



PLANNING COMMISSION WORK SESSION AGENDA

Town Council Chambers Building
765 Lynn Street, Herndon, VA 20170

Monday, October 20, 2025 | 7:00 PM

1. Call to Order

2. Public Hearings

- a. Zoning Ordinance Text Amendment ZOTA #25-05, to amend Chapter 78 (ZONING), to update sections for conformance with the Code of Virginia, to clarify certain decision making authority and processes, to clarify notice requirements, and make other housekeeping amendments as deemed necessary and appropriate.
- b. Subdivision Ordinance Text Amendment SOTA #25-01 to amend Chapter 70 (SUBDIVISION OF LAND), to update sections for conformance with the Code of Virginia, to clarify certain processes and make other housekeeping amendments as deemed necessary and appropriate.

3. Comments

- a. Comments from the Staff Members
- b. Comments from the Commissioners

4. Adjournment

Agenda Item: Zoning Ordinance Text Amendment ZOTA #25-05, to amend Chapter 78 (ZONING), to update sections for conformance with the Code of Virginia, to clarify certain decision making authority and processes, to clarify notice requirements, and make other housekeeping amendments as deemed necessary and appropriate.

Meeting Date: October 20, 2025

Category: Public Hearings

Prepared by: David Stromberg, Zoning Administrator

Description:

Zoning Ordinance Text Amendment ZOTA #25-05 will update sections for conformance with the Code of Virginia. The amendment includes other housekeeping changes to clarify administrative processes.

Background:

Staff initiated a review of the Herndon Zoning Ordinance after passage of Senate Bill 974, which amended and reenacted Section 78-15.2-2241 and several other sections of the Code of Virginia. The adopted changes to the Code of Virginia removed the planning commission and governing body approval authority from the administrative review process for plats and plans and assigned such authority solely to a designated agent. In addition, the revisions to the Code of Virginia clarified the authority that governs the review process of plats, site plans, and plans of development. The changes to the State Code became effective July 1, 2025. During its review, staff identified changes that need to be made to the zoning ordinance and the subdivision ordinance (Chapter 70) in order to bring the two chapters into conformance with the Code of Virginia and to clarify administrative processes. A companion Subdivision Ordinance Text Amendment (SOTA #25-01) will proceed concurrently with this zoning ordinance text amendment.

Fiscal Impact:

N/A

Staff Recommendation/Next Steps:

Recommend approval of Zoning Ordinance Text Amendment ZOTA #25-05.

Attachments:

1. Ordinance (Proposed)

1 TOWN OF HERNDON, VIRGINIA

2 TOWN COUNCIL

3 ORDINANCE

4 _____, 2025

5
6
7
8 **Ordinance-** to adopt Zoning Ordinance Text Amendment ZOTA #25-05 to
9 amend Chapter 78 (ZONING), Article XV (Decision-Making
10 Authorities, Application Review and Permitting), by amending
11 Section 78-150.1 (Town Council); and Section 78-150.6 (Zoning
12 Administrator); and Section 78-151 (Summary Table of
13 Development Review Responsibilities), and Section 78-153.2
14 (Review Process for Applications Requiring a Public Hearing
15 (Approval by Decision Making Body)); and Section 78-155.6 (Site
16 Plans, Subdivisions, Single Lot Development Plans and Building
17 Location Surveys); and other sections as deemed necessary and
18 appropriate to update sections for conformance with the Code of
19 Virginia; to clarify certain decision making authority and
20 processes; to clarify notice requirements, and make other
21 housekeeping amendments as deemed necessary and
22 appropriate.

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

24
25 1. The following sections or provisions of the Herndon Town Code (2000), as
26 amended, are amended and re-ordained as follows:

27
28 **CHAPTER 78 (ZONING)**

29
30 **Article XV. – DECISION-MAKING AUTHORITIES, APPLICATION REVIEW AND**
31 **PERMITTING**

32 ***

33 **Sec. 78-150.1. - Town council.**

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

37 ***

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

39 a. **Reserved.** Final decisions of the zoning administrator on site and subdivision
 40 plans (section 78-155.6);

41 ***

42 **Sec. 78-150.6. - Zoning administrator.**

43 ***

44 (b) *Powers and duties.* The zoning administrator or an appropriate designee acting as
 45 zoning administrator shall have the following jurisdiction, powers, and duties under
 46 this chapter:

47 (1) *Application review.* The zoning administrator shall review and decide
 48 applications for:

49 a. **Reserved.** Site and subdivision plans and plan revisions (section 78-155.6).

