

ORDINANCE NO. 457 OF THE CITY OF BUCKHANNON, AN ORDINANCE AMENDING ZONING ORDINANCE NO. 244 OF THE CITY OF BUCKHANNON, BY AMENDING SECTION 502(A) THEREOF TO INCLUDE THE PLACEMENT OF CERTAIN CONDOMINIUMS OR UNIT PROPERTY WITHIN CERTAIN PARTS OF THE R-2 GENERAL RESIDENTIAL DISTRICT A, ZONE

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, the said zoning ordinance established multiple residential, commercial, and other zones to manage and promote the development of land within the municipal limits and,

WHEREAS, the R-2 zone was established to promote higher density residential construction than is permitted in the R-1 Single Family Residential District Zone; and,

WHEREAS, Condominium or other unit property are authorized in Chapter 36A of the West Virginia Code; and,

WHEREAS, the establishment of condominium or unit properties are not explicitly addressed within the city's zoning ordinance; and,

WHEREAS, in the interest of clarity, the Planning Commission of the City of Buckhannon specifically recommended to the City Council during the Commission's meeting on April 18, 2022 that the permitted uses within the aforesaid R-2 Zone be modified to clearly include the placement of condominiums or other unit property, as defined in Chapter 36A of the West Virginia Code, as amended; and,

WHEREAS, the Council believes it is reasonable and appropriate, and consistent with the City's Comprehensive Plan, to permit the placement of the said condominium or unit property within the R-2 Zone; 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 emanating from the aforesaid April 18, 2022 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 – AMENDMENT TO ORDINANCE NO. 244, SECTION 502(A):

The Council of the City of Buckhannon does hereby adopt the recommendation of the Planning Commission as emanating from their meeting of April 18, 2022, does find that such recommendation is consistent with the City's Comprehensive Plan, and in

so doing does specifically hereby amend Section 502(A) of said Ordinance No. 244 to incorporate the following:

“(16) Condominiums or unit property as defined in Chapter 36A of the West Virginia Code of 1931, as amended: *Provided*, That such condominiums must have an active council, as defined in West Virginia Code 36A-1-2(e): *Provided further*, that no such condominium may be located within the boundaries of the city’s designated Central Residential Historic District, as that district may be defined by the City of Buckhannon from time to time.”

ARTICLE II – LIMITATION OF THIS ORDINANCE:

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 III – 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 IV - 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., July 2, 2022.

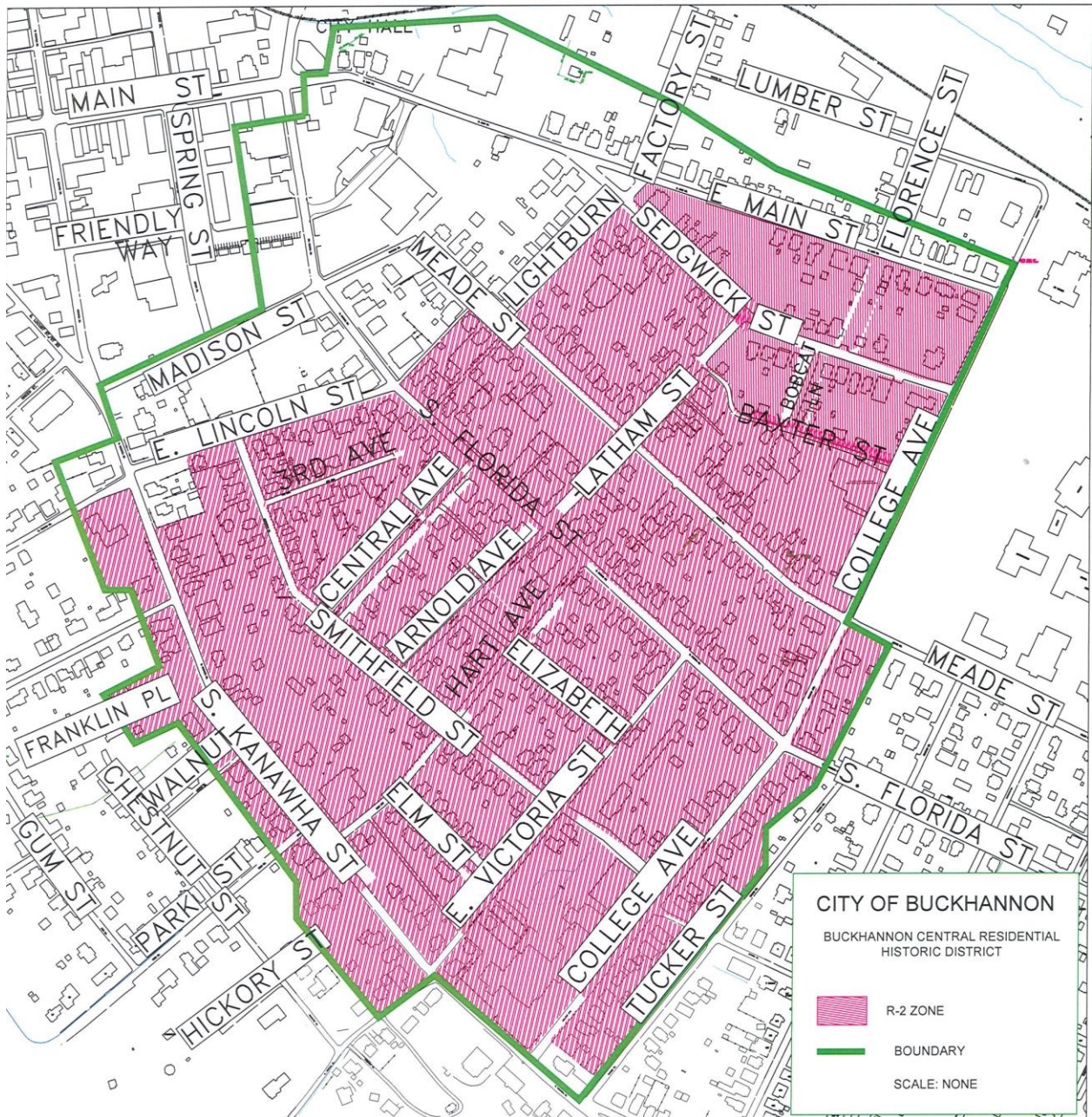
FIRST READING:	May 5, 2022
SECOND READING	May 17, 2022
THIRD READING, PUBLIC HEARING, PASSAGE AND ADOPTION:	June 2, 2022


Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall H. Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 457 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on June 2, 2022.


Randall H. Sanders, City Recorder



MAP: Central Residential Historic District- R-2 Zone-Prohibits placement of condominiums