

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 169
House Committee Substitute Favorable 5/16/23

Short Title: Davidson Cty Rezoning/Nash Cty Sat. Annex.

(Local)

Sponsors:

Referred to:

March 1, 2023

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE MANNER IN WHICH ANNEXED SATELLITE AREAS
MAY BE REZONED BY MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN
DAVIDSON COUNTY, TO REQUIRE MUNICIPALITIES LOCATED WHOLLY OR
PARTLY IN NASH COUNTY TO INFORM THE NASH COUNTY BOARD OF
COMMISSIONERS PRIOR TO ANNEXING CONTIGUOUS PROPERTY, AND TO
REQUIRE MUNICIPALITIES LOCATED WHOLLY OR PARTLY IN NASH COUNTY
TO OBTAIN THE APPROVAL OF THE NASH COUNTY BOARD OF
COMMISSIONERS PRIOR TO CONDUCTING A SATELLITE ANNEXATION OF
CERTAIN PROPERTY AND PRIOR TO REZONING CERTAIN PROPERTY
ACQUIRED BY SATELLITE ANNEXATION.

The General Assembly of North Carolina enacts:

PART I. DAVIDSON COUNTY REZONING MODIFICATIONS

SECTION 1. Section 2(b) of S.L. 2022-24 reads as rewritten:

"SECTION 2.(b) If the Board adopts a resolution approving the annexation under subdivision (3) of Section 2(a) of this act, and the governing body of the municipality adopts the annexation ordinance under this section, no rezoning under Chapter 160D of the General Statutes of any area that includes the annexed property, or any part thereof, may occur subdivision (3) of Section 2(a) of this act, any rezoning of the satellite annexation area or any part thereof within 60 days from the date of the adoption of the annexation ordinance shall be done in accordance with the terms and conditions of the municipality's unified development ordinance adopted pursuant to Chapter 160D of the General Statutes. Thereafter, the municipality shall not rezone any satellite area that includes the annexed area or any part thereof without the approval of both the governing body of the municipality and the Board. The provisions of this section shall not apply to an area that ceases to constitute satellite corporate limits and becomes part of the primary corporate limits as provided in G.S. 160A-58.6. The area that becomes part of the primary corporate limits as provided in G.S. 160A-58.6 shall be rezoned in accordance with the terms and conditions of the municipality's unified development ordinance adopted pursuant to Chapter 160D of the General Statutes."

SECTION 2. This Part is effective when it becomes law and applies to annexations initiated on or after that date.

PART II. NASH COUNTY SATELLITE ANNEXATION MODIFICATIONS

SECTION 3. When conducting an annexation under Part 1 of Article 4A of Chapter 160A of the General Statutes, in addition to the provisions of that Part, the governing body of a



1 municipality shall, not less than 10 days prior to the adoption of an annexation ordinance, notify
2 the Nash County Board of Commissioners (Board) that the governing body intends to adopt the
3 annexation ordinance.

4 **SECTION 4.(a)** When conducting an annexation under Part 4 of Article 4A of
5 Chapter 160A of the General Statutes, in addition to the provisions of that Part, the following
6 additional requirements shall apply:

7 (1) The governing body of a municipality shall, prior to the adoption of an
8 annexation ordinance, notify the Board that the governing body intends to
9 adopt the annexation ordinance.

10 (2) Upon receipt of the notice under subdivision (1) of this section, the Board
11 shall fix a date for a public hearing on the annexation ordinance. The public
12 hearing shall be held no more than 45 days after receipt of the notice. The
13 Board shall cause notice of the hearing to be published once at least 10 days
14 before the date of hearing. At the hearing, any person residing in or owning
15 property in the area proposed for annexation and any resident of the
16 municipality seeking the annexation may appear and be heard on the question
17 of annexation.

18 (3) If the Board finds, after the public hearing, that the interests of the inhabitants
19 of the county and the area proposed for annexation will be best served by the
20 annexation, the Board shall adopt a resolution approving the annexation and
21 the governing body of the municipality may proceed with the adoption of the
22 annexation ordinance.

23 (4) If the Board finds, after the public hearing, that the interests of the inhabitants
24 of the county and the area proposed for annexation will not be best served by
25 the annexation, the Board shall adopt a resolution disapproving the
26 annexation. The governing body of the municipality may not proceed with the
27 adoption of the annexation ordinance or begin a separate annexation process
28 with respect to that area proposed for annexation, or any part thereof, for at
29 least 36 months from the date of the Board's adoption of the resolution
30 disapproving annexation.

31 **SECTION 4.(b)** If the Board adopts a resolution approving the annexation and the
32 governing body of the municipality adopts the annexation ordinance under this section, no
33 rezoning under Chapter 160D of the General Statutes of any area that includes the annexed
34 property, or any part thereof, may occur without the approval of both the governing body of the
35 municipality and the Board.

36 **SECTION 5.** This Part applies only to Nash County and any municipality located
37 wholly or partly in Nash County seeking to annex an area located wholly within Nash County.

38 **SECTION 6.** This Part does not apply to annexation of any property to be used for
39 single-family residential or multifamily residential purposes.

40 **SECTION 7.** This Part is effective when it becomes law and applies to annexations
41 initiated on or after that date.

42 **PART III. EFFECTIVE DATE**

43 **SECTION 8.** Except as otherwise provided, this act is effective when it becomes
44 law.
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