

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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SENATE BILL 170  
Second Edition Engrossed 3/15/21  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S170-PCS45578-BD-29

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

(Local)

Sponsors:

Referred to:

March 2, 2021

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE THE EXTRATERRITORIAL JURISDICTION AUTHORITY OF MUNICIPALITIES IN HAYWOOD COUNTY, TO PROHIBIT THE TOWN OF MAGGIE VALLEY FROM ADOPTING OR ENFORCING ANY MORATORIA ON ANY DEVELOPMENT APPROVAL, AND TO EXPAND THE PROHIBITIONS ON DOWN-ZONING PROPERTY IN MAGGIE VALLEY.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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



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