50 ***

51 **Sec. 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) | | | | | | | |
|---|-----------------------------|---|---|--------------------------------|---------------------|--|--------------------------|
| PROCES S | ZONING ADMINISTR ATOR | ARCHITECT URAL REVIEW BOARD (ARB) | HISTO RIC DISTRI CT REVIE W BOAR D (HDRB) | PLANNIN G COMMIS SION | TOWN COUN CIL | BOAR D OF ZONIN G APPE ALS (BZA) | CIRC UIT COUR T |
| TOWNWIDE: | | | | | | | |
| *** | | | | | | | |
| SUBDIVIS ION PLANS | D | | | | -A | | |
| *** | | | | | | | |

52

53 **Sec. 78-153.2 - Review process for applications requiring a public hearing**
54 **(approval by decision making body).**

55 ***

56 (j) *Time in which to act on application.* Development applications subject to public
57 hearing shall be acted upon in accordance with the following timing provisions:

58 (1) Reserved.

59 (2) *Zoning map amendment, special exception.* The town council shall have
60 one year from the **initial planning commission public hearing**
61 ~~acceptance of the initial application to make a final decision on a zoning~~
62 ~~map amendment or special exception application.~~

63 ***

64 **Sec. 78-155.6. - Site plans, subdivision plans, single lot development plans and**
65 **building location surveys.**

66 ***

67 (d) *General procedures for development applications approved administratively.*

68 ***

69 (2) *General application, review and approval procedures.* Applications that require
70 administrative approval shall be subject to the following provisions:

71 a. The basic procedures and requirements for submittal and review of an
72 application are established in section 78-153, development application
73 review procedures.

74 b. The zoning administrator shall review the application pursuant to the
75 requirements of section 78-153, development application review procedures
76 **and Virginia Code §§15.2-2259 and 15.2-2260.**

77 c. ~~The applicant may appeal a final decision of the zoning administrator on the~~
78 ~~administrative approval or disapproval of a development application to the~~
79 ~~town council within 30 days of the decision.~~

80 d. ~~If a final decision of the zoning administrator is appealed pursuant to this~~
81 ~~section, the zoning administrator shall schedule a hearing on the appeal at~~
82 ~~the earliest feasible meeting of the town council. At the hearing, the town~~
83 ~~council shall consider the appeal and application, the relevant support~~
84 ~~materials, the staff report, the decision of the zoning administrator, and the~~
85 ~~testimony and evidence given at the hearing. After the close of the hearing,~~
86 ~~and based on the standards in section 78-155.6(g), standards, the town~~

87 council shall either affirm, modify or reverse the decision of the zoning
88 administrator on the application.

89 ***

90 (f) *Major site plans and major site plan revisions.* The provisions of this section shall
91 apply to major site plans and major site plan revisions.

92 (1) *Application requirements.* Applications for a site plan shall include the items
93 required in section 78-152.2, application submission requirements and the plan
94 contents tables found in the development application manual, as maintained by
95 the zoning administrator.

96 ~~(2) *Written notice required.* Written notice of the application must be provided to~~
97 ~~adjoining neighbors prior to submission. The procedures and requirements for~~
98 ~~the provision of written notice are established in section 78-153.2(h), public~~
99 ~~hearing notification.~~

100 ~~(3) *Posted notice required.* Posted (placard) notice shall be required. The~~
101 ~~procedures and requirements for posting placards on the property are~~
102 ~~established in section 78-153.2(h)(4).~~

103 ***

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

Agenda Item: Subdivision Ordinance Text Amendment SOTA #25-01 to amend Chapter 70 (SUBDIVISION OF LAND), to update sections for conformance with the Code of Virginia, to clarify certain processes and make other housekeeping amendments as deemed necessary and appropriate.

