

Chapter 305 ZONING

[HISTORY: Adopted by the City Council of the City of Franklin 7-8-1991 by Ord. No. 91-3. Amendments noted where applicable.]¹

GENERAL REFERENCES

Conservation Commission -- See Ch. 11.
Planning Board -- See Ch. 77.
Driveways -- See Ch. 149.
Fire prevention -- See Ch. 166.
Floodplain management -- See Ch. 170.
Junkyards -- See Ch. 188.
Licenses and permits -- See Ch. 199.
Sexually oriented businesses -- See Ch. 248.
Wetlands -- See Ch. 300.
Site plan review -- See Ch. 402.
Subdivision of land -- See Ch. 403.

ARTICLE I

General Provisions

~ 305-1. Authority; purpose.²

This chapter, adopted in accordance with authority conferred by RSA 672 through 677, is designed to carry out the goals of the Franklin Master Plan and to:

- A. Encourage the most appropriate use of land throughout the city.
- B. Promote traffic safety.
- C. Provide safety from fire and other elements.
- D. Provide adequate light and air.
- E. Prevent overcrowding of real estate.
- F. Promote wholesome home environment.

¹ Editor's Note: Throughout this chapter, references to "Zoning Administrator" and "Code Enforcement Officer" were changed to "Planning and Zoning Administrator" at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

²Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- G. Prevent housing development in unsanitary areas.
- H. Provide an adequate street system.
- I. Promote the coordinated development of unbuilt areas.
- J. Encourage the formation of community units.
- K. Provide an allotment of land area in new developments for all requirements of community life.
- L. Conserve natural resources.
- M. Provide for adequate public services.

~ 305-2. Title.

This chapter shall be known and may be cited as the "Zoning Ordinance of the City of Franklin, New Hampshire."

~ 305-3. Word usage and definitions.

- A. Interpretation. In the interpretation and enforcement of this chapter, all words other than those defined specifically below shall have the meanings implied by their context in this chapter or their ordinarily accepted meanings.
 - (1) The word "person" includes a firm, association, organization, partnership, trust company or corporation as well as an individual.
 - (2) The present tense includes the future tense, and the singular number includes the plural, and the plural includes the singular.
 - (3) The word "shall" is mandatory; the word "may" is permissive.
 - (4) The word "lot" includes the word "plot" or "parcel."
- B. Definitions.

ABUTTER -- Any person or party whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Planning Board or Board of Adjustment. For purposes of receiving testimony only and not for purposes of notification, the term "abutter" shall include any person or party who is able to demonstrate that his or her land will be directly affected by the proposal under consideration. For purposes of receipt of notification by the municipality of a hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

ACCESSORY STRUCTURE – A detached structure located on the same lot as the principal structure, the use of which is incidental and subordinate to the principal structure or the use of the lot. This definition includes, but is not limited to, detached garages, gazebos, sheds, barns, storage structures or buildings, pool houses, or animal shelters above 12 square feet. All Accessory Structures (except Sheds as noted in the definition of Sheds) must meet the appropriate yard setback requirements. **[Amended 2-7-2005 by Ord. No. 07-05]**

ACCESSORY USE -- A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

AGRICULTURE -- Those operations relating to the cultivation, conservation and tillage of the soil; the production, cultivation, growing and harvesting of any agricultural, floricultural or horticultural commodities, including agricultural greenhouse operations; the raising and keeping of livestock and poultry; and those practices associated with agricultural operations, including but not limited to preparation for market, delivery to storage or to market of any products or materials from the farm, the transportation to the farm of supplies and materials and the seasonal sale of farm products as described above, the majority of which are grown on the premises.

ANTENNA -- The structure from which wireless radio signals are sent and/or received by a wireless service facility. **[Added 12-20-2000 by Ord. No. 00-6]**

ANTENNA ARRAY -- A collection of antennas attached to a mount to send and receive radio signals. **[Added 12-20-2000 by Ord. No. 00-6]**

AREA -- The area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site.

ASSISTED LIVING – A facility with individual living units, where medical and social support services are provided on the basis of an individualized plan of care and which provides other common social support services. (See "Residential Care Facility.") **[Added 3-1-2004 by Ord. No. 03-04]**

AVERAGE TREE CANOPY HEIGHT -- An average height found by inventorying the height above ground level (AGL) of all trees over 20 feet in height for a defined area. **[Added 12-20-2000 by Ord. No. 00-6]**

BASEMENT -- A story having more than 50% of its clear height below finished grade. (See "story above grade.")

