

**The 2008  
Military Airport Zoning Ordinance  
for the  
Unincorporated Area of  
Johnson County, Missouri**

TITLE NO. JC 67.1210

*PUBLISHED BY*

**JOHNSON COUNTY AIRPORT ZONING COMMISSION**

**300 NORTH HOLDEN WARRENSBURG, MO 64093**

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**TABLE OF CONTENTS:**

ARTICLE I.		TITLE AND PURPOSE	
	Section 101	Title	4
	Section 102	Purpose	4
ARTICLE II.		RULES AND PURPOSE	
	Section 201	General Rules for Construction of Language	4
	Section 202	Definitions	4
ARTICLE III.		DISTRICTS	
	Section 301	Boundaries	6
ARTICLE IV.		APPLICABILITY	
	Section 401	General	7
ARTICLE V.		VARIANCE AND TEMPORARY USE PERMIT PROCEDURE	
	Section 501	Application for a Variance or Temporary Use Permit	7
ARTICLE VI.		NON-CONFORMING USES	
	Section 601	Continuing Existing Uses	8
	Section 602	Discontinuance of Legal	8
	Section 603	Non-Conforming Uses	8
	Section 604	Changes of Legal Non-Conforming Uses	9
ARTICLE VII.		ADMINISTRATION AND ENFORCEMENT	
	Section 701	Zoning Inspection and Enforcement	9
	Section 702	Military Airport Zoning Clearance	9
	Section 703	Concurrent or Conflicting Regulations	10
ARTICLE VIII.		BOARD OF ADJUSTMENT	
	Section 801	Creation and Membership	10
	Section 802	Powers and duties	10
	Section 803	Meeting and Rules	11
	Section 804	Appeals	11
	Section 805	Public Hearing	12
	Section 806	Limitations	12
	Section 807	Fees	12
ARTICLE IX.		AMENDMENTS	
	Section 901	Authority	12
	Section 902	Criteria	12
	Section 903	Amendments Initiated by Petition	13
	Section 904	Amendments Initiated by the Commission	13
	Section 905	Reconsideration of a Denied Petition	13
	Section 906	Fees	13
ARTICLE X.		VIOLATIONS AND PENALTIES	

	Section 1001	Rules and Procedures	13
ARTICLE XI.		GENERAL PROVISIONS	
	Section 1101	Applying General Provisions	14
	Section 1102	Additional Parcel Area and Dimension Regulations	14
	Section 1103	Additional Height Regulations	14
	Section 1104	Lots Divided by Zoning	14
	Section 1105	Population Density	14
	Section 1106	Disclosure Statements	15
	Section 1107	New Construction Concerns on Foundation and Sound Deadening	15
	Section 1108	Land Use Permitted	15
ARTICLE XII.		SEPARABILITY CLAUSE, REPEAL OF CONFLICTING ORDINANCES, EFFECTIVE DATE	
	Section 1201	Separability Clause	17
	Section 1202	Priority of Military Airport Zoning Ordinance	17
	Section 1203	Applicablication of other Ordinances and Laws	17
	Section 1204	Effective Date	18
		<b><u>APPENDIXES</u></b>	
	Appendix 1	Creation of Airport Zoning Commission	19
	Appendix 2	AZC Zoned Area Map	20
	Appendix 3	2004 AICUZ Aircraft Noise Decibal Level	21
	Appendix 4	2007 Whiteman AFB Height Restriction	22
	Appendix 5	AZC Land Use Permitted Zoning Map	23

## ARTICLE I. TITLE AND PURPOSE

### Section 101. Title

This Ordinance may be cited as “The 2008 Military Airport Zoning Ordinance for the Unincorporated Area of Johnson County”. It may also be referred to as title JC67.1210.

### Section 102. Purpose

The purpose of this Ordinance is to promote the public health and safety in the vicinity of military airports by minimizing exposure to crash hazards and high noise levels generated by military airport operations and to establish only the necessary restrictions to allow for the safe and secure daily activities of both the public and government. In establishing this ordinance the objective is to minimize encroachment to the military installation while also minimizing the impact on daily activities of both the public and government. These regulations are adopted pursuant to the authority conferred in Missouri State Revised statutes 41.655 and 67.1210.

## ARTICLE II. RULES AND DEFINITIONS

### Section 201. General Rules For Construction of Language

The words and terms in this Ordinance shall have their common and ordinary usage, except that certain words and terms shall have the meaning expressly stated below.

### Section 202. Definitions

For the purpose of this Ordinance, certain words are defined as follows:

1. Accident Potential Zone One means the area within a three thousand by five thousand foot rectangle having two of its sides parallel with, and one thousand five hundred feet from either side of, an extension of the center line of a runway running from three thousand to eight thousand feet from the midpoint of the end of the runway, as defined in the Air Installation Compatible Use Zone Report.
2. Accident Potential Zone Two means the area within a three thousand by seven thousand foot rectangle having two of its sides parallel with, and one thousand five hundred feet from either side of, an extension of the center line of a runway running from eight thousand to fifteen thousand feet from the midpoint of the end of the runway, as defined in the Air Installation Compatible Use Zone Report.

