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.	

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.

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.

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.

For this second work session, staff recommend the Commission review the attached draft ordinance and consider the following questions:

1. Does the PC support a provision to allow properties to opt out of the Rio29 FBC if the development is not built and a final site plan expires?
2. Does the PC support allowing phasing within the Rio29 FBC on properties 15 acres or greater?
3. Does the PC support the integration of existing structures?
4. Does the PC support the proposed street types and regulations proposed?
5. Does the “Destination Street” concept work? Does the PC support the 1,200-foot minimum length and associated waivers to allow for a shorter Destination Street?
6. Does the PC agree with the proposed approach to the maintenance of streetscape features?
7. Does the PC have feedback on environmental sustainability measures incorporated into the revised Rio29 FBC?
8. Does the PC support proposed modifications, waivers, and special exceptions?

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PLANNING COMMISSION: January 27, 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 property[1]. 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 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.

Staff’s initial efforts were focused on the more technical issues identified above; however, additional conversations with developers, landowners, designers, architects, previous

[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.

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 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 beneficial and necessary 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 #2 | REGULATORY AND TECHNICAL CHANGES:

In the first work session on January 13, 2026, staff brought before the Planning Commission (PC) six fundamental changes proposed in the revised Rio29 FBC: character area boundaries, street-centric framework, required civic spaces shown on the zoning map, required dedication of recreation spaces, flexibility, and organization & formatting. The staff report for the Work Session #1 is provided in Attachment 1.

In addition to these foundational changes, the revised Rio29 FBC includes a range of detailed and technical updates intended to address identified implementation issues. While many revisions are minor, such as translating regulations into the new format and correcting typographical errors, clarifying language, and refining standards, they collectively work to improve usability and encourage development under the Rio29 FBC.

Staff have identified nine regulatory and technical topic areas to highlight for the Planning Commission during this second work session: procedures for opting into the Rio29 FBC, provisions related to existing structures, street form and function, maintenance of streetscape features, standards for recreation spaces, environmental sustainability, revisions to building standards and architecture, accommodations for small parcels, and expansion of modifications, waivers, and special exceptions.

The complete, revised Rio29 FBC can be found in Attachment 2, with a copy of the current Rio29 provided in Attachment 3.

Procedures for Opting into the Rio29 FBC (Sec. 20C.2)

The process for opting into development under the Rio29 Form-Based Code remains largely unchanged. To opt in, an applicant must first have a pre-application meeting with the County prior to submitting a site plan. This meeting is intended to establish a shared understanding of the proposed project and to allow staff to identify potential issues or inconsistencies before a formal site plan application is submitted. Following a pre-application meeting, the applicant may submit a site plan for County review and approval. Once a final site plan under the Rio29 FBC is approved, the property is considered opted in to the Rio29 FBC.

Through conversations with the development community, staff received feedback expressing interest in an option to opt out of the Rio29 FBC after a property has opted in. This feedback reflected hesitancy among prospective developers to limit future development options while being an early adopter of a new development district within the County. In addition, the development community raised concerns about regulations that require approval from the Board of Supervisors for phased development, noting that development of large properties, particularly mall sites where the County seeks to encourage redevelopment, is often not feasible in a single phase and that this requirement would create a hurdle for the redevelopment of those properties.

In response to this feedback, staff recommend several changes to the current Rio29 FBC. First, while allowing properties that have already been developed under the Rio29 FBC to later revert to the underlying zoning district would be inconsistent with and a regression of goals to implement the Rio29 Small Area Plan, proposed changes include a limited opt-out, or “reset,” option. This option would only apply to property that has not been developed under the Rio29 FBC previously and has received final site plan approval under the Rio29 FBC but has not been constructed or otherwise vested prior to the expiration of that approval (section 20C.2.A.2).

Under section 32.4.3.8 of the County Code, final site plans remain valid for five years, plus any additional time provided under state law. If no construction occurs within that timeframe to vest the final site plan, the final site plan expires and a new site plan application is required. Under the proposed revisions, an expired site plan would allow a property owner to either pursue development under the standards of the Rio29 FBC or those of the underlying zoning district. While this proposed change establishes a minimum five-year waiting period, it offers a degree of flexibility to developers, reduce their risk, while requiring property that has already been developed under the Rio29 FBC to remain opted in, safeguarding implementation of the Rio29 Small Area Plan.

