

# Policy Briefing Summary

## City Council



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<b>Regarding:</b>	<b>Resolution initiating amendment and referring adoption of the 2024 Development Code (Zoning and Subdivision Ordinances) to the Planning Commission for review and recommendation</b>
<b>Staff Contact(s):</b>	Kellie Brown, Director of NDS, Matthew Alfele, City Planner, Missy Creasy, Deputy Director of NDS, James Freas, Deputy City Manager
<b>Presenter:</b>	<b>Matthew Alfele, City Planner</b>
<b>Date of Proposed Action:</b>	July 21, 2025

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### Issue

On June 30, 2025, the Charlottesville Circuit Court granted a default judgment in *White vs. Charlottesville* after outside counsel failed to respond to the Plaintiff's Amended Complaint by the required deadline. In that case, Plaintiffs challenged the City's Development Code adopted by City Council on December 18, 2023, arguing the City did not gather or consider required information prior to adoption. While the City pursues legal recourse, City Staff proposes initiating re-adoption of the 2024 Development Code. This would refer the Code to the City's Planning Commission for recommendation and review. No immediate action is required from either body, but initiation ensures City Staff and elected officials can respond swiftly to re-adopt the 2024 Development Code, if the need arises.

### Background / Rule

Cville Plans Together was a multi-year, equity-focused effort to shape the City's future of the built environment. The three (3)-part initiative produced an Affordable Housing Plan (adopted in March 2021), a new Comprehensive Plan (adopted in November 2021), and, finally, a Development Code that encompasses updated zoning and subdivision regulations. The Development Code directly implements the recommendations of both the Affordable Housing Plan and the Comprehensive Plan.

Under Virginia Code Sections 15.2-2285(A) and (B) and 15.2-2286(A)(7), any amendment or reenactment of a Zoning Ordinance must be referred by City Council to the Planning Commission for its recommendation. From the date of referral, the Planning Commission has one-hundred (100) days to hold a Public Hearing on the proposed Ordinance and deliver its recommendation back to City Council.

### Analysis

The Default Judgment in the *White* identified a procedural error in responding to the Plaintiff's Amended Complaint by a required deadline. Initiating re-adoption of the 2024 Development Code via referral to the Planning Commission under Virginia Code Section 15.2-2285(A) and (B) and 15.2-2286(A)(7) will trigger a one-hundred (100)-day review and mandatory Public Hearing. This process aligns with the Cville Plans Together framework by ensuring statutory compliance.

### Financial Impact

No financial impact.

### Recommendation

Adopt the attached Resolution referring the 2024 Development Code (Zoning and Subdivision Ordinances) to the Planning Commission for review and recommendation.

**Recommended Motion (if Applicable)**

"I make a Motion to adopt the attached Resolution referring the 2024 Development Code (Zoning and Subdivision Ordinances) to the Planning Commission for review and recommendation."

**Attachments**

1. Resolution\_2024 Development Code Initiation