

**FAIRFAX COUNTY PLANNING COMMISSION
POLICY AND PROCEDURES COMMITTEE
APRIL 25, 2013**

PRESENT: Kenneth A. Lawrence, Chairman, Providence District
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Janyce N. Hedetniemi, At-Large
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District

ABSENT: Timothy J. Sargeant, At-Large

OTHERS: Frank A. de la Fe, Hunter Mill District
Leslie B. Johnson, Zoning Administrator, Zoning Administration Division (ZAD),
Department of Planning and Zoning (DPZ)
Lorrie Kirst, Senior Deputy Zoning Administrator, ZAD, DPZ
Andrew Hushour, Deputy Zoning Administrator, ZAD, DPZ
Barbara J. Lippa, Executive Director, Planning Commission Office
Kimberly Bassarab, Assistant Director, Planning Commission Office
Kara A. DeArrastia, Clerk to the Planning Commission

ATTACHMENTS:

- A. Memorandum from Leslie B. Johnson, Zoning Administrator
- B. Summary Chart of the Status of 2012 Priority 1 Work Program
- C. Summary Chart of the Proposed 2013 Priority 1 Work Program
- D. Proposed 2013 Priority 1 Zoning Ordinance Work Program
- E. Proposed 2013 Priority 2 Zoning Ordinance Work Program list
- F. New Requests since June 19, 2012

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Chairman Kenneth A. Lawrence called the meeting to order at 7:00 p.m., in the Board Conference Room of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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Commissioner Litzenberger made a motion to: APPROVE THE POLICY AND PROCEDURES COMMITTEE MINUTES OF FEBRUARY 28, 2013.

Commissioner Flanagan seconded the motion which carried by a vote of 7-0 (Commissioner Sargeant was absent from the meeting).

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Leslie Johnson, Zoning Administrator, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ) stated that the proposed work program was a draft and that she would like to have a recommendation on the draft by the Planning Commission prior to the Board of Supervisors' Development Process Committee meeting on June 11, 2013. She noted that the draft may be modified based on the Development Process Committee meeting and that the adoption of the draft could be anticipated in late June or early July. Ms. Johnson further stated that she would be meeting with Supervisor Frey, Chairman of the Development Process Committee on May 13, 2013 to brief him on the work program before bringing it to the full committee. Ms. Johnson then reviewed the memorandum and attachments provided and stated that she would primarily be speaking to Attachment 2 of her memorandum.

Discussion ensued between Commissioners Litzenberger and Hart and Ms. Johnson regarding residential studio units and how they might be regulated in the Zoning Ordinance. Commissioner Litzenberger emphasized the importance of placement in locations with access to transportation and employment.

Commissioner Lawrence inquired about the issue of integration of the Zoning Ordinance work program with the Fairfax Forward work program and the need to balance the impact of more intense land use on transportation. Ms. Johnson discussed the planned review of transit station areas to include the Wiehle and Reston metrorail stations and the silver line. Additional discussion ensued between Commissioner Lawrence and Ms. Johnson regarding the work of citizen task forces in the visioning process. Ms. Johnson emphasized the intention to include components in the Zoning Ordinance that would allow the Comprehensive Plan to be implemented.

Discussion ensued between Commissioners Lawrence and Flanagan, Ms. Johnson, and Lorrie Kirst, ZAD, DPZ regarding the purpose of carrying over amendments and the timing of amendments. Ms. Johnson noted that amendments get added throughout the year and that some additional amendments would probably be added to the current list, including one involving donation drop boxes.

Commissioner Flanagan noted that other jurisdictions have implemented appearance codes, which regulate street furniture, signs, and other issues. Ms. Johnson stated that some of the Community Business Centers have adopted design guidelines as part of their plans.

Commissioner Hart noted that not included on the list was an amendment to rewrite the term "places of worship" to "places of assembly." Ms. Johnson stated that the Board of Supervisors had not yet made a decision on how to proceed with regard to that matter and it was therefore not included on the current work program.

Commissioner Migliaccio initiated discussion regarding agri-recreation and what uses that would include. Ms. Johnson and Ms. Kirst stated that this amendment was initiated by Supervisor Frey based on Cox Farms and that it was geared toward preserving family farms by allowing them to generate additional income.

Commissioner Lawrence stated that he would like to discuss what the committee would be recommending to the full Planning Commission and whether the committee had any changes to

the proposed list. Ms. Johnson noted that initiatives dealing with the revitalization districts would be added to the Priority 1 list.

Commissioner Hart stated that the Board of Zoning Appeals (BZA) would suggest that in #8 on the Priority 2 Work Program there should be a definition of transient based on length of stay in the context of the hotel/motel definition.

Commissioner Lawrence noted that while the Planning Commission will make a recommendation on the work program to the Board of Supervisors, changes can still be made. Ms. Johnson and Ms. Kirst stated that a member of the Board of Supervisors could set a board matter to add to the Priority 1 Work Program.

Commissioner Hart made a motion to: RECOMMEND TO THE PLANNING COMMISSION THE WORK PROGRAM WITH THE TWO CHANGES DISCUSSED REGARDING REVITALIZATION INITIATIVES AND A DEFINITION OF TRANSIENT.

Commissioner Migliaccio seconded the motion which carried by a vote of 7-0 (Commissioner Sargeant was absent from the meeting).

Commissioner de la Fe suggested that the Zoning Ordinance needs comprehensive review in order to limit the number of waivers and modifications regularly required. Ms. Johnson stated that staff had discussed those issues and the wholesale review of the Zoning Ordinance, but that that type of review is a large task that would take multiple years.

Commissioner Lawrence noted that there would be a delay in the Board of Supervisors hearing on Fairfax Forward. Commissioner Hedetniemi stated that one of the reasons for the delay was to allow individual supervisors who had not yet been briefed on the subject to do so. Commissioner Hart added that another reason was to determine how to allow individuals to nominate amendments out of turn.

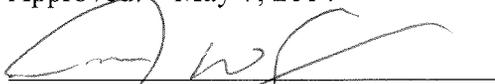
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The meeting was adjourned at 7:52 p.m.
Kenneth A. Lawrence, Chairman

An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: John W. Cooper

Approved: May 7, 2014



John W. Cooper, Clerk to the
Fairfax County Planning Commission



County of Fairfax, Virginia

MEMORANDUM

DATE: April 22, 2013

RECEIVED

TO: Planning Commission Policy and Procedures Committee

APR 24 2013

FROM: Leslie B. Johnson *LBJ*
Zoning Administrator

FAIRFAX COUNTY
PLANNING COMMISSION

SUBJECT: April 25, 2013 Policy and Procedures Committee Meeting – 7:00 p.m.