Second, proposed revisions allow phased development to temporarily exempt existing structures from the requirements of the Rio29 FBC if the area in the proposed development is 15 acres or larger (section 20C.2.B.3). The 15-acre threshold was identified as a size at which large mall properties could be accommodated, while still encouraging the redevelopment of smaller properties in a single phase. Although this change would reduce barriers for large properties, making it easier to opt into development under the Rio29 FBC, phasing plans would require Agent approval to ensure that proposed phasing aligns with the intent of the Rio29 FBC even if later phases are not constructed. Phased development plans for properties less than 15 acres would continue to require approval by the Board of Supervisors through the special exception process (section 20C.2.F.1).

Lastly, proposed changes include a standardized note on all site plans submitted for development under the Rio29 FBC (section 20C.2.C.2). Since the zoning district designation does not officially convert to Rio29 FBC until a final site plan is approved on the first development, this note clarifies the applicant's intent to opt into the Rio29 FBC, identifies which parcels are opting in, and supports consistent administration and enforcement of Rio29 FBC developments.

Provisions Related to Existing Structures

Discussions with large landowners revealed concerns that current Rio29 provisions make it difficult to incorporate existing buildings into development plans. Specifically, existing structures are required to comply with all Rio29 FBC standards, including building form and architecture requirements that most existing buildings do not meet. While the current Rio29 FBC allows relief

from building and architecture standards through special exceptions approved by the Board of Supervisors, reliance on this provision has discouraged properties from opting into the Rio29 FBC, particularly mall properties where existing commercial and retail establishments are operating successfully.

In many cases, the opportunity to achieve higher density developments, combined with requirements for enhanced street designs and park spaces, is expected to incentivize applicants to propose new buildings rather than retaining existing ones. However, where applicants wish to retain existing structures, proposed revisions make it easier to incorporate existing buildings into Rio29 FBC developments.

This is done by clearly identify regulations that apply to existing structures at the beginning of each subsection, under "Applicability," clarifying for prospective applicants how requirements apply to their development. In addition, building form requirements for existing structures have been streamlined. Rather than requiring additional building stories to meet minimum height standards or a special exception to reduce ground-story height requirements, existing buildings would be subject to only two requirements (section 20C.8.B):

1. Primary building entrances must directly face the primary street frontage or a civic space, and
2. Additions to existing buildings must increase conformity with required build-to ranges, where those standards are not already met.

Aside from these changes, developments that retain existing structures would still be required to meet all other applicable Rio29 FBC regulations, including those pertaining to streets, recreation spaces, permitted uses, parking, landscaping and lighting, affordable housing, and architecture. However, architecture requirements for existing buildings can be modified through special exceptions approved by the Board of Supervisors (section 20C.10.E).

Proposed changes are intended to encourage development under the Rio29 FBC while preserving elements that are central to the goals of the Rio29 Small Area Plan, such as enhanced street design and the provision of recreation space. These changes also align with the County's Climate Action Plan by reducing the need for fill and waste activities associated with demolition and redevelopment and minimizing emissions associated with the production, storage, transportation, and installation of new materials.

Street Form and Function (Sec. 20C.5.D.2)

Street Types

The current Rio29 FBC allows seven possible street types. Proposed changes to the Rio29 FBC simplify street designations by grouping similar street design while also introducing a new street type Destination Street. This consolidation is intended to improve consistency and predictability throughout the district. Table A below provides a comparison of existing and proposed street types, organized from the highest-capacity, widest, most regional roadways to the lowest-capacity, narrowest, most locally oriented streets. Additional information on the intent, cross-sections, and design standards for each street type is provided in Table 2 of Section 20C.5 of the proposed Rio29 FBC.

Table A: Comparison of Street Types

Current Street Types	Proposed Street Types
Through-Corridor	Through-Corridor
Boulevard	Boulevard
Avenue	Avenue
Local Street (Core)	Destination Street (special street type)
Local Street (Flex/Edge)	Local Street
Pedestrian Passage	Service Street (pedestrian passages, alleys, service roads, access roads)
Alley	

Destination Streets

Destination Streets are a specialized type of street within the Rio29 FBC. They are used as a mechanism to establish commercial focal point within Core area. These streets are intended to prioritize pedestrians, support nearby businesses, and foster a sense of place that will serve as an anchor for the surrounding community. This dynamic is supported by design standards that require wider sidewalks, streetscape furniture, visually engaging building frontages, and other designs that create a welcoming pedestrian experience. While these streets may accommodate vehicle traffic, they could also be pedestrian-only.

