

DRAFT UDOTA – PLANNED DEVELOPMENT MIXED-USE
June 03, 2022

Section 72-22 Land Use Applications is modified as follows:

~~§ 72-22.5.C(4) **General Development Plan.** The Final General Development Plan shall have the effect of, and shall be enforceable as, an approved preliminary subdivision plat when the content and format of the plan conforms to the requirements for a Preliminary Plat.~~

Section 72-25 Subdivision Plats is modified as follows:

~~§ 72-25.1.C(1) **Preliminary Subdivision Plats.** The approved General Development Plan for any land within a planned development zoning district is the approved preliminary subdivision plat for that land. Construction plans and final subdivision plats for such land will be reviewed by the Development Administrator for administrative approval.~~

Section 72-33.3 Planned Development – Mixed-Use District is modified as follows:

§ 72-33.3 Planned Development-Mixed-Use District.

A. Purpose and intent.

- (1) The Planned Development Mixed-Use District is established to promote areas appropriate for office, retail, and residential uses, designed in a unified and cohesive manner in order to create an attractive environment in which to live, work and recreate. Two or more uses shall be integrated into a mixed use project. The district is appropriate in areas ~~suitable for redevelopment as identified in the Jumpstart Plan contained within the Comprehensive Plan, and those areas designated for mixed use development to provide a process and in areas designated for mixed-use in the Comprehensive Plan or in areas where~~ design criteria that can be used to transition from established uses while accommodating new growth and evolving market trends. Vertical integration of uses is encouraged where appropriate.
- (2) Where appropriate, existing environmental features are to be preserved and integrated into the plan of development. In order to lessen the dependence on vehicles, the major land uses are encouraged to be connected by way of pedestrian linkages, bicycle/pedestrian facilities, trails and greenways that tie together the businesses, residences and open space into accessible patterns of development, and connect to adjacent offsite roads, parks and trails. The pedestrian-oriented nature of the district should be emphasized by the building scale and design, block sizes, pedestrian-oriented uses and streetscapes.
- (3) This district is considered an urban-style model with uses that are mixed together and easily walkable. For example, main entrances are located close to public streets, parking lots serve multiple uses, residential densities are higher to promote more activity within the development, as well as more public open spaces, and buffers located between different uses within the borders of the development are reduced or eliminated.
- (4) The district shall encourage mixed-use development and its accompanying support commercial and office uses while maintaining a strong emphasis on pedestrian scale, urban development and amenities. In order to encourage high quality design and innovative arrangement of building and open space uses throughout the project, this district provides substantial flexibility from the conventional use and dimensional requirements of the general districts.

- (5) The district shall promote a compact mixed-use design, traditional neighborhood pattern of development which includes a hierarchy of interconnected streets and blocks, pedestrian friendly walkable streets, a variety of housing types and lot sizes, mixed-use commercial neighborhood centers, and a connected passive and active open space network.
- (6) For purposes of this district, the following themes are embraced as desired sustainable growth policies and should be included in the design of each project: walkability, green building design, recycling, natural resource protection, and non-commercial community gardens, where appropriate.

(7) A Planned Development – Mixed Use District may be appropriate for production oriented workplace uses. These uses include light manufacturing, contractor’s offices, commercial laundry, wholesale sales, warehouse, outdoor storage, regional breweries, regional wineries, and regional distilleries. These uses are permitted by special use and may be appropriate in portions of the City designated as T-4W or T-5W in the City’s Comprehensive Plan.

B. Procedure. The PD-MU District shall be established or modified only in accordance with § 72-22.5, Planned development districts.

C. Site size requirements. The site size requirements in a PD-MU District are as follows:

(1) Minimum district size. The minimum district size for any PD-MU District is two acres. However, the minimum district size in the Princess Anne Street and Lafayette Boulevard Corridor Overlay Districts is 22,000 square feet.

