



**AFFIDAVIT OF PUBLICATION**

State of Kansas, Sedgwick County, ss:

Melissa Krehbiel, City Clerk

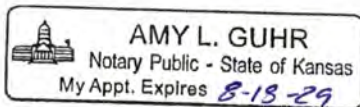
Being first duly sworn, deposes and says:

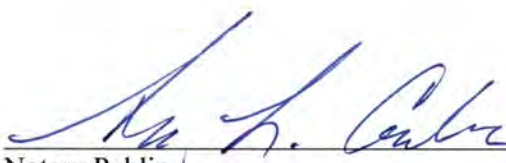
That I, Melissa Krehbiel, City Clerk of the City of Bel Aire, Kansas, has published the attached notice on the City of Bel Aire website, [www.belaireks.gov](http://www.belaireks.gov), which website is designated as the official City newspaper for the City of Bel Aire, Kansas by Charter Ordinance No. 25, effective August 6, 2024.

That the attached Official Notice of Public Hearing (Airport Hazard Regulations) is a true copy thereof and was published on such website beginning on the 20th day of November, 2025.

  
\_\_\_\_\_  
Signature

SUBSCRIBED AND SWORN to before me this 20th day of November, 2025.



  
\_\_\_\_\_  
Notary Public

(seal)

**City of Bel Aire**  
Melissa Krehbiel – City Clerk  
7651 East Central Park Avenue  
Bel Aire, Kansas 67226  
316-744-2451  
[www.belaireks.gov](http://www.belaireks.gov)

(Notification Posted on the City of Bel Aire Website, the designated official City newspaper for the City of Bel Aire on November 20, 2025)

**OFFICIAL NOTICE OF PUBLIC HEARING  
PERTAINING TO CREATING CHAPTER 18, ARTICLE 12, SECTIONS 18.12.01  
THROUGH 18.12.20 OF THE CODE OF THE CITY OF BEL AIRE**

**TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:**

Notice is Hereby Given that on December 11, 2025, the City of Bel Aire Planning Commission will consider the Amendment to the Code of City of Bel Aire by adding Chapter 18, Article 12, Sections 18.12.01 through 18.12.20 pertaining to Airport Hazard Zoning Regulations in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

**Amendment to the Code of the City of Bel Aire to add Chapter 18, Article 12, Sections 18.12.01 through 18.12.20 pertaining to Airport Hazard Zoning Regulations; authorizing zoning restrictions within the vicinity of Colonel James Jabara Airport.**

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body, which, if approved under the City Zoning and Sub- Division regulations, would be effectuated by city code. The public hearing may be recessed and continued from time to time without notice.

**DATED** this 20 day of November 2025.

/s/ Paula L. Downs  
Bel Aire Planning Commission Secretary

(Published at [www.belaireks.gov](http://www.belaireks.gov) on November, \_\_\_\_\_ 2025.)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BEL AIRE, KANSAS PERTAINING TO  
AIRPORT HAZARD ZONING REGULATIONS; AUTHORIZING ZONING  
RESTRICTIONS WITHIN THE VICINITY OF COLONEL JAMES JABARA  
AIRPORT, PENALTIES, AND CREATING CHAPTER 18, ARTICLE 12,  
SECTIONS 18.12.01 THROUGH 18.12.20 OF THE CODE OF THE CITY OF BEL  
AIRE, KANSAS.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS:

“The Code of the City of Bel Aire is hereby amended by adding Chapter 18, Article 12, Sections 18.12.01 through 18.12.20, which read as follows:

**18.12.01 Title and Authority**

This Bel Aire Airport Hazard Zoning Code shall regulate and restrict the height of structures, objects, natural vegetation growth, and other natural or constructed hazards to air navigation within the vicinity of Colonel James Jabara Airport. Creation of appropriate zones and surfaces, establishment of the boundaries thereof, and provision for changes in the restrictions and boundaries of such zones are set forth in this Code

The Wichita-Sedgwick County Airport Hazard Zoning Map as amended and as pertinent to the jurisdiction of the City of Bel Aire, along with all notations, references, elevations, data, zone boundaries, and other information thereon is hereby adopted and incorporated into and made part of this Code. It is intended that such restrictions will be coordinated with the restrictions existing under Chapter 18 of this Code, including the Airport Overlay District (A-O) contained therein. To that end, the requirements of this Article 20 shall supersede any conflicting permitted uses or exceptions found in Articles 6 or 7 of this Chapter 18.

