



# Uses Research & Overview

This attachment includes: key definitions, staff research, applicable sections of the Rio29 Small Area Plan and staff recommendations.

## What are "uses"?

While form-based codes work to prioritize how a building looks over the specific use that is located inside of a building, most form-based codes still determine the permitted and prohibited uses for certain stories or locations. Form-based codes may also require certain uses for the ground story of a building to promote an active and inviting environment.

Use may be regulated on a spectrum of "prescriptive" to "flexible". On the following pages are two examples of how use may be regulated in a form-based code.

# Key Definitions | Uses

Below are brief, conceptual definitions of different types of uses recommended by the Rio29 Small Area Plan. While these definitions describe uses independently, the Plan encourages mixed-use buildings and developments with active, ground-story uses, especially in the Urban Core and Core.



## Single-Family Residential

Low density residential development that may be supported by small-scale neighborhood-serving commercial, retail and institutional uses.



## Single-Family Attached

Moderate density residential development that may be supported by small-scale neighborhood-serving commercial, retail and institutional uses.



## Multi-Family Residential

Moderate to high density residential development that is supported by commercial, retail and institutional uses.



## Retail & Commercial

Sales-generating uses, including restaurants, grocery stores, retail shops and hotels.



## Office/R+D/Flex

Employment-generating uses, such as offices, research and development, flexible spaces and light industrial uses.



## Institutional

Schools, colleges, universities, and associated facilities; fire stations, hospitals, libraries; public facilities and major utilities

# Character Plan

## FUTURE PLACE TYPES IN RIO29



### PLACE TYPOLOGIES

**Urban  
Core**

**Core**

**Flex**

**Edge**

### STREET TYPOLOGIES

**BOULEVARD**



**AVENUE**



**LOCAL STREET**



**THROUGH CORRIDOR**



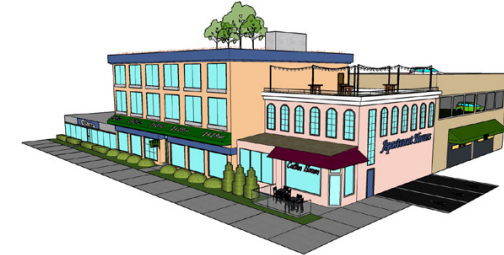
Route 29



The **Core** is intended to have the highest intensity of development and the tallest buildings, which are offset by stepbacks. Buildings facing the streets in the **Urban Core** should have active first floor uses.



The **Flex** area is intended to have the highest amount of flexibility in building form and use. Buildings can have a range of heights and uses, but buildings should be designed to make pedestrians comfortable.



**Edges** are areas of less-intense development next to existing neighborhoods. Buildings are expected to have lower heights and smaller building footprints.

# Uses

A mixture of uses are permitted within all Place Types in Rio29 to encourage a variety of options for residential, employment, recreational, cultural, and civic uses. Rather than prescribing a specific set of uses and densities, the uses are intended to provide flexibility by listing broad categories of appropriate uses. Flexibility in use can better position property owners to respond to market changes and can encourage a wider variety of housing types, especially smaller, more affordable units. The form standards described on the previous pages will appropriately limit the density and intensity of development that a site can handle, and will ensure that development is consistent with adjacent neighborhoods and that it promotes pedestrian activity and active street life.

## URBAN CORE

**GROUND STORY:** Active uses should line the ground story of buildings fronting the public realm to promote an active street life and pedestrian activity. Active uses include retail, commercial, restaurants (excluding drive-thrus), public, civic, or institutional uses.

Other uses with the same general character as those listed above may be permitted as long as an applicant can demonstrate that the proposed use promotes foot traffic, provides a public service, and/or provides visual appeal.

### RESIDENTIAL:

Multi-family residential

### NON-RESIDENTIAL:

Retail sales and general commercial service

Hotel

Institutional

Office/R&D/Flex

Light Industrial/Manufacturing/Storage/Distribution/Auto Sales + Service uses are not encouraged in the Urban Core. These uses may be permitted by exception when an applicant can demonstrate minimal impact on surrounding uses. These uses may be appropriate in a mixed-use development when relegated behind other buildings or with liner buildings along the street frontage.

## CORE

**GROUND STORY:** Active ground-story uses are encouraged.

Where active uses are not feasible (due to market conditions or other circumstances), other uses listed below may be permitted as long as the form allows for future conversion to active uses.

