

**TOWN OF HERNDON, VIRGINIA
WORK SESSION AGENDA
HERNDON COUNCIL CHAMBERS BUILDING
765 LYNN STREET
MARCH 17, 2020
7:00 P.M.**

PUBLIC HEARINGS

1. Ordinance, to authorize the use of eminent domain for the acquisition of temporary and power utility easements on property owned by Valerie J. Winstead, as the Sole Successor Trustee of the Christobel B. Keathley Revocable Inter Vivos Trust under a certain Declaration of Trust and Agreement of Trust dated 22 September 1992, Tax Map #0162-02-0146 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon
2. Ordinance 20-O-22, to approve the assignment of a Power Utility Easement to Virginia Electric and Power Company, a Virginia public service corporation, doing business in Virginia as Dominion Energy Virginia, acquired by the Town of Herndon for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon, Virginia, on property owned by Valarie J. Winstead, Trustee, Tax Map # 0162-02-0146 **(Public Hearing continued from the March 10th TCPH)**

GENERAL

3. Resolution, to initiate consideration of a zoning ordinance text amendment ZOTA #20-01, Chapter 78 (ZONING), to change the name of the Heritage Preservation Overlay district to the Historic District Overlay throughout the chapter
4. Proclamation, to recognize “National Autism Acceptance Month,” April 2020
5. Proclamation, to recognize “Youth in the Arts Month,” April 2020
6. Proclamation, to recognize “Vietnam War Veterans Day,” March 29, 2020

CONSENT AGENDA

7. Proclamation, to honor Mike O'Reilly on being named the 54th Herndon Rotary Citizen of the Year
8. Resolution, to authorize the submission of a Creative Communities Partnership Grant Application/Virginia Commission for the Arts

ROUNDTABLE



STAFF REPORT

Town Council
March 17, 2020

Title:

Ordinance to authorize the use of eminent domain for the acquisition of temporary and power utility easements on property owned by Valerie J. Winstead, as the Sole Successor Trustee of the Christobel B. Keathley Revocable Inter Vivos Trust under a certain Declaration of Trust and Agreement of Trust dated 22 September 1992, Tax Map #: 0162-02-0146 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon, Virginia.

Staff Contacts:

John Irish, Deputy Director, Public Works
(703)435-6853
john.irish@herndon-va.gov

Lesa J. Yeatts, Town Attorney
(703)787-7370
lesa.yeatts@herndon-va.gov

Summary:

The Van Buren Street Improvement Project is a long-standing CIP item. The Town of Herndon intends to construct certain transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway. In order to construct the improvements, the acquisition of several interests in land were identified as necessary. The Town made a bona fide but ineffectual effort to acquire a 101 square foot temporary construction and grading easement and a 129 square foot permanent utility easement for assignment to Virginia Electric and Power Company ("Dominion Energy") from the landowner of 405 Van Buren Street, Herndon, for \$160.00. While the landowner agreed to the compensation, they did not obtain the approval and signature of their mortgage lender on the conveyance documents. As a result, negotiations are at an impasse and the landowner cannot convey valid title. Therefore, the Town now seeks to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by Valerie J. Winstead, Trustee, as the Sole Successor Trustee of the Christobel B. Keathley Revocable Inter Vivos Trust under a certain Declaration of Trust and Agreement of Trust dated 22 September 1992, as well as against Valerie J. Winstead, Trustee, for the Town's condemnation of these necessary interests in land over the aforementioned real estate so that construction of this critical project can begin.

Background:

The Van Buren Street Improvement Project is a long-standing CIP item. The completed public use project will provide widening the roadway to accommodate a pedestrian bike lane in each direction, new sidewalks, curb and gutter, and improved storm drainage. The project provides for signalized pedestrian and bike crosswalks at Alabama Drive, as well as improved street lighting throughout.

Project plans show right-of-way acquisition for these improvements along Van Buren Street.

Rummel, Klepper & Kahl, LLP was awarded a Contract for the design of Van Buren Street Improvement Project, as the best qualified to provide civil engineering services for this project as the result of their proposal, interview and selection by an evaluation committee.

As part of their scope of work, Rummel, Klepper & Kahl, LLP was tasked with providing Right-of-Way acquisition services including but not limited to:

- Right of Way oversight and compliance management
- Prepare right of way cost estimate reports
- Complete QAIQC of right of way plans and plats (and revisions)
- Support good-will contacts with affected landowners and tenants
- Provide title research
- Provide property acquisition appraisals

Written “bona fide” offers were made to all property owners from whom interests in property are needed for construction of the project. The Virginia Code requires that a bona fide, but ineffectual offer be made to the property owner prior to initiating condemnation proceedings as well as an advertised public hearing. A check representing the fair market value of the land interests will be deposited in the Fairfax County Land Records along with the Certificate of Take. Negotiations are authorized to continue after the filing of the Certificate of Take and may continue, even if the Town is required to file a Petition in Condemnation—the next step after the filing of a Certificate of Take. The “quick take” process is authorized under the Virginia Code to allow condemners to enter property and obtain “defeasible title” to the property in order to start projects for the benefit of the public and come to an agreement on just compensation to the property owner. If final acquisition of the land interests does not occur after the filing of a Certificate of Take, the Town will file a Petition in Condemnation in the Circuit Court to allow commissioners or jury to determine just compensation for the land interests.

Negotiations with the landowner of 405 Van Buren Street have not resulted in the conveyance of the necessary interests in land listed below:

ROW Acquisition Type	Size of ROW Acquired (Sq. Ft.)	Unit Price of Real Estate	% Of Value Applied	Estimated Value
Fee Take				
Permanent Easement				
Temporary Easement	101	\$3.05	10.0%	\$40.00
Dominion Easement	129	\$3.05	30.0%	\$120.00
Other				
PARCEL 07				\$160.00

VDOT authorization of advertising for construction contract bidding is contingent on the ability of the Town to have property rights secured and utility relocations completed. Approval of this Ordinance will accomplish this end and secure the property rights. It is anticipated that this project will be advertised for bidding in mid-2020, upon completion of utility relocation with construction completed within one year of award.

Fiscal Impact:

Anticipated land acquisition costs are included in the current project budget.

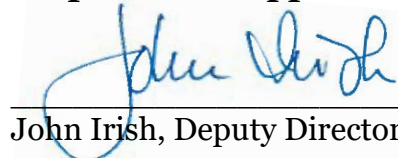
Recommendation:

Staff recommends that the Town Council approve the draft ordinance as proposed.

Attachments:

Draft Ordinance

Prepared and Approved By:



John Irish, Deputy Director, Public Works



Lesa J. Yeatts, Town Attorney
Town Attorney

TOWN OF HERNDON, VIRGINIA

ORDINANCE

March 24, 2020

Ordinance – Authorizing the use of eminent domain for the acquisition of temporary and power utility easements on property owned by Valerie J. Winstead, as the Sole Successor Trustee of the Christobel B. Keathley Revocable Inter Vivos Trust under a certain Declaration of Trust and Agreement of Trust dated 22 September 1992, Tax Map#: 0162-02-0146 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon, Virginia.

BE IT ORDAINED by the Council for the Town of Herndon that:

1. The Town of Herndon made a bona fide but ineffectual effort to acquire a 101 square foot temporary construction and grading easement and a 129 square feet permanent utility easement to be assigned to Virginia Electric and Power Company (“Dominion Energy”) from Valerie J. Winstead, as the Sole Successor Trustee of the Christobel B. Keathley Revocable Inter Vivos Trust under a certain Declaration of Trust and Agreement of Trust dated 22 September 1992, for \$160.00 in connection with the Van Buren Streets Improvement Project. Negotiations are at an impasse and the landowner cannot convey valid title. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by Valerie J. Winstead, as the Sole Successor Trustee of the Christobel B. Keathley Revocable Inter Vivos Trust under a certain Declaration of Trust and Agreement of Trust dated 22 September 1992, as well as Valerie J. Winstead, Trustee for the Town’s condemnation of these interests in property over real estate located at 405 Van Buren Street, Town of Herndon, Fairfax County, Virginia, designated as Tax Map #: 0162-06-0146 and shown as Parcel 7 and Plat #5 of Job # RK1807.01, dated June 28, 2019 and revised through August 29, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, and as shown on Plat Number 40-19-0182, prepared by Dominion Energy Virginia, which said plats are attached hereto and incorporated herein.
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage, for the public safety and welfare of the Town.
3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in

property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above into the Fairfax County Circuit Court contemporaneously with filing a Certificate of Take.

4. The property interests shall be used for the Van Buren Street Improvement Project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage.
5. This ordinance shall be effective on and after the date of its adoption.

March 17 TCWS Agenda
Item #2
Ordinance 20-O-22

The staff report and proposed ordinance will be distributed and posted on the town's website on Monday, March 16.

2. Ordinance 20-O-22, to approve the assignment of a Power Utility Easement to Virginia Electric and Power Company, a Virginia public service corporation, doing business in Virginia as Dominion Energy Virginia, acquired by the Town of Herndon for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon, Virginia, on property owned by Valarie J. Winstead, Trustee, Tax Map # 0162-02-0146 (Public Hearing continued from the March 10th TCPH)



STAFF REPORT

Town Council

March 17, 2020

Title: ZONING ORDINANCE TEXT AMENDMENT – ZOTA #20-01 – Renaming Heritage Preservation Overlay district to Historic District Overlay

Staff Contact: David Stromberg, AICP, Zoning Administrator
david.stromberg@herndon-va.gov (703)787-7380

Bryce Perry, Deputy Director of Community Development
Bryce.perry@herndon-va.gov (703) 787-7380

Summary Information:

This zoning ordinance text amendment will rename the heritage preservation overlay district (HPO) to the historic district overlay (HDO). Changing the name to the historic district overlay will allow for a clearer identification of the district and align the district with the typical term used throughout Virginia and the United States.

The proposed change will require the heritage preservation review board (HPRB) to be renamed the historic district review board (HDRB). The name change requires edits to multiple sections of chapter 78.

This text amendment does not change any existing standards or requirements.

Background:

The town council expressed interest in renaming the heritage preservation overlay district after a joint meeting in December of the council and heritage preservation review board regarding the draft update to the guidelines.

