CHAPTER 18 - ZONING

ARTICLE I - GENERAL PROVISIONS

SECTION 3 - DEFINITIONS

Comment – Changes to this section are shown as strikethrough and underline text edits to the existing ordinance. Revisions support administration of the Rio29 Form-Based Code (Rio29 FBC).

Wooded area, forested area. "Wooded area" or "forested area" means an area containing one of the minimum number of trees of specified size, or combinations thereof, from the ~~following~~ table~~:~~ below. The dripline of trees contributing to a wooded area must be completely inside the boundaries of the development or within an easement protecting the health of the tree(s) to at least the extent of the dripline and approved by the County Attorney's Office.

Diameter of Tree at Breast Height	Per Acre	Per One-Half Acre
3.0"—4.9"	60	30
5.0"—6.9"	38	19
7.0"—8.9"	22	11
9.0"—10.9"	14	7
11.0"—12.9"	10	5
13.0"—14.9"	7	4
15.0"+	5	3

ARTICLE II - BASIC REGULATIONS

SECTION 4 - GENERAL REGULATIONS

Sec. 4.15 - Signs.

Comment – Changes to this section are shown as strikethrough and underline text edits to the existing ordinance. Revisions establish minimum sign standards on properties that have opted into the Rio29 FBC overlay district, addressing a regulatory gap.

Sec. 4.15.10 - The maximum number of signs permitted, sign area, and sign height, and the minimum sign setback are as follows for each sign for each sign within the Planned Unit Development (PUD), Downtown Crozet (DCD) and Neighborhood Model (NMD) districts, and parcels developed under the Rio29 Form-Based Code overlay district:

Sign Type	Number of Signs Allowed (Maximum)	Sign Area (Maximum)[8, 9, 10]	Sign Height (Maximum)	Sign Setback (Minimum)
Directional[1]	1 or more per establishment, as	24 square feet	6 feet	5 feet

	authorized by zoning administrator			
Freestanding[2, 3]	1 per street frontage, or 2 per entrance, per lot with 100 or more feet of continuous street frontage plus 1 per lot if the lot is greater than 4 acres and has more than 1 approved entrance on its frontage	32 square feet, plus bonus tenant panels; if more than 1 sign at an entrance, no single sign shall exceed 16 square feet	12 feet	5 feet
Projecting[4]	1 per street frontage; 1 for each façade of each establishment on properties developed under the Rio29 Form-Based Code	24 square feet	30 feet, but not to exceed the top of the fascia or mansard	Not applicable
Subdivision[5]	2 per entrance	24 square feet per entrance; if more than 1 sign, no single sign shall exceed 12 square feet	6 feet	5 feet
Temporary[6, 7]	1 per street frontage per establishment	24 square feet	12 feet, if freestanding sign; 20 feet, if residential wall sign; 30 feet if nonresidential wall sign, but not to exceed the cornice line	5 feet
Wall[4]	As calculated pursuant to section 4.15.15	1.5 square feet per 1 linear foot of establishment structure frontage, not to exceed	Not to exceed the cornice line	Same as that applicable

		32 square feet if residential wall sign, or 100 square feet if nonresidential wall sign, or 200 square feet for establishments with primary frontage along a Through Corridor on properties developed under the Rio29 Form-Based Code.		to structure

ARTICLE III - DISTRICT REGULATIONS

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

Comment – Overall, changes to the Rio29 FBC reflect the formatting, organizational, and language standards recommended by the Zoning Ordinance Modernization effort.

Sec. 20C.1 Establishment and Administration.

A. **Purpose.** The Rio29 Form-Based Code (FBC) encourages a development pattern consistent with the vision described in Chapter 1 of the Rio29 Small Area Plan.

Comment – Amended existing section 20C.1 for clarity.

B. **Intent.** The intent of the Rio29 FBC is to guide the coordinated redevelopment of the existing suburban character into a dense, mixed-use, urban environment where building form, street design, and public spaces work together to create a cohesive and active district. This is achieved through regulations that govern:

- Building design which shapes the district's character and influences the way people experience spaces;
- The relationship between those buildings, sidewalks, streets, and blocks in order to activate the public realm; and
- Accessible recreation spaces to pair development intensity with integrated, usable open spaces.

This code also acknowledges the regional traffic functions of Route 29 and Rio Road and promotes an organized, compact transportation grid that supports safe, comfortable, and connected walking and biking options.

Further, the Rio29 FBC is intended to:

- Establish clear expectations for the desired character of the district for residents, property owners, developers, and the County;
- Facilitate cooperative partnerships between the County and prospective applicants to accomplish the vision of the Rio29 Small Area Plan, encouraging creative designs, flexibility, and alternatives;
- Allow the area to transition over time to meet the vision of the Rio29 Small Area Plan; and
- Strike a balance between regulation to achieve the desired form and flexibility to accommodate market changes, physical constraints, or innovative design ideas.

Comment – Amended existing language in section 20C.1 to make clear how regulations work together to accomplish the vision of the Comprehensive Plan.

C. **Agent.**

1. The Director of Community Development is appointed by the Board of Supervisors as the Agent for the purpose of administering the Rio29 FBC except where otherwise specified.
2. The Director of Community Development may establish reasonable administrative procedures necessary for the administration of this Ordinance, including delegation of authority as the Agent.

Comment – Revised existing section 20C.2.E for clarity and efficient enforcement.

D. **Creation of the district.**

1. **Designation.** The district is hereby created and designated on the zoning map. The zoning map designates the character area(s) for each property and the locations of required publicly accessible recreation spaces.
2. **Optional district.** A property may opt in to the Rio29 FBC once the provisions of section 20C.2.A are satisfied, otherwise the rules and regulations of the underlying zoning district apply.

Comment – Revised language from sections 20C.5 and 20C.2.B.1-2 for clarity. Since the Rio29 Form-Based Code overlay district is now part of the zoning map, all references to the Rio29 FBC Regulating Plan have been removed and replaced by references to the zoning map.

Sec. 20C.2 Standards and Procedures.

A. **Opting in to the Rio29 FBC.**

1. **Process.** Steps to opt into the Rio29 FBC:

a. A pre-application meeting pursuant to section 33.4.A is required prior to the submission of a Rio29 FBC site plan;
b. The applicant must submit the information required by section 20C.2.C; and
c. Final site plan approval under the Rio29 FBC.

Comment – Revised to clarify and streamline the process for opting into the Rio29 FBC, based on existing sections 20C.2.B.1, 20C.2.C.1, and 20C.2.C.2.

2. **Effect of opting-in to the district.**
   a. Once a final site plan is approved under the Rio29 FBC and for so long as it remains valid, a property is considered opted-in to the Rio29 FBC and must comply with all provisions of the Rio29 FBC. If the final site plan expires, the property is considered opted-out of the Rio29 FBC.
   Comment – Revised in response to feedback from the development community. This provision would not allow properties that have developed under the Rio29 FBC to subsequently opt out.
   b. Properties, or portions thereof, that have opted in to the Rio29 FBC may not subsequently develop under the district regulations of the underlying district, except as provided under section 20C.2.F.
   Comment – Retained from section 20C.2.B.4. A special exception to this provision was added under section 20C.2.F, in response to feedback from the development community.

B. **Applicability.**

1. **Installation.** Improvements shown on the site plan must be installed by the owner.
Comment – Added for clarity.
2. **Existing structures.** Existing structures may be included in the development plan of a parcel under Rio29 FBC, provided:
   a. The structures meet all applicable requirements of the Rio29 FBC; or
   b. The structures meet all applicable requirements of the Rio29 FBC through modifications or special exceptions.

Comment – Added to make the reuse and incorporation of existing structures easier, in response to feedback from the development community and staff.

3. **Phased development.** For development sites totaling 15 acres or more, the Agent may approve phased development that exempts existing structures from the requirements of the Rio29 FBC until redevelopment brings those structures into conformance with the Rio29 FBC.
Comment – Added to make redevelopment on larger mall properties in proposed Core character areas easier, as existing leases and contracts may preclude redevelopment in a single phase. This revision is in response to feedback from the development community.

4. **Other regulations.**
    a. Regulations, requirements, and limitations of the Rio29 FBC are in addition to, or supersede, those of the underlying district and other ordinance provisions of this Chapter.
    b. In the event of a variation or conflict between provisions of the Rio29 FBC and other sections of the Albemarle County Code, the provisions of the Rio29 FBC govern.

Comment – Amended existing section 20C.2.B.6 for clarity.

C. **Application Requirements.** In addition to any other requirements of section 32, all site plans must meet the following provisions:

1. The development site must include the entire lot of record as it existed on [date of adoption] and any land added to the lot after [date of adoption].
   Comment – Amended existing section 20C.2.B.3 for clarity and to acknowledge revised parcel boundaries that have been platted since the original adoption of the Rio29 FBC.
2. The following note must be provided on the cover sheet: "Parcels developed pursuant to this site plan are opting-in to development under the Rio29 FBC. Following approval of the final site plan, [list subject property's parcel ID(s)] will be subject to the Rio29 FBC."
   Comment – Added for consistency in site plan preparation and review.
3. All applications must include a legal plat of record demonstrating compliance with section 20C.2.C.1, and all schematics, plans, calculations, drawings, and other information required by the Agent.
   Comment – Added for ease of administration.

D. **Modifications.**

1. Requests for modifications pursuant to section 20C must be submitted by the applicant concurrent with the site plan review and must specify the requirement to be modified and justification for the requests.
   Comment – Added for clarity and ease of administration.
2. Modifications are subject to approval by the Agent.
   Comment – Added for clarity.
3. Agent decisions on modifications as set forth in sections 20C.5.E, 20C.6.E, 20C.7.G, 20C.8.D, 20C.9.F, 20C.10.D, 20C.11.E, 20C.12.E may be appealed to the Board of Supervisors within ten days of the date of the Agent's decision, in accordance with the procedures listed below.
    a. A developer may appeal the decision of the Agent to the Board of Supervisors by submitting a written request for appeal to the Agent within ten days after the date of the Agent's decision. In acting on an appeal, the

Board shall consider the recommendation of the Agent and all other relevant evidence, and apply the applicable findings provided in section 32.3.5. The Board may approve or deny the request.

b. Filing an appeal suspends the running of the time by which the Agent must act on a site plan under sections 32.4.2.5 and 32.4.3.6 from the date the appeal is submitted until the date the Board of Supervisors acts on the appeal.

Comment – Added to establish clear procedures for modifications and appealing Agent decisions. The appeal process is based on current procedures contained in section 32.3.6.

E. **Special Exceptions Process.** The Board of Supervisors may grant a special exception as set forth in section 33.9 and upon a finding that the special exception:

1. Furthers the purpose and intent of the Rio29 FBC, or sections thereof;
2. Furthers the purpose and intent of the zoning ordinance;
3. Is consistent with the zoning map; and
4. Is consistent with the Comprehensive Plan.

Comment – Amended existing section 20C.2.D.2 for clarity and to permit consideration of whether the applicant's proposal furthers the purpose and intent of the zoning ordinance.

F. **Special Exceptions.** The Board of Supervisors may waive or modify the following regulations in accordance with section 20C.2.E:

Comment – Revised for clarity and alignment with recommendations from the Zoning Modernization effort.

1. Properties, or portions thereof, that have opted in to the Rio29 FBC may not subsequently develop under the district regulations of the underlying district, per Section 20C.2.A.2.b.
   Comment – Added based on feedback from the development community.
2. Phased development that exempts existing structures from the requirements of the Rio29 FBC may only be approved on development sites totaling 15 acres or more, per Section 20C.2.B.3.
   Comment – Streamlined existing process from sections 20C.2.B.5 and 20C.2.C.3.
3. The development site must include the entire lot of record as it existed on [date of adoption] and any land added to the lot after [date of adoption], per Section 20C.2.C.1.
   Comment – Retained from section 20C.2.D.1.e and revised to mirror proposed language of section 20C.2.C.1.
4. The regulations identified under sections 20C.5.F, 20.C.6.F, 20C.8.E, 20C.10.E, and 20C.12.F.

Comment – Added for clarity and ease of administration.

Sec. 20C.3 Definitions.

Comment – Amendments to this section provide a comparison of the existing and proposed Rio29 FBC text, with changes to the existing ordinance shown using strikethrough and underline formatting.

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

Access aisle. "Access aisle" means a motor vehicular connection provided through a surface parking area. These are typically associated with residential and business complexes consisting of multiple buildings.

Comment – Rio29 FBC regulations distinguish between alleys and access aisles. A definition for access aisle was needed.

ACPR. "ACPR" means Albemarle County Parks and Recreation Department, or as designated in the future.

Comment – Added to define a term used in the Rio29 FBC.

Alley. "Alley" means a narrow, one-lane road ~~with provisions to~~providing access to parking, utilities, ~~and~~ loading areas and/or for the purpose of deliveries and waste collection for adjacent buildings.

Comment – Revised for clarity and to include other functions alleys may reasonably serve.

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~~including but not limited to attached columns, recessed windows or window bays, horizontal banding, or decorative cornices. Articulation ~~gives texture to the building surface.~~ helps reduce the impact of building mass, establishes human scale, and adds texture to the building surface.

Comment – Revised for clarity.

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

Comment – Revised for clarity and to correct a clerical error.

~~*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.~~

Comment – Replaced by an intent statement in Table 1 of section 20C.5 Streets, to allow flexibility in the design standards.

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. See Figure 1 in section 20C.5.C.

Comment – Amended for clarity.

~~*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.~~

Comment – Replaced by an intent statement in Table 1 of section 20C.5 Streets, to allow flexibility in the design standards.

Build-to range. "Build-to range" means ~~a~~the minimum and maximum ~~threshold located on the front(s) of a lot where the structure must be located, measured from the rear~~distance between the building façade and the edge of the primary street(s) right-of-way or ~~external civic space~~outdoor recreation space, exclusive of~~. 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~~or other architectural projections~~. are not counted as the building façade line.~~

Comment – Amended for clarity and to update "civic space" references to "recreation space."

~~*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.~~

Comment – Regulations were revised to allow public or private ownership of required recreation spaces. As a result, references to "civic space" have been removed from the Rio29 FBC. "Recreation space" is used instead.

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

Comment – References to "commercial parking" have been removed from the Rio29 FBC. This definition is no longer needed.

~~*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.~~

Comment – References to "community facility" have been removed from the Rio29 FBC. This definition is no longer needed.

~~*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.~~

Comment – References to "conceptual plan" have been removed from the Rio29 FBC. This definition is no longer needed.

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~~promoting art and culture, that is open to the public on a regular basis.

Comment – Amended for clarity.

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

Enhanced transit stop. "Enhanced transit stop" means an ADA compliant transit stop with covered seating, protected from weather elements, for at least one bench or four seats, in compliance with local public transit standards.

Comment – Added to define an existing term used in the Rio29 FBC.

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

Fenestration. "Fenestration" means openings or transparent elements in a building façade.

Comment – Added to define a new term used in the Rio29 FBC.

FES. "FES" means Albemarle County Facilities and Environmental Services Department, or as designated in the future.

Comment – Added to define a new term used in the Rio29 FBC.

Forest vegetation. "Forest vegetation" means an assortment of locally native plant species characteristic of local forest ecosystems, consisting of vegetation including canopy trees, understory trees, shrubs, and ground-level herbaceous plants, retained and/or planted at the density defined in section 3.1 for wooded area.

Comment – Added to define a new term used in the Rio29 FBC.

Hardscape. "Hardscape" means the nonliving components of a streetscape or landscape design, such as pervious or impervious paved walkways, walls, sculpture, patios, stone and gravel areas, benches, fountains, and similar hard-surface areas and objects.

Comment – Added to define an existing term used in the Rio29 FBC.

Horizontal luminance. "Horizontal luminance" means the amount of light that falls on a horizontal plane, measured in footcandles.

Comment – Added to define a new term used in the Rio29 FBC.

Indoor ~~civic~~gathering space. "Indoor ~~civic~~gathering 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.~~ accessible indoor space designed for meetings, sitting, relaxing, recreation, education or other similar activity. Building spaces that are open to the sky can be considered indoor gathering spaces.

Comment – Amended to update references to "civic space", for clarity, and to allow flexibility in design.

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 and charitable uses.

Comment – Amended for clarity and to correct a clerical error.

Landscaped separation zone. "Landscaped separation zone" means the area located between the paved travelway and the sidewalk or shared-use path (SUP), typically containing trees and/or other landscaping. ~~sidewalk and right-of-way that is designed according to the streetscape elements standards in section 20C.7.C.~~

Comment – Amended for clarity.

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~~and may involve use of tools or machinery. ~~Large scale storage or warehousing of materials are not light industrial uses.~~

Comment – Amended for clarity.

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 multi-modal connections and recreational functions including ~~(~~but not limited to~~):~~ walking, running, cycling, sitting, ~~and~~ relaxing, and outdoor games.

Comment – Amended for clarity.

