

5.5 Downtown Overlay (DT-OL)

Introduction: The purpose of this Chapter is to establish an overlay district to address the unique characteristics of the properties in Franklin’s Historic Downtown. The character of historic towns and the sense of place that it creates are defined by its history, and unique architecture and streetscape. Preservation of this indigenous design not only creates a visually inviting environment, but drives economic development. People are pulled to the human scaled, pedestrian oriented environments with an architecture that provides the scale and detail that people innately seek. The general principles behind the following standards are:

- Retain and restore what you have when practical
- Harmonize new structures with the old
- Provide for the automobile but design for the pedestrian

These design standards will provide the criteria by which the City Council, Plan Commission, and Planning Department Staff will evaluate development plans for consistency with the implementation policies of the City’s Downtown Plan and the purposes of the Downtown Overlay District. The design standards are required to be met in the Downtown Overlay (DT-OL) Zoning District. Figure 1 outlines the boundaries of the Downtown Overlay Zoning District where the design standards are required to be met. Figure 1 also outlines the boundaries of the Integrated Economic Development Area. In this area the design standards should be referenced as guidelines, but are not required. The Franklin Development Corporation offers incentive financing and grants for projects that meet the design standards in the Downtown Overlay Zoning District and for projects that opt to meet the design standards in the Integrated Economic Development Area, where the design standards are not required.

- A. Boundary:** The Downtown Overlay (DT-OL) Zoning District shall apply to all properties as indicated on the Official Zoning Map of the City of Franklin (see Figure 1).
- B. Appeals:** Any applicant or interested party may appeal the decision of the Planning Director (or his or her designee) or the requirements of applicable ordinances to the Board of Zoning Appeals.
 - a. Relief from Specific Requirements: Applicants seeking relief from specific development standards or other requirements of the Zoning Ordinance that are unrelated to the Planning Director’s interpretation of the applicable requirements shall be required to obtain variance approval from the Board of Zoning Appeals.
 - b. Appeal of ordinance interpretation: Applicants seeking an appeal of a decision or interpretation of the Planning Director may appeal to the Board of Zoning Appeals.
 - c. Appeal Procedure: All appeals of determinations of the Planning Director shall meet the following requirements:
 - i. The appealing party is required to provide the Planning Director with written notice of the appeal within 30 days of the date of the Planning Director’s decision.
 - ii. The Planning Director will place the appeal on the agenda for the next scheduled Board of Zoning Appeals meeting consistent with the adopted Calendar of Meeting and Filing Dates.
 - iii. The appealing party is required to provide public notice for the meeting, consistent with the provisions of Chapter 11.2.
 - iv. The Board of Zoning Appeals shall consider the provisions of Chapter 11.5 and all other documented, applicable standards in deciding the appeal.

C. Uses: All uses permitted in the underlying district(s) are permitted in the Downtown Overlay Zoning District. All uses that are special exceptions in the underlying district(s) are special exceptions in the Downtown Overlay Zoning District.

D. Background: The downtown core of Franklin is characterized by historic structures that are predominately late Victorian Italianate and Beaux Arts style of the late 19th and 20th centuries circa 1880 to 1930. This is exemplified by the structures along Jefferson Street running from Walnut east to Home Street on the north side of the street. These structures are typically two to three stories in height and consist of a lower storefront predominately of clear glass and columns or large windows, an upper floor with punched masonry windows and an ornamental cornice at the top of the building. The proportions of the façades are based largely on an 18 to 20 foot wide storefront bay repeated multiple times where the buildings are larger and repeated only once where they are of a single bay width. The façades are primarily constructed of glass, cast iron, brick masonry, brick and stone masonry, ornamental metal, and in some cases wood trim. The historic windows in the upper façades are largely double hung windows with either one over one or two over two panes. An 18 to 20 foot width is established on the façades that run vertically through the building. The buildings are organized by six to eight foot bay lines running vertically through the building consisting of columns, windows and pilaster elements creating the vertical width and ordering of the façade.



Jefferson Street

General Requirements

5.5.1 Façade Retention & Restoration

The building facades on a street provide the visual image of the downtown. Because they are composed of similar parts, their appearance should be organized and coordinated. Over the years, however, maintaining this appearance has been a challenge. Due to technological developments, changing tenants, and different merchandising trends, a storefront will go through multiple design changes over time. The upper façade, often viewed as less important, tends to have been ignored or even covered over. Because building appearance is an essential ingredient of a successful downtown, owners are encouraged to restore and maintain their building facades in the original, intended manner.

The primary facades of all historic structures (Outstanding, Notable or Contributing by the Johnson County Interim Inventory Report, published by Historic Landmarks Foundation of Indiana, 1985) should have all defining features of the overall historical character retained. In the case where these defining features no longer exist, have been torn down, or covered up, these features should be restored if and when restoration or remodeling takes place in the particular area of the feature. Where documentation of the original is not accessible, all work on a façade should comply with the standards for new development

in Section 5.5.12. Changes that have no historical basis or seek to create an earlier appearance should be avoided.

The façade of the typical downtown building is made up of three parts: the storefront with entrance and display windows, the upper façade, and the cornice that caps the building. Within these three parts are the details that give a façade its character, including the bulkheads, transom, storefront cornice, windows, and window hoods (see Figure 2).

When planning a façade renovation, consult the following standards, as well as the standards relating to specific elements found later in these standards.

- A. **Façade Retention:** All historic buildings should be preserved. In the case of commercial buildings where the area of the

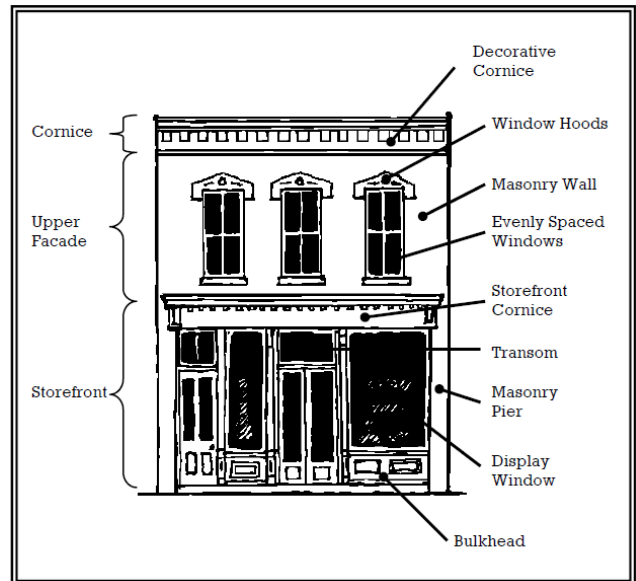


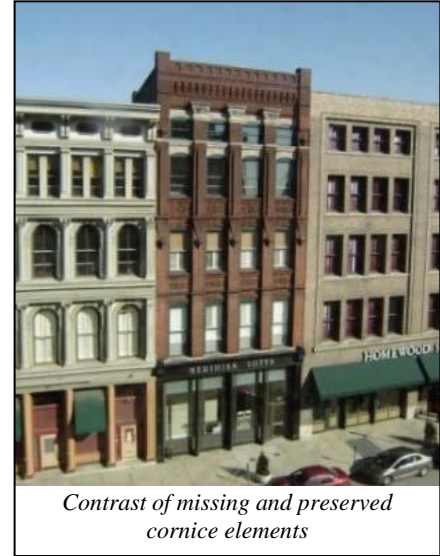
Figure 2

building behind the façade is in severely deteriorated condition, all primary façades

should be retained and new construction may be in-filled behind the façade.

- a. Original features, historic elements, and examples of craftsmanship should be retained wherever possible. The removal of distinguishing features or significant architectural details should be avoided. Previously made changes that have achieved architectural or design significance should be retained.
 - b. Exception: In the case where an accessory structure is so severely deteriorated that it is an unsafe structure, the accessory structure may be razed. This exception should not be construed as permitting the demolition of an accessory structure by means of purposely causing or allowing it to fall into disrepair.
- B. **Façade Restoration:** The following standards apply to the repair or restoration of any façade or façade feature.
 - a. Historic buildings should retain all architectural elements such as windows, cornices, porches, roof lines, eaves, entry ways, and façade materials. Deteriorated architectural elements on any historic building should be repaired or replaced. Where an architectural element has been previously removed or the severity of deterioration requires replacement of a feature, the new feature should match the original in size, scale, and architectural style, and where possible, materials. Synthetic materials may be used in the case where original materials are not available.
 - b. Non-historic buildings which contain architectural elements similar to those on surrounding historic buildings should retain those elements by repairing or replacing those elements. It is recommended that those elements be repaired rather than replaced. If those elements are being replaced, they should match the original in size, scale, and architectural style. Those elements should not be removed without being replaced.

- c. Where any architectural element on a primary façade or other highly visible location is being replaced, the replacement feature should match identically any parts, portions, or pieces of remaining similar architectural elements in size, scale, style, design, color, and where possible, materials.
- d. Where the replacement of an architectural element is limited to the secondary façade and is not highly visible, the replacement feature shall be consistent with architectural style of the building and should not clash with the overall architecture of the building or any individual architectural details.
- e. Chemical or physical treatments that cause damage to historic building materials should not be used. The surface cleaning of structures should be undertaken using the gentlest means possible in order to preserve the building materials.
- f. Infilling, enclosing, covering, or removing of any original windows, doors, storefronts, porches, display windows or other architectural details is prohibited.
- g. Shutters, if utilized, should be sized to appear as though they could work. However, shutters were seldom used on 19th and 20th century buildings.
- h. Awnings should be of a proportion and color to complement the existing colors of the building.
- i. Accessibility modifications should be made at side or rear entrances to maintain façade integrity.



