



FAIRFAX COUNTY

PROPOSED ZONING ORDINANCE AMENDMENT

STAFF REPORT

Contractor's Office and Shop, and Construction Vehicles

October 9, 2024

Hearing Dates

Planning Commission: October 30, 2024, at 7:30 p.m.

Board of Supervisors: December 3, 2024, at 4:30 p.m.

Staff Contact

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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).



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Table of Contents

Background and Outreach	2
Existing Provisions	3
Proposed Changes	4
Summary	8
Attachments	8

Background and Outreach

The topic of construction vehicles was added to the 2022/2023 Zoning Ordinance Work Program in response to a March 23, 2021, [follow-on motion](#) with the adoption of zMOD. The Board of Supervisors (Board) directed staff to establish a stakeholder group to review the standards for storage the of construction vehicles and determine if they should be modified to allow additional opportunities for suitable locations for landscape professionals and other contractors. After convening the stakeholders meeting staff presented an update to the Land Use Policy Committee on May 17, 2022. This presentation was accompanied by a [white paper](#) dated May 10, 2022. The Board subsequently directed staff to proceed with Zoning Ordinance amendment for contractor’s office and shop and the topic was endorsed as part of the [2023/2024 Zoning Ordinance Work Program](#).

During the winter of 2023/2024, staff conducted outreach and engaged with multiple County agencies including the Department of Code Compliance (DCC), the Zoning Evaluation Division (ZED), and Board offices whose magisterial districts contain high concentrations of properties zoned to the C-8, I-3, or I-4 Districts. Staff also hosted two countywide virtual community meetings to discuss this project with interested parties. Links to these meetings were posted on the contractor’s office, shop, and construction vehicles Zoning Ordinance amendment [webpage](#), shared on social media platforms (Nextdoor and Facebook), and via GovDelivery bulletins. Additionally, meeting information and updates on this Zoning Ordinance amendment were distributed via email, to approximately 20 local contractor’s and industry professionals throughout this project. At these meetings, staff collected information on where regulatory flexibility could be added, and what safeguards should be considered in order avoid impacts on neighboring uses or communities. Staff presented an update of this project to the Planning Commissions’ Land Use Process Review Committee on May 9, 2024. Following these meetings, a [white paper](#) dated July 16, 2024, was presented to the Board’s Land Use Policy Committee on July 23, 2024, outlining staff’s analysis, outreach efforts, and recommendations. Draft Zoning Ordinance text was released for public review and input on September 3, 2024, and virtual community meetings to discuss the draft text were held on September 5, 2024, and September 10, 2024. On September 24, 2024, by [resolution](#), the Board authorized advertisement of public hearings on this proposed amendment for consideration by the Planning Commission on October 30, 2024 and the Board on December 3, 2024.

Existing Provisions

The Zoning Ordinance provisions regulating a contractor's office and shop includes use-specific standards, and general standards applicable to the commercial or industrial districts. The Zoning Ordinance defines contractor's office and shop as follows:

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 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.

Currently, a contractor's office and shop is allowed by-right in the C-8, Highway Commercial District; the I-3, Light Intensity Industrial District; the I-4, Medium Intensity Industrial District; the I-5, General Industrial District; the I-6, Heavy Industrial District; and, the PTC, Planned Tysons Corner Urban District, subject to the general standards for all commercial and industrial uses contained in subsections [4102.1.C](#) and [4102.1.D](#), as well as the use-specific standards in subsection [4102.6.F](#).

In the C-8, I-3, and I-4 Districts, the general standards for commercial and industrial uses prohibit the outdoor storage or parking of construction equipment; construction machinery; vehicles used for transporting construction equipment; or other similar vehicles such as solid waste vehicles, dump trucks, cement mixers, tractors, or trailers of tractor-trailer trucks. Outdoor storage associated with all uses in the C-8, I-3, and I-4 Districts is limited to 500 square feet, unless additional storage is designated on an approved development plan, site plan, or minor site plan in accordance with subsection [8100.7.D](#). Lastly, in all districts where a contractor's office and shop is permitted, retail sales to the general public is limited to a maximum of 10 percent of the gross floor area of the establishment or 1,000 square feet, whichever is smaller. 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.

Storage yards are commonly utilized by contractors, as off-site areas to store necessary vehicles, equipment, and materials in a location where a physical office is not needed. The Zoning Ordinance defines a storage yard as follows:

Storage Yard

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

The use specific standards regulating storage yards in subsection [4102.6.J](#), allows vehicle storage in association with a self storage use in the I-3, Light Intensity Industrial District and in the I-4, Medium Intensity Industrial District with special exception approval. The storage of semitrailers, including tractors or trailer units, is also not permitted in the I-3 and I-4 Districts. Additionally, storage yards are permitted by-right in the I-5, General Industrial District and I-6, Heavy Industrial District.

