



MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Mike Craig, Senior Planner
DATE: August 1, 2022 (for the August 9 meeting)
RE: Modifications to the Planned Development – Mixed-Use (PD-MU) Zoning District.

ISSUE

This is a transmittal of proposed modifications to the Planned Development – Mixed Use regulations. These modifications were advertised for Planning Commission public hearing on July 13, at which one person spoke in support. The Commission recommended approval: 4-0 (3 absent). This item will come before the City Council for public hearing on August 23.

RECOMMENDATION

Review the information transmitted in anticipation of a public hearing on this item on August 23.

BACKGROUND

The Area 1 Celebrate Virginia / Central Park Small Area Plan identified key issues with the City's Planned Development Districts. Three of them are relevant to the PD-MU Zoning District. Amending the ordinance to address the following three issues in the PD-MU Zoning District is part of the implementation schedule on pages 11 (1)-27 through 11 (1)-28:

1. Add Form Based Elements;
2. Review the permitted uses within Planned Development districts to ensure that modern workplace uses are permitted as part of an appropriate land use mix; and
3. Review standards requiring mixed use in the Planned Development districts to ensure that mixed use standards are consistent and enforceable and that they will lead to balanced phasing of the residential and commercial components of projects.

The Planned Development – Mixed Use Zoning District was adopted in 2009. Since its adoption, the District has been deployed in three areas of the City:

- Eagle Village Phase I, 1100 block of Emancipation Highway;
(Student Housing / Parking Garage-Commercial & Office / Hyatt Hotel)
- Fredericksburg Park, west side of Lafayette Blvd. between Rt 3 and transmission lines;
(Fredericksburg Park townhouses / vacant 1.2-acre commercial site; and
- The Mill District, 1700 block and 1821/1901 Princess Anne Street;
(Silk Mill and proposed Germania Mills apartments [now BP gas station])

These projects have been somewhat successful in achieving the planned development goals. However, several issues have emerged over the last 13 years that need to be addressed:

- The PD-MU Zoning District was written in 2009 before the adoption of the Unified Development Ordinance (UDO) in 2013. The ordinance currently includes provisions that

combine General Development Plans and Preliminary Plats. Additionally, development standard provisions written into the current PD-MU Zoning District duplicate or contradict Development Standards since adopted in the 2013 UDO.

- The City's Planned Development Districts represent a "Unique Challenge and Opportunity" (see Comprehensive Plan page 11 (1)-3), evolving a 20th century tool to for 21st century settings. The general development plan criteria are in need of an update. A more effective zoning tool is a blending of a traditional planned development zoning district, addressing the 'what' aspects of development (permitted uses and special uses), and a form based code, addressing the 'how' aspects through urban fabric, frontage, and building type standards.
- The Use Mix Standards in the existing PD-MU district produced inconsistent results. The City recently adopted a "mixed-use" regulatory format for the Commercial Downtown zoning district that is clearer in definition than and should replace the standards in the current PD-MU. Additionally, a basic use phasing regulation should be added to ensure that an appropriate mix of uses is maintained over the life cycle of the proposed development.
- The permitted uses in the existing PD-MU do not include "workplace" uses like flex tech and light industrial. The City's vision for mixed-use development includes a strong focus on employment uses. Planned Employment Centers should include these types of uses where appropriate if they are to come to fruition.

The City's Future Land Use Map includes several areas designated as "Planned Development – Mixed Use" where Area Plans have not been completed. Several of the transects including T-4 General Urban, T-4W Area-Core Workplace, T-5C Area-Core Corridor, and T-6 Modern Urban Core are often expressed through the PD-MU Zoning District. These areas coincide with areas of the City that are the subject of much development interest.

The proposed modifications to the PD-MU address these issues cited above. A summary of the proposed changes is included as an appendix to this report. The PD-MU Zoning District should be updated expediently so that the modifications are in place prior to the review of any future zoning map amendment applications.

CONCLUSION

The attached ordinance includes proposed UDO Text Amendments that modify the PD - MU Zoning District. The proposed changes will address issues identified by the Celebrate Virginia / Central Park Small Area Plan.

ATTACHMENTS

1. Analysis of proposed PD-MU Modifications.
2. Draft ordinance amendments to the PD-MU Zoning District (clean version followed by a track changes version).

