

23104025D

HOUSE BILL NO. 2100

Offered January 11, 2023

Prefiled January 10, 2023

A *BILL to amend the Code of Virginia by adding a section numbered 15.2-2292.2, relating to accessory dwelling units.*

Patron—Hudson

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 15.2-2292.2 as follows:

§ 15.2-2292.2. Development and use of accessory dwelling units.

A. As used in this section, unless the context requires a different meaning:

"Accessory dwelling unit" or "ADU" means an independent dwelling unit on a single-family dwelling (SFD) lot with its own living, bathroom, and kitchen space. An "ADU" may be within or attached to an SFD or in a detached structure on a lot containing an SFD. An "ADU" may include, but is not limited to, basements, attics, flats, guest houses, cottages, and converted structures such as garages and sheds.

B. Localities:

1. Shall permit owners of land where an SFD is permitted to build an ADU if one does not already exist;

2. Shall allow ADUs to be built before, after, or concurrently with the primary dwelling;

3. Shall not enact an owner occupancy requirement on a lot with a primary dwelling and an ADU. An owner may occupy either the primary dwelling or the ADU and may rent either the primary dwelling or the ADU, or both;

4. Shall not require parking for ADUs, although localities may require that a property owner replace parking required for the principal dwelling unit if the ADU construction eliminates preexisting parking;

5. Shall not require a minimum lot size for an ADU that is larger than the minimum lot size required for a single-family house in a given district;

6. Shall not require side or rear setbacks for ADUs larger than five feet;

7. Shall not prevent a homeowner from converting an existing structure to an ADU by requiring setbacks larger than the current structure's setbacks;

8. Shall not apply local growth restriction rules or density limitations to ADUs;

9. Shall not set limits on the square footage of ADUs other than preventing them from being larger than the primary dwelling unit, provided that other limitations on massing are met;

10. Shall not charge impact fees for any ADU less than 750 square feet in size. Any impact fees charged for an ADU of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit; and

11. Shall enforce local requirements and limits on height, front setback, lot coverage, site plan review, and other zoning requirements generally applicable to residential construction for the zone where the ADU will be built, unless otherwise prohibited.

C. An ADU shall not be permitted in cases where it would violate historic preservation rules, deed restrictions, or property owners' association rules.

INTRODUCED

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