SECTION 20C
RIO29 FORM-BASED CODE OVERLAY DISTRICT - RIO29 FBC DISTRICT

Sec. 20C.1 Purpose and intent.

The Rio29 Form-Based Code Overlay District (Rio29 FBC District) is created to encourage a development pattern consistent with the vision described in the Rio29 Small Area Plan. The Rio29 Small Area Plan envisions an area that is:

1. A multimodal hub with a connected network of complete streets, which are designed for all users;
2. A vibrant and diverse mixed-use community with interesting character and a human-scale built environment; and
3. A place enhanced through conservation with a network of sustainable and usable public spaces that enrich community and preserve and enhance natural resources.

The Rio29 Form-Based Code (Rio29 FBC) is intended to support redevelopment of existing conventional suburban development to establish new, compact development patterns with an urban scale, mass, density, and a mixture of uses within close proximity to each other. Further, the Rio29 FBC is intended to:

1. Allow development that achieves the vision through an administrative process;
2. Establish clear expectations for residents, property owners, developers, and the County for new development;
3. Be applied upon adoption and allow the area to 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.

The purpose and intent of each section outlined below are based on this vision. The provisions outlined will inform the development of property within the Rio29 FBC District and provide administrative guidance for waivers or exceptions to the Rio29 FBC.

A. *Uses.* Regulation of uses in the Rio29 FBC District is de-emphasized in favor of regulation of street, site, and building forms. Some use regulations remain to avoid negative impacts to residents and other uses.

B. *Streets.* Streets in the Rio29 FBC District are designed as "complete streets" to balance the safety and needs of all forms of traffic: pedestrian, bicycle, transit, and vehicular. A street's designated character area(s) and function(s) determine the applicable design standards.

   Local streets within the Core prioritize walkability and pedestrian comfort, with automobile movement as a secondary focus.

C. *Building standards.* Building standards govern the physical form and mass of buildings in relation to one another by establishing basic parameters for development. These parameters include building height, ground floor ceiling height, block length, and build-to range. The purpose of the building standards section is to support development that is well-connected, walkable, human-scaled, and includes a high-quality public realm.

D. *Parking and loading standards.* Parking and loading standards promote a "park once" environment that enables convenient access to a variety of activities by walking, biking, and using transit. These standards encourage shared parking to reduce fragmented, inefficient, and single-purpose parking. Parking and loading standards provide access and walkability to activities within the Rio29 FBC District, while preventing adverse parking impacts on the pedestrian environment, public spaces, and neighborhoods adjacent to developments.

Short-term bicycle parking standards create convenient and accessible bicycle parking areas for customers and other visitors.

Long-term bicycle parking standards create secure and weather-protected bicycle parking areas for employees, residents, commuters, and other visitors who generally stay at a site for several hours.

E. *Architectural design standards.* The physical design of buildings and neighborhoods contributes significantly to the overall experience of a community. The distinctive characteristics of various buildings make streets interesting, and make neighborhoods satisfying places to live and work. Simplicity in design, honesty in expression, quality craftsmanship, human-scale proportions, and variety in compositions and details establish a comfortable, welcoming environment.

Architectural design standards set parameters for the exterior design of buildings, addressing appearance using appropriate materials, configurations of building elements, and suitable building techniques. The purpose of the architectural standards section is to reinforce a human-scaled environment with active streets and visual interest and to establish a sense of place that is unique to the Rio29 FBC District.

F. *Civic space standards.* Civic spaces are intended to be places for community members to gather and recreate, and should improve sustainability through the provision of green infrastructure services. Civic spaces include (but are not limited to): squares, plazas, greens, linear parks, pocket parks, natural areas, and indoor civic gathering spaces.

G. *Affordable housing requirement.* The provision of affordable housing is required in all residential developments containing five or more residential dwelling units to ensure a variety of housing types and levels of affordability are provided in alignment with the Albemarle County Comprehensive Plan (Chapter 9, Housing) and the Housing Albemarle policy (Albemarle County Comprehensive Plan, Appendix 9).

(§ 18-20C.1, Ord. 21-18(4), 9-1-21)

Sec. 20C.2 Administration and general provisions.

A. *Title.* This Code is known as the Rio29 Form-Based Code (Rio29 FBC).

B. *Applicability.*

1. The Rio29 FBC is an optional zoning tool. Property owners who do not opt into the Rio29 FBC retain their existing zoning. Use of the Rio29 FBC is selected through the filing of an application for development under the Rio29 FBC. Properties developed pursuant to the Rio29 FBC must comply with all provisions of the Rio29 FBC.

2. Properties located in the Rio29 FBC District (as designated on the Regulating Plan) may use or develop property pursuant to the Rio29 FBC. After such use or development, all uses permitted pursuant to section 20C.6 are permitted on the property, subject to all Rio29 FBC regulations.

3. If an owner develops a parcel pursuant to the Rio29 FBC, Rio29 FBC regulations apply to the entire parcel as it existed on September 1, 2021.

4. Parcels developed under the Rio29 FBC may not subsequently develop subject to the district regulations of the underlying district.

5. Redevelopment of existing structures or incorporation of existing structures in the development of a parcel may occur in a phased manner by submitting a conceptual plan showing the proposed redevelopment. Existing structures incorporated into a conceptual plan are required to meet all provisions of the Rio29 FBC.

6. In the event of any variation or conflict between any provisions of the Rio29 FBC and other sections of the Albemarle County Code, the provisions of the Rio29 FBC govern. For development standards not covered by this Rio29 FBC, applicable sections of the Albemarle County Code apply. Similarly, all development must comply with all applicable Federal, State and County regulations and ordinances including (but not limited to) Albemarle County Code Chapter 17 (Water Protection) and other environmental regulations.

C. *Application requirements and review process.*

1. *Preapplication meeting.* Any prospective application for development in accordance with the Rio29 FBC must request and hold a meeting with the Community Development Department before submitting an initial site plan. This meeting is referred to as the "pre-application meeting."

   a. *Submitting information.* The applicant must complete and submit information on County - provided forms before or during the pre-application meeting.

   b. *Purposes for a pre-application meeting.* The purposes for a pre-application meeting are to:

      i. Provide the applicant and the County a common understanding of the proposed project;

      ii. Inform the applicant about the proposed project's consistency with the Regulating Plan, other relevant policies, and County regulations;

      iii. Broadly identify the planning, zoning, and other issues raised by the application that need to be addressed by the applicant;

      iv. Inform the applicant about the applicable procedure; and

      v. Allow the Director of Planning to identify the information the applicant must submit with the application pursuant to section 32.5.

2. *Submission requirements.*

   a. Owners opting to use or develop a parcel pursuant to the Rio29 FBC must submit a Rio29 FBC application at the time of initial site plan submittal.

   b. Initial site plan. The applicant must complete and submit an initial site plan according to the requirements outlined in section 32.5.2.

   c. Final site plan. The applicant must complete and submit a final site plan according to the requirements outlined in section 32.6.2.

3. *Conceptual plan.*

a. A conceptual plan must be submitted when a new use or redevelopment is proposed that will retain and/or reuse existing buildings, either temporarily or permanently, or if a phased development is proposed that will not bring the full property in compliance during the first phase of development.

b. The conceptual plan must be submitted as part of the Initial Site Plan or as required in section 20C.2.D as part of a special exception. The conceptual plan must include the following:

i. The location of all new development on the site;

ii. The location, condition, and any renovation of existing buildings to be retained;

iii. Any existing site improvements (such as parking areas, landscaping, and open space) to be retained;

iv. The location of existing streets to be retained, future streets, and future connections to streets on adjoining parcels;

v. The location of existing and proposed civic spaces;

vi. The proposed uses on the site;

vii. A phasing plan showing phase lines and the proposed sequence of development; and

viii. A summary of any modifications requested.

D. *Special exceptions.*

1. In addition to special exceptions granted under section 33, special exceptions from the Rio29 FBC may be granted by the Board of Supervisors for the following:

a. The allowance of multi-family and single-family attached dwellings that occupy greater than 66 percent of the ground floor street-facing façade within the Core character area;

b. The allowance of a single-use artisan manufacturing building with a footprint larger than 20,000 square feet within the Edge character area;

c. Modifications to building standards or to architectural design standards related to the inclusion of existing buildings, subject to the conceptual plan requirements of section 20C.2.D.3;

d. Modifications to block length for reasons other than those listed in section 20C.8.C.2;

e. Relief from the provisions of 20C.2.B.3 to allow the Rio29 FBC to apply to a portion of a parcel existing on September 1, 2021. In addition to the submittal requirements of section 33 the applicant must submit a conceptual plan showing how the entire property could be developed in accord with the regulations of the Rio29 FBC.

2. Special exceptions from the provisions of the Rio29 FBC may be granted by the Board of Supervisors upon a finding that the special exception:

a. Furthers the purpose and intent of the provisions of the Rio29 FBC as described in section 20C.1 (Purpose and intent);

b. Is consistent with the Regulating Plan; and

c. Is consistent with the Comprehensive Plan.

3. Special exceptions to allow modifications to building standards or architectural design standards related to inclusion of existing buildings, or to allow relief from provisions of section 20C.2.B.3, may be granted by the Board of Supervisors following the submittal of a conceptual plan, where the following additional conditions are met:

    a. Renovations must not cause existing building(s) to become more nonconforming as to building standards, architectural standards, or any other relevant requirements of this code.

    b. Streets that provide site access and/or connectivity to adjacent properties must be constructed or upgraded to meet the requirements of section 20C.7 and be completed prior to commencement of the use, issuance of a zoning clearance, or issuance of a Certificate of Occupancy for the first phase of development.

    c. Where a new use is proposed under section 20C.6, existing buildings (constructed prior to September 1, 2021) being retained must be shown as part of the phase in which the building will be first used. The following site and building improvements must be provided prior to commencement of the use, issuance of a zoning clearance, or issuance of a Certificate of Occupancy for the phase of development of the building's first use:

        i. Streets to serve each phase of development must be constructed or upgraded to meet the requirements of section 20C.7 with each phase of development.

        ii. The minimum area of required civic space, calculated based on the gross acreage of each phase, must be constructed and dedicated with each phase of development.

        iii. All existing buildings to be retained must meet architectural design standards of section 20C.10 with each phase of development.

    d. Any other conditions as determined by the Board of Supervisors

E. *Agent.* The Director of the Albemarle County Community Development Department is hereby designated the Agent of the Board of Supervisors for the purpose of administering the Rio29 FBC, except as otherwise expressly provided. The Agent or their designee has the power and duty to consider and act on requests to vary or except certain Rio29 FBC regulations, pursuant to the Rio29 FBC. All references to the Agent in this section may apply to the Agent or their designee.

(§ 18-20C.2, Ord. 21-18(4), 9-1-21)

Sec. 20C.3 Definitions.

The following definitions apply only for purposes of the Rio29 FBC.

Alley. "Alley" means a narrow, one-lane road with provisions to access utilities and loading areas.

Articulation of a façade. "Articulation of a façade" (or "façade articulation") means changes in the depth of the surface of a building face or façade such as attached columns, recessed windows or window bays, horizontal banding, or decorative cornices. Articulation gives texture to the building surface.

Artisan manufacturing. "Artisan manufacturing" means the production, display, and sale of individually crafted tangible goods such as artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven article, baked or prepared food and drink, watercraft, and similar items. Artisan manufacturing does not include industrial-scale mass production.

Avenue. "Avenue" means a two-lane, medium-capacity street with provisions to serve both local and through pedestrian, bicycle, and automobile traffic, as well as transit. Berkmar Drive and Hillsdale Drive are Avenues.

Block. "Block" means an increment of land circumscribed and not traversed by streets (alleys and pedestrian pathways excepted). Block length is measured along the edge of a street right-of-way. The measurement is taken along parcel frontages from one corner of a street right-of-way to the next.

Boulevard. "Boulevard" means a four-lane, high-capacity street with provisions to serve both local and through pedestrian, bicycle, and automobile traffic, as well as transit. Rio Road is a Boulevard.

Build-to range. "Build-to range" means a minimum and maximum threshold located on the front(s) of a lot where the structure must be located, measured from the rear edge of the right-of-way or external civic space. The building's street façade wall must be located within the build-to range. Façade articulation, such as window or wall recesses and covered porches, balconies, chimneys, eaves, and like architectural projections are not counted as the building façade line.

Civic space. "Civic space" means an area dedicated to public use that is designated for gathering, socializing, and recreation. Civic space is usually in the form of open outdoors space but may also be in the form of indoor civic gathering spaces.

Commercial parking. "Commercial parking" means the use of surface or structured parking for rent, lease, or sale.

Community facility. "Community facility" means a public or private recreational, safety, cultural, or religious use or facility such as a camp, volunteer fire/rescue station, religious assembly use, museum, community center, or similar facility.

Conceptual plan. "Conceptual plan" means a plan submitted pursuant to section 20C.2.C.3 that delineates the overall scheme of redevelopment where a new use or redevelopment is proposed that will retain and/or reuse existing buildings.

Cultural amenity space. "Cultural amenity space" means a museum, art gallery, or other cultural facility located within a structure. This type of facility must be open to the public on a regular basis.

Development site. "Development site" means property to be developed pursuant to the Rio29 FBC.

Façade segment length. "Façade segment length" means the length of a building façade without horizontal or vertical plane articulation.

Indoor civic space. "Indoor civic space" means an indoors gathering space that provides public access and cultural, horticultural, or other indoor amenities, designed to accommodate recreational functions including (but not limited to): public meeting spaces, sitting, relaxing, picnicking, or education.

