



**ALBEMARLE COUNTY PLANNING**  
**STAFF REPORT SUMMARY**

<b>Project Name:</b> ZTA201900006 Rio29 Form-Based Code	<b>Staff:</b> Rachel Falkenstein, Principal Planner Michaela Accardi, Senior Planner II Lea Brumfield, Senior Planner II
<b>Planning Commission Work Session:</b> November 17, 2020	<b>Board of Supervisors Work Session:</b> December 16, 2019
<b>Owner:</b> multiple	<b>Applicant:</b> N/A (County-initiated)
<b>TMP:</b> TMPs within the Rio29 SAP boundary <b>Acreage:</b> ~391 acres	<b>Zoning Text Amendment/Zoning Map Amendment:</b> County-initiated ZTA/ZMA for Rio29
<b>Magisterial District:</b> Rio	<b>Future Land Use:</b> Core, Edge and Flex in the Rio29 Small Area Plan
<b>School Districts:</b> Agnor-Hurt & Woodbrook – Elementary; Burley & Jouett – Middle; Albemarle – High	
<b>DA (Development Area):</b> Neighborhood 1 & 2 - Places29 Master Plan; Rio29 Small Area Plan	<b>Topics for discussion:</b> Draft Rio29 form-based code
<p><b>Proposal/Project Goals:</b></p> <p>Staff has drafted the Rio29 form-based code (FBC) to support the vision of the Rio29 Small Area Plan and the following project goals:</p> <ol style="list-style-type: none"> <li>1. Allow development that achieves the vision through a by-right process;</li> <li>2. Establish clear expectations for residents, property owners, developers, and the County for new development;</li> <li>3. Allow development to happen in the near term and to support the area’s transition over time to meet the vision; and</li> <li>4. Strike the appropriate balance between regulation to achieve the desired form and flexibility to accommodate market changes, creativity in design, and a mix of uses.</li> </ol>	
<p><b>Recommendation:</b></p> <p>Staff recommends that the Planning Commission review and discuss the attached draft Rio29 FBC. Staff welcomes suggestions from the Planning Commission and will share the Planning Commission’s recommendations with the Board of Supervisors at their December 16 work session. Once staff receives and incorporates feedback from the Planning Commission and Board of Supervisors, the final draft of the FBC will come back to the Planning Commission for public hearing in first quarter 2021.</p>	

**STAFF CONTACT:**

Rachel Falkenstein, Principal Planner  
 Michaela Accardi, Senior Planner II  
 Lea Brumfield, Senior Planner II

**PLANNING COMMISSION:**

November 17, 2019 (Work Session)

**PROJECT BACKGROUND AND PURPOSE OF THE WORK SESSION:**

The Board of Supervisors adopted the [Rio29 Small Area Plan](#) on December 12, 2018. The Plan establishes a vision and recommendations for transforming Rio29 into a connected, multimodal area with a vibrant, mixed-use community enhanced through conservation and public amenities. The Implementation Chapter recommends “amending the County’s Zoning Ordinance and Map to include a form-based code tailored to the area.” Form-based codes primarily regulate the size and shape of development and how it interacts with and meets the street. Regulation of uses within form-based codes is typically secondary, with a variety of uses allowed to encourage mixed use development patterns.

In March 2019, the Board directed staff to begin work on drafting a form-based code consistent with the Plan’s vision to allow development to occur through a by-right (staff approved) process. Throughout 2019, staff developed a draft FBC framework based upon rigorous stakeholder and community engagement, staff research, and a series of four work sessions with the Planning Commission. In December 2019, the Board of Supervisors endorsed the draft framework and directed staff to continue work on the project to prepare a form-based code ready for review and adoption into the zoning ordinance for the Planning Commission and Board to consider.

**The Draft Rio29 Form Based Code**

The draft Rio29 FBC (Attachment 1) builds upon the FBC framework that was developed in 2019 (Attachment 2). 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 has 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 their peer review process, FBCI assembled a team of form-based code experts and practitioners – code writers, urban designers, developers, 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 Rio29 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 their peer review and scenario modeling process. A summary of FBCI feedback will be provided during the work session and staff will also share the scenario models during the work session presentation.

The Rio29 FBC draft also incorporates feedback from the Board of Supervisors from a 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. A summary of staff’s recommendations for civic spaces is provided in Attachment 3.

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 the Rio29 FBC or the underlying zoning on their property. Once a property owner chooses to opt into the FBC, they 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 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 our timeline for this project, the understanding that trends and technology will change over time, and as our capacity for this work and organizational expertise continues to grow, we recognize there will be a continued need to revisit content and make revisions to the Rio29 FBC over time. To this end, staff has begun to identify an 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 Rio29 (Attachment 4). It should be noted that 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.

## **Engagement Process**

As previously stated, the content of the draft Rio29 FBC is based on rigorous community and stakeholder engagement. The Rio29 Small Area Plan was developed through a two-year community driven engagement process and the work in 2019 to develop the FBC framework involved a series of public workshops, stakeholder meetings, and Planning Commission work sessions. Staff is currently in the process of sharing the draft Rio29 FBC with property owners, residents, and stakeholders. In October staff conducted a meeting with the Rio29 Steering Committee and throughout November staff is holding meetings with property owners, residents, and key members of the development community to share the draft and receive feedback. Staff will share preliminary feedback at the work session and will summarize the community feedback on the draft Rio29 FBC for the Board at their upcoming work session.

## **Purpose of the Work Session and Next Steps**

The Rio29 FBC is still a working draft as staff continues to finalize content, engage with internal reviewers, agency reviewers, stakeholders, and members of the public. The purpose of this Planning Commission work session is to get the Commission's feedback on the draft so that staff can make necessary revisions and share the Planning Commission's recommendations with the Board of Supervisors at a December 16 work session.

The Community Development work program set by the Board of Supervisors calls for adoption of the Rio29 FBC by the end of first quarter of calendar year 2021. After the December Board work session, staff plans to make final revisions based on community and Board feedback and will prepare a final draft for public hearing and adoption in the first quarter 2021.

**STAFF RECOMMENDATIONS**

Staff recommends that the Planning Commission review and discuss the attached draft Rio29 FBC. Staff welcomes suggestions from the Planning Commission and will share the Planning Commission's recommendations with the Board of Supervisors at their December 16 work session. Once staff receives and incorporates feedback from the Board of Supervisors, a public hearing will be held for the Planning Commission to provide a recommendation to the Board on the final draft of the FBC.

**Attachments:**

Attachment 1 – Draft Rio29 Form-Based Code

Attachment 2 – 2019 FBC Framework (12/18/2019)

Attachment 3 – BOS Memo regarding Rio29 Public Spaces (11/4/2020)

Attachment 4 – Preliminary list of future planning and design work