

4 **ORDINANCE NO. \_\_\_\_\_**  
5

6  
7 **AN ORDINANCE OF THE CITY OF BEL AIRE, KANSAS PERTAINING TO**  
8 **AIRPORT HAZARD ZONING REGULATIONS; AUTHORIZING ZONING**  
9 **RESTRICTIONS WITHIN THE VICINITY OF COLONEL JAMES JABARA**  
10 **AIRPORT, PENALTIES, AND CREATING CHAPTER 18, ARTICLE 12,**  
11 **SECTIONS 18.12.04 THROUGH 18.12.23 OF THE CODE OF THE CITY OF BEL**  
12 **AIRE, KANSAS.**  
13

14  
15 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS:  
16

17 “The Code of the City of Bel Aire is hereby amended by adding Chapter 18, Article 12, Sections  
18 18.12.04 through 18.12.23, which read as follows:  
19

20 18.12.04 Title and Authority

21 This Bel Aire Airport Hazard Zoning Code shall regulate and restrict the height of structures,  
22 objects, natural vegetation growth, and other natural or constructed hazards to air navigation within  
23 the vicinity of Colonel James Jabara Airport. Creation of appropriate zones and surfaces,  
24 establishment of the boundaries thereof, and provision for changes in the restrictions and  
25 boundaries of such zones are set forth in this Code  
26

27 The Wichita-Sedgwick County Airport Hazard Zoning Map as amended and as pertinent to the  
28 jurisdiction of the City of Bel Aire, along with all notations, references, elevations, data, zone  
29 boundaries, and other information thereon is hereby adopted and incorporated into and made part  
30 of this Code. It is intended that such restrictions will be coordinated with the restrictions existing  
31 under Chapter 18 of this Code, including the Airport Overlay District (A-O) contained therein. To  
32 that end, the requirements of this Article 20 shall supersede any conflicting permitted uses or  
33 exceptions found in Articles 6 or 7 of this Chapter 18.  
34

35 18.12.05 Statement of Purpose and Findings

36 Colonel James Jabara Airport (Jabara) is acknowledged as a public facility that is essential to the  
37 City of Bel Aire’s economic development.  
38

39 (A) The creation or establishment of an Airport Hazard is a public nuisance and poses a  
40 potential concern to the surrounding communities served by the Airport.  
41

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

45  
46 (C) For the protection of public health, safety, and general welfare, and for the promotion of  
47 the most appropriate use of land, it is necessary to prevent the creation or establishment of Airport  
48 Hazards.

49  
50 (D) The prevention of Airport Hazards shall be accomplished, to the extent legally possible, by  
51 proper exercise of the police power of the City of Bel Aire.

52  
53 (E) The prevention of new Airport Hazards and the elimination, removal, alteration, mitigation,  
54 or marking and lighting of existing Airport Hazards, are considered to be a public purpose for  
55 which the City of Bel Aire may raise and expend public funds.

56  
57 18.12.06 Applicability  
58 This Code encompasses the prescribed areas defined herein around the Airport, as shown on the  
59 Wichita-Sedgwick County Airport Hazard Zoning Map.

60  
61 18.12.07 Definitions  
62 For the purposes of this Code, words and terms defined in this Article shall be given the meanings  
63 set forth here. All other words shall be given their common, ordinary meanings, as the context may  
64 reasonably suggest.

65  
66 In case of a dispute over the meaning of a term not defined here or over the application of a  
67 definition set forth here, the City Community Development Director shall give a written  
68 interpretation.

69  
70 The intent of this Code is to capitalize or enclose in quotations the defined terms, but in those  
71 situations where this capitalization or punctuation is omitted, this does not override construing  
72 these terms in accord with their defined meanings.

73  
74 (A) “Aircraft” means a device that is used or intended to be used for flight in the air, including  
75 but not limited to: fixed-wing airplanes (single-engine, multi-engine, jet, turbine and/or piston),  
76 rotorcraft (including helicopters), gliders, drones, airships, balloons, powered parachutes, and  
77 seaplanes.

78  
79 (B) “Airport” means any area of land or water designed and set aside for the landing and taking-  
80 off of Aircraft. The term Airport includes Heliports set aside for the landing and taking-off of  
81 rotary wing Aircraft.



