Code of Virginia
Title 15.2. Counties, Cities and Towns
Subtitle II. Powers of Local Government
Chapter 22. Planning, Subdivision of Land and Zoning
Article 7. Zoning

§ 15.2-2292.4. (Effective July 1, 2027) Development and use of accessory dwelling units

A. As used in this section, "accessory dwelling unit" or "ADU" means an attached or detached dwelling unit on a residential dwelling lot that:

1. Provides complete independent living facilities for one or more individuals;

2. Is located on the same lot as a proposed or existing primary residence; and

3. Includes facilities for living, sleeping, eating, cooking, and sanitation.

B. Zoning ordinances for single-family residential zoning districts shall be deemed to include accessory dwelling units as a permitted accessory use, and no locality shall require compliance with any other requirements except as provided in this section.

C. Any person proposing an ADU shall first obtain an ADU permit from the locality, for which the locality may charge a fee of no more than $500. Such fee shall be in addition to any other applicable fees, including inspection, site, or building permit fees, that may be required in connection with the ADU. A locality shall issue the permit if the applicant demonstrates that the ADU complies with the requirements of this section and the local codes and ordinances referenced herein.

D. Localities may require the following:

1. A lease term for the rental of an ADU of 30 consecutive days or longer;

2. Replacement of a primary dwelling's required parking if the construction of the ADU eliminates such parking;

3. Dedicated parking for the ADU;

4. Limits on floor area, lot coverage, and impervious area of an ADU of no less than (i) 350 square feet on lots less than 2,500 square feet and (ii) 500 square feet on lots 2,500 square feet or greater;

5. Compliance with (i) building codes, including the requirements of the Uniform Statewide Building Code (§ 36-97 et seq.), for an accessory dwelling unit if the ADU is attached or for a dwelling unit if the ADU is detached; (ii) water, sewer, septic, emergency access, flood zone, and stormwater requirements; (iii) historic and architectural districts and corridor protection restrictions; and (iv) Air Installations Compatible Use Zone restrictions;

6. Owner occupancy of the ADU or the primary dwelling, but not both, only at the time an application is submitted to construct or convert an accessory dwelling unit;

7. That the ADU shall be no more than 500 feet from the primary dwelling;

8. No ADUs on a residential lot that has more than one dwelling unit; and

9. No ADUs sold separately or subdivided from the primary dwelling.

E. Localities shall not require the following:

1. Rear or side setbacks for the ADU that are greater than the setback required for the primary dwelling or the setback required for accessory structures on the residential lot, whichever is less;

2. Restrictions for ADUs that are more restrictive than those for single-family dwellings within the same zoning area with regard to height, rear or side setbacks, lot size or coverage, or building frontage;

3. A restrictive covenant concerning an ADU on a lot or parcel zoned for residential use by a single-family dwelling;

4. Improvements to public streets as a condition of allowing an ADU, except as necessary to reconstruct or repair a public street that is disturbed as a result of the construction of the ADU; or

5. Consanguinity or affinity between the occupants of an ADU and the primary dwelling.

F. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.).

G. Nothing in this section shall apply to any existing permits for an ADU approved by the locality prior to July 1, 2027.

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

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

2026, c. 895.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.