

**TOWN OF HERNDON, VIRGINIA
PUBLIC HEARING AGENDA
HERNDON COUNCIL CHAMBERS BUILDING
765 LYNN STREET
APRIL 23, 2019
7:00 P.M.**

1. Call to Order
2. Pledge of Allegiance to the Flag of the United States of America

APPROVAL OF MINUTES

March 5, 2019	Town Council Work Session Draft Minutes
March 12, 2019	Town Council Public Hearing Draft Minutes
March 19, 2019	Town Council Work Session Draft Minutes
March 26, 2019	Town Council Public Hearing Draft Minutes

PRESENTATIONS

3. Proclamation, to recognize “National Small Business Week,” May 5 – May 11, 2019 and “National Economic Development Week,” May 6 – May 11, 2019

COMMENTS

4. Comments from the Town Manager
5. Comments from the Town Council
6. Comments from the Audience

PUBLIC HEARINGS

7. Ordinance 19-O-09, to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2020 budget **(Continued from April 9)**
8. Ordinance 19-O-10, to amend Chapter 30 (FINANCE & TAXATION), Article IX (Meals Tax), Sec. 30-401 (Levy), for a possible increase in the meals tax up to 4.0 percent. (The current rate is 2.5 percent.) **(Continued from April 9)**
9. Ordinance 19-O-11, to amend Chapter 74 (UTILITIES), Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262; and Article III (Water), Division 2 (Service), Section 74-326 (Schedule of Charges), to increase the usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2019 **(Continued from April 9)**
10. Resolution 19-G-31, to adopt a Fiscal Planning Resolution for the Fiscal Year 2020 budget **(Continued from April 9)**

11. Ordinance 19-O-12, to Appropriate Funds to Implement the Fiscal Year 2020 budget, establishing the pay plan, and reserving on-going and capital funding for this fiscal year **(Continued from April 9)**
12. Ordinance 19-O-14, to consider a proffer condition amendment PCA #19-01, 525 Grove Street, Virginia Dominion Energy Substation, to allow the installation of a freestanding telecommunications facility
13. Ordinance 19-O-15, to consider a proffer condition amendment PCA #19-02, 525 Grove Street, Virginia Dominion Energy Substation, to allow the installation of a freestanding telecommunications facility
14. Resolution 19-G-33, to consider a special exception SE #19-02, 525 Grove Street, Virginia Dominion Energy Substation, to allow the installation of a freestanding telecommunications facility

GENERAL

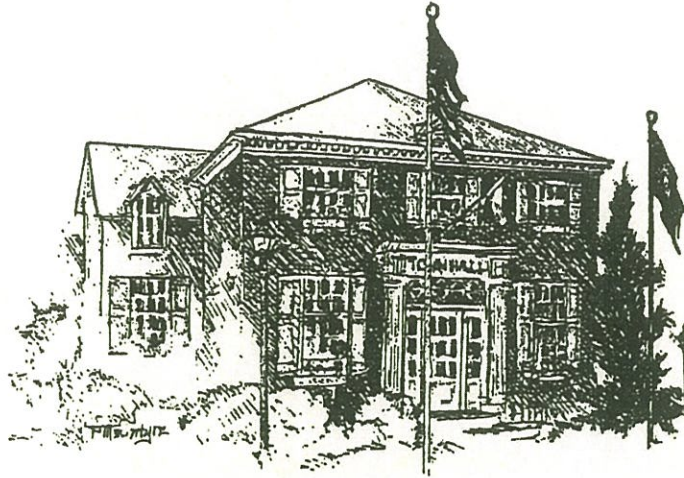
15. Resolution 19-G-34, to initiate a zoning ordinance text amendment ZOTA #19-01, Planned Development – Urban Residential

CONSENT AGENDA

16. Proclamation, to recognize “Building Safety Month,” May 2019
17. Resolution 19-G-35, to appoint Cari Lyn Pierce as a Member of the Town of Herndon Board of Zoning Appeals
18. Resolution 19-G-36, to nominate Roland Taylor for appointment as the Town of Herndon “principal” member to the Fairfax County Athletic Council
19. Resolution 19-G-37, to appoint Darryl Branting as a “citizen” member to the Town Council’s Pedestrian and Bicycle Advisory Committee

Future Town Council Meetings

May 7, 2019	Town Council Work Session	7:00 p.m.
May 14, 2019	Town Council Public Hearing	7:00 p.m.
May 21, 2019	Town Council Work Session	7:00 p.m.
May 28, 2019	Town Council Public Hearing	7:00 p.m.



TOWN OF HERNDON, VIRGINIA
PROCLAMATION
NATIONAL SMALL BUSINESS WEEK
MAY 5 – MAY 11, 2019
NATIONAL ECONOMIC DEVELOPMENT WEEK
MAY 6 – MAY 11, 2019

Every year since 1963, the President of the United States has proclaimed **National Small Business Week** to recognize the critical contributions of America's entrepreneurs and small business owners. The Town of Herndon celebrates our small businesses and honors their positive impact on our local economy and the goodwill they foster in our community.

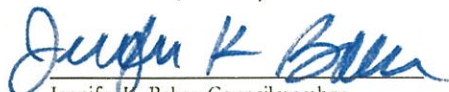
National Economic Development Week was created by the International Economic Development Council (IEDC) ~ the largest professional economic development organization ~ in 2016 to increase awareness of local programs that create jobs, advance career development opportunities, and improve the quality of life in communities everywhere.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim the week of May 5 through May 11, 2019 as **National Small Business Week** in the Town of Herndon, and the week of May 6 through May 11, 2019 as **National Economic Development Week**, to support the town's vibrant small business community and the economic developers who play an essential role in fostering these entrepreneurs.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby recognize the contributions of economic developers and small businesses toward a strong, prosperous economy; and encourage our residents to join communities across the country in supporting small businesses and merchants throughout the year.


Sheila A. Olem, Vice Mayor

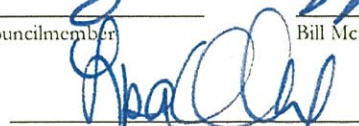

Pradip Dhakal, Councilmember


Jennifer K. Baker, Councilmember


Signe Friedrichs, Councilmember


Cesar del Aguila, Councilmember


Bill McKenna, Councilmember


Lisa C. Merkel, Mayor



TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 23, 2019

Ordinance- to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2020 Budget.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that the Town Council fixes and orders the tax levies for the fiscal year beginning July 1, 2019 and ending June 30, 2020, as follows:

Real Estate

On each \$100.00 of the valuation of real estate and improvements to the Town.

\$.2650

Personal Property and Merchants' Capital

On each \$100.00 of the valuation of tangible personal property classified by Section 58.1-3503 and 58.1-3510 of the Code of Virginia.

\$.00

Vehicles Used as Manufactured Homes and Offices

On each \$100.00 of the valuation of vehicles without motive power, used or designed to be used as manufactured homes as classified by Section 58.1-3506(A), paragraph 10, of the Code of Virginia.

\$.2650

Farm Machinery, Farm Tools and Farm Livestock

On each \$100.00 of the valuation of farm machinery, farm tools and farm livestock as classified by Section 58.1-3505 of the Code of Virginia.

\$.00

Machinery and Tools

On each \$100.00 of the valuation of machinery and tools classified by Section 58.1-3507 of the Code of Virginia.

\$.00

Other Classifications of Tangible Personal Property

On each \$100.00 of the valuation of tangible personal property as classified by Section 58.1-3506 (except for Section 58.1-3506(A), paragraph 10,) of the Code of Virginia.

\$.00

Miscellaneous Levies

Except as provided above and other ordinances adopted by the Town Council in this budget cycle all other taxes and licenses previously enacted by the town are imposed and levy made to the same extent and at the same rate as during the fiscal year 2018-2019.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 23, 2019

Ordinance- to amend Chapter 30 (FINANCE & TAXATION), Article IX (Meals Tax), Sec. 30-401 (Levy), for a possible increase in the meals tax up to 4.0 percent.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that:

1. Section 30-401. Levy, Herndon Town Code (2000), as amended is amended and re-ordained as follows:

Section 30-401. Levy.

There is hereby imposed and levied on each person purchasing a meal or meals from any food establishment, a tax at the rate of **three and three-quarters** ~~two and one-half~~ percent on the amount such person paid for the meal or meals, whether prepared in such food establishment or not, and whether consumed on the premises or not.

2. This ordinance shall be effective on and after July 1, 2019 for meals purchased on and after that date.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 23, 2019

Ordinance- to amend Chapter 74 (UTILITIES), Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262; and Article III (Water), Division 2 (Service), Section 74-326 (Schedule of Charges), to increase the usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2019.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that:

1. The following sections or provision of the Herndon Town Code (2000), as amended, are amended and re-ordained as follows:

Chapter 74 (UTILITIES)

Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges)

Sec. 74-262. – Schedule of Rates.

- (a) The rate schedule for sanitary sewer service shall be determined on the basis of water consumed and shall be charged at the rate of ~~\$5.78~~ **\$6.19** per 1,000 gallons of water used, except as otherwise provided in this division.

Article III (Water), Division 2 (Service)

Sec. 74-326. – Schedule of charges.

- (a) The water usage charge shall be ~~\$3.06~~ **\$3.16** per 1,000 gallons, based on the consumption of water as measured by readings of the water meter serving the property.
- (b) A service charge per bill rendered shall be assessed for all metered water service as follows:

Quarterly Billing

Meter size (inches)	Charge
5/8	\$8.84 \$ 8.97
3/4	13.26 13.45
1	22.11 22.41
1 1/2	44.21 44.83
2	70.74 71.72
3	141.48 143.45
4	221.06 224.14
6	442.12 448.28

(c) All water consumed during the peak use periods in excess of the average consumption of the preceding two winter quarter billing periods shall be charged an additional amount of ~~\$5.23~~ **\$5.38** per 1,000 gallons. This peak use period charge shall be applied in addition to the base water usage charge in subsection (a) above.

(1) Average consumption of the preceding two winter quarter billing periods is defined as the average of any consumption for the quarterly billing periods reflected in bills issued during the months of December through May.

(2) Peak use consumption is defined as any consumption for a quarterly billing period reflected in bills issued during the months of June through November.

2. This ordinance shall be effective for all meter readings taken on and after July 1, 2019.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 23, 2019

Resolution- to Adopt a Fiscal Planning Resolution for the Fiscal Year 2020 Budget for the Town of Herndon.

WHEREAS, the Town Manager of the Town of Herndon, Virginia, has submitted to the Town Council of the Town of Herndon, Virginia, a proposed budget; and

WHEREAS, the town properly advertised the April 9 and April 23, 2019 public hearings on the budget; and

WHEREAS, it is the intent of the Town Council of the Town of Herndon, Virginia, to adopt the proposed budget with amendments, if any.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby adopts for the purpose of fiscal planning during the fiscal year 2019-2020 for the Town of Herndon, Virginia, the budget prepared by the Town Manager, set out in "Proposed Annual Budget 2019-2020" dated March 30, 2019, on file in the office of the Town Manager, amended as follows:

➤ **Town Clerk**

- **Decrease** appropriations for cash donations by \$6,800 such that revised total cash donation appropriations and in-kind contributions, by organization, are as follows:

<u>Organization</u>	<u>Cash</u>	<u>In-Kind</u>
Herndon Community Television	\$ 99,700	
NextStop Theater	50,000	
Friday Night Live		\$ 15,000
Herndon High School PSTA	2,000	
Herndon High School Band Parents Assoc	500	
Herndon Elementary PTA	5,000	
Kids at Hope Herndon	4,000	
Herndon Hospitality Assoc/Jam Brew		3,950
Arts Herndon	50,000	
Total	\$211,200	\$ 18,950

➤ **Police**

- **Decrease** appropriations for police overtime in the Operations division by \$32,000 to offset a sworn officer payroll increase
- **Increase** sworn officer salary and fringe benefits appropriations by \$65,000

➤ **Parks & Recreation**

- **Decrease** appropriations for a van by \$33,000 in the Parks & Recreation Community Center division to support sworn officer payroll increase
- **Increase** appropriations for the following Parks & Recreation programs:
 - Family Fun Days \$ 3,500
 - Downtown Events \$25,000
 - Kids at Hope \$15,000
- **Increase** General Fund revenues by \$43,500 to cover the additional cost of these three programs

➤ **Town Attorney**

- **Increase** salary and fringe benefits appropriations by \$125,500 to cover the cost of Assistant Town Attorney position
- **Increase** General Fund revenues by \$125,500 to cover additional costs associated with the new Assistant Town Attorney position

➤ **General Fund Non-departmental**

- **Increase** expenditure appropriation for contingencies by \$6,800

➤ **Interfund Transfers**

General Fund

- **Increase** expenditure appropriation for transfers from the General Fund to the Capital Projects Fund by \$56,000 to cover additional costs associated with the Pedestrian Walkways project

- **Increase** General Fund revenue by \$56,000 to cover the transfer to the Capital Projects Fund for the Pedestrian Walkways project
- **Decrease** expenditure appropriation for transfers from the General Fund to the Capital Projects Fund by \$200,000, related to the Folly Lick project
- **Increase** expenditure appropriation for transfers from the General Fund to the Downtown Parking Fund by \$200,000

Capital Projects Fund

- **Increase** expenditure appropriation for the Pedestrian Walkways project by \$56,000
- **Increase** General Fund transfer into Capital Projects Fund (revenue) by \$56,000 to cover cost of the Pedestrian Walkways project
- **Decrease** expenditure appropriation for the Folly Lick project by \$200,000
- **Decrease** General Fund transfer into Capital Projects Fund (revenue) by \$200,000

Downtown Parking Fund

- **Increase** expense appropriation for debt service by \$200,000
- **Increase** transfer in from General Fund (revenue) by \$200,000

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 23, 2019

Ordinance- to Appropriate Funds to Implement the Fiscal Year 2020 Budget for the Town of Herndon, Establishing the Pay Plan, and Reserving On-Going and Capital Funding for this Fiscal Year.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that:

