

Annexation Policy

This document is adopted as an amendment to the *City of Wilmington Comprehensive Annexation Plan* (adopted August 17, 2010); this document replaces Section E. II. This also serves to repeal the “Resolution amending city policy on the submission of completed petitions for annexation and the associated review process” adopted by City Council on December 6, 2011. This document outlines both the **policies** under which voluntary annexation requests will be considered and reviewed and **processes** for voluntary annexation requests.

- I. **Policies for Voluntary Contiguous Annexation** – Petitions for voluntary annexation of parcels that are adjacent to the primary corporate limits will be evaluated based on the following criteria:
 1. Minimum requirements – all requirements of applicable state statutes (§160A-31) must be met.
 2. Boundaries
 - 2.1 At least 1/8 of the boundary of the proposed annexation area should be contiguous with the primary corporate limits.
 - 2.2 Where any part of the proposed annexation area immediately adjoins a water body, the boundary should generally encompass that part of the adjoining water body for which applicant ownership may be determined by public records or other means.
 3. Land Use and Zoning
 - 3.1 An application must be accompanied by a conditional district zoning request or a development agreement.
 - 3.2 If proposed for residential development, potential annexation areas should have a projected population of at least 2.3 persons per acre.
 4. Impacts on City Services
 - 4.1 The costs of extending city services to a newly annexed area should not substantially outweigh the economic benefits of the annexation to the city.
 - 4.2 The extension of city services to a newly annexed area should not have a substantial negative impact on the provision of city services elsewhere.
 - 4.3 The city must be able to provide the same level of service to the proposed annexation area as it does within the primary corporate limits.
 5. Capacity of Infrastructure
 - 5.1 Development associated with an annexation shall have appropriate water and sewer services and street access, the cost of which shall be borne by the applicant/developer. The developer shall provide all necessary

easements without charge and shall provide evidence from the Cape Fear Public Utility Authority that sufficient capacity exists to serve the proposed development

- 5.2 The city may elect to offset the cost of some/all required infrastructure for annexation projects when an especially favorable economic impact is determined.
- 5.3 If applicable, a development associated with an annexation request shall meet the adopted "Criteria to Support Rezoning on Overcapacity Roads"

6. Exceptions

- 6.1 Except for criteria identified as "minimum requirements," all other evaluation criteria may be waived or varied if City Council determines that either of the following conditions exist:
 - (a) A petitioner would experience a significant non-financial hardship if the annexation were not approved;
 - (b) Under the facts of the petition, the city's interests are better served by waiving or varying one or more of these criteria.
- 6.2 Compliance with these criteria does not guarantee approval of annexation requests.

II. Policies for Voluntary Noncontiguous Annexation – Petitions for voluntary annexation of parcels that are not adjacent to the primary corporate limits will be evaluated based on the following criteria:

- 1. Minimum requirements – all requirements of applicable state statutes (§160A-58) must be met.
 - 1.1 The closest point of the proposed annexation area must be within 3 miles of the primary corporate limits.
 - 1.2 No point of the proposed annexation area may be closer to another municipality than to Wilmington.
 - 1.3 When a proposed annexation area is added, the total land area of all satellite annexations must be less than 10% of the total land area within the primary corporate limits.*
 - 1.4 The city must be able to provide the same level of service to the proposed annexation area as it does within the primary corporate limits.
 - 1.5 If the proposed annexation area includes a subdivision as defined by state statutes, the annexation area must include the entire subdivision.
- 2. Boundaries – where any part of the proposed annexation area immediately

adjoins a water body, the boundary should generally encompass that part of the adjoining water body for which applicant ownership may be determined by public records or other verifiable means.

3. Land Use and Zoning

3.1 An application must be accompanied by a conditional district zoning request or a development agreement.

3.2 If proposed for residential development, potential annexation areas should have a projected population of at least 2.3 persons per acre.

3.3 An application for noncontiguous annexation and zoning will not be accepted by the city within six months of denial of a special use permit or upzoning by the New Hanover County Board of Commissioners.

