

CHAPTER 80 (SB 97)

AN ACT relating to the airport zoning commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 183.861 is amended to read as follows:

There is hereby created and established within the cabinet, a commission to be known as the "Kentucky Airport Zoning Commission" which, notwithstanding the provisions of KRS Chapters 100 and 147, shall be empowered to issue~~such~~ orders, rules, and regulations pertaining to use of land within and around all ***military and public use airports, heliports, and sea plane bases***~~publicly owned airports~~ within the state as will promote the public interest and protect and encourage the proper use of ***the***~~such~~ airports and their facilities.

Section 2. KRS 183.865 is amended to read as follows:

All of the powers, provisions and duties relating to the zoning and use of land, structures and air space within and around ***military and public use airports, heliports, and sea plane bases***~~public airports~~ within the state are hereby conferred upon, delegated to and vested in the commission. The commission shall also exercise all powers, provisions, and duties relating to the use of navigable air space within the state. Nothing contained in this chapter shall prevent a governmental unit from acquiring airports, airport facilities, or air navigation facilities, or from taking any action authorized by law for the elimination of any airport hazard, either alone or jointly with the commission.

Section 3. KRS 183.867 is amended to read as follows:

- (1) The commission shall require that every ***military and public use airport, heliport, and sea plane base***~~public airport~~ in the state file with it, from time to time, as required, maps showing the airport and area surrounding ***the***~~such~~ airport used for approach or landing purposes. The commission shall thereafter designate on ***the***~~such~~ maps, by reference to the regulations or standards promulgated by the Federal Aviation Administration concerning the area required for the safe maneuvering approach and landing of aircraft, the area over which jurisdiction will be assumed for zoning purposes. The commission shall notify any local zoning bodies of the area so designated and may exercise jurisdiction of ***the***~~such~~ area insofar as it pertains to the safe and proper maneuvering of aircraft and the safe and proper use of the airport involved. The local zoning body may retain jurisdiction of zoning in such areas as to all other matters.
- (2) The commission may adopt~~such~~ regulations pertaining to the zoning of areas over which jurisdiction is assumed as will provide for the proper and safe use of ***the***~~such~~ area and airport.
- (3) The commission shall maintain a public file in the offices of the cabinet showing maps of each ***military and public use airport, heliport, and sea plane base***~~public airport~~ within the state and the area around ***the***~~such~~ airport over which it has assumed jurisdiction for zoning purposes and such shall constitute public notice of the restrictions and zoning applicable to ***the***~~such~~ areas or airport. The commission shall also maintain a public file showing any

regulations adopted pertaining to land uses in areas zoned and *these regulations*~~[such]~~ shall constitute public notice of same.

Approved March 6, 2000

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