**18.12.02 Statement of Purpose and Findings**

Colonel James Jabara Airport (Jabara) is acknowledged as a public facility that is essential to the City of Bel Aire’s economic development.

(A) The creation or establishment of an Airport Hazard is a public nuisance and poses a potential concern to the surrounding communities served by the Airport.

(B) The creation or establishment of a hazard that endangers public health, safety, or welfare; impacts an individual's quality of life; or prevents the safe movement of aircraft at the Airport is prohibited.

(C) For the protection of public health, safety, and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of Airport Hazards.

(D) The prevention of Airport Hazards shall be accomplished, to the extent legally possible, by proper exercise of the police power of the City of Bel Aire.

(E) The prevention of new Airport Hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing Airport Hazards, are considered to be a public purpose for which the City of Bel Aire may raise and expend public funds.

#### 18.12.03 Applicability

This Code encompasses the prescribed areas defined herein around the Airport, as shown on the Wichita-Sedgwick County Airport Hazard Zoning Map.

#### 18.12.04 Definitions

For the purposes of this Code, words and terms defined in this Article shall be given the meanings set forth here. All other words shall be given their common, ordinary meanings, as the context may reasonably suggest.

In case of a dispute over the meaning of a term not defined here or over the application of a definition set forth here, the Community Development Director shall give a written interpretation.

The intent of this Code is to capitalize or enclose in quotations the defined terms, but in those situations where this capitalization or punctuation is omitted, this does not override construing these terms in accord with their defined meanings.

(A) "Aircraft" means a device that is used or intended to be used for flight in the air, including but not limited to: fixed-wing airplanes (single-engine, multi-engine, jet, turbine and/or piston), rotorcraft (including helicopters), gliders, drones, airships, balloons, powered parachutes, and seaplanes.

(B) "Airport" means any area of land or water designed and set aside for the landing and taking-off of Aircraft. The term Airport includes Heliports set aside for the landing and taking-off of rotary wing Aircraft.

(C) “Airport Elevation” means the established Airport Elevation in feet above mean sea level, of the highest point on the landing area which is used or intended to be used for takeoff and landing operations.

(D) “Airport Hazard” means regardless of Height, any natural or constructed hazards to air navigation which may result in glare, visual impairment, wildlife attractants, or other hazards to pilots.

(E) “Airport Hazard Zoning Map” means the Wichita-Sedgwick County Airport Hazard Zoning Map compiled from the criteria in Title 14 Code of Federal Regulations Part 77 (14 CFR Part 77), *Objects Affecting Navigable Airspace*. It shows the Airport Hazard Zones and five (5) Airport Overlay Surfaces, including Jabara, and includes the layout of Runways, Airport boundaries, elevations, and area topography. Applicable height limitation areas are shown in detail.

(F) “Airport Overlay Surfaces” means surfaces intended to place height and land use conditions on land impacted by airport operations while retaining the existing underlying zone(s). The (14 CFR Part 77) surfaces and Runway protection zones have been combined to create five (5) overlay surfaces for each Airport identified in the Wichita-Sedgwick County Airport Hazard Zoning Code. The five (5) specific surfaces create a comprehensive area focused on maintaining compatible land use around Airports.

(G) “Airport Reference Point” means a point at the approximate center of the Airport landing area as shown on the Wichita-Sedgwick County Airport Hazard Zoning Map.

(H) “Approach Surface” means 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 Surface Height limitation slope set forth in 18.20.6 of this Code. In plan view, the perimeter of the Approach Surface coincides with the perimeter of the approach.

