



City of Elkins

Planning Commission Meeting

January 18, 2024
3:30 PM
401 Davis Avenue
Council Chamber, 2nd Floor

AGENDA

1. **Call to order and roll call**
2. **Public comment**
3. **Minutes**
 - a. Proposed minutes for the meeting of Dec. 14, 2023
4. **New business**
 - a. Comprehensive plan update
 - Review proposed survey questions
 - b. Unzoned parcel near North 12th Street
 - c. Signs
5. **Announcements**
6. **Adjournment**



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	January 18, 2024
Section:	Minutes
Category:	Action Item
Agenda Item Name:	Proposed minutes for the meeting of Dec. 14, 2023
Recommended By:	City Clerk
Summary:	Minutes proposed for the commission's meeting of December 14, 2023
Fiscal Impact:	n/a
Recommendation:	consider for approval
Attachments:	1. Planning Commission - 2023_12_14 - minutes_proposed

Proposed Minutes

PLANNING COMMISSION REGULAR MEETING MINUTES

***401 Davis Avenue
Elkins City Hall
401 Davis Avenue
December 14, 2023
3:30 p.m.***

Present were commission members: K. Somers, P. Kolsun, B. Woods, A. Carroll, D. Talbott, and J. Marco.

Also present: J. Deighan (communications specialist), G. Roberts (city attorney), S. Stokes (city clerk), Christy DeMuth (WVU Land Use and Sustainable Development Law Clinic, by phone).

V. Jackson was absent.

MINUTES

Kolsun **MOVED APPROVAL OF THE MINUTES OF THE MEETING OF NOVEMBER 8, 2023.** The motion carried.

Kolsun **MOVED APPROVAL OF THE MINUTES OF THE MEETING OF DECEMBER 12, 2023.** The motion carried.

NEW BUSINESS

- a. Review Strengths, Weaknesses, Opportunities, and Threats Exercise

DeMuth facilitated commissioners in identifying Strengths, Weaknesses, Opportunities, and Threats (SWOT) facing Elkins.

- b. Review and Discuss Draft Stakeholder List

Commissioners provided additions to the list of stakeholders to be interviewed for the updated plan. DeMuth and Stokes will coordinate to email the surveys out after the new year.

- c. Review and discuss 2015 Comprehensive Plan

DeMuth facilitated review of the 2015 Comprehensive Plan's vision statement, goals, and implementation matrix.

Proposed Minutes

d. Review and discuss Strategic Plan

DeMuth facilitated review of the 2018-2023 Strategic Plan as it pertains to the comprehensive plan update.

The meeting adjourned at 4:47 p.m.

The foregoing minutes were approved at the meeting of _____, 2023.

Name & Title

Signature



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	January 18, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Comprehensive plan update • Review proposed survey questions
Recommended By:	City Clerk
Summary:	The commission is working with the WVU Land Use and Sustainable Development Law Clinic to update the city's comprehensive plan. These plans must be updated every 10 years. Among other methods of public input for the comprehensive plan update, the commission will use an online survey. Attached are two survey examples from communities the law clinic is currently working with. The Ansted survey is very general. The Harpers Ferry is more specific and tailored to the community. The Harpers Ferry Planning Commission developed all the questions. The survey can be like one of these, combo of both, or something entirely different.
Fiscal Impact:	n/a
Recommendation:	Review and recommend questions for the commission's survey.
Attachments:	1. Ansted General Survey 2. HarpersFerrySurvey

Citizen input is a vital part of the comprehensive planning process and plays a central role in developing a comprehensive plan. Please take a few minutes to state your issues and concerns in the Town of Ansted. Due to limited space, the answer sections are limited in size. Please only complete one survey per person. Thank you in advance for your willingness to participate and to help make the Town of Ansted a great place to live.

1. How do you feel about the quality of life in Ansted?

- ☐ Very satisfied
- ☐ Satisfied
- ☐ Dissatisfied
- ☐ Very dissatisfied

2. Please rate your level of satisfaction for each of the following:

	Excellent	Good	Fair	Poor
Availability of recreation	☐	☐	☐	☐
Fire protection	☐	☐	☐	☐
Police protection	☐	☐	☐	☐
Job opportunities	☐	☐	☐	☐
Pedestrian Safety	☐	☐	☐	☐
Infrastructure (water/sewer)	☐	☐	☐	☐
Enforcement of ordinances	☐	☐	☐	☐
Housing options	☐	☐	☐	☐
Sidewalks	☐	☐	☐	☐
Road/Street condition	☐	☐	☐	☐
Visual appearance of Ansted	☐	☐	☐	☐
Getting information about Town events and matters	☐	☐	☐	☐
Availability of retail	☐	☐	☐	☐
Traffic circulation	☐	☐	☐	☐
Public transportation	☐	☐	☐	☐
Emergency management	☐	☐	☐	☐
Activities for senior citizens	☐	☐	☐	☐
Overall effectiveness of government	☐	☐	☐	☐
Activities for youth	☐	☐	☐	☐
Historic preservation	☐	☐	☐	☐

