



Baldwin County Commission

Legislation Text

File #: 22-1025, **Version:** 1

Meeting Type: BCC Regular Meeting

Meeting Date: 6/7/2022

Item Status: New

From: Matthew Brown, Planning and Zoning Director

Submitted by: Matthew Brown, Planning and Zoning Director

ITEM TITLE

Proposed Planning (Zoning) District 38 - Acceptance of a Notice of Intent to Form a Planning (Zoning) District, Determination Regarding Infeasibility of Using Precinct Boundaries, 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 38; and
- 2) Make a determination that it is not feasible to utilize the Voting Precinct boundaries of Precinct 50 as the proposed Planning (Zoning) District 38 boundary; and
- 3) Accept the proposed Planning District 38 boundaries subject to a subsequent affirmative referendum vote pursuant Alabama Code §45-2-261.07.

BACKGROUND INFORMATION

Previous Commission action/date: 05/17/2022 - Item was pulled from the agenda to allow time to expand the district in order to find a feasible polling location.

Background: Citizen Lisa Marie Atchley, residing at 14202 County Road 3, in the Barnwell Community and east of current Planning District 26, approached 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 led 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's governing body determines that the use of voting precinct boundaries is not feasible."

The requesting citizen, Lisa Marie Atchley, resides at 14202 County Road 3 which is located in

Precinct 50. However, it is not feasible to utilize Precinct 50 for new Planning (Zoning) District for the following reasons:

- Precinct 50 contains Fairhope corporate limits, which would automatically be excluded from the new district and require a redrawing of the boundary.
- Precinct 50 contains portions of Planning (Zoning) District 26, which would automatically be excluded from the new district and require a redrawing of the boundary.

Because Precinct 50 does not provide a feasible boundary, Planning and Zoning staff worked with Ms. Atchley and considered other factors to establish an appropriate boundary for the proposed Planning District 38. These factors included:

- The north boundary is the corporate limits of the City of Fairhope, the new Planning (Zoning) District 8, and US 98.
- The east boundary is the new Planning District 8, Greeno Road, the City of Fairhope Airport Property, and Weeks Bay.
- The west and south boundary is Planning District 26.
- The new proposed district collectively represents an area of the Barnwell community with an abundance of sensitive wetland areas and prominent equestrian uses.

Based on these factors, Planning and Zoning staff recommended the County Commission accept the proposed Planning District 38 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 proposed district contains approximately 1145 registered voters and will required approximately 115 signatures. A final number will be provided by the Probate Judge's office.

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. **(PURPOSE OF THIS AGENDA)**

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.

(PURPOSE OF THIS AGENDA)

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 38 boundaries have been accepted for planning, zoning, and voting purposes. The letter should be sent to the following:

Ms. Lisa Marie Atchley
14202 County Road 3
Fairhope, Alabama 36532

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.