



# Baldwin County Commission

## Legislation Details (With Text)

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**File #:** 21-0903      **Version:** 1

**Type:** Public Hearings      **Status:** Agenda Ready

**File created:** 5/21/2021      **In control:** Baldwin County Commission Regular

**On agenda:** 6/1/2021      **Final action:**

**Title:** Case No. TA - 21001 - Amendment to the Baldwin County Zoning Ordinance to Add Planning District 19 Zoning Map and Local Provisions

**Indexes:**

**Attachments:** 1. Resolution Number 2021-076 (Planning District 19), 2. Text Amendments (Advisory Committee Rec), 3. Proposed Zoning Map (Advisory Committee Rec), 4. Text Amendments (Planning Commission Rec), 5. Proposed Zoning Map (Planning Commission Rec), 6. PLANNING DISTRICT 19 MINUTES, 7. PD 19 ADVISORY BOARD MINUTES, 8. TA-21001 PC Voting Sheet, 9. Guilbert letter, 10. Planning District 19 letters, 11. TA-21001 CC PROOF OF PUBLICATION, 12. TA-21001 PC PROOF OF PUBLICATION, 13. \*DR1-District 19 Presentation.pdf, 14. \*DR1-District 19-Proposed Changes Only (Planning Comm).pdf, 15. \*DR1-Planning District 19 11x17 Map.pdf, 16. \*DR1-Resolution-2021-076 SIGNED.pdf, 17. \*DR1-Speaker Forms-Various Speakers.pdf

Date	Ver.	Action By	Action	Result
6/1/2021	1	Baldwin County Commission Regular	Approved	Pass

**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 6/1/2021

**Item Status:** New

**From:** Matthew Brown, Interim Planning and Zoning Director

**Submitted by:** Matthew Brown, Interim Planning and Zoning Director

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### ITEM TITLE

Case No. TA - 21001 - Amendment to the Baldwin County Zoning Ordinance to Add Planning District 19 Zoning Map and Local Provisions

### STAFF RECOMMENDATION

Adopt Resolution #2021-076 which APPROVES the amendment to the Baldwin County Zoning Ordinance to Add Planning District 19 Zoning Map and Local Provisions.

### BACKGROUND INFORMATION

**Previous Commission action/date:**

March 2, 2021 - BCC Regular Meeting - Related to the Planning District 19 Advisory Committee (approved to be created by the Baldwin County Commission as a result of the Planning District 19 Zoning Referendum held on December 29, 2020), appoint five Committee members with each member's term commencing March 2, 2021, and to expire upon the adoption of zoning ordinances and regulations for the district by the Baldwin County Commission.

The following five (5) qualified individuals are hereby appointed to the Committee:

- 1) Mr. Paul H. Davis
- 2) Ms. Kate Fisher
- 3) Ms. Tracy Frost
- 4) Mr. Willard Holliman
- 5) Mr. Jamal Allen

November 17, 2020 - BCC Regular Meeting - Related to the Baldwin County Planning (Zoning) District 19 Zoning Election on December 29, 2020, take the following action: 1) Pursuant to Section 17-11-2 of the Code of Alabama (1975), recognize the performance at and designate the place/office where the Absentee Election Manager shall perform such public duties for the applicable absentee election time period recognized by state law for the December 29, 2020, Baldwin County Planning (Zoning) District 19 Zoning Election, as follows:  
Place: Baldwin County (Main) Courthouse at the County Seat in Bay Minette  
Office: Office of Circuit Clerk of the 28th Judicial Circuit  
8:00 AM - 4:30 PM (Monday - Friday)

October 6, 2020 - BCC Regular Meeting - Instructed the Judge of Probate to provide a Zoning Election for Planning (Zoning) District 19, to be held no later than December 29, 2020.

August 4, 2020 - BCC Regular Meeting - Approved the boundaries for the proposed Planning District to be known as Planning (Zoning) District 19.

July 7, 2020 - BCC Regular Meeting - Accepted the notice of intent to form a Planning (Zoning) District and requested a referendum for Planning and Zoning purposes for the proposed Planning District to be known as Planning (Zoning) District 19.

**Background:** An election was held on December 29, 2020, to determine whether or not Planning and Zoning District 19 should come under the Planning and Zoning jurisdiction of the Baldwin County Commission. In the election, 296 “yes” votes were cast and 28 “no” votes were cast. On January 6, 2021, the Honorable Harry D’Olive, Jr, Judge of Probate, certified the results of the election.

Section 45-2-261.08 of the Code of Alabama, required that the Baldwin County Commission appoint an advisory committee from the new district to work with and assist the Baldwin County Planning Commission in formulating and developing regulations, ordinances, and zoning measures for the district. The advisory committee was to consist of five members who are qualified electors of the district and who reflect, as nearly as practical, the diversity of land use in the district.

