



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: ZTA-2024-00001 Rio29 Form-Based Code Updates	Staff: Mariah Gleason, Senior Planner II Margaret Maliszewski, Planning Manager Michael Barnes, Planning Director
Planning Commission Work Sessions: January 13, 2026 January 27, 2026	Board of Supervisors Work Session: To be scheduled
Owner: Multiple	Applicant: N/A (County-initiated)
TMPs: Multiple Acreage: 411 acres (0.64 sq miles)	Zoning District: Rio29 Form-Based Code (optional zoning district)
Magisterial District: Rio	DA (Development Area): Rio29 Small Area Plan
Topics for Discussion: Proposed changes to the Rio29 Form-Based Code.	
<p>Discussion/Recommendation: 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 parcels in the Rio29 FBC overlay district.</p> <p>Since adoption, two site plans have been approved under the optional zoning district and several additional developers and landowners have expressed interest in using the Rio29 FBC. Through the site plan review process and exploratory meetings with prospective applicants, staff have 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.</p> <p>Staff will present proposed revisions to the Planning Commission through two work sessions. The first work session will provide an overview of fundamental changes proposed to the Rio29 FBC. The second work session will focus on specific regulatory and technical changes.</p> <p>For this first work session, staff recommend the Commission review the attached draft ordinance and consider the following questions:</p> <ol style="list-style-type: none"> 1. Does the Planning Commission agree with moving from a single Core area centered on the Rio Road/Route 29 intersection to Core areas centered on existing shopping centers? 2. Does the Planning Commission support the approach of using a street-centric framework to organize regulations and inform built form? 3. Does the Planning Commission support the revised approach to civic and recreation spaces? 4. Are there sections or aspects of the revised Rio29 FBC that the Planning Commission would like staff to focus on in the next work session? <p>A second staff report with additional questions specific to the January 27, 2026 work session will be provided prior to that meeting.</p>	

STAFF CONTACTS:

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

PLANNING COMMISSION: January 13, 2026

BOARD OF SUPERVISORS: To be scheduled

PROJECT BACKGROUND:

The County adopted its first form-based code, the Rio29 Form-Based Code (Rio29 FBC), into the County Code as [section 20C](#) of Chapter 18 in September 2021. The Rio29 FBC was created as an optional zoning district, enabling landowners the choice of by-right development under the standards of the Rio29 FBC or the standards of the underlying zoning district assigned to the property¹. This option is available to any parcel within the Rio29 FBC overlay district, which covers a 411 acre (0.64 square mile) area. The boundaries of the Rio29 FBC are approximately a ¼-mile radius from the Rio Road/Route 29 intersection. The Rio29 FBC serves as a tool to implement the vision of the [Rio29 Small Area Plan](#), adopted in December 2018, enabling parcels to pursue dense, urban development by-right, without requiring a rezoning.

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 a connective bike network and, if applicable, a network of public recreation spaces, known as “civic 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, was 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, 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.

Staff’s initial efforts were focused on the more technical issues identified above; however, additional conversations with developers, landowners, designers, architects, previous applicants, and the consulting team utilized by staff (EPR, P.C. and Dover Kohl and Partners), exposed other and more fundamental challenges associated with development under the Rio29

¹ Once a property is developed under the Rio29 FBC, it is permanently opted-in. Future development on that property must continue to follow Rio29 FBC standards, not the underlying zoning.

FBC. These challenges included feedback that the current location of the Core area, at the intersection of Route 29 and Rio Road, presented concerns about pedestrian safety as well as the desirability of siting an urban, walkable, shopping area at the intersection of two high-volume, high-speed vehicular throughways. A second concern was that the expansiveness of the Core area unintentionally dilutes the ability to create dense commercial centers. Additional concerns were related to a lack of flexibility in the regulations and an organizational structure that was difficult for applicants to navigate. Collectively, these issues, along with work to comprehensively update the zoning ordinance through the Zoning Modernization effort, demonstrated that more substantial revisions were both necessary and beneficial to the success of the optional zoning district.

