

VILLAGE OF MARVIN

Comprehensive Annexation Policy Policy #P-2010-05-01

Section I – Introduction

It is the Village of Marvin's goal to establish a comprehensive annexation program that guides future annexation decisions and provides for an orderly and predictable extension of our municipal boundaries. The Village also desires to inform residents and property owners impacted by future annexation of the implications of annexation, the costs and benefits and what to expect in the process.

The principal policies and objectives which will guide Marvin's future annexation planning are as follows:

1. To provide a better zoning control over properties within its sphere of influence so as to protect and enhance the property values of all residents.
2. To enhance the level of services to the community such as parks, recreation, and greenways, the costs of which should be shared by the entire user community.
3. To provide for an orderly and reasonable process for any future annexations through community education, involvement and participation.
4. To develop a "master plan" which outlines the broad, time phased approach to all residents within our sphere of influence, including suggested voluntary or statutory approaches to annexation (Phase Two). The policy of the Village is to encourage voluntary annexations as the preferred approach, but only after evaluating the ramifications on any other planned annexations.
5. To maintain and utilize financial simulation models to study the costs and revenue effects of all future annexation actions on the Village.
6. To review on an annual basis the effectiveness of the Annexation Plan for Marvin and recommend any changes or improvements.

The Village of Marvin, like other NC municipalities, may expand its corporate boundaries through two options: 1) Citizen-initiated annexation ("*voluntary annexation*") and 2) Village-initiated annexation ("*annexation by statutory process*"). Both have specific procedures and qualifying standards that must be followed. A comprehensive public information element is included to ensure ample notice of possible annexation and raise awareness and understanding of the important details of annexation.

While not required by State law, these guidelines have been developed to help potential residents of the annexed area as well as existing Marvin residents understand the various aspects of annexation. This document includes two phases. Phase 1 contains key information about annexation and establishes policies and criteria that will help guide future annexation decisions. Please note that this is a policy document and does not grant any procedural rights. In other words, this document is a guide to assist in making annexation decisions; any deviation from this document would not be a basis for challenging annexations in the future.

Phase 2, which will include maps, will be developed following the approval by the Village of Marvin Council of Phase 1 and will use the policies and criteria to identify "annexation study areas" and establish a phasing plan with suggested timeframes for annexation areas. This phasing plan will designate areas by the potential for annexation within a suggested time frame (e.g. 1-4 years, 3 to 5 years, beyond 5 years) with the understanding that this is a general estimate and is subject to change.

Section II – Annexation Defined

Annexation is the legal process by which municipalities add land to their corporate limits. Since 1959, the North Carolina General Statutes give all municipalities the authority to annex areas that meet specified standards provided that required procedures are followed and the municipality commits to extend basic services into the annexed areas. The State's annexation policy favors the expansion of cities to provide

essential urban services to areas that are deemed urban in character, which is defined by the State in *General Statutes 160A-48 Character of Area to be Annexed*.

Section III – Methods of Annexation

Voluntary Annexation in Marvin:

- Represents the preferred method of annexation in Marvin and in North Carolina.
- Requires properties to be contiguous.
- Allows property owners to receive services that Union County does not provide, such as local zoning.
- Allows for greater influence over future development (e.g., shopping centers, offices, large churches, public schools, etc.)
- Makes available potential parks, greenways & recreation opportunities
- Greater support from Police.

Requires the following actions:

1. The Council retains the right to consider a voluntary annexation at anytime.
2. Property owner submits an annexation petition to the Village by March 31 for a July 1 effective date and September 30 for a December 1 effective date.
3. If the Council decides to proceed with the annexation, they will direct the Clerk to investigate the sufficiency of the petitions.
4. Village Council considers adoption of a resolution calling for a public hearing on the annexation.
5. Village Council holds a public hearing.
6. Village Council may adopt an ordinance annexing the property, which typically includes an immediate effective date following annexation ordinance's adoption.

Annexation by Statutory Process in Marvin

- Allows the Village to annex properties that meet certain development standards provided certain procedures are followed. Does not require property owner consent.
- Requires that the area to be annexed be consistent with the requirements of NCGS §160A-36 which applies to towns of less than 5,000.
(http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-36.html)
- Requires that the Village follow procedures for annexations consistent with NCGS §160A-37
(http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-37.htm)

Voluntary annexations typically take three months to process, while annexation by statutory process take approximately one to two years from start to effective date.

Section IV. History of Annexation in Marvin

In January 1996, the Village of Marvin entered into a ten year annexation agreement with the City of Charlotte and the Town of Weddington in order to eliminate uncertainty among residents and property owners in unincorporated areas adjacent to the three municipalities and also to improve planning by public and private interests in such areas.

In May 2001, the Village of Marvin and the Town of Weddington adopted an annexation agreement. The agreement was for 20 years, to expire December 31, 2020.

In July 2004, the Village of Marvin, the City of Charlotte, Town of Weddington and the Town of Stallings entered into a ten year Annexation Agreement.

Section V – Impact on Unincorporated Property Owners

One of the main questions that a resident with property proposed for annexation asks is “How much will this cost?” While the answer will vary from property owner to property owner, the most significant financial impact for most potential annexes is the payment of municipal property taxes.

The following sections detail the financial impacts, benefits, utilities and impact of regulations.

A. Financial Impact

Upon annexation, new residents and property owners assume both the benefits and the full and fair responsibilities of living within the Village. One such responsibility is payment of property taxes. Enhanced police protection, zoning and ordinance enforcement, and open space will be provided through these property taxes. In addition, the Village is moving toward obtaining a Village Park to benefit residents through several funding sources including property taxes.