Institutional uses. "Institutional uses" means public or private health or educational uses and facilities such as schools, training centers, universities, hospitals, assisted living facilities, skilled nursing facilities, children's residential facilities, or similar facilities.

Landscaped separation zone. "Landscaped separation zone" means the area between the sidewalk and right-of-way that is designed according to the streetscape elements standards in section 20C.7.C.

Light industrial uses. "Light industrial uses" (LI) means processing, fabricating, assembly, or disassembly of items that take place wholly within an enclosed building and that are compatible with, and do not detract from, surrounding uses. Light industrial uses may involve use of tools or machinery. Large scale storage or warehousing of materials are not light industrial uses.

Linear park. "Linear park" means a long, uninterrupted park within an urban area that features a shared use path (SUP) linking a greenway with other amenities and trails, designed to accommodate recreational functions including (but not limited to): walking, running, cycling, sitting, and relaxing.

Live-work dwelling unit. "Live-work dwelling unit" means a dwelling unit that consists of both a residence and a commercial or manufacturing space used by at least one resident of the unit.

Local street. "Local street" means a two-lane, low-speed street with provisions to serve local pedestrian, bicycle and automobile traffic.

Natural area. "Natural area" means a vegetated outdoor civic space of at least 0.5 acres with little to no impervious surfaces, designed to accommodate wildlife habitats and recreational functions including (but not limited to): walking, jogging, biking, relaxing, or picnicking.

Pedestrian passages. "Pedestrian passage" means a pedestrian-only street with provisions to serve local pedestrian traffic safely and conveniently. Pedestrian passages are open to the sky, except for canopies and trellises.

Plaza. "Plaza" means an outdoor civic space of 0.25—2 acres surrounded on all sides by buildings or roads, designed to accommodate recreational functions including (but not limited to): relaxing, sitting or strolling, casual gatherings, picnics, and organized events.

Pocket park. "Pocket park" means a small park embedded within an urban or suburban neighborhood of 0.2—0.5 acres, designed to accommodate recreational opportunities for residents and employees of nearby developments, including (but not limited to): relaxing, sitting, strolling, gardening, dog-walking, playing, or casual gatherings. The park may help the meet needs for public or private open space and stormwater management.

Public green. "Public green" means an open outdoor civic space of 0.5 - 5 acres surrounded on all sides by buildings or roads, designed to accommodate recreational functions including (but not limited to): relaxing, sitting or strolling, casual gatherings, or organized events.

Public art. "Public art" means the application of creativity by artists to the production of tangible objects, including (but not limited to): paintings, carvings, collages, sculptures, frescoes, mosaics, site-specific installations, mobiles, engravings, bas-reliefs, and murals. Architects and landscape architects are not artists for purposes of this definition.

Rideshare. "Rideshare" means a transportation service in which a passenger travels in a private vehicle driven by the vehicle's owner, especially as arranged by means of a website or a mobile phone application.

Sidewalk clear zone. "Sidewalk clear zone" means a contiguous, unobstructed portion of sidewalk that allows the safe and convenient passage of pedestrians.

Square. "Square" means a primarily hardscaped outdoor civic space one-half to one block in size, designed to accommodate a variety of functions, including (but not limited to): farmers' markets, outdoor games, food truck sales, concerts, social gatherings, civic gatherings, outdoor learning spaces, pop-up businesses, and passive recreation.

Street façade. "Street façade" means the building elevation facing a street or civic space. Building walls facing private interior courts, common lot lines, alleys, or pedestrian passages are not street façades.

Street furniture. "Street furniture" means benches, seating, and tables that are available for public use along the street frontage.

Through corridor. "Through corridor" means a high-capacity, high speed street with provisions to serve local and regional traffic. Route 29/Seminole Trail is the only through corridor.

Transparency. "Transparency" means the amount of glass in windows and/or doors (including any mullions, muntins and frames) as a percentage of the building façade. Glass must have low reflectivity. Semi-transparent, opaque, frosted, etched, and mirrored glass do not qualify as transparent glass.

(§ 18-20C.3, Ord. 21-18(4), 9-1-21)

Sec. 20C.4 Character areas.

Establishment of character areas. The Rio29 FBC District contains three character areas: Core, Flex and Edge. Designated character areas determine the appropriate uses and forms of development within each designated character area. The uses and forms of development are intended to implement the adopted Rio29 Small Area Plan.

A. *Core.* The Core character area has the highest intensity and most urban form of development within the District. Development encompasses a mixture of uses and an active street life, encouraged by transparent façades, taller ceiling heights, and non-residential uses on the ground floors of buildings. Well-designed civic spaces enhance an urban and pedestrian-friendly experience. People can easily walk, bike, and use transit to reach their destinations within and outside of the Core.

B. *Flex.* The Flex character area accommodates a range of building forms and uses to transition from higher intensity urban development in the Core to the lower intensity development along the Edge. The Flex physically connects the Core and the Edge and has a variety of building heights and block sizes. This connection is enhanced through a network of civic spaces and pedestrian, bike, and transit options.

C. *Edge.* The Edge character area exhibits less intense development than the Core and Flex, given its location next to existing residential neighborhoods. Buildings are expected to have lower heights and smaller forms, while continuing to provide neighborhood services and a mixture of uses.

(§ 18-20C.4, Ord. 21-18(4), 9-1-21)

Sec. 20C.5 Regulating plan.

The Rio29 FBC Regulating Plan indicates the designated character area for each property within the Rio29 FBC District. It also includes the general location of required civic spaces, pursuant to section 20C.11.

The Rio29 Small Area Plan includes a Future Connectivity Plan, which depicts an interconnected network of street types as depicted in section 20C.7. Site plans under the Rio29 FBC should reference the Future Connectivity Plan. While redevelopment and new development will determine the actual location of streets, site plans should provide direct multi-modal connections that will allow people to easily walk, bike, and use transit to reach their destinations within and outside of the Rio29 District.

(§ 18-20C.5, Ord. 21-18(4), 9-1-21)

Sec. 20C.6 Permitted uses.

A. *Permitted uses.* The uses permitted in each character area are listed in Table 1. Accessory uses are permitted unless explicitly prohibited in Table 1.

Table 1: Permitted Uses

USE CATEGORY	CHARACTER AREA			
	Core		Flex	Edge
	Ground floor	Upper floors		
RESIDENTIAL - DWELLING UNIT TYPES				
Multiple-family dwellings	P	P	P	P
Live-work dwelling units	P	P	P	P
Single-family attached dwellings	P	P	P	P
Single-family detached dwellings	N	N	N	SE
COMMERCIAL, INDUSTRIAL, and FLEX USES				
Retail sales and service	P	P	P	P
Restaurants, hotels, and lodging	P	P	P	P
Entertainment and recreation	P	P	P	P
Office	P	P	P	P
Artisan manufacturing	P	P	P	P
Commercial parking	P	P	P	N
Fuel pump canopies	SP	SP	SP	SP
Drive-through windows	N	n/a	SE	SE
Light industrial	P	P	P	SP
PUBLIC and INSTITUTIONAL USES				
Public and institutional uses	P	P	P	P
Community facility uses	P	P	P	P
Fire, ambulance and rescue squad stations (reference 5.1.09).	P	P	P	P
Cultural amenity space	P	P	P	P
Public art	P	P	P	P
SHORT-TERM USES				
Temporary uses	P	P	P	P
Temporary construction uses and temporary storage yards	P	P	P	P
UTILITIES				
Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage	P	P	P	P

collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. Public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference section 5.1.12).				
Stormwater management facilities	P	P	P	P
Tier I and Tier II personal wireless service facilities (reference section 5.1.40).	P	P	P	P
Tier III personal wireless service facilities (reference section 5.1.40).	SP	SP	SP	SP
P = Permitted by right SE = Special exception required N = Not permitted SP = Special use permit required				

B. *Use provisions.*

1. *General provisions.*

a. Any materials stored outdoors, with the exception of outdoor display for advertisement, must be hidden behind an opaque fence to screen the ground-level view from any public right-of-way or any residential use, and materials may not be piled or stacked higher than the opaque fence; and

b. Any use producing noise, vibrations, glare and heat, or electrical disturbance that is subject to the performance standards of section 4.14 must be conducted within an enclosed building; and

c. Each prospective use of an industrial or manufacturing character must submit a certified engineer's report pursuant to section 4.14.5. prior to commencement of the use, issuance of a zoning clearance, or issuance of a Certificate of Occupancy for the site.

2. *Multiple-family dwellings and single-family attached dwellings.*

a. Multiple-family dwellings and single-family attached dwellings may locate on the ground floor of the Core character area, provided that:

i. No more than two-thirds of the ground floor street facing façade of a single building may be occupied by multiple-family or single-family attached residential uses. This standard does not apply to façades facing through corridors;

ii. The construction and design of the ground story must allow for future conversion to a commercial use. The ground floor must be sprinklered as required under the Virginia Construction Code for commercial uses; and

iii. Temporary false floors or drop ceilings are permitted to allow shorter ground floor ceiling heights, provided that a future conversion could comply with section 20C.8.

3. *Live-work dwelling units.*

   a. Any non-residential use of a live-work dwelling unit must be conducted by one or more residents of the unit.

   b. Any non-residential use of a live-work dwelling unit must comply with all performance standards of section 4.14.

   c. Any non-residential use of a live-work dwelling unit must obtain a zoning clearance prior to commencing the use.

   d. The commercial or manufacturing space in a live-work dwelling unit must have a ceiling height of at least 12 feet.

   e. The residential and commercial or manufacturing spaces in a live-work dwelling unit may not be sold, rented, or subleased separately.

   f. Live-work dwelling units may have a maximum floor area of 3,000 square feet.

4. *Artisan manufacturing.*

   a. Any individual artisan manufacturing establishment may not employ more than 20 full-time employees or the equivalent part-time employees.

   b. Any individual artisan manufacturing establishment may have regular storefront hours during which a portion of the premises is open to the public for sale of finished products.

   c. An artisan manufacturing use may hold workshops, classes, or events related to the manufacturing use, provided they are accessory to the manufacturing use.

   d. Single-use buildings containing an artisan manufacturing use within the Edge character area may not exceed a building footprint of 20,000 square feet, unless granted a special exception.

5. *Light industrial.*

   a. A light industrial use may hold workshops, classes, or events related to the manufacturing use, provided they are accessory to the manufacturing use.

6. *Public art.*

   a. The following items are not considered public art, for purposes of the Rio29 FBC: reproductions or unlimited copies of original artwork; mass-produced art objects; the overall architectural design of a building; architectural rehabilitation or historic preservation; and logos or interpretations of logos.

   b. Public art must be located outside of buildings and be completely visible from the public right-of-way or on a publicly viewable façade. It must be permanently fixed, outside of sight distance triangles.

7. *Temporary uses.*

    a. Temporary uses must obtain a zoning clearance prior to operation, for operation of up to 180 days. Temporary use zoning clearances may not be renewed.

    b. All use permitted in a character area under the Rio29 FBC may be permitted as a temporary use per Table 1.

    c. *Structures used for temporary uses.* Temporary uses are permitted in structures in the Rio29 District built before September 1, 2021, and in the following structures as permitted by the Building Code:

        i. Modular buildings or shipping containers of less than 256 square feet as approved by the Virginia Construction Code;

        ii. Trucks and trailers located in place for more than two hours; or

        iii. In tents or outside.

    d. Temporary uses are exempt from sections 20C.7, 20C.8, 20C.10, 20C.11, and 20C.12.

    e. Section 20C.9 applies to temporary uses under the Rio29 FBC.

    f. Temporary uses in the Rio29 FBC District may request a temporary sign permit pursuant to section 4.15.6, for a period of up to 180 days.

8. *Uses not specifically listed.*

    a. The Agent may determine that a use not specifically listed is permitted, provided that such use is similar to the listed permitted uses in terms of locational requirements, operational characteristics, visual impact and traffic generation. The Agent's determinations may be appealed pursuant to section 34.

(§ 18-20C.6 Ord. 21-18(4), 9-1-21)

Sec. 20C.7 Street standards.

A. *Street locations.*

1. Each street must provide an interconnected network of streets consistent with the Rio29 Small Area Plan.

2. New street locations will be determined in collaboration between the property owner, the Agent, and VDOT.

3. Streets must provide a network of blocks with block lengths pursuant to section 20C.8.

4. Streets must:

    a. Be coordinated with existing or planned streets as to location, width, grades and drainage within the general area of the development site;

    b. Connect to planned, existing, or platted streets in adjoining areas by dedication or reservation of right-of-way.

5. All streets within a development site must be extended and constructed to the abutting property lines to provide vehicular and pedestrian interconnections to existing or future development on adjoining properties.

