

AGENDA

City of Warsaw
warsaw.in.gov
Board of Aviation Commissioners
Regular Meeting
Tuesday, September 8, 2026, 5:15 PM
Council Chambers



I. ORGANIZATION OF MEETING

1. Call to Order
2. Member, Appointing Authority, Dates of Term;

Steven Smilay, Appointed by Mayor, 01/01/25 to 12/31/28
Dan Robinson, Appointed by Mayor, 01/01/23 to 12/31/26
John Yingling, Appointed by Mayor, 01/01/23 to 12/31/26
Ernie Wiggins, Appointed by Mayor, 01/01/26 to 12/31/29
3. Approval of Minutes for ____
 - a. August Minutes
4. Approval of Claims
 - a. August Claims

II. RECOGNITION OF VISITORS

III. REPORTS / ORAL & WRITTEN COMMUNICATIONS

1. Engineer's Report
2. Manager's Report
 - a. Income Statement
 - b. Fuel Usage Report

IV. UNFINISHED BUSINESS

1. Airport Overlay District

V. NEW BUSINESS

1. Petition For Voluntary Annexation
2. TFBO Cancellation
3. Morrison Aviation Scairport

VI. OTHER MATTERS THAT MAY COME BEFORE THE BOARD

VII. VISITOR QUESTIONS OR COMMENTS

VIII. ADJOURNMENT

I. ORGANIZATION OF MEETING

1. Call to Order
2. Member, Appointing Authority, Dates of Term;

Steven Smilay, Appointed by Mayor, 01/01/25 to 12/31/28
Dan Robinson, Appointed by Mayor, 01/01/23 to 12/31/26
John Yingling, Appointed by Mayor, 01/01/23 to 12/31/26
Ernie Wiggins, Appointed by Mayor, 01/01/26 to 12/31/29
3. Approval of Minutes for ____
 - a. July Minutes

Motion: Steve Second: Ernie

4. Approval of Claims
 - a. July Claims

Prior Claims

Motion: Ernie Second: Steve

EFT Claims

Motion: Ernie Second: Steve

II. RECOGNITION OF VISITORS

John Slone

III. REPORTS / ORAL & WRITTEN COMMUNICATIONS

1. Engineer's Report

Conduct Wildlife Hazard Site Visit

Motion for Board Approval and Dan Robinson's Signature on AIP Grant #3-18-0085-023-2023 closeout paperwork.

Motion: Steve Second: John

Taxiway B Rehab

Motion for Board Approval and Dan Robinson's Signature on CHA Invoice 58412.7-13 in the amount of \$24,384.71

Motion: John Second: Steve

Runway 9-27 Rehab

Motion for Board Approval on CHA Invoice 5841211-18 in the amount of \$11,908.09.

Motion: Ernie Second: John

Taxiway A Basis of Design

Motion for Board Approval and Dan Robinson's Signature on CHA Invoice 5841212-07 in the amount of \$7,299.97.

Motion: Steve Second: Ernie

a. Income Statement

b. Engineers Report

2. Manager's Report

a. Fuel Usage Report

b. City Aviation Services and Aviation Department Income Statement

a. Fuel Sales Report

IV. UNFINISHED BUSINESS

1. Sign Policy

Motion: Steve Second: Ernie

Approved with the grandfather clause added that all current signs that exist as of 8/1/26 are okay to stay as is.

2. Hay Rent Contract

Motion to approve draft with exhibit attached.

Motion: Steve Second: Ernie

V. NEW BUSINESS

1. Deer Task Force

Motion for Nick to take contract to the board of works.

Motion: Steve Second: Ernie

2. Self Serve Fuel Power Contract

D&D Contract

Motion: Ernie Second: John

VI. OTHER MATTERS THAT MAY COME BEFORE THE BOARD

Motion to approve replacing the HVAC unit in the Zimmer Biomet Hangar with MOU that they will pay us back.

Motion: John Second: Steve

VII. VISITOR QUESTIONS OR COMMENTS

VIII. ADJOURNMENT

Meeting Adjourned: 6:07 PM. Next BOAC meeting is Sept. 8, 2026 at 5:15 PM at City Hall.

Dan Robinson (President) _____

John Yingling (Vice President) _____

Appropriation Detail History

Date: 09/03/2026 07:26:00 AM

Posted Items

All History

Fund 2206

HISTORY_BY_APPR.FRX

Posted Only In Balances

Invoice Date From 08/01/2026 Thru 08/31/2026

Grouped By Fund Number, Appropriation

Ordered By Fund Number, Appropriation

****Fund Number 2206******Appropriation 2206000111.000**

APPROPRIATION		TITLE		ENCUM MTD	EXPENDED MTD	CURRENT	FORWARDED	ADDITIONAL	TRANSFERRED	ADJUSTMENT				
2206000111.000		AVIATION SALARIES		0.00	31577.11	488056.00	0.00	0.00	0.00	0.00				
TYPE	VEN#	NAME	DATE	CHECK #	INV DATE	INVOICE #	DESCRIPTION	PO #	APV #	ENCUMBERED AMOUNT	LIQUIDATED AMOUNT	ADD/TR/ADJ/FWD	EXPENDED AMOUNT	BALANCE
A	1600	CITY OF WARSAW/GROSS PAY	08/05/2026	5297	/ /		Aviation Salaries		135913	0.00	0.00	0.00	16063.41	238275.17
A	1600	CITY OF WARSAW/GROSS PAY	08/18/2026	5309	/ /		Aviation Salaries		136335	0.00	0.00	0.00	15513.70	222761.47
Appropriation # 2206000111.000 Sub-Total										0.00	0.00	0.00	31577.11	
SubTotal Appropriation 2206000111.000										0.00	0.00	0.00	31577.11	

****Appropriation 2206000130.010**

APPROPRIATION		TITLE		ENCUM MTD	EXPENDED MTD	CURRENT	FORWARDED	ADDITIONAL	TRANSFERRED	ADJUSTMENT				
2206000130.010		AVIATION FICA/MEDICARE		0.00	2287.84	38071.00	0.00	0.00	0.00	0.00				
TYPE	VEN#	NAME	DATE	CHECK #	INV DATE	INVOICE #	DESCRIPTION	PO #	APV #	ENCUMBERED AMOUNT	LIQUIDATED AMOUNT	ADD/TR/ADJ/FWD	EXPENDED AMOUNT	BALANCE
A	1600	CITY OF WARSAW/GROSS PAY	08/05/2026	5297	/ /		Empr Liability FICA		135913	0.00	0.00	0.00	944.15	20132.98
A	1600	CITY OF WARSAW/GROSS PAY	08/05/2026	5297	/ /		Empr Liability Medicare		135913	0.00	0.00	0.00	220.80	19912.18
A	1600	CITY OF WARSAW/GROSS PAY	08/18/2026	5309	/ /		Empr Liability FICA		136335	0.00	0.00	0.00	910.06	19002.12
A	1600	CITY OF WARSAW/GROSS PAY	08/18/2026	5309	/ /		Empr Liability Medicare		136335	0.00	0.00	0.00	212.83	18789.29
Appropriation # 2206000130.010 Sub-Total										0.00	0.00	0.00	2287.84	
SubTotal Appropriation 2206000130.010										0.00	0.00	0.00	2287.84	

****Appropriation 2206000130.030**

APPROPRIATION		TITLE		ENCUM MTD	EXPENDED MTD	CURRENT	FORWARDED	ADDITIONAL	TRANSFERRED	ADJUSTMENT
2206000130.030		AVIATION PERF		0.00	3378.41	54103.00	0.00	0.00	0.00	0.00

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Appropriation Detail History

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Date: 09/03/2026 07:26:00 AM

HISTORY_BY_APPR.FRX

TYPE	END#	NAME	DATE	CHECK #	INV DATE	INVOICE #	DESCRIPTION	PO #	APV #	ENCUMBERED AMOUNT	LIQUIDATED AMOUNT	ADD/TR/ ADJ/FWD	EXPENDED AMOUNT	BALANCE
A		16800 INPRS - PERF	08/05/2026	5306	/ /		Payroll Clearing		135948	0.00	0.00	0.00	1706.13	27135.90
A		16800 INPRS - PERF	08/18/2026	5319	/ /		Payroll Clearing		136346	0.00	0.00	0.00	1672.28	25463.62
Appropriation # 2206000130.030 Sub-Total										0.00	0.00	0.00	3378.41	

SubTotal Appropriation 2206000130.030										0.00	0.00	0.00	3378.41	
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****Appropriation 2206000130.050**

APPROPRIATION	TITLE	ENCUM MTD	EXPENDED MTD	CURRENT	FORWARDED	ADDITIONAL	TRANSFERRED	ADJUSTMENT
2206000130.050	AVIATION HEALTH INSURANCE	0.00	7726.90	116152.00	0.00	0.00	0.00	0.00

TYPE	END#	NAME	DATE	CHECK #	INV DATE	INVOICE #	DESCRIPTION	PO #	APV #	ENCUMBERED AMOUNT	LIQUIDATED AMOUNT	ADD/TR/ ADJ/FWD	EXPENDED AMOUNT	BALANCE
A		3055 CITY OF WARSAW	08/04/2026	76836	/ /		AUGUST TRNS		135900	0.00	0.00	0.00	7658.99	48790.53
A		3055 CITY OF WARSAW	08/04/2026	76838	/ /		AUGUST TRNS LIFE		135906	0.00	0.00	0.00	67.91	48722.62
Appropriation # 2206000130.050 Sub-Total										0.00	0.00	0.00	7726.90	

SubTotal Appropriation 2206000130.050										0.00	0.00	0.00	7726.90	
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****Appropriation 2206000210.000**

APPROPRIATION	TITLE	ENCUM MTD	EXPENDED MTD	CURRENT	FORWARDED	ADDITIONAL	TRANSFERRED	ADJUSTMENT
2206000210.000	AVIATION OFFICE SUPPLIES	0.00	752.79	13500.00	22.73	0.00	0.00	0.00

TYPE	END#	NAME	DATE	CHECK #	INV DATE	INVOICE #	DESCRIPTION	PO #	APV #	ENCUMBERED AMOUNT	LIQUIDATED AMOUNT	ADD/TR/ ADJ/FWD	EXPENDED AMOUNT	BALANCE
A		1104 AMAZON BUSINESS	08/07/2026	76696	07/12/2026	1RCN-WMN6-H	COMPUTER MOUNT, IPAD 4HM		135544	0.00	0.00	0.00	194.46	7341.02
A		1104 AMAZON BUSINESS	08/07/2026	76696	07/17/2026	1HJX-64GD-TH	EQUIPMENT LABELING M6		135544	0.00	0.00	0.00	43.86	7297.16
A		38587 BIT COMPUTERS, INC.	08/07/2026	76711	07/17/2026	3077	HEAVY DUTY OUTLET		135549	0.00	0.00	0.00	45.99	7251.17
A		1781 EASTERN ENGINEERING SUPPLY INC	08/07/2026	76732	07/07/2026	1225037	XEROX COLOR		135580	0.00	0.00	0.00	56.62	7194.55
A		1001 A. E. BOYCE COMPANY, INC.	08/21/2026	76863	08/06/2026	129679	AP CHECK ENVELOPES		136304	0.00	0.00	0.00	141.15	7053.40
A		1781 EASTERN ENGINEERING SUPPLY INC	08/21/2026	76900	08/08/2026	1228688	XEROX COLOR		136321	0.00	0.00	0.00	69.81	6983.59
A		1940 TREVIPAY - WALMART	08/17/2026	76859	08/06/2026	56C7D516	WIPES, PAPER TOWELS,		136325	0.00	0.00	0.00	103.26	6880.33
A		1940 TREVIPAY - WALMART	08/26/2026	77006	08/12/2026	D58254D0	COFFEE		136619	0.00	0.00	0.00	97.64	6782.69
Appropriation # 2206000210.000 Sub-Total										0.00	0.00	0.00	752.79	

SubTotal Appropriation 2206000210.000										0.00	0.00	0.00	752.79	
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****Appropriation 2206000220.000**

APPROPRIATION	TITLE	ENCUM MTD	EXPENDED MTD	CURRENT	FORWARDED	ADDITIONAL	TRANSFERRED	ADJUSTMENT
2206000220.000	AVIATION OPERATING SUPPLIES	0.00	4789.27	55000.00	0.00	0.00	-15000.00	0.00

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Date: 09/03/2026 07:26:00 AM

HISTORY_BY_APPR.FRX

TYPE	VEND#	NAME	DATE	CHECK #	INV DATE	INVOICE #	DESCRIPTION	PO #	ENCUMBERED		LIQUIDATED	ADD/TR/ ADJ/FWD	EXPENDED	
									APV #	AMOUNT			AMOUNT	BALANCE
A	12021	LAKE CITY BANK VISA	08/05/2026	76840	07/06/2026		ZEFFY ORTHOWORX		135932	0.00	0.00	0.00	25.00	24765.61
A	12021	LAKE CITY BANK VISA	08/05/2026	76840	07/12/2026		SLING		135932	0.00	0.00	0.00	81.99	24683.62
A	12021	LAKE CITY BANK VISA	08/05/2026	76840	07/27/2026	632	MYWASH		135935	0.00	0.00	0.00	18.00	24665.62
A	12021	LAKE CITY BANK VISA	08/05/2026	76840	07/27/2026	622	MYWASH		135935	0.00	0.00	0.00	16.00	24649.62
A	12021	LAKE CITY BANK VISA	08/05/2026	76840	07/27/2026	646	MYWASH		135935	0.00	0.00	0.00	18.00	24631.62
A	14575	NOWAK SUPPLY COMPANY, INC.	08/21/2026	76936	07/31/2026	639558	FIRE EXTINGUISHERS AND		136197	0.00	0.00	0.00	2463.61	22168.01
A	772	KEYSTONE COOPERATIVE, INC.	08/17/2026	76858	07/10/2026	53001677	PDX-4 OFF ROAD		136327	0.00	0.00	0.00	1417.22	20750.79
A	39645	LOWE'S BUSINESS ACCT	08/20/2026	76986	07/22/2026	78199	14 FT RATCHET		136393	0.00	0.00	0.00	49.00	20701.79
A	39645	LOWE'S BUSINESS ACCT	08/20/2026	76986	08/04/2026	72034	GLIDE SLOPE SHACK A/C		136398	0.00	0.00	0.00	388.55	20313.24
A	1100	JOHN DEERE FINANCIAL F.S.B.	08/26/2026	77003	08/05/2026	260316	WEED KILLER AND		136635	0.00	0.00	0.00	311.90	20001.34
Appropriation # 2206000220.000 Sub-Total										0.00	0.00	0.00	4789.27	
SubTotal Appropriation 2206000220.000										0.00	0.00	0.00	4789.27	

