Zoning Ordinance Text Amendment ZOTA #26-07 – Use Regulations for Tax Exempt Properties

Planning Commission Work Session
October 5, 2026

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Zoning Administrator

LIVE DIFFERENTLY. TOWN OF Herndon VIRGINIA

Reason for ZOTA #26-07

- Code of Virginia Section 15.2-2288.9 – Affordable housing; religious organizations and other tax-exempt properties
  - House Bill 1279 and Senate Bill 388
- Mandatory provision in local zoning ordinances
- Effective January 1, 2027, until January 1, 2031



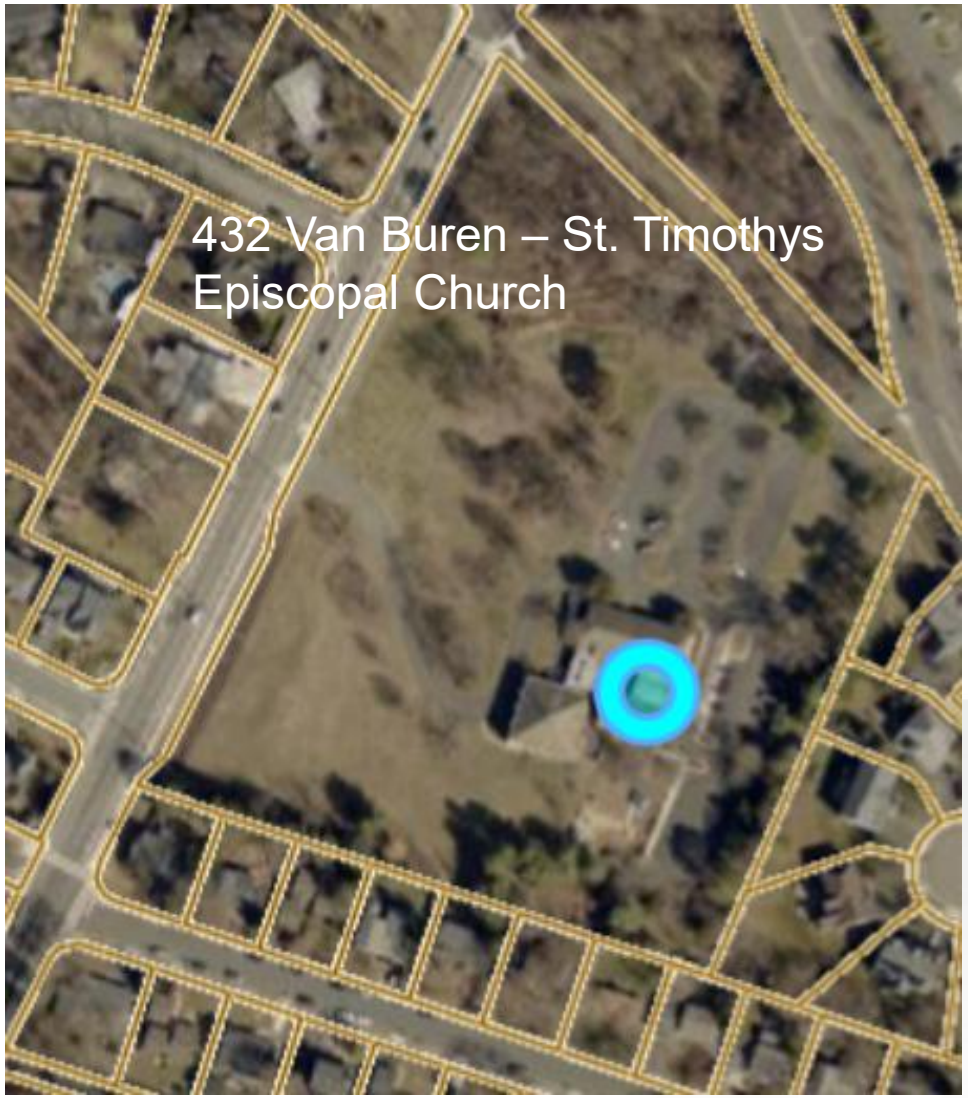
Waypoint at Fairlington Presbyterian Church. Image source: Google

