Planning Commission Regular Meeting
Agenda Item 4.a.

Agenda Item: **ZOTA #25-04, to amend Chapter 78 (ZONING) to update sections for conformance with the Code of Virginia, to clarify certain processes, notice requirements, and make other housekeeping amendments as deemed necessary and appropriate.**

Meeting Date: September 22, 2025

Category: Public Hearings

Prepared by: David Stromberg, Zoning Administrator, Lauri Sigler, Deputy Town Attorney

Description:
This zoning ordinance text amendment will update sections for conformance with the Code of Virginia, will clarify certain processes, notice requirements, and make other housekeeping amendments. A summary of the changes are below.

1. Section 78-152.1. The Code of Virginia does not allow localities to require a pre-application meeting prior to applicant submission of a site plan or subdivision, so the requirement has been deleted. The language has been clarified to require a pre-application meeting for all discretionary development applications, such as special exceptions, rezonings, and HTOC development plans.
2. Section 78-152.5 and Section 78-153.1. The language has been clarified to eliminate internal inconsistencies and specify that an application may be deemed expired if a resubmission is not received within 90 days. Section 78-153.2. The language has been clarified regarding public notice requirements for mailing and posting signs. Language referencing the Town of Herndon User Guide 23 has been deleted as that guide no longer exists.
3. Section 78-155.1. The language updates the number of hard copy submissions for rezoning applications and eliminates the language regarding expiration of planned development districts.

Staff is requesting a recommendation regarding the notice requirement for adjacent property owner letters. The Code of Virginia requires written notice be provided to adjacent and abutting property owners no less than five days before the public hearing. The zoning ordinance requires written notice to be provided no less than 15 days before the public hearing.

Background:

Staff initiated a review of the Herndon Zoning Ordinance after the passage of House Bill 2660 that amended and reenacted Sections 15.2-2259 and 15.2-2260 of the Code of Virginia, which shortened the time allowed for localities to review administrative site plans and subdivisions, that became effective July 1, 2025. While staff did not find that specific amendments were required for conformance with HB 2660, staff did find other sections in Article XV in need of amendment to bring the Herndon Zoning Ordinance into compliance with Code of Virginia, and to clarify and simplify administrative processes in general.

The Herndon Town Council initiated this zoning ordinance text amendment at its August public hearing.

Fiscal Impact:
N/A

Staff Recommendation/Next Steps:
Staff will be recommending that the planning commission recommend approval of ZOTA #25-04 to the town council.

Attachments:
1. Ordinance (Proposed)