Introduction

The Policy and Procedures Committee will be meeting on April 25, 2013 at 7:00 p.m. to review and comment on the proposed 2013 Zoning Ordinance Amendment Work Program (2013 Work Program).

Enclosed as Attachments 1 and 2 are reference summary charts of the status of the 2012 Priority 1 Work Program, and the proposed 2013 Priority 1 Work Program, respectively. Attachment 3 is the 2013 Priority 1 list with a description of each item. The 2013 Priority 2 list is enclosed as Attachment 4 and consists of those items that will not be addressed this year, but will be retained for future Priority 1 consideration. Attachment 5 contains a list of new amendment requests that have been identified by the Board of Supervisors (Board), various other boards, committees, staff or citizens, since the adoption of the 2012 Work Program.

Status of 2012 Priority 1 Work Program

On June 19, 2012, the Board approved 24 items for the 2012 Priority 1 Work Program. Since approval of the Work Program, three additional items were added including moveable copy/electronic signs, civil penalties and vertical datum requirements. Of the Priority 1 items, three have been adopted and four have been authorized for advertisement with the anticipation of all four amendments being acted on by the Board by June, 2013. In addition, it is anticipated that two additional amendments will be brought to the Board for authorization in June 2013. These amendments include the State Code changes related to Temporary Health Care Structures commonly referred to as "Granny Pods" as well as several components of the Minor Revisions amendment including: 1) allowing an error in building location special permit to be granted for the rear yard location requirements for detached accessory structures; 2) allowing the Board of Zoning Appeals (BZA) in conjunction with approval of another special permit to approve an error in building location of less than 10%; and 3) revisions to the Architectural Review Board membership. Finally, staff is continuing to work on amendments to the PDC and PRM Districts to facilitate implementation of the Comprehensive Plan recommendations for special study areas including Commercial Revitalization Districts; Commercial Revitalization Areas; Community Business Centers; and Transit Station Areas, with the near term emphasis placed on addressing the Transit Station Areas associated with the Reston Master Plan Special Study.

Over the past year, staff has spent its time and effort on the following amendments:

- Civil Penalties: This amendment was added to the 2012 Work Program at the request of the Department of Code Compliance (DCC) and the Office of the County Attorney. The amendment proposes to expand the use of civil penalties as an enforcement tool for zoning violations and would grant the Zoning Administrator the authority to seek issuance of an inspection warrant related to enforcement of the Zoning Ordinance. The amendment was authorized on February 26, 2013, with the Planning Commission public hearing held on April 4, 2013. The Board of Supervisor's public hearing is scheduled for May 14, 2013.
- Home Child Care Facilities: Due to an administrative change by the Virginia Department of Social Services, starting July 1, 2012, any provider of a "Family Day Home" (home child care facility) that renews or obtains a State license is required to obtain local zoning approval for the number of children in their care. It became evident that numerous home child care facilities in the county received a license from the State but were not compliant with the existing Zoning Ordinance provisions. A majority of the state-licensed facilities are approved for the care of 12 children, while the County allows a maximum of 10 with special permit or special exception approval. Approximately 500 home child care providers in the County are currently licensed by the State. Based on concerns from home child care providers, the Board requested staff to prepare a Zoning Ordinance amendment to address this issue and pursue an agreement with the State regarding temporary measures to address the discrepancy without disrupting the operation of existing state licensed home child facilities. Staff researched other jurisdiction's regulations, attended several public outreach meetings and reported the findings to the Board at its October 2, 2012 Development Process Committee meeting. After discussion, the Board directed staff to draft an amendment that would increase the maximum number of children allowed by special permit from 10 to 12; evaluate a possible fee reduction and review the appropriateness of the existing special permit standards. To further assist home child care providers, staff developed a new special permit application package specifically tailored for home child care to help facilitate the process. The amendment was recommended for approval by the Planning Commission on April 3, 2013 and is scheduled for a May 14, 2013 public hearing by the Board.
- Moveable Copy/Electronic Signs: The Board directed staff to develop recommendations on how to update and modernize the sign ordinance as it pertains to moving copy, flashing, and intermittent lights and visuals on electronic signs. This request resulted from a legal challenge to an enforcement action taken under the County's sign ordinance concerning the frequency of the changing copy on a freestanding sign for a place of worship. The sign's changing copy exceeded the permitted change of no more than twice a day that has been the long-standing determination by the Zoning Administrator because the frequency at which electronic signs are allowed to change their copy is not specifically stated in the Zoning Ordinance. Staff has researched other jurisdictions' regulations regarding electronic signs and gave a presentation to the Board at its January

15, 2013, Development Process Committee meeting which highlighted the numerous features of electronic signs and how they are being used in the County. Staff presented the Board with a review of general parameters under which electronic signs could be regulated. Aspects of Arlington County's recently adopted sign regulations were presented as an example. Staff continues to study how to regulate such signs and will present such additional information at a future Development Process Committee meeting.

