

Nelson County Zoning & Subdivision Ordinance Update

Public Engagement Summary



The public engagement conducted during the investigation phase of the Zoning & Subdivision Ordinance Update is vital to the success of the project. The Berkley Group, in partnership with Nelson County, facilitated six public engagement events to gather input on the community's challenges and concerns related to the Ordinances and to identify opportunities for improvement. This document provides a summary of the key feedback collected during two public workshops and four focus groups held during this phase.

Key themes heard in all public engagement events include:

| Public Engagement Key Themes | |
|--|---|
| Preserve Rural Lands | The community expressed a strong desire to preserve the County's rural character by protecting large tracts of farmland and forested areas from overdevelopment, emphasizing the importance of balancing growth with land conservation. |
| Increase Housing Stock | Participants identified the need to expand the County's housing stock to meet demand, particularly for workforce, senior, and entry-level housing, while advocating for higher-density developments in areas like Lovingston that already have supporting infrastructure. |
| Enhance Short-term Rental Regulations | Respondents highlighted the impact of short-term rentals on housing availability and community character, calling for more robust regulations to manage their growth and ensure they do not displace long-term residents or degrade residential neighborhoods. |
| Concentrate Development Near Infrastructure | The community believes that certain areas of the County, particularly Nellysford, Afton, and the Route 151 corridor, are overly developed. They would prefer to see new development directed toward areas better equipped to handle the associated infrastructure demands, such as increased traffic. |
| Promote Local Economic Opportunities | Community members emphasized the importance of fostering local economic opportunities by encouraging mixed-use development and addressing gaps in essential services like grocery stores and farm supply stores to meet residents' needs. |
| Clarify and Simplify Zoning Ordinance | Participants expressed a need for the Zoning Ordinance to be more user-friendly, with clearer definitions and streamlined processes for permitting, to reduce confusion and delays for property owners and developers. |



Public Workshops Summary

Public workshops took place on October 22, 2024, at the Rockfish Valley Community Center, and on October 30, 2024, at the Nelson Center. Together, these workshops were attended by over 80 community members. Following a presentation on the Zoning and Subdivision Ordinance Update, attendees worked in groups to respond to exercise questions and provide meaningful feedback on the project. The most common themes from the group responses are summarized below.

Question 1: Key Priorities & Issues

1. Affordable Housing

- Accessory dwelling units (ADUs) and low-cost housing options are favorable.
- Locating affordable housing near essential services is a priority.

2. Preservation of Rural Character

- Protecting farmland and natural resources from development is critical.
- Limit commercial and residential developments from designated conservation areas.
- Maintaining the rural character of the County and avoiding large-scale developments.

3. Short-Term Rentals

- Concerns about short-term rentals reducing the availability of affordable housing.
- Regulations to address absentee ownership and enforce existing rules for short-term rental properties, particularly in conservation areas.

4. Environmental and Design Considerations

- Use conservation overlays to protect sensitive areas like Montibello.
- Mitigate noise and light pollution with measures of control.
- Uniform signage design and village-style design standards were proposed to enhance community character.

5. Zoning Enforcement and Design

- Enforcement of the zoning code is important to maintain standards.

Question 2: Satisfaction and Concerns for Community

1. Residential Neighborhoods

- Affordable housing is needed, but small-lot subdivisions should be limited.



- Larger lot sizes were preferred to maintain rural character, except in already populated areas.
- ADUs are encouraged with appropriate regulations.

2. Agricultural Areas

- Preserve agricultural and rural lands .
- Special use permits need stricter standards in agricultural zones.
- Riparian overlays should be used to protect waterways.

3. Commercial Areas

- Support local businesses in areas like Lovingston and Nellysford.
- Prefer small-scale developments instead of large-scale developments, such as strip malls.

4. Industrial Areas

- Industrial development is acceptable in designated areas, such as the Route 29 corridor, to minimize the impact on rural areas.
- Limit industrial uses that pose a greater risk of pollution.
- The capacity of existing infrastructure to support industrial growth is questionable.

5. Major Roads (Route 29/151)

- Limit development along primary highways that exacerbates traffic congestion on major roads.