3. Of the things listed below, what is the one that you feel is MOST important for Ansted to improve?

- ☐ Availability of recreation
- ☐ Fire protection
- ☐ Police protection
- ☐ Job opportunities
- ☐ Pedestrian Safety
- ☐ Infrastructure (water/sewer)
- ☐ Enforcement of ordinances
- ☐ Housing options
- ☐ Sidewalks
- ☐ Road/Street condition
- ☐ Visual appearance of Ansted
- ☐ Getting information about Town events and matters
- ☐ Availability of retail
- ☐ Traffic circulation
- ☐ Public transportation
- ☐ Emergency management
- ☐ Activities for senior citizens
- ☐ Overall effectiveness of government
- ☐ Historic preservation
- ☐ Activities for youth

Other (please specify)

4. In your opinion, what is the most important service that the town provides to its residents?

5. In your opinion, what does the town lack in accomplishing?

6. What type of new development would you like to see in Ansted? Please check all that apply.

- ☐ Single family residential
- ☐ Multi-family residential (includes townhouses, condos, and apartments)
- ☐ Commercial
- ☐ Industrial
- ☐ No new development

7. What is your opinion about the recreation provided in Ansted? Please answer yes or no.

	Yes or No
There are enough recreational facilities for families	☐
There are enough programs and facilities for teens and children	☐
There are enough programs and facilities for senior citizens	☐
The facilities are adequately maintained	☐
More park space and facilities are needed	☐

8. Are you concerned about the amount of abandoned and dilapidated buildings. Please answer yes or no.

- ☐ Yes
- ☐ No

9. How can the town increase communication to its residents?

10. How do you get information about events?

11. How would you describe Ansted in the next ten years?

12. The town is always in need of volunteers to help with projects festivals, etc. Would you be willing to help?

☐ Yes

☐ No

Please provide an email address if you are willing to volunteer.

13. Please enter your email if you'd like to enter the prize drawing for a \$25 gift card!

Optional questions.

14. How old are you?

☐ Under 18

☐ 18-24

☐ 25-34

☐ 35-44

☐ 45-54

☐ 55-64

☐ 65+

15. What is your gender?

☐ Female

☐ Male

16. Do you live in Ansted?

☐ Yes

☐ No

17. How long have you been a resident of Ansted?

☐ Less than 1 year

☐ 1-5 years

☐ 6-10 years

☐ 11 or more years

1. Please tell us your level of agreement with the following statements about Harpers Ferry

	Completely Agree	Somewhat Agree	Neutral/No Opinion	Disagree a little	Completely Disagree
The quality of life is great in Harpers Ferry	☐	☐	☐	☐	☐
It's important for Harpers Ferry to be a welcoming place to tourists and other visitors	☐	☐	☐	☐	☐
It's important for Harpers Ferry to maintain an active and engaged community of full-time residents	☐	☐	☐	☐	☐
It's important for Harpers Ferry to maintain active and engaged non-resident property owners	☐	☐	☐	☐	☐
It's important for Harpers Ferry to maintain an active and engaged business community	☐	☐	☐	☐	☐

2. Please tell us how important each of the following general aspects of Harpers Ferry are to you

	Extremely Important	Very Important	Neutral/No Opinion	Somewhat Important	Not Important
Historic character and charm	☐	☐	☐	☐	☐
Outdoor recreational opportunities (hiking, rafting, etc)	☐	☐	☐	☐	☐
Park and open spaces	☐	☐	☐	☐	☐
Indoor recreational opportunities	☐	☐	☐	☐	☐
Access to amenities (restaurants, grocery stores, shops, etc.)	☐	☐	☐	☐	☐
Viewsheds	☐	☐	☐	☐	☐
General affordability	☐	☐	☐	☐	☐
Affordable housing options	☐	☐	☐	☐	☐
Lodging options	☐	☐	☐	☐	☐
Job opportunities	☐	☐	☐	☐	☐
Community-oriented events	☐	☐	☐	☐	☐
Arts events (music concerts, art exhibits, etc)	☐	☐	☐	☐	☐
Opportunities for children	☐	☐	☐	☐	☐
Opportunities for seniors	☐	☐	☐	☐	☐
Sustainable living (clean energy, recycling, etc.)	☐	☐	☐	☐	☐
Protection of the tree canopy	☐	☐	☐	☐	☐
Protection of the Town's stream valleys	☐	☐	☐	☐	☐
Tap water quality	☐	☐	☐	☐	☐
Protection of dark skies	☐	☐	☐	☐	☐

3. Please tell us how concerned you are about Streets, Infrastructure, and Transit aspects of Harpers Ferry.

	Extremely Concerned	Very Concerned	Neutral/No Opinion	Somewhat Concerned	Not Concerned
Walkability	☐	☐	☐	☐	☐
Level of traffic in town	☐	☐	☐	☐	☐
Level of traffic on Highway 340	☐	☐	☐	☐	☐
Parking availability for residents	☐	☐	☐	☐	☐
Parking availability for visitors	☐	☐	☐	☐	☐
Safe access to pedestrian street crossings	☐	☐	☐	☐	☐
Safe access to outside roads and highways	☐	☐	☐	☐	☐
Access to MARC train	☐	☐	☐	☐	☐
Access to other public transit	☐	☐	☐	☐	☐
Ability of stormwater infrastructure to manage water flows from major storm events	☐	☐	☐	☐	☐
Availability of high-speed internet	☐	☐	☐	☐	☐
Availability of quality cell service	☐	☐	☐	☐	☐
Condition of the streets	☐	☐	☐	☐	☐
Condition of the sidewalks	☐	☐	☐	☐	☐
Adequate and appropriate amount of street lighting	☐	☐	☐	☐	☐
Accessibility for those with mobility and/or other physical challenges	☐	☐	☐	☐	☐