- Public Entertainment Establishments: This item is a carryover from the 2012 Priority 1 Work Program and is in response to a request by the Board to address certain uses that are initially approved as eating establishments, but function primarily as entertainment venues catering to adult customers without appropriate controls. An amendment revising the eating establishment definition and providing for a new public entertainment establishment use was authorized for public hearings on January 24, 2012. At the Planning Commission public hearing on this amendment, concern was expressed by the dance community that the proposed amendment was overly restrictive and would preclude many legitimate dancing activities. The amendment was ultimately deferred by the Board and staff was requested to work with the various stakeholders and the Planning Commission to prepare a revised amendment. The Planning Commission established an "Entertainment Establishment Committee" which met on several occasions with staff and members of the dance community and other stakeholders. At the Board's May 15, 2012 Development Process Committee Meeting, the Zoning Administrator reported that members of the "Entertainment Establishment Committee" formed by the Planning Commission had not reached consensus regarding the best approach to manage eating establishments that transform into "night club" type uses. A suggestion discussed by the Board at this meeting was to increase and better coordinate enforcement activities as a way to address compliance issues, similar to the County's former Code Enforcement Strike Team. In a Memorandum to the Board from the County Executive, dated June 28, 2012, a number of recommendations were identified with regard to both enhanced enforcement and potential changes to the Zoning Ordinance as well as revision to the provisions related to the issuance of Dance Permits as set forth in Chapter 27 of the County Code. Staff in DCC, DPZ, the Fire Marshall's Office, the County Attorney's Office have been meeting and working collaboratively to address the issues outlined in the County Executive's June 28, 2012 memorandum. Staff intends to provide an update and seek direction from the Board at a future Development Process Committee meeting.
- Residential Studios: After adoption of the Zoning Ordinance Amendment for Independent Living Facilities for Low Income residents in 2012, staff is revisiting the residential studio amendment and has been working on revisions that will create a new residential use that is specifically designed to be small in size, serve only a low income rental tenant, with no other qualifications, like age or ability. Staff presented a status update on the amendment at the Board's February 19, 2013 Housing Committee meeting.

Several issues were raised at the Committee meeting and staff is continuing to work on revisions to the draft amendment and hope to distribute a draft for comment later this spring and then bring the amendment to the Board for authorization sometime in late summer or early fall.

- **Zoning Fees:** The Board directed staff to review the appropriateness of all zoning application fees on a two-year cycle. For the FY 2014 Budget cycle, staff focused on evaluating the current fee structure for specific, relatively minor homeowner-related modifications and other uses that may warrant a lesser fee than currently charged due to the nature of the use proposed. The current amendment focuses on adjusting certain fee inequities, as identified by the Board and the proposed modifications are intended to provide some application fee relief for relatively minor and less time-consuming applications and to clarify some of the existing fee provisions. Staff will continue to evaluate the existing zoning application fee structure as part of the 2013 Priority 1 Work Program. The Board of Supervisors' public hearing was held on April 9, 2013 with the Board deferring decision until April 30, 2013.

Proposed 2013 Priority 1 Work Program

The proposed 2013 Priority 1 Work Program contains 36 amendments for consideration and review. Twenty are from the 2012 Priority 1 list, 4 have been authorized for public hearings and 12 are new. New amendments for 2013 include consideration of a new agri-recreation use to allow for seasonal festivals and other similar recreation activities in conjunction with an agricultural use; addressing regulations related to food trucks; as well as incorporating stormwater related regulations that have been mandated by the state and provisions related to the maintenance of private facilities. Rear yard coverage and commercial vehicles are new amendments that propose to clarify existing Zoning Ordinance text based on recommendations from the Board of Zoning Appeals. Other proposed amendments include expanding existing provisions in the Zoning Ordinance such as allowing public benefit associations in the I Districts, permitting riding lessons as a home occupation and adding minor arterials to the permitted location for temporary farmers' markets. In addition, the Board recently requested that issues related to donation drop boxes be referred to the County Executive for review and recommendation of a possible amendment to Zoning Ordinance and after further discussion with the County Executive and the Board will be added to the 2013 Priority 1 Work Program. Finally, there may be new amendments resulting from the 2013 General Assembly.

Conclusion

As you may recall, the Work Program, originally initiated in 1983, contains requests for amendments to the Zoning Ordinance, which originate from the Board, Planning Commission, Board of Zoning Appeals, citizens, industry representatives, and staff. The requested changes vary from major reviews of certain portions of the Zoning Ordinance; to the addition of new provisions to accommodate new concepts and/or uses; to minor clarifying revisions. Staff has included a tentative timeline for Board authorization for the majority of these items. However, certain items are annotated with an asterisk without any projected timeline and/or are shown as TBD on Attachments 1, 2 and 3. These items require either ongoing coordination with the Board and/or other agencies or require additional public outreach and, more than likely, will not be

completed within the 2013 Work Program 12 month time frame, due to finite resources and greater demands placed on staff from other Priority 1 items than originally anticipated. Staff will be present at the Committee meeting on April 25, 2013 to discuss the proposed Work Program and to respond to any questions.

Attachments:

Attachment 1 - Summary Chart of the Status of 2012 Priority 1 Work Program

Attachment 2 - Summary Chart of the Proposed 2013 Priority 1 Work Program

Attachment 3 - Proposed 2013 Priority 1 Zoning Ordinance Work Program

Attachment 4 - Proposed 2013 Priority 2 Zoning Ordinance Work Program

Attachment 5 - New Requests since June 19, 2012

cc: Planning Commission

Fred Selden, Director, DPZ

Barbara Byron, Director, OCR

Tom Biesiadny, Director, DOT

James Patteson, Director, DPWES

Lorrie Kirst, Senior Deputy Zoning Administrator

Andrew Hushour, Deputy Zoning Administrator, Ordinance Administration Branch

Michelle O'Hare, Deputy Zoning Administrator, Ordinance Administration Branch

2012 Priority 1 Zoning Ordinance Amendment Work Program Status

April 22, 2013

Adopted	Amendment Authorized	Amendment Being Researched	Target Date
Building Height for Certain Independent Living Facilities 9/11/12	Application Fees (3a) BOS Decision 4/30/13	Application Fees (3b)	1/15
Minor Revisions Home Child Care Facilities Substitute Providers 11/30/12	Civil Penalties (5) BOS PH 5/14/13	Building Height (4)	3/14
Truck Rental Establishments in PRC District 9/11/12	Home Child Care Facilities (8) BOS PH 5/14/13	Farm Wineries (Priority 2 – No. 51)	TBD
	Public Entertainment Establishments (18) 3/6/12 Bd. Ind. Deferred (working on revisions – TBD) Vertical Datum Requirements (30) BOS PH 4/30/13	Gross Floor Area – Cellar Space (7)	10/13
		Minor Revisions Error in Building Location for Detached Accessory Structures (9a) BZA Approval of Error in Building Location of Less than 10% (9b) ARB Membership (9c) Parking – Permanent Availability (9d) Moveable Copy/Electronic Signs (10)	6/13
		Noise (11)	11/13
		Office (12)	10/13
		Outdoor Lighting (13)	1/14
		Parking Reductions in Transit Oriented Areas (14)	1/14
		PDC and PRM Districts - FAR (15)	9/13
		PRC District Density (16)	9/13
		R-C District (19)	TBD
		Residential Studios (21)	TBD
		Site Plan Exemptions (23)	7/13
		Special Permit Submission Requirements (24)	10/13
		State Code – Development in Dam Break Inundation Zones (26)	11/13
		State Code – Temporary Health Care Structures (27)	9/13
		Yards – Infill (Priority 2 – No. 15 h)	5/13
			TBD

() Denotes paragraph reference on 2013 Priority 1 Work Program – Attachment 3 or 2013 Priority 2 Work Program – Attachment 4
 Highlights denote the items that have been added to the Priority 1 list subsequent to the Board's 6/19/12 endorsement of the 2012 Work Program.

