Preliminary Development Plan
New Century AirCenter
prepared by
Johnson County Airport Commission
April 26, 1995

--- Diagram ---

Typical Street Tree
Small Ornamental Trees
Large Deciduous Trees
Evergreen Trees
Entry Sign
Flowering Shrubs
Ground Cover/annuals
Textured Concrete Crosswalk

revised 7/18/95
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New Century AirCenter - Preliminary Development Plan

Preface

The New Century AirCenter is the planned home of substantial industrial development well into the next century. The guidelines that are described in this document are to be the performance measures that will ensure development that is in keeping with the AirCenter Master Development Plan and Johnson County's land use policies, codes and regulations.

Intent and Purpose

In order to streamline the development plan review process at the New Century AirCenter, the Airport Commission, Airport Commission staff, and the Planning Office staff have prepared, and the Zoning Board and Board of County Commissioners have approved a preliminary development plan concept for the New Century AirCenter that meets the Preliminary Development Plan Requirements of the Johnson County Zoning and Subdivision Regulations. This concept was developed with input from the tenants at the AirCenter, the cities of Gardner and Olathe, and the property owners within 1,000 feet of the AirCenter's corporate boundaries.

While the basic underlying principles of the AirCenter's Preliminary Development Plan (Plan), such as land uses, setbacks, architectural theme and overall size is not likely to change substantially in the near future, over time it will change and therefore periodic amendments and updates to the Plan will be necessary. Flexibility is a key component of the Plan which is accomplished by establishing a pre-approved concept plan feature. The pre-approved concept plan feature provides for a variety of building sizes, types and configuration. Because it is difficult to identify the exact location of a future building and whether it would be 50,000 or 150,000 sq. ft. and whether it would be square, rectangular or irregularly shaped. The purpose of the Plan is to establish a framework within which development projects can proceed more expeditiously should these projects meet the pre-approved site plan features identified in the Plan. This is also possible because the County is the primary landowner at the AirCenter, and, therefore, is in a special and somewhat unique position to control the quality and nature of future development and uses.

The Pre-Approved Concept feature can primarily be applied in two ways. First, to additions or expansions of existing buildings and uses, and, second, to new uses and developments that are relatively straightforward in their development proposals. The pre-approved concept will have little effect, as well it should, on development projects of substantial size and complexity. This is due to the difficulty in predicting individualized and special characteristics. These special projects shall be subject to a formal preliminary and final development plan review process, thereby, giving the Airport Commission, staffs, the zoning board and the board of commissioners the time and opportunity to carefully review and evaluate such proposals. Determinations about whether proposed projects comply or do not comply with this preliminary development plan will be made by the Zoning Administrator. In reality, the more complex projects, by their very nature, take substantially more time between the concept development stage and the building design stage such that the time requirements of the preliminary and final plan review will be a minor part of the overall building planning, designing and construction process.

Extent and Scope of the New Center AirCenter

The New Century AirCenter consists of 2,100 acres of land of which 800 acres is developed for airfield and airfield support uses. About 250 acres of the 800 acres is developed and occupied.
by 30 industrial and commercial tenants. The remaining 1,300 acres of undeveloped land is available for development.

The AirCenter’s real property is found in portions of Sections 7, 8, 17, 19, and 20, Township 14 South, Range 23 East, and, all of Section 18, Township 14 South, Range 23 East, Johnson County, Kansas.

Zoning and Land Use Categories at the New Century AirCenter

This Preliminary Development Plan applies only to that property within the AirCenter that is zoned PEC-3, Planned Research, Development and Light Industrial Park District as per the Johnson County Zoning and Subdivision Regulations adopted March 17, 1994. For a complete listing of the uses that are allowed in the PEC-3 District, see Attachment A, Article 14, Section 4, Planned Research, Development and Light Industrial Park District, Johnson County Zoning and Subdivision Regulations.

Also, the AirCenter has an Airport Vicinity Overlay Zone that is applicable as per Article 21, Johnson County Zoning and Subdivision Regulations. See Attachment B, Article 21, Airport Vicinity Overlay Zone, Johnson County Zoning and Subdivision Regulations.

Infrastructure System and Improvement Plan

The AirCenter has an existing system of streets, water and sewer lines, electrical and phone lines, and natural gas lines. Upgrades and improvements to these systems is an ongoing activity. Extensions or additions to the existing infrastructure system as a result of a specific development proposal shall be evaluated on a case-by-case basis. Modifications, changes, extensions or additions to the existing infrastructure system shall not be tied to compliance with this Plan and shall be made as determined by the Airport Commission and Board of County Commissioners.

The AirCenter’s infrastructure system planning process consists of existing facilities, facility improvements envisioned in the next five years and tied to the County’s Capital Improvement Plan, and future facility enhancements. The Master Development Plan and the Johnson County Capital Improvement Plan are the guiding documents for the timing and scale of these facilities.

Existing and proposed street, railroads and runway patterns, alignments and locations, as shown on the Preliminary Development Plan, are for illustration purposes only. These facilities do not necessarily obligate the Airport Commission or Board of County Commissioners to construct these facilities as indicated. Instead, they are shown as guidelines to accomplish overall land development patterns as represented on the Development Plan Map.

Typical “streetscape” designs shall follow one or more of the examples provided in Attachment C entitled Design Guidelines - Streetscapes.

Water, sanitary sewer, electrical, gas, telephone, cellular telephone, fiber-optics, and other utility based infrastructure support systems shall occur per the Master Development Plan guidelines.

The New Century AirCenter Preliminary Development Plan

The purpose of the AirCenter Preliminary Development Plan is to facilitate compliance with the Johnson County Zoning and Subdivision Regulations planned development requirements. Such Preliminary Development Plan approval does not exempt development projects from the requirements of Final Development Plan approval. The Johnson County Zoning Administrator
is authorized to determine whether final development plan projects are or are not in substantial compliance with this approved Preliminary Development Plan per the provisions of Article 15 of the Zoning and Subdivision Regulations.

The duration of the Plan is one year from the date of Board of County Commission (BOCC) approval. One 12 month extension may be granted by the BOCC.

The Development Plan Map serves several purposes: (1) To identify areas of existing development versus areas that are vacant and developable, (2) To distinguish preferred land uses: airside, business, commercial retail, industrial, etc., (3) To show existing and planned roadways and new airport improvements such as runways, and (4) To meet the requirements of the Zoning and Subdivision Regulations. The Development Plan Map is hereby incorporated and included as part of this document, see Attachment G.

The Storm water Drainage Area and Detention Facilities Map shows watershed delineations and existing and proposed stormwater detention facilities. All development proposals shall contain a stormwater management component prepared by a qualified engineer per the Stormwater Drainage Area and Detention Facilities Map, and reviewed by the County Engineer.

**Applicability of the Preliminary Development Plan**

The Plan is intended to apply to development proposals relating to existing buildings, businesses and activities, and, new buildings, businesses and activities that are relatively straightforward in their development proposals. Buildings, businesses or activity proposals that are beyond the scope of this Preliminary Development Plan shall meet the preliminary and final development plan requirements of Article 15, Development Plan Procedures, Johnson County Zoning and Subdivision Regulations.

Certain buildings, businesses and activities at the AirCenter either pre-date development plan regulations or have approved Development Plans on file in the Johnson County Planning Office. Those activities that pre-date enactment of Development Plan regulations and those that have existing approved development plans on file may continue unless changes in the extent or scale of the activity occurs or building additions, modification or extensions are proposed that require building permits. Such changes shall be reviewed by the Zoning Administrator and a determination shall be made whether the proposal is in keeping with this Preliminary Development Plan approval or new preliminary and/or final development plan approval is warranted.

New buildings, businesses and activities proposed at the AirCenter that are relatively straightforward in their development proposal shall be reviewed by the Zoning Administrator. The Zoning Administrator shall determine whether the proposal is in keeping with this Preliminary Development Plan approval or whether a new preliminary and/or final development plan approval is warranted.

Existing or new development proposals may qualify for automatic preliminary development plan approval provided the provisions of the Pre-Approved Concept Plan are followed.

**Conditions for Compliance with Approved Preliminary Development Plan**

Development proposals may elect to follow one of the options set-out under the Pre-Approved Concept Plan provisions. The Zoning Administrator shall review each development proposal for compliance with the Concept Plan and the overall conditions for compliance with the AirCenter Preliminary Development Plan.
Pre-Approved Concept Plan

Development projects at the AirCenter will typically occur in one of three categories (1) those that involve additions or expansions of existing buildings and uses, (2) those that involve new uses and developments that are relatively straightforward in their development proposals, and, (3) those that involve more complicated and complex proposals such as those on unusually large or irregularly shaped or configured parcels or those that require major infrastructure upgrades such as new streets, water or sewer lines.

Development proposals that fall within one or both of the first two categories and meet the Pre-Approved Concept Plan standards and Supplementary Condition provisions will require only final development plan approval, per Article 15. Development proposals that fall within the third category will require preliminary and final development plan approval per Article 11 and 15, Johnson County Zoning and Subdivision Regulations.

Enclosed herein is Attachment C-1 which is an example of a Pre-Approved Concept Plan that applies to expansions of existing buildings (category 1). This concept provides for variation as to size and location of the proposed expansion. Also shown is a Table of Building to Land Area Standards.

Enclosed herein is Attachment C-2 which is an example of a Pre-Approved Concept Plan that applies to new development proposals (category 2). This concept provides for variation as to size, location and configuration and is ultimately controlled by the Table of Building to Land Area Standards.

Upon compliance with one or more of the Pre-Approved Concept Plans, partial preliminary development plan approval shall be authorized. Full preliminary development plan compliance shall be authorized upon compliance with the standards set-out in the Supplementary Conditions section described below.

Supplementary Conditions

The purpose of this section is to set forth the minimum conditions for preliminary development plan compliance. Each development proposal shall be reviewed per the standards contained within this section. Development proposals that meet or exceed these standards, and the Pre-Approved Concept Plan requirements, shall be granted preliminary development plan approval. Development proposals that do not meet or exceed this standards will be required to seek compliance through individual preliminary development plan approval (Article 15) or variance whichever may be the case.

Building Setbacks

- New buildings or additions to existing buildings shall be located to meet the following yard setbacks: Along the roads designated by the County as arterials and along other major roadways as may be designated: Front - 50 ft., side - 30 ft., and rear 25 ft. when measured from the property line. Along roads designated by the County as local roadways and streets: Front - 35 ft., side - 30 ft., and rear - 25 ft. when measured from the property line.

- For purposes of mitigating potentially incompatible uses, greater setbacks may be required along the exterior AirCenter boundary, along major drainageways, along the runways or other airport facilities or due to Federal Aviation Administration (FAA) requirements.
Building Area (FAR)

a. The ratio of building area to land area shall not exceed 50 percent (0.50). The building area shall be the sum of all the floors of a building.

b. In instances where existing or proposed uses will exceed the 50 percent building to land area ratio, allowances may be made to include the land area of adjacent, permanent open space areas such as storm water ditches or pond areas, or runway, taxiway or airport clear zone or similar such reserve area. In no instance will actual construction of buildings in these extended area be allowed, or their use for other than purposes of compliance with the FAR.

Building Design

a. Building heights shall not exceed 60 feet, however, all heights are subject to Federal Aviation Administration approval.

b. Exterior building materials shall consist of one or more of the following: wood, metal, glass, stone, masonry brick or decorative block or concrete and shall be muted, earth tone colors and shall be designed with a level of architectural interest and quality that is acceptable or as may be determined by the Airport Commission.

c. Twenty five percent (25 %) of the building front shall consist of architectural quality brick, stone or decorative block.

