

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE DRH70208-LBx-350A (04/04)

Short Title: Annexation Reform.

(Public)

Sponsors: Representative Hamilton.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO RESTRICT INVOLUNTARY ANNEXATION TO COMMERCIAL,  
INDUSTRIAL, GOVERNMENTAL, OR INSTITUTIONAL PROPERTY ONLY AND  
REQUIRE A PETITION OF THE MAJORITY OF THE OWNERS OF THE PROPERTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160A-36(c) reads as rewritten:

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

- (1) ~~Any area which is so developed that at least sixty percent (60%) of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, institutional or governmental purposes, and is subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental or institutional purposes, consists of lots and tracts three acres or less in size.~~
- (2) An area so developed that, at the time of the approval of the annexation report, all tracts in the area to be annexed are used for commercial, industrial, governmental, or institutional purposes.
- (3) ~~The entire area of any county water and sewer district created under G.S. 162A 86(b1), but this subsection only applies to annexation by a municipality if that:~~
  - a. ~~Municipality has provided in a contract with that district that the area is developed for urban purposes; and~~
  - b. ~~Contract provides for the municipality to operate the sewer system of that county water and sewer district;~~



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1 provided that the special categorization provided by this subsection only  
2 applies if the municipality is annexing in one proceeding the entire territory  
3 of the district not already within the corporate limits of a municipality."

4 **SECTION 2.** G.S. 160A-37 is amended by adding a new subsection to read:

5 "(d1) Consent required. – No annexation ordinance may be adopted under this Part unless  
6 the owners of a majority of the tracts proposed for annexation have consented in writing to the  
7 annexation."

8 **SECTION 3.** G.S. 160A-48(c) reads as rewritten:

9 "(c) ~~Part or all~~ All of the area to be annexed must be developed for urban purposes at the  
10 time of approval of the report provided for in G.S. 160A-47. ~~Area of streets and street~~  
11 ~~rights of way shall not be used to determine total acreage under this section.~~ An area developed  
12 for urban purposes is defined as any area which meets ~~any one of the following standards:~~

- 13 (1) ~~Has a total resident population equal to at least two and three tenths persons~~  
14 ~~for each acre of land included within its boundaries; or~~
- 15 (2) ~~Has a total resident population equal to at least one person for each acre of~~  
16 ~~land included within its boundaries, and is subdivided into lots and tracts~~  
17 ~~such that at least sixty percent (60%) of the total acreage consists of lots and~~  
18 ~~tracts three acres or less in size and such that at least sixty five percent~~  
19 ~~(65%) of the total number of lots and tracts are one acre or less in size; or~~
- 20 (3) ~~Is so developed that at least sixty percent (60%) of the total number of lots~~  
21 ~~and tracts in the area at the time of annexation are used for residential,~~  
22 ~~commercial, industrial, institutional or governmental purposes, and is~~  
23 ~~subdivided into lots and tracts such that at least sixty percent (60%) of the~~  
24 ~~total acreage, not counting the acreage used at the time of annexation for~~  
25 ~~commercial, industrial, governmental or institutional purposes, consists of~~  
26 ~~lots and tracts three acres or less in size. For purposes of this section, a lot or~~  
27 ~~tract shall not be considered in use for a commercial, industrial, institutional,~~  
28 ~~or governmental purpose if the lot or tract is used only temporarily,~~  
29 ~~occasionally, or on an incidental or insubstantial basis in relation to the size~~  
30 ~~and character of the lot or tract. For purposes of this section, acreage in use~~  
31 ~~for commercial, industrial, institutional, or governmental purposes shall~~  
32 ~~include acreage actually occupied by buildings or other man made structures~~  
33 ~~together with all areas that are reasonably necessary and appurtenant to such~~  
34 ~~facilities for purposes of parking, storage, ingress and egress, utilities,~~  
35 ~~buffering, and other ancillary services and facilities; or~~
- 36 (4) ~~Is the entire area of any county water and sewer district created under~~  
37 ~~G.S. 162A 86(b1), but this subdivision only applies to annexation by a~~  
38 ~~municipality if that:~~
- 39 a. ~~Municipality has provided in a contract with that district that the area is~~  
40 ~~developed for urban purposes; and~~
- 41 b. ~~Contract provides for the municipality to operate the sewer system of that~~  
42 ~~county water and sewer district;~~
- 43 ~~provided that the special categorization provided by this subdivision only applies if~~  
44 ~~the municipality is annexing in one proceeding the entire territory of the~~  
45 ~~district not already within the corporate limits of a municipality; or~~
- 46 (5) ~~Is so developed that, at the time of the approval of the annexation report, all~~  
47 ~~tracts in the area to be annexed are used for commercial, industrial,~~  
48 ~~governmental, or institutional purposes."~~

49 **SECTION 4.** G.S. 160A-48 is amended by adding a new subsection to read:

1       "(d1) Consent required. – No annexation ordinance may be adopted under this Part unless  
2 the owners of a majority of the tracts proposed for annexation have consented in writing to the  
3 annexation."

4               **SECTION 5.** This act is effective with respect to annexation ordinances adopted on  
5 or after the date this act becomes law.