ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Names: ZTA202400001 Rio29 Form-Based Code Updates ZMA-2026-00007 Rio29 Form-Based Code Overlay District TA-2026-00011 Subdivision Text Amendments for the Rio29 Form-Based Code CPA-2026-00002 Rio29 Small Area Plan	**Staff:** Mariah Gleason, Senior Planner II Margaret Maliszewski, Planning Manager Michael Barnes, Planning Director Lea Brumfield, Senior Planner II
Planning Commission Public Hearing: September 22, 2026	**Board of Supervisors Public Hearing:** November 18, 2026
Owner: Multiple	**Applicant**: N/A (County-initiated)
TMPs: Parcels within the Rio29 Form-Based Code overlay district **Acreage**: 411 acres (0.64 sq miles)	**Zoning District:** Rio29 Form-Based Code overlay district (optional zoning district)
Magisterial District: Rio	**DA (Development Area)**: Rio29 Small Area Plan
School Districts: Agnor and Woodbrook Elementary Schools, Burley and Journey Middle Schools, Albemarle High School	**Topics for Discussion**: Amendments to the Rio29 Form-Based Code, associated amendments to the zoning ordinance and subdivision ordinance, associated zoning map amendment to the Rio29 Form-Based Code overlay district, and updates to the Rio29 Small Area Plan.

Proposal: The Rio29 Form-Based Code (Rio29 FBC) was adopted into Chapter 18 of the County Code in September 2021 as an optional zoning district for properties within the Rio29 FBC overlay district. During the review of the first two site plans under the Rio29 FBC and other exploratory meetings with prospective applicants, staff identified several problematic aspects of the Rio29 FBC, generally related to unclear language or implementation challenges. In April 2024, the Board of Supervisors adopted a resolution to amend the Rio29 FBC.

As the revision process progressed, a need for related amendments to the zoning map (Rio29 FBC overlay district), subdivision ordinance, and comprehensive plan (Rio29 Small Area Plan) were identified. In August 2026, the Board adopted resolutions to also amend these related documents.

Proposed amendments update the Rio29 FBC, related provisions in the zoning ordinance and subdivision ordinance, the Rio29 FBC overlay district, and the Rio29 Small Area Plan, addressing identified issues.

Recommendation:
Staff recommends approval of ZTA202400001 to amend the Rio29 FBC and associated zoning ordinance regulations.
Staff recommends approval of ZMA-2026-00007 to amend the Rio29 FBC overlay district.
Staff recommends approval of TA-2026-00011 to amend associated subdivision ordinance regulations.
Staff recommends approval of CPA-2026-00002 to amend the Rio29 Small Area Plan.

STAFF CONTACTS:
Mariah Gleason, Senior Planner II (Planning)
Margaret Maliszewski, Planning Manager
Michael Barnes, Planning Director
Lea Brumfield, Senior Planner II (Zoning)

PLANNING COMMISSION: September 22, 2026

BOARD OF SUPERVISORS: November 18, 2026

PROJECT BACKGROUND:
The County adopted its first form-based code, the Rio29 Form-Based Code (Rio29 FBC), into the Albemarle County Code as section 18-20C in September 2021. The Rio29 FBC supports implementation of the vision of the Rio29 Small Area Plan, adopted in December 2018, by enabling parcels to pursue dense, urban development by-right, without undergoing a rezoning process. The Rio29 FBC is an optional zoning district, allowing landowners to choose between development under the Rio29 FBC standards or those of the underlying zoning district. This option is only available to properties within the Rio29 FBC overlay district, which encompasses a 411-acre (0.64 square mile) area within approximately a half-mile radius of the intersection of Rio Road and U.S. Route 29. A map of the Rio29 Form-Based Code overlay district is available at https://arcg.is/0bjzaq0.

Form-based codes differ from traditional, conventional zoning districts. Instead of focusing on land use or residential density, form-based codes emphasize building form, specifically, the height, shape, size, location, and design of buildings in relation to streets as well as the width of the streets and a series of streetscape elements on the sidewalks. Through the Rio29 FBC, buildings must be positioned close to streets and include attractive sidewalks and shared-use paths that encourage and support pedestrian circulation throughout the overlay district. Developments must also contribute to connective bike and transit networks and, if applicable, a network of publicly accessible recreation spaces. These standards work together to create a resilient, urban environment that supports dense development.