Draft 2013 Priority 1 Zoning Ordinance Amendment Work Program

April 22, 2013

Carry Over from 2012		New Priority 1	
Amendment Authorized	Amendment Being Researched	Target Date	Target Date
Application Fees (3a) BOS Decision 4/30/13	Application Fees (3b)	1/15	5/14
Civil Penalties (5) BOS PH 5/14/13	Building Height (4)	3/14	11/13
Home Child Care Facilities (8) BOS PH 5/14/13	Gross Floor Area – Cellar Space (7)	10/13	TBD
Vertical Datum Requirements (30) BOS PH 4/30/13	Minor Revisions Error in Building Location for Detached Accessory Structures (9a) BZA Approval of Error in Building Location of Less than 10% (9b) ARB Membership (9c) Parking – Permanent Availability (9d) Noise (11)	6/13 9/13 10/13	2/14 11/13
	Office (12)	1/14	3/14
	Outdoor Lighting (13)	1/14	5/14
	Parking Reductions in Transit Oriented Areas (14)	9/13	3/14
	PDC and PRM Districts - FAR (15)	9/13	11/13
	PRC District Density (16)	TBD	6/13
	Public Entertainment Establishments (18)	TBD	6/13
	R-C District (19)	TBD	
	Residential Studios (21)	7/13	
	Site Plan Exemptions (23)	10/13	
	Special Permit Submission Requirements (24)	11/13	
	State Code – Development in Dam Break Inundation Zones (26)	9/13	
	State Code – Temporary Health Care Structures (27)	6/13	
Total Authorized: 4	Total Outstanding: 20		New Amendments: 12

Total Amendments: 36

() Denotes paragraph reference on 2013 Priority 1 Work Program – Attachment 3

ZONING ORDINANCE AMENDMENT WORK PROGRAM

Below is an alphabetical list and brief description of all Priority 1 Zoning Ordinance Amendments. Any amendment that has been authorized has the scheduled hearing dates listed; otherwise, only projected authorization dates are provided. If annotated with an asterisk (*), the amendment is without a projected timeline. **Highlighted items** are new amendments on the Priority 1 list. All amendments listed may not be completed within the 12 month time frame covered by this Work Program, as other higher priority items may place greater demands on staff resources than originally anticipated. Finally, several amendments are annotated with the abbreviation (EAC), as they are directly aligned with the recommendations of the Fairfax County Economic Advisory Commission.

1. **Accessory Structure Size (New)**

Consider limiting the size of an accessory structure relative to a principal structure that can be permitted by right and allowing larger accessory structures with special permit approval by the BZA.

May, 2014 Authorization to Advertise

2. **Agri-Recreation (New)**

Consider creating a new special permit or special exception use that would permit agricultural based recreation events related to seasonal promotions.

November, 2013 Authorization to Advertise

3. **Application Fees (2012 Priority 1 and On-Going)**

(a) Consider reducing certain special permit application fees and clarifying certain items in the current fee schedule, which is a component of the two year cycle for zoning fee review, as requested by the Board. (b) Research on application fees is on-going for the next budget cycle scheduled for 2015.

Board of Supervisors' Decision on April 30, 2013 for 3a

4. **Building Height (2012 Priority 1)**

Consider increasing the building height for single family detached dwellings in the R-C and R-E Districts when the impact of the increased height on adjacent properties would be mitigated.

March, 2014 Authorization to Advertise

2013 Priority 1 - DRAFT

5. **Civil Penalties (New)**
Consider expanding the use of civil penalties as an enforcement tool for zoning violations and granting the Zoning Administrator the authority to seek issuance of an inspection warrant related to enforcement of the Zoning Ordinance.

May 14, 2013 Board of Supervisors' Public Hearing

6. **Food Trucks (New)***
Consider adding provisions that are specific to food trucks.

Ongoing coordination with other County Departments

7. **Gross Floor Area – Cellar Space (2012 Priority 1)**
Review the definition of gross floor area as to how it is calculated for underground space in areas located outside of the PTC District.

October, 2013 Authorization to Advertise

8. **Home Child Care Facilities (2012 Priority 1)**
Consider increasing the maximum number of children permitted from 10 to 12 with special permit approval; reducing the special permit fee; and review the appropriateness of the existing additional special permit standards.

May 14, 2013 Board of Supervisors' Public Hearing

9. **Minor Revisions (2012 Priority 1 and New and 2012 Priority 2)**
Minor revisions to include the following: (a) Clarify that an error in building location special permit or an administrative reduction in minimum required yards pursuant to Sect. 2-419 can be granted for the location regulation for detached accessory structures that requires such structures be setback a distance of their height from the rear lot line; (b) Consider allowing the Board of Zoning Appeals in conjunction with the approval of another special permit to approve an error in building location of less than ten percent. (c) Require that at least one of the 10 Architectural Review Board members be an archaeologist;

June, 2013 Authorization to Advertise

- (d) Clarify the meaning of “permanent availability” in Par. 1 of Sect. 11-102 as it pertains to the use of off-site parking spaces on a contiguous lot;

September, 2013 Authorization to Advertise

Minor Revisions (Continued)

(e) Revise the special permit standards for temporary farmers' markets related to street access; and (f) Review definition and accessory use provisions for commercial vehicles to determine whether existing provisions are adequate and compliment Chapter 82 of the County Code.

February, 2014 Authorization to Advertise

10. Moveable Copy/Electronic Signs (New)

Consider allowing reasonable use of changeable messages and displays on electronic signs.