BED AND BREAKFAST – An existing single-family dwelling in which the live-in owner or manager provides no more than four (4) rooms to the general public at a daily rate or a short-term basis and which includes Breakfast Service on a daily basis. **[Changed 09-12-11 by Ord. No. 06-12]**

BOARD -- The Board of Adjustment established by this chapter. **(Refer to ~**

305-34.)

BOARDINGHOUSE -- An establishment with lodging for five or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu. (See "rooming house" and "lodging house".) **[Amended 7-19-2000; 3-1-2004 by Ord. No. 03-04]**

BODY PIERCING PARLOR – SEE TATTOO PARLOR. **[Amended 11-07-2005 by Ord. No. 03-06]**

BUILDING -- See "structure."

BULK FUEL SALE AND STORAGE – A site devoted to the warehouse of gross quantities of material such as heating oil, kerosene, propane and other related gases and liquids. Also referred to as a "fuel depot". This facility is excluding five-hundred-gallon capacity or smaller propane refilling facilities typically found at motor vehicle service stations. **[Added 3-1-2004 by Ord. No. 03-04]**

BUSINESS SERVICE -- Any business activity which renders service to other commercial and industrial enterprises or personal services.

CAMOUFLAGED -- A wireless service facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure. **[Added 12-20-2000 by Ord. No. 00-6]**

CARRIER -- A company that provides wireless services; also sometimes referred to as a "provider." **[Added 12-20-2000 by Ord. No. 00-6]**

CEMETERY -- A facility devoted exclusively for the appropriate interment of the dead.

CHURCH -- A facility which is primarily used for the gathering of a congregation or a portion of its members for the purpose of religious worship and rites.

CLASS VI ROADS -- Unmaintained public ways which have been discontinued as open highways, closed subject to gates and bars or not maintained in suitable condition for travel for five years or more.

CLINIC -- A health care facility staffed by one or more physicians or nurses for outpatient medical care for humans.

CLUSTER DEVELOPMENT -- A pattern of development which places dwelling units into compact groupings while providing a network of commonly owned or dedicated open space.

COLLOCATION -- The use of a single mount on the ground by more than one carrier (vertical collocation) or the same carrier with multiple licenses and/or the use of several mounts on an existing building or structure by more than one carrier or the

same carrier with multiple licenses. **[Added 12-20-2000 by Ord. No. 00-6]**

COMMERCIAL GREENHOUSE -- A building or addition whose roof and sides are made largely of glass or other transparent material and in which the temperature can be regulated for cultivation of plants for sale.

COMMERCIAL RECREATION -- A business engaged in providing amusement, entertainment or recreation for a fee or admission charge.

COMMERCIAL SCHOOL -- A school for the teaching of a specific trade, trades or skill operated as a commercial venture for the profit of its owners.

COMMERCIAL STABLE -- A facility designed for the care and raising of horses, including housing facilities and recreational riding trails, show rings, etc.

CONDOMINIUM -- Any real estate development or portion of such development utilizing a condominium ownership format as provided by RSA 356-B.

COVERAGE -- The percentage of the lot area occupied by structures, buildings or other impervious surface. **[Amended 7-19-2000]**

DAY-CARE CENTER -- A program for children, which requires a state license and involves childcare, supervision, protection, and in some cases instruction. **[Amended 3-1-2004 by Ord. No. 03-04]**

DWELLING, MULTIFAMILY -- A building divided into three or more dwelling units. ³³
[Amended 9-14-1998 by Ord. No. 98-4]

DWELLING UNIT -- A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, and having no enclosed space (other than vestibules, entrances, hallways or porches) in common with any other dwelling unit. A boardinghouse, dormitory, motel, inn, nursing home, fraternity, sorority or other similar building shall not be deemed to constitute a "dwelling unit."

EATING AND DRINKING ESTABLISHMENTS -- Retail establishments selling food or drink for consumption on the premises, including lunch counters and refreshment stands selling prepared foods and drinks for immediate on-site consumption. (See "restaurant") **[Added 3-1-2004 by Ord. No. 03-04]**

ENVIRONMENTAL ASSESSMENT (EA) -- An EA is a document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a wireless service facility is placed in certain designated areas. **[Added 12-20-2000 by Ord. No. 00-6]**

³³ Editor's Note: The definitions of "dwelling, single-family; dwelling, three-family; and, dwelling, two-family, which immediately followed this definition, were repealed 3-1-2004 by Ord. No. 03-04. See now the definitions of "Single-Family dwelling"; "two-family dwelling"; and, "three-family dwelling unit".

