



DATE: February 12, 2026
TO: Bel Aire Planning Commission
FROM: City Attorney
SUBJECT: Preliminary Report Re: Airport Hazard Preventative Zoning Requirements

Background: Obstructions to aircraft during landing or takeoff that exist in areas nearby airports can create hazards posing risks to lives and property. These hazards can impact current and future flight paths, maneuvering space, and overall airport operations. To address this problem, Kansas statute allows local governments to adopt and enforce airport zoning regulations which can prevent hazard development.

Wichita and Sedwick County have shared a joint Airport Hazard Zoning Code since 1995. Properties within the city limits of Bel Aire are not subject to this Code, as the Sedwick County jurisdiction only extends to unincorporated areas of the county. This situation presents a gap in airport safety coverage for Colonel James Jabara Airport (Jabara), as a portion of its footprint is adjacent to and located within the city limits of Bel Aire.

Jabara is a rapidly growing general aviation airport which is home base to approximately 150 jet and propeller-driven aircraft. It is also home for the National Center for Aviation Training and WSU Tech, which is currently building a \$30 million expansion. It is a significant economic driver located approximately a mile south of Sunflower Commerce Park. It is a valuable asset in the City's total economic development opportunity package, yet requires no financial contributions from the City.

Analysis: The Federal Aviation Administration (FAA) issued a new Advisory Circular in September 2022 covering Airport Land Use Compatibility Planning intended to aid local jurisdictions developing airport land use compatibility plans. The Wichita Airport Authority (WAA) hired a consultant to review the Wichita-Sedgwick County Airport Hazard Zoning Code in light of this new FAA guidance and to propose necessary changes. After full review by the Metropolitan Area Planning Commission, both Wichita and Sedgwick County have repealed the old Code and adopted a comprehensive replacement Airport Hazard Zoning Code. This includes a new Airport Hazard Zoning Map covering all of Sedgwick County.

The ordinance proposed here incorporates the provisions of the 9-16-25 Wichita-Sedgwick County Airport Hazard Zoning Code which pertain to Jabara Airport, and therefore impact the nearby properties within the Bel Aire city limits. The provisions limit the height of structures, objects and natural vegetation, and other hazards to air navigation within areas nearby Jabara. This ordinance defines specific hazards, establishes boundaries and outlines procedures for modifying the restrictions for modifying the restrictions and boundaries of protection zones. It follows the land use compatibility guidance from the FAA, ensuring that there will be no conflict with air service and airport development at Jabara.

Any applicant proposing any structure, object or natural vegetation that exceeds the height limits specified in the Airport Hazard Zoning Map or proposing any tower or structure of any height that

transmits signals must use the FAA's web-based Notice Criteria Tool before submitting the proposal to the City's Director of Community Development.

Planning Commission Shared Concerns Re: drainage ponds/birds, and businesses/solar panels:

The drainage ponds near Jabara Airport are established drainage infrastructure that have existed for many years. The drainage ponds do attract bird activity. The airport expressed no concerns regarding their presence or the associated bird activity.

As part of future development, some businesses may consider incorporating solar panels. To support ongoing coordination and compatibility with airport operations, the airport indicated a preference to be notified of any applicable permits, including those associated with solar panel installations.

Financial Considerations: Adoption of this ordinance will not create any financial obligations for the City.

Legal Considerations: The City Attorney has reviewed and approved the proposed ordinance amending the City's Zoning Code.

Recommended Action: Planning Commission approve this staff report as a preliminary report of the Airport Zoning Commission and schedule it for consideration as a Final Report at another public hearing, the next regular meeting of the Airport Zoning Commission.

Attachments:

Proposed ordinance

Sedgwick County Airport Hazard Zoning Map

(Published at 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.

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 18.12.03 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 18.12.04 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 Community Development Director shall give a written interpretation.

68
69 The intent of this Code is to capitalize or enclose in quotations the defined terms, but in those
70 situations where this capitalization or punctuation is omitted, this does not override construing
71 these terms in accord with their defined meanings.

72
73 (A) “Aircraft” means a device that is used or intended to be used for flight in the air, including
74 but not limited to: fixed-wing airplanes (single-engine, multi-engine, jet, turbine and/or piston),
75 rotorcraft (including helicopters), gliders, drones, airships, balloons, powered parachutes, and
76 seaplanes.

77
78 (B) “Airport” means any area of land or water designed and set aside for the landing and taking-
79 off of Aircraft. The term Airport includes Heliports set aside for the landing and taking-off of
80 rotary wing Aircraft.

81

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

85
86 (D) “Airport Hazard” means regardless of Height, any natural or constructed hazards to air
87 navigation which may result in glare, visual impairment, wildlife attractants, or other hazards to
88 pilots.

