



RESOLUTION #R-__-__
Initiating Amendment and Referring adoption of the 2024 Development Code (Zoning and Subdivision Ordinances) to the Planning Commission for review and recommendation

WHEREAS, Cville Plans Together was a multi-year, equity-focused effort to shape the City of Charlottesville, Virginia’s (“City”), future of the built environment; and

WHEREAS, following extensive civic outreach and public participation, Cville Plans Together produced an Affordable Housing Plan (adopted by City Council in March 2021), a new Comprehensive Plan (adopted by City Council in November 2021), and, finally, a Development Code that directly implements the recommendations of both the Affordable Housing Plan and the Comprehensive Plan, and encompasses updated Zoning and Subdivision regulations; and

WHEREAS, on December 18, 2023, City Council adopted the Development Code (“2024 Development Code”); and

WHEREAS, on January 14, 2024, in the Circuit Court for the City of Charlottesville, Virginia, in a case styled *White, et al. v. City of Charlottesville, et al.*, several City residents, arguing the City did not gather or consider required information prior to adoption, filed a lawsuit challenging the City’s 2024 Development Code; and

WHEREAS, on June 30, 2025, the Honorable Claude V. Worrell, II, granted a default judgment in *White* after the City’s outside counsel failed to respond to the Plaintiff’s Amended Complaint by the required deadline; and

WHEREAS, Judge Worrell’s ruling, when officially implemented via the execution of a forthcoming Order, invalidated the 2024 Development Code, ostensibly leaving the City with no current Zoning or Subdivision rules or regulations, or reversion to the repealed 2003 Development Code; and

WHEREAS, because the Court’s decision did not dispose of the case on the merits, if necessary, the City may re-adopt the voided 2024 Development Code; and

WHEREAS, § 15.2-2286(A)(7), Code of Virginia, 1950, as amended, provides, in pertinent part, that “[w]henver the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property” and that “[a]ny such amendment may be initiated (i) by resolution of the governing body” or “by motion of the local planning commission;” and

WHEREAS, § 15.2-2285(A), Code of Virginia, 1950, as amended, provides, in pertinent part, “[t]he planning commission of each locality may, and at the direction of the governing body shall, prepare a proposed zoning ordinance including a map or maps showing the division of the territory into districts and a text setting forth the regulations applying in each district,” and “[u]pon the completion of its work, the commission shall present the proposed ordinance or amendment

including the district maps to the governing body together with its recommendations and appropriate explanatory materials;” and

WHEREAS, § 15.2-2285(B), Code of Virginia, 1950, as amended, provides, in pertinent part, “[n]o zoning ordinance shall be amended or reenacted unless the governing body has referred the proposed amendment or reenactment to the local planning commission for its recommendations;” and

WHEREAS, while the City pursues legal recourse, out of an abundance of caution, City Staff proposes initiating re-adoption of the 2024 Development Code so that, if necessary, the City can move with all possible haste to re-adopt the 2024 Development Code.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that the amendment and reenactment of the 2024 Development Code is hereby initiated pursuant to § 15.2-2286(A)(7) and §§ 15.2-2285(A) and (B), Code of Virginia, 1950, as amended; and

BE IT FURTHER RESOLVED THAT the 2024 Development Code incorporating the amended Zoning and Subdivision Ordinances is hereby referred to the City’s Planning Commission for its review and recommendations, and to be scheduled for a Public Hearing. Based on the Planning Commission's deliberations and input received during the Public Hearing process, the Planning Commission shall report its findings and recommendations to City Council within one hundred (100) days after its first Regular Meeting following the adoption of this Resolution.

Date Adopted:

Certified:

Clerk of Council