(I) “Conical Surface” means the surface extending upward and outward from the periphery of the Horizontal Surface at a slope of twenty (20) feet horizontally for every one (1) foot vertically (twenty to one, 20:1) for a distance of four thousand (4,000) feet. It is the outermost surface of the overlay areas and has the least number of land use restriction considerations.

(J) “Drone” means an unmanned Aircraft that is operated without the possibility of direct human intervention from within or on the Aircraft.

(K) “FAA” means the Federal Aviation Administration.

(L) “Governing Body” means the Bel Aire City Council within its incorporated limits..

(M) “Hard Surface” means a Runway consisting of an asphalt or concrete pavement. This does not include Runways consisting of grass or dirt surfaces.

(N) “Height” means the datum means sea level elevation unless otherwise specified, for the purpose of determining the maximum object Height limits in all zones set forth herein and shown on the Wichita-Sedgwick County Airport Hazard Zoning Map.

(O) “Heliport” means an area on land, water or upon a Structure set aside and used for the landing and takeoff of rotary wing Aircraft and additional facilities that may be provided for the fueling, refueling, repair and storage of rotary wing Aircraft.

(P) “Horizontal Surface” means the horizontal plane located one hundred fifty (150) feet above the established Airport Elevation and which begins at the edge of the Transitional Surface and Primary Surface for a distance of five thousand (5,000) feet for Visual Approach Runways, or ten thousand (10,000) feet for all other Runways.

(Q) “Jabara” means Colonel James Jabara Airport, a Civilian general aviation reliever Airport which has a property footprint partially within the jurisdiction of the City of Bel Aire and partially within the jurisdiction of the City of Wichita.

(R) “Larger Than Utility Runway” means a Runway that is constructed for and intended to be used by propeller driven Aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight, and jet-powered Aircraft.

(S) “Manager” means, at Colonel James Jabara Airport (KAAO), the Director of Airports of the Wichita Airport Authority.

(T) “Natural Vegetation” means any tree or other object of natural growth.

(U) “Nonconforming Use” means any preexisting Structure, object of natural growth, or use of land which is inconsistent with the provisions of this Code.

(V) “Non-Precision Instrument Runway” means a Runway with an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or Military Airport planning document.

(W) “Non-Public Use Airport” means any Airport designated for private or restricted use only; not open to the general public.

(X) “Planning Commission” means the Bel Aire Planning Commission.

(Y) “Person” means an individual, firm, partnership, corporation, company, association, joint stock association or governmental entity; includes a trustee, receiver, assignee or similar representative of any of them.

(Z) “Precision Instrument Runway” means a Runway with an existing instrument approach procedure utilizing an instrument landing system (ILS) or precision approach radar (PAR). It also means a Runway for which a precision approach system is planned and is so indicated by an FAA-approved Airport layout plan, any other FAA planning document.

(AA) “Primary Surface” means the surface that is longitudinally centered on a Runway. When the Runway has a specially prepared hard surface, the Primary Surface extends two hundred (200) feet beyond each end of that Runway. When the Runway has no specially prepared hard surface, the Primary Surface ends at each end of that Runway. The width of the Primary Surface is two hundred fifty (250) feet, or fifty (50) feet beyond the marked edge of a turf Runway, for Utility Runways with only visual approaches, and five hundred (500) feet for Utility Runways with non-precision instrument approaches. For other than Utility Runways, the width of the Primary Surface is five hundred (500) feet for Visual Runways with only visual approaches; five hundred (500) feet for Non-Precision Instrument Runways with visibility minimums greater than three-fourths ( $\frac{3}{4}$ ) statute mile; one thousand (1,000) feet for a Non-Precision Instrument Runway with a non-precision instrument approach with visibility minimums as low as three-fourths ( $\frac{3}{4}$ ) statute mile and for Precision Instrument Runways. The width of the Primary Surface of a Runway will be that width prescribed in 14 CFR Part 77 Subpart § Section 77.19 for the most precise approach existing or planned for either end of that Runway. For Heliports, Primary Surface means an area that coincides in size and shape with the designated takeoff and landing area of a Heliport. This surface is a horizontal plane at the elevation of the established Heliport elevation (see Airport Elevation)

(BB) “Public-Use Airport” means an Airport that is available for use by the general public without a requirement for prior approval of the Airport owner or operator.

