

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Baldwin County; to provide for the
14 establishment of the Fort Morgan Planning and Zoning Advisory
15 Committee and providing for notification of proposed changes
16 related to planning and zoning within the Fort Morgan Planning
17 and Zoning District 25.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

21 (b) Any reference in this act to Act 91-719 of the
22 1991 Regular Session Acts 1991, p. 1389), refers to Act
23 91-719, as amended, and now appearing as Sections 45-2-261 to
24 45-2-261.18, Code of Alabama 1975.

25 Section 2. (a) The establishment of the Baldwin
26 County Planning and Zoning District 25 as established by the
27 Baldwin County Commission pursuant to Act 91-719 of the 1991

1 Regular Session (Acts 1991, p. 1389), as amended, hereinafter
2 referred to as the Fort Morgan Zoning District, as that zoning
3 district was adopted and in effect on July 1, 2014, is
4 ratified and confirmed subject to the provisions of this
5 section. This area is generally described as follows:

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

24 (b) For the purposes of this act, the Fort Morgan
25 Zoning District is adopted by reference as the Fort Morgan
26 Planning and Zoning Advisory District.

1 Section 3. (a) There is established the Fort Morgan
2 Planning and Zoning Advisory Committee, hereinafter referred
3 to as the planning and zoning advisory committee, to be
4 composed of the following members: Two members appointed by
5 the Baldwin County Commission from a list of not less than
6 four nominations by the Fort Morgan Civic Association, Inc.;
7 and three members appointed by the Fort Morgan Civic
8 Association, Inc. All members shall be residents and
9 registered voters in the Fort Morgan District. All members
10 shall serve a term of four years and may be reappointed to
11 succeeding terms. Members shall serve until a replacement is
12 appointed and qualified. Any vacancy on the committee shall be
13 filled by the original appointing authority. Members shall
14 serve without compensation, but may be reimbursed for expenses
15 in the performance of their duties by the county. A member may
16 be removed for cause by his or her original appointing
17 authority.

18 (b) The planning and zoning advisory committee shall
19 adopt bylaws to administer this act. The planning and zoning
20 advisory committee shall select a chair and may create other
21 offices. The term of the chair shall be two years with
22 eligibility for reelection. The planning and zoning advisory
23 committee shall hold one regular meeting each six months or
24 upon call of the chair and shall keep a record of its actions,
25 all of which shall be a public record. The planning and zoning
26 advisory committee shall be subject to the Alabama Open

1 Meetings Act and other requirements of this act. A majority of
2 the members shall constitute a quorum.

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

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

21 Section 5. The Baldwin County Commission shall
22 enforce this act in the same manner as provided in Section 16
23 of Act 91-719, and, in performing its functions related to
24 planning and zoning, the Baldwin County Planning and Zoning
25 Commission and the Baldwin County Commission shall
26 specifically consider the historical nature of existing
27 development within the Fort Morgan District, the historical

1 and environmental character of the district, and the unique
2 needs of the district related to hurricane safety and
3 infrastructure for potential evacuation.

4 Section 6. This act shall repeal and supersede Act
5 91-719, as amended, to the extent of any conflict herein and
6 as expressly provided herein related only to the Twenty-fifth
7 Zoning District established under Act 91-719 and as referred
8 in this act as the Fort Morgan Zoning District.

9 Section 7. This act shall not be interpreted to
10 affect the enforcement of building codes, the planning
11 jurisdiction of the City of Gulf Shores as provided in the
12 Baldwin County zoning maps of April 1, 2003, or of approval of
13 subdivisions by the Baldwin County Commission.

14 Section 8. This act shall become effective
15 immediately following its passage and approval by the
16 Governor, or its otherwise becoming law.