

Apron Size Calculations for Transient Aircraft

Airport
Location

Blosser Municipal Airport, YEAR 2009, Current

Concordia, Kansas

(NOTE: Enter variable data into yellow cells)

(You can calculate size of apron based upon total annual ops or you may develop an estimate of annual operations based upon number of based aircraft)

1. Calculate the total annual operations

Enter number of based aircraft →

Enter number of operations per aircraft →

9

250

Total Annual Operations →

small GA 250 ops / AC

med GA 350 ops / AC

Reliver 450 ops / AC

Busy Reliver 750 ops / AC

3435 2,250

2. Busiest Month (% of Annual Ops)

Enter % of Annual Ops that occur in busiest month →

40

Busiest Month Operations →

1,374 900

3. Busiest Day (10% > Avg Day)

Enter Busiest Month (e.g. August) →

Jul

Avg Day Busy Month →

Busiest Day 10% > avg. day →

44 29

49 32

4. # Itinerant Aircraft

Enter % of Itinerant Operations →

30

Itinerant Aircraft operations →

Itinerant Aircraft Landing Operations →

Enter % of Itinerant Operations on ground →

Itinerant AC on ground (assume 50%) →

50

15 10

7 5

4 2

5. Apron area

square yards per aircraft →

1385

Apron Area (sq yds) →

5,064 3,317

6. Planned Apron (10% >)

square yards →

5,571 3,649

224

Note: Amount of activity can be determined from fuel sales or from actual operations counts. For example if month with highest fuel sales accounts for 20% of annual sales, use 20% of annual as busy month. If actual traffic counts available, use those. Assume 50% of operations itinerant if no records. Planning areas shown assume 10' clearance between wingtips, taxilane on edge places taxilane on edge of apron

Apron Area	w/o Taxilane	w/Taxilane @ edge	w/Taxilane	
Group I	360	755	960	
Group II	490	1,075	1,385	



Apron Size Calculations for Transient Aircraft

Airport
Location

Blosser Municipal Airport, YEAR 2012

Concordia, Kansas

(NOTE: Enter variable data into yellow cells)

(You can calculate size of apron based upon total annual ops or you may develop an estimate of annual operations based upon number of based aircraft)

1. Calculate the total annual operations

Enter number of based aircraft →

11

Enter number of operations per aircraft →

250

Total Annual Operations →

small GA 250 ops / AC

med GA 350 ops / AC

Reliver 450 ops / AC

Busy Reliver 750 ops / AC

4510

2,750

2. Busiest Month (% of Annual Ops)

Enter % of Annual Ops that occur in busiest month →

40

Busiest Month Operations →

1,804

1,100

3. Busiest Day (10% > Avg Day)

Enter Busiest Month (e.g. August) →

Jul

Avg Day Busy Month →

58

35

Busiest Day 10% > avg. day →

64

39

4. # Itinerant Aircraft

Enter % of Itinerant Operations →

30

Itinerant Aircraft operations →

19

12

Itinerant Aircraft Landing Operations →

10

6

Enter % of Itinerant Operations on ground →

50

Itinerant AC on ground (assume 50%) →

5

3

5. Apron area

square yards per aircraft →

1385

Apron Area (sq yds) →

6,649

4,054

6. Planned Apron (10% >)

square yards →

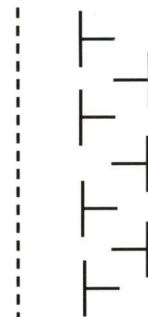
7,314

4,460

257

Note: Amount of activity can be determined from fuel sales or from actual operations counts. For example if month with highest fuel sales accounts for 20% of annual sales, use 20% of annual as busy month. If actual traffic counts available, use those. Assume 50% of operations itinerant if no records. Planning areas shown assume 10' clearance between wingtips, taxilane on edge places taxilane on edge of apron

Apron Area	w/o Taxilane	w/Taxilane @ edge	w/Taxilane	
Group I	360	755	960	
Group II	490	1,075	1,385	



Apron Size Calculations for Transient Aircraft

Airport
Location

Blosser Municipal Airport, YEAR 2017

Concordia, Kansas

(NOTE: Enter variable data into yellow cells)

(You can calculate size of apron based upon total annual ops or you may develop an estimate of annual operations based upon number of based aircraft)

1. Calculate the total annual operations

Enter number of based aircraft →

Enter number of operations per aircraft →

15
250

Total Annual Operations →

small GA 250 ops / AC

med GA 350 ops / AC

Reliver 450 ops / AC

Busy Reliver 750 ops / AC

6525	3,750
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2. Busiest Month (% of Annual Ops)

Enter % of Annual Ops that occur in busiest month →

Busiest Month Operations →

40

2,610	1,500
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3. Busiest Day (10% > Avg Day)

Enter Busiest Month (e.g. August) →

Avg Day Busy Month →

Busiest Day 10% > avg. day →

Jul

84	48
93	53

4. # Itinerant Aircraft

Enter % of Itinerant Operations →

Itinerant Aircraft operations →

Itinerant Aircraft Landing Operations →

Enter % of Itinerant Operations on ground →

Itinerant AC on ground (assume 50%) →

30

28	16
14	8

50

7	4
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5. Apron area

square yards per aircraft →

Apron Area (sq yds) →

1385

9,620	5,529
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6. Planned Apron (10% >)

square yards →

10,582	6,082
309	

Note: Amount of activity can be determined from fuel sales or from actual operations counts. For example if month with highest fuel sales accounts for 20% of annual sales, use 20% of annual as busiest month. If actual traffic counts available, use those. Assume 50% of operations itinerant if no records. Planning areas shown assume 10' clearance between wingtips, taxilane on edge places taxilane on edge of apron

Apron Area	w/o Taxilane	w/Taxilane @ edge	w/Taxilane
Group I	360	755	960
Group II	490	1,075	1,385



Apron Size Calculations for Transient Aircraft

Airport
Location

Blosser Municipal Airport, YEAR 2027

Concordia, Kansas

(NOTE: Enter variable data into yellow cells)

(You can calculate size of apron based upon total annual ops or you may develop an estimate of annual operations based upon number of based aircraft)

