



City of Elkins, West Virginia

Zoning Update Backgrounder

Background

Zoning laws regulate how land may be used inside a jurisdiction. Elkins zoning laws have not been significantly updated since the 1950s. Since 2015, the Elkins Planning Commission, with the assistance of the WVU Land Use Law Clinic, has been working on updated zoning laws and will propose them to city council for adoption in the coming months.

Why do we need an update?

- To reflect the goals of the city's [2015 Comprehensive Plan](#)
- To prepare the city for new/future uses not included in the 1950s plan (e.g., medical marijuana, agritourism, etc.)
- To protect the character of existing neighborhoods
- To protect the viability of and encourage small-scale businesses (including low-impact home businesses in some residential zones) and retail spaces
- To attract more personal and commercial investment in the city

What are some of the proposed changes?

Proposed changes include:

- Sign regulations
- Frameworks for modern uses and higher quality re-use of existing properties (e.g., disused schools/churches, etc.)
- Limits on conversion of commercial storefronts into residences
- Requirements for landscaping and buffers between commercial areas and residences

How are existing properties affected by the proposed changes?

“Grandfathering” means that no existing uses would have to be changed, even if the property is sold. If a “non-conforming” use is “abandoned” for one year, however, it cannot return to the non-conforming use. The proposed laws do not impose design or historical-preservation requirements anywhere in the city.

Has the public been involved?

The commission has held about 40 public meetings (only 9 on Zoom, during the pandemic); two open houses collecting public input and concerns (January 2018 and September 2018); and an online survey (September 2016). There will be two more public hearings, one in the daytime and one in the evening. These will be announced once scheduled.

Do we need more time?

Because of grandfathering, each passing month results in additional unregulated development and changes to the city. The commission feels that the six-year process it has followed has resulted in a draft that is sufficient to move forward; it can be amended and added to later as needed. In other words, significant further delays could negatively affect Elkins.