Contrast of missing and preserved cornice elements

The following are the defining primary façade features which should be retained or restored. This should not be construed as preventing the ordinary maintenance and repair of a façade.

- a. Kick plates at the base of storefront display windows
- b. Clear glass, which does not produce excess amounts of glare for all first story windows and glazing
- c. Original recessed entrance areas, angled vestibules, spaces, or corners
- d. Transoms above doors and windows
- e. Clearstory portions of the façade
- f. Signage bands including relevant ornamentation
- g. Original window styles including opening size and location, sashes, mullions, muntins, sills, and heads
- h. Decorative columns, pilasters of cast iron, brick or stone
- i. Cornices
- j. Parapet walls

The following additional requirements also apply to all facades:

- a. In the case where a building was originally built in such a way that it would not meet the standards of this chapter and the façade does not contribute to the overall character of the Downtown Overlay District, any remodeling of such building's facades should follow the standards for new development. This should not be interpreted as being required during ordinary maintenance and repair.

- b. No HVAC, mechanical or other equipment should be placed on or attached to the primary façade. Additionally, equipment should be concealed from view from any public street.
- c. First floor display windows should allow visibility from any pedestrian walkway into the business or contain a display of products, art, or other creative display, which is oriented towards and facing the sidewalk and is a minimum of 18 inches deep. No obstruction of view such as paper or plywood coverings or interior facing display case is permitted within 18 inches of the interior of the glazing except during active construction for which all required certificates, permits, and approvals have been obtained.
- d. Windows on secondary facades or upper stories should not be covered from the inside with coverings such as paper or plywood. If the space behind the window is vacant, it is recommended that the window contain blinds or curtains if blocking of the window is so desired.
- e. The use of the following inappropriate materials should not be used:
 - i. Coarsely finished rustic material such as wood shake shingles, barn boards, plywood and wood siding.
 - ii. Carpeting
 - iii. Expanded or perforated metals, industrial metal siding, wire mesh, or corrugated metal or fiberglass
 - iv. Inappropriate ornate ironwork such as New Orleans style grills and rail work,
 - v. Stucco surfaces with rustic or highly textured surfaces characteristic of Mediterranean or Southwestern styles.
 - vi. Antique appearing, synthetic, oversized, or variegated brick
 - vii. Silver, gold or clear anodized bright metal including aluminum or stainless steel trim for windows and doors,
 - viii. Residential type materials such as embossed entry doors, sliding patio doors and residential beveled and leaded stained glass doors
 - ix. Flat or molded plastic sheeting used to simulate historic materials, stone, or masonry veneers
 - x. Rustic field stone or rustic rock masonry work
 - xi. Flush glazing treatments, glass block windows, or mirrored, highly tinted, colored, metalized, or reflective glass

5.5.2 Window Restoration & Replacement

Windows play an important visual role in the downtown. Display windows provide merchants with an area to display their wares. The upper story windows establish the pattern that helps tie together the facades of a block. Transom windows provide light and ventilation to the inside of the building. Window style and decoration has changed through the years (see Figure 3). However, proper care and maintenance of all storefront windows remains key to an attractive building.

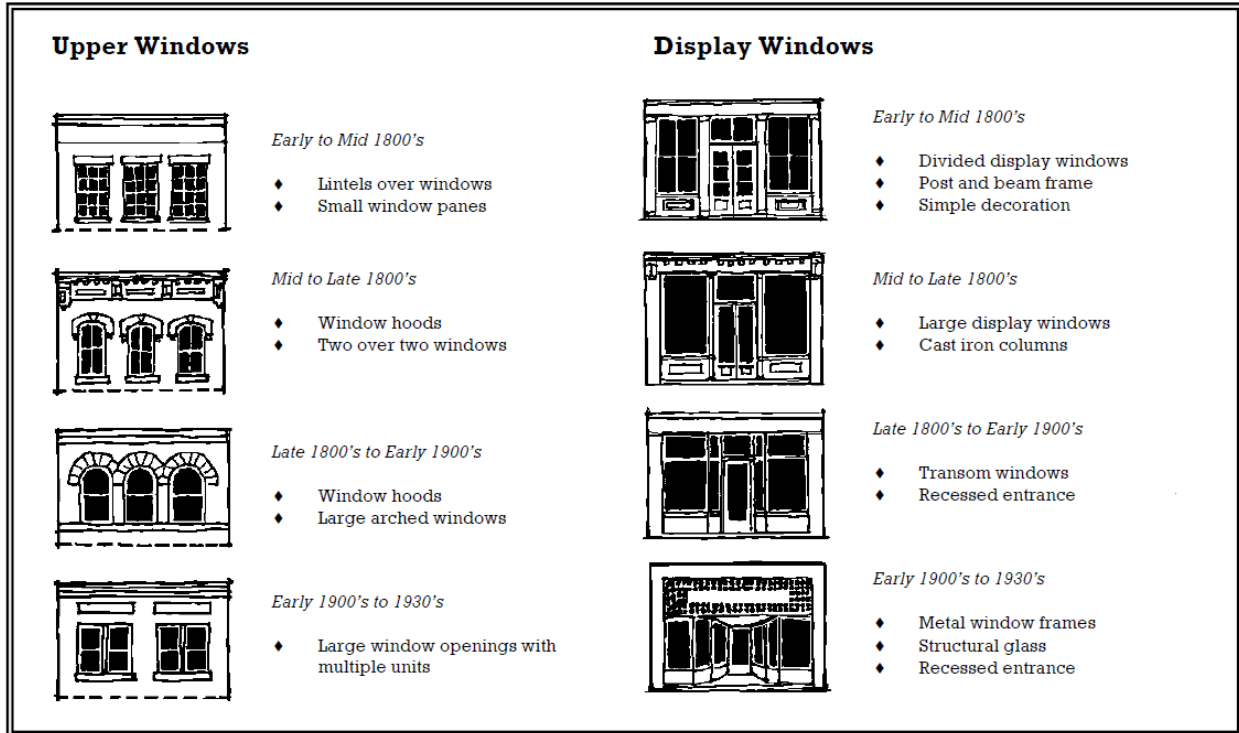


Figure 3

Display Windows: The display window is a crucial element in the success of a downtown business. An attractive, well-planned display can be the difference between someone merely walking by or actually coming in to shop. After setting up your window display, be sure to view the display from outside, to gain the same perspective as customers and passers-by. Also, be careful with all window signage. While a display window can provide space for an attractive painted sign, you should not cover excessive amounts of any window with signage.

Upper Story Windows: Upper story windows are often neglected, inappropriately replaced, or even boarded up. Not only does this impact the appearance of the building, it can change the character of a block. If your building has upper story windows, be sure to set up a regular maintenance schedule. This will help prevent further deterioration.

Transom Windows: Transom windows, located at the top of the storefront opening, are a source of natural light and ventilation. For energy conservation, these windows were often covered or removed. Covering or painting over transom windows upsets the design relationship of the façade and destroys the rhythm of repeating patterns on the street. Uncovering and restoring transom windows is encouraged.

Windows on historic buildings are the most important elements in defining its architectural character and significance. Their original materials and features should be respected and retained. Repairing historic windows has become easier with the introduction of new materials and techniques. The following standards apply to the restoration or replacement of windows.

- A. **Window Repair:** The most common window problems involve damaged or deteriorated wood, faulty window operation, and broken glass panes. Many problems can be easily repaired at a minimum cost.
 - a. Deteriorated wood is often found on the sill or bottom of the sash. These parts can be replaced without replacing the whole window. Local building supply stores may have

pieces that match the original window. Minor repairs can be made by scraping off old paint, filling in cracks with putty or caulk, sanding, priming and applying a fresh coat of paint.

- b. A window that isn't operating like it used to should be addressed. It could be that the window is painted shut. This can be corrected by tapping the sash with a hammer wrapped in cloth. Another problem could be with the window mechanism (sash locks, cords, and weights). If this is the case, contact a window dealer who can offer assistance without changing the window. Franklin Heritage can recommend contractors who have experience with this type of work.
 - c. Broken glass panes can be easily fixed by removing all old glass and glazing putty, and installing a new pane using the appropriate glazier's points and putty.
 - d. Be sure to check all joints between a window and its masonry opening. If loose or open joints exist, caulk to prevent air and water filtration.
 - e. Window trim, cornices, sills, and decorative window caps or other details should be replaced and installed on historic buildings only if they originally existed. In the case of non-historic buildings, these window elements may be added only where they fit the architectural style of the building. Enhancing windows with superfluous non-historic or architecturally inaccurate details is not permitted.
 - f. Creating new window openings or eliminating original window openings that significantly alter the character of the elevations is prohibited.
 - g. Re-establishing original window openings that have been reduced or completely closed is encouraged. New windows used to re-establish the original openings need to follow the standards for window replacement.
- B. Window Replacement:** Sometimes repairs may be impractical and the only option available is replacement. If you're replacing only one window, find a replacement that matches the existing units. If you cannot find a suitable replacement, consider having one custom made. Wood is the preferred choice, however if you must use aluminum or vinyl, a darker color is preferred. Do not alter the existing window opening to fit new windows and do not install windows that are not in keeping with the style of your building (See Figure 4).