1. Calculate the total annual operations

Enter number of based aircraft →

19

Enter number of operations per aircraft →

250

Total Annual Operations →

small GA 250 ops / AC

med GA 350 ops / AC

Reliver 450 ops / AC

Busy Reliver 750 ops / AC

8740

4,750

2. Busiest Month (% of Annual Ops)

Enter % of Annual Ops that occur in busiest month →

40

Busiest Month Operations →

3,496

1,900

3. Busiest Day (10% > Avg Day)

Enter Busiest Month (e.g. August) →

Jul

Avg Day Busy Month →

113

61

Busiest Day 10% > avg. day →

124

67

4. # Itinerant Aircraft

Enter % of Itinerant Operations →

30

Itinerant Aircraft operations →

37

20

Itinerant Aircraft Landing Operations →

19

10

Enter % of Itinerant Operations on ground →

50

Itinerant AC on ground (assume 50%) →

9

5

5. Apron area

square yards per aircraft →

1385

Apron Area (sq yds) →

12,886

7,003

6. Planned Apron (10% >)

square yards →

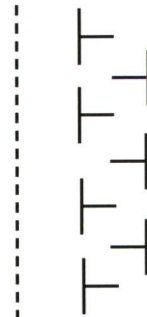
14,174

7,704

357

Note: Amount of activity can be determined from fuel sales or from actual operations counts. For example if month with highest fuel sales accounts for 20% of annual sales, use 20% of annual as busiest month. If actual traffic counts available, use those. Assume 50% of operations itinerant if no records. Planning areas shown assume 10' clearance between wingtips, taxilane on edge places taxilane on edge of apron

Apron Area	w/o Taxilane	w/Taxilane @ edge	w/Taxilane	
Group I	360	755	960	
Group II	490	1,075	1,385	



**ASSURANCES
Airport Sponsors**

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of the grant offer by the sponsor, these assurances are incorporated in and become part of the grant agreement.

B. Duration and Applicability.

1. **Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.** The terms, conditions and assurances of the grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.
2. **Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.** The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.
3. **Airport Planning Undertaken by a Sponsor.** Unless otherwise specified in the grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 30, 32, 33, and 34 in section C apply to planning projects. The terms, conditions, and assurances of the grant agreement shall remain in full force and effect during the life of the project.

C. Sponsor Certification. The sponsor hereby assures and certifies, with respect to this grant that:

1. **General Federal Requirements.** It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

Federal Legislation

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act - 5 U.S.C. 1501, et seq.²

- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1 2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49 U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Civil Rights Act of 1964 - Title VI - 42 U.S.C. 2000d through d-4.
- o. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- p. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- q. Architectural Barriers Act of 1968 - 42 U.S.C. 4151, et seq.¹
- r. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.¹
- s. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- t. Copeland Anti kickback Act - 18 U.S.C. 874.¹
- u. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- v. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- w. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- x. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.

Executive Orders

Executive Order 11246 - Equal Employment Opportunity¹
 Executive Order 11990 - Protection of Wetlands
 Executive Order 11988 – Flood Plain Management
 Executive Order 12372 - Intergovernmental Review of Federal Programs.
 Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction¹
 Executive Order 12898 - Environmental Justice

Federal Regulations

- a. 14 CFR Part 13 - Investigative and Enforcement Procedures.
- b. 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- c. 14 CFR Part 150 - Airport noise compatibility planning.
- d. 29 CFR Part 1 - Procedures for predetermination of wage rates.¹
- e. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- f. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- g. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹

- h. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- i. 49 CFR Part 20 - New restrictions on lobbying.
- j. 49 CFR Part 21 - Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- k. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.
- l. 49 CFR Part 24 - Uniform relocation assistance and real property acquisition for Federal and federally assisted programs.^{1 2}
- m. 49 CFR Part 26 - Participation By Disadvantaged Business Enterprises in Department of Transportation Programs.
- n. 49 CFR Part 27 - Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance.¹
- o. 49 CFR Part 29 - Government wide debarment and suspension (non-procurement) and government wide requirements for drug-free workplace (grants).
- p. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- q. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.¹

Office of Management and Budget Circulars

- a. A-87 - Cost Principles Applicable to Grants and Contracts with State and Local Governments.
- b. A-133 - Audits of States, Local Governments, and Non-Profit Organizations

¹ These laws do not apply to airport planning sponsors.

² These laws do not apply to private sponsors.

³ 49 CFR Part 18 and OMB Circular A-87 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in the grant agreement.

2. Responsibility and Authority of the Sponsor.

- a. **Public Agency Sponsor:** It has legal authority to apply for the grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- b. **Private Sponsor:** It has legal authority to apply for the grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person

to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

- 3. Sponsor Fund Availability.** It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under the grant agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in the grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in the grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of the grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that

property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.

- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
 - f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in the grant agreement and shall insure that such arrangement also requires compliance therewith.
- 6. **Consistency with Local Plans.** The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.
 - 7. **Consideration of Local Interest.** It has given fair consideration to the interest of communities in or near where the project may be located.
 - 8. **Consultation with Users.** In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.
 - 9. **Public Hearings.** In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.
 - 10. **Air and Water Quality Standards.** In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.
 - 11. **Pavement Preventive Maintenance.** With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such

reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. **Terminal Development Prerequisites.** For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.
13. **Accounting System, Audit, and Record Keeping Requirements.**
 - a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
 - b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to the grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which the grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.
14. **Minimum Wage Rates.** It shall include, in all contracts in excess of \$2,000 for work on any projects funded under the grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.
15. **Veteran's Preference.** It shall include in all contracts for work on any project funded under the grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Veterans of the Vietnam era and disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.
16. **Conformity to Plans and Specifications.** It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved

plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into the grant agreement.

17. **Construction Inspection and Approval.** It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.
18. **Planning Projects.** In carrying out planning projects:
 - a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
 - b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
 - c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
 - d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
 - e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
 - f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
 - g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
 - h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.
19. **Operation and Maintenance.**
 - a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably

operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary.

In furtherance of this assurance, the sponsor will have in effect arrangements for-

(1) Operating the airport's aeronautical facilities whenever required;

(2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and

(3) Promptly notifying airmen of any condition affecting aeronautical use of the airport.

Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.

- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. **Hazard Removal and Mitigation.** It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. **Compatible Land Use.** It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. **Economic Nondiscrimination.**

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
 - (1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - (2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
 - d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
 - e. Each air carrier using such airport (whether as a tenant, non tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non tenants and signatory carriers and non signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
 - f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
 - g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
 - h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
 - i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.
23. **Exclusive Rights.** It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:
- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
 - b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport.
- It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations,

aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure. It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. Provided, however, that if covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
- c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections. It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use

agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;

- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of the grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
 - d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - (i) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - (ii) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.
27. **Use by Government Aircraft.** It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that-
- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
 - b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.
28. **Land for Federal Facilities.** It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.
29. **Airport Layout Plan.**
- a. It will keep up to date at all times an airport layout plan of the airport showing (1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto; (2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities; and (3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon. Such airport layout plans and each amendment, revision, or modification thereof, shall

be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- b. If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities.

