REPORT

ON

PLANNING, FUNDING AND SITING FOR PUBLIC FACILITIES

BY THE

COMMITTEE ON COUNTIES, CITIES AND TOWNS

OF THE

HOUSE OF DELEGATES

TO THE

GENERAL ASSEMBLY

House Document No. 23

COMMONWEALTH OF VIRGINIA

Department of Purchases and Supply

Richmond

1975

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COMMITTEE ASSIGNMENTS:
COUNTIES, CITIES AND TOWNS
(CHAIRMAN)
ROADS AND INTERNAL NAVIGATION
APPROPRIATIONS
MINING AND MINERAL RESOURCES

COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

January 3, 1975

FIRST DISTRICT
DICKENSON
LEE
WISE
SCOTT
NORTON

To the member addressed of the
General Assembly:

I am happy to transmit herewith a copy of the report of the Subcommittee studying the Planning, Funding and Siting of Public Facilities which was set up by the Committee on Counties, Cities and Towns.

The Subcommittee's report has been accepted by the Committee for purposes of publication and distribution to members of the General Assembly.

Respectfully,

Orby L. Cantrell, cb

Orby L. Cantrell, Chairman
Committee on Counties, Cities
and Towns

OLC/cp

REPORT

BY THE SUBCOMMITTEE STUDYING THE

PLANNING, FUNDING AND SITING FOR PUBLIC FACILITIES

TO THE

COMMITTEE ON COUNTIES, CITIES AND TOWNS

OF THE

HOUSE OF DELEGATES

RICHMOND, VIRGINIA
NOVEMBER , 1974

TO: The General Assembly of Virginia

In the 1974 Session of the General Assembly, the House of Delegates adopted House Resolution No. 14 directing its Committee on Counties, Cities and Towns to tudy planning, funding and siting for public facilities and questions related to furnishing such public facilities to accommodate growth in Virginia's counties and municipalities. The following is a copy of that Resolution.

HOUSE RESOLUTION NO. 14

Directing the Committee on Counties, Cities and Towns of the House of Delegates to study and report on the question of providing for the planning, funding and siting for public facilities, including public schools, recreational facilities, water, sewers, drainage and related facilities, concurrently with land subdivision and land development, including the question of requiring donations of land by subdividers and land developers, or money in lieu thereof; alternate means for funding such facilities; related questions of development.

Whereas, in recent years counties, cities and towns in the more heavily populated areas of the Commonwealth have experienced increased growth which has heavily impacted existing public schools, recreation areas, water, sewers, drainage and other public facilities, and

Whereas, many requests have been made to amend charters so as to grant cities and towns the power to require subdividers or developers of land to dedicate land to such cities or towns for public use or to pay money in lieu of such dedication, and

Whereas, bills have been introduced into the General Assembly to accomplish the same goals in the counties, cities and towns by general law, and

Whereas, it is generally recognized that large residential developments, planned communities, and new towns require massive expenditures of funds to furnish streets, water, sewers, drainage, educational, recreational and other public facilities for such developments, and

Whereas, the correlation between higher taxes and other revenues derived from construction, development and the economic impact of increased population in such areas and the requirements for additional public facilities to service such development and increased population is unknown, and

Whereas, if subdividers, and builders and developers of land were required to make such dedications or payments, the purchasers of dwellings in such subdivisions or developments may pay the cost or a portion thereof in higher purchase prices with resulting lessened opportunities for access to adequate housing, and

Whereas, it is desirable for the Commonwealth to develop and adopt a uniform and equitable approach to the question of providing public facilities to accommodate growth in its counties, cities and towns and to ascertain the desirability of encouraging or restricting large residential development, planned communities and new towns; now, therefore, be it

Resolved by the House of Delegates, That the Committee on Counties, Cities and Towns of the House of Delegates is hereby directed to study the question of furnishing public facilities to accommodate increased growth in the counties, cities and towns of the Commonwealth; methods of funding or financing such public facilities; the question of restricting growth while developing public facilities; the questions relating to the desirability of encouraging phased development; the desirability of encouraging the development of new towns or planned communities; the question of controlling growth through restrictive or contract zoning; and related questions of development.

Members of the Committee shall receive the compensation provided by law for members of legislative committees and be reimbursed for their actual expenses which shall be paid from the contingent fund of the General Assembly.

All agencies of the State shall assist the Committee in its study upon request.

The Committee shall complete its study and report its findings and recommendations to the members of the General Assembly not later than November one, nineteen hundred seventy-four.

The Committee on Counties, Cities and Towns appointed from its membership a Subcommittee of five persons to conduct the study. They were: the Honorable Robert E. Washington of Norfolk,

Chairman of the Subcommittee, the Honorable Stanley G. Bryan of Chesapeake, the Honorable Clinton Miller of Woodstock, the Honorable Franklin M. Slayton of South Boston and the Honorable Raymond E. Vickery, Jr., of Vienna.

PART I - INTRODUCTION.

The Subcommittee began its study by reviewing the current status of land regulation in the State. There are 95 counties, 38 cities and 192 towns in the Commonwealth of Virginia. Due to the discretionary nature of Virginia's land planning and development statutes, 42 counties and 96 towns have no zoning ordinance. All cities in the State have such an ordinance. A subdivision ordinance has not been adopted in 17 counties and 128 towns but has been adopted in all cities. Lastly, 61 counties, 7 cities and 152 towns have no comprehensive plan. See Exhibit I attached which graphically illustrates the pattern of land planning and development ordinances adopted by local governments in the State.

Since it is not mentioned in the Constitution and statutes of the State, the Subcommittee deemed it advisable to determine the extent of the inherent powers of local governments, if any, to adopt ordinances regulating land development. It is the Subcommittee's understanding that the counties, cities and towns of the Commonwealth exercise only those powers granted to them by the Constitution, statutes or charters and their powers are limited accordingly.

The Subcommittee then reviewed the State's current laws regarding regulation of the development of land to determine how such laws might affect public facilities. Two factors quickly became apparent. They are:

(1) Some basic statutes regulating land development have been enacted.

(2) The utilization of the statutes are primarily discretionary with local governments.

Development has placed heavy financial burdens on local governments in their provision of necessary public facilities. Because of the need for additional revenue, the Subcommittee found that many of Virginia's local governments have adopted, what can only be called, a self-help approach. This has included the adoption of ordinances or practices of doubtful legal validity in the area of control of land development and in the financing of public facilities in an attempt to solve these revenue problems.

After reviewing the statutes of Virginia, the Subcommittee heard a statement prepared by Mr. William J. Serow, Research Director, of the Population Studies Center, Tayloe Murphy Institute of the University of Virginia, in which it was pointed out that in 1970 Virginia had a population of 4.6 million people, of which number 2.9 million lived in urban areas. The projected population

for the year 2000 is 7.2 million, with approximately 43% of the increase, or 1.1 million people, expected to locate in the crescent from northern Virginia through the Richmond locality to the Tidewater area.

The Subcommittee was also addressed by two distinguished experts, Mr. Rosser H. Payne, Jr., A.I.P., and Dr. Harlan W. Westermann, Professor, Virginia Commonwealth University, on the subject of urban growth, its cost and how to finance such cost. There appeared to be a consensus that growth will pay its way but that it is a long range pay-out and the problem is in providing the intitial capital, or so-called "front-end money", to construct the required public facilities to accommodate growth. Both experts placed emphasis on planning but in a different context, one stressing the failure of Virginia's local governments to use the statutory powers presently available, the other concerned with the lack of a State plan to direct growth away from already heavily populated areas, where a shortage of natural resources in such areas contributes to the cost of public facilities,into less densely populated areas, where a more adequate supply of natural resources would assist in lowering the cost of public facilities.

The Subcommittee then heard representatives of an organization constructing a planned community organization, Brandermill, within the State. These representatives pointed out that due to the size of such communities many of the costs of facilities normally paid for by local government are shifted from local government to the developer of the planned community. Thus, such a developer faces the same problem as local government, i.e., the need for, and cost of, "front-end money". Due to the cost of financing such facilities, which become public facilities, the planned communities contain no low cost housing and in fact have no medium priced housing.

The representatives further pointed out that local governments are overwhelmed by the magnitude of such planned communities. As a result, approvals needed to proceed with construction are unreasonably delayed. They suggested that the State should determine whether or not such planned communities are desirable from the State's viewpoint and, if answered in the affirmative, find a method by which such projects can be approved in a reasonable period of time. There is also a need to insure that local governments fulfill, over the period of years involved in creating such communities, their commitment to timely furnish those services and facilities they initially agreed to supply.

Following the above mentioned presentations, the Subcommittee held two public hearings, one in Fairfax and the other in Norfolk. See Exhibit II attached which lists the speakers at these public hearings. Special invitations to appear and address the Subcommittee were sent to local government officials, home builders, officials of building associations, professionals and citizens' groups. From these hearings certain dominant themes were developed: (1) from local government officials- authorize localities to impose fees and/or taxes on new development to help finance public facilities, (2) from housing industry officials-increase real

estate taxes if more revenue is needed, and, (3) from citizens' groups and planners-comprehensive planning, including capital improvements programs, and land reservation for public facilities are necessary for proper development.

