

1 HB690  
2 141048-3  
3 By Representative McMillan  
4 RFD: County and Municipal Government  
5 First Read: 17-APR-12



1 of such municipalities; provided further, that in all counties  
2 having a population of ~~600,000~~ 400,000 or more according to  
3 the ~~1950~~ 2010 federal census or any succeeding decennial  
4 federal census, the county planning and zoning commission  
5 shall be invested with such authority, except and unless the  
6 municipality or municipalities in question are actively  
7 exercising ~~zoning~~ subdivision jurisdiction and control within  
8 the police or five mile jurisdiction or, in the case of a  
9 municipality subsequently incorporated, within 180 days from  
10 the date of its incorporation; provided, further, that in all  
11 counties having a population of ~~600,000~~ ~~400,000~~ 600,000 or  
12 more inhabitants according to the ~~1950~~ ~~2010~~ 1950 federal  
13 census or any succeeding decennial federal census, the county  
14 commission of such county may establish minimum specifications  
15 and regulations governing the lay-out, grading, and paving of  
16 all streets, avenues, and alleys and the construction or  
17 installation of all water, sewer, or drainage pipes or lines  
18 in any subdivision lying wholly or partly in areas outside the  
19 corporate limits of any municipality in the counties and  
20 relating to subdivisions lying within the corporate limits of  
21 any municipality in the counties which has declined or failed  
22 to exercise zoning jurisdiction and control as provided in  
23 this section.

24 "(b) A municipal planning commission, by properly  
25 adopted regulation, may provide that the territorial  
26 jurisdiction of the municipal planning commission over the  
27 subdivision of land shall include all land lying within an

1 area less than the five miles permitted by this section. The  
2 regulation shall establish the territory within which the  
3 planning commission will exercise jurisdiction over the  
4 subdivision of land to a boundary line equidistant from the  
5 corporate limits of the municipality, except, that in the case  
6 of any nonmunicipal land lying within the territorial  
7 jurisdiction of more than one municipality with a planning  
8 commission exercising jurisdiction over the subdivision of  
9 land outside the municipal corporate limits, the jurisdiction  
10 of each planning commission shall terminate at a boundary line  
11 equidistant from the respective corporate limits of each  
12 municipality. A copy of the resolution altering the  
13 territorial jurisdiction shall be forwarded to the county  
14 commission within five days of adoption. Additionally, nothing  
15 in this subsection shall be construed to alter the provisions  
16 of Article 5 of Chapter 49, which require a municipality to  
17 assume responsibility for roads annexed into the municipality  
18 under certain circumstances.

19 "(c) No map or plat of any subdivision shall be  
20 recorded, and no property shall be sold referenced to such map  
21 or plat, until and unless it has been first submitted to and  
22 approved by the county engineer or, in his or her absence, by  
23 the acting county engineer of the county, who shall examine  
24 same for compliance with the specifications and regulations of  
25 the county commission of the county and, if it is in  
26 compliance, shall note his or her approval on the map or plat

1 by noting thereon "approved," giving the date of approval and  
2 signing same in his or her official capacity.

3 "(d) Where any subdivision lies within the  
4 extraterritorial planning jurisdiction of any municipality  
5 having exercised extraterritorial jurisdiction, the  
6 requirement for approval of improvements in the subdivision by  
7 the county engineer shall in no way diminish, waive, or  
8 otherwise lessen the requirements of the municipality. The  
9 more strict requirements, whether of the municipality or of  
10 the county, must be complied with by the developer. Approval  
11 by the county engineer shall in no way constitute approval in  
12 lieu of or on behalf of any municipality with respect to  
13 subdivisions lying within its extraterritorial planning  
14 jurisdiction. All maps or plats must be first submitted to and  
15 approved by the municipal planning commission or other  
16 appropriate municipal agency exercising jurisdiction over any  
17 subdivision lying within the extraterritorial planning  
18 jurisdiction and, following approval by such municipal  
19 planning commission, must then be approved by the county  
20 engineer or, in his or her absence, by the acting county  
21 engineer.

22 "(e) Nothing in this section shall be interpreted as  
23 allowing a municipal planning commission or a municipality to  
24 exercise the power of eminent domain outside of its corporate  
25 limits.

1                   "(f) Nothing in this section shall be interpreted as  
2 allowing a municipal planning commission or a municipality to  
3 levy taxes or fees outside of its corporate limits."

4                   Section 2. This act shall become effective on the  
5 first day of the third month following its passage and  
6 approval by the Governor, or its otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on County and Mu-  
nicipal Government..... . . . . 17-APR-12

Read for the second time and placed  
on the calendar..... . . . . 19-APR-12

Read for the third time and passed  
as amended..... . . . . 01-MAY-12

Yeas 99, Nays 0, Abstains 0

Greg Pappas  
Clerk