Staff offers proposed revisions to the existing Rio29 FBC for review by the Planning Commission in two work sessions. The first session will provide an overview of the fundamental proposed changes, while the second session will focus on more detailed regulatory and technical revisions.

WORK SESSION #1 | FUNDAMENTAL CHANGES:

The Rio29 FBC has been revised in six fundamental ways: character area boundaries, street-centric framework, required civic spaces shown on the zoning map, required dedication of recreation spaces, flexibility, and organization & formatting. Each is discussed below.

Character Area Boundaries

The Rio29 FBC organizes the overlay district into three character areas – Core, Flex, and Edge, each designed to accommodate a different development intensity and level of activity. Core areas are designed to accommodate the densest development and highest levels of activity, creating focal points, or destination areas, within the district. Flex areas allow for greater variation in building form while prioritizing safe, comfortable connections for bicycles and pedestrians from the fringes of the district to the Core. These connections are necessary to enable convenient travel to and patronage of destination areas in the Core. Lastly, Edge areas have a lower development intensity, providing an intentional transition between dense, urban developments and existing single-family neighborhoods. The boundaries of each character area, and resulting parcel-specific designations, are shown on the County zoning map.

During review of the first Rio29 FBC site plan, 664 West Rio, and conversations with other designers and developers, staff consistently received questions and pushback regarding the location and requirements of the Core area. The intent of the Core area is to create and facilitate vibrant, pedestrian-focused, mixed-use environments. To achieve this, design standards require ground floors that are largely transparent, containing a minimum of 33% commercial uses with remaining ground-floor spaces being designed to allow conversion to commercial use in the future, and ground-floor ceiling heights of 15 feet, instead of 10-12 feet.

While these, and other, standards are appropriate in pedestrian-focused, mixed-use environments, the current location of the Core area, being centered along Rio Road and Route 29, creates challenges. These roads have four to eight travel lanes with vehicles traveling approximately 35 to 50 miles per hour. This is not conducive to a pedestrian-oriented, window-shopping environment. As a result, there is a fundamental tension between the design intent of the Core area and the character of adjacent arterial roadways.

In addition to concerns about its location, the size of the Core area inhibits the creation of concentrated, active commercial areas. At approximately 109 acres, the current Core area is expansive. Requiring commercial uses across such a large area risks diluting non-residential development rather than concentrating it. This approach could result in an oversupply of commercial space relative to market demand, leading to vacant or underutilized ground-floor

spaces and preventing the formation of meaningful centers. Also, design standards supporting required ground-floor commercial uses, such as mostly transparent facades and ground-floor ceiling heights of 15 feet, increase development costs for every building within the Core area but may not achieve the vibrant commercial centers envisioned due to the Core area's extent.

Proposed changes reposition the Core area designation to three existing shopping centers - Rio Hill Shopping Center, Albemarle Square, and Fashion Square Mall - where a density of commercial activity is already present and the potential for dense residential development can provide built-in patronage. This shift separates pedestrian-focused centers from high-speed vehicular corridors, creating a more concentrated, safer, mixed-use environment, while preserving the more regional traffic functions of Route 29 and Rio Road. This configuration of Core area designations is similar to the "Squares" design alternative proposed during the planning stages of the Rio29 Small Area Plan.

Revised standards also concentrate commercial use requirements and associated design standards, such as 15-foot ground-floor ceiling heights, along designated "Destination Streets" within Core areas, rather than requiring commercial uses in every development throughout the Core. Destination Streets are a new street type proposed in the Rio29 FBC that function as concentrated, centers of activity. These street designations are envisioned to be at least 1,200 feet in length (approximately 0.23 miles) and places where people can spend time and engage in a range of activities, similar to Bond Street at The Shops at Stonefield. Design standards along Destination Streets prioritize the pedestrian experience through wider sidewalks, streetscape furniture, visually engaging and transparent building frontages, and other design elements that create a comfortable, inviting, and walkable pedestrian environment.

