

CITY OF WICHITA ORDINANCE NO. 52-814

SEDGWICK COUNTY RESOLUTION NO. 242-2025

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A CITY ORDINANCE AND COUNTY RESOLUTION AMENDING THE WICHITA-
SEDGWICK COUNTY AIRPORT HAZARD ZONING CODE BY AMENDING CHAPTER
28.08 OF THE CODE OF THE CITY OF WICHITA, KANSAS AND APPENDIX H OF THE
CODE OF SEDGWICK COUNTY, KANSAS AND REPEALING THE ORIGINALS OF SAID
CHAPTER AND APPENDIX.

WHEREAS, the City of Wichita and the Sedgwick County Board of County Commissioners adopted a joint Airport Hazard Zoning Code in 1995 and amended said code in 1998.

WHEREAS, the joint Airport Hazard Zoning Code can be found in Chapter 28.08 of the Code of the City of Wichita, Kansas.

WHEREAS, Appendix H of the Code of Sedgwick County, Kansas is RESERVED for the joint Airport Hazard Zoning Code, but is not published therein. The editor's note indicates said code can be found in the office of the County Clerk.

WHEREAS, the City of Wichita and the Sedgwick County Board of County Commissioners deem it appropriate to update the joint Airport Hazard Zoning Code considering an Advisory Circular issued by the Federal Aviation Administration in late 2022.

THEREFORE, BE IT ORDAINED BY THE CITY OF WICHITA, KANSAS AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That upon the recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission on August 14, 2025, and after said Planning Commission had given proper notice and held a public hearing as provided by law, and under the authority granted by K.S.A. 12-747 *et seq.*, the Wichita-Sedgwick County Airport Hazard Zoning Code, as codified in Chapter 28.08 of the Code of the City of Wichita, Kansas and incorporated by reference in Appendix H of the Code of Sedgwick County, Kansas, is hereby amended and restated as follows:

CHAPTER 28.08. – AIRPORT HAZARD ZONING CODE

Sec. 28.08.010. Title and Authority.

Created by the City of Wichita and Sedgwick County, the Wichita-Sedgwick County 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 Airports covered under this Code. 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 and all notations, references, elevations, data, zone boundaries, and other information thereon are 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 the Wichita-Sedgwick County Unified Zoning Code, including the Airport Overlay District (A-O) contained therein. The official Wichita-Sedgwick County Airport Hazard Zoning Map may be amended from time to time, as provided for in this Code.

Sec. 28.08.020. Statement of Purpose and Findings.

- (A) The Public-Use Airports (Wichita Dwight D. Eisenhower National Airport and Colonel James Jabara Airport) are acknowledged as public facilities that are essential to the local community.
- (B) The McConnell Air Force Base is a Military Airport acknowledged as having a long history in Wichita and Sedgwick County, and it is essential to the local community.
- (C) The Beech Factory and Cessna Aircraft Field Airports are acknowledged as private facilities, and their continued viability is essential to the local community.
- (D) The creation or establishment of an Airport Hazard is a public nuisance and poses a potential concern to the surrounding communities served by the Airports.
- (E) There shall be no 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 Airports.
- (F) 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.
- (G) The prevention of Airport Hazards shall be accomplished, to the extent legally possible, by proper exercise of the police power of each respective jurisdiction.
- (H) 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 Wichita and/or Sedgwick County may raise and expend public funds, as an incident to the operation of Airports, to acquire property interest therein.

Sec. 28.08.030. Applicability.

This Code encompasses the prescribed areas defined in this Code around the Airports, as shown on the officially adopted Wichita-Sedgwick County Airport Hazard Zoning Map.

Sec. 28.08.040. Definitions.

For the purposes of this Code, words and terms defined in this section 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 Zoning Administrator shall give a written interpretation in accordance with Sec. 28.08.150.

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 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 this 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 Sections 28.08.050 through 28.08.100 of this Code. In plan view, the perimeter of the Approach Surface coincides with the perimeter of the approach.
- (I) "Civilian Airport" means any Airport, public or private, that is not owned or operated by the government of the United States and used for military purposes.
- (J) "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 for Civilian Airports and seven thousand (7,000) feet for Military Airports. It is the outermost surface of the overlay areas and has the least number of land use restriction considerations.
- (K) "Drone" means an unmanned Aircraft that is operated without the possibility of direct human intervention from within or on the Aircraft.
- (L) "FAA" means the Federal Aviation Administration.
- (M) "Governing Body" means the Wichita City Council within its incorporated limits and the Sedgwick County Commission for the remainder of unincorporated Sedgwick County.
- (N) "Hard Surface" means a Runway consisting of an asphalt or concrete pavement. This does not include Runways consisting of grass or dirt surfaces.
- (O) "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 in this Code and shown on the *Wichita-Sedgwick County Airport Hazard Zoning Map*.

