

The Albemarle County Land Use Law Handbook

Greg Kamptner, County Attorney

Albemarle County Attorney's Office

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Introduction

This handbook is a survey of Virginia's planning, zoning, and subdivision laws, as interpreted and applied by the courts, the Attorney General, and other advisory bodies. This handbook also considers the significant role the United States and Virginia Constitutions play in land use regulation, as well as a range of federal laws that may affect local land use decisions, including the Interstate Commerce Commission Termination Act, the Religious Land Use and Institutionalized Persons Act of 2000, and the Telecommunications Act of 1996. It also provides a review of many of the principles and laws that come into play in every land use decision, such as the Dillon Rule, the State and Local Government Conflict of Interests Law and the Virginia Freedom of Information Act. These topics, and others included in this handbook, were selected to provide a locality's officers and employees, as well as the public, a reference to allow the reader to understand the many legal issues that may arise every day on land use matters.

Both federal and state court decisions are analyzed in this handbook. Because it is an educational document, this handbook includes Virginia circuit court (trial court) decisions, as well as opinions of the Virginia Attorney General, the Virginia Freedom of Information Advisory Council, and other resource materials intended to help the reader better understand the laws, rules, principles, and concepts discussed. The reader is directed to Appendix A for an explanation of the meanings of the case citations and the weight to be given to the sources.

This handbook is for educational purposes only and does not constitute legal advice. Readers who are not attorneys should always consult with their locality's attorney with questions regarding a specific legal matter.

This handbook also has not been adopted by the Albemarle County Board of Supervisors or any other County public body or County officer as a County policy, custom, rule, or requirement.