



STAFF REPORT

PC Meeting Date:	November 4, 2020
Agenda Title:	Zoning Text Amendment #DPA2016-00020, Mixed Use District
District Impact:	County Wide
Requested Action:	Recommend approval of Zoning Text Amendment #DPA2016-00020, Mixed Use District
Department:	Planning Office
Case Planner:	Alex Vanegas, CPM

EXECUTIVE SUMMARY

This is a request to amend the Zoning Ordinance to create a new zoning district called the Mixed Use District (MXD) which will provide a flexible land development zoning category intended to promote a multimodal oriented development by encouraging a mix of residential and commercial uses in a single zoning designation for multiple, integrated, and related structures on a single parcel or group of parcels to achieve efficient use of land and design flexibility not otherwise possible, ensure efficient traffic circulation and the preservation of open space and sensitive environmental and historic features, ensure compatibility of the development with surrounding properties and the public utilities and services necessary to the development and, to implement the purposes of zoning set forth in Code of Virginia, § 15.2-2283.

In order to successfully implement this new zoning district, amendments are being proposed concurrently to the DCSM (#DPA-2020-00007) that deal with the unique characteristics of a mixed use district.

It is the recommendation of staff that the Planning Commission recommend approval of Zoning Text Amendment #DPA2016-00020 Mixed Use District (MXD) to the Board of County Supervisors.

BACKGROUND

- A. Purpose of the Zoning Ordinance- Section 15.2-2283 of the Code of Virginia states that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public.
- B. Existing Challenge – Current zoning regulations within the County focus on lists of uses and development standards with an emphasis on separating buildings with yards and buffers and accommodating the needs of automobiles. In addition, many of the exiting zoning districts lack flexibility to deal with changes in the market conditions as they emerge. As a result, there is currently a disconnect between existing regulations and the long-range vision of the Small Area Plans, leaving the County with a lack of implementation tools. To implement the vision of Small Area Plans within the County, as vibrant mixed-use multi modal centers, the establishment of a new flexible zoning district is necessary.
- C. Remedy: Contemporary planning acknowledges mixed use developments as being an effective means to accommodate planned economic growth, leverage past infrastructure investments, reduce travel needs, promote compact walkable developments as well as improve public health. The establishment of a new Mixed Use District (MXD) consisting of a family of mixed-use zones intended to encourage a mix of residential and commercial uses in a single zoning designation for multiple, integrated and related structures will provide County with tool to implement the small area plans and improve redevelopment by allow the flexibility to adjust to market conditions and establish sustainable communities.
- D. Zoning Text Initiation – On June 21, 2016, the Board of County Supervisors initiated a Zoning Text Amendment (ZTA) to allow flexibility in the mix of uses and development standards for mixed-use developments. The initiation was at the recommendation of the Commercial Development Committee (CDC). The CDC was established by the Board of County Supervisors (BOCS) to assist the County with developing recommendations to improve the development process for commercial projects (see Attachment C: BOCS Initiating Resolution No.16-555).

The BOCS directed county staff to incorporate the following mixed-use concepts into the ZTA:

- Allow flexibility in the mix of uses and development standards for mixed-use developments;
- Revise to current market standards (uses, definitions, buffers, etc.);
- Allow the market to determine the mix of industrial, commercial, and office;
- Create a separate development standards section for only mixed-use development;
- Address mixed uses within a single building;
- Add a mix of uses within industrial districts;
- Consider amending the B-1, General Business, and M-1, Heavy Industrial & M-2, Light Industrial zoning districts to allow indoor recreation facilities; and
- Consider provisions for Floor Area Ratios (FAR) to allow them to be satisfied by multiple lots.

- E. Staff Response & ZTA Process- As a result of the BOCS's direction, Planning staff began moving forward with the research for ZTA DPA2016-00020, Mixed-Use Zoning District. Furthermore, Planning staff applied for and was awarded a grant from the Metropolitan Washington Council of Governments (MWCOG) Transportation Land-Use Connection (TLC) Program to procure a consulting firm (Renaissance Planning Group) to assist with the development of a report with recommendations as well as a Final Proposed Zoning Ordinance and DCSM text and graphics related to Mixed Use Zoning Districts. Staff gathered input from the Commercial Development Committee and Development Ordinance Review Team as well as other stakeholders. In addition, staff and our consultant researched other jurisdictions policy and text. A draft text and concepts were developed, our consultant provided a report and draft language on May 31, 2019. Based on the feedback from the Planning Commission, staff modified the language tailored to the conditions and characteristics of Prince William County.
- F. Development Ordinance Review Advisory Committee (DORAC) -Staff held 6 meetings with the committee whereby they reviewed the proposed Zoning Text Amendment. Recommendations from the committee's review have been considered and incorporated.
- G. Planning Commission Work Session- The proposed Zoning Text Amendment was presented to the Planning Commission for discussion during a work session on October 7, 2020. At the previous work session on July 15, 2020, the Planning Commission asked staff to continue to work with the Northern Virginia Builders Industry Association (NVBIA). Staff has continued their efforts working with NVBIA since its first meeting on March 2, 2020. Altogether, the final product is a result of five Planning Commission work sessions, six CDC- DORAC meetings, three meetings with the NVBIA and input and feedback from stakeholders and review agencies. At the Planning Commission work session on October 7, 2020, the Commission deferred the Public Hearing for Zoning Text Amendment #DPA2019-00020, Mixed Use District from the advertised date of October 21, 2020 to date certain on November 4, 2020.

STAFF RECOMMENDATION

The Planning Office recommends approval of Zoning Text Amendment #DPA2019-00020, Mixed Use District. The proposed ZTA is supported by staff for the following reasons:

- The Mixed Use District (MXD) provides a tool to implement the vision of Small Area Plans within the County.
- The new zoning district will establish a more balanced transportation systems that support walking, bicycling, and public transit, as well as driving.
- The MXD district will provide greater flexibility to deal with changes in the real estate market making it easier for developments to reduce vacancies and adapt to demand trends.
- The new zoning district will produce livelier community spaces with public gathering places and a variety of shops, restaurants, and entertainment.
- The MXD district will establish more compact development that helps preserve open space in outlying areas by reducing the need and demand for low-density, sprawling development.
- The new zoning district will create complete neighborhoods where residents can live, work, and play.
- The MXD district will provide a diversity of housing for people of all incomes and at all stages of life and be an efficient use of services and infrastructure, resulting in cost savings for the public.
- The proposed amendments align with 2017 PWC strategic plan goals to Increase the commercial tax base to 35%, increase business retention rate, increase at-place employment.