~~*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.~~

Comment – References to "live-work dwelling unit" have been removed from the Rio29 FBC. This definition is no longer needed.

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

Comment – Replaced by an intent statement in Table 1 of section 20C.5 Streets, to allow flexibility in the design standards.

Mixed-use dwelling. "Mixed-use dwelling" means a dwelling unit that consists of both a residential and non-residential use.

Comment – Added to define a new term used in the Rio29 FBC.

Natural area. "Natural area" means a vegetated outdoor ~~civic~~recreation space ~~of at least 0.5 acres~~ with little to no impervious surface~~s~~, ~~designed to~~ that accommodates wildlife habitats ~~and recreational functions including (but not limited to): walking, jogging, biking, relaxing, or picnicking.~~ and undisturbed vegetation, having adequate separation from human interaction.

Comment – Amended to clarify the intent and to update "civic space" references to "recreation space."

Neighborhood services. "Neighborhood services" means uses that support the daily health, safety, welfare, and resiliency of surrounding neighborhoods and residents. Examples of neighborhood services include grocery stores, doctor's offices, post offices, libraries, and other civic institutions, dry cleaning, and sit-down restaurants.

Comment – Added to define an existing term used in the Rio29 FBC.

Open green. "Open green" means a large outdoor recreation space including a grassy field designed to accommodate recreational functions including but not limited to field sports, relaxing, sitting, strolling, casual gatherings, or organized events.

Comment – Added to define a new term used in the Rio29 FBC. Replaces the previous definition for "public green."

Parking lot area. For the purposes of section 20C.11.C.3, "parking lot area" means all off-street parking spaces and travel aisles adjacent to parking spaces.

Comment – Added to define a term used in the Rio29 FBC.

Pedestrian passages. "Pedestrian passage" means a pedestrian-only ~~street with provisions to serve~~travelway designed to convey local pedestrian traffic safely and conveniently. Pedestrian passages are typically open to the sky~~, except for canopies and trellises.~~ but may be covered by canopies or similar weather protection, or located within a building.

Comment – Amended for clarity.

Plaza. "Plaza" means an outdoor ~~civic~~recreation space ~~of 0.25—2 acres~~typically 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.~~ and primarily constructed with a hard ground surface material designed to accommodate a variety of functions including but not limited to farmers' markets, outdoor games, food truck sales, concerts, social gatherings, organized events, gatherings, outdoor learning spaces, pop-up businesses, and passive recreation.

Comment – Amended for clarity and to update "civic space" references to "recreation space."

Pocket park. "Pocket park" means a ~~small~~landscaped park ~~embedded within an urban or suburban neighborhood of 0.2—0.5 acres, designed to accommodate recreational opportunities for~~providing space 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.~~to relax, sit, play, or gather.

Comment – Amended for clarity.

Pollinator garden. "Pollinator garden" is a landscape area designed, managed, and maintained to attract and support pollinating animals. Pollinator gardens are primarily comprised of locally native plants and may contain naturalized plants.

Comment – Added to define a new term used in the Rio29 FBC.

Primary street frontage. "Primary street frontage" means the edge of the property along the highest-ranking street(s) abutting the property.

Comment – Added to define a new term used in the Rio29 FBC.

~~*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.~~

Comment – Replaced by a new "open green" definition.

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.~~ display of creative works for the enjoyment of the general public, including but not limited to paintings, sculptures, stained glass, statues, bas reliefs, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, tapestries, photographs, drawings, monuments, and fountains. The following items are not considered public art for purposes of this code: 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.

Comment – Amended for clarity based on ordinances from other jurisdictions. The new definition uses language from section 20C.6.B.6.a of the existing Rio29 FBC.

Recreation space. "Recreation space" means an indoor or outdoor area intended for passive or active recreational use, for the purposes of the Rio29 Form-Based Code. A publicly accessible recreation space qualifies as a park as set forth in Chapter 11 of the Albemarle County Code.

Comment – Added for clarity and improved administration of the Rio29 FBC.

~~*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.~~

Comment – References to "rideshare" have been removed from the Rio29 FBC. This definition is no longer needed.

Service Street. "Service Street" means a narrow street designed to support pedestrian connectivity and/or access to adjacent structures for the purpose of service functions.

Comment – Added to define a new term used in the Rio29 FBC.

Shared parking. "Shared parking" means parking spaces that are shared among two or more uses.

Comment – Added to define an existing term used in the Rio29 FBC.

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

Comment – Removed from this section and replaced by design standards in section 20C.5.D.5.

Solar reflectance, initial. "Initial solar reflectance" means a solar reflectance that is measured prior to aging.

Comment – Added to define a new term used in the Rio29 FBC.

Solar reflectance, aged. "Aged solar reflectance" means a solar reflectance that is measured after laboratory or natural aging.

Comment – Added to define a new term used in the Rio29 FBC.

Solar reflectance index. "Solar reflectance index" means a measure of the constructed surface's ability to stay cool in the sun by reflecting solar radiation and emitting thermal radiation. A standard black surface has an initial SRI of 0, and a standard white surface has an initial SRI of 100.

Comment – Added to define a new term used in the Rio29 FBC.

~~*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.~~

Comment – References to "square" have been removed from the Rio29 FBC. This definition is no longer needed. Similarly designed recreation spaces will be regulated under the term "plaza" instead.

~~*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.~~

Comment – References to "street facade" have been removed from the Rio29 FBC. This definition is no longer needed.

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

Comment – Amended for clarity.

Streetscape. "Streetscape" means the elements within and along a street that define its appearance, identity, and functionality, including street furniture, landscaping, sidewalks, and pavement treatments.

Comment – Added to define an existing term used in the Rio29 FBC.

Surface parking. "Surface parking" means off-street vehicular parking located in an open area at the ground level. On-street parking, podium parking, and parking garages are not considered surface parking.

Comment – Added to define an existing term used in the Rio29 FBC.

Temporary sidewalk sign. "Temporary sidewalk sign" means a portable, self-supporting sign made of a durable material and located on the sidewalk.

Comment – Added to define a new term used in the Rio29 FBC.

~~*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.~~

Comment – Replaced by an intent statement in Table 1 of section 20C.5 Streets, to allow flexibility in the design standards.

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.~~ is the characteristic of a material that allows objects beyond to be seen clearly.

Comment – Amended to reflect the distinction between "fenestration" and "transparency" established by the revised regulations.

Sec. 20C.4 Character areas.

Comment – Amendments to this section provide a comparison of the existing and proposed Rio29 FBC text, with changes to the existing ordinance shown using strikethrough and underline formatting. This section was revised for clarity, consistency with proposed changes to the character area designations on the Rio29 FBC overlay district map, and to acknowledge the intent of the proposed Destination Streets street type. Revisions also emphasize the importance of a district-wide pedestrian and bicycle network and explicitly prioritize connections to Core areas, publicly accessible recreation spaces, and regional bicycle paths.

Establishment of character areas. The Rio29 FBC overlay district ~~District contains~~consists of 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.~~ These designations establish a coordinated pattern and intensity of development within the district. Common to all three character areas is the provision of an integrated pedestrian and bicycle network comprised of safe, convenient, and comfortable connections. Connections to Core areas, publicly accessible recreation spaces, and regional bicycle paths are the highest priority.

A. **Core**. Core character areas are destination areas within the Rio 29 FBC overlay district. They are anchored by Destination Streets that serve as the vibrant focal points for social and commercial activity. ~~The~~ Core ~~character~~ areas ~~has~~accommodate 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.~~ Buildings promote an active street life through clustered ground-floor commercial/retail uses, extensive building fenestration, and an enhanced public realm that encourages pedestrians to stay and visit multiple businesses.
B. **Flex**. ~~The~~ Flex character areas accommodate~~s~~ 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.~~ Dense residential developments are supported and balanced by high-quality public and private recreation spaces.
C. **Edge**. ~~The Edge character areas exhibits less intense development than the Core and Flex, given its location next to existing residential neighborhoods.~~ Edge character areas provide a transition from the Flex area to adjacent residential neighborhoods outside the district through lower-intensity development designed to minimize impacts. Buildings ~~are expected to~~ have lower heights~~, and~~ smaller forms, ~~while continuing to provide neighborhood services and a mixture of uses.~~ and include a mixture of uses with an emphasis on neighborhood services.

Sec. 20C.5 Streets.

A. **Purpose.**

The Rio29 FBC overlay district features a street network designed to accommodate a variety of transportation modes, including pedestrian, bicycle, transit, and vehicular, while creating enhanced connectivity through an urban street grid and block structure. Streets linking residential areas with commercial and social destinations receive special design attention to ensure safe, convenient, and attractive access for

pedestrians and cyclists. While most street designs balance the needs of all transportation modes, Destination Streets specifically prioritize walkability and pedestrian comfort, with vehicular accommodation as a secondary consideration.

Comment – Added to align with the organizational structure recommended by the Zoning Modernization effort. The statement is based on established urban design principles, guidance from Transportation Planning staff, and the vision for connectivity described in the Comprehensive Plan.

B. **Applicability.**

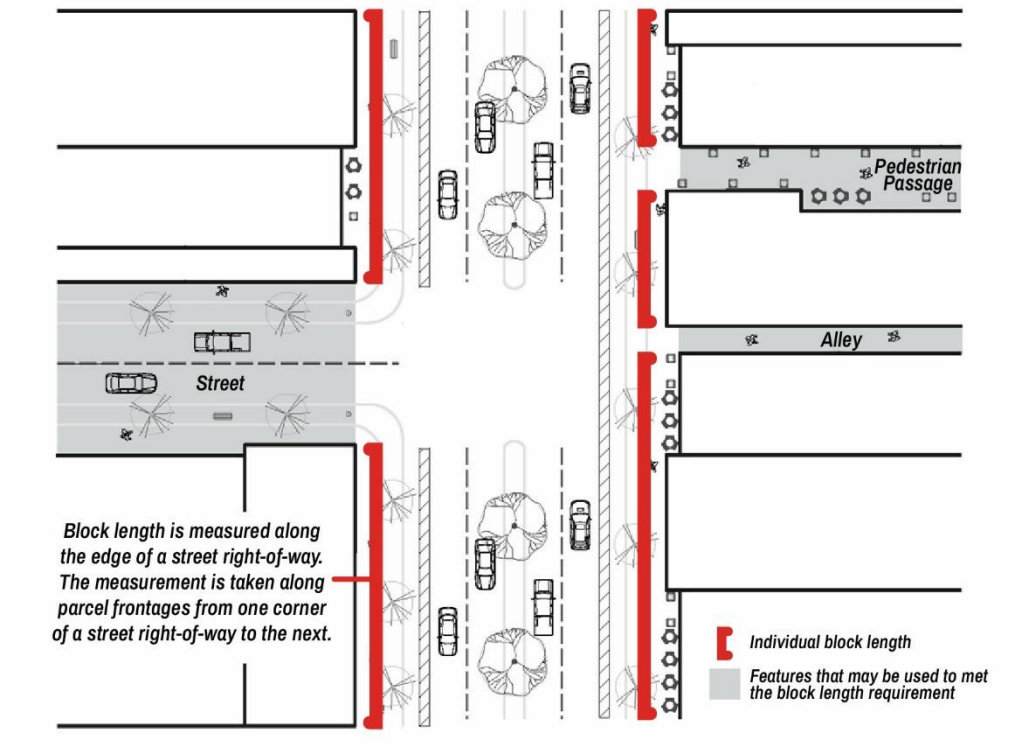
1. **Streets.** Each development must contribute to an interconnected street grid through the development of streets consistent with this section.
2. **New streets.** All new public or private streets, including Service Streets, must meet the intent and standards required in this section.
3. **Street frontage less than 100 feet.** Development sites with less than 100 feet of street frontage are exempt from meeting block length requirements.

Comment – Added for clarity, organization structure, and to incorporate guidance from project consultants.

C. **Street grid**

1. **Street Grid.**
    a. Development must support and implement a gridded street network.
    Comment – Amended existing section 20C.7.A.1 for clarity.
    b. The layout of proposed streets must be determined in collaboration with the Agent and VDOT prior to site plan approval.
    Comment – Amended existing section 20C.7.A.2 for clarity.
2. **Block lengths.**
    Comment – Block length requirements were moved from existing section 20C.8, "Building Standards," to group related requirements.
    a. Block lengths cannot exceed 400 feet within the Core and Flex character areas, except as provided under section 20C.5.E.1.
    Comment – Revised to standardize block lengths and remove the application of this requirement from properties in Edge character areas, as these properties typically share rear lot lines with existing residential neighborhoods where future street connections are not anticipated.
    b. Publicly accessible outdoor recreation spaces, pedestrian passages, and alleys that support connections between streets can be used to meet the block length requirement.
    Comment – Amended existing section 20C.7.C.1.d for clarity and to support additional opportunities for pedestrian connectivity.

Figure 1: Block Length Measurement



Comment – Revised Figure 9 in the existing Rio29 FBC to more clearly locate and label illustrated block lengths.

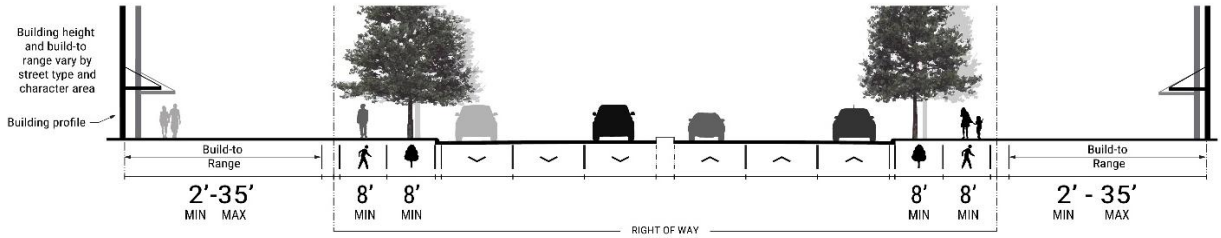
3. **Street connectivity.** Streets and travelways are subject to section 32.7.2.
   Comment – Replaced existing sections 20C.7.A.4-5 with corresponding standards in the broader zoning ordinance to improve consistency and ease of administration.

D. **General provisions.**

1. **Conformance with street typologies.**
   a. The street typology for each proposed or existing street must be identified pursuant to Table 1 and determined in collaboration with the Agent and VDOT prior to site plan approval.
      Comment – Revised existing section 20C.7.C.2 for clarity and ease of administration.
   b. Each street and street frontage must be developed according to the assigned street typology.
      Comment – Added for clarity and ease of administration.

Comment for Table 1 – Revised street typologies based on feedback from the development community and Transportation Planning staff. Requirements for each type of street have also been consolidated, replacing standards currently found in sections 20C.7.B, 20C.7.C.1.a-c, Table 2, 20C.7.F.1 (Table 3), and 20C.3 of the existing Rio29 FBC.

Table 1: Design standards by street typology

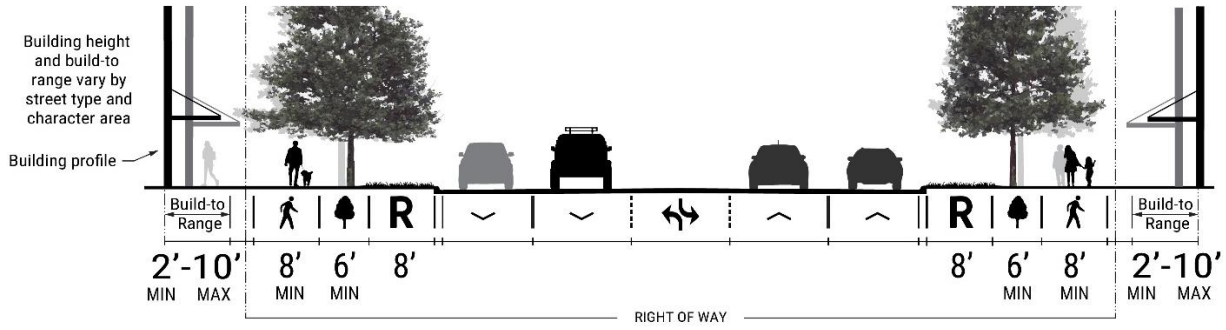
Through Corridor	
Intent: Through Corridors are high-capacity streets designed to facilitate efficient vehicular movement. They usually feature multiple lanes of traffic in each direction, often divided by a median, and higher speed limits (45 mph or more). Wider landscaped separation zones support pedestrian safety and comfort along this street type.	
Existing street designations: Route 29	
Illustrative cross-section 	
Required street features	
Landscaped separation zone	8ft
Minimum sidewalk width	8ft
Pedestrian lighting	Refer to section 20C.11
Street trees	Refer to section 20C.11
Transit stops	Enhanced transit stops as required by VDOT and/or the Agent

Boulevard

Intent: Boulevards are wide streets designed to facilitate high volumes of motor vehicle traffic, typically featuring multiple lanes of traffic in each direction separated by a center turn lane or median. More consideration may be given to the design of building fronts and pedestrian realms along these streets than Through Corridors. As important connections within the district with typical speed limits of 35-40mph, Boulevard streets should accommodate bicycle travel through off-road facilities to ensure rider safety. However, as no continuous bicycle facilities currently exist along this street type, the cross-section reserves an 8-foot-wide area for their future development.