### RESIDENTIAL:

Multi-family residential

Single-family attached/townhouses may be permitted by exception

### NON-RESIDENTIAL:

Retail sales and general commercial service

Hotel

Institutional

Office/R&D/Flex

Light Industrial/Manufacturing/Storage/Distribution/Auto Sales + Service uses are not encouraged in the Core. These uses may be permitted by exception when applicant can demonstrate minimal impacts on surrounding uses. These uses may be appropriate in a mixed-use development when relegated behind other buildings or with liner buildings along the street frontage.

## FLEX

**GROUND STORY:** Flexible

### RESIDENTIAL:

Multi-family residential

Single-family attached/townhouses

### NON-RESIDENTIAL:

Retail sales & general commercial service

Hotel

Institutional

Office/R&D/Flex

Light Industrial/Manufacturing/Storage/Distribution/Auto Sales + Service uses may be appropriate when an applicant can demonstrate minimal impacts on surrounding uses, especially residential uses, and the public realm.

## EDGE

**GROUND STORY:** Flexible

### RESIDENTIAL:

Multi-family residential

Single-family attached/townhouses

Single-family detached

### NON-RESIDENTIAL:

Retail sales and general commercial service

Hotel

Institutional

Office/R&D/Flex

Light Industrial/Manufacturing/Storage/Distribution/Auto Sales + Service uses are not encouraged, but may be appropriate when applicant can demonstrate minimal impacts on surrounding residential neighborhood uses and the public realm. Screening should be provided adjacent to existing neighborhoods.



A Multi-Family Residential Building (Core or Flex scale) Alpharetta, GA



Single-Family Attached/Townhouses (Flex scale) Mt. Pleasant, SC



Mixed-Use Development (Urban Core or Core scale) Omaha, NE

# What does an "active ground floor use" look like?

Active, ground floor uses typically indicate uses that have a public-facing component and have pedestrian traffic frequently moving from the sidewalk to the interior space. Form regulations for ground-level ceiling heights and the window area (also referred to as building transparency) can be implemented.



# Prescriptive Regulation of Use

## Case Study: Virginia Beach, Virginia

### Sec. 5.2 Permitted Use Table

|                                                                                                    | MIXED-USE BUILDING |              | COMMERCIAL BUILDING | APARTMENT BUILDING | ROW HOUSE    |              | DETACHED HOUSE | CIVIC BUILDING |                             |
|----------------------------------------------------------------------------------------------------|--------------------|--------------|---------------------|--------------------|--------------|--------------|----------------|----------------|-----------------------------|
| USE                                                                                                | Ground Floor       | Upper Floors | Ground Floor        | All Floors         | Ground Floor | Upper Floors | All Floors     | All Floors     | Use Standard /Notes         |
| <b>RESIDENTIAL</b>                                                                                 |                    |              |                     |                    |              |              |                |                |                             |
| Backyard Cottage                                                                                   | --                 | --           | --                  | --                 | --           | --           | L              | --             | See Sec. 5.3.1              |
| Dwelling, single-family, detached or attached                                                      | --                 | --           | --                  | --                 | P            | P            | P              | --             |                             |
| Dwelling, multi-family                                                                             | --                 | L            | --                  | P                  | --           | --           | --             | --             | See Sec. 5.3.2              |
| Family day-care home                                                                               | --                 | --           | --                  | --                 | --           | --           | C              | --             |                             |
| Group home                                                                                         | --                 | --           | --                  | --                 | C            | C            | C              | --             |                             |
| Home Occupation                                                                                    | --                 | L            | --                  | L                  | L            | L            | L              | --             | See Sec. 234                |
| Housing for seniors, disabled persons                                                              | --                 | L            | --                  | L                  | L            | L            | L              | --             | See Sec. 235                |
| Live-work units                                                                                    | L                  | L            | L                   | --                 | --           | --           | L              | --             | See Sec. 209.3              |
| Single room occupancy (SRO) facility                                                               | --                 | C            | --                  | C                  | --           | --           | --             | --             | See Sec. 241.1              |
| <b>LODGING</b>                                                                                     |                    |              |                     |                    |              |              |                |                |                             |
| Bed & breakfast inn                                                                                | --                 | --           | --                  | --                 | C            | C            | C              | --             | See Sec. 225.1              |
| Home sharing                                                                                       | --                 | L            | --                  | --                 | L            | L            | L              | --             | See Sec. 209.6              |
| Hotel, motel                                                                                       | L                  | L            | --                  | --                 | --           | --           | --             | --             | See Sec. 5.3.3              |
| Short term rental                                                                                  | --                 | C            | --                  | --                 | C            | C            | C              | --             | See Sec. 241.2              |
| <b>COMMERCIAL</b>                                                                                  |                    |              |                     |                    |              |              |                |                |                             |
| Bar, nightclub                                                                                     | C                  | C            | C                   | --                 | --           | --           | --             | --             | See Sec. 5.3.4              |
| Bicycle rental establishment                                                                       | C                  |              | C                   | --                 | --           | --           | --             | --             | See Sec. 5.3.5              |
| Business studio, office                                                                            | P                  | P            | P                   | --                 | P            | --           | P              | P              |                             |
| Child care, child care education centers                                                           | P                  | P            | P                   | --                 | --           | --           | C              | --             |                             |
| Cinema, theater                                                                                    | P                  | P            | P                   | --                 | --           | --           | --             | --             |                             |
| Commercial parking lot                                                                             | --                 | --           | --                  | --                 | --           | --           | --             | --             | See Sec. 5.3.6 & Sec. 23-58 |
| Commercial parking lot, temporary                                                                  | --                 | --           | --                  | --                 | --           | --           | --             | --             | See Sec. 5.3.7              |
| Craft breweries, distilleries, wineries                                                            | C                  | C            | C                   | --                 | --           | --           | C              | --             | See Sec. 230                |
| Drive-through facility                                                                             | L                  | --           | L                   | --                 | --           | --           | --             | --             | See Sec. 5.3.8              |
| Eating and drinking establishment                                                                  | L                  | L            | L                   | --                 | C            | --           | C              | --             | See Sec. 5.3.9              |
| Financial institution                                                                              | P                  | --           | P                   | --                 | --           | --           | C              | --             |                             |
| Funeral home                                                                                       | P                  | --           | P                   | --                 | --           | --           | P              | --             |                             |
| Hospital                                                                                           | C                  | C            | --                  | --                 | --           | --           | --             | C              |                             |
| Medical clinic, office                                                                             | P                  | P            | P                   | --                 | P            | --           | P              | --             |                             |
| Off-site parking facilities                                                                        | --                 | --           | --                  | --                 | --           | --           | --             | --             | L, See Sec. 23-59           |
| KEY: P = Permitted L = Use Standard Applies C = Conditional Use Permit Required -- = Not Permitted |                    |              |                     |                    |              |              |                |                |                             |

