
TITLE FIVE - Historic District Code
Historic District Code

Art. 1735. Historic District Code

ARTICLE 1735
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1735.01 DESCRIPTION

For the purpose of protecting historical areas and structures within the City of Franklin which have a distinctive character recalling the rich architectural and historical heritage of Pennsylvania and of the City of Franklin, and of making them a source of inspiration to our people by awakening interest in our historic past, and to promote the general welfare, education and culture of Franklin; the area of the City of Franklin hereinafter described is hereby declared a Historic District, to-wit:

ALL those certain pieces and parcels of land situate in the First and Second Wards of the City of Franklin, Venango County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at the southeasterly corner of In Lot No. 385 on the northerly line of 8th Street; thence northerly along the easterly line of In Lots Nos. 385, 388, 389, 393, 396, 397, 400, 401, 404 and 405 to a point in the center line of 9th Street; thence easterly along the center line of 9th Street to a point at its intersection with the northerly extension of the easterly line of Out Lot No. 21; thence northerly to a point on the northerly line of 9th Street at the southeast corner of Out Lot No. 26; thence northwesterly along the most easterly line of Out Lots Nos. 26, 28 and 29 to a point on the northerly line of 10th Street; thence westerly along the northerly line of 10th Street to a point 150 feet from the easterly line of Elk Street; thence northwesterly by a line 150 feet from and parallel to the easterly line of Elk Street to a point in the center of 12th Street; thence westerly to a point on the northwest line of 12th Street at the northeast corner of In Lot No. 557; thence westerly along the northerly line of In Lots 557, 556, 555, 594, 552, and 551 to a point at the northeast corner of In Lot No. 550; thence northerly by the east line of In Lot No. 597 to the southerly line of Otter Street to the northwest corner of In Lot No. 597; thence westerly by the southerly line of Otter Street to the northwest corner of In Lot No. 597; thence westerly by

the southerly line of Otter Street to the northeast corner of In Lot No. 599; thence south by the east line of In Lot No. 559 to a point at the northeast corner of In Lot No. 548; thence west by the line of In Lots Nos. 548, 547, 546, 545, 544, and 541 to the northeast corner of In Lot No. 540 on the west line of 13th Street to the south line of Otter Street; thence west by the south line of Otter Street; thence west by the south line of Otter Street to the east line of 14th Street; thence south by the west line of 14th Street to the northwest corner of In Lot No. 525; thence west across 14th Street and by the northerly line of In Lots Nos. 524, 521, 520, 517, 516, 513, 512 and 509 to the easterly line of 15th Street; thence south by the east line of 15th Street to a point 170 feet from Liberty Street; thence west by a line parallel to and 170 feet from the north line of Liberty Street to a point on the west line of 16th Street; thence south by the west line of 16th Street, 20 feet, more or less, to the northeast corner of land now or formerly of _____; thence west by the north line of land now of _____ by a line parallel to and 150 feet from the north line of Liberty Street 150 feet to a point at the northwest corner of land now of _____; thence south by a line parallel to and 150 feet from the west line of 16th Street to a point on the westerly extension of the north line of Buffalo Street; thence west by the westerly extension of the north line of Buffalo Street to the City Line; thence south by the City line to the center line of the land which runs east from Rosemont Farm to Miller Avenue; thence east by the center line of said lane to the center line of Miller Avenue; thence south by the said center line of Miller Avenue by its various courses to the center line of Wiley Avenue; thence by the center line of Wiley Avenue northerly to the center line of Plumer Avenue; thence northeasterly by the center line of Plumer Avenue to the center line of 15th Street; thence by the center line of 15th Street to a point at the southwest corner of In Lot No. 88; thence east by the southerly line of In Lot Nos. 88, 89, 92, 93, 96, 96, 100 and 101 to a point in the east line of 14th Street; thence south by the east line of 14th Street to the southwest corner of In Lot No. 70; thence east by the south lines of In Lots Nos. 70, 67, 66, 63, 62, 59, 58 and 55 to the east line of 13th Street; thence north by the east line of 13th Street to a point 70 feet northerly along said east line of 13th Street from the northeast corner of the intersection of 13th and Buffalo Streets; thence east by the southerly line of land now or formerly of Vincent A. Stallone, to an alley; thence north by the west line of said alley, 75 feet, more or less, to the line dividing In Lots Nos. 122 and 121; thence east by the south line of In Lots Nos. 121, 124, 125, 128, 129, 132, 133, 136, 137, 140 and 141 to the southeast line of 12th Street; thence southwest by the southeast line of 12th Street to the most westerly corner of In Lot No. 37; thence southeasterly by the southwesterly line of In Lots Nos. 37, 35, 34, 31, 30, 27, 26, 23 and 22 to the northwest line of 11th Street; thence northeasterly by the northwesterly line of 11th Street to a point common to In Lots Nos. 164 and 163; thence southeasterly by a line parallel to and 150 feet from the westerly line of Liberty Street to the center line of 9th Street; thence southerly by a line parallel to and 150 feet from the west line of Liberty Street to the north line of 8th Street; thence east by the north line of 8th Street to a point, the place of beginning.