4. Please tell us how important each of the following Harpers Ferry Town Services are to you

	Extremely Important	Very Important	Neutral/No opinion	Somewhat Important	Not Important
Police services	☐	☐	☐	☐	☐
Fire Company services	☐	☐	☐	☐	☐
Emergency aid and rescue services	☐	☐	☐	☐	☐
Water/Sewer services	☐	☐	☐	☐	☐
Solid waste and recycling services	☐	☐	☐	☐	☐
Snow removal from roads and sidewalks	☐	☐	☐	☐	☐
Distribution of town information (website, etc.)	☐	☐	☐	☐	☐
Town permit and business licensing processes	☐	☐	☐	☐	☐
Public Library	☐	☐	☐	☐	☐

5. Please tell us how concerned you are about each of the following in Harpers Ferry

	Extremely Concerned	Very Concerned	Neutral/No Opinion	Somewhat Concerned	Not Concerned
The Town losing its historic character	☐	☐	☐	☐	☐
The Town losing its historic structures	☐	☐	☐	☐	☐
Unoccupied houses	☐	☐	☐	☐	☐
Continued loss of full-time residents	☐	☐	☐	☐	☐
Abandoned and dilapidated houses and other buildings	☐	☐	☐	☐	☐
The Town's financial sustainability	☐	☐	☐	☐	☐
Lack of job opportunities	☐	☐	☐	☐	☐
Effect of increased tourism on Town infrastructure	☐	☐	☐	☐	☐
The cost of water/sewer service	☐	☐	☐	☐	☐
Inadequate maintenance of parks and public lands	☐	☐	☐	☐	☐

Lack of places to buy groceries	☐	☐	☐	☐	☐
Inadequate car service availability (taxi, Uber, Lyft, etc.)	☐	☐	☐	☐	☐
Loss of MARC train	☐	☐	☐	☐	☐
Over-development of the Town's residential areas (dense infill, building into stream valleys, structures incompatible with the Town's historic character, etc.)	☐	☐	☐	☐	☐
Natural disasters (fire, flooding, major storms, etc.)	☐	☐	☐	☐	☐
The effects of climate change	☐	☐	☐	☐	☐
Crime (generally)	☐	☐	☐	☐	☐
The possibility of gun violence	☐	☐	☐	☐	☐
Availability of health services	☐	☐	☐	☐	☐
Lack of adequate street lighting	☐	☐	☐	☐	☐
Availability of child care	☐	☐	☐	☐	☐
Overpopulation of deer	☐	☐	☐	☐	☐

6. What types of increased development would be appropriate for Harpers Ferry?

	Highly appropriate	Somewhat appropriate	Neutral/No Opinion	Somewhat Inappropriate	Highly inappropriate
Single-family housing	☐	☐	☐	☐	☐
Multi-family residential (includes townhouses, condos, and apartments)	☐	☐	☐	☐	☐
Retail (restaurants, shops, and services)	☐	☐	☐	☐	☐
Commercial (offices, workshare spaces, or other non-retail)	☐	☐	☐	☐	☐
Workshops and crafts	☐	☐	☐	☐	☐
More parks and trails	☐	☐	☐	☐	☐
Arts and Recreational facilities	☐	☐	☐	☐	☐
Additional parking	☐	☐	☐	☐	☐
Industrial	☐	☐	☐	☐	☐

7. Please tell us your level of agreement with the following statements about town governance

	Completely Agree	Somewhat Agree	Neutral/No Opinion	Somewhat Disagree	Completely Disagree
I'm usually aware of what's happening in town	☐	☐	☐	☐	☐
I'm involved with the town (in governance and/or volunteering now and then)	☐	☐	☐	☐	☐
I'd like to be more involved with the town, but I'm not sure how	☐	☐	☐	☐	☐
I'm not interested in being more involved with the town	☐	☐	☐	☐	☐

8. What do you think would approve the quality of life in Harpers Ferry?

9. What do you love most about Harpers Ferry?

10. What are you most concerned about for the future of Harpers Ferry?

11. In your opinion, what does the Town need to accomplish the MOST?

12. Please select the relationship below that best describes your relationship to the Town

- ☐ Full-time resident of Harpers Ferry (not including Bolivar or Harpers Ferry addresses outside the Corporation Limits)
- ☐ Part-time resident (weekend/vacation home)
- ☐ Former resident
- ☐ Business owner (but NOT a resident)
- ☐ Rental property owner (short/long term rentals) (but not a resident)
- ☐ Work in Harpers Ferry (but not a resident)
- ☐ Bolivar resident
- ☐ I live in the general area but not a town resident
- ☐ Frequent visitor
- ☐ Occasional visitor

13. Please only answer if you a full time resident of Harpers Ferry (not including Bolivar or Harpers Ferry addresses outside the Corporation Limits).How long have you lived within the Town limits of the Corporation of Harpers Ferry?

- ☐ Less than 1 year
- ☐ 1-3 years
- ☐ 4-8 years
- ☐ 9+ years

OPTIONAL Please provide your name, residential address, and where you lived before moving to Harpers Ferry (or indicate that you grew up here)?