The following five (5) qualified individuals were appointed to the Committee:

- 1) Mr. Paul H. Davis
- 2) Ms. Kate Fisher
- 3) Ms. Tracy Frost
- 4) Mr. Willard Holliman
- 5) Mr. Jamal Allen

After the committee members were appointed, Planning and Zoning staff scheduled committee meetings with the first meeting held on March 19, 2021. Successive meetings were held on April 1<sup>st</sup>,

April 8<sup>th</sup>, April 15<sup>th</sup>, and April 20<sup>th</sup>.

On April 20<sup>th</sup>, the Advisory Committee voted unanimously to recommend approval of a map and text amendment to the Baldwin County Planning Commission.

One unique aspect of the Advisory Committee's recommendation was the proposed creation of a "Family Heritage Overlay District" which is designed to help prevent the displacement of culturally significant local communities, including communities with "heirs' property", due to restrictions on the repair and maintenance of nonconforming structures. The proposed map and text amendments approved by the Advisory Committee are attached.

On May 6, 2021, the Baldwin County Planning Commission held a public hearing regarding the proposed amendments to the Zoning Ordinance related to District 19.

Staff recommended the Planning Commission recommend approval to the County Commission with the following minor changes based on public input received prior to the meeting.

- Overlay District Language Modification per Legal Counsel to Add Clarity About Purpose
- Specific Map Changes Presented by Staff
- Allowance for Staff to accept change requests from Rural Agriculture (RA) zoning or Residential Single Family-Estate (RSF-E) zoning to Residential Single Family-1 (RSF-1) any time before June 1st and add to Planning Commission recommendation.

Nine members of the public signed up to speak in support of the proposed amendments. No one signed up to speak in opposition to the proposed amendments.

The Baldwin County Planning Commission voted unanimously to accept staff recommendation. The proposed map and text amendments recommended by the Planning Commission are attached.

Staff has since been notified of an incorrect zoning designation by an advisory committee member. Parcels with IDs 50393 (portion in District 19), 50398 (portion in District 19), & 376883 should be designated RTF-4 so that the existing duplexes would have the proper zoning. This will be further discussed during staff presentation.

Staff has also received one additional request that parcels with IDs 44438, 44437, and 245610 be designated as RSF-2 instead of RSF-E for subdivision develop purposes. These parcels total approximately 20 acres according to the requester and were purchased in January after the citizens elected to come under the planning and zoning jurisdiction of the county. Staff believes the most appropriate designation for these lots is RSF-E, and that the application should go through the normal re-zoning process after the final approval since the requester is proposing to change the use of the property to a subdivision. Requester understands they could take advantage of an administrative change to RSF-1 but has not yet requested this. This will be further discussed during staff presentation.

Pursuant to Alabama Code 45-2-261.08, "upon the adoption of zoning ordinances and regulations for the district by the Baldwin County Commission pursuant to the terms of this subpart, the services of

the district advisory committee shall terminate and the committee shall be abolished.

### **FINANCIAL IMPACT**

**Total cost of recommendation:** N/A

**Budget line item(s) to be used:** N/A

**If this is not a budgeted expenditure, does the recommendation create a need for funding?**  
N/A

### **LEGAL IMPACT**

**Is legal review necessary for this staff recommendation and related documents?**  
Already reviewed by legal counsel.

**Reviewed/approved by:** N/A

**Additional comments:** N/A

### **ADVERTISING REQUIREMENTS**

**Is advertising required for this recommendation?** Yes

**If the proof of publication affidavit is not attached, list the reason:** N/A

### **FOLLOW UP IMPLEMENTATION**

**For time-sensitive follow up, select deadline date for follow up:** N/A

**Individual(s) responsible for follow up:** Commission Administration and Planning and Zoning Staff

**Action required (list contact persons/addresses if documents are to be mailed or emailed):**  
Commission Administration Office obtain Chairman's signature on the Resolution.

Planning and Zoning to update and publish the amended Zoning Ordinance and Map.

Commission Administration to mail notice of the amendment approval to the following individuals and to alert them that the District 19 Advisory Committee is thereby disbanded.

Mr. Paul H. Davis  
17674 Hitching Post Circle  
Fairhope, Alabama 36532

Ms. Kate Fisher

17687 Burwick Loop  
Fairhope, Alabama 36532

Ms. Tracy Frost  
Post Office Box 1241  
Point Clear, Alabama 36564

Mr. Willard Holliman  
Post Office Box 534  
Point Clear, Alabama 36564

Mr. Jamal Allen  
6320 Antioch Church Road East  
Fairhope, Alabama 36532

Administration Staff - Remove Committee from BC Board List as a temporary Committee appointed by BCC.

**Additional instructions/notes:** N/A