1. There is appropriated and authorized for expenditure during the Fiscal Year 2019-2020 such sums as appear in the Fiscal Planning Budget for the Fiscal Year 2019-2020 as set out in "Proposed Annual Budget 2019-2020" dated March 29, 2019, on file in the office of the Town Manager, and as may be subsequently modified by the Town Council.
2. No money shall be withdrawn from the treasury of the town and no obligation for expenditure of money can be incurred, except in accordance with the Fiscal Planning Budget, or with supplemental appropriations as may be made by the Town Council.
3. The town advertised the public hearing at least once in "The Times" and held a public hearing on the budget at least seven days prior to approval of the budget.
4. The 2019-2020 proposed schedule of salaries, set out in the Fiscal Planning Budget, are adopted effective July 1, 2019.
5. The Town Council may award to the Town Manager and the Town Attorney bonuses as provided for in the Fiscal Planning Budget for Fiscal Year 2019-2020 for exceptional services rendered. Any such bonuses shall not become a part of these officers' annual salary.
6. The Town Council reserves, encumbers, and appropriates for Fiscal Year 2020 funding for capital and on-going projects, for which funds were previously appropriated. The Town Manager as of July 1, 2019, shall take the appropriate accounting steps to reserve and encumber these funds as of that date for Fiscal Year 2019-2020 and to report to the Mayor and Town Council in this regard.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 23, 2019

Ordinance- Proffer Condition Amendment PCA#19-01. To amend the proffer statement for the previously approved rezoning application, ZMA #02-102, which governs the zoning of the property located at 525 Grove Street identified as Fairfax County Tax Map Reference Number 0162 02 0190E to allow telecommunications facility to include a freestanding monopole and associated ground equipment compound. The subject parcel is split zoned CS, Commercial Service, and O&LI, Office & Light Industrial and its land use designation in the Town of Herndon 2030 Comprehensive Plan is “Community Facilities”

In adopting this Ordinance, the Town Council has considered the factors set out in 15.2-2284, Code of Virginia (1950) as amended.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that:

A. The zoning of the property described below, lying in the Town of Herndon, Fairfax County, Virginia, is amended to allow the telecommunications facility as proposed in the Network Building & Consulting, LLC Plan Exhibit dated March 19, 2019 and the Proffer Statement dated February 26, 2019 for PCA#19-01 and in accordance with the Section 78-71.13 and Section 78-155.3 of the Town of Herndon Zoning Ordinance.

B. This rezoning shall be governed by this ordinance, the Town of Herndon Zoning Ordinance, the above referenced Proffer Statement for PCA#19-01 and the above referenced Plan Exhibit for PCA#19-01. The Proffer Statement is included as an attachment to this ordinance. This Proffer Condition Amendment is consistent with the adopted 2030 Comprehensive Plan of the Town of Herndon.

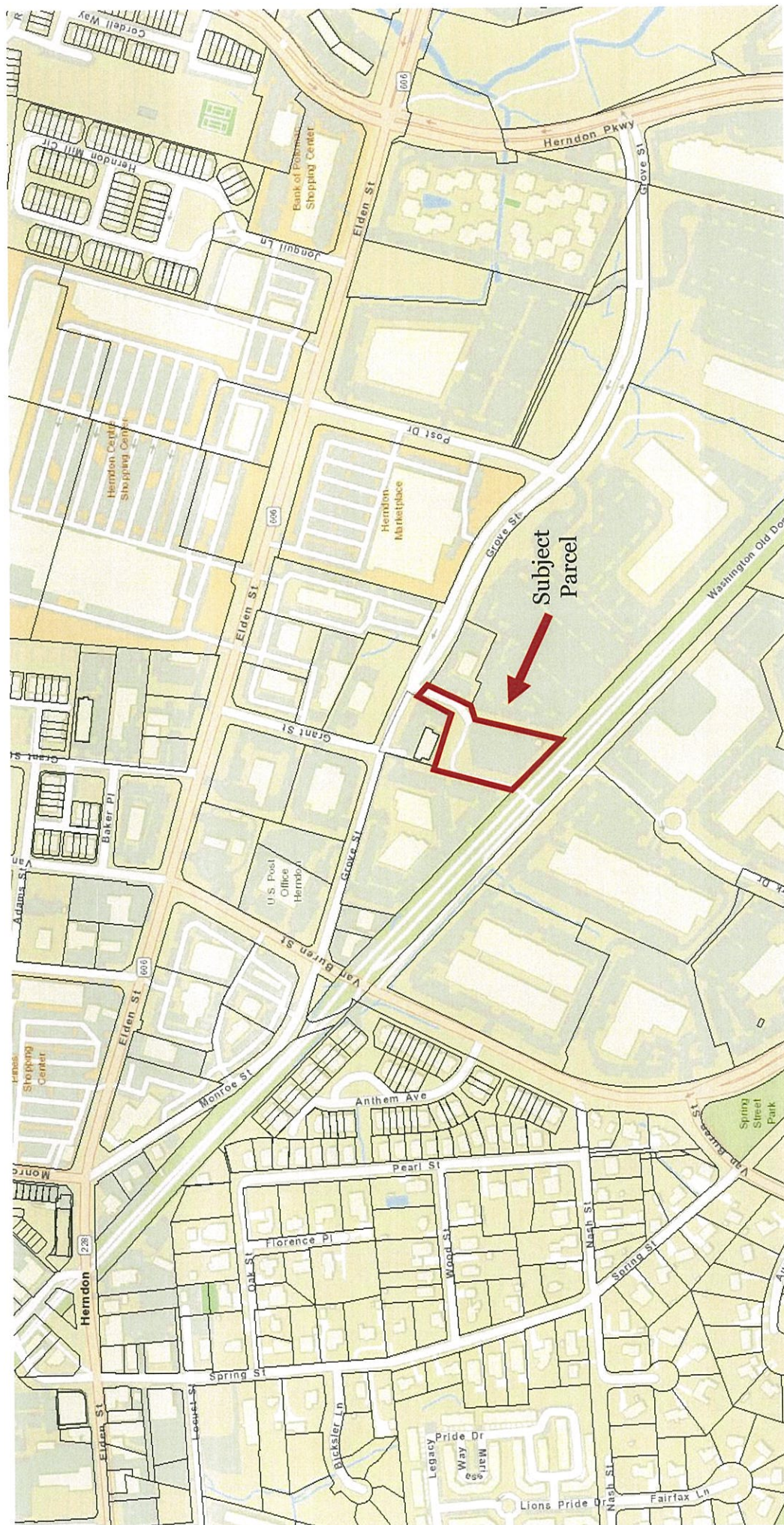
C. The Town Council approves the following modifications to the zoning regulations, as allowed under Section 78-50.2(d):

A modification to Section 78-71.13(d)(2)(g)(5) to allow an open fence style to enclose the ground equipment compound.

A modification to Section 78-114.2(a)(1) to allow a fence and landscaping to screen the ground equipment compound.

D. As to the modifications set out in item C. above, the Town Council finds that such modifications will afford equal or greater assurance of meeting the goals of the zoning ordinance, Town of Herndon, Virginia, as set out in the preamble of that ordinance.

E. This ordinance shall be effective on and after its adoption.



SITE LOCATION – Vicinity Map

525 Grove Street

PERFORMANCE BOND ESTIMATE				
ITEM NO.	ITEM	QUANTITY	UNIT	COST
1	CLEARING & GRUBBING		ACRES	
2	EXCAVATION		CU. YDS.	
3	CONCRETE		CU. YDS.	
4	PAVING		SQ. YDS.	
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CASH ESCROW BOND ESTIMATE				
ITEM	ITEM	QUANTITY	UNIT	COST
1	ESCROW/DEPOSIT			
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APPLICATION FEES				
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USE SECTION 74-2.2 AND SECTION 74-2.3 OF THE TOWN CODE FOR FEES				
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LEGEND

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- EXISTING ZONING BORDER
- EXISTING EASEMENT LINE
- EXISTING FLOODPLAIN BORDER LINE
- EXISTING UNDERGROUND UTILITY LINE
- EXISTING UNDERGROUND POWER LINE
- EXISTING MAJOR CONTOUR LINE
- EXISTING MINOR CONTOUR LINE
- EXISTING TREELINE
- PROPOSED MAJOR CONTOUR LINE
- EXISTING BUILDING

REVISIONS

REV	DATE	DESCRIPTION	BY
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TOTALLY COMMITTED.
N+C ENGINEERING SERVICES, LLC
10000 W. 11TH AVENUE, SUITE 200
DENVER, CO 80202
PHONE: 303.733.1100

verticalbridge
750 PARK OF COMMERCE DRIVE, SUITE 200
BOCA RATON, FLORIDA 33487
PHONE: 888-484-1000

US-VA-5080 HERNDON
525 GROVE STREET
HERNDON, VA 20170
THE TOWN OF HERNDON

REVISIONS

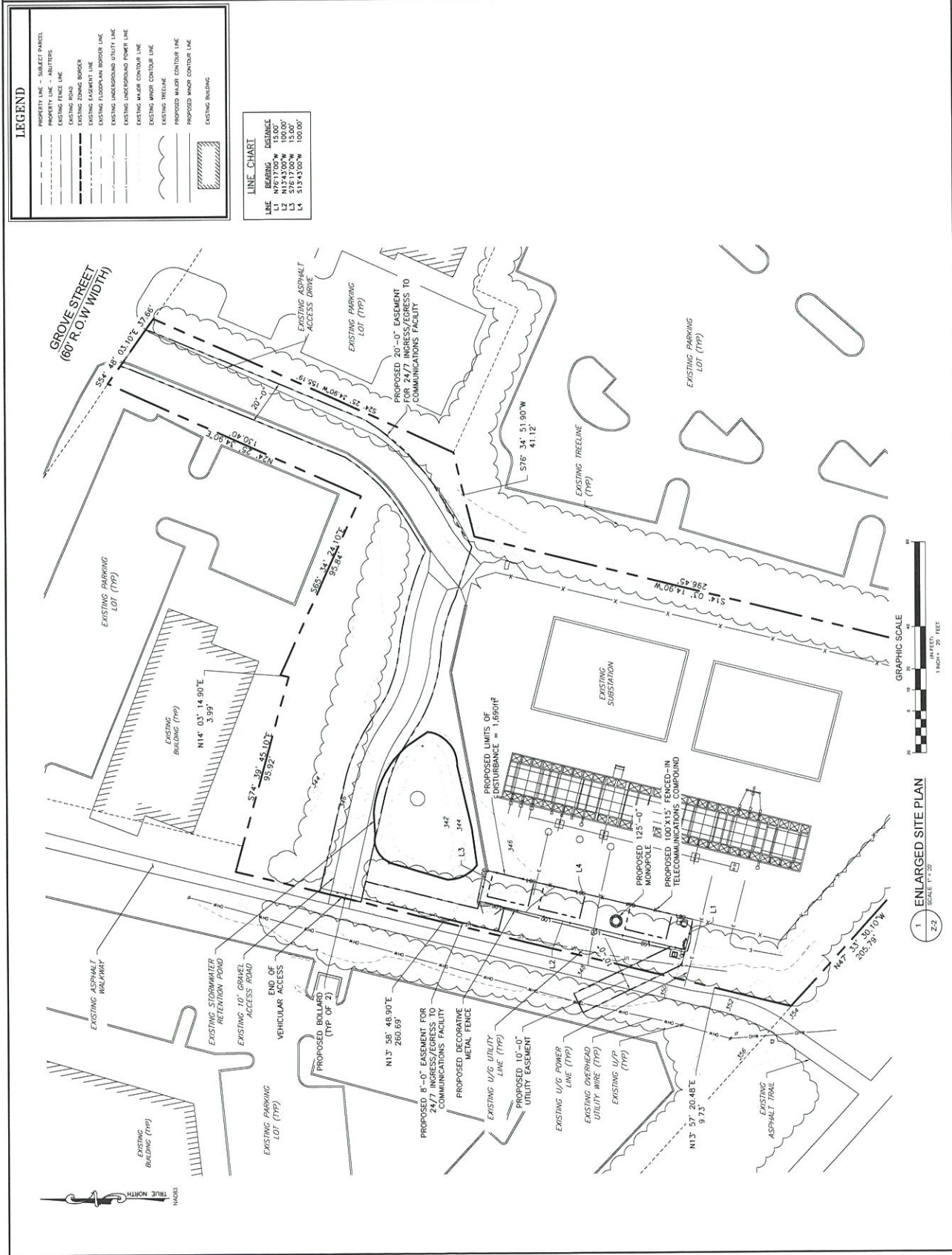
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PAUL J. RUPPERT, P.E.
VA PROFESSIONAL ENGINEER LIC. #602023

SITE PLAN

Z-2
SHEET 3 OF 7



1 COMPOUND PLAN
SCALE 1" = 5'
GRAPHIC SCALE
1 INCH = 5 FEET

2 ELEVATION
SCALE 1" = 10'
GRAPHIC SCALE
1 INCH = 10 FEET

PROPOSED 125'-0" MONOPOLE

PROPOSED 100'x15' FENCED-IN TELECOMMUNICATIONS COMPOUND

PROPOSED 12' WIDE ACCESS GATE (TYP)

EXISTING 15' SCREEN WALL

EXISTING ASPHALT TRAIL

PROPOSED DECORATIVE METAL FENCE

EXISTING TREELINE (SEE SHEET L-1 FOR LANDSCAPING INFO)

EXISTING U/G UTILITY (TYP)

EXISTING U/G POWER LINE (TYP)

EXISTING FENCED-IN SUBSTATION

PROPOSED MESA CABINET

PROPOSED UTILITY BACKBOARD

PROPOSED TRANSFORMER TO BE

PROPOSED T-MOBILE ANTENNAS (TYP 4 PER SECTOR, TOTAL OF 12)

OVERALL HEIGHT
ELEV = 125'-0" ± AGL
TOP OF MONOPOLE
ELEV = 120'-0" ± AGL
ELEV = 118'-0" ± AGL

PROPOSED TRANSFORMER TO BE UTILIZED FOR POWER

GROUND LEVEL
ELEV = 0.0' ± AGL

REVISIONS

REV	DATE	DESCRIPTION	BY
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1	02/25/19	REVISED PER COMMENTS	CEB
0	12/11/18	ZONING DRAWINGS	CEB