14. For those that would like to be more involved, we would welcome your involvement as we look to improve our town. If you are willing to help, please provide us with contact information of your choice (email and/or telephone number)

15. Age

- ☐ Prefer not to answer
- ☐ 18 and under
- ☐ 19-30
- ☐ 31-45
- ☐ 45-60
- ☐ Over 60

How many people under 18 years of age live in your household?

16. Gender

- ☐ Prefer not to answer
- ☐ Male
- ☐ Female
- ☐ Other

17. Work

- ☐ Prefer not to answer
- ☐ Work full-time or part-time (commute)
- ☐ Work full-time or part-time (from home)
- ☐ Home maker
- ☐ Not working- retired
- ☐ Not working- other
- ☐ Student

18. If you have any additional thoughts for us, please write them here.

Thank you for participating in this survey, which will help us craft a better future for the citizens of Harpers Ferry, and its visitors.

We welcome you to share your ideas with us in person at a Comprehensive Plan Open House at 6:30 to 8:00 PM on Monday, May 22, 2023 at Camp Hill United Methodist Church Hall, 645 Washington Street.



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	January 18, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Unzoned parcel near North 12th Street
Recommended By:	City Attorney
Summary:	Although the commission previously made a zoning recommendation for the unzoned parcel near North 12th Street, the City Attorney recommends another round of review in light of the comprehensive plan's future land use stipulations. Any recommendation from the commission concerning amendments to the zoning code must include either (1) a certification that the recommendation is in accordance with the city's comprehensive plan or (2) a finding that changes in the surrounding area justify departing from that plan. Comparing the comprehensive plan's map to the current zoning near that parcel (as adopted in 2022), there are inconsistencies concerning the intent for this area. (Access the city's zoning map online here: https://arcg.is/8XjTm) The comprehensive plan's "future land use" map is found in the attached excerpt from the comprehensive plan.
Fiscal Impact:	n/a
Recommendation:	Recommend zoning in compliance with city law.
Attachments:	1. Memo - unzoned parcels near 12th - 2023_12_12 2. Pages from Chapter5_LandUse (amended 2022) 3. zoning near north 12th

Memo

To: Elkins Planning Commission

From: Sutton Stokes, City Clerk

Date: December 7, 2023

Re: Update concerning unzoned parcel of CSX land near North 12th Street

The following bullet points summarize the matter of the unzoned parcel owned by CSX near North 12th Street (i.e., “the brick street”). A map and various section of the city’s zoning code are appended to this memo.

- The 2022 zoning update left unzoned a parcel of land owned by CSX between North 12th Street and the railroad tracks, near where North 12th Street intersects South Davis Avenue. Presumably this land was left unzoned on the assumption that it was part of the railroad right of way and essential to rail operations.
- However, staff subsequently learned that CSX has long leased this land for non-railroad use to Joe Chabut, owner of Elkins Truck Service. Again, this parcel is currently unzoned.
- In August, a business (WV Seafood) located a modular building on this parcel and announced plans to open in this location. WV Seafood has not yet applied for a building permit, business license, or water/sewer service.
- In developments since your last meeting, it has been confirmed that (1) Mr. Chabut now leases the entire CSX parcel and (2) CSX has granted permission for WV Seafood to operate on this parcel.
- Mr. Chabut is also exploring permitting for placing a temporary building on this site containing garage-style units, that he would rent out for storage. This application has not yet been finalized.
- In other words, there is currently no licensed/permitted use on this site. It has only ever been used for vehicle storage. Because this use is not commercial/public, no business license has ever been sought or issued.
- As of Thursday, December 7, council has adopted the process recommended by this commission for zoning unzoned parcels. See attached table showing steps

now to be followed, assuming the commission is able to issue a zoning recommendation by December 21.

- Part of the CSX parcel is adjacent to a Commercial (B-1) District. Part is adjacent to a City Residential (R-2) District. The sections of your zoning code regulating these districts are appended to this memo. Note that, among other points of interest in these sections, the CSX parcel would have a 15-foot setback requirement if zoned City Residential but no setback requirement if zoned Commercial.

Possible actions by the commission:

The following are some of the actions that the commission might elect to take:

- The commission could recommend to council that the CSX property be zoned identically to the adjacent blocks. In this case, part of the parcel would be zoned Commercial (B-1) District and part would be City Residential (R-2) District.
- The commission could devise some other zoning scheme for the parcel.