**Appropriation 2206000230.000																	
APPROPRIATION		TITLE		ENCUM MTD		EXPENDED MTD		CURRENT		FORWARDED		ADDITIONAL		TRANSFERRED		ADJUSTMENT	
2206000230.000		AVIATION REPAIRS & MAINTENANCE		0.00		13506.86		30000.00		0.00		0.00		15000.00		0.00	
TYPE	VEND#	NAME	DATE	CHECK #	INV DATE	INVOICE #	DESCRIPTION	PO #	ENCUMBERED		LIQUIDATED	ADD/TR/ ADJ/FWD	EXPENDED				
									APV #	AMOUNT			AMOUNT	AMOUNT	BALANCE		
A	23001	W.A. JONES & SON, CORP	08/07/2026	76826	06/30/2026	34727540048703	CYLINDERS,		135340	0.00	0.00	0.00	2500.24	13522.34			
A	23001	W.A. JONES & SON, CORP	08/07/2026	76826	06/30/2026	24745	CYLINDER ROD, NITRATE		135340	0.00	0.00	0.00	986.98	12535.36			
A	23001	W.A. JONES & SON, CORP	08/07/2026	76826	07/06/2026	34783	SHOCK ABSORBER,		135340	0.00	0.00	0.00	3406.54	9128.82			
A	23001	W.A. JONES & SON, CORP	08/07/2026	76826	07/08/2026	34813	CENTER BOLT & COTTER		135340	0.00	0.00	0.00	102.01	9026.81			
A	23040	NAPA AUTO PARTS	08/07/2026	76781	06/25/2026	098097	BRAKES		135342	0.00	0.00	0.00	492.85	8533.96			
A	23040	NAPA AUTO PARTS	08/07/2026	76781	07/02/2026	099853	CORE DEPOSIT		135342	0.00	0.00	0.00	112.00	8421.96			
A	23040	NAPA AUTO PARTS	08/07/2026	76781	07/08/2026	101350	WINDOW MOTOR		135342	0.00	0.00	0.00	91.11	8330.85			
A	23040	NAPA AUTO PARTS	08/07/2026	76781	07/08/2026	101115	AC RECOVERY MACHINE		135389	0.00	0.00	0.00	894.29	7436.56			
A	41473	RIVER BEND INDUSTRIAL SOLUTIONS	08/07/2026	76804	07/15/2026	00257432	BELLY PLOW CYLINDER		135546	0.00	0.00	0.00	3227.78	4208.78			
A	1764	NEXT GENERATION DEALERSHIP WARSAW LLC	08/07/2026	76774	06/24/2026	5049556	LATCH		135548	0.00	0.00	0.00	120.54	4088.24v			
A	12021	LAKE CITY BANK VISA	08/05/2026	76840	07/09/2026	487	MYWASH		135931	0.00	0.00	0.00	18.00	4070.24			
A	12021	LAKE CITY BANK VISA	08/05/2026	76840	07/10/2026	774	MYWASH		135931	0.00	0.00	0.00	16.00	4054.24			
A	12021	LAKE CITY BANK VISA	08/05/2026	76840	07/10/2026	840	MYWASH		135931	0.00	0.00	0.00	18.00	4036.24			
A	12021	LAKE CITY BANK VISA	08/05/2026	76840	06/30/2026	484	MYWASH REFUND		135933	0.00	0.00	0.00	-18.00	4054.24			
A	12021	LAKE CITY BANK VISA	08/05/2026	76840	06/25/2026	688	MYWASH		135934	0.00	0.00	0.00	16.00	4038.24			

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Appropriation Detail History

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Date: 09/03/2026 07:26:00 AM

HISTORY_BY_APPR.FRX

TYPE	VEN#	NAME	DATE	CHECK #	INV DATE	INVOICE #	DESCRIPTION	PO #	APV #	ENCUMBERED AMOUNT	LIQUIDATED AMOUNT	ADD/TR/ ADJ/FWD	EXPENDED AMOUNT	BALANCE
A	12021	LAKE CITY BANK VISA	08/05/2026	76840	06/26/2026	403	MYWASH		135934	0.00	0.00	0.00	16.00	4022.24
A	41397	4T DOOR SYSTEMS, INC.	08/21/2026	76862	07/31/2026	189588	GATE BATTERIES AND		136198	0.00	0.00	0.00	1117.50	2904.74
A	622	TRUCK CENTERS INC	08/21/2026	76961	07/28/2026	F220157887:01	MOLDED BATTERY		136199	0.00	0.00	0.00	179.56	2725.18
A	23047	WARSAW ENGINEERING & FAB. INC. (WEFAB)	08/21/2026	76968	07/28/2026	56876	L8000 PLOW PART		136200	0.00	0.00	0.00	330.00	2395.18
A	1764	NEXT GENERATION DEALERSHIP WARSAW LLC	08/19/2026	76774	06/24/2026	5049556	LATCH		135548	0.00	0.00	0.00	-120.54	2515.72v
Appropriation # 2206000230.000 Sub-Total										0.00	0.00	0.00	13506.86	

SubTotal Appropriation 2206000230.000										0.00	0.00	0.00	13506.86	
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**Appropriation 2206000290.000														
APPROPRIATION		TITLE				ENCUM MTD		EXPENDED MTD		CURRENT	FORWARDED	ADDITIONAL	TRANSFERRED	ADJUSTMENT
2206000290.000		AVIATION OTHER SUPPLIES				0.00		676.71		1000.00	0.00	0.00	0.00	0.00
TYPE	VEN#	NAME	DATE	CHECK #	INV DATE	INVOICE #	DESCRIPTION	PO #	APV #	ENCUMBERED AMOUNT	LIQUIDATED AMOUNT	ADD/TR/ ADJ/FWD	EXPENDED AMOUNT	BALANCE
A	1104	AMAZON BUSINESS	08/21/2026	76868	07/21/2026	1HNW-4WXH-WKQF	CARHARTT SEAT COVERS		136194	0.00	0.00	0.00	676.71	-138.88
Appropriation # 2206000290.000 Sub-Total										0.00	0.00	0.00	676.71	

SubTotal Appropriation 2206000290.000										0.00	0.00	0.00	676.71	
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**Appropriation 2206000310.000														
APPROPRIATION		TITLE				ENCUM MTD		EXPENDED MTD		CURRENT	FORWARDED	ADDITIONAL	TRANSFERRED	ADJUSTMENT
2206000310.000		AVIATION PROFESSIONAL				0.00		4399.60		115000.00	0.00	0.00	0.00	0.00
TYPE	VEN#	NAME	DATE	CHECK #	INV DATE	INVOICE #	DESCRIPTION	PO #	APV #	ENCUMBERED AMOUNT	LIQUIDATED AMOUNT	ADD/TR/ ADJ/FWD	EXPENDED AMOUNT	BALANCE
A	38416	MEDSTAT LLC	08/07/2026	76769	07/01/2026	16173K29579	DRUG SCREENS		135559	0.00	0.00	0.00	64.80	107066.97
A	9514	INDIANA DEPT. OF ENVIRONMENTAL MGMT.	08/07/2026	76748	06/01/2026	000406015	PETROLEUM 3		135585	0.00	0.00	0.00	270.00	106796.97
A	1372	HANSON PROFESSIONAL SERVICES INC	08/07/2026	76743	07/21/2026	ARIV1024979	IFE IMPROVE RUNWAY		135870	0.00	0.00	0.00	4000.00	102796.97
A	38416	MEDSTAT LLC	08/21/2026	76929	08/01/2026	1689K29579	DRUG SCREENS		136269	0.00	0.00	0.00	64.80	102732.17
Appropriation # 2206000310.000 Sub-Total										0.00	0.00	0.00	4399.60	

SubTotal Appropriation 2206000310.000										0.00	0.00	0.00	4399.60	
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**Appropriation 2206000320.000														
APPROPRIATION		TITLE				ENCUM MTD		EXPENDED MTD		CURRENT	FORWARDED	ADDITIONAL	TRANSFERRED	ADJUSTMENT
2206000320.000		AVIATION COMMUNICATION &				0.00		211.97		7500.00	0.00	0.00	0.00	0.00

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Date: 09/03/2026 07:26:01 AM
HISTORY_BY_APPR.FRX

TYPE	VEND#	NAME	DATE	CHECK #	INV DATE	INVOICE #	DESCRIPTION	PO #	ENCUMBERED	LIQUIDATED	ADD/TR/	EXPENDED	BALANCE
									APV #	AMOUNT	ADJ/FWD	AMOUNT	
A	1007	ON-LINE DATA	08/07/2026	76787	04/30/2026	121257	PRESORT MAILING		135333	0.00	0.00	3.96	5269.57
A	1007	ON-LINE DATA	08/07/2026	76787	06/30/2026	121749	PRESORT MAILING		135365	0.00	0.00	4.29	5265.28
A	39557	VERIZON WIRELESS	08/05/2026	76845	07/25/2026	6149567527	MONTHLY CELL PHONE		135982	0.00	0.00	203.72	5061.56
Appropriation # 2206000320.000 Sub-Total										0.00	0.00	211.97	

SubTotal Appropriation 2206000320.000										0.00	0.00	211.97	
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**Appropriation 2206000350.000

APPROPRIATION		TITLE		ENCUM MTD		EXPENDED MTD		CURRENT	FORWARDED	ADDITIONAL	TRANSFERRED	ADJUSTMENT		
2206000350.000		AVIATION UTILITIES		0.00		2623.81		50000.00	0.00	0.00	0.00	0.00		
TYPE	VEND#	NAME	DATE	CHECK #	INV DATE	INVOICE #	DESCRIPTION	PO #	ENCUMBERED	LIQUIDATED	ADD/TR/	EXPENDED		
									APV #	AMOUNT	AMOUNT	ADJ/FWD	AMOUNT	BALANCE
A	11550	KOSCIUSKO REMC	08/14/2026	76854	08/05/2026	1937004	UTILITIES		136162	0.00	0.00	0.00	98.00	30585.78
A	11550	KOSCIUSKO REMC	08/14/2026	76854	08/05/2026	1937003	UTILITIES		136162	0.00	0.00	0.00	44.00	30541.78
A	11550	KOSCIUSKO REMC	08/14/2026	76854	08/05/2026	1937001	UTILITIES		136162	0.00	0.00	0.00	32.00	30509.78
A	11550	KOSCIUSKO REMC	08/14/2026	76854	08/05/2026	1937002	UTILITIES		136162	0.00	0.00	0.00	34.00	30475.78
A	11550	KOSCIUSKO REMC	08/14/2026	76854	08/05/2026	1937005	UTILITIES		136162	0.00	0.00	0.00	48.00	30427.78
A	14360	NORTHERN IND PUBLIC SERVICE CO	08/14/2026	76856	07/29/2026	339-015-001-9	UTILITES		136164	0.00	0.00	0.00	55.93	30371.85
A	14360	NORTHERN IND PUBLIC SERVICE CO	08/14/2026	76856	07/29/2026	501-000-009-5	UTILITES		136164	0.00	0.00	0.00	997.37	29374.48
A	14360	NORTHERN IND PUBLIC SERVICE CO	08/14/2026	76856	07/29/2026	601-000-005-8	UTILITES		136164	0.00	0.00	0.00	408.92	28965.56
A	14360	NORTHERN IND PUBLIC SERVICE CO	08/14/2026	76856	07/29/2026	601-000-008-5	UTILITES		136164	0.00	0.00	0.00	91.51	28874.05
A	14360	NORTHERN IND PUBLIC SERVICE CO	08/14/2026	76856	07/29/2026	901-000-000-0	UTILITES		136164	0.00	0.00	0.00	711.18	28162.87
A	14360	NORTHERN IND PUBLIC SERVICE CO	08/14/2026	76856	07/29/2026	973-751-007-4	UTILITES		136164	0.00	0.00	0.00	102.90	28059.97
Appropriation # 2206000350.000 Sub-Total										0.00	0.00	0.00	2623.81	

SubTotal Appropriation 2206000350.000										0.00	0.00	2623.81	
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**Appropriation 2206000360.000

APPROPRIATION		TITLE		ENCUM MTD		EXPENDED MTD		CURRENT	FORWARDED	ADDITIONAL	TRANSFERRED	ADJUSTMENT		
2206000360.000		AVIATION REPAIRS & MAINTENANCE		0.00		10175.07		60000.00	0.00	0.00	0.00	0.00		
TYPE	VEND#	NAME	DATE	CHECK #	INV DATE	INVOICE #	DESCRIPTION	PO #	ENCUMBERED	LIQUIDATED	ADD/TR/	EXPENDED		
									APV #	AMOUNT	ADJ/FWD	AMOUNT	BALANCE	
A	13545	MONTEITHS BEST-ONE GOSHEN	08/07/2026	76778	07/07/2026	2540048703	CONTROL ARM, AXLE		135337	0.00	0.00	0.00	2149.55	52501.06
A	3702	CUSTOM FENCING, INC.	08/07/2026	76722	06/29/2026	3958	FENCE REPAIRS		135338	0.00	0.00	0.00	2400.00	50101.06
A	41265	MICHIANA CONTRACTING, INC.	08/07/2026	76771	06/26/2026	8203	TROUBLESHOOT RUNWAY		135547	0.00	0.00	0.00	3533.40	46567.66
A	23001	W.A. JONES & SON, CORP	08/07/2026	76826	07/21/2026	34936	ROOT 3/4" CIRCLE CLAMP		135872	0.00	0.00	0.00	528.28	46039.38

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TYPE	VEND#	NAME	DATE	CHECK #	INV DATE	INVOICE #	DESCRIPTION	PO #	APV #	ENCUMBERED	LIQUIDATED	ADD/TR/	EXPENDED	BALANCE
										AMOUNT	AMOUNT	ADJ/FWD	AMOUNT	
A	23040	NAPA AUTO PARTS	08/07/2026	76781	07/21/2026	105421	SEA FOAM, AUTO MARINE,		135873	0.00	0.00	0.00	29.07	46010.31
A	1764	NEXT GENERATION DEALERSHIP WARSAW LLC	08/07/2026	76774	07/21/2026	5049743	COIL ASY, WIRE ASY,		135874	0.00	0.00	0.00	204.33	45805.98v
A	23047	WARSAW ENGINEERING & FAB. INC. (WEFAB)	08/07/2026	76828	07/21/2026	56868	TUBING		135875	0.00	0.00	0.00	184.00	45621.98
A	232	CORE MECHANICAL SERVICES INC	08/21/2026	76888	07/29/2026	25746	A/C UNIT LABOR		136195	0.00	0.00	0.00	950.77	44671.21
A	232	CORE MECHANICAL SERVICES INC	08/21/2026	76888	07/29/2026	25701	HVAC LABOR		136195	0.00	0.00	0.00	210.00	44461.21
A	7	D & D MAINTENANCE LLC	08/21/2026	76891	06/23/2026	6583	ELECTRICAL ISSUE LABOR		136201	0.00	0.00	0.00	190.00	44271.21
A	1764	NEXT GENERATION DEALERSHIP WARSAW LLC	08/19/2026	76774	07/21/2026	5049743	COIL ASY, WIRE ASY,		135874	0.00	0.00	0.00	-204.33	44475.54v
Appropriation # 2206000360.000 Sub-Total										0.00	0.00	0.00	10175.07	