To facilitate the establishment of Destination Streets, proposed regulations require the first development within every Core area to include a Destination Street, unless a Destination Street already exists (section 20C.5.C.2). Regulations also require Destination Streets to be at least 1,200 feet in length, as measured along the street centerline. This length is consistent with most outdoor shopping malls, including The Shops at Stonefield; however, this minimum length may be divided amongst multiple adjoining streets. To maintain flexibility, proposed special exceptions can allow prospective applicants to seek relief on the development of Destination Streets and minimum length requirements to address parcel sizes and market conditions (section 20C.5.G).

In addition, as a honing of current Core-area commercial requirements, ground-floor uses along Destination Streets, exclusive of civic spaces, must be at least 60% non-residential. While these requirements may discourage some developers from opting into the Rio29 FBC, these facilities are essential for the establishment of concentrated activity centers and focal points within the Rio29 FBC district.

Influence of Streets on Building Form

Maximum block length requirements are expected to result in the construction of new streets and, over time, smaller and more walkable block sizes within the Rio29 FBC overlay district. Recognizing that buildings may not be able to front all sides of a block, the proposed revisions introduce a street hierarchy that identifies a primary street for each property or building. This framework establishes clear expectations for consistent building frontages along higher-ranking streets where pedestrian activity and circulation are prioritized. In this way, while Table A categorizes streets by their intended function, Table B ranks streets based on their desired level of pedestrian activity.

Table B: Street Hierarchy

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

Design Standards

Proposed changes include refinements to the design standards for each street type, aligning with Transportation Planning recommendations, the intent of the Rio29 FBC, changes to the character areas, and good planning practices.

Revisions include:

- Through-corridor (Rt. 29): The minimum width of shared-use paths is reduced from 14' to 10'.
- Boulevards (Rio Rd.): Requirements for on-street bicycle lanes and buffer requirements are removed and replaced with a provision requiring shared-use paths in areas deemed appropriate by VDOT and the Agent.
- Avenues (Berkmar and Hillsdale Dr.): Proposed regulations allow the Agent to determine whether bicycle facilities should be provided on- or off-street, with minimum design standards in each case. On-street parking is currently required along these streets but would be optional in the revised Rio29 FBC.
- Destination Streets: Design standards proposed for this street type include optional on-street parking, a 6' landscape separation zone, and an 8' minimum sidewalk width.
- Local Streets: Design standards for Local Streets (Core) and Local Streets (Flex/Edge) are combined, favoring optional on-street parking and the 6' minimum sidewalk width of the Local Streets (Flex/Edge) standards.
- Requirements for landscaped medians are removed.
- Clarification that sidewalks are not needed in areas where shared-use paths are provided, to avoid redundant systems.

Streetscape Features

The existing Rio29 FBC requires pedestrian-focused amenities, including seating and trash & recycling receptacles, along Boulevards and Local Streets within the Core character area. Because proposed changes shift the Core character area designation to large, existing shopping centers, required streetscape features have been realigned to better support pedestrian travel to, from, and within these activity centers. As a result, proposed changes only require seating and trash & recycling receptacles along Avenues and Destination street types.

Additional revisions to required streetscape features:

- Clarify that required lighting is meant to illuminate pedestrian paths rather than streets, thus "street lighting" is replaced by "pedestrian lighting" in the proposed Rio29 FBC;
- Include design standards for pedestrian lighting for safety and consistency along pedestrian paths (section 20C.11.D.2); and
- Refine street tree requirements (section 20C.11.C.2).

Maintenance of Streetscape Features
In the current Rio29 FBC, Section 20C.7.E.4 is quiet on the maintenance responsibility of streetscape features. Streetscape features include pedestrian lights, street trees, seating, and trash & recycling receptacles. The current Rio29 FBC states that streetscape features VDOT does not agree to maintain "will be owned by the County, unless otherwise specified." However, the existing FBC code does not clarify who will maintain these facilities if the County were to own the sidewalk area and associated streetscape features.

