

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1397

Short Title: Involuntary Annexation Changes. (Public)

Sponsors: Representatives Faison, Brown, Allred (Primary Sponsors); and Starnes.

Referred to: Rules, Calendar, and Operations of the House.

April 21, 2005

A BILL TO BE ENTITLED

AN ACT AMENDING THE INVOLUNTARY ANNEXATION STATUTES TO REQUIRE THAT AREAS ANNEXED MUST BE CONTIGUOUS TO AREAS OF EQUAL SIZE OR GREATER AND DEVELOPED FOR URBAN PURPOSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-36 reads as rewritten:

"§ 160A-36. **Character of area to be annexed.**

...

(b) The total area to be annexed must meet the following standards:

(1) It must be adjacent or contiguous to an area within the municipality's boundaries that is of equal size or greater and has been developed for urban purposes at the time the annexation proceeding is begun, except if the entire territory of a county water and sewer district created under G.S. 162A-86(b1) is being annexed, the annexation shall also include any noncontiguous pieces of the district as long as the part of the district with the greatest land area is adjacent or contiguous to an area within the municipality's boundaries that has been developed for urban purposes at the time the annexation proceeding is begun.

...

(c) The area to be annexed must be developed for urban purposes at the time of approval of the report provided for in ~~G.S. 160A-35~~ G.S. 160A-35, and must be contiguous to an area within the municipality that is of equal size or greater and has been developed for urban purposes. For purposes of this section, a lot or tract shall not be considered in use for a commercial, industrial, institutional, or governmental purpose if the lot or tract is used only temporarily, occasionally, or on an incidental or insubstantial basis in relation to the size and character of the lot or tract. For purposes of this section, acreage in use for commercial, industrial, institutional, or governmental purposes shall include acreage actually occupied by buildings or other man-made structures together with all areas that are reasonably necessary and appurtenant to such

1 facilities for purposes of parking, storage, ingress and egress, utilities, buffering, and
2 other ancillary services and facilities. Area of streets and street rights-of-way shall not
3 be used to determine total acreage under this section. An area developed for urban
4 purposes is defined as:

5 ..."

6 **SECTION 2.** G.S. 160A-48 reads as rewritten:

7 "**§ 160A-48. Character of area to be annexed.**

8 ...

9 (b) The total area to be annexed must meet the following standards:

- 10 (1) It must be adjacent or contiguous to an area within the municipality's
11 boundaries that is of equal size or greater and has been developed for
12 urban purposes at the time the annexation proceeding is begun, except
13 if the entire territory of a county water and sewer district created under
14 G.S. 162A-86(b1) is being annexed, the annexation shall also include
15 any noncontiguous pieces of the district as long as the part of the
16 district with the greatest land area is adjacent or contiguous to an area
17 within the municipality's boundaries that has been developed for urban
18 purposes at the time the annexation proceeding is begun.

19 ...

20 (c) Part or all of the area to be annexed must be developed for urban purposes at
21 the time of approval of the report provided for in ~~G.S. 160A-47~~. G.S. 160A-47, and
22 must be contiguous to an area within the municipality that is of equal size or greater and
23 has been developed for urban purposes. Area of streets and street rights-of-way shall not
24 be used to determine total acreage under this section. An area developed for urban
25 purposes is defined as any area which meets any one of the following standards:

26 ...

27 (d) In addition to areas developed for urban purposes, a governing board may
28 include in the area to be annexed any area which does not meet the requirements of
29 subsection (c) if such area either:

- 30 (1) Lies between the ~~municipal~~-boundary of an area within the
31 municipality that has been developed for urban purposes and an area
32 developed for urban purposes so that the area developed for urban
33 purposes is either not adjacent to the ~~municipal~~-boundary of the area
34 within the municipality that has been developed for urban purposes or
35 cannot be served by the municipality without extending services and/or
36 water and/or sewer lines through such sparsely developed area; or
37 (2) Is adjacent, on at least sixty percent (60%) of its external boundary, to
38 any combination of the ~~municipal~~-boundary of the area within the
39 municipality that has been developed for urban purposes and the
40 boundary of an area or areas developed for urban purposes as defined
41 in subsection (c).

42 The purpose of this subsection is to permit municipal governing boards to extend
43 corporate limits from areas already developed for urban purposes to include all nearby
44 areas developed for urban purposes and where necessary to include areas which at the

1 time of annexation are not yet developed for urban purposes but which constitute
2 necessary land connections between the municipality and areas developed for urban
3 purposes or between two or more areas developed for urban purposes. For purposes of
4 this subsection, "necessary land connection" means an area that does not exceed
5 twenty-five percent (25%) of the total area to be annexed.

6 ..."

7 **SECTION 3.** This act is effective when it becomes law and applies to all
8 annexations, including those that have commenced (evidenced by the passing of a
9 resolution under G.S. 160A-37(a) or G.S. 160A-49(a)) when this act becomes law but
10 do not become effective until on or after January 1, 2006.