ENGINEER
PAUL B. RUTHER, P.E.
VA PROFESSIONAL ENGINEER LIC #022023

COMPONENT PLAN & ELEVATION

C-1
SHEET 4 OF 7

[illegible]

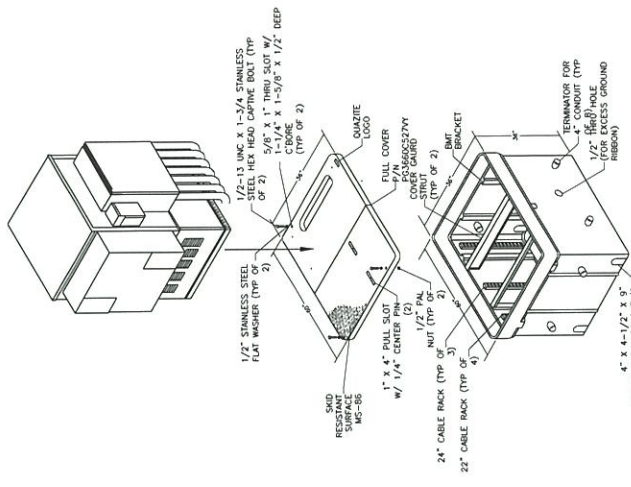
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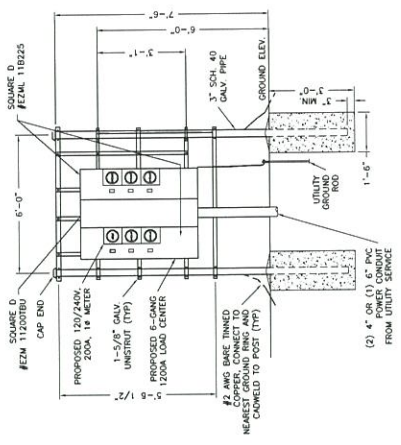
PHILIP BLUMERT, P.E.
 VA PROFESSIONAL ENGINEER LIC #6022023

CONSTRUCTION
 DETAILS & NOTES

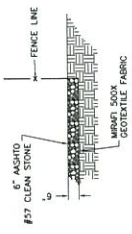
D-1
SHEET 5 OF 7



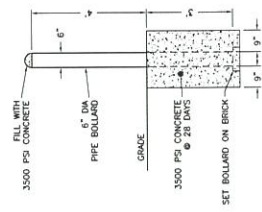
3 MESA CABINET DETAIL
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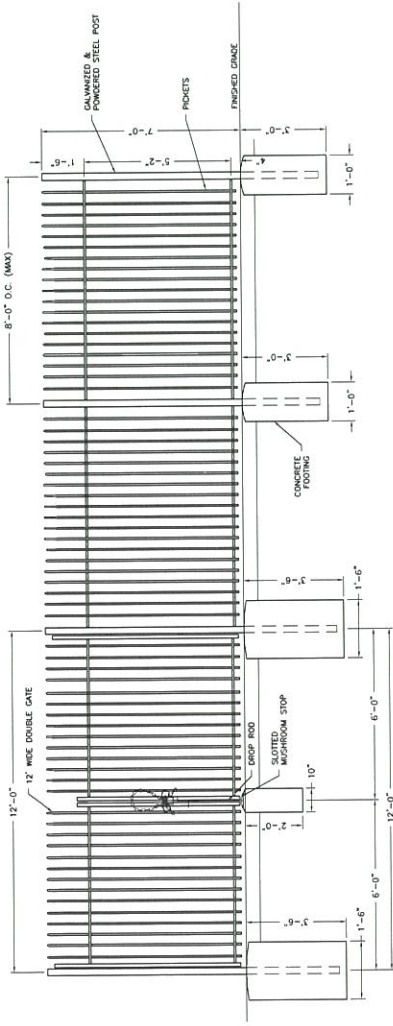
5 METER BOARD DETAIL
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2 GRAVEL COMPOUND DETAIL
 NTS
 D-1

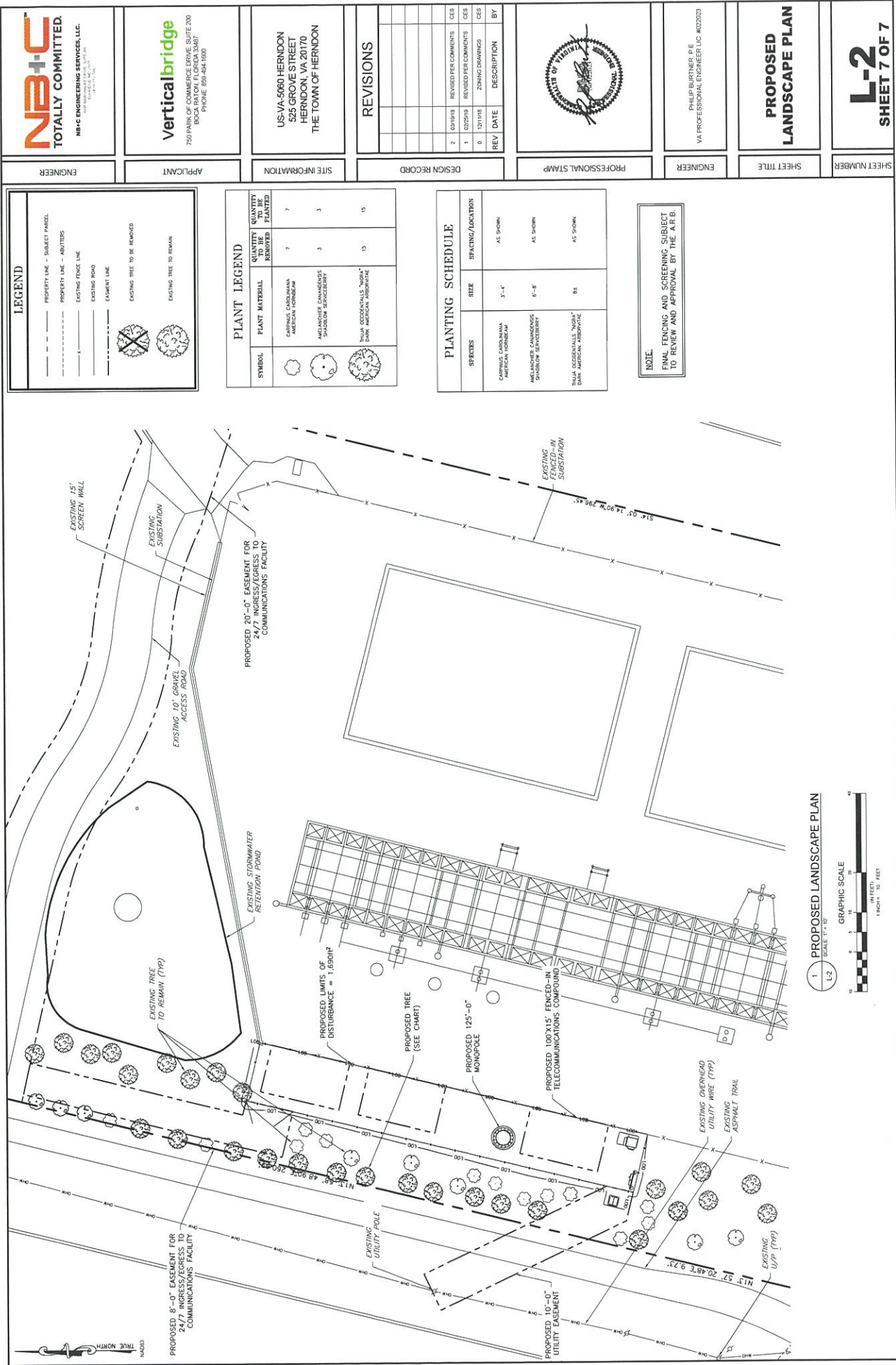


1 BOLLARD DETAIL
 NTS
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4 TYPICAL FENCE DETAIL
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 D-1

NOTE:
 FINAL FENCING AND SCREENING SUBJECT
 TO REVIEW AND APPROVAL BY THE A.R.B.



LEGEND

---	PROPERTY LINE - SUBJECT PARCEL
---	PROPERTY LINE - ADJUTERS
---	EXISTING FENCE LINE
---	EXISTING ROAD
---	EASEMENT LINE
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO REMAIN

PLANT LEGEND

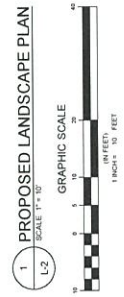
SYMBOL	PLANT MATERIAL	QUANTITY TO BE REMOVED	QUANTITY TO BE PLANTED
	CARPINUS CAROLINIANA AMERICAN HORNBEAM	7	7
	AMELANCHIER CANADENSIS SHADLOW SERVICEBERRY	3	3
	TRIALIA OCCIDENTALIS "NORGA" DWARF AMERICAN ASPEN	15	15

PLANTING SCHEDULE

SPECIES	SIZE	SPACING/LOCATION
CARPINUS CAROLINIANA AMERICAN HORNBEAM	3'-4"	AS SHOWN
AMELANCHIER CANADENSIS SHADLOW SERVICEBERRY	6'-8"	AS SHOWN
TRIALIA OCCIDENTALIS "NORGA" DWARF AMERICAN ASPEN	RE	AS SHOWN

NOTE:
FINAL FENCING AND SCREENING SUBJECT TO REVIEW AND APPROVAL BY THE A.R.B.

ENGINEER	APPLICANT	SITE INFORMATION	DESIGN RECORD	PROFESSIONAL STAMP	ENGINEER	SHEET TITLE	SHEET NUMBER															
 TOTALLY COMMITTED. NB+C ENGINEERING SERVICES, LLC. 750 PARK OF COMMERCE DRIVE, SUITE 200 BOCA RATON, FLORIDA 33487 PHONE 855-454-1000	verticalbridge 750 PARK OF COMMERCE DRIVE, SUITE 200 BOCA RATON, FLORIDA 33487 PHONE 855-454-1000	US-VA-5060 HERNDON 525 GROVE STREET HERNDON, VA 20170 THE TOWN OF HERNDON	REVISIONS <table> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> <tr> <td>2</td> <td>03/29/19</td> <td>REVISED PER COMMENTS</td> <td>CES</td> </tr> <tr> <td>1</td> <td>02/09/19</td> <td>REVISED PER COMMENTS</td> <td>CES</td> </tr> <tr> <td>0</td> <td>12/19/18</td> <td>ZONING DRAWINGS</td> <td>CES</td> </tr> </table>	REV	DATE	DESCRIPTION	BY	2	03/29/19	REVISED PER COMMENTS	CES	1	02/09/19	REVISED PER COMMENTS	CES	0	12/19/18	ZONING DRAWINGS	CES	 PHILIP B. TURNER, P.E. VA PROFESSIONAL ENGINEER LIC #022023	PROPOSED LANDSCAPE PLAN	L-2 SHEET 7 OF 7
REV	DATE	DESCRIPTION	BY																			
2	03/29/19	REVISED PER COMMENTS	CES																			
1	02/09/19	REVISED PER COMMENTS	CES																			
0	12/19/18	ZONING DRAWINGS	CES																			



PROFFERS

"Generalized Development Plan, US-VA-5060 Herndon Substation"

PCA #19-01

Amendment to ZMA-02-102

February 26, 2019

Pursuant to Section 15.2-2303 (a) of the Code of Virginia (1950), as amended, and the Town of Herndon Zoning Ordinance, Virginia Electric and Power Company, d.b.a. Dominion Energy Virginia, (the "Applicant"), the sole owner of a certain parcel of land identified as Tax Map #0162-02-0190E (the "Property"), hereby proffers that, if the Herndon Town Council approves PCA #19-01 to revise the proffers (the "Proffers") previously accepted by the Town in ZMA #02-102, approved September 10, 2002, by Ordinance 02-O-18, the Subject Property shall be developed in substantial accord with those Proffers which are applicable to the Subject Property, except as modified herein.

The undersigned hereby proffer as owner with respect to the property containing 0.6255 acre shown as Parcel 1 on the plan dated August 14, 2001, revised November 21, 2001, made by Burgess & Niple, entitled "ZONING PLAT, SHOWING A PORTION OF LAND OWNED BY THE HERITAGE EDUCATION TRUST, INC. CONTAINING 0.6255 ACRES", Town of Herndon, Fairfax County, Virginia (the "Property"), that the development of the Property shall be in substantial conformity with the following conditions pursuant to the Virginia Code, Title 15.2, Chapter 22, Article 7, and the Town of Herndon Zoning Ordinance, Section 78-155.1:

1. The development of the Property shall be in substantial conformity with that certain plan dated March 20, 2002, and most recently revised August 20, 2002, made by Dominion, entitled "Generalized Development Plan, Proposed Herndon Substation Site", subject to modifications approved by the Town of Herndon. **Excluding development of a proposed telecommunications tower facility, which shall be in substantial conformity with the proposed site plan titled "US-VA-5060 Herndon," prepared by NB+C Engineering Services, LLC, dated Nov. 21, 2018, and revised on Feb. 25, 2019.**
2. A portion of the Parcel along the southern boundary of the Property shall be provided to be included with additional property to create a twenty-five foot landscaped open space adjacent to the W&OD Trail Property.
3. These proffers shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the applicant/owner.
4. **Landscaping and screening are subject to review and approval by the Town of Herndon Architectural Review Board.**

Owner: VIRGINIA ELECTRIC AND POWER COMPANY

Doing Business As: Dominion Energy Virginia

By: RSW

Name: Robert Capchant

Title: Project Manager

Applicant/Developer: VERTICAL BRIDGE DEVELOPMENT, LLC

By: [Signature]

Name: Daniel Marinberg
SVP and General Counsel

Title: _____

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 23, 2019

Ordinance- Proffer Condition Amendment PCA#19-02. To amend the proffer statement for the previously approved rezoning application, ZMA #02-103, which governs the zoning of the property located at 525 Grove Street identified as Fairfax County Tax Map Reference Number 0162 02 0190E to allow telecommunications facility to include a freestanding monopole and associated ground equipment compound. The subject parcel is split zoned CS, Commercial Service, and O&LI, Office & Light Industrial and its land use designation in the Town of Herndon 2030 Comprehensive Plan is "Community Facilities"

In adopting this Ordinance, the Town Council has considered the factors set out in 15.2-2284, Code of Virginia (1950) as amended.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that:

A. The zoning of the property described below, lying in the Town of Herndon, Fairfax County, Virginia, is amended to allow the telecommunications facility as proposed in the Network Building & Consulting, LLC Plan Exhibit dated March 19, 2019 and the Proffer Statement dated February 26, 2019 for PCA#19-02 and in accordance with the Section 78-71.13 and Section 78-155.3 of the Town of Herndon Zoning Ordinance.

