

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.

9. On December 29, 2020, a certain number of electors in District 19 voted to institute county zoning.¹ Neither the Commission nor anyone associated with the County gave RSA notice that an election in relation to District 19 was going to take place.

10. On March 2, 2021, the Commission appointed an Advisory Committee to make recommendations regarding the District 19 zoning map and local provisions. On April 20, 2021, the Advisory Committee made its recommendations to the Commission. RSA was given no notice that the Advisory Committee had been appointed or that it had made recommendations to the Commission.

11.

implement District 19 as part of the Ordinance. RSA was not given notice of the May 6, 2021

zoning map to add District 19.

14. District 19 encompasses the Property as well as a number of surrounding parcels on which single family homes and other structures are built. The zoning map for District 19 singles out the Property and zones it, in particular, as an Outdoor Recreation (OR) district one of the most restrictive, if not the most restrictive, zoning designations. Articles 2.3.19.3 and 6.2 of the Ordinance prohibit the construction of new residential homes in OR districts like that now applicable to the Property. The OR district designation would even require RSA to seek a variance to make renovations to its existing Lakewood Golf Club clubhouse.

15. Resolution #2021-076 and the District 19 zoning map are void, however, because they violate Alabama procedural and substantive law, including the Ordinance.

16. Section 19.16.3 requires that before acting on any proposed rezoning, the Planning adjacent violated here when, upon information and belief, the Planning Commission failed to give RSA timely notice of the Planning Commission hearing by certified mail.

17. Alabama Code § 45-2-261.04(b) and Section 19.16.4 of the Ordinance require that subject to the amendment at least three weeks prior to the date of the Commission hearing. These provisions were violated because no sign was placed on the Property indicating that Planning District 19 was under consideration or that the Commission intended to hold a public hearing to consider whether to amend the Ordinance to add the Planning District 19 zoning map and local provisions.

18.

copy of the proposed rezoning, amendment, supplement, modification, or repeal shall be made

available for public inspection at the nearest County Courthouse or satellite County Courthouse in 000912 0 61

24. Alabama Code § 45-2-261.04(b)

requires all notices to expressly cite Alabama Code § 45-2-261.04(b).

25. As stated above, on May 5, 12 and 19, 2021, the Planning Commission and the Department ran notices in a local newspaper to the effect that the Commission intended to hold a public hearing on June 1, 2021 to consider the proposed zoning map and text amendments for Planning District 19. However, none of the notices cited Alabama Code § 45-2-261.04(b), as required by that subpart.

26. Alabama Code § 45-2-261.04(a) provides made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with the view of conserving the value of the buildings and encouraging Resolution #2021-076 violates Ala. Code § 45-2-261.04(a), and is arbitrary and capricious, because it is inconsistent with the character of the district and its suitability for particular uses, including the particular uses of the Property.

27. District 19, and Resolution #2021-076 particular, constitutes piecemeal or spot zoning in violation of Alabama law. More specifically, Resolution #2021-076 singled out the Property despite it not being part of any comprehensive plan.

COUNT FOR DECLARATORY JUDGMENT

28. RSA adopts and realleges the foregoing allegations of this Complaint as if set forth fully herein.

29. Pursuant to Alabama Rule of Civil Procedure 57 and Alabama Code § 6-6-220 *et seq.*, a justiciable controversy exists between RSA, the Commission and the County regarding

