

ORDINANCE NO. 473 OF THE CITY OF BUCKHANNON, AN ORDINANCE
AMENDING ZONING ORDINANCE NO. 244 OF THE CITY OF BUCKHANNON, BY
REZONING CERTAIN PROPERTIES FROM “R1 – SINGLE FAMILY RESIDENTIAL
DISTRICT ” to “C-2 - HIGHWAY COMMERCIAL DISTRICT

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 Planning Commission of the City of Buckhannon specifically recommended to the City Council during its meeting on April 21, 2025 that the aforesaid Subject Property be rezoned accordingly; 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 Property; 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 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 CERTAIN PROPERTIES ON SOUTH KANAWHA STREET, PUTNAM STREET, AND MORNING DRIVE:

(1) The Council of the City of Buckhannon does hereby adopt the recommendation of the Planning Commission as emanating from their meeting of April 21, 2025, 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 provide for the following lots – identified by tax map and parcel number as recorded in the Office of the Assessor of Upshur County, West Virginia, situate in Corporation District therein – be included in the C2 – Highway Commercial District zone:

<u>Map and Parcel Number:</u>	<u>Address:</u>
Map 10, Parcel 89	179 South Kanawha Street (rear)
Map 10, Parcel 90	Putnam Street
Map 12, Parcel 180	Morning Drive
Map 12, Parcel 182	Morning Drive
Map 12, Parcel 182.1	Morning Drive
Map 12, Parcel 184	Morning Drive
Map 12, Parcel 186	Morning Drive

(2) 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 third (3rd) reading, public hearing, passage and adoption by the Council of the City of Buckhannon, i.e., August 2, 2025.

FIRST READING:	June 5, 2025
SECOND READING	June 12, 2025
THIRD READING, PUBLIC HEARING, PASSAGE AND ADOPTION:	July 3, 2025

Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 473 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on July 3, 2025.

Randall Sanders, City Recorder