B. This rezoning shall be governed by this ordinance, the Town of Herndon Zoning Ordinance, the above referenced Proffer Statement for PCA#19-02 and the above referenced Plan Exhibit for PCA#19-02. The Proffer Statement is included as an attachment to this ordinance. This Proffer Condition Amendment is consistent with the adopted 2030 Comprehensive Plan of the Town of Herndon.

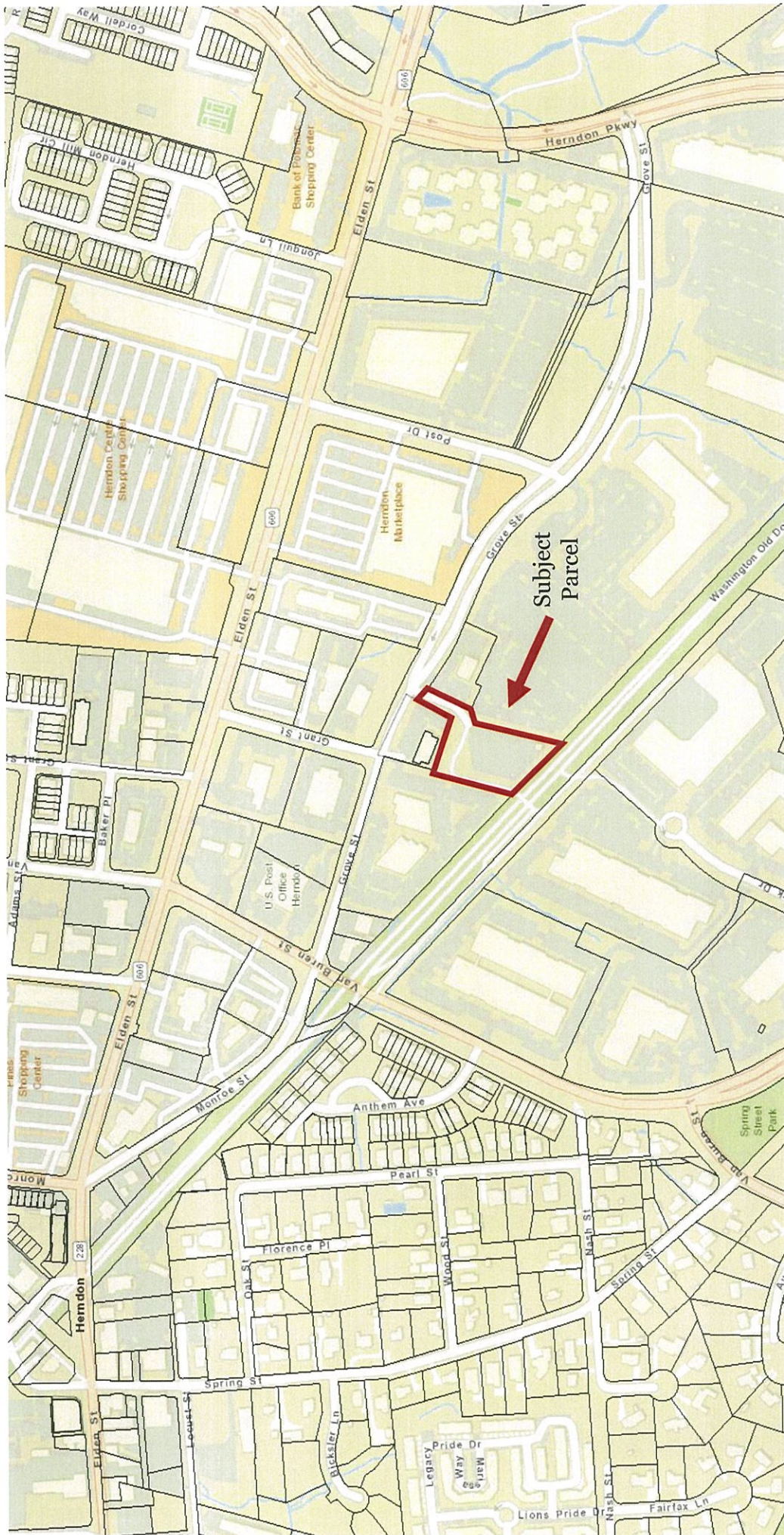
C. The Town Council approves the following modifications to the zoning regulations, as allowed under Section 78-50.2(d):

A modification to Section 78-71.13(d)(2)(g)(5) to allow an open fence style to enclose the ground equipment compound.

A modification to Section 78-114.2(a)(1) to allow a fence and landscaping to screen the ground equipment compound.

D. As to the modifications set out in item C. above, the Town Council finds that such modifications will afford equal or greater assurance of meeting the goals of the zoning ordinance, Town of Herndon, Virginia, as set out in the preamble of that ordinance.

E. This ordinance shall be effective on and after its adoption.



TOWN OF
Herndon

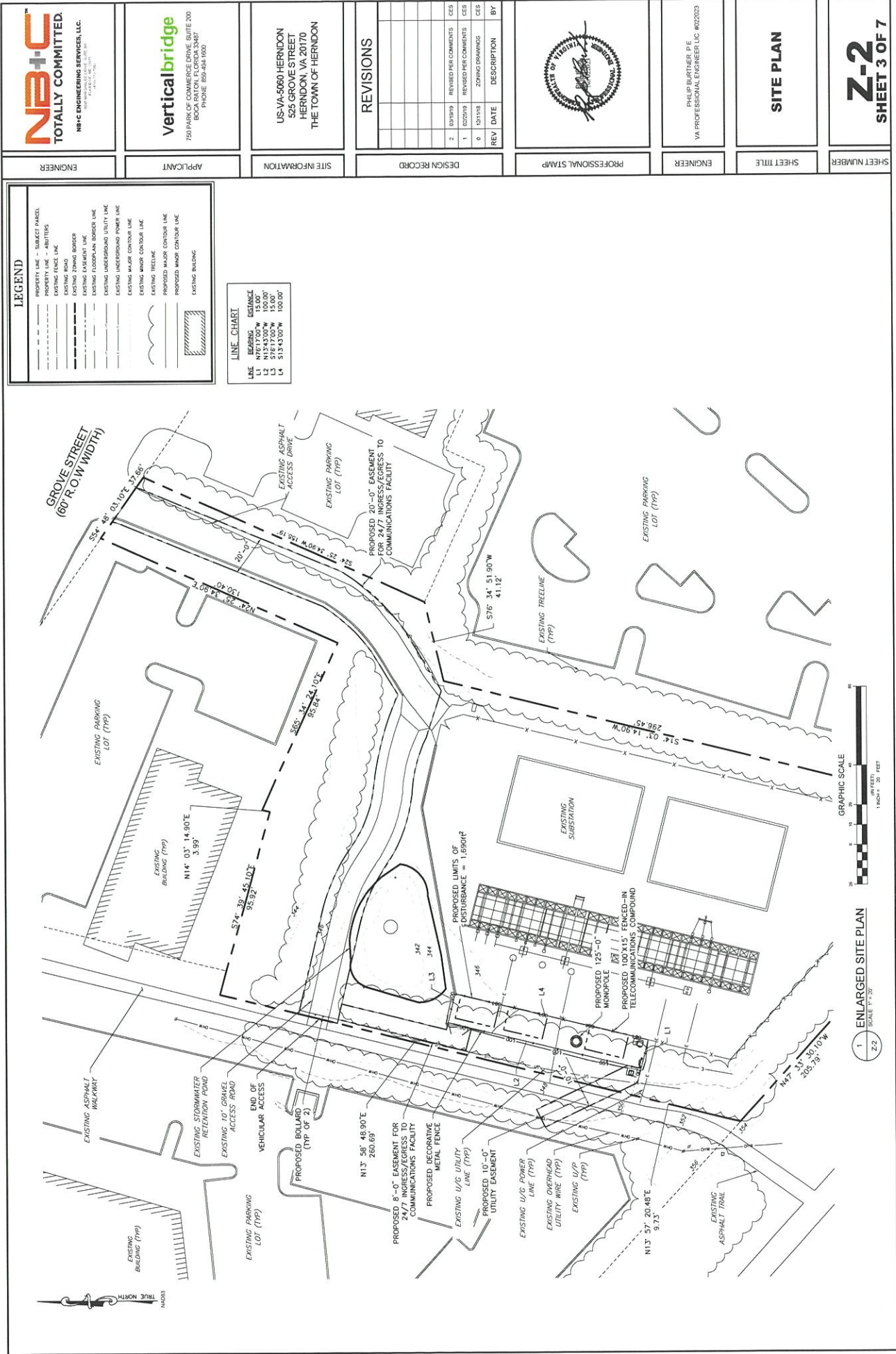
Photo prepared by Town of Herndon
Department of Community Development

SITE LOCATION – Vicinity Map

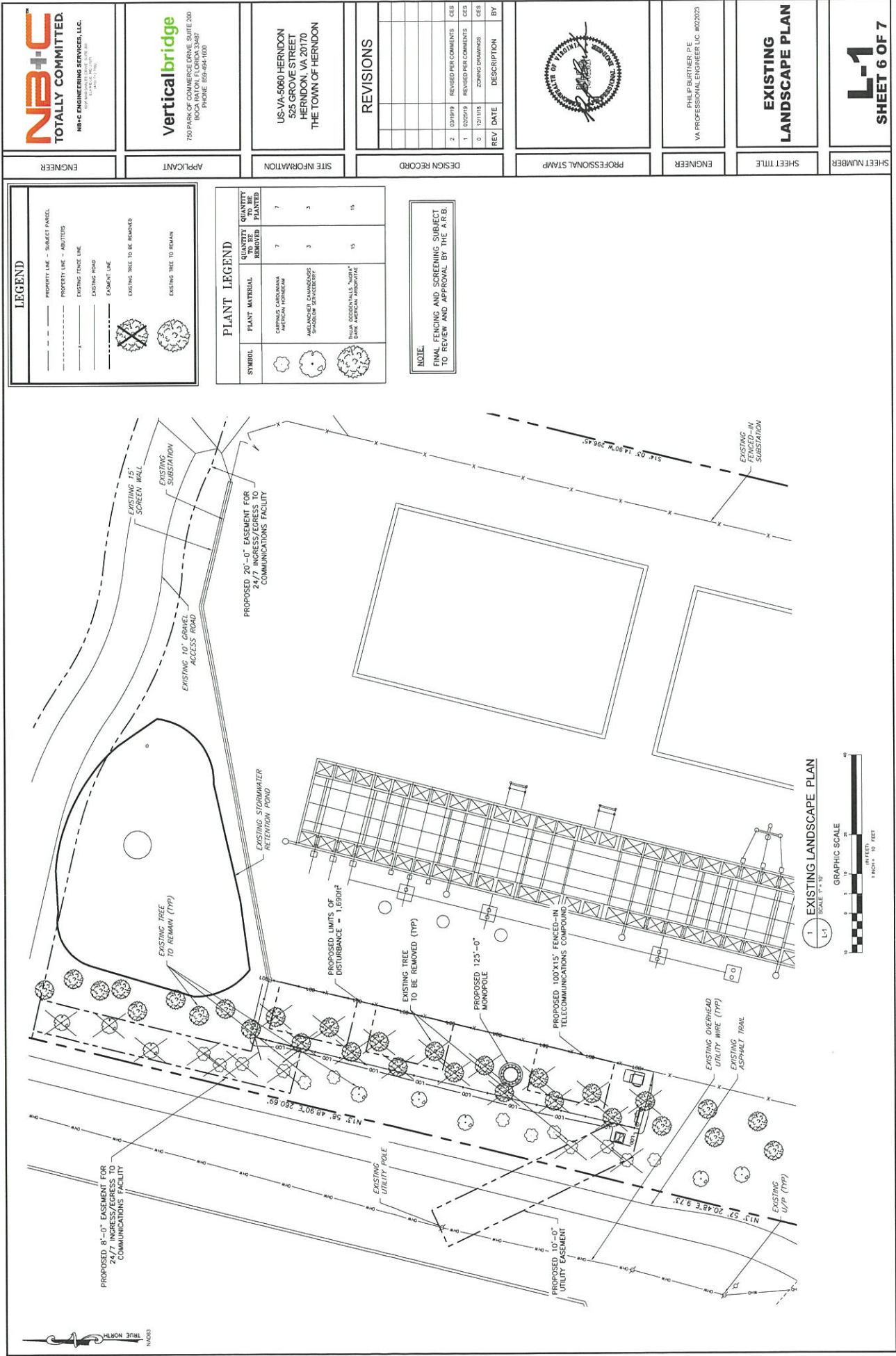
525 Grove Street

Attachment
19-O-15

[illegible][illegible]



[illegible]



ENGINEER	APPLICANT	SITE INFORMATION	DESIGN RECORD	PROFESSIONAL STAMP	ENGINEER	SHEET TITLE	SHEET NUMBER
		US-VA-5060 HERNDON 525 GROVE STREET HERNDON, VA 20170 THE TOWN OF HERNDON	REVISIONS		PAUL J. DUFFNER, P.E. VA PROFESSIONAL ENGINEER LIC #0020203	EXISTING LANDSCAPE PLAN	L-1 SHEET 6 OF 7

PROFFERS

"Generalized Development Plan, US-VA-5060 Herndon Substation"

PCA #19-02

Amendment to ZMA-02-103

February 26, 2019

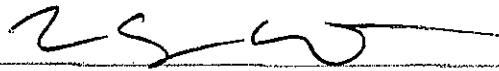
Pursuant to Section 15.2-2303 (a) of the Code of Virginia (1950), as amended, and the Town of Herndon Zoning Ordinance, Virginia Electric and Power Company, d.b.a. Dominion Energy Virginia, (the "Applicant"), the sole owner of a certain parcel of land identified as Tax Map #0162-02-0190E (the "Property"), hereby proffers that, if the Herndon Town Council approves PCA #19-02 to revise the proffers (the "Proffers") previously accepted by the Town in ZMA #02-103, approved on September 10, 2002, by Ordinance 02-O-19, the Subject Property shall be developed in substantial accord with those Proffers which are applicable to the Subject Property, except as modified herein.

