

Proposed changes to 305-22 “Downtown Revitalization District” are shown via red ink: removal of existing language is shown via ~~line strikes~~; additions are shown via underlining.

305-22 Downtown Revitalization District

[Added 8-6-2007 by Ord. No. 02-08]

A.

Authority. These provisions are adopted pursuant to the applicable sections of RSA 672 through 677, and specifically RSA 674:21, Innovative Land Use Controls.

B.

Preamble. The downtown mill district area has been an important part of the fabric of the Franklin community for almost 100 years. As industry blossomed and grew so did the vitality of the downtown. Small businesses flourished and social, civic, and governmental interaction was an everyday occurrence. But as the mills closed or relocated elsewhere and the workers were displaced, the vitality of the overall downtown area suffered. The overall goal of these zoning and land use regulations is to create land use regulations and opportunities that will be the foundation of an effort to restore that vibrancy to the downtown.

C.

Purpose. The purposes of these provisions are intended to:

(1)

Recognize that the jurisdictional area of this district is important to the overall economic vitality of the City of Franklin and the region as a whole.

(2)

Recognize that the jurisdictional area is important to the overall historic nature and fabric of the City.

(3)

Provide a framework for the creation of business, commercial, and residential opportunities and uses within the district, and encourage high quality and sustainable economic development.

(4)

Create guidelines that will provide for diversity of housing options relative to the size of the proposed dwelling units to insure that different housing needs are met.

(5)

Promote the reuse of the historic mill buildings insuring that a diversity of uses is allowed.

(6)

Encourage multi-use buildings that contain residential, commercial, retail, and business uses.

(7)

Recognize that market forces impact how and when development occurs and the types of developments that are planned as a result of a changing economy, but at the same time recognize that the long-term interests of the City and its residents for productive growth that helps to stimulate the local and regional economy are an utmost concern.

(8)

Insure that the proposed uses are compatible and will not create concerns or issues with public health, safety, or welfare.

(9)

Insure that the issues and concerns of vehicular access and egress, traffic management, and parking are adequately and appropriately addressed.

(10)

Refocus attention on the significant natural resource of the Winnepesaukee River and encourage efforts that open up access to and enjoyment of the river.

(11)

Encourage efforts to redevelop the existing mill buildings and other buildings within the district so as to promote energy efficiency, the use of sustainable resources, and intelligent use of the land and associated natural resources.

(12)

Encourage and promote cooperation between the City government, property and business owners, and developers on development options and opportunities, especially in the area of parking and the use of municipal properties.

(13)

Create a regulatory framework that both complements and carries out the goals of the Franklin Master Plan, the overall provisions of the Zoning Chapter, and other applicable City Codes.

D.

Creation of District; jurisdictional area. To create a mechanism to foster and implement the purposes above, the Downtown Revitalization District (hereinafter DRD) is created. The jurisdictional area of the district is as shown on the associated Boundary Map, which is incorporated as part of this Zoning chapter. The DRD does include all of the City's Odell Park. The area shown is a portion of the Franklin Falls Historic District.

E.

Applicability and relationship to other zoning provisions. These provisions create an overlay district for the jurisdictional area and are intended to supplement, restrict, or supersede the provisions of the underlying zone. In the sections below, the specific language of any individual section will serve to provide notice as to the exact nature of the relationship between the overlay district and the underlying zoning.

F.

Permitted uses; nonpermitted uses; site plan review; change of use.

(1)

The permitted use table below, which supersedes the permitted use table contained in the Zoning Chapter (§ **305-13**), outlines the allowed uses within this District. Any use designated with a "P" is a permitted use. If the use is designated as requiring a special use permit (SUP), the general and/or specific performance standards outlined in these provisions shall apply, as applicable. Any use not listed is not permitted, with the exception that uses determined by the Planning and Zoning Administrator to be similar to and consistent with a permitted or SUP use are permitted through the appropriate permitting mechanism. One criterion to be employed by the Administrator in making such a determination is whether or not the chapter at § **305-13** clearly makes a specific proposed use for the

district a nonpermitted use for the underlying zone. Any appeal of said determination may be filed with the Zoning Board of Adjustment consistent with applicable RSAs and the Zoning Chapter.

