

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4732

By Delegate Young

[Introduced January 22, 2026; referred to the
Committee on Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section
2 designated §8A-7-14, relating to zoning ordinances; providing definitions; prohibiting
3 municipalities from adopting certain regulations in relation to accessory dwelling units;
4 providing criteria and guidelines for zoning regulations; and providing an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. ZONING ORDINANCE.

§8A-7-14. Accessory dwelling units; regulations; restrictions.

1 (a) Notwithstanding any other provision of this code to the contrary:

2 (1) A municipality shall adopt regulations under this section that allow a minimum of one
3 accessory dwelling unit by right on a lot or parcel that contains a single-family dwelling.

4 (2) An accessory dwelling unit may be attached, detached, or internal to the single-family
5 dwelling on a lot or parcel.

6 (3) If the accessory dwelling unit is detached from or attached to the single-family dwelling,
7 it may not be more than 75% of the gross floor area of the single-family dwelling or 1,000 square
8 feet, whichever is less.

9 (b) A municipality may not:

10 (1) Require that a lot or parcel have additional parking to accommodate an accessory
11 dwelling unit or require fees in lieu of additional parking;

12 (2) Require that an accessory dwelling unit match the exterior design, roof pitch, or
13 finishing materials of the single-family dwelling;

14 (3) Require that the single-family dwelling or the accessory dwelling unit be occupied by
15 the owner;

16 (4) Require a familial, marital, or employment relationship between the occupants of the
17 single-family dwelling and the occupants of the accessory dwelling unit;

18 (5) Assess impact fees on the construction of an accessory dwelling unit;

19 (6) Require improvements to public streets as a condition of permitting an accessory

dwelling unit, except as necessary to reconstruct or require a public street that is disturbed as a result of the construction of the accessory dwelling unit;

(7) Set maximum building heights, minimum setback requirements, minimum lot sizes, maximum lot coverages, or minimum building frontages for accessory dwelling units that are more restrictive than those for the single-family dwelling on the lot;

(8) Impose more onerous development standards on an accessory dwelling unit beyond those set forth in this section; or

(9) Require a restrictive covenant concerning an accessory dwelling unit on a parcel zoned for residential use by a single-family dwelling. This subsection may not be construed to prohibit restrictive covenants concerning accessory dwelling units to be entered between private parties, but the municipality may not condition a permit, license, or use of an accessory dwelling unit on the adoption or implementation of a restrictive covenant entered into between private parties.

(c) Nothing in this section prohibits a municipality from regulating short-term rentals.

(d) A municipality may require a fee for reviewing applications to create accessory dwelling units. The one-time application fee may be up to \$250 for each accessory dwelling unit. Nothing in this section prohibits a municipality from requiring its usual building fees in addition to the application fee.

(e) A municipality that has not adopted or amended regulations pursuant to this section by January 1, 2027, shall review and permit accessory dwelling units in accordance with the requirements of this section until regulations are adopted or amended. Regulations in effect on or after January 1, 2027, that apply to the accessory dwelling units and do not comply with this section are void.

(f) The provisions of this section do not supersede applicable building codes, fire codes, or public health and safety regulations.

(g) A municipality may require an accessory dwelling unit to have a will-serve letter from both a municipal water system and a municipal sewer system.

(h) Nothing in this section prohibits a municipality from adopting regulations that are more permissive than the accessory dwelling unit provisions provided in this section.

(i) For the purposes of this section:

"Accessory dwelling unit" means a self-contained dwelling unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies with or is otherwise exempt from any applicable building code, fire code, and public health and safety regulations.

"By right" means the ability to be approved without requiring:

(A) A public hearing;

(B) A variance, conditional use permit, special permit, or special exception; or

(C) Other discretionary zoning action other than a determination that a site plan conforms with applicable zoning regulations;

"Gross floor area" means the interior habitable area of a single-family dwelling or an accessory dwelling unit;

"Municipality" means an incorporated city, town, or consolidated city-county that exercises zoning powers under this section; and

"Single-family dwelling" means a building with one or more rooms designed for residential living purposes by one household that is detached from any other dwelling unit.

(j) *Criteria and guidelines for zoning regulations –*

(1) Zoning regulations must be made in accordance with the growth policy; and

(2) Designed to:

(A) Secure safety from fire and other dangers;

(B) Promote public health, public safety, and general welfare; and

(C) Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other requirements;

(3) In the adoption of zoning regulations, the municipality or county shall consider:

72 (A) Reasonable provision of adequate light and air;

73 (B) The effect on motorized and nonmotorized transportation systems;

74 (C) Compatible urban growth in the vicinity of cities and towns that at a minimum must
75 include the areas around municipalities;

76 (D) The character of the district and its peculiar suitability for particular uses; and

77 (E) Conserving the value of buildings and encouraging the most appropriate use of land
78 throughout the jurisdictional area.

79 (4) Zoning regulations must:

80 (A) As nearly as possible, be made compatible with the zoning ordinances of nearby
81 municipalities;

82 (B) Allow for at least one accessory dwelling unit as a permitted use on at least 35% of the
83 lots or parcels zoned for residential use; and

84 (C) Ensure manufactured housing as defined in §21-9-2 of this code is treated the same as
85 other types of conventional housing allowed in a zoning district.

86 (5) An accessory dwelling unit:

87 (A) May be 75% of the square footage of the primary dwelling;

88 (B) May not be considered to exceed the allowable density for the lot or parcel where it is
89 located; and

90 (C) Must be considered a residential use consistent with the existing growth policy and
91 zoning regulations for the lot or parcel.

92 (6) Zoning regulations may not include a requirement to:

93 (A) Pay a fee for the purpose of providing housing for specified income levels or at
94 specified sale prices;

95 (B) Dedicate real property for the purpose of providing housing for specified income levels
96 or at specified sale prices, except to provide for accessible parking spaces, provide minimum
97 parking space requirements for accessory dwelling units;

- 98 (C) Implement a minimum lot size for a parcel or lot with an accessory dwelling unit that is
99 larger than the minimum lot size for other single-family dwellings or townhouses in the same
100 zoning district;
- 101 (D) Implement setback requirements;
- 102 (E) That are in addition to existing setback requirements for an accessory dwelling unit that
103 utilizes an existing structure or that is constructed in the same location and with the same
104 dimensions as an existing structure;
- 105 (F) For an accessory dwelling unit that are greater than the setback requirements for the
106 primary dwelling;
- 107 (G) Establish owner occupancy requirements for any dwelling on a lot or parcel that
108 contains one or more accessory dwelling units; or
- 109 (H) Establish owner occupancy requirements for any dwelling on a lot or parcel that
110 contains one or more dwelling units.
- 111 (7) A dedication of real property as prohibited in §8A-7-15(e)(2) of this code includes a
112 payment or other contribution to a local housing authority or the reservation of real property for
113 future development of housing for specified income levels or specified sales prices.
- 114 (8) As used in this section, "accessory dwelling unit" has the meaning provided in §8A-7-14
115 of this code.
- 116 (9) This section shall take effect on January 1, 2027.

NOTE: The purpose of this bill is to revise municipal zoning laws to allow for accessory dwelling units; require municipalities to adopt certain regulations in relation to accessory dwelling units; prohibit certain regulations in relation to accessory dwelling units; allow a municipality to charge a fee to review applications to create accessory dwelling units; and establish zoning regulation criteria and guidelines.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.