

An aerial photograph of a coastal town, likely in the Pacific Northwest, showing a mix of green fields, residential areas, and a blue body of water. The town is situated along a coastline with several inlets and a large bay. The text is overlaid on the central part of the image.

# Annexations

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# Annexations are City / Town Building Events



Implementing the Comprehensive Plan

A reason for cooperation between County and Town/City

Achieve objectives not otherwise possible from regulating land use development

Annexations shape the future – No better time to engage in planning

Prepare, Prepare, Prepare

# Overview of Presentation

- Summary of Code Provisions: Annexations
- Enhanced Procedures for Annexation
- Annexation Agreements
- Principles of Annexation

# Annexation Code Overview

## Five Year Rule -- The Brake on Municipal Development

Unless a County consents to the proposed zoning, for 5-years following an annexation, a town cannot approve development IF:

- The town's zoning permits uses substantially different than the county's zoning
- The town's zoning allows density substantially different than the County zoning – 50% greater

# Annexation Code Overview

## The Annexation Plan – Understanding the Impact and the Fit

An annexation plan should show:

- Conceptual development of the parcel
- How development of the parcel relates to existing and planned development
- The public facilities and services needed by the development and the methods to provide such facilities and services

# Annexation Code Overview

## Municipal Growth Element – The Ticket for Annexations

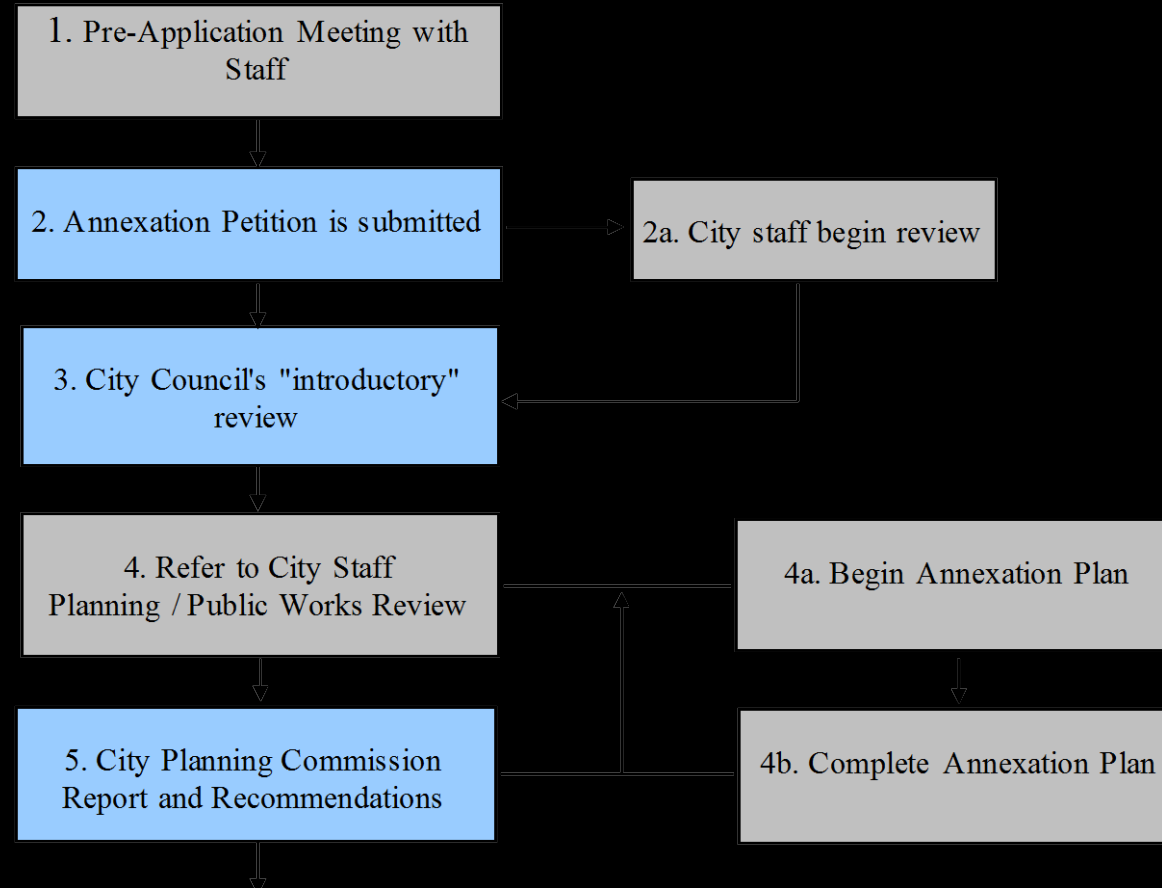
- Required element in the municipal comprehensive plan
- A map of the future growth areas
- Addresses projections of growth and change, the capacity of the land for development, infrastructure needs in the growth area
- Property in the Growth Area is eligible for annexation