Staff Analysis:

As currently named, the heritage preservation overlay district causes confusion. Staff frequently receives questions asking what the difference is between the heritage district and the historic district. Other questions include asking why Herndon has a heritage district, while other places have a historic district. Renaming the district to the historic district overlay should reduce this confusion.

In Virginia and nationwide, “historic district” is the typical term used for locally designated zoning overlay areas that are designed to allow the establishment of additional regulation directed towards the architectural and historical preservation of areas with historic and

architectural value. The Virginia State Historic Preservation Office and Department of Historic Resources strictly uses the term “historic district” for these types of locally designated overlay districts. Staff and the consultants working on the new guidelines are unaware of any other similar districts in Virginia that use the term “heritage preservation” in the district name.

The legal authority for localities to regulate historic landmarks, buildings, and other structures through zoning is granted by Virginia Code §15.2-2306. State code does not mandate the name of the district or review board, however the legislation uses the term “historic district”.

The proposed name change is meant to more accurately reflect the type of district as enabled by state code and allow for a clearer recognition and identification of the district as akin to other historic districts in Virginia.

Town Council Alternatives:

The following alternatives are available to the town council for its decision on Zoning Ordinance Text Amendment ZOTA #19-02:

1. Approve Initiating Resolution
2. Deny Initiating Resolution

Staff Recommendation:

Staff recommends the town council approve the initiating resolution for ZOTA #19-02 in accordance with **alternative 1**.

If the town council approves the initiating resolution, then staff will schedule this item with the planning commission. The item will then return to the town council for a public hearing and vote.

Attachments:

1. Initiating Resolution
2. Draft Language


Bryce Perry
Deputy Director of Community Development


David Stromberg, AICP
Zoning Administrator

TOWN OF HERNDON, VIRGINIA

RESOLUTION

March 24, 2020

Resolution – to initiate consideration of a zoning ordinance text amendment ZOTA #20-01 to amend Chapter 78 (Zoning), Article I (Introductory Provisions), Section 78-10.3 (Purpose and Intent), Article II (Zoning Districts), Section 78-20.2 (Establishment of Overlay Zoning Districts), Section 78-20.3 (Relationship of Base Districts to Overlay Zoning Districts), Section 78-20.5 (Transition to New Zoning Districts), Article V (Planned Development Districts), Section 78-50.2 (Standards for all Planned Development Districts), Section 78-50.6 (PD-D, Planned Development-Downtown), Section 78-50.7 (PD-TD, Planned Development-Traditional Downtown), Article VI (Overlay Districts), Section 78-60.2 (Floodplain Overlay District (FPO)), Section 78-60.3 (Heritage Preservation Overlay District (HP District), Section 78-60.4 (Chesapeake Bay Preservation Area Overlay District (CBPAO)), Article VII (Use Regulations), Section 78-71.13 (Commercial Utilities Use Category), Article VIII (Accessory Uses), Section 78-80.3 (Accessory Structure Standards), Section 78-80.4 (Standards for Specific Accessory Uses and Structures by Use Type), Article XI (Development Standards), Section 78-110.3 (Site Landscaping (Not Contained in Perimeter Buffer Strips and Vehicular Use Areas)), Section 78-114.1 (Additional Screening Requirements), Section 78-115.1 (Retaining Walls), Section 78-115.2 (Fencing, Walls (Except Retaining Walls) and Hedges, Article XIV (Signs), Section 78-140.4 (Prohibited Signs), Section 78-140.5 (Sign License Required), Section 78-141.6 (Sign Standards for Downtown and Mixed-Use Districts), Article XV (Decision-Making Authorities, Application Review and Permitting), Section 78-150.1 (Town Council), Section 78-150.2 (Planning Commission), Section 78-150.4 (Heritage Preservation Review Board), Section 78-150.5 (Architectural Review Board), Section 78-150.6 (Zoning Administrator) Section 78-151. (Summary Table of Development Review Responsibilities), Section 78-152.2 (Application Submission, Requirements and Acceptance), Section 78-153.2 (Review Process for Applications Requiring a Public Hearing (Approval by Decision Making Body)), Section 78-155.1 (Zoning Map Amendment (ZMA)), Article XVI (Nonconformities), Section 78-160.1 (Generally), Section 78-160.3 (Nonconforming Structures), Article XVII (Enforcement, Violations and Remedies), Section 78-170.3 (Types of Violations), Section 78-170.4 (Penalties, Fines and Remedies for Violations), Article

XVIII (Definitions), and Section 78-180. (Definitions), to change the name of the Heritage Preservation Overlay district to the Historic District Overlay.

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 change the name of the heritage preservation district overlay to the historic district overlay throughout the zoning ordinance.
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
_____, 2020**

Ordinance – to amend Chapter 78 (ZONING), Article I (Introductory Provisions), Section 78-10.3 (Purpose and Intent), Article II (Zoning Districts), Section 78-20.2 (Establishment of Overlay Zoning Districts), Section 78-20.3 (Relationship of Base Districts to Overlay Zoning Districts), Section 78-20.5 (Transition to New Zoning Districts), Article V (Planned Development Districts), Section 78-50.2 (Standards for all Planned Development Districts), Section 78-50.6 (PD-D, Planned Development-Downtown), Section 78-50.7 (PD-TD, Planned Development-Traditional Downtown), Article VI (Overlay Districts), Section 78-60.2 (Floodplain Overlay District (FPO)), Section 78-60.3 (Heritage Preservation Overlay District (HP District)), Section 78-60.4 (Chesapeake Bay Preservation Area Overlay District (CBPAO)), Article VII (Use Regulations), Section 78-71.13 (Commercial Utilities Use Category), Article VIII (Accessory Uses), Section 78-80.3 (Accessory Structure Standards), Section 78-80.4 (Standards for Specific Accessory Uses and Structures by Use Type), Article XI (Development Standards), Section 78-110.3 (Site Landscaping (Not Contained in Perimeter Buffer Strips and Vehicular Use Areas)), Section 78-114.1 (Additional Screening Requirements), Section 78-115.1 (Retaining Walls), Section 78-115.2 (Fencing, Walls (Except Retaining Walls) and Hedges, Article XIV (Signs), Section 78-140.4 (Prohibited Signs), Section 78-140.5 (Sign License Required), Section 78-141.6 (Sign Standards for Downtown and Mixed-Use Districts), Article XV (Decision-Making Authorities, Application Review and Permitting), Section 78-150.1 (Town Council), Section 78-150.2 (Planning Commission), Section 78-150.4 (Heritage Preservation Review Board), Section 78-150.5 (Architectural Review Board), Section 78-150.6 (Zoning Administrator) Section 78-151. (Summary Table of Development Review Responsibilities), Section 78-152.2 (Application Submission, Requirements and Acceptance), Section 78-153.2 (Review Process for Applications Requiring a Public Hearing (Approval by Decision Making Body)), Section 78-155.1 (Zoning Map Amendment (ZMA)), Article XVI (Nonconformities), Section 78-160.1 (Generally), Section 78-160.3 (Nonconforming Structures), Article XVII (Enforcement, Violations and Remedies), Section 78-170.3 (Types of Violations), Section 78-170.4 (Penalties, Fines and Remedies for Violations), Article XVIII (Definitions), and Section 78-180. (Definitions) to change the name of the Heritage Preservation Overlay district to the Historic District Overlay.

BE IT ORDAINED by the Council for the Town of Herndon that:

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

Section 78-10.3 – Purpose and Intent.

(b) Intent. *This chapter is intended to:*

(5) Protect against destruction of or encroachment upon historic and heritage areas.

(19) Enhance the unique characteristics of historic and heritage resources and ensure a built environment that is a worthy heritage for future generations.

Section 78-20.2 – Establishment of overlay zoning districts.

The overlay zoning districts established in this chapter are shown in Table 78-20.2: Overlay Zoning Districts.

TABLE 78-20.2: OVERLAY ZONING DISTRICTS	
Abbreviations	District Name
FPO	Floodplain Overlay District
HPO HDO	Heritage Preservation Historic District Overlay District
CBPAO	Chesapeake Bay Preservation Area Overlay District

Section 78-20.3 – Relationship of base districts to overlay zoning districts.

Three overlay districts are established in addition to the base zoning districts: the Floodplain Overlay (FPO) District, the ~~Heritage Preservation~~ *Historic District* Overlay (HPO) (*HDO*) District, and the Chesapeake Bay Preservation Area *Overlay* (CBPAO) district. Where land is classified into an overlay district as well as a base zoning district, the regulations governing the development in the overlay district shall apply in addition to the regulations governing the development in the underlying base zoning district. In the event of an express conflict, as determined by the zoning administrator, between the standards governing an underlying base zoning district and those governing an overlay district, the standards governing the overlay district shall control.

Section 78-20.5 – Transition to new zoning districts.

Upon adoption of this chapter, land that was zoned within a zoning district classification existing prior to July 1, 2006, shall be classified within one of the zoning district classifications set forth in Article II, Zoning Districts, and as shown in Table 78-20.5, Transition to New Zoning Districts. The following table summarizes the transition from former zoning ordinance districts to new districts set forth in this chapter.

TABLE 78-20.5: TRANSITION TO NEW ZONING DISTRICTS	
Overlay Districts:	
Floodplain Overlay District (FPO)	Floodplain Overlay District (FPO)
Heritage Preservation <i>Historic District</i> Overlay District (HPO) (<i>HDO</i>)	Heritage Preservation <i>Historic District</i> Overlay District (HPO) (<i>HDO</i>)
Chesapeake Bay Preservation Area Overlay District (CBPAO)	Chesapeake Bay Preservation Area Overlay District (CBPAO)

Section 78-50.2 – Standards for all planned development districts.

- (b) *Review board approval for PD development.* Development located within a planned development district and outside of the ~~heritage preservation~~ *historic district* overlay district, other than single-family detached units, shall be subject to the approval of the architectural review board. Development within a planned development district in the ~~heritage preservation~~ *historic district* overlay district shall be subject to the approval of the ~~heritage preservation~~ *historic district* review board.

Section 78-50.6 – Planned development downtown district.

- (a) *Purpose and intent.* The intent of the PD-D district is to encourage revitalization and creative design for residential and commercial lands located in the Downtown Overlay of the Herndon 2030 Comprehensive Plan (adopted August 12, 2008), as may be amended, and to provide flexibility in land planning for residential and commercial development located in the downtown area.

