



# Baldwin County Commission

## Legislation Text

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**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 11/17/2020

**Item Status:** New

**From:** Vince Jackson, Development Review Planner

**Submitted by:** Vince Jackson, Development Review Planner

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### **ITEM TITLE**

Considerations Related to a Zoning Election for Planning (Zoning) District 19

### **STAFF RECOMMENDATION**

#### **Action Item with discussion needed**

Regarding a request for a zoning election in Baldwin County Planning District 19, take the following actions:

- 1) Adopt Resolution #2021-025, which formally certifies the accuracy of the "Petition for a Zoning Election in Planning (Zoning) District 19," as ten percent (10%) of the qualified electors have signed the "Petition" requesting that an election be held pursuant to Section 8 of Act No. 91-917, as amended; and
- 2) Designate Bethel Lutheran Church, located at 6725 County Road 32, Fairhope, Alabama 36532, as the polling place for the Zoning Election to be held on December 29, 2020; and
- 3) Make the Order of the Judge of Probate, calling for the Zoning Election to be held on December 29, 2020, a part of the record.

### **BACKGROUND INFORMATION**

**Previous Commission action/date:** October 6, 2020

**Background:** The Planning and Zoning staff has had discussions with citizens representing the Battles Road Preservation Group (BRPG), LLC, pertaining to the formation of a new Planning (Zoning) District and the request for a referendum for Planning and Zoning purposes. The area in question is located south of the City of Fairhope and east of Planning District 26. In addition, the area is currently part of Planning District 17. The new district, which was approved by the County Commission on August 4, 2020, is known as Planning District 19. A map showing the boundaries of the Planning District is attached to this agenda item.

The steps for exercising Planning and Zoning authority are found at Title 45, Chapter 2, Article 26,

Part 2, Subpart 1 of the Code of Alabama and are listed as follows:

- 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.
- 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 has received this information.
- 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.

Based on information provided by the Probate Office and the Board of Registrars, 705 qualified electors reside within the boundaries of Planning District 19. As a result, 71 signatures (10 percent of the qualified electors) were needed for the petition. On August 17, 2020, the parties seeking a zoning referendum submitted a petition which included 256 signatures. Of the signatures submitted, 241 were verified by the Probate Office. On this basis, the petition was accepted and certified. The County Commission, on October 6, 2020, took action requesting the Judge of Probate to schedule a Zoning Election in Planning (Zoning) District 19, no later than December 29, 2020. The election has been scheduled and will take place at Bethel Lutheran Church, located at 6725 County Road 32, Fairhope, Alabama 36532.

This agenda item serves as a follow-up to the action taken on October 6, 2020. Staff now respectfully recommends the following:

1. Adopt Resolution #2021-025, which formally certifies the accuracy of said "Petition for a Zoning Election in Planning (Zoning) District 19, as ten percent (10%) of the qualified electors have signed the "Petition" requesting than an election be held pursuant to Section 8 of Act No. 91-917, as amended; and
2. Designate Bethel Lutheran Church, located at 6725 County Road 32, Fairhope, Alabama 36532, as the polling place for the Zoning Election to be held on December 29, 2020; and
3. Make the Order of the Judge of Probate, calling for the election to be held on December 29,

2020, a part of the record.

Items pertinent to these recommendations are attached.

### **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 Office

**Action required (list contact persons/addresses if documents are to be mailed or emailed):**  
Forward a copy of Resolution #2021-025 to the Office of the Judge of Probate.

**Additional instructions/notes:** Planning and Zoning Department - Coordinate with the Commission Administration Office and Probate Office on required mailings and advertisements.