TOWN OF HERNDON, VIRGINIA

TOWN COUNCIL

ORDINANCE

_____, 2026

Ordinance- to adopt 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), 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.

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 V – PLANNED DEVELOPMENT DISTRICTS

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Sec. 78-50.8 – PD-TOC – Planned Development transit-oriented core district.

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(4) Table of Permitted uses in PD-TOC.

Table 78-50.8.D - Principal Permitted Uses in PD-TOC

KEY: P = Use Permitted By Right; S=Use Permitted Subject to Special Exception Approval; D = Use Permitted Subject to Develop Plan Approval

Uses may be subject to use specific standards as noted in the last column

USE CATEGORY	USE TYPE	PD-TOC	See Supplemental Regulations

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Residential	Stacked Townhouse (rental, condominium, or fee-simple) when no more than 400 linear feet from property used for SFD residential on January 1, 2018.	P	§78-71.1
	Multi-Family (rental or condominium)	D	§78-71.1
	Elderly and/or Persons with disabilities Assisted Living Housing (rental or condominium)	D	§78-71.1
Education	Childcare Center, Daycare Center, Preschool,	S, D	§78-71.2
	K-12 schools (public or private)	D	§78-71.2
	Career School or School of Special Instruction	P	§78-71.2
	Post-Secondary School (public or private)	P	§78-71.2
Institutional and Community Service Uses	Community Center	S, D	§78-71.4
	Library	S, D	§78-71.4
	Museum	S, D	§78-71.4
	Police Substation	S, D	§78-71.3
	Places of Worship (accommodating 300 or fewer individuals at any one time)	S, D	§78-71.4
Alcohol Production Facilities, Small	Craft Breweries, Micro-Distilleries, Micro-Cideries, Micro wineries (without on-site vineyard)	S, D	§78-71.5
	Brewpubs	S, D	§78-71.5
Eating Establishments	Restaurant	S, D	§78-71.6
Entertainment; Indoor	Theater (Live, electronic and film presentations, with or without food and beverage service)	S, D	§78-71.8
	Casino gaming establishments as part of a mixed-use development	***S, D***	***§78-71.8***

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Lodging Businesses	Conference Center or Hotel	S, D	§78-71.12
Offices	All Office Uses (including healthcare offices and outpatient healthcare facilities)	P	§78-71.7
Personal Services and Retail Sales	Artist's Studio or Gallery	P	§78-71.10
	Financial Institution	P	§78-71.10
	Printing, Mailing, Packing Service	P	§78-71.10
	Personal Services; General	S, D	§78-71.10
	Veterinarian, Animal Daycare & Grooming	S, D	§78-71.10
	Indoor Recreation, Health & Sports Facilities (public or private)	S, D	§78-71.10
	Outdoor Passive or Active Recreation Facilities (public or private)	S, D	§78-71.10
	Retail	S, D	§78-71.10

Article VII. – USE REGULATIONS

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Sec. 78-71.8 – Indoor entertainment use category

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(a) *Characteristics.* This indoor entertainment use category is characterized by commercial uses that provide recreation or entertainment activities in an enclosed structure or structures. Accessory uses may include concessions, snack bars, restaurants, parking, and maintenance facilities.

(b) *Examples.* Example use types include private clubs, amusement arcades, billiards parlors, bowling alleys, dance floors, indoor skating rinks, commercial swimming pools (indoor), enclosed skating rinks, racquet and tennis club facilities (indoor), health clubs, auditoriums and theaters for live performances or pre-recorded performances.

(c) *Similar use types, accessory uses, and prohibited use types*

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(1) *Private clubs.* A private club in which the principal use is a restaurant is in the category of eating establishment.

(2) *Restricted facilities.* Indoor recreation facilities that are reserved for use by residents of particular residential developments and their guests are accessory to those residential use types.

(d) *Indoor entertainment category specific use standards.* All indoor entertainment uses shall comply with all applicable standards in this chapter and the following specific standards:

(1) *Indoor entertainment uses in the Herndon Downtown.* Indoor entertainment uses in the Herndon Downtown (designated in the downtown overlay as shown in the Herndon 2030 Comprehensive Plan (adopted August 12, 2008), as may be amended) shall be of a scale and impact harmonious with existing development and planning policy for the Herndon Downtown. Factors to be considered include traffic impact, parking availability, pedestrian access, peak period visitation for the proposed use and positive economic multipliers for existing downtown businesses.

(e) *Casino gaming establishment. Casino gaming establishments may only be established when part of a mixed-use development containing a minimum of at least # of the following*

(1) A hotel with at least 225 guest rooms

(2) A minimum of 34,000 square feet of retail space

(3) A minimum of 11,000 square feet of conference or ballroom space

(4) A minimum of 20,000 square feet of retail grocery

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Sec. 78-180. – Definitions.

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Casino gaming establishment. **Casino gaming establishment means the premises, including the entire property located at the address of the licensed casino, upon which lawful casino gaming is authorized and licensed by the Virginia Lottery Board.**

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

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