EQUIPMENT SHELTER -- An enclosed structure, cabinet, shed, vault or box near the base of the mount within which are housed equipment for wireless service facilities, such as batteries and electrical equipment. Equipment shelters are sometimes referred to as "base transceiver stations." **[Added 12-20-2000 by Ord. No. 00-6]**

ESSENTIAL SERVICES -- The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam, water or communications transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare.

ESSENTIAL SERVICES TRANSMISSION AND DISTRIBUTION SYSTEMS -- Essential services transmission systems are those systems that carry essential services within rights-of-way owned by agencies providing such essential services. Essential services distribution systems are all other systems carrying essential services within the City of Franklin.

FACILITY -- See wireless service facility. **[Added 12-20-2000 by Ord. No. 00-6]**

FALL ZONE -- The area on the ground from the base of a ground-mounted wireless service facility that forms a circle with a radius to the height of the facility, including any antennas or other appurtenances. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material. **[Added 12-20-2000 by Ord. No. 00-6, Amended 5-1-06 by Ord. No. 09-06]**

FAMILY -- One or more persons occupying the premises and living as a single nonprofit housekeeping unit. **[Amended 9-14-1998 by Ord. No. 98-4]**

FAMILY APARTMENT – The purpose of this provision is to provide a housing alternative **for a family member(s), while maintaining neighborhood aesthetics and quality.** The conditions and regulations below are intended to insure that the apartment unit does not take on the character of a second dwelling unit, and to insure that the apartment unit can be easily converted back into the existing single-family structure. All proposed family apartments shall be designed and constructed in conformance with the following conditions and regulations in order to qualify for a Special Exception **[Amended 2-7-2005 by Ord. No. 07-05; Amended 04-03-06 by Ord. No. 07-06]**

FARMING – A parcel of land and associated buildings necessary to conduct agricultural activities. The production and maintenance of animals or plants for sale, lease or personal use. (See "Agriculture.") **[Added 3-1-2004 by Ord. No. 03-04]**

FORESTER -- A qualified professional forester shall be one who is registered with

the State of New Hampshire Department of Resources and Economic Development.
[Amended 9-14-1998 by Ord. No. 98-4]

FRONTAGE -- The distance along a lot line on an accepted street which provides access to a lot. (See "lot measurement.")

FUNERAL HOME -- A commercial establishment for the preparation and embalming of human bodies for burial or other disposition and for the holding of wakes and funeral services.

GOLF COURSE -- An outdoor recreational facility designed specifically for playing the game of golf with appropriate support buildings.

GRAVEL PIT -- A facility for pit-style mining of sand, gravel or other mineral deposits as defined and regulated by RSA 155-E.

GREENHOUSE – A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale and not for personal enjoyment. (See "plant nursery".) **[Added 3-1-2004 by Ord. No. 03-04]**

GUYED TOWER -- A monopole or lattice tower that is secured to the ground or other surface by diagonal cables for lateral support. **[Added 12-20-2000 by Ord. No. 00-6]**

HEAVY INDUSTRY – The processing or production of materials predominately from extracted or raw materials and may involve the use of flammable, explosive or other hazardous materials. A commercial use for any manufacturing process not included in the definition of "light industry" but which may be controlled as to noise, vibration, pollution, hazard, emissions or other conditions which may disturb or endanger neighboring properties. **Outside storage of the raw, prepared materials or the finished products is allowed in the I-1 and I-2 zones as an accessory activity associated with the industrial processes.** [Amended 3-1-2004 by Ord. No. 03-04] [Changed 09-12-2011 by Ord. No. 06-12]

HEIGHT -- The height above ground level (AGL) from the natural grade of a site to the highest point of a structure. **[Added 12-20-2000 by Ord. No. 00-6]**

HOME OCCUPATION – An occupation carried on which is clearly incidental and secondary to the use of the principle structure for dwelling purposes, or the existing accessory structure, and which does not change the character thereof. Home Occupations are allowed in any residential zone or on any property used for residential purposes within a business or industrial zone as permitted or conditioned by Section 305.25. **[Amended 2-7-2005 by Ord. No. 07-05]**

HOSPITAL -- A health care facility with provisions for the treatment and residency of patients.