- C. Storm Windows:** Installing storm windows is a great way to cut down on your energy costs. The downside is that they often look inappropriate on an older building façade. If possible, consider installing storm windows on the inside so they will not be seen. If they must be installed on the outside, make sure they are the same shape and have the same overall design features as other outside windows. An anodized or baked-on finish is more desirable than plain aluminum.

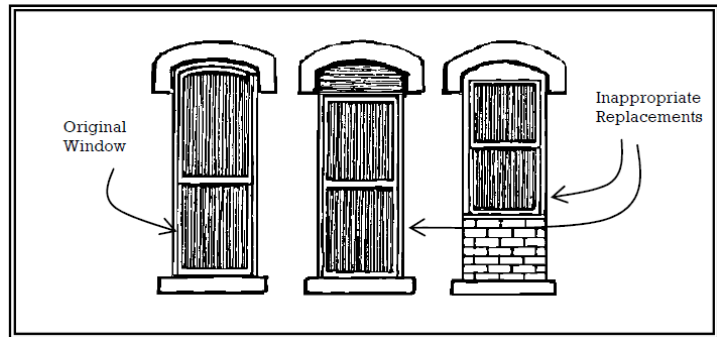


Figure 4



Removing windows eradicates character definition of a building.



Filling in windows detracts from the architectural integrity of the building.

5.5.3 Masonry Repair & Restoration

Regular maintenance is the most efficient and economical way to keep your building looking its best. As a general rule, you should treat any historic detail with care. First and foremost, maintain what you have. If necessary, repair or replace the detail, duplicating or complimenting the original. The following tips will assist you in identifying and addressing potential problems.

Every effort should be made to retain the historic masonry façades in their original design, shape and architectural appearance including all relevant detailing, and ornamentation. For the purposes of this section, masonry includes stone, brick, architectural terra cotta, cast stone, concrete, and concrete block. Typically masonry deterioration and damage has been caused by neglect or deferred maintenance due to water infiltration, horizontal and vertical movement of the masonry due to disengagement from the structural frame, vertical settlement, or horizontal movement due to expansion and contraction. Extreme care is required for any masonry repair to prevent an obvious unsightly patch.

Moisture: Brick and stone are durable but they can deteriorate over time. Most often, water infiltration is responsible. Moisture can enter through the top of a wall or where the wall meets the roof. Check your roof, flashing, and wall copings periodically for soundness. Gutters and downspouts should also be inspected periodically for leakage.

- A. **Tuckpointing:** The mortar used in older masonry buildings gradually erodes as water runs over the wall surface and with freeze/thaw cycles. Joints should be inspected periodically for crumbling or missing mortar. If mortar joints have recessed more than 2", they should be repointed with new mortar to prevent water infiltration and ensure the integrity of the wall. New mortar joints should match the original in style, size, composition, and color. It is especially important to repoint with mortar of the same hardness as the original. The softer historic mortar compresses as the bricks expand in warm weather and flexes as they contract in cold weather. It is by design, the sacrificial element of the wall and gradual erosion is to be expected. Harder modern mortars with a high content of Portland cement will resist the warm weather expansion of the brick, which can cause cracks in the brick surface. In the cold weather, this same inflexibility may cause cracks to open up as the historic bricks contract.
- B. **Cleaning:** Masonry cleaning can have a huge impact on the appearance of a building. Most historic masonry buildings have never been cleaned, and accumulated dirt can obscure the original masonry color. Masonry should always be cleaned by the gentlest method possible. In

many cases low pressure water washing (no more than 250 psi), together with scrubbing with a natural bristle brush may be sufficient. If paint or heavy grime must be removed, a chemical cleaner may be required. There are a variety of chemical cleaners available and a qualified cleaning contractor should be consulted to evaluate your building and recommend a treatment. Whatever treatment is selected, a test patch should first be tried in an inconspicuous area and allowed to weather for a few weeks or months. If the results of the test are satisfactory and no damage is observed, it should be safe to proceed. Remember to protect nearby trees, shrubs, and groundcover when cleaning your building. Chemical cleaners may be hazardous to vegetation. The following treatments are appropriate and should be used during all cleaning, repairing, and restoring of masonry:

- a. Cleaning masonry with the least abrasive method possible.
 - b. Using test patches in inconspicuous areas on secondary elevations to determine the appropriate means of cleaning.
 - c. Addressing and correcting the underlying cause of damage to masonry before any repair or repointing is undertaken.
 - d. Mortar joints should be cleaned out and loose mortar removed to appropriate depth, usually one to one, replacing typically all mortar on historic buildings with a high lime content.
 - e. All mortar should be carefully removed so as to not damage any of the edges of masonry surfaces.
 - f. All replacement masonry should match the existing whether it is salvaged or new material and reused material should be closely matched in terms of size, color and texture.
 - g. Painted masonry structures should be permitted to retain painted surfaces after appropriate cleaning and removing of loose paint and debris.
- C. **Inappropriate Masonry Treatments:** The following treatments are discouraged for all cleaning, repairing, and restoring of masonry:
- a. You should not use abrasive treatments (sand blasting or high pressure washing) to clean masonry surfaces.
 - b. Replacing bricks and brick masonry unless it is excessively spalled or cracked. Instead the same bricks should be reused if possible by cleaning and reversing their faces. Use of contemporary new brick that is “antique in appearance” with a wide range of color is discouraged. Brickwork, particularly on historic buildings, is usually uniform in character.
 - c. Covering of historic masonry surfaces with any type of siding, metal or synthetic sidings, stucco, exterior insulation finishing systems (EIFS) or ceramic or fiberglass veneers.
 - d. Using any kind of power grinding to remove masonry or to remove mortar or to alter masonry.
 - e. Sandblasting should not be done on historic structures unless where otherwise specifically allowed. Sandblasting is especially harmful to brick surfaces, eroding the hard outer layer to expose a softer, more porous surface that will weather rapidly. You should be aware that sandblasting will disqualify a project from consideration when applying for state and federal tax credits.
 - f. Exposed masonry should never be painted. A previously painted surface can be restored by a chemical paint remover. Previously painted structures should, in all probability, be retained as such because removing paint can result in detrimental effects to the underlying masonry surfaces.
 - g. Waterproofing, repellants or sealers used on any masonry surface. These materials can potentially cause serious damage by trapping moisture in masonry, which would cause

deterioration in the future. If used, it is essential to allow breathing of the surfaces on which they are applied

- h. Abrasive methods for paint removal to expose original brick.



Examples of careful and appropriate cleaning



Excessively deteriorated brick

Inappropriate mortar work

5.5.4 Wood Maintenance

Storefronts, cornice brackets and other decorative façade elements were often made of wood. These original exterior woodwork elements should be retained wherever possible. Regular maintenance will prevent deterioration. Check periodically for soft, rotted areas, splits, and dampness. Damage or decayed sections can usually be repaired by re-nailing, caulking, and filling. Epoxy pastes and epoxy consolidants can also be very effective in repairing even seriously rotted wood. When painting, use an oil-based primer followed by two coats of oil-based paints.

Severely rotted or missing pieces may be reproduced by a good carpenter or millwork shop. Try to match or at least complement the existing details when replacing woodwork.

5.5.5 Metal Maintenance

Many of the buildings in the historic core of Franklin are defined by the cast iron and ornamental metal elements that form the storefronts at the pedestrian level. These elements are principal defining features of the façades and should be retained and restored through every possible effort. The lower display window kick fronts support columns, window mullions, and decorative elements of the transom and sign bands are typically made of these materials. Stamped or pressed metal was most often used to create decorative metal cornices. This kind of architectural



ornamentation became quite popular because intricate detail could be reproduced at a reasonable cost.

The signs of metal deterioration are obvious: corrosion, tears, holes and missing pieces. Pressed or stamped metal may be of copper, which requires no surface protection, or of sheet iron, usually coated with zinc or lead to retard rusting. A proper coat of paint is essential to prevent rust and corrosion on such metals. Missing parts can be reproduced in fiberglass or aluminum using existing pieces to make a mold. Be sure to communicate to the person fabricating the replacement part the importance of maintaining the intricate decoration of such pieces.

Appropriate Cleaning and Repair: Strip and clean off old paint and rust using appropriate chemical strippers and non-abrasive power washing and light sandblasting. Extreme caution should be taken with rolled sheet metal surfaces so as to not damage them if any of the power washing or light non-abrasive power blasting methods are used.

5.5.6 Decorative Glass Maintenance

Beveled, stained, leaded and etched glass are all forms of decorative glass. Glass decoration is often covered up. Look for it in transoms or behind plywood window covers. Sagging means that the glass and frame will need to be reinforced with a brace. Leaded or stained glass can have problems. The metal between the glass pieces, called the “came,” could either be zinc or lead. You should always use the same metal when making repairs.

5.5.7 Color Guidelines and Recommendations

Choosing the right color combination for a building can unify the elements of the façade and relate the building to others on the block. Again, step outside and look at your building as it relates to others. Make sure the colors you use are in character with the rest of the buildings on the block. Generally, no more than three colors are sufficient for a building façade. Paint manufacturers have a large selection of historic colors available and can assist with an appropriate color scheme. Stay away from bold colors that attract undue attention to the property. The use of fluorescent, metallic, reflective, or glittery colors for exterior walls, trim or other architectural features is prohibited.

Background: Muted or natural tones are appropriate for the background of the building. The background consists of the upper wall and the piers on either side of the storefront. This color is often natural brick and requires no painting. In fact, painting of brick surfaces is strongly discouraged and discussed in section 5.5.3 Masonry Repair & Restoration.