Question 3: Feedback on Land Use Topics

1. Home Businesses

- Home businesses are acceptable if traffic and neighborhood impacts are managed appropriately.
- A case-by-case approach such as special use permits was suggested.

2. Multi-Family Dwellings

- Affordable housing in areas like Lovingston and Nellysford, is supported, contingent on sufficient infrastructure.
- Overdevelopment and sufficient infrastructure, particularly water and sewer, are concerns.

3. Mobile Home Parks

- Mobile home parks are generally discouraged due to aesthetic and infrastructure concerns, but would be supported with adequate setbacks and infrastructure.

4. Short-Term Rentals (STRs)



- Concerns about short-term rentals reducing affordable housing availability and suggest stronger regulations to limit absentee ownership of STRs.
- 5. **Accessory Dwelling Units (ADUs)**
 - ADUs are supported for family use and affordable housing but discouraged for use as short-term rentals.
- 6. **Accessory Structures**
 - Accessory structures need appropriate use standards that allow flexibility but also appropriately limit.
- 7. **Mixed-Use Structures**
 - Mixed-use structures are appropriate in areas like Lovingston, but there are concerns about them in areas like Nellysford.
- 8. **Agritourism**
 - Oversaturation of these uses in areas like Route 151 was identified as a concern and participants encouraged limiting these uses there and encouraging or incentivizing them elsewhere..
- 9. **Solar Facilities**
 - Small-scale solar installations are supported, but visibility from the public right of way and other impacts from utility-scale solar are concerns.
- 10. **Industrial Uses**
 - Industrial uses are supported with the enforcement of appropriate setbacks, height limits, and environmental mitigation measures.

Question 4: Feedback on Community Design Elements

1. **Building Height**
 - Limit the height of buildings, particularly in Nellysford.
2. **Signs**
 - Limits on the size, height, and number of signs along with a uniform design and the avoidance of billboards are important.
3. **Landscaping Along Roadways**
 - Landscaping is important for safety and aesthetics, with a preference for native plants and the control of invasive species.



4. Screening and Landscaping Between Land Uses

- Screening to create buffers between land uses is strongly supported, with an emphasis on native plant use.

5. Screening for Dumpsters, Loading Areas, and Equipment

- Screening to minimize their visual impact is strongly supported, with suggestions for native plants.

6. Parking Lot Landscaping

- Limiting the development of new parking lots and requiring landscaping to manage stormwater runoff and provide shade is desired.

7. Parking Requirements

- Space optimization and adherence to VDOT guidelines were recommended, though opinions on stringent parking requirements, such as high minimum parking, varied.

8. Bicycle Parking

- Support for bicycle parking was contingent on the development of complementary infrastructure, such as bike lanes or trails.

9. Fence Style and Height

- Fence design was noted as important.

10. Lighting Height and Style

- Respondents wanted to limit light trespass and preserve dark skies through appropriate lighting design.



Focus Groups Summary

On October 30, 2024, Berkley Group facilitated four focus group listening sessions for the Zoning and Subdivision Ordinance update. The topics and list of invitees were selected by Nelson County, and each session was conducted in a roundtable discussion format. The four discussion topics were: agriculture and agritourism, natural and cultural preservation, development and real estate, and business and economic development. A list of relevant questions was used to guide discussions and identify challenges that participants or their organizations face related to the Zoning and Subdivision Ordinances. The following is a summary of the focus group discussions:

Focus Group #1 — Agriculture & Agritourism

Agricultural Preservation and Viability

- Preservation of agricultural lands and farming operations.
- Encourage direct-to-consumer market opportunities and agritourism and eliminate obstacles for small-scale farmers to sell directly to consumers. Allow shared market spaces and reduce or eliminate requirements for the percentage of products that must be produced on the farm in order to operate a farm market or roadside stand.
- Concerned about solar utility projects consuming farmland and the need to balance economic opportunities with land preservation.

Land Use Policies and Zoning Ordinance

- Keep the County's land use taxation program and make it available to small farms and other rural uses, like campgrounds.
- Zoning requirements, such as large lot sizes and unclear ordinance language, are barriers to agricultural flexibility and innovation.
- Subdividing land to meet financial needs is difficult under current regulations, and delays in special use permit (SUP) reviews can threaten livelihoods.
- Clarifications are needed for regulations related to roadside stands, farm worker housing, and the percentage of land eligible for land use taxation.
- Concerned about subdivision regulations and the impact on farmland preservation when parcels are not big enough for agricultural taxation incentives.

