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SENATE BILL NO. 454
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Local Government)
(Patron Prior to Substitute—Senator VanValkenburg)

Senate Amendments in [] - February 5, 2026

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

Be it enacted by the General Assembly of Virginia:

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

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

A. The provisions of this section shall apply to any parcel located within a city or town having a population of more than 20,000 that has adopted a zoning ordinance pursuant to § 15.2-2280 or any parcel located within a designated metropolitan planning area pursuant to 23 C.F.R. § 450.310, **excluding any town within such metropolitan planning area having a population of fewer than 7,500.**

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

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

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

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

E. **The** provisions of this section shall not apply to any parcel: (i) with an existing tree canopy coverage of at least 60 percent; (ii) located within the Air Installation Compatible Use Zones **established by the governing body of** a locality in which a United States military air installation or an auxiliary landing field used in connection with flight operations arising from a master jet base is located; (iii) **adjacent to a United States military installation, where the governing body has determined that, to protect critical military readiness and operational safety, it is necessary to acquire property or development rights, convert the property to a compatible use, or prohibit new uses or development incompatible with the operations of such installation;** (iv) **zoned for heavy industrial or heavy manufacturing uses, as such terms may be defined in the locality's zoning ordinance. For purposes of this section, heavy industrial or heavy manufacturing uses shall not include administrative, business, or professional offices, or other supporting commercial or institutional uses, that are conducted entirely within enclosed buildings, do not generate excessive noise, vibrations, odor, or air pollutants, and do not require outdoor storage of materials or equipment;** (v) that is designated, listed, or deemed a Business Ready Site or Certified Site by the Virginia Economic Development Partnership; or (vi) **identified as the proposed location of the casino gaming establishment on the ballot in a referendum approved by a majority of those voting pursuant to § 58.1-4123 in an eligible host city as defined in § 58.1-4100, and for which an initial license to operate a gaming operation has been issued by the Department pursuant to § 58.1-4123, as of July 1, 2026, or any parcel located within one mile of the property line of such location.**

F. **Notwithstanding any provision of this section to the contrary, nothing in this section shall be construed to: (i) preclude a locality from adopting, administering, or enforcing an ordinance adopted in accordance with § 15.2-2306; (ii) limit or otherwise affect the authority of the Board of Historic Resources to designate a historic district, building, structure, or site as a historic landmark, or the authority of the Director to nominate property to the National Park Service for listing in the National Register of Historic Places or for designation as a National Historic Landmark, or any other powers or duties conferred under Chapter 22 (§ 10.1-2200 et seq.) of**

Title 10.1; (iii) exempt any building or structure subject to this section from compliance with the applicable provisions of the Virginia Uniform Statewide Building Code (§ 36-97); or (iv) preclude a locality from adopting or enforcing airport safety zoning ordinances pursuant to § 15.2-2294 or aircraft noise attenuation regulations, including the establishment of noise overlay zones, pursuant to § 15.2-2295.

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

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