To resolve how to maintain these critical streetscape features, Table B summarizes which entities *could* provide the maintenance. The table divides the right-of-way into two categories: 1) Roadway area (i.e. the travel lanes, on-street bike lanes and on-street parking) and 2) Sidewalk area (i.e. the area between the curb and front property line or building face that contains street trees, benches, trash cans, etc).

Table B: Framework for Maintenance Responsibilities

Area to be Maintained	Options			
	A	B	C	D
Roadway Area	VDOT	VDOT	VDOT	Applicant
Sidewalk Area	VDOT	County	Applicant	Applicant

Section 20C.5.C.3 requires that all streets, other than Service Streets, must be public. Public streets (Option A) would lead to VDOT maintaining both the roadway and sidewalk areas with the streetscape features. Typically, this will be the preferred option. However, VDOT has expressed concerns about maintaining a higher level of streetscape features above what they typically maintain in other jurisdictions around the Commonwealth. Furthermore, even if VDOT does agree to maintain the streetscape features, they are likely not set up to maintain the sidewalk area at a frequency that would be expected.

A second option (Option B) is for VDOT to maintain the roadway and for the County to maintain the features within the sidewalk area. However, without the benefit of a Public Works Department and a lack of dedicated funding, the County is not well-suited to maintain the streetscape features. Therefore, Section 20C.5.C.3.b requires private maintenance of streetscape features within sidewalk areas as the standard approach if VDOT does not otherwise agree to maintain streetscape features (Option C).

In a final scenario (Option D), there may be instances where VDOT is not willing to maintain the roadway area, especially if utilities are located within the roadway or if the preferred roadway design does not meet VDOT's design standards. If so, Section 20C.5.F.2.a allows the Agent to approve private ownership and maintenance of both the roadway and sidewalk areas. However, Agent-approval of this modification recognizes that, even in this scenario, the Agent needs to determine that the street is not anticipated to support high traffic volumes or serve as a critical connection in the public street grid.

Standards For Recreation Spaces (Sec. 20C.7)
In addition to broad changes discussed in the first work session, analysis and discussions with previous and prospective applicants identified challenges related to both the minimum percentage of gross acreage required for recreation space and design standards associated with recreation space types.

Under the current Rio29 FBC, the recreation space requirement varies by character area: Core areas must develop 10% of the gross acreage of the property as recreation space, Flex areas

15% and Edge areas 20%. Analysis shows that approximately 72% of properties designated as Edge areas are less than one acre in size. For these smaller parcels, requiring 20% of the property to be developed as qualifying recreation space is overly restrictive, limiting site planning flexibility and discouraging development under the Rio29 FBC. To address this issue, proposed changes to the Rio29 FBC reduce the minimum recreation space requirement in Edge areas from 20% to 15%, aligning it with the Flex area standard (section 20C.7.C.1). This adjustment provides a more feasible threshold for Edge properties to incorporate recreation spaces without significantly constraining development potential.

Design standards for recreation space types have also been refined to improve clarity, flexibility, and implementation (section 20C.7.D). Specifically, the revisions:

- Reduce redundancies by grouping similar recreation space types;
- Improve clarity and navigation by organizing design standards into individual tables for each recreation space type;
- Close unintended loopholes through clearer, enforceable standards and definitions;
- Allow opportunities to include innovative park elements;
- Adjust minimum size requirements to better accommodate smaller parcels; and
- Align standards with guidance from the Albemarle County Parks and Recreation Department and the Engineering Division of the Community Development Department;

Environmental Sustainability

Current Rio29 FBC standards reference “Green Infrastructure” three times: within the purpose statement for civic spaces, as a required streetscape element along Local Streets, and as an optional element on Pedestrian Streets. However, the current code does not define the term or establish minimum design standards by which Green Infrastructure designs can be evaluated. As a result, there is no clear basis for approval, denial, or enforcement, an issue of particular concern for installations proposed within public rights-of-way.

