

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1962

ENROLLED

Committee Substitute for
SENATE BILL NO. 10

(By Mr.....)

PASSED February 5 1962
Ninety Days
In Effect From Passage



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JOE F. BURDETT
SECRETARY OF STATE

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COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 10

[Passed February 5, 1962; in effect ninety days from passage.]

AN ACT to amend and reenact section sixteen, article five, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to comprehensive plans by cities and counties for planning and zoning.

Be it enacted by the Legislature of West Virginia:

That section sixteen, article five, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 16. Comprehensive Plan; Generally.—A plan-
2 ning commission shall make and recommend for adoption

3 to the governing body of the city or the county court, as
4 the case may be, a comprehensive plan for the physical
5 development of the territory within its jurisdiction. Any
6 county plan may include the planning of incorporated
7 towns to the extent to which, in the commission's judg-
8 ment, they are related to the planning of the unincorpor-
9 ated territory of the county as a whole: *Provided, how-*
10 *ever,* That the plan shall not be considered as a compre-
11 hensive plan for any incorporated town without the con-
12 sent of the planning commission and the governing body
13 of such incorporated town: *And provided further,* That
14 the county plan shall be coordinated with the plans of the
15 state road commission, insofar as it relates to highways
16 or thoroughfares under the jurisdiction of that commis-
17 sion. A county planning commission may prepare, and the
18 county court is authorized and empowered to adopt, a
19 comprehensive plan and zoning ordinance for either the
20 entire county, or for any part or parts thereof which con-
21 stitute an effective region or regions for planning and
22 zoning purposes without the necessity of adopting a plan
23 and ordinance for any other part. In determining what

24 constitutes an effective region or regions for planning and
25 zoning purposes, due consideration shall be given to such
26 factors as population density, health, general welfare,
27 water and sanitation requirements, and future potential
28 for residential, commercial, industrial or public use. The
29 procedure for the preparation and adoption of a compre-
30 hensive plan and zoning ordinance for a part of such
31 county shall be the same as the procedure for the prepara-
32 tion and adoption of a plan and ordinance for the entire
33 county, except that the election provided in section forty-
34 eight of this article shall be restricted to the electors re-
35 siding within the part or parts affected.

36 The comprehensive plan, with the accompanying maps,
37 plats, charts and descriptive and explanatory matter, shall
38 show recommendations for the development of the ter-
39 ritory covered by the plan and may include, among other
40 things, the general location, character and extent of streets
41 or roads, viaducts, bridges, waterways and waterfront
42 developments, parkways, playgrounds, forests, reserva-
43 tions, parks, airports and other public ways, grounds,
44 places and spaces; the general location and extent of pub-

45 licly owned utilities and terminals, and other purposes;
46 the acceptance, widening, removal, extension, relocation,
47 narrowing, vacation, abandonment or change of use of
48 any of the foregoing public ways, grounds, places, spaces,
49 buildings, properties, utilities or terminals; the general
50 character, location and extent of community centers, town
51 sites or housing development; the general location and
52 extent of forests, agricultural areas and open-development
53 areas for the purposes of conservation, food and water
54 supply, sanitary drainage facilities or the protection of
55 urban development; a land-classification and utilization
56 program; the distribution of population, and the uses of
57 land for trade, industry, habitation, recreation, agricul-
58 ture, forestry, soil and water conservation and other pur-
59 poses.

60 In the preparation of a comprehensive plan, a plan-
61 ning commission shall make careful and comprehensive
62 surveys and studies of the existing conditions and proba-
63 ble future changes of such conditions within the territory
64 under its jurisdiction. The comprehensive plan shall be
65 made with the general purpose of guiding and accom-

66 plishing a coordinated, adjusted and harmonious de-
67 velopment of the area which will, in accordance with
68 present and future needs and resources, best promote the
69 health, safety, morals, order, convenience, prosperity or
70 general welfare of the inhabitants, as well as efficiency
71 and economy in the process of development, including,
72 among other things, such distribution of population and
73 of the uses of land for urbanization, trade, industry, habi-
74 tation, recreation, agriculture, forestry and other pur-
75 poses as will tend:

76 1. To create conditions favorable to health, safety, trans-
77 portation, prosperity, civic activities and recreational,
78 educational and cultural opportunities;

79 2. To reduce the wastes of physical, financial or human
80 resources which result from either excessive congestion or
81 excessive scattering of population; and

82 3. Toward the efficient and economic utilization, con-
83 servation and production of the supply of food and water
84 and of drainage, sanitary and other facilities and resources.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Howard Davis, Jr.
Chairman Senate Committee

Mrs. A. H. Withers
Chairman House Committee

Originated in the Senate.

Widely Days

Takes effect *FROM* passage.

Howard Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Harvard Pearson
President of the Senate

Julius W. Singleton Jr.
Speaker House of Delegates

The within *approved* this the *10th*
day of *February*, 1962.

W. W. Baum
Governor