Proposed Changes

Through outreach efforts, the following main topic areas were identified – updates to definitions, zoning district specific-use standards, and provisions related to outdoor storage in commercial and industrial districts. This section presents a discussion of the changes under consideration. A copy of the proposed draft text, in a strike through and underline format, is provided in Attachment 1.

Definitions

The current Zoning Ordinance provisions do not specifically define construction vehicles or equipment. Therefore, determining what constitutes construction vehicles and equipment has occurred through interpretation of the Zoning Ordinance. This topic has been the subject of several notices of violation (NOVs) issued by DCC, which have resulted in subsequent appeals and, in some cases, litigation. This issue was also one of the main concerns voiced by industry stakeholders during outreach meetings, further highlighting the need for objective definitions. This amendment proposes to further define commercially-utilized equipment and vehicles, that by their nature have been regulated under the existing [commercial vehicle](#) definition and associated standards. Additionally, subsections [4102.1.B\(2\)](#) and [4102.1.E\(4\)](#) of the Zoning Ordinance regulates the parking of commercial vehicles in residential zoning districts and residential areas of planned districts. These subsections prohibit the parking of construction equipment, trailers used for transporting equipment (attached or unattached to a vehicle), and other commercial equipment within residential zoning districts and residential areas of planned districts. The proposed definition of commercial equipment reflects current interpretation and enforcement practices.

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.

All vehicles and equipment associated with a contractor's office and shop are considered types of commercial vehicles and equipment. This amendment proposes to further classify those vehicles and equipment into two defined categories, light vehicles and equipment and heavy vehicles and equipment. These proposed definitions include objective standards regulating vehicles and equipment based on height, length, gross vehicle weight rating (GVWR), and number of axles or tires, as well as the rated operating capacity for equipment. Staff is proposing to define light vehicles and equipment, and heavy vehicles and equipment as follows:

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 axels 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.

Factors such as length, height, and number of axels or tires, are currently used in the Zoning Ordinance to regulate commercial vehicles parked in residential districts and can be found in related standards regulating uses such as goods distribution hubs and truck rental establishments. The use specific standards for goods distribution hub, which is a by right use in the C-8 District, currently permits vehicles up to 28 feet in length to be stored onsite in association with the use. Further, [Section 82-5-7](#) of the County Code regulates parking of commercial vehicles on public streets in residential districts, through the use of standards that include height, length, gross vehicle weight rating, and number of axles or tires Section 82-5-7 defines commercial vehicles as any vehicle more than 21 feet in length, more than eight feet in height, with a GVWR of 12,000 pounds or more, or containing more than three axles. Neighboring jurisdictions, Prince William County and Montgomery County, Maryland, also define construction or commercial vehicles using similar standards. This Zoning Ordinance amendment does not propose changes to the type or size of commercial vehicles currently prohibited from parking in residential districts but does update these provisions to include the proposed definitions.

Currently, the storage or parking of construction equipment; construction machinery; vehicles used for transporting construction equipment or materials; or other similar vehicles, such as solid waste collection vehicles, dump trucks, cement mixers, tractors, or trailers of tractor-

trailer trucks, are prohibited within the C-5, C-6, C-7, C-8, I-3, I-4 Districts, within all residential zoning districts, and within residential areas of planned districts. Since the Zoning Ordinance does not specifically define construction vehicles and equipment, enforcement of these prohibitions has relied on longstanding interpretations by the Zoning Administrator using common definitions and other indicators such as the use and design of the vehicle or equipment. Staff proposes to codify the existing interpretation of construction vehicles and equipment through the creation of a heavy vehicles and equipment definition which would replace the term construction vehicles and equipment in the Zoning Ordinance. In staff's opinion, proposing objective definitions increases understanding of the standards while also making enforcement of these provisions clearer to contractors, residents, and staff.

Zoning District Restrictions

As previously stated, the storage or parking of construction vehicles and equipment is currently prohibited within the C-8, I-3, and I-4 Districts. Maps depicting properties located within the C-8, I-3, and I-4 Districts can be found on the contractor's office, shop, and construction vehicles Zoning Ordinance amendment [webpage](#). In staff's opinion, light vehicles and equipment, can be properly screened and are of a size that is compatible with the commercial nature of the C-8 District. Therefore, staff recommends that light vehicles and equipment be permitted in the C-8 District. An option to allow for parking or storage of specific heavy vehicles or equipment through special exception approval has also been proposed. This provides a public process that would allow site specific review to determine compatibility of the proposed land use with adjacent properties. This is especially important since many C-8 properties abut residential districts. Additionally, this option would provide a contractor's office and shop, the ability to keep a limited number of heavy vehicles or equipment on a property, that are integral to the operation of the subject business. The special exception would allow the Board to limit the specific quantity and type of vehicle or equipment based on the scope of the request.

