

CITY OF TALLAHASSEE

CITY COMMISSION AGENDA ITEM

ACTION REQUESTED ON:	October 25, 2006
SUBJECT/TITLE:	Revisions to City Commission Annexation Policy #132
TARGET ISSUE:	Long Range Community Planning

STATEMENT OF ISSUE

City Commission Policy #132 Annexation Policy, adopted in 1995, provides for the addition of territory to the boundaries of the corporate limits, as authorized by Chapter 171, Florida Statutes. The policy is proposed for revision in order to address concerns with the voluntary annexation of property that does not meet City design standards or public facility requirements. Currently, a subdivision/development may be permitted by Leon County, but upon acceptance of the infrastructure by the county, the developer frequently petitions for voluntary annexation into the City—generally to receive reimbursement for on-site water and sewer extensions. The annexation of property not constructed to city standards is problematic and often expensive to remedy, and, when combined with the developer refunds, becomes a financial and maintenance liability for the City. The revised policy proposes that parcels or subdivisions shall meet or exceed the requirements for City public facility improvements and design standards in order to be eligible for voluntary annexation, and that compliance with the requirements shall be demonstrated through a letter of agreement between the City and the developer/owner. Furthermore, the policy provides that failure to comply with the public facility requirements will result in forfeiture of reimbursements for water and sewer line extensions unless an exception is authorized by the Commission.

The proposed revisions were discussed at the September 13 meeting of the Long Range Planning Target Issue committee, with concurrence by Commissioners Lightsey and Gillum.

RECOMMENDED ACTION

Option 1: Approve proposed revisions to City Commission Annexation Policy #132

FISCAL IMPACT

The proposed revisions provide a process for limiting fiscal impact related to voluntary annexations. Should the commission not approve these revisions, substantial resources may be required to maintain and/or improve the infrastructure to meet adopted public facility requirements.

ATTACHMENT

City Commission Annexation Policy #132 (as revised)

Dinah Hart
Office of the Mayor

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City Manager

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ITEM TITLE: Revisions to City Commission Annexation Policy #132

SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY/FACTS & ISSUES

City Commission Policy #132 Annexation Policy, adopted in 1995, provides for the addition of territory to the boundaries of the corporate limits, as authorized by Chapter 171, Florida Statutes. The revised policy is proposed to address staff concerns with the voluntary annexation of property that does not meet City design standards or public facility requirements. Currently, a subdivision/development may be permitted by Leon County, but upon acceptance by the county, the developer applies for voluntary annexation into the City—generally for the purpose of receiving reimbursement for water and sewer extensions. Since the City and County have different design standards for public facilities, the annexation of property not constructed to city standards is problematic and often expensive for staff to remedy, and, when combined with the developer refunds, becomes a financial and maintenance liability for the City. For example:

- The County allows open swales for drainage conveyance on some roadways, while the City requires curb and gutter and an enclosed storm drain system. The open swales are more costly to maintain.
- The County allows the use of a particular type of drop curb at driveways that the City has banned due to the tendency for vehicles to scrape their bumpers when entering and departing adjacent home sites.
- The County is not as restrictive with the configuration of the maintenance berm the City requires on all stormwater ponds.
- The County has allowed lane widths as narrow as 10 feet. The City's minimum allowable lane width is 11 feet.

The revised policy proposes that parcels or subdivisions shall meet or exceed the requirements for public facility improvements and design standards in order to be eligible for voluntary annexation, and that compliance with the requirements shall be demonstrated through a letter of agreement. These public facility standards are described in the City's Land Development Code and included in adopted Public Works Design Standards, and are attached by reference to the revised policy. Furthermore, the policy provides that failure to comply with the public facility requirements will result in forfeiture of reimbursements for on-site water and sewer line extensions unless an exception is authorized by the City Commission.

The proposed revisions provide a process for limiting fiscal impact related to voluntary annexations. Should the commission not approve these revisions, substantial resources may be required to maintain and/or improve the infrastructure to meet adopted public facility requirements.

While the above information primarily applies to undeveloped parcels and subdivisions, the policy also proposes that annexation of developed parcels and subdivisions in which the infrastructure does not meet City standards, shall be improved to city standards prior to acceptance by the city for maintenance.

It is important to note that the revised policy does not apply to properties annexed by referendum, as compliance with City standards will be negotiated with affected property owners prior to conducting the referendum.

The proposed revisions were discussed at the September 13 meeting of the Long Range Community Planning Target Issue committee, with concurrence by Commissioners Lightsey and Gillum.

OPTIONS

Option 1: Approve proposed revisions to City Commission Annexation Policy #132.

Option 2: Provide alternate direction to staff.

ATTACHMENTS/REFERENCES

City Commission Annexation Policy #132 (as proposed for revision)

City Commission Policy 132 - Annexation Policy

DEPARTMENT: Management and Administration

DATE ADOPTED: May 24, 1995

DATE OF LAST REVISION: N/A, 2006

132.01 Authority:

Chapter 171, Florida Statutes.

Tallahassee-Leon County Comprehensive Plan, July 16, 1990 as amended.

132.02 Purpose:

To delineate the applicable policies, procedures and requirements when the City of Tallahassee is adding territory to the boundaries of the corporate limits.

132.03 Scope and Applicability:

This policy shall apply to those actions and related activities when the City of Tallahassee is adjusting the boundaries of its limits through annexation.