B. *Street sections.*

Figure 1: Boulevard Streets

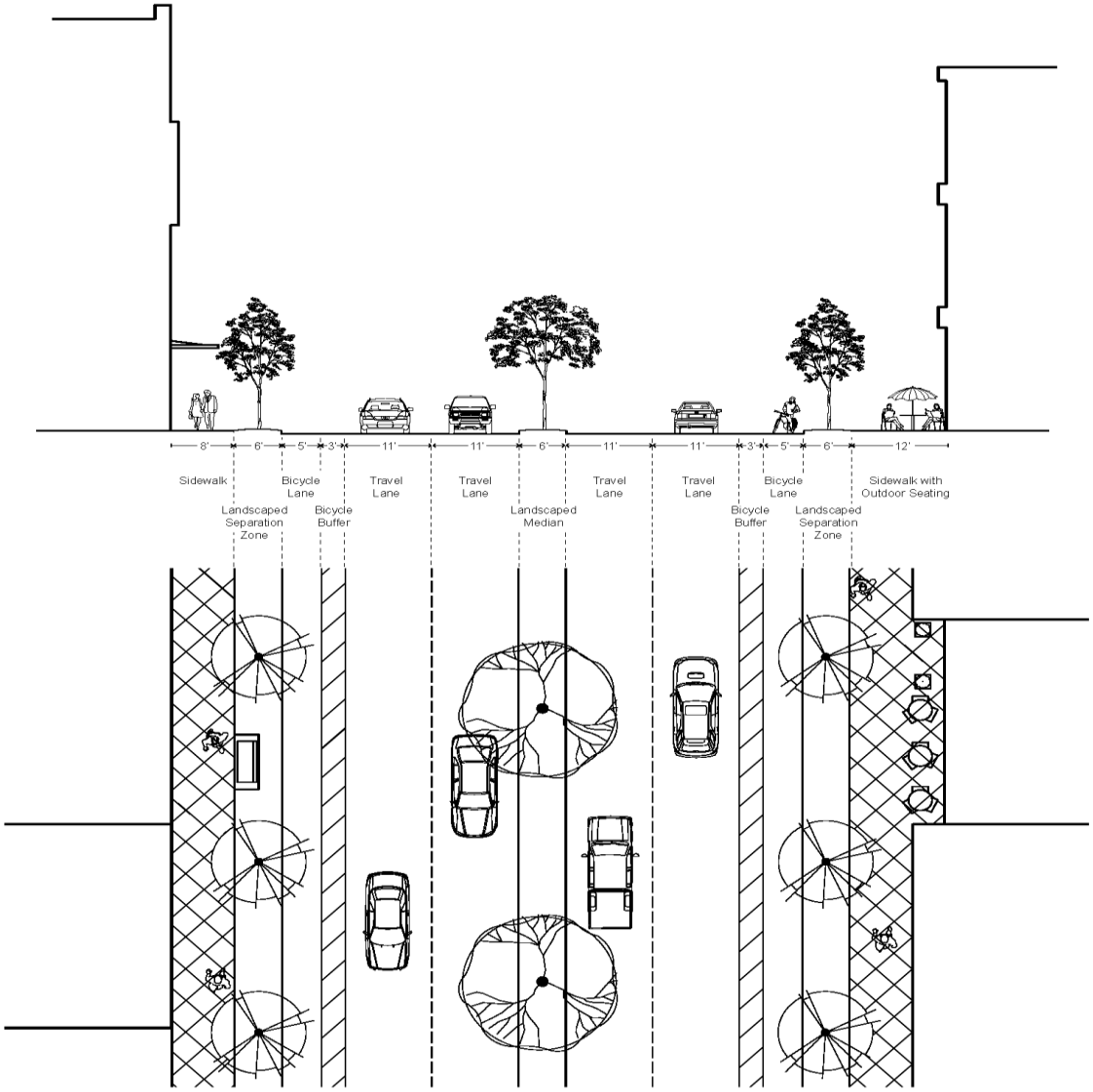


Figure 2: Avenue Streets

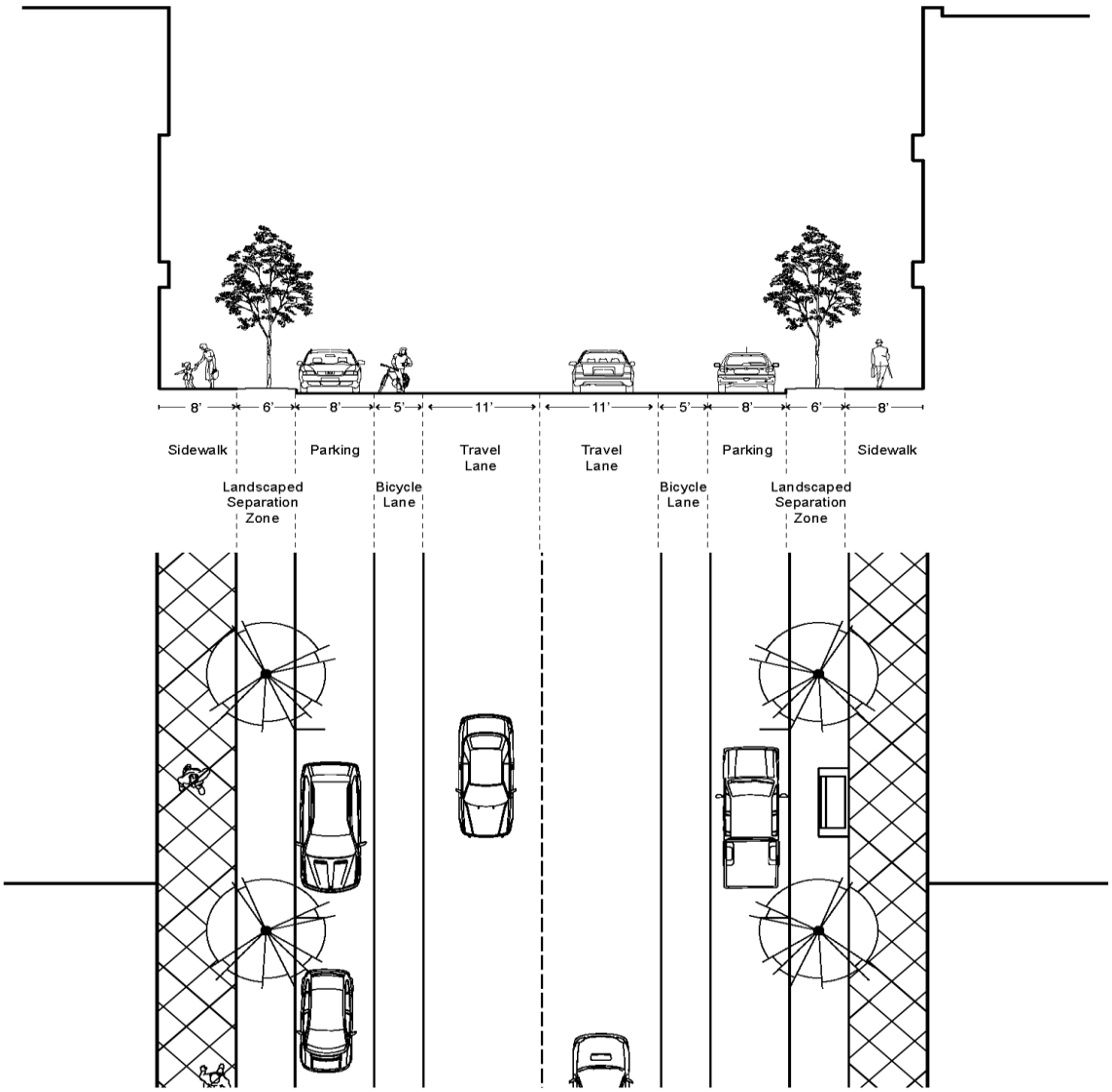


Figure 3: Local Streets (Core)

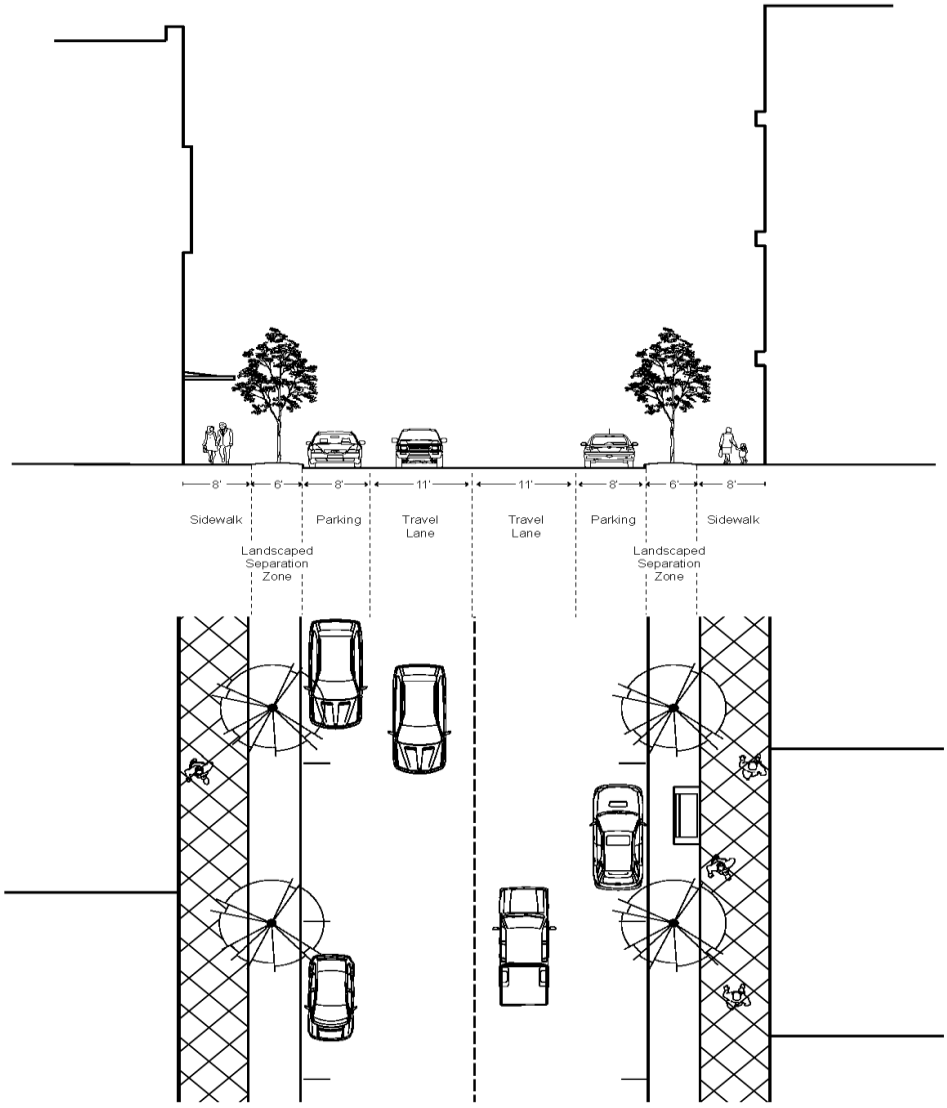


Figure 4: Local Streets (Flex/Edge)