(CC) “Runway” means a defined area on an Airport prepared for landing and takeoff of Aircraft along its length.

(DD) “Runway Approach Surface” means the critical overlay surface that reflects the approach and departure areas for each Runway at an Airport. The Runway Approach Surface is longitudinally centered on the extended Runway centerline and extends outward and upward from

the end of the Runway. The approach slope is twenty to one (20:1) for a distance of five thousand (5,000) feet for Visual Runways; thirty-four to one (34:1) for a distance of ten thousand (10,000) feet for all Non-Precision Instrument Runways other than utility; and fifty to one (50:1) for ten thousand (10,000) feet with an additional forty thousand (40,000) feet at a slope of forty to one (40:1) for all Precision Instrument Runways.

(EE) “Runway Protection Surface” means the area off the end of the Runway that is designed to provide a clear area, free of aboveground obstructions including Structures, objects and Natural Vegetation, to enhance the protection of people and property on the ground. This surface is intended to provide a clear area that is free of any aboveground obstructions.

(FF) “Structure” means an object, including a mobile object, constructed or installed by man, including, but without limitation buildings, towers, smokestacks, poles, pole lines, light poles, signs, earth formations and overhead transmission lines.

(GG) “Transitional Surface” means the surface extending outward and upward at right angles to the Runway centerline and which extends at a slope of seven (7) feet horizontally for each one (1) foot vertically (seven to one, 7:1) from the sides of the Primary and Runway Approach Surfaces. The Transitional Surfaces extend to the point at which they intercept the Horizontal Surface at a height of one hundred fifty (150) feet above the established Airport Elevation. For those portions of the Precision Approach Surface which project through and beyond the limits of the Conical Surface, the Transitional Surfaces extend a distance of five thousand (5,000) feet measured horizontally from the edge of the Approach Surface and at right angles to the Runway centerline.

(HH) “Utility Runway” means a Runway that is constructed for and intended to be used by propeller driven Aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

(II) “Vertiport” means an area of land, water, or a structure used, or intended to be used, to support the landing, takeoff, taxiing, parking, and storage of powered-lift Aircraft.

(JJ) “Visual Approach” means an approach to an Airport that is conducted with visual reference to the terrain.

(KK) “Visual Runway” means a Runway that is intended solely for the operation of Aircraft using Visual Approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved Airport layout plan, or by any planning document submitted to the FAA by a competent authority.



242 18.12.05 Airport Overlay Surfaces

243 Airport Overlay Surfaces established by this Code include all the land lying beneath the Runway  
244 Protection Surface, Runway Approach Surfaces, Transitional Surfaces, Horizontal Surfaces, and  
245 Conical Surfaces of Jabara. These surfaces are as defined under Section 18.20.4, which are more  
246 specifically described in 18.20.6, and as shown on the Wichita-Sedgwick County Airport Hazard  
247 Zoning Map.

248  
249 18.12.06 Colonel James Jabara Airport

250 (A) Airport Elevation. The established Airport Elevation is one thousand four hundred twenty  
251 (1,420) feet above mean sea level.

252  
253 (B) Airport Surfaces and Height Limits. The various surfaces and Height limits for Colonel  
254 James Jabara Airport are shown on sheet one of the Wichita-Sedgwick County Airport Hazard  
255 Zoning Map.

256  
257 (1) Runway Larger Than Utility with a Visibility Minimum as Low as Three-fourths ( $\frac{3}{4}$ )  
258 Mile Non-Precision Instrument Approach Surface (Runway 36). The inner edge of this  
259 Runway Approach Surface coincides with the width of the Primary Surface and is one  
260 thousand (1,000) feet wide. The Runway Approach Surface extends outward uniformly to a  
261 width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from  
262 the end of the Primary Surface. Its centerline is the continuation of the centerline of the  
263 Runway. The applicable Height limitation slopes one (1) foot upward for each forty (40) feet  
264 outward, beginning at the end of, and at the same elevation as, the Primary Surface and  
265 extending to a horizontal distance of ten thousand (10,000) feet along the extended Runway  
266 centerline.