Infrastructure and Economic Support

- Access to nearby agricultural support services, such as farm supply stores.
- Mixed-use development to increase economic activity in high-traffic areas.
- Permit roadside stands by-right and encourage shared spaces for farmers to sell their products.
- Allow more flexibility for agricultural events and farm-to-table uses without requiring extensive permitting processes.
- Local slaughterhouses and processing plants are needed to reduce transportation distances.



Focus Group #2 — Natural & Cultural Preservation

Preservation of Natural and Cultural Resources

- Stricter regulations on ridgetop and mountaintop development to maintain the County's character and prevent environmental degradation.
- Develop a dark sky ordinance to complement the County's promotion of star-watching and tourism.
- Require riparian buffers and adopt regulations like the Chesapeake Bay Preservation Act (CBPA) to mitigate the impacts of clearcutting on stormwater runoff and stream health.
- Encourage cluster subdivisions with at least 50% open space.

Land Use Policies and Zoning Ordinance

- Clarify regulations, including mapping and identification of Agricultural and Forestal District (AFD) parcels and streams.
- Require cluster subdivisions to include environmental preservation measures, such as shared drainfields, recreation areas, and permeable surfaces.
- Large industrial uses such as data centers and large-scale solar or wind power projects are not appropriate for the County's landscape and resources.

Infrastructure and Development Standards

- Require regular maintenance of septic and well systems and allow commercial composting with appropriate buffer standards.
- Impose stricter sign and lighting design standards to limit up-lighting, brightness, and digital signs.
- Streamline processes for constructing permeable parking and encourage maintenance plans for such installations.
- Emphasize location of solar energy facilities on impervious surfaces and on buildings.
- Require vegetative buffers and agricultural uses for large-scale solar energy facilities.



Focus Group #3 — Development & Real Estate

Land Use Policies and Zoning Ordinance

- Remove the special use permit (SUP) requirement for campgrounds by adopting use standards for smaller uses.
- Require SUPs for large-scale operations.
- Adopt a noise ordinance.
- Address visual concerns in sensitive areas like gateways and waterways by restricting outdoor trash and junk cars.
- Consider tax credits as incentives for design standards in areas like Lovingston.
- Clarify definitions in the ordinances.
- Wind and solar energy facilities are generally acceptable, but data centers are strongly opposed.

Infrastructure and Economic Support

- Allow uses like outfitters and other outdoor businesses, food truck lots, and cooperative uses at farmers' markets to stimulate economic growth.
- Incentivize convenient fresh markets or grocery stores at a neighborhood scale to address food deserts.

Housing Needs

- The County has a critical need for additional housing options.
- Cluster developments, manufactured housing, and higher densities is needed in areas like Lovingston to meet workforce and senior housing needs.



Focus Group #4 — Business & Economic Development

Land Use Policies and Zoning Ordinance

- Need clear definitions and updates to the ordinance, such as explicitly defining shooting ranges and improving site plan requirements.
- Landscaping and architectural design requirements were suggested, particularly along key corridors like Route 151 and Route 29, although concerns were raised about overregulation potentially deterring businesses.
- Designate areas for higher density and rural development while allowing flexibility in development rights in rural areas.
- Include overlay districts for villages and tourism zones with community design standards.
- Simplify SUP processes for uses like campgrounds and small-scale outfitters.

Housing Needs

- Workforce housing is one of the County's most pressing challenges, need increased density and reduced setbacks, particularly in Lovingston and surrounding areas.
- Diversify housing types, including senior housing, townhomes, multi-family units, and entry-level homes. Manufactured housing, particularly modern options, is supported.
- Clustering of affordable and manufactured housing is a strategy to address housing shortages.

Infrastructure and Economic Support

- Limited infrastructure, especially roads, is a significant barrier to higher-density development.
- Locate mixed-use development in Lovingston to bolster economic activity and housing availability.
- Address food deserts by increasing access to grocery stores, local food markets, and mobile food vendors.
- Reduce barriers to business parks and outfitters.