

No. 1721

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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984

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ENROLLED

HOUSE BILL No. 1721

(By Mr. *Del. Albright + Del. Feinberg*)

— ● —

Passed *March 9,* 1984

In Effect *Ninety Days From* Passage



ENROLLED

H. B. 1721

(By DELEGATE ALBRIGHT and DELEGATE FEINBERG^e)

[Passed March 9, 1984; in effect ninety days from passage.]

AN ACT to amend and reenact section fifty, article twenty-four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuing the preexisting use of land for certain purposes when prohibited under zoning rules and regulations; removing the distinction between farm, industrial or manufacturing land inside or outside urban areas with regard to making improvements to the land for continuance of a preexisting use and with regard to when abandonment of a preexisting use occurs.

Be it enacted by the Legislature of West Virginia:

That section fifty, article twenty-four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 24. PLANNING AND ZONING.

§8-24-50. Existing uses safeguarded.

1 Such zoning ordinance or ordinances shall not prohibit
2 the continuance of the use of any land, building or structure
3 for the purpose for which such land, building or structure
4 is used at the time such ordinance or ordinances take effect,
5 but any alteration or addition to any land or any altera-
6 tion, addition or replacement of or to any existing building
7 or structure for the purpose of carrying on any use prohibited
8 under the zoning rules and regulations applicable to the district
9 may be prohibited: *Provided*, That no such prohibition shall

10 apply to alterations or additions to or replacement of buildings
11 or structures by any farm, industry or manufacturer, or to
12 the use of land presently owned by any farm, industry or
13 manufacturer but not used for agricultural, industrial or
14 manufacturing purposes, or to the use or acquisition of addi-
15 tional land which may be required for the protection, con-
16 tinuing development or expansion of any agricultural, in-
17 dustrial or manufacturing operation or any present or future
18 satellite agricultural, industrial or manufacturing use. If a
19 nonconforming use has been abandoned, any future use of
20 such land, building or structure shall be in conformity with the
21 provisions of the ordinance regulating the use in the district
22 in which such land, building or structure may be located:
23 *Provided, however,* That abandonment of any particular agri-
24 cultural, industrial or manufacturing process, shall not be
25 construed as abandonment of agricultural, industrial or manu-
26 facturing use.

27 Nothing contained in this article shall be deemed to authorize
28 an ordinance, rule and regulation which would prevent, outside
29 of urban areas, the complete use and alienation of any timber
30 and any and all minerals, including coal, oil and gas, by the
31 owner or alienee thereof. For the purpose of this section,
32 urban area shall include all lands or lots within the jurisdiction
33 of a municipal planning commission as defined in this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis

Chairman Senate Committee

Donald Anello

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Todd C. Nichols

Clerk of the Senate

Donald L. Dwyer

Clerk of the House of Delegates

Warren P. Hearnes

President of the Senate

W. M. Lee, Jr.

Speaker House of Delegates

The within is approved this the 30
day of March, 1984.

John R. Rhymer

Governor

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SECY. OF STATE