As part of the proposed revisions to the character area boundaries, portions of the current Core area that are not associated with the previously identified shopping centers are proposed to be redesignated as Flex areas. No changes are proposed to the locations or extents of the Edge areas.

A map illustrating the revised character area boundaries is provided in Attachment 3.

Street-Centric Framework

Reorganizing Regulations

With the current Rio29 FBC, a majority of the form-based regulations are governed by the character area designations, while some are governed by abutting street types. Using character areas as the primary tool to govern form has led to some of the unintended issues identified above, such as diluting commercial focal points throughout the Core.

The proposed revisions shift most development standards to a street-centric framework, where form-based requirements are primarily determined by the abutting street type. Only building height and recreation space requirements would continue to be governed by character area designation, providing clear direction on maximum building heights and greater certainty regarding the number and scale of recreation spaces.

Influence on Built Form

In the Rio29 FBC, street configuration plays a significant role in shaping built form. At a foundational level, the Rio29 FBC seeks to establish a walkable grid of streets and pedestrian alleys. Existing blocks within the overlay district are often large, exceeding 1,000 feet in length, and are bounded by major roadways, creating environments that are unwelcoming and taxing for pedestrians. Consistent with the recommendations of the Rio29 Small Area Plan, the current Rio29 FBC establishes requirements for block lengths, with 350 to 500 foot maximums. While

proposed revisions standardize block sizes to 400 feet or less, the introduction of additional streets will result in development parcels that frequently front multiple streets.

Section 20C.5 of the proposed Rio29 FBC establishes appropriate spatial relationships between buildings, sidewalks, and streets and the elements and function of each street type. Design standards for individual street types are tailored to support the functions of those streets. Examples of standards include larger build-to ranges and separated bike facilities on higher volume streets. Additionally, standards require desired design elements, such as seating and trash receptacles on Destination Streets, to create a sense of place to make them successful.

The current Rio29 FBC lacks a clear street hierarchy to promote consistency and predictability in building orientation and inhibiting flexibility in how buildings relate to different street types. Review of the first Rio29 FBC site plan and other prospective projects revealed that, under the current character area-based requirements, all streets are treated as having equal and interchangeable priority. As a result, building orientation decisions by individual developers could lead to non-continuous frontages along individual streets, as buildings could orient towards alternative streets. The lack of street hierarchy also limits the ability for building form and function to transition along secondary, side streets, as typically seen in urban areas.

To address these challenges, the revised Rio29 FBC introduces the concept of a street hierarchy to identify a primary street, defined as the highest-ranking street abutting a parcel, development, or building. This framework directs building form and orientation to be prioritized and consistent along high-ranking, primary streets while allowing greater flexibility along secondary streets. The proposed street hierarchy is provided below.

Table 1: Street hierarchy

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

As shown in Table 1, pedestrian-oriented Destination Streets are assigned the highest priority, reflecting their role in establishing continuous building frontages and supporting active, engaging pedestrian environments. Avenues (Berkmar and Hillsdale Drives) and Boulevards (Rio Road) are ranked second and third, respectively, recognizing their function as key connections for pedestrians and bicyclists, linking residential areas outside the district to Destination Streets, creating consistent building frontages that encourage travel along these streets.

Local Streets, Through Corridors, and Service Streets are assigned the lowest rankings, consistent with their primary roles in providing direct local access or supporting regional transportation functions. Collectively, this street hierarchy balances pedestrian-focused placemaking with the operational needs of the broader transportation network, supporting both walkability within the district and regional connectivity.

Changes to Required Civic Space Locations on the Zoning Map

In addition to character area boundaries, the County zoning map associated with the Rio29 FBC also identifies locations where publicly-accessible civic spaces for recreation are required to be developed. The locations of some required civic spaces on the current zoning map (Attachment

4) are inconsistent with known development plans or guidance from Albemarle County's Parks and Recreation Department (ACPR).

