

ARTICLE 4. AGRICULTURAL DISTRICT A-1

Statement of intent.

This district is designed to accommodate farming, forestry, and limited residential use. While it is recognized that certain desirable rural areas may logically be expected to develop residentially, it is the intent, however, to discourage the random scattering of residential, commercial or industrial uses in this district.

4-1

Uses—Permitted by right.

4-1-1

Single-family detached dwellings.

4-1-2

Two-family detached dwellings.

4-1-3

Boardinghouse. (O2016-02)

4-1-4

Public and semipublic uses such as churches, church adjunctive graveyards, libraries, museums, schools (not schools of special instruction), hospitals (not special care), parks, playgrounds, and post offices.

4-1-5

Agriculture.

4-1-6

Fire departments and rescue squad facilities.

4-1-7

Forestry operations including necessary temporary buildings and uses incidental thereto (not sawmills).

4-1-8

Home occupations, class A and class B.

4-1-9

Reserved.

4-1-10

Off-street parking as required by this ordinance.

4-1-11

Public utilities generating, booster or relay stations, transformed substations, transmission lines with support structures, pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads and facilities, water and sewerage installations, and water storage tanks.

4-1-12

Accessory uses as defined.

4-1-13

Business signs advertising the sale or rent of premises, up to thirty-two (32) square feet in total area.

4-1-14

Business signs, up to fifty (50) square feet in total area.

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4-1-15

Directional signs, up to two (2) square feet in total area.

4-1-16

Home occupation signs, up to twelve (12) square feet in total area.

4-1-17

Church bulletin boards.

4-1-18

Automobile graveyards, classes A and B.

4-1-19

Yard sale.

4-1-20

Manufactured homes.

4-1-21

Intentional community.

4-1-22

Communication towers subject to Article 20, Communications Tower Ordinance.

4-1-23

Cluster housing development pursuant to Article 21 of Appendix A.

4-1-24

Reserved.

4-1-25

Farm winery.

4-1-26

Small wind energy system, per requirements in Article 22 of these regulations.

4-1-27

Temporary placement and occupancy of a travel trailer not to exceed ten (10) consecutive days.

4-1-28

Agricultural processing facility, provided that (i) all components of the facility shall be located two hundred fifty (250) feet or more from any boundary line or street, or located one hundred twenty-five (125) feet or more from any boundary line or street if screened by fencing and/or vegetation, and (ii) no noise, unshielded lights, odors, dust, or other nuisance may be perceptible beyond the property upon which the facility is located. (O2014-06)

4-1-29

Farm brewery, limited. (O2014-06)

4-1-30

Bed and breakfast, class A. (O2016-02)

4-1-31

Bed and breakfast, class B. (O2016-02)

4-1-32

Vacation house. (O2016-02)

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4-1-33

Agritourism activity

4-1-34

Social Temporary event, provided that there are no more than 12 such events in a calendar year and that the event complies with the county noise ordinance

4-1-35

Category 1 Temporary Event

4-1-36

Category 2 Temporary Event

4-1-37

Category 3 Temporary Event in connection with a Festival Grounds Special Use Permit

(Ord. of 11-14-95; Ord. of 6-8-99; Ord. No. O2007-003, 5-21-07; Ord. No. O2007-006, § 2, 9-11-07; Ord. No. O2009-12, § 1, 11-10-09; Ord. No. O2010-06, § 1, 7-13-10; Ord. No. O2014-06, 10-14-14; Ord. No. O2016-02, 4-12-16; Ord. No. O2016-04, 1-10-17; Ord. No. O2019-03, 7-14-19; Ord. No. O2022-02, 8-9-22)

4-1-a

Uses—Permitted by Special Use Permit only.

4-1-1a

Two (2) or more small wind energy systems on a single tract of land, per requirements in Article 22 of these regulations. (O2009-12; O2011-04)

4-1-1b

Small wind energy system(s) on a parcel of land twenty (20) acres or larger in size with a height greater than one hundred (100) feet but less than one hundred ninety-nine (199) feet. (O2011-04)

4-1-2a

Antique, craft, or gift shops.

4-1-3a

Automobile graveyards, class C.

4-1-4a

Banquet hall.

4-1-5a

Blacksmith shop.

4-1-6a

Borrow pit.

4-1-7a

Agricultural processing facility, major. (Ord. No. O2014-06, 10-14-14)

4-1-8a

Camp, day.

4-1-9a

Camp, summer.

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4-1-10a
Campground (O2016-02) or extended stay campground (must specify).

4-1-11a
Cemeteries.

4-1-12a
Commercial sale of agricultural equipment.

4-1-13a
Conference center.

4-1-14a
Corporate training center. (Res. 05-11-04)

4-1-15a
Dairy plant.

4-1-16a
Farm winery permanent remote retail establishment.