30. **Civil Rights.** It will comply with such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any activity conducted with or benefiting from funds received from this grant. This assurance obligates the sponsor for the period during which Federal financial assistance is extended to the program, except where Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon in which case the assurance obligates the sponsor or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits, or (b) the period during which the sponsor retains ownership or possession of the property.

31. **Disposal of Land.**

- a. For land purchased under a grant for airport noise compatibility purposes, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will, at the discretion of the Secretary, (1) be paid to the Secretary for deposit in the Trust Fund, or (2) be reinvested in an approved noise compatibility project as prescribed by the Secretary, including the purchase of nonresidential buildings or property in the vicinity of residential buildings or property previously purchased by the airport as part of a noise compatibility program.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested in another eligible airport improvement project or projects approved by the Secretary at that airport or within the national airport system, or (2) be paid to the Secretary for deposit in the Trust Fund if no eligible project exists.

- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

- 32. Engineering and Design Services.** It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement **prescribed** for or by the sponsor of the airport.
- 33. Foreign Market Restrictions.** It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.
- 34. Policies, Standards, and Specifications.** It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated _____ and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.
- 35. Relocation and Real Property Acquisition.** (1) It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B. (2) It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24. (3) It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.
- 36. Access By Intercity Buses.** The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport, however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.
- 37. Disadvantaged Business Enterprises.** The recipient shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure

non discrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26, and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801).

- 38. Hangar Construction.** If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.
- 39. Competitive Access.**
- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 - 1. Describes the requests;
 - 2. Provides an explanation as to why the requests could not be accommodated; and
 - 3. Provides a time frame within which, if any, the airport will be able to accommodate the requests.
 - b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date

ARTICLE 18

AIRPORT OVERLAY DISTRICT (AO)

Sections:

- 18-1 Intent**
- 18-2 Authority**
- 18-3 Definitions**
- 18-4 Airport Zones and Airspace Height Limits**
- 18-5 Spacing from Adjacent Airport**
- 18-6 Use Restrictions**
- 18-7 Compliance with Federal Laws and Regulations**
- 18-8 Amending Article 18**

SECTION 18-1: INTENT

18-101. Protection of Blosser Municipal Airport and the Public. The regulations set forth in Article 18 (Article), or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the Airport Overlay District (hereafter "AO District").

- a. The AO District is established to protect against possible airport flight hazards which endanger the lives and property of users of the Blosser Municipal Airport (hereafter "Airport"), and occupants of land in the vicinity of the Airport. These regulations are intended to implement the Blosser Municipal Airport Master Plan. An Airport flight hazard may affect existing and future instrument approach minimums of the Airport, and an Airport flight hazard may reduce the size of areas available for the landing, take-off, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Airport and the public interest therein.
- b. Actions on applications for rezoning and site plans for property in the AO District shall be consistent with the Intent of this Article and shall, to the extent possible, be in conformance with the *Airport Existing Land Use Plan*, *Airport Ultimate Land Use Plan*, and *Airport Airspace Plan*. The Planning Commission and City Commission shall request and consider City Airport Advisory Board findings and recommendations relating to such applications for rezoning and site plans.

SECTION 18-2: AUTHORITY

18-201. Airport Overlay District. The regulations set forth in this Article adopted under the authority of K.S.A. 12-741 et seq., K.S.A. 3-701 et seq., and Article 12, Section 5 of the Kansas Constitution.

SECTION 18-3: DEFINITIONS

18-301. Airport and Aviation Terms. For the purposes of this Article, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise.

Above Mean Sea Level (AMSL). The elevation (on the ground) or altitude (in the air) of any object, relative to the average sea level datum.

Accessory uses. Subordinate uses which serve an incidental function to that of the use of property as an airport, including but not limited to airplane hangars, aircraft fueling facilities, and aircraft maintenance and repair facilities.

Airport. Any area of land or water designed and set aside for the landing and taking-off of aircraft, utilized or to be utilized in the interest of the public for such purpose and validly licensed by the state in the Public Airport category. The term includes heliports set aside for the landing and taking-off of rotary wing aircraft. The term specifically includes the Blosser Municipal Airport.

Airport elevation. The established airport elevation, in feet above mean sea level, of the highest point of the landing area which is used or intended to be used for take-off and landing operations.

Airport Master Plan. The most current version of the *Blosser Municipal Airport Master Plan*, as approved by the Governing Body.

Airport obstruction. Any object of natural growth, structure or use of land which would exceed the federal obstructions standards as contained in CFR S.S. 71.21 77.23, 77.25, 77.28, 77.29, and amendments thereto, or which obstruct the airspace required for flight of aircraft taking off, maneuvering or landing or otherwise be hazardous to the taking-off, maneuvering or landing of aircraft.

Airspace height. The height limits as established in all zones set forth in this Article. Above Mean Sea Level (AMSL) shall be the datum unless otherwise specified.

Approach surface. A surface longitudinally centered on the extended runway centerline; extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 18-4 of this Article. The perimeter of the approach surface coincides with the perimeter of the approach zone.

Aviation. The design, development, production, operation, and use of aircraft, especially heavier-than-air aircraft.

Civilian airports. Any airports, public or private, that are not owned or operated by the government of the United States and used for military purposes.

Climb gradient. Aircraft instrument departure procedure requiring adherence to a minimum climb slope or grade expressed in feet per nautical mile.

Code of Federal Regulations (CFR). The official annual compilation of all regulations and rules promulgated during the previous year by the agencies of the United States government, combined with all the previously issued regulations and rules of those agencies that are still in effect. A Code of Federal Regulations (CFR) aviation regulation is first cited by title, in this case "14" (Aeronautics and Space) CFR, then part number followed by section number. For example when referring to this Federal regulation: 43.13 Performance Rules (general), the proper way to cite is, 14 CFR 43.13.

Conical surface. An inclined surface extending upward and outward from the outer periphery of the horizontal surface at a slope of one (1) foot upward for each twenty (20) feet outward for a horizontal distance of four thousand (4,000) feet.

