

1 SB80
2 155184-2
3 By Senators Dial and Whatley
4 RFD: Veterans and Military Affairs
5 First Read: 14-JAN-14
6 PFD: 01/09/2014

1 SB80

2
3
4 ENROLLED, An Act,

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

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 Chapter 106. Military Land Use Planning.

18 §11-106-1. This chapter shall be known and may be
19 cited as the "Military Land Use Planning Act."

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

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) LOCAL IMPACT ISSUE. Any adoption or amendment by
7 a local government of a proposed zoning plan, comprehensive
8 master plan, or land development regulations that, if
9 approved, may or will significantly affect any area or
10 airspace that is within two miles of a military installation.

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

18 §11-106-4. Each local government whose territorial
19 boundaries are within two miles of all or any portion of a
20 military installation shall provide written notice to the
21 military installation's commanding officer and the flying
22 mission commanding officer if applicable, or their designees,
23 of any local impact issue.

24 §11-106-5. (a) Upon submission of the information
25 required by Section 11-106-4 about a local impact issue, the

1 military installation shall have 30 calendar days before any
2 final action is taken or any public hearing is held about the
3 issue. During that time the military installation may review
4 the information and submit comments to the local government on
5 the impact of the issue upon the mission of the military
6 installation. The comments may include any of the following:

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

12 (2) Whether the local impact issue is compatible
13 with the installation environmental noise management program
14 of the military installation.

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

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

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

24 (c) Notwithstanding any other provision of this
25 chapter, nothing in this section shall be construed to require

1 a local government to amend its zoning rules, comprehensive
2 plan, or land development regulations in effect as of the
3 effective date of this chapter in order to satisfy the
4 requirements of this section.

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

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

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

14 "§11-52-8.

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

20 "~~Such~~ (b) The plan, with the accompanying maps,
21 plats, charts, and descriptive matter shall show the
22 commission's recommendations for the development of said
23 territory, including, among other things, the general
24 location, character and extent of streets, viaducts, subways,
25 bridges, waterways, waterfronts, boulevards, parkways,

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

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

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

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

24 Section 3. All laws or parts of laws which conflict
25 with this act are repealed.

1 Section 4. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB80
Senate 28-JAN-14
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 06-FEB-14

By: Senator Dial