4-1-17a
Fraternal lodges and community buildings.

4-1-18a
Garage, public.

4-1-19a
Golf courses.

4-1-20a
Labor camp facilities.

4-1-21a
Landfill, sanitary.

4-1-22a
Lattice structure used to support a wind turbine. (O2009-12)

4-1-23a
Location signs, up to twenty-five (25) square feet in total area.

4-1-24a
Mobile home parks.

4-1-25a
Motels, hotels.

4-1-26a
Multifamily dwellings.

4-1-27a
Natural resource extractions.

4-1-28a
Offices, professional, and services.

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4-1-29a

Open storage area with or without gates.

4-1-30a

Outdoor firing range in conjunction with the County noise control ordinance.

4-1-31a

Private airstrip.

4-1-32a

Quarrying.

4-1-33a

Race track. (Res. of 8-8-89; Res. of 9-11-90; Res. of 9-14-93; Res. of 2-14-95; Res. of 6-18-99)

4-1-34a

Restaurants.

4-1-35a

Retail store, neighborhood.

4-1-36a

Sale of new and/or used cars.

4-1-37a

Sawmills, permanent.

4-1-38a

Sawmill, temporary.

4-1-39a

Vegetative rubbish recycling facility.

4-1-40a

Veterinary hospital.

4-1-41a

Wood yard. (O2008-10)

4-1-42a

Composting, commercial. (O2011-01)

4-1-43a

Wildlife rehabilitation center. (O2011-06)

4-1-44a

Activity center. (O2013-07)

4-1-45a

Distillery. (O2014-06)

4-1-46a

Kennels.

4-1-47a

Roadside stand, class B. (O2016-01)

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4-1-48a

Farmers market. (O2016-01)

4-1-49a

Festival Grounds. (O2016-01)

4-1-50a

Social Temporary Event, in excess of twelve (12) such events in a calendar year and provided that the event complies with the County Noise Ordinance. (O2016-04)

4-1-51a

Outdoor Entertainment Venue. (O2016-04)

4-1-52a

Commercial Solar Energy Systems.

(Ord. No. O2010-09, § 1, 9-14-10; Ord. No. O2011-01, § 2, 1-11-11; Ord. No. O2011-04, 8-9-11; Ord. No. O2011-06 8-9-11; Ord. No. O2013-07, 9-10-13; Ord. No. O2014-06, 10-14-14; Ord. No. O2015-02, 5-12-15; Ord. No. O2016-01, 4-12-16; Ord. No. O2016-02, 4-12-16; Ord. No. O2016-04, 1-10-17; Ord. No. O2019-03, 11-14-19; Ord. No. O2021-02, 4-13-21; Ord. No. O2022-02, 8-9-22)

4-2

Lots allowed and area regulations.

4-2-1

A parcel of record in the Clerk's Office of the Circuit Court of Nelson County on the effective date of this subsection (June 1, 2007) may be divided into no more lots than are provided in the chart below.

No. of Acres	No. of Lots Allowed
0—5	2
>5—10	3
>10—15	4
>15—20	5
>20—25	6
>25—35	7
>35—45	8
>45—55	9
>55—65	10
>65—75	11
>75	A parcel of land larger than 75 acres has additional allowable lots, provided each additional lot created is 20 acres or more in size.

> = greater than

At the time of division, the owner of the parcel so divided shall designate the number of lots into which each parcel so divided may be further divided pursuant to this section. No such division or adjustment of boundary lines or any other reconfiguration of a parcel shall increase the number of lots which may be created.

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Each plat of survey reflecting a division or adjustment of boundary line or any other reconfiguration of a parcel shall provide therein: (i) the original number of lots allowed for the parcel together with appropriate instrument number references; (ii) the number of lots created in this division; (iii) the number of lots remaining; and (iv) the allocation of remaining lot rights among the newly created lots.

4-2-1a

The minimum lot area shall be two (2) acres (eighty-seven thousand one hundred twenty (87,120) square feet) or more for single and two-family detached dwellings. For family subdivisions lots, the minimum lot area shall be one (1) acre (forty-three thousand five hundred sixty (43,560) square feet) per dwelling unit. (Ord. No. O2014-04, 7-8-14)

4-2-1b

For single-family dwelling units utilizing the Nelson County public sewage disposal system, the required area for such use shall be thirty thousand (30,000) square feet.

4-2-1c

For a two-family detached dwelling unit on a single lot utilizing the Nelson County public sewage disposal system, the required area for such use shall be thirty thousand (30,000) square feet.

4-2-2

For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The Administrator may require a greater area if considered necessary by the health official.

(Ord. No. O2007-003, 5-21-07; Ord. No. O2009-06, § 2, 7-14-09; Ord. No. O2009-13, § 1, 11-10-09; Ord. No. O2010-06, § 1, 7-13-10; Ord. No. O2014-04, 7-8-14)

4-3

Setback regulations.