Decision Height (DH) or Decision Altitude (DA). The height at which a pilot must decide, during an Instrument Landing System (ILS) approach, either to continue the approach or to execute a missed approach.

Elevation. The established elevation at Blosser Municipal Airport is 1494.5 feet.

Federal Aviation Administration (FAA). The Federal Agency responsible for insuring the safe and efficient use of the Nation's airspace, for fostering civil aeronautics and air commerce, and for supporting the requirements of national defense.

Federal Aviation Regulations (FAR). The body of Federal regulations relating to aviation published as Title 14 of the Code of Federal Regulations (CFR). A Federal Regulation is first by cited by title, in this case "14" (Aeronautics and Space) CFR, then part number followed by the section number. For example when referring to this Federal regulation: 43.13 Performance Rules (general), the proper way to cite is, 14 CFR 43.13.

Heliport. An area on land, water or upon a structure set aside and used for the landing and take-off of rotary wing aircraft, and facilities for the fueling, refueling, repair, and storage of rotary wing aircraft.

Horizontal surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Instrument Flight Rules (IFR). Rules governing the procedures for conducting instrument flight. Also a term used by pilots and controllers to indicate type of flight plan.

Instrument Landing System (ILS). A ground-based instrument approach system that provides precision guidance to an aircraft approaching and landing on a runway, using a combination of radio signals and, in many cases, high-intensity lighting arrays to enable a safe landing during Instrument Meteorological Conditions (IMC), such as low ceilings or reduced visibility due to fog, rain, or blowing snow.

Instrument Meteorological Conditions (IMC). Sometimes referred to as “blind flying” Instrument Meteorological Conditions (IMC) is an aviation term that describes weather conditions that normally require pilots to fly primarily by reference to instruments, and therefore under Instrument Flight Rules (IFR), rather than by outside visual references under Visual Flight Rules (VFR). Typically, this means flying in cloud, bad weather, or at night.

Larger than utility runway. A runway that is constructed for and intended to be used by propeller driven and jet aircraft of greater than 12,500 pounds maximum gross weight.

Microwave Landing System (MLS). An all-weather, precision landing system intended to replace or supplement the Instrument Landing System (ILS).

Minimum Descent Altitude (MDA). The lowest AMSL altitude to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a Standard Instrument Approach Procedure (SIAP) where electronic glide slope is not approved.

Minimum En Route Altitude (MEA). The lowest published altitude between radio fixes that assures acceptable navigational signals coverage and meets obstruction clearance requirements between those fixes.

Minimum Obstruction Clearance Altitude (MOCA). The lowest published altitude between radio fixes on Federal VOR airways, off, airway routes, on route segments than meets obstruction clearance requirements for the entire route segment and assures acceptable navigational signal coverage only within 22 miles of a VOR.

Minimum Vectoring Altitude (MVA). The lowest Above Mean Sea Level (AMSL) altitude at which aircraft operating on Instrument Flight Rules (IFR) will be vectoring by a radar controller, except when otherwise authorized for radar approaches, departures or missed approaches.

Nonprecision instrument runway. A runway having an existing or planned instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment for which a straight-in, nonprecision instrument approach procedure has been approved or planned, or indicated on an appropriate civil or military airport planning document.

Nonstandard take-off minimums. Conditions of existing weather required for take-off at an airport which exceed the standards prescribed in Federal Aviation Regulations Part 91.

Obstruction. Any structure, growth or other object, including a mobile object, which exceeds the applicable height maximum in this Article.

Other than utility runway. A runway designed for and intended to be used by all types of aircraft including those having gross weights greater than 12,500 pounds.

Precision Approach Radar (PAR). A type of radar guidance system designed to provide lateral and vertical guidance to an aircraft pilot for landing, until the landing threshold is reached. After the aircraft reaches the Decision Height (DH) or Decision Altitude (DA), guidance is advisory only.

Precision instrument runway. A runway having an existing or planned instrument approach procedure utilizing an Instrument Landing System (ILS), Microwave Landing System (MLS), or Precision Approach Radar (PAR), including a runway for such a system that is planned and so indicated on an approved civil or military airport layout plan, or any other FAA planning documents, or comparable military service planning documents.

Primary surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of the runway. The width of the primary surface is set forth in Section 18-4 of this Article. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Primary surface - heliports. An area that coincides in size and shape with the designated take-off and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

Runway. A defined area on an airport prepared for landing and take-off of aircraft along its length.

Structure. Any object, including a mobile object, constructed or installed by man, including but not limited to: buildings, towers, tanks, cranes, smokestacks, earthworks and overhead transmission lines.

Standard Instrument Approach Procedure (SIAP). A series of predetermined maneuvers and published procedures for the orderly transfer of an aircraft under Instrument Flight Rules (IFR) from the beginning of the initial approach to a landing or to a point from which a landing may be made visually.

Transitional surfaces. The transitional surfaces extended outward at 90 degree angles to runway centerlines and runway centerlines extended, at a slope of one (1) foot upward for each seven (7) feet outward from the sides of the primary and approach surfaces to where they intersect.

The transitional surfaces connect the horizontal, conical, primary and approach surfaces. Transitional surfaces for those portions of the approach surfaces, which project beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

Transitional surfaces - heliports. The transitional surfaces extended outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of two to one for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

Utility runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

Very High Frequency Omni-directional Range (VOR). A type of radio navigation system for aircraft. A VOR ground station broadcasts a Very High Frequency (VHF) radio composite signal including the station's identifier in Morse code (and sometimes a voice identifier), and data that allows the airborne receiving equipment to derive a magnetic bearing from the VOR station to the aircraft (direction from the VOR station in relation to the Earth's magnetic North at the time of installation).

Visual Flight Rules (VFR). A set of Federal Aviation Administration (FAA) regulations which allow a pilot to operate an aircraft in weather conditions generally clear enough to allow the pilot to see where the aircraft is going.

Visual runway. A runway intended solely for the operation of aircraft using visual approach procedures with no instrument approach procedure planned or indicated on an approved civil or military airport layout plan, or by any other planning document submitted to the Federal Aviation Administration (FAA) by a proper authority.

SECTION 18-4: AIRPORT ZONES AND AIRSPACE HEIGHT LIMITS

18-401. Airport Zones, Height Limits, and Related Airspace Plan. There are hereby created and established certain zones which include all of the land lying beneath the general aviation use areas, approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to Blosser Municipal Airport (hereafter "Airport").