# Enhanced Procedures for Annexation

## The Need for Procedures for Annexation Petitions

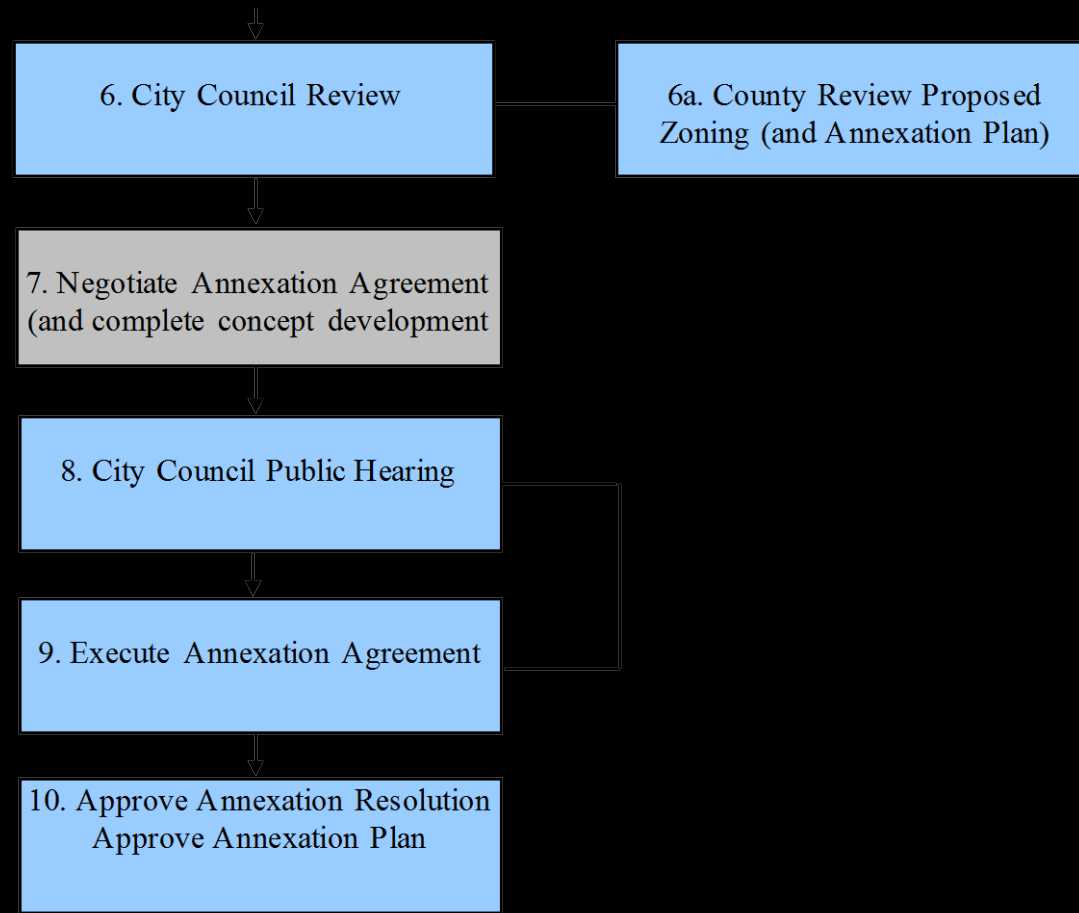
- Incorporating procedures in the Zoning Ordinance
- Making a formal role for the Planning Commission
- Opportunities for Multiple Reviews
- Opportunities to Shape the Future of the Annexed Area

# Enhanced Procedures for Annexation





# Enhanced Procedures for Annexation



# Annexation Agreements

A formal binding contract between a property owner and the Town

- Binding on both parties. Negotiated before an annexation is voted on.
- Different than a Development Right's and Responsibilities Agreement, which is expressly allowed in the MD Land Use Article.
- Not a Public Works Agreement
- Free from the restrictions on administering zoning regulations
  
- Oh, and by the way, a town is under no obligation whatsoever to annex a parcel of land
- Further...a town may reject any annexation for any reason
- What's a developer's best alternative to negotiating with a town?

# Annexation Agreements

## Essential (Planning) Components of Good Annexation Agreements

- Includes a conceptual development plan and requires Substantial Conformance
- Includes a section on “Development Considerations” – shaping the development deal
- The town cannot contract away its regulatory power. Caution, the developer will want you too
- Annexation Agreements cannot limit the ordinary review and regulation of a future development project

# Principles of Annexation

Ensuring that the benefits of thoughtful municipal growth are achieved

- Negotiating based on principles
- Establish principles ahead of time
  
- Negotiation Tip: Understand and prioritize municipal interests
- Negotiation Tip: Insist on Objective Criteria
- Negotiation Tip: Expand the Parties to the Negotiation, as needed

# City of Salisbury - Annexation Principles

Principles have Guided Salisbury's Annexation for a Decade to Great Effect

- Consistency with the Comprehensive Plan
- Contributing to Area-wide Improvements
- Community and Environmental Design
- Re-investment in Existing Neighborhoods
- Contribution to Housing Affordability
- Fiscal Benefits

# Questions and Follow Up

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