The undersigned hereby proffer for themselves as applicant, and owner, with respect to the property containing 0.83660 acre shown as Parcel B-2 on the plan dated September 27, 2001, made by Urban Engineering & Assoc., Inc., entitled "Rezoning Plan, Dominion Virginia Power, New Dominion Technology Park, Town of Herndon, Fairfax County, Virginia (the "Property")", that the development of the Property shall be in substantial conformity with the following conditions pursuant to the Virginia Code, Title 15.2, Chapter 22, Article 7, and the Town of Herndon Zoning Ordinance, Section 78-155.1.

1. The development of the Property shall be in substantial conformity with that certain plan dated March 20, 2002, and most recently revised August 20, 2002, made by Dominion, entitled "Generalized Development Plan, Proposed Herndon Substation Site", subject to modifications approved by the Town of Herndon. **Excluding development of a proposed telecommunications tower facility, which shall be in substantial conformity with the proposed site plan titled "US-VA-5060 Herndon," prepared by NB+C Engineering Services, LLC, dated Nov. 21, 2018, and revised on Feb. 25, 2019.**
2. A twenty-five foot landscaped open space shall be provided along the southern boundary of the Property adjacent to the W&OD Trail.
3. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.
4. These proffers shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the applicant and owner.
5. These proffers shall be in substitution for all other proffers applicable to the Property including those proffers accepted by the Town in Herndon in ZMA#87-102 and ZMA #001-02.
6. **Landscaping and screening are subject to review and approval by the Town of Herndon Architectural Review Board.**

Owner: VIRGINIA ELECTRIC AND POWER COMPANY

Doing Business As: Dominion Energy Virginia

By: 

Name: Robert Capehart

Title: Project Manager

Applicant/Developer: VERTICAL BRIDGE DEVELOPMENT, LLC

By: 

Name: Daniel Marinberg
SVP and General Counsel

Title: _____

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 23, 2019

Resolution- to consider Special Exception, SE#19-02, to allow a telecommunications facility with a freestanding monopole on a property improved with an electrical substation and zoned CS, Commercial Service and O&LI, Office & Light Industrial.

WHEREAS, Network Building & Consulting, LLC, the applicant, has submitted an Special Exception application to allow a telecommunications facility on the property located at 525 Grove Street and identified as Fairfax County Tax Map Reference Number 0162-02-0190E; and

WHEREAS, the proposed telecommunications facility is shown on the NB+C/Vertical Bridge plan exhibit, dated March 19, 2019; and

WHEREAS, the referenced parcel is currently improved by a Dominion Energy substation and its land use is regulated by previously approved Zoning Map Amendments, ZMA#02-102 and ZMA#02-103; and

WHEREAS, the Proffer Statements regulating the land use of the site will be amended to allow the proposed telecommunications facility when Proffer Condition Amendments, PCA#19-01 and PCA#19-02 are approved; and

WHEREAS, the Planning Commission has reviewed this application and has held a public hearing, in accordance with the provisions of §15.2-2204 of the State Code, on February 25, 2019 and continued that public hearing to March 25, 2019; and

WHEREAS, following public hearing, the Planning Commission finds that the proposed use meets the purpose and intent of the Zoning Ordinance dependent upon a modification of ground equipment screening method requested as part of the above referenced Proffer Condition Amendment applications; and

WHEREAS, the Town Council has conducted a public hearing and has reviewed the Planning Commission recommendations.

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby:

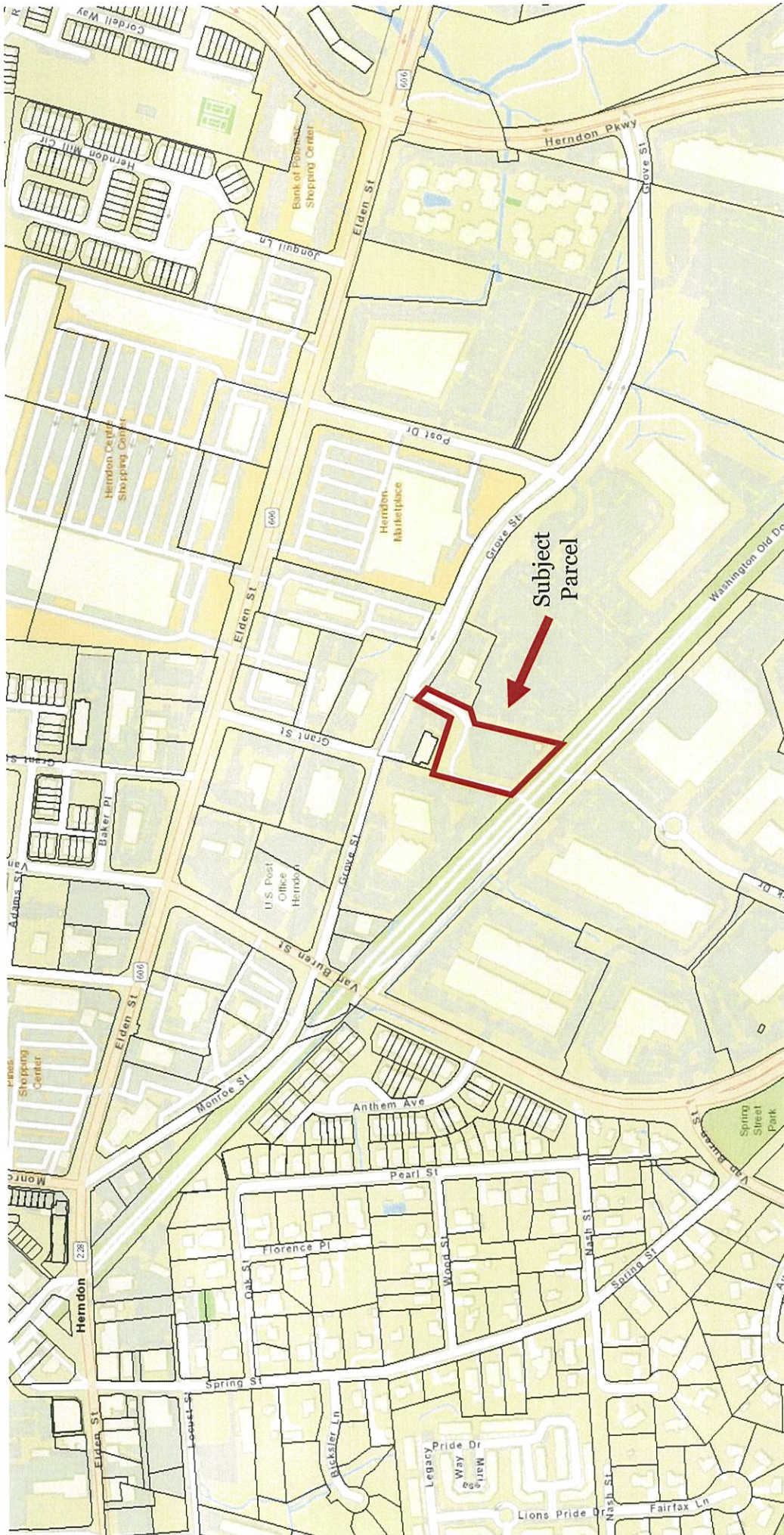
Approves Special Exception SE #19-02, in accordance with the conditions set forth below to achieve compliance with the applicable zoning ordinance standards;

- A. **Substantial Conformity.** The site shall be developed and maintained in substantial conformance with the NB+C/Vertical Bridge plan exhibit, dated March 19, 2019, except where modified by these conditions and with the removal of the modification requests #2 and #3 listed on the cover sheet of the plan exhibit.
- B. **Permitted use.** The use shall be limited to one 125-foot telecommunications monopole and associated ground equipment and enclosure.
- C. **Site Plan Revision.** A site plan revision indicating all proposed modifications to the site shall be submitted to the Town of Herndon for administrative staff review.
- D. **Stormwater Management.** The proposed improvements shall not negatively impact the existing stormwater BMP. The applicant shall include an analysis with the site plan submission and, if required, associated site improvements demonstrating that the proposed project will not negatively impact the existing stormwater BMP.
- E. **Architectural Review Board (ARB).** An application for the proposed new construction, to include the required screening and access barriers, shall be submitted for review by the Architectural Review Board (ARB.) All permits and construction must comply with the ARB approval.
- F. **Access to the Site.** The telecommunications facility compound shall not be accessed from the existing trail near the western property boundary. A physical barrier shall be installed preventing any vehicular access from the private access road off-site. The design of the barrier shall be submitted to the ARB in accordance with Condition E. Access into the enclosure shall be limited to a single gate as shown in the referenced plan unless provided along the enclosure's eastern side adjacent to the substation.
- G. **Inspection.** The property owner and tenant shall allow Town officials to inspect the property during reasonable hours upon prior notice
- H. **Expiration.** This Special Exception shall run with the land except under the following condition(s):
 - i. A discontinuance of the use for which the special exception was granted for a continuous 12-month period;
 - ii. Failure to obtain a final building inspection for the monopole within eighteen (18) months of approval of the special exception.
- I. **Revocation.** Any violation of the aforementioned conditions or other sections of the Herndon Town Code shall be grounds for revoking the special exception pursuant to the manner described in Section 78-155.3(h) of the zoning ordinance.



SITE LOCATION – Vicinity Map

525 Grove Street



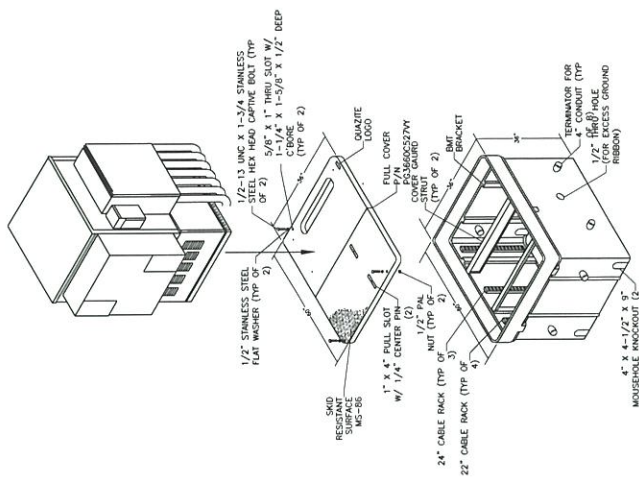
REVISIONS			
REV	DATE	DESCRIPTION	BY
2	03/19/19	REVISED PER COMMENTS	CEB
1	02/27/19	REVISED PER COMMENTS	CEB
0	12/11/18	ZONING DRAWINGS	CEB