HOTEL – Any building containing six or more guestrooms intended or designed to

be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests. An establishment that provides lodging for motorists in rooms usually having direct access to an open parking area. Also called "motor court" or "motor lodge". A building, group of buildings, or a portion thereof used or offered for residential occupancy for any period less than one month, with or without meals, and in such building or portion thereof may be certain rooms or halls for the service of food and drink. A hotel may include conference facilities or meeting rooms for the general public. A commercial establishment that provides lodging, food and other services to the public. May also house a tavern or restaurant. **[Added 3-1-2004 by Ord. No. 03-04]**

IMPERVIOUS SURFACE -- Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. "Impervious surface" shall include graveled driveways and parking areas. **[Added 7-19-2000]**

INDEPENDENT LIVING RETIREMENT COMMUNITY – A facility, housing unit, or community, however designated, which is freestanding or part of a larger community, organization, or enterprise, that furnishes to senior citizens 55 years of age or older, on a contractual basis, housing and any additional on-site or off-site services. **[Added 3-1-2004 by Ord. No. 03-04]**

INDOOR RECREATION AND AMUSEMENT – A permanent structure containing facilities for activities such as tennis, platform games (billiards, ping-pong), swimming, exercise rooms, handball and similar activities.⁴⁴ **[Amended 3-1-2004 by Ord. No. 03-04]**

INN – A privately owned facility containing between five and 10 rooms accessible only through a main lobby or interior hallway for the purpose of providing overnight accommodations or otherwise temporary lodging for the general public and which may provide meals. An inn shall not include conference facilities or meeting rooms for the general public. (See "hotel".) **[Added 3-1-2004 by Ord. No. 03-04]**

INSIDE STORAGE (WAREHOUSE) -- An enclosed storage facility engaged in uses associated with the receipt, storage, packaging, and distribution of products, supplies, and equipment. The facility may include counter retail or wholesale sales of the products as an accessory component of the primary warehouse activities. Such a warehouse operation may be associated with a manufacturing operation in a separate building or a common space. This use excludes the bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions. **[Amended 3-1-2004 by Ord. No. 03-04] [Changed 09-12-11 by Ord. No. 06-12]**

KENNEL, COMMERCIAL -- Any place in or at which three or more dogs or cats more than six months old are kept for the purpose of sale or in connection with boarding, care or breeding, for which a fee is charged.

⁴ Editor's Note: The definition of "industry", which immediately followed this definition, was repealed 3-1-2004 by Ord. No. 03-04.

LATTICE TOWER -- A type of mount with multiple legs and structural cross-bracing between the legs that is self-supporting and freestanding. **[Added 12-20-2000 by Ord. No. 00-6]**

LIGHT INDUSTRY -- The processing or fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard or noxious emissions which will disturb or endanger neighboring properties. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage; sales, and distribution of such products, but excluding basic industrial processing. **Outside storage of the prepared materials or the finished products is allowed in the I-1 and I-2 zones as an accessory activity associated with the industrial processes.** **[Amended 3-1-2004 by Ord. No. 03-04] [Changed 09-12-2011 by Ord. No. 06-12]**

LIVESTOCK – Farm animals kept or raised for use, profit or pleasure. Animals such as, but not limited to cattle, swine, sheep, fowl, equine, goats, kept in numbers greater than five. **[Added 3-1-2004 by Ord. No. 03-04]**

LIVESTOCK BARN – A farm building used to shelter livestock. **[Added 3-1-2004 by Ord. No. 03-04]**

LODGING HOUSE – A facility in which rental sleeping accommodations are provided and in which meals also may be supplied as part of the fee. (See “boardinghouse” and “rooming house”.) **[Added 3-1-2004 by Ord. No. 03-04]**

LOT -- A parcel of land undivided by any street, including such yards as are required by this chapter, and, in the case of one-, two- and three-family dwellings, intended for occupancy by one principal building together with its accessory buildings.

LOT MEASUREMENT -- Depth of a lot shall be the average distance between front and rear lot lines. Width of a lot shall be the average distance between the lot lines.

LOT, MINIMUM AREA OF -- The horizontally projected area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare and any utility easements or other legal encumbrances prohibiting building construction.

LOT OF RECORD -- Any lot which, individually or as a part of a subdivision, has been recorded in the office of the Register of Deeds of the county.