3. Agricultural Uses shall include the production of farm crops such as vegetables, fruit trees, cotton and grain, hay, and crop to include equipment storage on the area as well as the raising thereon of farm poultry and farm animals, such as chickens, horses, cattle, sheep, and swine. It shall not include Concentrated Animal Feeding Operations (CAFOs).
4. Air Installation Compatible Use Zone Report those published reports prepared by the Department of the Air Force examining, evaluating, and summarizing the aircraft operations at U.S. Air Force Bases with respect to the effects of noise and accident hazards.
5. Clear Zone means the area within a two thousand by three thousand foot rectangle having two of its sides parallel with, and one thousand feet from either side of, an extension of the center line of a runway running three thousand feet from the midpoint of the end of the runway as defined by the Air Installation Compatible Use Zone Report.
6. Commission the Airport Zoning Commission of Johnson County.
7. Concentrated Animal Feeding Operation (CAFO) describes agricultural operations where large numbers of animals are kept and raised in confined situations where feed is brought to animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland. These operations are further defined and governed by the United States Environmental Protection Agency and the Missouri Code of State Regulations 20-6.300 and the Revised Statutes of Missouri 261.105 as amended.
8. Day-Night Sound Level (Ldn) means the sound level during a twenty four (24) hour time period with a ten (10) decibel penalty applied to the equivalent sound level during the nighttime hours of ten o'clock pm to seven o'clock am.
9. Decibel means the physical unit commonly used to describe noise levels. NOTE: Noise exposure contours shown on AICUZ map represent the average, annual noise exposure due to all flight operations and are calculated to predict the perception of disturbance or annoyance to residence within these areas. Although such sound footprints are labeled as "Decibels" (e.g. 65dB, 70dB, etc.) these do not represent actual continuous sound pressures. No noises from Whiteman AFB aircraft are a hazard to hearing for those who are off-base nor are these levels above the normal range of human speech (50dB to 75dB).
10. Grandfathered means already existing facilities or businesses may continue operations after the enacting of this ordinance.
11. Height of Buildings the vertical distance from grade to the highest point of a flat, mansard, hip, gable or gambrel roof, or fixture thereto.

12. High Noise Levels means sound levels which equal or exceed that within the 65 Ldn noise contour line developed by the application of the day-night average sound level methodology of sound measurement (Ldn).
13. Human Occupancy shall mean and refer to any building or structure having overnight or longer living accommodations or that is intended for such use.
14. Ldn means the Day-Night Sound Level.
15. Military Airport means an airport operated by the United States and primarily used for military fixed-wing jet aircraft operations. Military Airport does not include any runway or airstrip not immediately adjacent to facilities primarily used for operational control, maintenance and permanent parking of aircraft.
16. Military Airport Zoning Clearance means the issuance of a permit or authorization by the Zoning Commission indicating that a proposed building, structure, or use of land meets all the regulations contained in this Ordinance.
17. Parcel: Any portion of land that is individually listed and described in the county's assessment records. A parcel must consist of all contiguous land owned by the same legal entity and of a single use within a section.
18. Runway means an artificially surfaced strip of ground designated and actively used at a military airport for the landing and takeoff of aircraft.
19. Severe Accident Potential refers to the level of crash hazard risk associated with the Clear Zone identified in the United States Air Force Air Installation Compatible Use Zone Report for the respective military airport.
20. Significant Accident Potential refers to the level of crash hazard risk associated with the Accident Potential Zone Two identified in the United States Air Force Air Installation Compatible Use Zone Report for the respective military airport.
21. Substantial Accident Potential refers to the level of crash hazard risk associated with the Accident Potential Zone One identified in the United States Air Force Air Installation Compatible Use Zone Report for the respective military airport.
22. Zoning Clearance means Military Airport Zoning Clearance.

### ARTICLE III. DISTRICTS

#### Section 301. Boundaries

For the purpose of this Ordinance, the boundaries of the area involved shall be delineated on official zoning maps maintained by Johnson County according to the defined standards of Missouri Revised State Statue Section 41.655, which are, three thousand feet outward

from the boundaries of any military base located in the county and the area within the perimeter of accident potential zones one and two.

#### ARTICLE IV. APPLICABILITY

##### Section 401. General

Nothing contained herein shall require any change or alteration in an already constructed or established building, structure, or use in existence at the time of the adoption or amendment of these regulations. These issues are considered "Grandfathered". These regulations are intended to regulate only the following action:

1. the erection, construction, use, or establishment of any new building of 500 square feet or more
2. the moving, use or relocation of any building or structure of 500 square feet or more, to a new site or new relocation
3. the change from one use to another of any building, structure, or land, or the reestablishment of a use after its discontinuance for a period of three (3) years or more.
4. the subdividing of land or construction of housing on acreages less than is prescribed by this ordinance.
5. the sale or purchase of property without disclosure

#### ARTICLE V. VARIANCE AND TEMPORARY USE PERMIT PROCEDURE

##### Section 501. Application For A Variance Or Temporary Use Permit

Application for any variance to the regulations of this Ordinance or for any temporary use permit shall be made to the Board of Adjustment. Variances or temporary use permits shall not be granted authorizing any residential uses or development intended for human occupancy. Permitted variances or temporary use permits may be granted only upon a specific finding that the purpose of military airport compatibility and of this Ordinance is preserved. Applications shall be made on forms prescribed by the Board of Adjustment, shall be filed with the Director, and shall be accompanied by:

1. Accurate plot plans and description of the property involved, description of the proposed uses, preliminary floor plans and elevations of all proposed buildings, and an estimate of the valuation of the proposed construction.
2. Evidence satisfactory to the Board of Adjustment of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within 120 days after allowing any variance or granting of any temporary use permit.
3. Reasons for requesting the variance or temporary use permit.

