

# **The Albemarle County Land Use Law Handbook**

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## **Introduction**

This handbook is an in-depth survey of Virginia's planning, zoning, and subdivision laws, as interpreted and applied by the courts, the Attorney General, and other 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 Americans with Disabilities Act, the Fair Housing Act, 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 general public, a reference to allow the reader to understand the many legal issues faced each day on land use matters.

Albemarle County officers and employees who deal with land use matters and read this handbook from cover to cover will receive a broad understanding of Virginia land use law. It is useful to be familiar with these topics because, like it or not, matters pertaining to planning, zoning, and land development take place in very public and legal arenas. However, it is not necessary for every County officer and employee to fully understand all of the relevant legal issues arising from the wide variety of land use matters coming before the County. For example, a member of the Planning Commission need not necessarily understand the legal issues surrounding variances because variances are the domain of the Board of Zoning Appeals. Nevertheless, the range of topics addressed in this handbook is available as a reference when the need arises.

Both federal and state court decisions are analyzed in this handbook. Because it is first and foremost 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. See Appendix D 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.