

**CHANGES TO ANNEXATION PROCESS RECOMMENDED BY  
PINELLAS COUNTY FOR INCLUSION IN AN  
INTERLOCAL SERVICE DELIVERY AGREEMENT**

(January 23, 2009)

1. Annexation provisions in the May 2007 Settlement Agreement:
  - a. With respect to monetary incentives, an annexing municipality and the County may only offer, negotiate, agree to provide, or provide, incentives or inducements in conjunction or connection with an annexation proposal which (1) improve public properties, rights-of-way, or easements and the infrastructure and/or facilities located thereon or therein, (2) involve the acquisition of property for public use or benefit, (3) are in furtherance of the closure of enclaves, (4) provide public services and/or facilities, (5) waive or pay development, permit and/or application fees, or (6) otherwise advance a paramount public purpose as defined by Florida law.
  - b. Consents required by Section 171.0413(5) and (6), F.S., shall be express and in writing. Such consent shall be obtained by the annexing municipality at least ten (10) days prior to the public hearing on the ordinance required for annexation pursuant to Section 171.0413(6).
  - c. Without the current property owner's written permission, no municipality in Pinellas County shall subject any property to a referendum pursuant to Section 171.0413, F.S. for a period of seven years from the last date that such property was subject to an annexation referendum.
  - d. No municipality in Pinellas County shall subject any property to a referendum pursuant to Section 171.0413, F.S. unless an informational notice has been mailed to all affected property owners at least ten days prior to the public hearing.
2. Restrict the definition of enclave to any unincorporated area that is enclosed within and bounded on all sides by a single municipality. This is similar to the definition in Section 171.031(13)(a), but excludes the Type b enclave as defined in the Statutes.
3. The owner(s) of real property in an unincorporated area may petition the governing body of a municipality for annexation or a municipality may annex an unincorporated area by referendum regardless of whether the property is contiguous to the municipality if the subject property is located within the annexing municipality's municipal service area and is located within and reduces an enclave existing on the effective date of the Interlocal Service

Boundary Agreement, and neither involves a property that is subject to an existing annexation agreement nor provides the basis for annexing an adjoining property that is subject to an annexation agreement.

4. Planning Authority for Municipal Service Areas (per s. 163.3171(1), F.S.):

- A. The County shall have full authority for the preparation and adoption of the Pinellas County Comprehensive Plan and any amendments thereto pursuant to the Planning Act, and for the adoption, amendment and enforcement of land development regulations thereunder, for all parcels of property within a municipal service area lying outside the corporate limits of a city unless and until such parcel is annexed by a city.
- B. A city, in preparing and adopting its comprehensive plan for the development of land within the city, and amendments thereto, may include its municipal service area with the city's plan in order to advise both the County and the owners of parcels of property therein of the long-range planning objectives of the city. However, the city acknowledges that the inclusion in the city's plan of parcels of property within its municipal service area which lie outside the corporate limits of the city shall not be binding on the County or the property owners prior to annexation of such parcels by the city.
- C. Any affected person within a municipal service area shall have standing to participate in any administrative, legislative, quasi-judicial or judicial proceeding in which the adoption or effect of the city's comprehensive plan or any amendment thereto upon the affected person's property is an issue, and may challenge the adoption of the plan or any amendment thereof, to the same extent that the affected person would have standing if the property were included within the boundaries of the city. For the purpose of this subparagraph, "affected person" includes the owner of the property and any person residing upon it or owning or operating a business thereon, and shall be synonymous with the "affected person" as defined by Section 163.3184(1)(a), Florida Statutes (2008), as the same may be amended from time to time.
- D. In the event that an owner of property within a municipal service area applies to the city for annexation of the property, the owner may assent to the city's comprehensive plan as it applies to the property if the city's comprehensive plan provides for intensity of use or density which is equal to or less than the County's comprehensive plan as determined by the Pinellas County Planning Department, in which case the city's comprehensive plan shall take effect as to the property at the time of annexation and any subsequent public hearing and final plan amendment action for the property that may be required, including but not limited to any required amendments to the countywide Future Land Use Plan.

- E. If the contingencies of above sub-section are not met, with regard to the owners' assent or the determination by the County Planning Department, a land-use designation will be established for the newly annexed property pursuant to the provisions of Chapter 163.3184, Florida Statutes and Chapter 73-594, Laws of Florida, as amended.
  - F. Property in a municipal service area shall become subject to the planning authority of the city upon the effective date of annexation by the city as provided by the Interlocal Service Boundary Agreement.
- 5. Annexations that occur within a municipal service area regardless of size shall not require an Ability to Serve review and recommendation by the Pinellas Planning Council pursuant to Section 5 (13) of the Special Act.
  - 6. Only one legal notice shall be required for a voluntary annexation within a municipal service area rather than the two that are currently required by statute (sec. 166.041).
  - 7. Consider having a 20-year time frame for the Interlocal Agreement.
  - 8. A municipality would send the required certified notices for voluntary annexations to the County Planning Department rather than the County Clerk's Office.
  - 9. To ensure that annexation results in a municipal area that is reasonably compact at least 18 percent of the total perimeter of an annexation area must be coterminus to the annexing municipality. (Proposed percentage to be discussed.)
  - 10. An annexation must not result in an unincorporated area being enclosed along more than 82 percent of its perimeter by a single municipality. (May not be pursued.)
  - 11. Modify Section 171.0413(6) of the Florida Statutes so that:
    - a. the total percentage of consenting property owners in the entire proposed annexation area, on both a parcel and acreage basis, exceeds some minimum percentage greater than the current statutory requirement of 50% (percentage to be discussed), and
    - b. the acreage and parcels of consenting special districts, municipalities, the county or the state would not count toward satisfaction of the minimum percentage requirement.