4-3-1a

Front yard:

Minimum of seventy-five (75) feet from the center of the road or fifty (50) feet from the edge of the right-of-way, whichever is the greater distance.

4-3-1b

Internal lot without road frontage:

Minimum of fifty (50) feet from the property line designated as the front yard.

4-3-2

Side yard:

Lots one (1) to five (5) acres in size: Minimum of ten (10) feet from the property line and the total width of the required side yards shall be twenty-five (25) feet or more.

Lots greater than five (5) acres in size: Minimum of twenty (20) feet from the property line and total width of the required side yards shall be fifty (50) feet or more.

4-3-3

Rear yard:

Lots one (1) to five (5) acres in size: Minimum of twenty-five (25) feet from the rear property line.

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Lots greater than five (5) acres in size: Minimum of fifty (50) feet from the rear property line.

4-3-4

Accessory structure:

Minimum of fifteen (15) feet from property line, except no accessory building shall be located within the required front yard setback.

4-3-5

Road frontage:

Minimum of one hundred twenty-five (125) feet fronting on a public or private road built to state or county road standards.

(Ord. No. O2007-003, 5-21-07)

4-4

Special provisions for corner lots.

4-4-1

Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.

4-4-2

The minimum side yard on the side facing the side street shall be thirty (30) feet for both main and accessory building(s).

(Ord. No. O2007-003, 5-21-07)

4-5

Reserved for future use.

(Ord. No. O2007-003, 5-21-07)

4-6

Height limitations.

Any structure erected up to a height greater than thirty-five (35) feet from grade requires a special use permit with the following exceptions: Single-family dwellings, two-family dwellings, boardinghouse, tourist home, wooden poles for electric, telephone lines and similar lines/cables, public and semipublic uses such as churches, libraries, museums, schools, hospitals, parks, playgrounds, and post offices, agriculture, fire departments and rescue squad facilities, and water storage tanks.

(Ord. of 12-14-93; Ord. of 6-8-99; Ord. No. O2011-04, 8-9-11)

4-7

Site plan.

Before a building and zoning permit shall be issued for any development for commercial purposes or for development to contain three (3) or more dwelling units on one (1) lot or parcel, a site plan of proposed development shall be approved by the Commission in conformance with Article 13 of this ordinance.

(Ord. of 12-14-93)

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4-8

Mobile home park lot size.

That the owner or operator of any mobile home park shall provide not less than four thousand (4,000) square feet of ground for each mobile home lot rented, inclusive of the ground underneath the mobile home. There should be a minimum distance of twenty-five (25) feet between each mobile home.

(Ord. of 12-14-93)

4-9

Oil and gas exploration and extraction.

The Board of Supervisors may authorize the issuance of a Special Use Permit for the exploration and extraction of oil and gas provided the Board of Supervisors determines that natural resource exploration and extraction are appropriate in the area in which the activity is to be located. In addition to the guidelines and standards concerning compatibility with existing uses in the neighborhood of the activity as set forth in Section 12-3-6 of this ordinance, the Board of Supervisors shall determine that the proposed activity will not constitute a significant threat to the environment. In order to insure that the proposed activity will be carried out in a manner which will minimize any environmental impact, the applicant shall have prepared an Environmental Management Plan. This plan, to be prepared at the applicant's expense, shall address, at a minimum, the following areas:

- (1) The type, length, slope, and maintenance plans for any access roads or trails which will be constructed in connection with the activity. The Board of Supervisors shall require adherence to the guidelines set out for road construction in the Best Management Practices Handbook of the Virginia State Water Control Board.
- (2) The amount of land which will be disturbed as a result of the proposed activity and in particular any changes in the topography which would alter natural drainage patterns. The Board of Supervisors shall require adherence to the guidelines of the Virginia State Water Control Board's Best Management Practices Handbook.
- (3) The location of existing water wells and other existing or potential sources of water supply in the area to be established. The Board of Supervisors shall require satisfactory proof that the proposed activity will not disturb the quality or production of water sources. Data describing area water quality and quantity shall be provided by the applicant.
- (4) A plan for post drilling and post closure reclamation work. The Board of Supervisors shall require a detailed plan describing the measures to be taken by the applicant for the reclamation of the disturbed areas.

Prior to preparing the Environmental Management Plan, the applicant shall consult with the Zoning Administrator, who in consultation with appropriate local, state, and federal agencies and/or independent consultants, retained by the County, with professional expertise in the applicable fields will determine the specific areas to be addressed in the plan. Upon completion, copies of the plan shall be delivered to the Zoning Administrator for review.