Major Trim: The color of major trim elements such as cornices, window frames, sills and hoods, and the storefront frame, bulkhead and columns should complement the background color.

Secondary Trim: Secondary trim such as the window sashes, doors, and certain cornice and bulkhead details, should enhance the color scheme established by the background and major trim. A darker shade of the major trim is often used to highlight these features. Caution should be exercised to ensure that the façade is not over-decorated.

In general, color schemes should be selected that are appropriate to the building’s style and period. Using a 1950’s color scheme on a Victorian building is inappropriate. The color schemes should be developed to enhance the character defining elements of the architecture and to complement and relate to its

neighbors in the downtown core. Different color schemes were popular at various times. In the mid 1800's, soft, neutral tints were common. Toward the end of the 19th century, darker, richer shades were used. Tastes changed again at the beginning of the 1900's to lighter, calmer colors. If you are thinking about returning your building to its original colors, carefully scrape the paint from a small area. There may be several layers of paint over the original color. It's possible that the original color may have changed over time. For a better idea of the true color, wet the original surface. The base color will appear more accurately when wet. It is not necessary that colors be researched and analyzed to document original authenticity. As noted in the masonry repair section, previously painted structures should, in all probability, be retained as such because removing paint can result in detrimental effects to the underlying masonry surfaces.

The sun will play an important role in the colors you select. Before deciding on a color, take a paint chip outside to see how it looks. Do this at various times throughout the day, and also on both sunny and cloudy days. Sometimes a small paint chip is not enough to get a good idea of how a color will look. In that case, invest in a quart of the color you choose and apply it to a small area on your building. The effect may be surprising.

Next Steps:

Painting your building can provide a dramatic improvement in your building's appearance for a relatively low cost. After deciding on the appropriate colors, however, your work has just begun. There are several steps you should follow to ensure your new paint job will be long lasting and successful.

1. **Type of Paint:** Should you use oil based or latex paint? Both have their advantages and disadvantages. Oil based paints are generally more durable, and may provide better adherence. Clean up is more difficult. Latex paints are easier to apply and clean up is simple. However, latex paint can be less durable than oil based. Whichever you choose, select a quality paint. Although you'll pay more, a quality paint will last longer than a cheaper paint, will not fade or peel as quickly, and gives better coverage. It is important to note that once you use a certain type of paint for your building, you should continue to use the same type of paint. Switching back and forth between oil and latex is difficult.
2. **General Preparation:** There are many things you can do to prep your building for painting. Check the condition of any wood and replace any boards that are rotted. If you are painting a masonry building, check the condition of the mortar and tuck-point where necessary. Review the condition of your windows. Install new glass in all broken windows. Replace damaged putty with a glazing compound and make sure it goes all around the windows. You'll need to wait 2-3 days for the compound to dry before you can paint.
3. **Surface Preparation:** Prior to painting, all surfaces should be adequately prepared. All loose or peeling paint must be removed. Wire brushes and scrapers are the best tools to use. If these do not work, consider a blow torch or electric heat gun. Use caution with these last two devices, with only enough heat to soften the paint so it can be easily pushed away. Consider using a primer for the first coat, especially on older buildings. It will help the final coat adhere better.

Other Considerations:

1. Colored mortars should not be employed to alter the coloration of historic structures.
2. Natural colors of brick, terra cotta, fired clay stones, masonry, limestone, granite, sandstone or other natural materials should be retained and should not be painted over unless it is consistent with the historic precedent.
3. Architectural metals such as copper, bronze and brass should not be painted. ~~in any case.~~



Transoms have been maintained with appropriate clear glass.



Historic windows have been repaired. New windows on infill structure harmonize with old.



Shaded glass does not invite pedestrians into a store or café.



Storefront scale, façade rhythm and proportion have been compromised.



Inappropriate materials and use of Mansard roofing.

5.5.8 Doors

Traditionally, downtown buildings had three doors. On the building front, there was storefront door, providing access to the business, and a secondary door, providing access to the upper floors (see Figure 5). The rear door was primarily used as a service door.

Storefront Door: Historically the entry to a store was more than just a door. The design and appearance reflected its commercial importance. The traditional storefront door was substantial, built of wood with a large glass panel.

Despite its stately proportion, the door was inviting to a customer. Although traditional storefront doors are rarely found these days, there are several things that can be done to make a front door the special, inviting element it should be.



Figure 5

1. A front door should be compatible with the rest of the storefront and make a significant statement.
2. To retain a traditional appearance, a wood door with a tall glass panel is most appropriate to maintain the original character. Try to locate a salvaged older door to repair or use a new door of similar design.
3. If a traditional appearance is not desired, the design choice should be based on the overall design of the storefront. Many different wood and metal styles are available. If a glass and aluminum door is chosen, consider using a dark, anodized finish rather than a metallic color.

4. Avoid over-decorating the door. The design should reinforce the character of the building and be inviting for shoppers.

Secondary Door: A secondary door on the front façade provides access to the upper floors and is usually less elaborate in design. When choosing a secondary door, keep in mind that it should be visually understated, fitting in with the overall façade, but not drawing attention to itself. To maintain a traditional appearance, an old wood panel door is most appropriate.

Rear Doors: A practical style is recommended for a rear door to reflect the unadorned character of the rear façade. If the back door will be used as a customer entrance, consider the addition of glass to the door to make it more inviting to shoppers and passers-by.

5.5.9 Awnings

Awnings can be both a decorative and functional addition to a storefront. Visually, an awning can add character and interest to a storefront. Practically, an awning provides a sheltered space for customers to view store window displays, and can provide energy saving benefits, especially when used on southern facing windows. When planning an awning for your building, the following should be considered:

Design: The design of an awning determines how energy efficient it will be. There are two types of awnings available, fixed and operable. An operable awning can be opened and closed, allowing sun to shine in on cold days and providing shade on warm sunny days. A fixed awning is primarily decorative.

Style: Awnings should be integrated into the design of the building façade, with simple pitch and profile that matches the building bay structure. Awnings along a street should have a consistent pattern in size and shape, and not conflict with others. Look at your neighbors' buildings and visualize how adding an awning will affect the character of the streetscape (see Figure 6).

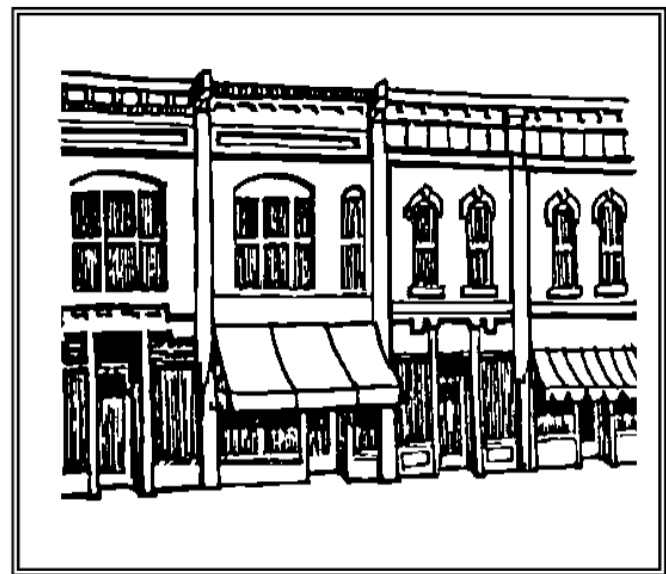


Figure 6

Material: Awnings can be constructed from several different materials, including canvas, vinyl, and aluminum. Whichever material is chosen, make sure it is guaranteed weather-resistant. Fading or bleaching from the sun is also an important consideration.

- A. Canvas awnings are traditionally popular, but must be weather-treated before installation. Canvas has a lower initial cost, but may require more maintenance than plastic or aluminum.
- B. Vinyl (plastic) has a more contemporary effect, but can be attractive if done correctly. Vinyl is more flexible and usually requires less maintenance than fabric.
- C. Aluminum is another choice but is more residential in character and not generally appropriate in the downtown area.

Mounting: Awnings should be mounted so that the valence is approximately 8 feet above the sidewalk. A 12-inch valence flap is usually attached at the awning bar and can serve as a sign panel. Typically, an

awning will project between 4 and 7 feet from the building. An awning can be attached above the display windows and below the sign panel or cornice. It can also be mounted between the transom and the display window, which allows light into the store while shading the merchandise for customers. An awning over upper story windows should not cover the piers or the space between the window sills and the storefront cornice. If an awning has support posts that are permanently affixed to the sidewalk, approval from the Board of Works is required before installation. Contact the mayor's office to make the request.

Color: Look at the entire building before deciding on a color for your awning. You'll want a color that enhances the existing features without overwhelming them. For buildings with more detail, a subtle shade should be used. For buildings with minimal architectural detailing, a bright accent color may enhance the façade. Pattern is important too, depending on the image you would like to project.

Signs: The valence of an awning has traditionally been used for advertising. If you choose to incorporate a sign on an awning, keep the message simple and for identification purposes only (see Figure 7).

Illumination: Internally illuminated or back-lit awnings are highly discouraged and not recommended.



Figure 7

5.5.10 Signage Treatments

All signs must conform to Article 8 Sign Standards. In addition the following standards apply to all signs in the Downtown Overlay Zoning District.

Signs are a vital part of any downtown. They call attention to your business and help attract customers. Additionally, signs help shape the image of downtown. The following questions are provided to help you determine the right signage for your business and the downtown:

What is the Purpose of My Sign? Do you merely want to identify the name of your business? Or should you provide information on the products you sell or services you offer? Who are you trying to attract? Take some time to consider what you want your sign to do.