Existing street designations: Rio Road

Illustrative cross-section



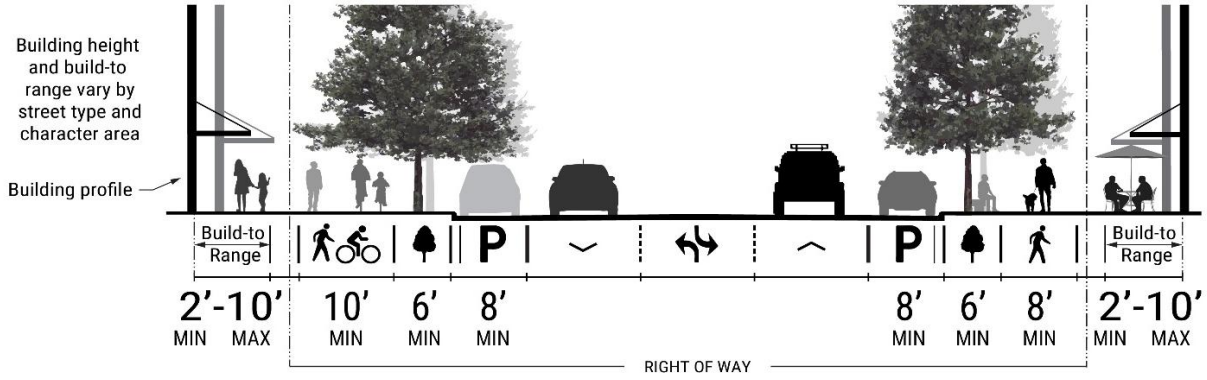
Required street features	
(R) Reservation for future bike lane between the curb and landscaped separation zone	8ft
Landscaped separation zone	6ft
Minimum sidewalk width	8ft
Pedestrian lighting	Refer to section 20C.11
Street trees	Refer to section 20C.11
Pedestrian crosswalks and signals	As required by VDOT and the Agent
Transit stops	Enhanced transit stops as required by VDOT and/or the Agent

Avenue

Intent: Avenues are wider than Local Streets but narrower than Boulevards. Typically featuring one to two lanes of traffic in each direction with moderate speed limits (25-35mph), they often intersect Boulevards perpendicularly. Avenues link residential areas to activity centers and provide essential connections in the district's bicycle network.

Existing street designations: Berkmar Drive and Hillsdale Drive

Illustrative cross-section

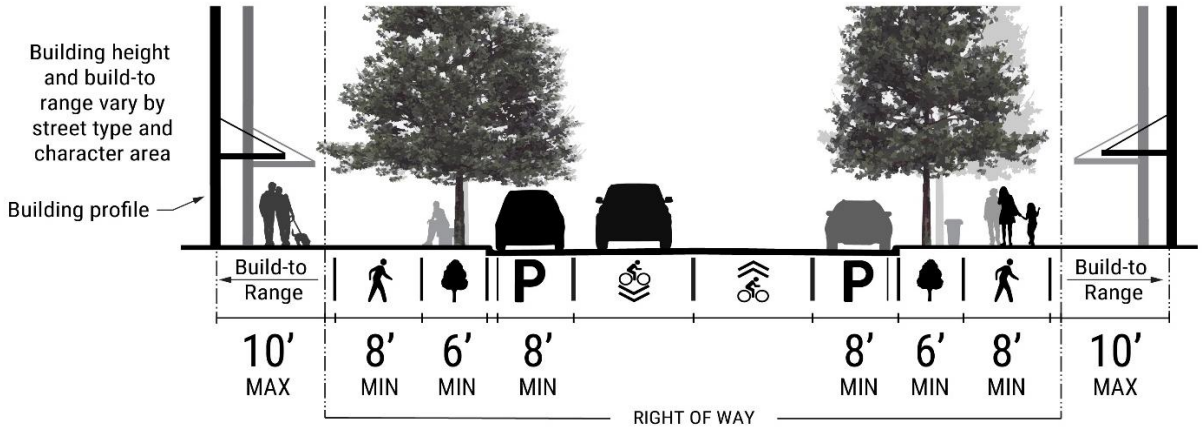


Required street features	
On-street parking	8ft (optional)
Landscaped separation zone	6ft
Shared-use path (SUP) as required by the Agent	10ft
Minimum sidewalk width	8ft; Sidewalks are not required when a SUP is provided.
Pedestrian lighting	Refer to section 20C.11
Street trees	Refer to section 20C.11
Street furniture	None along SUPs. Along sidewalks: i. At least 1 bench (or 4 seats) every 400ft with no less than 1 per block ii. 1 trash and 1 recycling receptacle on each block
Pedestrian crosswalks and signals	As required by VDOT and the Agent
Transit stops	Enhanced transit stops as required by VDOT and/or the Agent

Destination Street

Intent: Destination Streets are lively activity centers where people come to spend time and engage in multiple activities, supporting nearby businesses and creating social and economic hubs. Their design prioritizes pedestrians through wider sidewalks, streetscape furniture, visually engaging building frontages, and other designs that create a welcoming pedestrian experience. These streets may accommodate vehicle traffic, typically at low vehicle speeds and with on-street parking.

Illustrative cross-section

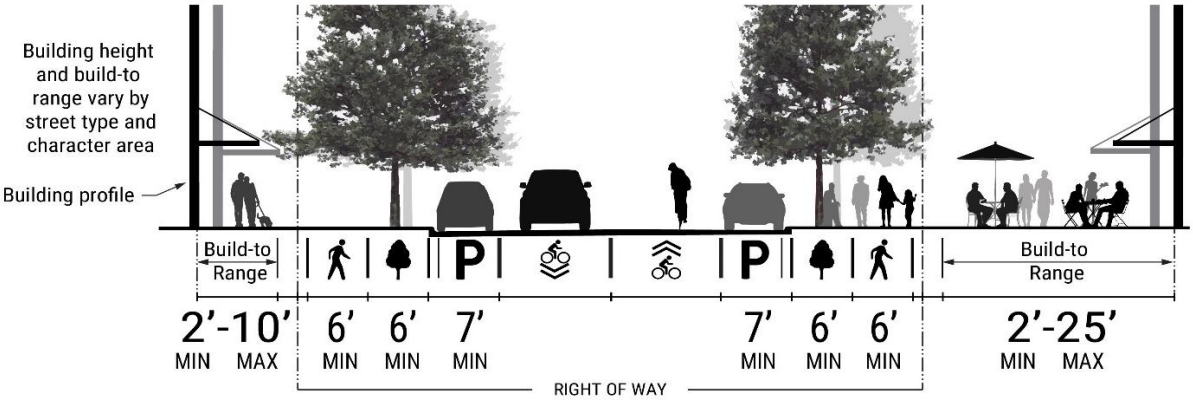


Required street features	
On-street parking	8ft (optional)
Landscaped separation zone	6ft
Minimum sidewalk width	8ft
Pedestrian lighting	Refer to section 20C.11
Street trees	Refer to section 20C.11
Street furniture	i. At least 1 bench (or 4 seats) every 200ft with no less than 1 per block ii. 1 trash and 1 recycling receptacle every 200ft and at least 2 corners of each intersection
Pedestrian crosswalks and signals	As required by VDOT and the Agent

Local Street

Intent: Local Streets function as supportive streets within the transportation network. With narrower cross-sections, lower speed limits (typically 20-30mph), and lower traffic volumes than Boulevards and Avenues, these streets form the foundation of the district's street grid. They provide the final links between higher-capacity thoroughfares and individual destinations. Local Streets are designed to foster a safe, neighborhood-oriented atmosphere and can incorporate design features and traffic calming measures, such as curb cuts and strategic on-street parking, to enhance the pedestrian experience.

Illustrative cross-section

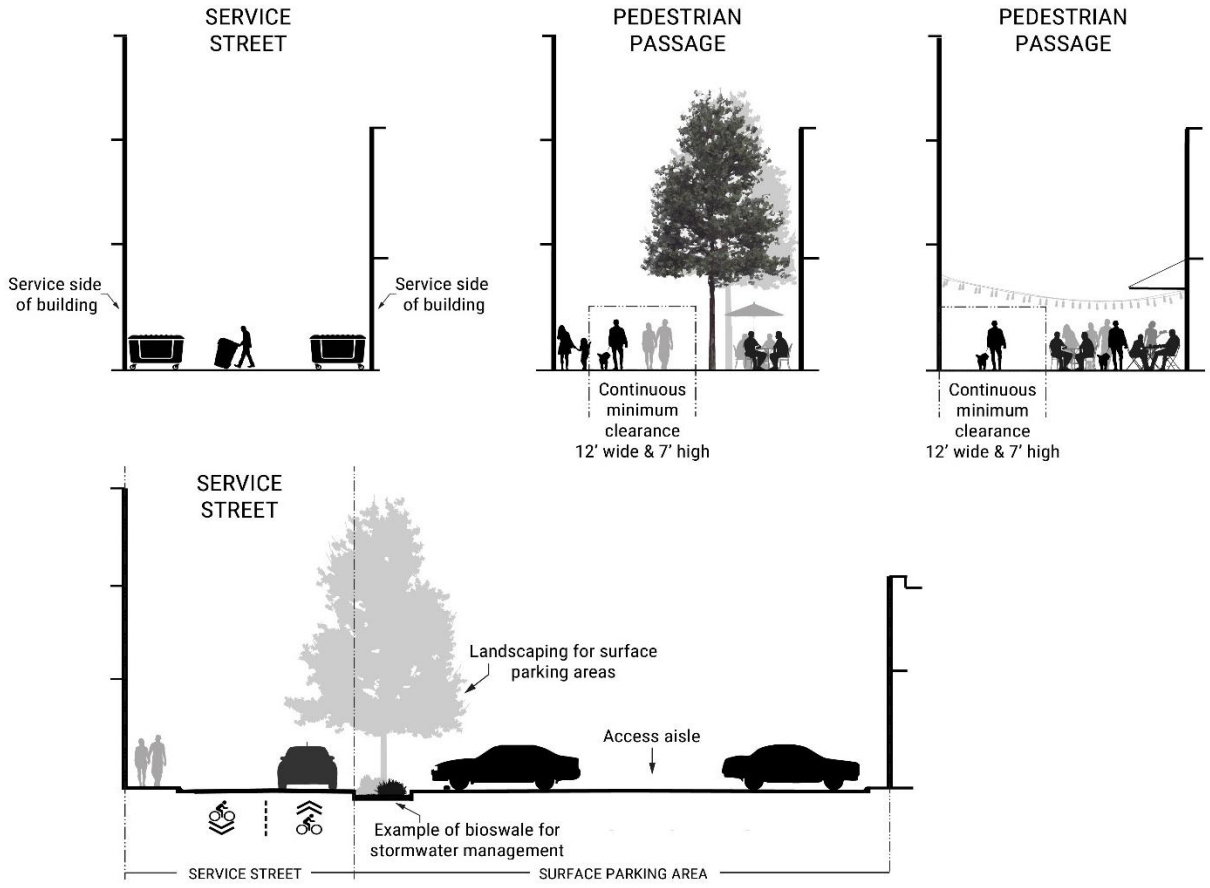


Required street features	
On-street parking	7ft (optional)
Landscaped separation zone	6ft
Minimum sidewalk width	6ft
Pedestrian lighting	Refer to section 20C.11
Street trees	Refer to section 20C.11
Pedestrian crosswalks and signals	As required by VDOT and the Agent
Transit stops	Enhanced transit stops as required by VDOT and/or the Agent

Service Street

Intent: Service Streets, including pedestrian passages and alleys, function as tertiary streets. Service Streets reinforce a connected street grid for pedestrians and cyclists, but do not support vehicular through traffic.

Illustrative cross-sections



No required street features

2. **Destination Streets.**
    a. Development within a Core character area must include a Destination Street unless a Destination Street already exists.
    b. Destination Streets must be at least 1,200 feet in length, measured along the street centerline. The minimum length may be divided amongst multiple adjoining streets and parcels.
    c. A combined total of at least 60 percent of street level block lengths along both sides of Destination Streets must be occupied by non-residential uses other than parking. Publicly accessible recreation spaces do not count towards the total sum of block lengths.
    d. Destination Streets may only be located in Core character areas.

e. A Destination Street cannot cross Boulevards or Through Corridors.

Comment – Added in response to feedback from the development community to replace current requirements for non-residential uses on the ground floors of all buildings in the Core character area. Proposed regulations concentrate non-residential uses along one street in Core areas (Destination Streets), supporting the Rio29 Small Area Plan's vision for active, vibrant centers.

3. **Vehicular travelways.** Lane width and design must be determined in conjunction with VDOT and the Department of Fire Rescue.
   Comment – Retained from existing section 20C.7.C.2.
4. **On-street parking.** Locations for on-street parking must be determined in collaboration with the Agent and VDOT.
   Comment – Retained from existing section 20C.7.D.4.
5. **Sidewalk standards.**
   a. Sidewalks must have a continuous minimum clearance at least six feet wide and seven feet high that is free of all obstructions, including but not limited to signage, seating, tree limbs, tree grates or uncovered wells, light poles, or similar features.
   b. Sidewalks are not required when a shared-use path (SUP) is provided.

   Comments for 5.a-b – Added for clarity and ease of administration.

6. **Shared-use path (SUPs) standards.**
   Comment – Requirements for SUPs were moved from existing section 20C.11 ("Recreation Spaces," previously "Civic space standards") to consolidate related requirements. Regulations within the new Recreation Spaces subsection now reference this section rather than duplicating standards.
   a. SUPs must have a continuous minimum clearance at least ten feet wide and seven feet high that is free of all obstructions, including but not limited to signage, seating, tree limbs, tree grates or uncovered wells, light poles, or similar features.
      Comment – Added for alignment with VDOT standards, safety, clarity, and ease of administration.
   b. SUPs must meet or exceed the standards of the Albemarle County Design Standards Manual for Class A Type Two low-maintenance multi-use/SUPs.
      Comment – Retained existing section 20C.11.D.1.
   c. Location, width, drainage, and other design factors of SUPs must be coordinated with and connected to existing or planned SUPs, trails, sidewalks, and publicly accessible outdoor recreation spaces within the general area.
      Comment – Retained from existing section 20C.11.D.3 and amended to support additional pedestrian connectivity.

d. SUPs must be extended and constructed to abutting property lines.
Comment – Retained from existing section 20C.11.D.3.

7. **Street furniture 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 located on or adjacent to a sidewalk or SUP.
        iii. Benches and seating may be integrated as a part of other streetscape features if their primary function and accessibility is not compromised.

    Comment – Refined requirements in existing section 20C.7.H.5.a.

    b. **Trash & recycling receptacles.**
        i. Trash and recycling receptacles must be made of durable, high-quality materials, such as galvanized or stainless steel.
        ii. Trash and recycling receptacles must include adequate covers to protect from weather events and animals.
        iii. Trash and recycling receptacles must be located at corners and high activity generators (such as major civic, commercial, and transit destinations) whenever possible without interfering with pedestrian, cyclist, transit, and vehicular traffic.

    Comment – Refined requirements from existing section 20C.7.H.6.

8. **Pedestrian crosswalks and signals.**
    a. **Marked crosswalks.** Marked crosswalks must be located at signalized intersections, mid-block crossings, and unsignalized locations deemed appropriate by the Agent, pursuant to VDOT design standards.

    Comment – Refined requirements from existing section 20C.7.H.7.

9. **Enhanced transit stops.**
    a. **Locations.**
        i. Enhanced transit stops are required in locations currently served or that will be served by Charlottesville Area Transit or other publicly-funded transit providers.
        ii. Other streetscape features, such as trash and recycling receptacles, signage, and seating, must not obstruct accessible boarding areas.

    Comment – Refined requirements from existing section 20C.7.H.8.

10. **Ownership and maintenance.**
    a. All new streets, other than Service Streets, must be public streets, unless approved as private, under section 20C.5.E.2.a.

b. Required street features located along public streets must be dedicated to public use upon demand of the Agent.
c. If a public access easement is provided in a document approved by the County Attorney, such features may be located on private property.
d. Private streets and required street features must provide public access through a perpetual easement in a document approved by the County Attorney.
e. The owner must submit an instrument assuring perpetual maintenance of required street features along any public or private street that VDOT or Albemarle County does not agree to maintain. The instrument will be subject to review and approval by the County Attorney and must be recorded in the office of the Circuit Court Clerk's Office.

Comment – Added to replace existing section 20C.7.E, in response to issues identified during the review of the first Rio29 FBC site plan applications.

