

DRAFT

July 2, 2019

Baldwin County Legislative Delegation

RE: Proposed Amendments to Zoning Enabling Statutes Pertaining to Boards of Adjustment

Dear Baldwin County Legislative Delegation Representatives:

On July 2, 2019, the Baldwin County Commission, in regular session assembled, voted to request amendments to the Baldwin County Planning and Zoning Enabling Statutes as they pertain to the Boards of Adjustment.

The Code Section in question is Alabama Code Title 45, Local Laws Section 45-2-261.10. The purposes of the proposed amendments would be to reduce the number of Boards of Adjustment from four (4) to two (2), provide for the organization of the Boards, provide for the appointment of regular and alternate members, and provide flexibility in terms of the usage of alternate members. The proposed amendments are included as an attachment to this letter with new language underlined and highlighted in red. Approval of the amendments would assist with the appointment of new members and streamline services for the citizens of the County.

If you should have questions or should need additional information, please contact the staff of the Baldwin County Planning and Zoning Department.

Sincerely,

Charles F. Gruber, Chairman
Baldwin County Commission

Proposed amendments to Alabama Code Title 45. Local Laws Section 45-2-261.10

The Baldwin County Commission shall provide for the appointment of boards of adjustment and the regulations and ordinances adopted pursuant to the authority of this subpart shall provide that the boards of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, may make special exceptions to the terms of the ordinances and regulations in harmony with their general purposes and interests and in accordance with general or specific rules therein contained.

Two boards of adjustment shall be appointed by the Baldwin County Commission. Board of Adjustment Number One, which shall serve western, central and northern Baldwin County, shall include Planning (Zoning) Districts 4, 10, 12, 15, 16, 26, 28 and 31. Board of Adjustment Number Two, which shall serve southern Baldwin County, shall include Planning (Zoning) Districts 20, 21, 22, 23, 24, 25, 29, 30, 32 and 33. If the majority of qualified electors voting in an election, in a Planning (Zoning) District which is currently unzoned, vote their desire to come within the planning and zoning authority of the Baldwin County Commission, in accordance with Section 45-2-261.07, said Planning (Zoning) District shall be placed under the jurisdiction of the Board of Adjustment with the closest geographic relationship.

Each board of adjustment shall consist of one regular member from each Planning (Zoning) District within the jurisdiction of a board of adjustment. Each member shall be a qualified elector and resident of a Planning (Zoning) District within the territory of the respective board of adjustment. Not more than one member of a board of adjustment shall be directly involved in real estate sales, development, or construction or any directly related field. Each regular member shall be appointed for a term of three years in such a manner to serve staggered terms. A regular member shall continue service until a successor is duly appointed. The members of each board of adjustment shall elect a chair.

In addition to the regular members provided for in this section, the Baldwin County Commission shall appoint alternate members to serve on each board of adjustment. The number of alternate members for each board of adjustment shall be no less than two and no more than the number of regular members. Alternate members may serve in the absence of any regular member and while serving, shall have and exercise the authority of regular members. The alternate members shall have the same qualifications as regular members, and shall be appointed to three-year terms in the same manner as regular members.

Members of each board of adjustment may be removed for cause by the Baldwin County Commission upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose seat becomes vacant.

Each board of adjustment shall adopt bylaws in accordance with the provisions of any ordinance or regulation promulgated pursuant to this subpart. Meetings of each board of adjustment shall be held at the call of the chair of the board and at such other times as each board may determine, provided that no board of adjustment shall meet less than every three months on a day to be determined by the board. The chair, or in his or her absence, the acting chair may administer oaths and compel the attendance of witnesses. All meetings of the boards of adjustment shall be open to the public. Each board shall keep minutes of its proceedings showing the vote of each member on each question, or, if absent or failing to vote, indicating that fact, and shall keep records of its examinations and of other official actions, all of which shall immediately be filed in the office of the board and shall be public record.