SubTotal Appropriation 2206000360.000										0.00	0.00	0.00	10175.07	
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**Appropriation 2206000370.000														
APPROPRIATION		TITLE				ENCUM MTD	EXPENDED MTD	CURRENT	FORWARDED	ADDITIONAL	TRANSFERRED	ADJUSTMENT		
2206000370.000		AVIATION RENTALS				0.00	288.40	25000.00	0.00	0.00	0.00	0.00		
TYPE	VEND#	NAME	DATE	CHECK #	INV DATE	INVOICE #	DESCRIPTION	PO #	APV #	ENCUMBERED	LIQUIDATED	ADD/TR/	EXPENDED	BALANCE
										AMOUNT	AMOUNT	ADJ/FWD	AMOUNT	
A	23350	WILDMAN UNIFORM	08/07/2026	76831	07/01/2026	1013282709	UNIFORM RENTAL, MATS,		135341	0.00	0.00	0.00	54.12	23119.20
A	23350	WILDMAN UNIFORM	08/07/2026	76831	07/08/2026	1013287531	UNIFORM RENTAL, MATS,		135341	0.00	0.00	0.00	54.12	23065.08
A	23350	WILDMAN UNIFORM	08/07/2026	76831	07/15/2026	1013292344	UNIFORM RENTAL, MATS,		135545	0.00	0.00	0.00	71.92	22993.16
A	23350	WILDMAN UNIFORM	08/07/2026	76831	07/22/2026	1013297147	UNIFORM RENTAL, MATS,		135871	0.00	0.00	0.00	54.12	22939.04
A	23350	WILDMAN UNIFORM	08/21/2026	76971	08/05/2026	1013306704	UNIFORM RENTAL, MATS,		136202	0.00	0.00	0.00	54.12	22884.92
Appropriation # 2206000370.000 Sub-Total										0.00	0.00	0.00	288.40	

SubTotal Appropriation 2206000370.000										0.00	0.00	0.00	288.40	
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**Appropriation 2206000390.000														
APPROPRIATION		TITLE				ENCUM MTD	EXPENDED MTD	CURRENT	FORWARDED	ADDITIONAL	TRANSFERRED	ADJUSTMENT		
2206000390.000		AVIATION OTHER SERVICES &				0.00	257.10	65818.00	0.00	0.00	0.00	0.00		
TYPE	VEND#	NAME	DATE	CHECK #	INV DATE	INVOICE #	DESCRIPTION	PO #	APV #	ENCUMBERED	LIQUIDATED	ADD/TR/	EXPENDED	BALANCE
										AMOUNT	AMOUNT	ADJ/FWD	AMOUNT	
A	40390	ELEMENT MATERIALS TECHNOLOGY	08/07/2026	76734	06/30/2026	26-203285	STORMWATER GRAB		135405	0.00	0.00	0.00	257.10	44089.72
Appropriation # 2206000390.000 Sub-Total										0.00	0.00	0.00	257.10	

SubTotal Appropriation 2206000390.000										0.00	0.00	0.00	257.10	
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**Appropriation 2206000444.000														
APPROPRIATION		TITLE				ENCUM MTD	EXPENDED MTD	CURRENT	FORWARDED	ADDITIONAL	TRANSFERRED	ADJUSTMENT		
2206000444.000		AVIATION IMPROVEMENTS OTHER				0.00	39641.25	600000.00	266826.81	0.00	0.00	0.00		
									ENCUMBERED	LIQUIDATED	ADD/TR/	EXPENDED		
TYPE	VEN#	NAME	DATE	CHECK #	INV DATE	INVOICE #	DESCRIPTION	PO #	APV #	AMOUNT	AMOUNT	ADJ/FWD	AMOUNT	BALANCE
A	16315	PHEND & BROWN INC	08/07/2026	76791	07/09/2026		AIRPORT REHAB RW 9-27		135556	0.00	0.00	0.00	39641.25	400222.26
Appropriation # 2206000444.000						Sub-Total				0.00	0.00	0.00	39641.25	
SubTotal Appropriation 2206000444.000										0.00	0.00	0.00	39641.25	
SubTotal Fund Number 2206										0.00	0.00	0.00	122293.09	
*** GRAND TOTAL ***										0.00	0.00	0.00	122293.09	

Sales by Item

Name	Quantity	Total
100LL	2,466.40	\$13,886.33
After Hours No Fuel	1.00	\$200.00
After Hours With Fuel	1.00	\$100.00
Corporate Hangar Rent	1.00	\$5,000.00
Corporate Hangar Stormwater	1.00	\$177.53
Jet A	19,750.00	\$105,588.24
Overnight - Small Jet	1.00	\$50.00
Prist	227.00	\$11.35
T-Hangar Rent	6.00	\$900.00
T-Hangar Stormwater	6.00	\$67.32
Aero W100 plus	8.00	\$145.52
Aero W100	-6.00	-\$93.09
TOTALS	22462.4	126033.2

Sales by Customer

8/1/26 → 8/31/24

Customer Name	Fuel Total	Fuel Qty
Sugair LLC	\$31,424.81	6,824.0
Image Air Charter, LLC,	\$27,113.35	4,840.0
Guest Customer	\$24,375.87	4,274.5
Flight By PWI	\$9,868.48	1,698.9
ZimmerBiomet, INC 650ZB (Fuel)	\$8,264.03	1,394.0
ZimmerBiomet INC 355ZB (Fuel)	\$8,210.69	1,385.0
D&D Electric	\$4,092.50	699.1
Helicopter Online Ground School, LLC	\$1,207.24	219.1
Explorer Van Co.,	\$703.73	122.0
Moe, Patrick	\$602.97	105.6
Waters, Jordan	\$466.70	84.7
Akins, Brian (Fuel)	\$454.58	82.5
Spangle, Drew	\$412.15	74.8
French, Rodney (Fuel)	\$402.23	73.0
Salin, Bill	\$341.62	62.0
Carlile, Hunter	\$316.83	57.5
Stofer, William	\$275.50	50.0
Hammer, Todd	\$180.17	32.7
Dick, David	\$172.16	30.7
Ford, Dan	\$154.83	28.1
Harstine, Joel	\$135.00	24.5
Lewis, Dan	\$110.20	20.0
Wright, Jason	\$96.43	17.5
Coburn, Eric	\$92.50	16.2
Fox Aviation Holdings LLC	\$0.00	0.0

Contact_Name	Total Fuel Sum January-May	Total Fuel Sum June-Aug	Total Fuel Sum YTD	Gallons Jan-May	Gallons June-Aug	Total Gallons
Image Air Charter, LLC,	\$172,991.18	\$103,466.25	\$276,457.43	37,183.00	18,841.00	56,024.00
Guest Customer	\$107,308.41	\$103,957.73	\$211,266.14	129,612.65	17,357.00	146,969.65
Sugair LLC	\$3,084.75	\$100,310.23	\$103,394.98	675.00	22,869.80	23,544.80
Flight By PWI	\$57,150.40	\$30,931.69	\$88,082.09	11,627.10	5,378.90	17,006.00
Explorer Van Co.,	\$32,812.76	\$7,729.23	\$40,541.99	6,471.00	1,369.00	7,840.00
D&D Electric	\$16,791.33	\$5,555.93	\$22,347.26	3,439.80	944.30	4,384.10
ZimmerBiomet, INC 650ZB (Fuel)	\$12,993.66	\$8,264.03	\$21,257.69	2,154.00	1,394.00	3,548.00
ZimmerBiomet INC 355ZB (Fuel)	\$9,728.71	\$10,910.53	\$20,639.24	1,603.00	1,923.00	3,526.00
CTB, INC	\$10,920.29	\$5,855.93	\$16,776.22	1,813.00	955.00	2,768.00
Helicopter Online Ground School, LL	\$6,867.60	\$2,790.32	\$9,657.92	1,452.50	499.00	1,951.50
New Horizons	\$5,879.31	\$0.00	\$5,879.31	1,094.00	-	1,094.00
Precision Grinding	\$1,756.87	\$2,163.13	\$3,920.00	364.50	359.30	723.80
Indiana Spine Group	\$1,862.00	\$1,429.71	\$3,291.71	475.00	247.00	722.00
Stofer, William	\$980.52	\$1,230.74	\$2,211.26	199.70	211.10	410.80
Akins, Brian (Fuel)	\$1,226.60	\$893.08	\$2,119.68	277.50	158.40	435.90
Blessed Beginnings	\$905.55	\$1,110.48	\$2,016.03	186.60	190.10	376.70
Moe, Patrick		\$1,703.05	\$1,703.05		287.40	287.40
American Huey 369 INC		\$1,635.48	\$1,635.48		396.00	396.00
Spangle, Drew	\$778.45	\$795.62	\$1,574.07	167.20	142.30	309.50
Autocam		\$1,572.50	\$1,572.50		250.00	250.00
Watchman Aviation, LLC	\$718.63	\$756.12	\$1,474.75	158.50	135.00	293.50
Jackson Aviation	\$582.89	\$645.81	\$1,228.70	110.60	113.80	224.40
Parish, Richard	\$532.54	\$671.30	\$1,203.84	96.30	117.80	214.10
Salin, Bill	\$263.76	\$932.31	\$1,196.07	62.80	162.50	225.30
Morrison Aviation Service	\$969.17	\$174.38	\$1,143.55	228.00	28.40	256.40
KASW Aviation	\$717.01	\$341.07	\$1,058.08	153.30	61.90	215.20
Ford, Dan	\$348.62	\$632.53	\$981.15	69.80	110.10	179.90
Coburn, Eric	\$517.45	\$438.22	\$955.67	93.30	77.90	171.20
Dick, David	\$396.33	\$436.02	\$832.35	86.10	74.70	160.80
Waters, Jordan		\$726.44	\$726.44		128.50	128.50
Pitcher, Benjamin	\$627.57	\$80.06	\$707.63	131.50	13.50	145.00
Ferguson, Jane	\$421.26	\$270.41	\$691.67	100.30	45.60	145.90
VR Jet		\$679.31	\$679.31		108.00	108.00
Mentone Flying Club,	\$342.94	\$254.20	\$597.14	65.70	41.40	107.10
French, Rodney (Fuel)	\$185.25	\$402.23	\$587.48	33.50	73.00	106.50
Cook, Bill	\$313.00	\$261.99	\$574.99	65.50	46.10	111.60
Slabach, Jayson	\$395.14	\$172.31	\$567.45	91.10	30.70	121.80
Graham, Blake	\$220.71	\$315.72	\$536.43	41.80	57.30	99.10
Stackhouse, David		\$483.00	\$483.00		85.00	85.00
Lima Sierra, Inc.,	\$91.52	\$384.98	\$476.50	20.80	62.70	83.50
Fox Aviation Holdings LLC	\$273.49	\$178.74	\$452.23	53.40	31.10	84.50
Harstine, Joel	\$118.34	\$322.89	\$441.23	21.40	58.60	80.00
Hammer, Todd	\$218.82	\$212.19	\$431.01	52.10	38.10	90.20
Hill, Clifford D	\$167.01	\$245.60	\$412.61	30.20	40.00	70.20
Carlile, Hunter		\$316.83	\$316.83		57.50	57.50
Patton, Bradley J	\$197.22	\$62.86	\$260.08	37.90	10.60	48.50
Collins, Jack	\$49.77	\$207.26	\$257.03	9.00	35.70	44.70
Wright, Jason		\$198.37	\$198.37		36.00	36.00
Harstine, Dan	\$132.30	\$60.06	\$192.36	31.50	10.90	42.40
VanDeMark, Irv	\$76.31	\$93.67	\$169.98	13.80	17.00	30.80
Boulware, Armond		\$156.25	\$156.25		27.80	27.80
Urschaltz, John		\$122.80	\$122.80		20.00	20.00
Lewis, Dan		\$110.20	\$110.20		20.00	20.00
Phifer Incorporated		\$0.00	\$0.00		-	-
AV8R Flying Club		\$0.00	\$0.00		-	-



Chapter 10. Airport

Article II, Division 2. *Warsaw Municipal Airport Overlay Zoning District*

Subdivision I. In General

Sec. 10-51. Title. This article is known as the “Warsaw Municipal Airport Overlay Zoning District Ordinance” and may be cited and referred to as the “Airport Overlay” ordinance.

Sec. 10-52. Intent. The intent of this division is to promote the public health, safety, and general welfare and to limit the impacts of airport activity on the airport’s neighbors and to provide room for the airport to expand and grow. Accordingly, the intent of the Airport Overlay District is to:

- (a) Ensure public safety and security.
- (b) Reduce exposure of residential and other sensitive land uses to airport operations.
- (c) Minimize noise impacts of the airport on residential or sensitive land uses near the airport.
- (d) Minimize impacts to airport operations.
- (e) Optimize airport operational efficiency and flexibility.
- (f) Maintain land uses near the airport to permit development that is responsive to airport and public needs.

Sec. 10-53. Authority. The Airport Overlay ordinance imposes additional and/or different requirements than those required by the underlying standard zoning district. If the requirement of the Airport Overlay ordinance is more restrictive than the requirement imposed by the underlying zoning district for the purpose of increasing the safety of airport operations and public safety, the Airport Overlay ordinance supersedes it. The Airport Overlay ordinance regulates and restricts the height of structures and objects, the growth of natural vegetation, and land uses within the vicinity of the Warsaw Municipal Airport. The Warsaw Municipal Airport Zones Map in Exhibit A is incorporated into and made part of this Ordinance.

Sec. 10-54. Applicability. These regulations apply to properties near the airport within the zones identified in Sec. 10-60. *Zones*.

Sec. 10-55. Public Nuisance. The construction, erection, or maintenance of any airport hazard in violation of this division is hereby declared to be a public nuisance.

Sec. 10-56. Division Administration.

- (a) It shall be the duty of the Board of Aviation Commissioners to review applications and make written recommendations regarding compliance with the airport hazard, height, obstruction, and other airport-safety provisions prescribed in this division. The City of Warsaw and Kosciusko County, through their respective zoning and building administration offices, retain sole authority to administer and enforce the Zoning Ordinance within the Airport Overlay District, including the issuance of Improvement Location Permits and the approval of rezonings and other zoning actions. The single consolidated procedure governing all notice to the Board of Aviation Commissioners prior to permit or petition action—rezonings, variances and special exceptions, height-proximate structures, and new uses within Zones B2, B3, B4, and C—is set forth in Sec. 10-70(c).
- (b) Applications required by this division to be submitted to the Board of Aviation Commissioners shall be promptly considered by the board and either granted or denied.

