

1 SB251  
2 202662-1  
3 By Senators Elliott and Albritton  
4 RFD: Local Legislation  
5 First Read: 27-FEB-20

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Baldwin County; to amend Section 45-2-216.10 of the Code of Alabama 1975, further providing for the appointment and jurisdiction of boards of adjustment to hear appeals relating to the administration of planning and zoning in districts in the unincorporated area of the county and to provide for alternate members to be appointed to serve on each board of adjustment.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-2-216.10 of the Code of Alabama 1975, is amended to read as follows:

"§45-2-261.10.

"(a) The Baldwin County Commission shall ~~provide for the appointment of~~ appoint two boards of adjustment and the regulations and ordinances adopted pursuant to the authority of this subpart shall provide that the boards of adjustment,

1 in appropriate cases and subject to appropriate conditions and  
2 safeguards, may make special exceptions to the terms of the  
3 ordinances and regulations in harmony with their general  
4 purposes and interests and in accordance with general or  
5 specific rules therein contained.

6 ~~"Four districts boards of adjustment shall be~~  
7 ~~appointed by the Baldwin County Commission with the same~~  
8 ~~boundaries as the county commission districts as currently~~  
9 ~~provided for by law on April 26, 2006. If a planning district~~  
10 ~~is in more than one commission district, the board of~~  
11 ~~adjustment for the planning district shall be the board of~~  
12 ~~adjustment for the county commission district which contains~~  
13 ~~the greatest part of the planning district.~~

14 "(b) Board of Adjustment Number One shall serve  
15 western, central, and northern Baldwin County and shall  
16 include Planning Districts 4, 10, 12, 15, 16, 28, and 31.  
17 Board of Adjustment Number Two shall serve southern Baldwin  
18 County and shall include Planning Districts 20, 21, 22, 23,  
19 24, 25, 29, 30, 32, and 33. If the majority of qualified  
20 electors voting in an election in a territory that is not in a  
21 planning district on the effective date of the act adding this  
22 language vote to come within the planning and zoning authority  
23 and jurisdiction of the Baldwin County Commission in  
24 accordance with Section 45-2-261.07, the new planning district  
25 shall be under the jurisdiction of the board of adjustment  
26 with the closest geographic relationship. Each board of  
27 adjustment shall consist of not less than three and not more

1 ~~than the same number of regular members as the number of~~  
2 ~~planning districts within the jurisdiction of a board of~~  
3 ~~adjustment one regular member from each planning district.~~  
4 Each member of a board of adjustment shall be a qualified  
5 elector of a planning district within the territory of the  
6 respective board of adjustment. ~~The board of adjustment for~~  
7 ~~each county commission district shall be composed of at least~~  
8 ~~one member from each planning district and shall reflect as~~  
9 ~~nearly as practical the diversity of land use in the~~  
10 ~~commission district. The initial appointment of members to~~  
11 ~~boards of adjustment and the alternates provided by Act~~  
12 ~~2006-609 shall be from nominations by the boards of adjustment~~  
13 ~~of the local planning districts on April 26, 2006.~~ Not more  
14 than one member of a board of adjustment shall be directly  
15 engaged in real estate sales, development, or construction or  
16 any directly related field. ~~The county commission shall~~  
17 ~~consider the size of the territory which has formed planning~~  
18 ~~districts under a board of adjustment district in determining~~  
19 ~~the size of a board of adjustment.~~ Each regular member shall  
20 be appointed for a term of three years in such a manner to  
21 serve staggered terms. A regular member shall continue service  
22 until a successor is duly appointed. The members of each board  
23 of adjustment shall elect a chair.

24 "(c) In addition to the regular members provided for  
25 in this section, ~~one alternate member for each regular member~~  
26 ~~shall be appointed~~ the Baldwin County Commission shall appoint  
27 alternate members to serve on each board of adjustment. The

1 number of alternate members on each board of adjustment shall  
2 be not less than two nor more than the number of regular  
3 members on each board. Alternate members may serve only in the  
4 absence of the any regular member for the place for which he  
5 or she was appointed an alternate and while serving he or she  
6 shall have and exercise the authority of a regular member. The  
7 alternate member shall have the same qualifications as a  
8 regular member and shall serve for a term concurrent with the  
9 regular member for the district be appointed for three terms.

10 "(d) Members of each board of adjustment may be  
11 removed for cause by the Baldwin County Commission upon  
12 written charges and after a public hearing. Vacancies shall be  
13 filled for the unexpired term of any member whose term becomes  
14 vacant. Each board of adjustment ~~for each district~~ shall adopt  
15 bylaws in accordance with the provisions of any ordinance or  
16 regulation promulgated pursuant to this subpart. Meetings of  
17 each board of adjustment shall be held at the call of the  
18 chair of the board and at such other times as each board may  
19 determine, provided that no board of adjustment shall meet  
20 less than once every three months on a day to be determined by  
21 the board. The chair, or in his or her absence, the acting  
22 chair may administer oaths and compel the attendance of  
23 witnesses. All meetings of the boards of adjustment shall be  
24 open to the public. The board shall keep minutes of its  
25 proceedings showing the vote of each member upon each  
26 question, or, if absent or failing to vote, indicating that  
27 fact, and shall keep records of its examinations and of other

1       official actions, all of which shall immediately be filed in  
2       the office of the board and shall be a public record.

3                 Section 2. This act shall become effective on the  
4       first day of the third month following its passage and  
5       approval by the Governor, or its otherwise becoming law.