4. Impacts on City Services

4.1 The costs of extending city services to a newly annexed area should not substantially outweigh the economic benefits to the city of annexation.

4.2 The extension of city services to a newly annexed area should not have a substantial negative impact on the provision of city services elsewhere.

5. Capacity of Infrastructure

5.1 Development associated with an annexation shall have appropriate water and sewer services and street access, the cost of which shall be borne by the applicant/developer. The developer shall provide all necessary easements without charge and shall provide evidence from the Cape Fear Public Utility Authority that sufficient capacity exists to serve the proposed development

5.2 The city may elect to offset the cost of some/all required infrastructure for annexation projects when an especially favorable economic impact is determined

5.3 If applicable, a development associated with an annexation request shall meet the adopted "Criteria to Support Rezoning on Overcapacity Roads"

6. Exceptions

6.1 Except for those criteria identified as "minimum requirements," all other evaluation criteria may be waived or varied if City Council determines that either of the following conditions exist:

(a) A petitioner would experience a significant non-financial hardship if the annexation were not approved;

(b) Under the facts of the petition, the city's interests are better served by waiving or varying one or more of these criteria.

6.2 Compliance with these criteria does not guarantee approval of annexation requests

*When the total land area of all satellite annexations reaches 5% of the total land area of the primary corporate limits, these policies may be revised.

III. Procedures for Voluntary Annexation Requests

Petitions for annexation are submitted in duplicate to both the City Clerk and the City Manager (or designee). Applicants should submit the original completed application to the City Clerk and a copy to the Development Services Department. The application submitted to the Development Services Department should be accompanied by the required fee (as established by the most current fee schedule) and the conditional district zoning request and/or development agreement. Upon receiving an application, staff will review it for completeness and an “official acceptance” will be issued to the applicant.

Once a completed application is accepted, it will be routed to various city departments for review and consideration. The annexation request will be scheduled for the required meetings and hearings before City Council and the zoning request will be scheduled for public hearings with the Planning Commission and City Council.

There are several public hearings and public meetings involved in the voluntary annexation process:

1. Investigation of Sufficiency—Once a petition for annexation has been submitted, City Council must direct the Clerk to investigate the sufficiency of the petition in accordance with §160A-31 prior to any further review. Should the petition and/or any portion of the required additional information be found to be incomplete or inaccurate at the time submitted or during the review process, the petition will be returned to the applicant for completion or to correct the inaccurate information. The revised petition and required additional information may be resubmitted to the City Clerk and the Development Services Department for processing again. There is no public hearing at this meeting, and it is not necessary for the petitioner/agent to attend.

Upon reviewing the information, the Clerk will certify the results.

2. Resolution Establishing Public Hearing—City Council must establish a date for a public hearing. At this meeting, no public hearing will be held and it is not necessary for the applicant/agent to attend this meeting.

The signed resolution is a requirement prior to the scheduling of public hearing to consider the annexation and zoning. Following the adoption of the resolution, the City Clerk will publish notice of the annexation public hearing in the local newspaper, at least 10 days in advance of the hearing date.

3. City Council—City Council will hold a public hearing on the requested annexation. Council will consider the recommendations of staff and receive any additional information relative to the annexation request. Council will also hear objections to or approvals of the annexation from owners/residents of the property proposed for annexation; by state statute, Council may limit the public hearing to only current city residents/property owners and those who reside on and/or own the property proposed for annexation. The City Council will set the effective date for the annexation, if approved, for the first day of the next month following the month in which the public hearing was held.
4. Planning Commission—Upon acceptance of the zoning petition/development agreement, the request will be placed on the next available Planning Commission agenda. Staff will forward a recommendation to the Planning Commission on the proposed

zoning/development agreement associated with the annexation. At this meeting, the applicant will have an opportunity to present the request, and the floor will be open to anyone wishing to speak in favor of or in opposition to the request. The petitioner or agent must attend this meeting.

The written recommendation of the Planning Commission, along with the staff recommendation, will be forwarded to the City Council.