- a. All such zones are shown on the *Blosser Municipal Airport Layout Plan* on three (3) related plan sheets respectively titled, *Airport Existing Land Use Plan*, *Airport Ultimate Land Use Plan*, and *Airport Airspace Plan*. Said plans affixed in the *Blosser Municipal Airport Master Plan 2010*, first adopted in Ordinance Number _____ by the Governing Body, which are hereby made a part of these Regulations.
- b. An area located in more than one of the zones established and defined in Sections 18-402:409 of this Article is considered to be in the zone having the more restrictive use and height limitation.
- c. The heights of any structure constructed in the AO District shall meet the requirement of Federal Aviation Administration (FAA) regulation, 14 CFR Part 77 and Section 18-701 of this Article.

18-402. Primary Zone. A surface longitudinally centered on each runway. When the runway has a specially-prepared hard surface, the primary runway extends 200 feet beyond the end of that runway. When the runway has no specially-prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. No structure or obstruction is permitted within a primary zone that is not part of the landing and take-off facility and is of a greater elevation AMSL height than the nearest point of the runway centerline.

18-403. Utility Runway Visual Approach Zone. This zone applies to Runways 3-21, 12-30, and proposed Runway 6-24.

- a. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide.

- b. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the end of the primary surface of each runway. Its centerline is the continuation of the centerline of the runway.
- c. The applicable height limitation slopes one (1) foot upward for each 20 feet outward, beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

18-404. Runway Larger Than Utility with a Visibility Minimum Greater than Three-fourths Mile Nonprecision Instrument Approach Zone. This zone applies to Runway 17-35 and proposed Runway 18-36.

- a. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide.
- b. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the end of the primary surface of each runway. Its centerline is the continuation of the centerline of the runway.
- c. The applicable height limitation slopes one (1) foot upward for each 34 feet outward, beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 10,000 feet along the runway centerline.

18-405. Precision Instrument Runway Approach Zone.

- a. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide.
- b. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the end of the primary surface of each runway. Its centerline is the continuation of the centerline of the runway.
- c. The applicable height limitation slopes one (1) foot upward for each 50 feet outward, beginning at the end of, and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes one (1) foot upward for each 40 feet outward to an additional horizontal distance of 40,000 feet along the extended runway centerline.

18-406. Transitional Zones.

- a. The transitional zones are the areas beneath the transitional surfaces.
- b. The applicable height limitation slopes one (1) 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.
- c. Where precision instrument runway approach zones project beyond the conical zones, there are established height limits sloping one (1) foot upward for each seven (7) feet outward beginning at the side of, and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

18-407. Horizontal Zones.

- a. The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet radii for all other runways 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.
- b. The radii of the arcs for each end of the runway shall be the same and the radius used shall be the longest determined for either end.
- c. The applicable height limitation is established at 150 feet above the established Airport elevation.
- d. (Addition) The horizontal zone does not include the approach and transitional zones.

18-408. Conical Zone.

- a. The conical zone is established at that area that commences at the periphery of the horizontal zone and extends outward for a horizontal distance of 4,000 feet.
- b. The applicable height limitation slopes one (1) foot upward for each 20 feet outward beginning at the periphery of the horizontal zone and at 150 feet above the established Airport elevation and extending to a height of 350 feet above the Airport elevation.

SECTION 18-5: SPACING FROM ADJACENT AIRPORT

18-501. Exception to Spacing Requirements. Exception to the spacing requirements may be granted by the Governing Body, after public hearing and recommendation by the City Planning Commission. The Governing Body shall consult with the Federal Aviation Administration (FAA), the City Planning Commission, and the City Airport Advisory Board before granting an exception.

SECTION 18-6: USE RESTRICTIONS

18-601. Sources of Interference Affecting Airport Operations, Pilots, and Aircraft. No use may be made of land or water within the Airport Overlay District (AO District) in such manner as to create electrical interference with navigational signals or radio communications between the Airport and aircraft, make it difficult for pilots to distinguish between Airport lights and other lights, result in glare in the eyes of pilots using the Airport, create smoke, impair visibility in the vicinity of the Airport, create bird strike hazards or otherwise in any way, endanger or interfere with the landing, take-off or maneuvering of aircraft intending to use the Airport.

18-602. Reduction of Lighting Interference. A shield that reduces the amount of light visible from above and directs the light downward shall be required for all outdoor lights, except those incidental to residential uses.

18-603. Marking and Lighting of Structures and Trees. The owner of any existing and future structure or tree shall install, operate and maintain at the owner's expense, such marking and lighting as to be in accordance with the standard set forth in Federal Aviation Administration (FAA) Circular AC-70-7460-1F.

18-604. Permitted and Conditional Uses.

- a. All land located within the Airport Overlay District (AO District) shall have base zoning classification of Agricultural (A-L District), General Commercial (C-3 District) Light Industrial (I-1 District), Heavy Industrial (I-2 District), or Public Use (P District). No land shall be included in the AO District unless it is first rezoned to such an eligible base zoning classification. Unless expressly provided otherwise in this Article, the zoning district requirements of these Regulations shall apply to land in the AO District in accordance with the base zoning of such land.
- b. In furtherance of the purposes of the AO District only the following permitted and conditional uses in base zones are allowed. Conditional uses require the issuance of a Conditional Use Permit in accordance with the provisions of Article 26. No structure or land

shall be used and no structure shall be erected, altered, or enlarged, which is arranged, intended, or designed for any use other than one of the uses indicated in Table 18-1 and in compliance with Section 18-701.

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TABLE 18-1
AIRPORT OVERLAY DISTRICT (AO)
PERMITTED AND CONDITIONAL USES

P = Indicates Permitted Uses
C = Indicates Conditional Uses

Base Zoning	AO District Use Restrictions	Use	Reference
A-L	Agricultural production limited to grain and feed crops and forages is allowed as a <u>permitted use</u> in the A-L District.	P	Section 5-2
A-L	The following uses are <u>allowed</u> as <u>conditional uses</u> : a. Airport and heliports. b. Any public building or land used by any department of the city, county, state, or federal government. g. Exploration or extraction of oil or natural gas.	C	Section 5-3