The first theme proceeds from the idea that new residents create the need for additional public facilities and therefore they should pay for them. This position is rebutted by its opponents who argue that it assumes a fairly stable population, while in fact, the population is quite mobile and most new housing is purchased by long time residents who buy new homes to upgrade their standard of living. As a result, such purchasers would pay both for the public facilities serving the older portions of the community through payment of real estate taxes and also pay a surcharge in the purchase of their new homes inasmuch as the builders would increase the selling price of their houses to cover their additional costs.

The proponents of the second dominant theme cited above argue that it is the purpose of government to furnish such facilities, therefore new residents, whether they buy new houses or old ones, pay for public facilities through bond issues paid for from the proceeds of real estate taxes. Further, old residents benefit from the presence of new residents because of increased business activity; therfore, the only equitable approach is a general increase in taxes if more revenue is needed. Representations by citizens and planning groups stressed that adequate planning by local governments-coupled with necessary revenues-and a workable means for acquiring sites and funds for necessary public facilities should be provided for. A variety of methods were suggested for accomplishing these objectives.

Following the public hearings, the Subcommittee reviewed laws of Virginia's sister states to determine what, if any, approaches other states have taken in the area of financing public facilities. Members of the Subcommittee found that there are three concepts being used in varying degrees throughout the United States to manage the financial impact of growth. They are: (1) moratoriums, (2) mandatory land dedications, or money in lieu thereof, for public uses, and, (3) a phased growth concept.

While there are few decisions from courts of last appeal concerning the questions the Subcommittee has studied, there are sufficient decisions to draw certain conclusions. A moratorium cannot be used as an exclusionary device but probably can be utilized for a limited period of time,in case of lack of sewerage capacity or other necessary public utilities, to regulate growth. Mandatory land dedications. without compensation, required of developers is of questionable constitutional validity even if sanctioned by state law. Lastly, a phased growth plan, where preceded by comprehensive planning, a capital improvements program and adherence to the phased growth plan, quite likely would be constitutional and permissible under existing Virginia statutes.

In addition to investigating the timing of growth and

development coincident with the provision of public facilities, the Subcommittee explored several funding alternatives designed to acquire "front-end" money.

One mechanism for financing off-site public facility projects is the revolving fund constructed so as to secure the required capital outlay, while refunding a proportionate amount to each developer in the affected area.

The system would work approximately in the following manner:

1) The developer submits a site plan or subdivision plat proposing the development of a parcel of land.

2) Within the framework of the comprehensive plan and capital improvements program, the increase in public facility needs generated by the development are projected.

3) The developer is assessed a pro-rata public facilities fee based on his share of the costs calculated on a percentage basis.

4) The developer is reimbursed a fixed percentage of his public facility fee as subsequent development takes place in the adjacent area utilizing the common facilities.

This process could be implemented by a municipality or by development districts created by the modification of the sanitary district concept. Such districts could operate on the revolving fund basis or rely on the bonding authority of the district finance off-site and/or on-site public facilities. Such bonds would be backed by the property assets and retired through an ad valorem tax.

A number of significant questions must be addressed, however, before this concept could be implemented on a comprehensive scale. (Several localities are using a revolving system for financing selected operations such as sewer projects.)

Issues that must be confronted in the revolving fund or development districts concepts before their application include:

1) What public facilities would be encompassed by the revolving fund or the bonding provisions? The Subcommittee concluded that the focus would be on the financing of open space, recreation and school projects.

2) What would be the developer's "fair share" of the public facility cost, and how would it be determined?

3) What means of intermediary financing would be employed until a residual fund sufficient to cover public facility costs had been raised with the revolving fund method?

4) If these funds are acquired through a revolving fund or by bond issue, what criteria will be used for facility selection ? Will fiscal resources be applied strictly to new programs on a "first-come" and/or need formula, or will funds be equally applied to

existing facilities for improvements and rehabilitation?

5) Finally once the necessary public facilities are provided, particularly if constructed on a development district basis, will the use of these facilities be restricted to residents of that area?

The Subcommittee also reviewed and considered several carry-over bills relating to topics germane to the study. The bills are:

House Bill 369	Senate Bill 487
House Bill 494	Senate Bill 488
House Bill 752	
House Bill 879	
House Bill 890	

PART II-CONCLUSIONS.

Members of the Subcommittee having reviewed the various addresses and materials presented to them have reached the following conclusions.

The first step in solving, or more importantly preventing, the problems outlined in House Resolution No. 14 is long range planning by Virginia's local governments. Secondly, these local governments must utilize the statutory assistance now available to them. Thirdly, the Subcommittee does not have available to it the necessary information to establish, even in approximate numbers, the cost of new growth to a community. While the Subcommittee believes that both the revolving fund and the development district concepts have potential value in dealing with the burden of public facility finance, the points herein before set forth and others must be analyzed. In view of the conclusions of the Subcommittee, it makes the following recommendations.

PART III - RECOMMENDATIONS.

1. That the bill to amend Chapter 11 of Title 15.1, attached as Exhibit III, be enacted. This bill requires every local government in the Commonwealth to appoint a planning commission by July 1,1976. It further requires such planning commission to recommend, and the local government to adopt, by July 1, 1980, a comprehensive plan for all the territory within its jurisdiction. The adoption of a subdivision ordinance would likewise be made mandatory and must be adopted by July 1, 1977. Other changes proposed in the bill to amend Chapter 11 are intended to update the statutes and remove obsolete material. Some changes were required to accomplish substantive recommendations outlined above.

2. That the following bills carried over from the 1974 Session of the General Assembly be passed by indefinitely. They are: House Bill 369, House Bill 494, House Bill 752, House Bill 879, House Bill 890, Senate Bill 487 and Senate Bill 488.

3. That the resolution, attached as Exhibit IV, be adopted by the

General Assembly. This resolution continues the study authorized by House Resolution No. 14 for an additional year and enlarges its membership to include a specified number of members from the Senate Committee on Local Government.

Respectfully submitted,
Robert E. Washington, Chairman
Raymond E. Vickery, Jr., Vice Chairman
Stanley G. Bryan

Orby L. Cantrell, Chairman
Warren E. Barry
Stanley G. Bryan
C. C. Dunford
Joseph A. Johnson
George W. Jones
Frank E. Mann
L. Cleaves Manning
Mary A. Marshall
Thomas J. Michie, Jr.
Clinton Miller
Philip B. Morris
Robert E. Quinn
Edwin H. Ragsdale
Donald H. Rhodes
L. O. Scott
Frank M. Slayton
Raymond E. Vickery, Jr.
Robert E. Washington

EXHIBIT I__ (a)

