

ORDINANCE NO. 427 OF THE CITY OF BUCKHANNON, AN ORDINANCE  
AMENDING ZONING ORDINANCE NO. 244 OF THE CITY OF BUCKHANNON, BY  
REZONING THOSE PROPERTIES LOCATED AT 52, 54 & 56 SOUTH KANAWHA  
STREET FROM "R-2" GENERAL RESIDENTIAL DISTRICT A TO "C-1" CENTRAL  
COMMERCIAL BUSINESS DISTRICT

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WHEREAS, the City of Buckhannon first adopted comprehensive zoning in 1973 pursuant to Ordinance No. 166; and,

WHEREAS, by Ordinance No. 244, the City of Buckhannon established the zoning structure for the City of Buckhannon which is in operation as of the date of this Ordinance; and,

WHEREAS, by in said Ordinance No. 244, the City of Buckhannon designated certain lands, including the lands re-zoned by this Ordinance, as being part of the "R-2" General Residential District A; and,

WHEREAS, the properties subject to this Ordinance have commonly known addresses, respectively, of 52, 54, and 56 South Kanawha Street and appear on the real property tax assessment records of Upshur County, West Virginia, respectively, as Corporation District, Map 7, Parcels 177, 179, and 183 (the "Subject Properties"); and,

WHEREAS, the owners of the Subject Properties have requested a rezoning of the Subject Properties in order to make greater use and realize greater value from their respective properties; and,

WHEREAS, the Planning Commission of the City of Buckhannon, following a properly notice special meeting held on June 28, 2018, specifically recommended to the City Council that the aforesaid Subject Properties be rezoned; and,

WHEREAS, the Council believes it is reasonable and appropriate, and consistent with the City's Comprehensive Plan, to permit the rezoning of the Subject Properties; and,

WHEREAS, the Council of the City of Buckhannon now deems it to be reasonable and appropriate to adopt all of the foregoing recommendations of the Planning Commission as are set forth within the Commission's report emanating from the aforesaid June 28, 2018 meeting; and,

WHEREAS, the statutory provisions of West Virginia Code section 8-11-3(8) require that actions of the municipality in the case of planning and zoning be by adoption of an ordinance; and,

WHEREAS, the Council of the City of Buckhannon desires in all respects to comply with the statutes of the State of West Virginia insofar as the amendments to the City's comprehensive zoning ordinance, being Ordinance No. 244, are concerned.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF BUCKHANNON, AS FOLLOWS:

ARTICLE I – REZONING THOSE PROPERTIES LOCATED AT 52, 54, and 56 SOUTH KANAWHA STREET:

(1) The Council of the City of Buckhannon does hereby adopt the recommendation of the Planning Commission as set forth within the Commission's recommendation dated June 28, 2018 as emanating from their meeting of the same date, does find that such recommendation is consistent with the City's Comprehensive Plan, and in so doing does specifically hereby amend Ordinance No. 244, to incorporate the following:

(a) Those tracts identified as Corporation District, Map 7, Parcels 177, 179, and 183, with respective addresses of 52, 54, and 56 South Kanawha Street, are rezoned to be included in the "C-2" Central Commercial Business District.

(2) That all of the real estate affected by this rezoning is more particularly shown and set forth upon that certain map which is attached hereto and which is expressly made a part hereof.

(3) That all other provisions of Ordinance No. 244 shall remain in full force and legal effect, except for those provisions which are expressly amended pursuant to the provisions hereof.

ARTICLE II – SEVERABILITY: In the event that any provision of this Ordinance is determined to be unconstitutional or otherwise invalid by a court exercising competent jurisdiction, such determination shall not affect the validity of this Ordinance either as a whole or the provisions thereof which are not specifically determined to be unconstitutional or invalid.

ARTICLE III - EFFECTIVE DATE: This Ordinance shall be deemed effective thirty (30) days following the second (2nd) reading, public hearing, passage and adoption by the Council of the City of Buckhannon, i.e., September 15, 2018.

FIRST READING:

July 19, 2018

SECOND READING,  
PASSAGE AND ADOPTION:

August 16, 2018



David W. McCauley, Mayor

CERTIFICATE OF ENACTMENT

I, Colin Reger, City Recorder, do hereby certify that the foregoing Ordinance No. 427 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on August 16, 2018.



Colin Reger, City Recorder

