

1 HB790
2 117356-2
3 By Representatives McMillan, Faust, Shiver, Baker (A) and
4 Davis (N & P)
5 RFD: Baldwin County Legislation
6 First Read: 30-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 Act 1094, 1973
14 Regular Session (Acts 1973, p. 1860), authorizing the Baldwin
15 County Commission to regulate subdivisions, to limit the
16 application of certain setback requirements after a
17 subdivision has been approved.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 2 of Act 1094, 1973 Regular
20 Session (Acts 1973, p. 1860), is amended to read as follows:

21 "Section 2. (a) If any such public street, public
22 road, or drainage structure is erected, constructed, or
23 maintained in violation of the provisions of this act or any
24 regulations made pursuant thereto, the county may institute
25 appropriate action or proceedings to prevent such unlawful
26 erection, construction, or maintenance, or to require such

1 erection, construction, or maintenance to conform to the
2 regulations prescribed therefor.

3 "(b) Notwithstanding any authority otherwise
4 conferred by this act, after June 15, 1973, once a subdivision
5 has been approved in accordance with the subdivision
6 regulations applicable to the subdivision at the time of
7 approval, the Baldwin County Commission shall have no
8 authority to impose, by amendment to any subdivision
9 regulations, zoning regulations, or otherwise, any new or
10 additional front, side, rear, or wetland setback requirements
11 on any lot contained within a previously approved subdivision
12 which would increase the setback requirements or impose a more
13 restrictive setback requirement on the use of the lot."

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