Included Provisions in Section 78-71.1

- Property must be owned by a religious tax-exempt or 501(c)(3) tax-exempt for 5 years prior to submission of the development application
- At least 60 percent of the units must be dedicated affordable units
  - 80 percent or less of Area Median Income for rental
  - 120 percent or less of Area Median Income for for-sale
  - Must be affordable for 30 years by deed restriction
- Must comply with the following dimensional requirements
  - Density no greater than 20 units per acre (du/ac)
  - 10-foot setback
  - Maximum 30 percent floor area used for nonresidential uses
  - Minimum parking of 1 space per dwelling unit and 1 space per 300 square feet of nonresidential uses
- These provisions do not apply in industrial districts
  - In Herndon, O&LI, Office & Light Industrial, is the industrial zoning district
- These provisions do not preempt requirements in the Historic District Overlay

List of Religious and 501(c)(3) tax-exempt properties (not to scale)





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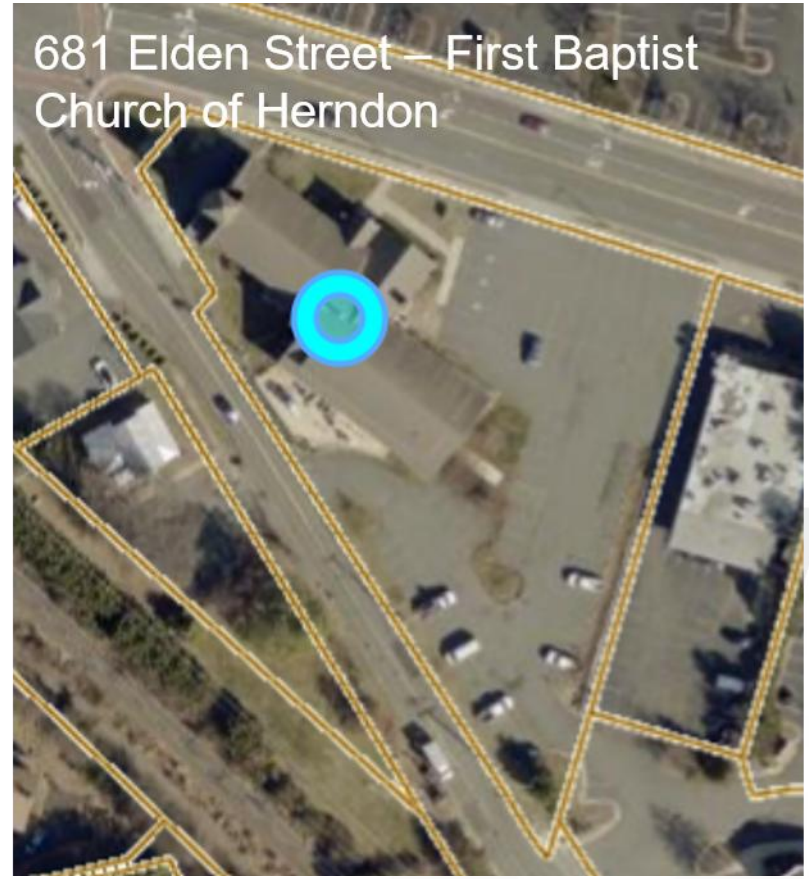