- 122 (L) “Governing Body” means the Bel Aire City Council within its incorporated limits..  
123
- 124 (M) “Hard Surface” means a Runway consisting of an asphalt or concrete pavement. This does  
125 not include Runways consisting of grass or dirt surfaces.  
126
- 127 (N) “Height” means the datum means sea level elevation unless otherwise specified, for the  
128 purpose of determining the maximum object Height limits in all zones set forth herein and shown  
129 on the Wichita-Sedgwick County Airport Hazard Zoning Map.  
130
- 131 (O) “Heliport” means an area on land, water or upon a Structure set aside and used for the  
132 landing and takeoff of rotary wing Aircraft and additional facilities that may be provided for the  
133 fueling, refueling, repair and storage of rotary wing Aircraft.  
134
- 135 (P) “Horizontal Surface” means the horizontal plane located one hundred fifty (150) feet above  
136 the established Airport Elevation and which begins at the edge of the Transitional Surface and  
137 Primary Surface for a distance of five thousand (5,000) feet for Visual Approach Runways, or ten  
138 thousand (10,000) feet for all other Runways.  
139
- 140 (Q) “Jabara” means Colonel James Jabara Airport, a Civilian general aviation reliever Airport  
141 which has a property footprint partially within the jurisdiction of the City of Bel Aire and partially  
142 within the jurisdiction of the City of Wichita.  
143
- 144 (R) “Larger Than Utility Runway” means a Runway that is constructed for and intended to be  
145 used by propeller driven Aircraft of greater than twelve thousand five hundred (12,500) pounds  
146 maximum gross weight, and jet-powered Aircraft.  
147
- 148 (S) “Manager” means, at Colonel James Jabara Airport (KAAO), the Director of Airports of  
149 the Wichita Airport Authority.  
150
- 151 (T) “Natural Vegetation” means any tree or other object of natural growth.  
152
- 153 (U) “Nonconforming Use” means any preexisting Structure, object of natural growth, or use of  
154 land which is inconsistent with the provisions of this Code.  
155
- 156 (V) “Non-Precision Instrument Runway” means a Runway with an existing instrument  
157 approach procedure utilizing air navigation facilities with only horizontal guidance, or area type  
158 navigation equipment, for which a straight-in non-precision instrument approach procedure has  
159 been approved or planned, and for which no precision approach facilities are planned or indicated  
160 on an FAA planning document or Military Airport planning document.  
161

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

164

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

166

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

170

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

175

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

192

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

195

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

198

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

202 the end of the Runway. The approach slope is twenty to one (20:1) for a distance of five thousand  
203 (5,000) feet for Visual Runways; thirty-four to one (34:1) for a distance of ten thousand (10,000)  
204 feet for all Non-Precision Instrument Runways other than utility; and fifty to one (50:1) for ten  
205 thousand (10,000) feet with an additional forty thousand (40,000)feet at a slope of forty to one  
206 (40:1) for all Precision Instrument Runways.

207  
208 (EE) “Runway Protection Surface” means the area off the end of the Runway that is designed to  
209 provide a clear area, free of aboveground obstructions including Structures, objects and Natural  
210 Vegetation, to enhance the protection of people and property on the ground. This surface is  
211 intended to provide a clear area that is free of any aboveground obstructions.

212  
213 (FF) “Structure” means an object, including a mobile object, constructed or installed by man,  
214 including, but without limitation buildings, towers, smokestacks, poles, pole lines, light poles,  
215 signs, earth formations and overhead transmission lines.

216  
217 (GG) “Transitional Surface” means the surface extending outward and upward at right angles to  
218 the Runway centerline and which extends at a slope of seven (7) feet horizontally for each one (1)  
219 foot vertically (seven to one, 7:1) from the sides of the Primary and Runway Approach Surfaces.  
220 The Transitional Surfaces extend to the point at which they intercept the Horizontal Surface at a  
221 height of one hundred fifty (150) feet above the established Airport Elevation. For those portions  
222 of the Precision Approach Surface which project through and beyond the limits of the Conical  
223 Surface, the Transitional Surfaces extend a distance of five thousand (5,000) feet measured  
224 horizontally from the edge of the Approach Surface and at right angles to the Runway centerline.

225  
226 (HH) “Utility Runway” means a Runway that is constructed for and intended to be used by  
227 propeller driven Aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight  
228 and less.

229  
230 (II) “Vertiport” means an area of land, water, or a structure used, or intended to be used, to  
231 support the landing, takeoff, taxiing, parking, and storage of powered-lift Aircraft.

232  
233 (JJ) “Visual Approach” means an approach to an Airport that is conducted with visual reference  
234 to the terrain.

235  
236 (KK) “Visual Runway” means a Runway that is intended solely for the operation of Aircraft  
237 using Visual Approach procedures, with no straight-in instrument approach procedure and no  
238 instrument designation indicated on an FAA-approved Airport layout plan, or by any planning  
239 document submitted to the FAA by a competent authority.