In exploring revisions to address this gap, it was difficult to find a common definition for “Green Infrastructure.” The Virginia Department of Conservation and Recreation (DCR) which provides guidance to the County on soil and water conservation, dams and floodplains, and land conservation, defines Green Infrastructure as “a strategically planned and managed network of natural lands, working landscapes, and other open spaces that conserves ecosystem values and functions and provides associated benefits to human populations.” Meanwhile, the 2019 Clean Water Act and U.S. Environmental Protection Agency (EPA) define Green Infrastructure as “a range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspirate stormwater and reduce flows to sewer systems or to surface waters.” These examples reflect the wide range of available definitions and highlight the challenge in establishing a single meaning and enforceable standards.

Rather than developing a County-specific definition and standards for Green Infrastructure within the Rio29 FBC, staff approached revisions by moving away from the term “Green Infrastructure.” Instead, proposed changes focus on design standards that align with the County’s Climate Action Plan, while remaining careful not to prohibit innovative designs or installations that support on-site stormwater treatment.

Under this approach, references to “Green Infrastructure” are removed from the Rio29 FBC and replaced with targeted revisions that advance environmental sustainability goals, including the following:

- Sec. 20C.6 Permitted Uses
    - Prohibit single-family detached dwellings, which do not support dense residential development within Development Areas. (Single-family detached dwellings are currently permitted only by special exception in Edge areas.)
    - Permit structured parking throughout the district, except along streets in Edge areas where it would remain subject to special use permit approval.
    - Explicitly permit electric vehicle charging stations district-wide.
    - Restrict gasoline fuel dispenser uses, except by special exception along non-Destination Streets in Core and Flex areas. This change acknowledges that gasoline fuel dispensers are currently located within the Rio Hill Shopping Center, a proposed Core area.
- Sec. 20C.7 Recreation Spaces
    - Allow on-site stormwater treatment systems as optional elements within recreation spaces by explicitly listing them or permitting them under “other, as approved by the Agent,” enabling staff to evaluate design quality and request revisions as needed.
    - Establish design standards for Natural Areas requiring at least 70% of the area to be planted and designated as one or more of the following: forest vegetation, wetlands, and/or pollinator gardens.
    - Retain requirements for landscaping, minimum landscaping coverage, and/or pervious surfacing within the design standards of every outdoor recreation space type.
- Sec. 20C.8 Building Form
    - Increase permitted building heights to support additional residential density within Development Areas.
- Sec. 20C.9 Parking
    - Refine parking requirements using comparable regulations from Arlington County, Columbia Pike, and Virginia Beach, resulting in fewer required parking spaces than other County zoning districts.
    - Revise the limitation on maximum private, on-site surface parking so that the 150% cap applies to all use categories, including residential.
    - Support bicycling by requiring short-term bicycle parking within 50 feet of primary building entrances and long-term bicycle parking within 100 feet.
- Sec. 20C.11 Landscaping and Lighting
    - Establish a tree canopy requirement for surface parking areas, to reduce heat island effect and increase opportunities for on-site stormwater management.
    - Allow breaks in surface parking area curbing to permit the capture and treatment of stormwater runoff.
    - Retain requirements for pedestrian lighting along sidewalks and shared-use paths to encourage alternative modes of transportation throughout the district, such as walking and bicycling.
- Multiple sections
    - Expand opportunities to retain existing structures, reducing the need for demolition-related fill and waste activities and lowering emissions associated with the manufacturing, storage, transport, and installation of new building materials.

While the Rio29 Small Area Plan encourages sustainable design and green streets, balancing innovative environmental sustainability measures with the goal of encouraging development under the Rio29 FBC has proven challenging. Regulations perceived as more burdensome than by-right development or rezoning can discourage applicants from opting into the Rio29 FBC.

This has already proven to be the case for at least one proposed development. Environmental sustainability measures may also be encouraged through partnerships, campaigns, grant programs, or broader County-wide regulations through the County's Zoning Modernization effort.

Revisions To Building Standards and Architecture

The Rio29 FBC regulates building height and, by extension, development intensity, through minimum and maximum building story requirements. Proposed revisions increase the maximum number of permitted building stories in the Core and Flex character areas to align with the recommendations of the County Comprehensive Plan (AC44) (section 20C.8.C.1). This change allows for one additional building story beyond what is currently permitted. In the Edge character area, the maximum number of building stories has been reduced by one to reinforce a transition to lower-intensity development adjacent to surrounding neighborhoods. A comparison of existing and proposed permitted building stories by character area is provided below.