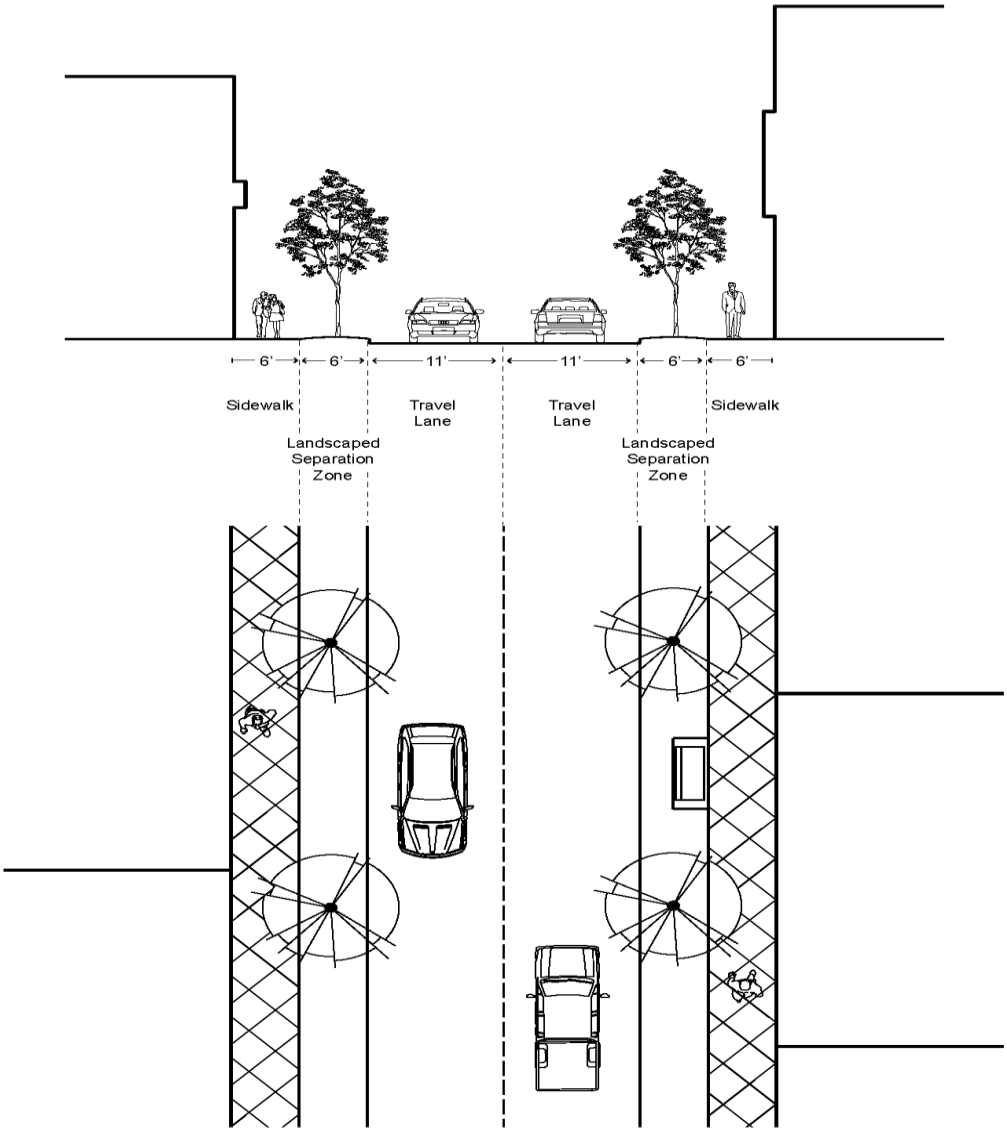


Figure 5: Through Corridor

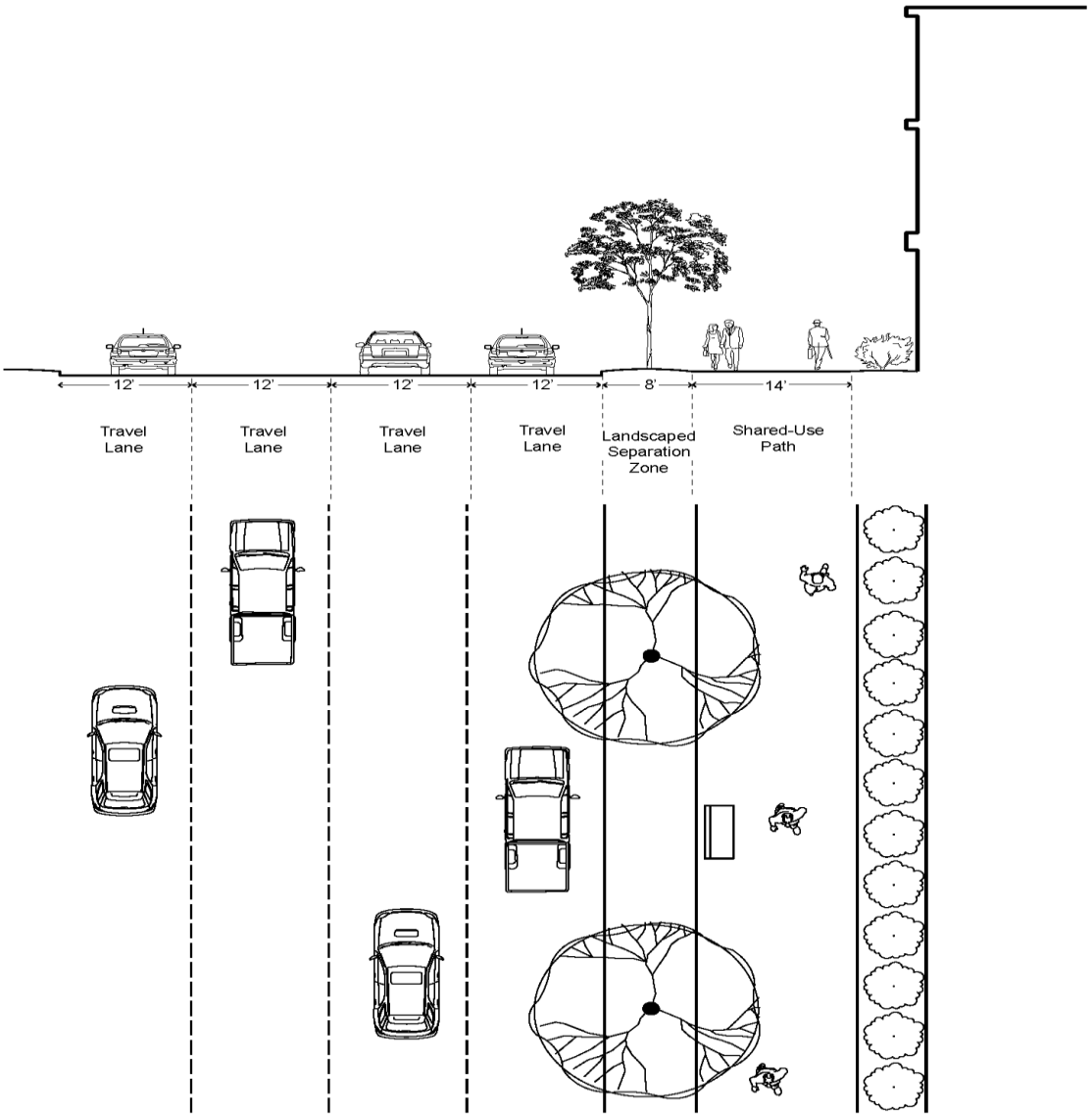
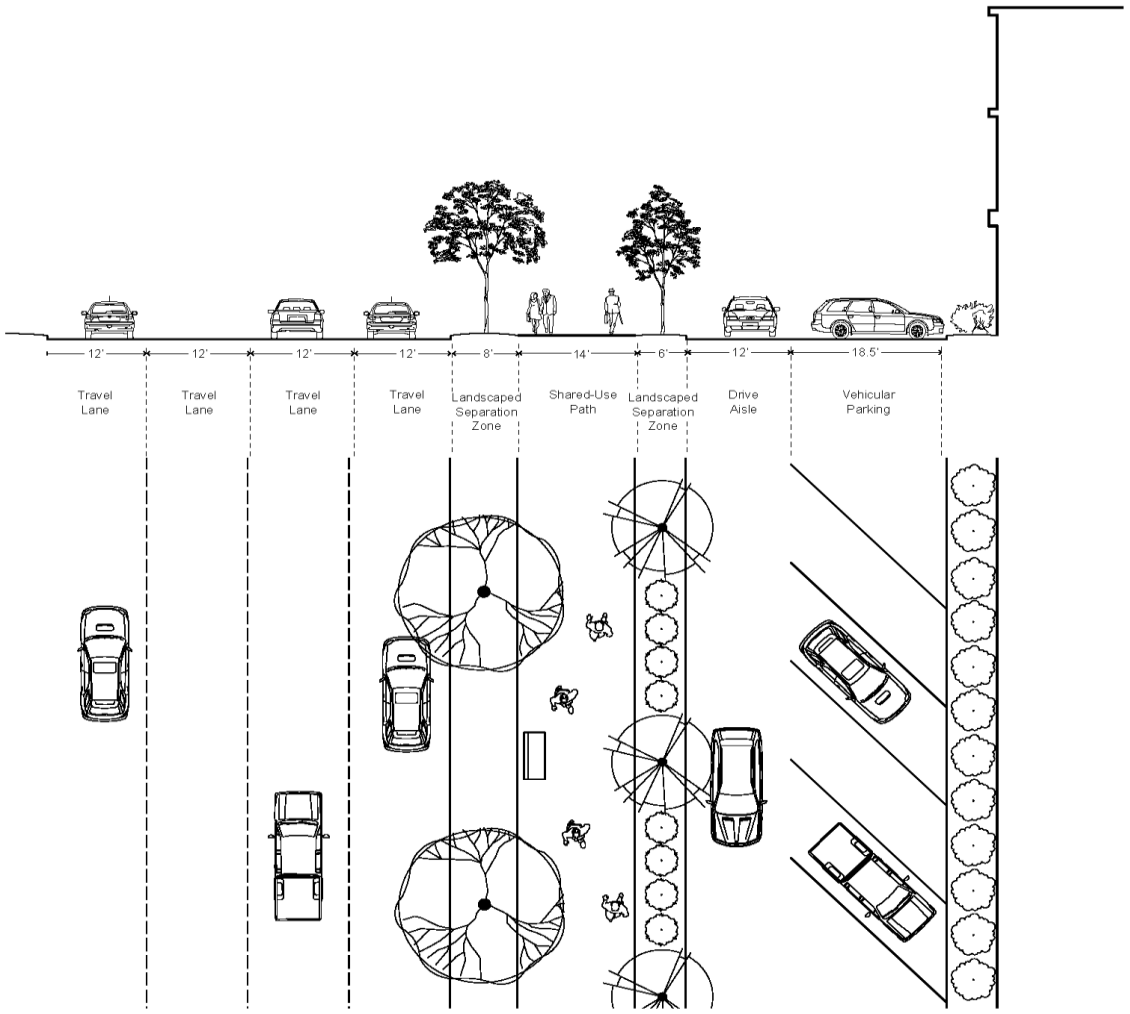


Figure 6: Through Corridor (with Parking and Drive Aisle)



C. *Street standards.*

1. Streets within the Rio29 FBC District platted after September 1, 2021 must comply with the following standards:

    a. Rio Road must comply with Boulevard street standards;

    b. Hillsdale Drive and Berkmar Drive, including extensions and future sections shown on the Rio29 Future Connectivity Plan (see Rio29 Small Area Plan), must comply with Avenue street standards.

c. All other streets must comply with local street standards.

d. Pedestrian passages and alleys may be provided at the option of the developer but, where provided, must comply with Rio29 FBC standards.

e. Streets must meet the block length standards of section 20C.8.

2. Streets must meet the standards below, in collaboration with the Virginia Department of Transportation (VDOT). Standards vary by street type and character area. Lane width and design will be determined in conjunction with VDOT and Fire Rescue staff, and must comply as closely as feasible with street sections shown in the Rio29 Small Area Plan.

Table 2: Street Standards

	Boulevard	Avenue	Local streets (Core)	Local streets (Flex/Edge)	Through corridor	Pedestrian passages	Alleys
Minimum sidewalk width	8 ft	8 ft	8 ft	6 ft	14 ft (Shared use path standard)	10 ft minimum pedestrian travel way	Not required
Landscaped separation zone	6 ft	6 ft	6 ft	6 ft	8 ft	18 in minimum distance from buildings	Not required
Bicycle lane	5 ft	5 ft	Not required	Not required	Not required	Not required	Not required
Bicycle buffer	3 ft	n/a	n/a	n/a	n/a	n/a	n/a
Landscaped median	6 ft minimum	n/a	n/a	n/a	n/a	n/a	n/a
Parking	n/a	8 ft	8 ft	8 ft (optional)	n/a	n/a	n/a

3. Sidewalk standards generally.

a. *Sidewalk width.* Sidewalks wider than the minimum standards are permitted at the property owner's discretion. Wider sidewalks may accommodate outdoor cafés, other seating associated with ground story uses, or small displays outside of pedestrian entrances, provided that a five-foot wide sidewalk clear zone is maintained.

The five-foot sidewalk clear zone is not applicable to shared use paths (SUP). SUPs must not be obstructed within the minimum required width.

b. *Maintenance of sidewalks.* Property owners must maintain any sidewalk beyond the minimum sidewalk width and any sidewalk used to accommodate outdoor cafés, other seating associated with ground story uses, or small displays outside of pedestrian entrances.

D. *Modifications to street standards.*

1. The Agent may approve modifications to the street standards of this section, provided that the resulting street meets the purpose and intent of this section and provides for continuity with existing or planned streets on adjacent properties.

2. A SUP or two-way cycle track may be provided in lieu of bicycle/pedestrian facilities if it is deemed appropriate by County Transportation Planning staff and VDOT, and the applicant can provide for appropriate transition to adjacent facilities. SUPs must be designed and constructed in accord with the Albemarle County Design Standards Manual.

3. The bicycle buffer may be reduced in width where a physical barrier is provided and where appropriate transitions are provided to adjacent properties, if deemed appropriate by VDOT and County Transportation Planning staff.

4. Appropriate locations for on-street parking must be determined in collaboration with County Transportation Planning and VDOT staff during project design. On-street parking is required for local streets within the Core, in locations deemed appropriate by Transportation Planning and VDOT staff.

5. The landscaped separation zone may be reduced in width on local streets where street trees are planted within grates or tree wells along sidewalks, provided that (a) the landscape design includes adequate soil volumes below the pavement and (b) a minimum five-foot wide sidewalk clear zone is maintained along the sidewalk.

E. *Street ownership and maintenance.*

1. *Public streets.* All boulevards, avenues, and local streets must be public streets and be dedicated to public use, and acceptable to VDOT.

2. *New Streets.* Property owners or a third party approved by the Agent must construct the new public streets and associated streetscape elements to serve their site as required in this section.

3. *Existing Streets.* Where a development site fronts existing public street(s), the property owner(s) must:

a. Construct street or intersection improvements required by VDOT to safely accommodate traffic to serve the site;

b. Construct sidewalks, landscaping, and other streetscape elements along the development site frontage required by this section; and

c. Reserve land for future dedication along the development site frontage for future street widening to accommodate on-street facilities such as bicycle lanes, bicycle buffers, and/or medians, as required by this section. Land reserved for on-street facilities such as bicycle lanes, bicycle buffers, and/or medians must be dedicated to the County upon demand of the County.

4. *Streetscape elements.* Owners must dedicate to the County all required streetscape elements between their lot lines and the backs of curbs upon the demand of the County. Any streetscape elements that VDOT does not agree to maintain will be owned by the County, unless otherwise specified in this section.

a. Privately owned and maintained streets.

i. *Pedestrian passages and alleys.* Pedestrian passages and alleys are optional, to be owned and maintained by the property owner, unless other parties agree to maintain them.

ii. *Perpetual easement.* The owner must ensure public access to the private street through a perpetual easement. The easement must include any portions of streetscape elements or pedestrian passages that are privately owned and maintained.

5. *Instrument assuring maintenance.* The owner must submit an instrument assuring the perpetual maintenance of the streetscape elements, alleys, and/or pedestrian passages. The instrument will be subject to review and approval by the County Attorney and must be suitable for recordation in the office of the Circuit Court Clerk of the County.