Base Zoning	AO District Use Restrictions	Use	Reference
C-3	<p>Any use allowed as a <u>permitted use</u> in the C-3 District as listed in Table 9-1 of the City Zoning Regulations <u>except</u> the following uses:</p> <p>6. Auditoriums, exhibition halls, fairgrounds, stadiums and similar uses.</p> <p>11. Day care facilities: child care centers, day care homes, family day care homes, group day care homes and preschools.</p> <p>13. Dwellings.</p> <p>25. Kennels-boarding and breeding.</p> <p>32. Nursing homes, rest homes, convalescent homes and similar facilities</p> <p>36. Race track and courses-vehicle and animal.</p> <p>38. Radio or television broadcasting studios (with transmission towers).</p> <p>46 a. Public and private elementary schools.</p> <p>46 b. Public and private secondary schools.</p>	P	Table 9-1
C-3	<p>Any use allowed as a <u>conditional use</u> in the C-3 District as listed in Table 9-1 of the City Zoning Regulations <u>except</u> the following use:</p> <p>51 - Outdoor theaters.</p>	C	Table 9-1

Base Zoning	AO District Use Restrictions	Use	Reference
I-1 and I-2	<p>Any use allowed as a <u>permitted use</u> in the I-1 or I-2 Districts as listed in Table 15-1 of the City Zoning Regulations <u>except</u> the following uses:</p> <p>5. Automobile wrecking or salvage yards, junk yards, and scrap processing yards.</p> <p>14. Grain elevators.</p> <p>25. Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.</p> <p>26. Public utility and public service uses including municipal power plants, substations, railroads telephone exchanges, microwave towers, radio towers, television towers, telephone transmission buildings, electric power plants, and public utility storage yards.</p> <p>29. Stockyards and slaughterhouses.</p> <p>31. Storage yards.</p>	P	Table 15-1
I-1 and I-2	<p>Any use allowed as a <u>conditional use</u> in the I-1 or I-2 Districts as listed in Table 15-1 of the City Zoning Regulations and in <u>addition</u> the following uses:</p> <p>26. Public utility and public service uses including municipal power plants, substations, railroads telephone exchanges, microwave towers, radio towers, television towers, telephone transmission buildings, electric power plants, and public utility storage yards.</p> <p>31. Storage yards.</p>	C	Table 15-1

Base Zoning	AO District Use Restrictions	Use	Reference
P	<p>Any use allowed as a <u>permitted use</u> in the P District as stated in Section 8-2 of the City Zoning Regulations <u>except</u> the following uses:</p> <ul style="list-style-type: none"> b. Athletic complexes. c. Auditoriums. h. Fairgrounds. p. Public schools. (Still allowed in Item p. are business, technical, trade, or vocational schools.) 	P	Section 8-2

SECTION 18-7: COMPLIANCE WITH FEDERAL LAWS AND REGULATIONS

18-701. Aviation and Airport Related State and Federal Laws. Compliance with all applicable aviation and airport-related State of Kansas and Federal laws and regulations is a condition of any lawful use of land or placement or erection of any structure within the AO District. Prior to commencing any use, or placing or erecting any structure, upon land in the AO District the landowner, applicant or other responsible party shall provide proof, to the satisfaction of the Zoning Administrator, of such compliance.

SECTION 18-8: AMENDING ARTICLE 18

18-801. Amendment process. All amendments of Regulations set forth in this Article shall conform with Article 26 of the City Zoning Regulations. The City Planning Commission and City Commission shall request and consider the City Airport Advisory Board's findings and recommendations relating to any proposed amendments to Article 18.

ARTICLE 26

ZONING AMENDMENT PROCEDURES City of Concordia, Kansas

Sections:

- 26-1 General Authority and Procedure**
- 26-2 Conditional Zoning**
- 26-3 Table of Lesser Change**
- 26-4 Time of Performance in Rezoning**
- 26-5 Conditional Use Permits**
- 26-6 Fees for Rezoning and Conditional Use Permits**

SECTION 26-1 GENERAL AUTHORITY AND PROCEDURE

26-101. Who May Petition or Apply.

- a. Applications for amendments, revisions or changes in the zoning district boundary maps or for a Conditional Use Permit may be made by any person who owns the land for which such an amendment, revisions, change or Conditional Use Permit is sought, or by the owner's agent. If such application is made by the owner's agent, that agent shall enter upon the application the name and current mailing address of the owner and shall submit written authorization to act as agent for the owner prior to the setting of any public hearing.
- b. Applications for amendments, revisions or changes to the zoning regulations, the zoning district boundary maps and/or conditional use may also be made by the Planning Commission or the Governing Body. Any such proposed amendments, revisions, changes, or conditional use shall be submitted to the Planning Commission for recommendation and report with the final decision made by the Governing Body.

26-102. Procedures for Consideration of Request for Amendments, Revisions or Changes.

- a. All applications or requests for amendments, revisions or changes to the zoning regulations, the zoning district boundary maps or for a Conditional Use Permit shall be made to the Zoning Administrator on such forms as provided and acceptable to the Zoning Administrator. The payment of any applicable fee shall be made at the time of the submission of the application.

Immediately upon receipt of an application for rezoning or conditional use by the owner, or agent, and the payment of the appropriate fee, the Zoning Administrator shall note on the application the date of filing and make a permanent record thereof.

- b. All such proposed applications for amendment, revisions or changes to the zoning regulations and/or for a conditional use shall be submitted to the Planning Commission for recommendation. The Planning Commission shall hold a public hearing on the application and shall cause a written summary to be made of the proceedings. Notice of the hearing shall be published once in the official city newspaper at least 20 days prior to the date of the hearing. The date of newspaper publication and the date of the hearing shall not be included in the calculation of 20 days. Notice shall fix the time and place for the hearing, shall give the name and address of the applicant, and shall contain a statement regarding the proposed changes in regulations or restrictions, or proposed change in the boundary or classification of any zone or district, or the requested conditional use.
- c. If the application is not a general amendment, revision or change to the zoning regulations, but is for a rezoning or Conditional Use Permit affecting specific property, the property affected shall be designated by legal description and by a general description sufficient to identify the property under consideration. In addition to such publication notice, written notice of the proposed rezoning or conditional use shall be mailed at least 20 days before the public hearing to all owners of record of the property affected and all owners of record of lands located within at least 200 feet of the area proposed to be altered. In accordance with state law such notice shall extend 1000 feet in those areas where the notification area extends outside the corporate limits of the City. All notices shall include a statement that a complete legal description is available for public inspection in the office of the Zoning Administrator. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission and shall not invalidate any subsequent action taken by the Planning Commission or Governing Body. The applicant shall provide a list of the owners of record, such list certified by a licensed abstractor, of said lands at the time of the filing of the application.
- d. In the case of an application by the Planning Commission or the Governing Body, all the above stated requirements shall be followed except:
 - 1. No fee shall be required.
 - 2. If the application is for an amendment or revision to the text of the zoning regulations, notice of the public hearing shall not be required to be mailed to all affected persons; therefore, a certified list of the owners of land shall not be required.