What Type of Message Should I Use? Can you convey your message with words? Or will a logo or symbol be more recognizable to potential customers? Possibly, a combination of words and symbols is appropriate. Sign lettering should have a high contrast ratio in order to be clearly legible for vehicular traffic. Sign lettering on wall signs, awning signs, or projecting signs needs to be a minimum of 4 inches in height so as to be clearly legible for vehicular traffic.



What Style Sign Should I Use? For most downtown businesses, wall, window, projecting, or canopy signs are the only types of signs that can be used. For new development or redeveloped sites, a freestanding sign is a possibility with special approval from the Board of Zoning Appeals. If you want to use a freestanding sign, consider a monument style sign to maintain the pedestrian scale of the downtown. Taller pole signs are inappropriate and should be avoided.

Where Should I Put My Sign? When considering sign placement, you need to visualize how your sign will appear in relation to the entire façade. A sign should not dominate the façade; its shape and proportions should fit the building just as a door or window fits. The most common location for a wall sign is just below the lower cornice. This location compliments the architecture of the building and presents a strong image. Other common locations include on the glass display window and on the awning flap (see Figure 8). A good resource to consult is a picture of how your building looked in the past. This may give you ideas about how signs were related to the details



Figure 8

of your building. Signs should never project above the upper cornice line or be mounted on the roof of a building. Never cover up architectural details.

Horizontal projecting signs have a width which is longer than the height of the sign. Horizontal projecting signs should project no more than 4 feet from the building and be no more than 12 square feet in sign area. In addition, horizontal projecting signs should generally be located between the transom line of the first floor and the lower half of the windows of the second floor. Vertical projecting signs have a height which is longer than the width of the sign. Vertical projecting signs project no more than 3 feet from the building and do not exceed 30 square feet in sign area. In addition, vertical projecting signs should be located above the first floor or sign band whichever is higher.

Should I Illuminate My Sign? Illuminating a sign may be desirable. Individual back-lit letters and signs illuminated by wall-mounted fixtures are appropriate. Illuminated box signs, flashing signs, moving signs, and electronic or fixed letter reader boards are not permitted.



Materials: Appropriate sign materials include painted or carved wood, galvanized sheet metal or aluminum, stone materials consisting of marble, slate or sandstone veneer, granite or granite veneer, gold leaf, gilt, painted accents, sandblasted glass or metal, stained glass, clear or acrylic neon. While the use of neon can create an attractive sign, neon should not be used to outline or trim a building or the architectural elements.

5.5.11 Lighting

Lighting is an important element when considering visibility in the evening hours. Generally, street lighting installed by the City will provide adequate lighting of the overall building and sidewalk. However, there are times when you may want to provide additional illumination to your building.

Lighting should only be used to illuminate entries, signage, displays, adjacent pedestrian and parking areas, or to highlight significant architectural elements. Use fixtures with a traditional style, or contemporary fixtures that are appropriately scaled. Building mounted fixtures should be used to illuminate entries, wall mounted signs, and walkways adjacent to buildings. Fixture color should be muted and coordinate with the overall color scheme of the building. Exposed or painted metal finishes are recommended.

To attract attention to your storefront area, there are some traditional methods of lighting you can use:

- Well-lit display windows attract attention to items in your window.
- Residual light washed the sidewalk and attracts pedestrians.
- Light over recessed entry doors can highlight your entrance.
- Lighted signs in the window (neon is acceptable) can highlight products and services.

5.5.12 New Development

Construction of new buildings on vacant lots in the downtown is encouraged. The design and location of such buildings, however, requires special care. Two types of new construction are discussed: Infill Development, where new construction fills in gaps in the existing street façade, and Standard Development, where new construction is on parcels located in lesser dense areas of the downtown. In order to retain the historic context and character, new buildings should reflect the character of existing historic buildings by relating to the massing, scale, articulation, and rhythm of Franklin’s historic architecture.

Infill Development: The design of new infill development, especially the front façade is critical. The new façade must look appropriate in relation to the surrounding buildings, without replicating them. When designing a new infill building, particular attention should be paid to the following:

A. **Building Design:** The design of new infill buildings should be harmonious with its surroundings. Architectural style is not restricted, however, extremes of styles, or attempts to recreation a style indigenous to the downtown are discouraged.

B. **Building Setback:** A new infill building should maintain the line of existing storefronts at the sidewalk edge. Creating gaps in the streetscape by setting the building too far back from its neighbors, or by placing off-street parking in front of a building is not permitted (see Figure 9).

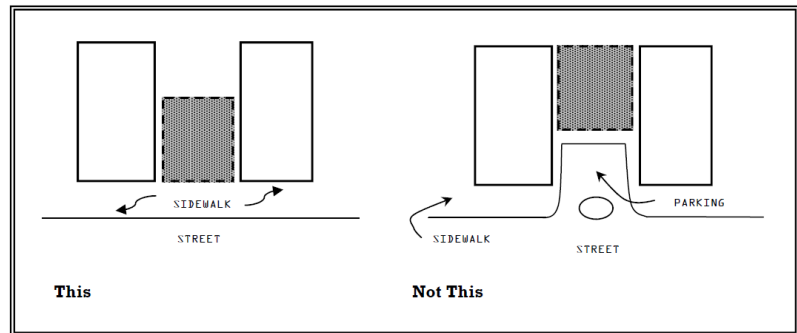


Figure 9 – Building Setback

C. **Building Scaling and**

Massing: When designing a new infill building, the scale (height and width) and mass of existing buildings along the street should be respected. The average height and width of nearby buildings can be used to determine a general set of proportions for an infill structure or the bays of a larger structure. The infill building should fill the entire void, or, if the site is large, the mass of the façade can be divided into two or more smaller bays to maintain the established rhythm of the block (see Figure 10). Primary facades should have vertical articulation a minimum of every 20 feet. There should be a minimum of 2 windows per upper story between required vertical articulations. A vertical articulation may be implemented by using one or more of the following techniques: a structural or expressed column, a distinctive change in coloration, a slightly varied façade position, or distinctive change in overall style of architectural elements.

D. Buildings should meet the ground with a solid base treatment to create a visual transition from the sidewalk to the building wall. Glass treatments that extend to the ground are not recommended. Upper stories should not be set back from the first story primary façade.



Figure 10 – Façade Proportions

- E. **Roof Forms:** The type of roof used for an infill building should be similar to those found on adjacent buildings. In general, flat roofs are preferred over gable, gambrel, hop, or mansard roofs. A parapet should be used to conceal a flat roof and any roof protrusions, other than the chimney.
- F. **Openings:** Doors and windows on an infill building should be similar in size, proportion, and alignment based on the architectural style of the building, and to those on adjacent facades. The rhythm of structural mass to voids (doors, windows, etc.) should relate to rhythms established on adjacent buildings (see Figure 11).

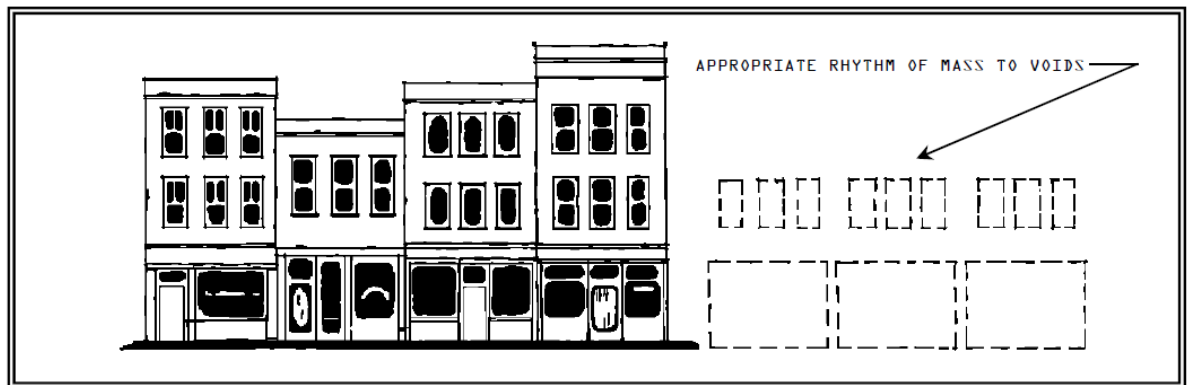


Figure 11 – Openings

- G. **Detailing:** Details from adjacent buildings, such as the masonry work, cornice lines, window shapes and bulkheads should be reflected in the architecture of infill buildings.
- H. **Building Materials:** Materials used in the construction of infill buildings should be similar to that used on adjacent buildings. A new building should not stand out from other buildings on the block. Brick and wood are preferred materials. The following is a list of materials that are not considered appropriate:
 - a. Aluminum siding
 - b. Aluminum panels
 - c. Coarsely finished rustic material such as wood shake shingles, barn boards, and plywood
 - d. Mirrors or reflective glass
 - e. Carpeting
 - f. Stucco surfaces with rustic or highly textured surfaces characteristic of Mediterranean or Southwestern styles
 - g. Antique appearing, synthetic, oversized, or variegated brick
 - h. Corrugated fiberglass and metal

- i. Residential type materials such as embossed entry doors, sliding patio doors and residential beveled and leaded stained glass doors.
- j. Flat or molded plastic sheeting used to simulate historic materials, stone, or masonry veneers.
- k. Rustic field stone or rustic rock masonry work.
- l. Flush glazing treatments, glass block windows, or mirrored, highly tinted, colored, metalized, or reflective glass.