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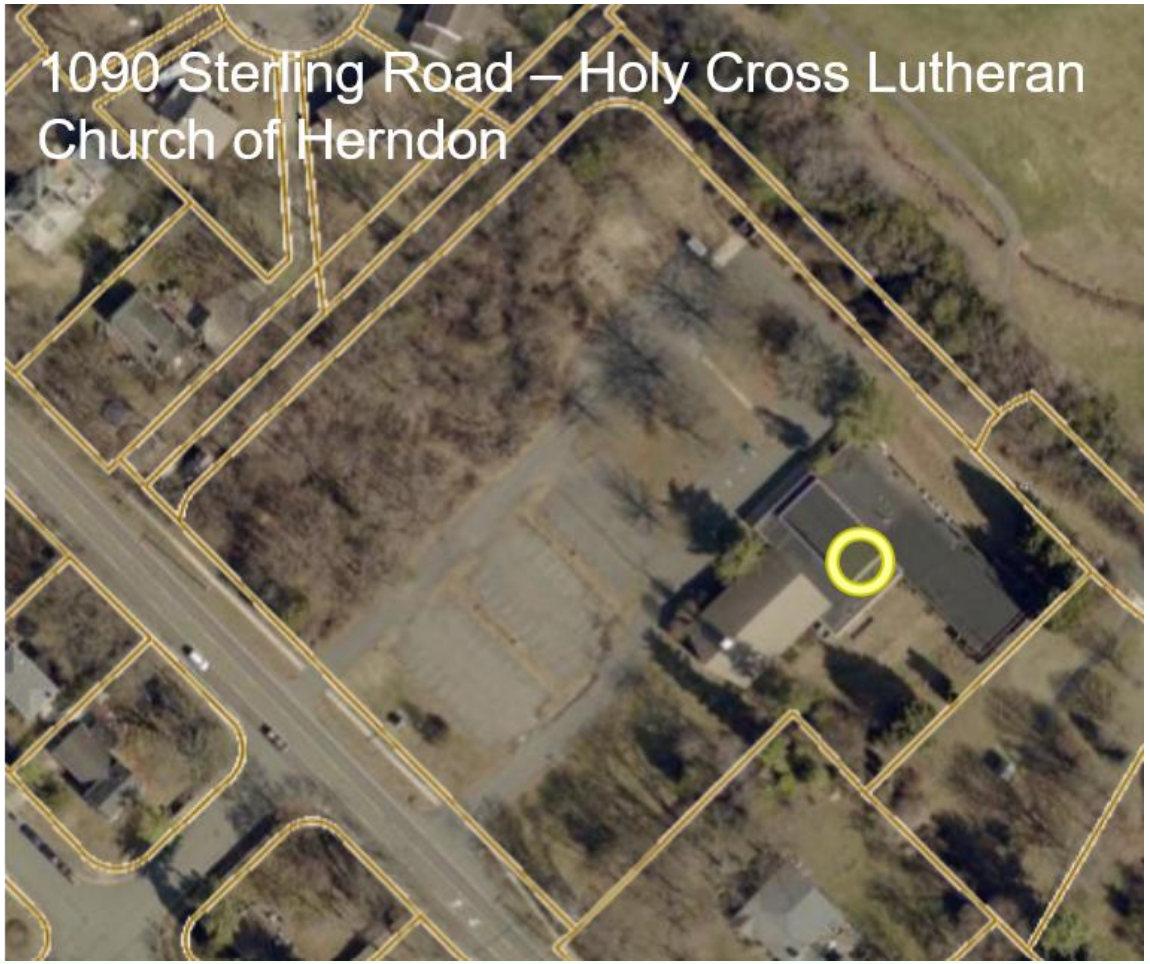