(Ord. 1 of 1979, Sect. 1, Passed 1-15-79;
Ord. 8 of 1983, Sect. 1, Passed 7-25-83)

1735.02 BOARD OF HISTORICAL ARCHITECTURAL REVIEW CREATED

A certified copy of this Ordinance shall be submitted to the Pennsylvania Historical and Museum Commission and, upon receipt of the certification by resolution of said Commission to the historical significance of the aforesaid Historic District, the Franklin Board of Historical Architectural Review is hereby established to consist of seven (7) members. One member of the Board shall be a Registered Architect, one member shall be a licensed real estate broker or sales associate, one member shall be a building inspector, and the remaining four (4) members shall be persons with knowledge of and interest in the preservation of Historic Districts. All members of the Board of Historical Architectural Review shall be residents of the City of Franklin, excepting only the member of the Board who is a Registered Architect. The Mayor of the City of Franklin shall appoint the members of the Board with the advice and consent of the City Council. (Ord. 8 of 1989, Sect. 1, Passed 10-16-89)

The terms of the members of the Board shall be for three (3) years, except that the initial terms of the members of the Board who are a registered architect, building inspector and a licensed real estate broker shall be for three (3) years; the initial terms of the first two (2) appointed remaining members of the Board shall be for a term of two (2) years; and the initial term of the last two (2) appointed remaining members of the Board shall be for a term of one (1) year.

(Ord. 1 of 1979, Sect. 1, Passed 1-15-79)

1735.03 QUORUM

A majority of the Board of Historical Architectural Review shall constitute a quorum and action taken at any meeting shall require the affirmative vote of four (4) members of the Board. (Ord. 1 of 1979, Sect. 1, Passed 1-15-79)

1735.04 ACTION BY BOARD

The Board shall give counsel to the City Council of the City regarding the advisability of issuing any certificate which City Council may issue pursuant to this Ordinance. The Board shall give said counsel by written report to City Council within thirty-one (31) days after submission of an application for a building permit, and failure to do so shall constitute a recommendation of the application by the Board for approval by City Council. (Ord. 1 of 1979, Sect. 1, Passed 1-15-79)

1735.05 ACTION BY COUNCIL

City Council shall have the power and duty to certify to the appropriateness of the erection, reconstruction, alteration, restoration, demolition or razing of any building or sign in whole or in part within the Historic District or Districts within the City of Franklin. Any agency charged by law or by local ordinance with the issuance of permits for erection, demolition or alteration of buildings or signs within the Historic District shall issue no permit for any such building or sign changes until a certificate of appropriateness has been received from City Council; excepting, however, the Code Enforcement Officer of the City of Franklin may issue such permits when the only work to be done is to reconstruct, repair or restore a part of any building or sign within the Historic District in the same style, plan, dimensions, materials and

appearance as the said part of the building existed on March 21, 1979, or as the said sign existed on January 31, 1991. A sign shall be defined for the purposes of Article 1735 as any device, structure, or object used for visual communication, advertising, or to convey information including its structure and component parts, but not including any cloth flag of any public, quasi-public, civic, charitable, or religious group. (Ord. 7 of 1979, Sect. 1, Passed 8-6-79; Ord. 3 of 1991, Sect. 1, Passed 2-18-91)