Meeting Date: October 20, 2025

Category: Public Hearings

Prepared by: Bryce Perry, Deputy Director of Community Development

Description:

Subdivision Ordinance Text Amendment SOTA #25-01 will update sections for conformance with the Code of Virginia. The amendment includes other housekeeping changes to clarify administrative processes.

Background:

Staff initiated a review of the Herndon Subdivision Ordinance after the passage of Senate Bill 974, which amended and reenacted Section 15.2-2241 and several other sections of the Code of Virginia. The adopted changes to the Code of Virginia removed the planning commission and governing body approval authority from the administrative review process for preliminary plats, plats and plans and assigned such authority solely to a designated agent. In addition, the revisions to the Code of Virginia clarified the authority that governs the review process of plats, site plans and plans of development. The changes to the State Code became effective July 1, 2025. During its review of the Subdivision Ordinance, staff found some sections of Chapter 70 in need of amendment to bring the Herndon Subdivision Ordinance into compliance with the Code of Virginia; clarify certain decision-making authority and processes; update cross-references to other sections in the Herndon Town Code of Ordinances, Zoning Ordinance, and certain Town publications; and clarify administrative processes.

Fiscal Impact:

N/A

Staff Recommendation/Next Steps:

Recommend approval of Subdivision Ordinance Text Amendment SOTA #25-01.

Attachments:

1. Ordinance (Proposed)

1 TOWN OF HERNDON, VIRGINIA

2 TOWN COUNCIL

3
4 ORDINANCE

5
6 _____, 2025

7
8 **Ordinance-** to amend Chapter 70 (SUBDIVISION OF LAND), Article I.
9 (Subdivisions Generally), by amending Table 70-102(b)
10 (Subdivision Review Procedures); and Article II. (Subdivisions
11 Generally), by amending Section 70-201 (General Review
12 Process); and other articles and sections as deemed necessary
13 and appropriate to update sections for conformance with the
14 Code of Virginia; to clarify certain decision making authority and
15 processes; to update cross references to other sections in the
16 Herndon Town Code of Ordinances, Zoning Ordinance, and
17 certain Town publications; and to make other housekeeping
18 amendments as deemed necessary and appropriate.

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

20
21 1. The following sections or provisions of the Herndon Town Code (2000), as
22 amended, are amended and re-ordained as follows:

23
24 **CHAPTER 70 (SUBDIVISION OF LAND)**

25
26 **ARTICLE I. - SUBDIVISIONS GENERALLY**

27 ***

28 **Sec. 70-102. - Authority.**

29 (a) The town council pursuant to the recommendation of the planning commission at
30 public hearing held in accordance with Code of Virginia, § 15.2-2204 ~~of the~~ does
31 hereby exercise the police power conferred by the Code of Virginia to assure the
32 orderly subdivision of land and to implement the comprehensive plan of the town.

33 **(1) The subdivision administrator shall administer and enforce this chapter**
34 **and may establish such administrative rules and procedures as deemed**
35 **necessary, under the general direction and guidance of the town manager.**

36 (b) Table 70-102(b) summarizes the review and decision-making responsibility of the
37 entities that have specific roles in the administration of the procedures set forth in this
38 chapter.

39
40

TABLE 70-102(b): SUBDIVISION REVIEW PROCEDURES

R = Review and Advise D = Final Decision A = Appeal

| | Subdivision Administrator | Planning Commission | Town Council |
|--|---------------------------|---------------------|--------------|
| Appeal about compliance with provisions | D | -A | |
| Waiver of requirements | D | | |
| Preliminary subdivision plan | D | -A | |
| Subdivision site plan | D | -A | |
| Vacation of plat (other than right-of-way or other public land) | R | | D |
| Vacation of right-of-way or other public land | R | R | D |
| Vacation of interests granted to the town as a condition of site plan approval | D | -A | |
| Lot line adjustment | D | -A | |
| Final subdivision plat and deed (including easement and right-of-way plats and Deed) | D | -A | |
| Release of performance guarantee | D (town manager) | | |

42

43

ARTICLE II. - SUBDIVISION REVIEW PROCEDURES AND REQUIREMENTS

44

Sec. 70-201. - General review process.