##

Unzoned Parcel Near North 12th Street

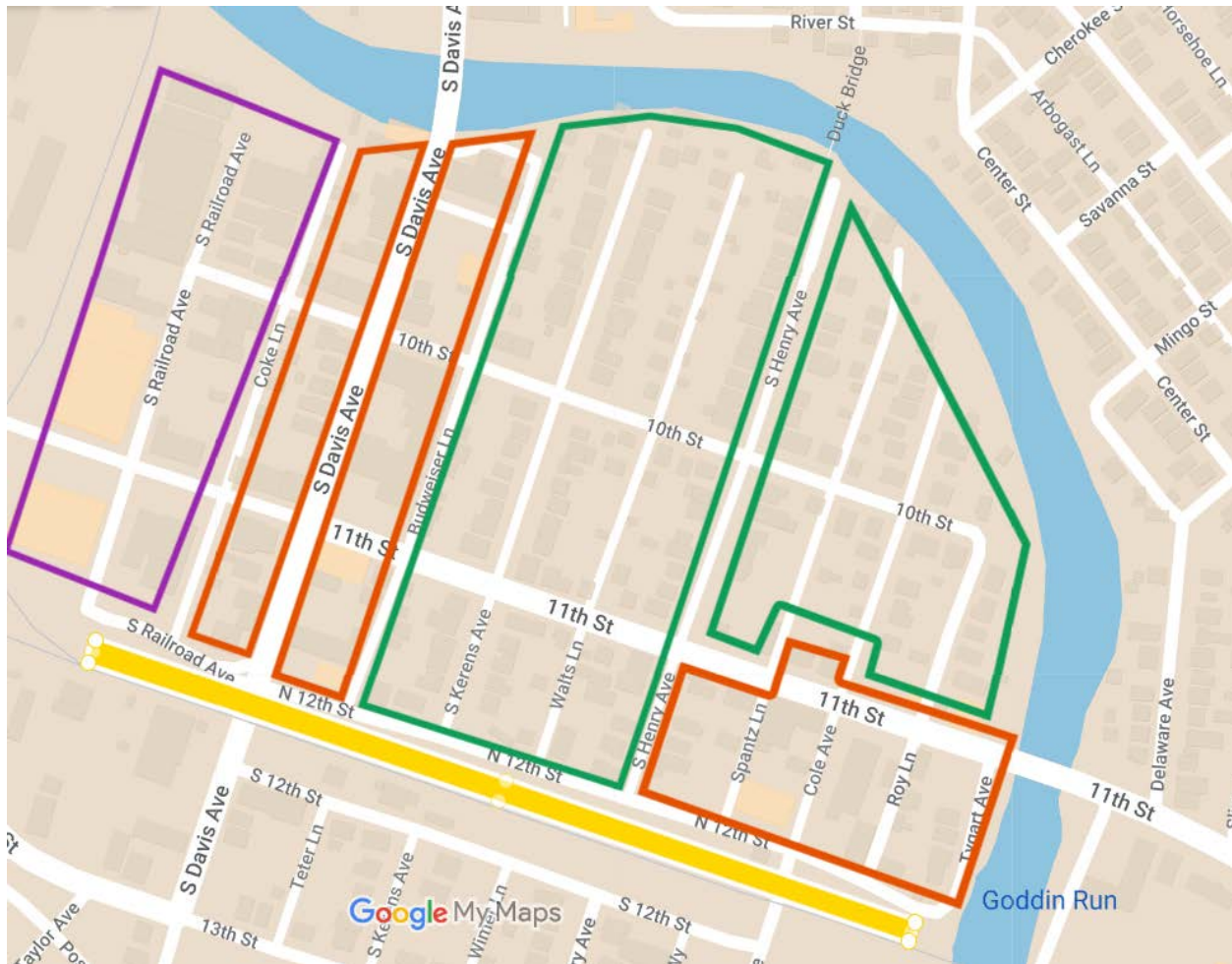
Schedule for Adoption of Process and Determination of Zone

Nov. 16 council meeting	1 st reading of process ordinance
Dec. 7 council meeting	2 nd (final) reading of process ordinance
Dec. 12 special planning commission meeting	Recommend zoning for council to consider
Dec. 14 regular planning commission meeting	Unrelated planning commission meeting (comp plan)
Dec. 21 council meeting	Receive zoning recommendation (30-day clock starts; hearing must be Jan. 20 or later)
Jan. 4 council meeting	No action possible (not yet 30 days)
Jan. 18 council meeting	No action possible (not yet 30 days)
Feb. 1 council meeting	Public hearing 1 st reading of zoning recommendation
Feb. 15 council meeting	2 nd (final) reading of zoning recommendation

Reference Map

The map below shows the approximate location of CSX's unzoned parcel as a yellow block. The color polygons show the adjacent zoned areas.

- Purple = Industrial
- Red = Commercial
- Green = City Residential



Elkins Zoning Code Section 21-44 Permitted Uses in the City Residential (R-2) District.

(a) The following shall be uses permitted by right in the City Residential District:

- (1) Bed and Breakfast Inn I
- (2) Bed and Breakfast Inn II
- 40
- (3) Bus/Transit Shelter
- (4) Child Day Care Facility, Class 3
- (5) Child Day Care Facility, Class 4
- (6) Dock
- (7) Dwelling, Accessory
- (8) Dwelling, Single-family
- (9) Dwelling, Two-family
- (10) Essential Utilities and Equipment
- (11) Event, Special
- (12) Factory-built Home
- (13) Factory-built Home Rental Community
- (14) Greenhouse, Noncommercial
- (15) Group Residential Facility
- (16) Group Residential Home
- (17) Home-based Business (No Impact)
- (18) Park
- (19) Solar Energy Facility, Small
- (20) Solid Waste Disposal Area/Facility, Public
- (21) Water Treatment Plant
- (22) Wireless Telecommunications Facility, Small Cells

Elkins Zoning Code Section 21-45 Conditional Uses in the City Residential (R-2) District.