- (1) *Objectives.* Objectives of the PD-D district include:

- e. Adhering to the standards and guidelines of the Herndon 2030 Comprehensive Plan (adopted August 12, 2008), as may be amended, and the Herndon ~~Heritage Preservation Handbook~~, revised July 1990, as may be amended from time to time (~~the Heritage Preservation Handbook~~). *Historic District Overlay Guidelines, as amended.*
- (2) *Additional considerations to ensure purpose and intent are met.* Decisions on PD-D zoning map amendments shall involve consideration of the existence or provision of an adequate road network and parking facilities, provision of public facilities and amenities, the use or mix of uses offered in proposed development plans, the merit of proposed site design in achieving the goals of the comprehensive plan and the ~~heritage preservation handbook~~ *Historic District Overlay Guidelines*, and the contribution of the proposed development to revitalization of the downtown. The flexibility of PD-D district regulations does not mean that an applicant is entitled to such a rezoning by meeting the minimum

requirements of this division or that proposals approaching the maximum permitted density are entitled to a PD-D zoning map amendment.

(f) *Dimensional Standards.* The PD-D district shall be subject to the following dimensional standards:

(2) *Increases in intensity.* The floor area ratio of development shall not exceed 0.5 in the Downtown Overlay in the Herndon 2030 Comprehensive Plan (adopted August 12, 2008), as may be amended, except as allowed in section 78-50.6(f)(2), increases in intensity. The town council may, as part of the review of the PD-D district, increase the floor area ratio (i) up to 2.50 in sectors 1, 2 and 6 or (ii) up to 0.7 in sectors 3 and 4 of the Downtown Overlay, if the PD-D development meets three or more of the following criteria.

(d.) Building façade design that excels at meeting the objectives and guidelines contained in the ~~Herndon Heritage Preservation Handbook~~ *Historic District Overlay Guidelines*, subject to preliminary review by the ~~heritage preservation historic district~~ review board as provided in section 78-155.1(i)(a).

(h) *Site planning and building design in PD-D.* Sites and buildings within the PD-D district shall meet the following standards:

(6) ~~HPRB HDRB~~ *HDRB* review required for increased FAR. Site and building design shall comply with guidelines in the ~~Herndon Heritage Preservation Handbook~~ *Historic District Overlay Guidelines* as determined by the ~~HPRB HDRB~~ prior to the planning commission public hearing when the increased floor area ratio is considered.

Section 78-50.7 – PD-TD – Planned development traditional downtown district.

(h) *Site planning and building design in PD-TD.* Sites and buildings within the PD-TD district shall meet the following standards:

(5) ~~HPRB HDRB~~ *HDRB* review required. Site and building design shall comply with guidelines in the ~~Herndon Heritage Preservation Handbook~~ *Historic District Overlay Guidelines* as determined by the ~~HPRB HDRB~~ prior to the planning commission public hearing in accordance with section 78-155.1(h)(2).

Section 78-60.2 – Floodplain overlay district (FPO).

Section 78-60.3 – ~~Heritage Preservation~~ *Historic District Overlay* district (HP ~~HDO~~ district).

(a) *Purpose and intent.* The ~~heritage preservation historic district~~ overlay district (HP ~~HDO~~ district) is intended to provide for the establishment of historic landmarks and preservation districts as a means of preserving the historical, cultural, and architectural heritage of the town and protecting designated historic resources and is adopted pursuant to the authority granted to localities by Virginia Code §15.2-2306.

(b) *Applicability.* No building, structure, or sign located in the HP ~~historic~~ district *overlay* shall be erected, reconstructed, altered, demolished, moved, expanded or restored except in accordance with the provisions of 78-60.3(g), certificate of appropriateness in the ~~heritage preservation historic district~~ overlay. ~~district.~~

(c) *District boundaries and maps.* The boundaries of the ~~HP district~~ *historic district overlay* shall be shown on the town's official zoning map and on the appropriate comprehensive plan maps after action by the planning commission and town council.

(d) *Revision of ~~HP district~~ *historic district overlay* boundary and designation of landmarks.* The boundaries of the ~~HP district~~ *HDO* may be amended or areas, sites, buildings, and structures may be designated as historic landmarks in compliance with the following:

(1) *Amendment procedures.* The procedures for amendment of the ~~HP district~~ *HDO* boundaries or designation of historic landmarks shall be as provided for as an amendment to the official zoning map pursuant to section 78-155.1, zoning map amendment. In addition, the following procedures shall apply:

- 116 a. The planning commission shall conduct or delegate a survey of the town. The
 117 survey shall identify and inventory all landmarks, buildings, or structures, in areas
 118 being proposed within the proposed district boundaries. The planning commission
 119 shall also prepare reports recommended to be included in the ~~HP-district~~ *HDO*.
 120 b. Prior to establishing or expanding the ~~HP-district~~ *HDO* the town council shall:
 121 1. Provide for public input from the community and affected property owners
 122 in accordance with Code of Virginia, § 15.2-2204;
 123 2. Follow the written criteria set out below to be used to determine which
 124 properties should be included within the ~~HP-district~~ *HDO*; and
 125 3. Review the inventory and the criteria to determine which properties in the
 126 areas being considered for inclusion within the proposed district meet the
 127 criteria to be included in the ~~HP-district~~ *HDO*.
 128 c. Upon the inclusion of an area in the ~~HP-district~~ *HDO*, the owner of each property
 129 within the established district boundaries therein shall be given written
 130 notification, including a description of the factors justifying the designation.
 131 (2) *Review of ~~HP-district~~ *HDO* boundary amendments.* The advisability of amending the ~~HP~~
 132 ~~district~~ *HDO* boundary is a matter committed to the legislative discretion of the town
 133 council and is not controlled by any one factor. The following shall be considered by the
 134 town council, and its advisory bodies as part of the deliberation process:
 135 a. In considering an amendment to ~~HP-district~~ *the HDO* boundary, the town council
 136 may adopt a change for only part of the area surveyed by the planning commission.
 137 The town council may amend the ~~HP-district~~ *HDO* boundary to include any area
 138 that has been considered by the planning commission.
 139 b. The following criteria shall be used by the historic ~~preservation~~ *district* review
 140 board, planning commission, and town council in evaluating the potential
 141 expansion of the ~~HP-district~~ *HDO*. The historic ~~preservation~~ *district* review board
 142 and planning commission may recommend, and the town council may so ordain,
 143 a landmark, building, or structure, for designation as a ~~HP-district~~ *which within*
 144 *the HDO, provided it* meets one or more of the following criteria:
 145 ***
 146 5. The property or properties are closely related to or contiguous with
 147 properties that meet criteria a-d as related to their visual character or
 148 historic pattern of development; or otherwise contribute to the historic
 149 and architectural context of the proposed or existing ~~HP-district~~ *HDO*.
 150 c. Such ~~HP-district~~ *HDO* boundaries may be adjusted to exclude properties along the
 151 perimeter that do not meet the criteria. The town council shall include only the
 152 geographical areas in the ~~HP-district~~ *HDO* where a majority of the properties meet
 153 the criteria established below by the town in accordance with this section.
 154 However, parcels of land contiguous to arterial streets or highways found by the
 155 town council to be significant routes of tourist access to the town or to be
 156 designated historic landmarks, buildings, structures, or districts therein, or in a
 157 contiguous locality, may be included in the ~~HP-district~~ *HDO* notwithstanding the
 158 provisions of this subsection.
 159 ***
 160 (e) *Reduction of setback.* In the ~~HP-district~~ *HDO*, the front setback for a single-family detached
 161 dwelling may be reduced from 35 feet to a lesser amount but not less than 20 feet, in instances
 162 where the ~~HPRB~~ *HDRB* makes a finding that such reduction shall cause the subject structure to be
 163 more compatible with nearby contributing structures.
 164 (f) *Development within the ~~heritage preservation~~ *historic district* overlay ~~district~~.* Development
 165 located within a ~~preservation district~~ *the historic district overlay* shall be completed in accordance
 166 with the ~~Herndon Heritage Preservation Handbook~~ *Historic District Overlay Guidelines*, and the
 167 following standards:
 168 ***
 169 (3) *Moving or relocating a building.* A certificate of appropriateness to move or relocate a
 170 building or structure may be approved only after considering the following, as well as other
 171 appropriate matters:

- b. Whether or not the proposed relocation would have a negative or positive effect on other historic landmarks or on other sites, buildings or structures located within the ~~heritage preservation overlay district~~ *historic district overlay*;
- (4) *Demolition.* A certificate of appropriateness to demolish a building or structure may be approved, only after reviewing and considering the circumstances and conditions of the structure or building or the part proposed for demolition, and considering the following factors as well as all other appropriate matters:
- a. Whether or not the building or structure is an historic landmark or is a building within the ~~heritage preservation overlay district~~ *historic district overlay* that contributes to the character of the ~~heritage preservation overlay~~ *historic district*;
- g. Whether or not the proposed demolition could potentially adversely affect other historic landmarks located within a ~~preservation district~~ *the historic district overlay* or adversely affect the character of a ~~preservation district~~ *the historic district overlay*;
- (g) *Certificate of appropriateness (COA) in the ~~heritage preservation overlay district~~ historic district overlay.* The purpose of this section is to establish the procedures and standards for the review of certificates of appropriateness in the ~~heritage preservation overlay district~~ *historic district overlay*.
- (1) *Applicability.* Unless exempted pursuant to section 78-60.3(g), exemptions, a certificate of appropriateness must be approved prior to:
- a. Erecting, reconstructing, altering, or restoring any building or structure in the ~~heritage preservation overlay district~~ *historic district overlay*; or
- b. Demolishing, or moving any historic landmark, building, or structure located in the ~~heritage preservation district~~ *historic district overlay*.
- c. ~~Signs in the heritage preservation overlay district are reviewed pursuant to the applicable procedures in Article XIV, Signs.~~ *The installation of any sign not subject to Section 78-140.5(f).*
- (2) *Exemptions from COA.* The following minor development, which has been determined not to have permanent effects on the character of the ~~heritage preservation district~~ *historic district overlay*, is exempted from the requirements of this section. In the event the scope or nature of the development changes during the improvement process, the zoning administrator shall have the authority to order all work to be stopped and that an appropriate application for a certificate of appropriateness be filed.
- ***
- c. Landscaping, grading, walks, swimming pools and related mechanical equipment, retaining walls of less than 12 inches in height, or temporary fencing in place for one year or less, when it does not significantly affect the character of the ~~heritage preservation overlay district~~ *historic district overlay* or an historic landmark and its surroundings.
- ***
- (3) *Relationship of certificate of appropriateness to site plan.*
- a. An application for a certificate of appropriateness in the ~~heritage preservation overlay district~~ *historic district overlay* for a development that requires site plan or single lot development plan approval pursuant to section 78-155.6, site plan, shall not be reviewed formally by the ~~heritage preservation~~ *historic district* review board (~~HPRB HDRB~~) until the site plan or single lot development plan is approved. However, applicants may meet informally with the ~~HPRB HDRB~~ prior to site plan approval.
- b. ~~In instances where development requires site plan or single lot development plan approval (section 78-155.6), upon recommendation of the zoning administrator or the town council, an applicant may present the substance of the plan for development for which a certificate of appropriateness is required at a work session of the HPRB prior or concurrent with the review of the site plan or single lot development plan.~~
- (4) *Certificate of appropriateness review procedure.* The approval of a certificate of appropriateness shall be subject to the following:
- a. Prior to submitting an application for a certificate of appropriateness, applicants are encouraged to seek advice from the ~~HPRB HDRB~~ during one or more work