- (c) For applications requiring action by the Board of Zoning Appeals, the Board of Aviation Commissioners shall make a recommendation on the application and forward it to the Board of Zoning Appeals.

Sec. 10-57. Definitions

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- *Airport*. Warsaw Municipal Airport.
- *Airport elevation*. The established elevation of the highest point on the usable landing area.
- *Airport hazard*. Any structure, tree, or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.
- *Airport reference point*. The point established as the approximate geographic center of the airport landing area and so designated.
- *Board of Aviation Commissioners*. The Board of Aviation Commissioners, as established pursuant to Title 8, Article 22, Chapter 2 of the Indiana Code, including its duly authorized agent or representative. In the event of the formation hereafter of an airport authority in accordance with Title 8, Article 22, Chapter 3 of the Indiana Code, as it currently exists or as it may hereafter be amended, to own, manage, and operate the Airport, the board of the airport authority as so established shall be substituted for and shall replace the Board of Aviation Commissioners with regard to all provisions of this Ordinance.
- *Board of Zoning Appeals*. The Board of Zoning Appeals, as established by the Zoning Ordinance.
- *CFR*. The Code of Federal Regulations.
- *Height*. To determine the height limits in the zones established in this article and shown on the zoning map, the datum is mean sea level elevation unless otherwise specified.
- *Instrument runway*. A runway anticipated to have or equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.
- *Landing area*. The area of the airport used for the landing, takeoff, or taxiing of aircraft.
- *Non-aeronautical*. Any use of land or structure that is not directly related to the operation of aircraft or the provision of services necessary to the operation of aircraft at the Airport.
- *Nonconforming use or structure*. Any structure, tree, or use of land which is lawfully in existence at the time the regulation is prescribed in this article or an amendment thereto becomes effective and does not then meet the requirements of such regulation.
- *Non-instrument runway*. A runway other than an instrument runway.
- *Runway*. The paved surface of an airport landing strip.
- *Structure*. Anything constructed or erected, the use of which requires a permanent location on the ground or which is attached to something permanently located on the ground.
- *Tree*. A naturally-growing woody perennial plant.

Sec. 10-58. Non-Conforming Structures and Uses

- (a) Regulations Not Retroactive. The regulations of this division do not require the removal, lowering, or alteration of any structure, tree, or terrain not conforming to the regulations as of the effective date of this division. Nothing herein contained 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 Ordinance and is diligently prosecuted and completed within two years of permit approval.

- (b) Abandoned/Destroyed/Discontinued Non-Conforming Structure. Whenever the Board of Aviation Commissioners determines that a nonconforming structure or tree has been abandoned or is more than 80 percent down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit established by this division. Subject to that height limitation, a nonconforming structure that is more than 80 percent damaged or destroyed may be reconstructed in accordance with Subsection 10-58(c) of this division.
- (c) Non-Conforming Uses. Where, at the time of adoption of this Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as they remain otherwise lawful, subject to the following provisions:
- (1) *Remodels and Repairs*. Development that is limited to interior modifications or repairs, or any exterior repairs or maintenance that does not increase the density or floor area ratio of an existing building, is exempt from the requirements of this division.
 - (2) *Reconstruction, Alteration, or Expansion*. Reconstruction, alteration, or expansion of previously conforming use or structure may be permitted with an Improvement Location Permit as follows:
 - a. *Single- and two-family dwelling*. Previously conforming single- and two-family dwelling units, associated Accessory Dwelling Units, and associated accessory structure, as applicable, may be reconstructed, altered, or expanded in compliance with the development regulations of the underlying zoning district and applicable development and performance standards in this division.
 - b. *Multifamily dwelling*. Previously conforming multiple dwelling units and associated accessory structures may be reconstructed, altered, or expanded where the development would not increase the dwelling density or maximum occupancy and is otherwise compliant with the development regulations of the underlying zoning district and applicable development and performance standards in this division.
 - c. *Non-residential uses*. Previously conforming non-residential development may be reconstructed, altered, or expanded where the development would not increase the maximum number of people allowed on the site, unless otherwise allowed by this Ordinance.
 - d. *Temporary discontinuance*. A previously conforming use that is discontinued temporarily due to fire, natural disaster, or an act of public enemy, or for repairs, remodeling, or major alterations, may be resumed within two (2) years of discontinuance by maintenance of an active Improvement Location Permit.
 - (3) *Termination by Discontinuance or Abandonment*. If any such nonconforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
 - (4) *New Construction*. No additional or accessory structure not conforming to the requirements of this division shall be erected in connection with such nonconforming use of land.
- (d) Nothing contained in this section shall be construed to prevent the Board of Aviation Commissioners from eliminating a non-conforming use by payment of just compensation in accordance with Indiana's eminent domain statute.

Sec. 10-59. Reserved.

Subdivision II. Use and Development Standards

Sec. 10-60. Zones Established. The Airport Overlay District consists of several zones established around these runways: Runway North (36), Runway 27 (East), Runway 18 (South), and Runway 9 (West). Zones A, D, and E are derived directly from the imaginary surfaces defined in 14 CFR Part 77. Zones B and C are informed by 14 CFR Part 77 in conjunction with Federal Aviation Administration Advisory Circular 150/5190-4B and Indiana Code 8-21-10, as further described below. The zones are displayed on the map in Exhibit A and defined below. In the event of any conflict between the map in Exhibit A and Table 10-60.1, the dimensions in Table 10-60.1 control.

- (a) Runway Environment (Zone A). Zone A encompasses the primary airspace surface defined within 14 CFR Part 77. Specifically, Zone A includes a 500-foot offset from the Runway 9-27 centerline for a total width of 1,000 feet, and a 250-foot offset from the Runway 18-36 centerline for a total width of 500 feet. Zone A further extends 200 feet beyond each future runway end.
- (b) Runway Approach Surface (Zone B). Zone B is a critical overlay surface that reflects the approach and departure areas for each runway at an airport. The approach surface is longitudinally centered on the extended runway centerline, extending outward and upward from the runway end. Zone B of Warsaw Airport is further broken into four areas:
 - (1) *Zone B1 (Approach & Runway Protection Zones).* Zone B1 begins beyond the end of Zone A, flares outward in a trapezoidal shape at either a 34:1 or 50:1 slope, and reflects the inner portion of the 14 CFR Part 77 approach surface as well as the future runway protection zones.
 - (2) *Zone B2 (Inner Approach/Departure Area).* Zone B2 begins at the ends of Zone B1 and flares outward in a trapezoidal shape at either a 34:1 or 50:1 slope to the outer limits of Zone C. Zone B2 supports the arrival and departure of aircraft prior to the runway protection Zone (i.e. Zone B1).
 - (3) *Zone B3 (Middle Approach/Departure Area (Precision Runway)).* Zone B3 begins at the end of Zone B2 and flares outward in a trapezoidal shape at a 50:1 slope. Zone B3 only pertains to Runway 27 (i.e., east approach) as this runway is classified as a “precision” runway and contains the widest approach corridor and slope. The outer limits of Zone B3 are defined by the actual limits of the Noise Sensitive Permitting area as defined within Indiana Code 8-21-10, which specifies an area one nautical mile beyond the airport property boundary.
 - (4) *Zone B4 (Outer Approach/Departure Area).* Zone B4 begins at the end of either B2 or B3 and flares outward in a trapezoidal shape at either a 34:1 or 50:1 slope to the approach extents of 10,000 feet.
 - (5) Zones B1 through B4 collectively establish a zoning-based subdivision of the approach area for land use compatibility purposes, developed in accordance with FAA Advisory Circular 150/5190-4B. Zones B1 through B4 do not represent the full dimensional extent of the approach surface defined in 14 CFR § 77.19(d), which for a precision instrument runway extends significantly farther than the outer limit of Zone B4.
- (c) Transitional Surface (Zone C) - Air Traffic Pattern/Noise Sensitive Area. Zone C is mapped to the Warsaw Municipal Airport Noise Sensitive Permitting area as defined within Indiana Code 8-21-10, which extends 1 nautical mile out from the airport property boundary along the extended runway centerline (I.C. 8-21-10). Zone C supports the operation of aircraft operating within the airport’s traffic pattern. Nested within Zone C, and narrower than its mapped boundary, is the transitional surface defined in 14 CFR § 77.19(e): a surface that begins at the lateral limits of Zone A and the sides of Zones B1 through B4 and extends outward and upward at a 7:1 slope until it reaches 150 feet above the airport elevation. The dimensions in Table 10-60.1 for Zone C reflect the Indiana Code 8-21-10 boundary; the underlying 14 CFR Part 77 transitional surface is narrower and is governed by the 7:1 slope standard rather than by the tabulated width and length.

- (d) Horizontal Surface (Zone D) – Inner Airspace Area. The horizontal surface is a horizontal plane located 150 feet above the established airport elevation and begins at the edge of the transitional surface (Zone C) and primary surface (Zones B1 through B4) for 10,000 feet from the start of Zone B1.
- (e) Conical Surface (Zone E) - Outer Airspace Area. The conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one foot vertically (20:1) for 4,000 feet (or 350 feet above the airport elevation).

Table 10-60.1. Airport Overlay Zone Dimensions

AOD Zone	AOD Zone Dimension/Slope	West Runway 9	East Runway 27	South Runway 18	North Runway 36
Zone A	Width	1,000	1,000	500	500
	Length Beyond Runway Ends	200	200	200	200
Zone B1	Inner Width	1,000	1,000	500	500
	Outer Width	1,510	1,750	800	800
	Length	1,700	2,500	1,000	1,000
	Slope	34:1	50:1	34:1	34:1
Zone B2	Inner Width	1,510	1,750	800	800
	Outer Width	3,000	3,003	2,297	2,371
	Length	4,967	4,175	4,991	5,238
	Slope	34:1	50:1	34:1	34:1
Zone B3	Inner Width		3,003		
	Outer Width		3,572		
	Length		1,907		
	Slope		50:1		
Zone B4	Inner Width	3,000	3,571	2,297	2,371
	Outer Width	4,000	4,000	3,500	3,500
	Length	3,333	1,418	4,009	3,762
	Slope	34:1	50:1	34:1	34:1
Zone C	Width	3,000			
	Length	Varies*			
Zone D	Radius from Start of Zone B1	10,000			
Zone E	Offset from Zone D	4,000			
	Slope	20:1			

Dimensions are in feet.

* Zone C extends 1-nautical mile out from the airport property boundary along the extended runway centerline ([IC 8-21-10](#))

Sec. 10-61. Use Standards

- (a) General. These regulations apply to all land within the Airport Overlay District. To meet the intent of this divisions, the use regulations follow guidance on airport-compatible, conditionally compatible, and incompatible land uses from the Federal Aviation Administration's (FAA) Advisory Circular (AC) on Airport Land Use Compatibility Planning (AC 150/5190-4B) that categorizes various uses based on their ability to coexist with a nearby airport without constraining the safe and efficient operation of the airport, or exposing people living or working nearby to significant environmental impacts.
- (b) Use Permission Coordination with Zoning Ordinance
- (1) *Permitted Uses*. All uses that are permitted in the underlying zoning district per Zoning Ordinance are permitted in the Airport Overlay District, except those expressly excluded in Subsection 10-61 (c) of this division.

- (2) *Special Exception Uses.* All special exception uses that are permitted (upon obtaining the grant of a special exception from the Board of Zoning Appeals) in the underlying zoning district per Zoning Ordinance are permitted in the Airport Overlay District, except those expressly excluded in Subsection 10-61 (c) of this division.
- (3) *Non-Permitted Uses.* All uses not permitted or prohibited in the underlying zoning district under the Zoning Ordinance are also prohibited in the Airport Overlay District.
- (c) Use Regulations per Zone. The proposed new development, change of use, or expansion of an existing use shall meet these requirements: The continuation, reconstruction, alteration, and expansion of a use lawfully established prior to the effective date of this division is governed by Sec. 10-58 of this division.
 - (1) *Zone A.* Non-aeronautical development within Zone A is prohibited as it is located directly within the runway environment. Limited navigational equipment and runway/taxiway signage may be permitted for aeronautical development.
 - (2) *Zone B1.* Although existing structures are located within Zone B1, proposed non-aeronautical development is prohibited for the continued protection of people and property on the ground.
 - (3) *Zones B2, B3, B4, C, D, and E.* Uses in these zones are subject to the same permitted, special exception, and non-permitted classifications applicable in the underlying zoning district, as provided in Subsection 10-61(b).

Sec. 10-62. Development and Performance Standards

(a) Height Limitations

- (1) Unless otherwise provided for in this division, no structure, object, natural vegetation, or terrain shall be erected, altered, allowed to grow, or be maintained within any airport zone established by this division to a height more than the applicable height limitations established by this division in Table 10-62.1. The maximum permitted heights are listed in “Above the Ground Level” (AGL) and “Mean Sea Level” (MSL) heights.
- (2) If the height requirement imposed by the Zoning Ordinance conflicts with the height requirement in this division, the stricter (the lesser height) of the two applies.
- (3) If the applicant applies for a variance to permit a taller structure than permitted by this division, the applicant shall submit a copy of the approved permit from the Indiana Department of Transportation for tall structures as required by IC 8-21-10.
- (4) An application for an Improvement Location Permit for any structure with a height exceeding 25 feet Above Ground Level (AGL) shall state the proposed height of the structure in both AGL and Mean Sea Level (MSL) datums.

Table 10-62.1. Height Restrictions in Airport Overlay Zones

Airport Overlay Zone	RUNWAY			
	West Runway 9	East Runway 27	South Runway 18	North Runway 36
A	N/A			
B1	N/A			
B2	45 ft AGL 885 ft MSL	40 ft AGL 895 ft MSL	25 ft AGL 860 ft MSL	40 ft AGL 865 ft MSL
B3	N/A	150 ft AGL 980 ft MSL	N/A	N/A
B4	165 ft AGL 1,030 ft MSL	165 ft AGL 1,020 ft MSL	170 ft AGL 1,010 ft MSL	200 ft AGL 1,015 ft MSL
C	0 ft – 150 ft AGL* 0 ft – 985 ft MSL*			
D	150 ft AGL 995 ft MSL			
E	150 – 350 ft AGL 995 – 1,195 MSL			
Notes: AGL – Above ground level MSL – Mean sea level ft - feet * Maximum structure elevation within Zone C varies by location. Special Exception approval is required to approve the height.				

(b) Performance Standards. The following performance standards apply to all land within the Airport Overlay District.

(1) *Markings and Lighting Requirements*

- Marking and lighting requirements are determined through an FAA 7460-1 airspace analysis. The owner of any structure, object, natural vegetation, or terrain is hereby required to install, operate, and maintain such markers, lights, and other aids to navigation necessary to indicate to the aircraft operators in the vicinity of an airport the presence of an airport hazard.
- Non-conforming marking and lighting.* The owner of any nonconforming structure, natural vegetation, or terrain is responsible for the installation, operation, and maintenance of the necessary markers and lights to indicate the presence of such airport hazards to the operators of aircraft in the vicinity of the airport.