Since its adoption, two site plans have been approved under the Rio29 FBC. The first, 664 West Rio, approved in December 2023, is currently under construction and includes an 86-unit apartment building, a separate self-storage building, and the establishment of a 0.396ac (17,256sf) publicly-accessible linear park which was conveyed to the County. The second, Woodbrook Station, approved a mixed-use, 2-unit residential and commercial building, including office and warehouse spaces, located along Berkmar Drive.

Review of those site plans, and exploratory meetings with other potential applicants, revealed problematic aspects of the Rio29 FBC, including minimum size requirements for recreation spaces that are impractical for smaller parcels, street standards that are inconsistent with County Transportation Planning efforts, unclear or absent language concerning maintenance responsibilities, lack of standards for required features, conflicts between requirements, and unclear application of affordable housing requirements. In April 2024, the Board of Supervisors directed staff to propose revisions to resolve these and other identified issues in the zoning ordinance.

Initial work on revisions to the Rio29 FBC focused on technical issues, as identified above. However, additional conversations with developers, landowners, designers, architects, previous applicants, staff from other County Departments, and the project's consulting team (EPR, P.C. and Dover Kohl and Partners), exposed other, more fundamental challenges associated with development under the Rio29 FBC. These included concerns about the location of the Core character area at the intersection of Route 29 and Rio Road, particularly related to pedestrian safety, the ability to establish dense commercial centers, and the desirability of an urban, highly walkable, shopping area at the intersection of two high-volume, high-speed vehicular throughways. Other concerns included a lack of flexibility in the regulations and an organizational structure that was difficult for applicants to navigate. These issues, along with work to comprehensively update the zoning ordinance through the Zoning Modernization effort, demonstrated the need for more substantial revisions to improve the effectiveness and usability of the Rio29 FBC.

This feedback also identified the need to update several related planning and regulatory documents to better ensure alignment and coordination between future developments within the Rio29 district. These documents included the Rio29 FBC overlay district map, Rio29 Small Area Plan, and related provisions of the broader zoning ordinance and subdivision ordinance. In August 2026, the Board adopted resolutions to amend these related documents.

Project staff would like to acknowledge that this work was a cross-divisional and cross-departmental County effort with contributions from the Community Development Department's Planning, Zoning, Transportation Planning, Engineering, and Building Inspections Divisions; the County Attorney's Office; Albemarle County Facilities and Environmental Services Department, including the Climate Action Program; Albemarle County Parks and Recreation Department; Albemarle County Office of Housing; Albemarle County Department of Finance and Budget; Albemarle County Fire Rescue; and the Albemarle County Architectural Review Board.

Project staff would also like to thank the development community and industry professionals for their detailed input and recommendations which helped create a more practical and effective ordinance that is better positioned to support successful redevelopment within the Rio29 district.

ZTA202400001 RIO29 FORM-BASED CODE (FBC):

Proposed code amendments are provided in Attachment 2. Pages 1-5 of that attachment are the amendments to County Code Sections 18-3 (Definitions) and 18-4.15 (Signs) that are necessary to support the administration of the Rio29 FBC. Pages 5-52 are the strike-through copy of the existing code (a clean copy of which is Attachment 1). The proposed Rio29 FBC begins at the bottom of page 52.

During the revision process, staff brought proposed changes to the Planning Commission (PC) for discussion in two work sessions, held on January 13, 2026, and February 10, 2026. The first work session focused on overarching, fundamental changes, including revisions to character area boundaries and a shift to street-based design standards. The second work session focused on more specific regulatory and technical changes, including proposed street types and provisions allowing properties to opt out of the Rio29 FBC. The staff report and minutes for PC Work Session #1 are provided in Attachments 9 and 10, respectively. The staff report and minutes for PC Work Session #2 are provided in Attachments 11 and 12, respectively. This report makes extensive references to Attachments 9-12 where more context and discussion on individual issues can be found.

The most apparent change to the Rio29 FBC is the comprehensive update to its organization and formatting to align with the County's Zoning Modernization effort. This organizational update, along with other general and overarching revisions discussed in PC Work Session #1, provides a framework for the more specific amendments.