Off-Street Parking:

a. The development plan shall illustrate 1 space/employee for office, warehouse, light industrial or manufacturing uses and 2 spaces per 1,000 sq. ft. of floor area. Also, one space per 500 sq. ft. of floor area shall be provided for businesses that may generate customer or visitor parking needs.

b. A portion of such required parking may be deferred to the future provided an area is designated on the development plan for “Future Parking”. The Zoning Administrator shall be authorized to determine when additional off-street parking is necessary. Such determination shall be based on changes in use or ownership, employee increases, changes in production schedules, or building additions.

c. Parking stalls shall be striped and pedestrian walkways or sidewalks shall be designated.

d. Parking lots and driveways shall be surfaced with a permanent bituminous or concrete pavement with concrete curbs or concrete curb and gutter along the perimeter of all new parking lots and driveways.

e. All parking lots shall be located within the nonstreet rear yard or in the interior side yard, except that a guest parking lot containing not more than ten parking stalls may be located within the front yard or street side yard, but in no case shall the parking stalls be located any closer than 30 ft. from the front or street side yard of the property line.

Prohibition of On-street Parking

a. Unless specifically approved, on-street parking shall be strictly prohibited.
Exterior Loading and Storage Areas

a. All loading docks, equipment or materials stored outside, general outside storage areas, mechanical equipment storage areas including satellite antennae, trash dumpster or trash storage areas, and similar such areas shall be visually screened from view from all public roadways, all residential uses within 1,000 ft., and all office, retail business or industrial/business park uses existing at the time of establishment of the activity. Such screening shall otherwise not be in violation of any applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations.

b. Screening shall consist of landscaped berms, landscaping or other comparable methods approved by the Zoning Administrator. Berms shall generally be constructed at a 3:1 side slope to rise ratio, 3 ft. above the adjacent grade, with a 5 ft. wide top (The 5 ft. wide top is necessary to have a flat area for plantings). Screening shall consist of evergreen trees such as Austrian, Scotch or White pines (or comparable variety) 5-6 ft. in height at time of planting and placed 15 ft. on center, or deciduous trees such as clump redbuds, river birch or flowering crab trees 5-6 ft. at time of planting and placed 15 ft. on center. Alternatively, Pin Oaks or Maples or some other flowering tree may be used.

c. All loading berths and rail loading facilities shall be located in the nonstreet rear yard or in the interior side yard.

d. Sufficient loading berths shall be provided to accommodate the maximum number of trucks or truck parking planned for or anticipated at any given time.

Stormwater Drainage

a. The developer's engineer shall conduct stormwater drainage calculations for the site. These calculations shall be submitted to the County Engineer for review and approval.

b. The proposed development shall conform to the Stormwater Drainage Area and Detention Facilities Map, see Attachment H.

Exterior Storage and Parking of Large Vehicles and Trailers

a. The exterior storage and parking of vehicles larger than light duty trucks and trailers shall be visually screened from adjacent property and right-of-way with one or more of the following: berms, landscaping or a combination thereof. Said parking and storage shall also comply with Article 11(7) and 16 (4), Johnson County Zoning and Subdivision Regulations.

b. Screening shall consist of landscaped berms, landscaping or other comparable methods. Berms shall generally be constructed at a 3:1 side slope to rise, 4 ft. above the adjacent grade, with a 5 ft. wide top (The 5 ft. wide top is necessary to have a flat area for plantings). Screening shall consist of evergreen trees such as Austrian, Scotch or White pines (or comparable variety) 5-6 ft. in height at time of planting and placed 15 ft. on center or deciduous trees such as clump redbuds, river birch or flowering crab trees 5-6 ft. at time of planting and placed 15 ft. on center. Alternatively, Pine Oaks or Maples or some other flowering tree may be used.
Exterior Lighting:

a. Street and building lighting shall be designed to enhance the coordinated appearance of the AirCenter. Accordingly, along all streets, walkways, and parking areas, adequately spaced light standards will be constructed of square tube (non-tapered) aluminum poles with a dark bronze finish. The luminaries will be dark bronze rectangular boxes with high pressure sodium lamps. An example of a light standard is shown on an exhibit titled “Typical Light Standard for Streets, Walkways, and Parking Areas” which is contained in Appendix D. Parking lot lights shall be the same as the street lights.

b. At street corners and other appropriate locations, the light standards will have a street sign. The sign lettering will be white in upper and lower case “Helvetica Medium” style. A detailed drawing of the proposed sign/light is shown on an exhibit entitled “Typical Light Standard with Metro Module System” which is contained in Appendix D.

c. Parking and Pedestrian Lights: A uniform design shall be used throughout each development that provides low height combined with an illumination cutoff-type of fixture designed to direct the light down-onto the pedestrian or parking areas and not into the surrounding properties. Such lighting shall match with other types of lighting already provided on the property.

d. Building Lights: On each building, wall, roof or soffit mounted lights shall be of a uniform design combined with an illumination cutoff-type of fixture to direct the light down-onto the property and not into surrounding properties. Such lighting shall match with other types of lighting already provided on the property.

Identification Signs

a. Buildings will be identified with a single yard-sign adjacent to the main visitor-entrance to the property. Signs mounted on buildings are prohibited. Signs will be internally illuminated. The sign frame shall be dark bronze, anodized aluminum set on a light-tan concrete base. The base shall facilitate the movement of lawn mowing equipment. Details of the building identification sign and base are shown on the exhibits entitled “Typical Entrance Sign to Building Site” and “Cross Section Detail of Building Identification Sign” which are contained in Appendix E.

b. All identification signs shall not exceed 100 sq. ft. in total area and shall not exceed 6 ft. in height when measured from the adjacent grade.

c. Signs shall be set back from the property line a minimum of 10 ft. and signs over 50 sq. ft. in total area shall be set back an additional 10 ft. for each 10 sq. ft. of total area greater than 50 sq. ft.

d. Signs shall not be placed within a 90 ft. sight-distance triangle on public streets, nor will signs be placed within a 50 ft. sight-distance triangle on driveways or other private entrances/ exits.

e. One identification sign shall be allowed per frontage per existing public street.
Decorative Landscaping, Berming, Screening Walls and Other Aesthetic Features

All of the following features shall be shown on the development plan. Each feature shall be reviewed and approved by the Zoning Administrator based on setbacks, building type, location of storm drainage and similar development plan features.

a. The visual redundancy of long horizontal shapes of buildings or additions to buildings shall be broken up with landscaping.

b. Trees, Shrubs and Plants: A combination of trees, shrubs and plants shall be illustrated on the development plan. Front and side yard areas shall receive primary landscaping emphasis. For example, placing trees on 25-ft. centers consisting of a mixture of deciduous (1-1/2 to 2 inch caliper) and evergreen (5-6 ft. in height) tree varieties.

c. Decorative berming shall consist of a earthen mounds 3 ft. high (this may need to be increased in some cases) with a side slope run to rise ratio of between 2:1 to 3:1. Berms shall be sod or seeded and maintained and shall be topped with trees, shrubs or plants.

d. The required front and street side yards shall be entirely graded and sodded or seeded from the street edge to the building, except areas used for plantings, drives, parking or walks. Rear and interior side yards shall be seeded or sodded, except areas used for plantings, drives, parking or walks.

e. Walls shall consist of decorative wood, stone, brick or block. The height of the decorative wall which shall be determined on a case-by-case basis.

f. Other aesthetic features may include ponds, lakes, parks, pagodas, etc.

Parking Lot Landscaping

Parking areas shall be screened with landscaping or the following other screening and enclosure standards:

a. Parking lots in required front yard or side yards which abut a street, shall be visually buffered with berms or other land forms with rounded slope intercepts, or landscape plantings and shall be provided as follows:

i. Perimeter Landscaping - a 30-foot wide strip of landscaping shall be provided with at least one tree for every 50 feet of street frontage of the parking lot and at least one tree for every 75 feet of land not fronting on a street; and

ii. Existing trees should be retained where possible and new landscaping shall be shown on the development plan along the sides of the building(s) and around the parking lot areas. The landscaping shall be placed on 25-foot centers and shall consist of a 50 percent mixture of deciduous and evergreen varieties, measuring at least 1-1/2 to 2 inch caliper (1 foot above ground level) at time of planting.

Driveways and Vehicular Entrances:

a. Each parcel or tract of land shall have no more than two entrances for employee and visitor vehicles.
b. Each parcel shall have no more than two entrances for service vehicles, deliveries, or shipping.

c. Special circumstances such as terrain, sight distances, frontage, types of vehicles, and circulation patterns may warrant consideration and approval by the Zoning Administrator for fewer or additional driveway entrances.

Other Local, State and Federal Codes and Regulations:

a. Verification shall be obtained from the County Fire Inspector regarding whether the water line capacity for fireflow supply is in compliance with the County Fire Code requirements.

b. Verification shall be obtained from the applicable municipal government entity regulating wastewater regarding whether this project has been approved.

c. Stormwater calculations shall be submitted to the County Engineer for review and approval.

Accessory Structures, Buildings and Uses Permitted

An accessory structure, building or use shall be one commonly associated with or generally necessary to the normal operations of the principal structure, buildings or use on the property.

a. Structures or buildings may be erected and used, and land may also be used, for purposes which are clearly accessory to the principal or main structure, building or use permitted on the premises. Such accessory structures, buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, smoke, odors, noxious gases, fly ash, heat, glare from artificial illumination or from reflection of natural light and shall be on the premises of the principal or main use, structure, or building except as may be specifically provided in this Section. Accessory uses, structures and buildings shall have an appearance consistent with the character of the neighborhood in which they are located and shall have an appearance consistent with the character of the main structure, building or use on the property.

b. Determinations of whether a proposed structure, building or use would be an appropriate accessory shall be made by the Zoning Administrator. Such determinations may be appealed to the Board of Zoning Appeals as provided in Article 3, Section 5 of the Johnson County Zoning and Subdivision regulations.

c. Permitted Accessory Uses: Cooling towers, employee recreation facilities and functions, food service and vending machines inside the building, flagpoles, gatehouse, loading areas, low-level exterior lighting, private garage for motor vehicles, security and screening fencing, signs, storage facilities, radio or television or microwave antennae not exceeding 60 feet in height and setback from the property line a distance at least equal to the height of the structure, private fire stations or private facilities for utility services required by the development, temporary or efficiency living quarters for persons providing security or management services to other facilities on the same site, and other similar uses.

d. Accessory Buildings and Structures Standards: as provided in Section 6 of Article 18, Johnson County Zoning and Subdivision regulations.

e. Vehicle and Equipment Storage of Accessory Uses: as provided in Section 7 (C) of Article 18, Johnson County Zoning and Subdivision regulations.
f. Accessory buildings, structures and uses may be permitted provided a development plan acceptable to the Zoning Administrator is submitted and approved. Such approval shall not grant relief from the Building Codes requirements or other requirements of Johnson County.

References

New Century AirCenter Development Guide.
New Century AirCenter - Declaration of Covenants, Conditions, & Restrictions
Master Development Plan - New Century AirCenter.
Johnson County Zoning and Subdivision Regulations.
Business and Industrial Park Development Handbook.
ATTACHMENT A

ARTICLE 14 (4), JOHNSON COUNTY
ZONING AND SUBDIVISION REGULATIONS

PEC-3, PLANNED RESEARCH, DEVELOPMENT
AND LIGHT INDUSTRIAL PARK DISTRICT
f. Peripheral Setbacks: All buildings, structures, parking lots and drives shall be set back a minimum of fifty (50) feet from each exterior property line.

6. Supplementary Height, Area and Bulk Regulations: Supplementary Height, Area and Bulk Regulations for this District are contained in Article 17 of these regulations.

7. Supplementary Use Regulations: Supplementary Use Regulations for this District, including permitted Accessory Uses, are contained in Articles 16 and 18 of these regulations.

H. Performance Standards:

1. Minimum Infrastructure: Within this zoning district, it is required that all of the Minimum Infrastructure Requirements specified in Article 31 of these regulations be met at least for the phase being developed on any site in this district.