During outreach, contractor's and industry professionals voiced concerns regarding existing zoning district restrictions, that limit the type of vehicles or equipment that can be stored or parked in the I-3 and I-4 Districts. These restrictions along with redevelopment and subsequent loss of existing industrially zoned properties, have resulted in decreased supply of viable locations for contractors to establish. Allowing limited storage of heavy vehicles and equipment in the I-3 and I-4 Districts coupled with allowing additional outdoor storage, as further discussed below, will increase the number of properties where a contractor's office and shop could establish by right. In staff's opinion, the I-3 and I-4 Districts can be suitable locations for the outdoor storage or parking of light and heavy vehicles and equipment with appropriate standards. This matter is further discussed in detail below.

Outdoor Storage in Commercial and Industrial Districts

Currently, in the C-8, I-3, and I-4 Districts, where a contractor's office and shop is permitted by-right, accessory outdoor storage is limited to 500 square feet, unless otherwise designated on an approved site plan, minor site plan, or development plan. Further, outdoor storage in these districts must be screened from the first story of any building on abutting lots and rights-of-way. For reference, 500 square feet is approximately the size of three- and one-half parking

spaces, which limits the amount of materials and equipment that can be stored on-site in association with a contractor’s office and shop. For ease of operation, many contractors need an on-site, secure storage area for materials, such as stone or mulch, and certain equipment, such as small skid steers, ditch witches, chippers, track equipment, and hand tools. Contractors who need more than 500 square feet of outdoor storage must amend a site plan, lease off-site storage areas, or relocate their business, which, in many cases, results in location outside the county. To address some of these issues, staff recommends increasing the amount of accessory outdoor storage permitted with a Contractor’s Office and Shop in the C-8, I-3, and I-4 Districts. By allowing options to increase permitted outdoor storage, without needing to amend a site plan, along with defining the type of equipment and vehicles that can be stored onsite, contractors will be able to service their clients more efficiently by reducing vehicular trips between offices, off-site storage areas, and client sites.

For properties located within the C-8 District, staff is proposing to increase the amount of accessory outdoor storage permitted in association with a contractor’s office and shop to 1,000 square feet. In staff’s opinion this amount of outdoor storage allows for increased flexibility, while also respecting the commercial nature of the C-8 District. In the I-3 and I-4 Districts, staff proposes to increase the by-right amount of outdoor storage accessory to a contractor’s office and shop to 2,000 square feet. These outdoor storage areas would need to be screened by a solid fence or wall of not less than six feet in height and would be prohibited in a front yard. All equipment and materials kept outdoors, in the C-8, I-3, and I-4 Districts would also need to be stored within a fenced or walled area. Allowing limited increases in outdoor storage in these districts provides additional flexibility for contractors where this use is already permitted. A comparison of existing and proposed accessory outdoor storage provisions is contained in Table 1 below.

Zoning District	Existing (by-right)	Proposed (by-right)
C-8 (Highway Commercial)	500 Sq. Ft.	1,000 Sq. Ft.
I-3 (Light Intensity Industrial)	500 Sq. Ft.	2,000 Sq. Ft.
I-4 (Medium Intensity Industrial)	500 Sq. Ft.	2,000 Sq. Ft.

Table 1: Comparison of Size of Existing and Proposed By-Right Outdoor Storage Areas

A special exception option is also proposed which would allow a contractor’s office and shop to request more than 1,000 square feet of outdoor storage in the C-8 District. Subjecting this type of request to a public hearing allows contractors to effectively increase the usability of their C-8 properties, while also allowing for public comment and site-specific review. This is particularly important if the subject property abuts residential uses.

Storage Yards

Staff recommends that storage yards be permitted as a principal use in the I-3 and I-4 Districts when limited to no more than 10,000 square feet and screened by a solid fence or wall of not

less than six feet. Additionally, staff recommends permitting storage yards, larger than 10,000 square feet with Board approval of a special exception. In the I-3 and I-4 Districts, storage yards are currently only permitted through Board approval of a special exception and must be in association with self-storage uses. The Zoning Ordinance also currently prohibits the storage of tractor trailers and semi-trailers in storage yards located within the I-3 and I-4 Districts. This amendment proposes removing the use specific standard prohibiting the storage of tractor trailers and semi-trailers in the I-3 and I-4 District. Many small contracting businesses, such as landscape companies or self-employed tradesmen, may not need a physical office but rather an area to store vehicles, equipment, and materials. Permitting storage yards as a principal use in the I-3 and I-4 Districts, will create more legal locations for businesses to store necessary vehicles and equipment within the County.

