The Draft Rio29 Form Based Code

The draft Rio29 form-based code (FBC) builds upon the FBC framework that was developed in 2019. Throughout 2020, staff has focused on drafting detailed standards and converting the framework outline into technical ordinance language. Staff has collaborated with internal partners, including staff from Community Development, Parks & Recreation, Facilities and Environmental Services, as well as external partners such as Charlottesville Area Transit, JAUNT, and the Virginia Department of Transportation.

Additionally, the County contracted with a team of consultants from the Form Based Code Institute (FBCI) to conduct scenario modeling and a peer review of the draft ordinance. As part of its peer review process, FBCI assembled a team of form-based code experts and practitioners (including code writers, urban designers, developers, and public officials), who worked with staff to review, comment, and recommend revisions to the draft code. The scenario models developed by Dover Kohl and Associates, a member of FBCI and partner on this project, are a demonstration of real-life development scenarios using sites within the Rio29 area and applying the regulations within the draft FBC. The attached draft Rio29 FBC is a working draft that incorporates much of the feedback provided by the FBCI through its peer review and scenario modeling process. A summary of FBCI feedback will be provided during the work session. Staff will also share the scenario models during the work session presentation.

The Rio29 FBC draft also incorporates feedback from the Board of Supervisors' November 4, 2020 work session, in which the Board agreed with staff's recommendation that required civic spaces and portions of the streetscape outside of the VDOT right-of-way should be publicly owned and maintained.

The Rio29 FBC content and organization builds upon the 2019 FBC framework. As laid out in the FBC framework, the Rio29 FBC is structured as an optional overlay district, which allows property owners to choose to develop in accordance with either the Rio29 FBC or the underlying zoning on their property. Once a property owner chooses to opt into the FBC, it must comply with all standards within the FBC.

The most significant change in the organization of the draft FBC from the 2019 framework is the removal of the incentives section, which staff decided to change based on feedback from internal partners, the Steering Committee, and the FBCI reviewers. Incentives are still built into the affordable housing section, but other incentives have been removed from the current draft.

Additional work could be done in a future phase of the project to identify meaningful incentives to support the Rio29 vision and other County initiatives, such as additional sustainability initiatives and climate action planning. It should also be noted that incentives can be provided through non-regulatory implementation measures, such as County capital investments or public private partnerships. The draft FBC also includes illustrations and graphics to represent concepts and improve ease of understanding of code standards. Using graphics throughout form-based codes to demonstrate requirements is a best practice seen in many other communities' codes and was recommended by FBCI reviewers. A few placeholders are identified throughout the draft Rio29 FBC where additional graphic work is needed before the draft is finalized.

Based on the timeline for this project, changing trends and technology, and as staff's capacity for this work and organizational expertise continues to grow, there will be a continued need to revisit content and revise the Rio29 FBC over time. To this end, staff has begun to identify a preliminary list of planning

and design-oriented work that could help to further the Rio29 vision, improve the quality of future development, and help achieve continuity of infrastructure and design throughout the Rio29 area. However, before staff can begin the work identified on this list, Board direction is needed as part of departmental work program discussions with Community Development and the other departments identified on the list.