

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 15.2-2292.3, relating to zoning;*
 3 *development and use of accessory dwelling units.*

4 [S 531]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 15.2-2292.3 as follows:**8 **§ 15.2-2292.3. *Development and use of accessory dwelling units.***9 *A. As used in this section, "accessory dwelling unit" or "ADU" means an attached or detached dwelling*
 10 *unit on a residential dwelling lot that:*11 *1. Provides complete independent living facilities for one or more individuals;*12 *2. Is located on the same lot as a proposed or existing primary residence; and*13 *3. Includes facilities for living, sleeping, eating, cooking, and sanitation.*14 *B. Zoning ordinances for single-family residential zoning districts shall be deemed to include accessory*
 15 *dwelling units as a permitted accessory use, and no locality shall require compliance with any other*
 16 *requirements except as provided in this section.*17 *C. Any person proposing an ADU shall first obtain an ADU permit from the locality, for which the*
 18 *locality may charge a fee of no more than \$500. Such fee shall be in addition to any other applicable fees,*
 19 *including inspection, site, or building permit fees, that may be required in connection with the ADU. A*
 20 *locality shall issue the permit if the applicant demonstrates that the ADU complies with the requirements of*
 21 *this section and the local codes and ordinances referenced herein.*22 *D. Localities may require the following:*23 *1. A lease term for the rental of an ADU of 30 consecutive days or longer;*24 *2. Replacement of a primary dwelling's required parking if the construction of the ADU eliminates such*
 25 *parking;*26 *3. Dedicated parking for the ADU;*27 *4. Limits on floor area, lot coverage, and impervious area of an ADU of no less than (i) 350 square feet*
 28 *on lots less than 2,500 square feet and (ii) 500 square feet on lots 2,500 square feet or greater;*29 *5. Compliance with (i) building codes, including the requirements of the Uniform Statewide Building*
 30 *Code (§ 36-97 et seq.), for an accessory dwelling unit if the ADU is attached or for a dwelling unit if the*
 31 *ADU is detached; (ii) water, sewer, septic, emergency access, flood zone, and stormwater requirements; (iii)*
 32 *historic and architectural districts and corridor protection restrictions; and (iv) Air Installations Compatible*
 33 *Use Zone restrictions;*34 *6. Owner occupancy of the ADU or the primary dwelling, but not both, only at the time an application is*
 35 *submitted to construct or convert an accessory dwelling unit;*36 *7. That the ADU shall be no more than 500 feet from the primary dwelling;*37 *8. No ADUs on a residential lot that has more than one dwelling unit; and*38 *9. No ADUs sold separately or subdivided from the primary dwelling.*39 *E. Localities shall not require the following:*40 *1. Rear or side setbacks for the ADU that are greater than the setback required for the primary dwelling*
 41 *or the setback required for accessory structures on the residential lot, whichever is less;*42 *2. Restrictions for ADUs that are more restrictive than those for single-family dwellings within the same*
 43 *zoning area with regard to height, rear or side setbacks, lot size or coverage, or building frontage;*44 *3. A restrictive covenant concerning an ADU on a lot or parcel zoned for residential use by a single-*
 45 *family dwelling;*46 *4. Improvements to public streets as a condition of allowing an ADU, except as necessary to reconstruct*
 47 *or repair a public street that is disturbed as a result of the construction of the ADU; or*48 *5. Consanguinity or affinity between the occupants of an ADU and the primary dwelling.*49 *F. Nothing in this section shall be construed to supersede or limit contracts or agreements between or*
 50 *among individuals or private entities related to the use of real property, including recorded declarations and*
 51 *covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia*
 52 *Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in*
 53 *§ 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate*
 54 *Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association created pursuant*
 55 *to the Property Owners' Association Act (§ 55.1-1800 et seq.).*56 *G. Nothing in this section shall apply to any existing permits for an ADU approved by the locality prior to*

57 July 1, 2027.

58 *H. Nothing in this section shall be construed to restrict a locality's passage prior to July 1, 2027, of an*
59 *ADU ordinance, or a subsequent amendment thereof, that substantially complies with the requirements of*
60 *this section.*

61 *I. Nothing in this section shall apply to a locality that adopted an ADU ordinance prior to January 1,*
62 *2026.*

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