F. *Streetscape elements.*

1. The following streetscape elements must be provided:

Table 3: Streetscape Elements Standards by Street Type

	Boulevard	Avenue	Local streets (Core)	Local streets (Flex/Edge)
Street lighting	R	R	R	R
Street trees	Refer to section 20C.10.D	Refer to section 20C.10.D	Refer to section 20C.10.D	Refer to section 20C.10.D
Street furniture	At least 1 bench (or 4 seats) every 100 ft	O	At least 1 bench (or 4 seats) every 100-ft	O
Trash & recycling receptacles	1 trash and 1 recycling receptacle every 250 ft and at least 2 corners of each intersection	O	1 trash and 1 recycling receptacle every 250 ft and at least 2 corners of each intersection	O
Street signage	Refer to section 4.15	Refer to section 4.15	Refer to section 4.15	Refer to section 4.15
Pedestrian accommodations	Required at locations deemed appropriate in collaboration with VDOT and County	Required at locations deemed appropriate in collaboration with VDOT and County	Required at locations deemed appropriate in collaboration with VDOT and County	Required at locations deemed appropriate in collaboration with VDOT and County

	transportation staff, according to Virginia Supplement to the 2009 MUTCD	transportation staff, according to Virginia Supplement to the 2009 MUTCD	transportation staff, according to Virginia Supplement to the 2009 MUTCD	transportation staff, according to Virginia Supplement to the 2009 MUTCD
Enhanced transit stop	R	R	R	R
Green infrastructure / stormwater control measures	O	O	R	O
R = Required; O = Optional				

G. *Modifications to streetscape elements.*

1. The Agent may grant substitutions or modifications to streetscape standards as listed above, provided that the resulting streetscape meets the purpose and intent of this section and provides for continuity with streetscapes of existing or planned adjacent streets.

2. *Streetscape elements.* The Agent may grant a reduction or modification in the number or frequency of required streetscape elements if VDOT standards or the presence of existing overhead or underground utilities, fire hydrants, curb cuts, or other existing features prevent the compliance with the standards in this section.

3. *Landscaped separation zone.* The Agent may allow an alternative design and reduced width of landscaped separation zones, provided that the landscape design includes adequate soil volumes below the pavement.

H. *Streetscape elements generally.*

1. *How to measure.* Spacing of streetscape elements will be measured on an average distance along the site frontage to meet the requirements of section 20C.7.G. Clustering of streetscape elements is acceptable.

2. Streetscape elements must continue existing spacing patterns established on adjacent developments, if applicable.

3. *Lighting.*

   a. Lighting within the Rio29 FBC District must meet section 4.17.4 standards.

   b. Lighting may be used as an integral design component to enhance architecture, landscaping, and other site design elements.

4. *Street Trees.*

a. Street trees must be planted within appropriately sized grates or tree wells at grade or in a planting strip abutting the sidewalk and spaced according to the table below.

b. Street trees must be selected from a current list of recommended large or medium shade trees, subject to the approval of the Agent when site conditions warrant medium shade trees per Table 4 below.

Table 4: Landscaping Requirements by Street Type

	Through corridor	Boulevard	Avenue	Local street
Landscaping requirements	Large shade trees must be at least 3 inches caliper (measured 6 inches above the ground) The maximum average distance between trees must be 50 feet or less per block length.	Large shade trees at least 2½ inches caliper (measured 6 inches above the ground). The maximum average distance between trees must be 50 feet or less per block length.	Large trees at least 2½ inches caliper (measured 6 inches above the ground). The maximum average distance between trees must be 40 feet or less per block length.	Large or medium trees at least 2 inches caliper (measured 6 inches above the ground). The maximum average distance between trees must be 50 feet or less per block length.

5. *Street furniture.* Street furniture must comply with the following standards.

a. *Benches and seating.*

i. Benches and seating must be made of durable, high-quality materials such as concrete, wood, iron, steel, and fiberglass.

ii. Benches and seating must be provided at the interval provided in section 20C.7.F.

iii. Benches and seating may be clustered if the average number of seats/benches provided is equivalent to the standard in section 20C.7.F.

iv. Fifty percent of clustered public seating or benches must comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG), see ADAAG section 4.32.

v. Benches and seating must be located on or adjacent to a sidewalk. If benches are located on a sidewalk, a five-foot wide sidewalk clear zone must be maintained along the sidewalk. Benches must not be located where they may interfere with street trees, transit stops, or streetlights.

vi. Benches and seating may be integrated as a part of other streetscape elements if their primary function and accessibility is not compromised. This may include but is not limited

to seating integrated as a seat wall around trees and landscaping, or seating incorporated as a part of public art.

vii. Temporary or movable seating may be used to meet the standards in section 20C.7.F, to allow seats to meet specific social and microclimate needs. Temporary or movable seating must be maintained by the property owner and remain open to the general public, not just the patrons of an establishment.

b. *Tables.*

i. Tables must be made of durable, high-quality materials such as concrete, wood, iron, steel, and fiberglass.

ii. Any tables and/or chairs placed on a sidewalk must maintain a five-foot sidewalk clear zone.

iii. Temporary or movable tables may also be used to meet the requirements in section 20C.7.F, to allow tables to meet specific social and microclimate needs. Temporary or movable tables must be maintained by the property owner and remain open to the public, not just the patrons of an establishment.

6. *Trash & recycling receptacles.*

a. Trash and recycling receptacles must be made of durable, high quality materials, such as galvanized or stainless steel.

b. Trash and recycling receptacles must be located at the intervals required in section 20C.7.F.

c. Trash and recycling must be located as near to corner and high activity generators (such as major civic, commercial, and transit destinations) as is practical without interfering with pedestrian, cyclist, transit, and vehicular traffic.

7. *Pedestrian accommodations.*

a. *Marked crosswalks.*

i. Marked crosswalks must be provided at locations deemed appropriate, pursuant to the Virginia Supplement to the 2009 Manual on Uniform Traffic Control Devices (MUTCD) Part 3. Markings.

ii. Marked crosswalks must be provided mid-block and at unsignalized locations deemed appropriate pursuant to the VDOT IIM-TE-384.0 Pedestrian Crossing Accommodations at Unsignalized Locations.

b. *Signals.* Pedestrian signals must be provided at all signalized crosswalks along all boulevards, avenues, and local streets in the Core character area, pursuant to the Virginia Supplement to the 2009 Manual on Uniform Traffic Control Devices (MUTCD) Part 4. Highway Traffic Signals.

8. *Enhanced transit stops.*

a. *Enhanced transit stops generally.*

i. Any required enhanced transit stop must comply with the standards of the local transit authority and the Rio29 FBC.

ii. Each enhanced transit stops must include a shelter and seating in accord with the standards of the local transit authority.

iii. Each enhanced transit stop must be ADA accessible.

b. *Enhanced transit stop locations.*

i. Enhanced transit stops are required in locations currently served or that will be served by Charlottesville Area Transit or other transit providers following completion of project construction.

ii. Site plans for developments larger than two acres are subject to review by the Agent and by local transit authorities to determine transit service needs.

iii. Transit stops must be located along a curb extension allowing transit vehicles to stop and board passengers without leaving the travel lane. Where parking lanes are provided, the stop must be aligned with the parking lane.

iv. Other streetscape elements, such as trash and recycling receptacles, signage, and seating, must not obstruct sidewalks and accessible boarding areas.

c. *Enhanced transit stop design standards.*

i. An ADA accessible boarding area from the transit shelter and adjacent sidewalk must be provided at each transit stop.

ii. Where boarding platforms are not level with the sidewalk, an ADA accessible ramp must be provided from the sidewalk to the platform.

iii. Transit shelters must cover and protect at least one bench or four seats from weather elements.

iv. Shelters may not block the minimum required widths of sidewalks or shared-use paths.

(§ 18-20C.7, Ord. 21-18(4), 9-1-21)

Sec. 20C.8 Building standards.

A. *Building standards by character area.*

Table 5: Building Standards by Character Area

	Core	Flex	Edge	Through corridor (all character areas)
Building height[1]	Minimum height: 2 stories Maximum height: 5 stories	Minimum height: 2 stories Maximum height: 4 stories	Minimum height: 2 stories Maximum height: 3 stories	Minimum height: 1 story Maximum height: varies by character area

	Bonus factors: Up to 7 stories may be permitted when Bonus Categories are provided under section 20C.12 (Affordable Housing Requirement).	Bonus factors: Up to 5 stories may be permitted when Bonus Categories are provided under section 20C.12 (Affordable Housing Requirement).	1 story buildings permitted by special exception	
Ground floor height (measured floor-to-floor)	All buildings must have at least a 15-foot ground floor height.	Not required	Not required	Not required
Block length	200—350 feet Blocks longer than 300 feet must feature at least one mid-block alley or pedestrian passage	200—400 feet Blocks longer than 300 feet must feature at least one mid-block alley or pedestrian passage.	200—500 feet Blocks longer than 300 feet must feature at least one mid-block alley or pedestrian passage.	200—500 feet Blocks longer than 300 feet must feature at least one mid-block alley or pedestrian passage.
Build-to range	0—10 feet	0—10 feet	0—25 feet	0—35 feet
Maximum average distance between ground floor pedestrian entrances	60 feet	75 feet	75 feet	n/a
[1] Building height is measured pursuant to section 3.1.				

B. *Building standards generally.*

1. *Build-to range and street façades.*

a. At least 66 percent of a site's street frontage must be built within the build-to range, with the exception of frontage along through corridors.

b. Ground floor street façades within seven feet of a block corner are exempt from this requirement, to allow for special treatments.

2. *Block length.*

a. No block face may have a length greater than 300 feet without an alley or pedestrian pathway providing through-access to another street, alley, or civic space.

b. Development sites with less than 100 feet of street frontage are exempt from this requirement.

C. *Modifications to building standards.* The Agent may grant modifications to building standards as listed below, provided that the resulting building and site design still meets the purpose and intent of this section.

1. *Reduction of ground floor height.* The Agent may approve a reduction in ground floor height where a temporary false floor or drop ceiling is constructed to allow ground floor residential uses, consistent with section 20C.6, provided that a future conversion to commercial uses could comply with this section.

2. *Block length.* The Agent may approve modifications to required block lengths for the following:

a. To accommodate street connection(s) to existing or planned adjacent street(s);

b. To accommodate a requirement of VDOT or the Department of Fire Rescue;

c. To avoid a natural feature such as a water protection ordinance buffer or preserved slopes;

d. To avoid a planned or existing civic space;

e. To allow future streets to align with existing travel ways, private streets, or parcel lines within or adjacent to the site;

f. To avoid or accommodate existing utilities; or

g. To allow smaller block sizes for drive aisles or counterflow streets along through corridors.

3. *Required build-to range.* Provided the modifications meet the purpose and intent of this section, the Agent may approve modifications to required build-to-range and the requirement to build to two-thirds of the site's street build-to range or both when natural features (such as existing mature trees), terrain, or existing utilities would otherwise interfere with required build-to range.

4. *Minimum height.* The Board of Supervisors may approve modifications to the required minimum height to allow the reuse of existing one-story buildings that are incorporated within a larger conceptual plan, provided that conditions identified in section 20C.2.D are met.

5. *Incorporation of green building design.* The agent may approve modifications to section 20C.10 to allow the incorporation of green building design.