In the proposed zoning map (Attachment 3), the locations of these required civic spaces have been refined to address these inconsistencies. The resulting changes remove three required civic spaces – The Square and Floodable Park shown in the block southwest of the Route 29/Rio Road intersection, and one of the Plaza or Greens shown on the Fashion Square Mall property – and adjusted the locations of two other required civic spaces – one on the Fashion Square Mall property and one near Putt Putt Place. Additional changes offered by staff include revising some designated civic space types to align with updated Rio29 FBC design standards, as well as adding a new linear park civic space along the northern boundary of the Albemarle Square property to extend and/or connect planned linear parks in that area, consistent with the recommendations of the Rio29 Small Area Plan.

Required Dedication of Recreation Spaces

In addition to the required civic spaces identified on the zoning map, the Rio29 FBC requires each development to dedicate 10 to 20 percent of its gross acreage to recreation space, unless the applicant elects to provide cash-in-lieu. This requirement was established in response to the finding that, at the time the Rio29 Small Area Plan was adopted, there were no publicly-accessible recreation spaces within the overlay district available to residents or the broader community.

Paired with required civic spaces shown on the zoning map, a requirement for additional publicly-accessible recreation space was intended to support the incremental build-out of a network of recreational opportunities serving new, higher-density development, while providing applicants an increased amount of flexibility to determine the location and type of recreation space most appropriate for their individual projects.

Analysis of the recreation spaces regulations indicates that the current Rio29 FBC could result in the dedication and future County maintenance of approximately 60 individual recreation spaces, assuming that all eligible properties elect to provide cash-in-lieu contributions rather than on-site recreation space and that parcels are not consolidated. Managing and maintaining this number of small, dispersed sites throughout the overlay district would present challenges for the County, including inefficiencies in maintenance, inconsistent service levels, and increased resource and budgetary needs. Collectively, these impacts could limit the County's ability to deliver the high-quality, well-maintained public spaces envisioned by the Rio29 Small Area Plan.

To proactively address these concerns, the revised Rio29 FBC proposes to concentrate public ownership and maintenance on larger, high-impact recreation spaces. Under this proposed approach, the County would assume ownership and maintenance of recreation spaces that are one acre or more in size and/or the required civic spaces identified on the zoning map. Typically, these recreation spaces would be derived from projects on parcels larger than 10 acres within a Core area or approximately 6.7 acres in Flex and Edge areas. At full build-out, this approach could result in up to 20 publicly-accessible recreation spaces.

All other required recreation spaces, being those that are less than one acre in size and not identified as civic spaces on the zoning map, would be privately owned and maintained. This proposed approach gives developers greater control over recreation spaces, while preserving access to nearby recreational opportunities and supporting the County's long-term fiscal sustainability.

For the benefit of smaller properties, where the provision of on-site recreation space may be impractical, the revised Rio29 FBC retains the option to provide cash-in-lieu of on-site recreation space. While the current Rio29 FBC allows this option for developments with a recreation space requirement of less than 0.2 acres, the revised code increases this threshold to less than 0.3 acres. This option would apply only to properties with a total site area that is less than 2 acres within Core areas, or approximately 1.3 acres within Flex or Edge areas. Cash-in-lieu contributions would be aggregated into a fund for the County to use to purchase land, establish, construct, and/or improve civic spaces within the Rio29 FBC overlay district.

Flexibility

Feedback from developers, landowners, architects, designers, and landowners revealed a desire for greater flexibility in the Rio29 FBC to better accommodate site-specific constraints and alternative design approaches. In follow-up meetings with the development community, participants expressed support for administrative approval of modifications, noting that this approach could reduce application costs and enable quicker review and approval of site plans. These efficiencies were identified as a key advantage of development under the Rio29 FBC.