1735.06 CERTIFICATE OF APPROPRIATENESS

City Council, in determining whether or not to certify to the appropriateness of the erection, reconstruction, restoration, demolition or razing of a building, in whole or in part, or the erection or replacement of a sign, shall consider the effect which the proposed change will have upon the general historic and architectural nature of the district. The City Council shall pass upon the appropriateness of exterior architectural features which can be seen from a public street or way, only, and shall consider the general design, arrangement, texture, material and color of the building or structure, and the material, color, lettering, and size of a sign, and the relation of such factors to similar features of buildings and structures and signs in the district. City Council shall not consider any matters not pertinent to the preservation of the historic aspect and nature of the district. Upon giving approval, City Council shall issue a certificate of appropriateness authorizing a permit for the erection, reconstruction, alteration, restoration, demolition or razing of a building, in whole or in part, or the erection or replacement of a sign. Disapproval of City Council shall be in writing, giving reasons therefor, and a copy thereof shall be given to the applicant, to the Code Enforcement Officer, and any agency issuing permits and to the Pennsylvania Historical and Museum Commission; excepting only when an applicant requests a delay in the approval or disapproval by City Council, which delay shall not exceed thirty (30) days, approval or disapproval by City Council shall be at its first meeting following receipt of a report from the Board or at its first meeting after thirty-one (31) days have transpired following the filing of an application if no report has been received from the Board; and failure of City Council to approve or disapprove the application within said time period plus any delay required by the applicant not to exceed thirty (30) days additional time shall constitute approval of the application by City Council. City Council's approval or disapproval shall be issued by the City Clerk within three (3) business days next following the Council meeting at which approval or disapproval is made. (Ord. 1 of 1979, Sect. 1, Passed 1-15-79; Ord. 3 of 1991, Sect. 2, Passed 2-18-91)

1735.07 APPEARANCE BEFORE BOARD AND COUNCIL

Any person applying for a building or sign permit within a Historic District shall be given notice of the meeting of the Board of Historical Architectural Review which is to counsel the City Council, and of the meeting of the City Council which is to consider the granting of a certificate of appropriateness for the said permit, and may appear before the said meetings to explain his reasons therefor. Any such person so appearing before the Board of Historical Architectural Review and/or the City Council shall present at such meeting photographs of the present condition of the portions of the building or structure or sign intended to be changed and sketches or plans illustrating said proposed changes or sign to be erected. In the event of a failure to recommend, the Board, and, in the event of its disapproval, the City Council, shall also indicate what changes in his plans and

specifications would meet its conditions for protecting the distinctive historical character of the Historic District. (Ord. 21 of 1979, Sect. 1, Passed 12-27-79; Ord. 3 of 1991, Sect. 3, Passed 2-18-91)

1735.08 APPEAL

Any person aggrieved by failure of the Code Enforcement Officer and/or any agency charged by law or by local ordinance to issue a permit for such building or sign changes by reason of the disapproval of City Council may appeal therefrom in the same manner as appeals from decisions of the Code Enforcement Officer and/or any agency charged by law or by local ordinance with the issuance of permits for such building changes. (Ord. 1 of 1979, Sect. 1, Passed 1-15-79; Ord. 3 of 1991, Sect. 4, Passed 2-18-91)

1735.09 SEVERABILITY

The provisions of this Ordinance are severable and, if any of its provisions shall be held unconstitutional, the decision of the Court shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Council of the City of Franklin that this ordinance and all of its provisions would have been adopted had such unconstitutional provisions had not been included herein. (Ord. 1 of 1979, Sect. 1, Passed 1-15-79)

1735.99 VIOLATIONS AND PENALTIES

a.) The Code Enforcement Officer shall give written notice of a violation of this Code and Order, in respect to a violation of any provision of this Code, or a violation of a statement or plan approved hereunder, or a violation of a permit or certificate issued under the provisions of this Code; and such Order shall direct discontinuance of the illegal action or condition and the abatement of the violation. The aforesaid written notice shall be deemed to have been served when deposited in the United States mail, ordinary postage prepaid, enveloped and addressed to the violator at his last known address.

b.) Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements hereof or shall erect, reconstruct, alter, restore, demolish or raze any building or sign in whole or in part within the Historic District or districts within the City of Franklin in violation of an approved statement or plan or of a permit or certificate issued under the provisions of this Code or without first obtaining a certificate or appropriateness or other permit or permits required by this Code, and any person aiding, abetting or assisting in any such violation, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than Twenty-Five Dollars (\$25.00), nor more than Five Hundred Dollars (\$500.00); provided, however, that no such penalty shall be imposed except as to violations continuing to exist after the thirtieth (30th) day subsequent to service of written notice of violation pursuant to Subsection a.) of this Section. Each day that a violation is continued after the thirtieth (30th) day subsequent to service of written notice of violation pursuant to Subsection a.) of this Section shall constitute a separate offense.

c.) All fines and penalties received by the City from enforcement of this Code shall be paid to the Finance Director of the City and deposited in the general unappropriated funds of the City.

d.) If the notice of violation and order served pursuant to subsection a.) of this Section are not complied with within thirty (30) days of service, the City may, in its discretion and in addition to any other remedies provided for herein and otherwise provided in law or equity, institute appropriate proceedings at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or sign in violation of the provisions of this Code or of any order or direction made pursuant thereto.

(Ord. 2 of 1980, Sect. 2, Passed 2-4-80;
Ord. 3 of 1991, Sect. 5, Passed 2-18-91)