D. *Stormwater Management.* Each site plan must comply with all applicable requirements of section 32.

Figure 7: Building Height Measurement

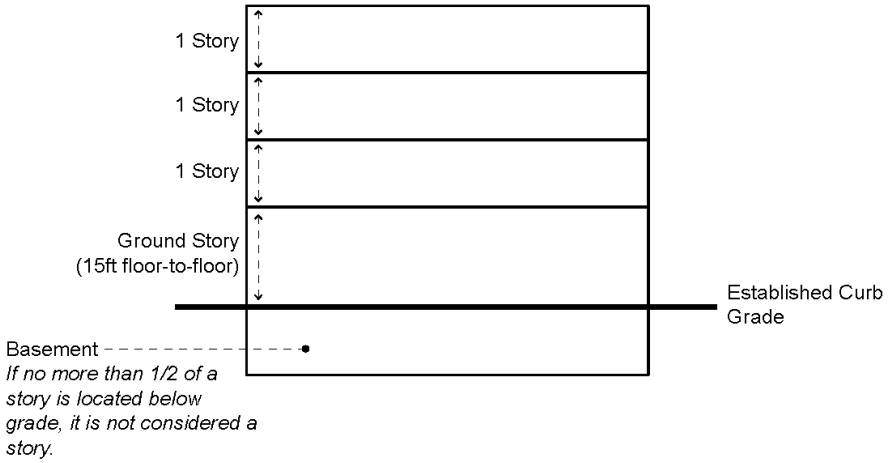


Figure 8: Build-To Range Measurement

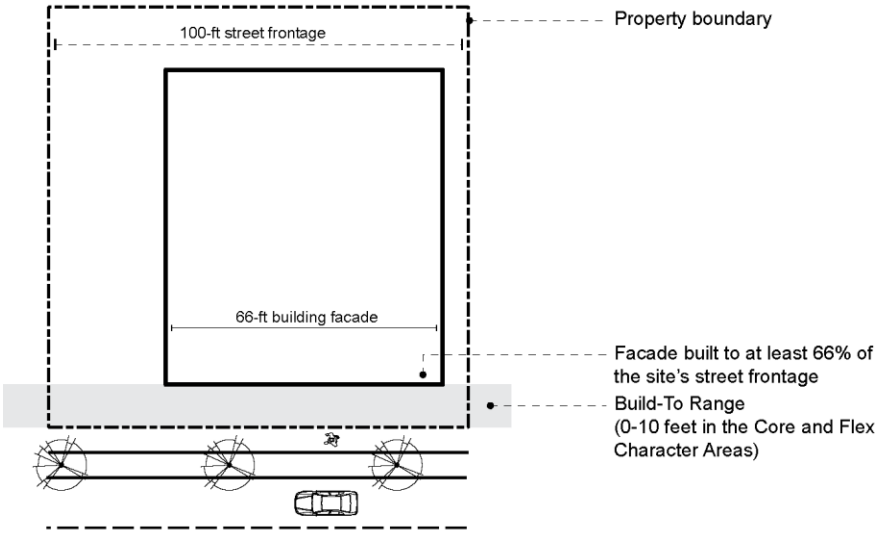
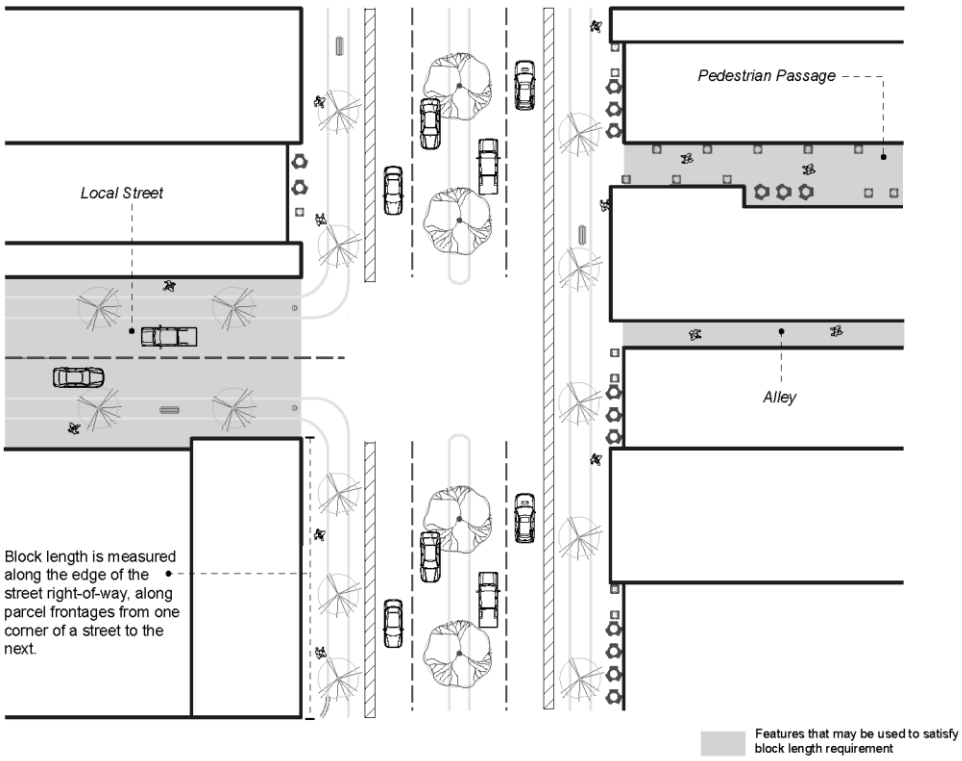


Figure 9: Block-Length Measurement



(§ 18-20C.8, Ord. 21-18(4), 9-1-21)

Sec. 20C.9 Parking standards.

A. *Motor vehicle parking.* The parking, stacking and loading requirements in section 4.12 of this chapter apply to the Rio29 Form-Based Code Overlay District provided that the provisions of sections 4.12.4a, 4.12.5, 4.12.6, 4.12.7, 4.12.13a, 4.12.13c, and 4.12.13e do not apply to developments utilizing the provisions of the Rio29 Form-Based Code Overlay District.

1. *Location and type of motor vehicle parking areas.*

Table 6: Location and Type of Motor Vehicle Parking Areas by Character Area

	Core	Flex	Edge
Permitted parking types	On-street surface parking (parallel or angled)[1] Off-street surface	On-street surface parking (parallel or angled)[1] Off-street surface	On-street surface parking (parallel or angled)[1] Off-street surface

	parking (must be located to the rear of buildings) Structured parking	parking (must be located to the rear or side of buildings) Structured parking	parking (must be located to the rear or side of buildings) By special exception: structured parking
Location and setbacks	All off-street parking should be located to the rear or side of buildings. a. Parking minimum setback (primary use): Surface parking must be located at least 10 feet from the right-of-way to allow for adequate screening. Structured parking must be located within the build-to range of the property's designated character area. b. Parking minimum setback (accessory use): Parking must be located no closer to the right-of-way than any existing or proposed primary structure on the lot and at least 10 feet from the right-of-way to allow for adequate screening.		

[1] Parking types must be consistent with the frontage street type (see section 20C.7).

2. *Required motor vehicle parking spaces.*

Table 7: Required Number of Motor Vehicle Parking Spaces by Use

	Non-residential (excluding hotels and lodging)	Hotels and lodging	Residential (including live/work)
Minimum	1 space per 1,000 square feet of gross floor area.	0.5 spaces per guest room.	1 space per dwelling unit.
Maximum	The aggregate number of private, on-site, surface parking spaces may not exceed 150% of the aggregate parking minimum. There is no maximum for residential developments.		

3. *Parking standards.*

   a. *On-street parking.* On-street parking, including parallel and angled street parking, is exempt from parking setback requirements. Parking along a frontage street or drive aisle parallel to a through corridor may also be exempt from the minimum setback requirement. On-street parking is not permitted on boulevards and is required on local streets in the Core character area.

   b. *Parking structure location.* Parking structures are not required to meet the build-to range along a through corridor.

4. *Required motor vehicle parking standards.*

   a. The Agent may permit parking to be located off-site or shared if a shared parking agreement is provided and the applicant demonstrates that the off-site parking facility is safely accessible to a pedestrian within a walking distance of one-quarter mile from the offsite facility to the entrance to the establishment. In determining safety and accessibility, the Agent may consider the presence of pedestrian paths such as sidewalks, location of street crossings, and obstacles to a pedestrian's safe passage between the off-site parking facility and the development.

   b. On-street parking located on or adjacent to the site may be counted towards the minimum requirement.

5. *Pick-up or drop-off zones.*

   a. Uses requiring 20 or more parking spaces must dedicate at least one space per 20 provided spaces as a rideshare, cab, and delivery pick-up or drop-off zone.

   b. The pick-up or drop-off zone spaces must be clearly labeled, with maximum loading times of 15 minutes during peak use hours.

   c. If on-street surface parking is used to meet the minimum parking spaces requirement, the pick-up or drop-off zone must be on-street surface parking.

d. Uses requiring fewer than 20 parking spaces are exempt from this requirement, unless a shared parking agreement is used to meet this parking requirement.

6. *Modifications to parking standards.*

a. The Agent may grant the following modifications to minimum and maximum required parking spaces, provided that the resulting parking still meets the purpose and intent of this section:

i. An increase in the required maximum parking spaces to allow for the redevelopment of an existing surface parking area that is part of a larger conceptual plan;

ii. An increase in the required maximum parking spaces provided a parking and loading needs study submitted by the owner demonstrates a clear need for additional on-site parking and options for shared parking within one-quarter of mile of the site are not available; or

iii. Reduction(s) in minimum required parking spaces consistent with section 4.12.12.

b. The Agent may grant the following modifications to parking area design requirements:

i. Reduction in parking space size to accommodate compact vehicles or autonomous vehicles; or

ii. Reduction in access aisle minimum design requirements to accommodate compact or autonomous vehicles.

7. *Minimum landscaping requirements for parking areas.*

a. Large trees measured at 2½ inches caliper (measured six inches above the ground) must align the perimeter of parking areas, located at least every 40 feet. These trees must be evenly spaced, with species selected from the Recommended Plant List.

b. At least one tree must be planted in the interior of parking areas for every ten parking spaces provided.

c. Trees must be evenly distributed throughout the interior of the parking area.

8. *Minimum design requirements for structured motor vehicle parking areas.*

a. The ground story of structured parking must have non-parking uses located between the parking structure and any sidewalk for at least two-thirds of the street façade within the Core character area, except for frontage along through corridors.

b. Structured parking at the perimeter of a building must be screened so that vehicles on all parking levels are substantially screened from adjacent streets and civic spaces. Sloped ramps may not be located along the perimeter of a parking structure.

c. Architectural features or vegetative screens are required to hide parked vehicles and shield lighting that does not meet section 20C.10.E.

d. Parking structure façades are exempt from the transparency requirements in Section 20C.10.B.

e. Parking structure façades must meet the façade articulation requirements in section 20C.10.C.

f. Signage and light sources internal to parking structures must not be visible from outside the structure.

B. *Bicycle parking location and type of bicycle parking facilities.*

1. *Short-term bicycle parking.*
    a. Required short-term bicycle parking must be visible from nearby bikeways and located:
        i. On the public access level;
        ii. Within fifty feet of the main building entrances; or
        iii. Outside the building.
    b. Required short-term bicycle parking may be located on the sidewalk or within a landscaped separation zone, in accord with this section, provided that a five-foot wide sidewalk clear zone is maintained along the sidewalk.
2. *Long-term bicycle parking.*
    a. Long-term bicycle parking must be covered and within:
        i. A locked room or locker;
        ii. An area enclosed by a fence with a locked gate;
        iii. An area within view of an attendant or security guard or monitored by a security camera; or
        iv. An area visible from employee work areas.
    b. Required long-term bicycle parking for residential uses may be located within dwelling units or within deck, patio or private storage areas accessory to dwelling units, if approved by the Agent.
    c. Long-term bicycle parking spaces for non-residential uses may be located off-site, within 300 feet of the site, upon a determination by the Agent that such an arrangement would better serve the public. The off-site parking distance is measured in walking distance from the nearest point of the remote parking area to the closest primary entrance of the use served.
3. *Minimum required bicycle parking spaces.*

Table 8: Minimum Number of Required Bicycle Parking Spaces by Use

	Non-residential uses	Residential uses
Short-term	1 space per 4,000 square feet of gross floor area	0.1 spaces per bedroom
Long-term	1 space per 10,000 square feet of gross floor area	0.5 spaces per bedroom

4. *Minimum design requirements for bicycle parking facilities.*
    a. Bicycle parking facilities must:
        i. Provide for storage and locking of bicycles, either in lockers, medium-security racks, or equivalent installation in which both the bicycle frame and the wheels may be locked by the user;
        ii. Be designed not to damage bicycles;

iii. Facilitate easy locking without interference from or to adjacent bicycles;

iv. Be anchored so that they cannot be easily removed;

v. Be of solid construction, resistant to rust, corrosion, hammers, and saws;

vi. Be consistent with their environment in color and design; and

vii. Be incorporated whenever possible into building or street furniture design.

b. Bicycle parking areas must:

i. Provide for adequate lighting both within the area and along the route to the building entrance;

ii. Include adequate clearance around racks or lockers to give cyclists room to maneuver, and to prevent conflicts with pedestrians or parked cars;

iii. Be clearly marked as such and separated from auto parking; and

iv. Be located on a paved or pervious, dust-free surface with a slope no greater than three percent. Parking surfaces may not be gravel, landscaping rock or pebbles, or wood chips.

c. Wall-mounted or similar bicycle racks may not exceed 25 percent of required short-term bicycle parking.

5. *Modifications to bicycle parking regulations.* The Agent may grant modifications to bicycle parking standards provided that the resulting parking still meets the purpose and intent of this section.

C. *Loading.* No loading facilities are required. Where provided, loading facilities must be located to the rear and/or alley side of buildings, and consistent with section 20C.10.F.

(§ 18-20C.9, Ord. 21-18(4), 9-1-21)

Sec. 20C.10 Architectural design standards.

A. Sites within the Rio29 Form-Based Code Overlay District are eligible for staff-approved County-wide certificate of appropriateness in Section 30.6.4(b). Developments must receive a certificate of appropriateness before a building permit is issued.

B. *Transparency requirements.* The following table outlines the minimum transparency requirements for building façades facing boulevards, avenues, local streets, pedestrian passages, and civic spaces in each character area. Specific standards are outlined for buildings with frontage along through corridors. These requirements do not apply to alleys, rear and interior side yard elevations, structured parking, or buildings facing natural areas, unless specifically stated.

1. *Minimum ground story transparency.* Ground story transparency is measured between two and 12 feet above the abutting sidewalk.

2. *Minimum upper story transparency.* A general minimum transparency requirement is measured from floor to floor of each story above the ground story.