- (2) *Interference.* A land use cannot create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off, or maneuvering of aircraft within any zone established by this article.

Secs. 10-63—10-69. Reserved.

Subdivision III. Permits & Petitions

Sec. 10-70. Future Uses

- (a) Within the Airport Overlay District, each permit application must indicate the purpose of the desired change and contain sufficient information to determine if the resulting use, structure, grade change, or tree conforms to these regulations.
- (b) Board of Aviation Commissioners Notice. Written notice to the Board of Aviation Commissioners is required prior to final action on:
- (1) Any petition to rezone land within the Airport Overlay District;
 - (2) Any application for a variance or special exception under Sec. 10-72;
 - (3) Any Improvement Location Permit application:
 - proposing a structure, tree, or grade change with a height within ten (10) feet, in AGL or MSL, of the applicable height limitation in Table 10-62.1 for the zone in which it is located, including an application required solely because Subsection 10-70(c) does not exempt it; or
 - for a new or changed use that is permitted by right under the underlying zoning district within Zone B2, B3, B4, or C.
 - (4) *Procedure.* The Zoning Administrator shall provide the notice required by this subsection no later than the date the applicable petition or application is deemed complete. The Board of Aviation Commissioners shall have fifteen (15) days from the date of such notice to submit written comments regarding the compatibility of the proposed action with airport operations, and, for a variance or special exception under Sec. 10-72, shall additionally be granted an opportunity to be heard by the Board of Zoning Appeals. The body with final decision-making authority over the petition or application shall consider, but is not required to adopt, the Board of Aviation Commissioners' comments prior to final action. If the Board of Aviation Commissioners does not submit comments within the fifteen-day period, the decision-making body may proceed to final action.
- (c) In the following locations, a permit under this division for a tree, structure, or grade change is not required if the proposed height of the tree, structure, or grade change is more than ten (10) feet below the applicable height limitation in Table 10-62.1 for the zone in which it is located, and the terrain does not cause the tree or structure to extend above that height limitation less ten (10) feet. This exemption applies only to the permit required by this division and does not exempt any development from obtaining any other required city, county, state, or federal permit:
- (1) Within Zone D;
 - (2) Within Zone E;
 - (3) Within Zones B3 and B4, or
 - (4) Within the transitional zone (Zone C) beyond the perimeter of the horizontal zone (Zone D).
- (d) Nothing contained in this section shall be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree higher than any of the height limits established by this division except as set forth in section 10-62 (a).

- (e) Nothing contained in this section shall be construed as exempting any development from obtaining any other city, county, state, or federal permits.

Sec. 10-71. Existing Uses

A permit will not be approved that would create an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance.

Sec. 10-72. Variances and Special Exceptions

- (a) Application. Any person desiring to develop or use his property in a manner that requires a variance or special exception approval may apply to the Board of Zoning Appeals in accordance with the Zoning Ordinance and BZA Rules of Procedures and with any applicable procedures in this division.
- (b) Notice. Notice of any such variance and/or special exception request to the Board of Aviation Commissioners is governed by the procedure in Sec. 10-70(c), which includes the Board of Aviation Commissioners' right to be heard by the BZA in respect thereto.
- (c) Conditions. Any variance and/or special exception granted may be conditioned to require the owner to allow the Board of Aviation Commissioners to install, operate, and maintain, at its sole expense, markers or lights as necessary to indicate to flyers the presence of an airport hazard.

Sec. 10-73. Variance and Special Exceptions Review

- (a) Intent. A Variance and/or Special Exception review is required to ensure public safety and welfare and to ensure that the proposed development does not adversely affect airport operations at its proposed location.
- (b) Procedure.
- (1) *Local application*.
 - Applicant must apply for the Special Exception approval according to the procedures in the Zoning Ordinance and in the Board of Zoning Appeals Rules and Procedures.
 - If the applicant is required to undergo a Special Exception review under the Zoning Ordinance and this division, the applicant may apply for both at the same time and have concurrent reviews.
 - (2) *State application*. If the applicant is required by state law to apply for the Tall Structure Permit and/or Noise Sensitive Permit from the Indiana Transportation Department pursuant to IC 8-21-10 et seq. and amendments thereto, the applicant shall submit copies of these permits to the city's Zoning Administrator as part of the Special Exception application.
- (c) Additional Criteria. In addition to reviewing petitions according to the variance and/or Special Exception criteria in the Zoning Ordinance, the Board of Zoning Appeals shall also review all variance and Special Exception petitions within the Airport Overlay District using these criteria:
- (1) *People Concentration/Density*. The proposed use may not increase population density around the airport, particularly within the runway approach and departure corridors.
 - (2) *Tall Structures*. The proposed structures may not be taller than permitted by this division unless permitted by the state through a Tall Structure Permit.
 - (3) *Noise Sensitivity*. The proposed use that is sensitive to noise may not be placed within the runway approach and departure corridors (e.g., residential or some institutional uses) unless permitted by the state through a Noise Sensitive Permit.
 - (4) *Visual Obstructions*. The proposed use may not create visual obstructions for aircraft navigation, such as light, smoke, dust emissions, or glare from reflective structures.

- (5) *Wildlife & Bird Attractants*. The proposed use may not cause a significant increase in the concentration of wildlife and birds that could potentially pose a hazard to the safe and efficient operation of aircraft.

Secs. 10-74—10-79. Reserved.

Subdivision IV. Appeals

Sec. 10-80. Aggrieved persons' rights.

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Aviation Commissioners made in its administration of this division, if of the opinion that a decision of the Board of Aviation Commissioners is an improper application of the regulations of this division, may appeal to the Board of Zoning Appeals. This appeal process applies only to decisions and recommendations made under this division by the Board of Aviation Commissioners, the local zoning or building administration office, or the Board of Zoning Appeals. It is separate from, and does not affect, the Federal Aviation Administration's independent review of proposed structures under 14 CFR Part 77 and FAA Form 7460-1, which is a federal process conducted directly with the FAA.

Sec. 10-81 Board of Zoning Appeals designated authority for appeals.

The Board of Zoning Appeals shall be and is hereby constituted the proper board to which all appeals from decisions rendered in the enforcement of this division or any other zoning ordinance of the city shall be taken. All such appeals from the decision or ruling of any board, agency, or department of the city in respect to such zoning ordinances shall follow the rules of the Board of Zoning Appeals, and all statutes of the state in such cases made and provided.

Sec. 10-82. Required notice to the President of the Aviation Board of Commissioners.

Whenever notice of any appeal described in section 10-81 shall be served upon any board, agency, or department of the city, it shall be the duty of the secretary, chairman, or department head of any such board, agency, or department to immediately notify in writing the president of the Board of Aviation Commissioners of such appeal.

Sec. 10-83. Aviation Board's powers of intervention.

The Board of Aviation Commissioners shall have the power to intervene in proceedings described in section 10-81 and be heard insofar as such ruling or decision may affect the operation of the airport.

Sec. 10-84. Aviation Board's right of appeal.

Nothing contained in this division shall prevent the Board of Aviation Commissioners from appealing any decision or ruling described in section 10-80 to the Board of Zoning Appeals or prevent such Board of Aviation Commissioners from appealing any decision, grant, or ruling of the Board of Zoning Appeals to a proper court as now provided by law.

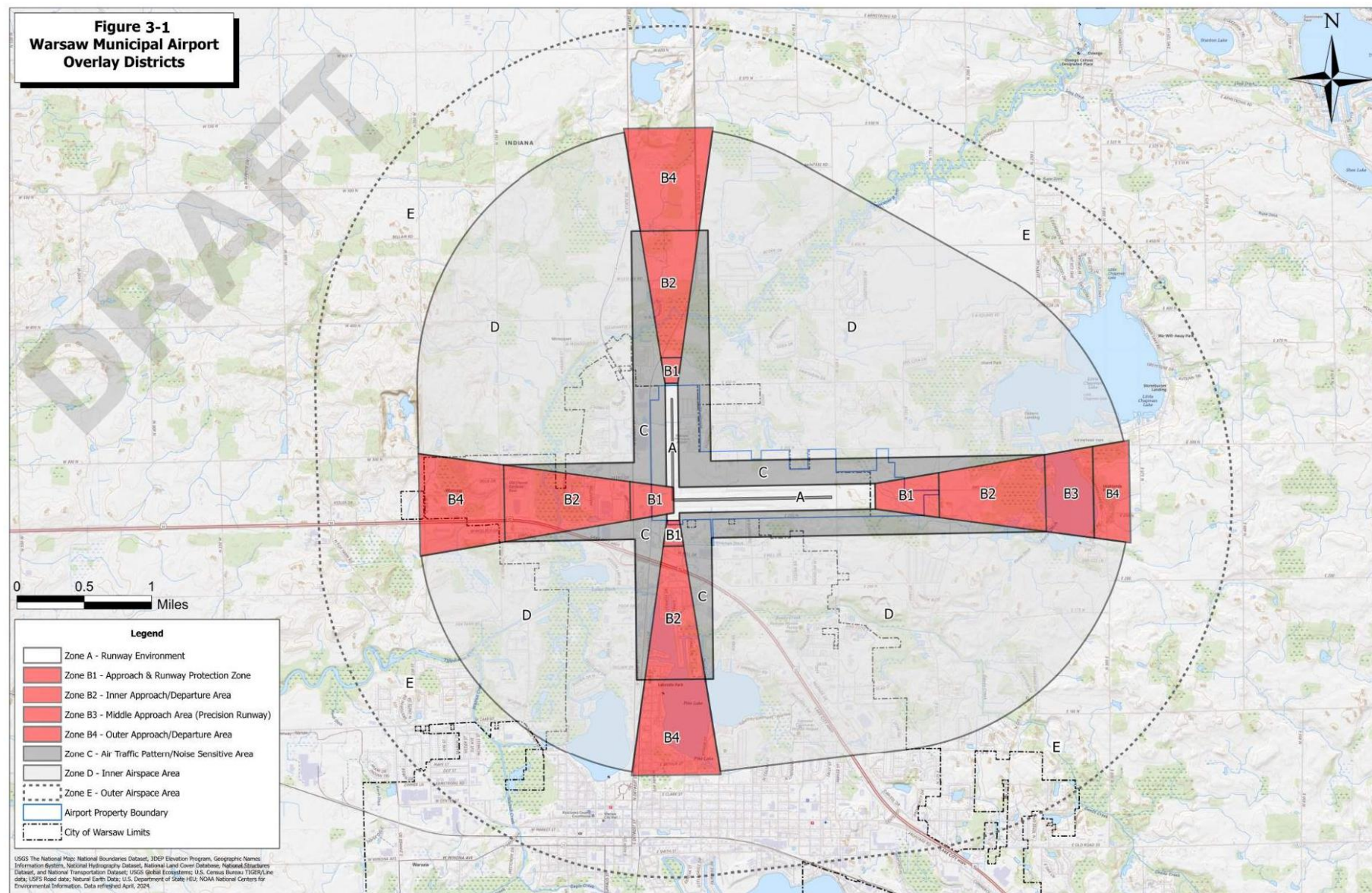
Sec. 10-85. Stay of proceedings.

An appeal from the decision of any board, agency or department described in section 10-80 to the Board of Zoning Appeals shall stay all proceedings of the action appealed from unless the aggrieved person or the Board of Aviation Commissioners certifies to the Board of Zoning Appeals, after notice of appeal has been filed with it, that by reason of the facts stated in the certificate, a stay would, in his or its opinion, cause unusual peril to life or property. In such a case, the proceedings shall not be stayed except by order of the Board of Zoning Appeals, upon notice to the Board of Aviation Commissioners, on due cause shown.

Sec. 10-86. Powers of the Board of Zoning Appeals.

The Board of Zoning Appeals shall have the same power on airport zoning as is now granted to it by law for other zoning matters.

EXHIBIT A. THE WARSAW MUNICIPAL AIRPORT ZONES MAP





Chapter 10. Airport

Article II, Division 2. *Warsaw Municipal Airport Overlay Zoning District*

Subdivision I. In General

Sec. 10-51. Title. This article is known as the “Warsaw Municipal Airport Overlay Zoning District Ordinance” and may be cited and referred to as the “Airport Overlay” ordinance.

Sec. 10-52. Intent. The intent of this division is to promote the public health, safety, and general welfare and to limit the impacts of airport activity on the airport’s neighbors and to provide room for the airport to expand and grow. Accordingly, the intent of the Airport Overlay District is to:

- (a) Ensure public safety and security.
- (b) Reduce exposure of residential and other sensitive land uses to airport operations.
- (c) Minimize noise impacts of the airport on residential or sensitive land uses near the airport.
- (d) Minimize impacts to airport operations.
- (e) Optimize airport operational efficiency and flexibility.
- (f) Maintain land uses near the airport to permit development that is responsive to airport and public needs.

Sec. 10-53. Authority. The Airport Overlay ordinance imposes additional and/or different requirements than those required by the underlying standard zoning district. If the requirement of the Airport Overlay ordinance is more restrictive than the requirement imposed by the underlying zoning district for the purpose of increasing the safety of airport operations and public safety, the Airport Overlay ordinance supersedes it. The Airport Overlay ordinance regulates and restricts the height of structures and objects, the growth of natural vegetation, and land uses within the vicinity of the Warsaw Municipal Airport. The Warsaw Municipal Airport Zones Map in Exhibit A is incorporated into and made part of this Ordinance.

Sec. 10-54. Applicability. These regulations apply to properties near the airport within the zones identified in Sec. 10-60. *Zones*.

Sec. 10-55. Public Nuisance. The construction, erection, or maintenance of any airport hazard in violation of this division is hereby declared to be a public nuisance.

Sec. 10-56. Division Administration.

- (a) ~~It shall be the duty of the Board of Aviation Commissioners to administer and enforce the regulations prescribed in this division. It shall be the duty of the Board of Aviation Commissioners to review applications and make written recommendations regarding compliance with the airport hazard, height, obstruction, and other airport-safety provisions prescribed in this division. The City of Warsaw and Kosciusko County, through their respective zoning and building administration offices, retain sole authority to administer and enforce the Zoning Ordinance within the Airport Overlay District, including the issuance of Improvement Location Permits and the approval of rezonings and other zoning actions. The single consolidated procedure governing all notice to the Board of Aviation Commissioners prior to permit or petition action—rezonings, variances and special exceptions, height-proximate structures, and new uses within Zones B2, B3, B4, and C—is set forth in Sec. 10-70(c).~~

- (b) ~~Applications for permits are made to the Board of Aviation Commissioners upon a form furnished by it.~~ Applications required by this division to be submitted to the Board of Aviation Commissioners shall be promptly considered by the board and either granted or denied.
- (c) For applications requiring action by the Board of Zoning Appeals, the Board of Aviation Commissioners shall make a recommendation on the application and forward it to the Board of Zoning Appeals.