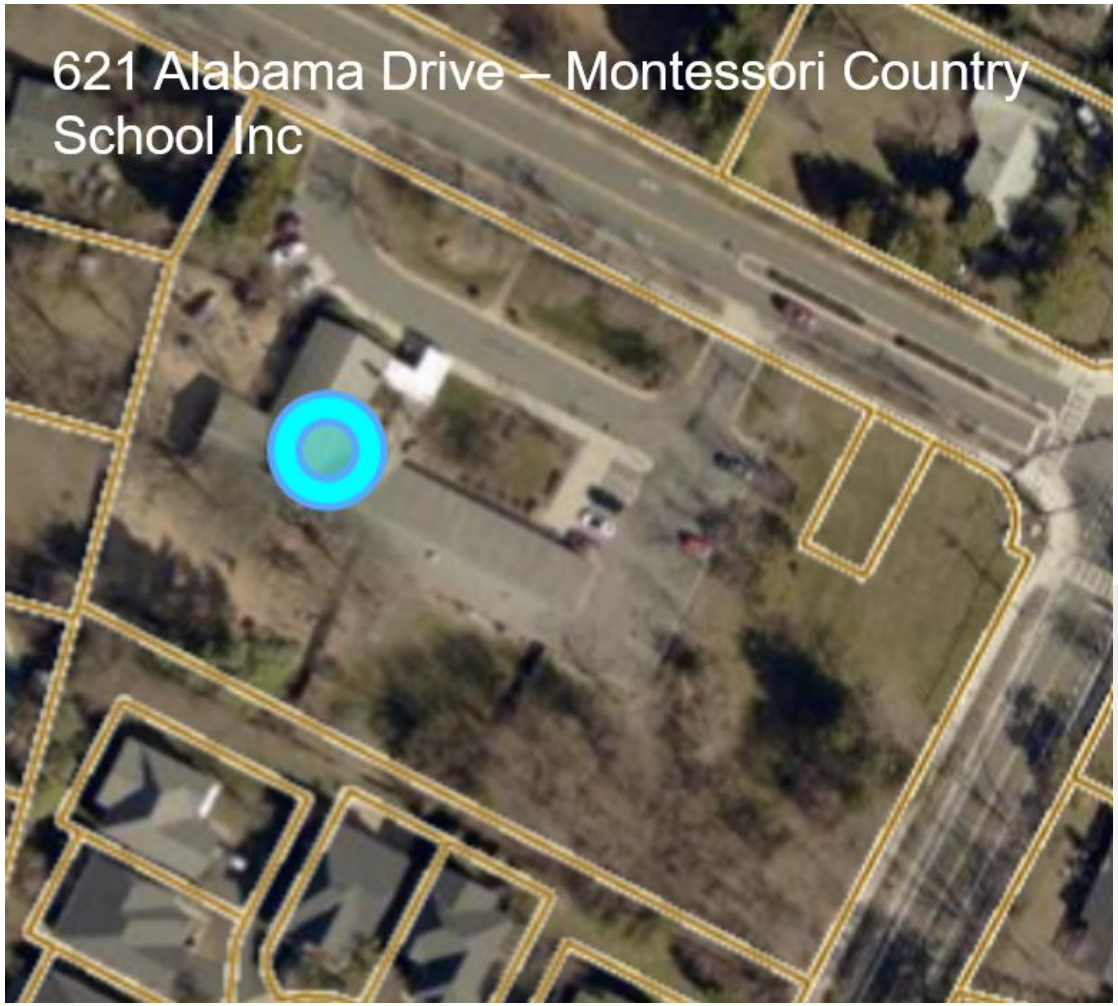

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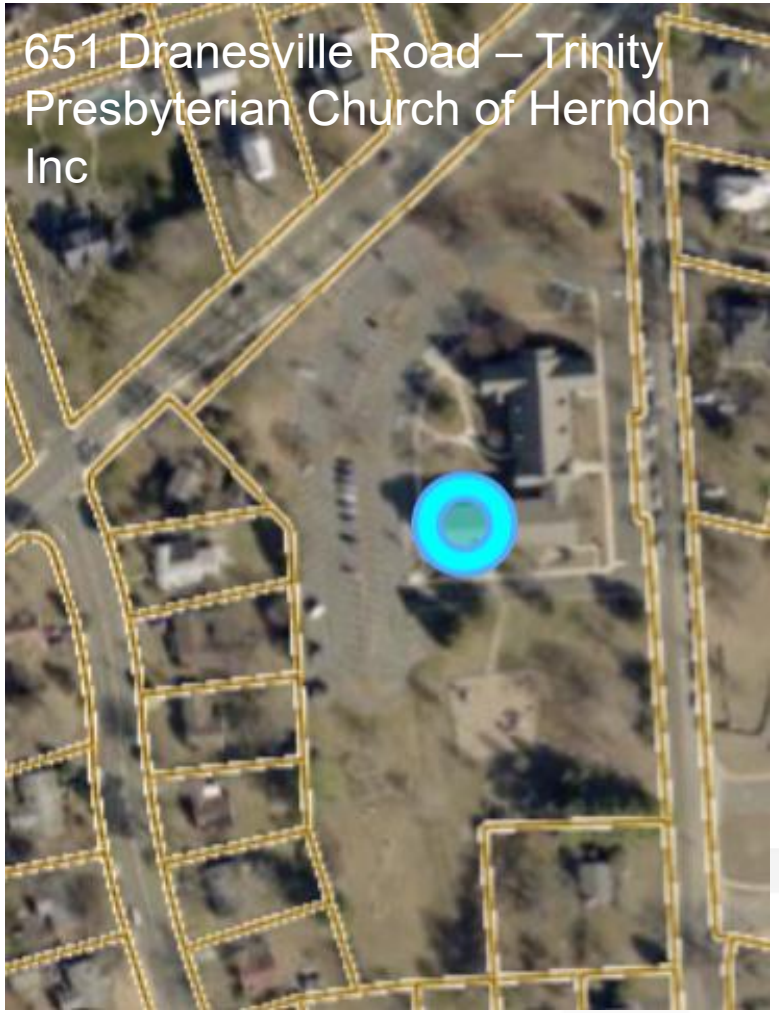