LOW-IMPACT ACCESSORY BUILDING -- Any building not resting upon a foundation or concrete slab, otherwise not legally defined as "real estate." This would include, but is not limited to, doghouses, bobhouses, tool sheds, decks and other small improvements, which may not be attached to the house, and similar devices. **[Added 7-19-2000]**

MANUFACTURED HOUSING -- Any structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length or, when erected on site, is 320 square feet or more and which is built on a permanent chassis and designed to be used as a dwelling unit, with or

without a permanent foundation, when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein as defined in RSA 674:31. Manufactured housing shall not include pre-site-built housing as defined in RSA 674:31-a.

MANUFACTURED HOUSING, INDIVIDUAL LOT -- The dedicating of a single lot of land for the erection and maintenance of a manufactured housing unit by itself and not in an organized park or facility designed for the placement of several such housing units.

MANUFACTURED HOUSING PARK -- A tract of land devoted to the placement of several manufactured housing units intended for permanent occupancy and supplied with appropriate street access and utilities.

MANUFACTURED HOUSING SUBDIVISION -- An approved subdivision of two or more lots designed to be occupied by only manufactured housing where the lots will be sold rather than rented or leased.

MAST -- A thin pole that resembles a streetlight standard or a telephone pole. A dualpolarized antenna is typically deployed on a mast. **[Added 12-20-2000 by Ord. No. 00-6]**

MONOPOLE -- A thicker type of mount than a mast that is self-supporting with a single shaft of wood, steel or concrete, or other material, that is designed for the placement of antennas and arrays along the shaft. **[Added 12-20-2000 by Ord. No. 00-6]**

MOTEL or HOTEL -- Any building or group of detached or connecting buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel. (See "hotel".) **[Amended 7-19-2000; 3-1-2004 by Ord. No. 03-04]**

MOTOR VEHICLE FUEL SERVICE STATION – Facility for outdoor sale of motor vehicle fuels, and related products. **[Added 3-1-2004 by Ord. No. 03-04]**

MOTOR VEHICLE ORIENTED BUSINESS -- Any commercial activity involved in the sale, maintenance or repair of automobiles, trucks, motorcycles, motor vehicle trailers, tractors, heavy equipment and similar equipment, including but not limited to sales outlets, auto dealerships, rentals, repair service, body shops, fuel distribution center, vehicle salvage areas, wrecking services, towing services, car washes and related facilities. Does not include vehicle salvage areas or junkyards. **[Amended 3-1-2004 by Ord. No. 03-04]**

MOTOR VEHICLE REPAIR OR BODY SHOP – Establishment where the principal service is the repair of automobiles or similar light motor vehicles, provided that all major maintenance and servicing shall be conducted entirely within a building. **[Added 3-1-2004 by Ord. No. 03-04]**

MOUNT **[Added 12-20-2000 by Ord. No. 00-6]** -- The structure or surface upon which antennas are mounted, including the following four types of mounts:

- (1) ROOF-MOUNTED -- Mounted on the roof of a building.
- (2) SIDE-MOUNTED -- Mounted on the side of a building.
- (3) GROUND-MOUNTED -- Mounted on the ground.
- (4) STRUCTURE-MOUNTED -- Mounted on a structure other than a building.

MULTI-SERVICE CENTER -- A building containing a variety of services convenient and readily available to the residents of the neighborhood where located. **[Added 7-19-2000]**

MULTIUSE -- A lot or parcel containing two or more uses and generally referred to as a "mixed-use lot." **[Added 7-19-2000]**

NIGHTCLUB -- An establishment dispensing liquor and meals and in which music, dancing or other entertainment is conducted. **[Added 3-1-2004 by Ord. No. 03-04]**

NONCOMMERCIAL RECREATION -- Recreation opportunities offered to the public at no fee or at user fees designed only to defray costs of operation or to inure to the benefit of a nonprofit organization and not for the commercial benefit of the facility owners.

NONCONFORMING STRUCTURE, USE OR LOT -- Nonconforming use is any use or arrangement of land or structures legally existing at the time of enactment of this chapter or any of its amendments which does not conform to the provisions of this chapter.

