

ORDINANCE NO. 10 2010

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA, AMENDING ARTICLE 4, SECTION 5.2 OF THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS OF THE TOWN OF WISE, VIRGINIA, ADOPTED MARCH 23, 1987, TO ADD MIXED COMMERCIAL AND RESIDENTIAL USES IN THE SAME STRUCTURE AS CONDITIONAL USES IN THE B-2 GENERAL BUSINESS ZONING DISTRICT.

WHEREAS, the Wise Town Council has received a petition to amend the text of Article 4, Section 5.2 of the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia, adopted March 23, 1987, to permit mixed commercial and residential uses in the same structure as conditional uses in the B-2 General Business Zoning District; and

WHEREAS, after advertisement as provided by statute and ordinance, the Planning Commission of the Town of Wise, Virginia held a public hearing on said Petition to Amend the Zoning Ordinance at their regularly scheduled meeting on Tuesday December 7, 2010. After discussion of the proposed petition, the Commission adopted PC Resolution No. 3, 2010 recommending that the Wise Town Council approve said Zoning Ordinance amendment; and,

WHEREAS, the Town Council of the Town of Wise, Virginia met on Tuesday December 28, 2010 at 7:30 p.m. in Council Chambers of the Wise Municipal Building at 501 West Main Street and held a public hearing for the purpose of consideration of an amendment to the Zoning Ordinance Text to allow mixed commercial and residential uses in the same structure as conditional uses in the B-2 General Business Zoning District; and,

WHEREAS, notice of the time and place of the public hearing and meeting of said Town Council was advertised as provided by statute and ordinance in *The Coalfield Progress*, a newspaper having general circulation in the Town of Wise, Virginia, and said hearing was open to the public, and persons desiring to be heard were given an opportunity to present testimony; and,

WHEREAS, after review of the guidelines and standards for amending the text of the Zoning Ordinance as set forth in Article 9 of the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia and after careful consideration of all the testimony offered, the Wise Town Council wishes to amend Article 4, Section 5.2 of the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia to allow mixed commercial and residential uses in the same structure in the B-2 General Business Zoning District as conditional uses.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Wise, Virginia that Article 4, Section 5.2 of the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia be amended as follows:

Article 4, Section 5.2 add Mixed Commercial and Residential Uses in the Same Structure as a Conditional Use

VOTING "AYE": Erra Sutherland, Caynor Smith, Luther Adkins, Clifton Carson

VOTING "NAY": - None -

ABSENT FROM THE MEETING: Teresa Adkins

ORDAINED, ENACTED, AND EFFECTIVE this the 28th day of December , 2010

TOWN OF WISE, VIRGINIA

Erra Sutherland

MAYOR

ATTEST:

Janet B. Carico
CLERK OF COUNCIL (Assistant)