- sessions. At the work session, the ~~HRPB~~ **HDRB** will review the proposed plan for development and provide the applicant comments about its general conformance with the requirements for a certificate of appropriateness. The comments are advisory and do not confer development rights on the applicant or bind the ~~HRPB~~ **HDRB**, town staff, or any other entity of the town providing comments.
- ***
- c. All applications for a certificate of appropriateness shall include the items required in section 78-152.2, submittal requirements, as well as the following:
- ***
4. Written statements concerning the following:
- ***
- (i) If an application for demolition is submitted for a building or structure and is defined as a contributing building in the ~~heritage preservation district~~ **historic district overlay**, the interior and exterior of the building must be thoroughly documented with black and white photographs and measured drawings including floor plans and elevations following the standards of the Historic American Buildings Survey.
- d. After public notification and the scheduling of a public hearing, the ~~HRPB~~ **HDRB** shall conduct a public hearing on the application. At the public hearing, the ~~HRPB~~ **HDRB** shall consider the application, the relevant support materials, the staff report, and the public testimony and evidence given at the hearing. After the close of the public hearing, the ~~HRPB~~ **HDRB** shall either approve or disapprove the application based on the standards in section 78-60.3(g), development within the ~~heritage preservation overlay district~~ **historic district overlay** as follows:
1. If the ~~HRPB~~ **HDRB** finds the application complies with the standards in section 78-60.3(g), development within the ~~heritage preservation overlay district~~ **historic district overlay** and the applicable guidelines found in the ~~Herndon Heritage Preservation Handbook~~ **Historic District Overlay Guidelines**, the ~~HRPB~~ **HDRB** shall approve a certificate of appropriateness.
 2. If the ~~HRPB~~ **HDRB** determines the application fails to comply with the standards in section 78-60.3(g), development within the ~~Heritage Preservation Overlay District~~ **historic district overlay**, and the applicable guidelines found in the ~~Herndon Heritage Preservation Handbook~~ **Historic District Overlay Guidelines**, it may either disapprove the application or continue the public hearing. In either case, it shall explain why the application fails to comply with the review standards. It shall recommend revisions to the plans and specifications that would bring the application into conformance with section 78-60.3(g), development within the ~~heritage preservation overlay district~~ **historic district overlay** and the applicable guidelines found in the ~~Herndon Heritage Preservation Handbook~~ **Historic District Overlay Guidelines**. The applicant may request or agree to a continuation of the public hearing in accordance with section 78-152.6, deferral of application and section 78-153.2(i)(2), continuation of public hearing.
- (5) *Certificate of appropriateness for minor improvements.* At its discretion, the ~~HRPB~~ **HDRB** may adopt a certificate of appropriateness providing design guidance for certain minor improvements such as changes in color of materials or fences, dumpster enclosures, and similar screening. The staff may review applications for eligible minor improvements addressed in the certificate of appropriateness for compliance with the certificate of appropriateness. The staff shall then notify the applicant in writing whether or not the application successfully complies with the certificate of appropriateness and the improvements shall be authorized under that certificate of appropriateness, without a public hearing before the ~~HRPB~~ **HDRB**.
- (6) *Certificate of appropriateness review standards.* Development located within a ~~preservation district~~ **the historic district overlay** shall be completed in accordance with the

- Herndon Heritage Preservation Handbook *Historic District Overlay Guidelines* and the standards set forth in section 78-60.3(f), development within the ~~heritage preservation overlay district~~ *historic district overlay*.
- (7) *Appeal of COA decision to town council.* The applicant or any person aggrieved by the decision with a property interest in land abutting or across the street from property which is the subject of a final decision of the ~~HPRB HDRB~~ on a certificate of appropriateness, may appeal the decision to the town council, as follows.
- (a) An appeal shall be initiated by filing a written notice of appeal with the zoning administrator specifying the grounds for the appeal within 14 days of the final decision of the ~~HPRB HDRB~~.
 - (b) No action shall be taken until 15 days after the final decision of the ~~HPRB HDRB~~ on a certificate of appropriateness. If a written notice of appeal on a certificate of appropriateness is initiated pursuant to this section, action on the certificate of appropriateness shall be stayed pending the final decision by town council.

 - (e) After the conclusion of the hearing, the town council may affirm, modify, or reverse the decision of the ~~HPRB HDRB~~, in whole or in part, or may remand the case to the ~~HPRB HDRB~~. The decision shall be based on the standards in section 78-60.3(f), development within the ~~Historic Preservation Overlay District~~ *historic district overlay*. The town council decision shall be subject to the following standards:
 - (1.) A decision shall not be reversed or modified unless there is evidence in the record that the decision of the ~~HPRB HDRB~~ is not correct, based on the review standards for a certificate of appropriateness.
 - (2.) In determining whether or not to remand a case to the ~~HPRB HDRB~~, the town council shall be guided by the following factors: the completeness of the record; the appropriateness of further review by the ~~HPRB HDRB~~ of certain points or facts; and any amendments to the application after the decision of the ~~HPRB HDRB~~. Town council recognizes that revisions to an application for the purpose of clarifying issues, or addressing concerns raised during the public hearing are positive and will not necessarily result in a remand, except that significant and substantive revisions to the application may serve as a basis for remand.
- (8) *Appeal of town council decision to circuit court.* The applicant, any person jointly or severally aggrieved with a property interest in land abutting or across the street from property which is the subject of a final decision of the town council pursuant to subsection (7) above, any person with a property interest in land in the ~~Heritage Preservation District~~ *historic district overlay*, who is aggrieved by a final decision of the town council, pursuant to subsection (7) above, or the town, may appeal the decision to the Circuit Court of Fairfax County pursuant to Code of Virginia § 15.2-2306. If appealed, a petition at law shall be filed setting forth the alleged illegality of the action by the town council, provided that such petition shall be filed within 30 days after the final decision is rendered by the town council. The filing of the petition shall stay the decision of the town council pending the outcome of the appeal to the court, except that the filing of the petition shall not stay a decision of the town council denying the right to raze or demolish a historic landmark, building or structure.
- (9) *Submittal of new COA application after disapproval.* If the ~~HPRB HDRB~~ disapproves a certificate of appropriateness, the applicant may, at any time, submit a new application with new information addressing the written reasons for disapproval.

- (12) *Extension of approved certificate of appropriateness.* Upon written application submitted to the zoning administrator by the applicant at least 60 days prior to the expiration of the certificate, the ~~HPRB HDRB~~ shall consider and may grant one extension not to exceed one year upon a showing of good cause. In determining good cause, the ~~HPRB HDRB~~ shall take into consideration the scope of the proposed work and the laws, ordinances, and regulations in effect at the time of the request for extension. The approval shall be deemed extended until the ~~HPRB HDRB~~ has acted upon the request. Failure to submit an

application for an extension within the time limits established by this section shall render the certificate of appropriateness void.

- (h) *Demolition, relocation and alteration of structures in the ~~heritage preservation overlay district~~ historic district overlay.* As provided in the Code of Virginia § 15.2-2306, in addition to the right of appeal outlined in this section, the owner of any building or structure shall be permitted to demolish, alter or relocate a building, structure or historic landmark in the ~~heritage preservation overlay district~~ historic district overlay provided that:

- (5) *Hazardous properties.* A contributing landmark, building or structure, or historic landmarks, shall not be razed, demolished or moved until the razing, demolition or moving thereof is approved by the ~~heritage preservation review board (HPRB)~~ historic district review board (HDRB) or, on appeal, by the town council after consultation with the ~~HPRB HDRB~~, unless the building official consistent with the Uniform Statewide Building Code, Part III Maintenance, determines that the contributing structure constitutes such a hazard that it shall be razed, demolished or moved.

Section 78-60.4 – Chesapeake Bay Preservation Area Overlay ~~district~~ (CBPAO).

Section 78-71.13 – Commercial utilities use category.

- (d) *Commercial utilities category specific use standards.* In addition to the applicable requirements in this chapter, the following standards apply:

- (3) *Small cell facilities on a new utility distribution or transmission pole less than 50 feet.* Any new utility distribution or transmission pole of less than 50 feet in height above grade and designed to support small cell facilities is an administrative review-eligible project (AREP) as defined by the Code of Virginia § 15.2-2316.3. An AREP is subject to approval by the zoning administrator and shall comply with the following standards:

- (a.) ~~Heritage preservation~~ *Historic district overlay review.* Small cell facilities in the ~~heritage preservation overlay~~ historic district overlay are subject to the following:

- (1.) *Certificate of appropriateness.* A certificate of appropriateness must be obtained from the ~~heritage preservation~~ historic district review board unless all of the following conditions are met.

- (b.) *Architectural review.* Small cell facilities outside of the ~~heritage preservation~~ historic district overlay must receive approval by the architectural review board unless the following conditions are met:

Section 78-80.3 – Accessory structure standards.