240  
241

242 18.12.08 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 18.12.09 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

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

290  
291 (4) Horizontal Surfaces. The Horizontal Surface is established by swinging arcs of five  
292 thousand (5,000) feet radii for all Runways designated utility or visual and ten thousand  
293 (10,000) feet radii for all other Runways from the center of each end of the Primary Surface  
294 of each Runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The  
295 radii of the arcs for each end of the Runway shall be the same and the radius shall be the  
296 longest determined for either end. The applicable Height limitation is established at one  
297 hundred fifty (150) feet above the established Airport Elevation.

298  
299 (5) Conical Surfaces. The Conical Surface is established as that area that commences at the  
300 periphery of the Horizontal Surface and extends outward for a horizontal distance of four  
301 thousand (4,000) feet. The applicable Height limitation slopes one (1) foot upward for each  
302 twenty (20) feet outward, beginning at the periphery of the Horizontal Surface and at one  
303 hundred fifty (150) feet above the established Airport Elevation and extending to a Height of  
304 three hundred fifty (350) feet above the Airport Elevation.

305  
306 18.12.10 Spacing Adjacent Airports

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

316  
317 (B) Exceptions to the spacing requirements provided herein may be granted by the Governing  
318 Body when all of the following conditions have been met: 1.  
319 Receipt of a proper application; 2. Referral of the matter to all entities described in (A) above for  
320 study, comment, and recommendation; 3. A public hearing is held; and 4. A finding that special

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

323  
324 (C) If any of the aforementioned entities to whom the matter shall have been referred does  
325 not, within sixty (60) days, transmit a report to the Governing Body, then it shall be deemed to  
326 have approved the proposal; provided, however, that upon request of any such entity, the  
327 Governing Body shall grant a reasonable extension of such time.

328  
329 (D) In granting such exception, the Governing Body shall impose special conditions which  
330 will ensure that public interest, existing public and private investment in Airports, and air safety  
331 are maintained.

332  
333 18.12.11 Airport Height Limitations and Lighting Requirements  
334 Unless otherwise provided for in this Code, no Structure, object, Natural Vegetation, or terrain  
335 shall be erected, altered, allowed to grow, or be maintained within the applicable Airport Hazard  
336 Zone or any Airport Overlay Surface established by this Code to a Height in excess of the  
337 applicable Height limitations established by 14 CFR Part 77, *Imaginary Surfaces*, as depicted on  
338 the Wichita-Sedgwick County Airport Hazard Zoning Map. Where two (2) or more surfaces  
339 overlap, the more restrictive limitation or requirement shall govern and prevail.

340  
341 Lighting and marking requirements will be determined through an FAA 7460-1 airspace analysis.  
342 The owner of any Structure, object, Natural Vegetation, or terrain shall install, operate, and  
343 maintain such markers, lights, and other navigational aids necessary to indicate the presence of an  
344 Airport Hazard to Aircraft operators. Any permit or variance granted may, if such action is deemed  
345 advisable to effectuate the purpose of this Code and is reasonable in the circumstances, be so  
346 conditioned as to require the owner of the Structure, object, or Natural Vegetation in question to  
347 install, operate, and maintain, at the owner's expense, such markings and lighting as specified by  
348 the standards in the most current version of FAA Advisory Circular (AC) 70/7460-1. If deemed  
349 necessary by the Governing Body, this condition may be modified to require the owner to permit  
350 the installation, operation, and maintenance of the necessary markings and lighting in accordance  
351 with the standards in the most current version of FAA AC 70/7460-1, at the expense of the  
352 owner(s) of the affected Airport.

353  
354 18.12.12 Use Limitations Within Airport Hazard Zones and Airport Overlay Surfaces  
355 Notwithstanding any other provision of this Code, no use may be made of land or water within  
356 any Airport Overlay Zone or any Airport Overlay Surfaces established by this Code in such  
357 manner as to make it difficult for pilots to distinguish between airfield lights and other lights, result  
358 in glare in the eyes of the pilots using the Airports, create smoke, impair visibility, create bird  
359 strike hazards or otherwise in any way, endanger or interfere with the landing, takeoff or  
360 maneuvering of Aircraft intending to use the Airport.

361  
362 A shield that reduces the amount of light visible from above and directs the light downward shall  
363 be required for all outdoor lights installed after the effective date of this Code, within the limits of  
364 the Horizontal, Inner-Horizontal, Transitional or Runway Approach Surfaces, except those lights  
365 incidental to residential uses.