NURSERY SCHOOL -- A school for children, usually between the ages of three and five, who are not old enough to attend kindergarten. (See "preschool".) **[Amended 3-1-2004 by Ord. No. 03-04]**

NURSING HOME -- a facility which is engaged in the operation of, or formed for the purpose of operating, a facility in which nursing care, sheltered care, intermediate care, life-care or continuing care, and medical services are prescribed by or performed under the general direction of persons licensed to practice medicine or surgery in New Hampshire and in whole or in part is, or shall be upon completion, licensed as a residential care facility under RSA 151:2, I(e) or can be upon receipt of a certification of need under RSA 151-C licensed as a nursing home under the laws of New Hampshire. (See "assisted living facilities".) **[Amended 3-1-2004 by Ord. No. 03-04]**

OFFICE, INDUSTRIAL -- An office facility for the administrative control of an industrial plant or site and which is incidental to the primary industrial use of a

property.⁵⁵

OUTDOOR RECREATION – A facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales. The facility is operated as a business and open to the public for a fee. A place designed and equipped for the conduct of sports and leisure activities. **[Added 3-1-2004 by Ord. No. 03-04.]**

OUTSIDE STORAGE – The storage of goods, materials and products in other than indoor locations for use by the occupant of the property and not intended for retail sale on site. Outside storage does not include salvage yards, automobile wrecking businesses or junkyards. (See "Supply Yard".) **[Amended 3-1-2004 by Ord. No. 03-04]**

PERMANENT BUILDING -- Any building resting upon a foundation or concrete slab, or otherwise legally defined as "real estate." **[Added 7-19-2000]**

PERSONAL AND PROFESSIONAL SERVICES -- Services rendered to members of the general public and facilities, which are primarily of an office nature and not generally for the sale of products and goods. Operations designed to attract and serve customers or clients on the premises with low-volume customer traffic, such as lawyer, doctor, dentist, architect, engineer, realtor, accountant, travel agency, stockbroker, insurance agency, computer processing services and the like. (Taken from former definition of "professional office": Office facilities intended for the rendering of a professional or commercial service and not in conjunction with a manufacturer or industrial facility.) **[Amended 3-1-2004 by Ord. No. 03-04]**

PERSONAL CONVENIENCE SERVICE – Activities such as barber or beauty shops, tailoring, self-service laundry or dry cleaning, shoe repair, home appliance repair shops. **[Added 3-1-2004 by Ord. No. 03-04]**

PLANNING AND ZONING ADMINISTRATOR -- The individual charged by the City Manager to enforce the provisions of this chapter.

PLANT NURSERY – Commercial operation devoted to raising and sale of fruits, vegetables, flowers, shrubs, or trees in cultivated fields. (See "Greenhouse".) **[Added 3-1-2004 by Ord. No. 03-04]**

PRESCHOOL – A school for children who are not old enough to attend kindergarten. (See "Nursery School".) **[Added 3-1-2004 by Ord. No. 03-04]**

PRE-SITE-BUILT HOUSING -- Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities, in conformance with the United States Department of Housing and Urban Development minimum property standards and

5 Editor's Note: The definition of "office, professional and commercial" which immediately followed this definition, was repealed 3-1-2004 by Ord. No. 03-04. See now "Personal and Professional Services".

local building codes, for installation or assembly and installation on the building site as defined in RSA 674:31-a. Pre-site-built housing shall not include manufactured housing, as defined in RSA 674:31.

PRINCIPAL USE -- The primary or predominant use of land, lot, parcel or structure, as distinguished from secondary or accessory use. **[Added 7-19-2000]**

PRIVATE CLUB -- Premises of an organization or persons who meet periodically to promote some nonprofit social, educational, athletic, service or recreation objective and who cater exclusively to members and their guests, with no vending, merchandising or commercial activities conducted except as required generally for the membership and purposes of the club. This may include indoor recreation and the preparation and service of meals and beverages, including alcohol.

PRIVATE DRIVE -- A customary vehicle access point to an individual lot or building as distinct from a private road.

PRIVATE ROAD -- A roadway intended for vehicular access to more than one lot of record being held in separate ownership, which roadway is not publicly owned or maintained, nor does it lie within a public right-of-way.

PRIVATE SCHOOL – Any building or group of buildings, the uses of which meets the state requirements for elementary, secondary, or higher education and whose use does not secure the major portion of its funding from any government. **[Added 3-1-2004 by Ord. No. 03-04]**

RADIO FREQUENCY (RF) ENGINEER -- An engineer specializing in electrical or in microwave engineering, especially the study of radio frequencies. **[Added 12-20-2000 by Ord. No. 00-6]**

RADIO FREQUENCY RADIATION (RFR) -- The emissions from wireless service facilities. **[Added 12-20-2000 by Ord. No. 00-6]**

RESEARCH LABORATORY -- An establishment or other facility for carrying out investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation, with the objective of creating end products.