45 (a) *Overview.* Review of a subdivision application shall occur in conformance with this
46 chapter, and the provisions of the zoning ordinance, Herndon Town Code **Chapter**
47 **78 - ZONING** Section 78-201, Review Procedures, and **Virginia Code §§ 15.2-2259**
48 **and 15.2-2260.**

49 (b) *Fees.* Submission of a subdivision application shall be accompanied by a fee,
50 covering the costs to the town of review, as set forth in the zoning ordinance, Herndon
51 Town Code Section **78-152.2(b)(3)**, 78-201.2(e). All outstanding review fees and other
52 fees required by the zoning ordinance relating to subdivision development shall be
53 paid prior to approval for recordation.

54 ***

55 (d) *Plan submittal requirements.* Preliminary subdivision plans and subdivision site plans
56 shall be submitted with the requirements specified in the zoning ordinance, Herndon
57 Town Code **Section 78-155.6** section 78-201.3, submittal requirements.

58 (e) *Waiver of requirements.*

59 (1) The subdivider may apply to the **subdivision administrator** reviewing authority
60 to waive a requirement of the subdivision ordinance in cases of unusual situations
61 or when strict adherence to the general regulations would result in substantial
62 injustice or hardship, except there shall be no waiver that would result in a
63 reduction of the required frontage on a public street or would result in an increase
64 in the number of lots.

65 (2) **Reserved.** An application for a waiver shall be deemed to be an acceptance by
66 the applicant that:

67 a. ~~The time period within with the submitted preliminary subdivision plan must~~
68 ~~be acted upon will be prolonged by 30 days to allow proper evaluation and~~
69 ~~consideration of the waiver; and~~

70 b. ~~The decision on the pending application for waiver shall be concurrent with~~
71 ~~the application for the preliminary subdivision plan.~~

72 (3) **Reserved.** For subdivision applications that require a public hearing, the town
73 council, upon the receipt and review of a report from the planning commission,
74 may during a public hearing waive requirements of this chapter based on the
75 criteria in section 70-201(e)(5). The waiver shall be described in materials related
76 to the public notification requirements for the subdivision application.

77 (4) The **subdivision administrator** reviewing authority may require, as a condition
78 of any such waiver, the dedication or construction of, or an agreement to dedicate
79 or construct, such improvements related to the subdivision as may reasonably be
80 required to ensure the attainment of the purposes of this chapter.

81 (5) A requested waiver shall be evaluated by the **subdivision administrator**
82 reviewing authority based on whether or not:

83 a. The applicant is able to demonstrate there exists an unusual situation such
84 that strict adherence to the general regulations would result in substantial
85 injustice or hardship; and

(f) **Reserved.** ~~*Appeals.*~~ In the event of a disagreement between the subdivider and the subdivision administrator as to compliance with applicable ordinances and design standards, the subdivider may file an appeal with the subdivision administrator in writing. When filed at least 30 days prior to the next regularly scheduled work session of the planning commission, such appeal, along with a written staff report noting the alleged deficiencies, shall be heard and acted upon by the planning commission at its next regular public hearing. Such appeal shall be advertised in conformance with Code of Virginia, § 15.2-2204.

(g) *Performance guarantee.* The town shall require adequate financial assurance consisting of a performance guarantee agreement and a security, in a form and manner that is approved by the town attorney, for the construction of required public improvements, protection of existing public improvements, protection of trees, and required private improvements. The procedure for performance guarantees shall comply with the provisions of the Herndon Town Code **Chapter 78, Article XII, Section 78-204.**

(h) **Reserved.** ~~*Registration to receive notice.*~~ Beginning in July, 2006, any individual, business, or organization in the town may register with the department of community development to receive either written notice of applications pursuant to section 78-201.9 or notice by e-mail at approximately the same time that written notice as described in section 78-201.9 is placed in the United States Mail. To be eligible for registration, the applicant shall provide the Department of Community Development information in the form required by the department to ensure notification can be made to the requester, along with a fee to cover the costs of the written notification as shown in Table 78-201.2. To continue to receive notice, an individual, business or organization shall re-register every two years.