Figure 10: Minimum Transparency Requirements

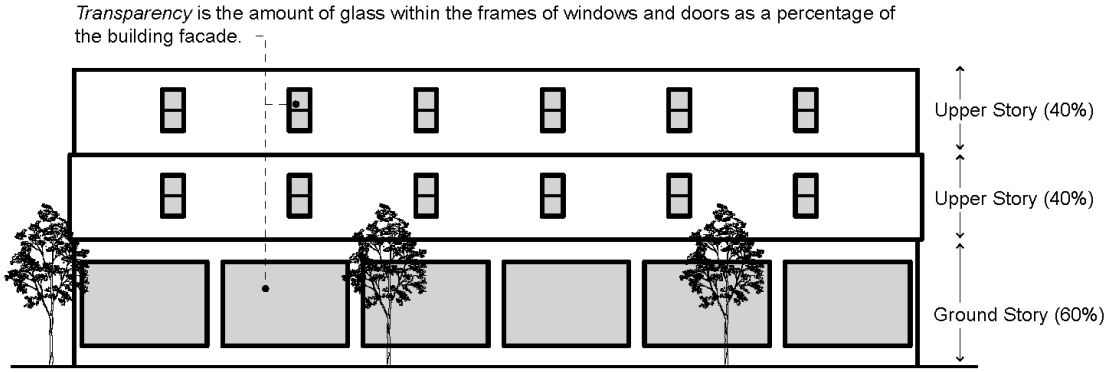


Table 9: Minimum Transparency Requirements

	Core	Flex	Edge	Buildings with frontage along through corridors
Minimum Ground Story Transparency	60%	45%	30%	30%
Minimum Upper Story Transparency	40%	25%	25%	25%

C. *Façade articulation requirements.*

1. *Applicability.* The maximum façade segment length applies to building façades facing through corridors, boulevards, avenues, pedestrian passages, and civic spaces.

2. *Maximum façade segment length.* No building façade segment facing a boulevard, avenue, pedestrian passage, or civic space may exceed double the building height proposed without a physical or visual break in the plane of the façade. Permitted options for articulating a façade are described in subsection 4.

3. *Through corridor façade articulation requirement.* No building façade segment facing a through corridor may exceed four times the building height proposed without a physical or visual break in the plane of the façade. Permitted options for articulating a façade are described in subsection 4.

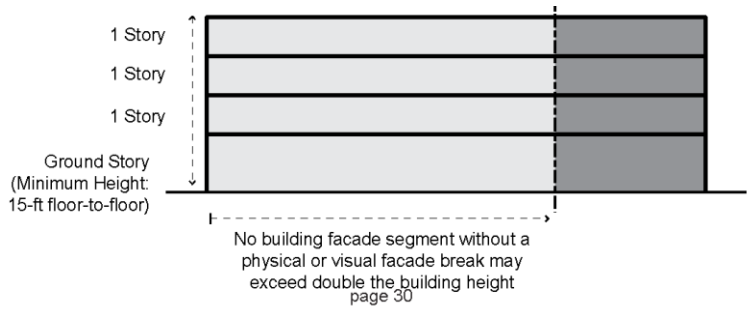
4. Permitted options for articulating a façade include:

   a. Physical breaks in the plane of the façade (such as wall recesses and vertical and horizontal projections);

b. Visual breaks in the plan of the façade, including material changes, texture changes, and detailing; and

c. Roofline breaks, balconies, arcades, awnings and canopies.

Figure 11: Maximum Façade Segment Length



D. *Minimum planting requirements.*

1. All trees must be planted parallel to the street in the landscaped separation zone, pursuant to section 20C.7.H.4.

2. All trees and other vegetation species must be from the Recommended Plant List.

3. Each development site must use at least five different species selected from the Recommended Plant List, with no more than 20 percent of one species used.

4. At least one large tree (2½ inches caliper measured six inches above the ground) must be planted in the interior of parking areas for every ten parking spaces provided. These trees must be evenly spaced.

5. No grading, trenching, or tunneling may impact more than 25 percent of the critical root zone (CRZ).

6. Landscape plans must be prepared and sealed by a licensed landscape architect (as defined under Code of Virginia § 54.1-400), a landscape designer certified by the Virginia Society of Landscape Designers, an arborist certified by the International Society of Arboriculture, or a horticulturalist certified by the Virginia Nursery and Landscape Association. This requirement may be waived the Agent.

7. The following note must be included on each project's landscape plan: "All site plantings of trees and shrubs must be allowed to reach, and be maintained at, mature height; the topping of trees is prohibited. Shrubs and trees must be pruned minimally and only to support the overall health of the plant."

E. *Lighting requirements.*

1. *Outdoor luminaires.* Light fixtures must comply with section 4.17.4.

   a. Exterior, outdoor lighting must not exceed 2,000 lumens.

   b. Light levels must not exceed 0.5-foot candles at the ground.

2. *Color and appearance.*

a. All exterior fixtures must be fitted with lamps with a white light and color temperature between 2,000 and 3,000 Kelvin.

3. *Pole-mounted light fixtures.*

a. Pole-mounted light fixtures (both the fixture and the pole) must be dark brown, dark bronze, or black.

b. Freestanding pole-mounted light fixtures (including the base) must not exceed 20 feet in height.

4. *Decorative lighting.* Lighting that is used to enhance architecture, landscaping and other site design elements must comply with the following standards.

a. Exterior light used for decorative effect must comply with section 4.17.4.

b. Outdoor light fixtures in the Edge character area must be equipped with automatic timing devices and must remain unlit between 11:00 p.m. and dawn.

c. Illuminations must not project beyond the architectural, landscaping, or site design elements.

F. *Mechanical, service and loading requirements.*

1. *Applicability.* In addition to the provisions of section 32.7.9.7 the following elements must be screened from view from through corridors, boulevards, avenues, local streets, pedestrian passages, and civic spaces:

a. Refuse collection, dumpsters, recycling bins, and refuse handling areas that accommodate a dumpster or five or more trash or recycling cans;

b. Building or ground-mounted mechanical equipment, including (but not limited to): transformers, backflow preventors, telephone risers, equipment cabinets, generators, and similar devices;

c. Mechanical equipment on roofs;

d. Air conditioning or similar HVAC equipment;

e. Loading docks, berths, or similar spaces, including (but not limited to): service entrances and maintenance areas; and

f. Outdoor storage of materials, equipment, and vehicles.

G. *Permitted and prohibited building façade materials.* Materials are permitted or prohibited for building façades according to the table below.

Table 10: Permitted and Prohibited Building Façade Materials

		Permitted Materials	Prohibited Materials	Allowed in LIMITED amounts
Stone	Natural stone/native stone	X		
	Stone veneer	X		
	Cast stone	X		

	Artificial stone (concrete base)	X		
Brick	Natural brick	X		
	Prefabricated panel brick and tilt-up brick textured paneling		X	
Stucco	Stucco - cementitious or elastomeric finish	X		
Concrete	Concrete finished to an architectural level	X		
	Precast concrete including precast concrete panels	X		
	Concrete block: Decorative concrete masonry unit	X		
	Concrete block with stucco	X		
	Split face block			Allowed only as an accent
Glass	Glass curtain wall system			X
	Glass block			X
	Tinted glass			X
Metal	Aluminum siding		X	
	Metal curtain wall systems, Metal panel systems, Metal panels, individual, including prefinished, and cut, stamped, or cast ornamental	X		Reflective materials are only allowed in small quantities
	Corrugated metal siding and metal siding with an industrial profile			X
	Metal sheets with expressed seams	X		
Wood	Wood siding	X		

	Unfinished or untreated wood siding		X	
	Plywood siding (T1-11)		X	
	Wood clapboard (including high quality manufactured wood)	X		
Tile		X		
Synthetics/Composites	Fiber cement siding - panels, boards (for example, Hardi plank)	X		
	Foam-based products: cellular PVC trim			Allowed only for architectural details above the 1st floor
	Vinyl siding		X	
	Scored stucco (imitation brick/stone)		X	
Other	Green walls			X

(§ 18-20C.10, Ord. 21-18(4), 9-1-21)

Sec. 20C.11 Civic space standards.

A. *Civic space requirements.*

1. Minimum area and civic space type options.

a. Each development under the Rio29 FBC must devote at least the following minimum percentage of gross acreage to civic space:

Table 11: Civic Space Requirements by Character Area

Character Area	Minimum Percentage of Gross Acreage Dedicated to Civic Space	Civic Space Type Options
Core	10%	Square Plaza Public green Linear park Pocket park Pedestrian street Indoor civic gathering spaces Dedication of civic space shown on Regulating Plan
Flex	15%	Plaza Public green Linear park Pocket park Pedestrian street Natural area Dedication of civic space shown on Regulating Plan
Edge	20%	Plaza Public green Linear park Pocket park Natural area Dedication of civic space shown on Regulating Plan

2. Areas dedicated to stormwater management may contribute to the civic space requirements, provided they meet all civic space design standards and satisfy all required elements.

3. *Ownership and access.* Required civic spaces must:
   a. Be dedicated to the County;
   b. Be properly maintained;
   c. Provide public access at least 12 hours per day;
   d. Be located at the ground level or an upper story that is open and accessible to the general public, and provide clear visual connections to pedestrians on an adjacent public sidewalk; and
   e. Be designated and reserved on site(s) to be determined during site plan approval and approved by the Agent.
4. *Dedication of required civic spaces as shown on Regulating Plan.* The total acreage and boundaries of civic spaces dedicated to the County as shown on the Regulating Plan may be modified in a site plan, provided the modification meets the acreage requirements shown in Table 11. The Agent may permit a modified location provided that such location is equivalent in acreage and type of civic space required.
5. *Cash-in-lieu of civic space.* Cash-in-lieu of civic space(s) may be provided to the County to assist with off-site construction of a required civic space shown on the Regulating Plan, provided:
   a. The required civic space shown on the Regulating Plan is located within one-quarter of a mile; and the required on-site civic space is less than 0.2 acres in size; or,
   b. The required on-site civic space is less than 0.2 acres.

