



Baldwin County Commission

Legislation Text

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

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

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 1st, April 8th, April 15th, and April 20th.

On April 20th, 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