Sec. 10-57. Definitions

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- *Airport.* Warsaw Municipal Airport.
- *Airport elevation.* The established elevation of the highest point on the usable landing area.
- *Airport hazard.* Any structure, tree, or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.
- *Airport reference point.* The point established as the approximate geographic center of the airport landing area and so designated.
- *Board of Aviation Commissioners.* ~~The Board of Aviation Commissioners, as established by this chapter, including its duly authorized agent or representative.~~ The Board of Aviation Commissioners, as established pursuant to Title 8, Article 22, Chapter 2 of the Indiana Code, including its duly authorized agent or representative. In the event of the formation hereafter of an airport authority in accordance with Title 8, Article 22, Chapter 3 of the Indiana Code, as it currently exists or as it may hereafter be amended, to own, manage, and operate the Airport, the board of the airport authority as so established shall be substituted for and shall replace the Board of Aviation Commissioners with regard to all provisions of this Ordinance.
- *Board of Zoning Appeals.* The Board of Zoning Appeals, as established by the Zoning Ordinance.
- CFR. The Code of Federal Regulations.
- *Height.* To determine the height limits in the zones established in this article and shown on the zoning map, the datum is mean sea level elevation unless otherwise specified.
- *Instrument runway.* A runway anticipated to have or equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.
- *Landing area.* The area of the airport used for the landing, takeoff, or taxiing of aircraft.
- *Non-aeronautical.* Any use of land or structure that is not directly related to the operation of aircraft or the provision of services necessary to the operation of aircraft at the Airport.
- *Nonconforming use or structure.* Any structure, tree, or use of land which is lawfully in existence at the time the regulation is prescribed in this article or an amendment thereto becomes effective and does not then meet the requirements of such regulation.
- *Non-instrument runway.* A runway other than an instrument runway.
- *Runway.* The paved surface of an airport landing strip.
- *Structure.* Anything constructed or erected, the use of which requires a permanent location on the ground or which is attached to something permanently located on the ground.
- *Tree.* A naturally-growing woody perennial plant.

Sec. 10-58. Non-Conforming Structures and Uses

- (a) Regulations Not Retroactive. The regulations of this division do not require the removal, lowering, or alteration of any structure, tree, or terrain not conforming to the regulations as of the effective date of this division. Nothing herein contained 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 Ordinance and is diligently prosecuted and completed within two years of permit approval.
- (b) Abandoned/Destroyed/Discontinued Non-Conforming Structure. ~~Whenever the Board of Aviation Commissioners determines that a nonconforming structure or tree has been abandoned or is more than 80 percent down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.~~ Whenever the Board of Aviation Commissioners determines that a nonconforming structure or tree has been abandoned or is more than 80 percent down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit established by this division. Subject to that height limitation, a nonconforming structure that is more than 80 percent damaged or destroyed may be reconstructed in accordance with Subsection 10-58(c) of this division.
- (c) Non-Conforming Uses. Where, at the time of adoption of this Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as they remain otherwise lawful, subject to the following provisions:
- (1) *Remodels and Repairs*. Development that is limited to interior modifications or repairs, or any exterior repairs or maintenance that does not increase the density or floor area ratio of an existing building, is exempt from the requirements of this division.
 - (2) *Reconstruction, Alteration, or Expansion*. Reconstruction, alteration, or expansion of previously conforming use or structure may be permitted with an Improvement Location Permit as follows:
 - a. *Single- and two-family dwelling*. Previously conforming single- and two-family dwelling units, associated Accessory Dwelling Units, and associated accessory structure, as applicable, may be reconstructed, altered, or expanded in compliance with the development regulations of the underlying zoning district and applicable development and performance standards in this division.
 - b. *Multifamily dwelling*. Previously conforming multiple dwelling units and associated accessory structures may be reconstructed, altered, or expanded where the development would not increase the dwelling density or maximum occupancy and is otherwise compliant with the development regulations of the underlying zoning district and applicable development and performance standards in this division.
 - c. *Non-residential uses*. Previously conforming non-residential development may be reconstructed, altered, or expanded where the development would not increase the maximum number of people allowed on the site, unless otherwise allowed by this Ordinance.
 - d. *Temporary discontinuance*. A previously conforming use that is discontinued temporarily due to fire, natural disaster, or an act of public enemy, or for repairs, remodeling, or major alterations, may be resumed within two (2) years of discontinuance by maintenance of an active Improvement Location Permit.
 - (3) *Termination by Discontinuance or Abandonment*. If any such nonconforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

- (4) *New Construction*. No additional or accessory structure not conforming to the requirements of this division shall be erected in connection with such nonconforming use of land.

(d) Nothing contained in this section shall be construed to prevent the Board of Aviation Commissioners from eliminating a non-conforming use by payment of just compensation in accordance with Indiana's eminent domain statute.

Sec. 10-59. Reserved.

Subdivision II. Use and Development Standards

Sec. 10-60. Zones Established. ~~The Airport Overlay District consists of several zones created pursuant to 14 CFR Part 77 around these runways: Runway North (36), Runway 27 (East), Runway 18 (South), and Runway 9 (West).~~ The Airport Overlay District consists of several zones established around these runways: Runway North (36), Runway 27 (East), Runway 18 (South), and Runway 9 (West). Zones A, D, and E are derived directly from the imaginary surfaces defined in 14 CFR Part 77. Zones B and C are informed by 14 CFR Part 77 in conjunction with Federal Aviation Administration Advisory Circular 150/5190-4B and Indiana Code 8-21-10, as further described below. The zones are displayed on the map in Exhibit A and defined below. In the event of any conflict between the map in Exhibit A and Table 10-60.1, the dimensions in Table 10-60.1 control.

- (a) Runway Environment (Zone A). Zone A encompasses the primary airspace surface defined within 14 CFR Part 77. Specifically, Zone A includes a 500-foot offset from the Runway 9-27 centerline for a total width of 1,000 feet, and a 250-foot offset from the Runway 18-36 centerline for a total width of 500 feet. Zone A further extends 200 feet beyond each future runway end.
- (b) Runway Approach Surface (Zone B). Zone B is a critical overlay surface that reflects the approach and departure areas for each runway at an airport. The approach surface is longitudinally centered on the extended runway centerline, extending outward and upward from the runway end. Zone B of Warsaw Airport is further broken into four areas:
- (1) Zone B1 (Approach & Runway Protection Zones). Zone B1 begins beyond the end of Zone A, flares outward in a trapezoidal shape at either a 34:1 or 50:1 slope, and ~~encompasses both the start of the 14 CFR Part 77 approach surface as well as the future runway protection zones.~~ reflects the inner portion of the 14 CFR Part 77 approach surface as well as the future runway protection zones.
 - (2) Zone B2 (Inner Approach/Departure Area). Zone B2 begins at the ends of Zone B1 and flares outward in a trapezoidal shape at either a 34:1 or 50:1 slope to the outer limits of Zone C. Zone B2 supports the arrival and departure of aircraft prior to the runway protection Zone (i.e. Zone B1).
 - (3) Zone B3 (Middle Approach/Departure Area (Precision Runway)). Zone B3 begins at the end of Zone B2 and flares outward in a trapezoidal shape at a 50:1 slope. Zone B3 only pertains to Runway 27 (i.e., east approach) as this runway is classified as a “precision” runway and contains the widest approach corridor and slope. The outer limits of Zone B3 are defined by the actual limits of the Noise Sensitive Permitting area as defined within Indiana Code 8-21-10, which specifies an area one nautical mile beyond the airport property boundary.
 - (4) Zone B4 (Outer Approach/Departure Area). Zone B4 begins at the end of either B2 or B3 and flares outward in a trapezoidal shape at either a 34:1 or 50:1 slope to the approach extents of 10,000 feet.
 - (5) Zones B1 through B4 collectively establish a zoning-based subdivision of the approach area for land use compatibility purposes, developed in accordance with FAA Advisory Circular 150/5190-4B. Zones B1 through B4 do not represent the full dimensional extent of the approach surface defined in 14 CFR § 77.19(d), which for a precision instrument runway extends significantly farther than the outer limit of Zone B4.

- (c) Transitional Surface (Zone C) - Air Traffic Pattern/Noise Sensitive Area. ~~Zone C encompasses the Warsaw Municipal Airport Noise Sensitive Permitting area as defined within Indiana Code 8-21-10 and the transitional surface as defined in the 14 CFR Part 77. Zone C extends 1 nautical mile out from the airport property boundary along the extended runway centerline (I.C. 8-21-10). The transitional surface begins at the lateral limits of Zone A and extends outward and upward at a 7:1 slope up to 150 feet above the airport elevation. Zone C supports the operation of aircraft operating within the airport's traffic pattern.~~ Zone C is mapped to the Warsaw Municipal Airport Noise Sensitive Permitting area as defined within Indiana Code 8-21-10, which extends 1 nautical mile out from the airport property boundary along the extended runway centerline (I.C. 8-21-10). Zone C supports the operation of aircraft operating within the airport's traffic pattern. Nested within Zone C, and narrower than its mapped boundary, is the transitional surface defined in 14 CFR § 77.19(e): a surface that begins at the lateral limits of Zone A and the sides of Zones B1 through B4 and extends outward and upward at a 7:1 slope until it reaches 150 feet above the airport elevation. The dimensions in Table 10-60.1 for Zone C reflect the Indiana Code 8-21-10 boundary; the underlying 14 CFR Part 77 transitional surface is narrower and is governed by the 7:1 slope standard rather than by the tabulated width and length.
- (d) Horizontal Surface (Zone D) – Inner Airspace Area. The horizontal surface is a horizontal plane located 150 feet above the established airport elevation and begins at the edge of the transitional surface (Zone C) and primary surface (Zones B1 through B4) for 10,000 feet from the start of Zone B1.
- (e) Conical Surface (Zone E) - Outer Airspace Area. The conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one foot vertically (20:1) for 4,000 feet (or 350 feet above the airport elevation).

Table 10-60.1. Airport Overlay Zone Dimensions

AOD Zone	AOD Zone Dimension/Slope	West Runway 9	East Runway 27	South Runway 18	North Runway 36
Zone A	Width	1,000	1,000	500	500
	Length Beyond Runway Ends	200	200	200	200
Zone B1	Inner Width	1,000	1,000	500	500
	Outer Width	1,510	1,750	800	800
	Length	1,700	2,500	1,000	1,000
	Slope	34:1	50:1	34:1	34:1
Zone B2	Inner Width	1,510	1,750	800	800
	Outer Width	3,000	3,003	2,297	2,371
	Length	4,967	4,175	4,991	5,238
	Slope	34:1	50:1	34:1	34:1
Zone B3	Inner Width		3,003		
	Outer Width		3,572		
	Length	N/A	1,907	N/A	N/A
	Slope		50:1		
Zone B4	Inner Width	3,000	3,571	2,297	2,371
	Outer Width	4,000	4,000	3,500	3,500
	Length	3,333	1,418	4,009	3,762
	Slope	34:1	50:1	34:1	34:1
Zone C	Width	3,000			
	Length	Varies*			
Zone D	Radius from Start of Zone B1	10,000			
Zone E	Offset from Zone D	4,000			
	Slope	20:1			

Dimensions are in feet.

* Zone C extends 1-nautical mile out from the airport property boundary along the extended runway centerline ([IC 8-21-10](#))

Sec. 10-61. Use Standards

- (a) General. These regulations apply to all land within the Airport Overlay District. To meet the intent of this divisions, the use regulations follow guidance on airport-compatible, conditionally compatible, and incompatible land uses from the Federal Aviation Administration's (FAA) Advisory Circular (AC) on Airport Land Use Compatibility Planning (AC 150/5190-4B) that categorizes various uses based on their ability to coexist with a nearby airport without constraining the safe and efficient operation of the airport, or exposing people living or working nearby to significant environmental impacts.
- (b) Use Permission Coordination with Zoning Ordinance
 - (1) *Permitted Uses*. All uses that are permitted in the underlying zoning district per Zoning Ordinance are permitted in the Airport Overlay District, except those expressly excluded in Subsection 10-61 (c) of this division.
 - (2) *Special Exception Uses*. All special exception uses that are permitted (upon obtaining the grant of a special exception from the Board of Zoning Appeals) in the underlying zoning district per Zoning Ordinance are permitted in the Airport Overlay District, except those expressly excluded in Subsection 10-61 (c) of this division.
 - (3) *Non-Permitted Uses*. All uses not permitted or prohibited in the underlying zoning district under the Zoning Ordinance are also prohibited in the Airport Overlay District, ~~even if the use is listed as permitted or permitted through the Special Exception in Table 10-61.1 in this division.~~
- (c) Use Regulations per Zone. The proposed new development, change of use, or expansion of an existing use shall meet these requirements: [The continuation, reconstruction, alteration, and expansion of a use lawfully established prior to the effective date of this division is governed by Sec. 10-58 of this division and is not subject to this Table 10-61.1.](#)
 - (1) *Zone A*. Non-aeronautical development within Zone A is prohibited as it is located directly within the runway environment. Limited navigational equipment and runway/taxiway signage may be permitted for aeronautical development.
 - (2) *Zone B1*. Although existing structures are located within Zone B1, proposed non-aeronautical development is prohibited for the continued protection of people and property on the ground.
 - (3) *Zones B2, B3, B4, C, D, and E*. ~~The uses in these zones are permitted as prescribed in Table 10-61.1. The use table key is:~~ Uses in these zones are subject to the same permitted, special exception, and non-permitted classifications applicable in the underlying zoning district, as provided in Subsection 10-61(b).
 - ~~● P — Indicates a permitted use that is compatible with the airport use.~~
 - ~~● SE — Indicates a permitted use that requires a review under the Special Exception procedure by the Board of Zoning Appeals pursuant to the procedures in the Zoning Ordinance and additional criteria outlined in Sec. 10-73.~~
 - ~~● Empty cell — An empty cell indicates a non-permitted use that is incompatible with the airport use.~~