2. The development and use also shall comply with the Supplementary Performance Standards in Article 11, Section 7 of these regulations.

Section 4. PLANNED RESEARCH, DEVELOPMENT AND LIGHT INDUSTRIAL PARK DISTRICT (PEC-3):

A. Purpose: It is the purpose of this District to provide for research and development activities with or without light fabrication and assembly operations, limited industrial/manufacturing activities, and wholesale trade or warehousing which may include associated administrative office uses within a planned employment center environment and generally arranged in a business park, office park, industrial park, campus style setting.

B. Permitted Uses: In this District, no building, structure, land, or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for research and development activities with or without light fabrication and assembly operations, limited industrial/manufacturing activities, wholesale trade, and warehousing with or without associated administrative offices related to one or more of the following products or services:

1. Any Permitted Use in the Planned Research, Development and Office Park District, PEC-2 except churches and schools;

2. Agricultural services including establishments performing soil preparation services, crop services, veterinary services, or other animal services, farm labor and management services, and landscape and horticultural services, for others on a contract or fee basis, but not including feed lots or poultry hatcheries operated on a contract or fee basis;

3. Building construction including general contractors and operative builders primarily engaged in the construction of residential, farm, industrial, commercial, or other buildings without outside storage unless a conditional use permit has been approved;

4. Special trade contractors including those involved in painting, carpentry work, communications, plumbing, heating, air-conditioning, roofing, and sheet metal work but not including contractors primarily engaged in activities that are clearly of a type specialized to heavy construction, such as grading for highways and airport runways;
guard rail construction; installation of highway signs; underwater rock removal; and asphalt and concrete construction of roads, highways, streets, and sidewalks;

5. Food for human consumption, prepared feeds for animals or fowls, and certain food-related products, such as manufactured ice, vegetable and animal fats and oils, and chewing gum;

6. Apparel and other finished fabric products including the production of clothing and the fabrication of products by cutting and sewing purchased woven or knit textile fabrics and related materials, such as leather, rubberized fabrics, plastics, and furs;

7. Lumber and wood products including the wholesaling and warehousing of dimensioned lumber cut, milled and planed elsewhere; or including the cutting, milling, planing and assembly of cabinets for permanent installations, shutters, windows, doors and door jamb frames, and ornamental woodwork for architectural trim, wainscots, trellises, and railings;

8. Furniture and fixtures for households, offices, public buildings, stores or restaurants; including only the wholesaling or warehousing of such items if fabricated with stone or concrete;

9. Paper and related products including paperboard, corrugated and solid fiber boxes; fiber cans, tubes, drums, and similar products; sanitary food containers; and die-cut paper, paperboard and cardboard;

10. Printing, publishing including printing by one or more common processes, such as letterpress; lithography (including offset), gravure, or screen; and including services for the printing trade, such as bookbinding and platemaking;

11. Pharmaceutical preparations for human or veterinary use in forms typically intended for final consumption, such as ampoules, tablets, capsules, vials, ointments, medicinal powders, solutions and suspensions; and including vitro and in vivo diagnostic substances which are chemical, biological, or radioactive substances used in diagnosing or monitoring the state of human or veterinary health by measuring the state of human or veterinary health whether or not packaged for retail sales;

12. Biological products including bacterial and virus vaccines, toxoids, and analogous products (such as allergenic extracts), serums, plasmas, and other blood derivatives for human or veterinary use; and including the production of microbiological products for other uses;

13. Fabricated metal products including cutlery; hand and edge tools; miscellaneous hardware such as hinges, latches, locks, or handles; plumbing fixture fittings and trim; heating equipment other than electric and warm air furnaces; metal doors, sash, frames, moldings, and trim; sheet metal work; architectural and ornamental metal work; prefabricated metal buildings and components; miscellaneous structural metal work such as metal plaster bases, fabricated bar joists, and concrete reinforcing bars; bolts, nuts, screws, rivets and washers; metal stampings not larger than nine (9) square feet; wire springs; and miscellaneous wire products;

14. Household, industrial and commercial machines including home lawn and garden tractors and equipment; power-driven handtools; computer and office equipment; and automatic vending machines;
15. Electronic and other electrical equipment including household appliances; electric lighting and wiring equipment; household audio and video equipment; communications equipment; electronic components and accessories; electrical equipment for internal combustion engines; and magnetic and optical recording media;

16. Instruments for measuring, testing, analyzing, and controlling, and their associated sensors and accessories; optical instruments and lenses; surveying and drafting instruments; hydrological, hydrographic, meteorological, and geophysical equipment; search, detection, navigation, and guidance systems and equipment; surgical, medical, and dental instruments, equipment, and supplies; ophthalmic goods; photographic equipment and supplies; and watches and clocks;

17. Miscellaneous manufactured goods including jewelry, silverware, and plated ware; musical instruments; dolls, toys, games and sporting and athletic goods; pens, pencils, and artist's materials; costume jewelry, buttons, and miscellaneous notions; and signs and advertising specialties;

18. Bus, taxi, or limousine dispatching centers;

19. Warehouse/Distribution including trucking and courier services; public warehousing and storage; and motor freight transportation terminals and maintenance facilities;

20. Communications services for point-to-point aural, visual or electronic communications; television or film production studios; and radio or television broadcasting or receiving stations but not including towers or other structures higher than sixty (60) feet;

21. Wholesale trade;

22. Business services including mailing, reproduction, stenographic, word-processing, data entry, computer programming, photocopying, duplicating, data processing, business machine servicing, and temporary labor services;

23. Perfumes, perfume bases, cosmetics and other toilet preparations and shampoos and shaving products from soap or synthetic detergents;

24. Printing ink including gravure ink, screen process ink and lithograph ink;

25. Pesticides and agricultural chemicals including ready-to-use agricultural and household pest control chemicals, such as insecticides, fungicides and herbicides, and trace element products and soil conditioners as well as concentrates requiring further processing;

26. Plastic products including unsupported plastics film, sheet and profile shapes; laminated plastic plate, sheet and profile shapes; plastics pipe; plastics bottles; plastic foam products; custom compounding of plastic resins and plastic plumbing fixtures; and

27. As accessory uses to the above uses: offices, packaging, servicing, storage, warehousing, wholesale sales or distribution, or light fabrication or processing or assembly operations related to the principal research, development, analysis, or testing use.
C. Conditional Uses: Certain uses may be allowed in this District by conditional use permit. See Article 23. Conditional uses such as the following may be allowed within this specific district:

Groups A, F, G, H, I, L and N Conditional Uses as provided in Article 23, Section 4 of these regulations.

D. Off-Street Parking Regulations: The Off-Street Parking Requirements for specific Permitted Uses are contained in Article 19 of these regulations. However, for the overall development of a Planned Employment Center within this District, an overall parking ratio of not less than 3.0 spaces per 1,000 square feet of Gross Floor Area (GFA) shall be achieved. Construction of a portion of the required parking may be deferred based upon a phasing plan and tenant/user characteristics, but land area for the overall parking ratio indicated must be reserved within the Development Plan and phasing program for the parcel.

E. Sign Regulations: See Article 20, Sign Regulations.

F. Planning Considerations:

1. Preliminary and Final Development Plans shall be submitted for consideration and approval as required by Article 11 and 15 of these regulations.

2. Phasing Plan: Sites in this District may be developed in phases. A development plan must be submitted and approved for the first and each successive phase of construction. Each Preliminary Development Plan application shall include a phasing plan which describes the development phases and schedules expected to occur within five (5) years. Such phasing plans shall be updated at each Final Development Plan submittal. Variation from such phasing plan or schedule shall not be reason to find any Final Development Plan in noncompliance with any previously approved Preliminary Development Plan. See also Article 15, Section 3, (N) and Section 5 regarding development plan requirements for phased developments. See also Article 19, Section 3, (A)(10) regarding off-street parking requirements for phased developments. See also Article 31, Section 2 regarding minimum infrastructure requirements for phased developments.

G. Development Standards:

1. Parcel Area: Within this zoning District, a minimum zoning parcel area of 40.0 acres is required unless the zoning District is adjacent to an existing Planned Employment Center District.

2. Floor Area Ratio: A maximum floor area ratio (FAR) of 0.30 is allowed for permitted uses within this district.

3. Location: This District requires direct access onto and frontage along at least one arterial street as designated by the County.

4. Access: A minimum of 600 feet between the centerline of the adjacent public road right-of-way intersection and the centerline of the closest entrance shall be maintained. A minimum distance of 400 feet between the centerlines of entrances on the same right-of-way line shall also be maintained.
5. Height, Area and Bulk Regulations:
   a. Height: Buildings or structures shall not be higher than 45 feet or three (3) stories
      in height excluding enclosed mechanical penthouses.
   b. Front Yard: The depth of the front yard shall be at least fifty (50) feet which
      shall be measured from public right-of-way in the case of a public street.
   c. Side Yard: There shall be a side yard on each side of a building or structure, no side
      yard shall be less than thirty (30) feet.
   d. Yards Between Buildings: Main buildings shall be separated by a yard at least
      sixty (60) feet wide between buildings.
   e. Rear Yard: The depth of the rear yard shall be at least 30 feet.
   f. Peripheral Setbacks: All buildings, structures, parking lots and drives shall be set
      back a minimum of fifty (50) feet from each exterior property line.

6. Supplementary Height, Area and Bulk Regulations: Supplementary Height, Area and
   Bulk Regulations for this District are contained in Article 17 of these regulations.

7. Supplementary Use Regulations: Supplementary Use Regulations for this District,
   including permitted Accessory Uses, are contained in Articles 16 and 18 of these
   regulations.

H. Performance Standards:
   1. Minimum Infrastructure: Within this zoning district, it is required that all of the
      Minimum Infrastructure Requirements specified in Article 31 of these regulations be met
      at least for the phase being developed on any site in this district.
   2. The development and use also shall comply with the Supplementary Performance
      Standards in Article 11, Section 7 of these regulations.

Section 5. PLANNED INDUSTRIAL PARK DISTRICT (PEC-4):

A. Purpose: It is the purpose of this District to provide for limited industrial/manufacturing
   activities within a planned employment center environment and generally arranged in an
   industrial park, campus style setting.

B. Permitted Uses: In the Planned Industrial Park District, no building, structure, land, or
   premises shall be used, and no building or structure shall be hereafter erected, constructed,
   reconstructed, moved, or altered, except for industrial/manufacturing activities including
   the processing, assembly, production, warehousing, distribution, servicing, disassembly,
   repair, packaging, storage of one or more of the following products or services:

   1. Any Permitted Use in the Planned Research, Development, and Light Industrial Park
      District, (PEC-3);

   2. Heavy construction including general contractors primarily engaged in heavy
      construction of highways, streets, bridges, sewers, railroads, irrigation projects, or flood
      control projects; and including specialty contractors primarily engaged in trenching.
ATTACHMENT B

ARTICLE 21, JOHNSON COUNTY ZONING AND SUBDIVISION REGULATIONS

AIRPORT VICINITY OVERLAY ZONE
ARTICLE 21
AIRPORT VICINITY OVERLAY DISTRICTS AND ZONES

Section 1. PREFACE, PURPOSE AND INTENT:

A. Preface: The regulations contained within this Article are based upon and in accordance with the goals, policies and strategies contained in the Johnson County Executive Airport Comprehensive Compatibility Plan and the Johnson County Industrial Airport Comprehensive Compatibility Plan. The protection of the public's health, safety, and welfare is one of the paramount interests in those plans, and toward that end, the regulations in this Article strive to avoid the establishment of airport hazards, lessen or prevent noise impacts affecting the public and the surrounding landowners, and promote a pattern of future land uses which encourages compatibility between airports and their environs. Furthermore, the regulations in this Article recognize and adopt the statutory findings of fact of K.S.A. 3-702, which state that:

Airport hazards are contrary to the public interest, endanger the lives and property of users of the airport and of occupants of land nearby, and, if of the obstruction type, in effect reduce the size of the area available for the landing, taking-off and maneuvering of aircraft, and thus tend to destroy or impair the utility of airports as defined in these regulations and the public investment or interest therein. Accordingly, it is hereby declared:

1. That the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport; and

2. That it is therefore necessary in the interest of the public health, safety, and general welfare that the creation or establishment of airport hazards be prevented.

3. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the County may raise and expend public funds and acquire land or property interests therein.

In addition, the minimization of aircraft noise impacts on the surrounding area is critical for striving to achieve airport-environs compatibility and for assuring that persons who live, work, or own property near airports may enjoy a maximum amount of freedom from noise or other adverse impacts of the airports.

B. Purpose and Intent: The Airport Area Overlay Districts and especially the Executive Airport Area Overlay District and the Industrial Airport Area Overlay District are intended to regulate and restrict the height of structures and objects of natural growth and otherwise regulate the use of property in the vicinity of airports in Johnson County as defined in these regulations and especially the Johnson County Executive Airport and the Johnson County Industrial Airport to:

1. Protect persons and property near airports.

2. Protect for aircraft safety in the use of airports.

3. Regulate land uses and development to ensure compatibility with airports.
4. Provide a comprehensive zoning plan to provide for orderly development of land near any airport as defined by these regulations.

The regulations in this Article for Airport Area Overlay Districts and especially the Executive Airport Area Overlay District and the Industrial Airport Area Overlay District shall be supplementary to the regulations of the underlying zoning districts contained within these regulations. In the event of conflict between the regulations in this Article and any other regulations applicable to this same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and control to the extent of such conflict, but no further.

Section 2, DEFINITIONS:

The definitions of certain special terms used in this Article are provided in Article 2 of these regulations.

Section 3. ESTABLISHMENT OF OVERLAY DISTRICTS:

Airport Area Overlay Districts, in addition to those expressly established by this Article are hereby enabled for establishment in a like manner as other zoning districts permitted pursuant to Kansas Statutes Annotated 3-301 et seq. and 3-701 et seq. The Executive Airport Area Overlay District and the Industrial Airport Area Overlay District (hereinafter referred to as the "Airport Overlay Districts") are hereby established in a like manner as other zoning districts permitted pursuant to Kansas Statutes. Annotated 3-301 et seq. and 3-701 et seq. For these Airport Overlay Districts and any Airport Overlay Districts established in the future pursuant to this Article, there shall be at least two categories of overlay zones within each Airport Overlay District: Airport Height Hazard Overlay Zones and Airport Interest Area Land Use Overlay Zones. There are overlay zones within each Airport Overlay District established by this Article as provided herein: the Executive Airport Height Hazard Overlay Zones and the Industrial Airport Height Hazard Overlay Zones (hereinafter referred to as "Height Hazard Zones") and the Executive Airport Interest Area Land Use Overlay Zones and the Industrial Airport Interest Area Land Use Overlay Zones (hereinafter referred to as the "Land Use Zones"). Boundaries for the overlay district for each airport and the said overlay zones for each airport are described in the following Section 4 and regulations pertaining to these overlay zones are contained within Sections 9 and 10 respectively of this Article.

Section 4. BOUNDARIES OF AIRPORT OVERLAY DISTRICTS AND OF OVERLAY ZONES:

The outer boundaries of the Airport Overlay Districts coincide with the outer boundaries of the Height Hazard Zones and the Land Use Zones as shall be established for each airport by adoption of the Airport Overlay District Zoning Maps (hereinafter referred to as the "Airport Zoning Maps"). The Airport Zoning Maps reflect the Airport Overlay District boundaries as follows:

A. The boundaries of the Height Hazard Zones are identical to the boundaries of the approach, transitional, horizontal, and conical surfaces of the airports as established in Section 9 of this Article and as shown in Exhibits A and B herin. Said surfaces shall be based upon the obstruction surfaces described in Subpart C of Federal Aviation Regulation Part 77, Objects Affecting Navigable Airspace.
B. Consistent with Exhibit A of the Johnson County Executive Airport Comprehensive Compatibility Plan which outlines the boundaries of the Airport Interest Area around the Johnson County Executive Airport, and consistent with Exhibit A of the Johnson County Industrial Airport Comprehensive Compatibility Plan which outlines the boundaries of the Airport Interest Area around the Johnson County Industrial Airport, the outer boundaries of the Land Use Zones for each airport matches the outer boundaries of the Airport Interest Areas as shown in Exhibits C and D herein. The boundaries of zones in the Land Use Zones area are established as shown on the Airport Zoning Maps.

The boundaries of the Height Hazard Zones and the Land Use Zones are shown on the Zoning Maps which are incorporated by reference as though fully set forth herein. Reduced-size copies of the Airport Zoning Maps are included herein for reference purposes as Exhibits A and B. Official copies of the Airport Zoning Maps shall be on file at the Johnson County Planning Office. Land areas subject to each of these Airport Zoning Maps are identified on the Official Zoning Map(s) for Johnson County by the suffix "AIA" added to the underlying zoning district name abbreviations used on the Official Zoning Map(s).
Exhibit A, Executive Airport Height Restrictions Part 77
EXHIBIT D
Johnson County Industrial Airport Interest Area
Note: This zoning map shows the base zoning in the vicinity of the airport on the date of adoption of these regulations. Amendments to this zoning map with respect to unincorporated Johnson County areas shall be shown on the "Zoning Map of Johnson County, Kansas." See also Article 8 of the zoning and subdivision regulations.

EXHIBIT E
Executive Airport
Existing Zoning Map
Note: This zoning map shows the base zoning in the vicinity of the airport on the date of adoption of these regulations. Amendments to this zoning map with respect to unincorporated Johnson County areas shall be shown on the "Zoning Map of Johnson County, Kansas." See also Article 8 of the zoning and subdivision regulations.

**KEY**

- Olathe
- A = 40 Acres
- RA-1 = 10,000 sq. ft.
- R-1 = 7,200 sq. ft.
- C-2 = Commercial
- M-1 = Lt. Industrial
- M-2 = Heavy Industrial
- Gardner
- E = Mobile Home Park
- D-3 = Commercial
- Johnson County
- RUR = 10 Acres
- RN = 1 Acre
- PEC-3 = Planned Research Development and Light Industrial Park

*NOTE: This is not intended to be used as an official zoning map.*

**EXHIBIT F**

Industrial Airport

Existing Zoning Map
Section 5. PERMITTED USES:

Permitted uses within the Airport Overlay Districts shall be those uses which are permitted by regulation in the underlying zoning district, with the exception of those uses which are prohibited by this Article. (See especially Section 10 of this Article). Furthermore, all uses which are permitted by regulation in the underlying zoning district and not prohibited by this Article are subject to all qualifications and limitations as established by this Article. It should be noted that the use of land within the identified primary flight corridors is restricted as set forth in Section 10 of this Article.

Section 6. CONDITIONAL USES:

Conditional uses within the Airport Overlay Districts shall be those uses which are: 1) listed as conditional uses in the specific underlying zoning district, with the exception of those uses which are prohibited by this Article, or 2) listed in the general regulations pertaining to conditional use permits within these regulations, with the exception of those uses which are prohibited by this Article. Furthermore, the approval of conditional uses shall be subject to all qualifications and limitations as established by this Article. (See especially Section 12, which identifies review procedures for conditional uses).

Section 7. PROPERTY DEVELOPMENT STANDARDS:

Property shall be developed in accordance with the property development standards of the underlying zoning district, unless such standards are in conflict with this Article, in which event the regulations in this Article shall control. The applicable development standards shall include, but not be limited to, the regulations governing the following development characteristics: minimum lot size, maximum lot coverage, bulk regulations, open space requirements, landscaping and screening requirements, parking and loading regulations, and sign regulations.

Section 8. USE LIMITATIONS:

In addition to the use limitations imposed by the underlying zoning district, the following use limitations shall also apply to all properties located within the Airport Overlay Districts:

A. Uses within these Districts shall be permitted only in accordance with the maximum height restrictions in Section 9 of this Article.

B. Uses located within the Airport Overlay Districts shall be permitted only in accordance with all applicable restrictions and standards as set forth in Section 10 of this Article.

C. Uses located within the Airport Overlay Districts shall be permitted only in accordance with any applicable noise attenuation construction standards as required under Section 11 of this Article.

D. At the time of issuance of any building permit for any structure within these Airport Overlay Districts, the Johnson County Airport Commission reserves the right to request the voluntary dedication of an avigation easement when it is determined by the Commission that said easement is needed over the subject property to further the purpose and intent of the regulations in this Article.
Section 9. HEIGHT HAZARD ZONES AND HEIGHT LIMITATIONS:

A. Generally: In order to carry out the provisions of the regulations in this Article, and in furtherance of Federal Aviation Regulations Part 77 which recommends height limitation standards, there are hereby established Height Hazard Zones. The Height Hazard Zones shall encompass all the lands within Johnson County lying beneath the approach, transitional, horizontal, and conical zones which are based on and reflect the approach, transitional, horizontal, and conical surfaces (See Exhibits A and B herein), as they apply to the Johnson County Executive Airport and the Johnson County Industrial Airport and as further defined in this Section. The Height Hazard Zones are shown on the Zoning Maps (See Exhibits A and B herein). The height limitations established for these zones shall be based upon the established elevation of each of the airports which for the Johnson County Executive Airport is 1,096 feet (mean sea level), and which for the Johnson County Industrial Airport is 1,087 feet (mean sea level). Except for uses which are nonconforming on the effective date of these regulations as provided in Subsection D, (2) of this Section, and except as otherwise provided in this Article, from and after the effective date of the regulations in this Article, no structure or tree shall be erected, altered, allowed to grow or allowed to exist in any zone created by the regulations in this Article to a height in excess of the applicable height limitations established herein for the Height Hazard Zones. An area located in more than one of the identified zones is considered to be only in the zone with the more restrictive height limitation.

B. Height Hazard Zones Defined: The various Height Hazard Zones and height limitations for the Overlay Districts are created and defined as follows:

1. Airport Approach Height Hazard Zones AA-1 through AA-5 and Height Limitations (as further defined in Table 1 herein):
   a. General Provisions:

   1). The centerline of all Runway Approach Zones coincides with the continuation of the centerline of the runway. The centerline of the Helipad Approach Zone at the Johnson County Executive Airport is perpendicular to and extends south from the midpoint of the south edge of the Helipad Primary Surface.

   2). The inner edge of all runway approach zones coincides with the outer edge of the primary surface of the runway and has the same width as the primary surface for the runway. The inner edge of the Helipad Approach Zone at the Johnson County Executive Airport coincides with the south edge of the Helipad Primary Surface, and the inner edge of that Helipad Approach Zone has the same width as the Helipad Primary Surface.

   3). All approach zones expand outward uniformly from the inner edge to the outer edge at the horizontal distance and outer edge width specified in Table 1 herein.

   4). The height limitation at the inner edge of all approach zones is the same elevation as the primary surface.

   5). The height limitation in all approach zones increases continually and evenly from the inner edge to the outer edge of the approach zone at the rate or grade specified in Table 1 herein, and the rate of increase in elevation is expressed and specified in the format of: "horizontal distance in feet outward for each
foot of increased elevation," and is commonly abbreviated as, "horizontal
distance: vertical distance."

6). The height limitations in the approach zones are established by the
imaginary surface sloping upward at the grade specified for the particular
approach zone as specified in Table 1 herein.

b. Airport Approach Zones and the imaginary surfaces establishing applicable
height limitations are established as provided in the following Table 1.
### Table 1.

