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SENATE BILL NO. 932

Offered January 8, 2025

Prefiled January 6, 2025

A BILL to amend the Code of Virginia by adding a section numbered 15.2-2292.3, relating to zoning; development and use of accessory dwelling units.

Patrons—Salim, Carroll Foy, Srinivasan and Stanley; Delegate: Simonds

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 15.2-2292.3 as follows:****§ 15.2-2292.3. Development and use of accessory dwelling units.**

A. As used in this section, "accessory dwelling unit" or "ADU" means a dwelling unit on a residential dwelling lot that is accessory to and within, attached to, or detached from the single-family dwelling that is the primary use on the lot.

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 \$500. This fee shall be in addition to any other applicable fees, including inspection, site, or building permit fees, that may be required in connection with the ADU. A locality shall issue the permit if the applicant demonstrates that the ADU complies with the requirements of this section and the local codes and ordinances referenced herein.

D. Localities may require the following:

1. No more than one ADU located on a lot with a single-family dwelling;
2. A lease term for the rental of an 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. Floor area, lot coverage, and impervious area of an ADU, in combination with the floor area, lot coverage, and impervious area of the primary dwelling unit, that does not exceed the allowable floor area, lot coverage, and impervious area for a single-family dwelling on the lot;

5. Compliance with (i) building codes, including the requirements of the Uniform Statewide Building Code (§ 36-97 et seq.), for an accessory dwelling unit if the ADU is attached or for a dwelling unit if the ADU is detached; (ii) water, sewer, septic, emergency access, flood zone, and stormwater requirements; (iii) historic and architectural districts and corridor protection restrictions; and (iv) Air Installations Compatible Use Zone restrictions;

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

7. No ADUs on a residential lot that has more than one dwelling unit;

8. No ADUs with a height that exceeds 80 percent of the allowable height for a single-family dwelling on the lot or the height of the primary dwelling;

9. No ADUs sold separately or subdivided from the primary dwelling; and

10. No ADUs located more than 500 feet from the primary dwelling.

E. Localities shall not require the following:

1. Dedicated parking for an ADU unless the ADU is located in a single-family zoning district with minimum lot sizes of less than 10,000 square feet;

2. Rear or side setbacks for an ADU that are greater than the setback required for the primary dwelling; or

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

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 apply to any existing permits for an ADU approved by the locality prior to July 1, 2026.

H. Nothing in this section shall be construed to restrict a locality's passage prior to July 1, 2026, of an

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58 *ADU ordinance, or a subsequent amendment thereof, that substantially complies with the requirements of*
59 *this section.*

60 *I. Nothing in this section shall apply to a locality that adopted an ADU ordinance prior to January 1,*
61 *2025, if such ordinance does not deem an attached or detached ADU to be a special use.*

62 **2. That the provisions of this act shall become effective on July 1, 2026.**