The Virginia Beach Oceanfront Resort District has a form-based code that is more prescriptive in nature, clearly identifying and addressing specific uses (see permitted use table to the left). Similar to Albemarle County's existing regulations, this type of zoning has fewer discretionary interpretations by County staff and the Board of Supervisors on what is/what is not allowed in each zone.

It is a more rigid type of zoning requires the time-intensive process of identifying every use and where specific uses should be allowed by-right, by special exception, with a special use permit and not allowed. It does not anticipate unknown or future uses and requires amending the document to add or remove specific uses. This results in a longer zoning ordinance document, due to the space required for an exhaustive list.

Link: <https://www.vbgov.com/government/departments/sga/projects/Documents/20171205-ORDFBC.pdf>

# Flexible Regulation of Use

## Case Study: Albuquerque, New Mexico

### (2) SU-1 Transit Oriented Development – Major Activity Center (TOD-MAC)



#### (a) Zone Intent.

1. Provides a mixture of high density residential, commercial and employment uses within a Comprehensive Plan designated Major Activity Center, future Major Activity Center or, rail or high capacity transit station or transfer point area.
2. Provides a compact urban form that is oriented to the pedestrian with uses that are dependent upon, or may generate, a relatively high level of transit usage.
3. Provides development standards characterized by a more intensely built-up environment that is oriented to pedestrians, but accommodating of automobiles. These standards include: limitations on conflicts between vehicles and pedestrians; minimum densities; interconnected street systems, buildings that are oriented to the street; mixed use that includes higher density residential; wrapped parking structures and on-street parking.

#### (b) Eligibility Criteria.

1. An application for a zone change to SU-1 TOD-MAC shall meet the following eligibility criteria:
  - a. A TOD-MAC zone shall be located in area designated in the Center and Corridors Plan as a Major Activity Center or a future Major Activity Center or identified high capacity transit station or transfer point areas.
  - b. The minimum area shall be 15 acres, including streets.

