

UPLAND TOWN COUNCIL
ORDINANCE NO. 2018-2
AN ORDINANCE ESTABLISHING REQUIREMENTS FOR ALL
NEW CONSTRUCTION, REMODELING OR OTHER CONSPICU-
OUS CHANGE IN THE EXTERIOR APPEARANCE OF ANY
BUILDINGS WITHIN THE TOWN OF UPLAND TO COMPLY WITH
THE TOWN OF UPLAND DESIGN GUIDELINES 2018

WHEREAS, the Town of Upland, for the benefit of all citizens, must pass an ordinance to influence and control future development within the Town of Upland while preserving the rich heritage within the community, and

WHEREAS, the Town of Upland should adopt an ordinance requiring all new construction, remodeling or changes to existing structures and changes in exterior appearance of existing buildings to conform to the Town of Upland Design Guidelines 2018 (which have been adopted by the Town Council) and to any future amendment thereto.

BE IT THEREFORE ORDAINED that in order for the Town of Upland to approve any request for a building permit, all owners proposing any new construction, remodeling or conspicuous change in the exterior appearance of existing buildings must first obtain a Certificate of Appropriateness from the Upland Town Manager. The Certificate of Appropriateness must be issued by the Town Manager before a permit is issued for, or work has begun on new construction on any principal building or accessory building, the remodeling or expansion of any existing building, and any change in the exterior appearance of any existing building by additions, reconstruction, alterations or maintenance involving exterior color change. Application for a Certificate of Appropriateness shall be made to the Town Manager at the Upland Town Hall on forms provided by the Town Manager. The application for a Certificate of Appropriateness shall be subject to the rules and requirements as established by the Town Manager. Rules may include but are not limited to filing deadlines and application requirements such as sketches, drawings, photographs, descriptions and other information which the Town Manager requires to make a decision to determine whether or not the proposed work is in compliance with the Town of Upland Design Guidelines 2018. The Certificate of Appropriateness must be issued before the Town will approve any improvement location permit to be issued by the Grant County Area Plan Commission.

If the Town Manager declines to issue a Certificate of Appropriateness, the denial shall be made in writing to the applicant. Any applicant receiving a Notice of Denial of Certificate of Appropriateness may appeal the decision to the Upland Town Council within thirty (30) days of the date of the notice and if not appealed, the denial shall become final.

Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who violates any provision of this ordinance shall be subject to a fine of Fifty Dollars (\$50.00) per day for each offense, beginning on the day the offense is reported and documented by the Town Manager with the maximum accrued fine of Seven Thousand Five Hundred Dollars (\$7,500.00) per parcel. All fines collected from violation of this ordinance shall be deposited into the General Fund of the Town of Upland. The erection, construction, enlargement, alteration, repair, demolition, color change or moving of any building, structure or appurtenance which is begun or continued or maintained contrary to any provision of this ordinance is hereby declared to be a nuisance and in violation of this ordinance and unlawful. The Town may institute a suit for injunction in any Circuit or Superior Court of Grant County to restrain any person or governmental unit from violating any provision of this ordinance and to cause such violation to be prevented, abated or removed. Such action also may be instituted by any property owner who is adversely affected by the violation of any provision of this chapter. The remedies provided herein shall be accumulative, shall not be exclusive, and shall be in addition to any other remedies provided by law. Any person or party grieved by a decision of the Town Manager which has been upheld by the Upland Town Council on appeal shall be entitled to judicial review in accordance with I.C. 4-21.5-1. Any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. This ordinance shall be in full force and effect immediately upon adoption.

Ordained and established by the Town Council of the Town of Upland, Indiana on this 14th day of May, 2018.

JOHN M. BONHAM, PRESIDENT
WARREN ROSS
RONALD SUTHERLAND

HEATH CROUCH
HEATH SLAIN

Attest:
FRANCENE L. SIZEMORE
CLERK-TREASURER
TNH 6/6, 6/13