267  
268 (2) Precision Instrument Runway Approach Surface (Runway 18). The inner edge of this  
269 Runway Approach Surface coincides with the width of the Primary Surface and is one  
270 thousand (1,000) feet wide. The Runway Approach Surface extends outward uniformly to a  
271 width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet  
272 from the end of the Primary Surface. Its centerline is the continuation of the centerline of the  
273 Runway. The applicable Height limitation slopes one (1) foot upward for each fifty (50) feet  
274 outward, beginning at the end of, and at the same elevation as, the Primary Surface and  
275 extending to a horizontal distance of ten thousand (10,000) feet along the extended Runway  
276 centerline; thence slopes one (1) foot upward for each forty (40) feet outward to an additional  
277 horizontal distance of forty thousand (40,000) feet along the extended runway Centerlines.

278  
279 (3) Transitional Surfaces. The applicable Height limitation slopes one (1) foot upward for  
280 each seven (7) feet outward, beginning at the sides of, and at the same elevation as, the  
281 Primary Surface and the Runway Approach Surface, and extending to a Height of one hundred

fifty (150) feet above the Airport Elevation. In addition to the foregoing, there are established Height limits sloping one (1) foot upward for each seven (7) feet outward beginning at the sides of, and at the same elevation as the Runway Approach Surface, and extending to where they intersect the Conical Surface. Where Precision Instrument Runway Approach Surfaces project beyond the Conical Surface, there are established Height limits sloping one (1) foot upward for each seven (7) feet outward beginning at the sides of, and at the same elevation as the Runway Approach Surface and extending a horizontal distance of five thousand (5,000) feet measured at ninety-degree (90°) angles to the extended Runway centerline.

(4) Horizontal Surfaces. The Horizontal Surface is established by swinging arcs of five thousand (5,000) feet radii for all Runways designated utility or visual and ten thousand (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. The radii of the arcs for each end of the Runway shall be the same and the radius shall be the longest determined for either end. The applicable Height limitation is established at one hundred fifty (150) feet above the established Airport Elevation.

(5) Conical Surfaces. The Conical Surface is established as that area that commences at the periphery of the Horizontal Surface and extends outward for a horizontal distance of four thousand (4,000) feet. The applicable Height limitation slopes one (1) foot upward for each twenty (20) feet outward, beginning at the periphery of the Horizontal Surface and at one hundred fifty (150) feet above the established Airport Elevation and extending to a Height of three hundred fifty (350) feet above the Airport Elevation.

#### 18.12.07 Spacing Adjacent Airports

(A) No new Airport shall be established, nor shall any existing Airport be improved with approach guidance equipment, to enhance instrument flight rule (IFR) capabilities, any portion of a proposed or existing boundary will be under an Airport Overlay Zone established by this Code or within a radius of eight (8) miles from an Airport Reference Point of an Airport established on the date of this Code, unless a permit has been granted in accordance with the provisions of this Code. Prior to granting any such permit, the Governing Body shall for the purpose of study, comment and recommendation, refer the matter to the Federal Aviation Administration, the manager of Jabara, the Bel Aire Community Development Director and to any other local planning body having either planning or land use control jurisdiction within the area affected.

(B) Exceptions to the spacing requirements provided herein may be granted by the Governing Body when all of the following conditions have been met:

1. Receipt of a proper application;
2. Referral of the matter to all entities described in (A) above for study, comment, and recommendation;
3. A public hearing is held;
- and 4. A finding that special

conditions exists which makes literal enforcement of the spacing requirements an unnecessary hardship and that an exception would not be contrary to public interest.

(C) If any of the aforementioned entities to whom the matter shall have been referred does not, within sixty (60) days, transmit a report to the Governing Body, then it shall be deemed to have approved the proposal; provided, however, that upon request of any such entity, the Governing Body shall grant a reasonable extension of such time.

