ORDINANCE NO. 2026 -_____

AN ORDINANCE AMENDING CHAPTER 10 - DEFINITIONS OF THE POSEY COUNTY UNIFORM DEVELOPMENT ORDINANCE REGARDING TRANSPORTATION PLAN STANDARDS, NOISE STANDARDS AND LANDSCAPING AND BUFFER STANDARDS

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 the Posey County Uniform Development Ordinance as hereafter provided.

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

NOTE: DELETING TEXT WILL BE INDICATED BY A STRIKE THROUGH OF THE TEXT TO BE DELETED UPON AMENDMENT

TEXT TO BE ADDED BY AMENDMENT WILL BE INDICATED IN BOLD.

AMENDMENT NO. 1:

Chapter 2 – Zoning District and Overlay Districts

Amend Chapter 2(B)(13)(c) – Zoning Districts, Heavy Industrial District (I-2), Use and Developmental Standard by adding the following to the table of Additional Site Development Standards:

The following site development standards may also apply to development in this district. *See Chapter 3: Site Development Standards.*

• Accessory Structure Standards

• Driveway and Access Management Standards

• Landscaping and Buffer Standards

• Lighting Standards

• Parking and Loading Standards

• Sign Standards

• Storage Standards

• Structure Standards

• Trash Receptacle and Dumpster Standards

• **Noise Standards**

• **Transportation Plan Standards**

AMENDMENT NO. 2:

Chapter 3 – Site Development Standards

Amend Chapter 3 – Site Development Standards by adding the following to the table of Site Development Standards:

• Accessory Structure Standards

• Driveway and Access Management Standards

• Landscaping and Buffer Standards

• Lighting Standards

• Parking and Loading Standards

• Sign Standards

• Storage Standards

• Structure Standards

• Trash Receptacle and Dumpster Standards

• **Noise Standards**

• **Transportation Plan Standards**

AMENDMENT NO. 2:

Chapter 3 – Site Development Standards

Amend Chapter 3(B) – Site Development Standards by adding the following:

10. Noise Standards.

a. Purpose. The purpose of these standards is to provide for the management of noise emitting from the operation of newly constructed projects upon a parcel in an I-1 or I-2 District.

b. Applicability. These standards shall apply to the post-construction operation of a primary or accessory structure upon a parcel in an I-1 or I-2 District.

c. General.

i. **During the building design phase, a Noise Evaluation Report shall be submitted to provide the following: a comprehensive, certified acoustic analysis and predictive propagation model prepared by a professional acoustical engineer or full member of either the Institute of Noise Control Engineering (INCE) or Acoustical Society of America (ASA) for each proposed structure location, including its building, substations and other structures that emits noise in the project. The report shall state the predicted sound level (dBA) emitted by all structures, including the primary structures, any accessory structure and all mechanical equipment. Mmodeled sound levels shall be compared to an equivalent continuous sound level (hourly Leq) at the property lines of the nearest properties within the following Zoning Districts: A-1, A-2, C-S, R-1, R-2, R-3, C-B, R-O, C-1, C-2, or C-3. Modeling shall include dwellings within 1,000 feet of the project boundaries. In addition to modeling, the Applicant shall take sound level measurements at the property boundary and near any sensitive uses (e.g., residential). If receiving property location cannot be accessed safely and securely, then property boundary measurements shall be taken, and proper attenuation factors shall be applied to represent the nearest receiving properties. These measurement(s) shall be termed a "Base Noise Measurement". The minimum default Base Noise Measurement for any location shall be 45dBA (meaning if during testing the Base Noise Measurement is less than 45dBA, for purposes of this UDO, the Base Noise Measurement shall be 45dBA). The report shall state the daytime and night-time base-line noise level at the measurement location following the procedure described above. The report shall include a map depicting the noise study area radius, project boundaries, sound and vibration level monitoring locations, all noise and vibration producing equipment located at the project and the nearest receptor locations. The Noise Evaluation Report shall include any potential mitigation measures to minimize sound levels.**

ii. **No earlier than thirty (30) days and no later than ninety (90) days after the commencement of operations, the Noise Report shall be updated and compared to the Noise Standard established in Section (i) above to reflect testing of the Audible sound (dBA) emitted at the locations of the Base Noise Measurement(s) as reported in the original Report, with the results of such testing being the "Operating Noise Level." The Operating Noise Level shall not exceed a measurement of the Base Noise Measurement plus a factor of 5 dBA. The Operating Noise Level shall never exceed 65 dBA.**

iii. If a prominent discrete tone is identified (using ISO 1996-2:2007 Annex J or an equivalent recognized tonal assessment methodology) during post construction monitoring, the dBA noise limits established under Section (i) shall include a tonal adjustment (penalty) of 3 decibels for purposes of determining compliance with the dBA Noise Standard.

iv. Low Frequency Noise. During post-construction monitoring, the difference between C-weighted and A-weighted sound pressure levels measured at the nearest residential properties from the industrial facility shall not exceed 20 dBA.

v. Additional Noise monitoring may be required by the APC upon credible complaint from a neighboring landowner or county official.

