



SENATE BILL 170: No ETJ in Haywood Cty/Maggie Valley Dev. Auth.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 2, 2022
Introduced by:	Sens. Corbin, Alexander, Proctor	Prepared by:	Billy R. Godwin Staff Attorney
Analysis of:	PCS to Second Edition S170-CSBD-29		

OVERVIEW: *The proposed committee substitute (PCS) to Senate Bill 170 would eliminate the extraterritorial jurisdictional authority of municipalities located wholly in Haywood County, and would prohibit, until January 1, 2025, the Town of Maggie Valley from adopting or enforcing any development moratoria and from initiating the down-zoning of property without the written consent of the property owners.*

CURRENT LAW: Extraterritorial jurisdiction is the power of a municipality to exercise planning and development regulatory jurisdiction in an area beyond its corporate limits. Land use regulations include zoning, subdivision regulation, building code enforcement, minimum housing code enforcement, historic preservation, erosion and sedimentation control regulation, and historic district regulation. Local governments may adopt temporary moratoria for a reasonable duration on any development approval required by law and not otherwise exempted by statute. Down-zoning is a zoning ordinance change that decreases the development density or reduces the permitted uses of land. Local governments may initiate down-zoning of property without the written consent of all the property owners.

BILL ANALYSIS: The PCS to Senate Bill 170 would do all of the following:

- Eliminate the extraterritorial jurisdictional authority of municipalities located wholly in Haywood County.¹
- Prohibit, until January 1, 2025, the Town of Maggie Valley from adopting or enforcing any development moratoria on any development approval.
- Prohibit, until January 1, 2025, the Town of Maggie Valley from initiating the down-zoning of property unless the Town obtains the written consent of all the property owners.
- Expands, until January 1, 2025, the definition of down-zoning applicable to the Town of Maggie Valley to include a zoning ordinance that limits options available or adds additional requirements to develop an area of land.

EFFECTIVE DATE: This act is effective when it becomes law.

¹ The municipalities located wholly in Haywood County are the Towns of Waynesville, Maggie Valley, Clyde, and Canton.

Jeffrey Hudson
Director



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