The list below highlights the most substantive changes within each subsection of the Rio29 FBC. A comprehensive identification of each amendment and its purpose is provided in the annotated version of proposed zoning ordinance amendments included in Attachment 3. In general, proposed amendments are intended to improve clarity, organization, and administrative efficiency, while also addressing problematic aspects of the Rio29 FBC that were identified through the revision process.

- Sections 20C.1 Establishment and Administration and 20C.2 Standards and Procedures.
    1. Streamlined, clarified, and reorganized content and procedures currently found in subsections 20C.1, 20C.2, and 20C.5. These updates align with the County's Zoning Modernization effort.
    2. Added provisions allowing undeveloped properties to opt out of the Rio29 FBC if construction has not commenced and the site plan expires (section 20C.2.A.2.a in Attachment 2). This change reflects feedback from the development community and is discussed in greater detail beginning on page 3 of the staff report for PC Work Session #2. The PC was supportive of this provision.
    3. Added provisions to make incorporating existing buildings in development plans easier. This change was made to encourage redevelopment, particularly on mall properties, which are typically 15 acres or larger (section 20C.2.B.2-3 in Attachment 2). Additional information is provided in the staff report for PC Work Session #2, beginning on page 4. The PC was supportive of these provisions.
    4. Expanded the list of Agent-approved modifications for which applicants may apply (section 20C.2.D in Attachment 2). These provisions provide flexibility when specific criteria are met. They address circumstances such as modifying block length requirements to avoid or accommodate recreation spaces, modifying required street features when VDOT standards prevent compliance, and adjusting the distribution or type of affordable housing units when financing requirements or low-income housing tax credit projects require specific unit types or locations.
    5. Established procedures for modifications including protocols for appealing Agent decisions (section 20C.2.D in Attachment 2). The appeal process is based on current procedures contained in section 32.3.6.
    6. Expanded the list of Board of Supervisor-approved special exceptions for which applicants may apply (section 20C.2.F in Attachment 2). Examples include waiving regulations related to Destination Streets, grading activities near residential or rural areas, and the mix of affordable housing unit percentages. These provisions were carefully considered to ensure they do not undermine the ability to achieve a cohesive, urban development pattern consistent with the vision of the Rio29 Small Area Plan, while providing sufficient flexibility to address site constraints or support innovative design. Staff intentionally avoided providing administrative flexibility for elements central to the Plan's goals, such as the provision of recreation space, or for issues where more direction from the Board of Supervisors is needed to establish clear approval criteria, such as alternative affordable housing unit mixes or area median income thresholds.

- Section 20C.3 Definitions
    1. Terms that were removed from the Rio29 FBC were removed from the Definitions sections.
    2. Terms that were added to the Rio29 FBC were added to the Definitions section.
    3. Terms were amended as needed for clarity or flexibility. For example, definitions of individual street types were removed and replaced by intent statements in section 20C.5 Streets in Attachment 2, to allow greater flexibility in design.
- Section 20C.4 Character Areas
    1. Updated descriptions to reflect revised character area boundaries within the Rio29 FBC overlay district map and the introduction of the "Destination Streets" concept. Changes to the character area boundaries are discussed in greater detail in the staff report for PC Work Session #1, beginning on page 3. Additional information on Destination Streets is provided in the staff report for PC Work Session #2, beginning on page 6.
    2. Stated that connections to Core areas, publicly accessible recreation spaces, and regional bicycle paths are the priority.
    3. Emphasized the importance of a district-wide pedestrian and bicycle network.
- Section 20C.5 Streets
    1. Introduced Destination Streets as a new street type and mechanism for establishing concentrated commercial and community focal points within Core character areas, supported by pedestrian-oriented design standards and requirements for early establishment, minimum street length, and non-residential ground-floor uses. This change supports the Rio29 Small Area Plan's vision for active, vibrant mixed-use centers within Core character areas while allowing greater flexibility in requirements on surrounding Core area properties. Destination Streets requirements replace an existing requirement for non-residential uses in the ground story of all buildings located within Core character areas. Additional information on Destination Streets is provided in the staff report for PC Work Session #2, beginning on page 6.
    2. Standardized block length requirements and excluded parcels in Edge character areas from this requirement (section 20C.5.C.2.a in Attachment 2). Parcels in Edge character areas typically share a rear lot line with existing residential neighborhoods which are not anticipated to accommodate future street connections.
    3. Revised and consolidated street typologies and standards to align with Transportation Planning recommendations, the intent of the Rio29 FBC, changes to the character areas, good planning practices, and based on feedback from the development community (section 20C.5.D.1-9 in Attachment 2). Additional information is provided in the staff report for PC Work Session #2, beginning on page 5.
    4. Clarified street ownership and maintenance responsibilities in response to issues identified during the review of the first Rio29 FBC site plan applications (section 20C.5.D.10 in Attachment 2).
- Section 20C.6 Permitted Uses
    1. Organized permitted uses based on street typology, instead of character area (section 20C.6.C.1 in Attachment 2). This change is consistent with other Rio29 FBC revisions wherein form-based requirements are primarily determined by the abutting street type (see the staff report for PC Work Session #1, starting on

