

**ADOPTION OF AN AMENDMENT TO CHAPTER 112.2
(ZONING) OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, December 3, 2024, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 112.2 (Zoning) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following:

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY,
VIRGINIA:**

Amend Chapter 112.2 (Zoning Ordinance), as follows:

In Table 4101.1, revise the permissions for Garden Center from P to P or SE in the C-8 District, revise permissions for Contractor’s Office and Shop from P to P or SE in the C-8 District, and revise permissions for Storage Yards from SE to P or SE in the I-3 and I-4 Districts.

Article 4 – Use Regulations

4101. Use Tables

3. Use Table for Residential, Commercial, and Industrial Districts

TABLE 4101.1: Use Table for Residential, Commercial, and Industrial Districts

P = permitted; SE = special exception; SP = special permit; blank cell = not allowed

A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts														Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply												
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6													
Commercial Uses																																									
Retail Sales: uses involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer																																									
Garden Center			SE	SE	SE																	P	P	P	P	SE							4102.5.GG								
Industrial Uses																																									
Industrial Services and Extraction of Materials: uses involving the repair or servicing of industrial, business, or consumer machinery equipment, products or by-products, or uses involving the extraction of natural resources from the ground. Few customers from the general public come to the site.																																									
Contractor’s Office and Shop																																	P SE			P	P	P	P	4102.6.F	
Storage Yard																																					P SE	P SE	P	P	4102.6.I

Revise the standards for uses in residential, commercial, industrial, and planned districts in subsection 4102.1 as shown below and delete subsection 4102.1.D.(3)(d).

4102. Use Standards

1. General Standards

B. Standards for Uses in Residential Zoning Districts

- (2) Parking of one commercial vehicle per dwelling unit is allowed, subject to the following limitations:
- (b) The following commercial vehicles are prohibited from parking in a residential district:
1. Food trucks, heavy vehicles and equipment, or commercial equipment;
 2. Vehicles, including any storage racks or other accessories attached to the vehicle, that are greater than 21 feet in length, eight feet in height, or eight and one-half feet in width;

C. Standards for Uses in Commercial Zoning Districts

- (4) In the C-5, C-6, C-7, and C-8 Districts, unless otherwise stated in this Ordinance, any business activity, storage, or display of goods located outdoors may be permitted as follows:
- (d) There may be no outdoor storage or outdoor parking of heavy vehicles and equipment.

E. Standards for Uses in Planned Districts

- (4) In residential areas of Planned Districts, parking of one commercial vehicle per dwelling unit is allowed, subject to the following limitations:
- (b) The following commercial vehicles are prohibited from parking in a residential district:
1. Food trucks, heavy vehicles and equipment, or commercial equipment;
 2. Vehicles, including any storage racks or other accessories attached to the vehicle, that are greater than 21 feet in length, eight feet in height, or eight and one-half feet in width;

Revise and renumber the use standards for Garden Center, Retail Sales, General, and New Vehicle Storage in subsection 4102.5 as shown below.

5. Commercial Uses

GG. Garden Center

Standards when permitted by right:

- (1) Landscape contracting services are permitted as an accessory use in accordance with the following standards:

- (b) There may be no outdoor storage or outdoor parking of heavy vehicles and equipment.

Standards when permitted by special exception:

- (2) Garden centers may be allowed in the R-E, R-1, and R-2 Districts, subject to following requirements:
 - (a) The minimum lot area is five acres.
 - (b) All nursery stock sold must be grown or maintained on the premises.
 - (c) A garden center may also include the sale of items designed to maintain and preserve the life and health of nursery stock such as soil, mulch, plant food/nutrients, fertilizers, herbicides, insecticides, and limited related items.
 - (d) The sale of a wide range of products normally associated with a hardware, building supply, or craft store is not permitted. However, the Board may allow the retail sales of related items, in accordance with the following:
 - 1. Items may include landscaping materials, decorative garden features, materials for water gardens, supplies and non-powered tools for gardening, firewood, and similar items;
 - 2. Items may include artificial and dried plants and flowers and seasonal/holiday decorations, provided sales of such plants and decorations must be confined to one fully-enclosed structure and to an area, designated on the special exception plat, that does not exceed the following percentages of the total gross floor area designated on the plat for the sale of all retail items:
 - i. 20 percent during the months of February through October; and
 - ii. 50 percent during the months of November through January;
 - 3. The following may not be sold:
 - i. Electric or gasoline powered tools;
 - ii. Motorized equipment;
 - iii. Sheds and outdoor storage containers;
 - iv. Play houses or play sets;
 - v. Indoor furniture or outdoor lawn or patio furniture;
 - vi. Hot tubs, spas, or pools;
 - vii. Barbecue grills;
 - viii. Propane fuel;
 - ix. Food (except in conjunction with an approved special event); or
 - x. Clothing; and
 - 4. The Board may condition the location, size and extent of any areas or structures used for the retail sale of accessory items, to include a requirement for such sales areas to be within a fully enclosed structure.
 - (e) Off-street parking spaces and loading spaces must be located a minimum of 50 feet from lot lines abutting an R district or a residential area of a P district.