## ARTICLE VI. NON-CONFORMING USES

### Section 601. Continuing Existing Uses

Any use of land, building or structure existing at the time this Ordinance or amendments thereto become effective shall be "Grandfathered" or allowed to continue even though such use does not conform with the regulations of this Ordinance or amendments thereto for the zoned area.

### Section 602. Discontinuance of Legal Non-Conforming Uses

1. In the event that a non-conforming use of land, building or structure is discontinued for a period of thirty six (36) consecutive months, any future use thereof shall be in conformity with the regulations of this Ordinance.
2. In the event that a non-conforming non-residential use of land, building or structure is destroyed by fire, explosion, act of God or act of the public enemy to the extent of seventy-five (75%) percent of its value, according to the appraisal thereof by competent appraisers, then and without further action by the Board of Supervisors the future use thereof shall, from and after the date of such destruction, be subject to all the regulations of this Ordinance, or amendments thereto for the Airport District in which such future use is located.
3. In the event that a non-conforming residential use of buildings or structures is destroyed to any extent by fire, explosion, act of God or act of the public enemy, it may be reconstructed. Such reconstruction shall be limited to one hundred (100%) percent of the destroyed structure's floor area.

### Section 603. Expansion of a Legal Non-Conforming Use

1. Non-Residential – A non-residential non-conforming use of land, building or structure shall not be enlarged, extended, reconstructed or structurally altered unless such enlargement, extension, reconstruction or structural alteration, and further use of such property conforming with the regulations of this Ordinance in which such property is located. In the event that the above described non-conformity involves a building or structure, said building or structure shall not be permitted to be relocated elsewhere on the property or enlarged or extended by separate and detached construction.
2. Residential – A non-conforming residential structure may expand provided that the expansion is in conformance with the regulations applicable immediately prior to the effective date of this Ordinance. This provision shall not permit the construction of separate and detached residential structures, the relocation of such structures elsewhere on the property, or the creation of multi-family residential units.

3. Accessory Structures – The construction, expansion, and alteration of accessory structures, such as garages, barns, swimming pools, and fences shall be permitted, but may not exceed a height of those maximum heights reflected on the 2007 WAFB Height Restriction Map in Appendix 4.

#### Section 604. Change of Legal Non-Conforming Use

If no structural alterations are made, any non-conforming use of land, building or structure may be changed to another legal non-conforming use provided the proposed use is of the same or more restricted classification as evidenced by a finding and resolution of record by the Board of Adjustment.

### ARTICLE VII. ADMINISTRATION AND ENFORCEMENT

#### Section 701. Zoning Inspection and Enforcement

1. Duties – The enforcing officer of this Ordinance shall be the Zoning Commission, and it shall be the duty of the Sheriff of Johnson County and of all officers of said County otherwise charged with the enforcement of law to enforce the provisions of this Ordinance. In addition, the Zoning Commission:
  - a. Shall receive applications for Military Airport Zoning Clearances and where the requirements of this Ordinance are met issue such clearance; and
  - b. May examine premises for which Military Airport Zoning Clearances have been requested; and
  - c. May make necessary inspections, after giving written notification, to secure compliance with the provisions of this Ordinance; and
  - d. Shall when requested by the County Commissioners, or when the interest of Johnson County so requires, make investigations in connection with any matter referred to in this Ordinance and render written reports thereof; and
  - e. Shall further issue such notices or orders as may be necessary for the purpose of enforcing compliance with the provision of this Ordinance.
2. Implementation – The Zoning Commission may adopt administrative rules and procedures consistent with this Ordinance for the implementation thereof.
3. Records – The Zoning Commission shall keep careful and comprehensive records of applications for Military Airport Zoning Clearances, of inspections made, of reports rendered, and of notices or orders issued. The Zoning Commission shall further retain on file copies of all papers in connection with Military Airport Zoning Clearances for such time as may be required.
4. Permits – Permits for uses, buildings or purposes where the same would be in conflict with the regulations of this Ordinance shall not be issued and any such permit, if issued in conflict with the regulations of this Ordinance, shall be null and void.

#### Section 702. Military Airport Zoning Clearance

In the defined zoning area it shall be unlawful to construct, alter, or to commence the creation, construction, alteration, or use of a building or structure of 500 square feet or more, without filing with the Commission an application in writing and obtaining a Military Airport Zoning Clearance, except that such clearance shall not be required for repairs or improvements that are not contrary to the guidelines and restrictions of this ordinance or supporting regulations.

