



202100948
MARY HOEHN RHOADES
POSEY COUNTY RECORDER
RECORDED ON
03/03/2021 01:31:41 PM
REC FEE: 0.00
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PAGES: 4

ORDINANCE NO. 2021 - 03-02-01

**AN ORDINANCE AMENDING CHAPTER 153 OF THE
POSEY COUNTY ZONING CODE**

WHEREAS, the Board of Commissioners of Posey County, Indiana, as the executive and legislative body of Posey County, has the power to adopt and amend ordinances relating to the administration of Posey County government; and

WHEREAS, the Board of Commissioners of Posey County now seek to amend Chapter 153 of the Posey County Zoning Code.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Posey County, Indiana, as follows:

SECTION 1. AMENDMENT TO SECTION 153.134.02 E. OF THE POSEY COUNTY ZONING CODE

The chart included in Section 153.134.02 E. of the Posey County Zoning Code is hereby amended (as highlighted), to read as follows:

Authority	Purpose	Type of Documentation	When Required
Federal			
FAA	Coordinate to reduce any flight or airport interference	Compliance letters for each wind turbine	Preliminary
DOD Siting, NOAA	Coordinate siting to mitigate radar interference or any other interference. No wind turbine shall be installed in the "No Build, Mitigation, or Consultation zones as determined by NOAA. "	Any recommendations or comments received submitted to APC	Preliminary

EPA	Compliance with air and water quality standards under NEPA	Any recommendations or comments submitted to APC	Preliminary
USFWS Indiana Filed Office Migratory Bird Treaty Act (MBTA) Eagle Protection Act Endangered Species Act	Compliance with Land-Based Wind Energy Guidelines	Any recommendations or comments submitted to APC and part of Natural Resources Report	Preliminary
Army Corps of Engineers	Floodplain or wetlands involvement	Designations and comments and permit if required	Preliminary
State			
IDNR	Historic Preservation, Flood Plains	Comments	Preliminary
IDEM	Endangered Species	Comments	Preliminary
Local			
Private airport authorities permitted by FAA and IAA	Coordinate siting process	Any recommendations or comments submitted to APC	Preliminary
Posey County Soil & Water Conservation District	Drainage Plan Approval	Drainage Plan	Final
Telecommunications Infrastructure Owners and Operators	All telecommunications owners and operators with infrastructure within 2 miles of project boundary shall be notified and consulted	Any comments or recommendations received from owners and operators shall be submitted to the APC	Preliminary
Highway Supervisor		Transportation Plan	Final

	Road Plan Approval (construction, maintenance, access cuts)		
Local Emergency Response	Life Line access, safety protocols	Safety and Security Plan	Final

SECTION 2. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Posey County and following publication of the same as provided in I.C. 5-3-1.

First passed by the Board of Commissioners of Posey County this 18th day of August, 2020.

Final passage by the Board of Commissioners of Posey County this 2nd day of March, 2021.

**BOARD OF COMMISSIONERS OF
POSEY COUNTY, INDIANA**

By: Bill Collins
Bill Collins, President

By: Randy Thornburg
Randy Thornburg, Vice-President

By: Carl Schmitz
Carl Schmitz, Member

ATTEST:

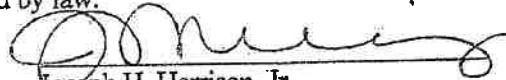
Maegen L. Greenwell
Maegen L. Greenwell, Posey County Auditor

APPROVED AS TO LEGAL FORM:

By: Joseph H. Harrison, Jr.
Joseph H. Harrison, Jr.
Posey County Attorney

This instrument was prepared by Joseph H. Harrison, Jr. of Massey Law Offices, LLC, 915 Main Street, Suite 502, P.O. Box 3526, Evansville, IN 47734.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.



Joseph H. Harrison, Jr.
Atty. No. 11403-82