ATTACHMENT 1: ANALYSIS

The following is a summary of the changes to the PD-MU ordinance:

1. Modifications to § 72-22 and 72-25 --- These changes eliminate language equating the General Development Plan to a Preliminary Plat.
2. Modifications to § 72-33.3 –
 - a. Changes to the Purpose and Intent section are twofold. First, they eliminate references to the JumpStart Plan. Second they add language about the suitability of “w”orkplace uses.
 - b. Changes to site size and bulk regulations consolidate these regulations into the Form Based Code Elements. There is no change in overall height permitted. References to the Princess Anne and Lafayette Corridors have been removed as they are no longer envisioned as appropriate locations for PD-MU.
 - c. **No change** in permitted residential density or maximum Floor Area Ratio is proposed.
 - d. Minimum Open Space standards (requiring a 15% minimum for general open space) have been retained and consolidated into the Form Based Code Elements.
 - e. The “additional regulations” and “use mixing” standards have been replaced by a new section “Minimum Use Mix”. The “additional regulations” and “use mixing” standards were some of the most difficult to interpret and apply. For example, the “commercial uses” standards required “at least 40% and no more than 65% of the gross land area of the district” to be used to “determine or compute the permitted floor area ratio”.
 The Minimum Use Mix would replace these standards with a clearer set of standards that delineate “mixed-use”, set a minimum mix of no less than a 75% - 25% ratio of the total gross floor area of the development of either residential or commercial. A Phasing component is also added to ensure that no more than 75% of the total residential square footage may be developed prior to the construction of 25% of the total commercial square footage.
 § 72-82.5.A(3) Mixed Use Ratio is proposed. This section outlines how to establish residential and commercial square footage to calculate use mix on the General Development Plan.
 - f. Form Based General Development Criteria are added. These criteria would require a General Development Plan to be comprised of Urban Fabric, Frontage, and Building Type Standards. The proposed language also gives the applicant the opportunity and provides standards for any proposed “Optional Forms of Development” they would like to include. The applicant could propose their own standards within certain parameters or could use the City’s established Form Based Code. The Form Based Elements make § 72-33.3.H General Development Plan Submittal Requirements redundant so they are proposed to be eliminated.
 - g. Elimination of the existing “additional regulations” (4) – (10). These standards relate to project components like parking, townhouse configuration, loading and refuse areas, and street trees. The UDO was adopted in 2013 with a set of development standards that are either redundant to or better calibrated than the set of standards adopted into the PD – MU in 2009.
 - h. Project Development Criteria are proposed. This section consolidates many of the “general standards” currently located in § 72-33.3.I. These standards provide concise guidance on

the underlying vision / values that are used to evaluate new proposed developments.

3. Modifications to §72-40 --- These changes make the following uses permitted by-right in overall projects greater than or equal to 50 acres or by special use permit on smaller projects in the PD-MU District. The uses would be considered for approval in the areas of the City with a T-4W or T-5W Transect.

Use Category	Use Type	PD-MU	Additional Requirements
Commercial Uses			
Alcoholic Beverage Production	Regional Brewery	▪ P/S	<u>§ 72-41.3.N</u>
	Regional Winery	▪ P/S	<u>§ 72-41.3.N</u>
	Regional Distillery	▪ P/S	<u>§ 72-41.3.N</u>
Industrial Uses			
Industrial Services	Commercial Laundry	▪ P/S	§ 72-41.5A
	Contractor Office	▪ P/S	§ 72-41.5A
Manufacturing	Manufacturing, Light	▪ P/S	§ 72-41.4
Warehousing and Storage	Outdoor Storage	▪ P/S	§ 72-41.5D
	Warehouse	▪ P/S	§ 72-41.5E
Wholesale Sales	Wholesale Sales	▪ P/S	§ 72-41.5G

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July 26, 2022

§ 72-22.5.C(4)

§ 72-25.1.C(1) Preliminary Subdivision Plats.

§ 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 designated for mixed-use in the Comprehensive Plan or in areas where design criteria 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.

Deleted: General Development Plan. The Final General Development Plan shall have the effect of, and shall be enforceable as, an approved preliminary subdivision plat.

Deleted: 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.

(7) A PD-MU District may be appropriate for production oriented workplace uses. These uses include light manufacturing, contractor office, 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 Lafayette Boulevard Corridor Overlay District is 22,000 square feet.

D. Density and Floor Area Ratio.

(1) Residential Density:

Standard	Single-family attached or detached	Multifamily or Upper Story Dwellings over Non-residential	Student Housing
Residential Density, Maximum by Right	16 Units Per Acre	30 units per acre	60 units per acre when no other residential units are proposed

(a) 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.

(b) 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.

(c) 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 as shown on the GDP comply with the PD-MU District.

(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.

E. 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, Institutional, and Educational
- (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 Building Permit prior to the approval of a shell final inspection for 25% of the total gross floor area of the development's commercial use.

[2] 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.

(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 **E(1), (2), and (3)** above upon a finding that the alternate percentage or phasing of the development 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.

F. 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 an 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, minimum lot 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' 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.

