

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

1 SB251

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4 With Notice and Proof

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6 ENROLLED, An Act,

7 Relating to Baldwin County; to amend Section
8 45-2-216.10 of the Code of Alabama 1975, further providing for
9 the appointment and jurisdiction of boards of adjustment to
10 hear appeals relating to the administration of planning and
11 zoning in districts in the unincorporated area of the county
12 and to provide for alternate members to be appointed to serve
13 on each board of adjustment.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 "§45-2-261.10.

18 "(a) The Baldwin County Commission shall ~~provide for~~
19 ~~the appointment of~~ appoint two boards of adjustment and the
20 regulations and ordinances adopted pursuant to the authority
21 of this subpart shall provide that the boards of adjustment,
22 in appropriate cases and subject to appropriate conditions and
23 safeguards, may make special exceptions to the terms of the
24 ordinances and regulations in harmony with their general

1 purposes and interests and in accordance with general or
2 specific rules therein contained.

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

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

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

23 "(c) In addition to the regular members provided for
24 in this section, ~~one alternate member for each regular member~~
25 ~~shall be appointed~~ the Baldwin County Commission shall appoint

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

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

1 proceedings showing the vote of each member upon each
2 question, or, if absent or failing to vote, indicating that
3 fact, and shall keep records of its examinations and of other
4 official actions, all of which shall immediately be filed in
5 the office of the board and shall be a public record.

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB251
Senate 05-MAY-20
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 08-MAY-20

By: Senator Elliott