

ORDINANCE NO. 426 OF THE CITY OF BUCKHANNON, AN ORDINANCE  
AMENDING ZONING ORDINANCE NO. 244 AND ORDINANCE NO. 282 OF THE  
CITY OF BUCKHANNON, BY REZONING A PORTION OF THAT PROPERTY  
LOCATED AT 29 ARMORY ROAD FROM "C-2" HIGHWAY COMMERCIAL DISTRICT  
TO "I" INDUSTRIAL 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 Ordinance No. 282, the City of Buckhannon designated certain lands, including the lands re-zoned by this Ordinance, as being part of the "C-2" Highway Commercial Zone; and,

WHEREAS, the land subject to this Ordinance has a commonly known address of 29 Armory Road and appears on the assessment records of Upshur County, West Virginia, as Corporation District, Map 17, Parcel 4.1 (the "Subject Property"); and,

WHEREAS, the owner of the Subject Property has requested a rezoning of a part thereof in order to facilitate its use in manufacturing processes, which are not permitted within the C-2 Highway Commercial District but are permitted within the "I" Industrial District; and,

WHEREAS, a portion of the building located on the aforesaid property – being the former West Virginia National Guard Armory – is located partially within the C-2 District and partially within the I District; and,

WHEREAS, the Planning Commission of the City of Buckhannon, following a properly published legal notice and public hearing held on May 30, 2018, specifically recommended to the City Council during its meeting on June 18, 2018, that the aforesaid portion of the Subject Property 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 that portion of the Subject Property; 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 18, 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 OF A PORTION OF THAT PROPERTY LOCATED AT 29 ARMORY ROAD:

(1) The Council of the City of Buckhannon does hereby adopt the recommendation of the Planning Commission as set forth within the Commission's report dated June 18, 2018 and as emanating from their meeting and public hearing 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 and Ordinance No. 282, to incorporate the following:

(a) That portion of the tract identified as Corporation District, Map 17, Parcel 4.1 upon which lies that structure formerly known as the West Virginia National Guard Armory, with an address of 29 Armory Road, from a point in the municipal limits (also being the boundary line of the Subject Property) one hundred thirty-three feet eastward from West Virginia State Route 20, northward to the northern edge of the existing driveway, is rezoned to be included in the "I" Industrial 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 Nos. 244 and 282 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 third (3rd) reading, public hearing, passage and adoption by the Council of the City of Buckhannon, i.e., September 15, 2018.

FIRST READING:	July 5, 2018
SECOND READING	July 19, 2018
THIRD READING, PUBLIC HEARING, PASSAGE AND ADOPTION:	August 16, 2018