- G. Project Development Criteria.** The following project development criteria shall be incorporated into the General Development Plan for a PD-MU in order to promote sustainability:

- (1) The development shall maintain 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 the natural environment.
- (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.

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

§ 72-40.2 Use Table

Use Category	Use Type	PD-MU	Additional Requirements
Commercial Uses			
Alcoholic Beverage Production	Regional Brewery	▪ P/S	§ 72-41.3.N
	Regional Winery	▪ P/S	§ 72-41.3.N
	Regional Distillery	▪ P/S	§ 72-41.3.N
Industrial Uses			
Industrial Services	Commercial Laundry	▪ P/S	§ 72-41.5A
	Contractor Office	▪ P/S	§ 72-41.5A
Manufacturing	Manufacturing, Light	▪ P/S	§ 72-41.4
Warehousing and Storage	Outdoor Storage	▪ P/S	§ 72-41.5D
	Warehouse	▪ P/S	§ 72-41.5E
Wholesale Sales	Wholesale Sales	▪ P/S	§ 72-41.5G

§ 72-41 Principal Use Standards

§ 72-41.3.N Local or Regional brewery, distillery, or winery.

- (1) A local brewery, distillery, or winery shall comply with the following standards:

(a) A copy of the current Virginia ABC license shall be kept on file with the Zoning Administrator.

Deleted: (1)

(b) No outdoor storage is permitted, however, a brewery may temporarily store grain in a container in a cubic foot area in accordance with the following:

Deleted: (2)

[1] The storage shall be approved on a minor site plan.

Deleted: (a)

[2] The storage shall not be between the building and any public right-of-way.

Deleted: (b)

[3] The storage area shall be collocated with a loading dock where applicable.

Deleted: (c)

(c) No outdoor events are permitted on site without an approved minor site plan, which shall show the event date, time and location; frequency; improvements; outdoor amplification systems; food trucks; and maximum occupancy, in addition to other information required for an evaluation of the minor site plan.

Deleted: (3)

(d) The location of any loading dock is subject to approval by City Council or the Zoning Administrator, as appropriate.

Deleted: (4)

(e) In considering a special use application, the City Council may consider whether the establishment of the use results in the rehabilitation or reuse of an existing industrial or commercial building, and whether existing public water and sanitary sewer conveyance and treatment facilities are adequate for the proposed use.

Deleted: (5)

- (2) Local or Regional brewery, distillery, or winery uses may be permitted by-right in an overall Planned Development – Mixed Use development that is 50 acres or larger in size. Local or Regional brewery, distillery, or winery uses shall require a special use permit in overall Planned Development – Mixed Use developments smaller than 50 acres.

§ 72-41.4 Light Manufacturing.

F. Light Manufacturing uses may be permitted by-right in an overall Planned Development – Mixed Use development that is 50 acres or larger in size. Light Manufacturing uses shall require a special use permit in overall Planned Development – Mixed Use developments smaller than 50 acres.

§ 72-41.5 Industrial Uses.

§ 72-41.5.A Industrial Services.

- (4) Commercial Laundry and Contractor Office uses may be permitted by-right in an overall Planned Development – Mixed Use development that is 50 acres or larger in size. Commercial Laundry and Contractor Office uses shall require a special use permit in overall Planned Development – Mixed Use developments smaller than 50 acres.

§ 72-41.5.D Outdoor Storage

- (4) Outdoor Storage uses may be permitted by-right in an overall Planned Development – Mixed Use development that is 50 acres or larger in size. Outdoor Storage uses shall require a special use permit in overall Planned Development – Mixed Use developments smaller than 50 acres.

§ 72-41.5.F Warehouse

(3) Warehouse uses may be permitted by-right in an overall Planned Development – Mixed Use development that is 50 acres or larger in size. Warehouse uses shall require a special use permit in overall Planned Development – Mixed Use developments smaller than 50 acres.

§ 72-41.5.G Wholesale Sales

(1) Wholesale Sales uses may be permitted by-right in an overall Planned Development – Mixed Use development that is 50 acres or larger in size. Wholesale Sales uses shall require a special use permit in overall Planned Development – Mixed Use developments smaller than 50 acres.

§ 72-82.5.A.(3) Mixed Use Ratio.

The residential gross floor area in an overall PD-MU development shall be calculated based on an average residential square footage per building type 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.

DRAFT UDOTA – PLANNED DEVELOPMENT MIXED-USE
Jul 26, 2022

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

§ 72-22.5.C(4)

Section 72-25 Subdivision Plats is modified as follows:

§ 72-25.1.C(1) Preliminary Subdivision Plats.

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 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.

Deleted: 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.

Deleted: 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.

Deleted: 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

(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) An overall PD-MU development 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 Lafayette Boulevard Corridor Overlay Districts is 22,000 square feet.