### Section 703. Concurrent or Conflicting Regulations

Where any action in regard to a structure or use is regulated or controlled by more than one provision of this Ordinance, such action shall comply with all applicable provisions of both regulations, except that if a conflict exists the limitation or requirement which is most restrictive shall govern.

## ARTICLE VIII. BOARD OF ADJUSTMENT

### Section 801. Creation and Membership

As established by Missouri State Revised Statute Section 41.655, a military airport zoning Board of Adjustments is established. The County Commissioners shall appoint five county residents, but not more than two shall be residents of the incorporated area of the county and not more than one may be a member of the airport zoning commission. The County Commissioners will make an effort to make an appointment of a resident who resides within the zoning area. The membership of the first board appointed shall serve respectively: One for one year, one for two years, one for three years, and two for four years. Thereafter members shall be appointed for terms of four years each. Vacancies shall be filled by the County Commissioners for the unexpired term of any member whose term becomes vacant. Members of the board shall serve without compensation, but may be reimbursed for expenses incurred for attendance at not more than four meetings per year in an amount to be set by the County Commissioners, not to exceed \$10.00 per meeting. The Board of Adjustments shall elect its own chairman and shall adopt rules of procedures consistent with the provision of Missouri State Revised Statutes sections 64.510 to 64.695.

### Section 802. Powers and Duties

The powers and duties of the Board of Adjustment shall be as prescribed herein, and as defined under sections 64.510 to 64.727 of the Missouri Revised State Statutes. The Board of Adjustment shall have the power to modify or vary the ordinance, in specific cases, in order that unwarranted hardships, which constitute an unreasonable deprivation of use as distinguished from the mere grant of the privilege, may be avoided, the intended purpose of the ordinance being strictly observed and the public welfare and safety protected. In addition, no variance or temporary use shall be granted except upon a specific finding

stated on the record that such variance or temporary use is consistent with preserving the purpose of military airport compatibility and of this Ordinance.

### Section 803. Meeting and Rules

Meetings of the Board of Adjustments shall be held at the call of the chairman and at such other times as the Board of Adjustments, Commission, or County Commissioners may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustments shall be open to the public, and minutes shall be kept of all proceedings and official actions, showing the description of evidence presented, the findings of fact by the Board of Adjustments, the decision of the Board of Adjustments and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and will keep records of its examinations and other official actions, all of which shall be filed in the County Commissioners office within 10 days and shall be public record.

### Section 804. Appeals

Appeals of the Board of Adjustments may be taken by any owner, lessee or tenant of land, or by a public officer, department, board or bureau, affected by any decision of the Commission. Such appeal shall be taken with a period of not more than three months, as shall be prescribed by the Board of Adjustments by general rule, by filing with the County Commissioners a notice of appeal specifying the grounds. The County Commissioners shall forthwith transmit to the chairman of the Board of Adjustment all papers constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the chairman certifies to the Board of Adjustments, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the County Commissioners of good cause shown. In addition to the above requirements, applications require additional information as follows:

1. An application for an appeal shall be filed within 60 days after a ruling has been made by the Board of Adjustments and Commission.
2. A copy of the order, requirement, decision, or determination of the Board of Adjustments and Commission which the appellant believes to be in error.
3. A clear and accurate written description of the proposed use, work, or action in which the appeal is involved and a statement justifying the appellant's position.

4. Where necessary, a plot plan, drawn to scale, shall be submitted in duplicate showing existing and proposed plans for the area in question.
5. Any person, persons, department or departments of the government jointly or separately aggrieved by any decision of the Board of Adjustment may present to the Circuit Court having jurisdiction a petition, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality, and asking for relief. Such petition shall be presented to the Court within 30 days after the date of filing the decision in the office of the Board of Adjustment.

#### Section 805. Public Hearings

The procedures for requesting a hearing before the Board of Adjustments shall be as follows:

1. All applications to the Board of Adjustment shall be in writing on forms provided by the Board of Adjustments and can be obtained in the County Commissioners office.
2. The Board of Adjustments shall fix a reasonable time for the hearing of an application and notice of the time, place, and subject of each hearing shall be published, as a minimum, in the local official newspaper within the zoned area at least 15 days prior to the date fixed for the public hearing. A copy of the Notice of Public Hearing shall be sent to each party of interest and to the Commission.
- 3.

#### Section 806. Limitations

Any variance or temporary use permit granted under the terms of this Ordinance shall expire by limitation if substantial construction in accordance with the plans for which such variance or temporary use permit was granted has not been completed within one (1) year from the date of granting said variance or temporary use permit.

#### Section 807. Fees

The fee schedule for applications to the Board of Adjustment shall be set by the County Commissioners.

### ARTICLE IX. AMENDMENT

#### Section 901. Authority

The County Commissioners, after receiving a recommendation thereon from the Commission and after a public hearing or hearings, may amend zoning regulations and extend boundaries herein or subsequently established after a majority vote of registered voters within the township affected. Amendments may be initiated either by petition or by the Commission on its own motion.

