

1 HB392
2 148408-3
3 By Representatives Patterson, Lee, Greer, Brown, Sanderford,
4 Nordgren, Jones, Hammon, Clouse, Chesteen, Buttram, Faust,
5 Shiver and Moore (B)
6 RFD: County and Municipal Government
7 First Read: 07-MAR-13

1 installations, and facilitate the continued presence of major
2 military installations within the state.

3 §11-106-3. As used in this chapter, the following
4 words shall have the following meanings:

5 (1) LOCAL GOVERNMENT. Any county or municipality.

6 (2) MILITARY INSTALLATION. Any base, camp, post,
7 station, airfield, yard, center, or any other land area under
8 the jurisdiction of the United States Department of Defense,
9 including any leased facility, the total acreage of which
10 installation is in excess of 500 acres. The term military
11 installation does not include any facility used primarily for
12 civil works, river projects, or flood control projects.

13 §11-106-4. Each local government whose territorial
14 boundaries are within two miles of all or any portion of a
15 military installation shall timely provide to the military
16 installation's commanding officer and the flying mission if
17 applicable commanding officer, or their designees, information
18 relating to proposed zoning changes, and amendments to the
19 local government's comprehensive master plan or land
20 development regulations that, if approved, would significantly
21 affect the intensity, density, or use of any area that is
22 within two miles of the military installation. Nothing in this
23 section is intended to require submission of any information
24 in connection with a site-specific development application
25 under consideration by the local government.

26 §11-106-5. (a) Upon submission of the information
27 required to be provided pursuant to Section 11-106-4, the

1 military installation shall have 30 calendar days within which
2 to review the information and submit comments to the local
3 government on the impact the proposed changes may have on the
4 mission of the military installation. The comments may include
5 any of the following:

6 (1) If the military installation has an airfield,
7 whether the proposed changes will be compatible with the
8 safety and noise standards contained in the air installation
9 compatible use zone recommended by the United States
10 Department of Defense for that airfield.

11 (2) Whether the proposed changes are compatible with
12 the installation environmental noise management program of the
13 military installation.

14 (3) Whether the proposed changes are compatible with
15 any joint land use study for the area within which the changes
16 are to take place, if such study has been completed.

17 (4) Whether the military installation's mission will
18 be adversely affected by the proposed changes.

19 (b) The local government shall review any comments
20 received from the commanding officer or the flying mission
21 commanding officer, or their designees, pursuant to this
22 section when considering approval of any zoning changes,
23 comprehensive plan, amendments to the plan, or its land
24 development regulations.

25 (c) Notwithstanding any other provision of this
26 chapter, nothing in this section shall be construed to require
27 a local government to amend its zoning rules, comprehensive

1 plan, or land use regulations in effect as of the effective
2 date of this chapter in order to satisfy the requirements of
3 this section.

4 (d) No provision of this chapter shall be construed
5 to confer additional powers or expand existing powers of any
6 local government over zoning, planning, or land use.

7 (e) If an existing joint land use study exists
8 between any local governmental body and a military
9 installation, this chapter shall not be construed to supersede
10 the provisions of that existing agreement.

11 Section 2. Section 11-52-8, Code of Alabama 1975, is
12 amended to read as follows:

13 "§11-52-8.

14 "(a) It shall be the function and duty of the
15 commission to make and adopt a master plan for the physical
16 development of the municipality, including any areas outside
17 of its boundaries which, in the commission's judgment, bear
18 relation to the planning of such municipality.

19 "~~Such~~ The plan, with the accompanying maps, plats,
20 charts, and descriptive matter shall show the commission's
21 recommendations for the development of said territory,
22 including, among other things, the general location, character
23 and extent of streets, viaducts, subways, bridges, waterways,
24 waterfronts, boulevards, parkways, playgrounds, squares,
25 parks, aviation fields and other public ways, grounds and open
26 spaces, the general location of public buildings and other
27 public property, the general location and extent of public

1 utilities and terminals, whether publicly or privately owned
2 or operated, for water, light, sanitation, transportation,
3 communication, power and other purposes, the removal,
4 relocation, widening, narrowing, vacating, abandonment, change
5 of use or extension of any of the foregoing ways, grounds,
6 open spaces, buildings, military installations, property,
7 utilities, or terminals; as well as a zoning plan for the
8 control of the height, area, bulk, location, and use of
9 buildings and premises.

10 "(b) As the work of making the whole master plan
11 progresses, the commission may from time to time adopt and
12 publish a part or parts thereof, any such part to cover one or
13 more major sections or divisions of the municipality or one or
14 more of the aforesaid or other functional matters to be
15 included in the plan.

16 "(c) The commission may from time to time amend,
17 extend, or add to the plan.

18 "(d) For purposes of this section, the term military
19 installation has the same meaning as specified in Section
20 11-106-3."

21 Section 3. All laws or parts of laws which conflict
22 with this act are repealed.

23 Section 4. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on County and Mu-
nicipal Government..... 07-MAR-13

Read for the second time and placed
on the calendar 2 amendments 20-MAR-13

Read for the third time and passed
as amended..... 25-APR-13

Yeas 96, Nays 0, Abstains 0

Jeff Woodard
Clerk