page 4, for more information on this general change). Additional revisions to permitted uses were made for clarity, alignment with County or State Code, and based on feedback from the development community, project consultants, and staff.

2. Added regulations to support small outdoor displays that contribute to engaging storefronts and active pedestrian environments (section 20C.6.C.2.b in Attachment 2).
3. Removed requirements for non-residential uses in the ground floors of multiple-family and single-family attached developments based on feedback from the development community. These requirements were replaced by Destination Street requirements.

- Section 20C.7 Recreation Spaces
    1. Increased the threshold for allowing cash-in-lieu of recreation spaces from less than 0.2 acres to less than 0.3 acres, for the benefit of smaller properties where the provision of on-site recreation space may be impractical (section 20C.7.B.3 in Attachment 2). Additional information is provided in the staff report for PC Work Session #1, beginning on page 7, and PC Work Session #2, beginning on page 12.
    2. Reduced the required percentage of gross acreage of recreation space that Edge Character Area properties must provide from 20% to 15% (section 20C.7.C.1 in Attachment 2). As approximately 72% of properties within the Edge character area are less than one acre in size, this adjustment provides a more feasible threshold for Edge properties to incorporate recreation spaces without significantly constraining development potential or discouraging properties in the Edge area from opting into the Rio29 FBC. Additional information is provided in the staff report for PC Work Session #2, beginning at the bottom of page 8.
    3. Revised ownership requirements to focus public ownership and maintenance on larger, higher-impact recreation spaces (section 20C.7.C.7 in Attachment 2). Under the proposed approach, the County would assume ownership and maintenance of recreation spaces that are one acre or larger and/or required recreation spaces identified on the zoning map, while smaller recreation spaces would be privately owned and maintained. At full build-out, this revision could result in up to 20 publicly owned and maintained recreation spaces, instead of approximately 60, assuming all eligible properties elect to provide cash-in-lieu of constructing on-site recreation spaces. This approach gives developers greater control over recreation spaces, while preserving access to nearby recreational opportunities and supporting the County's long-term fiscal sustainability. Additional information is provided in the staff report for PC Work Session #1, beginning on page 6. The PC was generally supportive of this change.
    4. Added a provision allowing special events in County-owned recreation spaces to encourage community and regional festivals and large events within the Rio29 FBC district (section 20C.7.C.8 in Attachment 2).
    5. Revised recreation space design standards to consolidate recreation space types, improve clarity and address gaps through clearer, enforceable standards and definitions, allowing opportunities for innovative park elements, and adjusting minimum size requirements to accommodate smaller parcels. These revisions were based on feedback from the development community, project consultants, and staff (section 20C.7.D.1 in Attachment 2).

6. Added a provision requiring recreation spaces to meet minimum ADA accessibility requirements (section 20C.7.C.2 in Attachment 2).
7. Clarified how cash-in-lieu amounts would be determined (section 20C.7.E in Attachment 2).