### Section 902. Criteria

The boundaries of airport zoning area shall be amended as necessary to ensure that the application of these regulations remains in conformance with the purpose of this Ordinance. All amendments shall be shown on the official zoning map. Amendments may be considered whenever the following occurs:

1. evidence shows that the operation of a military airport has or will change substantially and that such modifications will be permanent in nature;
2. additional information concerning the health effects of high noise levels or the crash hazards associated with military aircraft operations becomes available;
3. new evidence is provided which indicates that modifications to any airport zoning area is otherwise required.

### Section 903. Amendments Initiated by Petition

Any owner or owners of property desiring an amendment to the boundaries of the airport zoning area may seek such an amendment and public hearings by addressing in writing all concerns, issues and resolves in a letter to the Commission.

### Section 904. Amendments Initiated by Commission

Amendments initiated by the Commission will be handled in the following manner.

1. A letter concerning the problems, issue and resolve will be added to the minutes of the AZC meeting.
2. Notice to all property owners involved in the zoning area affected by the amendment will be sent a letter by first class mail of the proceedings and a public hearing(s) will be conducted addressing the amendment. The letter will be sent 30 days prior to the public hearing(s) and shall be sent to each real property owner, as shown on the last assessment of the property, of the area concerned and all property owners within three hundred (300) feet of property concerned.

### Section 905. Reconsideration of a Denied Petition

A denied petition for an amendment shall be accepted for reconsideration and reheard only if at a future date circumstances change or evidence presented is not found to be accurate. The amendment then may be resubmitted in accordance with this article.

### Section 906. Fees

Fees for filing of an application for a change of the airport zoning area and amendments to the Military Airport Zoning Ordinance shall be established by the Commission and approved by the County Commissioners.

## ARTICLE X. VIOLATIONS AND PENALTIES

### Section 1001. Rules and Procedures

Rules and procedures for violation and penalty for the Military Airport Zoning Ordinance shall be in accordance with those established by the Commission and approved by the County Commissioners.

## ARTICLE XI. GENERAL PROVISIONS

### Section 1101. Applying General Provisions

The regulations set forth in this article qualify or supplement as the case may be, the regulations appearing elsewhere in this Ordinance.

### Section 1102. Additional Parcel Area and Dimension Regulations

1. Any parcel of record existing at the time this Ordinance or amendments thereto become effective which does not conform with the lot area or width requirements for the area zoned may be used for any use permitted in airport zoning area provided other applicable regulations of this Ordinance are complied with.
2. Any parcel, after this Ordinance or amendments thereto become effective, shall not be reduced in any manner below the lot area and dimension in which it is located, or a lot already less than the minimums so required, such lot area or dimension shall not be further reduced.
3. Any parcel, after this Ordinance or amendments thereto become effective, shall not be reduced or diminished so as to cause the yards, lot coverage or other open spaces to be less than that required by this Ordinance.

### Section 1103. Additional Height Restrictions

All buildings, structures, and fixtures necessary to operate and maintain a building shall have a maximum combined height of forty (40) feet except where authorized at different minimum or maximum heights within the Air Installation Compatible Use Zone Report.

### Section 1104. lots Divided by Zoning

Whenever a lot of record existing at the effective date of this Ordinance or any applicable subsequent amendment thereto is divided by the airport zoning area, the regulations of this Ordinance shall be applicable only to the portion of the lot which is located within the respective airport zoning area.

### Section 1105. Population Density

For the purpose of minimizing population growth within the airport zoned area, no more than one residential, single family dwelling may be utilized on a minimum of five (5) acres of land within the airport zoning area. All those in violation of this ordinance at the time it is enacted are "Grandfathered". The following are define residential single family dwelling:

1. Does not include additional support buildings for storage of equipment, farm usage, garages or shops utilized for support of the owner(s). One out building within 100 feet of the residence may have one bedroom and a bathroom for a family member or temporary guest and shall be considered part of the single family dwelling.
2. Primary residence of owner(s) or renter utilizing the residence for primary residence.
3. The single family dwelling will meet all requirements of this ordinance and must be permanently attached to a foundation.

#### Section 1106. Disclosure Statements

For the purpose of protecting any home buyer who may be looking to purchase a home within the airport zoning area, the owner or seller of the property up for sale is responsible for and must provide the buyer with a Disclosure Statement concerning the existence of this ordinance and the following information:

1. The residence or property offered for purchase is located in a military airport zoning area.
2. The residence or property is near or next to a military airport and noise decibels and vibration levels could be a concern as military operations can be conducted 24 hours a day and seven days a week.
3. The residence on the property was built prior to enacting the Military Airport Zoning Ordinance and therefore, was not necessarily built to withstand high noise decibels or vibration levels.
4. If in fact, the residence has been built to reduce noise levels indoors, state the noise level reduction (NLR) for which the building was designed in accordance with the Department of the Navy's Guidelines for Sound Insulation of Residence Exposed to Aircraft Operation April 2005:
  - a. NLR 25 dB for a building built within the 65 dB to 70 dB noise contours.
  - b. NLR 30 dB for a building built within the 70 dB to 75 dB noise contours.

#### Section 1107. New Construction concerns on Foundation and Sound Deadening

Construction of new single family dwellers within the airport zoning area are highly encouraged to use concrete foundation material, windows/doors of the appropriate Sound Transmission Class (STC), and sound deadening material to meet or exceed noise level reduction (NLR) for locations within noise contours as recommended by the Department of the Navy's Guidelines for Sound Insulation of Residence Exposed to Aircraft Operations April 2005.