**Airport Approach Zones and the Imaginary Surfaces Establishing Applicable Height Limitations**

<table>
<thead>
<tr>
<th>ZONE (ZONE NAME)</th>
<th>HORIZONTAL DISTANCE (FEET)</th>
<th>IMAGINARY SURFACE UPWARD SLOPE (Horiz. Feet: Vertical Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ZONE WIDTH</strong> (FEET)</td>
<td><strong>FROM INNER EDGE</strong> &amp; <strong>OUTER EDGE</strong></td>
<td><strong>AND OUTER EDGES</strong></td>
</tr>
<tr>
<td><strong>INNER EDGE</strong></td>
<td><strong>INNER EDGE</strong></td>
<td></td>
</tr>
<tr>
<td>AA-1 (Runway 17 Executive)</td>
<td>Utility Runway Non-Precision Instrument Approach Zone</td>
<td>1,000</td>
</tr>
<tr>
<td>AA-2 (Runway 35 Executive) (Runway 17R-35L Runway 17L-35R Industrial)</td>
<td>Precision Instrument Runway Approach</td>
<td>1,000</td>
</tr>
<tr>
<td>AA-3 (Helipad Executive)</td>
<td>Helipad Approach Zone</td>
<td>100</td>
</tr>
<tr>
<td>AA-4 (Runway 1-22 &amp; Runway 13-31 Industrial)</td>
<td>Utility Runway Visual Approach Zone</td>
<td>500</td>
</tr>
<tr>
<td>AA-5</td>
<td>Utility Runway Visual Approach Zone</td>
<td>250</td>
</tr>
<tr>
<td>AA-6</td>
<td>Utility Runway Non-Precision Instrument Approach Zone</td>
<td>500</td>
</tr>
<tr>
<td>AA-7</td>
<td>Runway Larger than Utility Visual Approach Zone</td>
<td>500</td>
</tr>
<tr>
<td>AA-8</td>
<td>Runway Larger than Utility with a Visibility Minimum Greater than 3/4-mile Nonprecision Instrument Approach Zone</td>
<td>500</td>
</tr>
<tr>
<td>AA-9</td>
<td>Runway Larger than Utility with a Visibility Minimum as Low as 3/4-mile Nonprecision Instrument Approach Zone</td>
<td>1,000</td>
</tr>
</tbody>
</table>

*The inner edge of the approach zones coincides with the outer edge of the primary surface of the runway.*

2. **Airport Transitional Zones, AT, and Height Limitations:**
a. The Airport Transitional Zones are the areas beneath the transitional surfaces of the airport runways as further defined herein.

b. The height limitations for the Airport Transitional Zone height limitation is established by an imaginary surface that slopes one foot upward for each seven (7) feet outward, beginning at the sides of, and, at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping one foot upward for each seven (7) feet outward beginning at the sides of, and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway Airport Approach Zone for runways 17R-35L and 17L-35R at the Industrial Airport and for runway 17-35 at the Executive Airport projects beyond the Airport Conical Zone, there are established height limits sloping one foot upward for each seven (7) feet outward beginning at the sides of, and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at a 90 degree angle to the extended runway centerline.

c. The imaginary surface for the Airport Transitional Zone for the Executive Airport helipad slopes one foot upward for each two (2) feet outward, beginning at the side of, and at the same elevation as the primary surface and the He!ipad Approach Zone, and the Airport Transitional Zone for the Executive Airport helipad extends a distance of 250 feet measured horizontally from and at 90 degree angles to the primary surface centerline and Helipad Approach Zone centerline.

3. Airport Horizontal Zone, AH, and Height Limitations:

a. The Airport Horizontal Zone is established by swinging arcs of five thousand feet (5,000') radii for all runways designated utility or visual and ten thousand feet (10,000') for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The Airport Horizontal Zone does not include the Airport Approach Zones or the Airport Transitional Zone.

b. The Airport Horizontal Zone height limitation is established at 150 feet above the established airport elevation.

4. Airport Conical Zone, AC and Height Limitations:

a. The Airport Conical Zone is established as the area that commences at the periphery of the Airport Horizontal Zone and extends outward therefrom a horizontal distance of 4,000 feet.

b. The Airport Conical Zone height limitation is established by an imaginary surface that slopes one foot upward for each twenty (20) feet outward beginning at the periphery of the Airport Horizontal Zone and at one hundred fifty feet (150') above the established airport elevation and extending to a height of three hundred fifty feet (350') above the airport elevation.

C. Exceptions to Height Limitations: Nothing in this Article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 75 feet above the surface of the land.
D. Permits in Airport Height Hazard Zone:

1. Future Uses: Except as specifically provided in Section 9(D)(1)(a), (b), and (c) which follow this paragraph, no new structure or use may be constructed or otherwise established in any zone designated by Section 9 of this Article unless a permit therefor shall have been applied for and granted by the County. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particulars for the County to determine whether the resulting use or structure would conform to the regulations in this Article. If such a determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of the regulations in this Article shall be granted unless a variance has been approved as provided for in Section 13 of this Article.

a. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any structure less than seventy-five (75) feet of vertical height above the ground, except when such structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such approach zones.

b. In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any structure less than seventy-five (75) feet of vertical height above the ground, except when such structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transitional zones.

c. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

Nothing contained in any of the foregoing exceptions [Section 9(D)(1)(a), (b), and (c)] shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Article except as set forth in Section 9(C) above. Furthermore, any permit or variance granted pursuant to the regulations in this Article, may, if such action is deemed advisable to effectuate the purpose of this Article and to be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Johnson County Airport Commission, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

2. Existing Uses: No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was on the effective date of the regulations in this Article, or any amendments thereto, or than it was when the application for a permit was made. Except as provided herein, all applications for permits for uses which conform to the regulations in this Article shall be granted. (See also Section 12, Nonconforming Uses).

Section 10. LAND USE ZONES:

A. Prohibited Development and Land Use Characteristics: Notwithstanding any other provision to the contrary contained within this Article, no use may be made of land or water within the Land Use Zones which would in any manner:
1. Create electrical or electronic interference with navigational signals or radio or radar communication between the airport(s) and aircraft;

2. Make it difficult for pilots or aviation operations personnel of the control tower to distinguish between airport lights and other lights;

3. Result in glare in the eyes of pilots using the airport(s) or the eyes of aviation operations personnel of the control tower;

4. Impair visibility with respect to aviation operations in the vicinity of the airport(s);

5. Endanger or interfere, in any other way, with the landing, takeoff, or maneuvering of aircraft;

6. Create bird strike hazards or promote large population concentrations of birds; or

7. Emit or discharge smoke, steam or fog that would impair visibility with respect to aviation operations at the airport(s) or in the vicinity thereof in any manner which would interfere with the health and safety of pilots and the public in the use of the airport.

B. Minimum Performance Standards: The following minimum standards and specifications shall apply for all land uses within the Airport Land Use Zone:

1. Lighting and Glare: All lights, illumination, or glare resulting from any lighting of streets, parking areas, signs or use of land and structures shall be arranged and operated in such a manner that is not misleading or dangerous to aviation operations at the airport(s) or within the vicinity thereof. Except when lighting must be otherwise installed or operated for proper aviation operations at the airport(s) or within the vicinity thereof, all lights shall be so installed and operated to prevent glare and deflect illumination from residential developments, streets and the aircraft flight paths normally used by aircraft arriving at or departing from the airports.

2. Fire and Explosion Hazards: All activities involving the storage of inflammable and explosive materials, where permitted, shall be provided with adequate safety devices to guard against the hazard of fire and explosion, and with adequate fire-fighting and fire suppression equipment and devices standard in the industry. All such activities shall meet or exceed the minimum requirements imposed by the Uniform Fire Code as adopted by Johnson County.

3. Burning: Burning of waste materials in open fires shall be prohibited within the Airport Land Use Zone unless otherwise authorized by law, and shall be subject to such reasonable conditions as may be prescribed in each case. Compliance with the relevant provisions of Kansas Administrative Regulations 28-19-45, 28-19-46, and 28-19-47 and local laws and regulations shall also be required.

4. Electrical Disturbance: No electrical disturbance or activities shall be permitted which would interfere with or disrupt the reliable and effective use of communications or navigation equipment normally used for aircraft operations at the airport(s) or in the vicinity thereof. No electrical or other disturbance resulting from radio or television transmission or the operation of electrical, electronic, electro-magnetic equipment or devices shall be tolerated which affects adversely the operation at any point in the
Airport Land Use Zones of any equipment other than that of the creator of such disturbance.

5. Optical or Electro-magnetic Reflections: Buildings and structures shall be designed, constructed and operated to prevent hazardous reflection of Lighting and Glare or Electrical Disturbance effects at or near the airports.

6. Smoke, Fly Ash, Fumes, Vapors, Gases, and other forms of Air Pollution: No emission shall be permitted at any point in the Airport Land Use Zones which exceeds those standards established in any applicable local, state, and federal air pollution regulations.

C. Primary Flight Corridor Areas.

1. Establishment of Primary Flight Corridor Areas: There are hereby established two primary flight corridor areas for each runway within the Airport Land Use Zones as shown on the Zoning Map.

a. The Primary Flight Corridor Areas for the Executive Airport extend outward from both ends of Runway 17-35 and from the south side of the airport helipad as follows:

1) The Primary Flight Corridor Area for Runway 17-35 is an open strip of land 500 feet wide located along and centered on the extended centerline of the runway. This Primary Flight Corridor Area extends both north and south of the airport to the distances shown on the Zoning Map, and the area serves as the normal approach/departure flight path for aircraft using Runway 17-35. Within the Primary Flight Corridor Area for Runway 17-35 there are two Primary Flight Corridor Subareas as follows:

a). Primary Flight Corridor Subarea A: Limited Development and Uses Area is:

1)) that portion of the Primary Flight Corridor Area for Runway 17-35 which lies north of the runway but south of 143rd Street as shown on the Zoning Map, and

2)) that portion of the Primary Flight Corridor Area for Runway 17-35 which lies south of the runway but north of Coffee Creek as shown on the Zoning Map.

b). Primary Flight Corridor Subarea B: Limited Development Area is that portion of the Primary Flight Corridor Area for Runway 17-35 which lies south of the runway and south of Coffee Creek but north of 175th Street as shown on the Zoning Map.

2). The other Primary Flight Corridor Area for the Executive Airport Helipad is an open strip of land 500 feet wide centered on and south of the helipad. This Primary Flight Corridor Area for the Executive Airport Helipad is east of and parallel to Runway 17-35, it extends south from the helipad to the distance shown on the Zoning Map, and it serves as the normal approach/departure flight path for aircraft using the helipad. This Primary Flight Corridor Area
for the Executive Airport Helipad is a Primary Flight Corridor Subarea A: Limited Development and Uses Area.
b. The Primary Flight Corridor Areas for the Industrial Airport extend outward from both ends of Runway 17R-35L and Runway 17L-35R. Each Primary Flight Corridor Area is located along and centered on the extended centerline of the respective runway. These Primary Flight Corridor Areas extend both north and south of the airport to the distances shown on the Zoning Map, and the Primary Flight Corridor Areas serve as the normal approach/departure flight path for aircraft using any of the runways. Within these Primary Flight Corridor Areas, three Subareas are defined and established: Primary Flight Corridor Subarea A: Limited Development and Uses Area, Primary Flight Corridor Subarea B: Limited Development Area, and Primary Flight Corridor Subarea C: Development of Compatible Uses Area.

1). The Primary Flight Corridor Area for Runway 17R-35L is an open strip of land one thousand (1,000) feet wide. Within the Primary Flight Corridor Area for Runway 17R-35L there are defined and established two Primary Flight Corridor Subareas as follows:

a). Primary Flight Corridor Subarea A: Limited Development and Uses Area is:

1)) that portion of the Primary Flight Corridor Area for Runway 17R-35L which lies north of the runway and north of 151st Street as shown on the Zoning Map, and

2)) that portion of the Primary Flight Corridor Area for Runway 17R-35L which lies south of the runway and south of 183rd Street as shown on the Zoning Map.

b). Primary Flight Corridor Subarea C: Development of Compatible Uses Area is:

1)) that portion of the Primary Flight Corridor of Runway 17R-35L which lies north of the runway and south of 151st Street as shown on the Zoning Map, and

2)) that portion of the Primary Flight Corridor of Runway 17R-35L which lies south of the runway and north of 183rd Street as shown on the Zoning Map.