Table 10-61.1 Airport Overlay District Use Table

	Zone B2	Zone B3	Zone B4	Zone C	Zone D	Zone E
Residential Uses						
Single-Family	SE	SE	SEP	SE	P	P
Two-Family			SEP	SE	P	P
Multifamily			SEP	SE	P	P
Mobile Home/Manufactured Home Subdivision			SE	SE	P	P
Mobile Home/Manufactured Home Community			SE	SE	P	P
Convalescent/Nursing Home			SE	SE	P	P
Home Occupation	SE	SE	SE	SE	P	P
Residential Planned Unit Development			SE	SE	P	P
Lodging						
Bed & Breakfast Facility				SE	P	P
Group Housing Quarter/Lodging				SE	P	P
Hotel/Motel				SE	P	P
Educational Uses						
Day Care Center				SE	P	P
Day Care Home				SE	P	P
School				SE	P	P
School, Technical/Vocational				SE	P	P
Research/Development Laboratory				SE	P	P
Other Public Uses						
Cemetery	P	P	P	P	P	P
Municipal Use	SE	SE	SE	P	P	P
Neighborhood Center Indoor			SE	SE	P	P
Neighborhood Center Outdoor			SE	SE	P	P
Park/Playground		SE	SE	P	P	P
Institutional & Assembly Uses						
Animal Hospital/Veterinary Clinic	SE	SE	SE	SE	P	P
Art Galleries/Dealer		SE	SE	SE	P	P
Church				SE	P	P
Chiropractor	SE	SE	SE	SE	P	P
Club/Lodge				SE	P	P
Dentist	SE	SE	SE	SE	P	P
Government Office			SE	SE	P	P
Hospital				SE	P	P
Institution/Sanitarium				SE	P	P
Library (Main or Branch)				SE	P	P
Optometrist	SE	SE	SE	SE	P	P
Physician/Surgeon	SE	SE	SE	SE	P	P
Television/Radio Station	SE	SE	SE	SE	SE	SE
Amusement, Entertainment, & Recreation Establishments						
Auditorium				SE	P	P
Recreation Facility (Indoor)			SE	SE	P	P
Recreation Facility (Outdoor)				SE	P	P
Theater (Indoor)			SE	SE	P	P

	Zone B2	Zone B3	Zone B4	Zone C	Zone D	Zone E
Building & Contracting						
Contractor's Office / Yard	SE	SE	SE	SE	P	P
Landscaping Company	SE	SE	SE	SE	P	P
Mobile or Manufactured Home Sales/Storage	SE	SE	SE	SE	P	P
Storage Unit Facility	SE	SE	SE	SE	P	P
Business & Professional Offices						
Accountant	SE	SE	SE	SE	P	P
Appraiser	SE	SE	SE	SE	P	P
Architect	SE	SE	SE	SE	P	P
Artist (commercial)	SE	SE	SE	SE	P	P
Attorney	SE	SE	SE	SE	P	P
Auctioneer (No On-Site Sales)	SE	SE	SE	SE	P	P
Bail Bondsman	SE	SE	SE	SE	P	P
Bank			SE	SE	P	P
Barber Shop			SE	SE	P	P
Beauty Shop			SE	SE	P	P
Collection Agency	SE	SE	SE	SE	P	P
Data Processing Service	SE	SE	SE	SE	P	P
Designer - Industrial/No Showroom	SE	SE	SE	SE	P	P
Employment Agency	SE	SE	SE	SE	P	P
Engineer - Consulting Professional	SE	SE	SE	SE	P	P
Finance Company	SE	SE	SE	SE	P	P
Insurance Agent	SE	SE	SE	SE	P	P
Mortuary			SE	SE	P	P
Photographer	SE	SE	SE	SE	P	P
Real Estate	SE	SE	SE	SE	P	P
Residential Care Facility			SE	SE	P	P
Sexually Oriented Business			SE	SE	P	P
Stock/Bond Broker	SE	SE	SE	SE	P	P
Surveyor - Land Licensed Professional	SE	SE	SE	SE	P	P
Retail Sales or Services						
Appliance Dealer/Household			SEP	SE	P	P
Bakeries Commercial / Retail			SEP	SE	P	P
Bicycle Dealer			SEP	SE	P	P
Convenience Store			SEP	SE	P	P
Dairy Store Retail			SEP	SE	P	P
Department Store			SEP	SE	P	P
Drug Store			SEP	SE	P	P
Furniture Store			SEP	SE	P	P
Hardware Store			SEP	SE	P	P
Kennel			SE	SE	P	P
Large Retail Sales Establishment			SE	SE	P	P
Laundry/Cleaning Commercial	SE	SE	SE	SE	P	P
Laundry/Cleaning Coin Op/Self Service	SE	SE	SE	SE	P	P
Paint Store	SE	SE	SE	SE	P	P
Printing/Duplicating	SE	SE	SE	SE	P	P

	Zone B2	Zone B3	Zone B4	Zone C	Zone D	Zone E
Rental/Leasing Other	SE	SE	SE	SE	P	P
Repair Shops Non-Automotive	SE	SE	SE	SE	P	P
Retail Sale Store/Shop			SEP	SE	P	P
Supermarket/Grocery & Food Store			SEP	SE	P	P
Tattoo Parlor	SE	SE	SE	SE	P	P
Eating and/or Drinking Establishment						
Bar/Lounge			SE	SE	P	P
Delicatessen			SE	SE	P	P
Restaurant Drive-In			SE	SE	P	P
Restaurants (Not Including Drive-ins)			SE	SE	P	P
Transportation & Vehicle Business/Services						
Automobile/RV Dealer			SE	SE	P	P
Automobile Body Repair Shop			SE	SE	P	P
Automobile Parts/Supply Sales			SE	SE	P	P
Automobile Dismantling/Impoundment			SE	SE	P	P
Automobile Repair Service			SE	SE	P	P
Automobile Washing/Waxing			SE	SE	P	P
Boat Dealer			SE	SE	P	P
Boat Maintenance/Service			SE	SE	P	P
Boat Storage			SE	SE	P	P
Motorcycle Dealer			SE	SE	P	P
Rental/Leasing Automotive Vehicle			SE	SE	P	P
New Transportation, Parking, and Utility Uses						
Parking Garage/Lot			SE	P	P	P
Truck Terminal	SE	SE	SE	P	P	P
Utility Company (Main Installations, Offices, Substations)	SE	SE	SE	P	P	P
Wireless Communication Facility				SE	SE	SE
Manufacturing, Assembly, or Processing Uses						
Chemical Manufacturing/Processing Plant			SE	SE	P	P
Concrete/Asphalt Mixing Plant			SE	SE	P	P
Foundry			SE	SE	P	P
Freight Terminal	SE	SE	SE	SE	P	P
Machine Shop	SE	SE	SE	SE	P	P
Manufacturing	SE	SE	SE	SE	P	P
Meat Processing/Packing Plant	SE	SE	SE	SE	P	P
Moving/Transfer	SE	SE	SE	SE	P	P
Wholesale Trade						
Building Material Wholesale	SE	SE	SE	SE	P	P
Industrial Supply Wholesale	SE	SE	SE	SE	P	P
Warehousing Inside Storage	SE	SE	SE	SE	P	P
Warehousing Hazardous Materials	SE	SE	SE	SE	P	P
Warehousing Outside Storage	SE	SE	SE	SE	P	P
Waste & Salvage Uses						
Junk Yard	SE	SE	SE	SE	P	P
Waste Removal	SE	SE	SE	SE	P	P

	Zone B2	Zone B3	Zone B4	Zone C	Zone D	Zone E
Sanitary Landfill						
Resource Extraction Uses						
Coal/Gas/Oil Dealer				SE	SE	SE
Gasoline Sale			SE	SE	SE	SE
Lumber Yard	SE	SE	SE	SE	P	P
Agricultural Uses						
Agri-Business	SE	SE	SE	SE	P	P
Farm Implement/Supply	SE	SE	SE	SE	P	P
Garden Shop/Nursery	SE	SE	SE	SE	P	P
Plant Nursery/Greenhouse (Growing Only)	SE	SE	SE	SE	P	P
Produce Market			SE	SE	P	P

Sec. 10-62. Development and Performance Standards

(a) Height Limitations

- (1) Unless otherwise provided for in this division, no structure, object, natural vegetation, or terrain shall be erected, altered, allowed to grow, or be maintained within any airport zone established by this division to a height more than the applicable height limitations established by this division in Table 10-62.1. The maximum permitted heights are listed in "Above the Ground Level" (AGL) and "Mean Sea Level" (MSL) heights.
- (2) If the height requirement imposed by the Zoning Ordinance conflicts with the height requirement in this division, the stricter (the lesser height) of the two applies.
- (3) If the applicant applies for a variance to permit a taller structure than permitted by this division, the applicant shall submit a copy of the approved permit from the Indiana Department of Transportation for tall structures as required by IC 8-21-10.
- (4) An application for an Improvement Location Permit for any principal structure with a height exceeding 25 feet Above Ground Level (AGL) shall state the proposed height of the structure in both AGL and Mean Sea Level (MSL) datums. This requirement does not apply to accessory structures, such as decks, sheds, or similar improvements, that do not exceed 25 feet AGL.

Table 10-62.1. Height Restrictions in Airport Overlay Zones

Airport Overlay Zone	RUNWAY			
	West Runway 9	East Runway 27	South Runway 18	North Runway 36
A	N/A			
B1	N/A			
B2	45 ft AGL 885 ft MSL	40 ft AGL 895 ft MSL	25 ft AGL 860 ft MSL	40 ft AGL 865 ft MSL
B3	N/A	150 ft AGL 980 ft MSL	N/A	N/A
B4	165 ft AGL 1,030 ft MSL	165 ft AGL 1,020 ft MSL	170 ft AGL 1,010 ft MSL	200 ft AGL 1,015 ft MSL
C	0 ft – 150 ft AGL* 0 ft – 985 ft MSL*			
D	150 ft AGL 995 ft MSL			
E	150 – 350 ft AGL 995 – 1,235 MSL 995 – 1,195 MSL			
Notes: AGL – Above ground level MSL – Mean sea level ft - feet * Maximum structure elevation within Zone C varies by location. Special Exception approval is required to approve the height.				

(b) Performance Standards. The following performance standards apply to all land within the Airport Overlay District.

(1) *Markings and Lighting Requirements*

- a. Marking and lighting requirements are determined through an FAA 7460-1 airspace analysis. The owner of any structure, object, natural vegetation, or terrain is hereby required to install, operate, and maintain such markers, lights, and other aids to navigation necessary to indicate to the aircraft operators in the vicinity of an airport the presence of an airport hazard.
- b. *Non-conforming marking and lighting.* The owner of any nonconforming structure, natural vegetation, or terrain is ~~required to permit~~ responsible for the installation, operation, and maintenance of the necessary markers and lights to indicate the presence of such airport hazards to the operators of aircraft in the vicinity of the airport. ~~The Board of Aviation Commissioners determines which markings and lighting are necessary and is responsible for the costs of their installation, operation, and maintenance.~~

- (2) *Interference.* A land use cannot create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off, or maneuvering of aircraft within any zone established by this article.

Secs. 10-63—10-69. Reserved.

Subdivision III. Permits & Petitions

Sec. 10-70. Future Uses

- (a) ~~Except as specifically provided below, an improvement location permit is required prior to changing the use of land, constructing, or altering structures, or planting trees in~~ Within the Airport Overlay District, ~~each. Each~~ permit application must indicate the purpose of the desired change and contain sufficient information to determine if the resulting use, structure, grade change, or tree conforms to these regulations.

~~—A change of use resulting from a rezoning does not require an improvement location permit under this subsection. However, written notice of any petition to rezone land within the Airport Overlay District shall be provided to the Board of Aviation Commissioners, which shall be given the opportunity to review and comment on the compatibility of the proposed rezoning with airport operations prior to final action on the petition. Notice of the rezoning petition to the Board of Aviation Commissioners is governed by Subsection 10-70(c):~~

- (b) Board of Aviation Commissioners Notice. Written notice to the Board of Aviation Commissioners is required prior to final action on:

(1) Any petition to rezone land within the Airport Overlay District;

(2) Any application for a variance or special exception under Sec. 10-72;

(3) Any Improvement Location Permit application:

- proposing a structure, tree, or grade change with a height within ten (10) feet, in AGL or MSL, of the applicable height limitation in Table 10-62.1 for the zone in which it is located, including an application required solely because Subsection 10-70(cd) does not exempt it; ~~or and~~
- Any Improvement Location Permit application for a new or changed use listed as permitted ("P") in Table 10-61.1 within Zone B2, B3, B4, or C. ~~Any Improvement Location Permit application~~ for a new or changed use that is permitted by right under the underlying zoning district within Zone B2, B3, B4, or C.

(4) Procedure. The Zoning Administrator shall provide the notice required by this subsection no later than the date the applicable petition or application is deemed complete. The Board of Aviation Commissioners shall have fifteen (15) days from the date of such notice to submit written comments regarding the compatibility of the proposed action with airport operations, and, for a variance or special exception under Sec. 10-72, shall additionally be granted an opportunity to be heard by the Board of Zoning Appeals. The body with final decision-making authority over the petition or application shall consider, but is not required to adopt, the Board of Aviation Commissioners' comments prior to final action. If the Board of Aviation Commissioners does not submit comments within the fifteen-day period, the decision-making body may proceed to final action.

(b)(c) In the following locations, a permit for a tree, structure, or grade change is not required if the proposed improvement does not exceed the height prescribed in Sec. 10-62 (a) and the terrain does not cause the tree or structure to extend above the height limits: In the following locations, a permit under this division for a tree, structure, or grade change is not required if the proposed improvement does not exceed the height prescribed in Sec. 10-62 (a) and the terrain does not cause the tree or structure to

~~extend above the height limits. This exemption applies only to the permit required by this division and does not exempt any development from obtaining any other required city, county, state, or federal permit. In the following locations, a permit under this division for a tree, structure, or grade change is not required if the proposed height of the tree, structure, or grade change is more than ten (10) feet below the applicable height limitation in Table 10-62.1 for the zone in which it is located, and the terrain does not cause the tree or structure to extend above that height limitation less ten (10) feet. This exemption applies only to the permit required by this division and does not exempt any development from obtaining any other required city, county, state, or federal permit:~~

- (1) Within Zone D;
- (2) Within Zone E;
- (3) Within Zones B3 and B4, or
- (4) Within the transitional zone (Zone C) beyond the perimeter of the horizontal zone (Zone D).

~~(c)(d)~~ Nothing contained in this section shall be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree higher than any of the height limits established by this division except as set forth in section 10-62 (a).

~~(d)(e)~~ Nothing contained in this section shall be construed as exempting any development from obtaining any other city, county, state, or federal permits.

Sec. 10-71. Existing Uses

A permit will not be approved that would create an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance.

Sec. 10-72. Variances and Special Exceptions

- (a) **Application.** Any person desiring to develop or use his property in a manner that requires a variance or special exception approval may apply to the Board of Zoning Appeals in accordance with the Zoning Ordinance and BZA Rules of Procedures and with any applicable procedures in this division.
- (b) **Notice.** ~~Written notice of any such variance and/or special exception request must be provided to the Board of Aviation Commissioners immediately, and the Board of Aviation Commissioners shall be granted an opportunity to be heard by the BZA in respect thereto. Notice of any such variance and/or special exception request to the Board of Aviation Commissioners is governed by the procedure in Sec. 10-70(c), which includes the Board of Aviation Commissioners' right to be heard by the BZA in respect thereto.~~
- (c) **Conditions.** Any variance and/or special exception granted may be conditioned to require the owner to allow the Board of Aviation Commissioners to install, operate, and maintain, at its sole expense, markers or lights as necessary to indicate to flyers the presence of an airport hazard.