D. Density and Floor Area Ratio.

(1) Residential density.

Standard	Single-family attached or detached	Multifamily or Upper Story Dwellings over Non-residential	Student Housing
Residential Density, Maximum by Right	16 Units Per Acre	30 units per acre	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.

(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.

E. Minimum Use Mix:

Deleted: Princess Anne Street and

Deleted: (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:¶

Deleted: (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.¶

Moved (insertion) [1]

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

Deleted: 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.¶

Deleted: (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

- (1) A PD-MU District shall include 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, Institutional, and Educational;
 - (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] 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.

(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 E(1), (2), and (3) 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.

F. 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 an 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.

Deleted: Phasing of the development may be approved at the time of rezoning.

Moved up [1]: 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.

Deleted: and

- (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

Deleted: (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	▪ P/S	§ 72-41.3.N
	Regional Winery	▪ P/S	§ 72-41.3.N
	Regional Distillery	▪ P/S	§ 72-41.3.N
Industrial Uses			
Industrial Services	Commercial Laundry	▪ P/S	§ 72-41.5A
	Contractor Office	▪ P/S	§ 72-41.5A
Manufacturing	Manufacturing, Light	▪ P/S	§ 72-41.4
Warehousing and Storage	Outdoor Storage	▪ P/S	§ 72-41.5D
	Warehouse	▪ P/S	§ 72-41.5E
Wholesale Sales	Wholesale Sales	▪ P/S	§ 72-41.5G

Section 72-41 Principal Use Standards is modified as follows:

§ 72-41.3.N Local or Regional brewery, distillery, or winery.

(1) A local brewery, distillery, or winery shall comply with the following standards:

- (a)** A copy of the current Virginia ABC license shall be kept on file with the Zoning Administrator.
- (b)** No outdoor storage is permitted, however, a brewery may temporarily store grain in a container in a cubic foot area in accordance with the following:
 - [1]** The storage shall be approved on a minor site plan.
 - [2]** The storage shall not be between the building and any public right-of-way.
 - [3]** The storage area shall be collocated with a loading dock where applicable.
- (c)** No outdoor events are permitted on site without an approved minor site plan, which shall show the event date, time and location; frequency; improvements; outdoor amplification systems; food trucks; and maximum occupancy, in addition to other information required for an evaluation of the minor site plan.
- (d)** The location of any loading dock is subject to approval by City Council or the Zoning Administrator, as appropriate.
- (e)** In considering a special use application, the City Council may consider whether the establishment of the use results in the rehabilitation or reuse of an existing industrial or commercial building, and whether existing public water and sanitary sewer conveyance and treatment facilities are adequate for the proposed use.

(2) Local or Regional brewery, distillery, or winery uses may be permitted by-right in an overall Planned Development – Mixed Use development that is 50 acres or larger in size.

Local or Regional brewery, distillery, or winery uses shall require a special use permit in overall Planned Development – Mixed Use developments smaller than 50 acres.

Deleted: ¶

§ 72-41.4 Light Manufacturing.

F. Light Manufacturing uses may be permitted by-right in an overall Planned Development – Mixed Use development that is 50 acres or larger in size. Light Manufacturing uses shall require a special use permit in overall Planned Development – Mixed Use developments smaller than 50 acres.

§ 72-41.5 Industrial Uses.

§ 72-41.5.A Industrial Services.

(4) Commercial Laundry and Contractor Office uses may be permitted by-right in an overall Planned Development – Mixed Use development that is 50 acres or larger in size. Commercial Laundry and Contractor Office uses shall require a special use permit in overall Planned Development – Mixed Use developments smaller than 50 acres.

§ 72-41.5.D Outdoor Storage

(4) Outdoor Storage uses may be permitted by-right in an overall Planned Development – Mixed Use development that is 50 acres or larger in size. Outdoor Storage uses shall require a special use permit in overall Planned Development – Mixed Use developments smaller than 50 acres.

§ 72-41.5.F Warehouse

(3) Warehouse uses may be permitted by-right in an overall Planned Development – Mixed Use development that is 50 acres or larger in size. Warehouse uses shall require a special use permit in overall Planned Development – Mixed Use developments smaller than 50 acres.

§ 72-41.5.G Wholesale Sales

(1) Wholesale Sales uses may be permitted by-right in an overall Planned Development – Mixed Use development that is 50 acres or larger in size. Wholesale Sales uses shall require a special use permit in overall Planned Development – Mixed Use developments smaller than 50 acres.

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

§ 72-82.5.A.(3) Mixed Use Ratio.

The residential gross floor area in an overall PD-MU development shall be calculated based on an average residential square footage per building type 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.