- Section 20C.8 Building Form
    1. Established consistency in the orientation of buildings along primary streets (section 20C.8.C.1 in Attachment 2). More information on this change can be found in the staff report for PC Work Session #2, starting on page 4.
    2. Revised building height standards based on street typology and for alignment with the AC44 Comprehensive Plan recommendations (section 20C.8.C.2 in Attachment 2). Additional building standards in this section were revised for clarity, flexibility, and based on feedback.
- Section 20C.9 Parking
    1. Revised the required number of motor vehicle parking spaces based on State Code, guidance from project consultants and staff, and parking requirements in other urban localities (section 20C.9.C.2 in Attachment 2).
    2. Established appropriate locations for short-term parking, referred to as “pick-up or drop-off zones” in the current Rio29 FBC (section 20C.9.5.b in Attachment 2).
    3. Added requirements for dumpster areas and loading spaces to accommodate typical and expected use of large vehicles for moving, delivery, and waste collection in dense, urban areas (section 20C.9.E in Attachment 2).
- Section 20C.10 Architecture
    1. Revised terminology to align with the use of “transparency” in the Entrance Corridor 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 the degree to which objects can be seen through glass.
    2. Refined minimum fenestration requirements for building facades (section 20C.10.C.1 in Attachment 2). The revised requirements differentiate between residential and non-residential uses and different street types, providing greater flexibility in internal space planning and building design. These changes reflect feedback from the development community (see staff report for PC Work Session #2, beginning on page 11).
    3. Through work sessions, the PC recommended incorporating additional environmental and sustainability requirements into the Rio29 FBC. Staff evaluated a range of potential regulations and proposed new performance standards for roof materials that are consistent with LEED standards and support Climate Action Plan recommendations to reduce urban heat island effect (section 20C.10.C.5 in Attachment 2). This provision responds to the PC’s recommendation while maintaining the attractiveness of the optional zoning district.
- Section 20C.11 Landscaping and Lighting
    1. Generally consolidated requirements related to landscaping and lighting, currently located in multiple subsections of the Rio29 FBC, into one section for clarity, based on feedback from applicants.
    2. Replaced current standard for landscaping in parking lots from 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 in Attachment 1), to a performance-oriented standard requiring a

minimum tree canopy of 15 percent (section 20C.11.C.3.b in Attachment 2). This change focuses on reducing the urban heat island effect, consistent with Climate Action Plan recommendations.

3. Added performance standards for lighting along sidewalks and shared-use paths to promote consistency and safety on these pedestrian pathways (section 20C.11.D.2.a in Attachment 2).

- Section 20C.12 Affordable Housing
    1. Added standards for the quality, type, and delivery of affordable dwelling units (section 20C.12.C.2-4 in Attachment 2).
    2. Added two opportunities for modification/special exception based on feedback from the development community (section 20C.12.E-F in Attachment 2). A new modification allows the Director of Housing to modify standards if the type of financing or low-income tax credit requires certain placement and types of dwelling units, while a new special exception allows the Board of Supervisors to permit a different mix of affordable housing unit percentages and area median incomes.

ZMA-2026-00007 RIO29 FORM-BASED CODE OVERLAY DISTRICT:

Maps of the current and proposed Rio29 FBC overlay district, including character area designations and required recreation space locations, are provided in Attachments 4 and 5, respectively.

Changes to the character area designations and required recreation space locations and types were presented to the PC during Work Session #1. A detailed discussion of the proposed map amendments was provided in the staff report for the meeting, beginning on page 3 for character areas and page 6 for required recreation spaces, referred to in that report as “civic spaces” (Attachment 9). During the work session, the PC supported changes to the character areas and expressed no concerns with staff’s recommendations on the locations and types of required recreation spaces.

ZTA20240001 AND TA-2026-00011 ASSOCIATED AMENDMENTS TO THE ZONING ORDINANCE AND SUBDIVISON ORDINANCE:

Amendments to the broader zoning ordinance and subdivision ordinance are proposed to support the implementation and efficient administration of the Rio29 FBC. Proposed amendments to the zoning ordinance text, provided on pages 2-5 of Attachment 2, include updates to County Code Sections 18-3 (Definitions) and 18-4.15 (Signs). Proposed amendments to the subdivision ordinance text, provided in Attachment 6, include an update to Section 14-233 (When private streets in development areas may be authorized).