Table C: Comparison of Permitted Building Stories

Character Area	Current Building Stories	Proposed Building Stories
Core	Minimum: 2 Maximum: 5 *Additional 2 stories permitted through bonuses, for a **total of 7 stories**	Minimum: 2 **Maximum: 7** *One (1) additional story permitted through bonuses, for a **total of 8 stories**
Flex	Minimum: 2 Maximum: 4 *One (1) additional story permitted through bonuses, for a **total of 5 stories**	Minimum: 2 **Maximum: 5** *One (1) additional story permitted through bonuses, for a **total of 6 stories**
Edge	Minimum: 2 Maximum: 3 *One (1) additional story permitted by special exception, for a **total of 4 stories**	Minimum: none **Maximum: 3**

Review of previous and prospective applications also identified challenges associated with meeting minimum building transparency requirements. Proposed changes refer to these requirements as "minimum fenestration requirements" to distinguish them from the term "transparency" which is used elsewhere in the zoning ordinance to describe the ability to see through a material.

Because windows are typically the primary means of satisfying fenestration requirements, feedback from the development community indicated that the current standards are particularly difficult to achieve for buildings containing residential uses. Requiring the same fenestration percentages on all building façades was also noted as limiting internal space planning and reducing design flexibility.

In response, proposed revisions refine fenestration requirements by distinguishing between residential and non-residential uses and by regulating minimum percentages based on abutting street types (section 20C.10.C.1). A comparison between existing and proposed fenestration requirements is provided in the tables below. Updated regulations reduce the percentage of fenestration for residential uses, supporting more private living spaces and flexibility in internal space planning. The revised regulations also acknowledge that while exterior pedestrian passages, which can be narrower in width, can benefit from increased fenestration, it may conflict with building code requirements. In addition, revised language clarifies that balconies

may be used to satisfy fenestration requirements, an option that is not explicitly permitted under the current code (section 20C.10.C.1.b.iii).

Table D: Existing fenestration requirements

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

Table E: Proposed fenestration requirements

Stories	Destination Street, Avenue, Boulevard, Civic 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%

Accommodations for Small Parcels

Approximately 64% of properties within the Rio29 FBC overlay district are less than one acre in size, and approximately 81% are less than two acres. Achieving the Rio29 Small Area Plan's vision of a dense, vibrant, and connected mixed-use community will therefore depend, in part, on the ability of smaller parcels to opt into the Rio29 FBC. To support form-based code development on these smaller properties, proposed revisions include targeted accommodations that relieve small parcels from certain requirements.

First, the proposed revisions exempt developments with less than 100 feet of street frontage from maximum block length requirements (section 20C.5.B.3). Given that proposed street types may include cross-sections of 50 feet or more in width, applying block length requirements to parcels with limited frontage could be overly restrictive or infeasible. This exemption improves the practicality of opting into the Rio29 FBC for narrow or constrained sites.

Second, as mentioned in the first work session, the current Rio29 FBC allows developments with a recreation space requirement of less than 0.2 acres to provide cash-in-lieu of on-site recreation space. This requirement currently applies to properties that are less than 2 acres in the Core area or approximately 1.3 acres in Flex and Edge areas. Proposed revisions increase this threshold to 0.3 acres, allowing properties less than 3 acres in the Core area or 2 acres in Flex and Edge areas to provide cash-in-lieu (section 20C.7.B.3). This adjustment would extend the option to provide cash-in-lieu to an additional 14 properties, representing approximately 7% of parcels within the overlay district, while still allowing applicants to provide on-site recreation space if desired. Any cash-in-lieu funds would go towards County investment in recreation areas within the Rio29 FBC district.

Expansion of Modifications, Waivers, and Special Exceptions

As discussed in the January 13, 2026 Planning Commission work session staff report, the revised Rio29 FBC offers flexibility through an expansion of Agent-approved modifications and Board-approved special exceptions.

The revised Rio29 FBC proposes 25 Agent-approved modifications and waivers that allow deviations from standard requirements when specific criteria are met (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). The table below identifies proposed modifications and their approval criteria.

