

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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**SENATE BILL 170
Second Edition Engrossed 3/15/21
House Committee Substitute Favorable 6/2/22**

Short Title: No ETJ in Haywood Cty/Maggie Valley Dev. Auth.

(Local)

Sponsors:

Referred to:

March 2, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO ELIMINATE THE EXTRATERRITORIAL JURISDICTION AUTHORITY OF
3 MUNICIPALITIES IN HAYWOOD COUNTY, TO PROHIBIT THE TOWN OF MAGGIE
4 VALLEY FROM ADOPTING OR ENFORCING ANY MORATORIA ON ANY
5 DEVELOPMENT APPROVAL, AND TO EXPAND THE PROHIBITIONS ON
6 DOWN-ZONING PROPERTY IN MAGGIE VALLEY.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** Notwithstanding the provisions of G.S. 160D-202, no municipality
9 in Haywood County shall exercise the powers of extraterritorial jurisdiction.

10 **SECTION 1.(b)** This section applies only to municipalities lying wholly in Haywood
11 County.

12 **SECTION 2.(a)** Notwithstanding the provisions of G.S. 160D-107, the Town of
13 Maggie Valley shall have no authority to adopt or enforce any temporary moratoria on any
14 development approval.

15 **SECTION 2.(b)** This section expires on January 1, 2025.

16 **SECTION 3.(a)** G.S. 160D-601(d) reads as rewritten:

17 "(d) Down-Zoning. – No amendment to zoning regulations or a zoning map that
18 down-zones property shall be initiated nor is it enforceable without the written consent of all
19 property owners whose property is the subject of the down-zoning ~~amendment, unless the~~
20 ~~down-zoning amendment is initiated by the local government.~~ amendment. For purposes of this
21 section, "down-zoning" means a zoning ordinance that affects an area of land in one of the
22 following ways:

- 23 (1) By decreasing the development density of the land to be less dense than was
24 allowed under its previous usage.
- 25 (2) By reducing the permitted uses of the land that are specified in a zoning
26 ordinance or land development regulation to fewer uses than were allowed
27 under its previous usage.
- 28 (3) By limiting the options available, or adding additional requirements, to
29 develop an area of land as specified in a zoning ordinance or land development
30 regulation to depress or hinder development to the same extent allowed under
31 its previous usage."

32 **SECTION 3.(b)** This section applies only to the Town of Maggie Valley and expires
33 on January 1, 2025.

34 **SECTION 4.** This act is effective when it becomes law.