November, 2013 Authorization to Advertise

11. Noise (EAC – 2012 Priority 1)

Consider revising the regulations in Sect. 108-4-4 of the Noise Ordinance regarding the method of noise measurement and consider the appropriateness of establishing day time and night time noise levels designed to protect the community. Due to a 2009 Virginia Supreme Court Decision, review the nuisance noise provisions of the Noise Ordinance. Consider the appropriateness of the weekend construction start times; and consider regulating vehicle alarm noise.

October, 2013 Authorization to Advertise

12. Office (2012 Priority 1)

Clarify that a certain amount of biotech (bioscience) research and development, which is primarily computer related and not involving animal testing, is permitted as an office use (similar to the Ignite proposal).

January, 2014 Authorization to Advertise

13. Outdoor Lighting (EAC - 2012 Priority 1)

Consider revisions to the outdoor lighting standards pertaining to security lighting, outdoor sports facilities and automatic teller machines to improve the overall effectiveness of such provisions; consider requiring Architectural Review Board review of sports illumination plans and photometric plans that are submitted in Historic Overlay Districts when such plans do not require site plan, special permit, special exception, rezoning or development plan approval; and review single family residential lighting exemptions to consider additional requirements for minimum spacing of lighting fixtures and possible limitations on cumulative allowable initial light outputs.

January, 2014 Authorization to Advertise

2013 Priority 1 - DRAFT

14. Parking Reductions in Transit Oriented Areas (EAC - 2012 Priority 1)
Consider applying parking maximums and a reduction of the minimum parking requirements due to transit oriented areas and/or transportation demand management provisions.

This will be addressed with the PDC and PRM Districts – FAR Amendment (See No. 15 below).

15. PDC and PRM Districts – FAR (Environmental Improvement Program and EAC - 2012 Priority 1)
Consider increasing the maximum allowable floor area ratio (FAR) as well as other provisions in the PDC and PRM Districts to facilitate the implementation of the Comprehensive Plan recommendations for Revitalization Districts and Areas, Community Business Centers and Transit Station Areas.

September, 2013 Authorization to Advertise

16. PRC District Density (2012 Priority 1)*
Consider possible revisions to the maximum allowable densities and/or persons per acre in the PRC District.

To be processed in conjunction with the Reston Plan update.

17. Public Benefit Associations (New)
Consider allowing private clubs and public benefit associations in the industrial district by right and subject to use limitations.

March, 2014 Authorization to Advertise

18. Public Entertainment Establishments (EAC - 2012 Priority 1)*
Consider requiring special exception approval to establish dancing and/or live entertainment/recreation venues and clarify what is allowed as accessory entertainment to an eating establishment.

Ongoing review and will seek direction from the Board at a future Development Process Committee meeting.

19. R-C District (New Millennium Occoquan Task Force Recommendations and EAC – 2012 Priority 1)*
Establish an advisory committee to, among other things, review standards and guidelines associated with special permit, special exception and public uses in the R-C District; review maximum allowable floor area ratios; consider standards for total impervious cover and/or undisturbed open space and review combined impact of the facility footprint and total impervious surface cover, to include parking; and review the Comprehensive Plan to determine if clearer guidance is needed for special permit, special exception and public uses in the Occoquan.

2013 Priority 1 - DRAFT

20. Rear Yard Coverage (New)

(a) Clarify how the 30% coverage limitation within the minimum required rear yard is calculated. (b) Consider allowing modifications of the maximum 30% minimum required rear yard lot coverage requirement to be approved by the BZA as a special permit.

May, 2014 Authorization to Advertise

21. Residential Studios (EAC - 2012 Priority 1)

Establish a new use and associated limitations for an affordable housing product that is generally designed for one person per unit.

July, 2013 Authorization to Advertise

22. Riding Lessons as a Home Occupation (New)

Consider permitting small-scale riding lesson operations as home occupations, subject to specific limitations designed to minimize impact on surrounding properties, such as the prohibition of lights, limited hours of operation and numbers of students.

March, 2014 Authorization to Advertise

23. Site Plan Exemptions (2012 Priority 1)

For uses subject to site plan approval, which does not include single family detached dwellings, consider increasing the amount of gross floor area or disturbed area that is exempt from site plan or minor site plan requirements.

October, 2013 Authorization to Advertise

24. Special Permit Submission Requirements (2012 Priority 1)

In conjunction with a special permit for an accessory dwelling unit or home professional office, require the submission of a certified dimensioned floor plan for the special permit use and principal dwelling unit that shows all ingresses and egresses, including any window egresses required under the Building Code, gross floor area for both the principal dwelling and special permit use, use of each room, and any kitchen sinks, cabinets or appliances.

November, 2013 Authorization to Advertise

STATE CODE

25. State Code

Possible revisions resulting from the 2013 General Assembly. (Continuing)

November, 2013 Authorization to Advertise

26. State Code – Development in Dam Break Inundation Zones (2012 Priority 1)

Incorporate the new requirements for development in dam break inundation zones.

September, 2013 Authorization to Advertise

27. State Code - Temporary Health Care Structures (2012 Priority 1)

Incorporate provisions for temporary health care structures (granny pods).

June, 2013 Authorization to Advertise

28. Stormwater Management Facility Private Maintenance (New)

Revise the required site plan improvements section (Sect. 17-201) to add that privately maintained stormwater management facilities must be maintained to function in accordance with approved plans consistent with maintenance requirements on the plans and/or in the private maintenance agreement (DPWES).

June, 2013 Authorization to Advertise

29. Stormwater Management Regulations (New)

Incorporate any necessary revisions that are required by the state mandated changes to the stormwater management regulations. (DPWES)

June, 2013 Authorization to Advertise

30. Vertical Datum Requirements (New)

Revise the site plan boundary survey requirements to allow the use of GPS static data and to reference all elevations to the National Geodetic Vertical Datum of 1929.

