Planning Commission
Regular Meeting
Agenda Item 4.a.

Agenda Item: **Zoning Ordinance Text Amendment ZOTA #26-03 to amend Chapter 78 (ZONING), Article V (Planned Development Districts), by amending Section 78-50.8 (PD-TOC – Planned development – transit-oriented core district), Article VII (Use Regulations), Section 78-71.8 (Indoor entertainment use category), and amending Article XVIII (Definitions), Section 78-180 (Definitions) to define casino related terms and establish land use provisions for casino establishments**

Meeting Date: May 18, 2026

Category: Public Hearings

Prepared by: David Stromberg, Zoning Administrator

Description:
Staff is recommending the Planning Commission recommend denial of this zoning ordinance text amendment. The Governor vetoed casino legislation on April 9, 2026.

This zoning ordinance text amendment would have added a definition for "Casino Gaming Establishment" that is consistent with the definition in the Code of Virginia. The draft language included amendments to PD-TOC, Planned Development - Transit Oriented Core, a zoning district that is only permitted on those properties closest to the metro station. This amendment would not have allowed a casino gaming establishment in downtown Herndon, or any other place in town other than the nine parcels zoned PD-TOC.

The draft included minimum provisions for community uses that must be included in a casino gaming establishment mixed-use development. Those uses included the following:

- A hotel with at least 225 guest rooms
- A minimum of 34,000 square feet of retail space
- A minimum of 11,000 square feet of conference or ballroom space
- A minimum of 20,000 square feet of retail grocery space

A proposed casino development would need to submit a legislative Development Plan and Special Exception review before the Planning Commission and Town Council.

Background/Timing Impact:
This zoning ordinance text amendment was initiated March 24, 2026, in response to the General Assembly passage of Senate Bill SB 756. This bill amended the Code of Virginia Title 58.1 (Taxation), Chapter 41 (Casino Gaming). The Governor vetoed this bill on April 9, 2026.

Timing Impact:
Zoning ordinance text amendments may be considered in the future in response to General Assembly bills passed in future legislative sessions.

Fiscal Impact:
Recommending denial of this zoning ordinance text amendment will not have a fiscal impact on the town.

Legal Impact:
This zoning ordinance text amendment is no longer necessary due to Governor Spanberger's veto.

Staff Recommendation/Next Steps:
Staff recommends the Planning Commission recommend denial of ZOTA #26-03 to the Town Council.

Attachments:
1. Draft Ordinance Associated with ZOTA #26-03
2. Legal Ad