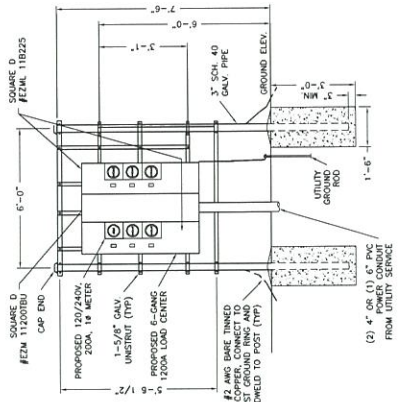
PAUL D. BURTNER, P.E.
VA PROFESSIONAL ENGINEER LIC. #11200180

CONSTRUCTION
DETAILS & NOTES

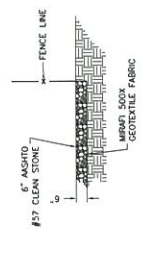
D-1
SHEET 5 OF 7



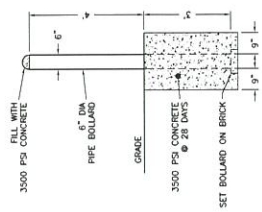
3 MESA CABINET DETAIL
D-1 NIS



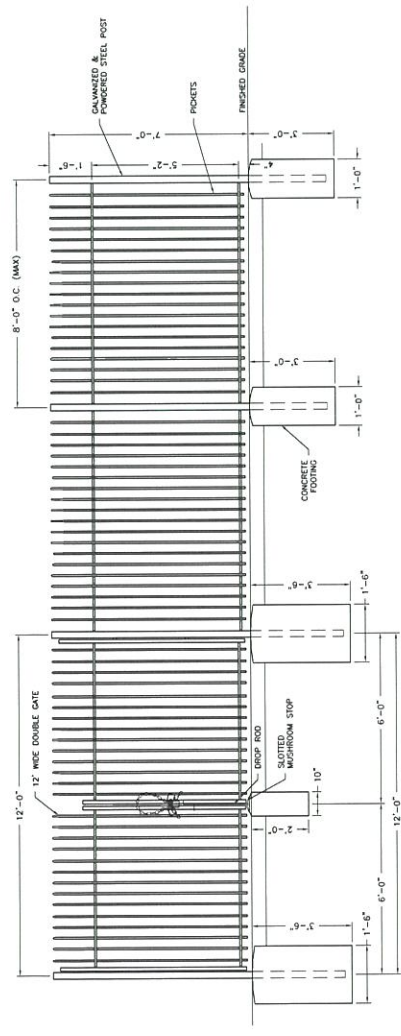
5 METER BOARD DETAIL
D-1 NIS



2 GRAVEL COMPOUND DETAIL
D-1 NIS

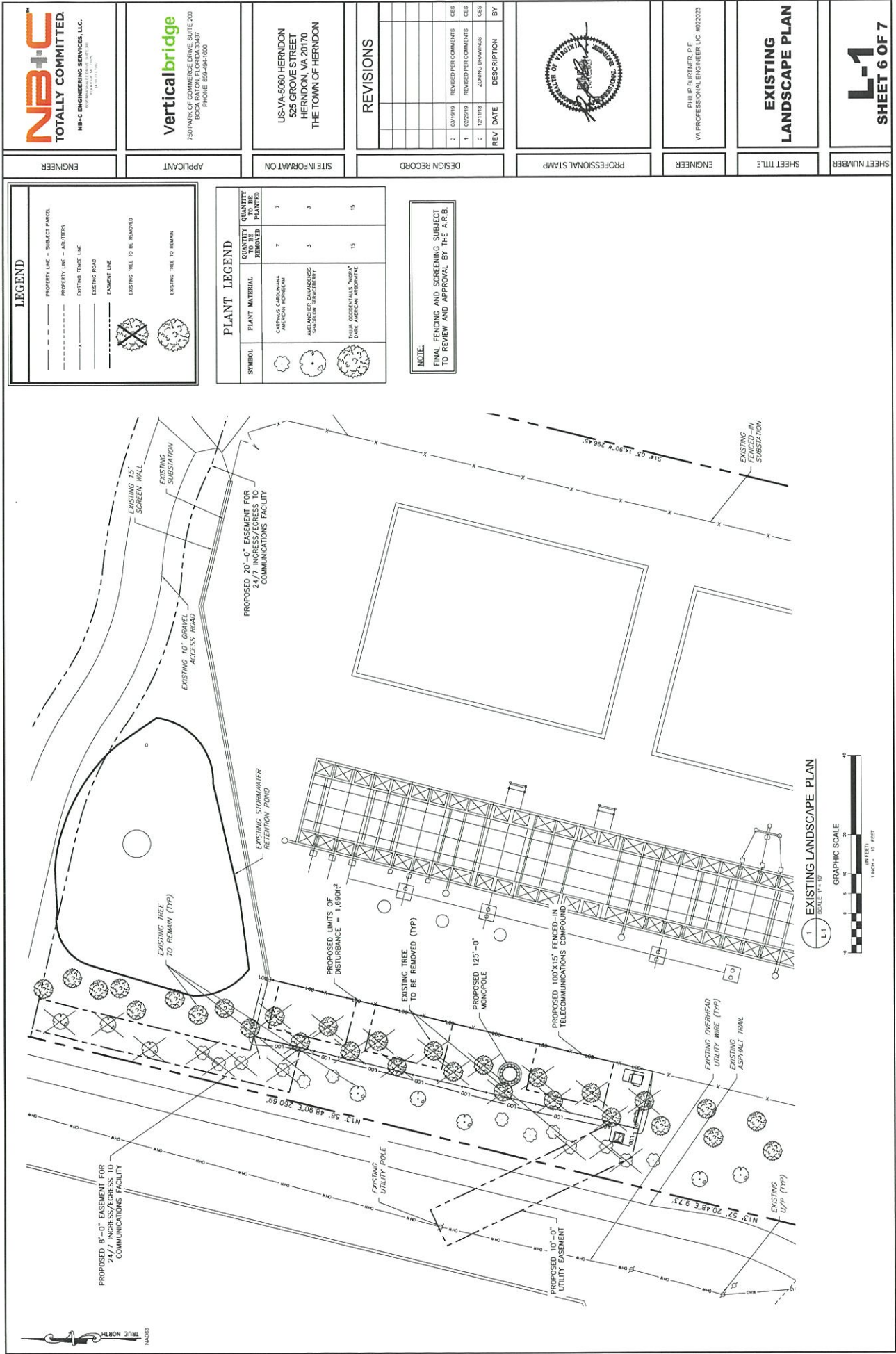


1 BOLLARD DETAIL
D-1 NIS

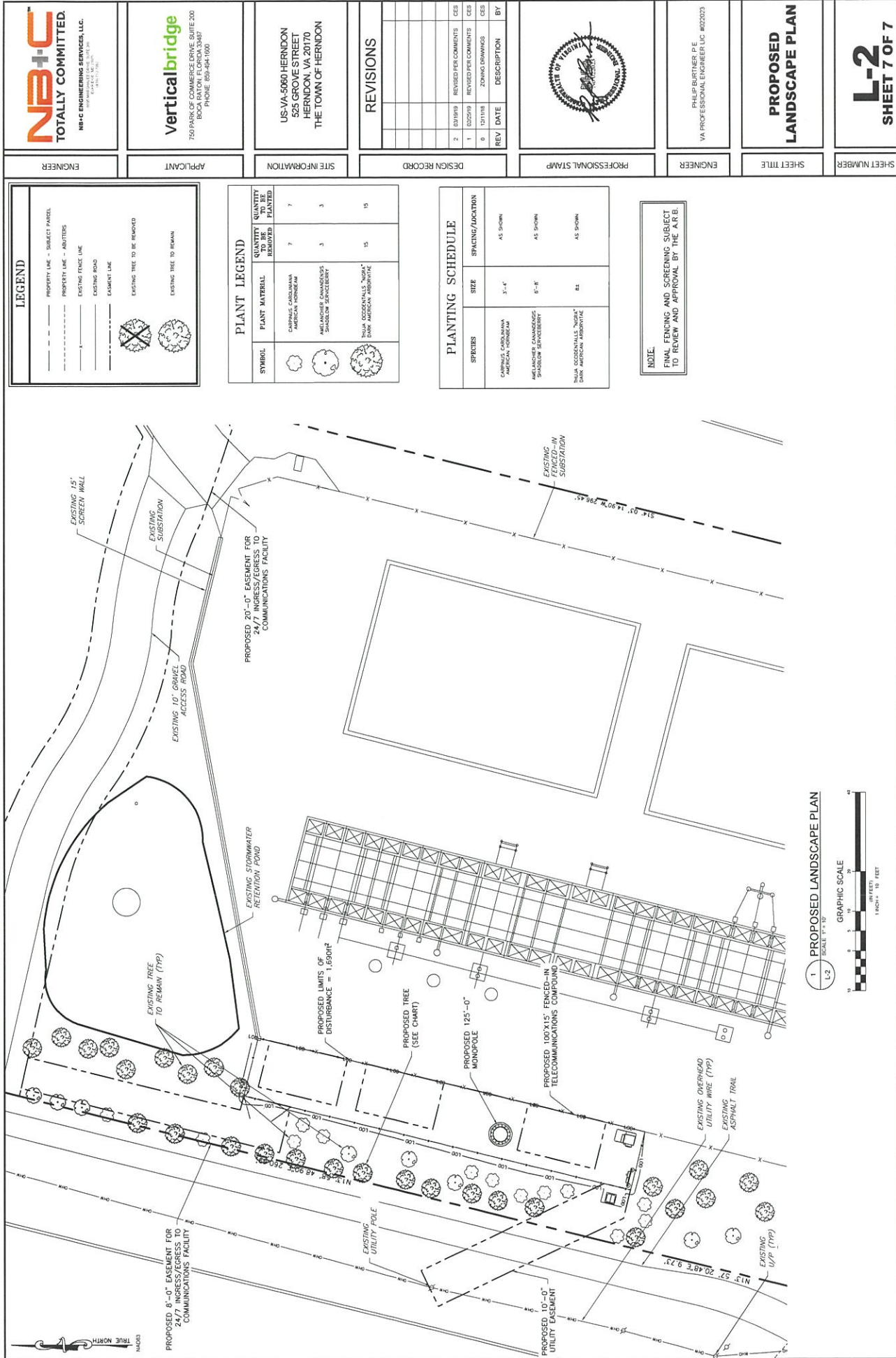


4 TYPICAL FENCE DETAIL
D-1 NIS

NOTE:
FINAL FENCING AND SCREENING SUBJECT
TO REVIEW AND APPROVAL BY THE A.F.B.



ENGINEER	APPLICANT	SITE INFORMATION	DESIGN RECORD	PROFESSIONAL STAMP	ENGINEER	SHEET TITLE	SHEET NUMBER
		US-VA-5060 HERNDON 525 GROVE STREET HERNDON, VA 20170 THE TOWN OF HERNDON	REVISIONS		PAUL J. BURRIER, P.E. VA PROFESSIONAL ENGINEER LIC #6022023	EXISTING LANDSCAPE PLAN	L-1 SHEET 6 OF 7

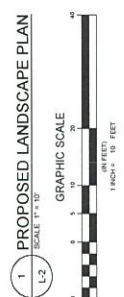


LEGEND	
---	PROPERTY LINE - SUBJECT PARCEL
---	PROPERTY LINE - ADJUTERS
---	EXISTING FENCE LINE
---	EXISTING ROAD
---	EASEMENT LINE
---	EXISTING TREE TO BE REMOVED
---	EXISTING TREE TO REMAIN

PLANT LEGEND			
SYMBOL	PLANT MATERIAL	QUANTITY TO BE REMOVED	QUANTITY TO BE PLANTED
	CORONADO CYPRESS AMERICAN HORSEMA	7	7
	MELANCTHON CHANDROS SHADLOW SANDPAPER	3	3
	THUN OCCIDENTALIS "NIGRA" BLUE AMERICAN JORDISITE	15	15

PLANTING SCHEDULE		
SPECIES	SIZE	SPACING/LOCATION
CANYON JUNIPER AMERICAN HOLM OAK	3'-4"	AS SHOWN
AMERICAN CAMELBOSS SHADLOW SWEETWOOD	6'-8"	AS SHOWN
BLUE OCEANVALLS "NUGA" DARK AMERICAN ASPEN/SPITE	8.1	AS SHOWN

NOTE:
FINAL FENCING AND SCREENING SUBJECT TO REVIEW AND APPROVAL BY THE A.R.B.



TOTALLY COMMITTED.
N&C ENGINEERING SERVICES, LLC.
750 PARK OF COMMERCE DRIVE, SUITE 200
HERNDON, VA 20149
PHONE: 551-464-1000

verticalbridge
750 PARK OF COMMERCE DRIVE, SUITE 200
HERNDON, VA 20149
PHONE: 551-464-1000

US-VA-5060 HERNDON
525 GROVE STREET
HERNDON, VA 20170
THE TOWN OF HERNDON

REVISIONS

NO.	DESCRIPTION	DATE	BY
1	REVISED PER COMMENTS	02/20/23	CEB
2	REVISED PER COMMENTS	02/20/23	CEB
3	REVISED PER COMMENTS	02/20/23	CEB
4	REVISED PER COMMENTS	02/20/23	CEB
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PHILIP BURTNER, P.E.
VA PROFESSIONAL ENGINEER LICENSE #4022023

PROPOSED LANDSCAPE PLAN

L-2
SHEET 7 OF 7

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 23, 2019

Resolution- to initiate consideration of a zoning ordinance text amendment ZOTA #19-01, Chapter 78 (ZONING), Article V (Planned Development Districts), by adding Section 78-51.1, entitled PD-UR (Planned Development – Urban Residential), and amending Article VII (Use Regulations), Section 78-70.2 (Table of Permitted and Allowed Uses), Article VIII (Accessory Uses), Section 78-80.2 (Table of Permitted and Allowed Accessory Uses and Structures), Article X (Parking, Loading, and Circulation), Section 78-100.2 (Minimum Off-Street Parking and Loading Standards), Article XI (Development Standards), Section 78-110.4 (Perimeter Buffer Strip Landscaping Requirements), Article XIV (Signs), adding a new Section 78-141.7 (Sign Standards for Planned Development – Urban Residential District) to create a new residential zoning district to implement the recommendations and standards of the “Adaptive Areas – Residential” land use category as identified in the Herndon 2030 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby:

1. Initiates consideration of an amendment to Chapter 78 (ZONING) of the Herndon Town Code to establish a new residential zoning district to implement the recommendations and standards of the “Adaptive Areas – Residential” land use category as identified in the Herndon 2030 Comprehensive Plan, as amended.
2. Requires out of public necessity, convenience, general welfare, or good planning practice requires the Town Council’s consideration of this proposed amendment.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

_____, 2019

Ordinance- to amend Chapter 78 (ZONING), Article V (Planned Development Districts), by adding Section 78-51.1, entitled PD-UR (Planned Development – Urban Residential), and amending Article VII (Use Regulations), Section 78-70.2 (Table of Permitted and Allowed Uses), Article VIII (Accessory Uses), Section 78-80.2 (Table of Permitted and Allowed Accessory Uses and Structures), Article X (Parking, Loading, and Circulation), Section 78-100.2 (Minimum Off-Street Parking and Loading Standards), Article XI (Development Standards), Section 78-110.4 (Perimeter Buffer Strip Landscaping Requirements), Article XIV (Signs), adding a new Section 78-141.7 (Sign Standards for Planned Development – Urban Residential District) to create a new residential zoning district to implement the recommendations and standards of the “Adaptive Areas – Residential” land use category as identified in the Herndon 2030 Comprehensive Plan.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that:

1. Chapter 78, (ZONING) of the Herndon Town Code is amended and reenacted as follows.

Section 78-51.1. - PD-UR - Planned development urban residential district.