April 30, 2013 Board of Supervisors' public hearing

**PROPOSED PRIORITY 2 ZONING ORDINANCE AMENDMENT
2013 WORK PROGRAM**

The Following Abbreviations are used:

- Environmental Improvement Program (EIP)
- Business Process Redesign (BPR)
- Department of Public Works and Environmental Services (DPWES)
- Planning Commission (PC)
- Board of Zoning Appeals (BZA)
- Fairfax County Economic Advisory Commission (EAC)

SOURCE

ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

- | | | |
|----|---|---------------------------------|
| 1. | Comprehensive review of accessory uses and structures, to include consideration of issues such as: | Board/PC/BZA/
Staff/Industry |
| | (a) The establishment of a maximum height limitation. | |
| | (b) Revisions to the location regulations for uses/structures accessory to residential, commercial and industrial uses. | |
| | (c) Establishment of a side yard requirement for accessory structures in the PRC District. | |
| | (d) Consider revising the height of accessory structures and accessory storage structures that can be located anywhere in the rear or side yards to be the same. | |
| | (e) Modify the accessory structure location provisions to require a freestanding wind turbine structure to be setback a distance of its height from all property lines. | Board |
| | (f) Review the accessory use limitations to determine whether they adequately address the placement of commercial portable storage containers in commercial districts. | Board |
| | (g) Review the allowable placement of roll-off debris containers-dumpsters in residential districts during home improvement projects. | Board |
| | (h) Consider requiring the issuance of fence permits for either all fences or fences that are over a certain height. | Citizen |

SOURCE

ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS (Continued)

- 2. Consider revisions to the accessory service use provisions to include: BZA/PC
 - (a) A clearer distinction between accessory service uses and accessory uses.
 - (b) The appropriateness of whether office buildings in the retail commercial districts should be allowed to have a small deli as a by right accessory service use instead of requiring special exception approval.
- 3. Consider revising the home occupation provisions to allow a small amount of storage of stock in trade (64 sq. ft.) for a home business conducted via the internet or sales outside of the dwelling unit. Citizen

ADMINISTRATION

- 4. Consider allowing the Board of Supervisors, Planning Commission and Board of Zoning Appeals to set the day or days to which any public hearing shall be continued due to inclement weather or other conditions without further advertisement or posting of the property. Staff/ General Assembly
- 5. Consider revising the cluster provisions to delete the bonus density option. General Assembly

BOARDS, COMMISSIONS, COMMITTEES

- 6. Review Par. 7 of Sect. 19-101 to clarify that the Planning Commission has the authority to make recommendations on variance applications to the Board of Zoning Appeals. Staff

COMMERCIAL ZONING DISTRICTS

- 7. Consider allowing veterinary clinics in the C-3 and C-4 Districts with use limitations or as a special exception use. Staff

DEFINITIONS AND USE LIMITATIONS

- 8. Review the following definitions: Staff/BZA
 - (a) contractors' offices and shops
 - (b) junk yard
 - (c) riding and boarding stables
 - (d) private schools
 - (e) storage yard
 - (f) streets

SOURCE

DEFINITIONS AND USE LIMITATIONS (Continued)

- | | | |
|-----|--|-------------------|
| 9. | Add the following definitions | Staff/BPR/
BZA |
| | (a) colleges and universities | |
| | (b) establishment for production, processing, etc. | |
| | (c) place of worship | |
| | (d) storage | |
| 10. | Consider excluding patios from the deck definition in order to facilitate the placement of patios in side yards. | Staff |
| 11. | Consider allowing the use of pervious pavers in more parking situations in order to reduce the amount of impervious surfaces and stormwater runoff. | Board/
DPWES |
| 12. | Consider revising the contractors' office and shops definition to clarify that the use includes establishments used by paving and road contractors and by facilities that install water and sewer pipes. | BZA |
| 13. | Fast Food Restaurants – Clarify the square footage and percentage use limitations for by right fast food restaurants in the commercial retail districts. | Staff |

GENERAL REGULATIONS

- | | | |
|-----|--|-------|
| 14. | District Regulation Interpretations – Consider allowing the transfer of allowable density or gross floor area from parcels located within an identified sending area to parcels located within an identified receiving area. | Board |
| 15. | Qualifying Lot and Yard Regulations – Consider the following: | |
| | (a) Allow approval of modifications to the setback requirements from railroads and interstate highways in conjunction with review and approval of SP/SE uses. | BPR |
| | (b) Review of pipestem lot and yard requirements, to include possible addition of illustrations. | BPR |
| | (c) Review the existing provisions which allow uncovered stairs and stoops to encroach into minimum required yards. | Staff |
| | (d) Allow certain lattice screening walls and/or limited trellis-like features on decks for single family dwellings without requiring such features to meet the minimum required yards of the district in which located. | Staff |
| | (e) Addition of shape factor limitations to the R-C District. | Board |

SOURCE

GENERAL REGULATIONS (Continued)

- (f) Consider requiring greater setbacks for proposed construction in areas influenced by tidal flooding. Board's Environmental Committee
 - (g) In order to address compatibility issues associated with new residential development in existing residential areas, review methods, such as lot coverage and square footage maximums. Board
 - (h) Consider revisions to the lot and yard definitions; consider whether front yards should be required from unimproved dedicated rights-of-way. [2012 Priority 1] Infill Study
16. Qualifying Use and Structure Regulations - Consider the following: No. Va. Soil and Water Conservation Dist.
- (a) Consider revising the maximum number of horses that may be maintained on a lot.
 - (b) Consider allowing chickens to be permitted on lots less than two acres in size in certain situations. Citizen

HOUSING

17. Consider the following revisions to the ADU program: Staff
- (a) Allow units that are acquired by the Fairfax County Redevelopment and Housing Authority (FCRHA) and are part of any FCRHA affordable housing program to be considered equivalent.
 - (b) Clarify Par. 2B of Sect. 2-812 to indicate that resales can be sold to nonprofits pursuant to the guidelines for new units.
 - (c) Increase the closing cost allowance from 1.5% of the sales price to either the actual closing costs or up to 3%, whichever is less.
 - (d) For resales, allow 3% of closing costs to be part of the sales price so that applicants can apply for closing costs assistance.
 - (e) Establish a for-sale ADU pricing schedule to include the renovation and/or preservation of existing units and condominium conversions.
 - (f) Consider requiring an ADU bedroom mix of 50% one-bedroom units and 50% two-bedroom units for independent living facilities. *[Place holder until data and resources are available to complete the required survey of independent living facilities in ADUs]*

SOURCE

HOUSING (Continued)

- (g) Determine whether inheritance laws affect the retention of an ADU within the ADU Program in the event of the death of an ADU owner, and if so, whether an amendment is necessary. Study the implications of allowing ADUs and/or workforce housing in certain commercial and/or industrial districts, subject to specific standards or by special exception. Staff
- (h) Study the implications of allowing ADUs and/or workforce housing in certain commercial and/or industrial districts, subject to specific standards or by special exception. Staff
- 18. Review the Board of Supervisors' accessory dwelling unit policy in Appendix 5 to determine whether updates are necessary. Staff