(D) In granting such exception, the Governing Body shall impose special conditions which will ensure that public interest, existing public and private investment in Airports, and air safety are maintained.

#### 18.12.08 Airport Height Limitations and Lighting Requirements

Unless otherwise provided for in this Code, no Structure, object, Natural Vegetation, or terrain shall be erected, altered, allowed to grow, or be maintained within the applicable Airport Hazard Zone or any Airport Overlay Surface established by this Code to a Height in excess of the applicable Height limitations established by 14 CFR Part 77, *Imaginary Surfaces*, as depicted on the Wichita-Sedgwick County Airport Hazard Zoning Map. Where two (2) or more surfaces overlap, the more restrictive limitation or requirement shall govern and prevail.

Lighting and marking requirements will be determined through an FAA 7460-1 airspace analysis. The owner of any Structure, object, Natural Vegetation, or terrain shall install, operate, and maintain such markers, lights, and other navigational aids necessary to indicate the presence of an Airport Hazard to Aircraft operators. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Code and is reasonable in the circumstances, be so conditioned as to require the owner of the Structure, object, or Natural Vegetation in question to install, operate, and maintain, at the owner's expense, such markings and lighting as specified by the standards in the most current version of FAA Advisory Circular (AC) 70/7460-1. If deemed necessary by the Governing Body, this condition may be modified to require the owner to permit the installation, operation, and maintenance of the necessary markings and lighting in accordance with the standards in the most current version of FAA AC 70/7460-1, at the expense of the owner(s) of the affected Airport.

#### 18.12.09 Use Limitations Within Airport Hazard Zones and Airport Overlay Surfaces

Notwithstanding any other provision of this Code, no use may be made of land or water within any Airport Overlay Zone or any Airport Overlay Surfaces established by this Code in such manner as to make it difficult for pilots to distinguish between airfield lights and other lights, result in glare in the eyes of the pilots using the Airports, create smoke, impair visibility, create bird strike hazards or otherwise in any way, endanger or interfere with the landing, takeoff or maneuvering of Aircraft intending to use the Airport.

A shield that reduces the amount of light visible from above and directs the light downward shall be required for all outdoor lights installed after the effective date of this Code, within the limits of the Horizontal, Inner-Horizontal, Transitional or Runway Approach Surfaces, except those lights incidental to residential uses.

Nothing in this Code shall be construed as prohibiting the construction or maintenance of any Structure or growth of any Natural Vegetation to a Height of twenty-five (25) feet above the surface of the land.

#### 18.12.10 Nonconforming Uses

(A) Regulations Not Retroactive. The regulations prescribed by this Code shall not be construed to require the removal, lowering or other changes or alteration of any Structure or tree not conforming to the regulations as of the effective date of this Code or to otherwise interfere with the continuance of a nonconforming use. Nothing contained in this Code shall require any change in the construction, alteration or intended use of any Structure, the construction or alteration of which was begun prior to the effective date of this Code, and diligently prosecuted.

(B) Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming Structure or tree shall operate and maintain such markers and lights in accordance with standards as set forth in the FAA Circular "Obstruction Marking and Lighting" (No. AC70/74609-1 F) to indicate to the operators of Aircraft in the vicinity of the Airports the presence of Airport Hazards. The maintenance, operation and installation of such markers and lights on such nonconforming Structures and trees, shall be the responsibility of the owner or owners of the affected Airport.

#### 18.12.11 Code Administration and Enforcement

It shall be the duty of the Community Development Director to administer and enforce the regulations prescribed herein, including the authority to make written interpretations of this Code. Applications for Airport Hazard Zoning Permits, variances and written interpretations shall be made to the Community Development Director upon forms furnished by the Community Development Director. Airport Hazard Zoning Permit applications shall be either granted or denied by the Community Development Director in accordance with the regulations prescribed herein. Any variance shall be done in accordance with Sec. 18.20.13 and any appeal shall be done in accordance with Sec. 18.20.15. In addition, the Community Development Director may cause to be instituted in any court of competent jurisdiction an action to prevent, restrain, correct or abate any violation of this Code, or of any order or ruling made in connection therewith as provided by law.

