City of Elkins, West Virginia
Policy and Procedures for Zoning Amendment Requests

Recommended by the Elkins Planning Commission: April 9, 2026
Adopted by Elkins City Council: April 21, 2026

1. Purpose and Intent

The zoning regulations of the City of Elkins exist to promote the health, safety, and general welfare of the community by managing land uses, protecting property values, and supporting orderly growth. Under West Virginia Code §8A-7 and §8A-8, changes to zoning regulations must follow a structured public process, including review and recommendation by the Planning Commission and action by City Council.

This policy establishes application fees and cost-recovery procedures, required information for zoning amendment petitions, submission and workflow procedures, and statutory process requirements, including notice and hearing timelines.

Requests may be initiated by the City or by private applicants (including property owners, developers, or residents). When initiated by a private party, a filing fee is required.

2. Position Regarding “Spot Zoning”

The City of Elkins affirms the long-standing planning principle that “spot zoning,” meaning rezoning of a single parcel or a small group of parcels that is out of harmony with surrounding zoning districts and not supported by the Comprehensive Plan, is generally inconsistent with the purpose of zoning.

Applicants should be aware that:

- Zoning amendments must be compatible with the City’s adopted land use policies.
- The Planning Commission must make findings of consistency with the City’s Comprehensive Plan pursuant to W. Va. Code §8A-7-8.
- Isolated rezoning that confers a private benefit absent a public purpose is unlikely to be recommended for approval.

This policy does not prohibit small-area rezonings, and the Commission will consider all complete applications under this policy, but applicants must in all cases supply justification demonstrating public benefit, Comprehensive Plan consistency, and compatibility with adjacent land uses.

3. Definitions: Types of Zoning Amendments

The Elkins Planning Commission considers Zoning Code amendments in two categories, Zoning Code Text Amendments and Zoning Code Map Amendments. There is a different application form and process for each. More information on each category is provided below.

Zoning Code Text Amendment

A Zoning Code Text Amendment is an amendment to the written provisions of the City of Elkins Zoning Code that changes regulations of general applicability, including permitted or conditional uses, district standards, definitions, or procedural requirements. A text amendment does not alter the zoning classification of any specific parcel(s) shown on the official Zoning Map.

Text amendments apply uniformly to all properties subject to the amended provisions and are legislative in nature.

Examples include:

- Amending permitted or conditional uses within a zoning district;
- Revising dimensional standards such as height, setback, or parking requirements;
- Modifying definitions or administrative procedures contained in the zoning code.

Zoning Code Map Amendment

A Zoning Code Map Amendment is an amendment to the official Zoning Map of the City of Elkins that changes the zoning district designation of a specific parcel or group of parcels. A map amendment alters the range of permitted uses and development standards applicable only to the specific affected property or properties.

Map amendments are site-specific legislative actions and are subject to additional notice requirements, including posting of the affected property, as required by W. Va. Code Chapter 8A. These amendments receive heightened scrutiny when it appears that they may confer a private benefit absent a public purpose (see “Position Regarding Spot Zoning,” above).

Examples include:

- Changing the zoning designation of a parcel from residential to commercial;
- Rezoning multiple contiguous parcels to implement an adopted plan or correct inconsistent zoning boundaries; or
- Correcting a mapping error reflected on the official Zoning Map.

4. Fees and Cost Responsibility

A non-refundable application fee of $100.00 shall accompany each zoning amendment application initiated by a member of the public, whether for a Zoning Map Amendment or a Zoning Text Amendment.

For Zoning Map Amendments, West Virginia Code §8A-7-8 and §8A-7-9 require publication of legal notice in a newspaper of general circulation and, where applicable, posting of notice on the subject property. At the time an application is submitted, the City Clerk will determine the required publication and posting costs and provide the applicant with an invoice for those expenses.

An application shall not be deemed complete until all required payments have been received, including the application fee and any required publication and posting costs. All payments shall be made to the Office of the City Treasurer.

In the event the Planning Commission determines that an application identifies an error or omission in the City's zoning laws, the Commission may independently recommend a corrective amendment to City Council, with any associated fees or costs borne by the City.

5. Submission and Workflow

This section describes the steps to be followed in submitting and processing an application to amend the Elkins Zoning Code. The City Clerk serves as staff to the Planning Commission and can assist applicants in understanding and following this process.

Step 1: Application Forms

Obtain the appropriate application forms from the Office of the City Clerk or the City website. The City Clerk can assist in determining whether the request is for a **Zoning Code Text Amendment** or a **Zoning Code Map Amendment**, as the review process and notice requirements differ.