Staff also recommends that the Planning Commission support the concurrent amendments being proposed to the DCSM to ensure consistency with the new Mixed Use Zoning District.

Community Input

As required by § 15.2-2204, Code of Virginia, notice of the Zoning Text Amendment has been advertised and the proposed amendment has been published on the Prince William County government web site and has been available in the Planning Office. The Planning Office has received limited comments since initiation of the zoning text amendment.

Other Jurisdiction Comments

This project site is located outside of the required notification area from adjacent jurisdictions.

Legal Issues

Legal issues are appropriately addressed by the County Attorney's Office.

Timing

The Planning Commission has until Tuesday, January 19, 2021, 90 days from the first public hearing, to act on this proposal. A recommendation to adopt the Zoning Text Amendment would meet the 90-day requirement.

STAFF CONTACT INFORMATION

David McGettigan | (703) 792-7189
dmcgettigan@pwcgov.org

ATTACHMENTS

Attachment A: Proposed Zoning Text Language
Attachment B: Maps
Attachment C: BOCS Initiating Resolution

ARTICLE I. - TERMS DEFINED

PART 100. - DEFINITIONS

PART 100. - DEFINITIONS

The definitions provided herein shall not be deemed, nor shall they be construed to be a listing of the uses permitted in the zoning districts created by this chapter.

Block length shall mean the distance measured from centerline to centerline along all that part of one side of a street which is between two intersecting or intercepting streets and must not be less than 200 feet and not greater than 600 feet.

Building Form shall mean the massing or height, volume, and general shape of a building, including setbacks.

Connectivity index shall mean the ratio between the number of street segments and street intersections within or abutting the property site. (connectivity index= number of street segments/number of intersections).

Enclosure ratio shall mean the ratio of vertical to horizontal dimensions between the building height (vertical dimension) and the distance between the street centerline and exterior wall of the abutting building.

Facade articulation shall mean the many street frontage design elements, both horizontal and vertical, that help create a streetscape of interest for the adjacent public spaces including sidewalks, planting zones, and roadways.

Facade permeability shall mean the percent of ground floor frontage along a street that provides transparent windows and doors.

Fenestration shall mean the design and disposition of windows and other exterior openings of a building.

Form-based design proffer shall mean a type of proffer expressly including regulations and standards in both words and clearly drawn diagrams and other visuals that address (i) the relationship between building facades and the public realm (sidewalk, travel lanes, on-street parking, street trees, and street furniture, etc.); (ii) the form and mass of buildings in relation to one another; and (iii) the scale and types of streets and blocks.

Interim use refers to an approved use other than the intended final use as part of a phasing of a development identified in a master zoning plan.

Mixed-use refers to two or more types of land uses; typically including residential, commercial, office, and institutional, which may occur in a single integrated structure (horizontal) or a combination of a variety of complementary and integrated uses that are walkable and within a given development project (vertical).

Mixed-use District-Neighborhood (MXD-N) shall mean a zoning district intended for smaller scale mixed use developments surrounded by lower density residential areas, as well as on neighborhood corridors, or at the edges of town centers. MXD-N is limited to density and FAR associated with the T-2 zone of rural to urban continuum.

Mixed-use District-Community (MXD-C) shall mean a zoning district intended for sites in a variety of centers and corridors, and in smaller mixed use areas that are well served by frequent transit. MXD-C is limited to densities and FAR associated with the T-3 and T-4 zones of rural to urban continuum.

Mixed-used District- Urban (MXD-U) shall mean a zoning district to encourage the development or redevelopment of mixed-use centers that combine new or existing retail development with a variety of housing, offices, studios, live-work space, civic buildings, and other complementary uses arranged in a cohesive, compact, and walkable environment. MXD-U is limited to densities and FAR associated with the T-5 and T-6 zones of rural to urban continuum.

Modulation shall mean a measured and proportional change in form on a building's face.

Pedestrian-oriented shall mean a type of development designed for the maximum utility of the pedestrian access with sidewalks, bike paths, trails, and greenspace.

Proximity of use shall mean the spatial consideration of mobility between residential and non-residential uses that promote shorter travel trips.

Small Urban Data Center shall mean a data center that exclusively serves a small area plan area or town center.

Street segment shall mean the section of road between two intersections.

Street setback ratio shall mean the ratio of vertical to horizontal dimensions between the building height (vertical dimension), and the distance between the street centerline and the building.

Street Wall shall mean the front portion of a building adjacent to the street boundary.

Transect shall mean the spatial allocation of each zone from sparse rural houses to the dense urban core. Each zone is fractal in that it contains a similar transition from the edge to the center of the neighborhood.

Transit-oriented shall mean a type of development that maximizes the amount of residential, business, and leisure space within the walking distance, or walkshed, of a site with public transportation.

Proposed Zoning Ordinance Table of Contents for Mixed Use Districts

Part 307 MIXED USE DISTRICT

Sec. 32-307.01. - Purpose and intent

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Division 2 -Mixed Use District -Community (MXD-C)

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Sec. 32-307.70. - Procedure for administrative review, approval, disapproval of an alternative compliance request in a Mixed Use District.

Sec.32-307.80- General development standards for non-residential and mixed-use areas.

Proposed Mixed Use District Text Language

PART 307. - MIXED USE DISTRICT

Division 1.- General

Sec. 32-307.01. - Purpose and intent.

