



BALDWIN COUNTY PLANNING & ZONING

Steps to Coming Under the Planning and Zoning Jurisdiction of Baldwin County

1. Citizen(s) sends a letter to the Baldwin County Commission expressing their desire to form a new zoning district and provides the proposed boundaries of the new district.
2. Planning and Zoning staff will review the proposal against the statutory requirements.
3. The Probate Judge will prepare a preliminary estimate of the number of registered voters in the proposed district.
4. Planning and Zoning staff will bring the citizen request to the County Commission for consideration at a regularly scheduled Commission meeting and the County Commission will consider the Citizen request and proposed boundary.
5. If accepted, Planning and Zoning staff will notify the Citizen(s) and provide petition forms for the collection of signatures.
6. The Citizen(s) will have 120 days to collect signatures from 10 percent of the registered voters in the newly proposed district.
7. The Probate Judge will have 45 days to certify or reject the accuracy of the petition.
 - If the number of signatures is not sufficient, the parties shall have another 60 days to complete the petition and have it certified.
 - If the petition is not certified, a petition for the proposed district may not be refiled for two years after the final denial of certification.
8. If the petition signatures are sufficient, the County Commission will instruct the Probate Judge to schedule an election within the district no later than 90 days after the signatures are approved.
9. Notice of the election will be published in the newspaper four times during the 30 days prior to the scheduled election.
10. Planning and Zoning staff will also mail a notice to all registered voters within the district. The notice will state the date of the election and the polling place(s). The judge of probate shall conduct the election.
11. If a simple majority of voters vote in the affirmative, then the district will become subject to the zoning and planning jurisdiction of the Baldwin County Commission.
12. The County Commission will appoint an advisory committee consisting of five registered voters from the district. The membership must reflect the diversity of the land use within the district as nearly as practical. Planning and Zoning staff will meet with the Advisory Committee to prepare a zoning map and draft text amendments to the ordinance for the new district.
13. The Advisory Committee will make a recommendation to the Planning Commission, which will make a recommendation to the County Commission. The County Commission will make the final approval decision.



Alabama Code

Section 45-2-261.07

Procedure for exercising jurisdiction in each district.

The Baldwin County Commission shall not exercise its planning and zoning powers and jurisdiction in any district established hereunder until the majority of the qualified electors of the district voting in an election shall have voted their desire to come within the planning and zoning authority of the Baldwin County Commission. The election shall be held if 10 percent of the qualified electors in any district submit a written petition to the county commission expressing a desire to be subject to the planning and zoning jurisdiction of the Baldwin County Commission under authority of this subpart. For the purposes of the establishment of districts after June 1, 2010, a district shall 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. A party or parties seeking to file a petition shall notify the county governing body in writing that the parties will petition for the formation of a district and the proposed boundaries of the district. The judge of probate within 15 days shall give a preliminary estimate of the number of signatures needed to call the election. The county governing body shall notify the principal party in writing within 30 days of written notification by petitioners of intent to request a referendum, by United States mail, return receipt requested, that the proposed district is acceptable for planning, zoning, and voting purposes and shall furnish forms to the petitioner for use in seeking the number of signatures required to call an election. The parties shall have 120 days thereafter to obtain the necessary signatures and file the petition. The County Commission and the Judge of Probate of Baldwin County shall certify or

reject the accuracy of the petition no later than 45 days after receiving the petition. If the number of signatures is not sufficient, the parties shall have another 60 days to complete the petition and have it certified. If the petition is not certified, a petition for the proposed district may not be refiled for two year after the final denial of certification. Upon certification, the county commission shall then instruct the Judge of Probate of Baldwin County to provide for an election within that district no later than 90 days after the certification. Notice of the election shall be published four times during the 30-day period immediately preceding the date of the election in a newspaper of general circulation in Baldwin County. In addition, the county commission shall notify by U.S. mail each elector in a district of the election and the process to obtain additional information. The notification shall state the date of the election and the polling place or places for voting. The judge of probate shall conduct the election. All costs for the notification and election shall be paid from the General Fund of Baldwin County. If a majority of the qualified electors in a district vote in the negative in the election, then the district shall not be subject to the zoning and planning jurisdiction of the Baldwin County Commission, and the qualified electors of the district shall not be eligible to petition for another election until two years from the date of the last election. If a majority of the qualified electors in a district vote in the affirmative, then the district shall be subject to the zoning and planning jurisdiction of the Baldwin County Commission.

(Act 91-719, p. 1389, §8; Act 98-665, p. 1455, §1; Act 2006-609, p. 1672, §1; Act 2010-719, p. 1782, §1.)

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Alabama Code

Section 45-2-261.08

Appointment of advisory committees.

In each district wherein the qualified electors vote to become subject to the planning and zoning authority of the Baldwin County Commission as provided in Section 45-2-261.07, the Baldwin County Commission shall appoint an advisory committee from that district to work with and assist the planning commission in formulating and developing regulations, ordinances, and zoning measures for the district. Each advisory committee shall consist of five members who shall be qualified electors of the district and who shall reflect as nearly as practical the diversity of land use in a district. The members of each district advisory committee shall elect a chair.

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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. In any district which is contiguous to one or more municipalities, a member of the municipal planning commission of each contiguous municipality shall serve in an ex officio capacity on the advisory committee.

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(Act 91-719, p. 1389, §9; Act 98-665, p. 1455, §1; Act 2006-609, p. 1672, §1.)