(a) The following shall be conditional uses in the City Residential District:

- (1) Bakery
- (2) Brewery Pub
- (3) Community Facility
- (4) Conversion of School/Church
- (5) Dwelling, Conversion Apartment
- (6) Dwelling, Multi-family
- (7) Emergency Shelter
- (8) Event, Mass Gathering
- (9) Governmental Operation
- (10) Home-based Business (Low Impact)
- (11) Parking Lot
- (12) Places of Worship/Religious Institution
- (13) Reception Facility
- (14) Recreation, Municipal
- (15) School, PreK-12
- (16) Senior Independent Housing

Section 21-46 City Residential (R-2) District Lot Requirements.

City Residential District Requirements	
Max. Building Height	80 feet
Min. Lot Size (Sq. Ft.)	No minimum
Min. Lot Width	No minimum
Max. Lot Coverage (as a %)	Interior lot: 40 Corner lot: 50 Triangular lot: 60
Min. Front Setback	Average of the two adjoining properties which have pre-existing structures* 15 feet for vacant lots**
Min. Side Setback	If structure height is 40 feet or less = 5 feet If structure height is more than 40 feet = 15 feet
Min. Rear Setback	Not less than 15 percent of the depth of the lot
*Only the setbacks on the lots that abut each side of the site and are on the same street may be used. Setbacks across the street or along a different street may not be used. **When one adjacent lot is vacant, the average is of the setback of the adjacent non-vacant lot and the required setback for the vacant lot. When the subject lot is a corner lot, the average is of the setback of the adjacent non-vacant lot and the required setback of the subject lot.	

Elkins Zoning Code Section 21-55 Commercial (B-1) District.

The purpose of the Commercial District is to provide space for larger scale commercial businesses that serve both the City and the traveling public.

Elkins Zoning Code Section 21-56 Permitted uses in the Commercial (B-1) District.

(a) The following shall be uses permitted by right in the Commercial (B-1) District:

- (1) Animal Hospital/Veterinary Office
- (2) Automobile Car Wash
- (3) Automobile Repair/Service
- (4) Bakery
- (5) Bank/Financial Institution
- (6) Bed and Breakfast Inn I
- (7) Bed and Breakfast Inn II
- (8) Bed and Breakfast Inn III
- (9) Boat and Marine Sales/Service
- (10) Brewery Pub
- (11) Broadcasting Studio (radio/television)
- (12) Building Materials Facility
- (13) Bus/Transit Facilities
- (14) Bus/Transit Shelter
- (15) Butcher Shop
- (16) Catering Business
- (17) Child Day Care Facility, Class 1
- (18) Child Day Care Facility, Class 2
- (19) Child Day Care Facility, Class 3
- (20) Child Day Care Facility, Class 4
- (21) Clinic
- (22) Community Facility
- (23) Continuing Care Facility
- (24) Convenience Store
- (25) Cultural Service
- (26) Distillery
- (27) Distribution Facility
- (28) Dock
- (29) Dog Day Care
- (30) Dry Cleaner
- (31) Dwelling, Mixed Use
- (32) Dwelling, Multi-family
- 45
- (33) Dwelling, Single-family
- (34) Dwelling, Two-family
- (35) Educational Institution
- (36) Equipment Rental/Repair
- (37) Essential Utilities and Equipment
- (38) Event, Mass Gathering

- (39) Event, Special
- (40) Farm/Construction Equipment and Supply Sales
- (41) Farmer's Market
- (42) Funeral Home/Mortuary
- (43) Garden Center
- (44) Governmental Operations
- (45) Greenhouse, Commercial
- (46) Greenhouse, Noncommercial
- (47) Group Residential Facility
- (48) Group Residential Home
- (49) Health Club
- (50) Home-based Business (Low Impact)
- (51) Home-based Business (No Impact)
- (52) Hotel/Motel
- (53) Laboratory
- (54) Laundromat
- (55) Liquor Store
- (56) Medical Adult Day Care Center
- (57) Medical Cannabis Dispensary
- (58) Medical Cannabis Organization, Health Care
- (59) Office Supply Establishment
- (60) Park
- (61) Personal Service
- (62) Pet Shop
- (63) Pharmacy
- (64) Photographic Studio
- (65) Place of Worship/Religious Institution
- (66) Private Club
- (67) Professional Services
- (68) Reception Facility
- (69) Recreation, Commercial Indoor
- (70) Recreation, Commercial Outdoor
- (71) Recreation, Municipal
- (72) Restaurant
- (73) Retail Store/Shop <7,000
- (74) Retail Store/Shop 7,000 to 25,000
- (75) School, Commercial
- (76) School, PreK-12
- (77) Senior Independent Housing
- (78) Shopping Center
- (79) Solar Energy Facility, Small
- (80) Studio, Dancing, Music or Art
- (81) Tattoo Parlor/Body Piercing Studio
- (82) Tavern/Drinking Establishment
- (83) Theater

- (84) Vehicles Sales/Rental and Service
- (85) Video Gaming or Lottery Establishment
- (86) Winery
- (87) Wireless Telecommunications Facility, Small Cells

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Elkins Zoning Code Section 21-57 Conditional Uses in the Commercial (B-1) District.