VIRGINIA

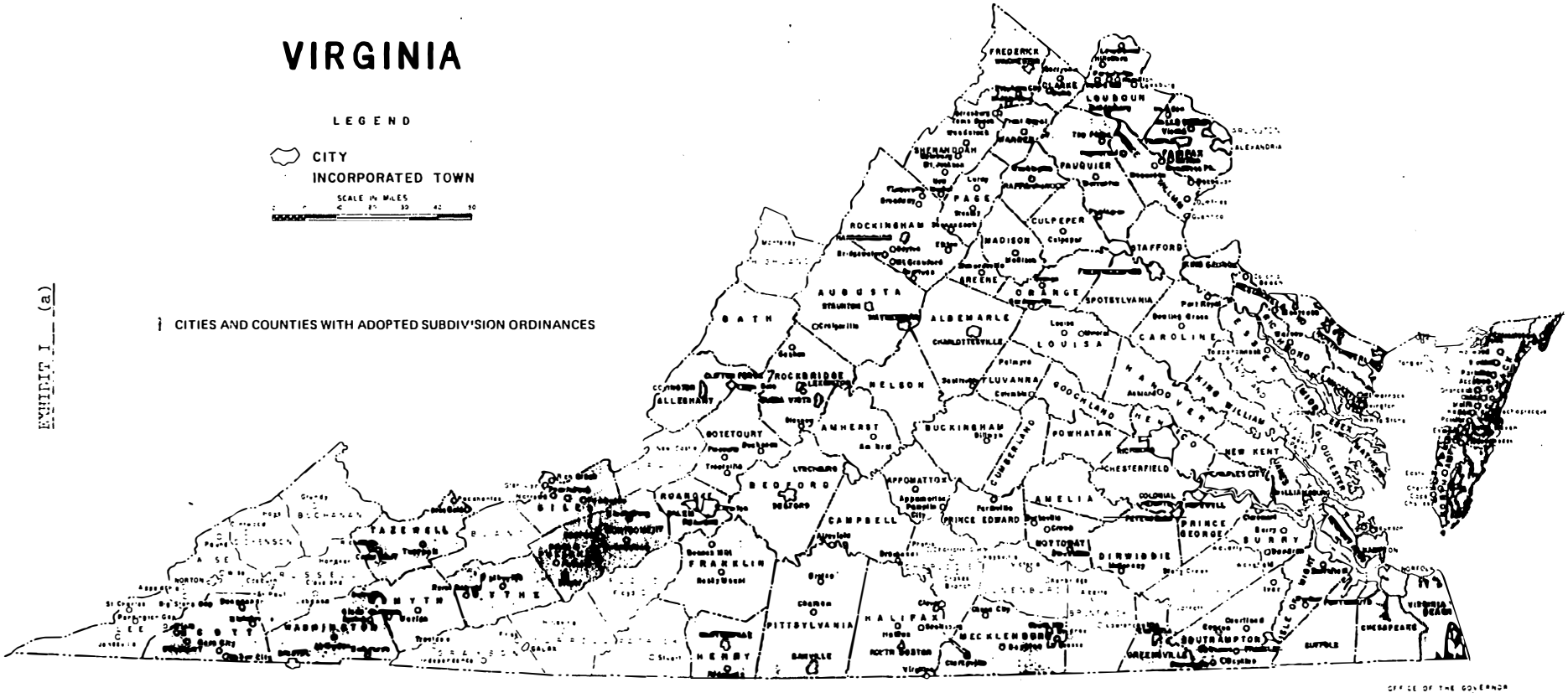
LEGEND

CITY

INCORPORATED TOWN

SCALE IN MILES

CITIES AND COUNTIES WITH ADOPTED SUBDIVISION ORDINANCES



OFFICE OF THE GOVERNOR
DIVISION OF STATE PLANNING AND COMMUNITY AFFAIRS

VIRGINIA

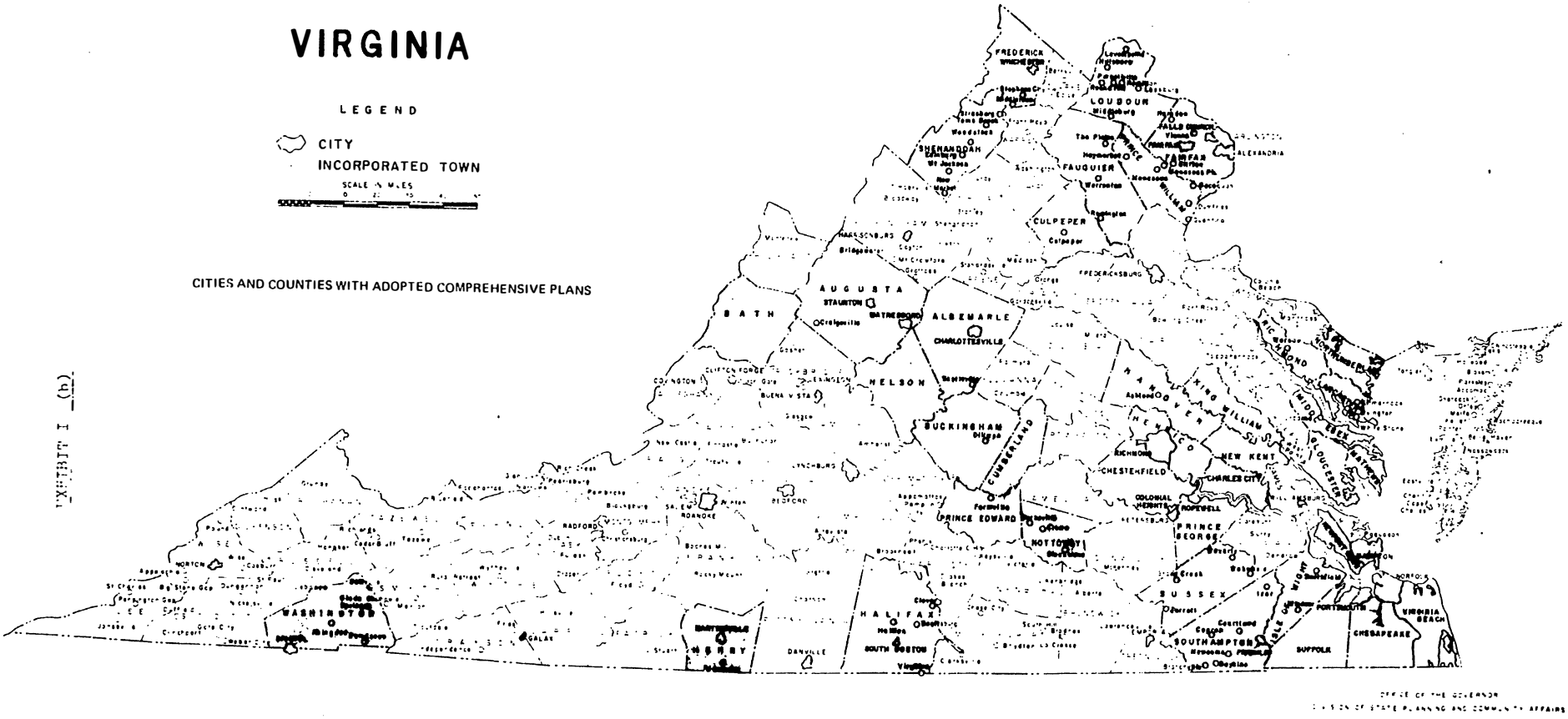
LEGEND

CITY

INCORPORATED TOWN

SCALE IN MILES

CITIES AND COUNTIES WITH ADOPTED COMPREHENSIVE PLANS



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DIVISION OF STATE PLANNING AND COMMUNITY AFFAIRS

EXHIBIT I (b)

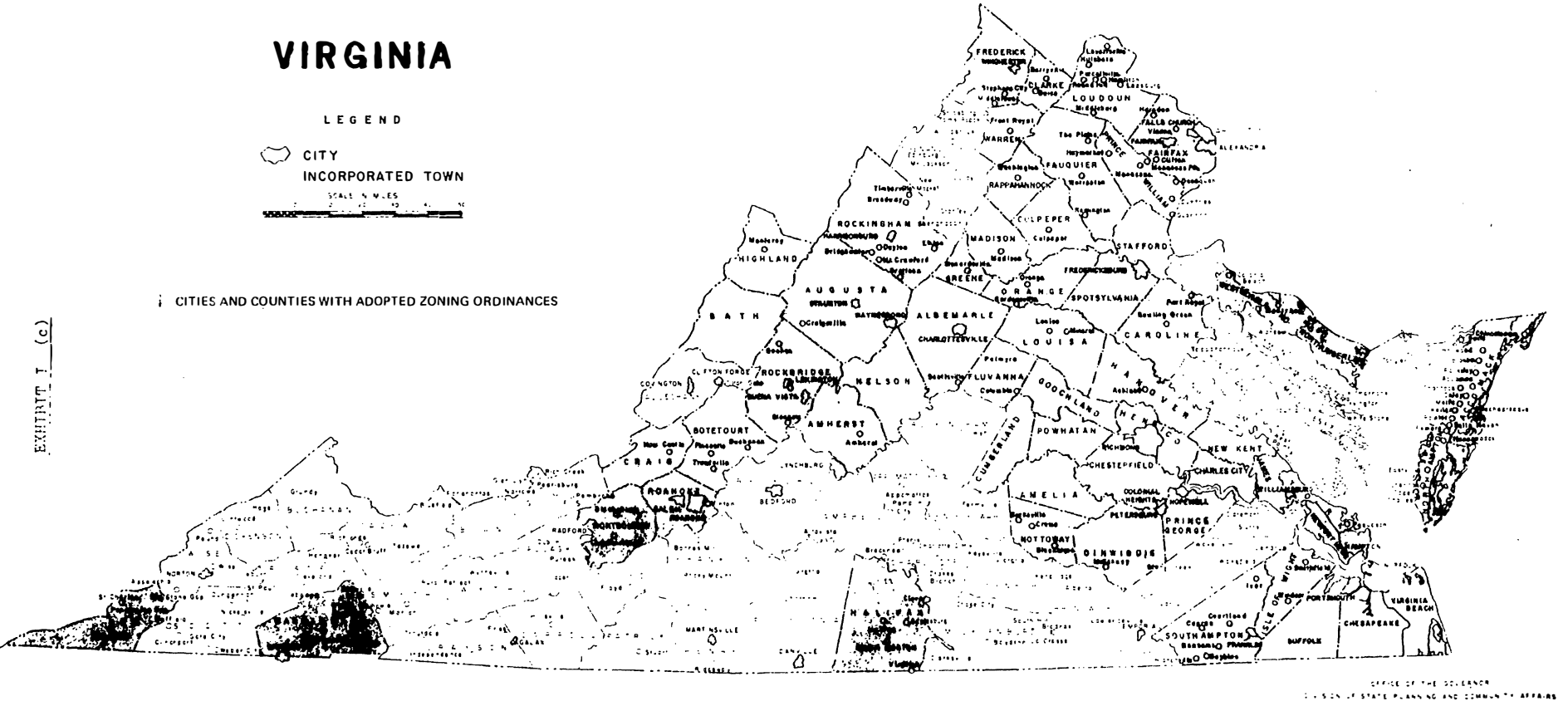
VIRGINIA
LEGEND
CITY
INCORPORATED TOWN
SCALE IN MILES
CITIES AND COUNTIES WITH ADOPTED ZONING ORDINANCES
FREDERICK
CLARKE
LOUDOUN
FAIRFAX
FAUQUIER
RAPPAHANNOCK
WARREN
CULPEPER
ROCKINGHAM
HIGHLAND
MADISON
STAFFORD
GREENE
ORANGE
SPOTSYLVANIA
AUGUSTA
BATH
ALBEMARLE
CHARLOTTESVILLE
LOUISA
CAROLINE
ROCKBRIDGE
NELSON
FLUVANNA
GOOCHLAND
HANOVER
AMHERST
BOTETOURT
CRAIG
ROANOKE
POWHATAN
NEW KENT
CHESTERFIELD
CHARLES CITY
CUMBERLAND
AMELIA
PRINCE GEORGE
NOTTOWAY
DINWIDDIE
HALIFAX
SOUTHAMPTON
PORTSMOUTH
VIRGINIA BEACH
CHESAPEAKE
SUFFOLK
OFFICE OF THE GOVERNOR
DIVISION OF STATE PLANNING AND COMMUNITY AFFAIRS