E. **Modifications.**

1. **Block lengths.** 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 riparian buffer or preserved slopes;
   d. To avoid or accommodate a planned or existing recreation space;
   e. To allow future streets to align with existing travelways, private streets, or parcel lines within or adjacent to the site;
   f. To avoid or accommodate existing utilities; or
   g. To accommodate the space needed for an efficient parking structure.

   Comment – Refined modification from existing section 20C.8.C.2 based on guidance from project consultants.

2. **Street design standards.**
   a. The Agent may approve private ownership of a street if:
      i. The roadway design qualifies as an Urban Local Street (GS-8) in the VDOT Road Design Manual; or
      ii. The street is not determined to be a necessary connection in the public street grid by the Agent or VDOT.

      Comment – Provided to allow flexibility if certain criteria are met.

   b. Required landscaped separation zones on Destination Streets and Local Streets may be reduced in width to no less than four feet provided that the landscape design includes adequate soil volumes below the pavement to

support street trees, pursuant to section 20C.11. Tree wells, or similar features, must include root barriers, soil cells, or similar technology to ensure the success of plantings and avoid upheaval of nearby hardscapes.
Comment – Amended existing section 20C.7.D.5.

c. The Agent may grant a modification for required street features if VDOT standards or the presence of existing overhead or underground utilities, fire hydrants, curb cuts, or other features prevent compliance with the standards in this section. Required sidewalk widths may in no case be reduced to less than four feet.
Comment – Amended existing section 20C.7.G.2 and included the minimum sidewalk width needed to meet ADA standards.

d. The Agent may modify the minimum width and clearance requirements for sidewalks, as otherwise required by Table 1 and section 20C.5.D.5.a, if the Agent finds that:
    i. The width of the sidewalk is less than six feet; or
    ii. The developer's substitution of a technique or design results in an improvement that substantially satisfies the overall purposes of this section in a manner equal to or exceeding the desired effects.

Comment – Provided to allow flexibility if certain criteria are met.

e. The Agent may approve the use of access aisles to meet the block length requirements of section 20C.5.C.2.a if:
    i. Required street features for the Local Street typology are provided along at least one side of the access aisle;
    ii. Sidewalks along the access aisle are connected, extended, and coordinated with sidewalks, SUPs, or entrances to publicly accessible recreation spaces located at either end of the access aisle; and
    iii. Public access to the access aisle and required street features is provided through a perpetual easement in a document approved by the County Attorney.

Comment – Provided to allow flexibility if certain criteria are met.

F. **Special exceptions.** The Board of Supervisors may waive or modify the following regulations in accordance with section 20C.2.E and the following criteria:

1. Development within a Core character area must include a Destination Street unless a Destination Street already exists, per Section 20C.5.D.2.a. To waive or modify this requirement, the applicant(s) must provide information demonstrating:
    a. The Core area retains sufficient area to accommodate a Destination Street that meets the intent of this section; and

b. The proposed development is more consistent with the intent of the Rio29 FBC.

2. Destination Streets must be at least 1,200 feet in length, measured along the street centerline, per Section 20C.5.D.2.b. To waive or modify this requirement, the applicant(s) must provide information demonstrating:
    a. The minimum length of the Destination Street cannot be accommodated on the property; or
    b. The proposed alternative is more consistent with the intent of the Rio29 FBC.

Comment – Provided to allow flexibility.

Sec. 20C.6 Permitted Uses.

A. **Purpose.**

The Rio29 FBC regulates uses to support the transformation of the district into an organized, urban area with clear centers of economic and social activity. Uses on Destination Streets are intended to promote a catalytic mix of activating uses, establishing vibrant centers and destination areas. Beyond Destination Streets, this section allows more versatile and supportive uses, while avoiding detrimental impacts to residential or other uses.

Comment – Added to align with the organizational structure recommended by the Zoning Modernization effort. The statement is based on existing section 20C.1.A and the intent for Destination Streets to serve as commercial and economic centers.

B. **Applicability.**

All uses on properties subject to the Rio29 FBC are subject to this section.

Comment – Added for clarity and organization structure.

C. **General provisions.**

1. **Uses permitted.** Uses permitted along certain street typologies are listed in Table 2. Accessory uses are permitted unless explicitly prohibited in Table 2.
Comment – Amended existing Section 20C.6.A and Table 1 to reorganize requirements based on street typology rather than Character Area. Additional revisions align with VA State Code and the broader zoning ordinance, incorporate feedback from staff, and improve overall clarity.

Table 2: Permitted uses

Use category	Street typology			
	Destination Street[1]		All other streets and access aisles	
			Core and Flex character area	Edge character area
	Ground floor	Upper floors		
Residential - dwelling unit types				
Multiple-family dwellings[2]	P	P	P	P
Mixed-use dwellings	P	P	P	P
Single-family attached dwellings[2]	N	P	P	P
Two-family attached dwellings[2]	N	N	P	P
Single-family detached dwellings	N	N	N	N
Group homes[2]	P	P	P	P
Commercial, industrial, and flex uses				
Retail sales and service[3]	P	P	P	P
Child day center	P	P	P	P
Restaurants[3], hotels, and lodging	P	P	P	P
Entertainment, recreation, and amusement centers[3]	P	P	P	P
Outdoor and indoor athletic facilities	P	P	P	P
Office	P	P	P	P
Artisan manufacturing[2, 3]	P	P	P	P
Structured parking[3]	P	P	P	SP
Electric vehicle charging station	P	P	P	P
Gasoline fuel dispensers[3]	N	n/a	SE	N
Drive-through windows[3]	N	n/a	SE	SE
Light industrial[2, 3]	P	P	P	SP
Self-service storage facility[3]	N	N	N	SP
Public and institutional uses				
Public and institutional uses	P	P	P	P
Private school uses	P	P	P	P
Community center	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
Religious assembly	P	P	P	P
Public art[2]	P	P	P	P
Short-term uses				
Temporary uses[2,3]	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 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).	P	P	P	P
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 (see section 20C.2.E) required N = Not permitted SP = Special use permit required [1] Destination Street uses are permitted along Destination Streets and within any block abutting a Destination Street. [2] See additional use regulations below. [3] Use not permitted within 50 feet of a residential or rural district.				

2. **Uses generally.**
    a. **Required regulations.**
    In addition to the requirements of section 20C, all uses are required to meet applicable supplementary regulations contained in section 5.1.
    Comment – Added for clarity.
    b. **Outdoor display.**
        i. The outdoor display of products for sale must not exceed a 30 square feet area. The height of the display cannot exceed five feet.
        ii. Outdoor displays must be located on the same parcel as the primary use.
    Comment – Added to support small displays that contribute to engaging storefronts and active pedestrian environments.
    c. **Outdoor storage.**
        i. The outdoor storage of materials is only permitted if it is not visible from public rights-of-way.
    Comment – Amended existing section 20C.6.B.1.a for clarity.

D. **Use-specific provisions.**

1. **Multiple-family dwellings, single-family attached dwellings, two-family attached dwellings, and group homes.**
    a. The finished floor elevation of multiple-family dwellings, single-family attached dwellings, two-family attached dwellings, and group homes located on the ground story of building facades along Destination Streets must be raised a minimum of two feet above the level of the sidewalk.

    Comment – Added based on guidance from project consultants.

2. **Artisan manufacturing.**
    a. An 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.

    Comment – Retained existing section 20C.6.B.4.

3. **Light industrial.**
    a. Light industrial uses must take place wholly within an enclosed building.
    Comment – Amended existing section 20C.6.B.1.b for clarity. The performance standards of section 4.14 in the broader zoning ordinance are applicable and self-executing.
    b. Workshops, classes, or events are only permitted if related to the manufacturing use.
    Comment – Amended existing section 20C.6.B.5.a for clarity.
4. **Public art.**
    a. Public art used to meet the requirements of this section must be completely visible and publicly accessible.
    b. If located on an outdoor ground surface, public art used to meet the requirements of this section must be permanently fixed.

    Comment – Amended existing section 20C.6.B.6.b for clarity and to allow public art to be in publicly accessible indoor spaces.

5. **Temporary uses.**
    a. Temporary uses must obtain a zoning clearance prior to operation.

b. Temporary uses may operate for a maximum of 180 days per calendar year.
c. Temporary uses must align with the permitted uses of the character area in which they occur as listed in Table 2.
d. Temporary uses in the Rio29 FBC overlay district may request a temporary sign permit pursuant to section 4.15.6, for a period of up to 180 days per calendar year.
e. Section 20C.9 applies to temporary uses under the Rio29 FBC, with the exception of requirements related to short-term parking and long-term bicycle parking, and the design requirements of section 20C.9.D.4.b.ii.
f. Temporary uses are exempt from sections 20C.5, 20C.7, 20C.8, 20C.10, 20C.11, and 20C.12.

Comment – Amended existing section 20C.6.B.7 for clarity, consistency with other proposed changes to the Rio29 FBC, and alignment with existing zoning policies.

6. **Uses not specifically identified.**
The Agent may determine that a use not specifically identified is permitted in the Rio29 FBC overlay district, provided that such use is similar to the permitted uses in terms of locational requirements, operational characteristics, visual and other impacts, and traffic generation. Agent determinations regarding uses may be appealed to the Board of Supervisors within ten days of the date of the Agent's determination, in accordance with section 32.3.6.
Comment – Amended existing section 20C.6.B.8 for clarity and to update the code reference.

E. **Modifications.**

Finished floor elevation. The Agent may modify the requirement for raised finished floor elevations of multiple-family dwellings, single-family attached dwellings, and group homes located on the ground story of building facades along Destination Streets if the applicant sufficiently demonstrates that an alternative design similarly limits direct views into private living spaces without obstructing views from those spaces to activity on sidewalks.
Comment – Added in response to feedback from the development community. This provision allows flexibility if certain criteria are met.

F. **Special exceptions.** The Board of Supervisors may waive or modify the following regulations in accordance with section 20C.2.E:

1. Uses as articulated in Table 2, per Section 20C.6.C.1

Comment – Added to address a regulatory gap.

2. Outdoor display requirements, per Section 20C.6.C.2.b

Comment – Added to provide flexibility.

3. Artisan manufacturing requirements, per Section 20C.6.D.2.a

Comment – Added to provide flexibility, in response to feedback from the development community.

Sec. 20C.7 Recreation Spaces.

Comment – Generally revised this subsection to replace the term "civic space" with "recreation space" to more accurately reflect that required recreation spaces may be publicly or privately owned.

A. **Purpose.**

Recreation spaces provide attractive and thoughtfully designed places for community members and residents to gather, socialize, and recreate, encouraging placemaking and community building.

Comment – Added to align with the organizational structure recommended by the Zoning Modernization effort. The statement is based on existing section 20C.1.F and guidance from project consultants.

B. **Applicability.**

1. **Required recreation space.** Sites developed under the Rio29 FBC must provide required recreation spaces or cash-in-lieu in accordance with section 20C.7.B.3. These requirements supersede the requirements of County Code 4.16.
   Comment – Added for clarity.
2. **Recreation space shown on the zoning map.** Development sites containing recreation space shown on the zoning map must provide publicly accessible recreation space(s) in the general location and as the type of recreation space designated on the zoning map, except as provided under section 20.C.7.G.1. Development sites containing recreation space shown on the zoning map cannot make use of the cash-in-lieu option of section 20C.7.B.3.
   Comment – Amended existing section 20C.11.A.4 for clarity.
3. **Recreation space requirement of less than 0.3 acres.** Development sites with a recreation space requirement of less than 0.3 acres may provide cash-in-lieu, per section 20C.7.E, subject to Agent review and approval.
   Comment – Retained existing section 20C.11.A.5 and revised the eligibility threshold from 0.2 to 0.3 acres, providing greater flexibility for smaller parcels.
4. **Coordination with other requirements.** Trees or shrubs required by this section may be used to meet landscaping requirements of section 20C.11, provided they meet the criteria contained in both sections 20C.7 and 20C.11.
   Comment – Added for clarity and ease and consistency in administration.

5. **Parcels previously developed under the FBC.** Amendments to site plans previously approved under the Rio29 FBC that retain conforming recreation spaces are exempt from this section.
   Comment – Added based on guidance from the project consultants.
6. **Application Requirements.** If improvements will be dedicated to public use the following note must be provided on the site plan: "[Identify improvement] is to be installed by the developer and will be dedicated to public use upon completion."
   Comment – Added to address a regulatory gap by establishing a clear process for dedication.

C. **General provisions.**

1. **Minimum recreation space requirements.** The required recreation space size and permissible types are determined by character area, as shown in Table 3.

Table 3: Recreation space requirements by character area

Character area	Minimum percentage of gross acreage dedicated to recreation space	Recreation space type options							
		Plaza	Pocket park	Open green	Linear park	Pedestrian street	Indoor gathering space	Natural area	Recreation space shown on zoning map
Core	10%	P	P	P	P	P	P	-	R
Flex	15%	P	P	P	P	P	P	P	R
Edge	15%	P	P	P	P	-	-	P	R
P = Permitted Recreation Space Types R = Required Recreation Space Type									

Comment – Amended existing section 20C.11.A.1.a and Table 11, reorganizing the table for clarity and alignment with tables in the broader zoning ordinance. In addition, the minimum percentage of gross acreage required for recreation space on parcels in the Edge character area was reduced from 20% to 15% to accommodate smaller properties, recognizing that approximately 72% of properties within the Edge character area are less than one acre in size and that requiring 20% of these properties to be developed as qualifying recreation space could be overly constraining and prohibitive.

2. **ADA requirements.** Required recreation spaces must meet the minimum accessibility requirements, as described in the American Disabilities Act.
   Comment – Added to address a regulatory gap.
3. **Stormwater facilities.** All stormwater facilities must be privately maintained. Stormwater facilities may be collocated with required recreation spaces.
   Comment – Amended existing section 20C.11.A.2 to clarify maintenance responsibilities.

4. **Planting standards.** Required trees and shrubs must be selected from the Albemarle County Plant List.
   Comment – Added for clarity.
5. **Public art.** Refer to section 20C.6.D.4 for public art requirements and standards.
   Comment – Added for clarity.
6. **Timing for Installation.** Required recreation spaces must be installed for each development or phase of development within five years of the first certificate of occupancy for that development or phase, or as follows, whichever comes first:
   a. For residential developments, delivery of required recreation space must be completed when 40 percent of the units have received certificates of occupancy.
   b. For commercial developments, delivery of required recreation space must be completed when 60 percent of the non-residential gross floor area has received certificates of occupancy.
   c. For mixed-use developments, delivery of required recreation space must be completed when 50 percent of gross floor area has received certificates of occupancy.

   Comment – Added to address a regulatory gap.

7. **Ownership.**
   a. Required recreation spaces shown on the zoning map or of one acre or more in size must be dedicated to the County in fee simple.
   b. Required recreation spaces that are not shown on the zoning map and are less than 1 acre in size must be privately owned and maintained.

   Comment – Added to replace existing section 20C.11.3 to give owners greater control over recreation spaces associated with their developments, while concentrating public ownership and maintenance on larger, high-impact recreation spaces.

8. **Special events**. Special events within county-owned recreation spaces are permitted by-right within the Rio29 FBC district with an approved zoning clearance. Alcoholic beverages may be permitted at such events in accordance with County Code § 10-104(C).
   Comment – Added to encourage community and regional festivals and large events within the Rio29 FBC district.
9. **Maintenance.** In all circumstances involving private maintenance of a required recreation space, the owner must provide:
   a. A note assigning maintenance responsibility for the required recreation space on the site plan; and

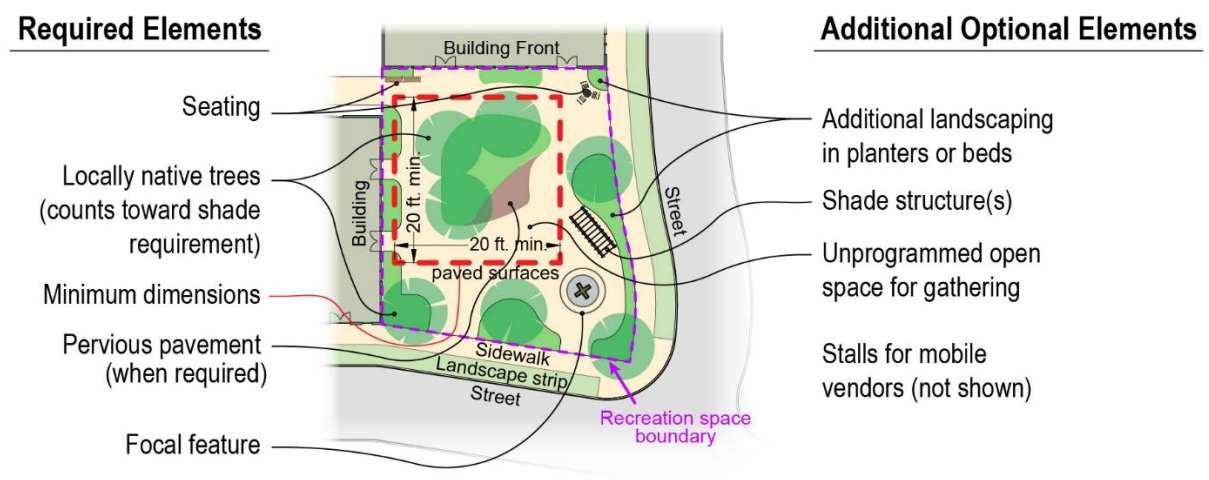
b. A recorded perpetual maintenance agreement approved by the Agent. The agreement is subject to review and approval by the County Attorney, in consultation with ACPR and FES.