~~(2) Minimum site size.~~

~~(a) The minimum site and yard requirements, including site size requirements for residential and nonresidential uses, the number of single-family attached units per building, the setback of dwelling units from site boundaries and private drives, parking areas and walkways, separation between townhouse buildings (dwelling groups), and common areas shall be as shown on the approved General Development Plan (GDP). In the event such requirements are not depicted on the approved GDP, the requirements set forth in § 72-31.4, Residential (R-8) District, shall apply to single-family detached and attached dwellings, and the requirements in § 72-31.5, Residential (R-12) District, shall apply to multifamily dwellings.~~

~~(b) The location and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings or to existing or prospective development of the neighborhood.~~

~~(c) No single-family detached or attached dwelling or accessory structure shall be erected closer than 15 feet to any public street right-of-way unless a reduced setback is shown on the approved GDP.~~

~~D. Bulk regulations. Bulk shall be depicted on the approved GDP and shall comply with the following provisions:~~

~~(1) Building height.~~

~~(a) In buildings not containing ground floor retail, building heights shall be no more than 80 feet. The maximum height in the Princess Anne Street and Lafayette Boulevard Corridor Districts is 40 feet.~~

~~(b) In buildings containing ground floor retail, the maximum building height shall be 85 feet.~~

~~(c) Structures exceeding 40 feet in height shall be set back from any single-family residential district a distance equal to a distance not less than one foot for each one foot of height in excess of 40 feet.~~

(2) Maximum floor area ratio. The maximum floor area ratio for nonresidential uses shall be two. Additional intensity may be approved by the City Council, as a special use, up to a maximum three.

(3) Residential density.

(a) The calculation of maximum density shall be based upon the gross land area of the district minus any portion of the gross land area to be devoted to nonresidential uses. Maximum residential densities shall be as follows:

[1] Single-family detached: up to 16 units per acre.

[2] Single-family attached: up to 16 units per acre.

[3] Multifamily: up to 30 units per acre.

[4] Student housing: up to 60 units per acre when no other residential units are proposed.

(b) Any combination of mix of the residential unit types may be used to achieve the permitted density and as shown on the GDP. The unit mix in a phased development may vary due to the prevailing market conditions, provided that the total number of units developed shall not exceed the total number of units shown on the approved GDP.

(c) Notwithstanding any other provisions of this section the City Council may approve an increase in density levels upon finding such increase achieves the purpose and intent of the district.

(d) Individual phases of the development may have densities that exceed the maximum or minimum requirements so long as such densities for the number of residential units or percentage of commercial use as shown on the GDP comply with the PD-MU District.

~~E. Open space. The minimum landscaped open space shall be 15% of the total gross area.~~

~~G. Additional regulations. A PD-MU District shall comply with the following standards:~~

~~(1) Commercial uses.~~

~~(a) At least 40% and no more than 65% of the gross land area of the district shall be used to determine or compute the permitted floor area ratio in accordance with § 72-33.3, Maximum floor area ratio.~~

~~(b) In the case of vertically mixed use buildings, the commercial use on the ground floor shall be used to calculate this percentage.~~

~~(2) Vertical mix. At least 20% of the buildings containing commercial uses within the district shall contain uses from at least two of the following different use categories:~~

~~(a) Professional office;~~

~~(b) Retail; and~~

~~(c) Multifamily dwelling units above the first floor.~~

~~(3) Use mixing.~~

~~(a) The PD-MU District requires a mix of uses based on the number of residential units as set forth in § 72.33.3D(3) and commercial use expressed as a percentage as set forth in § 72-33.3G(1). The percentage shall mean the percentage of the total gross land area of the district subject to the rezoning application. The mix of uses shall be calculated in accordance with the following rules:~~

~~[1] The vertical stacking of residential uses in the same building as nonresidential uses is permitted.~~

D. Minimum Use Mix:

(1) A PD-MU District shall be developed for two or more different use groups from the following list:

- (a) Residential (including all Residential use categories);
- (b) Lodging (including the Visitor Accommodations use category);
- (c) Office and Educational (including the Offices, Health Care Facilities, Educational Facilities, and Government Facilities use categories);
- (d) Retail and Consumer (including Alcoholic Beverage Production, Eating Establishments, Indoor Recreation, Retail Sales and Services, and Light Manufacturing use categories).

