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HOUSE BILL NO. 816

House Amendments in [] - January 28, 2026

A BILL to amend the Code of Virginia by adding a section numbered 15.2-2286.2, relating to zoning; by-right multifamily development.

Patron Prior to Engrossment—Delegate Helmer

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2286.2 as follows:

§ 15.2-2286.2. *By-right multifamily residential development in areas zoned for commercial use.*

A zoning ordinance shall include provisions allowing for the by-right development and construction of multifamily residential uses [and mixed-use developments that include both residential and commercial uses] on at least 75 percent of all land contained in commercial or business zoning district classifications, including any land contained in commercial or business zoning district classifications that allow for the by-right development and construction of single-family residential uses. Such provisions shall not (i) apply in undeveloped areas that are covered by a tree canopy of at least 60 percent; (ii) impose more stringent land use requirements for such development than would otherwise be required in such commercial or business zoning district classifications; [or] (iii) require that a special exception, special use, or conditional use permit be obtained for such development [; (iv) require a lower height than the greater of the height of the tallest existing building within 500 feet or the height that would otherwise be allowed; (v) require more than one parking space per unit; (vi) require larger setbacks than the existing building in the locality with the smallest setbacks; or (vii) require more costly amenities or design features for buildings approved under this section than would otherwise be required for multifamily or mixed-use buildings. A locality shall allow, at a minimum, the greater of (a) the highest number of units per acre and floor area ratio that already exists in the locality or (b) the number of units per acre and floor area ratio that would otherwise be allowed]. The review and approval of such development shall be done administratively by the locality's staff.

B. A zoning ordinance shall include provisions that exempt any existing building that is proposed to be converted to multifamily residential use pursuant to this section from any setback, height, or frontage requirements, provided that the existing building's floor area, height, and setbacks do not change.

C. A zoning ordinance [may shall not] include provisions that require any residential development proposed pursuant to the authority granted in this section to dedicate all available ground floor space or a percentage thereof to commercial uses.

D. Any residential development proposed pursuant to the authority granted in this section that dedicates a minimum of 10 percent of the total number of housing units to affordable housing may be offered application incentives, such as waiving or reducing fees or expedited processing, for rezoning, subdivision, or site plan approval.

E. Once a multifamily residential development has been approved in a commercial or business zoning district pursuant to this section, a locality shall not approve a commercial or business use on property that is adjacent to the multifamily residential development that is different from the use that had been established at the time such multifamily residential development was approved. However, nothing in this section shall be construed to impair any vested rights established pursuant to § 15.2-2307.

F. Nothing in this section shall relieve a developer of a multifamily residential development from the obligation to provide any infrastructure improvements necessary to support such development.

G. Nothing in this section shall be construed to supersede, limit, or affect a locality's development restrictions or caps on residential density for any properties located within the Air Installation Compatible Use Zones footprint in any locality in which a United States military air installation or an auxiliary landing field used in connection with flight operations arising from a master jet base is located.