EXHIBIT II

SPEAKERS AT PUBLIC HEARINGS

1. Mrs. Marjorie Abbott for Mr. Carl Abbott, Professor, Old Dominion University.

2. Mr. Rob R. Blackmore Director, Virginia Commission of Outdoor Recreation.

3. Mr. Carl Bowmer, Attorney representing the Homebuilders Association of Virginia.

4. Mr. Edward Carr, President, Northern Virginia Builders Association and a member of the State Board of Housing.

5. Mr. Mac H. Conway, Executive Director, Peninsular Housing and and Builders Association.

6. Mr. Lawrence S. Costello, Resident of Reston and Chairman of a Committee composed of development-industry representatives.

7. Honorable J. Paul Councill, Jr., Member, House of Delegates.

8. Mr. Myron P. Erkeletian, Member, Northern Virginia Builders Association.

9. Mr. William Garman, Superintendent, Chesapeake Department of Parks and Recreation.

10. Mr. Aubrey Gaskins, Member, Northern Virginia Board of Realtors.

11. Mr. Lee Gifford, Past President, Homebuilders Association of Virginia.

12. Honorable Evelyn M. Hailey, Member, House of Delegates.

13. Mr. Norris Halpern, Member, Tidewater Homebuilders Association.

14. Honorable George H. Heilig, Jr., Member, House of Delegates.

15. Mr. Charles Jeckell, Government Affairs Chairman, Fairfax Chapter of the Virginia Society of Professional Engineers.

16. Mr. Herbert Kramer, Vice-President, Tidewater Builders Association.

17. Mr. M. Reed McCallum of Chesapeake.

18. Mrs. Reba McClanan.

19. Mrs. Audrey Moore, Member, Fairfax County Board of Supervisors.

20. Mrs. R. S. Noe, Town Manager, Herndon.

21. Mrs. Jean Packard, Chairman, Fairfax County Board of Supervisors.

22. Mr. J.C. Park, Planning Department, City of Richmond, Past President, Virginia Chapter, American Institute of Planners.

23. Mr. Julian Tarrant, Member, Virginia Citizens Planning Association.

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EXHIBIT III

A BILL to amend and reenact §§ 15.1-427 through 15.1-431, 15.1-440, 15.1-447 through 15.1-450, 15.1-453, 15.1-454, 15.1-456, 15.1-457, 15.1-464 through 15.1-467, 15.1-469 through 15.1-475, 15.1-482, 15.1-482.1, 15.1-486, 15.1-486.1, 15.1-489, 15.1-491 through 15.1-495, 15.1-496, 15.1-497, and 15.1-503.2, as severally amended, of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 15.1-427.1, 15.1-446.1 and 15.1-490.1; and to repeal §§ 15.1-446, 15.1-452, 15.1-487, 15.1-490 and 15.1-495.1, as severally amended, of the Code of Virginia, the amended, added and repealed sections relating to the duties imposed on, and powers granted to, local governments in regard to use of land; and to provide penalties for certain violations.

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.1-427 through 15.1-431, 15.1-440, 15.1-447 through 15.1-450, 15.1-453, 15.1-454, 15.1-456, 15.1-457, 15.1-464 through 15.1-467, 15.1-469 through 15.1-475, 15.1-482, 15.1-482.1, 15.1-486, 15.1-486.1, 15.1-489, 15.1-491 through 15.1-495, 15.1-496, 15.1-497 and 15.1-503.2, as severally amended, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 15.1-427.1, 15.1-446.1 and 15.1-490.1 as follows:

§ 15.1-427. Declaration of legislative intent.— The governing body of any county or municipality may by resolution or ordinance create a local planning commission or participate in a regional planning commission in order to promote the orderly development of such political subdivision and its environs. This chapter is intended to encourage local governments to improve public health, safety, convenience or *and* welfare *of its citizens* and to plan for the future development of communities to the end that transportation systems be carefully planned; that new community centers be developed with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry and business be recognized in future growth; that residential areas be provided with healthy surrounding for family life; and that the growth of the community be consonant with the efficient and economical use of public funds.

In accomplishing the foregoing objectives such planning commissions shall serve primarily in an advisory capacity to the governing bodies.

§ 15.1-427. 1. Creation of local planning commissions.—The governing body of every county and municipality shall by resolution or ordinance create a local planning commission by July one, nineteen hundred seventy-six, in order to promote the orderly development of such political subdivision and its environs. In accomplishing the objectives of § 15.1-427 such planning commissions shall serve primarily in an advisory capacity to the governing bodies.

The governing body of any county or municipality may participate in a planning district commission in accordance with Title 15.1, Chapter 34 of the Code or a joint local commission in accordance with § 15.1-443.

§ 15.1-428. Cooperation of planning commissions and other agencies.—The planning commission of any region, county or municipality may cooperate with other planning commissions or legislative and administrative bodies and officials of other regions, counties , and municipaiities within or without such areas, so as to coordinate the planning and development of such region, county or municipality with the plans of such other regions, counties , or municipalities. Such commissions may appoint such committees and may adopt such rules as needed to effect such cooperation. Such planning commissions may also cooperate with the State Department of Conservation and Economic Development and use advice and information furnished by such Department and by other State and federal officials, departments and agencies. Such departments and agencies having information, maps and data pertinent to the planning and development of such region, county or municipality may make the same available for the use of such planning commissions. *Planning commissions may request from such departments and agencies, and such departments and agencies of the State shall furnish, such reasonable information which may affect the planning and development of the county or municipality.*

§ 15.1-429. Existing planning commissions and boards of zoning appeals; validation of plans previously adopted.—Upon the effective date of this chapter, planning commissions, by whatever name designated, and boards of zoning appeals heretofore established shall continue to operate as though created under the terms of this chapter. All actions lawfully taken by such commissions and boards are hereby validated and continued in effect until amended or repealed in accordance with this chapter.

The membership of existing planning commissions and boards of zoning appeals shall continue unchanged until the first regular meeting of the governing body of the county or municipality in January nineteen hundred sixty-three. At that time any appointments or changes needed to conform any such commission or board to the requirements of this chapter shall be made.

The adoption of a comprehensive or master plan or any general development plans under the authority of prior acts is hereby validated and shall continue in effect until amended under the provisions of this chapter.

§ 15.1-430. Definitions.— *As used in this chapter the words listed below shall have the meaning given:*

(a) "Governing body" means the board of supervisors of a county or the council of a city or town.

(b) "Historic area" means an area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance

as to warrant conservation and preservation.

(c) "Local planning commission" or "local commission" means a municipal planning commission or a county planning commission.

(d) "Municipality" means a city or town incorporated under the laws of Virginia.

(e) "Official map" means a map of legally established and proposed public streets, waterways, and public areas adopted by the governing body of a county or municipality in accordance with the provisions of Article 5 (§ 15.1-458 et seq.) hereof.

(f) "Person" means individual, firm, corporation or association.

(g) "Regional planning commission" means a planning commission for any region consisting of any two or more adjacent counties or municipalities or of either or both, including any county and any town or towns within it, heretofore organized or organized under the provisions of Article 2 (§ 15.1-432 et seq.) hereof; and includes any such commission organized under the designation "regional planning and economic development commission."

(h) "Street" means highway, street, avenue, boulevard, road, lane, alley, or any public way.

(i) "Special exception" means a special use, that is a use not permitted in a particular district except by a special use permit granted under the provisions of this chapter and any zoning ordinances adopted herewith.