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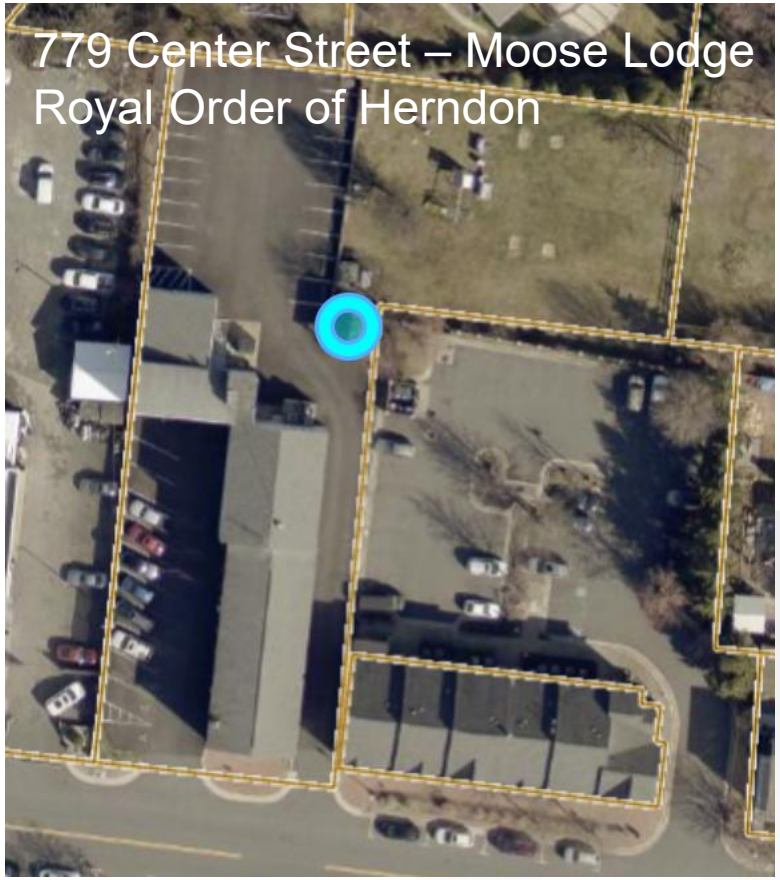

Recommendation

Staff

- Recommends approval of ZOTA #26-07