Other Changes

Landscape contracting services are often established as an accessory use to a garden center. Similar to contractor's offices and shops, garden centers are permitted by-right in the C-8 district. As part of this amendment staff recommends a special exception option to allow for the parking or storage of specific heavy vehicles or equipment, associated with a garden center located in the C-8 District.

Alignment with the Strategic Plan

The [Strategic Plan](#) has ten outcome areas that represent the issues of greatest importance to the Fairfax County community. One of these outcome areas is Economic Opportunity, which promotes a community vision where all, people, businesses, and places are thriving economically. This vision is attainable through various strategies including, promotion of economic vibrancy, supporting a culture of entrepreneurship and small business development, and maximizing economic opportunity within the regional economy. This Zoning Ordinance amendment supports the economic opportunity strategies of the Strategic Plan by creating more flexibility for local contracting businesses, to find suitable locations within the County.

Summary

Contractor's office and shop and the associated storage of vehicles, equipment, and materials provides important services to County residents such as property maintenance and assistance during emergency situations. The proposed Zoning Ordinance amendment incorporates new and revised standards and definitions that implement appropriate regulatory flexibility in response to feedback from the community and County staff. Staff recommends that the amendment become effective at 12:01 a.m. on December 4, 2024.

Attachments

1. Draft Text

In the proposed revisions shown below, text to be deleted is identified by ~~strikethrough~~ and text to be added is underlined. Footnotes contained in this document are provided for clarification and additional information but are not part of the proposed amendment. Options are included **(in parentheses, italics and bold)**. When an option is presented as a range, the Board may approve any number within the advertised range.

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	<u>P</u> <u>SE</u>								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																						<u>P</u> <u>SE</u>			P	P	P	P	4102.6.F		
Storage Yard																									P	P	SE	SE	P	P	4102.6.I

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; solid waste collection vehicles, tractors and trailers of tractor-trailers, dump trucks, construction equipment, cement-mixer trucks, and towing and recovery vehicles;¹
2. Vehicles, including any appurtenances 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.² ~~construction equipment; construction machinery; vehicles used for transporting construction equipment or materials; or other similar vehicles, such as solid waste collection vehicles, dump trucks, cement mixers, tractors, or trailers of tractor-trailer trucks.~~

D. Standards for Uses in Industrial Districts

(3) In the I-3 and I-4 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 parking of construction equipment; construction machinery; vehicles used for transporting construction equipment or materials; or other similar vehicles, such as solid waste collection vehicles, dump trucks, cement mixers, tractors, or trailers of tractor-trailer trucks.~~

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; solid waste collection vehicles, tractors and trailers of tractor-trailers, dump trucks, construction equipment, cement-mixer trucks, and towing and recovery vehicles;
 2. Vehicles, including any appurtenances 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;

¹ The vehicles noted in this provision, except for food trucks, are all included in the definition of Heavy Vehicles and Equipment. The term construction equipment is replaced with commercial equipment.

² This change reflects the intent of the existing provision, which is to prohibit the parking or storage of vehicles and equipment meeting the definition of Heavy Vehicles and Equipment in those Commercial Districts.

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, construction equipment, construction machinery, vehicles used for transporting construction equipment or materials, or other vehicles, such as solid waste collection vehicles, dump trucks, cement mixers, tractors, or trailers of tractor-trailer trucks.

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.³

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, construction equipment; construction machinery; vehicles used for transporting construction equipment or materials; or other vehicles, such as solid waste collection vehicles, dump trucks, cement mixers, tractors, or trailers of tractor-trailer trucks.

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; Construction machinery or equipment

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
- (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 (*up to 2,000 square feet*) in area;
 - (b) In I-3 or I-4 Districts outdoor storage is limited to 2,000 square feet (*up to 3,000 square feet*) in area;
 - (c) May not be located in any front yard;

³ This new special exception option is consistent with other proposed changes related to landscape contracting services.

⁴ This new standard clarifies that only Light Vehicles and Equipment, as defined, may be kept in the C-8 District in association with Contractor's Office and Shop uses.

(d) Must be contained within an area enclosed by a solid fence or wall not less than six feet in height.⁵

Standards when permitted by special exception:⁶

(5) In the C-8 District, the Board may approve a special exception to:

(a) Permit outdoor storage exceeding 1,000 square feet (up to 2,000 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:⁷

(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:

(1) (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 limited to vehicle storage is permitted by special exception only when associated with self-storage. The storage of semitrailers, including tractor or trailer units, is not permitted.