1. The purpose of the Mixed Use District (MXD) is to provide a flexible land development zoning category intended to promote transit oriented development by encouraging a mix of residential and commercial uses in a single zoning designation for multiple, integrated, and related structures on a single parcel or group of parcels to achieve efficient use of land and design flexibility not otherwise possible, ensure efficient traffic circulation and the preservation of open space and sensitive environmental and historic features, ensure compatibility of the development with surrounding properties and the public utilities and services necessary to the development and, to implement the purposes of zoning set forth in Code of Virginia, § 15.2-2283.
2. This zone allows a range of densities and heights.
 - (a) Allow a range of densities and heights.
 - (b) Create a mix of commercial, office, and residential uses,
 - (c) Locate employment and retail activity in proximity to housing,
 - (d) Minimize auto travel,
 - (e) Prioritize Multi-modal connectivity,
 - (f) Conveniently link businesses and residences,
 - (g) Establish housing and employment centers in areas served by transit,
 - (h) Create a pedestrian-oriented and scaled built environment, and
 - (i) Conserve land resources.
3. Subject to the standards in County Code Sec. 32-352.03(2) and (3) ,with approved waivers and modifications if applicable, the MXD can be implemented pursuant to County Code Sec, 32-352.03 in the locations identified in a small area plan(s) in the Comprehensive Plan or areas identified in the Long-Range Land Use designations listed below in this subsection.
 - (a) MXD can be implemented in all small area plan areas through a rezoning application.
 - (b) An applicant may apply for the MXD outside of a small area plan area in the following Long-Range Land Use Map classifications. Such application shall be processed as a rezoning application:
 - i. Mass Transit Node (MTN),
 - ii. Regional Commercial Center (RCC),
 - iii. Regional Employment Center (REC),

- iv. Community Employment Center (CEC),
 - v. Village Mixed Use (VMU), and
 - vi. Urban Mixed Use (UMU).
4. The Mixed Use District provide a range of zoning district types based on transects and allowable density. The three zoning district types are herein defined as Mixed Use-Neighborhood (MXD-N), Mixed Use-Community (MXD-C), and Mixed Use- Urban (MXD-U).

DIVISION 1.-MIXED USE DISTRICT-Neighborhood (MXD-N) (T-2)

Sec 32-307.10. - MIXED USE DISTRICT-Neighborhood (MXD-N), purpose and intent

The Mixed Use District-Neighborhood (MXD-N) is intended for smaller scale mixed use developments surrounded by lower density residential areas, as well as on neighborhood corridors, or at the edges of town centers. The commercial uses permitted are those commonly used by neighborhood residents. The intensity of commercial uses are limited to minimize impacts on adjacent residential uses. Buildings in this zone are generally up to three stories. Buildings should be street-oriented with windows and door openings fronting the public right-of-way. Development is intended to be pedestrian-oriented and generally compatible with the scale of surrounding development. Residential and non-residential developments are in accordance with the transects denoted hereinafter. Transect 2 allows for a residential density of 0 - 4 du/acre and non-residential density of 0-0.23 FAR

Sec. 32-307.11. - Uses permitted by right

The following uses shall be permitted by right in the MXD-N District.

1. Adult-day care facility.
2. Animal grooming.
3. Assisted Living Facilities.
4. Bank, financial Institution.
5. Barber shop, beautician studio, tanning and toning salon (one set of toning equipment only).
6. Bicycle service.
7. Civic club.
8. Commercial artist or photographer's studio.
9. Coffee shop, tea house.
10. Craft Brewery.
11. Dry cleaning pick-up facility.
12. Duplex Dwelling.
13. Insurance office, real estate office, sales office.

14. Funeral Home.
15. Garage.
16. Garden Center.
17. General retail.
18. Greenhouse.
19. Merchant craftsman/artisan shop.
20. Motor vehicle parts/repairs.
21. Small Appliance repair.
22. Sporting goods store.
23. Pet care facility.
24. Pet grooming service.
25. Pet store, in accordance with the provisions of County Code Sec. 32-400.24 .
26. Place of Worship or assembly.
27. Religious institution.
28. Single-family detached dwelling.
29. Village House.
30. Winery.

Sec. 32-307.12. - Secondary Uses

The following uses shall be permitted by right in the MXD-N District only in conjunction with, and secondary to, a permitted principal use, existing or proposed for concurrent construction in accordance with County Code Sec. 32-400.14

1. Bed and Breakfast establishment.
2. Child-care facility.
3. Farmer's market.

Sec. 32-307.13. - Special Uses.

The following uses shall be permitted in the MXD-N District with a Special Use Permit:

1. Kennel.
2. Range, indoor shooting.
3. Limited Craft Brewery.

4. Motor vehicle fuel station, retail.
5. Private school (boarding prohibited).

DIVISION 2- MIXED USE DISTRICT-Community Zoning District (T-3 & T-4)

Sec. 32-307.20 MIXED USE DISTRICT (MXD-C) Zoning District, purpose, and intent

The MXD-C zone is intended for sites in a variety of centers and corridors, and in smaller mixed use areas that are well served by frequent transit. The MXD-C encourages diversification of uses, including residential, commercial, and civic uses, in order to enhance the vitality and appeal of these areas. Buildings in this zone are generally expected to be up to four stories unless height and floor area incentive densities are used to provide additional public benefits. Development is intended to be pedestrian-oriented and complement the scale of surrounding areas. Residential and non-residential developments are in accordance with the transects denoted in this section. Transect 3 allows for a residential density of 4-12 du/acre and non-residential density of 0.23-0.57 FAR. Transect 4 allows for a residential density of 8-24 du/acre and non-residential density of 0.57-0.1.38 FAR.

Sec. 32-307.21. - Uses permitted by right

The following uses shall be permitted by right in the MXD-C District.

1. Adult-day care facility.
2. Alarm systems operations, office.
3. Assembly (non-HAZMAT)
4. Assisted living facility.
5. Bakery, industrial
6. Barber shop, beautician studio, tanning and toning salon (one set of toning equipment only).
7. Bicycle service.
8. Blacksmith, welding, or machine shop.
9. Boat building and repair yard.
10. Brewery and bottling facility.
11. Business school.
12. Cafeteria/lunchroom/snack bar/automat.
13. Catering- Commercial (on or off premises).
14. Child-care facility.
15. Civic club.

16. College, university, or seminary.
17. Continued care retirement community
18. Commercial artist or photographer's studio.
19. Computer and network services.
20. Craft brewery (not to exceed production of 10,000 barrels per year.)
21. Cultural arts center.
22. Distillery.
23. Dry cleaning/garment processing facility, retail less than 3,000 square feet.
24. Dry cleaning pick-up facility.
25. Duplex dwelling.
26. Food Store.
27. Funeral Home.
28. Gunsmith shop.
29. Event Center/meeting hall.
30. Financial institution.
31. Furniture repair, dipping and stripping, upholstery.
32. Garden Center.
33. Greenhouse or nursery.
34. Hospital.
35. Hotel or motel.
36. Household equipment and appliance service.
37. Institute for special education and training.
38. Interior design and decorating shop.
39. Laundromat.
40. Lawn mower service.
41. Locksmith.
42. Marble/tile processing, cutting, and polishing.
43. Medical or dental laboratory.
44. Medical or dental offices and clinic.
45. Merchant craftsman/artisan shop.
46. Motor vehicle parts/repairs.
47. Mixed-use buildings.