Comment – Necessary based on other proposed changes to support clarity and ease of administration.

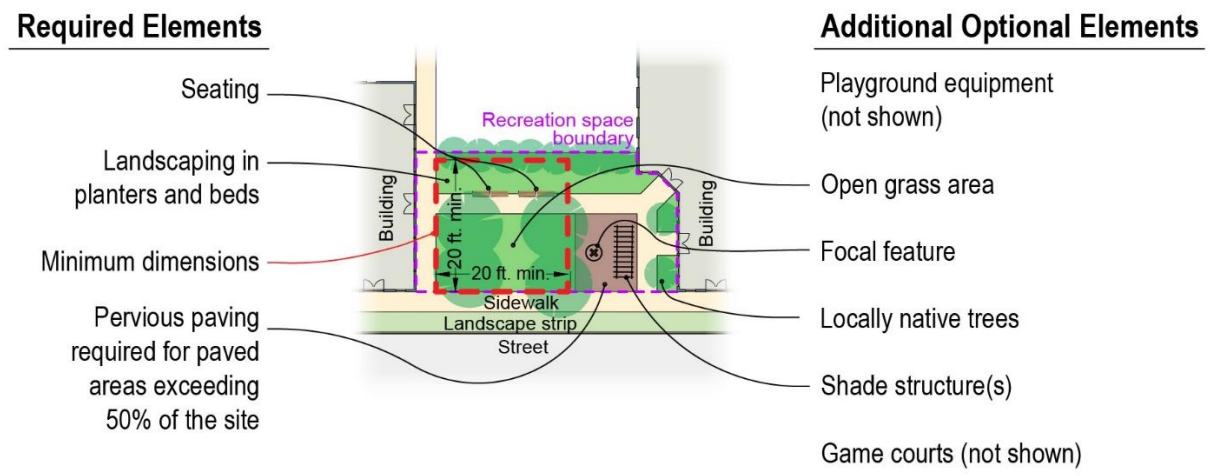
D. **Recreation space standards.**

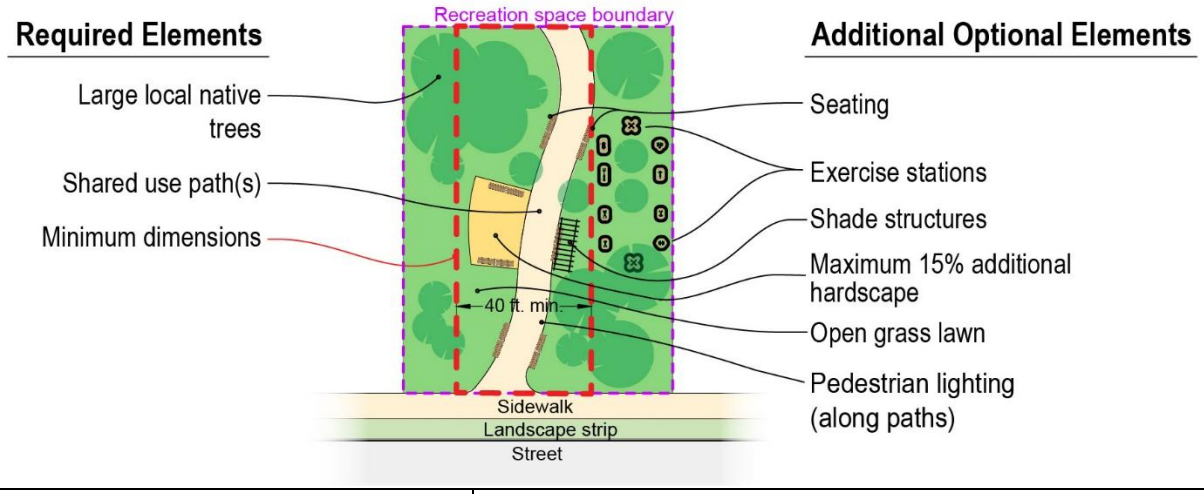
1. Required recreation spaces developed under the Rio29 FBC must comply with all the design standards in Table 4.
Comment – Amended existing sections 20C.11.B and 20C.11.C based on feedback from the development community and County staff, and guidance from the project consultants.

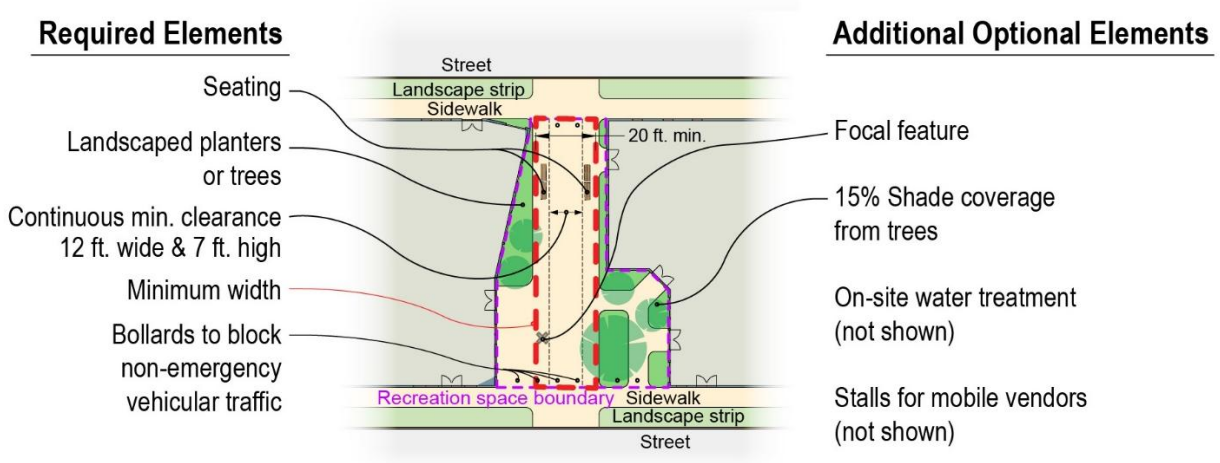
Table 4: Recreation Space Design Standards

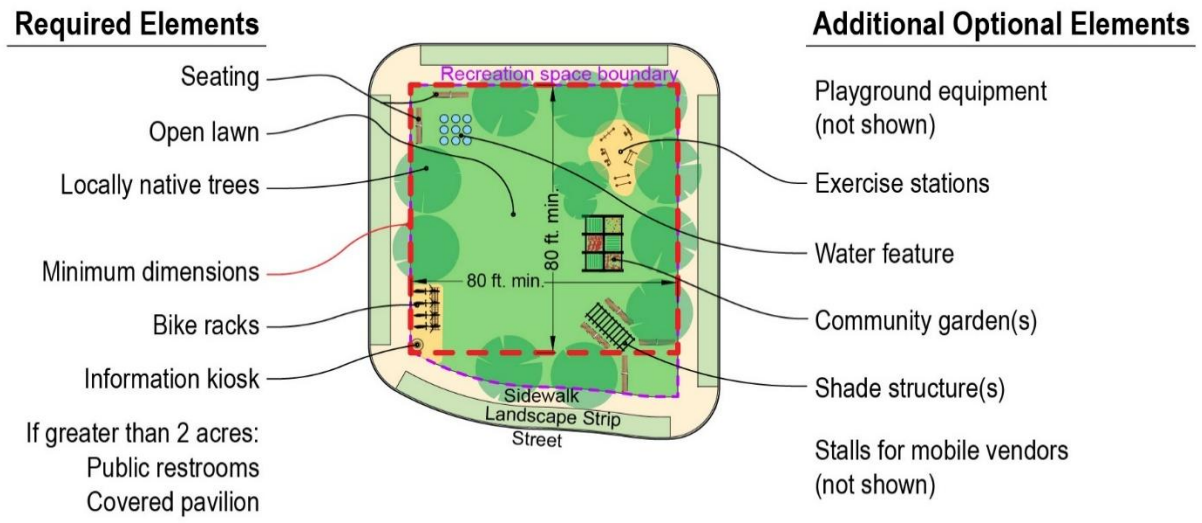
Recreation space type:	**Plaza**
Illustrative diagram	
Required elements	- For every 30 square feet of plaza, one linear foot of seating must be provided. Seating must have a minimum depth of 16 inches. - A focal feature, such as an art installation or water feature - Locally native trees located to provide shade
Additional elements (At least two types of these elements are required)	- Additional landscaping in planters or beds - Shade structure(s) - Unprogrammed open area for gathering - Stalls or similar accommodations for mobile vendors - Other, as approved by the Agent
Street frontage requirement	- 1 side minimum
Size	n/a
Minimum dimensions	- 20-foot length and width

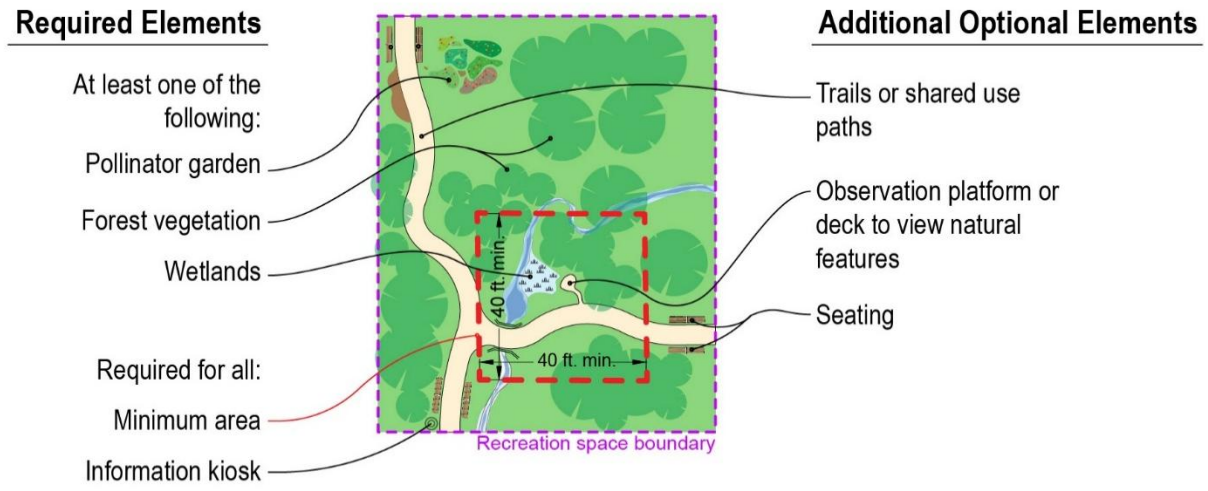
Other design standards	- Minimum 50% hardscape - Minimum 30% pervious surface area, not including pervious paving - Shade must be provided over a minimum of 30% of the plaza area between April and October. Shade trees may fulfill this requirement.

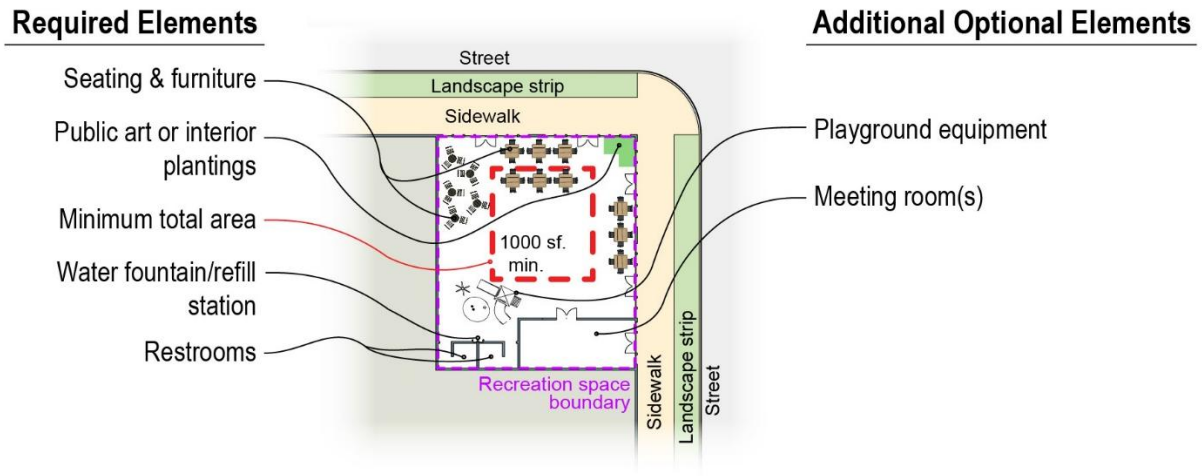
Recreation space type:	**Pocket Park**
Illustrative diagram	
Required elements	- For every 30 square feet of pocket park, one linear foot of seating must be provided. Seating must have a minimum depth of 16 inches. - Landscaping in planters or beds
Additional elements (At least two types of these elements are required)	- A focal feature, such as an art installation or water feature - Playground - Open grass area for passive or active use - Locally native trees - Shade structure(s) - Game court (such as basketball, volleyball, pickleball, and/or tennis) - Other, as approved by the Agent
Street frontage requirement	- 1 side minimum
Size	- 400 square feet – 21,780 square feet (0.5 acres)
Minimum dimensions	- 20-foot length and width
Other design standards	- At least 30% must be landscaped - Paving in excess of 50% of the site must be pervious paving

Recreation space type:	**Linear Park**
Illustrative diagram  	
Required elements	- Large, locally native trees located adjacent to the path with a planting size of at least 2½ inches caliper, measured 6 inches above the ground, and having a maximum average spacing of 30 feet or less - Shared-use paths (SUPs)
Additional elements (At least two types of these elements are required)	- Seating (such as chairs, benches, and sitting walls). Seating must have a minimum depth of 16 inches. - Exercise stations - Shade structure(s) - Open grass lawn - Pedestrian lighting - Other, as approved by the Agent
Street frontage requirement	None
Size	n/a
Minimum dimensions	- 40-foot width
Other design standards	- Required SUPs must be accessible from a public pedestrian path, extend to abutting property lines, and coordinate with existing or planned linear park facilities - Maximum of 15% hardscape, excluding SUPs

Recreation space type:	**Pedestrian Passage**
Illustrative diagram 	
Required elements	- Seating (such as chairs, benches, and sitting walls). Seating must have a minimum depth of 16 inches. - Bollards or other obstructions to vehicle traffic - Landscaped planters or trees
Additional elements (At least two types of these elements are required)	- A focal feature, such as an art installation - Shade must be provided over a minimum of 15% of the pedestrian passage between June and September. Shade trees may fulfill this requirement. - On-site stormwater retention and treatment system - Stalls for vendors - Other, as approved by the Agent
Street/publicly accessible recreation space frontage requirement	- 2 sides minimum
Size	n/a
Minimum dimensions	- 20-foot width
Other design standards	- A continuous minimum clearance at least 12 feet wide and seven feet high that is free of all obstructions, including but not limited to signage, seating, tree limbs, tree grates or uncovered wells, light poles, or similar features, must be provided at all times, except during festivals or similar temporary events - Passages through buildings may serve as pedestrian passages, provided they meet all requirements - Pedestrian passages provided pursuant to section 20C.5 can be used to meet the recreation space requirement, provided the requirements of this section are met.

Recreation space type:	Open Green
Illustrative diagram 	
Required elements	- Open grass lawn for passive or active use - Seating (such as chairs, benches, and sitting walls). Seating must have a minimum depth of 16 inches. - Bike racks - Information kiosk - Locally native trees located around the perimeter with a planting size of at least 2½ inches caliper, measured 6 inches above the ground, and having a maximum average spacing of 35 feet or less If the Open Green exceeds 2 acres: - Pavilion - Public restrooms
Additional elements (At least two types of these elements are required)	- Playground(s) - Shade structure(s) - Exercise stations - Water feature - Community garden - Stalls or similar accommodations for mobile vendors - Other, as approved by the Agent
Street frontage requirement	- 1 side minimum
Size	- 0.5—5 acres
Minimum dimensions	- 80-foot length and width
Other design standards	- Minimum 60% pervious surface area, not including pervious paving - Paved pedestrian or shared-use paths (SUPs)

Recreation space type:	**Natural Area**
Illustrative diagram  	
Required elements	At least 70% of the Natural Area must be planted and designated on the site plan as at least one of the following: - Forest vegetation meeting the density defined in section 20C.3 - Wetlands - Pollinator gardens Required in all: - Information kiosk
Additional elements (At least two types of these elements are required)	- Trails or shared-use paths (SUP(s) - Seating (such as chairs, benches, and sitting walls). Seating must have a minimum depth of 16 inches. - Observation platform or deck to view the natural recreational area - Other, as approved by the Agent
Street frontage requirement	None
Size	- 0.5 acres minimum
Minimum dimensions	- 40-foot length and width
Other design standards	- Minimum of 90% must be pervious - Resource management plan to guide the long-term stewardship of the natural elements, subject to ACPR approval. If the Area is an existing vegetated space, then prior to dedication all trash, litter, debris, pollutants, and invasive species must be removed or otherwise managed. Inspection by ACPR/FES prior to dedication.

