

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE TOWN OF FORTVILLE, HANCOCK COUNTY, INDIANA
AND
THE HANCOCK COUNTY, INDIANA, AREA PLAN COMMISSION
AND
THE HANCOCK COUNTY, INDIANA, BOARD OF COMMISSIONERS**

This Memorandum of Understanding (hereinafter referred to as “MOU”) made and entered into this 27th day of January 2015, (the “Effective Date”), by the Town of Fortville, Hancock County, Indiana (“Fortville”), the Area Plan Commission, Hancock County, Indiana (“Commission”), and the Board of Commissioners, Hancock County, Indiana (“Commissioners”), together referred to as “the parties.”

RECITALS


- A. The Commission has jurisdiction over zoning and planning in various parts of Hancock County, Indiana, including within Fortville’s municipal boundaries.
- B. The Commissioners have jurisdiction over building permits in various parts of Hancock County, Indiana, including within Fortville’s municipal boundaries.
- C. The parties desire to agree upon procedures that will govern how the Commission and Commissioners notify and coordinate with Fortville concerning certain building, zoning and planning matters that relate to territory inside Fortville’s municipal boundaries.

NOW, THEREFORE, in consideration of the promises, covenants, and agreements contained herein, the parties hereto mutually agree as follows:

1. The parties agree that the procedures attached to this MOU as Exhibit A shall apply to zoning and planning matters addressed by the Commission for property within Fortville’s municipal boundaries.
2. This MOU constitutes the entire agreement between the parties related to the subject matter and supersedes all prior agreements, provisions, and memoranda written or orally related thereto.
3. This MOU may not be modified or amended without the prior written agreement of both parties.
4. This MOU shall be governed by and interpreted in accordance with the laws of the State of Indiana.

5. The undersigned attests under penalties of perjury that he/she is the contracting party, or that he/she is the representative, agent, member or officer of Fortville or Commission, that he/she has not, nor has any other member, employee, agent or officer of the firm, company, corporation or partnership represented by him/her directly or indirectly, to the best of his/her knowledge, entered into any combination, collusion, or agreement to receive or pay, and that he/she has not received or paid, any sum of money or other consideration for the execution of this MOU other than that which appears upon the face of this MOU.

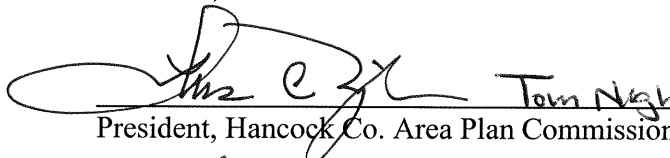
IN WITNESS WHEREOF, the parties hereto affixed their signatures.



Bill Hiday
President, Fortville Town Council

12-30-14

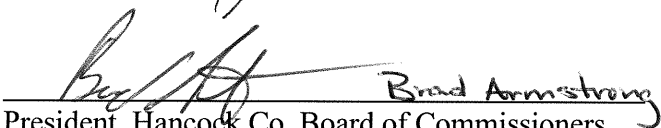
Date



Tom Nigh
President, Hancock Co. Area Plan Commission

1/27/15

Date



Brad Armstrong
President, Hancock Co. Board of Commissioners

1/27/15

Date

Exhibit A

Procedure for Rezoning in The Town of Fortville

The following procedure applies to persons seeking to rezone land in the Town of Fortville:

- | <u>Step</u> | <u>Procedure and Purpose</u> |
|-------------|--|
| 1. | Consult with the Hancock County Planning Director (Mike Dale, 477-1134) to review the long-range plans for the property and to become familiar with the rezoning process. |
| 2. | Consult with the Town Manager (Joe Renner, 485-4044) to review the long-range plans for the property and to prepare to meet with the Town Council. |
| 3. | Meet with the Town Council to discuss the long-range plans for the property and determine whether the Council will support the project moving forward. The Council may decide to send a letter of support, opposition, or no-opinion to the Plan Commission. |
| 4. | File the rezoning petition with the Hancock County Plan Commission. The application will involve a filing fee and public notice to the surrounding property owners and the Greenfield Daily Reporter or its successor. |
| 5. | Participate in the Plan Commission public hearing. The Commission will forward a favorable or unfavorable recommendation to the Town Council, or forward the application to the Council without a recommendation. |
| 6. | Participate in the Town Council meeting. The Council may sign the rezoning ordinance, continue the matter to the following month, or remand the petition to the Plan Commission for further consideration. |
| 7. | This process normally requires 4-6 months. |

Procedure for Obtaining a Special Exception or Variance in The Town of Fortville

The following procedure applies to persons seeking to obtain a Special Exception or Variance for land in the Town of Fortville:

- | <u>Step</u> | <u>Procedure and Purpose</u> |
|-------------|---|
| 1. | Consult with the Hancock County Planning Director (Mike Dale, 477-1134) to review the proposal and to become familiar with the process. |
| 2. | Consult with the Town Manager (Joe Renner, 485-4044) to review the proposal and to prepare to meet with the Town Council. |
| 3. | Meet with the Town Council to discuss the proposal and determine whether the Council will support the project moving forward. The Council may decide to send a letter of support, opposition, or no-opinion to the Board of Zoning Appeals. The letter may include recommended conditions or limitations to the proposal. |
| 4. | File the petition with the Hancock County Board of Zoning Appeals. The petition will involve a filing fee and public notice to the surrounding property owners and the Greenfield Daily Reporter or its successor. |

5. Participate in the Board of Zoning Appeals public hearing. The BZA will approve the project, approve subject to conditions, or deny the petition.
6. This process normally requires 2-3 months.

Procedure for Obtaining a Building Permit in The Town of Fortville

The following procedure applies to persons seeking a building permit in the Town of Fortville:

- | <u>Step</u> | <u>Procedure and Purpose</u> |
|-------------|--|
| 1. | Consult with the Hancock County Planning Director (Mike Dale, 477-1134) to review the town's land use regulations, to become familiar with the building-permit process, and to obtain the appropriate application form. |
| 2. | Obtain the Town Manager's (Joe Renner, 485-4044) review stamp on the application form. The Manager may issue a letter to the county planning department regarding needed improvements or upgrades to the property or other relevant matters to be considered before issuing the building permit in question. |
| 3. | Obtain a driveway permit from the Town Manager's office, or INDOT, as applicable. |
| 4. | Obtain a letter from the town's MS4 officer indicating the project has an approved erosion control plan. This is needed to verify that the project complies with the town's MS4 regulations. |
| 5. | Obtain a state construction design release from the Indiana Department of Homeland Security. This requirement applies only to non-residential (commercial) projects. |
| 6. | File the permit application with the county planning office. The permit fee will be calculated after the project has been reviewed by the office staff. |
| 7. | Upon completion of construction, obtain a construction release from the Town Manager's office, then contact the county building department to schedule a final inspection and to obtain an occupancy release. |
| 8. | Schedule all required building inspections with the county building department. |
| 9. | The county's permitting process normally requires 5 business days after the permit has been submitted to the county planning/building office. Larger projects typically require more time for plan review. |

Procedure for Obtaining a Change-Of-Use Permit in The Town of Fortville

The following procedure applies to persons seeking to change the occupancy-type of an existing structure in the Town of Fortville:

- | <u>Step</u> | <u>Procedure and Purpose</u> |
|-------------|---|
| 1. | Consult with the Hancock County Planning Director (Mike Dale, 477-1134) to review the town's land use regulations, to become familiar with the change-of-use process, and to obtain the appropriate application form. |

2. Obtain the Town Manager's (Joe Renner, 485-4044) approval stamp on the application form. The Manager may issue a letter to the county planning department regarding needed improvements or upgrades to the property.
3. Obtain a driveway permit from the Town Manager's office, or INDOT, as applicable.
4. Obtain a state construction design release from the Indiana Department of Homeland Security, if required by the county building official (Scott Williams, 477-1133). This requirement applies only to non-residential (commercial) projects.
5. File the permit application with the county planning office. The permit fee will be calculated after the project has been reviewed by the office staff.
6. Upon completion of construction, obtain a construction release from the Town Manager's office, then contact the county building department to schedule a final inspection and to obtain an occupancy release.
7. The county's permitting process normally requires 5 business days after the permit has been submitted to the county planning/building office. Larger projects typically require more time for plan review.

Procedure for Obtaining a Sign Permit in The Town of Fortville

The following procedure applies to persons seeking a sign permit in the Town of Fortville:

- | <u>Step</u> | <u>Procedure and Purpose</u> |
|-------------|--|
| 1. | Consult with the Hancock County Planning Director (Mike Dale, 477-1134) to review the town's sign regulations, to become familiar with the sign-permit process, and to obtain the appropriate application form. |
| 2. | Obtain the Town Manager's (Joe Renner, 485-4044) approval stamp on the application form. The Manager may issue a letter to the county planning department regarding needed improvements or upgrades to the property or other relevant matters to be considered before issuing the building permit in question. |
| 3. | File the permit application with the county planning office. The permit fee will be calculated after the project has been reviewed by the office staff. |
| 4. | Upon completion of the sign installation, contact the county building department to obtain a final inspection from the county building department. |
| 5. | The county's permitting process normally requires 5 business days after the permit has been submitted to the county planning/building office. |