48. Motor vehicle parts, retail.
49. Multi-family dwellings.
50. Office.
51. Office equipment sales, lease, and services.
52. Optical and eye care facility.
53. Package, telecommunications, and courier service.
54. Parking, public.
55. Pet care facility.
56. Pet store, in accordance with the provisions of County Code Sec. 32-400.24.
57. Pet grooming service.
58. Place of religious worship or assembly.
59. Private school (boarding prohibited).
60. Publishing and printing.
61. Quick service food store.
62. Radio or TV broadcasting station.
63. Recording studio.
64. Recovery home.
65. Recycling collection points, subject to standards in County Code Sec. 32-250.84.
66. Recreation facility, commercial (indoor).
67. Religious institution.
68. Research and development (non-HAZMAT).
69. Restaurant.
70. Restaurant, carry-out.
71. Retail store, less than 80,000 square feet.
72. School of special instruction.
73. Shoe repair.
74. Shopping Center A, B, C, or D (see part 100)
75. Single family-attached dwelling.
76. Single-family detached dwelling.
77. Tailor, seamstress shop.
78. Theater (indoor).
79. Theater (outdoor).

80. Townhouse.
81. Tool and equipment rental (minor).
82. Trade, conference, or convention center.
83. Trade, technical or vocational school.
84. Travel agency.
85. Veterinary hospital.
86. Village House.
87. Warehousing (non-HAZMAT).
88. Wholesaling (non-HAZMAT).
89. Continuing Care Retirement Community.

Sec. 32-307.22. - Secondary Uses

The following uses shall be permitted by right in the MXD-C District only in conjunction with, and secondary to, a permitted principal use, existing or proposed for concurrent construction in accordance with the provisions of County Code Sec. 32-400.14.

1. Catalog sales, contractor, tradesman, or industrial equipment (without showroom).
2. Farmers market.
3. Live entertainment in accordance with the provisions of County Code Sec. 32-400.15.
4. Photographic processing laboratory, ancillary to retail store.
5. Watchman's dwelling.
6. Attached single-family dwellings on land bays in excess of one acre.
7. Janitorial Services.

Sec. 32-307.23. - Special Uses

The following uses shall be permitted in the MXD-C District with a Special Use Permit:

1. Bed and breakfast, subject to the standards of County Code Sec. 32-300.15.
2. Electronic equipment and component manufacturing, assembly, processing, and distribution.
3. Heliport.
4. Manufacturing of musical instruments and toys.
5. Manufacturing, cosmetics, and perfume.

6. Manufacturing, pharmaceuticals (non-HAZMAT process).
7. Manufacturing, pottery, ceramics (using only previously pulverized clay and kiln fired only by (electricity or gas).
8. Metal fabrication of signs.
9. Motor vehicle fuel station, retail.
10. Parking Commercial, secondary only.
11. Range, indoor shooting,
12. Restaurant, drive-in/drive-up, or drive-through, in accordance with the standards for drive-in facilities specified in County Code Sec. 32.400.07.
13. Retail store, greater than 80,000 square feet.
14. Self-storage center, in accordance with the provisions of County Code Sec. 32-400.14.
15. Small Urban Data Center outside the Data Center Opportunity Zone Overlay District.
16. Stadium or arena, indoor or outdoor.
17. Testing and experimental labs (HAZMAT processes).
18. Uses not set forth herein that are designed as interim uses.

DIVISION 3-MIXED USE DISTRICT - Urban Zoning District (T-5 & T-6)

Sec. 32-307.30. - Mixed Use District -(MXD-U), purpose and intent.

The Mixed use District-Urban (MXD-U) is established to encourage the development or redevelopment of mixed-use centers that combine new or existing retail development with a variety of housing, offices, studios, live-work space, civic buildings, and other complementary uses arranged in a cohesive, compact, and walkable environment. Thee MXD-U zone shall be located along existing or planned high-capacity multi-modal transportation corridors.

Development is intended to be pedestrian-oriented, and urban in both form and density. Encourage appropriate transitions between higher-intensity uses within Mixed-use centers and adjacent lower-density residential districts. Where building setbacks exist, they should be used for pedestrian amenities like plazas or outdoor dining. Driveway access should be located via side streets and alleys to the extent possible. When surface parking is provided, it should be located to the rear of buildings and screened. Residential and non-residential developments are in accordance with the transects denoted in this section.

Transect 5 allows for a residential density of 20-50 du/acre and non-residential density of 1.38-2.30 FAR.
Transect 6 allows for a residential density of 50 -100 du/acre and non-residential density of 2.30 or greater FAR.

Sec. 32-307.31. - Uses permitted by right.

The following uses shall be permitted by right in the MXD-U District.

1. Adult-day care facility.
2. Alarm systems operations, office.
3. Assembly (non-HAZMAT).
4. Assisted living facility.
5. Bakery, industrial.
6. Barber shop, beautician studio, tanning and toning salon (one set of toning equipment only).
7. Bicycle service.
8. Blacksmith, welding, or machine shop.
9. Boat building and repair yard.
10. Boat sales, rental or lease, storage, service, or repair.
11. Brewery and bottling facility.
12. Business school.
13. Cafeteria/lunchroom/snack bar/automat.
14. Catering- Commercial (on or off premises).
15. Child-care facility.
16. Civic club.
17. College, university, or seminary.
18. Commercial artist or photographer's studio.
19. Computer and network services.
20. Commercial bus station.
21. Commercial bus terminal.
22. Continuing Care Retirement Community.
23. Craft brewery (not to exceed production of 10,000 barrels per year.)
24. Cultural arts center.
25. Distillery.
26. Dry cleaning/garment processing facility, retail less than 3,000 square feet.

