

1 HB605
2 162169-7
3 By Representatives McMillan, Faust, Davis, Shiver and Baker (N
4 & P)
5 RFD: Baldwin County Legislation
6 First Read: 05-MAY-15

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ENROLLED, An Act,

Relating to Baldwin County; to provide for the establishment of the Fort Morgan Planning and Zoning Advisory Committee and providing for notification of proposed changes related to planning and zoning within the Fort Morgan Planning and Zoning District 25.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) This act shall apply only in Baldwin County.

(b) Any reference in this act to Act 91-719 of the 1991 Regular Session Acts 1991, p. 1389), refers to Act 91-719, as amended, and now appearing as Sections 45-2-261 to 45-2-261.18, Code of Alabama 1975.

Section 2. (a) The establishment of the Baldwin County Planning and Zoning District 25 as established by the Baldwin County Commission pursuant to Act 91-719 of the 1991 Regular Session (Acts 1991, p. 1389), as amended, hereinafter referred to as the Fort Morgan Zoning District, as that zoning district was adopted and in effect on July 1, 2014, is ratified and confirmed subject to the provisions of this section. This area is generally described as follows: Beginning at the Western most tip of Fort Morgan; thence meandering Eastwardly along the shoreline of Gulf of Mexico to the East section line of Section 28; run thence Northwardly to

1 the Southern Shoreline of Bon Secour Bay; meandering
2 Westwardly along the shoreline to the point of beginning. The
3 Fort Morgan Zoning District shall include all property that
4 was deannexed from the City of Gulf Shores as a result of the
5 Alabama Supreme Court decision in Fort Morgan Civic
6 Association, Inc., and Charles H. Browdy v. City of Gulf
7 Shores (Ala. Supreme Court No. 1101440, February 28, 2014) and
8 the property shall be zoned in the same manner as prior to
9 annexation into the City of Gulf Shores as of April 1, 2003.
10 In addition, any parts of the Baldwin County zoning map as of
11 April 1, 2003, any zoning ordinances or regulations, and any
12 existing exceptions or variances granted and approved pursuant
13 to Act 91-719, adopted or applicable to the Fort Morgan Zoning
14 District are ratified and confirmed and adopted by reference
15 and expressly made applicable to Fort Morgan Zoning District.

16 (b) For the purposes of this act, the Fort Morgan
17 Zoning District is adopted by reference as the Fort Morgan
18 Planning and Zoning Advisory District.

19 Section 3. (a) There is established the Fort Morgan
20 Planning and Zoning Advisory Committee, hereinafter referred
21 to as the planning and zoning advisory committee, to be
22 composed of the following members: Two members appointed by
23 the Baldwin County Commission from a list of not less than
24 four nominations by the Fort Morgan Civic Association, Inc. ;
25 and three members appointed by the Fort Morgan Civic

1 Association, Inc. All members shall be residents and
2 registered voters in the Fort Morgan District. All members
3 shall serve a term of four years and may be reappointed to
4 succeeding terms. Members shall serve until a replacement is
5 appointed and qualified. Any vacancy on the committee shall be
6 filled by the original appointing authority. Members shall
7 serve without compensation, but may be reimbursed for expenses
8 in the performance of their duties by the county. A member may
9 be removed for cause by his or her original appointing
10 authority.

11 In addition, the committee shall include the
12 following nonvoting ex-officio members:

13 (1) The Mayor of Gulf Shores, or his or her
14 designee.

15 (2) The member of the House of Representatives of
16 the State Legislature representing all or a majority of the
17 district.

18 (3) The member of the Baldwin County Commission
19 whose district includes all or a majority of the district.

20 (b) The planning and zoning advisory committee shall
21 adopt bylaws to administer this act. The planning and zoning
22 advisory committee shall select a chair and may create other
23 offices. The term of the chair shall be two years with
24 eligibility for reelection. The planning and zoning advisory
25 committee shall hold one regular meeting each six months or

1 upon call of the chair and shall keep a record of its actions,
2 all of which shall be a public record. The planning and zoning
3 advisory committee shall be subject to the Alabama Open
4 Meetings Act and other requirements of this act. A majority of
5 the members shall constitute a quorum.

6 (c) The purpose of the planning and zoning advisory
7 committee shall be to make recommendation to the Baldwin
8 County Planning and Zoning Commission concerning any proposed
9 changes to zoning ordinances or regulations or the master
10 plan, or variances thereto, related to the Fort Morgan Zoning
11 District.

12 Section 4. After the effective date of this act, the
13 Fort Morgan Planning and Zoning Advisory Committee shall be
14 notified in writing by the Baldwin County Planning and Zoning
15 Commission not less than 10 days prior to consideration of any
16 proposal to adopt any amendments or changes to any zoning
17 ordinances or regulations or the master plan, including any
18 variances thereto, previously adopted by the Baldwin County
19 Commission pursuant to Act 91-719 applicable in the Fort
20 Morgan Zoning District. In addition, the Advisory Committee
21 shall be notified in writing by any municipality of any
22 proposed annexation of any portion of the Fort Morgan Zoning
23 District.

24 Section 5. The Baldwin County Commission shall
25 enforce this act in the same manner as provided in Section 16

1 of Act 91-719, and, in performing its functions related to
2 planning and zoning, the Baldwin County Planning and Zoning
3 Commission and the Baldwin County Commission shall
4 specifically consider the historical nature of existing
5 development within the Fort Morgan District, the historical
6 and environmental character of the district, and the unique
7 needs of the district related to hurricane safety and
8 infrastructure for potential evacuation.

9 Section 6. This act shall repeal and supersede Act
10 91-719, as amended, to the extent of any conflict herein and
11 as expressly provided herein related only to the Twenty-fifth
12 Zoning District established under Act 91-719 and as referred
13 in this act as the Fort Morgan Zoning District.

14 Section 7. This act shall not be interpreted to
15 affect the enforcement of building codes, the planning
16 jurisdiction of the City of Gulf Shores as provided in the
17 Baldwin County zoning maps of April 1, 2003, or of approval of
18 subdivisions by the Baldwin County Commission.

19 Section 8. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 19-MAY-15.

Jeff Woodard
Clerk

Senate	<hr/> 03-JUN-15 <hr/>	Amended and Passed
House	<hr/> 03-JUN-15 <hr/>	Concurred in Sen- ate Amendment