Aluminum, steel, or vinyl cased wood windows may be used, but should have an appropriate finish and color consistent with the overall color scheme.

- I. Details from adjacent buildings, such as the masonry work, cornice lines, window shapes and bulkheads should be reflected in the architecture of infill buildings.
- J. **On Site Parking:** On-site parking should be confined to the rear of structures and should be screened from public view per the Landscape Standards in Article 7.
- K. **Height Requirements:** Buildings should be a minimum of two stories of habitable floor space. Any building facing the Courthouse Square should be no more than three stories and should be no taller than the height of the upper cornice line of the Courthouse. Any building not facing the courthouse square should follow the maximum height as specified in the base zoning district.
 - a. **Exception:** in the case of freestanding institutional buildings such as churches, schools, or government buildings, which do not face the immediate courthouse square, the DRC Planning Director may exempt the development from certain requirements of this section where those requirements specifically contradict the traditional architectural style for that type of institutional building; e.g. a church would not be required to have first floor display windows, but vertical articulation and vertically oriented windows would still be appropriate.
 - b. **Exception:** In detached buildings away from the courthouse square, the building may have only one habitable story as long as the minimum height of façade walls is 20 feet.
- L. **Miscellaneous:**
 - a. **Floor Level:** The floor level of an infill building should relate to and be consistent with the floor levels of adjacent buildings.



Rustic materials are not permitted.



An example of inappropriate grillwork.



Mirrored glass front is not permitted.



Windows in new buildings replicate transoms of historic context.



New building blends with four story buildings at other end of block in scale and with one story neighbor at street level by harmonizing window design and building materials.

5.5.13 Residential Type Structures

The following applies to all residentially designed structures in addition to the general requirements of this chapter. Any one or two dwelling unit structures as a primary use located in the Downtown Overlay Design Standards zoning district shall be exempt from these design standards.

1. **Residential Façade Design Standards:** The following applies to the restoration of residential primary and accessory structures in addition to the general requirement for façades.
 - a. **General:** All work shall follow the general requirements of 5.5.1 for façade retention and restoration.
 - b. **Windows:** All work on windows shall follow the general requirements of 5.5.2 for window restoration and replacement.
 - c. **Masonry:** All masonry work shall follow the general requirements of 5.5.3 for masonry repair and restoration.
 - d. **Retention of entrances:** Primary building entrances should maintain historic stoops, terraces and relationship to grade so as to maintain the character of the historic façades. Handicap accessible entries may be located on a secondary façade so as to not obstruct the primary front yard elements.
 - e. **Alterations:** Any exterior alterations or remodeling shall follow the standards for new residential development under 5.5.10.3 New Residential.

2. **Additions:** The following shall apply to additions of residential buildings.
 - a. They should be substantially similar to the primary structure in terms of building materials, trim detail, roof lines, window and door styles, and other prominent details.
 - b. They should match the primary structure in terms of coloration of siding, trim, and other details.
 - c. They should not include architectural styles and details from a period different than the existing primary structure.
 - d. They should be no taller than the existing primary structure.

3. **New Residential:** The following applies to all new residential buildings including accessory structures. New infill structures should visually relate to the character and scale of the adjacent structures in the immediate block in which they are located.
 - a. **ROOF**

- i. Roof pitch should reflect the architectural character of the home, and may be either gable, hipped, or a combination.
 - ii. Eave lines should align wherever possible. Eaves and rakes should be articulated by multiple fascia boards, cove and crown molds, or gutters.
 - iii. Eave overhang should be minimum sixteen inches (16") from exterior face of structural framing.
 - iv. Overhang of gable should be a minimum of twelve inches (12").
 - v. The following roofing materials are permitted: wood shingle, slate, tile and asphalt shingle.
 - vi. Boxed in eave lines are not permitted.
- b. **WINDOWS:** The following applies to all windows on primary facades and windows which are highly visible from a public street.
 - i. All windows should be double-hung in appearance (except transoms). Single hung windows with a lower operable sash and fixed, non-operable windows are acceptable provided they have a double hung appearance.
 - ii. Casement windows may be used where the paneling adds to and is consistent with the architectural style of the house.
 - iii. Preferred window types include all wood, vinyl-clad wood, or aluminum-clad wood. All-vinyl windows may be utilized, provided they have an acceptable profile. Window types should be called out on plans.
 - iv. If all-vinyl windows are used, windows should have painted wood trim consistent with item v. below, consistent with the architectural style of the home.
- c. **SHUTTERS**
 - i. Shutters will be permitted on homes only if they are appropriate to the architectural style of the home.
 - ii. Shutters should function or appear to be functional by matching the size and shape of the shutters to the window. They should include decorative hinges or be placed such that the shutters could pivot so as to be functional.
- d. **EXTERIOR DOORS AND TRIM**
 - i. Door trim should match exterior window trim treatment. Wood trim around doors is required when wood trim is used on windows.
 - ii. Storm doors are acceptable provided that they are full-light doors with clear glass so the primary door is visible and all trim on the storm door is painted to match the home colors.
 - iii. Sliding glass doors are not acceptable along a primary façade of the home.
- e. **SIDING AND DECORATIVE TRIM**
 - i. Brick, wood, or cement-fiber are preferred exterior materials.
 - ii. Natural stone may also be permitted.
 - iii. Vinyl siding may be utilized and should be a flat color, not shiny.
 - iv. No dutch lap vinyl siding will be permitted, as all vinyl siding should be either double-four or triple-three type. Vinyl siding with a brush-stroke finish in lieu of a wood grained texture is acceptable.
 - v. Horizontal siding should have a maximum six-inch (6") reveal.
 - vi. Mixing of material types is restricted to fishscale or shake decorative siding at second floor transition and in gables in conjunction with horizontal siding.

- vii. Trim boards, corner and frieze boards should be built out with filler boards to allow siding to be tucked behind trim board. Corner trim boards should be a minimum of three and one-half inches (3 1/2") in width.
- viii. All trim must be smooth surface trim. No rough-saw trim will be accepted.
- ix. Siding latticework, spindles, brackets and other decorative trim is encouraged.
- x. T-1-11, ODB, plywood, aluminum or similar product styles and types are prohibited.
- xi. Recreating historic details or features contrary to the original architectural style of the subject structure should not be done.

f. BRICK

- i. The use of brick is encouraged, but if used should be provided consistently on all four sides of the home.
- ii. Brick front porches are desirable and encouraged.

g. GARAGES and Accessory Structures

- i. Accessory structures should not exceed 75 percent of primary structure footprint in ground floor area.
- ii. Roof slope must be minimum 4:12 roof slope. Roof slope is preferred to match primary dwelling.
- iii. Roofs should be gable or hip roofs.
- iv. Roof shingles should match those on primary dwelling.
- v. Aluminum gutters and downspouts must match those on primary dwelling.
- vi. Garages should have minimum eave overhang as required for roof venting. It is preferred that overhang depth and finish should be consistent with the primary dwelling.
- vii. Accessory structures should be wood framed wall and roof construction.
- viii. Horizontal siding and trim should match those on primary dwelling in terms of design and coloration. The materials used for siding may differ from the primary structure.
- ix. Decorative siding in gables is preferred, but not required.
- x. Overhead and passage doors and windows should be finished to match house.





Article 11 – Processes and Permits

11.11 Downtown Approval

The following procedure applies to properties located within the Downtown Overlay Design Standards Zoning District which requires Downtown Approval (DA):

- A. **General Requirements:** No structure shall be erected, moved, expanded, altered, or razed nor shall any site modifications be made within the Downtown Overlay District without Downtown Approval issued by the Planning Director or his/her designee. No DA shall be issued unless the project is in conformity with the standards of Article 5.5 Downtown Overlay Zoning District. A DA shall be required prior to the issuance of any Improvement Location Permit or Building Permit. All work, for which an Improvement Location Permit, Building Permit, or Site Development Plan approval is required, shall not commence until such permit or approval is obtained.
- B. **Certificate Required:** The City of Franklin requires that a Downtown Approval be obtained for any of the following actions. A single Downtown Approval may be issued for a combination of these actions, if they occur together:
 1. Any work for which an ILP is required,
 2. Erection of or addition to any accessory structure,
 3. Any exterior alteration or repair of any building,
 4. Installation of lighting on commercial buildings,
 5. Installation or placement of signs in addition to a sign permit,
 6. Fences, walls, and hedges.
- C. **Exemptions:** No DA shall be required for the following types of improvements:
 1. Re-roofing with like for like materials
 2. Ordinary maintenance and repairs
 3. Sandwich board signs
 4. Surface and sub-surface drainage work and/or grading,
 5. Driveway access to a public street.
- D. **Application Requirements:** All applications for Downtown Approval shall be accompanied by the following:
 1. Site Location Map: A site location map showing the subject property and adjacent streets.
 2. Site Plan (if applicable): A detailed site plan, drawn to scale with the dimensions indicated showing the following:
 - a. the entire property and the features of the property including all rights-of-way, easements, property lines, required buffer yards, and setbacks;
 - b. all existing and proposed structures or other site improvements with the dimensions of such improvements;
 - c. the distances from all proposed improvements to the property lines;
 - d. the location of any existing or proposed septic field;
 - e. the location of any existing or proposed driveway and/or parking areas;
 - f. any natural, physical or hazardous conditions existing on the lot; and
 - g. the location of any required landscaping, labeled according to size and species,
 3. Elevation drawings showing all facades which are to be affected.
 4. Samples of materials and colors and required by the Planning Director.
 5. Use Description: A detailed description of the existing or proposed uses of the property.
 6. Dwelling Units/Tenant Spaces (if applicable): An indication of the number of dwelling units, or tenant spaces, the building is designed to accommodate.