Step 2: Application Submission

Submit a completed application to the City Clerk, including the original signed and notarized application, one copy of all supporting materials, and all required attachments. The application fee must be paid to the Office of the City Treasurer. Applications will not be docketed for Planning Commission review until all required materials have been submitted and the application fee has been paid. (Additional costs, such as for legal advertisements or public notice postings will be billed separately at actual cost.)

Step 3: Administrative Review

The City Clerk and/or other appropriate staff will review the application for administrative completeness, confirm that required materials have been submitted, and verify payment of fees or billing arrangements.

- For **Zoning Map Amendments**, once the application is deemed complete, it is considered received by the Planning Commission for purposes of statutory review and timeline ("Day 0" of 60-day clock).
- For **Zoning Text Amendments**, the application will be placed on the agenda of a regular Planning Commission meeting for consideration.

Step 4: Planning Commission Review and Hearing Requirements

Zoning Map Amendments
No later than sixty (60) days after a complete application has been received in accordance with W. Va. Code § 8A-7-9, the Planning Commission will schedule and hold at least one public hearing on the proposed amendment. The City will publish notice of the hearing as a Class I legal advertisement in accordance with W. Va. Code § 8A-7-8, at least fifteen (15) days prior to the hearing. Signage will also be posted on or near the subject property as required by law.

Zoning Text Amendments
Zoning Code Text Amendments are typically considered at a regular meeting of the Planning Commission. Public hearings, legal advertising, and posting are not required unless otherwise directed by the Planning Commission.

Step 5: Planning Commission Evaluation

The Planning Commission will review the proposed amendment and evaluate factors including consistency with the Comprehensive Plan, promotion of the public health, safety, and welfare, sound planning practice, and compliance with applicable statutory standards.

Step 6: Planning Commission Recommendation

Pursuant to W. Va. Code §8A-7-8(a), the Planning Commission will forward a written recommendation to City Council to approve, approve with modifications, or deny the application.

Step 7: City Council Consideration and Action

City Council will consider the Planning Commission's recommendation at a regular public meeting. Council may, but is not required to, hold an additional public hearing pursuant to W. Va. Code §8A-7-9. Adoption of any zoning amendment requires passage of an ordinance.

6. Minimum Time Requirements and Typical Review Duration

Applicants should be aware of the following minimum statutory timing requirements for **Zoning Map Amendments**:

- A **Class I legal advertisement** must be published at least **fifteen (15) days** prior to a Planning Commission public hearing, in accordance with W. Va. Code §8A-7-8.
- If City Council elects to conduct its own public hearing, a **separate Class I legal advertisement** must also be published at least **fifteen (15) days** prior to that hearing, in accordance with W. Va. Code §8A-7-9.

From receipt of a **complete** application by the Planning Commission, the total review and adoption process for a Zoning Map Amendment typically ranges from **45 to 120 days**, depending on statutory notice requirements, meeting schedules, and the factors described below.

Zoning Code Text Amendments are not subject to the same minimum notice and advertising requirements and are typically considered for possible recommendation to Council at a regular meeting of the Planning Commission, unless additional process is required by law or directed by the Commission. Upon a recommendation by the Planning Commission, Council action to implement the recommended change requires passage of an ordinance at two separate Council meetings at least one week apart.

7. What Can Delay Review?

The following factors commonly affect the overall timeline for zoning amendment review:

- **Incomplete applications** or missing required materials, which must be corrected before the application is deemed received and may be presented or docketed for the Planning Commission.
- **Meeting schedules**, including Planning Commission and City Council meeting dates, holidays, or cancellations.
- **Legal advertising deadlines**, particularly newspaper publication schedules that affect when hearings may be noticed.
- **Requests for revisions or additional information** by the Planning Commission or staff during review.
- **Multiple hearings**, including situations where:
    - The Planning Commission continues a hearing to a later date, or
    - City Council elects to hold its own public hearing.
- **Complexity or scope of the request**, including amendments affecting multiple parcels or raising significant planning or policy issues.

Applicants are encouraged to work closely with the City Clerk early in the process to understand scheduling considerations and minimize avoidable delays.

8. Assistance and Contact Information

The City Clerk and other City staff may provide guidance regarding application completeness, meeting schedules, and the applicable statutory process, but cannot provide legal advice or guarantee approval of any proposed amendment. Applicants have the right to consult with and be represented by legal counsel throughout this process. However, when an applicant is represented by counsel, ethical considerations may limit the ability of the City Clerk or other staff to communicate directly with the applicant, and communications may instead need to occur through the applicant's attorney.

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