CPA-2026-00002 RIO29 SMALL AREA PLAN

The Rio29 Small Area Plan (SAP) is part of the County’s Comprehensive Plan and establishes the long-term vision for development in the Rio29 district. The Rio29 FBC serves as a tool to implement that vision by providing more specific development regulations, allowing properties to redevelop without a rezoning. Resolution of the fundamental challenges with the Rio29 FBC (mentioned on page 3) required refinement of the Rio29 SAP’s development-oriented recommendations, including those related to street cross-sections, character area designations, and recreation space standards. Proposed amendments to the Rio29 SAP are provided in

Attachment 7, with a redlined version included as Attachment 8 to more clearly identify the revised sections.

The Plan's overarching vision of a vibrant, connected mixed-use community with enhanced public amenities hasn't changed. The proposed amendments will help ensure that the Rio29 SAP continues to provide long-term recommendations that support successful redevelopment and remain coordinated with the updated Rio29 FBC and overlay district map. In addition, proposed changes to the overlay district map, particularly the reconfiguration of the Core character area designations, are consistent with the "Squares" design alternative considered during development of the original Rio29 SAP (See Attachment 7, page 10). Proposed updates to the Rio29 FBC and Rio29 FBC overlay district map continue to support the Plan's vision.

Maintaining consistency among the Rio29 SAP, Rio29 FBC, and Rio29 FBC overlay district map is particularly important because properties within the district may develop under different regulatory paths. For example, two adjacent properties along the same street could redevelop under different processes, with one property developing under the Rio29 FBC and the other pursuing a rezoning. Rezoning applications are reviewed for consistency with the recommendations of the Comprehensive Plan, which, for this area, are provided by the Rio29 SAP. Aligning recommendations and standards across these documents helps ensure that development under either regulatory path contributes to a cohesive district-wide framework, including coordinated street design, pedestrian and bicycle connections, and public spaces. In practical terms, this coordination helps ensure that sidewalks, bicycle connections, and other elements of the public realm align across property boundaries rather than being designed independently.

RECOMMENDATIONS

Staff recommends approval of ZTA202400001 to amend the Rio29 FBC and associated zoning ordinance regulations.
Staff recommends approval of ZMA-2026-00007 to amend the Rio29 FBC overlay district.
Staff recommends approval of TA-2026-00011 to amend associated subdivision ordinance regulations.
Staff recommends approval of CPA-2026-00002 to amend the Rio29 Small Area Plan.

ATTACHMENTS

Attach. 1 – ZTA202400001 Rio29 Form-Based Code – Existing Rio29 Form-Based Code, adopted September 1, 2021
Attach. 2 – ZTA202400001 Rio29 Form-Based Code – Proposed Rio29 Form-Based Code and associated zoning text amendments
Attach. 3 – ZTA202400001 Rio29 Form-Based Code – Proposed Rio29 Form-Based Code and associated zoning text amendments (annotated)
Attach. 4 – ZMA-2026-00007 Rio29 Form-Based Code Overlay District – Existing Rio29 Form-Based Code overlay district map, adopted September 1, 2021
Attach. 5 – ZMA-2026-00007 Rio29 Form-Based Code Overlay District – Proposed Rio29 Form-Based Code overlay district map
Attach. 6 – TA-2026-00011 Subdivision Text Amendment – Proposed subdivision text amendments to support the Rio29 Form-Based Code
Attach. 7 – CPA-2026-00002 Rio29 Small Area Plan – Proposed Rio29 Small Area Plan

Attach. 8 – CPA-2026-00002 Rio29 Small Area Plan – Proposed Rio29 Small Area Plan (redline)
Attach. 9 – ZTA202400001, ZMA-2026-00007, CPA-2026-00002, TA-2026-00011 Rio29 Form-Based Code – Planning Commission Work Session #1 – Staff Report
Attach. 10 – ZTA202400001, ZMA-2026-00007, CPA-2026-00002, TA-2026-00011 Rio29 Form-Based Code – Planning Commission Work Session #1 – Meeting Minutes
Attach. 11 – ZTA202400001, ZMA-2026-00007, CPA-2026-00002, TA-2026-00011 Rio29 Form-Based Code – Planning Commission Work Session #2 – Staff Report
Attach. 12 – ZTA202400001, ZMA-2026-00007, CPA-2026-00002, TA-2026-00011 Rio29 Form-Based Code – Planning Commission Work Session #2 – Meeting Minutes