#### 18.12.12 Airport Hazard Zoning Maps

The officially adopted Wichita-Sedgwick County Airport Hazard Zoning Map, as amended, is to be kept on file in the office of the Community Development Director.

#### 18.12.13 Airport Hazard Zoning Permits

Any tower, Structure, or object which transmits a signal requires an Airport Hazard Zoning Permit without exception. Any other Structure, object or Natural Vegetation which exceeds the Height limits specified in the Airport Hazard Zoning Map requires an Airport Hazard Zoning Permit, except as provided below.

##### Exceptions:

(1) In the area lying within the boundaries of Zone A shown on sheet two of the Wichita-Sedgwick County Airport Hazard Zoning Map, no permit shall be required under this section for any Structure less than twenty-five (25) feet of vertical Height above the ground.

(2) In the area lying within the boundaries of Zone B shown on sheet two of the Wichita-Sedgwick County Airport Hazard Zoning Map, no permit shall be required under this section for any Structure less than fifty (50) feet of vertical Height above the ground, except when, because of terrain, land contour or topographic features, such Structure would extend above the Height limits prescribed for Runway Approach, Conical, Transitional or Horizontal Surfaces.

(3) In the area lying within the boundaries of Zone C shown on sheet two of the Wichita-Sedgwick County Airport Hazard Zoning Map, no permit shall be required under this section for any Structure less than one hundred (100) feet of vertical Height above the ground, except when, because of terrain, land contour, or topographic features, such Structure would extend above the Height limits prescribed for Runway Approach, Conical, Transitional or Horizontal Surfaces.

(4) In the area lying within the boundaries of Zone D shown on sheet two of the Wichita-Sedgwick County Airport Hazard Zoning Map, no permit shall be required under this section for any Structure less than two hundred (200) feet of vertical Height above the ground, except when, because of terrain, land contour, or topographic features, such Structure would extend above the Height limits prescribed for Runway Approach, Conical, Transitional or Horizontal Surfaces.

The applicant proposing any Structure, object or Natural Vegetation which exceeds the Height limits specified in the Airport Hazard Zoning Map, or a tower, Structure or object of any Height which transmits a signal, shall utilize the FAA's Notice Criteria Tool. After utilizing the FAA Notice Criteria Tool, the following shall be submitted to the Community Development Director for review:

(1) A letter from the FAA Notice Criteria Tool that no Form 7460-1 is requested or required to be filed; or

(2) An FAA Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) Determination

It shall be the duty of the applicant to provide the Community Development Director with sufficient information to evaluate the proposed action. This information shall include, but not be limited to, the following:

- Contact information
  - Structure information
  - Site information
  - Drawing information
  - Effective radiated power (ERP) and frequencies emitted from the structure (if any), proximity to navigation facilities and potential impact to the assurance of navigation signal reception
  - Identification of current and potential compatibility concerns
  - FAA Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) Determination (response to submittal of FAA Form 7460-1, *Notice of Proposed Construction or Alteration*).
- If, through use of the FAA's Notice Criteria Tool, it is determined that submittal of Form 7460-1 is not requested or required, documentation indicating this result must be provided.

The Community Development Director shall evaluate the proposal based on information provided by the applicant. The Community Development Director shall approve the permit if, after evaluation, the proposed project is found to be adequately compatible, in accordance with the provisions of this Code. Should the FAA issue a determination of air hazard or any other adverse or negative determination affecting Airport operations or if the proposed project is found to be incompatible after review, the Community Development Director shall deny the permit. Should the permit be denied, the applicant may request an appeal or a variance, as prescribed in this Code.

#### 18.12.14 Variances

(A) Any person desiring to erect or increase the Height of any Structure, or permit the growth of any Natural Vegetation, or use their property not in accordance with the regulations prescribed in this Code, may apply to the Governing Body for a variance from such regulations. The Governing Body may refer the application to the Community Development Director for study and recommendations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances may be allowed where it is duly found that literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice and be in accordance with the spirit and intent of this

Code.

