



Baldwin County Commission

Legislation Details (With Text)

File #: 21-1247 **Version:** 1
Type: Consent **Status:** Passed
File created: 8/26/2021 **In control:** Baldwin County Commission Regular
On agenda: 9/7/2021 **Final action:** 9/7/2021
Title: Proposed Planning (Zoning) District 36 - Acceptance of Notice of Intent to Form a Planning (Zoning) District and Acceptance of Proposed District Boundaries

Indexes:

Attachments: 1. Citizen Request Letter regarding PD 36, 2. Proposed Planning District 36 Map

Date	Ver.	Action By	Action	Result
9/7/2021	1	Baldwin County Commission Regular	Approved	

Meeting Type: BCC Regular Meeting

Meeting Date: 9/7/2021

Item Status: New

From: Celena Boykin, Planner

Submitted by: Celena Boykin, Planner

ITEM TITLE

Proposed Planning (Zoning) District 36 - Acceptance of Notice of Intent to Form a Planning (Zoning) District and Acceptance of Proposed District Boundaries

STAFF RECOMMENDATION

Pursuant to Alabama Code §45-2-261.07, take the following actions:

- 1) Accept the notice of intent to form a Planning (Zoning) District and request a referendum for Planning and Zoning purposes for the proposed Planning District to be known as Planning (Zoning) District 36; and
- 2) Accept the proposed Planning District 36 boundaries subject to a subsequent affirmative referendum vote pursuant Alabama Code §45-2-261.07.

BACKGROUND INFORMATION

Previous Commission action/date: N/A

Background: Citizens David and Debra Spann and John and Julie Ochs, residing in Seminole Landing in Seminole, current Planning District 13, approached the Planning and Zoning staff regarding the formation of a new Planning (Zoning) District and requested a referendum for Zoning in this new district.

Coming under the Planning and Zoning Jurisdiction of Baldwin County is a citizen driven effort. The

process must be initiated and let by the citizens. Alabama Code §45-2-261.07, requires that a new planning district “correspond to a voting precinct or precincts in the county unless the county governing body determines that the use of voting precinct boundaries is not feasible.”

The requesting citizens is asking that the new Planning District follow the voting precinct 27 boundaries.

Based on these factors, Planning and Zoning staff recommended the County Commission accept the proposed Planning District 36 boundaries subject to the subsequent affirmative referendum vote Alabama Code §45-2-261.07.

A map showing the boundaries of the proposed district (cyan color area) is attached to this agenda item.

The steps for exercising Planning and Zoning authority are found in Alabama Code §45-2-261 and the proceeding sections.

1) A party or parties seeking to file a petition shall notify the County Commission in writing that the parties will petition for the formation of a Planning District and the proposed boundaries of the district. (PURPOSE OF THIS AGENDA)

2) Within 15 days of notice to the County Commission, the Judge of Probate shall give a preliminary estimate of the number of signatures needed to call the election. Ten percent of the qualified electors residing within the proposed planning district will need to sign the petition. Planning and Zoning staff will notify the Judge of Probate.

3) The County Commission shall notify the principal party in writing, within 30 days of written notification of intent to request a referendum, that the proposed district is acceptable for planning, zoning and voting purposes, and shall furnish forms for use in seeking the required signatures.

4) The party or parties will have 120 days to gather the signatures and file the petition. Upon receipt, the County Commission and Judge of Probate will have 45 days to certify or reject the accuracy of the petition. If the number of signatures is not sufficient, the party or parties will have an additional 60 days in which to obtain signatures and have the petition certified.

5) Upon certification, the County Commission shall instruct the Judge of Probate to provide for an election within the district no later than 90 days after certification. If the petition is not certified, a new petition cannot be refiled for two years.

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?

N/A

Reviewed/approved by: N/A

Additional comments: N/A

ADVERTISING REQUIREMENTS

Is advertising required for this recommendation? N/A

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 Staff & Planning and Zoning Department

Action required (list contact persons/addresses if documents are to be mailed or emailed):

Administration Staff shall send letter to the requesting party notifying them that Planning (Zoning) District 36 boundaries have been accepted for planning, zoning, and voting purposes. The letter should be sent to the following:

David and Debra Spann
20160 Donovan Dr
Seminole, Alabama 36574

And

John and Julie Ochs
20290 Donovan Dr
Seminole, Alabama 36574

Planning and Zoning staff will contact the Judge of Probate in order to ascertain the preliminary number of signatures to call an election. Staff will provide the requesting party with the number of signatures required and petition forms for the use of collecting those signatures.

Additional instructions/notes: Planning and Zoning Department - Provide support as needed.