ILLUSTRATIONS

- 19. Add illustrations to clarify certain provisions such as the sight distance triangle and permitted encroachments into minimum required yards. Staff

INDUSTRIAL ZONING DISTRICTS

- 20. Revise use limitations in I-5 District regarding outdoor storage of trucks and equipment. Board
- 21. Clarify use limitations in the I-5 and I-6 Districts which allow vehicle light service establishments by right. Also consider allowing this use by right in other C and I Districts. BPR

LANDSCAPING & SCREENING

- 22. Comprehensive review of landscaping and screening provisions to include:
 - (a) Appropriateness of modification provisions. BPR/Staff
 - (b) Address issue of requirements when property abuts open space, parkland, including major trails such as the W&OD) and public schools. Staff/EIP
 - (c) Increase the parking lot landscaping requirements. Tree Action Plan/EIP
 - (d) Include street tree preservation and planting requirements. Tree Action Plan
 - (e) Consider requiring the use of native trees and shrubs to meet the landscaping requirements for developments along Richmond Highway. Board

SOURCE

LANDSCAPING & SCREENING (Continued)

- 23. Evaluate opportunities to include provisions that support and promote sustainable principles in site development and redevelopment, including the application of better site design, Low Impact Development (LIDs) and natural landscaping practices. Tree Action Plan

NOISE ORDINANCE – CHAPTER 108 OF THE COUNTY CODE

- 24. Review of this Chapter to consider:
 - (a) The addition of provisions to regulate helicopter noise at helicopter landing sites. Board/EQAC
 - (b) The addition of leaf blower provisions. Board/Citizens

NONCONFORMITIES – ARTICLE 15

- 25. Comprehensive review and study, to include addition of provisions to address situations resulting from condemnation of right-of-way by public agencies. Staff/BPR

OPEN SPACE

- 26. Review of the open space provisions to include: *[Place holder until new stormwater and LID regulations are in place.]* Infill Study/EIP/Staff
 - (a) Consider the establishment of minimum sizes/dimensions for required open space areas.
 - (b) Exempt either all or part of stormwater management dry pond facilities from the open space calculations.
 - (c) Provide open space credit for innovative BMPs but not for non-innovative BMPs
 - (d) Allow open space credit only for usable open space.
 - (e) Develop a consistent approach to open space as it relates to various existing and proposed elements of the Comprehensive Plan.
 - (f) Review the general open space provisions to clarify that open space is only intended for land that is dedicated or conveyed without monetary compensation.

SOURCE

OVERLAY DISTRICTS

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| 27. Airport Protection Overlay District - Establish an Airport Protection Zoning Overlay District for Dulles International Airport, Ronald Reagan National Airport and Davison Airfield | Board |
| 28. Historic Overlay Districts - Consider the following revisions to the Historic Overlay Districts: | |
| (a) Consider establishing an historic overlay district for the Lorton Correctional Facility (Laurel Hill). | Board |
| (b) Consider requiring all demolition permits for structures listed on the County Inventory of Historic Places to be reviewed by the History Commission prior to the issuance of the permit. | History
Commission |
| (c) Establish an historic overlay district for Mason Neck. | Board |

PARKING REQUIREMENTS

- | | |
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| 29. Study parking requirements for: | Board/Staff |
| (a) Funeral homes | |
| (b) Places of worship | |
| (c) Child care centers and nursery schools | |
| 30. Consider reducing the minimum required parking requirement for all retail and retail mixed projects and not only those projects that are located near mass transit. <i>[This item has been incorporated in part in 2013 Priority 1 – No. 14]</i> | Industry |
| 31. Consider limiting the amount of pavement for driveways and parking that can be provided in the front yard of single family detached dwellings in the R-5 and R-8 Districts. | Citizen |

PLANNED DEVELOPMENT DISTRICTS

- | | |
|---|--------------------------------------|
| 32. Consider the following revisions to the Planned Development Districts <i>[A number of these items will be addressed as part of 2013 Priority 1 – No. 15]</i> | Infill
Study/EIP/
EAC/PC/Staff |
| Clarify the office secondary use limitations in the PDH District; Review the P district purpose and intent statements and the General and Design Standards; Review the minimum lot size and open space requirements, the CDP/FDP submission requirements, and the density credit for RPAs, streams and floodplains; Review the permitted secondary commercial uses in the PDH District and consider increasing the amount of commercial uses permitted in a PDH District; Consider allowing the waiver of the minimum district size requirement | |

SOURCE

PLANNED DEVELOPMENT DISTRICTS (Continued)

for additions to existing PDH or PDC Districts; Consider allowing the Planning Commission to waive the 200 foot privacy yard for single family attached dwelling in the PDH and PDC Districts in conjunction with FDP approvals.

- | | |
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| 33. Consider allowing vehicle sales and rental establishments in the PDC and PRM Districts with use limitations and special exception approval. | Citizen/PC/EIP |
|---|----------------|

PERFORMANCE STANDARDS

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| 34. Review the earthborn vibration performance standards for quarries to facilitate proper enforcement. | Staff |
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SIGNS

- | | |
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| 35. Review the sign provisions to include the consideration of: | |
| (a) Allowing auto parks to have the same freestanding signs as currently permitted for an office park. | Board |
| (b) Allowing, by special permit, off-site signs based on hardships due to topography or visibility. | Board |
| (c) Allowing office parks and industrial parks comprised of a single tenant to be deemed an office/industrial park by revising the definition and to expand or modify the sign provisions for office/industrial parks. | Board |
| (d) Review regulations pertaining to temporary political campaign signs. <i>[Given questions regarding legal implications, this item is a place holder until such issues can be addressed.]</i> | Board |
| (e) Allowing the Board to modify the maximum allowable size and/or height of signs in residential districts due to changes in topography or other unique circumstances. | Staff |

SPECIAL EXCEPTIONS/SPECIAL PERMIT USES

- | | |
|--|-------|
| 36. Consider allowing BZA to modify or waive general standards when uses are proposed for existing structures and/or lots. | BPR |
| 37. Consider deletion of requirement for extension requests to be submitted 30 days prior to an expiration date, consistent with renewal requests. | Staff |
| 38. Allow BZA to modify special permit additional standards. | BPR |