#### Section 1108. Land Use Permitted

The below zoning district definitions are utilized to define land use permitted within the airport zoning area and are applied in Appendix 2 of this ordinance which includes a map of the Military Airport Zoning area and land use permitted within the area:

1. Agriculture Residential:
  - a. **AR-1 Agricultural Residential district.** This district is designed for strictly agricultural and farming use and may include a single family dwelling. This includes the production of farm crops such as vegetables, fruit trees, cotton and grain, hay and crop to include the equipment storage on the area as well as the raising thereon of farm poultry and farm animals, such as chickens, horses, cattle, sheep, and swine. It shall not Concentrated Animal Feeding Operations (CAFOs).
  - b. **AR-2 Agricultural Residential district (5 acre minimum).** This district is designed for single family dwelling but allows for some farming use to include production of vegetables, fruit trees cotton and grain, and hay to include an area for equipment storage. It also allows for keeping of some farm animals such as horses and chickens.
2. Residential Districts:
  - a. **RI Single-family residential district.** This district is designed to preserve quiet, low-density residential areas now primarily developed and those areas which will be developed with single-family detached dwellings and characterized by a high ratio of home ownership. These districts are designed to stabilize and protect the essential characteristics of the district and to promote and encourage a suitable environment for activities associated with family life. To these ends, development is limited to a relatively low concentration and uses permitted as a matter of right are limited to single-family detached dwellings providing homes for the residents of the area. Additional related residential uses such as religious institutions, neighborhood centers, and utility uses necessary to serve the immediate area may be permitted with approval.
  - b. **R2 Two-family residential district.** This district is designed to protect and enhance those areas developed or likely to develop with single- or two-family dwellings. These district are designed to promote a suitable environment for homes and for activities connected with family life. The only uses permitted as a matter of right are single- and two-family dwellings. Additional uses are permitted with approval.
  - c. **R3 Low-density residential district.** This district is designed as a low-density multiple-family district providing densities of approximately 30 units per acre. These districts are designed to promote and encourage town or terrace house development, courts, and garden apartments. It is intended that this district be used primarily on local thoroughfares, thereby encouraging a suitable environment for family life. Uses permitted as a matter of right include single- and two-family dwellings, townhouses, multiple-family dwellings, and community facilities necessary to serve a residential district.

2. Business Districts:

- a. **B-1 Local business and residential district.** This is for Local Business and Residential District providing for the day-to-day consumer goods and services required to serve a small residential area. High traffic-generating and traffic-oriented uses are restricted because of their obvious undesirable influence on adjacent residential areas.
- b. **B-2 General business district.** This district provides for business and commercial uses of a thoroughfare-oriented nature. In addition to these uses, other businesses which may benefit by drawing part of their clientele from passing traffic are permitted. Additional uses which may be successfully blended with those uses permitted as a matter of right are permitted with approval.
- c. **B-3 General services district.** This district provides for wholesaling, transport, food services, and similar activities essential to the commerce and health of the County. Office, retail, service, and other uses normally desiring to locate in this type of district are also permitted.

3. Industrial Districts:

- a. **I-1 Limited industrial district.** This district is used primarily along major and secondary thoroughfares in areas containing undeveloped lots, vacant structures, or mixed land uses. The purpose of the district is to permit these vacant structures to be used for necessary economic activities, and to encourage the transition of the area to warehousing, wholesaling, and light industrial uses.
- b. **I-2 General industrial district.** This district is composed of property so situated as to be suitable for industrial development, but where the modes of operation of the industry may affect any nearby residential uses. The purposes of this district is to permit the normal operation of a majority of industries, subject only to needs to control congestion and to protect nearby residential districts. No new residential construction is permitted in this district.

4. Municipal or Institution:

- a. **M-1 Municipal district.** Land owned and maintained by a local, state or federal agency for a public purpose.
- b. **Institution district.** Land owned and used by a religious or fraternal organization and used as a gathering place or for the provision of a service.

ARTICLE XII. SEPARABILITY CLAUSE,  
REPEAL OF CONFLICTING ORDINANCES,  
EFFECTIVE DATE

Section 1201. Separability Clause

Should any article, section or regulation of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a

whole, or any portion thereof other than the article, section or regulation so declared to be unconstitutional or invalid.

#### Section 1202. Priority of Military Airport Zoning Ordinance

All ordinances or portions of ordinances heretofore enacted which are in conflict with this Ordinance, are deemed not to apply to the extent necessary to give this Ordinance full force and effect.

#### Section 1203. Application of other Ordinances and Laws

All other county ordinances and laws will continue to apply to the military airport zoning area. Some of those are, but not limited to:

1. Flood Plan management control measures as adopted by the County Commissioners.
2. County Wastewater Treatment Ordinance.
3. County Sex Offender Ordinance.
4. County Rotation Tow Truck Ordinance.
5. County rules and regulations for establishment, acceptance and maintenance of public roads and platted subdivisions.
6. County ordinance for reducing speed limits on all gravel and hard-surfaced roads.
7. County Right-of-way and road crossing procedures for buried cables.
8. Air Installation Compatible Use Zone Report.

