

ORDINANCE 322

AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA AMENDING SECTIONS OF CITY CODE, CHAPTER 152, ZONING

WHEREAS, the Common Council previously adopted a zoning ordinance which is codified in City Code Chapter 152, Zoning; and

WHEREAS, following the enactment of the zoning ordinance there have been several instances where the imposition of the sections of Chapter 152, Zoning regarding certain sign regulations has proven problematic in their application; and

WHEREAS the Elkins Planning Commission has met and reviewed the instances where sign permits cannot be issued because of certain sign regulations which are applicable ; and

WHEREAS, the Elkins Planning Commission has voted , pursuant to City Code §152.04, thereby recommending to the Common Council that certain designated sections of Chapter 152; Zoning, only concerning sign regulations be amended ; and

WHEREAS it appears that the Elkins Planning Commission has made the recommendation in furtherance of its authority and responsibilities to advise Council of any amendments to Chapter 152: Zoning; and

WHEREAS, the Common Council has determined that by accepting the recommendation of the Elkins Planning Commission it is in the best interest of the citizens of the City.

NOW THEREFORE BE IT ORDAINED and ENACTED by the Common Council that City Code, Chapter 152: Zoning be amended to add the following language to the noted sections:

§152.056 Definitions

Multi-Tenant Sign

A freestanding sign structure at or near the entrance of a shopping center to which are affixed signs of various dimensions identifying tenants or businesses in the shopping center.

Non-Conforming Sign

A sign which was lawfully erected in compliance with the applicable regulations of the City prior to the effective date of this Zoning Code and which does not conform to current standards and regulations of this Zoning Code.

For multi-tenant signs at a shopping center, the addition of new signs not otherwise complying with the size restrictions of this Zoning Code shall be considered non-conforming as in compliance with this definition, provided that the addition of new signs, subject to the approval of the Zoning Officer, does not substantially change the overall dimensions of the original multi-tenant sign.

§152.224 General Requirements

(G) Electronic message display (EMD) signs, static electronic message signs and the static electronic signs display with transition feature signs are permitted only as monument signs, except in the instance of multi-tenant signs at shopping centers.

The changes and amendments to Chapter 152: Zoning are only to the sections referred to herein and all other sections of said Chapter shall remain in full force in effect.

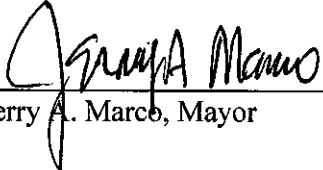
If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon passage.

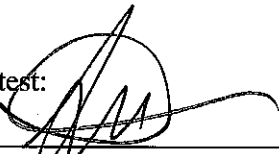
PASSED AND APPROVED ON THE FIRST READING: Feb. 15,
2024.

PASSED AND APPROVED ON THE SECOND AND FINAL READING:
Mar. 7, 2024.

CITY OF ELKINS, WEST VIRGINIA



Jerry A. Marco, Mayor

Attest:


Sutton Stokes, City Clerk