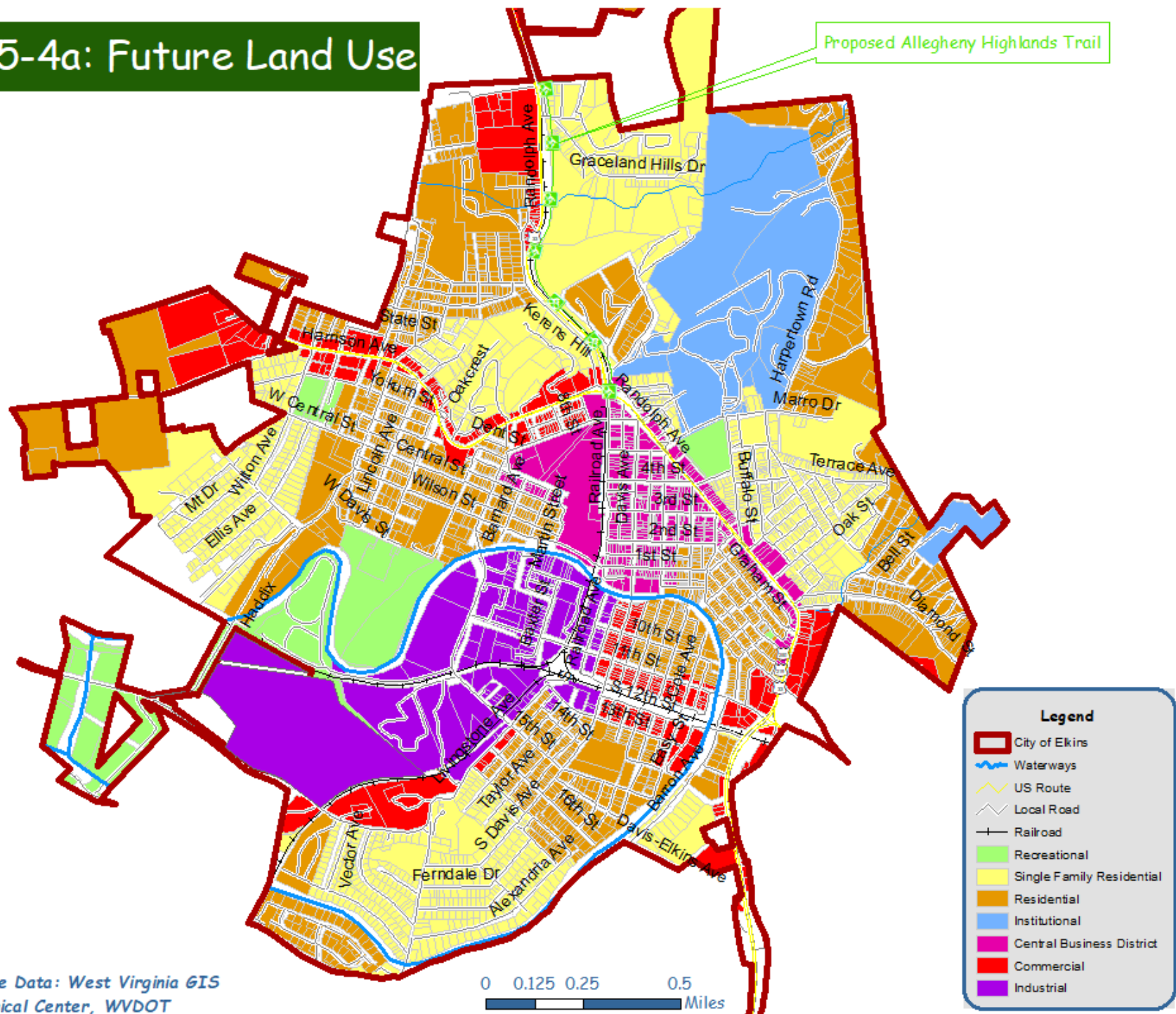
(a) The following shall be conditional uses in the Commercial (B-1) District:

- (1) Conversion of School/Church
- (2) Emergency Shelter
- (3) Flea Market
- (4) Gas Station
- (5) Gas Station, Large
- (6) Hospital
- (7) Kennel
- (8) Manufacturing (Light)
- (9) Night Club
- (10) Parcel Delivery Facility
- (11) Parking Lot
- (12) Parking Structure
- (13) Recycling Facility
- (14) Retail Store/Shop >25,000
- (15) Roadside Vendor Stand
- (16) Sports Arena
- (17) Theater, Drive-in

Section 21-58 Commercial (B-1) District Lot Requirements.

Commercial (B-1) District Requirements	
Max. Building Height	130 feet
Min. Lot Size (Sq. Ft.)	No Minimum
Min. Lot Width	No Minimum
Max. Lot Coverage (as a %)	No more than 90 percent
Min. Front Setback	No Minimum
Min. Side Setback	No Minimum
Min. Rear Setback	No Minimum

Map 5-4a: Future Land Use







CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	January 18, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Signs
Recommended By:	City Clerk
Summary:	See attachment for information about current restrictions on electronic message display signs and animated signs in Elkins. A business owner has requested that this topic be reexamined, as well as size restrictions.
Fiscal Impact:	n/a
Recommendation:	Consider for recommendation of changes
Attachments:	1. zoning code LED vs electronic message displays

Summary of Elkins Zoning Laws Concerning Certain Kinds of Electronic Signs

Elkins City Clerk
October 10, 2023

Elkins prohibits “animated signs,” “flashing signs,” and “signs displaying flashing, scrolling, or intermittent lights of changing degrees of intensity.” Elkins allows (in certain districts, including Commercial) “Static electronic message display signs” and “Static electronic message display signs and static electronic message display with transition feature signs” (transitions cannot occur more often than every seven seconds).