(2) In a PD-MU District, no single use group shall make up more than 75% of the total gross floor area of the development, and all uses are functionally integrated and share vehicular use areas, ingress and egress, and pedestrian access. On the General Development Plan, residential floor area shall be calculated in accordance with § 72-82.5.A.(3) Mixed Use Ratio. This section shall not prohibit additions or other alterations to dwelling units after they are issued a certificate of occupancy.

(3) Phasing of Use Mix.

(a) Phasing of the development shall be included on the GDP and shall be administered as follows:

[1] Development components shall be phased so that no more than 75% of the total residential units shall be issued a Certificate of Occupancy prior to the issuance of a shell final inspection for 25% of the total gross floor area of the development's commercial use.

~~[2] Phasing of the development may be approved at the time of rezoning. Each phase of development shall contain a tabulation of the site by use category, the accumulated total FAR, the total number of residential units, and the percentage of open space to demonstrate that the development is in conformance with the GDP. Individual phases of the development may have densities that exceed the maximum or minimum requirements so long as such densities for the number of residential units or percentage of commercial use as shown on the GDP comply with the PD-MU District.~~

(b) Notwithstanding any other provisions of this subsection, an applicant may propose, and the City Council may approve different percentage ratios for those uses set forth within Subsection **G(1)** and **(2)** above upon a finding that the alternate percentage will better serve the purposes of this chapter, and of the proposed district, due to market conditions, land use demand, or other factors determined appropriate by the City Council.

E. Form Based General Development Criteria. The General Development Plan for a PD-MU District shall incorporate form based elements. These elements shall either be applied through a illustrative plan or through the development of Urban Fabric, Frontage, Building Type Standards using the following required elements:

(1) Urban Fabric Standards. Urban Fabric standards approach bigger picture site considerations. They address the access pattern to the site, the organization of the site into blocks, the transition from the site to adjacent urban fabric, and the location and character of proposed open spaces. Each of the following Urban Fabric components shall be incorporated into the General Development Plan:

(a) The Development Site. The Development site shall be defined on the GDP and include all the land, buildings, and structures both existing and proposed, used to calculate the total residential density, use-mix, or floor area ratio calculations for the development.

(b) Access. The development provides a comprehensive and integrated transportation system that separates pedestrian and vehicular traffic, including roadways, bicycle paths, pedestrian walkways, and public transportation facilities, where applicable. Each development shall promote interconnectivity and accommodate a hierarchy of street and alley widths that provide for multiple travel options and points of connection to existing streets, including sidewalks and

other pedestrian access. Existing streets that are planned to continue shall be extended through the Development Site.

(c) Blocks. The Development Site shall be organized into blocks meeting the standards in § 72-51.2.

(d) Transitional Zones. Transitional Zones shall be established where a development abuts single-family detached residential lots. The components of the Transitional Zone shall be defined on the GDP and include: the width and depth of the Transitional Zone, any setback, buffer, or other feature required within the Transitional Zone, and the appropriate Building Types permitted in the Transitional Zone.

(e) Open Space. The Development shall include a mix of general and formal open space. A minimum of 15% of the total gross area of the site shall be general open space. Half of the required open space shall be usable formal open space.

(2) Frontage Standards. Frontages shall create the form and fabric of the development and the public realm. Frontages create an active, attractive, and safe public and semi-public edge where the development site abuts a street. In addition, frontages interior to the site shall produce a connected environment through the site, enlivening the development's internal connections and spaces. Frontage standards shall include the following elements:

(a) A Frontage Map showing the locations of different frontage types.

(b) A public frontage component. The public frontage component consists of the land and elements between the center line of the street and the front property line, often also called the Streetscape. The component shall list the elements of the streetscape including the type of on-street parking permitted, the location and width of any utility strip adjacent to the curb, the width of sidewalks or pedestrian infrastructure, and the scale of streetscape lights.