2). The Primary Flight Corridor Area for Runway 17L-35R is an open strip of land five hundred (500) feet wide. Within the Primary Flight Corridor Area for Runway 17L-35R there are defined and established three Primary Flight Corridor Subareas as follows:

a). Primary Flight Corridor Subarea A: Limited Development and Uses Area is:

that portion of the Primary Flight Corridor Area for Runway 17L-35R which lies north of the runway and south of 143rd Street as shown on the Zoning Map,

b). Primary Flight Corridor Subarea B: Limited Development Area is:

1)) that portion of the Primary Flight Corridor of Runway 17L-35R which lies north of the runway and north of 143rd Street as shown on the Zoning Map, and
2) that portion of the Primary Flight Corridor of Runway 17L-35R which lies south of the runway and at least one thousand (1,000) feet south of 175th Street as shown on the Zoning Map.

c). Primary Flight Corridor Subarea C: Development of Compatible Uses Area is that portion of the Primary Flight Corridor Area which lies south of the runway and which is not more than one thousand (1,000) feet south of 175th Street.

2. Primary Flight Corridor Area Use Restrictions: Due to the increased noise impacts and the increased potential for aircraft accidents within the Primary Flight Corridor Areas, the use of land in the Primary Flight Corridor Areas is restricted to the following uses, but only if the following uses also are permitted by the underlying zoning district:

a. Primary Flight Corridor Subarea A: Limited Development and Uses Area. The Johnson County Executive Airport Comprehensive Compatibility Plan identifies land areas adjacent to Primary Flight Corridor Subarea A as areas for park/open space uses and for airport rural residential densities. The Johnson County Industrial Airport Comprehensive Compatibility Plan identifies land areas adjacent to Primary Flight Corridor Subarea A: Limited Development and Uses Area as an area for airport rural residential densities, airport estate residential densities, and for medium-density residential uses. Due to the noise sensitivity of residential uses and the potential for land use compatibility conflicts if there are high concentrations of persons within this area, the use of land within the Primary Flight Corridor Subarea A: Limited Development Area is restricted to the following uses, but only if the following uses also are permitted by the underlying zoning district:

1). Development and uses allowed by the underlying base zoning whether on existing or new lots and including residential uses;

2). General agricultural uses except feed lots or other agricultural uses which have the potential to attract substantial quantities of birds;

3). Conservation areas or open space or any combination thereof;

4). Public or private parks, golf courses, or similar or natural recreation areas;

5). Cemeteries;

6). Landscape nurseries for the raising or storage of plant materials but not including greenhouses or retail uses within the corridor;

7). Public utility local distribution or transmission facilities necessary for public service;

8). Open storage area for personal property such as boats and travel trailers;

9). Off-street parking lots; and

10). Drainageways without new permanent impoundments.
b. Primary Flight Corridor Subarea B: Limited Development Area. The Johnson County Executive Airport Comprehensive Compatibility Plan identifies land areas adjacent to Primary Flight Corridor Subarea B as areas for park/open space uses and for low-density residential and airport rural residential densities. The Johnson County Industrial Airport Comprehensive Compatibility Plan identifies land areas adjacent to Primary Flight Corridor Subarea B as areas for park/open space uses and for low-density residential, medium-density residential and airport estate residential densities. Due to the noise sensitivity of residential uses and the potential for land use conflicts if there are high concentrations of persons within this area, the use of lands within Primary Flight Corridor Subarea B: Limited Development Area is restricted to the following uses, but only if the following uses also are permitted by the underlying zoning district:

1). Planned Cluster Developments for uses and densities consistent with the Johnson County Executive Airport Comprehensive Compatibility Plan and the Johnson County Industrial Airport Comprehensive Compatibility Plan. Such Planned Cluster Developments shall:

a). place any new dwellings outside the Primary Flight Corridor Area wherever possible,

b). not result in uses which concentrate more than one hundred (100) persons in the Primary Flight Corridor Subarea B at any one time,

c). result in the Noise Attenuation Construction Standards in Section 11 of this Article being satisfied for any new dwellings, and

d). result in the provisions of Subsection E of Section 14 of this Article which contains the special subdivision regulations for the Executive Airport Interest Area and the Industrial Airport Interest Area being satisfied for any new subdivisions.

2). Uses permitted in Primary Flight Corridor Subarea A also are permitted in Primary Flight Corridor Subarea B.

c. Primary Flight Corridor Subarea C: Development of Compatible Uses Area. The Johnson County Industrial Airport Comprehensive Compatibility Plan identifies the Primary Flight Corridor Subarea C: Development of Compatible Uses Area as an area for general commercial and airport industrial park uses. Nonresidential uses are generally less sensitive to aircraft noise impacts and are therefore determined to be more compatible with airport operations. However, concentrations of persons within this area remains a primary concern when evaluating proposed urban development within Primary Flight Corridor Subarea C. Nonresidential development and uses are permitted within Primary Flight Corridor Subarea C if nonresidential development and uses also are permitted by the underlying zoning district and if the development and uses fully comply with the following restrictions:

1). Compliance with the Noise Attenuation Construction Standards contained in Section 11 of this Article shall be required for all structures as therein defined that develop in the Primary Flight Corridor Subarea C: Development of Compatible Uses Area.
2). Nonresidential uses are permitted in Primary Flight Corridor Subarea C: Development of Compatible Uses Area as permitted by the underlying zoning district. However, special design standards shall be applied to site development plans reviewed with respect to the regulations in this Article. The purpose of the special design standards is to achieve, to the greatest extent possible, site layouts which place open space or only very low-density uses in the most critical locations which are generally those areas of highest aviation activity. Compliance with the special design standards therefore is intended to minimize concentrations of persons in areas of highest aviation activity. For example, compliance with these special design standards could result in the use of Primary Flight Corridor Subarea C for accessory site uses such as off-street parking lots, drainage and open space areas, outdoor storage areas, and the like.

3). The following uses are encouraged within Primary Flight Corridor Subarea C, as permitted by the underlying zoning district:
   a). General agricultural uses except feed lots or other agricultural uses which have the potential to attract substantial quantities of birds;
   b). Conservation areas or open space or any combination thereof;
   c). Public or private parks, golf courses, or similar or natural recreation areas;
   d). Cemeteries;
   e). Landscape nurseries for the raising or storage of plant materials but not including greenhouses or retail uses within the corridor;
   f). Public utility local distribution or transmission facilities necessary for public service;
   g). Warehousing including building(s) for commercial storage of personal property;
   h). Outdoor storage of equipment, automobiles, machinery, building materials, contractor’s equipment storage yards;
   i). Open storage areas for commercial or private storage of personal property such as boats and travel trailers;
   j). Rail or trucking freight terminal;
   k). Off-street parking lots; and
   l). Drainageways without new permanent impoundments.

3. Planned Cluster Development: Planned Cluster Development which clusters or concentrates buildings outside the Primary Flight Corridor Areas is encouraged and permitted for parcels of land which are in or partially in a Primary Flight Corridor Area. Planned Cluster Development of such parcels of land:
a. shall allow buildings, structures and uses permitted by the underlying zoning district(s) to be clustered or concentrated outside the Primary Flight Corridor Areas;

b. shall also allow buildings, structures and uses consistent with Section 10(C)(2) on the portion(s) of the parcel of land in a Primary Flight Corridor Area;

c. shall retain the required open space and limited development character in the Primary Flight Corridor Areas by clustering or concentrating buildings on a smaller land area outside the Primary Flight Corridor Areas, by reducing the area of individual lots, and by alternate bulk requirements than those of a conventional development or subdivision; and

d. shall not result a greater net density (number of lots or total building square footage) with respect to the entire parcel of land than would be allowed by development of the entire parcel without clustering or concentrating the buildings outside the Primary Flight Corridor Areas.

Planned development and Planned Cluster Development proposals shall be reviewed and processed pursuant to the following review procedures (Subsection D) of this Section, and in accordance with the Johnson County Zoning and Subdivision Regulations applicable for planned development and for cluster development.

D. Review Procedures and Issuance of Permits:

1. Application: The review procedures contained within this Subsection and diagrammed in Exhibit J herein shall apply and be utilized by the County as a supplementary part of its prescribed zoning and land use regulation procedures for the following types of zoning and land use development activities which occur or are proposed within the Overlay District, including all airport-owned property located within the joint-review area as shown on Exhibit I herein:

a. Zoning and rezoning applications;

b. Conditional use permit applications;

c. Subdivision plat proposals; and

d. Development and/or site plans for any multi-family residential development of four or more dwelling units per building or any non-residential development.

2. Administrative Review:

a. Generally: Written notices of all zoning and land use development activities listed in Section 10(D)(1) above shall be provided as follows:

1). For all unincorporated areas, including airport-owned properties located within the unincorporated county: the Johnson County Planning Office shall provide written notice to the Johnson County Airport Commission, and to the Planning Department of the applicable nearby city or cities (the City of Gardner, the City of Olathe and/or the City of Overland Park); and
2). For all incorporated areas, including airport-owned properties located within any incorporated area: the City of Gardner, the City of Olathe Planning Department or the City of Overland Park Planning and Research Department, as applicable, shall provide written notice to the Johnson County Airport Commission and to the Johnson County Planning Office.

The review procedures contained within this Subsection may be further implemented through mutually-agreed upon departmental procedures established by the affected jurisdictions hereto. Said procedures may be supplementary to the review procedures established herein, but shall not, in any instance, supersede or nullify the review procedures established within this Subsection. In the event of a conflict, either real or apparent, between such supplementary departmental procedures and the regulations contained within this Subsection, the regulations contained within this Subsection shall control.

b. Jurisdictional Notice:

1). The Johnson County Planning Office, upon receipt of any zoning or land use development proposal or application as defined under Subsection D (1) above, shall provide written notice and copies of all relevant documentation within seven (7) days of their receipt, to the Johnson County Airport Commission (hereinafter referred to as the "airport commission") and to the Planning Department of the nearby city or cities, the City of Gardner, the City of Olathe and/or the City of Overland Park (hereinafter referred to as the "city"). The written notice shall be sent by Certified Mail, Return Receipt Requested, and the notice shall invite and seek to obtain city review and comment regarding said proposals or applications;

2). The airport commission and the city shall submit their comments to the Johnson County Planning Office within five (5) working days after receipt of the notice and documentation. Failure on the part of the reviewing jurisdiction(s) to provide comments within this time frame shall indicate their concurrence with said proposal or application;

3). The Johnson County Planning Office shall incorporate any such comments and recommendations received on the proposal or application within its review and shall include them in the official record related thereto;

4). The Johnson County Planning Office shall provide to the airport commission and the city a full and complete copy of its comments or recommendations upon the proposal or application at least seven (7) days prior to the applicable zoning board meeting at which official consideration or action would be expected to be initiated;

5). The airport commission and the city shall notify the Johnson County Planning Office in writing, within three (3) days of receipt of the Planning Office's comments or recommendations, of any conflict or dispute related to the recommendations on the proposal or application;

6). If no conflict or dispute is identified throughout this review procedure, Johnson County may proceed to take final action on the proposal or application through its regular review procedures, including as exhibits to the staff reports all comments submitted by the airport commission or the city;
7). Upon receipt of any notice of conflict or dispute from the airport commission or the city, Johnson County shall refrain from any official consideration or official action upon the proposal or application until representatives of the Johnson County Planning Office, the airport commission, and the city have met to discuss resolution of the conflict or dispute. Said meeting shall be held within thirty (30) days following the receipt of notice of conflict or dispute;

8). In the event the conflict or dispute cannot be resolved through mutually acceptable recommendations at the staff level, then the Johnson County Planning Office shall submit the joint review comments and recommendations to the applicable zoning board for consideration and action. All comments received from the airport commission or the city shall be included as exhibits to the staff reports; and

9). In the event the conflict or dispute cannot be resolved through mutually acceptable recommendations at the zoning board level, then all statements of objection and recommendations submitted by the airport commission or the city shall be included as exhibits to the staff reports and shall be made a part of the official record on the proposal or application. The proposal or application shall then be submitted to both the Johnson County Board of County Commissioners and to the governing body for the city for final approval or denial. Both governing bodies must approve the proposal or application in order for said proposal or application to be granted; denial of a proposal or application by either of the governing bodies shall render said proposal or application denied. The two governing bodies shall take action on the proposal or application within thirty (30) days of each other.

