

SENATE BILL NO. 454

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Local Government

on _____)

(Patron Prior to Substitute—Senator VanValkenburg)

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

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. The provisions of this section shall apply to any parcel located within a city or town having a population of more than 20,000 that has adopted a zoning ordinance pursuant to § 15.2-2280 or any parcel located within a designated metropolitan planning area pursuant to 23 C.F.R. § 450.310.

B. Notwithstanding any provision of law, general or special, local ordinance, regulation, or policy to the contrary, a zoning ordinance shall permit multifamily and mixed-use residential development as a by-right use in not less than 75 percent of the aggregate land area in all zoning district classifications that permit commercial or business uses as by-right uses, including those zoning district classifications that also permit single-family uses by-right. Any application for a proposed development authorized pursuant to this section shall be reviewed and acted upon administratively in accordance with the provisions of §§ 15.2-2259 and 15.2-2260.

C. For any development authorized pursuant to this section, a locality shall not (i) condition the submission, processing, or approval of any site plan or subdivision plat for such development upon the approval of a rezoning, conditional use permit, special use permit, special exception, or other discretionary approval; (ii) impose more stringent land use requirements or development standards for such development than would otherwise be required within the underlying zoning district classification in which the subject property is located; (iii) impose a maximum building height that is less than the height of the tallest existing building within 500 feet of the subject property or the maximum building height otherwise permitted in the underlying zoning district classification in which the subject property is located, whichever is greater; (iv) impose a maximum residential density or floor area ratio that is less than the highest existing within 500 feet of the subject property or the highest otherwise permitted in the underlying zoning district classification in which the subject property is located, whichever is greater; or (v) require that any portion of a building authorized for development pursuant to this section include commercial uses or impose a minimum floor area

33 *or percentage of floor area that is required to be devoted to such uses.*

34 *D. A locality shall not require any existing building that is proposed to be converted to multifamily*
35 *residential use pursuant to this section to comply with setback, height, or frontage requirements otherwise*
36 *required for such use, provided that the existing building's footprint, height, and setbacks are not changed.*

37 *E. Notwithstanding the provisions of subsection A, the provisions of this section shall not apply to any*
38 *parcel (i) with an existing tree canopy coverage of at least 60 percent or (ii) located within the Air*
39 *Installation Compatible Use Zones footprint in any locality in which a United States military air installation*
40 *or an auxiliary landing field used in connection with flight operations arising from a master jet base is*
41 *located.*

42 *F. Nothing in this section shall be construed to prohibit or limit the development of commercial or*
43 *business developments otherwise permitted in the underlying zoning district classification.*

44 **2. That the provisions of this act shall become effective on January 1, 2027.**