(c) A private frontage component. The private frontage component consists of the arrangement of yards, buildings, and parking on-site. The component shall list building placement / build-to-zone rules, parking lot placement setbacks, and the Building Types permitted along the frontage.

(3) Building Type Standards. Building Type and Placement Standards focus on the architectural planning of the building to complete the built form. The standards activate street frontages and other public open spaces. The standards also ensure that the form of the development transitions appropriately in mass, scale, and intensity towards adjacent land uses and transects. Building Type Standards shall include the following elements:

(a) Building Placement and Orientation standards. These standards include minimum lot size and width, side and rear setbacks, and the orientation of the buildings.

(b) Mass and Scale. Mass and Scale standards shall include maximum height, footprint, and width of the building. Heights shall not exceed 80 feet within a PD-MU District.

(c) Façade Activation standards. Façade Activation standards shall include the location and frequency of entrances to buildings, required façade transparency levels, and standards regarding building materials.

(4) Optional Forms of Development. While one of the main purposes of form-based regulations is to provide predictability, it is recognized that high-quality development can also be accomplished other than by strict adherence to the prescribed forms of development allowed by this ordinance. Therefore, a certain degree of flexibility is allowed in certain cases in order to encourage creative designs that may generate different, but equally desirable, means of accomplishing the purposes of a prescribed form of development. An applicant may include optional forms of development as by-

right options similar to what has been adopted in the City's Form Based Code. Where proposed, the Optional Forms of Development shall include:

- (a) The purpose of the optional form;
- (b) Cite the standard and the proposed option; and
- (c) Provide design guidelines to be applied with each option.

(5) An applicant may opt to use the City's Form Based Code Appendix. If so, then the GDP must include illustrative diagrams showing the proposed Urban Fabric components as well as a Frontage Map.

F. Project Development Criteria. The following project development criteria shall be incorporated into the General Development Plan for a Mixed-Use Planned Development in order to promote sustainability:

- (1) The development shall maintain, as much as possible, the existing natural topography of the site by preserving the natural character and existing trees to the greatest extent possible. The site design and structures shall take advantage of their natural and manmade environment and to address sustainability;
- (2) Where applicable, the development includes provisions for the identification, restoration and preservation of buildings, structures, and sites that have historic, architectural, or archeological significance. The development provides opportunities for cultural, educational, or recreational facilities for all segments of the development;
- (3) The development consists of an orderly and creative arrangement of land uses, both in respect to each other and to adjacent properties. It shall be built around a comprehensive and integrated transportation system that separates pedestrian and vehicular traffic, including roadways, bicycle paths, pedestrian walkways, and public transportation facilities, where applicable. Integration of uses and associated shared parking is encouraged to minimize the development footprint;
- (4) The development substantially conforms to the Comprehensive Plan with respect to type, character and intensity of use. The development provides for adequate public facilities to serve the intensity and character of the development.

F-G Conflict. Where regulations within this district conflict with other provisions within this chapter, these district regulations shall govern.

H. Existing Approved Districts. In the event that site size requirements, setbacks, or other information are not depicted on a General Development Plan approved prior to the adoption of this ordinance, then the requirements set forth in § 72-31.4, Residential (R-8) District, shall apply to single-family detached and attached dwellings, and the requirements in § 72-31.5, Residential (R-12) District, shall apply to multifamily dwellings.

~~(4) On-street parking. On-street parking adjacent to the subject property can be counted towards meeting the required parking.~~

~~(5) Off-street parking.~~

- ~~(a) Each mixed-use development shall provide areas for parking and traffic circulation that meet the standards in Article 72-5, Access and Circulation, and § 72-53.1, Off-street parking and loading.~~
- ~~(b) Off-street parking requirements may be reduced by the City Council with the approval of a parking management plan that is adopted as part of the GDP. The amount of spaces may be reduced by reason of different hours of activity among the various uses, and shall be subject to~~

such arrangements as will guarantee the permanent availability of such spaces. The parking plan shall include:

[1] The location of all proposed on-street parking areas, shared parking areas, remote parking areas, parking structures, pedestrian crossings, access easements, and rights-of-way.