#### (c) Permitted/Prohibited Uses.

1. New multistory buildings shall devote a minimum 50% of the street facing, street level area to retail, commercial and service uses.
2. The following uses are not permitted:
  - a. Adult uses, except in areas previously zoned C-3, I-P, M-1, M-2 as of 2008.
  - b. M-2 Uses

#### (d) Permitted Building Types.

1. The following Building Types are permitted. See §14-16-3-20 (C)(1) for Building Type standards:

Albuquerque, New Mexico is an example of a locality that more flexibly regulates use in its form-based code by grouping and defining uses into broad categories with a “zone intent” that describes the type of development that is and is not allowed in an area. This method creates a shorter, user-friendly document that reflects the most important priorities for new developments to achieve and is easier to understand and reference. Also, its flexible nature does not hinder future innovative development. Instead, it provides an avenue to easily incorporate and adjust to progressive, market-driven development styles. This method of using broad use definitions is already being used in Albemarle County’s Industrial Districts (Section 26).

Application of broad use categories will require the County to develop an associated definition for each use category as part of the form-based code update. Furthermore, if new projects propose a use outside of those allowed by the broad use categories, greater staff capacity may be needed to determine whether the development(s) will align with the intent of a given zone.

Link: [https://www.cabq.gov/council/documents/form-based-code/abcfbc\\_section\\_b\\_060608.pdf](https://www.cabq.gov/council/documents/form-based-code/abcfbc_section_b_060608.pdf)

# Staff Recommendation

Staff recommends establishing broad use categories, corresponding with those listed in the Rio29 Small Area Plan and affirmed through public engagement. This approach is more flexible, does not require an update to the code when unanticipated/unknown future uses are proposed, and does not hinder innovation.

How might this look for the Rio29 area?

This type of zoning ordinance may include a series of general use definitions and a brief list of permitted uses, uses permitted by special use permit and not permitted uses for each definition, consistent with the Rio29 Small Area Plan. Additional uses can be determined by the Zoning Administrator. This method aims to encourage flexibility and create shorter, more user-friendly regulations.

Below is a table for uses in the Rio29 area based on recommendations in the Rio29 Small Area Plan, research and affirmed through public engagement:

|                       | Permitted                                                                                                                                                                                                                                                                                                                                                                    | By Special Use Permit or Special Exception                                                                                                                  | Not Permitted                                                                                                                                 |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Rio29 Urban Core/Core | <p>Active ground-story uses are encouraged on key streets.*</p> <ul style="list-style-type: none"> <li>- Retail sales and general commercial service</li> <li>- Restaurants (excluding drive-thrus)</li> <li>- Hotel</li> <li>- Institutional</li> <li>- Office/R&amp;D/Flex</li> <li>- Light Industrial**</li> <li>- Multi-family residential (on upper stories)</li> </ul> | <ul style="list-style-type: none"> <li>- Single-family attached/townhouses</li> </ul>                                                                       | <ul style="list-style-type: none"> <li>- Manufacturing/Storage/Distribution/Auto Sales + Service</li> <li>- Single-family detached</li> </ul> |
| Rio29 Flex            | <ul style="list-style-type: none"> <li>- Retail sales and general commercial service</li> <li>- Restaurants (excluding drive-thrus)</li> <li>- Hotel</li> <li>- Institutional</li> <li>- Office/R&amp;D/Flex</li> <li>- Light Industrial**</li> <li>- Multi-family residential</li> </ul>                                                                                    | <ul style="list-style-type: none"> <li>- Manufacturing/Storage/Distribution/Auto Sales + Service***</li> <li>- Single-family attached/townhouses</li> </ul> | <ul style="list-style-type: none"> <li>- Single-family detached</li> </ul>                                                                    |
| Rio29 Edge            | <ul style="list-style-type: none"> <li>- Retail sales and general commercial service</li> <li>- Restaurants (excluding drive-thrus)</li> <li>- Hotel</li> <li>- Institutional</li> <li>- Office/R&amp;D/Flex</li> <li>- Multi-family residential</li> <li>- Single-family attached/townhouses</li> <li>- Single-family detached</li> </ul>                                   |                                                                                                                                                             | <ul style="list-style-type: none"> <li>- Light Industrial</li> <li>- Manufacturing/Storage/Distribution/Auto Sales + Service</li> </ul>       |

\*Where active uses are not feasible (due to market conditions or other circumstances), other uses listed may be permitted if the form allows conversion to active uses in the future (ie. appropriate ground-level ceiling heights and transparency).

\*\*Staff recommends drafting a refined light industrial definition that allows small manufacturing or fabrication components, while ensuring that there are limited impacts on adjacent residential, office and/or commercial uses.

\*\*\*May be appropriate when an applicant meets building standard regulations and demonstrates minimal impacts on surrounding uses, including residential and the public realm.