

1 HB337
2 195234-5
3 By Representative Ingram
4 RFD: County and Municipal Government
5 First Read: 03-APR-19

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ENROLLED, An Act,

To provide for the zoning authority of municipalities in this state incorporated after 1990 located in a county in which another municipality in the county has zoning authority in its police jurisdiction.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply to all municipalities in this state incorporated after 1990 which are located in a county in which another municipality in that county has zoning authority in its police jurisdiction.

Section 2. (a) Any municipality in this state incorporated after 1990, which is located in a county in which another municipality in that county has zoning authority in its police jurisdiction, may divide the territory within its police jurisdiction into business, industrial, and residential zones or districts and, at its option, may provide the kind, character, and use of structures and improvements that may be erected or made within the several zones or districts established and, from time to time, may rearrange or alter the boundaries of the zones or districts and may also adopt ordinances as are necessary to implement and administer this act. It is the intent of this act to grant any municipality to which this act applies full zoning authority within its police

1 jurisdiction to the same extent as the municipality exercises
2 that authority within its corporate limits.

3 (b) This act shall not affect the right of the owner
4 or owners of property located within the police jurisdiction
5 of a municipality to which this act applies to continue to use
6 the property as it is being used on the date of the enactment
7 of any zoning ordinance applicable to the property until the
8 owner or owners of the property seek to change the use of the
9 property.

10 Section 3. In the event the police jurisdiction of
11 any municipality to which this act applies overlaps with the
12 police jurisdiction of another municipality in the county that
13 has zoning authority in its police jurisdiction, the governing
14 body of each municipality may exercise the zoning authority in
15 the overlapping portions of its police jurisdiction to a
16 boundary which is equidistant from the respective corporate
17 limits of each municipality that has an overlapping police
18 jurisdiction. Nothing in this section prevents neighboring
19 municipalities from entering into cooperative agreements as to
20 which municipality will exercise zoning authority in the areas
21 of overlapping police jurisdiction.

22 Section 4. Notwithstanding the provisions of Section
23 3, in the overlapping areas of the police jurisdiction of the
24 municipalities, each municipality may object to a zoning
25 decision of the other municipality in the overlapping areas.

1 In that case, the objecting municipality shall notify the
2 other municipality of its objection and the zoning dispute
3 shall be resolved by a panel consisting of the mayors of the
4 two municipalities and the chair of the county commission of
5 the county where the property involved in the zoning dispute
6 is located.

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

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

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

16 Section 8. This act shall become effective
17 immediately upon its passage and approval by the Governor, or
18 upon its otherwise becoming a law.