366  
367 Nothing in this Code shall be construed as prohibiting the construction or maintenance of any  
368 Structure or growth of any Natural Vegetation to a Height of twenty-five (25) feet above the  
369 surface of the land.

370  
371 18.12.13 Nonconforming Uses  
372 (A) Regulations Not Retroactive. The regulations prescribed by this Code shall not be  
373 construed to require the removal, lowering or other changes or alteration of any Structure or tree  
374 not conforming to the regulations as of the effective date of this Code or to otherwise interfere  
375 with the continuance of a nonconforming use. Nothing contained in this Code shall require any  
376 change in the construction, alteration or intended use of any Structure, the construction or  
377 alteration of which was begun prior to the effective date of this Code, and diligently prosecuted.

378  
379 (B) Marking and Lighting. Notwithstanding the preceding provision of this section, the  
380 owner of any existing nonconforming Structure or tree shall operate and maintain such markers  
381 and lights in accordance with standards as set forth in the FAA Circular "Obstruction Marking  
382 and Lighting" (No. AC70/74609-1 F) to indicate to the operators of Aircraft in the vicinity of  
383 the Airports the presence of Airport Hazards. The maintenance, operation and installation of  
384 such markers and lights on such nonconforming Structures and trees, shall be the responsibility  
385 of the owner or owners of the affected Airport.

386  
387 18.12.14 Code Administration and Enforcement  
388 It shall be the duty of the City Community Development Director to administer and enforce the  
389 regulations prescribed herein, including the authority to make written interpretations of this Code.  
390 Applications for Airport Hazard Zoning Permits, variances and written interpretations shall be  
391 made to the City Community Development Director upon forms furnished by the City  
392 Community Development Director. Airport Hazard Zoning Permit applications shall be either  
393 granted or denied by the City Community Development Director in accordance with the  
394 regulations prescribed herein. Any variance shall be done in accordance with Sec. 18.20.13 and  
395 any appeal shall be done in accordance with Sec. 18.20.15. In addition, the City Community  
396 Development Director may cause to be instituted in any court of competent jurisdiction an action  
397 to prevent, restrain, correct or abate any violation of this Code, or of any order or ruling made in  
398 connection therewith as provided by law.

399  
400

401 18.12.15 Airport Hazard Zoning Maps

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

404

405 18.12.16 Airport Hazard Zoning Permits

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

410

411 Exceptions:

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

415

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

422

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

429

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

436

437 The applicant proposing any Structure, object or Natural Vegetation which exceeds the Height  
438 limits specified in the Airport Hazard Zoning Map, or a tower, Structure or object of any Height  
439 which transmits a signal, shall utilize the FAA's Notice Criteria Tool. After utilizing the FAA

440 Notice Criteria Tool, the following shall be submitted to the City Community Development  
441 Director for review:

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

444  
445 (2) An FAA Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) Determination  
446

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

- 450 • Contact information
- 451 • Structure information
- 452 • Site information
- 453 • Drawing information
- 454 • Effective radiated power (ERP) and frequencies emitted from the structure (if any),  
455 proximity to navigation facilities and potential impact to the assurance of navigation signal  
456 reception
- 457 • Identification of current and potential compatibility concerns
- 458 • FAA Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) Determination  
459 (response to submittal of FAA Form 7460-1, *Notice of Proposed Construction or Alteration*).  
460 If, through use of the FAA’s Notice Criteria Tool, it is determined that submittal of Form  
461 7460-1 is not requested or required, documentation indicating this result must be provided.

462  
463 The City Community Development Director shall evaluate the proposal based on information  
464 provided by the applicant. The City Community Development Director shall approve the permit  
465 if, after evaluation, the proposed project is found to be adequately compatible, in accordance with  
466 the provisions of this Code. Should the FAA issue a determination of air hazard or any other  
467 adverse or negative determination affecting Airport operations or if the proposed project is found  
468 to be incompatible after review, the City Community Development Director shall deny the permit.  
469 Should the permit be denied, the applicant may request an appeal or a variance, as prescribed in  
470 this Code.

