

1 HB771
2 118019-1
3 By Representatives McMillan, Davis, Baker (A) and Shiver (N &
4 P)
5 RFD: Baldwin County Legislation
6 First Read: 25-MAR-10

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Baldwin County; to amend Section
14 45-2-261.17 of the Code of Alabama 1975, relating to the
15 County Planning and Zoning Commission; to further provide for
16 conflicts of authority and certain setbacks.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Section 45-2-261.17 of the Code of
19 Alabama 1975, is amended to read as follows:

20 "§45-2-261.17.

21 "The authority of the Baldwin County Commission
22 under this subpart shall not conflict with present or future
23 regulations or policies of the Alabama Department of Health.
24 No provision of this subpart shall infringe upon the existing
25 authority of the Baldwin County ~~Planning~~ Commission to
26 regulate the development of subdivisions under Act 1094 of the
27 1973 Regular Session (Acts 1973, p. 1860), and any amendments

1 thereto, or any additional power or authority granted to the
2 Baldwin County Commission by local legislative act.
3 Notwithstanding any authority otherwise conferred by this
4 subpart or any local act applicable to Baldwin County, after a
5 subdivision has been approved in accordance with the
6 subdivision regulations applicable to the subdivision at the
7 time of approval, the Baldwin County Commission and the
8 Baldwin County Planning Commission shall have no authority to
9 impose, by amendment to any subdivision regulations, zoning
10 regulations, or otherwise, any new or additional front, side,
11 rear, or wetland setback requirements on any lot contained
12 within a previously approved subdivision which would increase
13 the setback requirements or impose a more restrictive setback
14 requirement on the use of the lot. All subdivisions and lots
15 approved in accordance with the applicable subdivision
16 regulations prior to the date the Baldwin County zoning
17 regulations become applicable to the subdivision or lot, or
18 prior to the amendment of any applicable zoning regulations,
19 shall not be subject to any new or additional front, side,
20 rear, or wetland setback requirements which would increase the
21 setback requirements or impose a more restrictive setback
22 requirement on the use of the lot, and the lot shall not be
23 deemed a nonconforming lot for the purposes of any zoning or
24 subdivision regulations and may be used and improved without
25 regard to the new or additional requirements and without any
26 limitation applicable thereto based on any nonconformity with
27 subsequently enacted regulations. No provision of this subpart

1 shall affect any existing statute or regulation promulgated
2 pursuant to any law creating historic or preservation
3 districts within Baldwin County; however, historic or
4 preservation districts are subject to the provisions of this
5 subpart."

6 Section 2. This act shall become effective
7 immediately following its passage and approval by the
8 Governor, or its otherwise becoming law.