- (b) *Accessory structures in multi-family and nonresidential districts.* Accessory structures in multi-family and nonresidential districts shall meet the following standards:

- (1) *General requirements.* Structures accessory to multi-family and nonresidential uses shall be subject to the approval of a site plan and approved through the site plan review process, section 78-155.6. and shall be subject to approval by the architectural review board under Chapter 58 of the Code of Ordinances or the ~~heritage preservation~~ historic district review board under section 78-155.7 **60.3**.

- (c) *Accessory features (such as fences, walls, retaining walls, gate houses, trash enclosures, refuse containers, screening enclosures, storage sheds, and swimming pools) in all zoning districts.* Standards stated elsewhere in this chapter shall govern for specific accessory structures or uses. The following standards shall apply to features such as fences, walls, retaining walls, gate houses, trash enclosures, refuse containers and screening enclosures:

- (1) *Within ~~heritage preservation overlay district~~ historic district overlay.* A certificate of appropriateness may be required in the ~~heritage preservation overlay district~~ historic district overlay.

- (2) *ARB review.* Approval by the architectural review board may be required for multi-family and nonresidential properties outside of the ~~heritage preservation overlay district~~ *historic district overlay*.

Section 78-80.4 – Standards for specific accessory uses and structures by type.

- (c) *Antenna of all kinds, except commercial communication towers, freestanding.* The following standards are adopted to comply with applicable state and federal law, including the Federal Telecommunications Act of 1996 and the "Spectrum Act", and to control the location and screening of antennae to mitigate impact on surrounding properties.

- (2) *Large satellite dish antennae.* Satellite dish antennae measuring one meter or more are permitted accessory uses in nonresidential districts. Such dishes are subject to the standards set forth below to the maximum extent feasible, but only where there is no impairment of acceptable signal quality. These regulations are not intended to impose unreasonable delays or impose unreasonable costs on the installation, maintenance, or use of satellite dishes, and shall not be interpreted or enforced in any manner contrary to federal or state law.

- (a) Within the ~~heritage preservation overlay district~~ *historic district overlay*, satellite dishes shall be screened or located so as to not be visible from any public streets.

- (3) *Commercial antennae.* Antennae may be located on existing structures provided the following standards are met:

- (c) Must receive a certificate of appropriateness when located within the ~~heritage preservation overlay~~ *historic district overlay* and visible from a public right-of-way.

- (d) *Bed and breakfast establishment.* Bed and breakfast establishments are permitted by special exception in accordance with the provisions of section 78-155.3, special exceptions and Article VIII, Accessory Use Regulations, as follows:

- (1) *Limited to certain housing types and zoning districts .* Bed and breakfast establishments may be established in owner- or operator-occupied single-family detached homes, including normal residential accessory structures existing as of March 1, 2007, in the R-15 and R-10 zoning districts; and in the ~~heritage preservation overlay district~~ *historic district overlay*.

- (n) *Outdoor serving areas accessory to an enclosed use providing food or beverage for sale or tasting.* Outdoor serving areas providing or allowing outdoor consumption of food or beverage accessory to an established enclosed use food or beverages for sale or tasting shall comply with the following standards:

- (10) *Limit on outdoor kitchen/bar equipment.* No exterior kitchen or bar service equipment shall be permitted abutting a public right-of-way unless permitted in association with, and for the duration of, a permitted temporary use permit. If such equipment, when not associated with a permitted temporary use permit, is visible from the adjacent right-of-way, landscaping or other screening as approved by either the ~~HPRB~~ *HDRB* or ARB, shall be installed to screen the equipment from the right-of-way.

Section 78-110.3 – Site landscaping (not contained in perimeter buffer strips and vehicular use areas).

- (c) *Certain exemptions for downtown.* Properties zoned PD-D and PD-TD shall be exempt from section 78-110.4(c) except as follows:

- (3) *Nonresidential development and mixed-use residential development located in the PD-D and PD-TD.* Nonresidential development and mixed-use residential development located in the PD-D and PD-TD shall provide:

- a. Commercial grade planting containers designed to complement (as determined by the ~~heritage preservation review board~~ *historic district review board* using recognized standards) the architecture of the building, or planting beds, planted and maintained with evergreen shrubs or live plants affording seasonal color. Such containers or planting beds shall not extend into the required 12-foot public streetscape.

Section 78-114.1 – Additional screening requirements.

- (b) *Review.* In addition to review as part of a site plan or subdivision plan application, all screening structures shall be subject to review and decision by the architectural review board or ~~heritage review board~~ *historic district review board*, as appropriate.

Section 78-115.1 – Retaining walls.

- (c) *Review and approval of retaining walls.* Retaining walls shall be reviewed and approved, if they are approved, in accordance with the following provisions, as applicable:

- (1) *Properties within the* ~~heritage preservation overlay district~~ *historic district overlay.* The ~~heritage preservation~~ *historic district* review board shall be the reviewing authority for retaining walls on any property within the ~~heritage preservation overlay district~~ *historic district overlay.*
- (2) *Townhouse, multifamily or commercial uses outside the* ~~heritage preservation overlay district~~ *historic district overlay.* The architectural review board shall be the reviewing authority for walls on property developed with townhouses, multi-family uses or commercial uses outside of the ~~heritage preservation overlay district~~ *historic district overlay.*

Section 78-115.2 – Fencing, walls (except retaining walls) and hedges.

- (c) *Approvals.* A certificate of appropriateness may be required for fencing or walls in the ~~heritage preservation overlay district~~ *historic district overlay.* (see "certificate of appropriateness in the ~~heritage preservation overlay district~~ in Article II, Administration). Approval may be required from the architectural review board for fencing, walls or hedges associated with all uses under the purview of the architectural review board (~~see Chapter 58 of the Herndon Town Code, section 58-62, approval of construction, reconstructions and alterations in architectural control districts required~~).

- (e) *Fencing, wall and hedge standards.* The following standards shall apply within all zoning districts throughout the town unless otherwise stated.

- (6) *Fencing and wall materials.* The following provisions shall apply to wall and fence materials:

- a. Fences or walls shall be constructed of customary fencing or wall materials, including solid wood, masonry, stone, brick, wrought iron, decorative metal materials, or products designed to resemble these materials. Any fence or wall material may be further restricted in the ~~heritage preservation district~~ *historic district overlay.* ~~by the heritage preservation review board.~~

- b. Chain link fencing is permitted only for the following purposes:

1. To surround tennis courts, ball fields, playgrounds, other recreational facilities not located on a lot with a single-family detached or single-family attached dwelling, and schools not associated with a home-based child care business subject to the following:

- (a) Chain link fencing used for recreational use within the ~~heritage preservation district~~ *historic district overlay* shall be coated with

black or dark green vinyl and shall be screened from public rights-of-way and abutting properties by landscaping with a growth habit adequate to screen the fencing.

- (b) Installation of the screening and fencing shall be dependent upon review and approval by the ~~heritage preservation~~ **historic district** review board.

Section 78-140.4 – Prohibited Signs.

- (a) *General prohibitions.* In addition to signs prohibited elsewhere in this Code or by applicable state or federal law, the following signs are prohibited:

- (7) Signs painted directly on a building, except in the ~~Heritage Preservation Districts~~ **historic district overlay** when approved by the ~~HPRB~~ **HDRB**.

Section 78-140.5 – Sign license required.

- (b) *License types and approving authorities.* Sign licenses shall be approved by either the zoning administrator or the appropriate review board as follows:

- (1) *Administrative approvals.* Following approval by the ~~HPRB~~ **HDRB** or ARB, the zoning administrator or designee conducts final review of applications for all sign licenses other than those provided for in section 78-140.5(n). The following administratively approvable signs, not requiring review by the ~~HPRB~~ **HDRB** or ARB, are subject to review by the zoning administrator or designee, temporary sign licenses, master sign plan conformance licenses (after approval of a master sign plan license) and any sign which complies with uniform standards adopted by the ~~HPRB~~ **HDRB** and ARB for administratively approved signs. Signs for all arts businesses, as defined in section 7-2 of the Herndon Town Code and licensed to operate as a business in the Herndon Arts District may receive administrative approval of the sign license if the signs comply with the ~~HPRB~~ **HDRB** and ARB approved uniform design standards.

- (2) *Review Board Approvals.* The architectural review board or ~~Heritage Preservation Review Board~~ **historic district review board** also conducts final review of sign licenses that do not conform to the adopted uniform standards, as determined by the zoning administrator, within their respective overlay districts. (~~Architectural Control District for the ARB and Heritage Preservation Overlay District for the HPRB~~).

- (e) ~~Heritage District Overlay zoning district regulations.~~ Herndon overlay zoning districts may require overlay specific sign standards and regulations in addition to the general requirements and district specific standards detailed in this article. **Reserved.**

- (f) ~~Heritage Preservation District~~ **Historic district overlay.** Permanent signs installed within the ~~Heritage Preservation Districts~~ **historic district overlay** shall comply with the relevant design guidelines, as interpreted by the ~~HPRB~~ **HDRB**, and the uniform standards for administrative approval of signs as approved by the ~~HPRB~~ **HDRB** and interpreted by the zoning administrator, or adopted superseding documents.

- (g) ~~Arts district.~~ Permanent signs installed within the arts districts shall comply with the relevant design guidelines, as interpreted by the ~~HPRB~~ and ARB, and the uniform standards for administrative approval of signs as approved by the ~~HPRB~~ and ARB and interpreted by the zoning administrator, or adopted superseding documents. **Reserved.**

Section 78-141.6 – Sign standards for downtown mixed-use districts.

- (c) *Compliance with design guidelines.* Signs installed within the central commercial (CC), planned development-downtown (PD-D), planned development-traditional downtown (PD-TD) zoning districts shall comply with the relevant design guidelines of the ~~Herndon Heritage Preservation Handbook~~ **Historic District Overlay Guidelines** and Downtown Herndon Pattern Book, or adopted superseding documents.

Section 78-150.1 – Town Council

- (a) *Powers and duties.* The town council shall have the powers and duties specified in Code of Virginia ~~tit. Title~~ 15.2, ~~ch. Chapter~~ 22 and the Town Charter, as well as the following powers and duties under this chapter

- (2) Appeals. The town council shall review and decide appeals from:

- c. Final decisions of the ~~Heritage Preservation Review Board (HPRB)~~ *historic district review board (HDRB)* on certificates of appropriateness (section 78-60. ~~3(g)~~);

- (3) *Historic designation.* The town council shall review and decide whether or not to designate any site, building or structure as an historic landmark or an area as a ~~heritage preservation overlay district~~ *historic district overlay*.