SOURCE

SPECIAL EXCEPTION USES

- 39. Category 2 Heavy Public Utility Uses – Consider the deletion of special exception requirement in the I-5 District for storage yards and office/maintenance facilities in conjunction with public utility uses, so these uses will be allowed by right. BPR
- 40. Category 5 Commercial and Industrial Uses of Special Impact – Consider the appropriateness of the list of heavy industrial uses. Staff
- 41. Consider increasing the minimum 55 year age requirement for accessory dwelling units. BZA

SPECIAL PERMIT USES

- 42. Group 1 Extraction and Excavation Uses - Consider expanding the number of property owners that are required to be notified for the renewal of a special permit for a quarry. Board
- 43. Group 4 Community Uses – Consider allowing community uses to be approved via development plans in the rezoning process in lieu of requiring special permit approval. Staff/BPR

SPECIAL PERMITS – GROUP 5 COMMERCIAL RECREATIONAL USES

- 44. Group 9 Uses Requiring Special Regulations – Consider the following:
 - (a) Revise the reduction of certain yard special permit additional standards to increase the allowable size of an addition and to allow the complete teardown and rebuild of a structure. Board/PC
 - (b) Revise the accessory dwelling unit submission requirements, occupancy and lot size limitations. Board

SUBMISSION REQUIREMENTS

- 45. Revise submission requirements to include identification of heritage resources; and consider expanding the archaeological survey submission requirements to be applicable to all zoning applications and not only those applications located in Historic Overlay Districts. Plan/Board
- 46. Consider adding specificity to the submission requirements for Comprehensive Sign applications. Staff

SOURCE

SUBMISSION REQUIREMENTS (Continued)

- | | |
|--|----------------------|
| 47. Consider adding an environmental site assessment submission requirement for site plans and certain zoning applications. | General Assembly |
| 48. Consider the strengthening of zoning application submission requirements to require the submission of a preliminary utility plan where utility construction could conceivably result in clearing of trees. | Tree Action Plan/EIP |

USES

- | | |
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| 49. Review regulations related to:
(a) adult day care
(b) adult video stores
(c) "doggie" day care
(d) sports arenas, stadiums | Staff/Board |
| 50. Review the drug paraphernalia regulations to determine whether changes are necessary due to State Code revisions. | Staff |
| 51. Consider adding regulations for Farm Wineries [2012 Priority 1] | Board |

**NEW AMENDMENT REQUESTS SINCE JUNE 19, 2012 ENDORSEMENT OF
THE 2012 ZONING ORDINANCE WORK PROGRAM
April 22, 2013**

The following 15 new amendment requests have been received:

1. Accessory Structures Size – Consider limiting the size of an accessory structure relative to a principal structure that can be permitted by right and allowing larger accessory structures with special permit approval by the BZA. (Staff) **[Priority 1 – No. 1]**
2. Civil Penalties - Consider expanding the use of civil penalties as an enforcement tool for zoning violations and granting the Zoning Administrator the authority to seek issuance of an inspection warrant related to enforcement of the Zoning Ordinance. (Staff) **[Priority 1 – No. 5]**
3. Definitions – Review the following definitions: contractor’s office and shops, junk yard and riding/boarding stables. (Staff/BZA) **[Priority 2 – Nos. 8(a), 8(b), 8(c)]**
4. Farmers’ Markets – Consider allowing temporary farmers’ markets that require temporary special permit approval on all major thoroughfares instead of only principal arterials. (Staff) **[Priority 1 – No. 9(e)]**
5. Fast Food Restaurants – Clarify the square footage and percentage use limitations for by right fast food restaurants in the commercial retail districts. (Staff) **[Priority 2 – No. 13]**
6. Fences – Consider requiring the issuance of fence permits for either all fences or fences that are over a certain height. (Citizen) **[Priority 2 – No. 1(h)]**
7. Food Trucks – Consider adding provisions that are specific to food trucks. (Staff) **[Priority 1 – No. 6]**
8. Illustrations – Add illustrations to clarify certain provisions such as the sight distance triangle and permitted encroachments into minimum required yards. (Staff) **[Priority 2 – No. 19]**
9. Moveable Copy/Electronic Signs - Consider allowing reasonable use of changeable messages and displays on electronic signs. (Board 9/11/12) **[Priority 1 – No. 10]**
10. Public Benefit Associations – Consider allowing private clubs and public benefit associations in the industrial district by right and subject to use limitations. (Staff) **[Priority 1 – No. 17]**

**Attachment 5
New Requests
April 22, 2013**

11. Rear Yard Coverage – (a) Clarify that the maximum minimum required rear yard lot coverage of 30% includes the area of accessory structures that are located on the ground as well as any elevated portion of the structure that extends beyond the portion of the structure that is located directly on the ground. (b) Consider allowing modifications of the maximum 30% minimum required rear yard lot coverage requirement to be approved by the BZA as a special permit. (Staff) **[Priority 1 – No. 20]**
12. Riding Lessons as a Home Occupation - Consider permitting small-scale riding lesson operations as home occupations, subject to specific limitations designed to minimize impact on surrounding properties, such as the prohibition of lights, limited hours of operation and numbers of students. (Board 4/9/13) **[Priority 1 – No. 22]**
13. Signs in Residential Districts – Consider allowing the Board to modify the maximum allowable size and/or height of signs in residential districts due to changes in topography or other unique circumstances. (Staff) **[Priority 2 – No. 35(e)]**
14. Stormwater Management Facility Private Maintenance – Revise the required site plan improvements section (Sect. 17-201) to add that privately maintained stormwater management facilities must be maintained to function in accordance with approved plans consistent with maintenance requirements on the plans and/or in the private maintenance agreement. (DPWES) **[Priority 1 – No. 28]**
15. Stormwater Management Regulations - Incorporate any necessary revisions that are required by the state mandated changes to the stormwater management regulations. (DPWES) **[Priority 1 – No. 29]**
16. Vertical Datum Requirements – Revise the site plan boundary survey requirements to allow the use of GPS static data and to reference all elevations to the National Geodetic Vertical Datum of 1929. (Staff) [April 30, 2013 Board of Supervisors' Public Hearing] **[Priority 1 – No. 30]**