

## **ANNEXATION AND PRE-ZONING PROCEDURES AND POLICY MADISON, ALABAMA**

### **PROCEDURES**

#### **Annexation of Unincorporated Land**

The following methods of annexation are permitted in the City of Madison, as authorized by Title 11, Chapter 42, Article 3 of the Code of Alabama.

1. Petition to annex a specific property by consent of all property owners.
2. Petition to annex a specific property by election of a majority of property owners.

The requirements listed below as set forth in Title 11, Chapter 42, Article 3 of the Code of Alabama identify the criteria for eligibility to petition for annexation.

1. The area to be annexed must be contiguous to the boundaries of the City of Madison, except as provided by law.
2. The property cannot be included within the boundaries of another incorporated municipality.

#### **Pre-Zoning of Unincorporated Land**

When an application for annexation is submitted to the City of Madison, the applicant must also submit an application to incorporate the property in a zone district.

1. The method and establishment of such pre-zoning shall be in accordance with Article III, Section 3-3 of the Zoning Ordinance, as authorized by Title 11, Chapter 52, Article 4, Section 85 Code of Alabama.
2. The zoning classification established through the pre-zoning procedure shall become effective and enforceable at the time annexation of the property into City becomes effective.

#### **Submittal Requirements for Annexation & Pre-Zoning**

Annexations and pre-zoning applications must be submitted on the same schedule as other Planning Commission Agenda items. The following information must accompany the applications.

##### **Annexation**

- 1) A copy of the landowner's deed. Once received, the Planning Department will prepare a petition for annexation. The petition must be signed by all property owner(s) and be notarized.
- 2) *All submittals for new residential development must include a layout that meets the requirements of Section 4-4 of the City of Madison Subdivision Regulations. The Technical Review Committee may waive this requirement for properties where new development is not anticipated within two years of the annexation request.*
- 3) A legal description of the land submitted digitally in MS Word.

**Pre-Zoning**

- 1) A list of all property owners within a 500-foot radius of the closest point of the subject property.
- 2) A legal description of the land submitted digitally in MS Word (The legal description for annexation can serve as long as both are identical.)
- 3) *All submittals for new development must include a site assessment that meets the requirements of Section 4-4-1(3) (B) (C) & (D), Madison Subdivision Regulations. The Technical Review Committee may waive this requirement for properties in cases where new development is not anticipated within two years of the pre-zoning request.*

**Approval Process for Annexations & Pre-Zoning**

The following process will be carried out for annexations and pre-zoning applications.

**Annexation**

- 1) *The Planning Commission will consider the annexation request and send a formal recommendation to City Council on whether the property should be annexed or not annexed;*
- 2) The City Council will hold a public hearing on the annexation application and will have the final decision on whether the property will be annexed into the City of Madison.

**Pre-Zoning**

- 1) The Planning Commission will hold a public hearing for the pre-zoning request and send a recommendation to City Council. The Planning Commission may recommend another zoning district other than the one requested.
- 2) The City Council will hold a public hearing on the pre-zoning application and will have the final decision on the zoning district most appropriate for the property.

**POLICY**

**Guidelines for Annexation Review**

The annexation of land for which pre-zoning is requested for one of the following development types, or which otherwise complies with all plans adopted by the City of Madison for the area in which it is located as determined by City Staff, is preferred:

1. Retail development;
2. Mixed-use development; and
3. Higher density residential.

The following questions are evaluated by the City of Madison in reviewing an annexation petition. The analysis of these considerations is designed to provide the City Council and Planning Commission with relevant information regarding the suitability of the annexation.

<b>Annexation Review Considerations</b>	
1.	<p><i>Will the property be in the jurisdiction of any adopted master plans adopted by the City of Madison?</i></p> <p><i>If yes, has the petitioner submitted any plans demonstrating how the policies in those master plans will be implemented into any future development?</i></p>
2.	<p><i>Are there any existing uses or structures that will not conform to the zoning district assigned to property?</i></p> <p><i>If yes, will these uses or structures be removed from the site prior to annexation?</i></p>
3	<p><i>Does the property have adequate street capacity and access to a public street?</i></p>
4.	<p><i>Is sanitary sewer available per MU's master plan? Is public water service available?</i></p>
5.	<p><i>Does adequate school capacity exist to support the intended use of the property?</i></p> <p><i>If no, are there plans to provide such capacity or otherwise offset the expected impacts of the intended use?</i></p>
6.	<p><i>Does the property contain any existing nuisances or dilapidated structures as defined by the City of Madison Code of Ordinance?</i></p> <p><i>If yes, will these be removed from the site prior to annexation?</i></p>
7.	<p><i>Does the petition include property containing a floodway as shown on the latest adopted Flood Insurance Rate Map?</i></p> <p><i>If yes, will the floodway be deeded to the City of Madison or overlaid with an easement for utilities, drainage and public access</i></p> <p><i>Note: The timing of the dedication, if offered, shall be established and defined in an annexation agreement between the property owner and the city.</i></p>
8.	<p><i>Is the property overlaid by a wetland or jurisdictional stream?</i></p> <p><i>If yes, will the floodway be deeded to the City of Madison or overlaid with an easement for utilities, drainage and public access</i></p>
9.	<p><i>Are there any other significant features on the property?</i></p> <p><i>If yes, did the petitioner submit a plan for the preservation of such feature</i></p>

**Note: Non-italicized font represents existing regulations and procedure.  
 Italicized font indicates proposed new policy and procedure.**