Recreation space type:	Indoor Gathering Space
Illustrative diagram  	
Required elements	- Seating (such as chairs, benches, and tables) - An art installation or indoor plantings - Water fountain or refill station - Restrooms
Additional elements (At least one of these elements is required)	- Playground with a minimum size of 20 square feet - Meeting room or spaces - Other, as approved by the Agent
Street frontage requirement	None
Size	- 1,000 square foot minimum
Minimum dimensions	n/a
Other design standards	- The space must be open to the public from at least 9am to 5pm, Monday through Friday. - Private events are prohibited during required public hours. The exterior entrance to the space must: - Be accessible; - Be clearly marked as the entrance, with instructions for accessing the interior space; - Be of a design that is consistent with the character of the building; and - Not have the character or appearance of a service entrance.

E. **Cash-in-lieu.**

The cash-in-lieu amount will be based on 120% of the assessed value of the area required for recreation space at the time of final site plan submittal, based on the assessed value as reported by Albemarle County. Recreation spaces developed on-site that have the same accessibility as required recreation spaces may be used as credit against cash-in-lieu amounts. Cash-in-lieu funds will be used by the County for publicly accessible recreation spaces within the Rio29 FBC overlay district.

Comment – Added based on feedback from the development community and County staff.

F. **Trail and shared-use path (SUP) standards.** Trails and SUPs included on a site plan must adhere to the following design standards:

1. Trails must meet or exceed the standards of the Albemarle County Design Standards Manual for Class B Type Two high-maintenance pedestrian paths.
2. Location, width, drainage, and other factors of trails should be coordinated with other existing or planned trails and SUPs within the general area and must be extended and constructed to abutting property lines. To the extent possible, trails should provide connectivity to nearby or adjacent publicly accessible outdoor recreation spaces.
3. Standards for SUPs in section 20C.5.D.6 apply.

Comment – Amended existing section 20C.11.D for clarity and user-friendliness.

G. **Modifications.**

Ownership. The Agent may approve dedication to the public via easement, instead of in fee simple, with access to the required publicly accessible recreation space provided during the following minimum hours:

1. Outdoor required recreation spaces must be open to the public from at least 7am to sunset;
2. Indoor required recreation spaces must be open to the public from at least 9am to 5pm; and
3. Any additional hours as determined by the Agent.

Comment – Provided to allow flexibility if certain criteria are met.

Sec. 20C.8 Building Form.

A. **Purpose.**

The Rio29 FBC building form requirements are intended to establish an urban form of development and define the relationship between structures and the public realm. The requirements of this section facilitate vibrant, pedestrian-oriented streets through a consistent sense of spatial enclosure along each street and across the street network, with particular emphasis on Destination Streets.

Comment – Added to align with the organizational structure recommended by the Zoning Modernization effort. The statement is based on existing section 20C.1 and the vision of the Rio29 Small Area Plan.

B. **Applicability.**

1. **New buildings.** New buildings constructed under the Rio29 FBC and all subsequent building renovations, modifications, or additions are subject to this section.
2. **Existing buildings.** Existing buildings are subject to section 20C.8.C.4. Exterior modifications or additions to existing buildings are subject to all requirements of this section except those related to building height and build-to range.

Comment – Added for organization structure and clarity, particularly concerning regulations that apply to existing buildings.

C. **General provisions.**

1. **Orientation of building to primary street.** The primary building facade must face the primary street. As set forth in Table 5, the primary street is the highest-ranking street abutting a parcel, development, or building.

Table 5: Street hierarchy

Rank (1 = highest)	Street type
1	Destination Street
2	Avenue
3	Boulevard
4	Local Street
5	Through Corridor or Service Street (pedestrian passage only)

Comment – Added to establish consistent, orderly, and attractive appearances of buildings along high-ranking, primary streets. This provision would also allow greater flexibility along secondary streets.

2. **Building standards by street type.** All buildings developed under the Rio29 FBC must meet the standards in Tables 6 and 7.

Table 6: Building height by character area

	Core character area	Flex character area	Edge character area
Building height in stories[1] [2]	Minimum: 2, except buildings located within 40 feet of a Through Corridor may be 1 story. Maximum: 7, not to exceed 105ft [3]	Minimum: 2, except buildings located within 40 feet of a Through Corridor may be 1 story. Maximum: 5, not to exceed 75ft [3]	Minimum: none Maximum: 3, not to exceed 45ft

[1] Building height is measured pursuant to section 3.1. Definitions, *Building height*.
[2] Building heights do not apply to structures associated with recreation spaces.
[3] Building height can be increased pursuant to section 4.10.3 and section 20C.12.D.

Comment – Amended existing Table 5 for clarity and alignment with AC44 Comprehensive Plan recommendations.

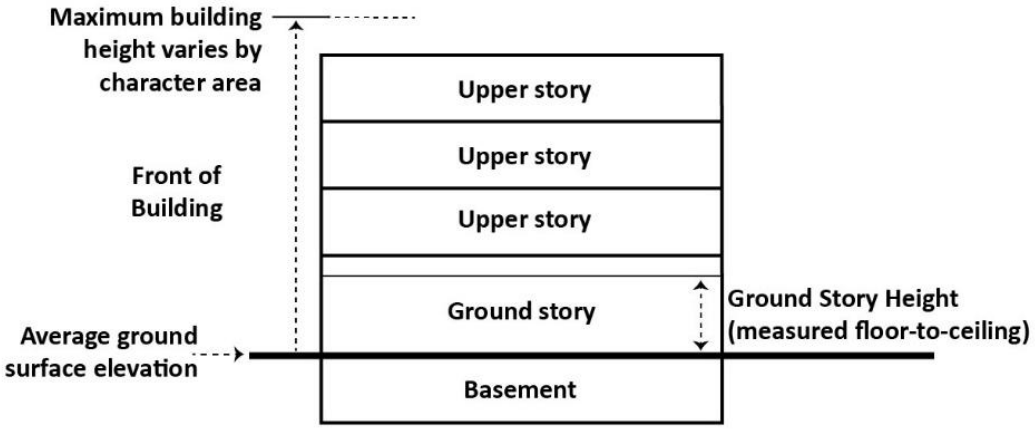
Table 7: Building standards by street type

	Through Corridor	Destination Street	All other streets[6]	
			Core and Flex character area	Edge character area
Ground story height (measured floor-to-ceiling)[1]	Not required	Minimum 12-foot ground story height	Not required	Not required
Build-to range[2] [3] [4]	2 – 35 feet	2 – 10 feet	2 – 10 feet	2 – 25 feet
Minimum percentage of primary street frontage occupied by a facade or publicly accessible recreation space in the build-to range [3] [5]	50%	75%	60%	33%
Maximum distance between ground story pedestrian entrances along the primary street frontage	n/a	50 feet	75 feet on Avenue or Boulevard, n/a on all other street types	75 feet on Avenue or Boulevard, n/a on all other street types

[1] See Figure 2.
[2] Ground story building facades within ten feet of a block corner are exempt from this requirement, to allow the corner of the building to be chamfered (cutting the corner off) for sidewalks, landscaping, and building entrances. See Figure 3.
[3] Additions to existing buildings are exempt from build-to range requirements.
[4] The minimum build-to range along private streets is 0 feet.
[5] See Figure 3.
[6] A Service Street cannot be a primary street unless it is a pedestrian passage.
[7] Building standards by street type do not apply to structures associated with recreation spaces.

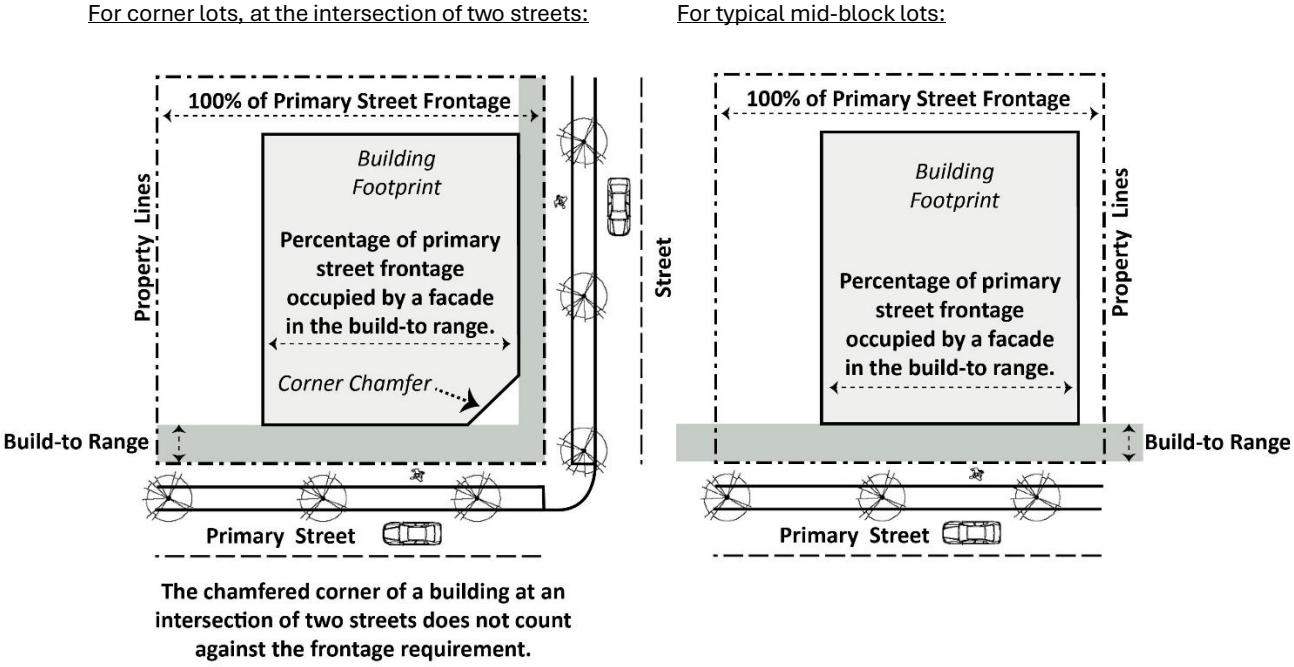
Comment – Amended existing Table 5 based on feedback from the development community and County staff and for greater flexibility while supporting urban development patterns.

Figure 2: Building height measurement



Comment – Amended existing Figure 7 for clarity.

Figure 3: Example illustration of a façade located within the build-to range



Comment – Amended existing Figure 8 for clarity.

3. **Use buffer.** No construction activity including grading or clearing of vegetation can occur closer than 20 feet to any residential or rural areas district. Screening must be provided as required in section 32.7.9, notwithstanding section 32.7.9.7(a).
   Comment – Added to reduce potential negative impacts to adjacent residential and rural area properties.

4. **Building entrances.** For buildings located within 35 feet of a primary street or a publicly accessible outdoor recreation space, the primary entrance must face the primary street frontage (as defined in section 20C.8.C.1), an intersection of the primary street, or a publicly accessible outdoor recreation space.
   Comment – Added to support greater activity and consistency along primary streets and encourage development patterns commonly found in urban areas.

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

1. **Orientation of building to primary street.** The Agent may approve an alternative primary street, if the resulting building and site design meet the purpose and intent of this section.
2. **Ground story height.** A reduced minimum floor-to-ceiling height of no less than 10 feet may be granted for ground stories in multiple-family dwellings along Destination Streets.
3. **Build-to range.** Modifications to the build-to range requirements may be granted when publicly accessible recreation spaces, outdoor seating areas, natural features (such as existing mature trees), terrain, or existing utilities interfere with the required build-to range.

Comment – Provided to allow flexibility if certain criteria are met.

E. **Special exceptions.** The Board of Supervisors may waive or modify the following regulations in accordance with section 20C.2.E and the following criteria:

1. No construction activity including grading or clearing of vegetation can occur closer than 20 feet to any residential or rural areas district, per section 20C.8.C.3. To waive or modify this requirement, the applicant(s) must provide information demonstrating:
   a. Grading or clearing is necessary or would result in an improved site design;
   b. Minimum screening requirements will be satisfied; and
   c. Existing landscaping in excess of the minimum requirements is substantially restored.

Comment – Provided to allow flexibility.

Sec. 20C.9 Parking.

A. **Purpose.**

The parking standards are designed to enhance the pedestrian realm and public spaces by providing high-quality and convenient cycling infrastructure, encouraging shared

parking and ride-sharing options, and reducing the amount and visibility of private motor vehicle parking.

Comment – Added to align with the organizational structure recommended by the Zoning Modernization effort. The statement is based on existing section 20C.1.D, the vision and recommendations of the Comprehensive Plan, and Entrance Corridor guidelines.

B. **Applicability.**

1. **Development sites and uses.** Development sites and uses subject to the Rio29 FBC are subject to this section and section 4.12, with the exception of sections 4.12.4.a, 4.12.5.a, 4.12.6, 4.12.13.a, 4.12.13.c, and 4.12.13.e.
2. **Structured parking.** Parking structures are also exempt from sections 4.12.15.d, 4.12.15.g, 4.12.16.e, 4.12.17.a, 4.12.17.d, 20C.9.C.2, and 20C.9.C.4.

Comment – Added for clarity and organization structure.

C. **General provisions.**

1. **Motor vehicle parking type and location.** The type and location of motor vehicle parking must comply with Table 8.

Table 8: Type and location of motor vehicle parking by street type

Parking types	Parking location			
	Destination Streets	Service Streets	Other streets	
			Core and Flex	Edge
On-street – parallel or angled[1]	Permitted	Not permitted	Permitted	Permitted
Surface parking	Permitted only to the rear of buildings	Permitted	Permitted only to the rear or side of buildings	Permitted only to the rear or side of buildings
Structured parking	Permitted	Permitted	Permitted	Permitted by special exception
[1] Parking types must be consistent with the frontage street type (see section 20C.5).				

Comment – Amended existing section 20C.9.A.1 for ease of use. Changes clarify requirements and provide greater flexibility on streets in Core areas that are not designated as Destination Streets.

2. **Required motor vehicle parking spaces.** The number of motor vehicle parking spaces for each use must comply with Table 9.

Table 9: Required number of motor vehicle parking spaces by use

	Non-residential (excluding hotels and lodging)	Hotels and lodging	Residential
Standard parking minimum[1]	1 space per 300 square feet of gross floor area, or part thereof.	1 space per guest room.	0.5 space per dwelling unit for multifamily or mixed-use residential development and 1 space per dwelling unit for one-family and two-family dwellings and townhouses. See State Code § 15.2-2209.4.
Standard parking maximum	The aggregate number of private, on-site, surface parking spaces may not exceed 150% of the aggregate parking minimum.		n/a
Short-term parking minimum[2]	1 space per 40,000 square feet of gross floor area, or part thereof.	1 space per 100 guest rooms, or part thereof.	n/a
[1]On-street parking located on or adjacent to the site may be counted towards the minimum requirement. [2]Short-term parking is in addition to standard parking minimums.			

Comment – Revised requirements based on state code, guidance from project consultants, and parking requirements in other urban localities. Requirements for short-term parking spaces, referred to as "pick-up or drop-off parking spaces" in the current Rio29 FBC (section 20C.9.A.5), were added to the table for clarity and refined based on use. An existing standard from section 20C.9.A.4.b was also moved to the footnotes to improve clarity.

3. **Motor vehicle parking standards.** Off-street surface parking areas must be located at least 10 feet from the right-of-way to allow for adequate screening, in accordance with section 32.7.9.5.e. Surface parking abutting alleys is not subject to this standard.
   Comment – Amended from existing Table 6 for clarity and consistency in design across the Rio29 FBC area and with the larger zoning ordinance.
4. **Structured parking**.
   a. Structured parking must be screened so that vehicles on all parking levels are substantially screened from adjacent streets and publicly accessible outdoor recreation spaces. Screening can be provided by architectural features or vegetative screen.
   b. Sloped ramps may not be located along the perimeter of a parking structure abutting streets or publicly accessible outdoor recreation spaces.

Comment for 4.a-b – Separated requirements from existing section 20C.9.A.8.b. into two distinct regulations.

c. Parking structure façades are exempt from the fenestration requirements of section 20C.10.C.1.
Comment – Amended existing section 20C.9.A.8.d to update terminology ("transparency" to "fenestration") and the code reference.