27. Dry cleaning pick-up facility.
28. Duplex dwelling.
29. Gunsmith shop.
30. Event Center/meeting hall.
31. Farmer's market
32. Financial institution.
33. Food Store
34. Furniture repair, dipping and stripping, upholstery.
35. Garden Center.
36. Greenhouse or nursery.
37. Hospital.
38. Hotel or motel.
39. Household equipment and appliance service.
40. Institute for special education and training.
41. Interior design and decorating shop.
42. Laundromat.
43. Lawn mower service.
44. Locksmith.
45. Marble/tile processing, cutting, and polishing.
46. Medical or dental laboratory.
47. Medical or dental offices and clinic.
48. Mixed-use buildings.
49. Motor vehicle parts, retail.
50. Multi-family dwellings.
51. Office.
52. Office equipment sales, lease, and services.
53. Optical and eye care facility.
54. Package, telecommunications, and courier service.
55. Parking, public.
56. Pet store, in accordance with the provisions of County Code Sec. 32-400.24.
57. Pet grooming service.
58. Place of religious worship or assembly.

59. Private school (boarding prohibited).
60. Publishing and printing.
61. Quick service food store.
62. Radio or TV broadcasting station.
63. Recording studio.
64. Recycling collection points, subject to standards in County Code Sec. 32-250.84.
65. Recovery home.
66. Recreation facility, commercial (indoor).
67. Religious institution.
68. Research and development (non-HAZMAT).
69. Restaurant.
70. Restaurant, carry-out.
71. Retail store, less than 80,000 square feet.
72. School of special instruction.
73. Shoe repair.
74. Shopping Center A, B, C, or D (see part 100 of this chapter).
75. Single-family attached dwelling.
76. Tailor, seamstress shop.
77. Theater (indoor).
78. Theater (outdoor).
79. Townhouse.
80. Tool and equipment rental (minor).
81. Trade, conference, or convention center.
82. Trade, technical or vocational school.
83. Travel agency.
84. Veterinary hospital.
85. Village House.
86. Warehousing (non-HAZMAT).
87. Wholesaling (non-HAZMAT).

Sec. 32-307.32. - Secondary Uses

The following uses shall be permitted by right in the MXD-U District only in conjunction with, and secondary to, a permitted principal use, existing or proposed for concurrent construction in accordance with the provisions of section 32-400.14 herein:

1. Catalog sales, contractor, tradesman, or industrial equipment (without showroom).
2. Live entertainment in accordance with the provisions of section 32-400.15.
3. Photographic processing laboratory, ancillary to retail store.
4. Watchman's dwelling.
5. Attached single-family dwellings on lots in excess of one acre.
6. Janitorial Services

Sec. 32-307.33. - Special Uses.

The following uses shall be permitted in the MXD-U District with a Special Use Permit:

1. Bed and breakfast, subject to the standards of section 32-300.15.
2. Electronic equipment and component manufacturing, assembly, processing, and distribution.
3. Funeral home
4. Heliport.
5. Manufacturing of musical instruments and toys.
6. Manufacturing, cosmetics, and perfume.
7. Manufacturing, pharmaceuticals (non-HAZMAT process).
8. Manufacturing, pottery, ceramics (using only previously pulverized clay and kiln fired only by electricity or gas).
9. Metal fabrication of signs.
10. Marina.
11. Motor vehicle fuel station, retail.
12. Parking Commercial, secondary only.
13. Range, indoor shooting,
14. Restaurant, drive-in/drive-up, or drive-through, in accordance with the standards for drive-in facilities specified in County Code Sec. 32.400.07.
15. Retail store, greater than 80,000 square feet.

16. Small Urban Data Center outside the Data Center Opportunity Zone Overlay District.
17. Self-storage center, in accordance with the provisions of County Code Sec. 32-400.14.
18. Stadium or arena, indoor or outdoor.
19. Taxi or limousine dispatching service.
20. Testing and experimental labs (HAZMAT processes).
21. Uses not set forth herein that are designed as interim uses.
22. Wedding chapel.

Sec. 32-307.40. – Form Based Design Review

1. In addition to the submission requirements in County Code Sec. 32-700.22 and Sec. 32-700.23, the applicant shall identify on the MXD Master Zoning Plan the following site layout elements:

- (a) Maximum and minimum site density for each land bay by utilizing a transect designation in County Code Sec. 32-252.10.
- (b) Minimum and maximum block lengths that support pedestrian activity.
- (c) Street facade locations that support a pedestrian- oriented walkable environment, and maximum street setback ratios that create pedestrian scale at the street level.
- (d) Street framing that encourages pedestrian activity.
- (e) Building façade permeability.
- (f) The proposed connectivity index.
- (g) Proposed transects.

2. In the MXD-C and MXD-U areas within a Mixed Use District, an application meeting the ideal ranges as described below in this subsection for each of the form based elements, as well as the building height limits identified in County Code Sec. 32-307.10, will not be required to submit a design based proffer with their application.

Form Based Element	Ideal Range
1. Density	15%-85% FAR or dwelling units /acre
2. Block length	200-660 feet
3. Street Wall	50-100%
4. Front Setbacks	5 -30 feet
5. Enclosure Ratio	1.1 to 1.3
6. Façade Permeability	30-80%
7. Connectivity Index	1.2-2.0

2. An applicant that does not meet the ideal ranges of a form based element shall provide a design based proffer or apply for an alternative compliance modification for deviations from the design standards in accordance with County Code Sec. 32-307.60 and reviewed in accordance with County Code Sec. 32-307.70.
3. The Master Zoning Plan shall include suitable assurances that each phase could be completed in a manner that would not result in an adverse effect upon the community as a result of termination at that point.

Sec. 32-307.50 - Criteria for Design Guidelines.

The following elements shall be contained in design guidelines in narrative and, where applicable, in graphic form submitted with a request for a zoning determination or a MXD rezoning application that is part of a planned development of 20 acres or more pursuant to County Code Sec. 32-250.01 et seq. A MXD rezoning application must be in accordance with Sec. 32-700.01 et seq. and Sec. 32-280.30 et seq. and should be designed to promote the development of a pedestrian oriented and compact community.