- (f) All off-street parking lots must be constructed and maintained with a dustless surface in accordance with the provisions of the Public Facilities Manual, unless a modification or waiver of the dustless surface requirement is approved by the Director.
 - (g) The lot must have frontage on an arterial street as defined in the Comprehensive Plan.
 - (h) Buildings and structures, other than light poles, must be located a minimum of 100 feet from lot lines abutting an R district or a residential area of a P district.
 - (i) Accessory uses may also include the following:
 1. Landscape contracting services utilizing nursery stock grown on the property and those accessory retail items permitted to be sold in accordance with the special exception approval, provided that all structures, equipment, vehicle storage and other areas dedicated to the landscape contracting services must be delineated on the special exception plat; and
 2. Special events, festivals, or classes. The Board may impose conditions on such activities, including conditions addressing the type and number of activities; the time of year during which such activities are allowed; the area of the site devoted to such activities; the use of lighting and public address systems; and parking.
 - (j) The Board may impose conditions and restrictions that it deems necessary to ensure the use will be compatible with the adjacent residential area, including conditions addressing:
 1. Location, size, height, and use of structures;
 2. Location and number of commercial vehicles and equipment;
 3. Lighting, public address systems, and hours of operation; and
 4. Location and type of nursery stock and materials and other items stored, displayed, or offered for sale outside. No storage, parking of equipment or vehicles used for landscape contracting services, display, or sales area may be located in any minimum setback.
 - (k) The Board may waive the requirements in subsections (2)(a), (2)(e), and (2)(h) above, for a plant nursery that is accessory to a single-family detached dwelling that is the domicile of the nursery operator.
- (3)** In the C-8 District, the Board may approve a special exception to permit the outdoor storage or parking of heavy vehicles and equipment. The Board may impose conditions regarding the type and number of vehicles or equipment stored to prevent or minimize adverse impacts to adjacent properties.

HH. Retail Sales, General

Standards when permitted by special exception:

- (2)** Retail sales may be allowed in the I-4, I-5, and I-6 Districts, subject to the following requirements:

- (j) There may be no outdoor storage or outdoor parking of heavy vehicles and equipment.

LL. New Vehicle Storage

Standards when permitted by right or by development plan:

- (2) New vehicle storage may not include the following vehicles:
 - (d) Commercial equipment;

Revise and renumber the use-specific standards for Contractor's Office and Shop and Storage Yard in subsection 4102.6 as shown below.

6. Industrial Uses

F. Contractor's Office and Shop

Standards when permitted by right or by development plan:

- (1) Retail sales to the general public are allowed only as an accessory use. A maximum of 10 percent of the gross floor area of the establishment or 1,000 square feet, whichever is smaller, may be accessible to the general public for retail sales
- (2) In the PTC District, a contractor's office and shop and all associated operations and activities, including the storage of materials and company vehicles, is permitted only when contained within a building or parking structure.
- (3) In the C-8 District, vehicles and equipment stored on site are limited to light vehicles and equipment.
- (4) Outdoor storage of materials and equipment is subject to the following standards:
 - (a) In the C-8 District outdoor storage is limited to 1,000 square feet in area;
 - (b) In I-3 or I-4 Districts outdoor storage is limited to 2,000 square feet in area;
 - (c) May not be located in any front yard;
 - (d) Must be contained within an area enclosed by a solid fence or wall not less than six feet in height.

