

Sec. 34-35. - Annexation policy.

- (a) It is the general policy of the City of Denton to assess on a case-by-case basis the annexation of areas in the extraterritorial jurisdiction (ETJ) when significant developments are proposed, occurring, or likely to occur in the near future.
- (b) The following are guidelines for determining when annexation study should be considered:
 - (1) Single-family developments over five (5) lots; or
 - (2) Multi-family, industrial or commercial developments over one (1) acre; or
 - (3) Any area where the density exceeds five hundred (500) units per square mile; or
 - (4) Any development or area that might have a significant impact upon the city, including but not limited to service costs, increased traffic, drainage impact, utility needs or utilization, safety or health hazards.

When any or all of the above conditions exist, city staff shall review the proposed development for the purpose of considering annexation. The review shall also include consideration of the annexation of logical planning areas around the area of initial concern.

- (c) Guidelines for scope of study. In studying the questions of whether or not an area should be annexed, the following criteria shall be considered at a minimum:
 - (1) The ability of the city to furnish normal city services equal to other comparable areas inside the city limits. Water and sewer system capabilities are considered, but lines for individual areas are normally not the city's financial responsibility.
 - (2) The reliability, capacity, and future public cost, if any, of current and planned provisions for community facilities such as roads, drainage, utilities, etc. Private facilities will be considered.
 - (3) The need and quality of land use and building controls. Private controls will be considered.
 - (4) Impact on the city, both current and long range, including at a minimum:
 - a. Fiscal cost and benefits;
 - b. Traffic;
 - c. Infrastructure of roads, utilities and other community facilities;
 - d. Safety or health;
 - e. Building or development quality;
 - f. Aesthetic quality; and
 - g. Community character.
 - (5) Conformance with or need to ensure conformance with the officially adopted master plans of the city.

(Ord. No. 94-150, § I, 8-16-94)

Sec. 34-36. - Annexation procedures.

- (a) If, after preliminary study, the criteria described in section 34-35 indicate annexation is appropriate in order to promote or protect the public interest, the city will initiate formal annexation proceedings to consider the annexation question in detail.
- (b) If a tract of land in the extraterritorial jurisdiction is contiguous to the city limits and the owner of said property desires that it be annexed in order to be qualified to receive city services when available and to be afforded zoning protection, the owner may petition the city for annexation.

- (c) Study and annexation procedure.
 - (1) Based upon guidelines for initiating study, the staff shall initiate a preliminary assessment of the area for possible annexation and present the results to the city council. The city council will review the study results and other information and make a determination whether or not formal study and public hearings and annexation proceedings should be initiated.
 - (2) If formal public hearings are initiated, the planning and zoning commission shall review the annexation study and make a recommendation to the city council.
 - (3) The city council will then consider all recommendations and public comment during the prescribed public hearings phase, and make a determination whether or not to initiate formal annexation proceedings.
 - (4) Formal annexation proceedings are executed, if applicable.
- (d) Public hearing notification procedures:
 - (1) Notice of public hearing. Notice of the public hearings shall be given not less than ten (10) days before the date set for the first annexation public hearing using each of the following methods:
 - a. Published notice. Notice of the scheduled public hearings shall be published in the official newspaper of the city stating the time and place of such public hearings and a description of the proposed annexation.
 - b. Courtesy notice. Written notice of the scheduled public hearings, properly addressed and postage-paid via first class mail shall be provided to all residents of property located within five hundred (500) feet of the subject property by posting such notice to each parcel address as recorded on the city's geographic information system (GIS) data base. Failure on the part of property owners to receive the courtesy notice shall not invalidate the scheduled public hearing process.
 - c. Posted notice. A sign shall be posted on the subject property according to rules established and published by the planning and development department, a copy of which will be available at the city secretary's office and the planning and development department offices.
 - (2) Access to property. The applicant/petitioner/landowner shall allow the director of planning and development or his/her designee to enter onto the premises for which an annexation public hearing is scheduled for the purposes of installing, maintaining, and removing signs required by this section.
- (e) Remedy for removal of sign. It shall be unlawful for any person, other than the director of planning and development or his/her designee, to knowingly remove, deface, or injure in any manner a sign or part thereof required by the provisions of this section.

(Ord. No. 94-150, § I, 8-16-94; Ord. No. 99-030, § I, 2-2-99)

Sec. 34-37. - Annexation fees.

Any person, firm or corporation who shall petition the city for annexation shall pay to the department of planning and community development a fee in an amount determined, and as from time to time amended, by ordinance of the city council. The fee shall be based upon the administrative expenses of the city in reviewing such petitions. A true and correct copy of the current ordinance establishing the fees shall be maintained in the department of planning and community development.

(Ord. No. 94-150, § I, 8-16-94)