(j) "Planning district commission" means a regional planning agency chartered under the provisions of Title 15.1, Chapter 34 of the Code.

(k) "Zoning" or "to zone" means the process of dividing land within a governmental entity into areas and districts, such areas and districts being generally referred to as "zones", by legislative action and the prescribing and application in each area and district of regulations concerning building and structure designs, building and structure placement and uses to which land, buildings and structures within such designated areas and districts may be put.

(l) "Subdividing" or "to subdivide" means the process of dividing a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development.

(m) "Development" means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose, or is to contain three or more residential dwelling units. The term "development" shall not be construed to include any property which will be principally devoted to agricultural production.

(n) "Plat of Subdivision" means the schematic representation of land divided or to be divided.

(o) "Site Plan" means the proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of

buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject.

§ 15.1-431. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.—Plans or ordinances or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a reference to the place or places within the county or municipality where copies of the proposed plans, ordinances or amendments may be examined.

When public notice is required by this chapter, The local commission shall not recommend nor the governing body adopt any plan, ordinance or amendment until notice of intention so to do has been published once a week for two successive weeks in some newspaper published or having general circulation in such county or municipality; provided, that such notice for both the local commission and the governing body may be published concurrently. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than twelve *six* days nor more than twenty- eight *one* days after the second advertisement shall appear in such newspaper. The local commission and governing body may hold a joint public hearing after public notice as set forth hereinabove. If such joint hearing is held, then public notice as set forth above need be given only by the governing body.

When a proposed amendment of the zoning ordinance involves a change in the zoning classification of twenty-five or less parcels of land, then, in addition to the advertising as above required, written notice shall be given by the local commission at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved, and to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected. In any county or city *municipality* where notice is required under the provisions of this section, notice shall also be given to the owner, their agent or the occupant, of all abutting property and property immediately across the street from the property affected which lies in an adjoining county or city *municipality of the Commonwealth*. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant.

The adoption or amendment prior to January one, nineteen hundred seventy-four, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment. Provided, however, that any litigation pending prior to January one, nineteen hundred seventy-four, shall not be affected by the nineteen hundred seventy-

four amendments to this section

After enactment of any such plan, ordinance or amendment, further publication thereof shall not be required.

§ 15.1-440. Quorum; majority vote.—A majority of the members shall constitute a quorum and no action of the local commission shall be valid unless authorized by a majority vote of those present and voting .

§ 15.1-446.1. Comprehensive plan to be prepared and adopted; scope and purpose.—The local commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction.

Every governing body in this State shall adopt a comprehensive plan for the territory under its jurisdiction by July one, nineteen hundred eighty.

In the preparation of a comprehensive plan the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants.

The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

Such plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the commission's long- range recommendations for the general development of the territory covered by the plan. It may include, but need not be limited to:

1. the designation of areas for various types of public and private development and use, such as different kinds of residential, business, industrial, agricultural, conservation, recreation, public service, flood plain and drainage, and other areas:

2. the designation of a system of transportation facilities such as streets, roads, highways, parkways, railways, bridges, viaducts, waterways, airports, ports, terminals, and other like facilities;

3. the designation of a system of community service facilities such as parks, forests, schools, playgrounds, public buildings and institutions, hospitals, community centers, waterworks, sewage disposal or waste disposal areas, and the like; and

4. the designation of historical areas and areas for urban renewal or other treatment.

§ 15.1-447. Surveys and studies to be made in preparation of plan; implementation of plan.—(1) In the preparation of a comprehensive plan, the local commission shall investigate *survey and study* such matters as the following:

(a) Existing development, Use of land, *characteristics and conditions of existing development,* trends of growth or changes, natural site characteristics *resources,* history of community population changes,

population densities *factors*, employment and economic factors, existing community *public* facilities, characteristics and conditions of existing development, areas of blight, street and highway facilities, traffic conditions, parking conditions, drainage conditions , flood control and flood damage prevention measures, transportation facilities, school and recreational facilities, and any other matters relating to the subject matter and general purposes of the comprehensive plan.

(b) Probable future economic and population growth of the community, *territory* and requirements *therefor* for land areas for agriculture, forestry, urban growth, industry, transportation, water supplies, schools, parks, administrative buildings, and other public purposes .

(2) The comprehensive plan may be implemented by the preparation and recommendation, as provided in this chapter, of the following: *The comprehensive plan shall recommend methods of implementation. Unless otherwise required by this chapter these may include but need not be limited to:*

(a) The *An* official map;

(b) A long-range development program of public works; projects based on the comprehensive plan and related to the financial resources of the community, which program should be reviewed annually; *A capital improvements program;*

(c) Detailed plans of specific projects included on the official map; *A subdivision ordinance; and*

(d) A subdivision control ordinance; and *A zoning ordinance and zoning district maps.*

(e) A zoning ordinance and zoning districts map.

§ 15.1-448. Notice and hearing on plan; recommendaton by local commission to governing body.—Prior to the recommendation of a comprehensive plan or any part thereof , the local commission shall give notice and hold a public hearing on the plan, after notice as required by § 15.1-431. After such public hearing has been held the commission may by resolution recommend the plan to the governing body , provided, however, that the board of supervisors in any county having a population of no less than twenty-two thousand and no more than twenty-two thousand, five hundred, may, as to that county, waive the provisions hereof .

The provisions of Chapter 487 of the Acts of Assembly of Virginia of 1966 shall remain in full force and effect.

§ 15.1-449. Copy to be certified to governing body.—Upon recommendation of the comprehensive plan or a part thereof by the local commission, a copy thereof shall be certified to the governing body.

§ 15.1-450. Adoption or disapproval of plan by governing body.— After certification of the plan or a part thereof The

governing body after a public hearing with notice as required by § 15.1-431 shall proceed to a consideration of the plan and shall approve and adopt, amend and adopt, or disapprove the same within six months *sixty days* after such certification *public hearing*.

§ 15.1-453. Amendments.—After the adoption of a comprehensive plan, all amendments to it shall be recommended, and approved and adopted, respectively, according to the public notice and hearing procedures set forth for recommendation and approval and adoption of the original plan except that, if *as required by § 15.1-431. If* the governing body desires an amendment it may direct the local commission to prepare an amendment and submit it to public hearing within sixty days after formal written request by the governing body.

§ 15.1-454. Plan to be reviewed at least once every five years.—At least once every five years the comprehensive plan , or the completed parts of it, shall be reviewed by the local commission to determine whether it is advisable to amend the plan.

§ 15.1-456. Legal status of plan.—Whenever the local commission shall have recommended a comprehensive plan or part thereof for the county or municipality and such plan shall have been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter no street, park or other public area, public building or public structure, public utility *facility* or public service corporation *facility* other than railroads *railroad facility*, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the local commission as being substantially in accord with the adopted comprehensive plan or part thereof . In connection with any such determination the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.1-431.

The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of the membership thereof. Failure of the commission to act within sixty days of such submission, unless such time shall be extended by the governing body, shall be deemed approval when the commission notifies the owner or owners or their agents by certified mail . In the case of approval the owner or owners or their agents may appeal the decision of the local commission to the governing body within ten days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. A majority vote of the governing body shall overrule the commission.

Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public

utilities or public service corporations shall not require approval unless involving a change in location or extent of a street or public area.

§ 15.1-457. Duties of State agencies.—Every department, board, bureau, commission, or other agency of the Commonwealth of Virginia, which is responsible for the construction, operation, or maintenance of any public facility within the territory to be included within a comprehensive plan or any part thereof , or which is responsible for acquiring land for any public purpose, or of disposing of such land, shall, upon the request of the local commission having authority to prepare such plan, furnish reasonable information requested relative to the plans of said *such* agency which may affect the comprehensive plan; and every such agency shall collaborate and cooperate with such commission, when requested, in the preparation of the comprehensive plan to the end that the plan will coordinate the interests and responsibilities of all concerned. Nothing herein shall be deemed, however, to abridge the authority of any such State agency regarding the facilities now or hereafter coming under its jurisdiction.

§ 15.1-464. Local commissions to prepare and submit annually capital improvement program to governing body or official charged with preparation of budget.—A local commission may, and at the direction of the governing body shall, prepare and revise annually a program of capital improvement projects *program* based on the comprehensive plan of the county or municipality for a period not to exceed the ensuing five years. The commission shall submit the same annually to the governing body, or to the city or town manager, county manager, county executive *chief administrative officer* or other official charged with preparation of the budget for the municipality or county, at such time as it or he shall direct. Such capital outlay *improvement* program shall include the commission's recommendations, and estimates of cost of such projects and the means of financing them, to be undertaken in the ensuing fiscal year and in a period not to exceed the next four years, as the basis of the capital budget for the county or municipality. In the preparation of its capital budget recommendations, the commission shall consult with the city or town manager, county manager, county executive *chief administrative officer* or other executive head of the government of the county or municipality, the heads of departments and interested citizens and organizations and shall hold such public hearings as it deems necessary.