RESIDENTIAL CARE FACILITY or SHELTERED CARE FACILITY -- A residence, licensed by the State of New Hampshire Department of Health and Human Services, Division of Public Health Services, with not more than 25 elderly and/or physically disabled persons who require personal care and supervision and other shared home services but do not require medical or nursing care.

RESTAURANT -- A commercial establishment for the preparation, service and sale of meals and beverages for consumption on or off the premises. A business enterprise engaged in preparing and serving food and beverages selected from a menu by patrons seated at a table or counter, whether inside a building or outside on the same property on which the establishment is located and consumed on the

premises. A single inside takeout station may be considered accessory to a conventional restaurant. (See "Eating and Drinking Establishments".) **[Amended 3-1-2004 by Ord. No. 03-04]**

RESTAURANT, CARRY-OUT – An establishment which by design of physical facilities or by service or packing procedures permits or encourages the purchase of prepared ready-to-eat foods intended primarily to be consumed off the premises and where consumption of food in motor vehicles on the premises is not encouraged. Includes bakeries, delicatessens or similar types of retail establishments. **[Added 3-1-2004 by Ord. No. 03-04]**

RESTAURANT, FAST-FOOD – An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, grilled or fried quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table and food is generally serviced in disposable wrapping or containers. Also includes bakeries, delicatessens or similar types of retail establishments. **[Added 3-1-2004 by Ord. No. 03-04]**

RETAIL BUSINESS -- A commercial establishment for the sale of products, goods or nonprofessional services. Includes the sale of products entirely within a building, such as general merchandise, food, dry goods and appliances, drugs, specialty items, machinery and building material. **[Amended 3-1-2004 by Ord. No. 03-04]**

ROOMING HOUSE -- A residential structure in which rooms are provided by the owner, with or without meals, available for permanent occupancy only, and which makes no provisions for cooking in any of the rooms occupied by the paying guests. **[Amended 7-19-2000]**

SCHOOL -- Land and buildings devoted to educational purposes and related activities, other than the operation of a commercial school as defined above. For purposes of this chapter, there shall be no differentiation between public and private schools.

SCREENING -- A strip of land at least 10 feet wide densely planted (or having the equivalent natural growth) with shrubs or trees at least four feet high at the time of planting of a type that will form a year-round dense screen at least six feet high within three years or an opaque wall, barrier or fence of uniform appearance at least six feet high.

SEASONAL CONVERSION – The act of changing the original and/or current use of a structure from a less intensive use (seasonal) to a use that is more intensive (year-round). Such structures may include but are not limited to summer camps, cabins, lake cottages, etc. (See Section 305.29.7) **[Amended 2-7-2005 by Ord. No. 07-05]**

SECURITY BARRIER -- A wall, fence or berm that restricts an area from unauthorized entry or trespass. **[Added 12-20-2000 by Ord. No. 00-6]**

SEPARATION -- The distance between one carrier's array of antennas and another carrier's array. **[Added 12-20-2000 by Ord. No. 00-6]**

SEXUALLY ORIENTED BUSINESS – A commercial enterprise devoted solely or partially to the sale of adult-oriented books, videos or similar media, or instruments or devices connected to sexual conduct. The establishment may also offer adult entertainment in the form of films or live entertainment. (For Details, see City Code Chapter 248.) **[Added 7-1-1996 by Ord. No. 96-5; amended 3-1-2004 by Ord. No. 03-04]**

SHED – An Accessory Building on a residential lot having a floor area or footprint no greater than 150 square feet, with a height no greater than 10 feet used exclusively for the storage of general household goods, yard tools or equipment, and similar items (See Section 305.29.4) **[Amended 2-7-2005 by Ord. No. 07-05]**

SIGN – A display of lettering, graphics, pictures, etc. that is used to identify a place of business or a product and is located on or affixed to a building or window, or is free-standing. **(Added on 11-06-06 by Ord. No. 06-07)**

SINGLE-FAMILY DWELLING – A structure consisting of one living unit, used exclusively for human habitation. (See “dwelling unit.”) **[Added 3-1-2004 by Ord. No. 03-04]**

SHOPPING CENTER -- An integrated and planned cluster of mixed business uses served by a common parking area and generating large volumes of vehicular and pedestrian traffic.

SPECIAL EXCEPTION -- A use that would not be appropriate generally or without conditions but which, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to the public health, safety, order, comfort, convenience, appearance, prosperity or general welfare.

SPECIAL USE PERMIT – A discretionary permit issued by the Planning Board, where the specific application requirements, performance standards, and other associated criteria necessary for the granting of the Permit is outlined in a specific section of the Zoning Ordinance.