89
90 (E) “Airport Hazard Zoning Map” means the Wichita-Sedgwick County Airport Hazard
91 Zoning Map compiled from the criteria in Title 14 Code of Federal Regulations Part 77 (14 CFR
92 Part 77), *Objects Affecting Navigable Airspace*. It shows the Airport Hazard Zones and five (5)
93 Airport Overlay Surfaces, including Jabara, and includes the layout of Runways, Airport
94 boundaries, elevations, and area topography. Applicable height limitation areas are shown in
95 detail.

96
97 (F) “Airport Overlay Surfaces” means surfaces intended to place height and land use
98 conditions on land impacted by airport operations while retaining the existing underlying zone(s).
99 The (14 CFR Part 77) surfaces and Runway protection zones have been combined to create five
100 (5) overlay surfaces for each Airport identified in the Wichita-Sedgwick County Airport Hazard
101 Zoning Code. The five (5) specific surfaces create a comprehensive area focused on maintaining
102 compatible land use around Airports.

103
104 (G) “Airport Reference Point” means a point at the approximate center of the Airport landing
105 area as shown on the Wichita-Sedgwick County Airport Hazard Zoning Map.

106
107 (H) “Approach Surface” means a surface longitudinally centered on the extended Runway
108 centerline; extending outward and upward from the end of the Primary Surface and at the same
109 slope as the Approach Surface Height limitation slope set forth in 18.20.6 of this Code. In plan
110 view, the perimeter of the Approach Surface coincides with the perimeter of the approach.

111
112 (I) “Conical Surface” means the surface extending upward and outward from the periphery of
113 the Horizontal Surface at a slope of twenty (20) feet horizontally for every one (1) foot vertically
114 (twenty to one, 20:1) for a distance of four thousand (4,000) feet. It is the outermost surface of the
115 overlay areas and has the least number of land use restriction considerations.

116
117 (J) “Drone” means an unmanned Aircraft that is operated without the possibility of direct
118 human intervention from within or on the Aircraft.

119
120 (K) “FAA” means the Federal Aviation Administration.

121

- 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 18.12.05 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

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 18.12.07 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 Bel Aire 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 18.12.08 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 18.12.09 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 18.12.10 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 18.12.11 Code Administration and Enforcement

388 It shall be the duty of the 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 Community Development Director upon forms furnished by the Community
392 Development Director. Airport Hazard Zoning Permit applications shall be either granted or
393 denied by the Community Development Director in accordance with the regulations prescribed
394 herein. Any variance shall be done in accordance with Sec. 18.20.13 and any appeal shall be done
395 in accordance with Sec. 18.20.15. In addition, the Community Development Director may cause
396 to be instituted in any court of competent jurisdiction an action to prevent, restrain, correct or
397 abate any violation of this Code, or of any order or ruling made in connection therewith as
398 provided by law.

399
400 18.12.12 Airport Hazard Zoning Maps

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

403

404 18.12.13 Airport Hazard Zoning Permits

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

409

410 Exceptions:

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

414

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

421

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

428

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

435

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

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

443
444 (2) An FAA Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) Determination
445

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

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

461
462 The Community Development Director shall evaluate the proposal based on information provided
463 by the applicant. The Community Development Director shall approve the permit if, after
464 evaluation, the proposed project is found to be adequately compatible, in accordance with the
465 provisions of this Code. Should the FAA issue a determination of air hazard or any other adverse
466 or negative determination affecting Airport operations or if the proposed project is found to be
467 incompatible after review, the Community Development Director shall deny the permit. Should
468 the permit be denied, the applicant may request an appeal or a variance, as prescribed in this Code.

469
470 18.12.14 Variances

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

481 Code.

482

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

488

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

491

492 18.12.15 Appeals

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

495

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

500

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

506 .

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

511

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

515

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

520

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

523

524 18.12.16 Amendments

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

534

535 18.12.17 Penalties

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

543

544 18.12.18 Conflicting Regulations

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

549

550 18.12.19 Severability

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

555

556 18.12.20 Effective Date

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

559

560

561

562 ADOPTED by the Governing Body of the City of Bel Aire, Kansas on this _____ day of _____,
563 2026.

564

565 SIGNED by the Mayor on this _____ day of _____ 2026.

566

567

568

CITY OF BEL AIRE, KANSAS

569

570

571

572

Jim Benage, Mayor

573

574

575 ATTEST:

576

577

578

579

Melissa Krehbiel, City Clerk

580

581

582 APPROVED AS TO FORM:

583

584

585

586

Maria A. Schrock, City Attorney

587