(a) *Purpose and intent. The intent of the PD-UR district is to encourage harmonious and creative new residential development that allows for a mix of housing types and create attractive and appropriate transitions between commercial, commercial mixed-use, and existing residential districts. PD-UR districts provide buffers to existing adjacent residential development while creating thoughtful interfaces with potential adjacent commercial redevelopment and mixed-use. The district regulations are designed to ensure cohesive residential developments that provide a diversity of housing types at different price points and to encourage generational housing within a neighborhood. PD-UR districts provide multimodal options and connections allowing residents to benefit from non-motorized vehicle connections to adjacent commercial areas and access to transit. PD-UR development will provide safe, well-integrated parking, circulation patterns, building massing, and appropriately located open spaces and site amenities. Applications for Zoning Map Amendments and Generalized Development Plans shall implement the policies of the Comprehensive Plan and adopted Small Area Plans.*

(1) *Housing Mix. Provisions in PD-UR are designed to encourage a variety of housing types that are available to a variety of residents that mimic the Town demographics. Density may be increased depending on the number of housing types provided in a proposed development. No single housing type shall comprise less than 10 percent of the total number of units of the development.*

(b) *A PD-UR district may only be established in areas designated as “Adaptive Area – Residential” in the Town of Herndon 2030 Comprehensive Plan (2008).*

(c) *Principal uses. Table 78-51.1 (c)(4) lists uses permitted and allowed in the PD-UR district as principal uses. There may be additional regulations in this chapter and in the Herndon Town Code that apply to specific principal uses in the PD-UR district. It is the applicant's responsibility to ensure that all published rules, regulations, and standards have been addressed in any application submitted for development approval. Definitions for uses and terms in this section may be found in Article XVIII. Other uses not listed on the following table are not allowed in the PD-UR district unless determined by the zoning administrator to be similar to a permitted use in accordance with provisions for unlisted uses, section 78-70.1(f).*

(1) *"P" permitted uses. A "P" in a cell indicates that a use category or use type is permitted by right in the respective zoning district, subject to compliance with the use-specific standards set forth in the final column of the table of principal permitted and allowed uses in PD-UR district, if any. Permitted uses are subject to all other applicable regulations of this chapter, including those set forth in Article XI, Development Standards, and Article VII, Use Regulations.*

(2) *"S" special exception uses. An "S" in a cell indicates that a use type is permitted by special exception in the respective zoning district, subject to compliance with the use-specific standards listed in the final column, of the table of principal permitted and allowed uses in PD-UR district, if any. Allowed uses are subject to all other applicable regulations of this chapter, including those set forth in Article XI, Development Standards, and Article VII, Use Regulations.*

(3) *"Z" allowed uses. A "Z" in a cell indicates that a use type is an allowed use in the respective planned development district, subject to approval as a planned development district Article V.*

(4) *Table of principal permitted and allowed uses in the PD-UR district.*

Table 78-51.1(c)(4): Principal Permitted and Allowed Uses PD-UR KEY: P=Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Z=Use Allowed Subject to Zoning Map Amendment Approval <i>Uses may be subject to use specific standards as noted in the last column</i>			
USE CATEGORY	USE TYPE	PD-UR	See Supplemental Regulations
Residential	<i>Single-family-Detached Dwelling</i>	<i>Z</i>	<i>§78-71.1</i>
	<i>Duplex Dwelling</i>	<i>Z</i>	<i>§78-71.1</i>
	<i>Townhouse Dwelling</i>	<i>Z</i>	<i>§78-71.1</i>
	<i>Quadruplex Dwelling</i>	<i>Z</i>	<i>§78-71.1</i>
	<i>Multi-Family Dwelling (including residential rental townhouses)</i>	<i>Z</i>	<i>§78-71.1</i>
	<i>Housing for the Elderly</i>	<i>Z</i>	<i>§78-71.1</i>
Education	<i>Childcare Center, Daycare Center or Preschool</i>	<i>Z</i>	<i>§78-71.2</i>

Government Facilities	Government Buildings, Facilities and Uses not Otherwise Categorized	Z	§78-71.3
Commercial Utilities	Commercial Communication Tower, Freestanding	Z	§78-71.13

49

50 (d) *Accessory uses and structures. Table 78-51.1(d)(4) lists uses permitted and allowed in the*
51 *PD-UR district as accessory uses. There may be additional regulations in this chapter*
52 *and in the Herndon Town Code that apply to specific accessory uses and structures in*
53 *the PD-UR district. It is the applicant's responsibility to ensure that all published rules,*
54 *regulations and standards have been addressed in any application submitted for*
55 *development approval. Definitions for uses and terms in this section may be found in*
56 *Article XVIII. Other accessory uses not listed on the following table are not allowed in*
57 *the PD-UR district unless determined by the zoning administrator to be similar to a*
58 *permitted use in accordance with provisions for unlisted uses, section 78-70.1(f).*

59 (1) *"P" permitted uses. A "P" in a cell indicates that an accessory use category or use*
60 *type is permitted by right in the respective zoning district, subject to compliance*
61 *with the use-specific standards set forth in the final column of the table of permitted*
62 *and allowed accessory uses in PD-UR district, if any. Permitted accessory uses are*
63 *subject to all other applicable regulations of this chapter, including those set forth*
64 *in Article XI, Development Standards, and Article VIII, Accessory Use Regulations.*

65 (2) *"S" special exception uses. An "S" in a cell indicates that an accessory use type is*
66 *permitted by special exception in the respective zoning district, subject to compliance*
67 *with the use-specific standards listed in the final column of the table of*
68 *permitted and allowed accessory uses in PD-UR district, if any. Allowed accessory*
69 *uses are subject to all other applicable regulations of this chapter, including those*
70 *set forth in Article XI, Development Standards, and Article VIII, Accessory Use*
71 *Regulations.*

72 (3) *"Z" allowed uses. A "Z" in a cell indicates that an Accessory Use type is an allowed*
73 *use in the respective planned development district, subject to approval as a zoning*
74 *map amendment (section 78-155.1).*

75 (4) *Table of permitted and allowed accessory uses in the PD-UR district.*

Table 78-51.1(d)(4): Permitted and Allowed Accessory Uses PD-UR KEY: P=Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Z=Use Allowed Subject to Zoning Map Amendment Approval <i>Uses may be subject to use specific standards as noted in the last column</i>		
ACCESSORY USE	PD-UR	Supplemental Use Regulations
<i>Accessory Food Preparation Area – Secondary Kitchen</i>	<i>S</i>	<i>§78-80.4(b)</i>
<i>Accessory Food Preparation – Wet Bar</i>	<i>P</i>	<i>§78-80.4(b)</i>
<i>Antennae of all kinds (except commercial communication towers, freestanding)</i>	<i>Z</i>	<i>§78-80.4(c)</i>

<i>Bed and Breakfast Establishment</i>	<i>S</i>	<i>§78-80.4(d)</i>
<i>Daycare Center, Childcare Center or Pre-School</i>	<i>Z</i>	<i>§78-80.4(j)</i>
<i>Home-Based Business, Including Daycare or Childcare</i>	<i>P</i>	<i>§78-80.5</i>
<i>Minor Utilities</i>	<i>P</i>	<i>78-80.4(m)</i>
<i>Features such as fences, walls, retaining walls, gate houses, trash enclosures, refuse containers, screening enclosures, storage sheds, and swimming pools</i>	<i>P</i>	<i>§78-80.3(c)</i> <i>§78-21(f)</i>

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- 77 (e) *Dimensional Standards. Structures in the PD-UR zoning district are subject to the*
78 *dimensional standards set forth in Table 51.1(e).*

<i>TABLE 78-51.1(e): PD-UR DIMENSIONAL STANDARDS</i>	
<i>STANDARD</i>	<i>ALL USES</i>
<i>Density, Maximum</i>	
<i>1 housing type</i>	<i>15 dwelling units per acre</i>
<i>2 housing types</i>	<i>18 dwelling units per acre</i>
<i>3 or more housing types</i>	<i>20 dwelling units per acre</i>
<i>Minimum District Size</i>	<i>5 acres</i>
<i>Minimum Open Space^t</i>	<i>20% of site</i>
<i>Minimum Space for Recreation</i>	<i>8% of site</i>
<i>Maximum Building Coverage</i>	<i>60% of site</i>
<i>Maximum Building Height</i>	<i>40' when located within 50' of a property containing single-family detached or single-family attached; otherwise 50'</i>
<i>Required Front Setback</i>	<i>10' from public right-of-way; 5' from private right-of-way</i>
<i>Maximum Distance from Public Right-of-way</i>	<i>15'; may be increased to 40' to accommodate a landscaped park for no more than 30% of the linear frontage</i>

<i>Minimum Distance Between Buildings</i>	<i>18'</i>
<i>Minimum Rear Yard</i>	<i>5' from property line or back of curb</i>
<i>Distance between paved surfaces and any property line, Minimum (feet)</i>	<i>Subject to buffer requirements in Article XI, development standards</i>
<i>¹Recreational areas may used to meet the minimum open space requirement up to a maximum of 10% of the site.</i>	

- (f) *Open space in PD-UR. Open space shall be provided as an asset to the development and not consist primarily of remnant sections of the development where buildings are unable to be located. Open space should be concentrated into functional areas to allow for pocket parks or common areas in the fronts of multiple buildings.*
- (1) *Open space for recreation shall consist of physical improvements to enable recreation and programmable spaces and may include, but is not limited to, playgrounds, fenced pet areas, swimming pools, bocce ball or volleyball courts, picnic shelters, or common areas for the viewing of movies/films.*
- (g) *Site planning and building design in PD-UR. Sites and buildings within the PD-UR district shall meet the following standards:*
- (1) *Utilities. All mechanical equipment shall be located on the roof or incorporated into the façade of each unit. Gas and electric meters and other similar devices normally attached to the outside wall of the premises which they serve may continue to be installed.*
- (2) *Driveways. Vehicle parking shall not be permitted on driveways less than 18 feet in length and shall not count towards the minimum off street parking requirement. Pedestrian sidewalks shall not be used to meet the minimum 18 feet requirement.*
- (3) *Mailboxes. Mailboxes, singular and collective shall not encroach into pedestrian sidewalks. Resident access to mailboxes shall not be from the street.*
- (4) *Streetscape. Private streets within the development shall be designed and constructed in accordance with the Town of Herndon Streetscape Manual.*
- (5) *Sidewalks. Sidewalks shall be provided along front building facades as well as along side facades abutting private or public streets. No portion of the sidewalk shall be used to meet the minimum dimensional requirements for off-street parking.*

- (6) *Inter-parcel and Inter-neighborhood Access. Site design shall accommodate for vehicle and pedestrian inter-parcel and inter-neighborhood access. Publicly-accessible sidewalks and trails may be required to establish inter-parcel and inter-neighborhood access.*
- (7) *Screening of Parking. Surface parking and structured parking shall not be visible from a public right-of-way, with the exception of on-street parallel parking, which may be visible from a public right-of-way.*
- (8) *Building Orientation. Buildings shall be oriented to directly face public rights-of-way and internal private streets.*
- (9) *Multi-modal Accommodations. Bicycle parking shall be provided on site. In addition, any public right-of-way streetscape shall include at least two bicycle racks per block. If any public right-of-way includes a transit stop, the stop shall be improved with a decorative pocket park to accommodate transit stop amenities which shall include at least two bicycle racks, a recycling receptacle, a trash receptacle, at least one bench, and a bus shelter, in accordance with the Town of Herndon Streetscape Manual.*
- (10) *Green Building and Site Practices. Buildings shall be designed and constructed to employ best practices for green building to a level to achieve LEED certification or equal. Urban bio-retention best practices shall be employed to manage stormwater on site.*

Section 78-70.2 – Principal permitted and allowed uses.

Table 78-70.2(d): TABLE OF PERMITTED AND ALLOWED USES KEY: P=Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Z=Use Allowed Subject to Zoning Map Amendment Approval	
<u>General Notes:</u> 1. A blank cell means the use is prohibited in the district. 2. Uses may be subject to use specific standards as noted in the last column. 3. Any principal use allowed or permitted by right in this table is permitted by special exception in the Floodplain Overlay District, subject to section 78-60.2.	
<u>District Specific Notes:</u> * Uses in the PD-TD and PD-D districts are subject to specific comprehensive plan policies, design objectives and/or site standards. See additional regulations in section 78-50.5 for the PD-D District and section 78-50.6 for the PD-TD District. ** For Permitted Uses in PD-TOC see section 78-50.7; For Permitted and Allowed Uses in PD-W see section 78-50.8.	

		Residential Districts				Business Districts						Planned Development District			Suppl Reqs.
USE CATEGORY	USE TYPE	R15	R10	R TC	RM	CC	CS	CO	O& LI	PD-R	PD-B	PD-TD PD-D	PD-UR	PD-TOC PD-W	See Section
	Single-Family Detached Dwelling	P	P							Z		Z*	Z	**	§78-30.6, R-15, R-10, PD-R Only
	Duplex Dwelling			P						Z		Z*	Z	**	§78-30.6, R-15, R-10, PD-R Only
	Stacked Townhouse												Z	**	
	Townhouse Dwelling			P	P					Z		Z*	Z	**	§78-30.6, R-15, R-10, PD-R Only
Residential	Townhouse Rental Residential Development			P	P					Z				**	§78-30.6, R-15, R-10, PD-R Only

	Quadruplex Dwelling				P					Z		Z*	Z	**	§78-30.6, R-15, R-10, PD-R Only
	Multi-Family Dwelling within a Mixed-Use Building					P						P*		**	In CC, above 1st floor only, limit 2 per building
	Multi-Family Dwelling (including residential rental townhouses)				P					Z		Z*	Z	**	§78-30.6, R-15, R-10, PD-R Only
	Housing for the Elderly				P	P				Z		Z*	Z	**	§78-71.1
	Assisted Living for the Elderly and Persons with Disabilities				P					Z		Z*	Z	**	§78-71.1
	Group Home	P	P	P	P					Z		Z*		**	§78-71.1
	Childcare Center, Daycare Center or Preschool	S	S			S		S	S	Z	Z	Z*	Z	**	§78-71.2
Education	Post-Secondary Education and Career Schools							S	S		Z	Z*		**	§78-71.2

	School, Public or Private (K-12)	S	S					S		Z	Z	Z*		**	\$78-71.2
Government Facilities	Government Buildings, Facilities and Uses not Otherwise Categorized	S	S	S	S	S	S	S	S	Z	Z	Z*	Z	**	\$78-71.3
	Police Substation													**	\$78-71.3
	Cemetery	S	S											**	\$78-71.4
	Community Centers	S	S	S	S	S		S		Z	Z	Z*		**	\$78-71.4
	Convalescent Home							S			Z			**	\$78-71.4

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Commercial Utilities	Commercial Communication Tower, Freestanding	S	S	S	S	S	S	S	S	S	Z	Z	Z*	Z	**	\$78-71.13
	Electrical Substation							S		S		Z			**	\$78-71.13
	Telecommunication Switching Station							S		S		Z			**	\$78-71.13
	Utility-Related Maintenance and Storage Yards							S		S					**	\$78-71.13

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132 Section 78-80.2 – Table of permitted and allowed accessory uses and structures.

