

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Introduced**

### **House Bill 4702**

BY Delegate Holstein

Introduced January 21, 2026; referred to the

Committee on Government Organization

<b>FISCAL NOTE</b>
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- 1 A BILL to amend and reenact §8A-7-2 of the Code of West Virginia, 1931, as amended, relating to  
2 removing minimum lot sizes from zoning ordinances.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 7. ZONING ORDINANCE.**

### **§8A-7-2. Contents of zoning ordinance.**

- 1 (a) The following must be considered when enacting a zoning ordinance:  
2 (1) Promoting general public welfare, health, safety, comfort and morals;  
3 (2) A plan so that adequate light, air, convenience of access and safety from fire, flood and  
4 other danger is secured;  
5 (3) Ensuring attractiveness and convenience is promoted;  
6 (4) Lessening congestion;  
7 (5) Preserving historic landmarks, sites, districts and buildings;  
8 (6) Preserving agricultural land; and  
9 (7) Promoting the orderly development of land.  
10 (b) A zoning ordinance may include the following:  
11 (1) Regulating the use of land and designating or prohibiting specific land uses;  
12 (2) Authorizing flexible planning standards to create, redevelop, reuse, protect and  
13 enhance the physical qualities of the community;  
14 (3) Designating historic districts and regulating the uses of land and the design of buildings  
15 within the historic district;  
16 (4) Establishing corridor overlay districts to achieve land design goals and regulating the  
17 uses of land within the corridor overlay districts;  
18 (5) Establishing design standards and site plan approval procedures;  
19 (6) Dividing the land of the governing body into different zone classifications regulating the  
20 use of land, establishing performance standards for various land uses when dividing is not desired  
21 or any combination of both;

(7) Authorizing overlay districts and special design districts within which specific additional development standards for each permitted, accessory and conditional use shall apply;

(8) Regulating the height, area, bulk, use and architectural features of buildings, including reasonable exterior architectural features and reasonable aesthetic standards for factory-built homes;

(9) Authorizing a process and standards for factory-built homes: Provided, That a governing body is prohibited from establishing a process and standards for regulating factory-built homes that is more restrictive than a process and standards for site-built homes;

(10) Preserving green spaces and requiring new green spaces, landscaping, screening and the preservation of adequate natural light;

(11) Regulating traffic flow and access, pedestrian flow and access, parking and loading;

(12) Identifying flood-prone areas subject to periodic flooding and regulating with specific control the permitted use, type of construction and height of floor levels above base flood elevation permitted in the area so as to lessen or avoid the hazards to persons and damage to property resulting from the accumulation of storm or flood waters;

(13) Designating an airport area and establishing land-use regulations within a specific distance from the boundaries of the airport;

(14) Authorizing planned unit developments to achieve more efficient use of land and setting standards and regulations for the developments; and

(15) Identifying, establishing and designating urban growth boundaries, as defined in section four-a [§ 8-6-4a], article six, chapter eight of this code, for municipalities.

(c) A zoning ordinance shall:

(1) Create a board of zoning appeals;

(2) Specify certification requirements for zoning district maps that are consistent with the governing body's comprehensive plan;

(3) Adopt procedures and requirements for nonconforming land uses;

- 48 (4) Adopt procedures and requirements for variances; and
- 49 (5) Adopt procedures and requirements for conditional use permits.
- 50 (d) Zoning ordinances may not include a requirement to implement a minimum lot size for a
- 51 parcel or lot with an accessory dwelling unit that is larger than the minimum lot size for other single-
- 52 family dwellings or townhouses in the same zoning district.

NOTE: The purpose of this bill is to remove minimum lot sizes from zoning ordinances.

This section is new; therefore, strike-throughs and underscoring have been omitted.