



## COMMONLY ASKED QUESTIONS ABOUT ANNEXATION

### 1. *Why is the City pursuing annexation?*

Historically, annexation has been a very important factor in sustaining the population growth of Texas cities. Many Texas cities would have faced limited growth rates and even lost population had annexation not been pursued. Annexation is an important growth strategy and has been a critical one for Texas cities in the past.

Cities have various reasons for initiating annexation, including:

- ***Annexation to provide areas for future expansion*** - Cities initiate annexation in order to provide areas for future growth and development. This can be especially critical in cities with limited vacant, developable property to accommodate growth within its existing boundaries.
- ***Annexation to accommodate growth*** - Cities initiate annexation in order to employ growth management strategies. Orderly growth of a city is critical to its long-term viability. A municipality has a responsibility to its residents and taxpayers to manage its physical growth in a sensible, predictable, and fiscally responsible manner. Annexation, which provides the ability to zone property, is an essential part of the growth management process.
- ***Annexation to assert zoning or other regulatory control*** - Annexation brings territory into the full regulatory authority of a city. While the State statutes provide Texas cities with limited regulatory authority within its extraterritorial jurisdiction (ETJ), annexation into a city allows application of full land-use controls and development standards.
- ***Annexation to secure tax base, revenue sources*** - Cities need revenue to provide a regional array of services and facilities. Annexation provides needed revenue through property tax, sales tax, franchise fees, and utility revenue.
- ***Annexation to protect an area*** - As mentioned above, annexation provides land use control and development standards. These tools can also serve as an effective way to protect valuable resources or to preserve the existing character of an area.
- ***Annexation in response to a perceived threat*** - This typically takes the form of annexation of property that is developing or proposed for development for some land use deemed undesirable, or otherwise a threat, if not annexed. Often uses such as sexually-oriented businesses, heavy industries or mobile homes are annexed to provide zoning or other regulatory control (as described above, but applied in response to a perceived threat). Another example is annexation initiated by a city to preclude annexation of the same area by another city.
- ***Annexation in response to an uncertain legislative environment*** - The State has approved several bills in the past that make it increasingly difficult for cities to pursue

annexation. Should this trend continue, it may be in the city's best interest to pursue annexation sooner rather than later.

- ***Annexation to adjust or clarify boundaries*** - Boundary adjustments may be needed to clarify jurisdictions, prevent confusion related to provisions of services, etc.

2. *The City has many ordinances - is it possible to get copies of these and a list of services provided by the City?*

The City's website [www.cstx.gov](http://www.cstx.gov) provides a wealth of information regarding city services and regulations. The City's code of ordinances is also available on municode at the following link:

<https://library.municode.com/index.aspx?clientID=15047&stateID=43&statename=Texas>

3. *Will being in the city limits affect my property value? Will properties have to be reappraised?*

No, annexation does not affect property values. As improvements are made to properties, there may be a reevaluation and appraisal done at that point. Specific questions regarding the appraised value of your property may be addressed to the Brazos County Appraisal District at 979.774.4100.

4. *How will annexation affect my taxes?*

A County resident living outside the city pays county tax, school district taxes, and an emergency services district tax in some cases. Upon annexation, the city property tax would apply as well. The current City tax rate is 45.25 cents per \$100 valuation, so on a \$100,000 improved lot, the annual taxes would be \$452.50. These taxes help pay for an array of City services such as police protection, fire protection, and building inspections.

5. *Will I be able to continue the use of my property after annexation? Will my property be "grandfathered"?*

As a general rule, any use that existed upon annexation can continued after annexation. However, there are a few exceptions for uses such as sexually-oriented businesses, storage of hazardous substances, and the sale of fireworks (a complete list is provided below). A legally non-conforming (grandfathered) use may not expand without permission from the City. A change of ownership does not affect a grandfathered status.

## **Unified Development Ordinance, Section 4.5.B**

### **B. Newly-Annexed Territory**

The administration of this UDO to newly annexed territory shall consider the following provisions:

1. Any territory hereafter annexed to the City of College Station, not otherwise classified at the time of annexation, shall be classified by applying the R, Rural district.
2. Upon annexation, no person shall initiate any development or construction activity, including site preparation, foundation forming, sign erection, construction, improvement, repair or demolition within a newly annexed area without first applying for and obtaining the appropriate permits or other approvals required by this UDO.