- (P) "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.
- (Q) "Horizontal Surface" means for Civilian Airports, 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. For Military Airports, the inner Horizontal Surface is a horizontal plane one hundred fifty (150) feet above the established Airport Elevation, the perimeter of which in plan coincides with the perimeter of the inner Horizontal Surface. For Military Airports, the outer Horizontal Surface is a horizontal plane five hundred (500) feet above the established Airport Elevation, the perimeter of which in plan coincides with the perimeter of the outer Horizontal Surface.
- (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 Wichita Dwight D. Eisenhower National Airport (KICT) and Colonel James Jabara Airports (KAAO), the Director of Airports of the Wichita Airport Authority; at McConnell Air Force Base (KIAB), the Wing Commander; and at Beech Factory Airport (KBEC) and Cessna Aircraft Field (KCEA), the person designated as such by the respective company.
- (T) "Military Airport" means an Airport that is owned or operated by the government of the United States and used for military purposes.
- (U) "Natural Vegetation" means any tree or other object of natural growth.
- (V) "Nonconforming Use" means any preexisting Structure, object of natural growth, or use of land which is inconsistent with the provisions of this Code.
- (W) "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.
- (X) "Non-Public Use Airport" means any Airport designated for private or restricted use only; not open to the general public.
- (Y) "Planning Commission" means the Wichita-Sedgwick County Metropolitan Area Planning Commission.
- (Z) "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.
- (AA) "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, a military service-approved Military Airport layout plan, any other FAA planning document, or a military service Military Airport planning document.
- (BB) "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 Military Airports, Primary Surface means a surface longitudinally centered on each Runway with the same length as the Runway. The width of the Primary Surface for Runways is two thousand (2,000) feet. The elevation of any point on the Primary Surface is the same as the nearest point on the Runway centerline. 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)

- (CC) "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.
- (DD) "Runway" means a defined area on an Airport prepared for landing and takeoff of Aircraft along its length.
- (EE) "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.
- (FF) "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 above ground obstructions.
- (GG) "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.
- (HH) "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.

- (II) "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.
- (JJ) "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.
- (KK) "Visual Approach" means an approach to an Airport that is conducted with visual reference to the terrain.
- (LL) "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 a military service-approved Military Airport layout plan, or by any planning document submitted to the FAA by a competent authority.
- (MM) "Zoning Administrator" means the individual appointed by the Director of the Wichita-Sedgwick County Metropolitan Area Planning Department to enforce the provisions of this Code.

Sec. 28.08.050. Airport Overlay Surfaces.

Airport Overlay Surfaces established by this Code include all the land lying beneath the Runway Protection Surface, Runway Approach Surfaces, Transitional Surfaces, Horizontal Surfaces, and Conical Surfaces of the Airports. These surfaces are as defined under Section 28.08.040, which are more specifically described in 28.08.060 through 28.08.100, and as shown on the Wichita-Sedgwick County Airport Hazard Zoning Map.

Sec. 28.08.060. Wichita Dwight D. Eisenhower National Airport.

- (A) Airport Elevation. The established Airport Elevation is one thousand three hundred thirty-two (1,332) feet above mean sea level.
- (B) Airport Surfaces and Height Limits. The various surfaces and Height limits for Wichita Mid-Continent Airport are shown on sheet one of the Wichita-Sedgwick County Airport Hazard Zoning Map, and are created and defined as follows:
 - (1) Runway Larger Than Utility With a Visibility Minimum Greater Than Three-fourths ($\frac{3}{4}$) Mile Non-Precision Instrument Approach Surface (Runways 14 and 32). The inner edge of this Approach Surface coincides with the width of the Primary Surface and is five hundred (500) feet wide. The Approach Surface expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the end of the Primary Surface of each Runway. Its centerline is the continuation of the centerline of the Runway. The applicable Height limitation slopes one (1) foot upward for each forty (40) feet outward, beginning at the end of, and at the same elevation as, the Primary Surface and extending to a horizontal distance of ten thousand (10,000) feet along the Runway centerline.
 - (2) Precision Instrument Runway Approach Surface. (Runways 1L, 19R, 1R and 19L) The inner edge of this Runway Approach Surface coincides with the width of the Primary Surface and is one thousand (1,000) feet wide. The Runway Approach Surface expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the end of the Primary Surface of each Runway. Its centerline is the continuation of the centerline of the Runway. The applicable Height limitation slopes one (1) foot upward for each fifty (50) feet outward, beginning at the end

