

1 200200-3 : n : 05/09/2019 : Baldwin County / MAA

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3 HOUSE BALDWIN COUNTY COMMITTEE SUBSTITUTE FOR SB250, AS  
4 ENGROSSED

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10 A BILL  
11 TO BE ENTITLED  
12 AN ACT

13  
14 Relating to Baldwin County; to provide a procedure  
15 to study the impact certain new subdivisions or multi-family  
16 developments will have on the student capacity of the school  
17 district.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) This section applies only to the  
20 adoption and approval of a proposed subdivision or  
21 multi-family development of more than 100 units or a  
22 residential subdivision of more than 100 lots in any  
23 combination of phases within the unincorporated or  
24 incorporated areas of Baldwin County.

25 (b) As used in this section, the following terms  
26 shall have the following meanings:

27 (1) DEVELOPMENT MATERIALS. All of the following:

- 1           a. A copy of the map or plat of the proposed  
2 development or subdivision.
- 3           b. The phases, units, and lots of the proposed  
4 development or subdivision.
- 5           c. A good faith estimate of the expected number of  
6 school-age children.
- 7           d. A good faith estimate of the design  
8 specifications and size of the units or homes to be developed.
- 9           e. Projected ad valorem tax revenue upon completion  
10 of development.
- 11           f. Projected build out time and completion date.
- 12           (2) GRANTING AUTHORITY. The county planning  
13 commission or municipal planning commission, as appropriate.
- 14           (3) PETITION. The request or application to the  
15 granting authority for the approval of a multi-family  
16 development of more than 100 units or a residential  
17 subdivision of more than 100 lots in any combination of phases  
18 as described in subsection (c).
- 19           (4) PROPOSED SUBDIVISION OR MULTI-FAMILY  
20 DEVELOPMENT. The term includes residential single-family  
21 homes, trailer homes, condominiums, or apartment complexes and  
22 any combination thereof.
- 23           (5) SCHOOL SUPERINTENDENT. The superintendent of  
24 education for the local public school system responsible for  
25 educating the public school students within the jurisdiction  
26 of the granting authority being petitioned.

1           (6) SCHOOL SYSTEM. The school system responsible for  
2 educating the public school students within the jurisdiction  
3 of the granting authority being petitioned.

4           (c) In addition to any other requirements under  
5 existing law and except as provided in subsection (a), a  
6 person or business petitioning a granting authority for the  
7 approval of a multi-family development of more than 100 units  
8 or a residential subdivision of more than 100 lots in any  
9 combination of phases shall also submit development materials  
10 to the school superintendent with or prior to the filing of  
11 the petition to the granting authority.

12           (d) (1) The school system shall review the  
13 development materials and may do any of the following:

14           a. Provide the granting authority information about  
15 the potential impact the proposed multi-family development or  
16 residential subdivision may have on the student capacity of  
17 the school district for which the proposed subdivision or  
18 multi-family development will be zoned.

19           b. Provide the granting authority information about  
20 any actions the school system may need to take to address any  
21 student capacity issues, including overcrowding that may arise  
22 by the approval of the proposed subdivision or multi-family  
23 development.

24           c. Provide additional information and consider  
25 options in partnership with the developer which would reduce  
26 impact to capacity.

1           (2) The granting authority may consider the  
2 information provided by the school superintendent in the  
3 authority's review of the petition.

4           (3) If the school superintendent provides no  
5 information to the granting authority within 30 days of  
6 receipt of the petition from the petitioner under subsection  
7 (c), the school superintendent shall be deemed to have no  
8 comment on the proposed subdivision or multi-family  
9 development.

10          (4) Any party may appeal the final decision of the  
11 granting authority brought as a result of this act within 15  
12 days after receipt of written notice of the final decision.  
13 The appeal shall be made directly to the county or municipal  
14 governing body of the granting authority which rendered the  
15 final decision.

16          (e) (1) Any person or business planning for the  
17 development of a proposed subdivision or multi-family  
18 development under this section may submit pre-development  
19 materials to the school superintendent prior to petitioning  
20 for approval to a granting authority.

21          (2) The school superintendent may provide  
22 information about which schools the development would be  
23 provisionally zoned for, the capacity of those schools, future  
24 building plans, and zoning options.

25          (3) Nothing in this subsection shall preclude a  
26 person planning the development of a proposed subdivision or  
27 multi-family development under this section from entering into

1 a non-disclosure agreement with the school superintendent for  
2 purposes of encouraging greater communication of potential  
3 developments and potential impacts on school capacity and the  
4 school system may work together with them to improve planning.

5 (f) This section shall be repealed on April 30,  
6 2023, unless extended by an act of the Legislature.

7 (g) This section does not apply to any existing or  
8 pending petition filed with the granting authority prior to  
9 the effective date of this act.

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