(2)

Site plan review will be required for any use that meets the thresholds of Chapter **402**, Site Plan Review. If a SUP is required for any proposed use, then the hearing for the site plan and the SUP may be held concurrently.

(3)

When a change of use permit, as outlined in § **305-31A(4)** of the Zoning Chapter, is required, then the permit application shall demonstrate the proposed use will comply with all applicable provisions of the Zoning Chapter, including those of the Downtown Revitalization District.

(4)

Individual areas within the larger mill buildings may be used as the location of accessory storage and warehouse space for the established businesses within the district.

Permitted Use Table

[Amended 12-14-2015 by Ord. No. 07-16]

Single- and two-family units [See Subsection <u>I(1)</u> .]	P	Day-care center	SUP
Multi-family units	SUP	Light industry and research and development	SUP
Bed-and-breakfast establishments; inns; hotels	SUP	Home occupations (See Subsection J.)	P/SUP
Commercial school	SUP	Individual retail use greater than 5,000 square feet in size	SUP
Retail business	P	Nursing home; indepen-	SUP

Permitted Use Table

[Amended 12-14-2015 by Ord. No. 07-16]

		dent or assisted living facility	
Personal and profess- ional service	P	Private school	SUP
Personal conven- ience service	P	Night club	SUP
Restaur- ants and eating/ drinking establish- ments	P	Recreation and amuse- ment facilities	SUP

G.

Performance standards for residential and nonresidential special use permits. As noted on the Permitted Use Table in Subsection F above, certain uses require a special use permit [SUP]. The performance standards by which the Planning Board will review and judge a SUP application are outlined below. The granting of a SUP is a discretionary action on the part of the Board, and while guided by the these performance standards, the decision to approve or deny such a permit will be dependent upon specific site and building conditions analyzed in relationship to the specific design, development, and operational management of the proposed use and the potential for impacts of the proposed use on the overall character of the district. The following standards shall apply, as determined by the Board to be applicable, to all SUP reviews:

(1)

The specific character of the proposed use is appropriate for the mixed-use, downtown and pedestrian-oriented environment.

(2)

The specific use and its size, location and design will not distract from, or have a negative impact on, the remainder of the DRD.

(3)

The specific use will support, promote, and conform to the purposes of the overall chapter.

(4)

The specific and unique needs of the proposed use will function safely and in an environmentally sound fashion.

(5)

The traffic (both customers and truck/delivery vehicles) generated by the proposed use will not create adverse impacts for the specific building and the overall neighborhood.

(6)

The proposed use will not utilize any gases, liquids, solids or any other materials used in any phase of the processing, production, or packaging phase, or generate any material that is classified by the State of New Hampshire or the federal EPA as a hazardous material or waste.

(7)

~~If the proposed use will operationally involve any second shifts, or will be open past 9:00 p.m., then the parking requirements for said use will not be allowed to utilize any shared or overlapping parking with any residential uses in the subject building.~~

(8)

The special use permit plans for any type of day-care, nursing, sheltered care, or related assisted living facility shall demonstrate that safe and secure outside facilities (play areas, decks or patios, gazebos, grassed sitting areas, etc.) are available and accessible to the clients or residents, as applicable, of the facility.

H.

Building codes; general permitting criteria; building setbacks.

(1)

The work associated with the construction of any new building or the alteration to any existing building, including but not limited to the creation of new residential dwelling units, must conform to all applicable building and fire prevention codes and regulations of the City. The City reserves the right to utilize the provisions of the International Existing Building Code, or the provisions of the International Building Code, 2000 version (as revised) relative to historic buildings (Chapter 34 of the 2000 IBC), for alterations to any existing building, provided that the proposed work does not compromise, in the opinion of the Fire Chief and the Code Enforcement Officer, the

life safety requirements for fire prevention, access and egress, and associated concerns. Other similar building codes may be utilized at the discretion of the Fire Chief and the Code Enforcement Officer.

(2)

All construction and alteration work, including the installation of any new or modified heating systems, fire suppression systems, changes to the interior layout of any specific space, and related activity, must be performed under the issuance of a building permit.