of, and at the same elevation as, the Primary Surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended Runway centerline; thence slopes one (1) foot upward for each forty (40) feet outward to an additional horizontal distance of forty thousand (40,000) feet along the extended Runway centerline.

- (3) Transitional Surfaces. The applicable Height limitation slopes one (1) foot upward for each seven (7) feet outward, beginning at the sides of, and at the same elevation as, the Primary Surface and the 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 Surfaces, there are established Height limits sloping one (1) foot upward for each seven (7) feet outward beginning at the sides of, and the same elevation as the 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 Surface. 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 used 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 Surface. 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.

Sec. 28.08.070. Colonel James Jabara Airport.

- (A) Airport Elevation. The established Airport Elevation is one thousand four hundred twenty (1,420) feet above mean sea level.
- (B) Airport Surfaces and Height Limits. The various surfaces and Height limits for Colonel James Jabara Airport are shown on sheet one of the Wichita-Sedgwick County Airport
 - (1) Runway Larger Than Utility With a Visibility Minimum as Low as Three-fourths ($\frac{3}{4}$) Mile Non-Precision Instrument Approach Surface (Runway 36). The inner edge of this Runway Approach Surface coincides with the width of the Primary Surface and is one thousand (1,000) feet wide. The Runway Approach Surface extends outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the end of the Primary Surface. Its centerline is the continuation of the centerline of the Runway. The applicable Height limitation slopes one (1) foot upward for each forty (40) feet outward, beginning at the end of, and at the same elevation as, the Primary Surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended Runway centerline.

- (2) Precision Instrument Runway Approach Surface (Runway 18). The inner edge of this Runway Approach Surface coincides with the width of the Primary Surface and is one thousand (1,000) feet wide. The Runway Approach Surface extends outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the end of the Primary Surface. Its centerline is the continuation of the centerline of the Runway. The applicable Height limitation slopes one (1) foot upward for each fifty (50) feet outward, beginning at the end of, and at the same elevation as, the Primary Surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended Runway centerline; thence slopes one (1) foot upward for each forty (40) feet outward to an additional horizontal distance of forty thousand (40,000) feet along the extended runway Centerlines.
- (3) Transitional Surfaces. The applicable Height limitation slopes one (1) foot upward for each seven (7) feet outward, beginning at the sides of, and at the same elevation as, the Primary Surface and the 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.

Sec. 28.08.080. McConnell Air Force Base.

- (A) Airport Elevation. The established Airport Elevation is one thousand three hundred seventy-one (1371) feet above mean sea level.
- (B) Airport Surfaces and Height Limits. The various surfaces and Height limits are shown on sheet one of the Wichita-Sedgwick County Airport Hazard Zoning Map, and are created and defined as follows:
 - (1) Military Runway Approach Surface (Runways 19L, 1R, 19R, and 1L). The inner edge of this Runway Approach Surface coincides with the width of the Primary Surface and is two thousand (2,000) feet wide for both ends of the Primary Surface of each Runway. The

Runway Approach Surface expands uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from both ends of the Primary Surface of each Runway. Its centerline is the continuation of the centerline of the Runway. The applicable Height limitation slopes one (1) foot upward for each fifty (50) feet outward, beginning at the end of, and at the same elevation as, the Primary Surface, extending along the extended Runway centerline until it reaches a Height of five hundred (500) feet above the established Airport Elevation. It then continues horizontally at this elevation to a point fifty thousand (50,000) feet from the point of beginning.

