TOWN OF Herndon VIRGINIA

Town Council Regular Meeting

Agenda Item 6.c.

Agenda Item: **Ordinance 26-O-17 to consider a Zoning Ordinance Text Amendment – ZOTA #26-04 to amend Chapter 78 (ZONING), Article IV (Business Districts), Section 78-40.3 (CO – Commercial office district) and Article VII (Use Regulations), Section 78-70.2 (Table of permitted and allowed uses), to remove the special exception requirement for personal service uses in the CO zoning district**

Meeting Date: June 23, 2026

Category: Public Hearings

Prepared by: David Stromberg, Zoning Administrator

Description:
This zoning ordinance text amendment will remove the special exception requirement for general personal services uses in the CO, Commercial Office, zoning district. Land uses in the zoning ordinance are organized into groups called "use categories" which then list specific "use types." Article VII (Use Regulations) contains the "Table of permitted and allowed uses," which contains the full list of use categories and use types, as well as all zoning districts. This table provides every type of classified use that could be allowed within the town and provides for comparison of uses between zoning districts. The table identifies which uses are: (1) allowed by-right, (2) by special exception, (3) subject to proffers of a rezoning application, and (4) prohibited for each zoning district. Each zoning district also contains a simplified use table that lists only the uses allowed by-right, by special exception, or by proffered rezoning (planned development districts only). Implementing this text amendment requires a change to both the full use table and the CO district use table.

Hair, tanning, personal care, esthetician, photography studio and manicure/pedicure businesses all fall into the "personal services, general" use type. This use type is allowed by-right in the Central Commercial (CC), Commercial Services (CS), and most Planned Development-Business (PD-B), zoning districts. Review and approval of a by-right use is administrative and consists of obtaining a Zoning Appropriateness Permit (ZAP) and a business license, which typically takes one to four business days. Review and approval of a special exception usually takes four to five months, including legal advertisements and Planning Commission and Town Council public hearings. Special exception review also requires more staff involvement than administrative review.

Background/Timing Impact:
One of the recommendations of the Small Business Process Improvement Committee

was to, "conduct a comprehensive review of the zoning ordinance use tables and Special Exception process, with the goal of expanding by-right uses in appropriate zoning districts and streamlining approval pathways for commonly approved uses, thereby reducing regulatory barriers for small businesses." This ZOTA is one of potentially multiple amendments to further this goal.

This zoning ordinance text amendment is in alignment with Focus Area 3, Objective 4.1 of the Town of Herndon Strategic Plan, which states: Institute policies and practices that improve the permitting process for new businesses. The Town Council initiated a resolution for ZOTA #26-04 during their April 28, 2026, public hearing. The Planning Commission voted 7–0 at its May 18, 2026, regular meeting to recommend the Town Council adopt ZOTA #26-04.

Strategic Focus Area:
Environmental and Economic Sustainability

Fiscal Impact:
If adopted, this zoning ordinance text amendment will result in shorter review times, allowing for approved businesses to obtain a business license and begin paying BPOL (business, professional, and occupational license) fees. Additionally, staff time could be reallocated to other large development projects which may provide revenue for the Town.

Legal Impact:
If adopted by the Town Council, this amendment will be effective on and after its date of adoption.

Staff Recommendation/Next Steps:
Adopt Zoning Ordinance Text Amendment ZOTA #26-04.

Attachments:
1. Ordinance (Proposed)
2. Legal Ad