#### Section 1204. Effective Date

This Ordinance shall become effective on December 1, 2008.

**Johnson County Commission**

**William Brenner**

Presiding Commissioner

**Scott Sader**

Commissioner, Eastern District

**Destry Hough**

Commissioner, Western District

**Gilbert Powers**

County Clerk

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Johnson County Courthouse, 300 N Holden, Warrensburg, MO 64093

(660) 747-6161 - Fax 747-9332 [countyclerk@jococourthouse.com](mailto:countyclerk@jococourthouse.com)

[www.jococourthouse.com](http://www.jococourthouse.com)

September 20, 2007

WHEREAS, the Johnson County Commission appointed a committee to study the feasibility of a Whiteman Airport Zoning Commission in anticipation of legislation being passed to create such a commission; and,

WHEREAS, the committee, consisting of the Eastern Commissioner, Road and Bridge Supervisor and three residents of Johnson County, have been meeting once a month to discuss the potential need for zoning around the Whiteman Air Force Base; and,

WHEREAS, legislation was passed amending Chapters 67 and 41 RSMo allowing for the creation of an Airport Zoning Commission to prevent the creation of an airport hazard; and,

WHEREAS, the Johnson County Commission created the Airport Zoning Commission on this date; and,

NOW, THEREFORE, the Johnson County Commission hereby appoints the following members: Scott Sader, Eastern Commissioner, Gary Bell, Road and Bridge Supervisor, Alan Thomas, Washington Township – one year term beginning on this date and expiring December 31, 2008; Chuck Copper, Washington Township – two year term beginning on this date and expiring December 31, 2009 and Hugh Hanna, Warrensburg Township –

three year term beginning on this date and expiring December 31, 2010. Thereafter, each appointment will begin on January 1st and expire on December 31<sup>st</sup>.

THE JOHNSON COUNTY COMMISSION

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William Brenner, Presiding Commissioner

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Scott Sader, Eastern Commissioner

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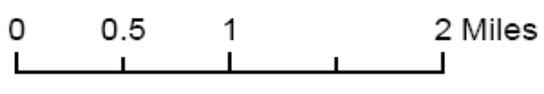
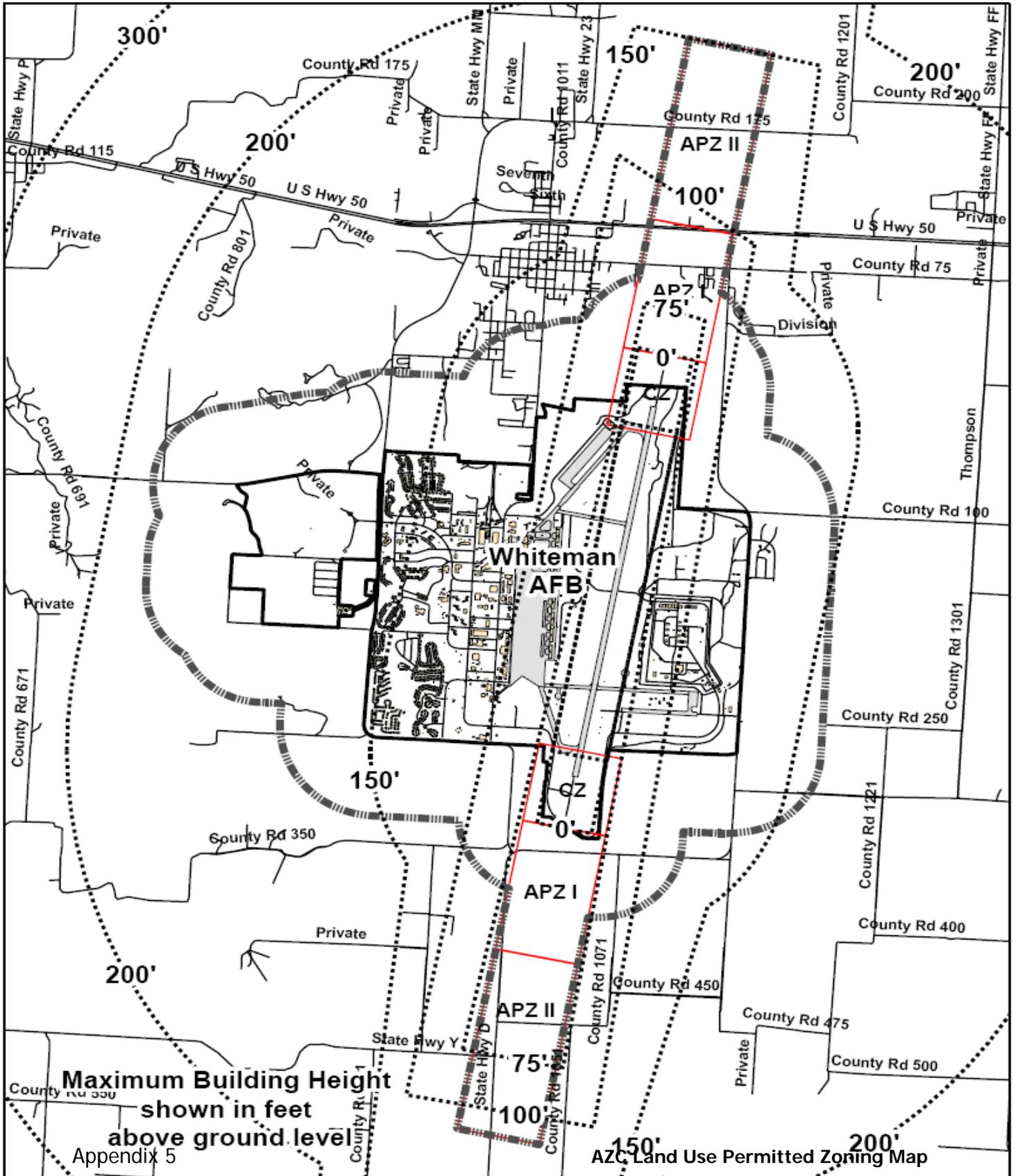
Destry Hough, Western Commissioner