26-103. Public Hearing Before Planning Commission. The Planning Commission shall hold the public hearing at the place and time so stated within the legal notice. The hearing may be adjourned from time to time, and at the conclusion of the hearing the Planning Commission shall take action on the request by preparing a recommendation either to approve, approve with conditions as authorized by these regulations, or disapprove the application. Any such action must be approved by a majority of the members of the Planning Commission present and voting at the hearing.

When the Planning Commission fails to make a recommendation on an application, the Planning Commission shall be deemed to have made a recommendation of disapproval. Any hearing may, for good cause at the request of the applicant, or in the discretion of the Planning Commission, be continued.

26-104. Action by Planning Commission and Governing Body.

- a. **Recommendations.** Upon the conclusion of the public hearing, the Planning Commission shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing thereon, to the Governing Body. The recommendation may be for approval, disapproval or approval in part and reasons for the recommendations shall be included. If a motion for approval fails to gain approval for any reason, the application is deemed to have been denied and will be submitted to the Governing Body. If the recommendation is for approval, the recommendation shall be in the form of an ordinance.
- b. **Amendments to text.** When a proposed amendment would result in a change in the text of these regulations, but would not result in a change of zoning classification of any specific property, the recommendation of the Planning Commission shall contain a statement as to the nature and effect of such proposed amendment and its reasons for recommending approval or denial.
- c. **Adoption of amendments.** The Governing Body shall not consider an amendment which would result in a change of zoning classification for a specific property, or any application for a Conditional Use Permit, until its next regular meeting after the lapse of the fourteen (14) day protest period provided by state law. A proposed amendment which changes the text of the regulations but would not result in change of zoning classification of any specific property may be considered by the Governing Body without waiting for the lapse of the fourteen (14) day protest period. Upon receipt of the recommendation of the Planning Commission and any protest petitions that have been submitted, the Governing Body shall consider the application and may 1) approve the recommendation of the Planning Commission without change; 2) override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the Governing Body; or 3) return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. Upon return of a recommendation from the

Planning Commission, the Governing Body may take whatever action it deems necessary. Whenever a proposed amendment is defeated by vote of the Governing Body, such amendment shall not thereafter be passed without a further public hearing and notice thereof as provided in this article.

- d. If such amendment or Conditional Use Permit affects the boundaries of any zone or district, the ordinance shall describe the boundaries as amended, or if provision is made for the fixing of the same upon the official maps which as been incorporated by reference, the amending ordinance shall define the change or the boundary as amended, shall order the official maps be changed to reflect such amendment or conditional use, shall amend the section of the ordinance incorporating the same and shall reincorporate such maps as amended.

26-105. Protest Petition. Regardless of whether or not the Planning Commission approves or disapproves a proposed zoning amendment, revision, change, or Conditional Use Permit, if a protest petition against such amendment is filed in the office of the City Clerk within fourteen (14) days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of twenty (20) percent or more of any real property proposed to be rezoned or by the owners of record of twenty (20) percent or more of the total area, excepting public streets and ways, which is located within the notification area described in 26-102, the ordinance adopting such amendment shall not be passed except by at least a 3/4 majority vote of all the members of the Governing Body. Immediately upon receiving the filing of such a protest petition the City Clerk shall notify the Zoning Administrator of such petition.

26-106. Limitations on Successive Applications. Provisions for a limitation on successive applications to the Planning Commission shall be as follows:

- a. No application for an amendment to these regulations including the zoning map shall be accepted by the Planning Commission if an application for the same amendment has been denied by the Planning Commission within the preceding twelve (12) months. The withdrawal of an application after it has been advertised for public hearing shall constitute a denial of the application just as if the public hearing had been held and concluded. For good cause shown by the applicant the Governing Body may waive the twelve (12) month requirements.
- b. Irrespective of the preceding subsection, an application for a rehearing may be accepted by the Planning Commission if in the judgment of the Planning Commission substantial justification is given. All such applications for a rehearing must be submitted to the secretary at least fifteen (15) days in advance of the next regularly scheduled meeting of the Planning Commission following the denial of the application. If the Planning Commission at such meeting determines that there has been substantial change or justification for a rehearing, the item will be advertised and a public hearing held at the next regular scheduled meeting of the Planning Commission.

26-107. Posting of Sign. An applicant for a rezoning or for a Conditional Use Permit may be required by the Zoning Administrator to place a sign upon the lot, tract or parcel of land for which the application was filed. Said sign shall be furnished by the Zoning Administrator to the applicant and the applicant shall display the sign as instructed by the Zoning Administrator. Failure to comply with this requirement shall not deprive the Planning Commission of its jurisdiction or affect any decision, but may be due cause for the Planning Commission to refuse to hear the application or to adjourn the hearing or to require further notice.

26-108. Factors to be Considered in a Rezoning. When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based, using the following guidelines:

- a. Whether the change in classification would be consistent with the intent and purpose of these regulations;
- b. The character and condition of the surrounding neighborhood and its effect on the proposed change;
- c. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;
- d. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;
- e. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;
- f. The suitability of the applicant's property for the uses to which it has been restricted;
- g. The length of time the subject property has remained vacant or undeveloped as zoned;
- h. Whether adequate sewer and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;
- i. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;

- j. The recommendations of professional staff;
- k. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;
- l. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and,
- m. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application.

26-109. Factors to be Considered in an Application for a Conditional Use Permit.

- a. Because of particular conditions associated with their activities, certain uses which might have an adverse effect upon nearby properties or upon the character and future development of a district are not permitted outright in districts, but are allowed as conditional uses when their proposed location is supplemented by additional requirements so as to make the use requested compatible with the surrounding property, the neighborhood and the zoning jurisdiction.
- b. In approving a conditional use, the minimum requirements set out in these regulations for the underlying district must be met unless otherwise reduced by specific reference in the approval of the Governing Body. The requirements may be made more stringent if there are potentially injurious effects which may be anticipated upon other property or the neighborhood or which may be contrary to public health, safety or welfare.
- c. The Planning Commission may recommend approval of a conditional use that is expressly authorized to be permitted in a particular zoning district, and the Governing Body may approve such conditional use, using the following factors as guidelines:
 - 1. Whether approval of the conditional use would be consistent with the intent and purpose of these regulations;
 - 2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood;
 - 3. Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided;
 - 4. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected;

5. The length of time the subject property has remained vacant or undeveloped as zoned;
6. Whether the applicant's property is suitable for the proposed conditional use;
7. The recommendations of professional staff;
8. Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;
9. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed conditional use;
10. Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected;
11. For uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed conditional use is consistent with the adopted Solid Waste Management Plan of Cloud County, and amendments thereto; and
12. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application.

