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HOUSE BILL NO. 900**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Counties, Cities and Towns
on February 2, 2024)

(Patron Prior to Substitute—Delegate Srinivasan)

A *BILL* to amend the Code of Virginia by adding a section numbered 15.2-2292.2, relating to zoning; development and use of accessory dwelling units.

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 15.2-2292.2 as follows:****§ 15.2-2292.2. Development and use of accessory dwelling units.**

A. As used in this section "accessory dwelling unit" or "ADU" means an independent dwelling unit on a residential dwelling lot with its own living, bathroom, and kitchen space. An ADU may be within or attached to a single-family dwelling unit or in a detached structure on a lot containing a single-family dwelling.

B. Zoning ordinances for single-family residential zoning districts shall be deemed to include accessory dwelling units as a permitted accessory use, and no locality shall require a special use permit for an ADU or compliance with any other requirements except as provided in this section.

C. Any person proposing an ADU shall first obtain an ADU permit from the locality, for which the locality may charge a fee of no more than \$250. A locality shall issue the permit if the applicant demonstrates that the ADU complies with the requirements outlined in this section.

D. Localities may require the following:

1. No more than one ADU to be located on a lot with a single-family dwelling;

2. A lease term for the rental of such ADU of 30 consecutive days or longer;

3. Replacement of a primary dwelling's required parking if the construction of the ADU eliminates such parking;

4. Square footage of the ADU to not exceed 1500 square feet or 50 percent of the primary dwelling's square footage, whichever is less;

5. Compliance with (i) building codes; (ii) water, sewer, septic, emergency access, and stormwater requirements; and (iii) historic and architectural districts and corridor protection restrictions;

6. Owner occupancy of the ADU or the primary dwelling, but not both; and

7. That the ADU to be no more than 400 feet from the primary dwelling.

E. Localities shall not require the following:

1. Dedicated parking for the ADU, except that a locality shall not be obligated to issue additional parking permits for an ADU;

2. Rear or side setbacks for the ADU that are greater than the setback required for the primary dwelling, or four feet, whichever is less;

3. Consanguinity or affinity between the occupants of the ADU and the primary dwelling; and

4. Redundant water, sewer, or septic capacity for the ADU.

F. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.).

G. Nothing in this section shall be construed to restrict a locality's regulation of short-term rentals.

H. Nothing in this section shall apply to any existing permits for an ADU approved by the locality prior to January 1, 2025.

I. Nothing in this section shall apply to a locality that has adopted an ADU ordinance prior to January 1, 2024, if such ordinance permits attached and detached ADUs by right and does not require dedicated parking.

2. That the provisions of this act shall become effective on January 1, 2025.HOUSE
SUBSTITUTE

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