Sec. 70-202. - Preliminary subdivision plan.

(a) *Purpose.* A preliminary subdivision plan involving more than 50 lots is reviewed and approved prior to the subdivider's preparation of a final subdivision plat and subdivision site plan. The review process shall be governed by the provisions of the zoning ordinance, Herndon Town Code **Chapter 78, Article XV** section 78-202.6(d), site plans that require a public hearing **and Virginia Code § 15.2-2260.** A subdivision site plan for this purpose constitutes a subdivision plat, not a site plan. For subdivisions involving 50 or fewer lots, the subdivider at the subdivider's option may undergo the preliminary subdivision plat process required for subdivision of more than 50 lots. If the subdivider does not exercise this option, the subdivider shall proceed to the final subdivision plat process.

After approval of the preliminary subdivision plan by the town council, if necessary (or if not necessary, in any event), the applicant shall submit a final subdivision plat and subdivision site plan for review and consideration prior to site development. The subdivider may submit a final subdivision plat and a subdivision site plan as the preliminary subdivision plan.

129 (c) *Standards.* A preliminary subdivision plan shall be approved upon a determination
130 by the **subdivision administrator** ~~decision-making authority~~ that the development
131 and uses proposed in the preliminary subdivision plan and its general layout and
132 design comply with:

- 133 (1) The Herndon Town Code, as may be amended:
- 134 a. Those standards mentioned in section 1-16 (the town's Public Facilities
135 Manual).
 - 136 b. This chapter (Chapter 70).
 - 137 c. Zoning ordinance, Chapter 78, ~~section 78-401, principal uses; categories~~
138 ~~and types.~~
 - 139 d. **Reserved** ~~Zoning ordinance, Chapter 78, Article V: Development Standards.~~
 - 140 e. All other applicable standards, provisions and regulations of the Town Code.
- 141 (2) **The Herndon Historic District Overlay Guidelines** ~~The Herndon Heritage~~
142 ~~Preservation Handbook, as may be amended.~~
- 143 (3) Riparian Buffers Modification and Mitigation Guidance Manual ~~approved by the~~
144 ~~Chesapeake Bay Local Assistance Board on September 14, 2003, as may be~~
145 ~~amended.~~
- 146 (4) Utility plan requirements of the Code of Virginia, § 15.2-2269, as may be
147 amended.
- 148 (5) **Herndon Streetscape Manual** ~~The Herndon Guidelines for the Planning and~~
149 ~~Design of Town Streetscape Projects (dated November 25, 2008, as may be~~
150 ~~amended, located in the Herndon Department of Community Development).~~
- 151 (6) Any other applicable federal, state or local laws or regulations.
- 152 (7) Urban Design and Architectural Guidelines for the Herndon Transit-Oriented
153 Core, **as may be amended**, ~~dated August 23, 2013, by Urban Design Associates~~
154 ~~including the "List of Proposed Amendments" dated November 5, 2013, revised~~
155 ~~November 26, 2013.~~

156 **(8) Downtown Herndon Pattern Book, as may be amended.**

157 (d) *Validation of approved preliminary subdivision plan.* **Once approved** ~~Within 90 days~~
158 ~~of approval by the town council of a preliminary subdivision plan if necessary, the~~
159 ~~subdivider shall submit three five copies and one digital copy of the approved~~
160 ~~preliminary subdivision plan to the subdivision administrator for validation. The plan~~
161 ~~shall show all features as approved and shall include a copy of the certified town~~
162 ~~council resolution approving the plan, if necessary. The subdivision administrator~~
163 ~~shall review the plan, if applicable, require corrections if necessary, and sign five~~
164 ~~copies of the correct plan. One signed copy shall be returned to the subdivider.~~

165 (e) *Expiration and revocation.* Once a preliminary subdivision plan is approved and
166 validated, it shall be valid for five years from the date of the last recorded final plat,
167 provided the subdivider:

168 ***

169 (2) Thereafter diligently pursues approval of the subdivision site plan if required
170 and final subdivision plat. Diligent pursuit of approval means that the subdivider
171 **has incurred extensive obligations or substantial expenses relating to the**
172 **submitted final subdivision plat approval and** responds within 90 calendar
173 days after receipt of town review comments relating to the submitted subdivision
174 site plan and final subdivision plat or modifications thereto. Upon **upon** 90 days'
175 written notice by certified mail to the subdivider, the **subdivision administrator**
176 ~~town council~~ may revoke such approval upon a specific finding of facts that the
177 subdivider has not diligently pursued approval of the subdivision site plan if
178 required and final subdivision plat. A change in ownership of the property does
179 not affect this time frame.