(B) No application for variance to the requirements of this Code shall be furnished by the Governing Body unless a copy of the application has been furnished to the Manager of the affected Airport(s) for comment as to the aeronautical effects of the variance. If the Manager of the affected Airport(s) does not respond to the Governing Body within fifteen (15) days after receipt, the Governing Body may act on its own to grant or deny the application.

(C) Any person aggrieved by any final decision of the Governing Body may appeal to any court of competent jurisdiction in Sedgwick County, Kansas as provided by law.

#### 18.12.15 Appeals

(A) Any person aggrieved or affected by a decision of the Community Development Director made in administration of this Code, may appeal to the Governing Body.

(B) All appeals under this chapter must be made within thirty (30) days by filing with the Community Development Director a notice of appeal specifying the grounds thereof. The Community Development Director shall forthwith transmit to the Governing Body all papers constituting the record on which the action appealed was taken.

(C) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Community Development Director certifies to the Governing Body, after the notice of appeal has been filed, that by reason of the facts stated in the certificate, a stay would, in the opinion of the Community Development Director, cause imminent peril to life or property. In such a case, proceedings shall not be stayed except by order of the Governing Body and upon due cause shown.

(D) The Governing Body shall fix a reasonable time for the hearing of appeals, giving public notice by publication once in the official city newspaper a minimum of fifteen (15) days prior to the hearing and due notice to the parties in interest, and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent, or by attorney.

(E) The Governing Body may reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

(F) The vote of a majority of the members of the Governing Body shall be sufficient to revise any order, requirement, decision, or determination of the Community Development Director, or to decide in favor of the applicant on any matter upon which it is required to pass under this Code, or to effect any variation in this Code.

(G) Any person aggrieved by any final decision of the Governing Body may appeal to any court of competent jurisdiction in Sedgwick County, Kansas as provided by law.

#### 18.12.16 Amendments

Amendment or repeal of all or part of this Code shall be done in accordance with the procedure prescribed by law for the adoption, amendment and repeal of Airport zoning regulations (K.S.A. 3-705). Any change in an Airport zoning classification shall be accomplished in the manner provided by law, after public hearing held by the Planning Commission and public hearing and action of the Governing Body. Any change shall be noted on the particular Airport Hazard Zoning Map affected by such change which is on file in the office of the Community Development Director and in the office of the Wichita-Sedgwick County Metropolitan Area Planning Department, so that all such Airport Hazard Zoning Maps shall at all times reflect the current Airport zoning classification of land within such zones and surfaces.

#### 18.12.17 Penalties

Notwithstanding any provision in this Code regarding the enforcement of the provisions of this Code by civil or other extraordinary provisions of law, each violation of this Code or any regulation, order or ruling promulgated under this Code, shall constitute a misdemeanor. Any violation occurring within the City shall constitute a misdemeanor with penalties not to exceed twenty five hundred dollars (\$2,500.00). or imprisonment for not more than six (6) months for each offense, or both such fine and imprisonment. For purposes of these penalties, each day a violation continues to exist shall constitute a separate offense.

#### 18.12.18 Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this Code and any other regulations applicable to the same area (including 14 CFR Part 77, *Objects Affecting Navigable Airspace*), whether the conflict be with respect to Height or Structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

#### 18.12.19 Severability

If any section, subsection, sentence, clause, phrase or portion of this Code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed separate, distinct and independent provisions and such holding shall not affect the validity of the remaining portions of this Code.

#### 18.12.20 Effective Date

This Code shall be in effect from and after its passage by the Governing Body and publication and posting as required by law.”



ADOPTED by the Governing Body of the City of Bel Aire, Kansas on this 4<sup>nd</sup> day of November, 2025.

SIGNED by the Mayor on this \_\_\_\_\_ day of November, 2025.

CITY OF BEL AIRE, KANSAS

\_\_\_\_\_  
Jim Benage, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Krehbiel, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Maria A. Schrock, City Attorney