§ 15.1-465. Counties and municipalities shall adopt ordinances regulating subdivision and development of land.—The governing body of any county or municipality may *shall* adopt an ordinance to assure the orderly subdivision of land and its development. Unless otherwise defined in such ordinance, the term "subdivision" means the division of a parcel of land into three or more lots or parcels of less than five acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. *Such ordinance shall be adopted by July one, nineteen hundred seventy-seven. The word "subdivision" as used in any such*

ordinance shall have the meaning set forth in § 15.1-430 of this Code.

§ 15.1-466. Provisions of subdivision ordinance.—A subdivision ordinance may *shall* include , among other things, reasonable regulations and provisions that apply to or provide:

(a) For size, scale and other plat details;

(b) For the orderly development of the general area;

(c) For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades and drainage;

(d) For adequate provisions for drainage and flood control and other public purposes, and for light and air;

(e) For the extent to which and the manner in which streets shall be graded, graveled or otherwise improved and water and storm and sanitary sewer and other *public* utilities or other *community* facilities *are to be* installed;

(f) For the acceptance of dedication for public use of any right-of-way located within any subdivision which has constructed therein, or proposed to be constructed therein, any street, curb, gutter, sidewalk, drainage or sewerage system or other improvement, financed or to be financed in whole or in part by private funds only if the owner or developer (1) certifies to the governing body that the construction costs have been paid to the person constructing such facilities, or (2) furnishes to the governing body a certified check in the amount of the estimated costs of construction or a bond, with surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned;

(g) For monuments of specific types to be installed establishing street and property lines;

(h) That unless a plat be filed for recordation within a reasonable time *six months* after final approval thereof such approval shall be withdrawn and the plat marked void and returned to the approving official; and

(i) For the administration and enforcement of such ordinance, not inconsistent with provisions contained in this chapter, and specifically for the imposition of reasonable fees and charges for the review of plats and plans, and for the inspection of facilities required by any such ordinance to be installed; such fees and charges shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill and administrator's expense involved. All such charges heretofore made are hereby validated; provided, however, that such validation shall not affect any litigation pending in any court of this Commonwealth on June twenty-six, nineteen hundred seventy.

(j) For payment by a subdivider or developer of land of his pro rata share of the cost of providing reasonable and necessary sewerage and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development; provided, however, that no such payment shall be required until such time as the governing body or a designated department or agency thereof shall have established a general sewer and drainage improvement program for an area having related and common sewer and drainage conditions and within which the land owned or controlled by the subdivider or developer is located. Such regulations shall set forth and establish reasonable standards to determine the proportionate share of total estimated cost of ultimate sewerage and drainage facilities required adequately to serve a related and common area, when and if fully developed in accord with the adopted comprehensive plan, that shall be borne by each subdivider or developer within the area. Such share shall be limited to the proportion of such total estimated cost which the increased sewage flow and/or increased volume and velocity of storm water runoff to be actually caused by his subdivision or development bears to total estimated volume and velocity of such sewage and/or runoff from such area in its fully developed state.

Each such payment received shall be expended only for the construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the subdivider or developer; provided, however, that in lieu of such payment the governing body may provide for the posting of a bond with surety satisfactory to it conditioned on payment at commencement of such construction . *and;*

(k) For the establishment of conditions under which a subdivision may be denied.

§ 15.1-467. Application of municipal subdivision regulations beyond corporate limits of municipality.—The subdivision regulations adopted by a municipality shall apply within its corporate limits and may apply beyond, except as to counties with a population in excess of six hundred per square mile, if the ordinance so provides, within the distance therefrom set out below:

(a) Within a distance of five miles from the corporate limits of cities having a population of one hundred thousand or more;

(b) Within a distance of three miles from the corporate limits of cities having a population of less than one hundred thousand; and

(c) Within a distance of two miles from the corporate limits of incorporated towns.

Where the corporate limits of two municipalities are closer together than the sum of the distances from their respective corporate limits as above set forth, the dividing line of jurisdiction shall be halfway between the limits of the overlapping boundaries.

The foregoing distances may be modified by mutual agreement

between the governing bodies concerned, depending upon their respective areas of interest, provided such modified limits bear a reasonable relationship to natural geographic considerations or to the comprehensive plans for the area. Any such modification shall be set forth in the respective subdivision ordinances, by map or description or both.

No such regulations *or amendments thereto* shall be finally adopted by any such municipality until the governing body of the county in which such area is located shall have been duly notified in writing by the governing body of the municipality or its designated agent of such proposed regulations, and requested to review and approve or disapprove the same; and if such county fail to notify the governing body of such municipality of its disapproval of such plan within forty-five days after the giving of such notice, such plan shall be considered approved. Provided, however, that in any county which has a duly appointed planning commission, the governing body or the council shall send a copy of such proposed regulations or amendments thereof to such commission which shall review and recommend approval or disapproval of the same. The county commission shall not take any such action until notice has been given and a hearing held as prescribed by § 15.1-431. Such hearing shall be held by the county commission within sixty days after the giving of notice by the municipality or its agent. Such commission shall forthwith after such hearing make its recommendations to the governing body of the county which shall within thirty days after such hearing notify the municipality of its approval or disapproval of such regulations and no regulations effective beyond the corporate limits shall be finally adopted by the municipality until notification by the governing body of the county, except that if the county fails to notify the governing body of the municipality of its disapproval of such regulations within ninety days after copy of the regulations or amendments thereof are received by the county commission, the regulations shall be deemed to have been approved.

§ 15.1-469. Disagreement between county and municipality as to regulations.— In either event When a disagreement arises between the county and municipality as to what regulations should be adopted for the area, and such difference cannot be amicably settled, then after ten days' prior written notice by either to the other, either or both parties may petition the circuit court of the county wherein the area or a major part thereof lies to decide what regulations are to be adopted. The court shall hear the matter and enter an appropriate order.

§ 15.1-470. Local commission shall prepare and recommend ordinance; notice and hearing on ordinance.—In any *every* county or municipality having a *the* local commission , any proposed subdivision ordinance shall be prepared *prepare* and recommended *recommend* by such commission *the subdivision ordinance* and be transmitted *transmit same* to the governing body. The governing body of any *every* county or municipality may *shall* approve and adopt a subdivision ordinance only after a notice of intention so to do has been published, and a public hearing held, in accordance with § 15.1-431.

§ 15.1-471. Filing and recording of ordinance and amendments

thereto.—When a subdivision ordinance has been adopted, or amended, a certified copy of the ordinance and any and all amendments thereto shall be filed in the office of the engineer or other *an* official of the municipality or county, designated in such ordinance, and in the clerk's office of the court or courts in which deeds are admitted to record of each county or municipality in which such ordinance is applicable.

§ 15.1-472. Preparation and adoption of amendments to ordinance.— In any county or municipality having A local commission , such commission on its own initiative may or at the request of the governing body of the county or municipality shall prepare and recommend amendments to the subdivision ordinance. The procedure for such amendment shall be the same as for the preparation and recommendation and approval and adoption of the original ordinance; provided that no such amendment shall be adopted by the governing body of a county or municipality having a local commission without a reference of the proposed amendment to the commission for recommendation, nor until sixty days after such reference, if no recommendation is made by the commission.

§ 15.1-473. Statutory provisions effective after ordinance adopted.—After the adoption of a subdivision ordinance in accordance with this chapter, the following provisions shall be effective in the territory to which such ordinance applies:

(a) No person shall subdivide land without making and recording a plat of such subdivision and without fully complying with the provisions of this article and of such ordinance.

(b) No such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the local commission or by the governing body or its duly authorized agent, of the county or municipality wherein the land to be subdivided is located; or by the commissions, governing bodies or agents, as the case may be, of each county or municipality having a subdivision ordinance, in which any part of the land lies.

(c) No person shall sell or transfer any such land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been duly *approved and* recorded as provided herein, unless such subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto, provided, that nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.

(d) Any person violating the foregoing provisions of this section shall be subject to a fine of not more than one hundred *thousand* dollars for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

(e) No clerk of any court shall file or record a plat of a

subdivision required by this article to be recorded until such plat has been approved as required herein; and the penalties provided by § 17-59 shall apply to any failure to comply with the provisions of this subsection.

§ 15.1-474. Administration and enforcement of regulations.—The administration and enforcement of subdivision regulations insofar as they pertain to public improvements as authorized in § 15.1-466 shall be vested in the governing body of the political subdivision in which the improvements are or are to be located.

Except as provided above, the governing body which adopts subdivision regulations as authorized in this article shall be responsible for administering and enforcing the provisions of such subdivision regulations, through its planning commission or otherwise.

§ 15.1-475. Plat of proposed subdivision to be submitted for approval.—Whenever the owner or proprietor of any tract of land located within any territory to which a subdivision ordinance applies desires to subdivide the same, he shall submit a plat of the proposed subdivision to the local commission of the county or municipality, or an agent designated by the governing body thereof for such purpose. When the land involved lies wholly or partly within an area subject to the joint control of more than one political subdivision, the plat shall be submitted to the local commission or other designated agent of the political subdivision in which the tract of land is located.