3. No person relying on a claim of vested rights shall continue any development activity within a newly annexed area without first applying for and obtaining a building permit; however, persons are not precluded from the following activities:

a. Continuing to use land in the area in the manner in which the land was being used on the date the annexation proceedings were instituted if the land use was legal at that time; or

b. Beginning to use land in the area in the manner that was planned for the land before the 90th day before the effective date of the annexation if:

- 1) One or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned land use; and
- 2) A completed application for the initial authorization was filed with the governmental entity before the date the annexation proceedings were instituted. For purposes of this section, a completed application is filed if the application includes all documents and other information designated as required by the governmental entity in a written notice to the applicant.

4. In accordance with §43.002, Continuation of Land Use, of the TEXAS LOCAL GOVERNMENT CODE, the City may apply the following regulations within newly annexed territory:

- a. A regulation relating to the location of sexually-oriented businesses;
- b. A regulation relating to preventing imminent destruction of property or injury to persons;
- c. A regulation relating to public nuisances;
- d. A regulation relating to flood control;
- e. A regulation relating to the storage and use of hazardous substances;
- f. A regulation relating to the sale and use of fireworks; or
- g. A regulation relating to the discharge of firearms.

5. Any person with an interest in property within a newly annexed area may apply to the Administrator for a determination of the vested rights such person has, if any, to continue development activities initiated prior to annexation. Such determinations shall be based upon all pertinent facts and upon the relevant decisions of State and Federal courts. The applicant may submit any written evidence to the Administrator for consideration. The Administrator's written determination shall be final unless duly appealed to the Zoning Board of Adjustment.

6. *What zoning is placed on my property upon annexation? How does the city rezone property?*

When property is annexed into the City, the R (Rural) zoning classification is typically placed upon it. After annexation, a property owner may request a rezoning of their property. The rezoning process takes about two months and involves a recommendation from the Planning and Zoning Commission and final action by the City Council. Additional information concerning the rezoning process is available from the Planning & Development Services Department at 979.764.3570.

7. *What types of uses are allowed in the R (Rural) zoning district?*

The R, Rural zoning district includes lands that, due to public service limitations, inadequate public infrastructure, or a prevailing rural or agricultural character, are planned for very limited development activities. This district is designed to provide land for a mix of large acreages and large-lot residential developments. Open space is a dominant feature of these areas. This district may also serve as a reserved area in which the future growth of the city can occur.

Uses permitted by right in the R, Rural district include:

- Barn or stable for private stock
- Farm or pasturage
- Farm product processing
- Animal care facility
- Commercial garden, greenhouse, or landscape maintenance facility
- Single-family home
- Educational facility
- Government facility (outdoor instruction, primary, and secondary)
- Parks
- Places of worship
- Golf course or driving range
- Country Club
- Unregulated wireless transmission facility (cell tower)

8. *Is there a legal time limit within which a city is required to provide services to annexed areas?*

Yes, most city services are required to be provided immediately upon annexation. However, State law also requires that a city provide "full municipal services" within 2 ½ years after the effective annexation date. If services cannot reasonably be provided within 2 ½ years, the maximum time allowed by the State is 4½ years.

9. *How soon after annexation would solid waste collection service be provided?*

The city is required to provide sanitation service immediately upon annexation. However, if a private waste-collection company presently serves an annexed area, the private service may continue for a period of two years after annexation. In order to secure solid waste collection service following annexation, utility account must be established with the City of College Station. Cost for sanitation service is billed on a monthly basis for both residential and commercial customers. For residential customers, the first solid waste container is provided at no additional charge.

10. *When would residents see improvement in roads that are annexed? Are all roads, in or adjacent to an area, annexed or are some left in the County?*

Right-of-Way maintenance priorities are determined on a city-wide basis taking into consideration factors such as street width, volume of traffic, street conditions, and public safety hazards. Roads and streets are annexed if they fall within the area to be annexed. Roads and streets running along the perimeter of an annexation area are generally annexed.

