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2 **AMENDMENT IN THE NATURE OF A SUBSTITUTE**
3 (Proposed by the House Committee on Counties, Cities and Towns
4 on February 2, 2024)
5 (Patron Prior to Substitute—Delegate Srinivasan)
6 *A BILL to amend the Code of Virginia by adding a section numbered 15.2-2292.2, relating to zoning;*
7 *development and use of accessory dwelling units.*
8 **Be it enacted by the General Assembly of Virginia:**
9 **1. That the Code of Virginia is amended by adding a section numbered 15.2-2292.2 as follows:**
10 *§ 15.2-2292.2. Development and use of accessory dwelling units.*
11 *A. As used in this section "accessory dwelling unit" or "ADU" means an independent dwelling unit*
12 *on a residential dwelling lot with its own living, bathroom, and kitchen space. An ADU may be within*
13 *or attached to a single-family dwelling unit or in a detached structure on a lot containing a*
14 *single-family dwelling.*
15 *B. Zoning ordinances for single-family residential zoning districts shall be deemed to include*
16 *accessory dwelling units as a permitted accessory use, and no locality shall require a special use permit*
17 *for an ADU or compliance with any other requirements except as provided in this section.*
18 *C. Any person proposing an ADU shall first obtain an ADU permit from the locality, for which the*
19 *locality may charge a fee of no more than $250. A locality shall issue the permit if the applicant*
20 *demonstrates that the ADU complies with the requirements outlined in this section.*
21 *D. Localities may require the following:*
22 *1. No more than one ADU to be located on a lot with a single-family dwelling;*
23 *2. A lease term for the rental of such ADU of 30 consecutive days or longer;*
24 *3. Replacement of a primary dwelling's required parking if the construction of the ADU eliminates*
25 *such parking;*
26 *4. Square footage of the ADU to not exceed 1500 square feet or 50 percent of the primary dwelling's*
27 *square footage, whichever is less;*
28 *5. Compliance with (i) building codes; (ii) water, sewer, septic, emergency access, and stormwater*
29 *requirements; and (iii) historic and architectural districts and corridor protection restrictions;*
30 *6. Owner occupancy of the ADU or the primary dwelling, but not both; and*
31 *7. That the ADU to be no more than 400 feet from the primary dwelling.*
32 *E. Localities shall not require the following:*
33 *1. Dedicated parking for the ADU, except that a locality shall not be obligated to issue additional*
34 *parking permits for an ADU;*
35 *2. Rear or side setbacks for the ADU that are greater than the setback required for the primary*
36 *dwelling, or four feet, whichever is less;*
37 *3. Consanguinity or affinity between the occupants of the ADU and the primary dwelling; and*
38 *4. Redundant water, sewer, or septic capacity for the ADU.*
39 *F. Nothing in this section shall be construed to supersede or limit contracts or agreements between*
40 *or among individuals or private entities related to the use of real property, including recorded*
41 *declarations and covenants, the provisions of condominium instruments of a condominium created*
42 *pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest*
43 *community as defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to*
44 *the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners'*
45 *association created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.).*
46 *G. Nothing in this section shall be construed to restrict a locality's regulation of short-term rentals.*
47 *H. Nothing in this section shall apply to any existing permits for an ADU approved by the locality*
48 *prior to January 1, 2025.*
49 *I. Nothing is this section shall apply to a locality that has adopted an ADU ordinance prior to*
50 *January 1, 2024, if such ordinance permits attached and detached ADUs by right and does not require*
51 *dedicated parking.*
52 **2. That the provisions of this act shall become effective on January 1, 2025.**