

PUBLIC HEARING NOTICE

The Berkeley County Council will meet on Thursday, April 26, 2018, at 11:00 o'clock a.m. and 6:00 o'clock p.m., in the County Council Chambers at 400 West Stephen Street, Suite 205, Martinsburg, West Virginia for the purpose of soliciting comments on the Proposed Zoning Ordinance to Limit Height of Objects and to Regulate Placement of Certain Structures within Specific Areas of Noise Level around the Eastern West Virginia Regional Airport. These public hearings are for the purpose of getting oral comments on the proposed zoning ordinance. Written objections to the proposed zoning ordinance may be made and will be heard at the public hearings and such written comments must be filed with the Clerk of the County Council of Berkeley County, West Virginia. Written comments may be submitted at the time and place of the hearings or on or before April 26, 2018, at the Clerk's Office, at 100 West King Street, Martinsburg, West Virginia.

Summary of Principal Provisions of Proposed Zoning Ordinance:

1. Findings of the County Council with regard to the necessity of such a zoning ordinance.
2. Declaration of Public Policy that the County shall take actions directed to protect the Eastern West Virginia Regional Airport from the creation or establishment of obstructions to the extent legally possible; to protect against excessive noise in places of public assembly; and, to protect the public health, safety, and general welfare of citizens and visitors in the area of such Airport.
3. Airport Zones are explained and defined.
4. Height limitations of structures and trees within the several protection zones are explained and defined.
5. Restrictions against certain electrical interference within the defined zones is explained and defined.
6. Regulations set forth in the Ordinance shall not be retroactive. That is, they shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations at the effective date of the Ordinance, or otherwise interfere with the continuance of a nonconforming use. No regulation shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the Ordinance. Notwithstanding this, residences and businesses within the protected zones will be required to permit certain lighting as deemed necessary and to permit tree trimming or removal of trees which are above the height restrictions.
7. Future uses within the protection zones shall require special permits.
8. The Berkeley County Planning Commission shall enforce the Ordinance.
9. A Board of Appeals shall be established for resolving disputes arising from enforcement of the Ordinance.

10. Appeal from decisions of the Board of Appeal shall be to the Circuit Court of Berkeley County.

11. Penalties for misdemeanor violations are punishable by fine.

Copies of the Proposed Airport Zoning Ordinance may be viewed at each public library site in Berkeley County as well as at the Reception Area of the Berkeley County Council, Suite 201, 400 West Stephen Street, Martinsburg, West Virginia.