~~Sec. 10-73. Special Exceptions Review~~ Sec. 10-73. Variance and Special Exceptions Review

- (a) **Intent.** ~~A Special Exception review is required to ensure public safety and welfare and to ensure that the proposed development does not adversely affect airport operations at its proposed location. A Variance and/or Special Exception review is required to ensure public safety and welfare and to ensure that the proposed development does not adversely affect airport operations at its proposed location.~~
- (b) **Procedure.**
 - (1) *Local application.*

- Applicant must apply for the Special Exception approval according to the procedures in the Zoning Ordinance and in the Board of Zoning Appeals Rules and Procedures.
- If the applicant is required to undergo a Special Exception review under the Zoning Ordinance and this division, the applicant may apply for both at the same time and have concurrent reviews.

(2) *State application.* If the applicant is required by state law to apply for the Tall Structure Permit and/or Noise Sensitive Permit from the Indiana Transportation Department pursuant to IC 8-21-10 et seq. and amendments thereto, the applicant shall submit copies of these permits to the city's Zoning Administrator as part of the Special Exception application.

(c) **Additional Criteria.** ~~In addition to reviewing petitions according to the Special Exception criteria in the Zoning Ordinance, the Board of Zoning Appeals shall also review petitions using these criteria:~~ In addition to reviewing petitions according to the variance and/or Special Exception criteria in the Zoning Ordinance, the Board of Zoning Appeals shall also review all variance and Special Exception petitions within the Airport Overlay District using these criteria:

- (1) *People Concentration/Density.* The proposed use may not increase population density around the airport, particularly within the runway approach and departure corridors.
- (2) *Tall Structures.* The proposed structures may not be taller than permitted by this division unless permitted by the state through a Tall Structure Permit.
- (3) *Noise Sensitivity.* The proposed use that is sensitive to noise may not be placed within the runway approach and departure corridors (e.g., residential or some institutional uses) unless permitted by the state through a Noise Sensitive Permit.
- (4) *Visual Obstructions.* The proposed use may not create visual obstructions for aircraft navigation, such as light, smoke, dust emissions, or glare from reflective structures.
- (5) *Wildlife & Bird Attractants.* The proposed use may not cause a significant increase in the concentration of wildlife and birds that could potentially pose a hazard to the safe and efficient operation of aircraft.

Secs. 10-74—10-79. Reserved.

Subdivision IV. Appeals

Sec. 10-80. Aggrieved persons' rights.

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Aviation Commissioners made in its administration of this division, if of the opinion that a decision of the Board of Aviation Commissioners is an improper application of the regulations of this division, may appeal to the Board of Zoning Appeals. This appeal process applies only to decisions and recommendations made under this division by the Board of Aviation Commissioners, the local zoning or building administration office, or the Board of Zoning Appeals. It is separate from, and does not affect, the Federal Aviation Administration's independent review of proposed structures under 14 CFR Part 77 and FAA Form 7460-1, which is a federal process conducted directly with the FAA.

Sec. 10-81 Board of Zoning Appeals designated authority for appeals.

The Board of Zoning Appeals shall be and is hereby constituted the proper board to which all appeals from decisions rendered in the enforcement of this division or any other zoning ordinance of the city shall be taken. All such appeals from the decision or ruling of any board, agency, or department of the city in

respect to such zoning ordinances shall follow the rules of the Board of Zoning Appeals, and all statutes of the state in such cases made and provided.

Sec. 10-82. Required notice to the President of the Aviation Board of Commissioners.

Whenever notice of any appeal described in section 10-81 shall be served upon any board, agency, or department of the city, it shall be the duty of the secretary, chairman, or department head of any such board, agency, or department to immediately notify in writing the president of the Board of Aviation Commissioners of such appeal.

Sec. 10-83. Aviation Board's powers of intervention.

The Board of Aviation Commissioners shall have the power to intervene in proceedings described in section 10-81 and be heard insofar as such ruling or decision may affect the operation of the airport.

Sec. 10-84. Aviation Board's right of appeal.

Nothing contained in this division shall prevent the Board of Aviation Commissioners from appealing any decision or ruling described in section 10-80 to the Board of Zoning Appeals or prevent such Board of Aviation Commissioners from appealing any decision, grant, or ruling of the Board of Zoning Appeals to a proper court as now provided by law.

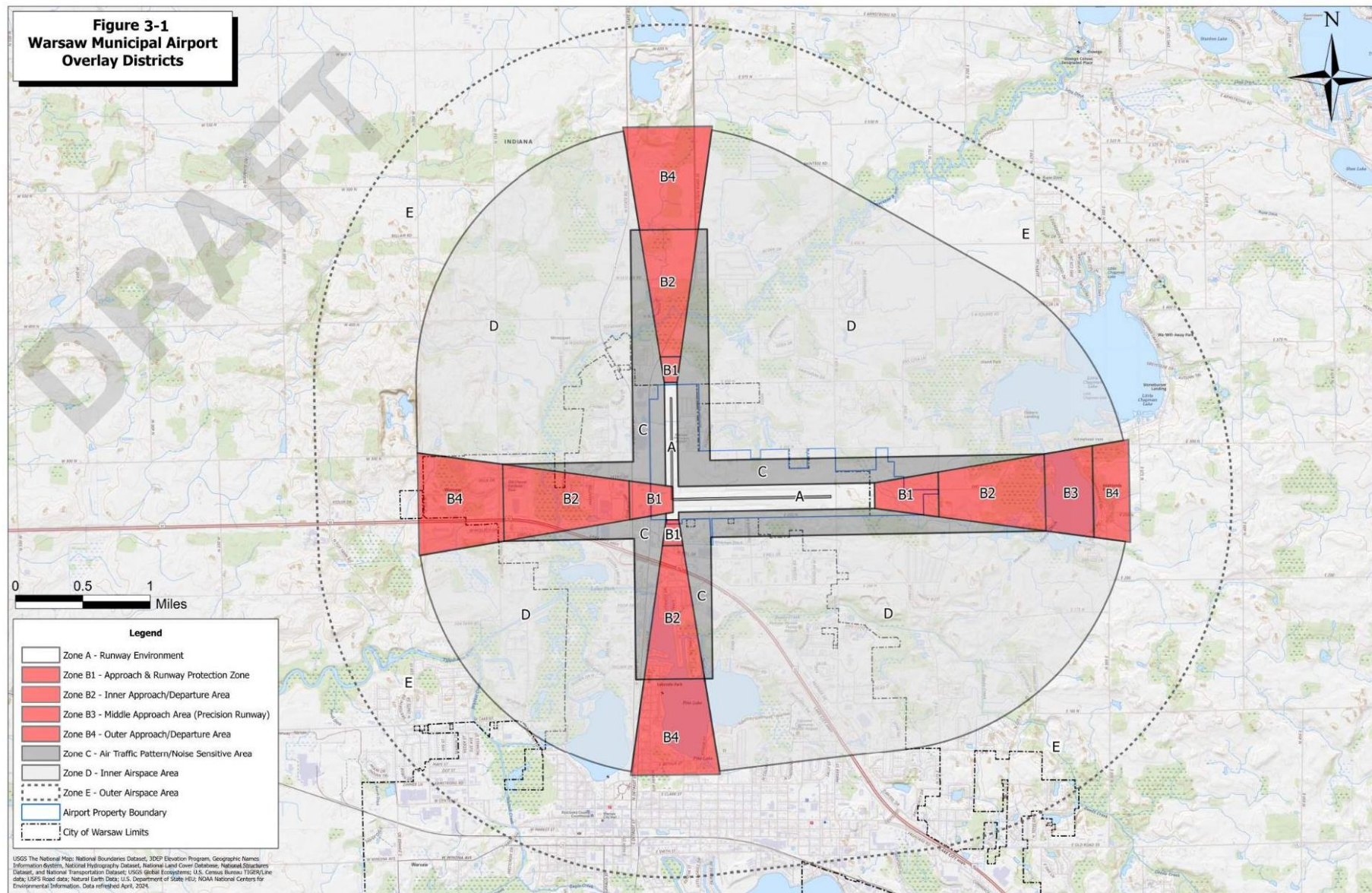
Sec. 10-85. Stay of proceedings.

An appeal from the decision of any board, agency or department described in section 10-80 to the Board of Zoning Appeals shall stay all proceedings of the action appealed from unless the aggrieved person or the Board of Aviation Commissioners certifies to the Board of Zoning Appeals, after notice of appeal has been filed with it, that by reason of the facts stated in the certificate, a stay would, in his or its opinion, cause unusual peril to life or property. In such a case, the proceedings shall not be stayed except by order of the Board of Zoning Appeals, upon notice to the Board of Aviation Commissioners, on due cause shown.

Sec. 10-86. Powers of the Board of Zoning Appeals.

The Board of Zoning Appeals shall have the same power on airport zoning as is now granted to it by law for other zoning matters.

EXHIBIT A. THE WARSAW MUNICIPAL AIRPORT ZONES MAP



Warsaw Airport Overlay

10 August 2026

Project Schedule Options

Schedule Options

Meeting	Current	Alt. A	Alt. B	Alt. C
Board of Aviation Commissioners (5:15 pm)	08/11	(A)	(B)	10/13
Warsaw Plan Commission – public hearing, recommendation vote (7:00 pm)	09/14	09/14	10/12	11/09
Warsaw City Council – presentation (7:00 pm)	09/21	09/21	10/19	11/16 12/07 alt.
Warsaw City Council – vote (7:00 pm)	10/05	10/05	11/02	12/07 12/21 alt.
Kosciusko County Plan Commission – public hearing, recommendation vote (1:00 pm)	09/02	10/07	10/07	11/04
Kosciusko County Commissioners – presentation (9:00 am)	09/08	10/13	10/13 10/27 alt.	11/10
Kosciusko County Commissioners - vote (9:00 am)	09/22	10/27	10/27 11/10 alt.	11/24

(A) – Special meeting on 08/27, 09/01, or 09/02

(B) - Special meeting on 09/16, 09/17, 09/24, 09/28, 09/29

##/## - indicates meeting conflict

**Before the Common Council
of the City of Warsaw, Indiana**

PETITION FOR VOLUNTARY ANNEXATION

The undersigned owner of the following described real estate situated in Plain Township,
Kosciusko County, Indiana, to-wit:

PARCEL I:

Beginning at the southwest corner of the northeast quarter of section 34, township 33 north, range 6 east and running thence north 0 degrees 10 minutes east along the west line of said quarter section 1,002.60 feet to a railroad iron; thence north 89 degrees 56 minutes east 1,353.54 feet to a spike in the centerline of county road 175 east; thence south along the said centerline 192.06 feet; thence south 89 degrees 56 minutes west 600 feet; thence south 0 degrees 10 minutes west 805.86 feet, more or less, to the south line of said quarter section; thence south 89 degrees 44 minutes west along said south line 758.48 feet to the place of beginning, containing 20.0 acres, more or less.

PARCEL II:

The east one-half of the northwest quarter of section 34, township 33 north, range 6 east.

EXCEPTING THEREFROM:

Part of the east half of the northwest quarter of section 34, township 33 north, range 6 east, Kosciusko County, Indiana, more particularly described as follows, to-wit:

Commencing at a bolt found at the northeast corner of said northwest quarter; thence south 90 degrees 00 minutes 00 seconds west (assumed bearing and used as the basis of bearings for this description) on and along the north line of said northwest quarter, a distance of 382.00 feet to a P.K. nail found at the northwest corner of a certain tract of land as recorded in document number 95-02-0549 in the records of Kosciusko county, Indiana, said P.K. nail being at the true point of beginning; thence continuing south 90 degrees 00 minutes 00 seconds west on and along said north line being within the right-of-way of county road 300 north, a distance of 250.00 feet to a mag nail; thence south 00 degrees 34 minutes 00 seconds west, a distance of 522.75 feet to a 5/8 inch iron pin capped 'walker'; thence north 90 degrees 00 minutes 00 seconds east, a distance of 250.00 feet to a 5/8 inch iron pin capped 'walker' on the west line of said tract of land as recorded in document number 95-02-0549; thence north 00 degrees 34 minutes 00 seconds east on and along said west line, a distance of 522.75 feet to the true point of beginning, containing 3.000 acres of land, more or less.

ALSO EXCEPTING THEREFROM:

Part of the northeast quarter of the northwest quarter of section 34, township 33 north, range 6 east, Kosciusko County, Indiana, more particularly described as follows, to-wit: Beginning at the northeast corner of said northwest quarter; thence west, on and along the north line of said northwest quarter, being within the right-of-way of county road 300 north, a distance of 382.0 feet to a P.K. nail found; thence southerly, by an interior angle of 90 degrees 34 minutes, on and along an existing line fence, a distance of 1,149.2 feet to a wood post found; thence easterly, by an interior angle of 88 degrees 48 minutes, on and along an existing line fence, a distance of 383.0 feet to a wood post found on the east line of said northwest quarter; thence northerly, by an interior angle of 91 degrees 09 minutes, on and along said east line, a distance of 1,145.0 feet to the point of beginning, containing 10.071 acres, more or less, calculated.

ALSO EXCEPTING THEREFROM:

A tract of land in the east half of the northwest quarter of section 34, township 33 north, range 6 east, more particularly described as follows:

Commencing at the northwest corner of the east half of said northwest quarter, and running thence east along the north line of said northwest quarter, also being the centerline of county road 300 north, 250 feet; thence south and parallel to the west line of the east half of said northwest quarter, a distance of 871 feet; thence west and parallel to the north line of said quarter section, a distance of 250 feet to the west line of the east half of the said northwest quarter; thence north along said west line of the east half of said northwest quarter, 871 feet to the place of beginning and containing 5 acres, more or less. Containing after said exceptions, 61.93 acres.

hereby respectfully petition the City of Warsaw, Indiana, pursuant to Indiana Code 36-4-3-5 to annex the above-described real estate which is contiguous to the City of Warsaw and in support thereof, shows the following:

- a. The combined external perimeter of the real estate is approximately 10,548 feet. Approximately 1,780 feet (17%) of the external boundaries of the real estate is contiguous with the existing boundaries of the City of Warsaw;
- b. That the undersigned is the owner of 100% of the land and 100% of the assessed value of the territory to be annexed;
- c. That the territory to be annexed is presently subject to the jurisdiction of the Kosciusko County Area Plan Commission and it is presently zoned for agricultural uses. Your petitioner's desire that upon annexation, the property be zoned I-2/Industrial;

Dated this _____ day of _____ 2026.

Respectfully submitted,

Dan Robinson
City of Warsaw Board of Aviation Commissioners President