7. Any other materials requested by the Planning Director or his/her designee which may be useful to determine conformance with the Downtown Overlay requirements.
- E. **Copies:** A copy of all submitted plans and application materials shall be retained by the Planning Director for the permanent records of the Plan Commission.
- F. **Expiration of Certificates:** If the work described in any Downtown Approval has not begun or obtained any necessary permit within 90 days, and has not been completed within 1 year of the date of its issuance, the certificate shall expire. The City shall not be required to issue written notice to the persons affected.
1. The Planning Director may grant extensions for up to 1 year each for work completion. Requests for extensions must be received within 1 month of the expiration.
 2. No extension shall be granted unless any appropriate fees, as defined by the adopted fee schedule, are paid to the City and the project continues to conform with all applicable requirements of the City of Franklin.
- G. **Construction According to Downtown Approval and Downtown Approval Application:**
Downtown Approvals issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed a violation of this Ordinance and subject to the provisions of Article 12, Enforcement and Penalties.

Article 12 – Enforcement and Penalties

12.1 General Provisions

A. Authority: The Plan Commission, Board of Zoning Appeals, Building Official, Mayor, Common Council, Board of Public Works and Safety, City Engineer, and/or Planning Director (including their staff and/or designees) are designated to enforce the provisions, regulations, and intent of this Ordinance. All remedies and enforcement shall comply with the powers set forth in IC 36-7-4-1000 et. al. and all other applicable state laws.

B. Violations: Complaints made pertaining to compliance with provisions of this Ordinance shall be investigated by the Planning Director. The Planning Director may include other officials, such as the City Engineer, Building Official, County Health Department officials, Police Chief, or any of their designees in the investigation. Action may or may not be taken depending on the findings of the investigation. The degree of action will be to the discretion of the Planning Director, and should reflect both what is warranted by the violation as well as a consistent approach to the enforcement of this Ordinance.

C. Inspections: Investigations of property may be done by the Planning Director from a right-of-way, from adjacent property (with permission of that property owner), or from the property suspected of a violation once he/she has presented sufficient evidence of authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.

D. Court Ordered Entry: In the event that the Planning Director is denied entry to the subject property, he/she may apply to a court of jurisdiction to invoke legal, applicable, or special remedy for the enforcement of this Ordinance or any other applicable ordinances adopted under Indiana Code.

1. **Information Required:** The application shall include the purpose, violation(s) suspected, property address, owner's name if available, and all relevant facts. Additional information may be necessary as requested by the court.
2. **Entry Permitted:** Pursuant to applicable regulations and the orders of the court of jurisdiction the owner, tenant, or occupant shall permit entry by the Planning Director.

E. Responsibility: The property owner shall be held responsible for all violations on his/her or their property.

F. Types of Violations: The following items shall be deemed zoning violations, enforceable by the Planning Director (penalties may be imposed based on the provisions set forth in this Article):

1. **Illegal Structures:** The placement, erection, and/or maintenance of a primary structure, sign, accessory structure(s) or any other element determined by the Planning Director to not conform to the provisions or explicit intent of this Ordinance.
2. **Illegal Use:** Conducting a use or uses that do not comply with the provisions or explicit intent of this Ordinance.
3. **Failure to Obtain a Permit:** Failure to obtain an Improvement Location Permit, Downtown Approval, or other permits and approvals required by this Ordinance.
4. **Violation of Stop-Work-Order:** Proceeding with work under a Stop-Work-Order or in violation of a Memorandum of Agreement (as described in Section 12.2(B)).
5. **Failure to Comply with Development Standards:** Any failure to comply with the development standards and/or any regulations of this Ordinance.
6. **Failure to Comply with Commitments:** Any failure to comply with commitments or conditions made in connection with a rezoning, special exception, or variance; or other similar and documented commitment.
7. **Immediate Threats to Public Safety:** Any obstruction, distraction, or other threat to public health, safety, or general welfare that results from the use of property in violation of the terms of this Ordinance.

12.2 Construction Process Violations

A. Stop-Work Orders: The Planning Director may place a Stop-Work-Order on any land/property improvement process.

1. Procedure: Stop-Work Orders shall be issued by written letter that shall state the violation and that work or other illegal activity must stop immediately until the matter is resolved. This letter shall be posted in a conspicuous place and be delivered/mailed to the property owner.
2. Reasons: Reasons for a Stop-Work Order include, but are not limited to:
 - a. not complying with development standards and/or any regulations of this Ordinance or the Franklin Subdivision Control Ordinance,
 - b. not obtaining an Improvement Location Permit, Downtown Approval or any other required permit or approval prior to the construction or installation of any improvement for which an approval or permit is required by this Ordinance,
 - c. not completing structures or other improvements consistent with any approved Improvement Location Permit, variance, special exception, or other approval,
 - d. not meeting the conditions or commitments of a special exception, variance, re-zoning, or other approval,
 - e. not meeting the conditions of a Site Development Plan, Planned Unit Development Detailed Plan, or written commitment, and
 - f. illegal use or expansion of use of structures, or structures and land in combination.

B. Memorandum of Agreement: The Planning Director must meet with the person(s) served the Stop-Work Order notice within 7 days of any such meeting being requested. A Memorandum of Agreement shall be drafted stating the conditions by which construction or action may be resumed. This memorandum of Agreement must be signed by the Planning Director and the property owner that is responsible for the violation.

C. Appeals: Any Stop-Work Order issued as a result of the enforcement of this Ordinance, as specified in this Chapter, may be appealed to the Board of Zoning Appeals. This appeal shall follow the provisions established for Administrative Appeals by Chapter 11.5.

D. Resumption of Construction Activity: The Stop-Work Order shall be lifted and construction activity may resume upon either (1) the resolution of the violation(s) or (2) the execution of tasks required by the Memorandum of Agreement.

12.3 Immediate Public Risk Violations

Any violation of this Ordinance that presents an immediate risk to the health, safety, or welfare of the public or to property within the community may be corrected by the Planning Director, or a person, firm, or organization selected by the Planning Director without prior notice to the property owner or other person responsible for the violation.

A. Immediate Public Risk Violation Defined: Immediate Public Risk violations shall include:

1. Obstructions: Signs, structures, landscaping or other materials placed in a public right-of-way, easement, or sight visibility triangle in violation of this Ordinance;
2. Distractions: Any sign, structure, landscaping, or other material located on private property that serves to distract or inhibit operators of motor vehicles on adjacent public streets, pedestrians, or other members of the general public; and
3. Other Threats: Any other immediate threat to public welfare as determined by a municipal entity, such as the Board of Public Works and Safety or Board of Zoning Appeals based on the advice and recommendation of the Planning Director.

B. Seizure of Materials: Any sign, structure, landscaping or other material that constitutes an immediate public risk violation may be seized by the Planning Director in a manner that results in the most minimal damage to the material and the property on which it is located.

C. Notice of Violation: The Planning Director shall provide notice to the owner of the property upon which the violation was located, or any discernible appropriate owner of materials placed within the right-of-way in violation of this Ordinance, by placing a notice in a conspicuous place on the property and by providing a letter to that property owner.

1. Notice Time Requirements: All notice letters shall be sent to the property owner via certificate of mailing within 24 hours of the seizure. All notice that is posted on the property shall be posted at the time the material is seized.
2. Notice Contents: The letter and posted notice shall include the following:
 - a. a description of the materials seized,
 - b. a citation of the sections of the Ordinance that were violated and the characteristics of the violation that posed an immediate threat to public welfare,
 - c. the address and phone number of the Planning Director and the name of the person to be contacted by the property owner to discuss the violation and request the return of the seized item(s); and
 - d. instructions describing how, where, and when the seized items may be claimed.

D. Storage and Retrieval of Seized Materials: The Planning Director shall store any sign, structure, landscape materials or other items seized in a secure location for a period of no less than 30 days from the date notice was provided to the property owner. The property owner may claim the seized property at any time following its seizure upon the payment of the fine specified on the Fee Schedule and the establishment of a Memorandum of Agreement between the property owner and Planning Director regarding the future use of the item in a manner consistent with this Ordinance.

E. Liability: Neither the Planning Director, the City of Franklin, nor any other official or entity involved in the seizure shall be liable for any damage to the seized materials or the property from which they were taken.

12.4 Violation Procedures

A. General Procedures: There shall generally be a three-step procedure for the enforcement of violations as outlined below. Modifications of this procedure may occur at the discretion of the Planning Director and may include additional notices, extensions of time limits, or expedited or delayed steps to address immediate threats to public safety,

1. Notice of Violation: The Planning Director shall issue a Notice of Violation to the person(s) committing, in whole or in part, a violation. The Notice of Violation is a warning to the violator(s) that a violation has been determined and that it must be corrected within a specified time frame from the date of the mailing or posting.
2. Notice of Fines for Violation: The Planning Director shall issue a Notice of Fines for Violation to the person(s) committing, in whole or in part, a violation. The Notice of Fines for Violations is a citation that states the fines for the violation. The Notice of Fines for Violation shall be mailed via Certified Mail, Return Receipt Requested by the Planning Director. The person(s) in violation will have a specified number of days from the date of the mailing to pay all applicable fines, and must correct the violation within the time period specified by the Planning Director or face additional fines.
3. Legal Action: If the person(s) in violation refuses to pay the fines and/or correct the violation within the time frame specified by the Notice of Fines for Violation, the Planning Director may refer the violation to the Plan Commission attorney in order to pursue court action through a court of jurisdiction. Additional fines and liens against the property may also be pursued until the matter is resolved.