Standards when permitted by special exception:

- (5) In the C-8 District, the Board may approve a special exception to:
 - (a) Permit outdoor storage exceeding 1,000 square feet.
 - (b) Permit the outdoor storage or parking of heavy vehicles and equipment.
- (6) The Board may impose conditions regarding the type and number of vehicles or equipment stored and the size, location, and screening of the outdoor storage area, to prevent or minimize adverse impacts to adjacent properties.

I. Storage Yard

Standards when permitted by right:

- (1) In the I-3 and I-4 Districts, a storage yard is
 - (a) Limited to 10,000 square feet in area; and
 - (b) Must be contained within an area enclosed by a solid fence or wall of not less than six feet.

Standards when permitted by special exception:

- (2) In the I-3 and I-4 Districts, the Board may approve a special exception to permit a storage yard exceeding 10,000 square feet in area.
- (3) The Board may impose additional conditions regarding the type and number of vehicles stored and the size, location, and screening of the outdoor storage area.

Revise subsection 6100.3.J as shown below.

Article 6 – Parking and Loading

6100. Off-Street Parking

3. Calculation of Off-Street Parking

- J. Unless otherwise authorized by this Ordinance, commercial vehicles are not permitted to be parked or stored on a public street adjacent to the use.

Add definitions for Commercial Equipment, Light Vehicles and Equipment, and Heavy Vehicles and Equipment to Section 9102 as shown below.

Article 9 – Definitions and Ordinance Interpretation

9102. General Terms

Commercial Equipment

Machinery, or implements, that are generally motorized, which bears or displays indicators that it is designed or used for commercial purposes, including but not limited to site development, landscaping, remodeling, infrastructure or utility development and maintenance, or trailers used to transport such equipment.

Light Vehicles and Equipment

A type of commercial vehicle or equipment that meets all of the following standards:

1. 28 feet in length or less, including any storage racks or accessories attached to the vehicle or equipment;
2. 14 feet in height; or less, including any storage racks or accessories attached to the vehicle or equipment;
3. Gross Vehicle Weight Rating of 16,001 pounds or less;
4. Possessing three axles or less;
5. Equipment with a rated operating capacity of 2,000 pounds or less; or
6. Vehicles and Equipment that are similar to those identified in subsection 1 through 5 above, as determined by the Zoning Administrator.

Heavy Vehicles and Equipment

Solid waste collection vehicles, dump trucks, cement mixer trucks, tow and recovery vehicles, tractors, trailers of tractor trailers, or any commercial vehicle or equipment exceeding the standards for Light Vehicles and Equipment.

Revise definitions for Contractor's Office and Shop; Specialized Equipment and Heavy Vehicle Sale, Rental or Service; and Storage Yard in subsection 9103.6.B as shown below.

9103. Uses

6. Industrial Uses

B. Industrial Services and Extraction of Materials

Contractor's Office and Shop

Establishments that provide services and store necessary vehicles, equipment, or materials for the installation and servicing of items which may include, but are not limited to, air conditioners, electrical equipment, flooring, painting, plumbing, roofing, tiling, and heating and ventilating equipment. This use also includes contractors providing residential or nonresidential remodeling, and new construction services, and establishments for the planting and maintenance of gardens, grounds, and yards, such as landscape contractors and lawn maintenance services. This use cannot include retail sales to the general public, except as an accessory use.

Specialized Equipment and Heavy Vehicle Sale, Rental, or Service

Buildings and premises for the sale, rental, and servicing of any of the following:

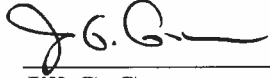
1. Farm machinery or equipment;
2. Trucks that have more than two axles, are more than 17 feet long or 12 feet in height, or require a commercial driver's license to operate;
3. Buses and vans designed primarily for the transportation of ten or more passengers;
4. Recreational vehicles, trailers, and boats larger than those permitted as part of a vehicle sale and rental establishment;
5. Manufactured homes; and
6. Heavy vehicles and equipment.

Storage Yard

The use of any space, inside or outside of a building, for the storage or keeping of vehicles, commercial equipment, materials, vehicle parts, boats, farm machinery, or other large items.

This amendment shall become effective on December 4, 2024, at 12:01 a.m.

GIVEN under my hand this 3rd day of December, 2024.

A handwritten signature in black ink, appearing to read "J.G. Cooper", written over a horizontal line.

Jill G. Cooper
Clerk for the Board of Supervisors