[2] Public transit routes to serve the development, if any.

[3] Off-street parking spaces should be largely located to the rear of the principal buildings or otherwise screened in accordance with § 72-55.2, Vehicular use area landscaping, so as to not be visible from public rights-of-way or residential zoning districts.

[4] Surface lots shall provide green space meeting the requirements of § 72-55.2, Vehicular use area landscaping.

[5] A parking schedule detailing the total net square footage of floor area of all uses, the number and type of residential units, the minimum number of parking spaces required for uses in the development and the proposed number of off-street parking spaces and proposed number of on-street spaces for each use.

(6) Principal building entrance. The principal entrance of buildings shall be oriented towards the street or an adjacent pedestrian space.

(7) Townhouse configuration.

(a) Not more than eight townhouse units shall be connected.

(b) Not more than three abutting townhouses may have the same or essentially the same architectural facades and treatment of facing materials. Variations may be achieved by material textures or other effects such as variations in setbacks of the not less than two feet for each three units.

(8) Loading/refuse collection/parking areas.

(a) No loading areas or refuse collection areas for nonresidential uses shall be located closer than 100 feet to any boundary of the development adjacent to residential uses.

(b) No parking areas for nonresidential uses shall be located closer than 25 feet to any boundary of the development adjacent to residential uses.

(c) Loading areas for nonresidential uses shall be screened from view by means of landscaping, fencing or masonry screen walls from adjacent streets and residential areas.

(9) Street and pedestrian network.

(a) Each development shall promote interconnectivity and accommodate a hierarchy of street and alley widths that provide for multiple travel options and points of connection to existing streets, including sidewalks and other pedestrian access.

(b) Public and private streets shall be noted on the generalized development plan.

(c) Developments shall install sidewalks on both sides of the internal streets with pedestrian connections to existing streets.

(10) Street trees. Street trees shall be planted at a density of one tree per 30 linear feet along all areas dedicated for vehicular access use. Such trees shall have a minimum caliper of two inches and a minimum height at maturity of 15 feet.

H. General development plan submittal requirements. The GDP in a PD-MU application shall address the following five elements, and may also include phases or land bays with the following design principles and guidelines as part of the narrative and illustrative GDP submission:

(1) Required site design principles:

- (a)** Block plan;
- (b)** Hierarchy of streets;
- (c)** Neighborhoods;
- (d)** Open space;
- (e)** Uses and locations;
- (f)** Density;
- (g)** Massing;
- (h)** Variety of building types; and
- (i)** Summary of design principles of proposed plan.

(2) Development design guidelines. The development design guidelines are a set of criteria for those elements critical to achieving the goals set out by the site design principles. As part of the submission, these guidelines should explain the structure of the framework plan, streets and open space and how they apply to each land bay, phase or development parcel (or parcels, if applicable). The basic organization of the site is structured by the framework plan and locates major arterial streets and open space. As part of this submission, a plan diagram illustrating the concept of the major framework streets and the interconnected network and streets that will serve the development area shall be shown. Dimensioned and delineated street sections, park plans, land-use and infrastructure descriptions and diagrams identify the plan defining development components. The development design guidelines shall address proposed street design such as dimensions, character and materials; open space intent, character and criteria; and parcel development criteria including block size, dimensions, neighborhood park requirements; and general building height, massing, frontage and orientation.