B. Monetary Fines: Monetary fines may be imposed at the discretion of the Planning Director with the Notice of Fines for Violations.

1. Multiple Violations: Each violation shall constitute a separate offense.
2. Fine Amount: Each separate offense shall be subject to a maximum fine specified by the adopted Fee Schedule issued on a per day basis from the date of compliance requested by the Planning Director in the Notice of Violation.
 - a. In addition to any fine imposed, any person who initiates any activity that requires an Improvement Location Permit or Downtown Approval without first obtaining a permit or

certificate may be required to pay up to 2 times (2x) the normal amount of the permit or certificate as a fine, consistent with the adopted Fee Schedule.

- b. The amount of any fine shall be as specified in the adopted City of Franklin Fee Schedule.
3. Payment: The payment of any violation shall be by cash or cashier's check and shall be delivered to the Planning Department who shall forward the funds to the Clerk-Treasurer for deposit in the appropriate fund.
 - a. The Planning Director shall issue a receipt to the person making the payment.
 - b. The Planning Director may, at his/her discretion, waive the assessed fine for the otherwise timely correction of the violation.

C. Appeals: Any person receiving a Notice of Violation and/or Fines for Violation may appeal the violation and/or fine to the Board of Zoning Appeals or to a court of jurisdiction. A written statement from the person in violation, either filing an Administrative Appeal consistent with Chapter 11.5 of this Ordinance or giving notice of the filing of an action with a court, shall be submitted to the Planning Director via Certified Mail at least 3 days prior to the date any fine and/or compliance is due.

1. Fines: No additional fines shall accrue from the date of the appeal until the BZA or court of jurisdiction has made a ruling as to the violation and/or fine.
2. Additional Notices: No additional notices will be issued by the Planning Director if the person(s) in violation has (have) submitted an appeal or notice of court review.

D. Legal Remedies: The Planning Director via the Plan Commission attorney may bring an action in the Circuit or Superior Court of Johnson County to invoke any legal, equitable, or special remedy, for the enforcement of any ordinance or regulation created under IC 36-7-4, and its subsequent amendments.

1. Enforcement: This enforcement includes but is not limited to the following:
 - a. The Zoning Ordinance, Subdivision Control Ordinance, Sign Code and any other requirements adopted separately by the Common Council or adopted by their reference in the Zoning or Subdivision Control Ordinance,
 - b. All agreements with the Plan Commission or its designees that have been established as written commitments,
 - c. All commitments made in accordance with IC 36-7-4 et al, and
 - d. All conditions imposed in accordance with IC 36-7-4 et al.
2. Restraint: The Planning Director may bring action in the Circuit or Superior Court of Johnson County to restrain a person violating IC 36-7-4 et al. or any ordinance adopted under IC 36-7-4 et al.
3. Removal of Structures: The Planning Director may also bring an action in the Circuit or Superior Court of the County for a mandatory injunction, directing the property owner to remove a structure erected in violation of this Ordinance.
4. Responsibility for Costs: The property owner shall bear all costs related to the enforcement of this Ordinance with regard to violation(s) on his/her property including the costs of any required remedy, any fines, and the costs of enforcement (including reasonable attorneys fees, hours worked, photocopying charges, mileage, and other costs incurred directly or indirectly by the City).
 - a. *Documentation:* Only those costs of enforcement that are clearly documented by the Planning Director, and that clearly have a relationship to the enforcement action shall be paid by the respondent.
 - b. *Determination:* In all instances the dollar amount to be paid by the respondent shall be determined by the court of jurisdiction or through compromise agreement reached by the parties involved.
5. Other Parties Eligible to Seek Enforcement: An action to enforce a written commitment made in accordance with IC 36-7-4 et al. may be brought in the Circuit or Superior Court of the County by:

- a. *Rules and Procedures Provisions:* Any person who is entitled to enforce a commitment made in accordance with IC 36-7-4 et al. under the Rules and Procedures of the Plan Commission or the Board of Zoning Appeals in force at the time the commitment was made; or
- b. *Specified Parties:* Any other specially affected person who was designated in the written commitment.

Article 13 – Definitions

(list of additional defined words)

Cornice: any prominent, continuous, horizontally projecting feature surmounting a wall or other construction

Display window: any first floor window of a primary façade of a commercial building

Fluorescent: strikingly bright, vivid, or glowing

Historic Building: Any building identified as contributing, notable, or outstanding by the Indiana Historic Sites and Structures Inventory – Johnson County Interim Report

Historic Material: Any material on the exterior of a historic building or structure

Historic Structure: Any building or structure identified as contributing, notable, or outstanding by the Indiana Historic Sites and Structures Inventory – Johnson County Interim Report

Kick Plate: A horizontal element or assembly at the base of a storefront parallel to a public walkway. The kick plate provides a transition between the ground and storefront glazing area.

Parapet wall: the portion of an exterior wall that continues above the line of the roof surface

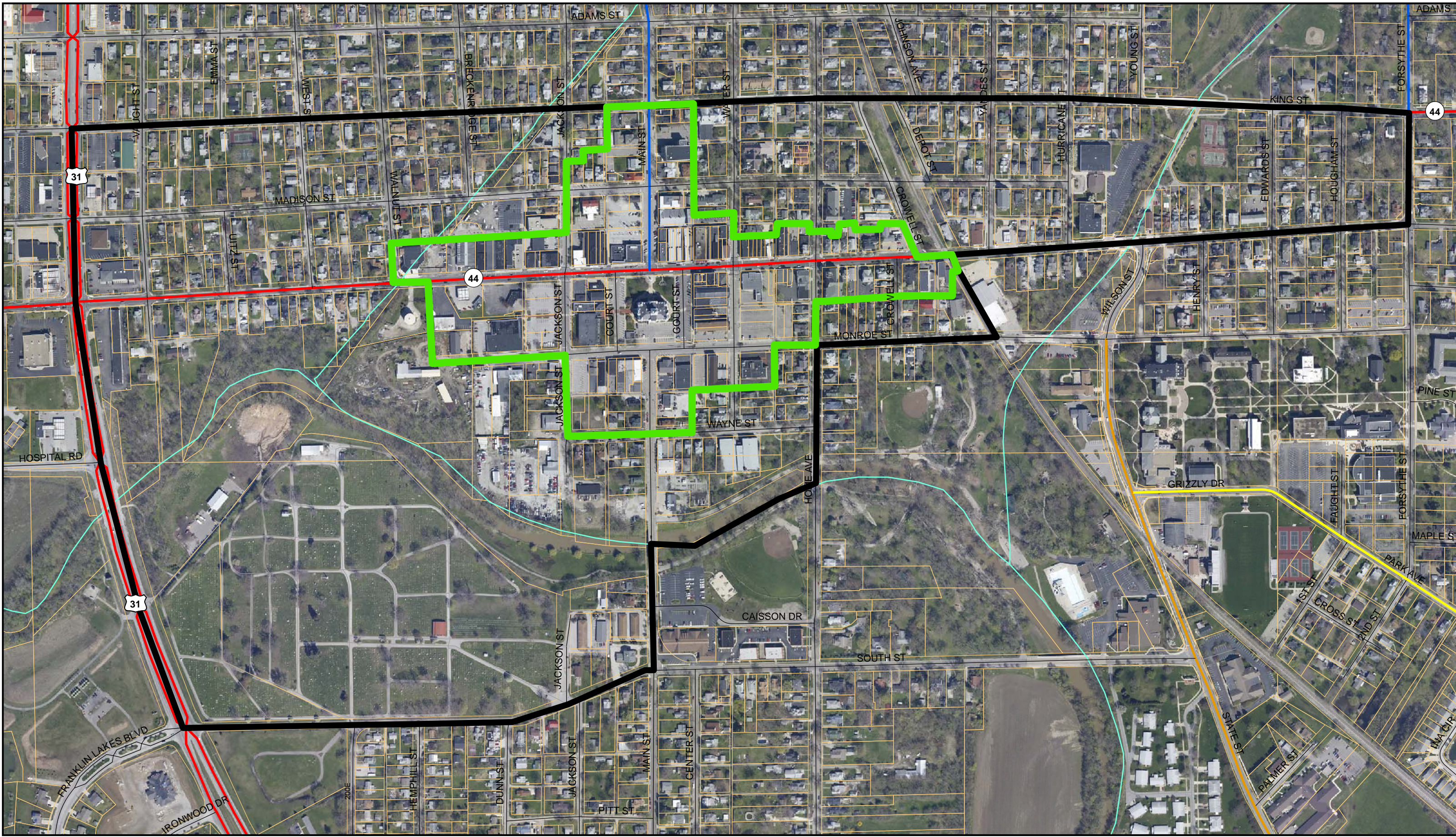
Façade, Primary: the façade which faces a public street and contains the main entrance to the building

Façade, Secondary: any façade which faces a public street but it not considered a primary facade

Signage Band: a clear strip for containing signage located between the transom of the first floor and the windows of the second floor on any primary façade





Storefront: the facade of a building facing a public street, containing display windows and an entryway

Transom: the window located above the structural cross-piece over a door or window



N
1 inch = 383 feet
May 17, 2010

Figure 1

 Downtown Standards
 Downtown Overlay (DT-OL)
 Downtown Guidelines
 Integrated Economic Development Area