5. **Short-term parking**.
   a. Short-term parking spaces must be clearly labeled, with maximum parking times of 15 minutes.
   Comment – Amended existing section 20C.9.A.5.b rto replace "pick-up or drop-off zone spaces" and similar references to "short-term parking spaces" and remove "peak use hours" requirements to simplify review and administration.
   b. Short-term parking spaces must be located within 100 feet or less of main entrances of multiple family buildings. On-street parking spaces must be used to fulfill the short-term parking space requirement if on-street surface parking is used to meet parking requirements.
   Comment – Added to address a regulatory gap by identifying appropriate locations for short-term parking spaces.
6. **Shared parking**. In addition to the regulations of section 4.12.10, off-site shared parking must be within a distance of 0.1 miles (528 feet), measured along pedestrian paths, for residential uses, and 0.25 miles (1320 feet), measured along pedestrian paths, for non-residential uses, hotels and lodgings.
Comment – Amended existing section 20C.9.A.4.a to distinguish between types of uses.

D. **Bicycle parking.**

Comment – Regulations in this section were generally amended for clarity and to address feedback and regulatory gaps identified during the review of the first Rio29 FBC site plan applications.

1. **Required bicycle parking spaces.** The number of bicycle parking spaces for each use must comply with Table 10.

Table 10: 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
*When calculated, the required number of spaces is determined by rounding up to the nearest whole number.		

Comment – Amended existing Table 8 to clarify how bicycle parking spaces are to be calculated.

2. **Short-term bicycle parking**. Required short-term bicycle parking must be visible from nearby bikeways and located on the public access level, within 50 feet of a primary building entrance, and either inside or outside the building.
   Comment – Amended existing section 20C.9.B.1.a to clarity that short-term bicycle parking could also be located inside a building.
3. **Long-term bicycle parking.** Long-term bicycle parking must be:
   a. Covered and within an enclosed space limited to residences and employees;
   b. Within 100 feet of a primary entrance, as measured by walking distance from the entrance to the nearest point of the bicycle parking area;
   c. Allow bicycles to be wheeled to the parking area without use of elevators or stairs; and
   d. Provide horizontal "roll-in" parking that accommodates cargo bicycles for at least 10 percent of the required bicycle parking spaces.

   Comment – Amended existing section 20C.9.B.2 to address feedback and regulatory gaps identified during the review of the first Rio29 FBC site plan applications.

4. **Minimum design requirements.**
   a. Bicycle parking must:
      i. Allow the easy locking of both the bicycle frame and at least one wheel, except when bicycles are stored in individually accessed lockers or similar enclosures;
      ii. Be designed to not damage bicycles;
      iii. Be anchored so that they cannot be easily removed;
      iv. Be of solid construction, resistant to rust, corrosion, hammers, and saws; and
      v. Be consistent with the building or street furniture design.
   b. Bicycle parking locations must:
      i. Be clearly marked as such;
      ii. Have a paved surface with a slope no greater than three percent;
      iii. Include adequate clearance around racks or lockers to give cyclists room to maneuver, and to prevent conflicts with pedestrians or parked cars; and
      iv. Provide for adequate lighting both within the area and along the route to the building entrance.
   c. Wall-mounted or similar bicycle racks cannot exceed 25 percent of required short-term bicycle parking.

   Comment – Amended existing section 20C.9.B.4 for clarity and ease of administration.

E. **Dumpster pads and Loading areas.**

1. Dumpster pads must be located to the rear and/or alley side of buildings and consistent with section 20C.10.C.3 and other applicable requirements.
2. Loading facilities must be located to serve the buildings and uses generating the need and consistent with section 20C.10.C.3 and other applicable requirements.
3. **When loading spaces are required.** Loading spaces must be provided at the following rates:
    a. **Multifamily.** One loading space for each 200 units or fraction thereof for multifamily buildings with more than 50 units;
    b. **Office or restaurant uses.** One loading space for office or restaurant uses with 6,000 square feet of gross floor area or more;
    c. **Other commercial or retail uses.** The number of loading spaces for commercial uses (not including office or restaurant uses) or retail uses must comply with Table 11.

Table 11: Required number of loading spaces for commercial uses (excluding office or restaurant uses) or retail uses

Square feet of gross floor area	Minimum number of loading spaces
3,000-14,999	1
15,000-49,999	2
50,000-99,999	3
100,000 or more	4

    d. **For industrial or manufacturing uses.** One loading space and an additional space for each 50,000 square feet of gross floor area or more.

Comment – Added to support the typical and expected use of large vehicles for moving, delivery, and waste collection in dense, urban areas.

F. **Modifications.**

1. **Required standard motor vehicle parking spaces and loading spaces.** The Agent may grant the following modifications to standard minimum and maximum required parking spaces, provided the resulting parking meets the purpose and intent of this section:
    a. An increase to the maximum required parking spaces, to allow for phased development of existing surface parking;
    b. An increase to the maximum required parking spaces and/or loading spaces if a parking and loading needs study submitted by the applicant demonstrates a clear need for additional on-site parking and options for shared parking are not available;

c. A reduction to the minimum number of required parking spaces due to availability of mass transit, car pooling, park and ride lots, or other technique as approved by the Agent; or
d. A reduction to the minimum number of required parking spaces and/or loading spaces if a parking and loading needs study submitted by the applicant demonstrates a lower parking demand.

Comment – Amended existing section 20C.9.A.6.a to address phased developments, include loading spaces requirements, and to establish clear submission requirements for applicants.

2. **Motor vehicle parking space design.** The Agent may grant the following modifications to parking area design requirements:
   a. Reduction in parking space size to accommodate motorcycles, compact vehicles, or autonomous vehicles; or
   b. Reduction in access aisle minimum design requirements to accommodate compact or autonomous vehicles.

   Comment – Minor revision to current section 20C.9.A.6.b to include motorcycles.

3. **Structured parking.** The Agent may permit sloped ramps to be located along the perimeter of a parking structure abutting streets or publicly accessible outdoor recreation spaces provided the resulting structure meets the purpose and intent of this section.
   Comment – Provided to allow flexibility if certain criteria are met.
4. **Short-term parking.** The Agent may grant modifications to the minimum number of short-term parking spaces, provided the applicant demonstrates that the intended use does not generate short-term parking demand.
   Comment – Added based on feedback from the first Rio29 FBC developments. This addition provides flexibility if certain criteria are met.
5. **Bicycle parking.** The Agent may grant modifications to bicycle parking standards provided the resulting parking meets the purpose and intent of this section.
   Comment – Retained from section 20C.9.B.5.

Sec. 20C.10 Architecture.

A. **Purpose.**

Architectural design standards in the Rio29 FBC set parameters for the exterior design of buildings, addressing appearance through appropriate materials and configuration and articulation of building elements. These standards reinforce a human-scaled environment with active streets and visual interest and establish a sense of place that is unique to the district.

Comment – Added to align with the organizational structure recommended by the Zoning Modernization effort. The statement is based on existing section 20C.1.E.

B. **Applicability.**

1. **Required architectural design standards.** Development sites under the Rio29 FBC are subject to this section.
   Comment – Added for clarity and organization structure.
2. **Certificates of Appropriateness.** Properties within the Entrance Corridor overlay district (section 30.6) must obtain a Certificate of Appropriateness in accordance with section 30.6.4.b.3 prior to final site plan approval.
   Comment – Amended existing section 20C.10.A for clarity and alignment with current site planning processes.
3. **Facing façades.** Façades facing one another with a separation of 10 feet or less are exempt from sections 20C.10.C.1, 20C.10.C.2, and 20C.10.C.3.
   Comment – Added for clarity and to support more compact arrangements of buildings.

C. **General provisions.**

Comment – Revised terminology to align with the use of "transparency" in the Entrance Corridor (EC) guidelines and elsewhere in the zoning ordinance. "Fenestration" is now used to describe the location and amount of openings or windows in a building facade, while "transparency" refers to how clearly objects can be seen through glass.

1. **Fenestration.**
   a. Façade fenestration must comply with Table 12.

Table 12: Minimum wall area fenestration requirements along certain street types and recreation spaces.

Stories	Destination Street, Avenue, Boulevard, publicly accessible outdoor recreation space (excluding pedestrian passages)	Local Street	Pedestrian passage	Through Corridor
Ground story non-residential	60%	45%	15%	30%
Ground story residential	40%	30%	15%	30%
Upper story non-residential	40%	30%	15%	25%
Upper story residential	25%	25%	15%	25%

Comment – Amended existing Table 9 to address feedback from the development community. Percentages are based on guidance from project consultants.

   b. **Measurement.** Minimum wall area fenestration is measured as follows:

i. The ground story wall area is measured from two feet above the finished floor elevation to the ceiling.
ii. The wall area of each story above the ground story is measured floor to floor or to the top of the wall plate, if there is no floor above.
iii. Openings in the façade created by balconies with a minimum depth of five feet can be used to meet the fenestration requirement.
iv. Glass panes, supporting mullions, muntins, grilles, rails, and stiles of windows and doors can be used to meet minimum requirements.
v. Window and door frames, surrounds larger than six inches, and opaque portions of doors do not count toward minimum requirements.
vi. Fenestration extending above or below the measurement area may not be used to meet the minimum façade fenestration requirements.

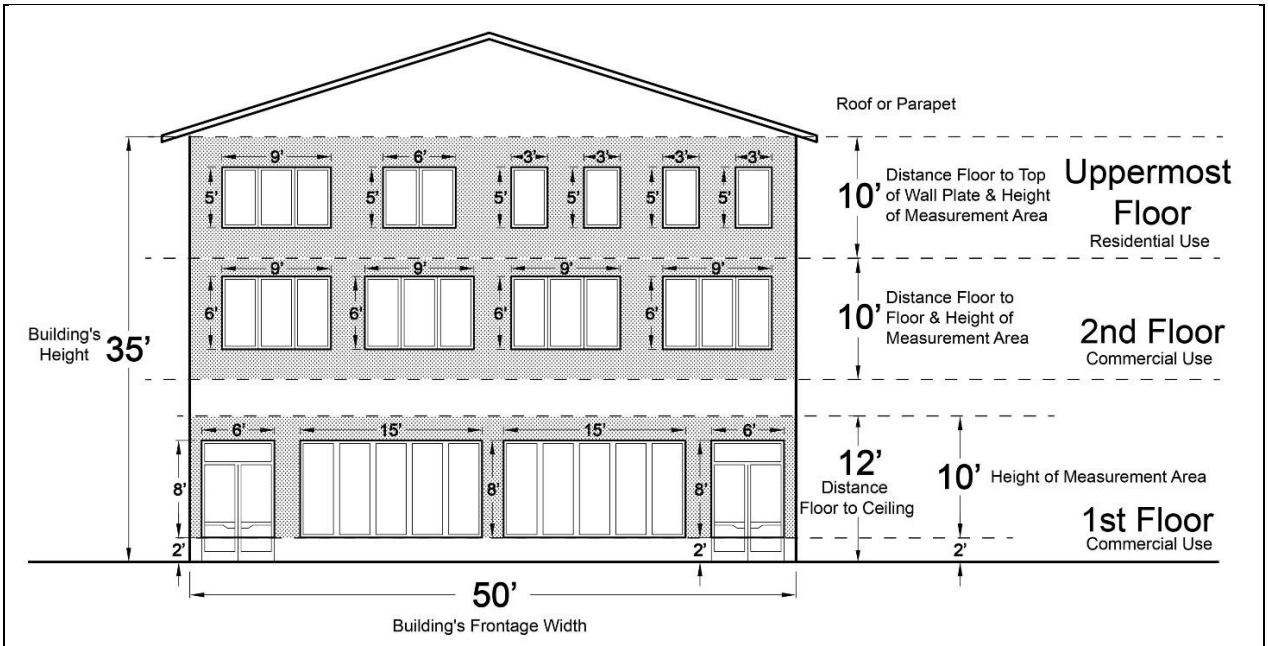
Comment – Amended existing sections 20.10.B.1 and 20.10.B.2 for clarity and ease of administration.

c. **Transparency standards.** Windows and doors used to meet the minimum façade fenestration requirements must comply with the following standards:
   i. Glass in ground story windows and doors must be transparent and have a visual light transmittance higher than 75% and external visual light reflectance less than 20%.
   Comment – Added based on guidance from project consultants.
   ii. Glass in upper story windows and doors must be transparent and have a visual light transmittance higher than 40% and external visual light reflectance less than 30%.

   Comment – Added for consistency with EC guidelines.

d. **Application requirements.**
   i. Site plans must include the area measurements used for calculating wall area and façade fenestration, and include a tally of square feet on the site plan to demonstrate compliance with the minimum façade fenestration requirements. See Figure 4.
   Comment – Added for ease of administration.
   ii. Specifications demonstrating compliance with section 20C.10.C.1.b.i-iii must be provided in the site plan.
   Comment – Added for ease of administration.

Figure 4: Example Fenestration Calculations



Example calculations of fenestration for a hypothetical building in the Core character area

Ground story:	**2nd story**:	**3rd story**:
• Measurement area = 500 sq. ft. (10' x 50') • Surface area of transparency within the measurement area: 336 sq. ft. • % Minimum required: 60% • % Calculated: 67.2 % (336' ÷ 500')	• Measurement area = 500 sq. ft. • Surface area of transparency within the measurement area: 216 sq. ft. • % Minimum required: 40% • % Calculated: 43.2 %	1. Measurement area = 500 sq. ft. 2. Surface area of transparency within the measurement area: 135 sq. ft. 3. % Minimum required: 25% 4. % Calculated: 27 %

*The diagram above is an example. In other situations, the ground story may have a different floor-to-ceiling height requirement, and the upper floors could be all residential or all commercial.

Comment – Amended existing Figure 10 for clarity and to align with proposed amendments.

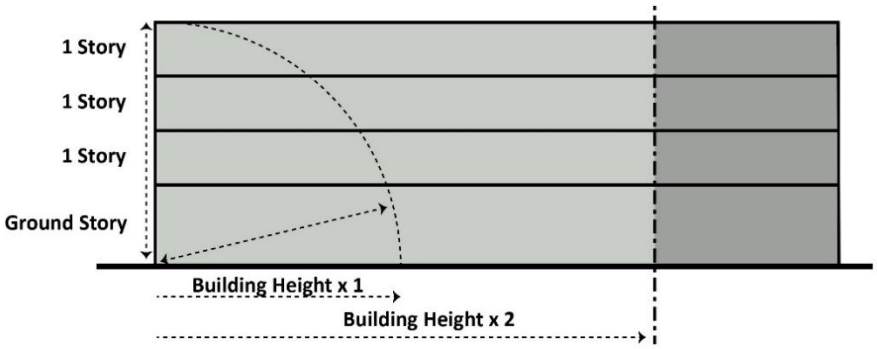
2. **Façade articulation requirements.**
   a. **Maximum façade segment length.** Façade articulation must comply with Table 13.

Table 13: Maximum façade segment length

Street Type	**Maximum façade segment without façade articulation**
Through Corridor	4x building height
Destination Street, Avenue, Boulevard, Local Street, publicly accessible recreation space	2x building height
Pedestrian passageway	1x building height
Service Street (excluding pedestrian passageways)	No maximum

Comment – Amended existing sections 20C.10.C.2-3 for clarity and to support human-scale development patterns.

Figure 5: Maximum façade segment length measurement example



Comment – Amended existing Figure 11 for clarity.

b. **Permitted options for façade articulation.**
   i. Physical breaks in the plane of the façade including but not limited to wall recesses and vertical and horizontal projections;
   ii. Visual breaks in the plane of the façade, including material changes, texture changes, and detailing; and
   iii. Roofline breaks, balconies, arcades, awnings and canopies.

Comment – Retained existing section 20C.10.C.4.

c. **Pedestrian passageways.** Additional options for articulating a façade along pedestrian passageways include:
   i. Trellises, wall plantings, or similar attachments; and
   ii. Art installations.

Comment – Added for greater flexibility along pedestrian passageways.

3. **Screening.**
   a. Visibility of the following elements must be eliminated from Destination Streets, Boulevards, Through Corridors, and publicly accessible outdoor recreation spaces:
      i. Building- or ground-mounted mechanical equipment, including but not limited to: transformers, backflow preventors, telephone or fiber optic risers, equipment cabinets, generators, and similar devices;
      ii. Mechanical equipment on roofs;
      iii. Air conditioning or similar HVAC equipment;
      iv. Loading docks, berths, or similar spaces, including but not limited to service entrances and maintenance areas; and
      v. Refuse and recycling containers and handling areas that accommodate a dumpster or five or more trash or recycling cans.
   b. Visibility of the following elements must be eliminated from Avenues, Local Streets, and pedestrian passages:

i. Mechanical equipment on roofs; and
ii. Refuse and recycling containers and handling areas that accommodate a dumpster or five or more trash or recycling cans.