471  
472 18.12.17 Variances

473 (A) Any person desiring to erect or increase the Height of any Structure, or permit the growth  
474 of any Natural Vegetation, or use their property not in accordance with the regulations prescribed  
475 in this Code, may apply to the Governing Body for a variance from such regulations. The  
476 Governing Body may refer the application to the City Community Development Director for study  
477 and recommendations. The application for variance shall be accompanied by a determination from  
478 the Federal Aviation Administration as to the effect of the proposal on the operation of air  
479 navigation facilities and the safe, efficient use of navigable airspace. Such variances may be

480 allowed where it is duly found that literal application or enforcement of the regulations will result  
481 in unnecessary hardship and relief granted will not be contrary to the public interest, will not create  
482 a hazard to air navigation, will do substantial justice and be in accordance with the spirit and intent  
483 of this Code.  
484

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

490  
491 (C) Any person aggrieved by any final decision of the Governing Body may appeal to any  
492 court of competent jurisdiction in Sedgwick County, Kansas as provided by law.

493  
494 18.12.18 Appeals

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

497  
498 (B) All appeals under this chapter must be made within thirty (30) days by filing with the City  
499 Community Development Director a notice of appeal specifying the grounds thereof. The City  
500 Community Development Director shall forthwith transmit to the Governing Body all papers  
501 constituting the record on which the action appealed was taken.

502  
503 (C) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the  
504 City Community Development Director certifies to the Governing Body, after the notice of appeal  
505 has been filed, that by reason of the facts stated in the certificate, a stay would, in the opinion of  
506 the City Community Development Director, cause imminent peril to life or property. In such a  
507 case, proceedings shall not be stayed except by order of the Governing Body and upon due cause  
508 shown

509 .  
510 (D) The Governing Body shall fix a reasonable time for the hearing of appeals, giving public  
511 notice by publication once in the official city newspaper a minimum of fifteen (15) days prior to  
512 the hearing and due notice to the parties in interest, and shall decide the same within a reasonable  
513 time. At the hearing, any party may appear in person, by agent, or by attorney.

514  
515 (E) The Governing Body may reverse or affirm, in whole or in part, or modify the order,  
516 requirement, decision, or determination appealed from and may make such order, requirement,  
517 decision, or determination as may be appropriate under the circumstances.

518

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

523  
524 (G) Any person aggrieved by any final decision of the Governing Body may appeal to any  
525 court of competent jurisdiction in Sedgwick County, Kansas as provided by law.

526  
527 18.12.19 Amendments  
528 Amendment or repeal of all or part of this Code shall be done in accordance with the procedure  
529 prescribed by law for the adoption, amendment and repeal of Airport zoning regulations (K.S.A.  
530 3-705). Any change in an Airport zoning classification shall be accomplished in the manner  
531 provided by law, after public hearing held by the Planning Commission and public hearing and  
532 action of the Governing Body. Any change shall be noted on the particular Airport Hazard Zoning  
533 Map affected by such change which is on file in the office of the City Community Development  
534 Director and in the office of the Wichita-Sedgwick County Metropolitan Area Planning  
535 Department, so that all such Airport Hazard Zoning Maps shall at all times reflect the current  
536 Airport zoning classification of land within such zones and surfaces.

537  
538 18.12.20 Penalties  
539 Notwithstanding any provision in this Code regarding the enforcement of the provisions of this  
540 Code by civil or other extraordinary provisions of law, each violation of this Code or any  
541 regulation, order or ruling promulgated under this Code, shall constitute a misdemeanor. Any  
542 violation occurring within the City shall constitute a misdemeanor with penalties not to exceed  
543 twenty five hundred dollars (\$2,500.00) or imprisonment for not more than six (6) months for  
544 each offense, or both such fine and imprisonment. For purposes of these penalties, each day a  
545 violation continues to exist shall constitute a separate offense.

546  
547 18.12.21 Conflicting Regulations  
548 Where there exists a conflict between any of the regulations or limitations prescribed in this Code  
549 and any other regulations applicable to the same area (including 14 CFR Part 77, *Objects Affecting*  
550 *Navigable Airspace*), whether the conflict be with respect to Height or Structures, the use of land,  
551 or any other matter, the more stringent limitation or requirement shall govern and prevail.

552  
553 18.12.22 Severability  
554 If any section, subsection, sentence, clause, phrase or portion of this Code is for any reason held  
555 invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed  
556 separate, distinct and independent provisions and such holding shall not affect the validity of the  
557 remaining portions of this Code.

558

559 18.12.23 Effective Date

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

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569 [Remainder of this page intentionally left blank]

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589 ADOPTED by the Governing Body of the City of Bel Aire, Kansas on this 5<sup>th</sup> day of May, 2026.

590

591 SIGNED by the Mayor on this \_\_\_\_\_ day of May, 2026.

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CITY OF BEL AIRE, KANSAS

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Jim Benage, Mayor

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601 ATTEST:

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

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608 APPROVED AS TO FORM:

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

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