

1 HOUSE BILL NO. 816  
2 AMENDMENT IN THE NATURE OF A SUBSTITUTE  
3 (Proposed by the Senate Committee on Local Government  
4 on \_\_\_\_\_)  
5 (Patron Prior to Substitute—Delegate Helmer)

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

8 **Be it enacted by the General Assembly of Virginia:**

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

10 ***§ 15.2-2286.2. By-right multifamily residential development in areas zoned for commercial use.***

11 *A. The provisions of this section shall apply to any parcel located within a city or town having a*  
12 *population of more than 20,000 that has adopted a zoning ordinance pursuant to § 15.2-2280 or any parcel*  
13 *located within a designated metropolitan planning area pursuant to 23 C.F.R. § 450.310. The provisions of*  
14 *this section shall not apply to any parcel located within a (i) designated metropolitan planning area and (ii)*  
15 *town having a population of less than 7,500.*

16 *B. Notwithstanding any provision of law, general or special, local ordinance, regulation, or policy to the*  
17 *contrary, a zoning ordinance shall permit multifamily and mixed-use residential development as a by-right*  
18 *use in not less than 50 percent of the aggregate land area of all zoning district classifications that (i) permit*  
19 *commercial or business uses as by-right uses and (ii) are served by public water and sewer or are located*  
20 *within an area designated for public water and sewer service in the locality's comprehensive plan. Any*  
21 *development application for a multifamily or mixed-use residential development authorized pursuant to this*  
22 *section shall be subject to any ordinance adopted by the locality pursuant to Article 6 (§ 15.2-2240 et seq.),*  
23 *except if otherwise provided in this section, and shall be reviewed and acted upon administratively in*  
24 *accordance with the applicable provisions of §§ 15.2-2258 and 15.2-2261.*

25 *C. For any development application for a multifamily or mixed-use residential development authorized*  
26 *pursuant to this section, no locality shall (i) condition the submission, processing, or approval of any site*  
27 *plan or subdivision plat for such development upon the approval of a rezoning, conditional use permit,*  
28 *special use permit, special exception, or other discretionary approval, except as may otherwise be required*  
29 *for (a) development in an area designated for steep slope mountain development or (b) approval by a review*  
30 *board or, on appeal, the governing body, as being architecturally compatible with the historic landmarks,*  
31 *buildings, or structures within a historic district established pursuant to § 15.2-2306; (ii) impose more*  
32 *stringent land use requirements or development standards for such development than would otherwise be*

33 *required within the underlying zoning district classification in which the subject property is located; (iii)*  
34 *impose a maximum building height that is less than the maximum building height otherwise permitted in the*  
35 *underlying zoning district classification in which the subject property is located; (iv) impose a maximum*  
36 *residential density or floor area ratio that is less than the highest otherwise permitted in the underlying*  
37 *zoning district classification in which the subject property is located; or (v) require that any portion of a*  
38 *building authorized for development pursuant to this section include commercial uses or impose a minimum*  
39 *floor area or percentage of floor area that is required to be devoted to such uses.*

40 *D. No locality shall require any existing building that is proposed to be converted to multifamily or*  
41 *mixed-use development pursuant to this section to comply with setback, height, stepback, or frontage*  
42 *requirements otherwise required for such use, provided that the existing building's footprint, height, and*  
43 *setbacks are not changed.*

44 *E. The provisions of this section shall not apply to any parcel (i) with an existing tree canopy coverage of*  
45 *at least 60 percent; (ii) located within the Air Installation Compatible Use Zones established by the*  
46 *governing body of a locality in which a United States military air installation or an auxiliary landing field*  
47 *used in connection with flight operations arising from a master jet base is located; (iii) located adjacent to a*  
48 *United States military installation where the governing body has determined that, to protect critical military*  
49 *readiness and operational safety, it is necessary to acquire property or development rights, convert the*  
50 *property to a compatible use, or prohibit new uses or development incompatible with the operations of such*  
51 *installation; (iv) zoned for heavy industrial or heavy manufacturing uses, as such terms may be defined in the*  
52 *locality's zoning ordinance; (v) that is designated, listed, or deemed a Business Ready Site or Certified Site*  
53 *by the Virginia Economic Development Partnership Authority; or (vi) identified as the proposed location of a*  
54 *casino gaming establishment that has been approved by the voters of an eligible host city in a referendum*  
55 *and for which an initial license to operate a gaming operation has been granted by the Virginia Lottery*  
56 *Board pursuant to Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, as of July 1, 2026, or any parcel located*  
57 *within one mile of the property line of such proposed location. For the purposes of this subsection, "heavy*  
58 *industrial uses" and "heavy manufacturing uses" shall not include administrative, business, or professional*  
59 *office uses, or other supporting commercial or institutional uses, that are conducted entirely within enclosed*  
60 *buildings, do not generate excessive noise, vibrations, odor, or air pollutants, and do not require outdoor*  
61 *storage of materials or equipment.*

62 *F. Notwithstanding any provision of law to the contrary, nothing in this section shall be construed to (i)*  
63 *preclude a locality from adopting, administering, or enforcing an ordinance adopted in accordance with*

64 § 15.2-2306; (ii) limit or otherwise affect any authority, power, or duty conferred under Chapter 22 (§ 10.1-  
65 2200 et seq.) of Title 10.1; (iii) exempt any building or structure subject to this section from compliance with  
66 the applicable provisions of the Uniform Statewide Building Code (§ 36-97 et seq.); or (iv) preclude a  
67 locality from adopting or enforcing airport safety zoning ordinances pursuant to § 15.2-2294 or aircraft  
68 noise attenuation regulations, including the establishment of noise overlay zones, pursuant to § 15.2-2295.

69 G. All site plans and subdivision plats for development authorized pursuant to this section shall comply  
70 with the applicable provisions of the State Water Control Law (§ 62.1-44.2 et seq.), regulations adopted  
71 pursuant thereto, and local ordinances adopted to implement the requirements thereof.

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