Planning Commission
Regular Meeting
Agenda Item 4.c.

Agenda Item: **Zoning Ordinance Text Amendment – ZOTA #25-06, to amend Chapter 78 (ZONING), ART. VI (Overlay Districts), and Article XVIII (Definitions), to update sections for conformance with the Virginia Administrative Code regarding changes to the Chesapeake Bay Preservation Act**

Meeting Date: March 23, 2026

Category: Public Hearings

Prepared by: David Stromberg, Zoning Administrator, Aaron Zoellick, Zoning Services Specialist

Description:
Zoning Ordinance Text Amendment (ZOTA) #25-06 will update sections of the zoning ordinance for conformance with the Code of Virginia.

Background/Timing Impact:
The Town of Herndon is one of the localities subject to the Chesapeake Bay Preservation Act. In September 2021, the State Water Control Board adopted a new section of the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC25-830-155) to incorporate criteria for addressing resilience and adaptation when reviewing proposed development in Chesapeake Bay Preservation Areas.

Staff initiated a review of the Herndon Zoning Ordinance after the Virginia Department of Environmental Quality issued Guidance Memo No. 25-2004 to assist localities with implementing the changes to the Virginia Administrative Code in their locally adopted codes. Staff utilized the Model Chesapeake Bay Preservation Area Ordinance prepared by the Department of Environmental Quality to update the zoning sections pertaining to the Chesapeake Bay Preservation District.

Updates to the zoning ordinance include: (1) requirements for a resiliency assessment for any proposed land development in the Resource Protection Area (RPA); (2) required conditions for the selection, design, installation, and maintenance of adaptation measures in the RPA; (3) requirements for the preservation of mature trees in the RMA and RPA; and, (4) incorporation of new definitions and updates to existing definitions applicable to the updates to the zoning ordinance.

The definitions for critical root zone and land disturbance were updated based on the Planning Commission's input at the March 9, 2026, work session.

Fiscal Impact:
N/A

Legal Impact:
Code of Virginia § 15.2-2285 states that the commission shall hold at least one public hearing on a proposed ordinance or any amendment of an ordinance, after notice as required by § 15.2-2204, and may make appropriate changes in the proposed ordinance or amendment as a result of the hearing.

Staff Recommendation/Next Steps:
Recommend approval of ZOTA #25-06.

Attachments:
1. ZOTA #26-06 Resolution (proposed)
2. ZOTA #25-06 Sec. 78-60.4. and 78-180 (Proposed)
3. Legal Ad