180 (f) *Extension of time.* Upon written application submitted by the applicant at least 30
181 days prior to the expiration of the validity period and upon a showing of good cause,
182 the **subdivision administrator** reviewing authority that approved the preliminary
183 subdivision plan may grant an extension not to exceed six months after the expiration
184 of the validity period. The approval shall be deemed extended until the **subdivision**
185 **administrator** reviewing authority has acted upon the request for extension.

186

187 **Sec. 70-203. - Subdivision site plan.**

188

189 (b) *Submittal.*

190 (1) The subdivider shall, after receiving approval of a preliminary subdivision plan if
191 necessary or a proffered generalized development plan, submit a subdivision site
192 plan that conforms to the standards and requirements described in section 70-
193 202(c). Submittal of the subdivision site plan shall include the items described in
194 the zoning ordinance, Herndon Town Code **Section 78-152.2(c)**, section 78-
195 201.3, submittal requirements.

196 (g) *House location survey.* Prior to issuance of a certificate of occupancy for any new or
197 replacement single-family detached dwelling, duplex dwelling, or townhouse built in
198 accordance with a subdivision site plan, the applicant shall submit for approval a
199 house location survey on sheets of eight and one-half inches by 14 inches prepared
200 in accordance with the rules and regulations adopted by the Commonwealth of
201 Virginia, Board for Architects, Professional Engineers, Land Surveyors and
202 Landscape Architects (APELSLA) and shall also show the following:

203

204 **(4) Lot and site grading as required by the subdivision administrator.**

205 (h) *As-built plan.* Upon completion **of any development regulated by this section**, an
206 as-built plan shall be submitted, certified by a registered professional engineer or
207 certified land surveyor. Such as-built plan shall certify the installation of all public and
208 private improvements per the specifications and locations shown on the approved

209 subdivision plan. The as-built plan shall be prepared and submitted in accordance
210 with the zoning ordinance, Herndon Town Code section 78-202.6(n) **78-155.6(p)**.

211 **Sec. 70-204. - Subdivision plats.**

212 ***

213 (b) *Submittal.* Every final subdivision plat, plat of vacation, lot line adjustment, and plat
214 of easement which is intended for recording shall be submitted for review by the
215 subdivision administrator and shall include:

216 (1) **Three hardcopies and one digital copy** ~~Nine copies~~ of the final subdivision
217 plat accompanied by:

218 ***

219 (g) *Lots with required privately maintained stormwater facilities.* In accordance with
220 ~~section 78-304.4(i)(12)~~, Herndon Town Code **Section 26-330**, the landowner bears
221 the maintenance responsibilities for stormwater management and best management
222 practice facilities. For any lot on which a required privately maintained stormwater
223 facility, bioretention facility or rain garden is located, the final plat shall include a note
224 that contains the following information pertaining to any such lot: This lot contains a
225 required, privately maintained stormwater facility, bioretention facility, or rain garden
226 that shall be maintained by the owner in accordance with Town of Herndon zoning
227 regulations and that shall be made accessible and available for periodic inspection
228 by town officials upon proper notice.