1. *Architecture.* Architectural features are to be included in the design of buildings and structures in the Mixed Use District and shall be integrated in the design guidelines to implement a pedestrian-oriented and compact community as set forth in County Code Sec. 32-280.30. Consistency, compatibility, and the maintenance of continuity throughout the Mixed Use District of the use of materials, colors, and styles of features is required. The following shall be addressed in the guidelines in accordance with applicable County Code unless waived or modified pursuant to County Code Sec. 32-280.34.
 - (a) Renderings or other graphic exhibits demonstrating materials and colors for buildings and structures.
 - (b) Architecturally appropriate and coordinated cornice lines, rooflines, and eave projections and treatments to modulate long building walls and roof planes.
 - (c) Size of maintenance easements for any zero lot line property containing detached buildings.
 - (d) If applicable, heights and materials for walls, hedges, and fences.
 - (e) External freestanding and facade lighting fixtures.
 - (f) Noise level mitigation of mechanical equipment.
 - (g) Heights for lights on public or private streets.
 - (h) Building amenities such as awnings and flags, decks, canopies, porches, or verandas and proposed projections.
 - (i) If applicable, energy efficient measures including types of materials used and passive solar design.

- (j) Screening for ground level HVAC units in accordance with section 800 of the Design and Construction Standards Manual.
 - (k) Style and location of public amenities.
 - (l) Comprehensive sign guidelines providing the overall theme or design for all signs in accordance with County Code Sec.32-250.23.
2. *Streets, alleys, bicycle paths, trails, paths, and sidewalks.* The following must be addressed in the design guidelines in accordance with applicable County Code unless waived or modified pursuant to County Code_Sec. 32-280.34.
- (a) Materials used and widths for sidewalks, paths, and/or trails, and vehicular access surfaces.
 - (b) Transportation related improvements that are to be dedicated.
 - (c) Streetlamp placement and styles.
3. *Parking.* The following must be addressed in the design guidelines in accordance with applicable County Code unless waived or modified pursuant to County Code Sec. 32-280.34:
- (a) If applicable, reservation of parking spaces for ridesharing vehicles.
 - (b) Surface, off-street parking interior and exterior landscaping.
 - (c) Appearance of off-street parking decks and lots.
 - (d) Screening for service, maintenance, and loading areas in accordance with section 800 of the Design and Construction Standards Manual.
4. *Landscaping.* The following must be addressed in the guidelines in accordance with applicable County Code unless waived or modified pursuant to County Code Sec. 32-280.34:
- (a) Landscaping within setback areas.
 - (b) Landscaping within public spaces that do not conflict with vehicular traffic functions and, if planted within public street right-of-way, can be approved by the Virginia Department of Transportation.
5. *Open space.* The following must be addressed in the design guidelines in accordance with applicable County Code unless waived or modified pursuant to County Code Sec. 32-280.34:
- (a) Amenities within parks, plazas, or squares, such as walkways, paths, trails, benches, ponds, sculptured elements, art, or fountains, and whether or not ponds can serve as storm water facilities or to satisfy best management practices requirements.
 - (b) Size of parks, plazas, and squares.

6. Revised design guidelines. The design guidelines for a MXD may be modified from time-to-time as the area is developed in accordance with the provisions of the Design and Construction Standards Manual and County Code Sec. 32-280.13.

Sec. 32-307.60. – Alternate compliance provisions for Mixed Use District.

As part of a Mixed Use District rezoning or SUP application, an applicant may request a modification to specific development standards of the subdivision ordinance, this chapter or the requirements of the Design and Construction Standards Manual be granted. Any requests for modifications shall be made in accordance with County Code Sec. 32-700.25 and include the following:

1. An applicant shall provide written justification for all proposed modifications or alternate compliance that demonstrates that the request is necessary due to the unique characteristics of the specific property provided such modifications will not conflict with the fulfillment of the purpose of this section, but instead will promote the purpose of County Code Sec. 32-280 et seq.
 - a. The applicant shall propose an alternative to fulfill the intent of the standard being modified.
 - b. All modifications must demonstrate that the alternative proposal fulfills or exceeds the intent and purpose of the regulation being modified or the Comprehensive Plan.
 - c. In rezoning or special use permit cases, the Board of County Supervisors may approve or disapprove such request as specifically identified in the board's motion, in whole or in part.
 - d. In rezoning or special use permit cases, the approval of any alternative compliance or modification requests will be reflected in the approved rezoning.
 - e. The depiction of a modification upon plans required by this section shall not of itself authorize such variances or modification.
2. Alternate compliance of an approved plan that may be requested include:
 - a. Site or subdivision plan modification. At the time of site or subdivision plan review, provisions of the design and construction standards manual may be modified in accordance with the provisions in the County Code Sec. 32-280.13.
 - b. Design and Construction Standards Manual modification requests during construction. During the stages of development/construction after site or subdivision plan approval due to unforeseen circumstances, waivers to construction standards or modifications to specific requirements in the Design and Construction Standards Manual may be granted by the Director of Public Works or the Planning Director pursuant to the standards within the Design and Construction Standards Manual and consistent with the provisions of County Code Sec. 32-280.13. Any minor adjustments or deviations from the final site plan will be done in accordance with County Code Sec. 32-800.60.

c. Minor variations in site development plans and subdivision plats from the approved master zoning plan may be permitted by the Zoning Administrator and Director of Public Works upon finding that such variations are: generally in keeping with the intent and concept of the approved master zoning plan; in accordance with conditions or modifications required by the board in their approval; and in accordance with the regulations currently in effect. Said variations shall allow for the shifting of features shown on the master zoning plan that results in an improvement and/or reduces the impact of the development.

Sec.32-307.70- Procedure for administrative review, approval, disapproval of alternative compliance requests in the Mixed Use District .

1. An applicant shall file the proposed modification at the Planning Office. The Planning Office shall then refer such application to the appropriate reviewing agencies for their comments.
2. The Planning Director or his designee shall approve or disapprove modifications based on reviewing authorities' comments and recommendations, and in accordance with the intent and standards of the Design and Construction Standards Manual and following the provisions in County Code Sec. 32-280.13.
3. For a revision of an approved site plan which in the opinion of the Planning Director constitutes an amendment, the applicant shall submit a revised site plan in accordance with the provisions of the Design and Construction Standards Manual.
4. One or more of the minimum requirements set forth in the Design and Construction Standards Manual may be waived by either the Planning Director or the Director of Public Works upon a showing by the applicant in accordance with the requirements of the Design and Construction Standards Manual.

Sec. 32-307.80. – General development standards for non-residential and mixed-use areas.

