

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 707
PROPOSED COMMITTEE SUBSTITUTE S707-PCS35272-BD-13

Short Title: Development Regulations & Airport Authorities.

(Public)

Sponsors:

Referred to:

April 8, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE AIRPORT AUTHORITIES AND OPERATORS WITH
3 ADDITIONAL NOTICE AND OPPORTUNITY TO COMMENT IN THE ADOPTION OF
4 LAND USE REGULATIONS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 160D-601 is amended by adding a new subsection to read:

7 "(e) Airports. – If the adoption, modification, or repeal of land use development regulation
8 under this Chapter would result in changes to the zoning map or would change or affect the
9 permitted uses of land located five miles or less from the perimeter boundary of an airport located
10 in this State, the local government shall provide written notice of the proposed changes by
11 certified mail, return receipt requested, to the airport authority or operator of the airport not less
12 than 10 days nor more than 25 days before the date fixed for the hearing. If the airport authority
13 or operator of the airport provides comments or analysis regarding the compatibility of the
14 proposed development regulation or amendment with airport operations, the governing board of
15 the local government shall take the comments and analysis into consideration before making a
16 final determination on the ordinance. For purposes of this Article, the term "airport" shall mean
17 any publicly owned, commercial service airport with more than 10,000 passenger boardings
18 during the previous two calendar years."

19 SECTION 2. G.S. 160D-602 reads as rewritten:

20 "§ 160D-602. Notice of hearing on proposed zoning map amendments.

21 (a) Mailed Notice. – Subject to the limitations of this Chapter, an ordinance shall provide
22 for the manner in which zoning regulations and the boundaries of zoning districts are to be
23 determined, established, and enforced, and from time to time amended, supplemented, or
24 changed, in accordance with the provisions of this Chapter. The owners of affected parcels of
25 ~~land and land~~, the owners of all parcels of land abutting that parcel of ~~land and land~~, and any airport
26 of which the boundary is within five miles of any affected parcel of land shall be mailed a notice
27 of the hearing on a proposed zoning map amendment by first-class mail at the last addresses
28 listed for such owners on the county tax abstracts. For any airport entitled to notice under this
29 section, the notice shall be mailed to the airport authority or operator responsible for the airport.
30 For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or
31 other transportation corridor. This notice must be deposited in the mail at least 10 but not more
32 than 25 days prior to the date of the hearing. If the zoning map amendment is being proposed in
33 conjunction with an expansion of municipal extraterritorial planning and development regulation
34 jurisdiction under G.S. 160D-202, a single hearing on the zoning map amendment and the
35 boundary amendment may be held. In this instance, the initial notice of the zoning map



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1 amendment hearing may be combined with the boundary hearing notice and the combined
2 hearing notice mailed at least 30 days prior to the hearing.

3 (b) Optional Notice for Large-Scale Zoning Map Amendments. – The first-class mail
4 notice required under subsection (a) of this section is not required if the zoning map amendment
5 proposes to change the zoning designation of more than 50 properties, owned by at least 50
6 different property owners, and the local government elects to use the expanded published notice
7 provided for in this subsection. In this instance, a local government may elect to make the mailed
8 notice provided for in subsection (a) of this section or, as an alternative, elect to publish notice
9 of the hearing as required by G.S. 160D-601, provided that each advertisement shall not be less
10 than one-half of a newspaper page in size. The advertisement is effective only for property
11 owners who reside in the area of general circulation of the newspaper that publishes the notice.
12 Property owners who reside outside of the newspaper circulation area, according to the address
13 listed on the most recent property tax listing for the affected property, shall be notified according
14 to the provisions of subsection (a) of this section. The expanded published notice provided for in
15 this subsection shall not apply to any airport entitled to notice as an affected property or as a
16 boundary of the airport that is located within five miles of an affected property.

17 (c) Posted Notice. – When a zoning map amendment is proposed, the local government
18 shall prominently post a notice of the hearing on the site proposed for the amendment or on an
19 adjacent public street or highway right-of-way. The notice shall be posted within the same time
20 period specified for mailed notices of the hearing. When multiple parcels are included within a
21 proposed zoning map amendment, a posting on each individual parcel is not required but the
22 local government shall post sufficient notices to provide reasonable notice to interested persons.

23 (d) Repealed by Session Laws 2020-25, s. 13, effective June 19, 2020.

24 (e) Optional Communication Requirements. – When a zoning map amendment is
25 proposed, a zoning regulation may require communication by the person proposing the map
26 amendment to neighboring property owners and residents and may require the person proposing
27 the zoning map amendment to report on any communication with neighboring property owners
28 and residents."

29 **SECTION 3.** G.S. 160D-604 is amended by adding a new subsection to read:

30 "(f) Notice to Airports. – Any time a proposed zoning regulation affects an airport or
31 affects a property within five miles of the boundaries of an airport, the planning board shall
32 provide written notice of the proposed zoning regulation by certified mail, return receipt
33 requested, to the airport authority or operator of the airport not less than 10 days nor more than
34 25 days before the date the planning board is to consider making a recommendation on the
35 proposed zoning regulation in accordance with this section."

36 **SECTION 4.** This act becomes effective October 1, 2021, and applies to ordinances
37 adopted, amended, or repealed after that date.