- (4) *Implementation authority not otherwise delegated.* The town council shall have the authority to take any other action not delegated to the planning commission, board of zoning appeals, architectural review board, ~~heritage preservation review board~~ *historic district review board*, town manager, town attorney, zoning administrator, or heads of town departments, as the town council may deem desirable and necessary to implement the provisions of this chapter.

Section 78-150.2 – Planning Commission

- (a) *Powers and duties.* The planning commission shall have the powers and duties specified in Code of Virginia ~~tit. Title~~ 15.2, ~~ch. Chapter~~ 22, as well as the powers and duties under this chapter.

- (1) *Application review.* The planning commission shall review and make recommendations to the town council to approve or disapprove applications for:

- f. Designation of any site, building or structure as an historic landmark or an area as a ~~heritage preservation overlay district~~ *historic district overlay*.

Section 78-150.4 – ~~Heritage preservation~~ *Historic district review board*.

- (a) *Establishment.* There hereby is established a ~~heritage preservation~~ *historic district* review board (~~HPRB~~ *HDRB*).

- (b) *Powers and duties.* The ~~HPRB~~ *HDRB* shall have the following powers and duties under this chapter:

- (1) *Recommendations.* The ~~HPRB~~ *HDRB* shall provide recommendations to the planning commission and the town council on the establishment, expansion, reduction, or elimination of ~~heritage preservation overlay districts~~ *the historic district overlay*.

- (2) *Application review.* The ~~HPRB~~ *HDRB* shall review and decide applications for properties within the ~~heritage preservation overlay district~~ *historic district overlay* for:

- (3) *Special knowledge and expertise.* The ~~HPRB~~ *HDRB* shall make its special knowledge and expertise available upon its own initiative or upon request by the town council or any official, department, board, commission or agency of the town.

- (c) *Membership.* The membership of the ~~HPRB~~ *HDRB* shall be established as follows:

- (1) *Number.* The ~~HPRB~~ *HDRB* shall consist of seven members. It shall be comprised of the five members of the town's architectural review board (ARB), along with two additional members.

- (2) *Qualifications.* The two additional members of the ~~HPRB~~ *HDRB* who are not on the ARB shall meet the following minimum qualifications:

- (3) *Residency.* No more than two of the members on the combined ARB/~~HPRB~~ *HDRB* with the required professional qualifications for an architect or an architectural historian may be nonresidents of the town. The other members on the combined ARB/~~HPRB~~ *HDRB* shall be town residents.

- (4) *Appointment.* The ARB members serving on the ~~HPRB~~ *HDRB* shall be appointed pursuant to Part I, Charter, of the Code of Ordinances, section 7.4:1(b). The two additional members shall be appointed by a majority of the town council.

- (5) *Term.* The term of office of the ARB members serving on the ~~HPRB~~ **HDRB** shall be concurrent with their membership on the ARB. The terms of the two additional ~~HPRB~~ **HDRB** members shall be three years.
- (6) *Removal.* Any member of the ~~HPRB~~ **HDRB** may be removed from office by the town council for malfeasance, misfeasance or nonfeasance in office.
- ***
- (9) *Training.* Newly appointed members of the ~~HPRB~~ **HDRB** shall be offered training and certification by the Citizens Planning Education Association of Virginia or similar certification to be completed by the Virginia Department of Historic Resources within two years of appointment.
- (d) *Officers.* Officers of the ~~HPRB~~ **HDRB** shall be established as follows:
- (1) *Chair and vice-chair.* The ~~HPRB~~ **HDRB** shall elect from its members a chair and a vice-chair.
- ***
- (3) *General duties of officers.* The duties of the chair and vice-chair of the ~~HPRB~~ **HDRB** shall be as follows:
- a. The chair shall preside at meetings of the ~~HPRB~~ **HDRB**, decide points of order on procedure, and take such action as shall be necessary to preserve the order and integrity of proceedings before the ~~HPRB~~ **HDRB**.
- ***
- c. In the absence of the chair and vice-chair, the most senior ~~HPRB~~ **HDRB** member shall act as chair and shall have powers of the chair.
- (e) *Staff.* The zoning administrator or the zoning administrator's designee shall serve as the professional staff to the ~~HPRB~~ **HDRB** and provide it with administrative support.
- (f) *Meetings, hearings and procedures.* Meetings of the ~~HPRB~~ **HDRB** ordinarily shall be held monthly and at such other times as a quorum of the ~~HPRB~~ **HDRB** may determine subject to the following:
- (1) *Open meetings.* All meetings of the ~~HPRB~~ **HDRB** shall be open to the public.
- (2) *Quorum and necessary vote.* Four members of the ~~HPRB~~ **HDRB** shall constitute a quorum, and no action of the ~~HPRB~~ **HDRB** shall be valid unless authorized by a majority vote of those present and voting.
- (3) *Rules and records of proceedings.* The ~~HPRB~~ **HDRB** shall document proceedings as follows:
- a. The ~~HPRB~~ **HDRB** shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or abstaining from a vote, indicating that fact.
- b. The ~~HPRB~~ **HDRB** shall keep records of its official actions, which shall be immediately filed in the office of the zoning administrator and shall be a public record.
- c. The ~~HPRB~~ **HDRB** may, by a majority vote of the entire membership, draft and approve such additional bylaws governing its procedure as it may deem necessary or advisable.

Section 78-150.5 – Architectural review board.

- (b) *Powers and duties.* The ARB shall have the following powers and duties under this chapter:
- (1) *Review and approval.* Generally, the ARB is empowered by the Town Charter and the town council to review and approve structures, buildings, signs, major landscape features and other improvements for development excluding: (i) the ~~heritage preservation overlay district~~ **historic district overlay**, (ii) single-family detached residences in the R-15 and R-10 zoning districts, and (iii) single-family detached residences in planned development districts after initial construction.

Section 78-150.6 – Zoning Administrator.

- (b) *Powers and duties.* The zoning administrator or an appropriate designee acting as zoning administrator shall have the following jurisdiction, powers, and duties under this chapter:
- (1) *Application review.* The zoning administrator shall review and decide applications for:

- d. Administrative sign conformance permit for signs that are part of an approved master sign plan or that conform to the adopted requirements of the ARB or ~~HPRB~~ **HDRB**, whichever applies (section 78-140.5(b)).

- (3) *Application.* The zoning administrator shall establish application requirements and schedules for review of applications and appeals, to review and make recommendations to the town council, planning commission, ~~HPRB~~ **HDRB**, and ARB on applications for development permits and approvals, and take any other action necessary to administer the provisions of this chapter.

- (6) *Expertise and technical assistance.* The zoning administrator shall provide expertise and technical assistance to the town council, planning commission, BZA, ~~HPRB~~ **HDRB**, and ARB, upon request.

Section 78-151 – Summary table of development review responsibilities.

TABLE 78-151: DEVELOPMENT PERMIT REVIEW PROCEDURES (S = Staff Review, R = Review and Advise, D = Final Decision, A = Appeal)							
PROCESS	ZONING ADMINISTRATOR	ARCHITECTURAL REVIEW BOARD (ARB)	HERITAGE PRESERVATION REVIEW BOARD (HPRB HDRB)	PLANNING COMMISSION	TOWN COUNCIL	BOARD OF ZONING APPEALS (BZA)	CIRCUIT COURT

OUTSIDE THE HERITAGE PRESERVATION OVERLAY DISTRICT HISTORIC DISTRICT OVERLAY:							

INSIDE THE HERITAGE PRESERVATION OVERLAY DISTRICT HISTORIC DISTRICT OVERLAY:							

- ¹ Appeals are limited to technical determinations. Appeals to the uniform standards shall be heard by the ~~HPRB~~ **HDRB**/ARB.

Section 78-152.2 – Pre-application procedures.

- (b) *Neighborhood meeting.* A neighborhood meeting is strongly encouraged prior to filing certain types of development applications, as follows.

- (3) *Timing of meeting for other applications requiring public hearings.* Neighborhood meetings generally are encouraged prior to, or shortly after, submittal of other applications requiring a public hearing. The town council, planning commission, architectural review board or ~~heritage preservation~~ **historic district** review board may encourage an applicant to conduct a neighborhood meeting on an application if, in the determination of the review board, the proposed development could affect neighboring properties

Section 78-152.2 – Application submission, requirements and acceptance.

TABLE 78-152.2(b)(3): FEES FOR DEVELOPMENT APPLICATIONS	
TYPE OF FEE	AMOUNT

HERITAGE PRESERVATION HISTORIC DISTRICT REVIEW BOARD	

Section 78-153.2 – Review process for applications requiring a public hearing (approval by decision making body).

- (f) *Staff report.* The staff shall prepare a report for the reviewing body or bodies as follows:

- (2) *Staff report availability.* The staff report shall be available to the applicant and the public a minimum of five days before the first scheduled work session for applications to the architectural review board, ~~heritage preservation~~ *historic district* review board, planning commission and town council. For the board of zoning appeals, the staff report shall be available to the applicant and the public a minimum of five days before the first scheduled public hearing.

- (g) *Public hearing requirements.* The appropriate decision-making authority shall hold a minimum of one public hearing for a development application as follows:

- (2) *Certificate of appropriateness.* The ~~heritage preservation~~ *historic district* review board shall conduct at least one public hearing for applications for certificates of appropriateness.

- (h) *Public hearing notification.* All applications requiring public hearing(s), in addition to major site plans and subdivision plans, shall comply with the Code of Virginia and the other provisions of this section with regard to public notification.

- (2) *Written/mailed notice.* When the provisions of this chapter (see section 78-153.2(h)(5)) require that written or mailed notice be provided, the preparation and transmittal of the written notice shall comply with this section, unless expressly stated otherwise.

- b. Notice shall be mailed to:

6. The zoning administrator shall be responsible for providing written notice when the public hearing is before the board of zoning appeals, the ~~heritage preservation~~ *historic district* review board, or the architectural review board. The zoning administrator shall prepare a list of property owners and registrants to whom notice was mailed via first class mail and an affidavit affirming that notice meeting the content requirements of section 78-153.2(h)(1) was mailed pursuant to this section. The affidavit shall be conclusive that notice has been given pursuant to the terms of this section. A copy of the mailed notice shall be maintained in the office of the zoning administrator for public inspection during normal business hours.

