

ORDINANCE 347

AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA AMENDING CITY CODE CHAPTER 152: ZONING CONCERNING CONDITIONAL USES IN CITY RESIDENTIAL (R-2)

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

WHEREAS, following the enactment of the zoning ordinance, a citizen request has been made by the Rivers of Living Water Ministries, the owner of a church property located at 503 Lincoln Avenue to include and to allow Child Day Care facility, Class 1 in City Residential (R-2) zoning district ; and

WHEREAS, the Planning Commission has met and reviewed the citizen request, the current zoning permitted uses in City Residential (R-2), by right or conditionally, and finds, pursuant to City Code §52.024, Amendments to This Chapter, that the proposed amendment is consistent with the adopted comprehensive plan; and

WHEREAS, the Planning Commission recommends to the Common Council that City Code §152.092 Conditional Uses in City Residential (R-2) District be amended to allow child day care facilities, Class 1 and 2, in City Residential (R-2) as a conditional use; and

WHEREAS, the Common Council has determined that by accepting the recommendation of the Planning Commission, it is in the best interests of the citizens of the City and further finds that the amendment is consistent with the adopted comprehensive plan.

NOW, THEREFORE, be it ORDAINED and ENACTED by the Common Council that City Code Chapter 152: Zoning, specifically City Code §152.092 Conditional Uses in Residential (R-2) District be amended as follows:

§ 152.090 CITY RESIDENTIAL (R-2) DISTRICT.

The purpose of the City Residential (R-2) District is to encourage a wider variety of housing and allow that housing at a higher density than in R-1. The R-2 District also allows limited low-impact commercial, community, and recreational facilities, provided that these are suitable for operation in close proximity to housing.

(Ord. 301, passed 8-18-2022)

§ 152.092 CONDITIONAL USES IN THE CITY RESIDENTIAL (R-2) DISTRICT.

The following shall be conditional uses in the City Residential (R-2) District:

- Bakery
- Brewery pub
- Community facility
- Child day care facility, Class 1
- Child day care facility, Class 2
- Dwelling, conversion apartment
- Dwelling, multi-family
- Emergency shelter
- Event, mass gathering
- Governmental operation
- Home-based business (low impact)
- Museum
- Parking lot
- Places of worship/religious institution
- Reception facility
- Recreation, municipal
- School, preK-12

Senior independent housing

The change to Chapter 152: Zoning is only to the Section referred to herein and all other Sections of said Chapter shall remain in full force and effect.

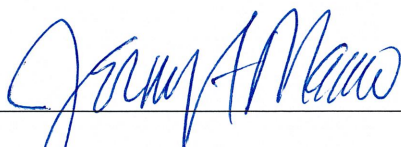
If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon passage.

PASSED AND APPROVED ON FIRST READING July 10, 2025.


PASSED AND APPROVED ON SECOND AND FINAL READING July 24, 2025.

CITY OF ELKINS, WEST VIRGINIA



Jerry A. Marco, Mayor

Attest:



Sutton Stokes, City Clerk