10). In the event the governing bodies of the County and the reviewing jurisdiction(s) are unable to agree upon the proposal or application, then the following alternate dispute resolution procedure may be followed:

a). The Board of County Commissioners shall select one person, who shall possess land use knowledge and experience, as their nominee.

b). The governing body (bodies) of the reviewing jurisdiction(s) shall select one person, who shall possess land use knowledge and experience, as their nominee.

c). The Administrative Judge of the Johnson County District Court shall select one person, who shall possess land use knowledge and experience, as his or her nominee.

d). The three member dispute resolution panel shall convene within thirty (30) days from the decision of either the County or the reviewing jurisdiction's decision, whichever is later in time, to hear and decide the matter.

e). The final decision of the panel shall be binding upon the parties to the Interlocal Cooperation Agreement for Airport Area Planning, Zoning and Subdivision Control.

11). The attached Exhibit J shall serve, by way of example, as a procedural diagram of the review and comment process.
3. Issuance of Permits: Permits for land uses or developments which have been approved pursuant to this Article shall be issued by the Director of the Johnson County Planning Office. No permit for a land use which is inconsistent with any provision of this Article shall be granted unless a variance has been approved as provided for in Article 3 of these Regulations.
EXHIBIT J
DIAGRAM OF AIRPORT AREA ZONING, CONDITIONAL USE PERMIT, SUBDIVISION PLAT AND DEVELOPMENT PLAN OR SITE PLAN REVIEW & COMMENT PROCEDURES

START
Johnson County Planning Office receives application for applicable zoning/land use activity within Airport Interest Area.

Johnson County Planning Office provides notice and copies of all relevant documentation to the Airport Commission and to the City Planning Department(s) within seven (7) days of receipt for their review and comment.

Within five (5) working days after receipt of the notice and documentation, the Airport Commission and City shall submit any and all comments or recommendations to the Johnson County Planning Office.

The Johnson County Planning Office:
- shall incorporate the comments and recommendations within their review procedures and shall include them in the official record related to that proposal or application, and
- shall provide to the Airport Commission and the City a full and complete copy of its comments or recommendations upon the proposal or application at least seven (7) days prior to their submittal to the applicable zoning board for any official consideration or action.

The Airport Commission and City shall provide written notice of any conflict or dispute about the comments or recommendations from the Johnson County Planning Office within three (3) days of receipt of those comments or recommendations on the proposal or application.

The Johnson County Planning Office, upon receipt of any notice of conflict or dispute, shall refrain from any official consideration or action upon the proposal or application until representatives of the Airport Commission and the City meet to discuss resolution of the conflict or dispute. Said meeting shall be held within thirty (30) days following receipt of the written notice of conflict or dispute.

Is conflict or dispute resolved?

Yes

The Johnson County Planning Office shall submit the joint review comments and recommendations to the Johnson County Board of County Commissioners and to the governing body of the City for final action. Both governing bodies must approve the proposal in order for said proposal to be granted; denial by either body shall render the proposal denied. The two governing bodies shall take action on the proposal within thirty (30) days of each other.

No

- If the conflict or dispute cannot be resolved through mutually acceptable recommendations at the staff level, then the Johnson County Planning Office shall submit the joint review comments and recommendations to the applicable zoning board for consideration and action. Comments received from the Airport Commission and City shall be included as exhibits to the staff reports.

- If the conflict or dispute cannot be resolved through mutually acceptable recommendations at the zoning board level, then statements of objection and recommendations submitted by the Airport Commission and City shall be included as exhibits to the staff reports and shall be made a part of the official record on the proposal. The proposal shall then be submitted to both the Johnson County Board of County Commissioners and to the governing body of the City for final action. Both governing bodies must approve the proposal in order for said proposal to be granted; denial by either body shall render the proposal denied. The two governing bodies shall take action on the proposal within thirty (30) days of each other.

- Appeals from a decision made by either the Johnson County Board of County Commissioners or the governing body for the City shall be processed pursuant to the appellate procedures established in Section 10, (3)(2)(b)(10) of this Article.

End
EXHIBIT K
Noise Impact Area

65 Ldn Noise Contour
60 Ldn Noise Contour
Airport Interest Area Boundary
Section 11. NOISE ATTENUATION CONSTRUCTION STANDARDS:

Attenuation of noise, or outdoor to indoor Noise Level Reductions (NLR) by blocking noise paths or by use of other soundproofing measures, can reduce the impacts of aircraft noise on Noise Sensitive Land Uses. It should be noted, however, that while compliance with the NLR criteria required in this Section will reduce noise impacts, compliance will not eliminate, nor is it intended to eliminate, all indoor or outdoor noise problems resulting from outdoor noise sources.

In the Noise Impact Area of the Overlay District identified and shown in Exhibits K and L herein, if any building(s) or any portion(s) of any building(s) as follows are regularly occupied by humans more than four (4) hours per day with respect to Noise Sensitive Land Uses, compliance with the Noise Attenuation Construction Standards designated herein shall be required for:

1. all new building(s) or portions thereof;

2. all addition(s) to any building(s) which existed before the adoption of the regulations in this Article; and

3. all building(s) which existed before the adoption of the regulations in this Article if alteration(s), repair(s) or renovation(s) costing more than fifty percent (50%) of the market value of the building immediately prior to the alteration(s), repair(s) or renovation(s) are undertaken.

The Director shall determine whether the proposed alteration(s), repair(s) or renovation(s) would cost more than fifty percent (50%) of the market value of such building(s). The determinations shall be made with respect to evidence from the tax appraisal records, the estimated cost(s) of the proposed alteration(s), repair(s) or renovation(s), and, if necessary for an accurate determination, with respect to evidence from qualified, independent, third-party real estate appraisals and evidence from qualified, independent, third-party estimates of the construction cost(s).

Furthermore, the Noise Attenuation Construction Standards contained herein are strongly recommended, although not required, throughout all other areas of the Overlay District.

The above identified types of buildings, structures, or portions thereof shall be provided with acoustical treatment at the time of construction which is capable of providing a Noise Level Reduction (NLR) of a total of thirty (30) decibels. For comparative purposes, normal construction standards can be expected to provide a NLR of 20-25 decibels.

This standard shall be met by the applicant submitting at the time of building permit application a verification statement by an acoustical engineer or other qualified professional engineer or architect that the design of the structure and the construction practices and materials of the structure will achieve the specified interior noise level reduction. The acoustical professional shall submit relevant information to permit the Director to verify that the proposed measures will achieve the interior noise level reduction standard.

Section 12. NONCONFORMING USES IN THE AIRPORT INTEREST AREAS:

A. Regulations Not Retroactive: The regulations prescribed in this Article shall not be construed to require the removal, lowering, or other change or alteration of any structure or
tree not conforming to this Article when adopted or amended, or otherwise interfere with the continuance of a such nonconforming use except as provided in Subsection C below.

B. Removal or Relocation of Poles and Lines: The County may require, upon thirty days notice in writing to any person, firm, association, or corporation owning and maintaining any nonconforming pole or pole line, upon the roads and highways immediately adjoining the airport(s) to remove, lower, change, or alter said nonconforming pole or pole line upon prior payment by the County, to said person, firm, association, or corporation of the reasonable and necessary expense of removing, lowering, changing, or altering said pole or pole lines; or in lieu thereof to execute good and sufficient bond with corporate surety thereon as security for the payment of the reasonable and necessary expense of removing, lowering, changing, or altering such pole or pole lines. Reasonable and necessary expense of removing, lowering, changing, or altering said pole or pole lines shall include, among other items of expense, the actual cost of: 1) constructing underground conduits and the construction of such wires and equipment in such conduits, and 2) rerouting wires together with the poles, cross arms and other equipment connected thereto, together with the cost, if any, of new right-of-way made necessary by such rerouting. Johnson County shall not be held to be responsible for payment for the removal or relocation of poles and lines, if said costs have been previously addressed through franchise agreement.

C. Termination of Nonconforming Uses in the Airport Interest Areas:

1. Abandonment: Where there has been a discontinuance of a nonconforming use for a period of one (1) year, or where there has been an express acknowledgement by the property owner that the use has in fact been abandoned, regardless of the time period involved, then said nonconforming use shall be considered abandoned, and such nonconforming use shall not thereafter be used.

2. Partial Destruction: Any nonconforming use which as a result of fire, explosion, or other casualty, has been damaged to the extent of more than fifty percent (50%) of its value immediately prior to damage, shall thereafter be terminated, and any new construction, repair, alteration, and/or renovation shall be in accordance with the regulations in this Article.

3. Change of Nonconforming Use: Whenever a nonconforming use has been changed to a more restrictive or conforming use, such previously existing nonconforming use shall not thereafter be allowed.

4. Nonconforming Use Not to be Expanded: Any existing nonconforming use, structure or tree shall not be expanded so as to permit it to be made or become higher or become a greater hazard to air navigation than it was when the regulations contained herein were adopted or than it was when the application for a permit was made.

Section 13. HAZARD MARKING AND LIGHTING:

In granting any permit or variance under this section, Johnson County may, if it deems such action advisable to effectuate the purposes of the regulations in this Article and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the County, at its own expense, to install, operate, and maintain such markers and lights as may be necessary to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards.

Section 14. SPECIAL SUBDIVISION REGULATIONS FOR AIRPORT INTEREST AREAS:
A. Purpose and Intent: The subdivision regulations contained herein are intended to supplement the subdivision regulations of the County and to provide for the orderly growth and compatible development of land within the Airport Interest Area of the Executive Airport Area Overlay District and within the Airport Interest Area of the Industrial Airport Area Overlay District, (hereinafter referred to as the, "Overlay District") in accordance with the policies established in the Johnson County Executive Airport Comprehensive Compatibility Plan and the Johnson County Industrial Airport Comprehensive Compatibility Plan.

B. Applicability and Exemptions: Any plat or subdivision of land, or any part thereof which is located within the Airport Interest Area shall be prepared, presented for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, or parcel of land into two (2) or more lots, tracts, or other divisions of land, including the resubdivision or replatting of land, except that the regulations in this Article shall not apply to any subdivisions or splits of land explicitly excepted from the subdivision regulations of the County.

C. Procedures for Plat Approval:

1. General Procedures: Any landowner or their agent desiring to subdivide property shall follow the general procedures for subdivision approval as prescribed by the subdivision regulations of the County, except that the following special review procedures shall also apply due to the multiple jurisdictional interests of the Airport Interest Area.

2. Application: The review procedures specified in Section 10 (D) of this Article shall apply and be utilized by Johnson County as a supplementary part of its prescribed subdivision procedures for all subdivision plats subject to the provisions contained in Section 14 (B) of this Article and which occur or are proposed within the Airport Interest Area, including all airport-owned property.

