

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2117

BY DELEGATE PYLES

[Introduced January 9, 2019; Referred
to the Committee on Political Subdivisions then
Government Organization.]

1 A BILL to amend and reenact §8-26A-3 of the Code of West Virginia, 1931, as amended, relating
 2 to the approval of an appropriate historic landmarks commission for certain municipal
 3 planning commission projects within a historic district designated by listing on the National
 4 Register of Historic Places.

Be it enacted by the Legislature of West Virginia:

ARTICLE 26A. MUNICIPAL AND COUNTY HISTORIC LANDMARKS COMMISSIONS.

§8-26A-3. Legislative intent; conflict between regulations of zoning district and historic district and properties; required approval.

1 (a) The historic district and property regulation provided in this article is intended to
 2 identify, study, preserve and protect historic buildings and structures, sites and districts, some of
 3 which are located in zoning districts. Historic properties and districts lying within the boundaries
 4 of a zoning district are subject to the regulations for both the zoning district and historic district
 5 and properties. If there is a conflict between the requirements of the zoning district and the
 6 requirements of the historic district or property, the zoning district requirements apply.

1 (b) Notwithstanding §8-26A-3(a) of this code, when a municipal planning commission
 2 proposes demolition or construction projects within a historic district designated by listing on the
 3 National Register of Historic Places or a project affecting individual properties listed, it must
 4 secure the approval of the historic landmarks commission, if one exists.

NOTE: The purpose of this bill is to require the approval of the Historic Landmarks Commission for certain Municipal Planning Commission projects within a historic district designated by listing on the National Register of Historic Places.

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