26-110. Traffic Studies. In the case of an application for rezoning of land or for a Conditional Use Permit for a use which may, in the opinion of the Planning Commission, substantially change traffic patterns, or create traffic congestion, the Planning Commission may require that the applicant procure the services of a competent professional traffic engineer for the purpose of preparing a traffic study to be presented to the Planning Commission prior to its taking action on an application for rezoning or for a Conditional Use Permit. Such traffic study shall show that the traffic generated by the proposed development will be handled on the site in an orderly and efficient manner, that vehicular ingress and egress from the site onto public streets will function in an orderly and efficient manner and that no undue burden will be placed upon the existing public street system. The results of the traffic study shall be used in determining the impact of the proposed rezoning or Conditional Use Permit and guide the development of a recommendation or decision regarding the same.

26-111. Platting. Approval of any rezoning may be conditioned upon approval of final platting of some or all the property to be rezoned.

SECTION 26-2 CONDITIONAL ZONING

26-201. The Planning Commission, subject to final approval by the Governing Body, or the Governing Body at its own initiative, in the process of rezoning land may limit the uses which are permitted in the district to which land is to be rezoned. Such a limitation shall be finally approved by the Governing Body only upon a finding that such limitation upon permitted uses is necessary to protect public health, safety or general welfare and is consistent with the purposes of these regulations.

SECTION 26-3 TABLE OF LESSER CHANGE

26-301. The following Table of Lesser Change is for the use of the Planning Commission in determining when republication of an application for rezoning is required. This Table of Lesser Change designates which zoning classifications are lesser changes authorized within the published zoning classifications. The Table of Lesser Change lists zoning classifications in descending order from the most restrictive zoning district to the least restrictive zoning district. The Planning Commission may modify, at its discretion, an application for rezoning to a particular district by recommending a rezoning to a district of lesser change, as determined by the following Table of Lesser Change:

R-1	Low Density Residential District
R-2	Medium Density Residential District
R-3	High Density Residential District
C-1	Office and Service Business District
C-2	Restricted Commercial District
C-3	General Commercial District
C-4	Central Business District
I-1	Light Industrial
I-2	Heavy Industrial

SECTION 26-4 TIME OF PERFORMANCE IN REZONING**26-401.**

- a. In cases where the Planning Commission and Governing Body deem that time of development is a critical factor in protecting the public welfare in a rezoning action, a time of performance may be included in the rezoning ordinance. Such time allowed for performance shall be reasonable. Such time shall be not less than five years from the effective date of the ordinance for all rezonings into districts in which single-family dwellings are allowed and not less than two years from the effective date of the resolution for all rezonings into districts in which single-family dwellings are not allowed. Such ordinance shall state what constitutes performance in each case.

- b. If at the termination of such stipulated period of time performance as required has not occurred, the Planning Commission may, within six (6) months thereafter, publish notice and conduct a public hearing for purposes of determining whether or not to change the zoning to a more restrictive district. The owner of the property in question shall be notified by certified mail of the proposed hearing not less than 20 days prior to the date of the hearing. Other notification and posting as required in this section shall be performed and all proceedings shall be the same as for other rezoning actions.
- c. It shall be the purpose of this hearing to hear the owner and other interested parties and make a determination as to which of the following actions would be recommended to the Governing Body.
 - 1. Extend the time of performance to a specified date,
 - 2. Remove the time of performance, or
 - 3. Rezone the land.
- d. After the hearing the Planning Commission shall forward its recommendations to the Governing Body. The Governing Body will then act to approve or disapprove the recommended action, consistent with these regulations.

SECTION 26-5 CONDITIONAL USE PERMITS

26-501. The application, notice, public hearing, and action procedures set forth in this Article shall be applicable to all applications for Conditional Use Permits submitted after the effective date of these regulations.

26-502. The Governing Body, when approving a Conditional Use Permit, shall specify the period of time for which the permit is valid or shall state that the term of the permit is not limited in time.

26-503. Upon approval of a Conditional Use Permit, the Zoning District Map shall be changed in the manner outlined in this Article.

26-504. The Planning Commission may revoke any Conditional Use Permit upon finding that (a) necessary building permits have not been issued within twelve (12) months of approval of the Conditional Use Permit or (b) if no building permit is required for the use allowed under the Conditional Use Permit, that the use so allowed has not been commenced within twelve (12) months of the approval of the Conditional Use Permit. No revocation shall occur once a valid building permit has been issued or conditional use commenced, regardless of the running of such twelve (12) month period.

26-505. In all instances where a use was allowed under a valid Conditional Use Permit properly issued prior to the effective date of these regulations, which such use would have been a nonconforming use under these regulations but for the issuance of such permit, the property owner shall continue to comply with the conditions set forth in that permit until the permit expires or is otherwise terminated in accordance with the provisions of these regulations.

SECTION 26-6 FEES FOR REZONINGS AND CONDITIONAL USE PERMITS

26-601. A fee, in the amount established by ordinance adopted by the Governing Body, shall accompany an application for rezoning or Conditional Use Permit which fee shall include the cost of publication notice.

26-602. No fee shall be required if the zoning change is initiated by the Planning Commission or the Governing Body. No fee shall be required if either the Planning Commission or Governing Body initiate an amendment to the zoning regulations that will not affect specific property.

SECTION 26-7 ADMINISTRATIVE VARIANCES

26-701.

- a. Except where variances are expressly prohibited by the Regulations, any requirement under these Regulations which may be varied from in accordance with the provisions of Section 25-3 may be submitted to the Zoning Administrator with a request for an administrative variance.
- b. No application for an administrative variance may reduce the requirement sought to be varied from by an amount greater than ten percent (10%).
- c. The Zoning Administrator may approve, disapprove, modify and approve, or refer directly to the Board of Zoning Appeals, an application for administrative variance.
- d. Any final decision by the Zoning Administrator on an application for an administrative variance may be appealed to the Board of Zoning Appeals.