 Points: Allows an increase of 15% in the number of dwelling units.
 - (c) 15 Points: Allows an increase of 20% in the number of dwelling units.
 - (d) 20 Points: Allows an increase of 25% in the number of dwelling units.
 - (e) 25 Points: Allows an increase of 30% in the number of dwelling units.
- (3) With any approved density bonus, the minimum lot area, lot width, frontage, and/or setbacks as shown in **Table 4-9** may be reduced up to 50%.
 - (4) The total density bonus may not exceed 30% of the base density, regardless of the total points earned.

Section 4-8-3 Review

- A. A landowner who intends to develop a cluster subdivision must submit the required number of development plans and subdivision plats to the Planning Director for review and approval. In the performance of his/her duties, the Planning Director may request opinions or decisions in writing from various departments or agencies of the Commonwealth of Virginia, other departments of the Nelson County government, and utility companies.
- B. The Planning Director shall act on the final development plan and subdivision plat within sixty 60 days after it has officially submitted for approval by either approving or disapproving the plans. The 60 day time period for action shall not apply to cluster development plans and plats under the following circumstances:
 - (1) If the subdivision plat and/or development has a feature(s) requiring approval by a State agency, the Planning Director shall approve or disapprove the plans within 35 days of receipt of the approvals from all Federal, State, and local agencies.
 - (2) Nothing contained in **Section 4-7-3(B)** shall require approval of the final subdivision plat and development plan for a cluster housing development in less than 60 days.