

ORDINANCE NO. 299 OF THE CITY OF BUCKHANNON, AN ORDINANCE AMENDING ZONING ORDINANCE NO. 244 OF THE CITY OF BUCKHANNON, BY (a) ESTABLISHING A NEW COMMERCIAL ZONING DISTRICT HEREAFTER TO BE KNOWN AND REFERRED TO AS "C-4", CORRIDOR DISTRICT; (b) ESTABLISHING A NEW ZONING DISTRICT HEREAFTER TO BE KNOWN AND REFERRED TO AS "MEM", MEMORIAL DISTRICT; (c) REZONING ALL OF THE REAL ESTATE ANNEXED INTO THE CORPORATE LIMITS OF BUCKHANNON IN DECEMBER OF 1999 FROM "R-1", SINGLE FAMILY RESIDENTIAL DISTRICT TO EITHER "C-4", CORRIDOR DISTRICT, OR "I", INDUSTRIAL DISTRICT, OR "P", PERMANENT PRESERVE DISTRICT, OR "MEM", MEMORIAL DISTRICT; (d) REZONING A PORTION OF PREVIOUSLY INCORPORATED REAL ESTATE SITUATED ALONG OR NEAR CORRIDOR "H" FROM EITHER "I", INDUSTRIAL DISTRICT, OR "C-2", HIGHWAY COMMERCIAL DISTRICT TO "C-4", CORRIDOR DISTRICT; AND (e) REZONING ALL OF THAT REAL ESTATE SITUATED TO THE WEST OF NORTH LOCUST STREET AND NORTH OF WEST MAIN STREET FROM "P", PERMANENT PRESERVE DISTRICT TO "C-1", CENTRAL BUSINESS DISTRICT

WHEREAS, pursuant to Section 615 of Ordinance No. 244 of the City of Buckhannon, real estate annexed into the City is classified as "R-1", Single Family Residence District, until such annexed areas may be otherwise zoned; and,

WHEREAS, on December 9, 1999, the County Commission of Upshur County, West Virginia, by Order duly entered, approved the application of The City of Buckhannon to annex into the City's corporate limits twenty-four (24) tracts of land together with the Corridor "H", U.S. Route No. 33 right of way from the Brushy Fork Road interchange to the Childers Run Road interchange, said twenty-four (24) tracts of land generally being situated both to the immediate north and south of the said Corridor "H" right of way; all of which real estate is thus zoned "R-1", Single Family Residence District; and,

WHEREAS, other real estate previously incorporated as part of the City of Buckhannon which is situated to the immediate south of the Corridor "H" right of way, and further which is situated either immediately adjacent to or otherwise in close proximity to the real estate referenced in the immediately preceding paragraph has been zoned as "I", Industrial; and,

WHEREAS, pursuant to the provisions of Ordinance No. 244 of the City of Buckhannon, a portion of the real estate situated to the west of North Locust Street and to the north of West Main Street was zoned "P", Permanent Preserve District; and,

WHEREAS, pursuant to two (2) properly published legal notices, public meetings of the Planning Commission of the City of Buckhannon were held on February 1 and 29, 2000, to specifically consider possible amendments to Ordinance No. 244 insofar as (a) rezoning the twenty-four (24) tracts of land together with the Corridor "H", U.S. Route No. 33 right of way from the Brushy Fork Road interchange to the Childers Run Road interchange from "R-1", i.e., Single Family Residence District, and (b) rezoning other real estate previously incorporated as part of the City of Buckhannon which is situated to the immediate south of the Corridor "H" right of way, and further which is situated either immediately adjacent to or otherwise in close proximity to the real estate recently annexed into the corporate limits from "I", Industrial District or "C-2", Highway Commercial District, and (c) rezoning the aforesaid portion of the real estate situated to the west of North Locust Street and to the north of West Main Street zoned "P", Permanent Preserve District; and,

WHEREAS, as a result of the two (2) aforesaid public meetings, the said Planning Commission voted to recommend that the City Council amend Ordinance No. 244 whereby two (2) new zoning districts be established, specifically "C-4", Corridor District, and "MEM", Memorial District, with certain defined principal and accessory uses respecting the two (2) new zoning districts; and,

WHEREAS, further as a result of the two (2) aforesaid public meetings, the said Planning Commission voted to recommend that the City Council amend Ordinance No. 244 to rezone the aforesaid twenty-four (24) tracts of land together with the Corridor "H", U.S. Route No. 33 right of way from the Brushy Fork Road interchange to the Childers Run Road interchange, said twenty-four (24) tracts of land generally being situated both to the immediate north and south of the said Corridor "H" right of way from "R-1", Single Family Residence District, to either "C-4", Corridor District, or "I", Industrial District, or "P", Permanent Preserve District, or "MEM", Memorial District, all in the manner of which is more particularly depicted and set forth upon that certain map which is attached hereto and which is expressly made a part hereof; and,

WHEREAS, further as a result of the two (2) aforesaid public meetings, the said Planning Commission voted to recommend that the City Council amend Ordinance No. 244 to rezone a portion of other real estate previously incorporated as part of the City of Buckhannon which is situated to the immediate south of the Corridor “H” right of way, and further which is situated either immediately adjacent to or otherwise in close proximity to the real estate recently annexed into the corporate limits from either “I”, Industrial District or “C-2”, Highway Commercial District, to “C-4”, Corridor District; and,

WHEREAS, further as a result of the second of the two (2) aforesaid public meetings, the said Planning Commission voted to recommend that the City Council amend Ordinance No. 244 to rezone the aforesaid portion of the real estate situated to the west of North Locust Street and to the north of West Main Street from “P”, Permanent Preserve District to “C-1”, Central Commercial Business District, all in the manner of which is more particularly depicted and set forth upon the attached map; 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 February 1 and 29 meetings, and further in the manner as is depicted and set forth upon the attached map.

