TOWN OF HERNDON, VIRGINIA

TOWN COUNCIL

ORDINANCE

_____, 2025

Ordinance- **to adopt Zoning Ordinance Text Amendment ZOTA #25-05 to amend Chapter 78 (ZONING), Article XV (Decision-Making Authorities, Application Review and Permitting), by amending Section 78-150.1 (Town Council); and Section 78-150.6 (Zoning Administrator); and Section 78-151 (Summary Table of Development Review Responsibilities), and Section 78-153.2 (Review Process for Applications Requiring a Public Hearing (Approval by Decision Making Body)); and Section 78-155.6 (Site Plans, Subdivisions, Single Lot Development Plans and Building Location Surveys); and other sections as deemed necessary and appropriate to update sections for conformance with the Code of Virginia; to clarify certain decision making authority and processes; to clarify notice requirements, and make other housekeeping amendments as deemed necessary and appropriate.**

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia that:

1. The following sections or provisions of the Herndon Town Code (2000), as amended, are amended and re-ordained as follows:

CHAPTER 78 (ZONING)

Article XV. – DECISION-MAKING AUTHORITIES, APPLICATION REVIEW AND PERMITTING

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Sec. 78-150.1. - Town council.

(a) *Powers and duties.* The town council shall have the powers and duties specified in Code of Virginia tit. 15.2, ch. 22 and the Town Charter, as well as the following powers and duties under this chapter:

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(2) *Appeals*. The town council shall review and decide appeals from:

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a. **Reserved.** ~~Final decisions of the zoning administrator on site and subdivision plans (section 78-155.6);~~

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Sec. 78-150.6. - Zoning administrator.

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(b) *Powers and duties*. The zoning administrator or an appropriate designee acting as zoning administrator shall have the following jurisdiction, powers, and duties under this chapter:

(1) *Application review*. The zoning administrator shall review and decide applications for:

a. **Reserved.** ~~Site and subdivision plans and plan revisions (section 78-155.6).~~

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Sec. 78-151. - Summary table of development review responsibilities.

TABLE 78-151: DEVELOPMENT PERMIT REVIEW PROCEDURES
(S = Staff Review, R = Review and Advise, D = Final Decision, A = Appeal)

PROCESS	ZONING ADMINISTRATOR	ARCHITECTURAL REVIEW BOARD (ARB)	HISTORIC DISTRICT REVIEW BOARD (HDRB)	PLANNING COMMISSION	TOWN COUNCIL	BOARD OF ZONING APPEALS (BZA)	CIRCUIT COURT
TOWNWIDE:							
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~~SUBDIVISION PLANS~~	~~D~~				~~A~~		
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Sec. 78-153.2 - Review process for applications requiring a public hearing (approval by decision making body).

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(j) *Time in which to act on application*. Development applications subject to public hearing shall be acted upon in accordance with the following timing provisions:

(1) Reserved.

(2) *Zoning map amendment, special exception*. The town council shall have one year from the **initial planning commission public hearing** ~~acceptance of the initial application~~ to make a final decision on a zoning map amendment or special exception application.

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Sec. 78-155.6. - Site plans, subdivision plans, single lot development plans and building location surveys.

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(d) *General procedures for development applications approved administratively*.

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(2) *General application, review and approval procedures*. Applications that require administrative approval shall be subject to the following provisions:

a. The basic procedures and requirements for submittal and review of an application are established in section 78-153, development application review procedures.

b. The zoning administrator shall review the application pursuant to the requirements of section 78-153, development application review procedures **and Virginia Code §§15.2-2259 and 15.2-2260**.

~~c. The applicant may appeal a final decision of the zoning administrator on the administrative approval or disapproval of a development application to the town council within 30 days of the decision.~~

~~d. If a final decision of the zoning administrator is appealed pursuant to this section, the zoning administrator shall schedule a hearing on the appeal at the earliest feasible meeting of the town council. At the hearing, the town council shall consider the appeal and application, the relevant support materials, the staff report, the decision of the zoning administrator, and the testimony and evidence given at the hearing. After the close of the hearing, and based on the standards in section 78-155.6(g), standards, the town~~

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~~council shall either affirm, modify or reverse the decision of the zoning administrator on the application.~~

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(f) *Major site plans and major site plan revisions*. The provisions of this section shall apply to major site plans and major site plan revisions.

(1) *Application requirements*. Applications for a site plan shall include the items required in section 78-152.2, application submission requirements and the plan contents tables found in the development application manual, as maintained by the zoning administrator.

~~(2) *Written notice required*. Written notice of the application must be provided to adjoining neighbors prior to submission. The procedures and requirements for the provision of written notice are established in section 78-153.2(h), public hearing notification.~~

~~(3) *Posted notice required*. Posted (placard) notice shall be required. The procedures and requirements for posting placards on the property are established in section 78-153.2(h)(4).~~

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2. This ordinance shall be effective on and after the date of its adoption.

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