132.04 Policy Statement:

The City will pursue annexation by referenda and encouraging voluntary petitions. The annexation program shall be directed through supporting the City's goals for maintaining an economically healthy and pluralistic community, providing urban services to urbanized and urbanizing areas, encouraging urban infill development, affordable and workforce (inclusionary) housing, and a southern strategy for balanced growth. The expansion of Tallahassee's corporate limits will focus on areas within the Urban Services Area (USA), including the Southwood and Welaunee study areas as stated in the Comprehensive Plan; and, in particular, on areas that contribute to the fragmentation of the City's existing boundaries. This program shall consider annexing all neighborhoods in the USA regardless of socio-economic status. An overall objective is to retain at least 70% of Leon County's population and taxable property within the City. As reflected in the adopted Comprehensive Plan, Leon County will support the City's annexation efforts in the Urban Service Area.

132.05 Definitions:

- a. Affordable and workforce housing: Housing units that are available to very low, and low to moderate income households as defined in the Comprehensive Plan, page XII-12. See definition of "affordable housing" in Section 1-2, City's Land Development Code, which is incorporated herein by reference, as it may be amended from time to time.

- b. Letter of agreement: A letter from the City to a property owner/developer briefly outlining the major rights and responsibilities of each party related to provision of public utility facilities for the proposed development which is the subject of the letter. The letter further sets conditions, limitations, standards, and procedures for the development (although additional standards and conditions may be imposed as necessary); and when signed by the City and the property owner/developer, is treated as a contract. Such agreement will include the amount of the water and/or sewer refund due to the petitioner, when possible.
- c. Southern Strategy: Any development located within the southern strategy area as that area is defined by the City Commission in the Comprehensive Plan, i.e., generally south of the Downtown area and within the urban service area.
- d. Undeveloped parcel(s): Vacant property, unplatted or platted, on which no structures or public facilities are located.
- e. Undeveloped subdivision(s): Subdivided lots, recorded in the official records of Leon County or unrecorded, on which no structures are located and for which no infrastructure intended to serve the subdivided lots has been constructed.
- f. Urban infill development: Development and/or redevelopment located on or proposed for a parcel of property bounded by existing urban development, or adjacent to an otherwise developed area where all or most public services and facilities are available.

~~Urban infill development: A development located on a parcel of property bounded by existing urban development, or adjacent to an otherwise built up area where public facilities are available.~~

~~e.Southern Strategy: Any development located within the southern strategy area, i.e., generally south of the Downtown area and within the urban service area.~~

132.06 Appropriate Action Sections:

a. Procedures:

1. Procedures for implementing this annexation policy may be found in Chapter 171, Florida Statutes, the Tallahassee-Leon County Comprehensive Plan and the City of Tallahassee's Administrative Policy and Procedures Manual. The Department of Management and Administration (DMA) shall prepare a long-range annexation strategy, maintain a map of the annexation study areas and a historical map reflecting prior annexations. DMA shall coordinate the preparation of all annexation ordinances and a statement that reflects the plans for providing urban services to the area proposed for annexation. When a city-owned or purchased

parcel is proposed for annexation, the preparation of a plan or statement as outlined shall not be required.

2. A request for an exception to the Public Facility Standards for Voluntary Annexations as set out in this policy shall be approved, approved in part, approved with conditions, or denied by the City Commission prior to action on a voluntary annexation of undeveloped parcel(s) or undeveloped subdivision(s). Staff analysis and recommendation on the exception request shall be presented to the City Commission in the same agenda packet for the public hearing on the voluntary annexation ordinance.
3. For properties annexed by referendum, compliance with the City's standards for public facilities will be negotiated with affected property owners prior to the referendum being conducted.

b. Urban Services Plan:

The pPlan for providing urban services required by Ch. 171, Florida Statutes, shall include information as requested by DMA, including the following:

- a.1. How land use compatibility with adjacent properties will be ensured;
2. How public facilities will be provided, and by which entity;
3. How level of service standards are, or will be made, consistent with the comprehensive Comprehensive Pplan;
4. How the City's policies and regulations for affordable and workforce (inclusionary) housing will be addressed;
5. How the City's policies and regulations for the Southern Strategy Area will be addressed;
6. For voluntary annexations, a statement certifying that infrastructure and public facilities on the parcel(s) to be annexed meet or exceed the standards set forth in this policy, or a statement that the petitioner is seeking an exception to the requirement that such standards be met; and
7. For voluntary annexations, the amount of any agreed upon water and/or sewer refund that will be due the petitioner.

c. Public Facility Standards for Voluntary Annexations:

1. Undeveloped parcel(s) and undeveloped subdivision(s): Any undeveloped parcel(s) or undeveloped subdivision(s) proposed for voluntary annexation shall meet or exceed the requirements for public facility improvements and design standards outlined in Article II, Division 3 of Chapter 9 (Subdivisions and Site Plans), Article III, Section 5-86 (Stormwater Management Design Standards) of Chapter 5 of the City's Land Development Code, and all adopted Public Works Design Standards (all of which are referred to hereinafter as Public Facility Requirements) in order to be eligible for voluntary annexation. Compliance with these requirements shall be demonstrated through a letter of agreement.

Failure to comply with the Public Facility Requirements, unless an exception is authorized by a majority vote of the City Commission, shall result in the forfeiture of reimbursements for on-site extensions of water and sewer lines under Chapter 21, Utilities, Article III, Line Extensions, Division 2, Reimbursement of Developers in the City's Code of General Ordinances.

2. Developed parcels/subdivision: If the existing infrastructure of the area proposed to be annexed does not meet city standards, such infrastructure shall be improved to city standards prior to acceptance by the City for maintenance.

132.07 Administration:

The Department of Management and Administration is responsible for the administration of the annexation policy.

132.08 Sunset Review:

This policy may be reviewed annually as part of the City's overall review of the long-range annexation strategy.