1   SB232

2   195234-4

3   By Senators Burkette, Beasley and Barfoot

4   RFD: Governmental Affairs

5   First Read: 04-APR-19

1   195234-4:n:01/22/2019:FC/bm LSA2018-2449R3

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8   SYNOPSIS: This bill would authorize any municipality

9   in this state incorporated after 1990 to exercise

10   zoning authority in the police jurisdiction of the

11   municipality if the municipality is located in a

12   county in which another municipality in the county

13   has zoning authority in its police jurisdiction.

14

15   A BILL

16   TO BE ENTITLED

17   AN ACT

18

19   To provide for the zoning authority of

20   municipalities in this state incorporated after 1990 located

21   in a county in which another municipality in the county has

22   zoning authority in its police jurisdiction.

23   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24   Section 1. This act shall apply to all

25   municipalities in this state incorporated after 1990 which are

26   located in a county in which another municipality in that

27   county has zoning authority in its police jurisdiction.

1   Section 2. (a) Any municipality in this state

2 incorporated after 1990, which is located in a county in which

3 another municipality in that county has zoning authority in

4 its police jurisdiction, may divide the territory within its

5 police jurisdiction into business, industrial, and residential

6 zones or districts and, at its option, may provide the kind,

7 character, and use of structures and improvements that may be

8 erected or made within the several zones or districts

9 established and, from time to time, may rearrange or alter the

10 boundaries of the zones or districts and may also adopt

11 ordinances as are necessary to implement and administer this

12 act. It is the intent of this act to grant any municipality to

13 which this act applies full zoning authority within its police

14 jurisdiction to the same extent as the municipality exercises

15 that authority within its corporate limits.

16   (b) This act shall not affect the right of the owner

17 or owners of property located within the police jurisdiction

18 of a municipality to which this act applies to continue to use

19 the property as it is being used on the date of the enactment

20 of any zoning ordinance applicable to the property until the

21 owner or owners of the property seek to change the use of the

22 property.

23   Section 3. In the event the police jurisdiction of

24 any municipality to which this act applies overlaps with the

25 police jurisdiction of another municipality in the county that

26 has zoning authority in its police jurisdiction, the governing

27 body of each municipality may exercise the zoning authority in

the overlapping portions of its police jurisdiction to a
boundary which is equidistant from the respective corporate
limits of each municipality that has an overlapping police
jurisdiction. Nothing in this section prevents neighboring
municipalities from entering into cooperative agreements as to
which municipality will exercise zoning authority in the areas
of overlapping police jurisdiction.

Section 4. Notwithstanding the provisions of Section
3, in the overlapping areas of the police jurisdiction of the
municipalities, each municipality may object to a zoning
decision of the other municipality in the overlapping areas.
In that case, the objecting municipality shall notify the
other municipality of its objection and the zoning dispute
shall be resolved by a panel consisting of the mayors of the
two municipalities and the chair of the county commission of
the county where the property involved in the zoning dispute
is located.

Section 5. Any zoning authority authorized pursuant
to this act shall be undertaken in accordance with Chapter 52
of Title 11, Code of Alabama 1975.

Section 6. The provisions of this act are severable.
If any part of the act is declared invalid or
unconstitutional, such declaration shall not affect the part
which remains.

Section 7. All laws or parts of laws which conflict
with this act are repealed.

1   Section 8. This act shall become effective
2   immediately upon its passage and approval by the Governor, or
3   upon its otherwise becoming a law.