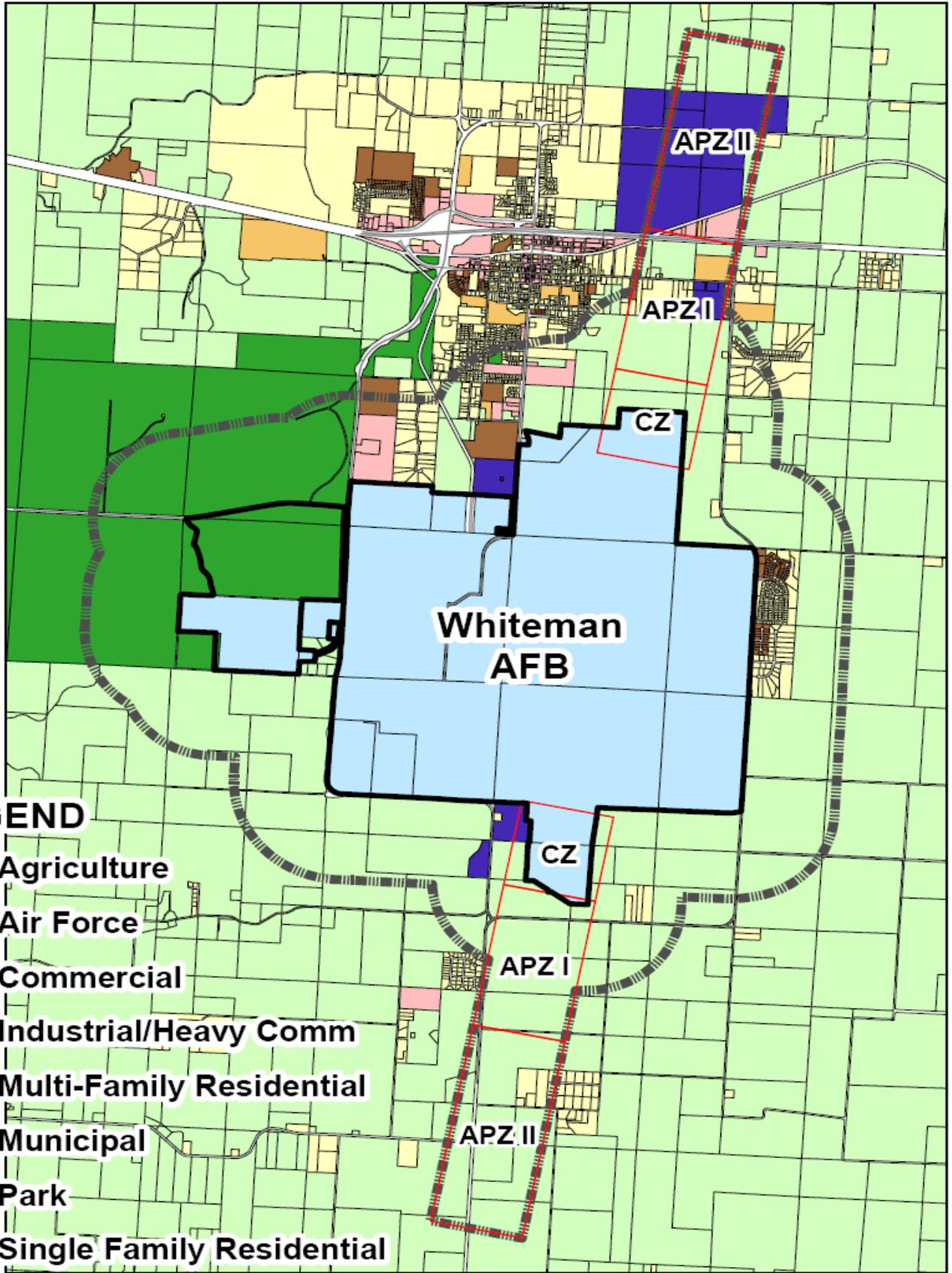
APPENDIX 2

AZC Zoned Area Map









**LEGEND**

- Agriculture
- Air Force
- Commercial
- Industrial/Heavy Comm
- Multi-Family Residential
- Municipal
- Park
- Single Family Residential