In response to this feedback, the revised Rio29 FBC expands the availability of both Agent-approved modifications and waivers as well as Board-approved special exceptions. The revised Rio29 FBC includes a total of 25 Agent-approved modifications and waivers, allowing deviations from standard requirements when established criteria are met (see sections 20C.5.F, 20C.6.E, 20C.7.G, 20C.8.D, 20C.9.I, 20C.10.D, 20C.11.E, 20C.12.E of the revised Rio29 FBC in Attachment 1), without requiring the applicant to undergo a special exception process. Decisions on Agent-approved modifications and waivers may be appealed to the Board of Supervisors at the applicant's discretion.

The revised Rio29 FBC also increases the number of Board-approved special exceptions from six to ten, expanding the range of requirements from which applicants can request relief (see sections 20C.2.F, 20C.5.G, 20C.6.F, 20C.10.E, and 20C.12.F of the revised Rio29 FBC in Attachment 1).

All proposed modifications, waivers, and special exceptions 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. In particular, 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 (AMI) thresholds.

Organization & Formatting

In conversations with previous and prospective applicants, the County received feedback that the current Rio29 FBC is difficult to navigate. At the same time, the County's Zoning Ordinance Modernization effort is comprehensively updating the structure and format of the County's zoning ordinance. The current Rio29 FBC does not align with the organizational framework recommended through that initiative.

To improve navigation and usability, the organization and formatting of the Rio29 FBC has been revised in three primary ways. First, the structure and formatting of each subsection have been updated to align with the organizational framework recommended through the Zoning Ordinance Modernization effort. Each regulatory subsection now follows a consistent and predictable structure, beginning with an intent or purpose, followed by applicability and general provisions, and ending with Agent-approved modifications/waivers and Board of Supervisors-approved

special exceptions. This standardized structure provides consistency and improves ease of navigation for both applicants and reviewers.

Second, related requirements have been consolidated to reduce fragmentation and cross-referencing within the Rio29 FBC. Street design standards that are distributed across multiple tables in the current Rio29 FBC have been reorganized into individual tables for each street type in the proposed revision. This allows all applicable standards for a given street to be found in one location. Also, landscaping and lighting requirements, which were previously spread across three separate subsections, have been consolidated into a single, new subsection. These changes reduce confusion, cross-referencing, and the potential for conflicting requirements between sections.

Lastly, the revised Rio29 FBC proposes a reordering of subsections, grouping regulations related to site configuration and those related to visual appearance and design details. The revised sequence mirrors stages at which information is typically needed during conceptual planning and the development review process. The sequence also reflects the Rio29 Small Area Plan's emphasis on streets and recreation spaces as foundational elements that inform site design decisions.

DISCUSSION:

The purpose of Work Session #1 is to receive Planning Commission (PC) feedback on high-level changes to the Rio29 FBC by focusing on the following questions:

1. Does the PC agree with moving from a single Core area centered on the Rio Road/Route 29 intersection to Core areas centered on existing shopping centers?
2. Does the PC support the revised approach of using a street-centric framework to organize regulations and inform built form?
3. Does the PC support the revised approach to civic and recreation spaces?
4. Are there sections or aspects of the revised Rio29 FBC that the Planning Commission would like staff to focus on in the next work session?

The Commission's feedback will be used to refine regulations in the Rio29 FBC and will be shared with Board of Supervisors at their work session.

ATTACHMENTS:

Attach. 1 – [ZTA-2024-00001 Rio29 Form-Based Code Updates – Revised Rio29 Form-Based Code, dated January 2, 2026](#)

Attach. 2 – [ZTA-2024-00001 Rio29 Form-Based Code Updates – Existing Rio29 Form-Based Code, adopted September 1, 2021](#)

Attach. 3 – [ZTA-2024-00001 Rio29 Form-Based Code Updates – Revised Rio29 Form-Based Zoning Map, dated January 2, 2026](#)

Attach. 4 – [ZTA-2024-00001 Rio29 Form-Based Code Updates – Existing Rio29 Form-Based Zoning Map](#)