(3)

As outlined in the Franklin Heritage Commission Regulations, certain work, including, but not limited to, all new construction, the exterior alteration of existing buildings, the removal of any buildings or portions thereof, or the placement of new or altered signage, will trigger a permitting process by the Franklin Heritage Commission. Any property owner or prospective applicant is to consult the regulations and policies of the Heritage Commission to insure that the proposed work will be designed in conformance with all applicable requirements.

(4)

The costs of any outside review of any phase (legal, engineering, surveying, traffic, etc.) of a development proposal shall be borne by the owner/developer. The Franklin City Council may elect, through the appropriation of City funds, to participate in the cost sharing of certain studies, reviews, investigations, etc. (for example a traffic study).

(5)

The provisions of § **305-14**, Lot and yard requirements, of the Zoning Chapter notwithstanding, the front, side, and rear yard setbacks for any new building will be determined as part of the site plan review process. In most cases, but dependent upon site conditions and the proposed use, the placement of a building that fronts directly on Central Street will utilize a setback consistent with the abutting properties or the general setback for the affected block. Any building existing at the time of adoption of this section and demolished, removed due to general deterioration, or damaged by fire or other calamity may be rebuilt on the same footprint.

(6)

For any commercial, residential, or mixed-use building, all dumpsters and similar trash receptacles shall be screened by solid wood fencing, or other acceptable alternative, and all trash shall be disposed of by a private, nonmunicipal provider, unless so directed or allowed by the City, through the City Council or the Municipal Services Director through a policy or other similar written approval.

I.

Residential use: density, permitting, and performance standards.

(1)

No stand alone single- or two-family dwelling units are allowed. Single- and two-family residential units are allowed as part of a multi-use building.

(2)

No residential living areas shall be allowed on the first or ground floor area of any building with frontage on Central Street or Church Street, Memorial Street south of Canal Street, or Franklin Street north of Ayles Court.

(3)

For the buildings located on Tax Map 117, Lots 142, 143, 153, and 365 (as designated by the Assessor's Office at the time of adoption or as modified by any subdivision, lot merger, or other similar action) no less than 30,000 total square feet of floor space between all of the lots referenced above shall be dedicated to commercial, business or retail use.

[Amended 8-3-2020 by Ord. No. 03-21]

(4)

In order to create and allow for a variety of housing types and options, the following provisions shall apply:

(a)

For any proposal to create more than 10 multifamily dwelling units in a new or existing building, no more than 33% of the units shall be less than 720 square feet in size, and no more than 5% of the units shall be three bedrooms or larger in size;

(b)

For any proposal to create between three and 10 multifamily dwelling units in a new or existing building, no more than two of the units shall be less than 720 square feet in size, and no more than one unit shall be three bedrooms or greater.

(5)

The provisions of Subsection **I(4)** above notwithstanding, the Planning Board may authorize a multi-unit project with units less than 720 square feet, providing that the project satisfies the parking requirements and the requirement in Subsection **I(6)(d)** below for the creation of appropriate common community space.

[Added 8-3-2020 by Ord. No. 03-21¹²¹]

[2]

Editor's Note: Pursuant to this ordinance, former Subsection I(5) was redesignated as Subsection I(6).

(6)

The creation of any new residential units in a new or existing building shall trigger the need to comply with the performance standards below, in addition to the SUP performance standards as outlined in Subsection G.

(a)

Parking shall be provided in conformance with the provisions of ~~Subsection L~~ below the Site Plan Regulations.

(b)

No outside storage of any goods or materials is allowed, except items such as chairs and tables may be located on decks, balconies, patios, or other similar sitting areas. An area for outdoor barbecuing may be approved through the site plan or SUP. No individual grills of any type are allowed on the decks or balconies of any individual unit

(c)

All new construction must meet or exceed the minimum state requirements for energy efficiency.

(d)

For any project which will create residential units in the buildings located on Tax Map 117, Lots 142, 143, 153, and 365 (as designated by the Assessor's Office at the time of adoption or as modified by any subdivision, lot merger, or other similar action), the site plan or SUP permit plan shall include for the provision of common community space that can be utilized by the residents of the subject building; for example the creation of an indoor or outdoor sitting or lounge area, a picnic area, or patio area with tables or benches. Such area shall, to the greatest extent possible, front on or overlook the abutting river.