Comment for 3.a-b – Retained standards from 20C.10.F for certain streets while permitting greater flexibility on others.

c. **Permitted screening types.** Screening must consist of new landscaping, existing vegetation, slightly opaque walls or fences, or a combination thereof, that coordinates with the design of the development site to the reasonable satisfaction of the Agent. The Agent may require plantings to mitigate visual impacts of the fence or wall.

Comment – Added for clarity and consistency with EC guidelines.

4. **Building façade materials.** Materials are permitted or prohibited for building facades according to Table 14.

Table 14: Building façade materials

Material		Permitted	Prohibited
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	X; only as an accent	
Glass[1]	Glass curtain wall system	X	
	Glass block	X; only as an accent	
	Tinted or mirrored 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; highly reflective materials only as an accent	
	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, Hardie-plank)	X	
	Foam-based products: cellular PVC trim	X; only for architectural detailing above the first floor	
	Vinyl siding		X
	Scored stucco (imitation brick/stone)		X
Other	Green walls	X	
[1]See section 20C.10.C.1.c for transparency requirements. *Accent materials cannot exceed more than 15% of the façade.			

Comment – Amended existing Table 10 for clarity and ease of administration.

5. **Roof material**.
    a. Roof materials must have an aged solar reflectance index (SRI) equal to or greater than the values in Table 15. If aged SRI is not available, the roofing material must have an initial SRI equal to or greater than the values in Table 15. Roof areas covered by mechanical equipment, solar energy panels, skylights, vegetation, and any other appurtenances are exempt from this requirement.
        i. Initial SRI must be computed in accordance with ASTM E1980, under medium windspeed conditions from initial values of solar reflectance and thermal emittance measured in accordance with ANSI/CRRC S100.
        ii. Aged SRI must be computed in accordance with ASTM E1980, under medium windspeed conditions from aged values of solar reflectance and thermal emittance measured in accordance with ANSI/CRRC S100.

Table 15: Minimum solar reflectance index (SRI) value by roof slope

	Slope	Initial SRI	Aged SRI
Low-sloped roof	Less than or equal to 2:12	82	64
Steep-sloped roof	Greater than 2:12	39	32

    b. **Application requirements.** Site plans must include sufficient documentation of solar reflectance index (SRI) values demonstrating compliance with this section. SRI values may be available at the Cool Roof Ratings Council's Rated Products Directory.

Comment – Added in response to recommendations from the Planning Commission for additional environmental and sustainability standards. New regulations are consistent with LEED v 4.1 Heat Island Reduction Credit requirements.

6. **Signs.**
    a. All signs must conform to section 4.15.
    Comment – Retained from Table 3 in the existing Rio29 FBC.
    b. Temporary sidewalk signs cannot be placed within the continuous minimum clearance area for sidewalks, shared-use paths, and/or pedestrian passages, pursuant to sections 20C.5.D.5.a, 20C.5.D.6.a, and Table 4 in section 20C.7.D, or in street tree wells that are not covered with hard grates.
    Comment – Added to support pedestrian and bicycle circulation and to promote orderly and attractive sign placement.

D. **Modifications.**

Screening. The Agent may modify the screening requirement for transformers and telephone or fiber optic risers from view of Destination Streets, Boulevards, Through Corridors, and publicly accessible recreation spaces if the Agent finds that the developer's substitution of a technique or design results in an improvement that substantially satisfies the overall purposes of this section in a manner equal to or exceeding the desired effects.

Comment – Added modification for screening to allow flexibility if certain criteria are met.

E. **Special exceptions.** The Board of Supervisors may waive or modify the following regulations in accordance with section 20C.2.E and the following criteria:

1. The architectural requirements for existing buildings, per section 20C.10. To waive or modify this requirement, the applicant(s) must provide information demonstrating:
    a. The existing building(s) will be incorporated into a larger development project; or
    b. The existing building(s) will demonstrate a greater level of conformity with section 20C.10.C than the existing condition.

Comment – Amended existing sections 20C.2.D.1.c and 20C.2.D.3 for ease of administration and to encourage redevelopment consistent with this subsection.

Sec. 20C.11 Landscaping and Lighting.

Comment – This subsection was created to consolidate requirements related to landscaping and lighting, which are currently located in multiple subsections of the Rio29 FBC. These revisions were reviewed and approved by the Architectural Review Board (ARB).

A. **Purpose.** The purposes of this section are to:

1. Ensure consistency in landscaping and lighting standards for a unifying design aesthetic across the Rio29 FBC overlay district;

2. Promote the orderly development of outdoor spaces that are comfortable, safe, and attractive to pedestrians, patrons, and passersby;
3. Ensure consistency with the priorities listed in section 32.7.9.1.a-f;
4. Prioritize native plants and trees in landscaping; and
5. Protect the health and welfare of community members, reduce lighting conflicts between property owners, and preserve dark skies through lighting standards.

Comment – Added to align with the organizational structure recommended by the Zoning Modernization effort. The statement is based on the goals of the Comprehensive Plan, established urban design principles, and for organization structure.

B. **Applicability.**

1. **Landscaping requirements.** Developments subject to the Rio29 FBC must meet the landscaping requirements of this section.
2. **Lighting requirements.** Developments subject to the Rio29 FBC must meet the lighting requirements of this section.

Comment – Added for clarity and organization structure.

C. **Landscaping.** The landscaping requirements listed below supersede sections 32.7.9.5, 32.7.9.6, and 32.7.9.8.

Comment – Added for clarity based on feedback from applicants during the review of the first Rio29 FBC site plan applications.

1. **General provisions.**
    a. **Additional planting standards.**
        i. Required trees and shrubs must be selected from the Albemarle County Plant List.
        Comment – Retained from sections 20C.7.H.4.b, 20C.9.A.7.a, 20C.10.D.1, and 20C.10.D.2.
        ii. Each development requiring twenty or more trees must provide at least five different species. No single species can comprise more than 30 percent of the required plantings.
        Comment – Amended existing section 20C.10.D.3 for greater flexibility.
    b. **Coordination with other requirements.** Trees or shrubs required by this section may be used to meet recreation space requirements of section 20C.7, provided they meet the criteria contained in both sections 20C.7 and 20C.11.
    Comment – Added for clarity and flexibility.
    c. **Application requirements.** The following note must be included on landscape plans: "Trees and shrubs will be allowed to reach, and be

maintained at, mature height. Pruning will be minimal and only to support the overall health of the plant. The topping of trees is prohibited."

Comment – Retained from existing section 20C.10.D.7.

2. **Landscaping along streets.**
    a. Street trees are required per Table 16.

Table 16: Minimum street tree requirements by street type

Street type	Street tree requirements		
	Tree type	**Planting size (measured 6 inches above the ground)**	**Spacing (maximum average distance between trees, per block length)**
Destination Street	Medium, small, or ornamental trees	At least 2½ inches caliper	30 feet or less
Avenue	Large or medium deciduous trees[1]	At least 2½ inches caliper	30 feet or less
Boulevard	Large or medium deciduous trees[1]	At least 2½ inches caliper	30 feet or less
Local Street	Medium or small deciduous trees	At least 2½ inches caliper	30 feet or less
Through Corridor	Large deciduous trees and ornamental trees[2]	At least 3½ inches caliper	40 feet or less
Service Street	None		

[1] If VDOT standards do not allow large or medium trees, small trees may be substituted. If small trees are not allowed, ornamental trees may be substituted.
[2] Ornamental trees must be interspersed among required large shade trees. The ornamental trees need not alternate one for one with the large shade trees. They may be planted among the large shade trees in a less regular spacing pattern.

Comment – Amended existing standards from section 20C.7.H.1-2 and section 20C.7.H.4 for clarity and to better align required street tree standards with compact, urban street designs.

    b. Street trees on Destination Streets must be located in tree wells, or similar features, with grates.

    Comment – Added to facilitate an active, urban street character on Destination Streets.

    c. All street trees must be planted parallel to the street in the landscaped separation zone, within appropriately sized tree wells at grade, or in a planting strip abutting the sidewalk.

    Comment – Amended existing sections 20C.7.H.4.a and 20C.10.D.1 for clarity.

    d. Street tree species must be varied on consecutive blocks unless at least three species are planted along the block.

    Comment – Added based on recommendations from staff.

    e. Street tree spacing allowances may be made to accommodate curb cuts, fire hydrants, and other infrastructure elements.

    Comment – Added for clarity.

f. Street trees must be trimmed such that no part of the tree, other than the trunk, is less than 7 feet in height over a sidewalk/shared-use path (SUP) or 14 feet in height over a street.
Comment – Added for consistency with Fire Rescue regulations.

g. **Application requirements.** Landscape plans must include the following note if a tree well, or similar feature, is proposed: "A minimum of 750 cubic feet soil volume will be excavated for each street tree and replaced with structural soil or similar performing alternative. Tree wells, or similar features, will provide a minimum clearance of three feet below the bottom of the rootball at planting."

Comment – Added to clarify and replace requirements from existing sections 20C.7.D.5 and 20C.7.H.4.a.

3. **Landscaping of surface parking areas.**
   a. Shrubs and large trees must be planted along the perimeters of off-street surface parking areas. Trees must be spaced 40 feet on center and a minimum of 2½ inches caliper at planting, measured 6 inches above the ground. Shrubs must be located along perimeters abutting public roads, a minimum of 24 inches in height when planted, and spaced to form a hedge at maturity.
   Comment – Amended existing section 20C.9.A.7 for greater consistency with Entrance Corridor (EC) Guidelines.
   b. Each parking lot area must provide an evenly distributed minimum tree canopy of 15 percent within 10 years. Trees must be a minimum of 2½ inches caliper at planting, measured 6 inches above the ground. Perimeter trees cannot be used to meet the 15 percent tree canopy requirement.
   Comment – Added to replace existing standards requiring one large tree for every ten parking spaces (sections 20C.9.A.7.b, 20C.9.A.7.c, and 20C.10.D.4), and revises the standard to a performance-oriented standard focused on reducing the urban heat island effect, consistent with Climate Action Plan recommendations.

D. **Lighting.**

Comment – Standards in this section are based on recommendations from lighting consultant and for clarity and consistency with the EC guidelines.

1. **General provisions.**
   a. **Lighting.** Light levels must not exceed 20 footcandles at the ground anywhere on the site.
   b. **Mounting height.** Mounting heights are measured from the ground.

Comment – Added for clarity and consistency with EC guidelines.

2. **Pedestrian lighting.**
    a. Sidewalks and shared-use paths (SUPs) required by section 20C.5 must have pedestrian lighting meeting the following standards:
        i. Section 4.17.4.a standards;
        ii. Fixtures emitting 1,600 or more maximum initial lumens must be full cutoff;
        iii. A minimum footcandle measurement no less than 0.5 footcandles and no more than 3 footcandles along the full length of the improvement;
        iv. A minimum average horizontal luminance of 1 footcandle along the full length of the improvement;
        v. A white light and color temperature of 3,000 Kelvin or less;
        vi. An average/minimum uniformity ratio of 4:1;
        vii. A maximum/minimum uniformity ratio of 10:1; and
        viii. Luminaire mounting heights provided in Table 17.

    Comment – Added based on recommendations from lighting consultant to promote greater consistency and safety along sidewalks and SUPs adjacent to streets.

Table 17: Pedestrian lighting mounting height requirements by street type

Street type	Mounting height
Destination Street, Avenue, Local Street [1]	12 feet or 15 feet
Boulevard, Through Corridor	20 feet
Service Street	N/A
[1] Pedestrian lighting must have a consistent mounting height along each frontage of each building.	

    b. Both the poles and fixtures of pole-mounted light fixtures must be dark brown, dark bronze, or black.

    Comment – Amended existing section 20C.10.E.3 to promote pedestrian activity and circulation along street types that prioritize pedestrian travel.

    c. Required pedestrian lighting maintained by the County or other public entity must be metered separately.

    Comment – Added for clarity and based on recommendations from County staff.

3. **Site lighting.**
    a. **Outdoor luminaires.**
        i. Light fixtures must comply with section 4.17.4.

ii. Fixtures emitting 1,600 or more maximum initial lumens must be full cutoff.

Comment – Amended existing sections 20C.7.H.3.a, 20C.10.E.1.a and 20C.10.E.4.a for clarity.

b. **Color and appearance.** All exterior fixtures must be fitted with lamps with a white light and color temperature of 3,000 Kelvin or less.
Comment – Amended existing section 20C.10.E.2 for clarity and consistency across the Rio29 FBC district.

c. **Pole-mounted light fixtures.**
   i. Both the poles and fixtures of pole-mounted light fixtures must be dark brown, dark bronze, or black.
   Comment – Retained from existing section 20C.10.E.3.a.
   ii. Freestanding pole-mounted light fixtures must not exceed 20 feet in mounting height except that within 30 feet of any residential zoning district, freestanding pole-mounted light fixtures must not exceed 12 feet in mounting height.
   Comment – Retained from existing section 20C.10.E.3.b and revised to reduce potential negative impacts to neighboring residential districts.

d. **Decorative lighting.** Decorative lighting must comply with the following standards:
   i. 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; and
   ii. Light must not project beyond the architectural, landscaping, or site design elements being illuminated.

Comment – Amended existing sections 20C.7.H.3.b and 20C.10.E.4 for clarity.

E. **Modifications.**

1. **Landscaping along streets.** The Agent may grant substitutions or modifications in the location, species, size, quantity, or spacing of required street trees if VDOT standards or the presence of existing overhead or underground utilities, fire hydrants, curb cuts, or other existing features prevent compliance with the standards in this section.
2. **Landscaping of off-street surface parking areas.**
   a. The Agent may grant a reduction or modification to the minimum landscaping requirements for off-street surface parking areas if VDOT standards or the presence of existing overhead or underground utilities or

utility easements, fire hydrants, curb cuts, or other existing features prevent compliance with the standards in this section.

b. The Agent may grant substitutions and modifications to landscaping requirements for off-street surface parking areas if existing parking lot landscaping meets the intent of this section.

3. **Pedestrian lighting along streets.** The Agent may grant a reduction or modification in the location, spacing, or mounting height of required pedestrian lights if VDOT standards or the presence of existing overhead or underground utilities, existing street or pedestrian lighting, fire hydrants, curb cuts, or other existing features prevent compliance with this section.

Comment – Added modifications for landscaping along streets, landscaping of off-street surface parking areas, and pedestrian lighting along streets.

Sec. 20C.12 Affordable Housing.

A. **Purpose.**

The purpose of this section is to ensure that a variety of housing types in the Rio29 FBC overlay district are affordable, in alignment with the Housing Albemarle policy.

Comment – Added to align with the organizational structure recommended by the Zoning Modernization effort. The statement is based on existing section 20C.12.A.

B. **Applicability.**

1. For purposes of the Housing Albemarle policy, any development application under the Rio29 FBC is considered a rezoning.

Comment – Added to clarify that development under the Rio29 FBC is subject to the Housing Albemarle policy.

2. Developments of ten or more residential dwelling units are subject to the affordable housing requirements of this section.

Comment – Amended existing section 20C.12.B so this section applies to developments with ten or more dwelling units, instead of five dwelling units. This change makes the Rio29 FBC more consistent with the Affordable Rental Housing Incentive Program.

C. **General provisions.**

1. Affordable housing requirements may be met by provision of owner-occupied affordable housing, rental affordable housing, or a combination of the two.

Comment – Retained from existing section 20C.12.A.2.

2. Affordable housing units must:
    a. Be comparable to market rate units in design, quality of exterior appearance, and quality of construction;
    b. Contain features that are functionally equivalent to market rate units in the development, including energy efficiencies; and
    c. Have the same access to and enjoyment of common open spaces, facilities, and amenities as market rate units in the development.

    Comment – Added based on guidance from project consultants.

3. The mix of affordable housing unit types must be consistent with the mix of market rate unit types and dispersed proportionally throughout the development.

    Comment – Added based on guidance from project consultants.

4. In a phased development, affordable housing units must be delivered proportionally to market rate units within each phase.

    Comment – Added based on guidance from project consultants.

D. **Bonus.**

Developments in the Core and Flex character areas may increase the maximum building height by one story, up to 15 feet, if they provide affordable housing units exceeding the Housing Albemarle policy requirement by at least five percent. Units must remain affordable in accordance with the Housing Albemarle policy.
Comment – Minor amendments to existing section 20C.12.D to improve clarity.

E. **Modifications.**

Financing or low-income tax credit restrictions. The requirements of section 20C.12.C.3-4 can be modified by the Director of Housing when the type of financing or low-income tax credit project requires certain placement and types of dwelling units.

Comment – Added to allow flexibility, based on guidance from project consultants and County staff.

F. **Special exceptions.** The mix of affordable housing unit percentages and AMIs required by section 20C.12 may be modified or waived by the Board of Supervisors in accordance with section 20C.2.E.

Comment – Added to allow flexibility, based on guidance from project consultants and County staff.