STABLE – A structure used to shelter or care for horses or cattle. (See “livestock barn”.) **[Added 3-1-2004 by Ord. No. 03-04]**

STEALTH TECHNOLOGY – The technology and design characteristics used to camouflage a wireless telecommunications facility, or any component of a facility, so that it blends into the surrounding building or area, or looks like a structure which may commonly be found in the area surrounding the proposed facility, including, but not limited to, flagpoles, fire or ranger towers, silos, windmills, or artificial trees.

STORAGE CONTAINERS – A box, truck trailer or other portable enclosure, without

motor power and designed to be carried or drawn by some mode of transportation, being used for on-site storage to hold and contain property or goods. (See Section 305.29.5) **[Added 2-7-2005 by Ord. No. 07-05]**

STORY ABOVE GRADE -- Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade when the distance from grade to the finished surface of the floor above the basement is more than six feet for more than 50% of the total perimeter. In such a case, building height shall be measured from the grade adjacent to the basement floor level.

STREET -- A public thoroughfare, highway, road or avenue, including the full width of its right-of-way, lawfully existing in the City of Franklin.

STRUCTURE – Anything built for shelter or enclosure of any kind, as well as anything constructed or erected for support with a fixed location on or in the ground, exclusive of fences. This definition includes, but is not limited to, houses, garages or barns, fixed or portable car ports, mobile, manufactured or modular homes, sheds or other storage buildings, storage containers, gazebos, open or closed-in decks, porches or breezeways, in or above ground swimming pools, tennis courts, animal shelter above 12 square feet, or any commercial, industrial, or retail building. (See also Accessory Structures and Sheds) **[Amended 2-7-2005 by Ord. No. 07-05]**

SUPPLY YARD -- A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed or grain and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

TATTOO PARLOR/BODY PIERCING PARLOR – A Tattoo Parlor is an establishment in which is offered or practiced the placing of designs, letters, figures, or any other marks upon or under the skin of any person with ink or any other substance, resulting in the coloration, permanent or otherwise, of the skin by the aid of needles or any other instrument designed to touch or puncture the skin. A Body Piercing Parlor is an establishment in which is offered or practiced the perforation of any human body part, other than an earlobe, for the purpose of inserting jewelry or any other decoration or for some other non-medical purpose. All establishments must conform to all applicable City Codes. **[Amended 11-07-2005 by Ord. No. 03-06]**

TELECOMMUNICATIONS FACILITY **[Added 12-20-2000 by Ord. No. 00-6]** -- Includes both:

- (1) "Wireless telecommunications facilities" such as any structure, antenna, tower or other device which provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR) and personal communications service (PCS), and common carrier wireless exchange access services; and

(2) "Conventional telecommunications facilities" such as any telecommunications facility installed within, upon or across a public right-of-way, including poles, wires, conduits and similar equipment or property, whether installed above or below ground.

TRAVEL TRAILER/RECREATIONAL VEHICLES – Any type of Class A, B, or C recreational vehicle or motor home, travel trailer, pop-up trailer, or fifth-wheel type trailer. (See Section 305.29.6) **[Amended 2-7-2005 by Ord. No. 07-05]**

TWO-FAMILY DWELLING – A structure consisting of two separate dwelling units, used exclusively for human habitation. (See "dwelling unit" and "single-family dwelling".) **[Added 3-1-2004 by Ord. No. 03-04]**

VARIANCE -- Permission from the Board of Adjustment to depart from the literal requirements of this chapter.

VETERINARY CLINIC -- A facility for the treatment of illness and injury to animals that is completely enclosed and does not include outdoor kennel facilities.

WATER RECREATION AND STORAGE -- Swimming pools, wading pools, storage ponds, water tanks and similar facilities.

WATERSHED – A geographic area in which all water drains to a given stream, lake, wetland estuary or ocean. **[Added 3-1-2004 by Ord. No. 03-04]**

WIRELESS SERVICE FACILITY -- Facility for the provision of wireless services, as defined by the Telecommunications Act of 1996, as amended. Wireless service facilities include a mount, antenna, equipment shelter and other related equipment. **[Added 12-20-2000 by Ord. No. 00-6]**

WIRELESS SERVICES -- The three types of services regulated by this chapter: commercial mobile radio services, unlicensed wireless services and common carrier wireless exchange access services as described in the Telecommunications Act of 1996, as amended. **[Added 12-20-2000 by Ord. No. 00-6]**