J.

Home occupations. In order to provide for increased economic and lifestyle flexibility for the persons residing in this district, the integration of residential and business uses in the dwelling units is permitted as outlined and conditioned below. This type of unit-oriented mixed-use is sometimes called "live-work." These specific provisions supersede § 305-25, Home occupations, of the Zoning Chapter.

(1)

Occupations such as accountants, mental health providers, attorneys, business or computer consultants, tax preparers, appraisers, architects, engineers, secretarial service providers, and seamstresses are allowed with a permit from the Planning and Zoning Administrator.

(2)

For any proposed business not listed above, the Administrator shall determine whether or not the proposed use is similar to and consistent with the types of businesses listed. Any appeal of the determination of the Administrator shall be to the Zoning Board of Adjustment.

(3)

All of the occupations listed above will generally be owner-run businesses with no employees. If one employee is proposed, this should be detailed in the application to the Administrator, and consideration will be given by the Administrator to the adequacy of the space and the provisions for safe and healthy working conditions, and the potential for nuisances such as machine noise, excessive foot traffic, and other similar impacts.

(4)

Other than standard home-office copy machines and printers, no office equipment using any chemicals, solutions, liquids or other materials that cause odors or noise above the level of acceptable office conditions is permitted.

(5)

Occupations such as painters, artists, potters, and music teachers may be permitted through the issuance of a special use permit from the Planning Board. In reviewing the application, the Board will utilize the special exception criteria listed in § **305-4** of the Zoning Chapter, the performance standards outlined in Subsection **G** above, and the following performance standards:

(a)

The applicant shall demonstrate that the proposed activity will be conducted in such a fashion so as to insure that noise, fumes, odors, or dust do not impact any other residential unit in the subject building.

(b)

The individual unit is located within the subject building so that the delivery of materials will not adversely impact the other residents.

(c)

If the proposed use will utilize any cutting, grinding, welding, chiseling or similar actions then the individual dwelling unit must be located within the building so that direct access to the ground floor is available and all materials can be delivered to or removed from the unit through this access point.

(d)

The Board reserves the right to condition (hours of operation, location within the building or the individual unit, screening or separation from living areas, ventilation, sound-proofing, etc.) any proposed use to insure that it is carried out in such a manner to protect the health, safety, and welfare of the applicant and the other residents in the building and the surrounding area.

(e)

If the Board finds that the proposed use cannot be conducted so as to protect the interests outlined above, or the location is not appropriate for the proposed use, then it may deny the application.

(6)

The provisions of Subsection **J(5)** above notwithstanding, the Planning Board may issue a blanket special use permit for the home occupations listed in Subsection **J(5)**, and any other similar occupations as determined by the Board, provided that the developer/owner presents to the Board documents that demonstrate the establishment of a condominium or other building association that provided for a mechanism for monitoring and enforcing conditions to prevent the creation of nuisance condition for residents in the subject building.

(7)

None of the provisions in this section shall restrict or prohibit any occupant from utilizing separate units for residential and nonresidential purposes and having these units connected in an approved manner (first floor for business use and the second floor immediately above for residential use). For this type of scenario, additional employees beyond what is discussed above are allowed.

K.

Density bonus for LEED (green buildings) or historic restoration and/or renovations. Through the special use permit process, the Planning Board may award bonuses, up to 20%, to permit an increase in the number of allowed residential units in a specific building if the building as a whole is renovated or constructed in accordance with accepted and recognized LEED (Leadership in Energy and Environmental Design) criteria, or with accepted and recognized historic restoration criteria. The following performance standards, as applicable, shall be satisfied.

(1)

The design and planning work for the project shall be carried out by a LEED accredited professional.

(2)

A project for new construction shall be designed and constructed to be eligible for at least 45 LEED-NC (new construction) points. A project for the renovation of an existing building shall be designed and constructed to be eligible for at least 55 LEED-EB (existing building) points.