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

- (1) That the Council of the City of Buckhannon does hereby adopt all of the recommendations of the Planning Commission as are set forth within the Commission’s report initially dated February 1, 2000, and revised on March 1, 2000 and as emanating from the aforesaid February 1 and 29, 2000 meetings, and in so doing does specifically hereby amend Ordinance No. 244 of the City of Buckhannon, as follows:

- (A) Section 301 and any and all other appropriate Sections of Ordinance No. 244 are hereby amended to reflect the establishment of a new, commercial zoning district hereafter to be known and referred to as “C-4”, Corridor District, which Corridor District shall be deemed as incorporated by amendment to Ordinance No. 244 as “SECTION 513. C-4, CORRIDOR DISTRICT”;

- (i) Subsection “A.” of the new Section 513 is hereby established as follows, “A. THE FOLLOWING BUILDINGS AND USES SHALL BE PERMITTED IN C-4, CORRIDOR DISTRICT:

1. Any residential or commercial use as permitted in either R-5, Public Housing Project District, or C-2, Highway Commercial District, except warehousing of any kind shall not be permitted.
 2. Building material supplies and lumber sales.
 3. Laboratories devoted to research, design, experimentation, processing and fabrication, incidental thereto.
 4. Printing and publishing.
 5. Carpentry, electrical, plumbing, heating and sheet metal shops, furniture upholstery shops, laundries and clothes cleaning or dyeing establishments.
 6. The manufacture of musical instruments, toys, novelty items, rubber or metal stamps, and other small molded rubber products.
 7. The manufacture or repair of computer equipment and other electronic instruments and devices.
 8. Utility operations.”

- (ii) Subsection “B.” of the new Section 513 is hereby established as follows, “B. THE FOLLOWING ACCESSORY USES AND

BUILDINGS SHALL BE PERMITTED IN C-4, CORRIDOR DISTRICT:

1. Any accessory use as permitted in either R-5, Public Housing Project District, or C-2, Highway Commercial District, except as modified by 2, immediately hereinbelow.
 2. Signs are permitted as follows:
 - a. One free standing sign not exceeding 300 square feet (as calculated on one side) and not exceeding fifty feet (50') in height, and identifying the principal use of the commercial activity occurring on or within the commercial premises.
 - b. In the event that the one free standing sign described in "a.", immediately hereinbefore, is less than twenty-five feet (25') in height, then said sign shall not exceed 100 square feet.
 - c. All other signs shall be attached to the principal building, the business of which said signs are identifying."
 - d. Section 301 and any and all other appropriate Sections of Ordinance No. 244 are hereby amended to reflect the establishment of a new, zoning district hereafter to be known and referred to as "MEM", Memorial District, which shall be deemed as incorporated by amendment to Ordinance No. 244 as "SECTION 514. MEM, MEMORIAL DISTRICT";
 - (i) Subsection "A." of the new Section 514 is hereby established as follows, "A. THE FOLLOWING BUILDINGS, USES AND ACCESSORY USES SHALL BE PERMITTED IN MEM, MEMORIAL DISTRICT:
 1. Such limited existing and common uses of cemeteries, as are currently or hereafter authorized by the City's Consolidated Public Works Board, which Board oversees the operations of municipally owned cemeteries.
 2. Mausoleums, pavilions and other buildings and structures, provided that the same are formally approved in advance of construction by the City's Consolidated Public Works Board, or the Board's designee.
 3. Signs only as authorized by the City's Consolidated Public Works Board."
- (C) The aforesaid twenty-four (24) tracts of land together with the Corridor "H", U.S. Route No. 33 right of way from the Brushy Fork Road interchange to the Childers Run Road interchange, said twenty-four (24) tracts of land generally being situated both to the immediate north and south of the said Corridor "H" right of way, currently zoned "R-1", Single Family Residence District, are hereby rezoned to either "C-4", Corridor District, or "I", Industrial District, or "P", Permanent Preserve District, or "MEM", Memorial District, all in the manner of which is more particularly depicted and set forth upon the attached map.
- (D) The portion of other real estate previously incorporated as part of the City of Buckhannon which is situated to the immediate south of the Corridor "H" right of way, and further which is situated either immediately adjacent to or otherwise in close proximity to the real estate recently annexed into the corporate limits, currently zoned either "I", Industrial District, or "C-2", Highway Commercial District, is hereby rezoned to "C-4", Corridor District, all in the manner of

which is more particularly depicted and set forth upon the attached map.

- (E) The aforesaid portion of the real estate situated to the west of North Locust Street and to the north of West Main Street currently zoned "P", Permanent Preserve District, is hereby rezoned to "C-1", Central Commercial Business District, all in the manner of which is more particularly depicted and set forth upon the attached map.
- (2) That all other provisions of Ordinance No. 244 and any and all other ordinances of the City of Buckhannon not amended hereby, shall remain in full force and legal effect except for those provisions which are expressly amended pursuant to the provisions hereof.
- (3) That this Ordinance shall be deemed effective thirty (30) days following the third (3rd) reading, passage and adoption by the Council of the City of Buckhannon, i.e., May 6, 2000.

FIRST READING:	March 2, 2000
SECOND READING:	March 16, 2000
THIRD READING, PASSAGE AND ADOPTION:	April 6, 2000

Elizabeth J. Poundstone, Mayor

CERTIFICATE OF ENACTMENT

I, Nancy C. Shobe, City Recorder, do hereby certify that the foregoing Ordinance No. 299 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on April 6, 2000.

Nancy C. Shobe, City Recorder