

1 HB94
2 155184-1
3 By Representative Patterson
4 RFD: Military and Veterans Affairs
5 First Read: 14-JAN-14
6 PFD: 01/06/2014

2
3
4
5
6
7
8 SYNOPSIS: This bill would relate to land use
9 development near military installations in close
10 proximity to local governments.

11 This bill would encourage compatible land
12 use, help prevent incompatible urban encroachment
13 upon military installations, and facilitate the
14 continued presence of major military installations
15 within the state by requiring the notification of
16 certain military installations of certain land use
17 changes by local governments, and allowing the
18 military installations an opportunity to comment on
19 the proposed land use changes.

20 This bill would provide for references to
21 military installations in master plans adopted by
22 municipal planning commissions.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to land use near military reservations; to
2 add a new Chapter 106 to Title 11 of the Code of Alabama 1975,
3 to require local governments to notify certain military
4 installations of certain proposed land use changes; to provide
5 certain military installations an opportunity to comment on
6 certain proposed land use changes; and to amend Section
7 11-52-8, Code of Alabama 1975, to provide for references to
8 military installations in master plans adopted by municipal
9 planning commissions.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Chapter 106 is added to Title 11 of the
12 Code of Alabama 1975, to read as follows:

13 Chapter 106. Military Land Use Planning.

14 §11-106-1. This chapter shall be known and may be
15 cited as the "Military Land Use Planning Act."

16 §11-106-2. The Legislature finds, determines, and
17 declares that it is desirable for local governments in the
18 state to cooperate with military installations located within
19 the state in order to encourage compatible land use, help
20 prevent incompatible urban encroachment upon military
21 installations, and facilitate the continued presence of major
22 military installations within the state.

23 §11-106-3. As used in this chapter, the following
24 words shall have the following meanings:

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

26 (2) LOCAL IMPACT ISSUE. Any adoption or amendment by
27 a local government of a proposed zoning plan, comprehensive

1 master plan, or land development regulations that, if
2 approved, may or will significantly affect any area or
3 airspace that is within two miles of a military installation.

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

11 §11-106-4. Each local government whose territorial
12 boundaries are within two miles of all or any portion of a
13 military installation shall provide written notice to the
14 military installation's commanding officer and the flying
15 mission commanding officer if applicable, or their designees,
16 of any local impact issue.

17 §11-106-5. (a) Upon submission of the information
18 required by Section 11-106-4 about a local impact issue, the
19 military installation shall have 30 calendar days before any
20 final action is taken or any public hearing is held about the
21 issue. During that time the military installation may review
22 the information and submit comments to the local government on
23 the impact of the issue upon the mission of the military
24 installation. The comments may include any of the following:

25 (1) If the military installation has an airfield,
26 whether the local impact issue will be compatible with the
27 safety and noise standards contained in the air installation

1 compatible use zone recommended by the United States
2 Department of Defense for that airfield.

3 (2) Whether the local impact issue is compatible
4 with the installation environmental noise management program
5 of the military installation.

6 (3) Whether the local impact issue is compatible
7 with any joint land use study for the area within which the
8 changes are to take place, if such study has been completed.

9 (4) Whether the military installation's mission will
10 be adversely affected by the local impact issue.

11 (b) The local government shall review any comments
12 received from the commanding officer or the flying mission
13 commanding officer, or their designees, pursuant to this
14 section when considering approval of the local impact issue.

15 (c) Notwithstanding any other provision of this
16 chapter, nothing in this section shall be construed to require
17 a local government to amend its zoning rules, comprehensive
18 plan, or land development regulations in effect as of the
19 effective date of this chapter in order to satisfy the
20 requirements of this section.

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

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

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

3 "§11-52-8.

4 "(a) It shall be the function and duty of the
5 commission to make and adopt a master plan for the physical
6 development of the municipality, including any areas outside
7 of its boundaries which, in the commission's judgment, bear
8 relation to the planning of such municipality.

9 "~~Such~~ (b) The plan, with the accompanying maps,
10 plats, charts, and descriptive matter shall show the
11 commission's recommendations for the development of said
12 territory, including, among other things, the general
13 location, character and extent of streets, viaducts, subways,
14 bridges, waterways, waterfronts, boulevards, parkways,
15 playgrounds, squares, parks, aviation fields and other public
16 ways, grounds and open spaces, the general location of public
17 buildings and other public property, the general location and
18 extent of public utilities and terminals, whether publicly or
19 privately owned or operated, for water, light, sanitation,
20 transportation, communication, power and other purposes, the
21 removal, relocation, widening, narrowing, vacating,
22 abandonment, change of use or extension of any of the
23 foregoing ways, grounds, open spaces, buildings, military
24 installations, property, utilities, or terminals; as well as a
25 zoning plan for the control of the height, area, bulk,
26 location, and use of buildings and premises.

1 "(c) As the work of making the whole master plan
2 progresses, the commission may from time to time adopt and
3 publish a part or parts thereof, any such part to cover one or
4 more major sections or divisions of the municipality or one or
5 more of the aforesaid or other functional matters to be
6 included in the plan.

7 "(d) The commission may from time to time amend,
8 extend, or add to the plan.

9 "(e) For purposes of this section, the term
10 "military installation" has the same meaning as specified in
11 Section 11-106-3."

12 Section 3. All laws or parts of laws which conflict
13 with this act are repealed.

14 Section 4. This act shall become effective
15 immediately following its passage and approval by the
16 Governor, or its otherwise becoming law.