(3)

The design and planning work for the historic restoration shall be carried out by a professional deemed suitable and qualified by the Planning Board or the Heritage Commission, as applicable. To determine the qualifications, the applicant shall present a statement of qualification for the professional along with a listing (and sample photographs if available) of all restoration projects which the person or firm has worked on in the last three years.

(4)

The interior and/or exterior restoration work shall be designed to protect the historical integrity of the subject building. The Planning Board shall consult with the Heritage Commission on the determination of the suitability of the restoration consultant and the overall design and the extent of the restoration efforts.

(5)

The number and size of the allowed units used to establish the starting point for a density bonus shall be determined through the SUP permitting process.

L.

Parking.

(1) Parking requirements are found in the Site Plan Regulations.

~~For any building with residential dwelling units, a minimum of 1 1/3 parking spaces per unit is required. The residential parking shall be provided on the privately held land of the owner/developer or on leased land. The provisions of any such lease shall be reviewed, and if appropriate, approved by the Planning Administrator or the Planning Board during the course of a site plan review, special use permit process, or the issuance of a building permit. These types of parking spaces shall not be more than 300 feet from the subject property, but this distance may be waived or modified by the permitting person or Board based on a determination that the leased parking spaces are easily and safely accessible by the residents of the subject units.~~

~~(2)~~

~~The requirement for 1 1/3 spaces per unit notwithstanding, the Planning Board through the special use permit may authorize a project to be phased in such a manner so that the first phase utilizes one space per unit with a condition of the permit being that a review and analysis of the parking be conducted before permits are granted for subsequent phases to insure that one space is determined by the Board to be sufficient. Alternately, the Board may issue a special use permit for an entire building or development allowing one space per unit with a condition that a review be conducted in a specified time frame and if the number of spaces is found to be insufficient then the necessary additional spaces are created or otherwise constructed in the areas previously shown on the approved plan.~~

~~(3)~~

~~Through the special use permit process, the owner/applicant may request a reduction in the minimum number of required spaces. Such a request shall be accompanied with data on the number and size of the residential units, historic experience and evidence describing parking needs for similar mill redevelopment projects, lease language on limits on the numbers of vehicles per specific units, or other information or data deemed appropriate by the developer.~~

~~[Amended 8-3-2020 by Ord. No. 03-21]~~

~~(4)~~

~~Parking requirements for any nonresidential uses shall conform to one parking space for every 350 square feet of commercial/business use. Where municipal parking (not including any overnight parking) is available within 400 feet of the proposed use, then these municipal spaces may be counted towards the total number of nonresidential spaces required. The Planning Board reserves the right to deviate from the parking requirements in the Zoning Chapter based on a review and approval of a site plan or SUP and taking into account project specific issues and circumstances~~

~~[Amended 8-3-2020 by Ord. No. 03-21]~~

~~(5)~~

~~For multi-use buildings or projects containing both nonresidential and residential uses, the total number of required parking spaces for each separate and distinct use shall be provided.~~

~~(6)~~

~~The preceding subsection notwithstanding, the owner/developer of a multi-use building containing both residential and nonresidential uses may utilize up to 1/3 of the parking spaces required for the residential component towards the required number of nonresidential spaces.~~

~~(7)~~

~~For certain uses, such as a nursing home, the number of required parking spaces may take into account the age or other characteristics of the residents, and the Board may approve a decrease in the number of overall required spaces.~~

(82)

No building permit, occupancy permit, or change of use permit will be issued until such time as conformance with the parking requirements is documented through the submission of a parking plan showing the location of all proposed spaces.

(93)

No unregistered vehicles shall be kept at any time in the parking spaces created for, and allocated to, the residential or nonresidential uses within the district. And no trailers or trailer-type devices shall be kept in any parking space or hitched onto any passenger car, truck, or other vehicle located in any such parking spaces. No off-road vehicles (including but not limited to snowmobiles or four-wheelers, and associated trailers), RVs, campers, and similar vehicles are to be stored or kept in any parking areas.

(104)

Enclosed or covered parking areas may be approved by the Planning Board through the site plan review or SUP process. Existing buildings may be used for enclosed parking areas when allowed by the Planning Board through the site plan or SUP review process as long as the owner/developer is able to demonstrate through an engineered site plan that the design and layout of the proposed enclosed parking area is satisfactory to accommodate safe and controlled traffic flow and conforms to all building and fire codes relative to issues including, but not limited to, public health and safety, access and egress, ventilation and air quality, and fire suppression and separation.