5. City Council – Following the recommendation on the zoning/development agreement by the Planning Commission, the City Council will hold a public hearing to consider the zoning/development agreement. The applicant will have an opportunity to present the request, and the floor will be open to anyone wishing to speak in favor of or in opposition to the request. The petitioner or agent must attend this meeting.

Fees and Expenses

Regardless of the final action (approval or denial) by the City Council, the applicant(s), or the designated representative of the applicant(s) requesting the annexation, shall be responsible for all fees covering the cost of advertising, mailing notices, posting signs, recording fees and any other administrative expenses involved in the annexation/rezoning process. The signing of the petition for the annexation shall indicate the applicant's (or the designated representative's) acceptance of this financial responsibility.

Staff Review

Citizens wishing to petition for annexation of property contiguous to the city limits may submit a petition signed by each of the property owners within the area to be annexed. Once staff has determined that the petition is complete, it will be routed to various city departments for review. Staff review of the application results in a "Case Summary" that is forwarded to the City Council. In addition to the policy guidelines stated above, staff will review the application for the following elements:

- Vested zoning rights—any vested zoning rights should be disclosed; any previous denial of development or rezoning requests by New Hanover County within the past five years should also be noted. Petitions for annexation should not be submitted within six months of a denial action by New Hanover County.
- Metes and bounds description—a meets and bounds description must be approved by the City Engineer PRIOR to submitting a petition to the Clerk. Without an approved legal description, the review process will not be started.
- Development program—A worksheet is included in the annexation application and should be completed by the petitioner and should include a development time line.
- Proposed zoning—an application for initial zoning and/or a development agreement must be included with the annexation petition. Conditional district zoning requires the submittal of site plan and the scheduling of community meeting by the developer. This community meeting must be held prior to the Planning Commission's consideration of the zoning request.

Failure to address these requirements will result in a staff recommendation of denial.

Water and sewer services may need to be extended to the area, which may result in a significant cost to the petitioners. Petitioners must contact the Cape Fear Public Utility Authority to determine the need for utility extensions. An application should provide evidence that the CFPUA has been contacted regarding water and sewer connections and verification that sufficient capacity exists for the proposed development.

IV. Distressed Properties Annexation

For both the resident and property owner petitions, the applicant must submit “reasonable evidence” that demonstrates the area meets the income requirements of §160A-31 (b1) or (j). This should include data from the most recent decennial census and may be supplemented with signed affidavits by at least one adult resident of the household attesting to the household size and income level, or other documentation verifying the incomes for a majority of the households within the proposed annexation area. Petitioners may choose to submit the names, addresses, and social security numbers to the City Clerk, who will submit this information to the North Carolina Department of Revenue (DOR). The DOR will then provide the city with a summary report of income for households in the proposed annexation area, using income tax return data. The report issued to the city by the DOR will not identify individuals or households. If petitioners opt to submit this information, it is confidential and will not be part of the public record.

Applicants submitting a resident-initiated petition for annexation must also submit proof that each petitioner who signs the application resides at the residence indicated. This may include copies of a government-issued identification showing the address, mail sent to the petitioner at the indicated address, or a utility bill or lease agreement in the name of the petitioner for the indicated address.

Development Program for Annexation Request

CITY OF WILMINGTON - NORTH CAROLINA

NAME OF ANNEXATION: _____

DATE: _____

1) Is this a gated community?

Will Stormwater be handled on site?

2) Current Assessed Value of Area

Land Value:

Residential Value:

Commercial Value:

Total _____

Residential Units:

Commercial Buildings:

3) Proposed Development

Residential Units by Year of Development

Year 1 _____

Year 2 _____

Year 3 _____

Year 4 _____

Year 5 _____

Commercial Buildings by Year of Development

Year 1 _____

Year 2 _____

Year 3 _____

Year 4 _____

Year 5 _____

Value of Residential Units - per unit

Value of Commercial Buildings - per building

Total estimated value of development at build-out _____

Any land that would be tax-exempt should be noted. This program should include the status of any existing and proposed streets (public or private) and any impacts on private trash haulers, rural fire departments, and other pertinent factors.