

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

House Bill 5630

By Delegates Flanigan, Pritt, Mallow, Shamblin,

Stephens, G. Ward, and Holstein

[Introduced February 16, 2026; referred to the

Committee on Government Organization]

1 A BILL to amend and reenact §8A-7-8 of the Code of West Virginia, 1931, as amended, relating to
2 providing notice for amendments to a zoning ordinance.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. ZONING ORDINANCE.

§8A-7-8. Amendments to the zoning ordinance by the governing body.

1 (a) Before amending the zoning ordinance, the governing body with the advice of the
2 planning commission, must find that the amendment is consistent with the adopted
3 comprehensive plan. If the amendment is inconsistent, then the governing body with the advice of
4 the planning commission, must find that there have been major changes of an economic, physical,
5 or social nature within the area involved which were not anticipated when the comprehensive plan
6 was adopted and those changes have substantially altered the basic characteristics of the area.

7 (b) When a proposed amendment to the zoning ordinance involves a change in the zoning
8 map classification of any parcel of land, or a change to the applicable zoning ordinance text
9 regulations that changes the allowed dwelling unit density of any parcel of land, the governing
10 body shall, at least thirty days prior to the enactment of the proposed amendment if there is not an
11 election, or at least thirty days prior to an election on the proposed amendment to the zoning
12 ordinance:

13 (1) Give written notice by certified mail to the landowner(s) whose property is directly
14 involved in the proposed amendment to the zoning ordinance; and

15 (2) Publish notice of the proposed amendment to the zoning ordinance in a local
16 newspaper of general circulation in the area affected by the zoning ordinance, as a Class II-0 legal
17 advertisement, in accordance with the provisions of ~~article three, chapter fifty-nine of this code~~
18 §59-3-1 et seq. of this code.

19 (c) Alternatives to Certified Mail. In lieu of notice by certified mail provisions set forth in
20 §8A-7-8(b)(1) of this code, the municipality or county may satisfy individual notice requirements by
21 any combination of the following methods: *Provided*, That such methods are reasonably

22 calculated to reach affected landowners, the intent of which is to reduce administrative burden and
23 public cost while maintaining meaningful notice and public participation in the zoning amendment
24 process:

25 (1) Regular First-Class Mail. Regular first-class mail addressed to the landowner of record
26 as listed in the most recent property tax assessment;

27 (2) Electronic Mail Notices; Electronic mail notice to any landowner who has voluntarily
28 provided an e-mail address to the municipality or county for receipt of official notices;

29 (3) Public Posting. Public posting of the notice on the municipality's or county's official
30 website and in at least three public locations within the affected zoning district-; and,

31 (4) Publication of a summary of the proposed amendment to the zoning ordinance in a
32 local newspaper of general circulation in the area affected by the zoning ordinance.

33 (i) As a Class II-0 legal advertisement in accordance with the provisions of §59-3-1 et seq.
34 of this code at least 30 days prior to the planning commission's public hearing on the proposed
35 amendment; and

36 (ii) As a Class II-0 legal advertisement in accordance with the provisions of §59-3-1 et seq.
37 of this code at least 30 days prior to the governing body's public hearing and enactment of the
38 proposed amendment.

39 (5) Affidavit of Notice. an affidavit by the president of the planning commission, in the case
40 of the planning commission's legal advertisement and the governing body's clerk, in the case of
41 the governing body's legal advertisement, attesting to compliance with this section shall be
42 deemed prima facie evidence of proper notice.

43 (6) Effect of Substantial Compliance. Failure of a landowner to receive actual notice shall
44 not invalidate the proceeding: *Provided*, That the municipality or county has substantially complied
45 with the notice requirements of this section.