(115)

In lieu of separate parking plans for individual buildings, two or more landowners/developers may propose to the Planning Board, through a joint site plan or SUP application, a master parking plan for their land within the district. The City of Franklin may be a partner in such an application, and the role of the City may include, but is not limited to, the leasing or other permitting of City property to satisfy the parking requirements for specific buildings, or the creation of additional overnight parking spaces on City-owned land.

~~(126)~~

All site or special use permit plans shall demonstrate that appropriate areas for snow removal and storage are available.

M.

Signage.

(1)

Per the Franklin Heritage Commission's Regulations, no neon, electronic or internally illuminated signage is allowed in the district.

(2)

All other requirements, including, but not limited to, size, number of signs, locations, and height, of § 305-24, Signage, of the Franklin Zoning Ordinance shall apply. The Planning Board reserves the right to deviate from the requirements in the Zoning Chapter for signage based on a review of the proposed project through the site plan or SUP process. The purpose of such a deviation would be to create signage that better reflects the historical nature of the area, reduce clutter created by too many signs or too large signs, or to create different types of signage (a directory type of sign for example) that is more appropriate for the proposed use of a building or joint project.

(3)

The City may participate in the placement on City property of directional or directory sign(s) for the purposes of identifying businesses, commercial or residential uses located in buildings not easily visible from Central Street; for example, a directory sign located on the intersection of Central Street and Smith Road. The City reserves the right to condition the size, color, and design of the proposed signage.

N.

Pedestrian performance standards.

(1)

All parking areas shall be designed so that pedestrians can easily and safely access the subject commercial or residential building.

(2)

All new or reconstructed sidewalks shall be designed to be barrier-free and built to comply with all state and federal ADA standards.

(3)

Pedestrianways between parking areas and the entrances to the subject building shall be delineated with pavement markings, pavers or brick, or other similar treatments to enhance pedestrian safety and comfort.

O.

Lighting performance standards.

(1)

Parking areas for both commercial and residential buildings shall be designed with lighting that provides for a safe pedestrian environment.

(2)

All lighting shall be designed with cut-off fixtures that do not allow any light dispersion or direct glare to shine above a ninety-degree or horizontal plane from the base of the fixture.

(3)

The City encourages the use of energy efficient lamps for all outdoor applications.

(4)

The design standards for lighting shall be per the site plan regulations or as directed by the Board through the site plan or SUP permitting process.

P.

Landscaping.

(1)

The site plan or SUP application shall include details on proposed landscaping. The purpose of and reason for providing landscaping for this district is to enhance the aesthetics of the area, which helps to promote and support enhanced residential and commercial activity.

(2)

The type and extent of landscaping will vary from building to building depending on the setbacks, the relationship between existing paved areas and available space for nonparking uses, and the location of the property in the district. The types of available landscaping options includes, but are not limited to, planting areas adjacent to the building, parking or sidewalk areas, window boxes, or seasonal planting boxes.

Q.

Premature and scattered development; off-site improvements.

(1)

Pursuant to the purpose statement contained at Subsection **C(8)** and **(9)** above, and the site plan regulations, the Board reserves the right to classify a proposed development as scattered and premature if it makes a determination that approval would create or involve danger or injury to the public's health, safety, or prosperity by reasons of the lack of: (a) Water supply, sewer capacity or means to deliver said utilities; (b) Adequate drainage; (c) Transportation and roadway access; (d) Fire protection; (e) Other similar public services; or (f) If the project would necessitate the excessive expenditures of public funds for the supply of such services.

(2)

The project proponent has the ability to resolve and overcome a determination of premature and scattered development by the construction of certain off-site improvements intended to alleviate the issue or shortcoming that creates the danger or injury. The construction of said improvements shall be pursuant to the applicable sections of the site plan regulations, or through the issuance and approval of an SUP.

[1]

Editor's Note: Former § 305-22, Campgrounds and travel trailer parks, was repealed 4-3-2006 by Ord. No. 07-06.