

ORDINANCE NO. 439 OF THE CITY OF BUCKHANNON, AN ORDINANCE:  
(1) MAKING FINDINGS; (2) ACCEPTING THE RECOMMENDATION OF THE CITY'S  
PLANNING COMMISSION AND ADOPTING THE UPDATED COMPREHENSIVE PLAN  
SUBMITTED BY THE PLANNING COMMISSION; and (3) PROVIDING FOR THE  
CONTINUANCE OF EXISTING ZONING, HOUSING, AND OTHER ORDINANCES,

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WHEREAS, Chapter 8A, Article 3 of the West Virginia Code [§8A-3-1, et seq.] describes the purpose and goals of a municipal comprehensive plan and further sets forth the necessary steps and procedures for the governing body of a municipality to properly adopt its comprehensive plan and to later amend the same; and,

WHEREAS, the said Article requires the municipality's planning commission to make comprehensive surveys and studies of the existing conditions and services and probable future changes of such conditions and services within the territory under its jurisdiction in furtherance of developing the updated comprehensive plan; and,

WHEREAS, the said Article provides for the review and update of the comprehensive plan by the planning commission, and the procedures for carrying out the same, after which the updated plan is presented to the governing body for its review and action thereupon; and,

WHEREAS, following formulation of the updated comprehensive plan, including the conducting of extensive public surveys, gathering data, receiving citizen input, and holding numerous public meetings, the City of Buckhannon's Planning Commission crafted an updated comprehensive plan to be submitted to the Council of the City of Buckhannon; and,

WHEREAS, the Planning Commission submitted their recommended updated comprehensive plan during the City Council's regularly convened meeting of August 1, 2019 for the Council's study and deliberations thereupon; and,

WHEREAS, the City Council, following the presentation of the comprehensive plan on August 1, 2019, directed the convening of a public hearing before the City Council on September 19, 2019, with public notice published at least 15 days prior to the scheduled date for the meeting; and,

WHEREAS, publication of notice of the September 19, 2019 public hearing was accomplished on August 19, 2019; and,

WHEREAS, the Council of the City of Buckhannon now deems it to be reasonable and appropriate to adopt the foregoing recommendation of the Planning Commission as set forth in its report dated August 1, 2019, and hence to adopt the recommended, updated, comprehensive plan.

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

ARTICLE I – FINDINGS OF COUNCIL: The Council of the City of Buckhannon hereby makes the following findings:

- (1) That many officials and other representatives of the City of Buckhannon including the members of its Planning Commission have worked in a diligent and dedicated manner toward development of the community's updated comprehensive plan.
- (2) That the City's Planning Commission has produced a document, tendered to the Council at its August 1, 2019 meeting, which conforms with the requirements of the laws of the State of West Virginia.
- (3) That the recommended updated comprehensive plan is the result of over one thousand hours of labor by the stakeholders who led or participated in the creation of the updated plan.
- (4) That the recommended updated comprehensive plan outlines an expansive vision for the development of the land resources located within the City of Buckhannon.
- (5) That adoption of the recommended updated comprehensive plan is an effective guide for the City Council to accomplish a coordinated and compatible development of lands and improvements within the municipal limits of the City of Buckhannon.

ARTICLE II – ADOPTION:

The Council of the City of Buckhannon does hereby adopt in its entirety the updated comprehensive plan recommended to the Council by the City of Buckhannon Planning Commission at its August 1, 2019 meeting. The updated plan is attached to this ordinance and incorporated herein by reference, as if the provisions of the same were set forth herein.

ARTICLE III – MISCELLANEOUS PROVISIONS:

All provisions of Ordinance No. 244 and any and all other ordinances of the City of Buckhannon, particularly those pertaining to municipal zoning and planning that are not amended hereby, shall be deemed to remain in full force and effect except for those provisions which are expressly amended pursuant to the provisions hereof.

ARTICLE IV – 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.

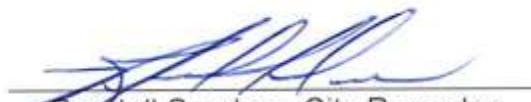
ARTICLE V - EFFECTIVE DATE: This Ordinance shall be deemed effective thirty (30) days following the second (2nd) reading, passage and adoption by the Council of the City of Buckhannon, i.e., October 19, 2019.

FIRST READING:	September 5, 2019
PUBLIC HEARING NOTICE PUBLISHED:	August 19, 2019
PUBLIC HEARING HELD BY COUNCIL:	September 19, 2019
SECOND READING, PASSAGE AND ADOPTION:	September 19, 2019

  
David W. McCauley, Mayor

CERTIFICATE OF ENACTMENT

I, Randall Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 439 was lawfully ordained and enacted by the Council of the City of Buckhannon, following a public hearing on the same, at a regular session of the said Council assembled on September 19, 2019.

  
Randall Sanders, City Recorder