Table F: Agent-approved modifications and waivers

Subsection	Modifications and Waivers	Criteria
Sec. 20C.5 Streets	Block lengths	1. To accommodate street connection(s) to existing or planned adjacent street(s); 2. To accommodate a requirement of VDOT or the Department of Fire Rescue; 3. To avoid a natural feature such as a riparian buffer or preserved slopes; 4. To avoid or accommodate a planned or existing civic space; 5. To allow future streets to align with existing travelways, private streets, or parcel lines within or adjacent to the site; 6. To avoid or accommodate existing utilities; or 7. To accommodate the space needed for an efficient parking structure.
Sec. 20C.5 Streets	Private ownership of a street	1. The roadway design qualifies as an Urban Local Street (GS-8) in the VDOT Road Design Manual; or 2. The street is not determined to be a necessary connection in the public street grid by the Agent or VDOT.
Sec. 20C.5 Streets	Alternative primary street	The resulting building and site design meet the purpose and intent of this section.
Sec. 20C.5 Streets	Reduced bicycle buffer width	Where a physical barrier is provided and where appropriate transitions are provided to adjacent properties, if deemed appropriate by VDOT and the Agent.
Sec. 20C.5 Streets	On-street bicycle lanes and buffers	If deemed appropriate by the Agent and VDOT and substituted with SUPs or cycle tracks with appropriate transitions to adjacent facilities. Approved SUPs may fulfill sidewalk requirements, provided individual SUPs have an appropriate width, as determined by the Agent with consideration of the street type and use and nearby facilities.
Sec. 20C.5 Streets	Reduced 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.
Sec. 20C.5 Streets	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.
Sec. 20C.5 Streets	Sidewalk clear zone requirement	1. The width of the sidewalk is less than six feet; 2. Unusual situations or strict adherence to requirements would result in substantial injustice or hardship; or

		3. 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.
Sec. 20C.5 Streets	Use of access aisles to meet the block length requirements	1. Required street features for the Local Street typology are provided along at least one side of the access aisle; 2. Sidewalks on the access aisle are connected, extended, and coordinated with sidewalks, SUPs, or entrances to civic spaces located at either end of the access aisle; and 3. Public access to the access aisle and required street features is provided through a perpetual easement in a document approved by the County Attorney.
Sec. 20C.6 Permitted Uses	Finished floor elevation 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.
Sec. 20C.7 Recreation spaces	Alternative civic space types and locations than those shown on the zoning map	Upon consideration of factors specific to the site and the district, including but not limited to parcel size, civic space size or type, recreational value, environmental benefits, or other planning and design considerations and best practices.
Sec. 20C.7 Recreation spaces	Dedication to the public via easement, instead of in fee simple	Access to the civic 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.
Sec. 20C.7 Recreation spaces	Stormwater facility maintenance	Stormwater facilities may be maintained by the County in accordance with recorded agreements.
Sec. 20C.8 Building form	Reduced minimum floor-to-ceiling height of no less than 10 feet for ground stories in multiple-family dwellings along Destination Streets	Provided the resulting building and site design meets the purpose and intent of this section.
Sec. 20C.8 Building form	Build-to range	If civic spaces, natural features (such as existing mature trees), terrain, existing utilities, or outdoor seating areas would interfere with the required build-to range.
Sec. 20C.9 Parking	Standard minimum and maximum required parking spaces	Any of the criteria below, provided the resulting parking meets the purpose and intent of this section: 1. An increase to the maximum required parking spaces, to allow for phased development of existing surface parking; 2. 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;

		3. 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 4. 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.
Sec. 20C.9 Parking	Minimum number of short-term parking spaces	Provided the applicant demonstrates that the intended use does not generate short-term parking demand
Sec. 20C.9 Parking	Motor vehicle parking area design	1. Reduction in parking space size to accommodate motorcycles, compact vehicles, or autonomous vehicles; or 2. Reduction in access aisle minimum design requirements to accommodate compact or autonomous vehicles.
Sec. 20C.9 Parking	Sloped ramps to be located along the perimeter of a parking structure abutting streets or civic spaces	Provided the resulting structure meets the purpose and intent of this section.
Sec. 20C.9 Parking	Bicycle parking standards	Provided the resulting parking meets the purpose and intent of this section.
Sec. 20C.10 Architecture	Screening requirement for transformers and telephone or fiber optic risers from view of Destination Streets, Boulevards, Through Corridors, and civic spaces	1. Unusual situations or strict adherence to requirements of section 20C.10.C.3 would result in substantial injustice or hardship; or 2. 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.
Sec. 20C.11 Landscaping and Lighting	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.
Sec. 20C.11 Landscaping and Lighting	Landscaping requirements for off-street surface parking areas	1. 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. 2. If existing parking lot landscaping meets the intent of this section.
Sec. 20C.11 Landscaping and Lighting	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
Sec. 20C.12 Affordable Housing	Requirements concerning mix of affordable housing unit types and timing of delivery can be waived by the Director of Housing	If the type of financing or low-income tax credit project requires certain placement and types of dwelling units.

