



# Baldwin County Commission

## Legislation Details (With Text)

**File #:** 23-1143 **Version:** 1  
**Type:** Consent **Status:** Agenda Ready  
**File created:** 5/8/2023 **In control:** Baldwin County Commission Regular  
**On agenda:** 5/16/2023 **Final action:**  
**Title:** Proposed Planning (Zoning) District 40 - Acceptance of Notice of Intent to Request Planning and Zoning Referendum and Acceptance of District Boundaries  
**Indexes:**  
**Attachments:** 1. Request Letter from Narissa Nelson dated April 25, 2023, 2. Map - Proposed Planning District 40 Bon Secour

Date	Ver.	Action By	Action	Result
5/16/2023	1	Baldwin County Commission Regular		

**Meeting Type:** BCC Regular Meeting  
**Meeting Date:** 5/16/2023  
**Item Status:** New  
**From:** Matthew Brown, Planning Director  
**Submitted by:** Matthew Brown, Planning Director

### ITEM TITLE

Proposed Planning (Zoning) District 40 - Acceptance of Notice of Intent to Request Planning and Zoning Referendum and Acceptance of District Boundaries

### STAFF RECOMMENDATION

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

- 1) Accept the notice of intent to request a referendum for Planning and Zoning purposes for the proposed Planning District to be known as Planning (Zoning) District 40 as the balance of the unzoned area in Voting Precinct 37; and
- 2) Accept the Planning (Zoning) District 40 boundaries subject to a subsequent affirmative referendum vote pursuant to Alabama Code §45-2-261.07.

### BACKGROUND INFORMATION

#### **Background:**

Citizen Narissa Nelson (residing at 6777 Bon Secour Highway, Bon Secour, Alabama 36511) has approached the Planning and Zoning staff seeking zoning for the Bon Secour community.

Ms. Nelson resides in Voting Precinct 37. It is not feasible to utilize the Voting Precinct 37 boundary as it currently exists, due to the fact that portions of the existing boundary are already zoned within Planning District 21 and Planning District 35.

However, on review, staff believes that the unzoned balance of Voting Precinct 37 corresponds with a

reasonable boundary for a new Planning and Zoning District 40.

A map showing the balance of Planning (Zoning) District 40 (green color area) is attached to this agenda item. The proposed new district would be bounded by Planning (Zoning) District 21 and Mobile Bay to the west; by Planning (Zoning) District 21, Planning (Zoning) District 35, and County Road 12 S to the north); by Planning (Zoning) District 35 and the Bon Secour River to the east and south.

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.

**Previous Commission action/date:** N/A

### **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**

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**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 a letter to the requesting party notifying them that Planning (Zoning) District 40 boundaries have been accepted for planning, zoning, and voting purposes. The letter should be sent to the following:

Ms. Narissa Nelson  
414 East Laurel Avenue  
Foley, Alabama 36535

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.