229 ***

230 **Sec. 70-206. - Lot line adjustment plat.**

231 ***

232 (c) The subdivision administrator may require as a condition of approval of a lot line
233 adjustment plat the dedication of public easements, rights-of-way, and utility
234 easements as may be deemed necessary to comply with the minimum requirements
235 set forth in Section 70-302. Otherwise, the applicant for a boundary line adjustment
236 does not need to provide physical subdivision improvements or to comply with
237 associated requirements, to support physical improvements such as street right-of-
238 way and easement dedications. The reviewing authority may waive other
239 requirements of this chapter **in accordance with Town Code Section 70-201(e)**.
240 ~~when this official finds in writing that the requirement is not necessary or convenient~~
241 ~~to the accurate depiction, location and recordation of the vacated, relocated or altered~~
242 ~~boundary line.~~

243 ***

244 **ARTICLE III. - REQUIRED IMPROVEMENTS**

245 ***

246 **Sec. 70-302. - Public streets.**

247 ***

248 (c) A street with a design that is alternative to that contained in the Herndon Public
249 Facilities Manual may be proposed if it meets all of the following criteria:

250 ***

251 (2) The alternative design conforms with the standards in the zoning ordinance,
252 Herndon Town Code **Section 78-100.10** Chapter 78, Section 78-501, circulation
253 and traffic, and is consistent with accepted planning practice;

254 ***

255 **Sec. 70-303. – Open Space. ~~Public open space.~~**

256 (a) Open space shall be provided as described for the particular use in the zoning
257 ordinance, Herndon Town Code Chapter 78, ~~for all uses other than those residential~~
258 ~~uses permitted in the R-10 and R-15 residential zoning districts.~~

259 (b) ~~For subdivisions containing permitted residential uses in the R-10 and R-15~~
260 ~~residential zoning districts:~~

261 (1) ~~Onsite open space shall be provided:~~

262 a. ~~For subdivisions resulting in ten or more single family detached homes;~~

263 b. ~~In an amount equivalent to five percent of the net area used for individual~~
264 ~~single family lots; and~~

265 c. ~~In parcels of appropriate size and location that meet (a) the definition of~~
266 ~~"open space" in section 78-701; (b) the standards for "open space" in section~~
267 ~~78-504, and (c) the standards for "common area" in section 78-507.~~

268 (2) ~~In accordance with the following procedures, in lieu of providing the on-site open~~
269 ~~space, the applicant shall, at the applicant's option, make a cash contribution~~
270 ~~equivalent in value to the cost of the land that would otherwise constitute the~~
271 ~~onsite open space:~~

272 a. ~~After consultation with other town staff, the zoning administrator shall make~~
273 ~~the final determination about the value of the cash contribution using~~
274 ~~recognized standards and the land records of the Fairfax County Department~~
275 ~~of Tax Administration.~~

276 b. ~~The cash contribution shall be used by the town for the purpose of parks and~~
277 ~~recreation improvements that serve residents of the development, or for the~~
278 ~~purpose of improving nearby open space, such as repair of stream bank~~
279 ~~erosion or removal of invasive species.~~

280 ***

281 **Sec. 70-306. - Trees and landscaping.**

282 Subdivision development is governed by the requirements of the **Herndon Town**
283 **Code Chapter 78, Article XI.** ~~zoning ordinance, chapter 78, section 78-502, protection~~
284 ~~of trees and vegetation on private property and during development, and section 78-~~
285 ~~503, site landscaping.~~

286 ***

287 **Sec. 70-311. - Resource protection area.**

288 All resource protection area boundaries shall be delineated on final subdivision plats
289 with a note that states, "The Resource Protection Area is to remain an undisturbed and
290 vegetated 100-foot wide buffer area unless approval is obtained as required, and
291 comply with **Herndon Town Code Section 78-60.4.** ~~the zoning ordinance, Chapter 78,~~
292 ~~Section 78-304.4, Chesapeake Bay Preservation Area Overlay District."~~

293 ***

294 **ARTICLE IV. - DEFINITIONS**

295 **Sec. 70-401. - Words and terms defined.**

296 The following words, terms and phrases, when used in this chapter, shall have the
297 meanings ascribed to them in this section, except where the context clearly indicates a
298 different meaning. Words, terms and phrases not shown in this section shall have the
299 meanings ascribed to them elsewhere in the Herndon Town Code.

| Term | Definition |
|-------------------|--|
| *** | *** |
| Design standards. | All standards referenced in Herndon Town Code Section 1-16. The Town of Herndon Public Facilities Manual (2001). |
| *** | *** |

300

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