*11. Would annexation affect existing easements along public roads?*

No. Easements acquired by the County and/or the State will remain in effect.

*12. Does the City have ordinances that are applied differently based on density or zoning (i.e. rural vs. urban)?*

Yes, there are differences in the codes that apply to the more densely-populated areas of the City and those that apply to the more rural residential areas. For example, property zoned R (Rural) is exempt from the city's weeds and grass regulations that require mowing, the ordinance which does not allow parking on the grass, and livestock permitting requirements.

*13. Would I be able to burn trash after annexation?*

Not without a burn permit from the City of College Station Fire Department. Questions regarding a burn permit should be directed to the College Station Fire Marshal's office at 979.764.3727.

*14. Does annexation affect deed restrictions?*

No, the City typically does not enforce deed restrictions.

*15. Would annexation affect common area ownership? Would private areas remain private after annexation?*

Private roads, lakes, and designated HOA common areas would remain private after annexation.

*16. How will annexation affect my use of firearms?*

Generally, it is unlawful to discharge a firearm within the city limits. There are some exceptions depending on the size of the property and the use and type of firearm (see Code Section below). It is always best to contact the City of College Station Police Department at 979.764.3600 to seek clarification on the issue of shooting firearms within the City limits.

### **City Code of Ordinances**

Chapter 1, Sec. 1-16. Firearms.

A. Unlawful to shoot firearms within City.

(1) Definitions.

(a) "Firearm" as used in this section means specifically, but not exclusively, any shotgun, pistol, rifle, air rifle, air pistol, B.B. gun, bow and arrow, or any other mechanism that discharges or ejects any bullet, buckshot, or any other projectile of any size by force of combustion, mechanism, or air. This term does not include pitching machines or similar devices that are designed and used only as a substitute for a human action.

(b) "One ownership" means an undivided parcel or tract of land that may be owned by a person, corporation, or other entity, or by a combination thereof, or by a tenant in common.

(c) "Effective consent" means the consent of a person authorized to act, or whom the shooter reasonably believed was so authorized.

(2) Unlawful to shoot firearms within City. It shall be unlawful to willfully or intentionally shoot a firearm within the limits of the City of College Station, Texas, except as provided hereafter. A person asserting an exception to prosecution under this section shall be required to prove the same as a defense under the provisions of the Texas Penal Code, as amended, and the Texas Code of Criminal Procedures, as amended.

(3) Excepted from this provision.

(a) Shooting a shotgun, air rifle, air pistol, B.B. gun, or bow and arrow upon a tract of land of ten (10) acres or more under one (1) ownership, with the effective consent of the owner(s) and any tenant(s) residing thereon, and not within three hundred (300) feet of any residence or occupied building, provided that the firearm is not discharged in such a manner that it would reasonably be expected to cause any projectile to cross the boundary of the tract onto other premises. Under this subsection, "shotgun" shall mean a ten-gauge or smaller shotgun with shot no larger than size 7.

(b) Shooting a center fire or rim fire rifle or pistol of any caliber upon a tract of land of fifty (50) acres or more under one (1) ownership, with the effective consent of the owner(s) and any tenant(s) residing thereon, and not within three hundred (300) feet of any residence or occupied building, provided that the firearm is not discharged in such a manner that it would reasonably be expected to cause any projectile to cross the boundary of the tract onto other premises.

(c) Shooting any firearm in lawful defense of self, a third person, or property, provided that the firearm is not discharged in such a manner as to unreasonably endanger innocent persons.

(d) Law enforcement and animal control officers while in the lawful discharge of their duties.

*17. Will I be able to continue to keep the animals and livestock that I presently have?*

Yes, any use of your property for grazing livestock can continue. The R zoning district allows for barns, stables, and for keeping private animal stock as well as land for pasturage.

*18. The City has leash laws. How will annexation affect my pets?*

City codes require that animals not be allowed to roam at large, upon the premises of others, or on the streets. This provision would apply upon annexation.

*19. Does the City have a comprehensive plan? Does it address annexation?*

Yes, annexation is addressed in chapter eight, "Growth Management and Capacity", of the Comprehensive Plan. The Comprehensive Plan is available on the city's website at [www.cstx.gov](http://www.cstx.gov).