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Development Rights

WHAT ARE DEVELOPMENT RIGHTS? -

Development rights tell landowners with property zoned Rural Areas (RA) the theoretical number of dwellings they may build on their property, or the theoretical number of parcels a property may be subdivided into when the parcels created are less than 21 acres in size. When the RA district was created on December 10, 1980, development rights were assigned to Rural Areas parcels to limit the amount of development in the Rural Area while still allowing property owners to potentially subdivide or build new dwellings on their land.

Development rights are always theoretical. Whether they can be utilized can only be determined by submitting a subdivision application to subdivide or a building permit application.

Without a development right, the minimum lot size in the RA district is 21 acres. A property owner may potentially subdivide parcels into lots between 2 and 20.99 acres in size with unused development rights.

Parcels of 10 acres or more were assigned five theoretical development rights, allowing them to potentially be subdivided into up to five 2-acre parcels. Parcels of less than 10 acres were assigned the number of development rights required to create 2-acre parcels out of the land. Parcels of 2-acres or less were assigned only one development right.

- 100-acre parcel was assigned 5 development rights.
- A 10-acre parcel was also assigned 5 development rights.
- A 4-acre parcel was assigned 2 development rights.
- A 3-acre parcel was assigned 1 development right.
- A 2-acre parcel was assigned 1 development right.
- A 1-acre parcel was assigned 1 development right.

Building a dwelling uses a development right, but the development right may be used again to build a new dwelling if the house is demolished.

WHY DO I NEED DEVELOPMENT RIGHTS? -

You likely need development rights in the Rural Areas (RA) district if you want to do the following.

- Subdivide into parcels smaller than 21 acres

- Sell or gift parcels of land smaller than 21 acres
- Build multiple houses on a parcel of land without subdividing

Without development rights, you may only subdivide land in the RA district into 21-acre parcels, and you may only build one dwelling per 21 acres.

HOW MANY DEVELOPMENT RIGHTS DO I HAVE? -

Determine your tax map and parcel (TMP) number by searching the [County GIS](#). On the map, your TMP will display itself as a short parcel ID (e.g., 30-34) and under the Parcel Information as a 14-digit ID (e.g., 03000-00-00-03400). The first set of digits in the short parcel ID are your tax map number, and the second set of digits are your parcel ID.

Review the current GIS map for your parcel with the corresponding [County tax map from 1979](#) using the tax map number you located on the [County GIS](#). Compare the size and shape of the existing parcel with the 1979 parcel.

- If the size and shape have not changed, the parcel likely retains all theoretical development rights (up to five rights for a 10+ acre parcel).
- If the parcel size and shape have changed, locate the most recent recorded plat following the steps in "View the Most Recent Recorded Plat" below.

VIEW THE MOST RECENT RECORDED PLAT -

1. Located your property on [County GIS](#).
2. On the right navigation sidebar, select "Transfer History" from the drop-down menu, and view the Deed Book/Page of the most recent sale date.
3. At the [Circuit Court of Albemarle](#), review the deed to locate the most recently recorded plat. The most recent deed may or may not have a plat associated with it. If it does not have a plat associated with it, you must refer to the previously recorded deeds to locate the plat.
REMEMBER: You are looking for the plat that created the parcel. Sometimes a survey is recorded, and that is a plat, but that is not the deed that recorded the creation of the parcel. The Circuit Court of Albemarle is located at the Albemarle County Courthouse, Court Square, 501 East Jefferson Street, Charlottesville, VA 22902-5110.
4. A parcel created between 12/10/1980 and today should have a note stating how many development rights the parcel retains, or how many times the parcel may be divided into lots of

less than 21 acres, or other similar language. This note will tell you how many development rights your parcel has.

ADDITIONAL INFORMATION

If you cannot determine the development rights by using the above process, you have two other options: An informal assessment of development rights or an Official Letter of Determination of Parcels and or Development Rights.

Informal Development Rights Assessment:

For general use, please submit an **Inquiry** requesting an Informal Development Rights Assessment to Albemarle County Community Development through the Civic Access webform/portal. Typically, the response time is 3-4 weeks. Longer review times may be needed for multiple parcels or for complex divisions. When you submit a CDD Inquiry request in Civic Access the steps are:

Apply/Yes/Request/Inquiry/Apply and then follow the directions (You will be required to set up a username and password if you have not already done so.)

An official Letter of Determination of Development Rights:

For a formal Letter of Determination, submit the application for a Letter of Determination with all listed required documents and a per parcel application fee is required (e.g., a two-parcel determination will require a total for two parcels) through the Civic Access webform/portal. Written determinations may take 90 days to complete. Please note that official determinations may be appealed to the Board of Zoning Appeals if you believe an error in interpretation has occurred. However, after the appeal period (30 days) has elapsed, no appeal is possible, and the determination is final. When you submit a CDD Inquiry request in Civic Access the steps are: **Apply/Yes/Zoning Applications/Zoning Determinations**/and then in the “*Letter of Determination – Parcel Determination and/or Development Rights*” area pick **Apply** and then follow the directions. (You will be required to set up a username and password if you have not already done so.)

HAVE ADDITIONAL QUESTIONS?

(434) 296-5832

cddinquiry@albemarle.org

Frequently Asked Questions?

Expand/Contract Questions and Answers

Do I need a development right to subdivide in a residential district? (R-1, R-2, R-4, R-6, R-10, R-15, DCD, etc.)

No. Development rights only exist in the Rural Areas district.

Can I buy or sell development rights from or to my neighbor?

No. However, If your neighbor's property and your property were created from the same parent parcel, it may be possible to reassign a development right by purchasing a portion of your neighbor's property.

Do lots created by family subdivision require a development right?

Yes. All subdivisions require development rights.

If I divide my property and have unused development rights, what happens to them?

You will decide which parcel receives the development rights, and assign them during the subdivision review process. The assignment of development rights is noted on the plat.

If I have one development right can I divide my property?

If you only have one development right, you may only divide your property if you have a minimum of 23 acres, to create a 21-acre lot and one 2-acre lot utilizing a development right.

What is the minimum lot size for my parcel?

The minimum lot size in the Rural Areas district is 21 acres unless you utilize a development right. When using a development right, the minimum lot size is 2 acres.

Can the County give me more development rights?

For parcels located within the portions of the County that drain to a drinking water reservoir, it is not possible to obtain additional development rights. For parcels located outside the reservoir watersheds, it is possible to apply for a special use permit to obtain additional development rights. However, the County has approved very few additional development rights.

What is the 31-acre rule? Does it apply to me?

The total acreage of all lots created from a single parcel by utilizing development rights may not exceed 31 acres. If your property has not been subdivided since November 8, 1989 this rule applies to you.

This is an example of a subdivision that may be allowed in Albemarle County.
Five 6.2-acre parcels ($6.2 \times 5 = 31$) and one 21-acre parcel