- (2) Transitional Surfaces. The applicable Height limitation slopes one (1) foot upward for each seven (7) feet outward, beginning at the end of, and at the same elevation as, the 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 Surfaces, and extending to where they intersect the Conical Surface, or outer Horizontal Surface for Military Airports.
- (3) Inner Horizontal Surfaces. For Military Airports the Inner Horizontal Surface is established by describing arcs with radii seven thousand five hundred (7,500) feet 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 Inner Horizontal Surface does not include the Runway Approach and Transitional Surfaces. The applicable Height limitation is established at one hundred fifty (150) feet above the established Airport Elevation.
- (4) Outer Horizontal Surfaces. For Military Airports the Outer Horizontal Surface is established by constructing a line thirty thousand (30,000) feet from the periphery of the Conical Surface, but does not include Runway Approach Surfaces or Transitional Surfaces. The applicable Height limitation is established at five hundred (500) feet above the established Airport Elevation.
- (5) Conical Surfaces. The Conical Surface is established as the area that commences at the periphery of the Inner Horizontal Surfaces and extends outward for a horizontal distance of seven thousand (7,000) feet to a Height of five hundred (500) feet where it intersects the Outer Horizontal Surfaces. The applicable Height limitation slopes one (1) foot upward for each twenty (20) feet outward, beginning at the periphery of the Inner Horizontal Surface and at one hundred fifty (150) feet above the established Airport Elevation and extending to a Height of five hundred (500) feet above the Airport Elevation.

Sec. 28.08.090. Beech Factory Airport.

(A) Airport Elevation. The established Airport Elevation is one thousand three hundred ninety-eight (1,398) feet above mean sea level.

(B) Airport Surfaces and Height Limits. The various surfaces and Height limits for Beech Factory Airport are shown on sheet one of the Wichita-Sedgwick County Airport Hazard Zoning Map, and are created and defined as follows:

- (1) Precision Instrument Runway Approach Surface (Runways 1, 19). The inner edge of this Runway Approach Surface coincides with the width of the Primary Surface and is one thousand (1,000) feet wide. The Runway Approach Surface extends outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the end of the Primary Surface. Its centerline is the continuation of the centerline of the Runway. The applicable Height limitation slopes one (1) foot upward for each fifty

- (50) feet outward, beginning at the end of, and at the same elevation as, the Primary Surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended Runway centerline; thence slopes one (1) foot upward for each forty (40) feet outward to an additional horizontal distance of forty thousand (40,000) feet along the extended Runway centerline.
- (2) Transitional Surfaces. The applicable Height limitation slopes one (1) foot upward for each seven (7) feet outward, beginning at the end of, and at the same elevation as, the 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.
 - (3) 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.
 - (4) 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.

Sec. 28.08.100. Cessna Aircraft Field.

- (A) Airport Elevation. The established Airport Elevation is one thousand three hundred seventy-eight (1,378) feet above mean sea level.
- (B) Airport Surfaces and Height Limits. The various surfaces and Height limits for Cessna Airport are shown on sheet one of the Wichita-Sedgwick County Airport Hazard Zoning Map, and are created and defined as follows:
 - (1) Runway Larger Than Utility, Visibility Minimum Greater Than Three-fourths (¾) Miles, Non-Precision Instrument Approach Surface (Runways 17 and 35). The inner edge of this Runway Approach Surface coincides with the width of the Primary Surface and is five hundred (500) feet wide. The Runway Approach Surface expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the Primary Surface. Its centerline is the continuation of the centerline of the Runway. The applicable Height limitation slopes one (1) foot upward for each forty (40) feet outward, beginning at the end of, and at the same elevation as, the Primary

Surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended Runway centerline.

- (2) Transitional Surfaces. The applicable Height limitation slopes one (1) foot upward for each seven (7) feet outward, beginning at the end of, and at the same elevation as, the 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.
- (3) 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.
- (4) 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.

Sec. 28.08.110. 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 each Airport included within this Code, the Wichita-Sedgwick County Metropolitan Area Planning Department 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 FAA, all Airports referenced in this Code, MAPC, and any other local planning body 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.

Sec. 28.08.120. 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 any Airport Hazard Zone as specified in Sec. 28.08.170, 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.

Sec. 28.08.130. 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 Zones 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, except those incidental to residential uses, installed after the effective date of this Code, within the limits of the Horizontal, Inner-Horizontal, Transitional or Runway Approach Surfaces.

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.

Sec. 28.08.140. 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.

Sec. 28.08.150. Code Administration and Enforcement.