The standards set forth below may be modified pursuant to Section 32-307.60

1. Except for entrances and lobbies, the ground floor of a mixed-use building shall be limited to non-residential uses in areas designated as commercial in the Master Zoning Plan.
2. All setbacks as required in this subsection shall be measured from proposed rights-of-way.
 - a. Parking setbacks:
 - i. Parking shall not be permitted within any front setback area or within the side setback area on a corner lot.
 - ii. All parking shall be set back a minimum of ten feet from the side and rear lot lines.

3. Floor area ratio. The maximum floor area ratio (FAR) for each zone will be determined by the transect specified within the Master Zoning Plan as described in the table below.

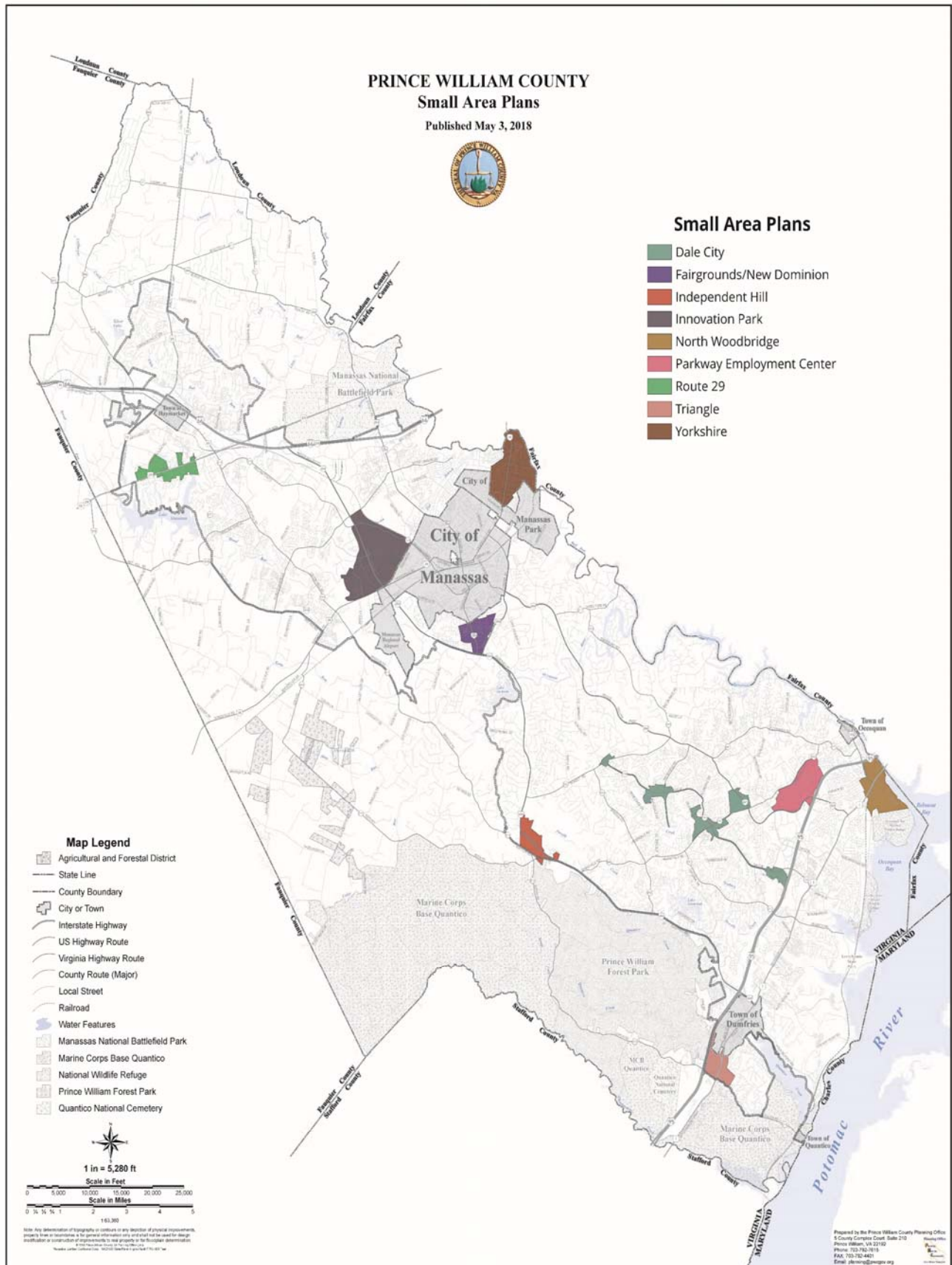
	T-2	T-3	T-4	T-5	T-6
Maximum Overall FAR	0.23	0.57	1.38	2.30	3.0