If a local commission or other agent fails to approve or disapprove the proposed plat within sixty days after it has been officially submitted for approval the subdivider, after ten days' written notice to the commission, or agent, may petition the circuit or corporation court of the county or municipality in which the land involved, or the major part thereof, is located, to decide whether the plat should or should not be approved. The court shall hear the matter and make and enter such order with respect thereto as it deems proper.

If a local commission or other agent disapproves a plat and the subdivider contends that such disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit or corporation court having jurisdiction of such land and the court shall hear and determine the case as soon as may be.

Nothing in this article shall be deemed to prohibit the local governing body from providing in its ordinance for the submission of preliminary subdivision plats for tentative approval under such rules of preparation and procedure as may be set forth in said ordinance.

§ 15.1-482. Vacation of plat after sale of lot.—In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

(a) By instrument in writing agreeing to said vacation signed by all the owners of lots shown on said plat and also signed on behalf of the governing body of the county or municipality in which the land shown on the plat or part thereof to be vacated lies for the purpose of showing the approval of such vacation by the governing body. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the clerk's office of any court in which said plat is recorded.

(b) By ordinance of the governing body of the county or municipality in which the land shown on the plat or part thereof to be vacated lies on motion of one of its members or on application of any interested person. Such ordinance shall not be adopted until after notice has been given as required by § 15.1-431. Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon. Any person may appear at said meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days with the circuit or corporation court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon such appeal the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

§ 15.1-482.1. Fee for processing application under § 15.1-482.—The governing body of any city *county or municipality* may prescribe and charge a reasonable fee not exceeding fifty dollars for processing an application pursuant to § 15.1-482 for the vacating of any plat.

§ 15.1-486. Zoning ordinances generally; jurisdiction of counties and municipalities respectively.—The governing body of any county or municipality may, by ordinance, divide the territory under its jurisdiction or any substantial portion thereof into districts of such number, shape and area *size* as it may deem best suited to carry out the purposes of this article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

(a) The use of land, buildings, structures and other premises for agricultural, commercial *business*, industrial, residential, flood plane *plain* and other specific uses;

(b) The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;

(c) The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures,

including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used;

(d) The excavation or mining of soil or other natural resources ; and .

(e) Sedimentation and soil erosion from nonagricultural lands.

For the purpose of zoning, the governing body of a county shall have jurisdiction over all the unincorporated territory in the county, and the governing body of a municipality shall have jurisdiction over the incorporated area of the municipality.

§ 15.1-486.1. Counties and municipalities may provide by ordinance for disclosure of real parties in interest.—In addition to the powers granted by this chapter, the governing body of any county having a population in excess of one hundred fifty thousand *or municipality* may provide by ordinance that the planning commission, governing body or zoning appeals board may require any applicant for amendment to the zoning ordinance or variance complete disclosure of the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the names of stockholders, officers and directors and in any case the names and addresses of all of the real parties in interest; provided that the requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than five hundred shareholders.

§ 15.1-489. Purpose of zoning ordinances.—Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.1-427. To these ends, such ordinances shall be designed (1) to provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers; (2) to reduce or prevent congestion in the public streets; (3) to facilitate the creation of a convenient, attractive and harmonious community; (4) to expedite *facilitate* the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements; (5) to protect against destruction of or encroachment upon historic areas; (6) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers; and (7) to encourage economic development activities that provide desirable employment and enlarge the tax base.

§ 15.1-490.1. Requirement for adoption of zoning ordinance.—After July one, nineteen hundred seventy-five, no county or municipality may adopt a zoning ordinance without having previously adopted a comprehensive plan.

Provided, however, a zoning ordinance in effect on June thirty, nineteen hundred seventy-five shall not be invalidated by the enactment of this section.

§ 15.1-491. Permitted provisions in ordinances; amendments.— A zoning ordinance may include among other things, reasonable regulations and provisions as to any or all of the following matters:

(a) For variations in or exceptions to the general regulations *the granting of a conditional use permit by the governing body* in any district in cases of unusual situations or to ease the transition from one district to another or for buildings, structures or uses having special requirements, and for the adoption, in counties wherein the urban county executive form of government is in effect as a part of an amendment to the zoning map of reasonable conditions, in addition to the regulations provided for the zoning district by the ordinance, when such conditions shall have been proffered in writing, in advance of the public hearing required by § 15.1-493 by the owner of the property which is the subject of the proposed zoning map amendment.

(b) For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.

(c) For the granting of special exceptions under suitable regulations and safeguards; and notwithstanding any other provisions of this article, the governing body of any city, county or town may reserve unto itself the right to issue such special exception or use permit.

(d) For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the county or municipality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance, including the ordering in writing of the remedying of any condition found in violation of the ordinance, and the bringing of legal action to insure compliance with the ordinance, including injunction, abatement, or other appropriate action or proceeding.

(e) For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not less than ten dollars nor more than two hundred fifty dollars. *Each day of violation shall be a separate offense.*

(f) For the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

(g) For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice require, the governing body may by ordinance, amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated by resolution of the

governing body, or by motion of the local commission, or by petition of any property owner addressed to the governing body; provided, that the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year ; provided, however, that in any county having a population of more than two hundred and twenty thousand such ordinance may provide that not exceeding fifteen months may elapse before a rehearing on the same petition .

In any county having adopted such zoning ordinance all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map, pending on July one, nineteen hundred seventy-four, or accepted for filing on or before July one, nineteen hundred seventy-five, shall be acted upon and a decision made on or before December thirty-one, nineteen hundred seventy-five; all such motions, resolutions or petitions accepted for filing after July one, nineteen hundred seventy-five, shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed twelve months.

(h) For the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.

The ordinance may also provide that petitions brought by property owners or their agents shall be sworn to under oath before a notary public or other official before whom oaths may be taken, stating whether or not any member of the local commission or governing body has any interest in such property, either individually, by ownership of stock in a corporation owning such land, or partnership, or whether a member of the immediate household of any member of the commission or governing body has any such interest.

§ 15.1-492. Vested rights not impaired; nonconforming uses.—Nothing in this article shall be construed to authorize the impairment of any vested right, except that a zoning ordinance may provide that land, buildings, and structures and the uses thereof which do not conform to the regulations and restrictions *zoning* prescribed for the district in which they are situated may be continued only so long as the then existing or a more restricted use continues and such use is not discontinued for more than two years, and so long as the buildings or structures are maintained in their then structural condition; and that the uses of such buildings or structures shall conform to such regulations whenever they are enlarged, extended, reconstructed or structurally altered and may further provide that no "nonconforming" building or structure may be moved on the same lot or to any other lot which is not properly zoned to permit such "nonconforming" use.

§ 15.1-493. Preparation and adoption of zoning ordinance and map and amendments thereto.—The local *planning* commission of each county or municipality may, and at the direction of the governing body shall, prepare a proposed zoning ordinance

including a map or maps showing the division of the territory into districts and a text setting forth the regulations applying in each district. The commission shall hold at least one public hearing on such proposed ordinance or any amendment of an ordinance, after notice as required by § 15.1-431, and may make appropriate changes in the proposed ordinance or amendment as a result of such hearing. Upon the completion of its work, the commission shall present the proposed ordinance or amendment including the district maps to the governing body together with its recommendations and appropriate explanatory materials.

After June twenty-ninth, nineteen hundred sixty-two, No zoning ordinance shall be amended or reenacted unless the governing body has referred the proposed amendment or reenactment to the local commission for its recommendations. Failure of the commission to report ninety days after the first meeting of the commission after the proposed amendment or reenactment has been referred to the commission, or such shorter period as may be prescribed by the governing body, shall be deemed approval.

Before approving and adopting any zoning ordinance or amendment thereof, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by § 15.1-431, after which the governing body may make appropriate changes or corrections in the ordinance or proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice required by § 15.1-431. Such ordinances shall be enacted in the same manner as all other ordinances.

The governing body of any county which has adopted an urban county form of government provided for under Chapter 15 (§ 15.1-722 et seq.) of this title may provide by ordinance for use of plans, profiles, elevations, and other such demonstrative materials in the presentation of requests for amendments to the zoning ordinance.

The adoption or amendment prior to March first, nineteen hundred sixty-eight, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise, give notice or conduct more than one public hearing as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment.

The adoption of a zoning ordinance prior to July one, nineteen hundred sixty-eight, by the board of supervisors of a county having the county executive form of organization and government shall not be declared invalid by reason of a failure by said board to call for and hold an election in said county for approval of said ordinance, provided that the provisions of this section for advertisement and public hearings were complied with. Nothing herein contained shall be construed so as to affect any litigation pending on March twenty, nineteen hundred seventy.

