

**COUNTY OF ALBEMARLE**  
**MEMO TO THE BOARD OF SUPERVISORS**  
**SUMMARY OF PLANNING COMMISSION ACTION**

<p><b>AGENDA TITLE:</b>  ZTA201900006 Rio29 Form-Based Code  ZMA202100002 Rio29 Form-Based Code Overlay District</p> <p><b>SUBJECT/PROPOSAL/REQUEST:</b>  Add § 18-20C – Rio29 Form-Based Code to encourage development consistent with the Rio29 Small Area Plan vision, establishing compact development patterns of massing and density at an urban scale with a mixture of uses within close proximity to each other; permit property owners to opt into the Form-Based Code regulations or to retain their existing zoning; establish three Character Areas with different uses and forms; create street standards, building standards, parking standards, architectural design standards, and civic space standards to achieve the goals of the Rio29 Small Area Plan vision; establish affordable housing requirements for residential developments of 5 or more residential dwelling units developed under the Rio29 Form-Based Code; and permit increased building heights in exchange for additional affordable housing units; Amend § 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>SCHOOL DISTRICT:</b>  Agnor-Hurt &amp; Woodbrook – Elementary; Burley &amp; Jouett – Middle; Albemarle – High</p>	<p><b>AGENDA DATE:</b>  March 17, 2021</p> <p><b>STAFF CONTACT(S):</b>  Filardo, McCulley, Rapp,  Falkenstein, Accardi, Brumfield</p> <p><b>PRESENTER (S):</b>  Michaela Accardi, Senior Planner II  Lea Brumfield, Senior Planner II  Rachel Falkenstein, Planning Manager</p>
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**BACKGROUND:**

At its meeting on February 16, 2021, the Planning Commission **voted 7:0** to recommend approval of both (a) ZTA20200006 Rio29 Form Based Code and (b) ZMA202100002 Rio29 Form-Base Code Overlay District. The Commission’s original staff report, action memo and draft minutes are attached (Attachments A, B, and C).

**DISCUSSION:**

The Planning Commission did not recommend changes to the draft Form-Based Code or the proposed Zoning Map Amendment; however, there was significant discussion about the draft. Two public comments were made during the Planning Commission public hearing, and one comment was submitted privately during the meeting. A summary of the Commission’s feedback and the public comments, along with staff’s response, is provided in Attachment D.

Staff has made minor changes to the Form-Based Code draft to correct typographical errors, clarify language, and remove inconsistencies. Staff also updated the Affordable housing requirement section of the draft code (Sec. 20C.12) to ensure consistency with the County’s Affordable Housing Policy draft. Other changes to the draft were based on Planning Commission feedback and are summarized in Attachment D. The updated draft Rio29 Form-Based Code is provided in Attachment E. An updated User Guide to reflect these latest revisions is provided at [www.albemarle.org/Rio29](http://www.albemarle.org/Rio29).

During the February public hearing, the Planning Commission highlighted the importance of additional public investment to incentivize property owners and developers to opt in to the Rio29 Form-Based Code and to ensure the success of the Rio29 planning effort overall. The Commission also provided feedback on future work to further improve and refine the Form-Based Code. A prioritized list of planning and design-oriented future work is provided in Attachment A6. The Board will be engaged on topics for future work during the annual review of the Community Development Department work program.

**RECOMMENDATIONS:**

Staff recommends that the Board adopt: 1) the proposed Rio29 Form-Based Code Ordinance (Attachment E); and 2) the proposed Ordinance to establish the Rio29 Form-Based Code District (Attachment F, which includes Attachment A3).

**ATTACHMENTS:**

- A – November 12, 2019 Staff Report – FBC Framework
  - A1 – Rio29 Form-Based Code (February 16, 2021 draft)
  - A2 – Changes to Sec. 30.6.4
  - A3 – Rio29 Form-Based Code Overlay, Zoning Map
  - A4 – Rio29 Form-Based Code Users Guide
  - A5 – Summary of revisions since November 2020
  - A6 – List of Future Work
  - A7 – Planning Commission Staff Report, November 17 2020
- B – Planning Commission Action Letter
- C – Draft Planning Commission Minutes
- D – Summary of Planning Commission Feedback and Public Comment
- E – Proposed Rio29 Form-Based Code Overlay District Ordinance
- F – Ordinance to establish Rio29 Form-Based Code Overlay District