The examples below are provided to illustrate the potential impact of Marvin taxes on homes assessed between \$250,000 to \$750,000 at the FY2009-2010 Marvin tax rate of .05 cents per \$100 in property value. The purpose is to give a realistic look at the potential financial impact from Marvin’s taxes.

Examples of Marvin’s annual property tax on residential properties assessed at a tax rate of .05 per \$100:

Assessed Property Value	Village Tax Amount
\$250,000	\$125.00
\$500,000	\$250.00
\$750,000	\$375.00

Taxes are collected according to the fiscal year schedule, which begins on July 1 and ends June 30. A property owner’s first tax year begins when annexation takes effect and is prorated for the remainder of the fiscal year. For example if the annexation effective date is June 30, 2009, the property taxes are assessed and must be paid no later than early January 2010 for the full fiscal year July 1, 2009 through June 30, 2010.

B. Effects of Village Zoning on Properties:

Like most municipalities, Marvin does have and enforces laws to help ensure the development and maintenance of healthy neighborhoods. As in other communities, Marvin’s regulations address safety, health, welfare and appearance. Upon the annexation effective date, the Village will assign a zoning designation that will be the best fit for the existing County zoning designation and seek to avoid non-conformities. Typically, when the Village rezones properties that are currently used, legal non-conforming items related to the use of the property (i.e., items that do not conform to the Village zoning regulations and codes) are allowed to continue. This means that the non-conforming item may continue but could not be expanded to further the non-conformity.

Upon the annexation effective date, property owners are also required to obtain building and related permits for changes to their property from the Village of Marvin Zoning and Permits Department. For a complete list of required permits and registrations, contact the Village of Marvin. Both the County and the Village enforce the same State Building Code, so the type of regulation enforced in this area will not change upon annexation. In summary, most newly annexed residents should not see a significant impact from Village regulations on the way they use their properties.

C. Benefits

Newly annexed residents receive benefits from being within the Village limits. Upon the effective date of the annexation, new residents begin receiving the same services from Marvin that current residents receive.

These services include:

- Planning and zoning
- Enhanced police protection
- Abatement of nuisances (e.g., noise ordinances, lighting ordinances, and gun ordinances)
- Right to vote in Village of Marvin elections
- Opportunity to serve on various Village Boards and Committees

Section VI – Annexation Policies

The purpose of these policies is to articulate and effectively guide decision-making regarding annexation. These policies are for general guidance only. They are intended to be flexible and, as with other policies of the Village, may be varied under such circumstances and in such manner, as the Village Council determines to be appropriate.

A. Policies for Considering Annexation by statutory process

1. The Council shall adopt a Resolution of Consideration on an annual basis, which identifies the areas the Council may consider for future annexations. A Resolution of Consideration identifies one or more areas being studied by the Village to determine if all or any portion of such area(s) qualifies for annexation.
2. The adoption of the Annexation Ordinance should occur at the end of the fiscal year while the effective date of annexation should occur on or about June 30. An annexation effective date of June 30, the last day of the Village's fiscal year, assures the area is in the Village for the full fiscal year beginning on July 1. Affected property owners are entitled to receive a full, fiscal year of services and become obligated to pay property taxes for a full fiscal year, and each year thereafter.
3. Village services will be provided to annexed properties and residents in accordance with State and Village policies and in a manner that is consistent with how such services are provided throughout the Village.
4. Annexation areas should be selected based upon meeting the required State standards and the Village's evaluation criteria for annexation as articulated herein. The State standards are specific on what types of areas qualify for annexation by statutory process. The Village has an obligation to provide governmental services for the protection of the health, safety and welfare.

5. Although a determination of costs and revenue are required by State law, this will not be the determining factor in whether a property is annexed. In the interest of equity and as stated in item #4 above, an area should be considered for annexation primarily based on the area meeting the required State standards and the Village's criteria. Criteria related to the current and future ability to provide public services, environmental/health concerns and the degree in which the area meets the required State standards should be the determining factors.
6. The Village will provide appropriate, accurate and timely information to affected residents and property owners in an annexation area and to existing citizens of the Village. The Village plans to provide information on annexation to raise the awareness and understanding of the details and issues surrounding the annexation process as well as its costs, requirements and methods and provision of municipal services. All related reports and documents will be available as required by law and will be distributed publicly in a variety of ways.
7. The number and the size of the annexed areas proposed each year should generally be based upon the cost and the Village's ability to extend services to these areas while maintaining the quality of these services. Evaluating potential annexation areas as they relate to the Village's criteria on its current ability to serve is important. Additionally, maintaining the quality of the service delivered to existing residents is just as important in evaluating the number and size of any areas to be annexed.

B. Items for Consideration Regarding Voluntary Annexation Petitions

1. Voluntary annexations may be approved in instances where the annexation of property under current or likely future uses will not adversely affect the Village's ability to annex other property.
2. Voluntary annexations may be approved in instances where Village services can be extended to the annexation area without an undue negative impact on Village finances or services.
3. Voluntary annexations may be approved in instances where annexation of the property will not create situations where unincorporated areas will be encompassed by the new Village limits.

Section VII – Summary

This document sets forth Phase 1 of a comprehensive annexation program to guide future annexation decisions in a way that facilitates an orderly and predictable extension of the Village of Marvin corporate limits. This document also provides information to help existing citizens as well as future residents understand the process and effects of annexation. For further information pertaining to this document please contact the Village staff.

Approved by the Village Council on May 11, 2010.