- (4) *Posted/placard notice.* When the provisions of section 78-153.2(h)(5), require that notice be posted on the land subject to the application, notice for applications other than those pertaining to the architectural review board or the ~~heritage preservation~~ *historic district* review board (which do not require placard notice) shall comply with the following requirements:

- (5) *Required notice and timing.* Notice shall be provided as required in the Code of Virginia, § 15.2-2204. Such notice shall not be required for sign permit applications before the architectural review board or ~~heritage preservation~~ *historic district* review board.

Section 78-155.1 – Zoning map amendment (ZMA).

- (h) *Procedures for zoning map amendments.*

- (2) *Proffer review by ARB or ~~HPRB~~ HDRB prior to planning commission public hearing (if applicable).* If an application for a zoning map amendment includes a proffer or proffers dealing with a building's exterior appearance or materials, the application and proffers shall be reviewed by the architectural review board, or ~~heritage preservation~~ *historic*

~~district~~ review board if in a ~~heritage preservation overlay district~~ *within the historic district overlay*, as follows:

Section 78-160.1 – Generally

- (c) *Adaptive reuse.* The town council intends to allow the adaptive reuse and convenient and efficient utilization of structures in the ~~heritage preservation districts~~ *historic district overlay* and other older areas that may have been developed under different standards, by allowing some flexibility in the treatment of nonconformities where the specific nonconformity is not increased.

Section 78-160.3 – Nonconforming Structures.

- (e) *Specific provisions for changes to nonconforming structures.* Permitted changes to nonconforming structures shall be subject to the following specific provisions:

- (4) *Restoration of a nonconforming structure damaged by casualty (excluding "Acts of God" or natural disaster).* A nonconforming structure damaged by casualty (as distinguished from ordinary wear and tear) may be restored in accordance with the following provisions:

- (c) A nonconforming structure that is damaged by any casualty to an extent more than 50 percent of its assessed value (exclusive of foundations) at the time of the casualty according to the records maintained by the county department of tax administration shall not be restored except as follows:

2. If the nonconforming structure is within the ~~heritage preservation district~~ *historic district overlay*, or is designed and used as a single-family detached or single-family attached dwelling and such single-family detached or single-family attached use is allowed in the zoning district in which the nonconforming structure exists, restoration of such structures shall be permitted. The restoration shall begin within 12 months of the date of the casualty and shall be completed within 24 months of the casualty. The structure shall occupy the same space that it occupied prior to such casualty. In no instance shall any residential structure covered by this subsection 78-160.3(e)(4) be used to accommodate a greater number of dwelling units than such structure accommodated prior to any such work.

Section 170.3 – Types of violations.

- (a) *Violations, generally.* The following constitute general violations of this chapter.

- (2) *Noncompliance with permit.* Permits issued on the basis of plans and applications approved by the town council, planning commission, board of zoning appeals, ~~heritage preservation~~ *historic district* review board, zoning administrator, or other officials or agencies where additional approval is required, authorize the use, arrangement, alteration, location, and construction set forth in such permits and development approvals, and no other use, arrangement, alteration, location, or construction.

- (b) *Specific violations.* In addition to the offenses listed in Table 78-170.4(a)(5), it shall be a violation of this chapter to do any of the following:

- (7) *Failure to comply with terms of approval.* Fail to comply with any terms, conditions, or limitations placed by the town council, planning commission, board of zoning appeals, ~~heritage preservation~~ *historic district* review board, or zoning administrator upon any development approval, including designation of a planned development (PD) zoning district classification and preliminary PD plan, special exception, variance, administrative adjustment, certificate of appropriateness, sign permit, temporary use permit, zoning inspection permit, zoning appropriateness permit, site plan, single lot development plan, building location plan, final PD plan, final plat for minor subdivision, preliminary plat for

subdivision, final plat for subdivision, site grading permit, excavation permit, street name or name change, or other form of authorization.

Section 78-170.4 – Penalties, fines and remedies for violations.

(a) Penalties, fines and remedies for civil violations.

(5) Summary table of common violations and fines.

TABLE 78-170.4(a)(5): SUMMARY OF COMMON CIVIL VIOLATIONS AND PENALTIES		
OFFENSE	Penalty for Initial Summons (in \$)	Penalty for Each Additional Summons (in \$)

Erecting, reconstructing, demolishing, altering or restoring a building or structure in a Heritage Preservation District <i>historic district overlay</i> without obtaining a current, valid Certificate of Appropriateness	200.00	500.00

Section 78-180 – Definitions

Board. May refer to the board of zoning appeals, the architectural review board, or the ~~heritage preservation~~ *historic district* review board of the town, where the context so indicates.

Certificate of appropriateness. A certificate issued by the ~~heritage preservation~~ *historic district* review board or on appeal by the town council, indicating its approval of plans for alterations, construction, removal or demolition of a landmark or of a building or structure within a ~~preservation district~~ *the historic district overlay*.

Construction, new.

(1) For ~~Heritage preservation~~ *historic district overlay* purposes: Any construction *of a building or structure* within a ~~preservation district~~ *the historic district overlay* which is independent and exclusive of an existing building or structure, or part thereof, in the ~~preservation district~~ *historic district overlay*.

~~Heritage preservation district~~ *Historic district overlay*. ~~Preservation districts~~ *the historic district overlay* shall be designated by town council. ~~Preservation district~~ *b* ~~Boundaries~~ shall encompass and may include areas adjacent to historic landmarks.

Sign related terms. The following definitions pertain to signs and signage in all zoning districts:

(8) *Design guidelines.* Design guidelines mean the guidelines found in either the ~~Herndon Heritage Preservation Handbook~~ *Historic District Overlay Guidelines*, the Downtown Herndon Pattern Book or the Urban Design & Architectural Guidelines for the Herndon Transit-Oriented Core.

(26) *Review board.* Review board means either the ~~A~~ *architectural* ~~R~~ *review* ~~B~~ *board* or the ~~Heritage Preservation~~ *historic district* ~~R~~ *review* ~~B~~ *board*.

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



TOWN OF HERNDON, VIRGINIA
PROCLAMATION
NATIONAL AUTISM ACCEPTANCE MONTH
APRIL 2020

WHEREAS, Autism is a motor sensory difference experienced by children and adults. Some individuals are able to speak and others are not. Speech is not an indicator of intelligence. Autism is a lifelong condition. Skills and quality of life are improved by intervention and support services; and

WHEREAS, People should presume competence in autistic individuals. This means believing autistic individuals can and want to learn. This means providing quality education and intervention; and

WHEREAS, Individuals want to be included in the community. This means ensuring access and acceptance. Autistic individuals are your community members, your neighbors, friends, and family. The Town of Herndon proclaims acceptance and welcome for individuals with autism in the community, welcoming autistic individuals comes through education and community supports.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby proclaims April 2020 as **National Autism Acceptance Month** in the Town of Herndon and urges all employees and residents to participate in our municipality's **National Autism Acceptance Month** activities, in order to become better educated about autism and create a better community for individuals with autism.

Sheila A. Olem, Vice Mayor

Pradip Dhakal, Councilmember

Jennifer K. Baker, Councilmember

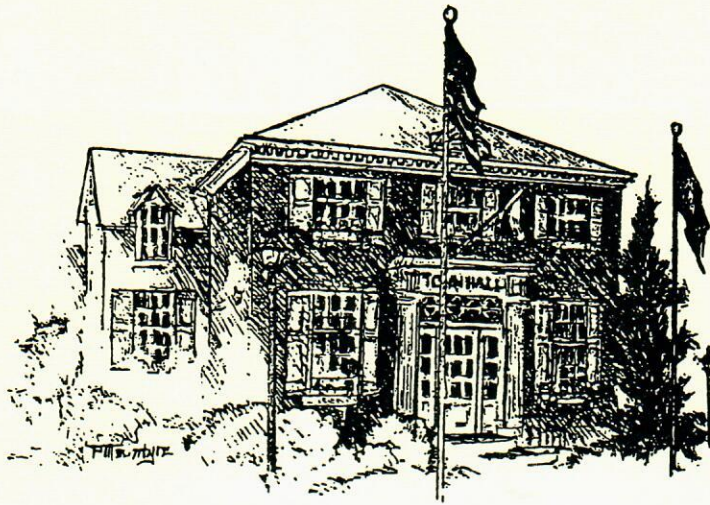
Signe Friedrichs, Councilmember

Cesar del Aguila, Councilmember

Bill McKenna, Councilmember

Lisa C. Merkel, Mayor





**TOWN OF HERNDON, VIRGINIA
PROCLAMATION
YOUTH IN THE ARTS MONTH
APRIL 2020**

Youth in the Arts Month encourages quality arts programming, promotes art materials safety, and highlights that the skills and experiences developed through the arts are unlike any other curriculum subjects. The arts are vital to the development of important skills such as problem solving, creativity, observation, and communication. **Youth in the Arts Month** reaffirms the town's commitment to the arts and celebrates the youth who enrich our community through the performing arts, visual arts, literature, and the humanities. This month we recognize that art is necessary to create a better quality of life for children and adults alike.

Designating April as **Youth in the Arts Month** in Herndon provides the opportunity to show our continued support for developing and promoting the talents of young, local artists, and encouraging all children to participate in the arts. Together with the 2019-2020 theme, "Take a Journey Through Art," this month will highlight the significance of arts in our community as a focal point of unity across the diverse heritages and cultures in Herndon.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim April 2020 as **Youth in the Arts Month** in the Town of Herndon; recognize this important month-long celebration; support youth arts organizations in the town; and commend Arts Herndon for their role in organizing events to celebrate **Youth in the Arts Month**.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby recognize that the Virginia Museum of Fine Arts (VMFA), through its Statewide programs, is committed to making its collection accessible to all citizens of the Commonwealth, and look forward to the museum's mobile interactive gallery for students, "VMFA on the Road" ~ visiting Herndon April 23-24, with the exhibit ~ "A View from Home: Landscapes of Virginia."

Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby encourage all citizens to participate in the activities throughout **Youth in the Arts Month** and to support local youth artists by attending events, art exhibits, workshops, and other creative ventures throughout the year.

Sheila A. Olem, Vice Mayor

Pradip Dhakal, Councilmember

Jennifer K. Baker, Councilmember

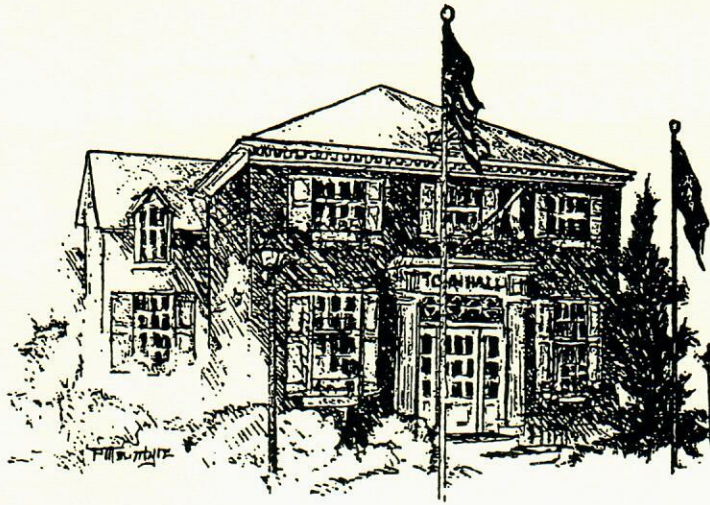
Signe Friedrichs, Councilmember

Cesar del Aguila, Councilmember

Bill McKenna, Councilmember

Lisa C. Merkel, Mayor





**TOWN OF HERNDON, VIRGINIA
PROCLAMATION
VIETNAM WAR VETERANS DAY
MARCH 29, 2020**

Vietnam War Veterans Day is observed on March 29 to express gratitude for the service and sacrifice of our nation's Vietnam War veterans and their families as part of a national effort to recognize and honor the men and women who were denied a proper welcome home more than 40 years ago.

Many states celebrate "Welcome Home Vietnam Veterans Day" on March 29 or March 30 every year. Though there is some debate, March 29 is generally viewed as most appropriate. On that day in 1973, the last American troops left Vietnam, and it was the date first recognized as Vietnam Veterans Day in 1974. The "Vietnam War Veterans Recognition Act," signed into law in 2017, designates March 29 of each year as **National Vietnam War Veterans Day**.

The Vietnam War is a story of service members from different backgrounds, races, and creeds ~ from across the nation ~ who came together to complete a daunting mission and serve the country they loved. Through more than a decade of difficult conflict, the dedication and service of our men and women in uniform stood true. These brave patriots faced the line of fire; cast themselves into harm's way to save a friend; and fought hour after hour, day after day, to preserve the liberties we hold dear. During this conflict, more than 58,000 brave soldiers laid down their lives in service to our nation. Yet, in one of the war's most profound tragedies, many of these veterans came home to be shunned or neglected, to face treatment unbefitting their courage, and to receive a welcome unworthy of their efforts. This must never happen again.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim March 29, 2020, as **Vietnam War Veterans Day** in the Town of Herndon; pay tribute to the fallen, the missing, the wounded, the millions who served, and those who anxiously awaited their return; and reaffirm one of our most fundamental obligations ~ to show all who have worn the uniform of the United States respect and treat them with the dignity they deserve.

Further, the Mayor and the Town Council of the Town of Herndon, Virginia, hereby call on all citizens to observe **Vietnam War Veterans Day** with appropriate programs, ceremonies, and activities; and encourage the display of the flag of the United States of America to honor our nation's courageous veterans.

Sheila A. Olem, Vice Mayor

Pradip Dhakar, Councilmember

Jennifer K. Baker, Councilmember

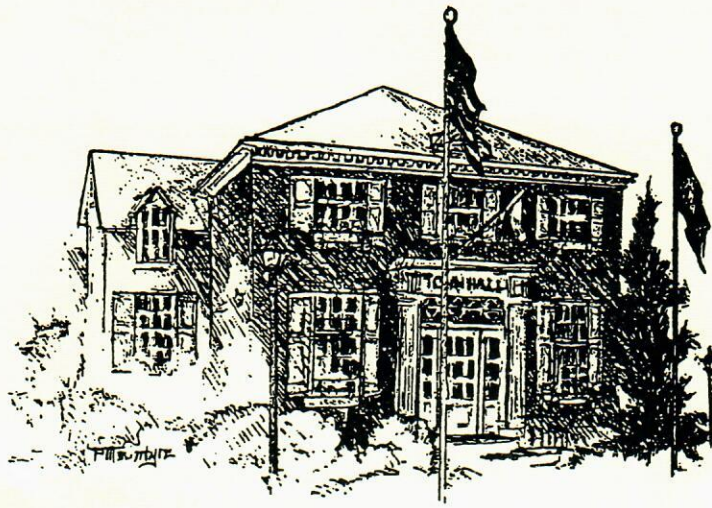
Signe Friedrichs, Councilmember

Cesar del Aguila, Councilmember

Bill McKenna, Councilmember

Lisa C. Merkel, Mayor





TOWN OF HERNDON, VIRGINIA
PROCLAMATION
MIKE O'REILLY DAY
APRIL 2, 2020

Each year, the Herndon Rotary Club names an individual who has greatly contributed to the Herndon community through volunteerism and community service as its "Citizen of the Year." This year, the Herndon Rotary Club honors **Mike O'Reilly** as the **54th Herndon Rotary Citizen of the Year**.

Mr. O'Reilly has spent countless hours of his personal time volunteering and holding leadership roles in the community, most significantly ~ as Mayor, Councilmember, Planning Commissioner, and Chairman of the Architectural and Heritage Preservation Review Boards for the Town of Herndon; on the Board of Directors for the Metropolitan Washington Airports Authority; and 10 years as the Chairman of the Governing Board of the Fairfax Falls Church Partnership to Prevent and End Homelessness, where under his leadership, the Fairfax-Falls Church homeless population was reduced by 46 percent. Mr. O'Reilly serves as a Board Member and the General Counsel for the Washington Airports Task Force; Chairman of the Board for Arts Herndon; and on the Board of Directors for Dulles Regional Chamber of Commerce, where he is Chair of the Herndon Committee; along with other groups benefitting the community at large.

Mike O'Reilly has received many awards and accolades for his public service, including ~ the Newsome Public Policy Leadership Award; "Herndon Times" Citizen of the Year award; Leadership Fairfax's Leadership Award; Lord Fairfax for the Dranesville District; Fairfax County Citizen of the Year by the Fairfax Federation of Civic Associations; the Town of Herndon Mayor's Distinguished Service Award; and the Dulles Regional Chamber of Commerce's Star over Dulles Award ~ just to name a few.

Therefore, to honor his dedicated volunteer spirit and unwavering commitment to improving the quality of life in Herndon and greater Fairfax, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim April 2, 2020 as **Mike O'Reilly Day** in the Town of Herndon.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby commend **Mike O'Reilly** on being named the **54th Herndon Rotary Citizen of the Year**, the highest honor presented by the Herndon Rotary Club, and look forward to celebrating his momentous achievements at the Rotary Club's banquet in his honor on Thursday, April 2, 2020.

Sheila A. Olem, Vice Mayor

Jennifer K. Baker, Councilmember

Cesar del Aguila, Councilmember

Lisa C. Merkel, Mayor

Pradip Dhakal, Councilmember

Signe Friedrichs, Councilmember

Bill McKenna, Councilmember





STAFF REPORT

Town Council
March 17, 2020

Title:

Resolution - to authorize the submission of a Creative Communities Partnership Grant Application/Virginia Commission for the Arts

Staff Contact:

Cindy S. Roeder, Director of Parks & Recreation
703-435-6800 ext. 2123
cindy.roeder@herndon-va.gov

Proposal/Description:

The Virginia Commission for the Arts matches local government contributions up to \$4,500 for grants to independent arts organizations for arts activities in the locality through redistribution to nonprofit arts organizations. To obtain grant requests, press releases announcing the program were sent to local media outlets, and nonprofit arts organizations located in the Town were notified. Applications were received from NextStop Theater Company and Arts Herndon.

A citizen committee, consisting of Mike Madigan, Ann Rust and Melissa Highley, reviewed the applications, their adherence to the guidelines, and based on their perception of the proposal's impact within the community, recommend that the amount of \$1500.00 be considered for award to NextStop Theater Company and \$3000.00 to Arts Herndon.

Issue:

Approval requested from the Town Council to submit an application to the Virginia Commission for the Arts for a **Creative Communities Partnership Grant** (formerly the Local Government Challenge Grant) in the amount of \$4,500.

Fiscal Impact:

The Challenge grant matches an equal expenditure of funds for arts activities given by the Town to any arts organizations. This is accomplished through the Town Council's approved FY21 budget allocation for arts programming. A local government that has not approved its budget by the grant deadline may apply conditionally and confirm the application as soon as the budget has been approved. The Town then receives the Creative Communities Partnership grant and redirects the funds to the arts organizations.

Staff Comments:

This year's grant process was consistent with previous years. Careful thought and consideration was given by the committee to both requests.

Recommendation:

Approve submittal of the 2021 Virginia Commission for the Arts Creative Communities Partnership grant application.

Staff:

Cindy S. Roeder, Director of Parks & Recreation

TOWN OF HERNDON, VIRGINIA

RESOLUTION

March 24, 2020

Resolution- to authorize the submission of a Creative Communities Partnership Grant Application/Virginia Commission for the Arts.

WHEREAS, the Virginia Commission for the Arts provides grant monies to Virginia localities under the Creative Communities Partnership Grant (formerly the Local Government Challenge Grant) for redistribution to nonprofit organizations for arts activities; and

WHEREAS, the Town of Herndon has solicited grant applications from organizations and recommends that a \$4,500.00 grant be submitted to support the proposals submitted by NextStop Theatre Company and Arts Herndon.

WHEREAS, the funding for this program requires that the Town appropriate an equal amount of funds for arts activities in the community and recommends funding be included in the proposed FY 2021 budget.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia, that the Town Manager is hereby authorized to submit a Creative Communities Partnership Grant application to the Virginia Commission for the Arts.