(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.

⁵ This new standard sets parameters for the type, location, size, and design of outdoor storage permitted in association with this use when located in the C-8, I-3, and I-4 Districts. This provision also reflects an increase in permitted by-right outdoor storage for this use when located in the C-8, I-3, and I-4 Districts.

⁶ This new standard creates an option to permit increased outdoor storage and the parking of Heavy Vehicles and Equipment through Board approval of a special exception. This change is intended to provide flexibility for C-8 zoned properties while also preserving the commercial nature of the C-8 District.

⁷ This is a new standard that allows for Storage Yards, limited to 10,000 square feet in area, to be permitted by right in the I-3 and I-4 Districts. This change addresses concerns regarding lack of suitable locations to lawfully store vehicles, equipment, and materials within the County and will create more option of where storage yards can establish.

Article 6 – Parking and Loading

6100. Off-Street Parking

3. Calculation of Off-Street Parking

- J. Unless otherwise authorized by this Ordinance, ~~company vehicles, construction vehicles, and vehicles owned or operated by a nonresidential use,~~ commercial vehicles are not permitted to be parked or stored on a public street adjacent to the use.⁸

Article 9 – Definitions and Ordinance Interpretation

9102. General Terms

Commercial Equipment⁹

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;¹⁰
2. 14 feet in height; or less, including any storage racks or accessories attached to the vehicle or equipment;¹¹
3. Gross Vehicle Weight Rating of 16,001 pounds or less;¹²

⁸ Company vehicles, construction vehicles, and vehicles owned or operated by a nonresidential use are all considered commercial vehicles. See the definition of commercial vehicle.

⁹ The current Zoning Ordinance provisions do not specifically define commercial equipment. This new definition has been added for clarity.

¹⁰ This mirrors the regulations for goods distribution hubs which are also permitted in the C-8 District.

¹¹ Based on staff research standard contractor vehicles are 12 feet in height or less. Examples of vehicle height used as a regulatory characteristic can be found in Subsection 4102.1.B(2) and Section 82-5-7 of the County Code.

¹² The use of Gross Vehicle Weight Rating as a regulatory characteristic can also be found in Section 82-5-7 of the County Code. The proposed maximum weight of 16,001 pounds is based on the Federal Highway Administrations (FHA) vehicle class definitions. Vehicles up to 16,001 lbs. (Class 4) incorporates most of the light vehicles you commonly see in association with contractor's offices and shops. The next FHA category above class 4 is class 5

4. Possessing three axels or less;¹³
5. Equipment with a rated operating capacity of 2,000 pounds or less; or¹⁴
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 Equipment¹⁵

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.

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,¹⁶ 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.

with a gross vehicle weight rating range of 16,001 - 19,500. Class 5 includes vehicles such as dump trucks which would be considered Heavy Vehicles by this proposed amendment.

¹³ Subsection 4102.1.B(2) of the Zoning Ordinances states that commercial vehicles with less than three axles may be parked in residential districts. In staff's opinion vehicles with three axles, that do not exceed the other standards listed, are appropriate to be parked in C-8 Districts.

¹⁴ Rated operating capacity (ROC) is an industry standard for equipment such as skid steers, ditch witches, and other types of equipment that are designed to lift materials. This characteristic can easily be found by searching the make and model of the equipment. The proposal of 2,000 pounds ROC is reflective of medium framed equipment such as skid steers which are commonly found in association with contractor's offices and shops. Further, based on community engagement majority of persons surveyed thought that medium framed skid steers would be appropriate to be stored in the C-8 District when located within a storage area screened from view by a fence.

¹⁵ The current Zoning Ordinance provisions do not specifically define construction vehicles or equipment. The definition for Heavy Vehicles and Equipment adds objective standards and includes vehicles and equipment previously considered construction vehicles or equipment through interpretation of the Zoning Ordinance.

¹⁶ Minor edit to the definition for Contractor's Office and Shop to clarify types of contractors included in this definition.

Specialized Equipment and Heavy Vehicle Sale, Rental, or Service¹⁷

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

1. Farm ~~and construction~~ 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; ~~and~~
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, ~~construction or landscaping equipment and materials, machinery,~~ vehicles or vehicle parts, boats, farm machinery, or other large items.¹⁸

¹⁷This change does not change the intent of this definition but rather updates the language to reflect the new term Heavy Vehicles and Equipment.

¹⁸This change does not change the intent of this definition. The terms vehicles and equipment are inclusive of all types of vehicles and equipment.