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David W. McCauley, Mayor

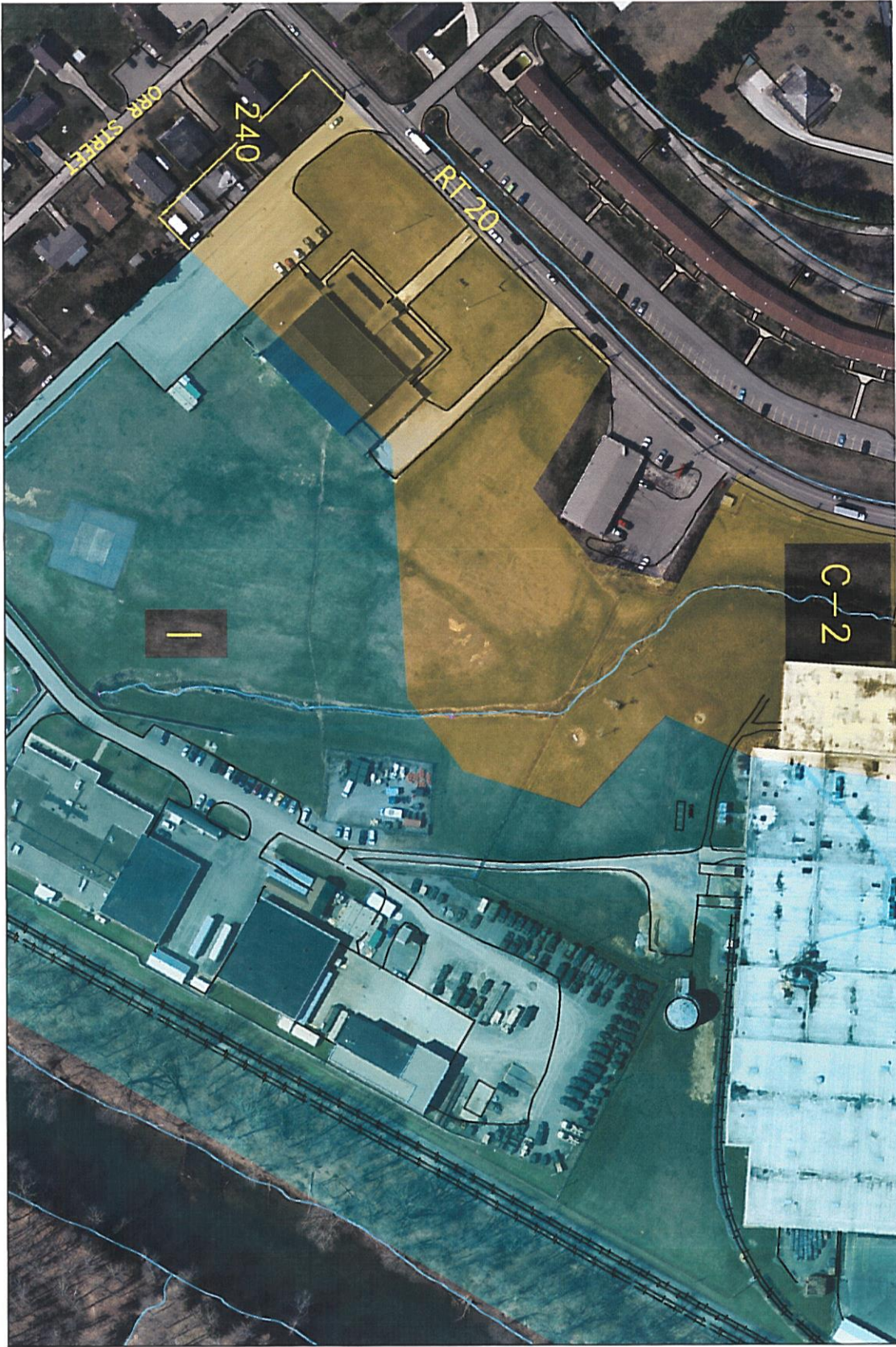
CERTIFICATE OF ENACTMENT

I, Colin Reger, City Recorder, do hereby certify that the foregoing Ordinance No. 426 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.

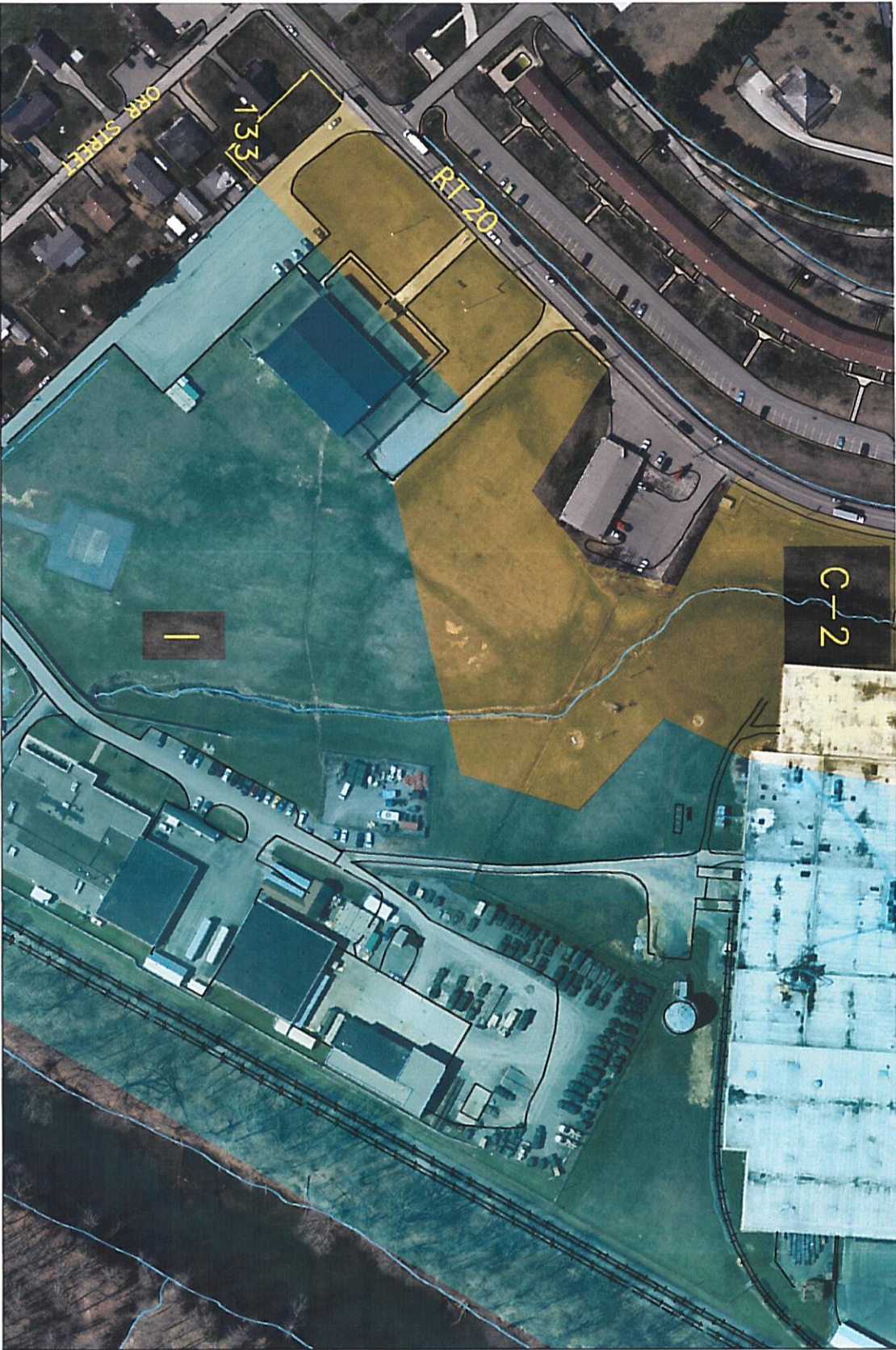


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Colin Reger, City Recorder



Existing



Proposed