The above review shall be conducted by the Zoning Administrator in consultation with the same parties conducting the original review. Based on this review, the Zoning Administrator shall prepare a recommendation for the Planning Commission and Board of Supervisors.

The Board of Supervisors shall require a bond with surety or other approved security to ensure that any of the above conditions which are imposed shall be complied with. The amount of said bond shall be of an amount sufficient to complete all requisite preparation, drilling, and reclamation projects as well as potential significant environmental damage.

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Prior to commencing any activity involving drilling for oil or gas, the operator of the activity shall obtain a drilling permit from the Zoning Administrator. Such permit shall be granted only after a state drilling permit has been issued to the applicant. The County drilling permit shall be valid for a period of two (2) years. Renewal of the permit shall require a reapplication.

Periodic inspection to determine the permittee's compliance with the approved plan shall be conducted by the Zoning Administrator or his designee. Failure on the part of the applicant to permit an inspection or failure to comply with any part of the plan during the course of the activity shall constitute grounds for revocation of the permit.

(Ord. of 12-14-93; Ord. No. O2010-09, § 1, 9-14-10)

4-10

Multifamily dwellings.

The Board of Supervisors may authorize the issuance of a Special Use Permit for multifamily housing units of up to six (6) units and not more than two (2) stories, provided that the gross density is not greater than one (1) unit per acre for the first four (4) units and one-half (½) acre for units thereafter up to six (6) units. Multifamily dwellings shall be located seventy-five (75) feet or more from any street or highway right-of-way which is fifty (50) feet or greater in width or one hundred (100) feet or more from the centerline of any street less than fifty (50) feet in width. The minimum frontage shall be two hundred fifty (250) feet along a road built to county or state standards.

In addition to the guidelines and standards concerning compatibility with existing uses in the neighborhood of the proposed multifamily housing units as outlined in Section 12-3-6 of this ordinance, the Board of Supervisors may require:

- (1) Evidence from a qualified soil scientist that the soils at the proposed site are suitable for septic fields.
- (2) Evidence that adequate supplies of drinking water are available.
- (3) An opinion from the Virginia Department of Highways that the traffic generated will not occasion the need for road improvements.
- (4) A detailed site plan showing landscaping and screening.

(Ord. of 12-14-93; Ord. No. O2007-003, 5-21-07; Ord. No. O2010-09, § 1, 9-14-10)

4-11

Administrative approvals.

The Zoning Administrator may administratively approve a zoning permit for the following uses, provided they are in compliance with the provisions of this article.

4-11-1

Temporary placement of a travel trailer not to exceed three (3) years and temporary occupancy not to exceed thirty (30) consecutive days at any one (1) time. A zoning permit will not be issued until a septic tank has been installed.

4-11-2

Roadside Stand, Class A, which provides one (1) year of approval. An approved Class A Roadside Stand may be renewed annually; no renewal fee or site plan resubmission shall be required with any request for annual renewal unless the layout, configuration, operation, vehicular ingress/egress, and/or scale is substantially modified.

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No Class A Roadside Stand permit may be approved or renewed unless the Planning and Zoning Director reviews and approves the following operational details regarding the safety and appropriateness of the proposed Roadside Stand:

- (1) Signed affidavit declaring that the majority of products offered for sale at the Roadside Stand are cultivated, produced, processed, or created on an agricultural operation owned or controlled by the operator or operator's family.
- (2) Location and type of proposed Roadside Stand equipment or facility:
 - a. All Roadside Stand structures or facilities must be located outside of VDOT right-of-way;
 - b. All permanent Roadside Stand structures must comply with the required front yard setback areas of the applicable zoning district.
- (3) Location and details of proposed signage:
 - a. Maximum of one (1) sign allowed, which may be double-sided;
 - b. Maximum of twelve (12) square feet of signage;
 - c. Must be located outside of VDOT right-of-way.
- (4) Sketch site plan, including accurate locations and dimensions of:
 - a. Property boundaries and right-of-way;
 - b. Proposed location of Roadside Stand equipment and/or facility(s);
 - c. Proposed signage;
 - d. Proposed layout and provisions for safe vehicular ingress, egress, and parking;
 - e. Lighting plan and lighting details (for any Roadside Stand request involving any proposed operation(s) after daylight hours).
- (5) Review comments from Virginia Department of Transportation:
 - a. VDOT review comments must include a formal "recommendation for approval" by VDOT before a Class A Roadside Stand permit can be approved by the Zoning Administrator.

4-11-3

Reserved for future use.

Editor's note(s)—Ord. No. O2016-04, adopted January 10, 2017, repealed § 4-11-3. Similar provisions are set out as Article 24. Former § 4-11-3 pertained to temporary events and derived from Ord. of 6-8-99; Ord. No. O2007-003, adopted May 21, 2007 and Ord. No. O2016-01, adopted April 12, 2016.