B. *Civic space diagrams.*

Figure 12: Square Concept Diagram

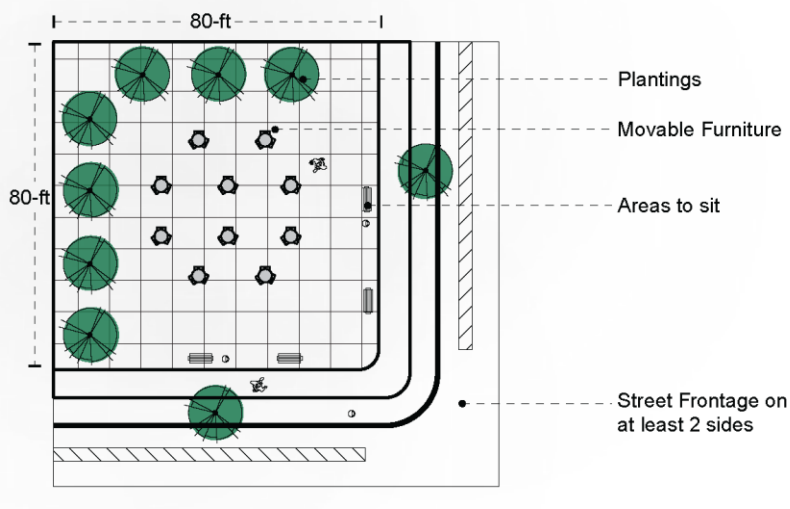


Figure 13: Plaza Concept Diagram

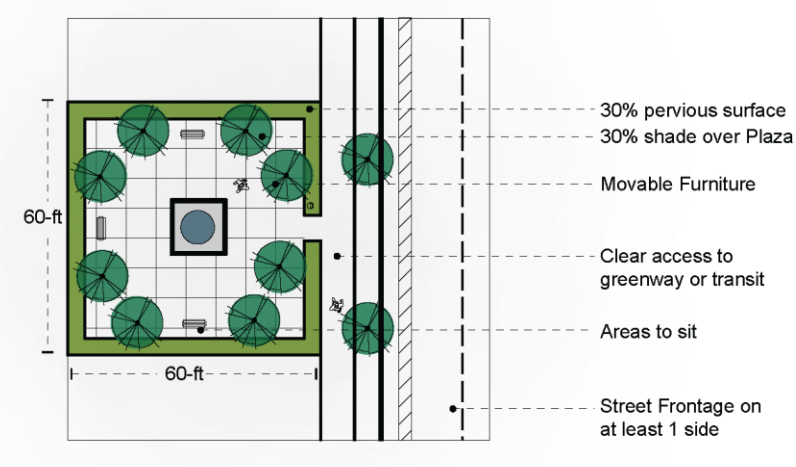


Figure 14: Public Green Concept Diagram

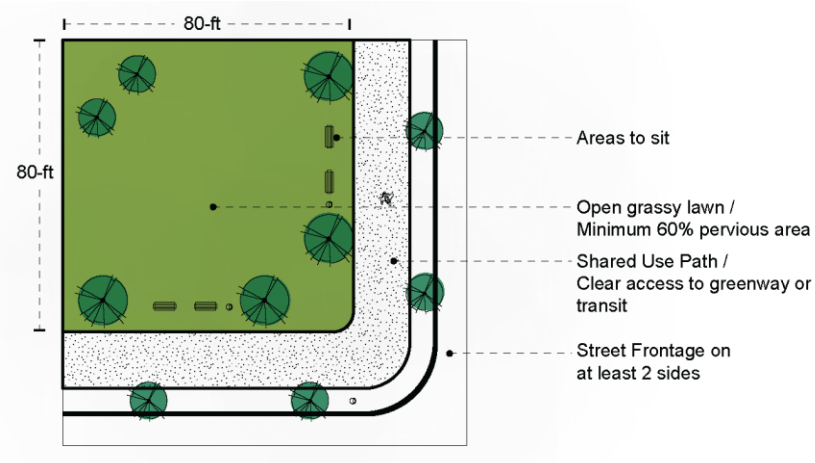


Figure 15: Linear Park Concept Diagram

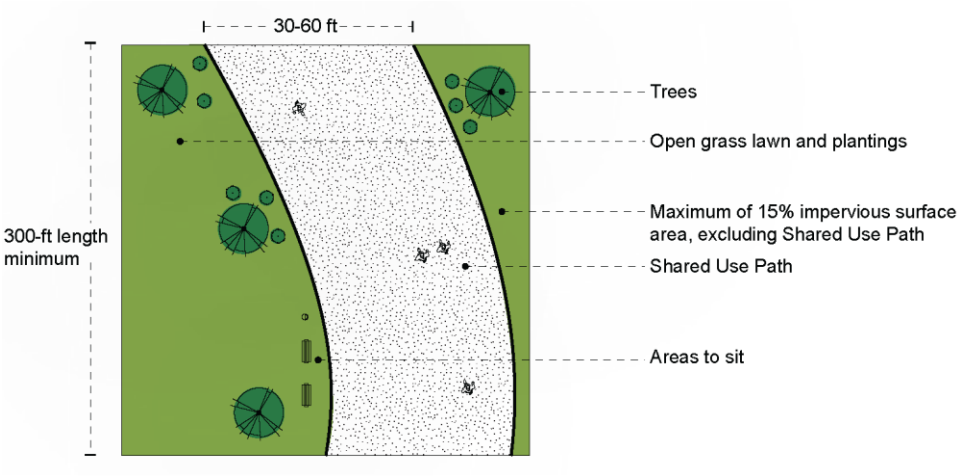


Figure 16: Pocket Park Concept Diagram

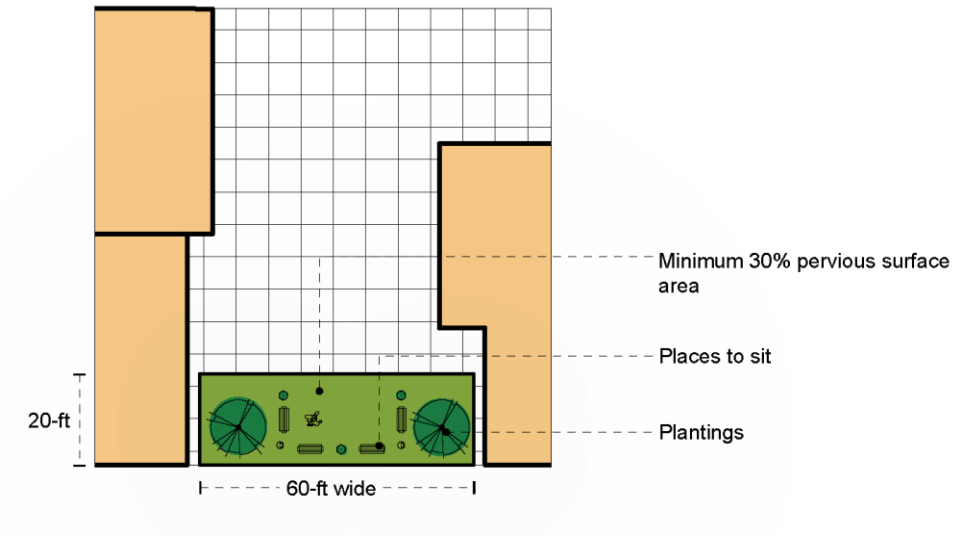


Figure 17: Pedestrian Street Concept Diagram

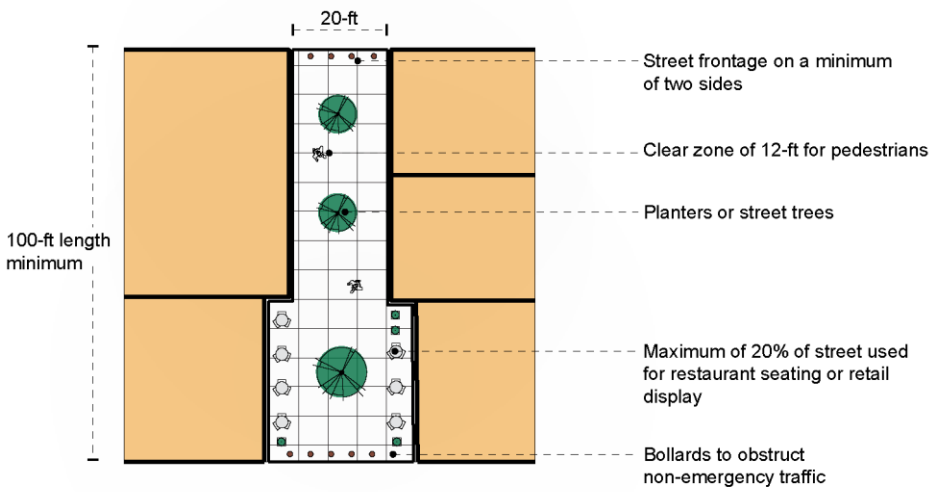


Figure 18: Natural Area Concept Diagram

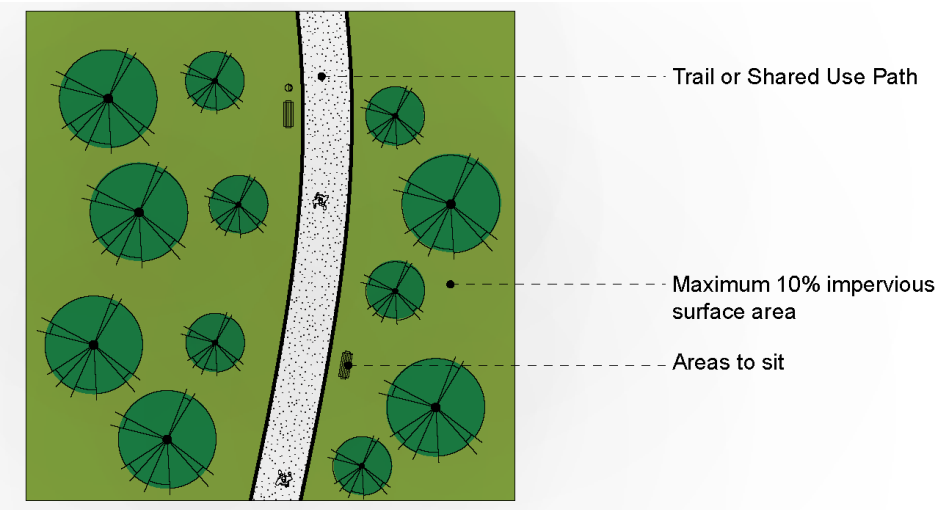
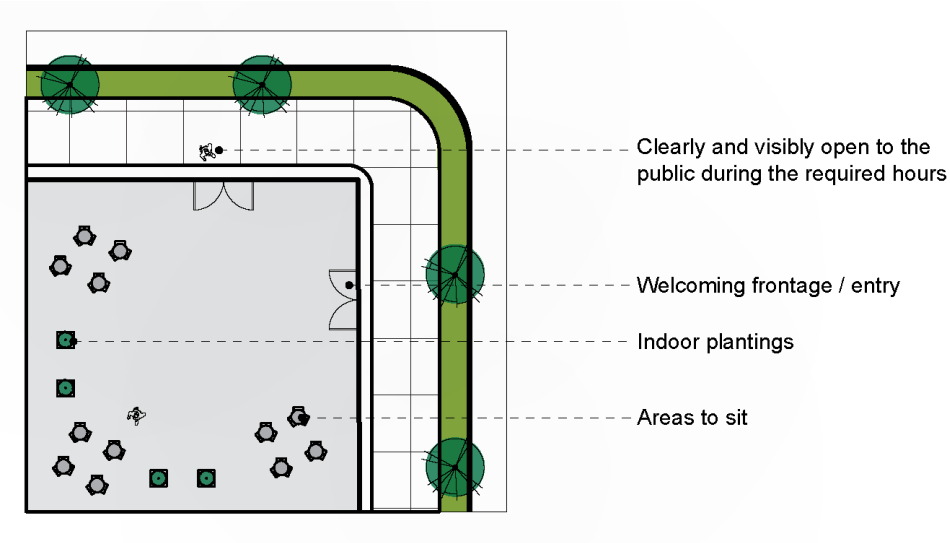


Figure 19: Indoor Civic Gathering Space Concept Diagram



C. *Civic space design standards.*

1. Civic spaces must include:
    a. All required elements listed in Table 12; and
    b. At least one Additional Element listed in Table 12 (Civic Space Design Standards), or as approved by the Agent.
2. All civic spaces developed under the Rio29 FBC must comply with the design standards as listed in Table 12.

Table 12: Civic Space Design Standards

Civic Space Type	Required Elements	Additional Elements	Street Frontage Requirement	Size	Minimum Dimensions	Other Design Standards
Square	- Gathering places - Plantings - Areas to sit	- Art installation or a focal element - Movable furniture - Trees - Stalls for vendors, such as food truck parking	2 sides minimum	½ block to one block	80 feet on all sides	- Permanent seating infrastructure required
Plaza	- Gathering places - Art installation or a focal element	- Areas to sit - Plantings - Trees - Stalls for vendors, such as food truck parking	1 side minimum	0.25—2 acres	60 feet on all sides	- Minimum 30% pervious surface area, not including pervious paving - Provision of shade over 30% of the plaza, provided permanently or at minimum between June and September. Shade trees may fulfill this requirement - Provides clear access to the greenway network and

						transit station or future transit station location
Public Green	- Open grass lawn for passive or active use - Areas to sit	- Playgrounds - Plantings - Trees - Gathering places - Stalls for vendors, such as food truck parking	2 sides minimum	0.5—5 acres	80 feet on all sides	- Minimum 60% pervious surface area, not including pervious paving - Paved pedestrian or Shared Use Paths creating walkways to access the green, which incorporate a coordinated pattern - Provide clear access to the greenway network and transit stations or future transit station locations
Linear Park	- Trees - Shared use paths	- Areas to sit - Plantings - Open grass lawn	None	n/a	30—60 foot width 300 foot length	- Maximum of 15% impervious surface area, excluding shared use paths
Pocket park	- Plantings	- Art installation or a focal element - Areas to sit - Playgrounds - Open grass area for passive or active use	None	0.2—0.5 acre	20 feet width 60 feet length	- Minimum 30% pervious surface area, not including pervious paving - Paving in excess of 30% of the site must be pervious paving

		- Trees - Community gardens				
Pedestrian Street	- Places to sit - Bollards or other obstructions to non-emergency traffic - Planters or street trees	- Art installation or a focal element - Provision of shade over 15% of street, provided permanently or at minimum between June and September. Shade trees may fulfill this requirement. - Green infrastructure - Stalls for vendors	2 sides minimum	n/a	20 feet width 100 feet length	- Maximum of 20% of pedestrian street may be used for restaurant seating or retail display and sales - Clear pedestrian movement zone of 12' minimum - Passages through buildings may serve as pedestrian streets, provided they meet all requirements - Pedestrian passages may serve as pedestrian streets, provided they meet all requirements
Natural area	- Trails or shared use paths (SUP)	- Community gardens - Areas to sit	None	0.5 acres minimum	n/a	- Maximum of 10% impervious surface area

Indoor civic space	- Areas to sit - Art installation or indoor plantings	- Playgrounds - Gathering places	n/a	n/a	1,000 sf area	- Clearly and visibly open to the public during the required hours - A welcoming frontage - Space may be used for public meetings during required public hours, and private meetings or events after the required public hours

D. *Trail Standards.*

1. Shared use paths (SUPs) must meet or exceed the standards of the Albemarle County Design Standards Manual for Class A Type Two low-maintenance multi-use/shared use paths.
2. Trails must meet or exceed the standards of the Albemarle County Design Standards Manual for Class B Type Two high-maintenance pedestrian paths.
3. Trails and SUPs should be coordinated (as to location, width, drainage, and other factors) with other existing or planned trails or SUPs within the general area and must be extended and constructed to abutting property lines. To the extent possible, trails and SUPs should provide connectivity to nearby or adjacent civic spaces.

(§ 18-20C.11, Ord. 21-18(4), 9-1-21)

Sec. 20C.12 Affordable housing requirement.

A. *Affordable housing requirements generally.*

1. Affordable housing in the Rio29 FBC District is governed by the Albemarle County Comprehensive Plan (Chapter 9, Housing), the Housing Albemarle policy (Albemarle County Comprehensive Plan, Appendix 9), and the standards of this section.
2. Affordable housing requirements may be met by provision of owner-occupied affordable housing, rental affordable housing, or a combination of the two, as approved by the Agent.

B. *Affordable housing requirement.* Each development containing five or more residential dwelling units must comply with the Albemarle County Comprehensive Plan (Chapter 9, Housing), the Housing Albemarle policy (Albemarle County Comprehensive Plan, Appendix 9), and the standards of this section.

C. *Anti-displacement and tenant relocation requirements.* The following activities must comply with the Albemarle County Tenant Relocation Guidelines for Non-Federally Funded Residential Developments:

1. Redevelopment or rehabilitation of existing residential units;
2. Conversion of rental housing to non-residential use(s);
3. Demolition for rebuilding a site; and
4. Sale by contract where the contract requires an empty building.

D. *Incentives.* Additional affordable housing units beyond the minimum requirements of the above subsections may qualify for incentives.

1. *Eligibility.* Developments that provide at least five percent more affordable housing units than the required number of such units may qualify for one story of building height in addition to the maximum permitted in the Core and Flex character areas. Units must remain affordable at the AMI levels in the Housing Albemarle policy (Appendix 9) for at least 30 years.

(§ 18-20C.12, Ord. 21-18(4), 9-1-21)