As of October 10, 2023, the following West Virginia cities impose similar restrictions (based on search at <https://codelibrary.amlegal.com/>): Bridgeport, Granville, Fayetteville, Weston, Moundsville, Saint Albans, South Charleston, Lewisburg, Marmet, Phillipi, Nitro, Wheeling, Clarksburg, White Hall, Mannington, and Winfield. (There may be others; these are drawn only from West Virginia cities using American Legal Publishing’s online code service.)

Relevant code sections are excerpted below. Where code gives the exception “except where... expressly permitted,” none of the given signs are currently “expressly permitted” in the Elkins zoning code. Review Elkins sign laws here:

https://codelibrary.amlegal.com/codes/elkinswv/latest/elkins_wv/0-0-0-13161

§ 152.223 PROHIBITED SIGNS.

(5) Animated signs, except where animated sign features as part of an electronic message display are expressly permitted.

(6) Flashing signs or other signs displaying flashing, scrolling, or intermittent lights or lights of changing degrees of intensity, except where flashing sign features as part of an electronic message display are expressly permitted.

§ 152.224 GENERAL REQUIREMENTS.

(G) *Electronic message display (EMD) signs.* Static electronic message display signs and static electronic message display with transition feature signs are permitted **only as monument signs**. All other EMDs are prohibited.

[From § 152.056 DEFINITIONS (19) **MONUMENT SIGN.** A sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.]

§ 152.056 DEFINITIONS.

(2) **ANIMATED SIGN.** A sign or part of a sign that is designed to rotate, move, or appear to rotate or move. Such a sign is sometimes referred to as a **MOVING SIGN**. **ANIMATED SIGNS** include signs with moving graphic features such as scrolling text or images that appear to move; moving sign change features such as fly-in, wipe-off, fading, dissolving, traveling, or expanding displays or any other full message sign change taking longer than three-tenths of a seconds; and static electronic message displays displayed less than seven seconds. **ANIMATED SIGNS** also include signs propelled by vehicle, watercraft, or aircraft where the primary purpose of the vehicle, watercraft, or aircraft at the time of sign display is to propel the sign.

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(9) **ELECTRONIC MESSAGE DISPLAY.** A sign that is either light emitting or light reflective and that is capable of changing the displayed message through electronic programming. **ELECTRONIC MESSAGE DISPLAYS** are divided into four categories:

(a) **STATIC ELECTRONIC MESSAGE DISPLAY.** An electronic message display that remains static, with no animated features or animated transition features with each static display lasting longer than seven seconds.

(b) **STATIC ELECTRONIC MESSAGE DISPLAY WITH TRANSITION FEATURES.** An electronic message display that remains static except for no more than a two-second transition feature such as fading, dissolving or a single instance of fly-in, wipe-off, expansion, or traveling that occurs no more often than every seven seconds.

(c) **ELECTRONIC MESSAGE DISPLAY, PARTIALLY ANIMATED.** An electronic message display with animated or moving text or graphics.

(d) **ELECTRONIC MESSAGE DISPLAY, FULLY ANIMATED.** An electronic message display with full animation features.

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(12) **FLASHING SIGN.** A sign that includes lights that flash, blink, turn on and off intermittently, or otherwise vary light intensity during the display of a message.

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(19) **“MONUMENT SIGN.** A sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.

§ 152.231 SIGNS FOR EDUCATIONAL (E) AND COMMERCIAL (B-1) DISTRICTS.

(A) *Purpose.* Signage in Educational (E) and Commercial (B-1) Districts is allowed to a somewhat greater extent, while maintaining proportion to the size and scope of uses typically present. However, even these more intensive uses in smaller communities are limited in signage to some degree in order to maintain small-town character and limit visual distraction by signage.

(1) Permitted sign use as accessory to dwellings shall be the same as for § 152.228.

(2) *Signs permitted as accessory to non-dwellings.*

(a) *Permitted permanent sign use as accessory to non-dwellings.* A-frame, awning, canopy, chalkboard, changeable copy, static electronic message display, static electronic message display with transition feature, freestanding, geological, marquee, minor, monument, neon, projecting, temporary, topiary, wall, and window signs. Only one of each is permitted per use per frontage, except wall signs and window signs. More than 200 square feet of frontage is required for a use to have more than one pole sign. No more than six permanent signs are permitted by right per use.

(b) *Permitted temporary signs as accessory to non-dwellings.* A-frame, banner, chalkboard, minor, person-assisted, wall, wicket, window. No more than six temporary signs are permitted in one calendar year per use.

(c) No more than three flags as accessory to a non-dwelling are permitted.

(3) Off-premises signs are prohibited.

(B) *Dimension specifications chart.* All maximum sign area requirements include the sum total sign area of all signs per use.

	<i>Freestanding, Monument, and Wall Signs</i>	<i>All Other Signs</i>	<i>Temporary Signs</i>	<i>Flags</i>
Max. sign area	1 sq. ft. per 1 ft. of lineal frontage, not to exceed 32 sq. ft.	0.5 sq. ft. per 1 ft. of lineal frontage, not to exceed 24 sq. ft.	6 sq. ft. displayed at one time	60 sq. ft. ea.
Max. height	8 ft.	4 ft.	4 ft.	40 ft.