

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

D

HOUSE BILL 184
Committee Substitute Favorable 3/14/23
PROPOSED SENATE COMMITTEE SUBSTITUTE H184-PCS10493-BD-17

Short Title: Maggie Valley Dev. Auth.

(Local)

Sponsors:

Referred to:

February 27, 2023

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE THE EXTRATERRITORIAL JURISDICTION AUTHORITY OF THE TOWN OF MAGGIE VALLEY, TO PROHIBIT THE TOWN OF MAGGIE VALLEY FROM ADOPTING OR RENEWING OR EXTENDING 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. Notwithstanding the provisions of Article 2 of Chapter 160D of the General Statutes, the Town of Maggie Valley shall not exercise any powers of extraterritorial jurisdiction.

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

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.

SECTION 4. This act is effective when it becomes law and expires on January 1, 2028.



* H 1 8 4 - P C S 1 0 4 9 3 - B D - 1 7 *