

1 HB14  
2 76581-1  
3 By Representative McMillan  
4 RFD: County and Municipal Government  
5 First Read: 10-JAN-06  
6 PFD: 11/21/2005

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, a municipality may zone  
9 territory only within the corporate limits of the  
10 municipality. There is no provision for zoning  
11 territory that is proposed to be annexed into the  
12 municipality.

13 This bill would authorize municipalities to  
14 pre-zone territory proposed for annexation into the  
15 municipal corporate limits by following the  
16 provisions of Article 4 of Chapter 52 of Title 11,  
17 Code of Alabama 1975. The zoning would be effective  
18 only if the territory is annexed into the  
19 municipality.

20 The bill also would specify that if property  
21 zoned pursuant to this provision is annexed into  
22 the municipality, all municipal services would be  
23 provided within 10 years.

24  
25 A BILL  
26 TO BE ENTITLED  
27 AN ACT

1  
2           Relating to planning and zoning; to authorize a  
3 municipality to pre-zone territory proposed for annexation  
4 into the corporate limits of the municipality by following the  
5 provisions of Article 4 of Chapter 52 of Title 11, Code of  
6 Alabama 1975; and to provide that the zoning shall be  
7 effective only if the territory is annexed into the  
8 municipality; and to provide certain exceptions.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10           Section 1. (a) A municipality may zone territory  
11 proposed for annexation into the corporate limits of the  
12 municipality prior to the effective date of the annexation by  
13 complying with Article 4 of Chapter 52 of Title 11, Code of  
14 Alabama 1975. If all the requirements of Article 4 of Chapter  
15 52 of Title 11 are met, the zoning shall become effective upon  
16 the date the territory is annexed into the corporate limits,  
17 or upon the date the zoning process is completed, whichever is  
18 later.

19           (b) Any zoning established by a municipality for  
20 territory proposed for annexation shall be null and void as to  
21 any portion of the territory that is not annexed into the  
22 corporate limits.

23           (c) Nothing contained in this act shall allow a  
24 municipality to zone territory outside the corporate limits of  
25 the municipality that is not in the process of being annexed  
26 into the corporate limits of a municipality as provided by  
27 law.

1           (d) This section shall not apply to any county to  
2 which a constitutional amendment provides that no police  
3 jurisdiction nor any planning or zoning regulation of a  
4 municipality located wholly or partially within the county  
5 shall extend beyond the corporate limits of the municipality.

6           Section 2. Notwithstanding any provision of law to  
7 the contrary, any municipality annexing territory into the  
8 municipality under the provisions of this act shall, within 10  
9 years following the date of such annexation, provide all  
10 municipal services to the residents of the territory annexed  
11 that are provided to the other residents of the municipality,  
12 unless the municipality at the time of annexation has made  
13 public notice that all municipal services may not be made  
14 available to the annexed land.

15           Section 3. This act shall become effective on the  
16 first day of the third month following its passage and  
17 approval by the Governor, or its otherwise becoming law.