(3) Framework plan. The framework plan shall include:

- (a)** A framework for streets;
 - (b)** Vehicular circulation;
 - (c)** Pedestrian and bicycle circulation;
 - (d)** Open space plan;
 - (e)** General land use plan; and
 - (f)** Individual parcel plans.
- (4) Building guidelines.** Building guidelines shall include:
- (a)** Frontage and orientation;
 - (b)** Front lot line coverage and setbacks;
 - (c)** Heights and massing;
 - (d)** Parking and service;
 - (e)** Architectural standards — guidelines/building types;
 - (f)** Illustrative example of proposed general palette of materials.
 - (g)** Illustrative examples of the range of building types.

(5) Illustrative drawings and proposed development program.

- (a) Illustrative drawings.** As part of the design principles guidelines for the PD-MU District's GDP submission, the applicant shall submit illustrative drawings including, at a minimum, an overall illustrative development plan and a proposed build-out of the plan.
- (b) Development program.** A proposed development program shall also be submitted outlining the proposed mix of uses and density levels including the proposed number of housing units and types, square footage of commercial office, types of retail and any other proposed uses. If the

project proposes numerous land bays, phases or parcels, the program shall illustrate an estimated proposed breakdown of uses and density per each bay, phase or parcel.

~~1. General standards. No PD-MU development shall be approved unless the GDP accompanying such application satisfies the following general standards and design criteria:~~

- ~~(1) The development offers a variety of two or more of the following uses: commercial, residential, office;~~
- ~~(2) The development consists of an orderly and creative arrangement of land uses, both in respect to each other and to adjacent properties;~~
- ~~(3) The development provides a comprehensive and integrated transportation system that separates pedestrian and vehicular traffic, including roadways, bicycle paths, pedestrian walkways, and public transportation facilities, where applicable;~~
- ~~(4) The development provides opportunities for cultural, educational, or recreational facilities for all segments of the development;~~
- ~~(5) The site design and structures take advantage of their natural and manmade environment and to address sustainability;~~
- ~~(6) The development provides for adequate public facilities;~~
- ~~(7) The development substantially conforms to the Comprehensive Plan with respect to type, character and intensity of use and public facilities;~~
- ~~(8) The development does not hinder, deter or impede development of surrounding properties in accordance with the Comprehensive Plan;~~
- ~~(9) Sidewalks and other pedestrian pathways that link developed areas of the City and the proposed development are in accordance with the Comprehensive Plan, zoning ordinance or deemed appropriate for the development;~~
- ~~(10) The proposed land uses are those that are indicated on Table 72-40.2 as being permitted by right or by special use permit, and uses accessory thereto;~~
- ~~(11) Where applicable, the development includes provisions for the identification, restoration and preservation of buildings, structures, and sites which have historic, architectural, or archeological significance;~~
- ~~(12) The buildings shall be designed and arranged in such a way as to promote energy efficiency through the design of environmentally friendly buildings utilizing environmentally sensitive guidelines such as those published by the leadership in energy and environmental design through their green building rating system;~~
- ~~(13) Landscaping and open space shall be used to provide shading, screening and erosion and sediment control; and~~

~~(14) The development shall maintain, as much as possible, the existing natural topography of the site by preserving the natural character and existing trees to the greatest extent possible.~~

Section 72-40 Use Table is modified as follows:

Use Category	Use Type	PD-MU	Additional Requirements
Commercial Uses			
Alcoholic Beverage Production	Regional Brewery	± S	
	Regional Winery	± S	
	Regional Distillery	± S	
Industrial Uses			
Industrial Services	Commercial Laundry	± S	§ 72-41.4A
	Contractor Office	± S	§ 72-41.4A
Manufacturing	Manufacturing, Light	± S	
Warehousing and Storage	Outdoor Storage	± S	§ 72-41.4D
	Warehouse	± S	§ 72-41.4E
Wholesale Sales	Wholesale Sales	± S	§ 72-41.4G

Section 72-82 Rules of Measurement is modified as follows:

§ 72-82.5.A.(3) Mixed Use Ratio.

The residential gross floor area in a mixed-use development shall be calculated based on an average residential building type square footage proposed on a General Development Plan. These calculations are for the general development plan and shall not include modifications to a dwelling unit's square footage after the initial certificate of occupancy.