

ORDINANCE 341

<p style="text-align:center">AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA AMENDING CITY CODE, CHAPTER 152, <u>ZONING</u>, § 152.228, SIGNS FOR SINGLE FAMILY RESIDENTIAL (R-1) AND CITY RESIDENTIAL (R-2)</p>
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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, namely § 152.228, be amended and shall read as follows:

§ 152.228 SIGNS FOR SINGLE FAMILY RESIDENTIAL (R-1) AND CITY RESIDENTIAL (R-2) DISTRICTS.

(A) Purpose. Signage in residential districts poses a heightened risk of visual blight and unsightly clutter, as residential neighborhoods typically contain markedly less

signage than other districts in order to maintain the residential character of the neighborhood. At the same time, communicating from one's residence is a distinct and impactful form of speech that should be protected, and nonresidential uses should be afforded adequate signage incidental to the primary use, i.e., on-premises signs. Signs permitted in these districts are smaller, fewer in number, and limited in sign type in order to limit visual clutter and distraction, while affording ample speech.

(1) Signs permitted as accessory to dwellings.

(a) Permitted permanent sign use as accessory to dwellings. Geological, minor, temporary, topiary, wall, and window signs. No more than four permanent signs are permitted by right per dwelling.

(b) Permitted temporary sign use as accessory to dwellings. Banner, minor, pennant, wall, wicket, window. No more than four temporary signs are permitted in one calendar year per dwelling.

(c) No more than four flags as accessory to a dwelling, excluding any flags that are minor signs.

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

(a) Permitted permanent sign use as accessory to non-dwellings. Freestanding, geological, minor, monument, temporary, topiary, wall, and window signs. Only one of each is permitted per use per frontage, except wall signs and window signs. No more than four permanent signs are permitted by right per use. No more than four temporary signs are permitted in one calendar year per use.

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

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

(3) Off-premises signs are prohibited for both dwellings and non-dwellings.

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

	Permitted as Accessory to Dwellings	Permitted as Accessory to Non-Dwellings	Temporary Signs as Accessory to Dwellings and Non-Dwellings	Flags
Max. sign area	6 sq. ft.	32 sq. ft.	6 sq. ft. displayed at one time	24 sq. ft. ea.
Max. height	7 ft.	7 ft.	4 ft.	20 ft.

(Ord. 301, passed 8-18-2022) Penalty, see § 152.999

The changes and amendments to Chapter 152: Zoning are only to the section referred to herein and all other sections of said Chapter shall remain unchanged and in full force and 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 FIRST READING: January 9, 2025.

PASSED AND APPROVED ON FINAL READING: January 23, 2025.

CITY OF ELKINS, WEST VIRGINIA



Jerry A. Marco, Mayor

Attest:



Sutton Stokes, City Clerk