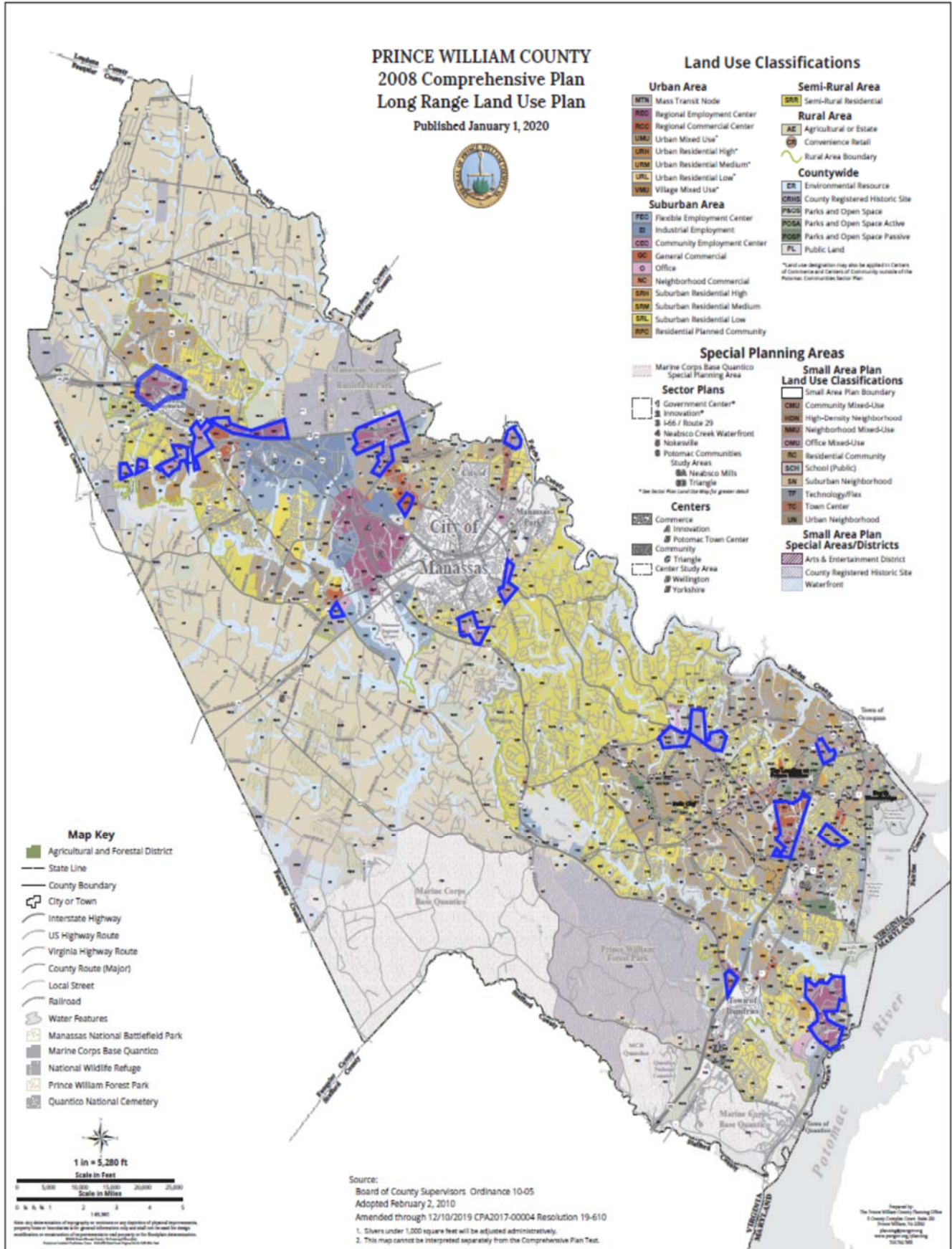
4. Building height. The maximum and minimum building heights for each zone is specified in the table below where applicable. The minimum building height pertains to the primary building with street frontage. Minimum height requirements may be reduced through a modification for special situations or interim phasing of a development.

	T-2	T-3	T-4	T-5	T-6
Minimum Building Height	N/A	N/A	N/A	40 feet	45 feet
Maximum Building Height	30 feet	45 feet	60 feet	150 feet	250 feet

5. Open space, landscaping, screening, and fencing:
- i. The Master Zoning Plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors.
 - ii. At least 20 percent of the total lot area shall be maintained as open space in the MXD-N and MXD-C zones and at least 10 percent of the total lot area in the MXD-U zone as identified in the Master Zoning Plan.
 - iii. For an individual section or phase of a multiphase project, at least half of the required open space shall be provided within that phase or section. The remaining half shall be provided on a project-wide basis.
 - iv. Aggregated open space. Open space may be aggregated into larger parks, plazas, and squares for one development site, rather than calculated per parcel, subject to approval by the Planning Director. The Planning Director will approve requests if the overall development site provides the equivalent or greater open space required for the MXD district.

- v. if the request the intent is In such cases, the parcel(s) required to meet any open space requirement must be identified and noted on the approved site plan on file in the Planning Office.
- vi. Open space is defined in County Code Ch. 32 Part 100.
- vii. If an applicant would like to use areas that are not defined as open space in County Code Ch. 32 Part 100, such as roof top or terrace spaces dedicated to public use, to meet open space requirements then the applicant may request a modification and demonstrate how those respective areas contribute to open space requirements.
- viii. All dumpsters and exterior utility boxes shall be located and/or screened so as not to be visible from any public right-of-way.
- ix. No fence within a front setback or in any setback abutting a public right-of-way shall exceed four feet in height.





MOTION: PRINCIPI

**June 21, 2016
Regular Meeting
Res. No. 16-555**

SECOND: NOHE

**RE: INITIATE A ZONING TEXT AMENDMENT TO ALLOW
FLEXIBILITY IN THE MIX OF USES AND DEVELOPMENT
STANDARDS FOR MIXED-USE DEVELOPMENTS**

ACTION: APPROVED

WHEREAS, in accordance with Section 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, convenience, general welfare and good zoning practice require such change; and

WHEREAS, the Board of County Supervisors established the Commercial Development Committee to assist the County with developing recommendations to improve the development process for commercial projects; and

WHEREAS, the Commercial Development Committee formed a Development Ordinance Review Team to conduct a review of the County's Design and Construction Standards Manual and Zoning Ordinance and identify changes or additions to be considered for adoption to further promote Prince William County as "Open for Business"; and

WHEREAS, beginning in March of 2016, the Development Ordinance Review Team reviewed the Design and Construction Standards Manual and the Zoning Ordinance and recommended amendments to the Commercial Development Committee which recommended the amendments to the Board; and

WHEREAS, the amendment would allow flexibility in the mix of uses and development standards for mixed-use developments; and

WHEREAS, this resolution will authorize the staff time and resources necessary for research, analysis and to conduct public hearings with the Planning Commission and the Board of County Supervisors; and

WHEREAS, amending the Zoning Ordinance for the above-referenced issue is required by public necessity, convenience, general welfare and good zoning practices, and is consistent with Section 15.2-2283 of the Code of Virginia, Ann.;

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors does hereby initiate an amendment to the Prince William County Zoning Ordinance to allow flexibility in the mix of uses and development standards for mixed-use developments.

June 21, 2016
Regular Meeting
Res. No. 16-555
Page Two

Votes:

Ayes: Anderson, Caddigan, Candland, Jenkins, Lawson, Nohe, Principi, Stewart

Nays: None

Absent from Vote: None

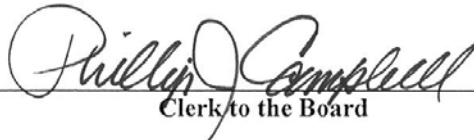
Absent from Meeting: None

For Information:

Planning Director

County Attorney

ATTEST: _____


Clerk to the Board