Proposed changes also expand Board of Supervisors-approved special exceptions from six to ten, broadening the range of requirements from which applicants may seek relief (sections

20C.2.F, 20C.5.G, 20C.6.F, 20C.10.E, and 20C.12.F). The table below identifies proposed special exceptions and, if applicable, the evaluation criteria that would apply to each request.

Table G: Board of Supervisor-approved special exceptions

Subsection	Special exception
Sec. 20C.2 Standards and Procedures	Section 20C.2.B.2. If the area of phased development is less than 15 acres
Sec. 20C.2 Standards and Procedures	Section 20C.2.C.1. Parcel boundaries on September 1, 2021
Sec. 20C.5 Streets	Section 20C.5.C.2.a. Development of a Destination Street. Criteria: 1. The Core area retains sufficient area to accommodate a Destination Street that meets the intent of this section; and, 2. The proposed development is more consistent with the intent of the Rio29 FBC.
Sec. 20C.5 Streets	Section 20C.5.C.2.b. Destination Street minimum length requirements. Criteria: 1. The minimum length of the Destination Street cannot be accommodated on the property; or, 2. The proposed alternative is more consistent with the intent of the Rio29 FBC.
Sec. 20C.6 Permitted Uses	Section 20C.6.C.1. Uses as articulated in Table 3
Sec. 20C.6 Permitted Uses	Section 20C.6.C.2.b. Outdoor display
Sec. 20C.6 Permitted Uses	Section 20C.6.D.2.a and d. Artisan manufacturing
Sec. 20C.10 Architecture	The architectural requirements for existing buildings. Criteria: 1. The existing buildings will be incorporated into a larger development project; or 2. The existing buildings will demonstrate a greater level of conformity with section 20C.10.C than the existing condition.
Sec. 20C.12 Affordable Housing	The mix of affordable housing unit percentages and area median income (AMI) thresholds

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.

QUESTIONS:

The purpose of Work Session #2 is to receive Planning Commission (PC) feedback on significant regulatory and technical changes to the Rio29 FBC by focusing on the following questions:

Procedures for Opting into the Rio29 FBC (Sec. 20C.2), Phasing (section 20C.2.B.3), and Existing Structures (Section 20C.8)

1. Does the PC support a provision to allow properties to opt out of the Rio29 FBC if the development is not built and a final site plan expires?
2. Does the PC support allowing phasing within the Rio29 FBC on properties 15 acres or greater?
3. Does the PC support the integration of existing structures?

Street Form and Function (Sec. 20C.5)

4. Does the PC support the proposed street types and regulations proposed?
5. Does the "Destination Street" concept work? Does the PC support the 1,200-foot minimum length and associated waivers to allow for a shorter Destination Street?
6. Does the PC agree with the proposed approach to the maintenance of streetscape features?

Remaining Regulatory and Technical Changes

7. Does the PC have feedback on environmental sustainability measures incorporated into the revised Rio29 FBC?
8. Does the PC support proposed modifications, waivers, and special exceptions?

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 – Rio29 FBC Work Session #1 Staff Report
Attach. 2 – ZTA-2024-00001 Rio29 Form-Based Code Updates – Revised Rio29 Form-Based Code, dated January 2, 2026
Attach. 3 – ZTA-2024-00001 Rio29 Form-Based Code Updates – Existing Rio29 Form-Based Code, adopted September 1, 2021
Attach. 4 – ZTA-2024-00001 Rio29 Form-Based Code Updates – Revised Rio29 Form-Based Zoning Map, dated January 2, 2026
Attach. 5 – ZTA-2024-00001 Rio29 Form-Based Code Updates – Existing Rio29 Form-Based Zoning Map