



**ALBEMARLE COUNTY PLANNING**

**STAFF REPORT SUMMARY**

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| <p><b>Project Name:</b> ZTA201900006 Rio29 Form-Based Code &amp; ZMA202100002 Rio29 Form-Based Code Overlay District</p>  | <p><b>Staff:</b> Rachel Falkenstein, Planning Manager<br/>Michaela Accardi, Senior Planner II<br/>Lea Brumfield, Senior Planner II</p>                                  |
| <p><b>Planning Commission Public Hearing:</b><br/>February 16, 2021</p>   | <p><b>Board of Supervisors Public Hearing:</b><br/>March 17, 2021 (tentative)</p>   |
| <p><b>Owner:</b> multiple</p>   | <p><b>Applicant:</b> N/A (County-initiated)</p>   |
| <p><b>TMP:</b> This is overlay district is proposed for the area within a half-mile radius of the intersection of Rio Road and U.S. Route 29, except for (a) the Berkeley, Four Seasons, Woodbrook, Greenfields, Northfields, and Raintree subdivisions, (b) the Oakleigh NMD, and (c) Tax Parcels 04500000002600, 045000000026A1, 045000000026A2, 04500000002700, 045000000027A0, 045000000027B0, 045000000029A0, 045000000093A0, 045000000093D0, 04500000009500, 045000000095A0, 04500000010800, 06100000013400, 061Z0030000600, 061Z0030000700, and 061Z0030000800.<br/><b>Acreage:</b> ~391 acres</p> | <p><b>Zoning Text Amendment/Zoning Map Amendment:</b> County-initiated Zoning Text Amendment (ZTA) and Zoning Map Amendment (ZMA) for Rio29 Form-Based Code Overlay</p> |
| <p><b>Magisterial District:</b> Rio</p>   | <p><b>Future Land Use:</b> Core, Edge, and Flex Character Areas in the Rio29 Small Area Plan</p>  |
| <p><b>School Districts:</b> Agnor-Hurt &amp; Woodbrook – Elementary; Burley &amp; Jouett – Middle; Albemarle – High</p>   |   |
| <p><b>DA (Development Area):</b> Neighborhoods 1 &amp; 2 - Places29 Master Plan; Rio29 Small Area Plan</p>  | <p><b>Topics for discussion:</b> Rio29 form-based code and associated Zoning Map Amendment</p>  |
| <p><b>Proposal:</b><br/>A proposed ordinance to amend the Albemarle County Code to establish an optional form-based code overlay district in the Rio29 Small Area Plan Area, and a proposed amendment to the zoning map delineating the boundaries of the Rio29 Form-Based Code Overlay District and depicting the Core Character Area, the Flex Character Area, and the Edge Character Area. A proposed amendment to § 18-30.6.4 to allow structures developed under the Rio29 Form-Based Code to qualify for a county-wide certificate of appropriateness.</p>  |   |
| <p><b>Recommendation:</b><br/>Staff recommends approval of ZTA201900006 to incorporate the text of the Rio29 FBC into the Zoning Ordinance. Staff recommends approval of ZMA202100002 to add the Rio29 Form Based Code Overlay District to the Zoning Map.</p>  |   |

**STAFF CONTACT:**

Rachel Falkenstein, Planning Manager  
Michaela Accardi, Senior Planner II  
Lea Brumfield, Senior Planner II

**PLANNING COMMISSION:**

February 16, 2021 (Public Hearing)

**PROJECT BACKGROUND:**

The Rio29 Form-Based Code (FBC) is the culmination of over four years of rigorous community and stakeholder engagement and planning work. After a two-year community driven engagement process, the Board adopted the [Rio29 Small Area Plan](#) in December 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 of the Rio29 SAP 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 of Supervisors 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 the course of 2019 and 2020 staff worked with community members, stakeholders, experts from the Form Based Code Institute (FBCI), the Planning Commission and the Board of Supervisors to develop the Draft Rio29 FBC.

The Community Development work program set by the Board of Supervisors anticipates adoption of the Rio29 FBC by the end of first quarter of calendar year 2021. If the Planning Commission recommends approval of the Rio29 FBC and Zoning Map, staff will prepare the final draft for Board of Supervisors’ adoption at their meeting on March 17, 2021.

**SPECIFICS OF THE PROPOSAL:**

The Planning Commission is being asked to make a recommendation on a Zoning Text Amendment and Zoning Map Amendment. The ZTA will incorporate the text of the Rio29 FBC into the County’s Zoning Ordinance and will revise the Entrance Corridor Overlay District (Section 30.6) to allow for a staff approved certificate of appropriateness for Entrance Corridor properties within Rio29. The ZMA will update the zoning map to delineate the boundaries of the Rio29 Form-Based Code Overlay District and the three Character Areas: Core, Flex, and Edge.

The final draft of the Rio29 FBC incorporates revisions based on feedback from outreach in late 2020 and early 2021 (Attachment 1). On November 17, 2020, the Planning Commission reviewed the draft Rio29 FBC and made suggestions for revisions (Attachment 7). Staff also held subsequent work sessions with the Board of Supervisors and the Architectural Review Board as well as virtual information sessions for community members and property owners. A summary of changes made to the draft Rio29 FBC is provided in Attachment 5.

The final draft Rio29 FBC is the first of its kind for Albemarle County. The Rio29 FBC offers property owners in Rio29 the ability to develop their property in mixed-use, walkable development patterns through a “by-right”, administrative review process. The draft strives to achieve the following goals:

1. Allow development that achieves the vision through a by-right process;
2. Establish clear expectations for residents, property owners, developers, and the County for new development;
3. Allow development to happen in the near term and to support the area's transition over time to meet the vision; and
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.

Staff has also developed Rio29 FBC User Guide to accompany the text of the Rio29 FBC (Attachment 4). The User Guide provides a detailed overview of the Rio29 Form-Based Code Overlay District with graphics and illustrations to demonstrate expectations for development and the administrative review process in Rio29. If the Rio29 FBC is adopted by the Board of Supervisors, staff will continue to refine and update this document as needed to support implementation.

Lastly, staff has begun to identify a list of planning and design-oriented work that could help to further support the Rio29 SAP's vision, improve the quality of future development, and help achieve continuity of infrastructure and design throughout Rio29 (Attachment 5). Due to complexity of much of this work, current staff capacity, and the timeline for this project, much of the Planning Commission's feedback from the November 17 work session falls under the category of "future work". Staff also recognizes there will be a continued need to revisit content and revise the Rio29 FBC over time to accommodate changing trends and technology. Before County staff can begin the "List of Future Work", Board direction is needed for the Community Development Department work program, as well as the other County departments listed.

## **STAFF RECOMMENDATIONS**

Staff recommends approval of ZTA201900006 Rio29 Form Based Code and associated changes to Sec. 30.6 (Attachment 1 & 2) and ZMA202100002 Rio29 Form Based Code Overlay (Attachment 3).

### **Attachments:**

- Attachment 1 – [Rio29 Form-Based Code, final draft](#)
- Attachment 2 – [Changes to Sec. 30.6.4](#)
- Attachment 3 – [Rio29 Form-Based Code Overlay, Zoning Map](#)
- Attachment 4 – [Rio29 Form-Based Code Users Guide](#)
- Attachment 5 – [Summary of Revisions since November 2020](#)
- Attachment 6 – [List of Future Work](#)
- Attachment 7 – [Planning Commission Staff Report, November 17, 2020](#)