§ 15.1-494. Boards of zoning appeals to be created; membership,

organization, etc.—In and for any county or municipality which has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws, there shall be created a board of zoning appeals, which shall consist of five residents of the county or municipality, appointed by the circuit or corporation court of the county or city. Their terms of office shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the county or municipality except that one may be a member of the local planning or zoning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies.

Counties and municipalities may, by ordinances enacted in each jurisdiction, create a joint board of zoning appeals, which shall consist of two members appointed from among the residents of each participating jurisdiction by the circuit or corporation court of each county or city, plus one member from the area at large to be appointed by the circuit or corporation court or jointly by such courts if more than one, having jurisdiction in the area. The term of office of each member shall be five years except that of the two members first appointed from each jurisdiction, the term of one shall be for two years and of the other, four years. Vacancies shall be filled for the unexpired terms. In other respects, joint boards of zoning appeals shall be governed by all other provisions of this article.

The board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the county or municipality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

Within the limits of funds appropriated by the governing body, the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the board may receive such compensation as may be authorized by the respective governing bodies. Any board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court which appointed him, after hearing held after at least fifteen days' notice.

§ 15.1-495. Powers and duties of board of zoning appeals.—Boards of zoning appeals shall have the following powers and duties:

(a) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto;

(b) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

No such variance shall be authorized by the board unless it finds:

(1) That the strict application of the ordinance would produce undue hardship.

(2) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

(3) That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

No such variance shall be authorized except after notice and hearing as required by § 15.1-431.

No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

(c) To hear and decide appeals from the decision of the zoning administrator or applications for such special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

No such special exception may be granted except after notice and hearing as provided by § 15.1-431.

(d) To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by §5.1-431, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

(e) No provision of § 15.1-495 shall be construed as granting any board the power to rezone property.

§ 15.1-496. Applications for variances; appeals to board; proceedings to prevent construction of building in violation of zoning ordinance.—Applications for special exceptions *variances* may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the zoning administrator in accordance with rules adopted by the board. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the board who shall place the matter on the docket. No such special exceptions *variances* shall be authorized except after notice and hearing as required by § 15.1-431. The zoning administrator shall also transmit a copy of the application to the local commission which may send a recommendation to the board or appear as a party at the hearing.

An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the county or municipality affected by any decision of the zoning administrator. Such appeal shall be taken within thirty days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within sixty days. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from. The concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

Where a building permit has been issued and the construction of the building for which such permit was issued is subsequently sought to be prevented, restrained, corrected or abated as a violation of the zoning ordinance, by suit filed within fifteen days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the administrative officer to the board of zoning appeals.

§ 15.1-497. Certiorari to review decision of board.—Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer or any officer, department, board or bureau of the county or municipality, may present to the circuit or corporation court of the county or city a petition specifying the grounds on which aggrieved within thirty days after the filing of the decision in the office of the board.

Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court

may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Costs shall not be allowed against the board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.

§ 15.1-503.2. Preservation of historical sites in counties and municipalities.—(a) The governing body of the counties of Accomack, Albemarle, Arlington, Isle of Wight, James City, Loudoun, Northampton, Sussex, York and any county *or municipality* having a population exceeding two hundred forty thousand may adopt an ordinance setting forth the historic landmarks within the county *or municipality* as established by the Virginia Historic Landmarks Commission, and any other buildings or structures within the county *or municipality* having an important historic interest, amending the existing zoning ordinance and delineating one or more historic districts adjacent to such landmarks, buildings and structures; provided, that such amendment of the zoning ordinance and the establishment of such district or districts shall be in accordance with the provisions of Article 8 (§ 15.1-486 et seq.), Chapter 11, of Title 15.1 of the Code of Virginia. Such ordinance may include a provision that no building or structure, including signs, shall be erected, reconstructed, substantially altered or restored within any such historic district unless the same is approved by the board of supervisors *governing body* of such county *or municipality* as being architecturally compatible with the historic landmark, building or structure therein. The board of supervisors *governing body* may provide for an architectural review board to assist it in its determination. No such historic district shall extend further than one-quarter mile from the property line of the land pertaining to any such historic landmark, building or structure.

(b) Subject to the provisions of subsection (c) hereof, the board of supervisors of such county *governing body* may provide in such ordinance that no historic landmark, building or structure within any such historic district shall be razed or demolished until the razing or demolishment thereof is approved by the board of supervisors *governing body* after consultation with such architectural review board.

(c) The board of supervisors of such county *governing body* shall provide by ordinance for appeals to the circuit court for such county *or municipality* from any final decision of the board of supervisors *governing body* pursuant to subsections (a) and (b) hereof and shall specify therein the parties entitled to appeal such decisions, which such parties shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the board of supervisors *governing body*, provided such petition is filed within thirty days after the final decision is rendered by the board of supervisors *governing body*. The filing of the said petition shall stay the decision of the board of supervisors *governing body* pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the board of supervisors *governing body* if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may

reverse or modify the decision of the board of supervisors *governing body*, in whole or in part, if it finds upon review that the decision of the board of supervisors *governing body* is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the board of supervisors *governing body*.

In addition to the right of appeal hereinabove set forth, the owner of a historic landmark, building or structure, the razing or demolition of which is subject to the provisions of subsection (b) hereof, shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure provided that: (1) He has applied to the board of supervisors *governing body* for such right, (2) the owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such landmark, building or structure, and the land pertaining thereto, to such county *or municipality* or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto, and (3) that no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the board of supervisors *governing body*, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by the board of supervisors *governing body*, but thereafter the owner may renew his request to the board *governing body* to approve the razing or demolishment of the historic landmark, building or structure. The time schedule for offers to sell shall be as follows: three months when the offering price is less than twenty-five thousand dollars; four months when the offering price is twenty-five thousand dollars or more but less than forty thousand dollars; five months when the offering price is forty thousand dollars or more but less than fifty-five thousand dollars; six months when the offering price is fifty-five thousand dollars or more but less than seventy-five thousand dollars; seven months when the offering price is seventy-five thousand dollars or more but less than ninety thousand dollars; and twelve months when the offering price is ninety thousand dollars or more.

(d) The board of supervisors of such county *governing body* is authorized to acquire in any legal manner any historic area, landmark, building or structure, land pertaining thereto, or any estate or interest therein which, in the opinion of the board of supervisors *governing body* should be acquired, preserved and maintained for the use, observation, education, pleasure and welfare of the people; provide for their renovation, preservation, maintenance, management and control as places of historic interest by a department of the county *or municipal* government or by a board, commission or agency specially established by ordinance for the

purpose; charge or authorize the charging of compensation for the use thereof or admission thereto; lease, subject to such regulations as may be established by ordinance, any such area, property, lands or estate or interest therein so acquired upon the condition that the historic character of the area, landmark, building, structure or land shall be preserved and maintained; or to enter into contracts with any person, firm or corporation for the management, preservation, maintenance or operation of any such area, landmark, building, structure, land pertaining thereto or interest therein so acquired as a place of historic interest; provided, the county *or municipal government* shall not use the right of condemnation under this paragraph unless the historic value of such areas, landmark, building, structure, land pertaining thereto, or estate or interest therein is about to be destroyed.

2. That §§ 15.1-446, 15.1-452, 15.1-487, 15.1-490 and 15.1-495.1, as severally amended, of the Code of Virginia are repealed.

EXHIBIT IV

HOUSE JOINT RESOLUTION NO.....

Directing the House Committee on Counties, Cities and Towns and the Senate Committee on Local Government to continue the study of planning, funding, and siting of public facilities.

Whereas, House Resolution No. 14, adopted by the House of Delegates during the 1974 Session of the General Assembly, directed its Committee on Counties, Cities and Towns to study questions pertaining to furnishing public facilities; and

Whereas, a subcommittee was appointed by the Committee on Counties, Cities and Towns to conduct such study; and

Whereas, the subcommittee has made a timely report containing recommendations for improving the process of planning and reserving sites for public facilities in Virginia counties and municipalities; and

Whereas, due to the complexity of the problems of planning and funding and the importance of the answers to the counties and municipalities of Virginia, the subcommittee has further recommended that the study be continued and enlarged to include members from the Senate Committee on Local Government; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the study commenced under House Resolution No. 14, adopted by the House of Delegates during the 1974 Session of the General Assembly, be continued and the membership of such study be enlarged to include five mebers of the Senate from its Committee on Local Government, appointed by the Chairman of such Committee. Such Senate members, together with five members from the House of Delegates' Committee on Counties, Cities and Towns appointed by its Chairman, shall compose a joint committee. The members from the House of Delegates shall be the same persons, insofar as it may be practicable, as were appointed to such study in 1974.

Members of the joint committee shall receive the compensation provided by law for members of legislative committees and be reimbursed for their acutual expenses by their respective houses.

The joint committee shall complete its study and report its findings and recommendations to the members of the General Assembly not later than December one, nineteen hundred seventy-five. All agencies of the State shall assist the joint committee in its study upon request.