

March 27, 2009

S 1049. MODEL AIRPORT ZONING ACT AMENDMENTS. Filed 3/26/09. *AMENDING THE MODEL AIRPORT ZONING ACT.*

Makes numerous amendments to GS Chapter 63, dealing with zoning rules applicable to airports. Rewrites GS 63-31 to require a local government having an airport in its jurisdiction to adopt zoning regulations to protect the airport. Regulations must be adopted by July 1, 2010, and must be consistent with GS Chapter 63. Regulations must require variance for any structural change that would exceed federal obstruction standards (specifies requirements to consider variances). Requires interim land-use compatibility regulations, which must consider whether sanitary landfills are located within specified distances from airport, the effects of hazardous bird movements, and whether noise studies have been conducted. Requires regulations to restrict new incompatible uses, including prohibiting construction of an educational facility within five miles in a direct line from any runway. Adds new GS 63-1.1 to specify certain zoning requirements, including consideration of factors related to reasonableness, independent justification, nonconforming uses, and adoption of a master plan. Amends GS 63-32 to require regulations requiring permits from the Department of Transportation Division of Aviation (Department) to erect or alter any structure that would exceed federal obstruction standards. Sets out detailed procedures for issuance of permits. Adds new GS 63-32.1 to specify that a local government that has comprehensive zoning regulations may incorporate airport regulations in those regulations and in event of conflict among sets of regulations, the most stringent prevails. Amends GS 63-35 to allow the Department to enforce statutes by seeking injunction.

Intro. by Rand.

GS 63