	Table 78-80.2(dc): TABLE OF PERMITTED AND ALLOWED ACCESSORY USES & STRUCTURES KEY: P=Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Z=Use Allowed Subject to Zoning Map Amendment Approval													
	Notes: 1. A blank cell means the use is prohibited in the district; 2. Uses may be subject to use specific standards noted in the last column. ** For Permitted Accessory Uses in PD-TOC see section 78-50.7; For Accessory Uses Permitted and Allowed in PD-W see section 78-50.8													
	Residential Districts				Business Districts					Planned Development District				Suppl Reqs.
ACCESSORY USE	R 15	R 10	R TC	RM	CC	CS	CO	O& LI	PD- R	PD- B	PD- TD PD- D	PD- UR	PD- TOC PD- W	See Section
Accessory Dwelling Unit	S	S	S						Z				**	§78-80.4(a)
Accessory Food Preparation Area - Secondary Kitchen	S	S	S		S				S		S	S	**	§78-80.4(b)
Accessory Food Preparation - Wet Bar	P	P	P	P	P	P	P	P	P	P	P	P	**	§78-80.4(b)
Antennae of all kinds (except commercial communication towers, freestanding)	P	P	P	P	P	P	P	P	Z	Z	Z	Z	**	§78-80.4(c)

Bed and Breakfast Establishment	S	S									S	S	**	§78-80.4(d)
Car/Vehicle Rental						S		S		S	S		**	§78-80.4(e)
Car/Vehicle Used Sales								S					**	§78-80.4(g)
Car/Vehicle Wash (accessory to other automotive uses)						P		S					**	§78-80.4(f)
Caretaker or Security Guard's Residence						P		P					**	§78-80.4(h)
Commercial Communication Towers, Freestanding	S	S	S	S	S	S	S	S	Z	Z	Z		**	§78-71.13 (d)(2)
Daycare Center, Childcare Center or Pre-School					S	S	S	S	Z	Z	Z	Z	**	§78-80.4(i)
Drive-Through Service						S		S		Z			**	§78-80.4(j)
Financial Institutions, Accessory					P	P	P	P		Z	Z		**	§78-80.4(k)
Home-Based Business, Including	P	P	P	P					Z		Z	Z	**	§78-80.5

Daycare or Childcare														
Keeping of Livestock													**	§78- 80.4(l)
Minor Utilities	P	P	P	P	P	P	P	P	Z	Z	Z	P	**	§78- 80.4(m)
Mobile Food Unit Preparer, Full Service					P	P	P	P		P	P		**	§78- 80.4(t)
Mobile Food Unit Dispenser, Limited Service													**	Chap. 14, Art. III, Town Code
Outdoor Restaurant Seating					P	P	P	P	Z	Z	Z		**	§78- 80.4(n)
Outdoor Storage (as an accessory use)						P		P					**	§78- 80.4(o)
Outdoor Display of Products for Sale					P	P					Z		**	§78- 80.4(p)
Parapets, Penthouses for Equipment and Other Roof Structures				P	P	P	P	P		Z	Z		**	§78- 80.3(d)
Recreational Vehicle Parking and Storage of	P	P	P	P					Z				**	§78- 80.4(q)

Individually-Owned Vehicles														
School Uses in Conjunction with, and on the same site as, Religious Institution	S	S			S			S	Z	Z	Z		**	§78-80.4(r)
Social Service and Similar Community Service Uses	S	S	S	S	S	S							**	§78-80.4(s)
Features such as Fences, Walls, Retaining Walls, Gate Houses, Trash Enclosures, Refuse Containers, Screening Enclosures, Storage Sheds, and Swimming Pools	P	P	P	P	P	P	P	P	P	P	P	P	**	§78-80.3(c) §78-21(f)

Section 78-100.2 – Minimum off-street parking and loading standards.

- (a) *Minimum number of parking spaces required in R-15, R-10, RTC, RM, CS, CO, O&LI, PD-R, PD-B, PD-W, PD-UR zoning districts.* Unless otherwise expressly stated in this chapter, off-street parking spaces in the R-15, R-10, RTC, RM, CS, CO, O&LI, PD-R, PD-B, PD-W, PD-UR zoning districts shall be provided in accordance with Table 78-100.2(a): Minimum Off-Street Parking Standards, below:

TABLE 78-100.2(a): MINIMUM OFF-STREET PARKING STANDARDS FOR R-15, R-10, RTC, RM, CS, CO, O&LI, PD-R, PD-B, PD-W, PD-UR ZONING DISTRICTS

USE TYPE	REQUIRED NUMBER OF SPACES
RESIDENTIAL USE CATEGORY	
Single-Family Detached Dwelling	Public Street Frontage: 2 spaces per dwelling unit with frontage on a public street;
	Private Street Frontage: 3 spaces per dwelling unit with frontage on a private street.
Duplex and Townhouse Dwellings and Stacked Townhouse	2.33 spaces per dwelling unit
Multi-Family Dwellings	Efficiency/Studio Unit: 1 space per unit
	One Bedroom Unit: 1.5 spaces per unit
	Two Bedrooms or more: 2 spaces per unit
Housing for the Elderly	1.5 spaces per dwelling unit, plus .25 per dwelling unit for visitors.
Assisted Living for the Elderly and Persons with Disabilities and Convalescent Homes for Long and Short-Term Care	1 space per 4 beds, plus 1 space for each 2 employees, plus 1 space for each doctor assigned to the facility per shift.
Group Home	1 space per four beds, plus 1 space for each 2 employees.
Bed and Breakfast Establishment	1 space per guestroom, in addition to the dwelling's required parking spaces.

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Section 78-110.4 – Perimeter buffer strip landscaping requirements.

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TABLE 78-110.4(e)(3)b.: TYPE AND AMOUNT OF LANDSCAPE BUFFER MATERIAL REQUIRED WHEN NOT ADJACENT TO PUBLIC RIGHTS-OF-WAY (KEY: Letter = Buffer Type per Table 78-110.4(e)(3)a.; Number = Minimum Buffer Width, in feet; n/a=No Buffer)														
ZONING DISTRICTS		ZONING OF ADJOINING PROPERTY												
		R-15	R-10	RTC	RM	CC	CS	CO	O&LI	PDR	PD-B	PD-D	PD-UR	PD-W
ZONING OF PROPERTY SUBJECT TO DEVELOPMENT APPROVAL	R-15	n/a	n/a	A-10	A-10	B-10	B-10	B-10	B-10	A-10	B-10	B-10	A-10	B-10
	R-10	n/a	n/a	A-10	A-10	B-10	B-10	B-10	B-10	A-10	B-10	B-10	A-10	B-10
	RTC	A-15	A-15	A-10	A-10	B-10	B-10	B-10	B-10	A-10	B-10	B-10	A-10	B-10
	RM	A-15	A-15	A-15	A-10	B-10	B-10	B-10	B-10	A-10	B-10	B-10	A-10	B-10
	CC	C-25	C-25	C-25	C-25	n/a	n/a	n/a	n/a	C-25	n/a	n/a	A-10	n/a
	CS	C-15	C-15	C-15	C-15	D-7.5	D-7.5	D-7.5	D-7.5	C-15	D-7.5	D-7.5	C-15	D-7.5
	CO	C-15	C-15	C-15	C-15	D-7.5	D-7.5	D-7.5	D-7.5	C-15	D-7.5	D-7.5	C-15	D-7.5
	O&LI	C-20	C-20	C-20	C-20	D-7.5	D-7.5	D-7.5	D-7.5	C-20	D-7.5	D-7.5	C-15	D-7.5
	PD-R	B-15	B-15	B-15	B-15	B-15	B-15	B-15	B-15	B-15	B-15	B-15	B-15	B-15
	PD-B	C-15	C-15	C-15	C-15	D-7.5	D-7.5	D-7.5	D-7.5	C-15	D-7.5	D-7.5	C-15	D-7.5
	PD-D	C-15	C-15	C-15	C-15	n/a	n/a	n/a	n/a	C-15	n/a	n/a	n/a	n/a

<i>PD-UR</i>	<i>A-10</i>	<i>A-10</i>	<i>A-10</i>	<i>A-10</i>	<i>A-10</i>	<i>A-10</i>	<i>A-10</i>	<i>A-10</i>	<i>A-10</i>	<i>A-10</i>	<i>n/a</i>	<i>A-10</i>	<i>A-10</i>
<i>PD-W</i>	<i>C-15</i>	<i>C-15</i>	<i>C-15</i>	<i>C-15</i>	<i>D-7.5</i>	<i>D-7.5</i>	<i>D-7.5</i>	<i>D-7.5</i>	<i>C-15</i>	<i>D-7.5</i>	<i>D-7.5</i>	<i>C-15</i>	<i>D-7.5</i>

Examples for Selecting the Correct Landscape Buffer:

1. A property owner wants to locate a convenience store in the CS zoning district, adjacent to land that zoned R-10. The convenience store property would be required to include a Landscape Buffer Class "C" of 15 feet in width along the boundary shared with the R-10 property. Within the Buffer Class "C", the property owner would be required to place one canopy tree every 25 linear feet, plus one evergreen tree every 25 feet, plus one ornamental or understory tree every 50 linear feet, and to construct a masonry wall of six feet in height.
2. A developer wants to locate an office building in the O&LI district, adjacent to land zoned PD-B. The office building property would be required to include a Landscape Buffer Class "D" of 7.5 feet in width along the boundary shared with the PD-B property. Within the Buffer Class "D", the developer would be required to place one canopy tree every 30 linear feet, and evergreen tree every 30 linear feet, one ornamental or understory tree every 50 feet. If the developer chooses to provide a fence, it must permit maximum visibility between the O&LI property and the PD-B property.

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Section 78-141.7. – Sign standards for planned development – urban residential (PD-UR) district.

<i>Type</i>	<i>Freestanding</i>	<i>Temporary</i>
<i>Number</i>	<i>1 per street frontage</i>	<i>1 per street frontage</i>
<i>Size</i>	<i>24 SF Max.</i>	<i>12 SF Max.</i>
<i>Height</i>	<i>6' Max.</i>	<i>If freestanding: 6' Max</i>
<i>Location</i>	<i>5' Min. from ROW</i>	<i>If freestanding: 5' from ROW; if wall: No more than 10' high on building</i>
<i>Illumination</i>	<i>Halo-lit or Indirect Lit</i>	<i>None</i>

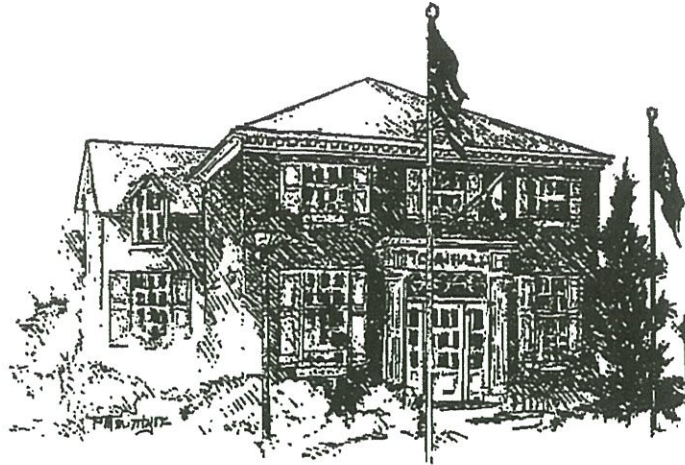
<i>Duration</i>	<i>Unlimited</i>	<i>60 Days</i>
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2. This ordinance shall be effective on and after the date of its adoption.



**TOWN OF HERNDON, VIRGINIA
PROCLAMATION
BUILDING SAFETY MONTH
MAY 2019**

For the past 39 years, the International Code Council has celebrated advances in constructing safe, sustainable, affordable and resilient buildings and homes. Recognizing **Building Safety Month** helps to improve public safety by increasing awareness of building codes and identifying that countless lives have been saved by the implementation of safety codes, together with the critical role of our local code officials.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim the month of May 2019 as **Building Safety Month** in the Town of Herndon, together with this year's theme ~ "No Code. No Confidence." ~ and extend support to the efforts of the Herndon Building Official's office and other organizations that advocate building safety programs ~ addressing critical issues in building safety for everyday life and in times of disaster, so that everyone benefits from the comfort and confidence that our structures are safe and sound.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby express appreciation to our Building Official's office and local fire prevention officials, architects, engineers, builders and others in the construction industry, who develop and enforce codes to guarantee the safe construction of buildings that protect lives and property, ensuring that the places where we learn, live, play, work and recreate are safe.

Lisa C. Merkel, Mayor
April 23, 2019



TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 23, 2019

Resolution- to appoint Cari Lyn Pierce as a Member of the Town of Herndon Board of Zoning Appeals.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby appoints **Cari Lyn Pierce** as a member of the Town of Herndon Board of Zoning Appeals to fill an unexpired five-year term ending December 31, 2022.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 23, 2019

Resolution- to nominate Roland Taylor for appointment as the Town of Herndon “principal” member to the Fairfax County Athletic Council.

BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby nominates **Roland Taylor** for appointment as the Town of Herndon’s “**principal**” member to the Fairfax County Athletic Council to fill an unexpired two-year term ending November 30, 2019, and for an additional two-year term ending November 30, 2021.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 23, 2019

Resolution- to appoint Darryl Branting as a “citizen” member to the Town Council’s Pedestrian and Bicycle Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby appoints **Darryl Branting** as a “citizen” member to the Town Council’s Pedestrian and Bicycle Advisory Committee to fill an unexpired a two-year term ending December 31, 2020.