D. Design Standards/Improvements: All subdivisions of land located within the Airport Interest Area subject to the regulations contained herein shall conform to the minimum design standards and improvements prescribed by the subdivision regulations of the County, unless governed by any regulations contained herein which shall control. Further, all subdivision of land located within the Airport Interest Area subject to the regulations contained herein shall be subject to all special requirements as established in Section 14 (E) of this Article.

E. Special Requirements: In addition to the requirements, standards, improvements, and limitations imposed by the subdivision regulations in other Articles of these regulations, the following special requirements shall also apply to all subdivisions of land within the Airport Interest Area:

1. Avigation Easements: A permanent avigation easement shall be provided for all land within the Airport Interest Area which is subdivided pursuant to the regulations in this Article. A statement shall be placed on the final plat dedicating said avigation easement to the County, and granting the right of avigation over the property.

2. Filing of Affidavit of Interest and Plat Notation: In conjunction with the recording with the Johnson County Register of Deeds any subdivision plat approved pursuant to the regulations in this Article, the owner of the property shall also prepare and record with the Johnson County Register of Deeds a written notice stating:
a. that the property within the subdivision is located within the Airport Interest Area of the Airport Overlay District and is subject to overflight, sight, and sound of aircraft operating from the Johnson County Executive Airport or the Johnson County Industrial Airport as applicable with respect to the Airport Interest Area and Airport Overlay District in which the property in question is located, and

b. that certain restrictions have been placed on the development and use of property within the Airport Interest Area of the Airport Overlay District area which are in addition to the restrictions contained in the other requirements of these regulations.

Further, a statement providing the same notice shall be placed on the final plat.

3. Compliance with the Overlay District Zoning Regulations: All subdivision plats subject to the provisions of the subdivision regulations in Section 14 of this Article shall conform to all applicable provisions of the Overlay District Zoning Regulations in this Article. No final approval of any plat shall be granted by any governing body unless it complies with the aforementioned zoning regulations.

4. Special Restrictions: No building permit shall be issued for any building or improvement on any lot, tract, or parcel of land located within the Airport Interest Area until all requirements of the subdivision regulations in Section 14 of this Article, and of the Overlay District Zoning Regulations in this Article, have been met.

Section 15. ADMINISTRATION:

A. Enforcement: It shall be the duty of the Director to administer and enforce the regulations in this Article. Violations of these regulations are subject to Article 6 of these regulations.

B. Interpretations: In the event an administrative interpretation of the regulations in this Article is necessary, said interpretation shall be made by the Director or such person's designee such that the result will not be contrary to the spirit, intent, and purpose of the regulations in this Article. The interpretation with regard to the zoning regulations in this Article may include the classification of uses which are not specifically listed as a permitted or conditional use in the underlying zoning district, and those not included as a prohibited use by Section 10 of this Article, or of the appropriate zoning procedures for said proposed use. If it is determined by said Director that the interpretation could constitute a significant departure from the normal interpretational decisions typically made by the Director, then the Director shall notify the Directors of all affected jurisdictions which are a party to the regulations in this Article, including the Executive Director of the Airport Commission, informing them of said interpretation. The Director of any affected jurisdiction, including the Executive Director of the Airport Commission, may appeal said interpretation through the appeals procedures established in Section 10, (D)(2)(b)(10) of this Article.

C. Amendments: Amendments to the regulations in this Article may be proposed by any affected jurisdiction which is a party to the Airport Vicinity Overlay Districts and Zones regulations. If an amendment is initiated by Johnson County, the amendment shall be processed in the manner prescribed in Article 4 of these regulations and in accordance with all regulations contained therein. The Johnson County Planning Commission shall make a recommendation to the Johnson County Board of County Commissioners, who will then, after review and recommendation from the Johnson County Airport Commission and all
D. Variances and Rule Exceptions:

1. Variances from the zoning regulations in this Article. Any landowner desiring to erect or increase the height of any structure or permit the growth of any tree or otherwise use his property in violation of the airport zoning regulations in this Article, may apply for a variance from the regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations in this Article would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations. Any variance may be allowed subject to any reasonable conditions that Johnson County may deem necessary to effectuate the purposes of the regulations in this Article. Such variances shall be processed in the manner prescribed in Article 3 of these regulations and in accordance with all regulations contained therein, with review and comment from the Johnson County Airport Commission and all other affected jurisdictions in the manner required by the regulations in this Article.

2. Rule Exceptions from the subdivision regulations in this Article. Any landowner may apply for a Rule Exception from the subdivision regulations in this Article in a case where a hardship caused by size, location or configuration of land, topography or other such factors affect a specific tract or subdivision or portion thereof. Said Rule Exceptions shall be processed in the manner prescribed in Article 27 of these regulations and in accordance with all regulations contained therein with review and comment from the Johnson County Airport Commission and all other affected jurisdictions.

E. Effective Date: The regulations in this Article and all exhibits hereto shall be in full force and effect from and after its adoption by all affected jurisdictions: the City of Gardner, Kansas, the City of Olathe, Kansas, the City of Overland Park, Kansas, and the County of Johnson, Kansas.

F. Recording of Notice of Overlay District zoning: Following the adoption of the regulations in this Article by the Johnson County Board of County Commissioners, the Johnson County Planning Office shall prepare and record notices for all unincorporated properties located within the Overlay District stating that the property is located within this special overlay district and is therefore, subject to certain restrictions which have been placed on the development and use of land within this Overlay District. The notice shall also state that the zoning of the property has been changed to include the Airport Interest Area suffix "AIA" designating the property's location within this Overlay District. The form attached hereto as Exhibit M shall serve as a model for said notice. A copy of said notice shall be sent to the property owner of record as of the effective date of these regulations by certified mail, return receipt requested.
EXHIBIT M

AFFIDAVIT OF INTEREST

Notice is hereby given by the filing of this affidavit of interest that the property addressed as ______________ and legally described as:

is located within the Airport Interest Area of the Executive Airport Overlay District or the Airport Interest Area of the Industrial Airport Overlay District (hereinafter referred to as "Overlay District") as adopted by the County of Johnson, Kansas. Pursuant to the property's location within the Airport Interest Area of one of the Airport Overlay Districts, the property is subject to certain restrictions which have been placed on the development and use of land within the Airport Interest Areas of the Airport Overlay Districts which are in addition to the restrictions contained within the Johnson County Zoning and Subdivision Regulations.

Due to its location within this Airport Interest Area of one of the Airport Overlay Districts, the designation "AIA" has been added as a suffix to the abbreviation of the underlying zoning district in which the property is currently zoned. This suffix designation indicates the property's location within the Airport Interest Area of either the Executive Airport Overlay District or the Industrial Airport Overlay District.

Further information regarding the above referenced land use restrictions of the Executive Airport Overlay District can be obtained by contacting the Johnson County Planning Office.
SECONDARY ENTRY TREATMENT

DESIGN GUIDELINES

Streetscapes

Typical Street Tree
Small Ornamental Trees
Large Deciduous Trees
Evergreen Trees
Entry Sign

Flowering Shrubs
Ground Cover/annuals

Textured Concrete Crosswalk

Left Turn Lane
MAJOR ENTRY TREATMENT

DESIGN GUIDELINES

Streetscapes

Typical Street Tree
Large Accenntu Tree
Flanking Shrubs
Monumental Entry Sign
Small Ornamental Tree
Ground Cover treatment

Laid Concrete Curbwork
Laid Concrete Medians

Left Turn Lane
DESIGN GUIDELINES

Streetscapes

TYPICAL LOCAL STREET PLAN VIEW

TYPICAL LOCAL STREET SECTION
ATTACHMENT D-1

EXAMPLE OF
PRE-APPROVED CONCEPT PLAN

EXPANSIONS TO EXISTING BUILDINGS
Attachment B-1

Screen Exterior Storage and Loading Areas

Property Line

30 ft. Rear Yard Setback

Employee Parking & Outside Storage

Future Expansion Area

Conceptual Plan - New Construction (*)

<table>
<thead>
<tr>
<th>Acreage of Site (Sq. Ft.)</th>
<th>Building Size (20%)</th>
<th>Building Max. (50%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 acre/43,560</td>
<td>8,712</td>
<td>21,780</td>
</tr>
<tr>
<td>2 acre/87,120</td>
<td>17,424</td>
<td>43,605</td>
</tr>
<tr>
<td>3 acres/130,680</td>
<td>26,136</td>
<td>65,340</td>
</tr>
<tr>
<td>4 acres/174,240</td>
<td>34,848</td>
<td>87,120</td>
</tr>
<tr>
<td>5 acres/217,800</td>
<td>43,560</td>
<td>108,900</td>
</tr>
<tr>
<td>10 acres/435,600</td>
<td>87,120</td>
<td>174,240</td>
</tr>
<tr>
<td>20 acres/871,200</td>
<td>174,240</td>
<td>435,600</td>
</tr>
</tbody>
</table>

* Fractional acreages or acreages not shown shall be allowed with building sizes based on the available acreage/square footage.

Note: Off-street parking, landscaping, screening, building size, etc. will be determined at Final Development Plan.

Johnson County Planning Office, April 21, 1995
ATTACHMENT D-2

EXAMPLE OF
PRE-APPROVED CONCEPT PLAN

NEW DEVELOPMENT
Attachment B-2
ATTACHMENT E

EXAMPLES OF LIGHT STANDARDS
LAMP: MODEL ASL W/ FS MOUNTING

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>WALKWAYS</td>
<td>175W MV LAMPS</td>
</tr>
<tr>
<td>PARKING</td>
<td>250W MV LAMPS</td>
</tr>
<tr>
<td>STREETS</td>
<td>400W MV LAMPS</td>
</tr>
</tbody>
</table>

SQUARE NON-TAPERED ALUM. POLE

COLOR: DARK BRONZE FINISH

SIMILAR TO:
CROUSE-HINDS SERIES ASL LUMINAIRE SYSTEM

TYPICAL LIGHT STANDARD FOR STREETS, WALKWAYS AND SMALL PARKING AREAS.
TYPICAL LIGHT STANDARD WITH METRO MODULE SYSTEM

(TO BE INSTALLED AT STREET INTERSECTIONS AND OTHER LOCATIONS WHERE APPROPRIATE INFORMATION IS NEEDED TO HELP IDENTIFY AND LOCATE AREAS IN THE PARK.)
ATTACHMENT F

EXAMPLES OF SIGNS
TYPICAL ENTRANCE SIGN TO BUILDING SITE

(INTERNALLY ILLUMINATED, BRIGHTNESS LEVEL 100-200 FT. LAM.)

.090" ALUMINUM SHEET W/ROUTED OUT LETTERS BACKED W/¼" WHITE ACRYLIC PLASTIC

TYPICAL HELVETICA MED. LETTER STYLE CAPS 6" HIGH L. CASE 4" HIGH

COLORS:
BASE LT. TAN
SIGN FRAME UMBER (DK. BRONZE)
SIGN BACKGROUND UMBER (DK. BRONZE)
GRAPHICS WHITE

Johnson County Industrial Airport

20 GA. STL. ENCLOSURE OVER STEEL FRAMING
CROSS SECTION DETAIL OF BUILDING IDENTIFICATION SIGN

- TWO-SIDED SIGN SYMMETRICAL ABOUT CENTER OF LUMINAIRE
- 20 GA. STEEL SIGN ENCLOSURE
- 20 GA. STEEL RETAINER
- NEOPRENE SEAL (BOTH SIDES — TYPICAL)
- LUMINAIRES (MAY RUN HORIZONTALLY OR VERTICALLY)
- PREFABRICATED SIGN
- .090" ALUMINUM SHEET W/ROUTED OUT LETTERS BACKED W/¼" WHITE ACRYLIC PLASTIC

Provide flush head anchors as required with neoprene washers for weather seal.

Provide weeps as req'd for water infiltration.
ATTACHMENT G

DEVELOPMENT PLAN MAP
ATTACHMENT H

STORMWATER DRAINAGE AREA

AND DETENTION FACILITIES MAP