AMENDMENT NO. 3:

Chapter 3 – Site Development Standards

Amend Chapter 3(B) – Site Development Standards by adding the following:

11. Transportation Plan Standards.

a. Purpose. The purpose of these standards is to provide for safe travel upon roadways, maintenance of roadways and the future preservation of roadways.

b. Applicability. These standards shall apply to a parcel if a new primary or accessory structure is to be constructed in an I-1 or I-2 District.

c. General.

i. A Transportation Study certified by a Professional Engineer licensed in Indiana shall be submitted with each applicable application and is to provide the following: a) an impact study of the impact on travel and roadways on any road traveled to and from the construction site during the construction phase of the project, including any intermediate phases of development and construction; b) travel routes, lighting plans and proposed alternative routes for transportation of construction materials and transport of individuals to and from the construction site; c) plan for staggered trade arrivals (e.g., concrete vs. electrical) to avoid traffic peaks that coincide with local school bus routes or agricultural planting/harvest seasons; d) engineering plan that security gates provide sufficient on-site queuing to prevent vehicle backups onto public rights-of-way; e) emergency

response access to and from construction site; f) emergency access to and from construction site; e) written acknowledgement from the Posey County Highway Department of receipt of travel routes for (b) and (c); e) location of satellite parking locations; g) proposed plan for maintenance and cost of repair(s) for the travel routes utilized during construction; and h) proposed plan for surfacing, resurfacing and cost of repair to travel routes upon completion of construction.

ii. A Transportation Plan shall be submitted with each applicable application which has been submitted to the Posey County Commissioners for approval which is to include a form of financial assurance acceptable to the County Commissioners for the repair or replacement of all damaged roads, bridges, signage, or other transportation structures during construction, maintenance, and operation. An approved Transportation Plan shall be filed with the Administrator before any approvals or permits for construction are issued.

iii. The County Highway Superintendent and/or appropriate municipal road personnel shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage. The County Highway Superintendent and/or appropriate municipal road personnel may choose to require remediation of road damage during or upon completion of the project and is authorized to collect fees for oversized load permits. If repairs are not made in a timely manner, the County Highway Superintendent and/or appropriate municipal road personnel is authorized to make repairs and charge the Applicant a fee to cover the costs of repair. Such fees shall be established at the start date of construction and may be revised at three-month intervals. Further, a corporate surety bond shall be required by the County Highway Superintendent and/or appropriate municipal road personnel to ensure the County or affected municipality that future repairs are completed to the satisfaction of the County or affected municipality. The bond shall not be released at the conclusion of construction of the project, but it may be reduced to cover any damage or losses from the operation and maintenance of the project. If the Applicant or its contractors require material changes from the approved Transportation Plan or if post completion repairs, improvements, or expansions require oversize and overweight loads or involve new routes, an Amended Transportation Plan must be approved by the Administrator and the County Highway Superintendent and/or appropriate municipal road

personnel. Any violation of the approved Transportation Plan may be subject to fines as provided in *Chapter 5, Section G: Complaints, Violations, and Remedies* and in addition, may also be subject to fines established by the governing body having jurisdiction over the roadway(s) affected.

AMENDMENT NO. 4:

Chapter 3 – Site Development Standards

Amend Chapter 3(B)(3)(c)(ii) – Site Development Standards, Standards Required, Landscaping and Buffer Standards by deleting and adding the following:

c. General

ii. The final certificate of occupancy ~~shall~~ **may** not be issued until the entire landscape plan is implemented as approved. If a temporary certificate of occupancy is requested prior to the installation of plantings, a surety bond of one hundred ten percent (110%) of the value of the landscape material and labor may be posted at the discretion of the Administrator. This bond shall be released when the final certificate of occupancy is issued.

First passed by the Board of Commissioners of Posey County this ___ day of _____, 2026.

Final passage by the Board of Commissioners of Posey County this ____ day of _____, 2026.

BOARD OF COMMISSIONERS OF POSEY COUNTY, INDIANA

By: _____
Bill Collins

By: _____
Greg Newman

By: _____
Eric Koester

ATTEST:

_____

Maegen Greenwell, Posey County Auditor

APPROVED AS TO LEGAL FORM:

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

This instrument was prepared by Joseph H. Harrison, Jr.

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