It shall be the duty of the Zoning Administrator 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 Zoning Administrator upon forms furnished by the Zoning Administrator. Airport Hazard Zoning Permit applications shall be either granted or denied by the Zoning Administrator in accordance with the regulations prescribed herein. Any variance shall be done in accordance with Sec. 28.08.180 and any appeal shall be done in accordance with Sec. 28.08.190. In addition, the Zoning Administrator 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.

Sec. 28.08.160. Airport Hazard Zoning Maps.

The officially adopted Wichita-Sedgwick County Airport Hazard Zoning Map is to be kept on file in the office of the Zoning Administrator and the Metropolitan Area Planning Department. The map shall be amended as described in Sec. 28.08.200, when changes occur within the jurisdictional boundaries of the map.

Sec. 28.08.170. 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 Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator shall evaluate the proposal based on information provided by the applicant. The Zoning Administrator 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 Zoning

Administrator shall deny the permit. Should the permit be denied, the applicant may request an appeal or a variance, as prescribed in this Code.

Sec. 28.08.180. 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 Planning Commission 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.

Sec. 28.08.190. Appeals.

- (A) Any person aggrieved or affected by a decision of the Zoning Administrator 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 Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator – 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 its official paper 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. Upon 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 Zoning Administrator, 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.

Sec. 28.08.200. 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 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 Zoning Administrator 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.

Sec. 28.08.210. 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 five hundred (500) dollars or imprisonment for not more than six (6) months for each offense, or both such fine and imprisonment. For any violation occurring within the unincorporated County, criminal penalties shall not exceed five hundred (500) dollars and any violation shall be a class H violation, with prosecution pursuant to Chapter 8 of the Sedgwick County Code. For purposes of these penalties, each day a violation continues to exist shall constitute a separate offense.

Sec. 28.08.220. 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.

Sec. 28.08.230. 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.

Sec. 28.08.240. 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.

Section II. The original text of Chapter 28.08 of the Code of the City of Wichita, Kansas and Ordinance Number 43-719 are hereby repealed.

Section III. Appendix H of the code of Sedgwick County, Kansas shall incorporate by reference Chapter 28.08 of the Code of the City of Wichita, Kansas.

Section IV. This ordinance and resolution is effective upon the approval of the governing bodies of the City of Wichita, Kansas and Sedgwick County, Kansas and publication once in in the official city and county paper.

PASSED by the governing body of the City of Wichita, Kansas, this 23rd day of September, 2025.



Lily Wu, Mayor


ATTEST:



Shinita Rice, Deputy City Clerk



Approved as to form:



Jennifer Magaña,
City Attorney and Director of Law

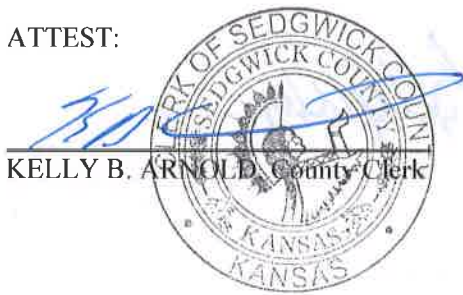
Commissioners present and voting were:

PETER F. MEITZNER
JEFF BLUBAUGH
STEPHANIE WISE
RYAN BATY
JAMES M. HOWELL


aye
aye
aye
aye
aye

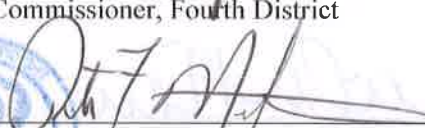
Dated this 10 day of September, 2025.

ATTEST:





BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

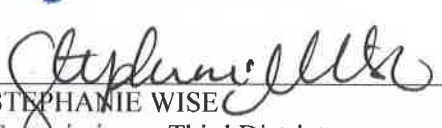

RYAN BATY, Chairman
Commissioner, Fourth District

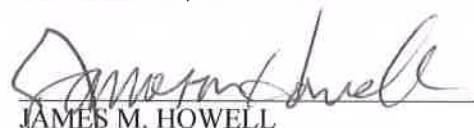

PETER F. MEITZNER, Chair Pro Tem
Commissioner, First District

APPROVED AS TO FORM:


SAMANTHA SEANG
Assistant County Counselor


JEFF BLUBAUGH,
Commissioner, Second District


STEPHANIE WISE
Commissioner, Third District


JAMES M. HOWELL
Commissioner, Fifth District