

## **ARTICLE III**

### **District Regulations**

#### **~ 305-8. Adoption of Zoning Map.**

A map entitled "Franklin Zoning Map" is hereby adopted as part of this chapter<sup>1</sup>.

#### **~ 305-9. Official Zoning Map; amendments.**

Regardless of the existence of other printed copies of the Zoning Map which from time to time may be made or published, the Official Zoning Map, which shall be located in the Franklin City Hall, shall be the final authority as to the current zoning status of the land and water areas, buildings and other structures in the city. The Zoning Map shall be changed within seven days of City Council action amending said map. The City Manager shall be responsible for ensuring the accuracy of said map.

#### **~ 305-10. Zoning districts.**

The city is divided into the districts stated in this chapter as shown by the district boundaries on the Zoning Map. The districts are:

RR	Rural Residential
RS	Single-Family Residential
R-1	Low-Density Residential
R-2	High-Density Residential
R-3	One-, Two- and Three-Family Residential
B-1	Low-Density Business and Commercial
B-2	High-Density Business and Commercial
I-1	Industrial
I-2	Light Industrial
C	Conservation
LP	Lake Protection

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<sup>1</sup>Editor's Note: A copy of the Zoning Map is included in a pocket at the end of this volume.

### ~ 305-11. District boundaries.

District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the center lines. The vacating of roads shall not affect the location of such district boundaries. When the Planning and Zoning Administrator cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the Zoning Map or by the fact that it clearly coincides with a property line, the Planning and Zoning Administrator shall refuse action, and the Board of Adjustment, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this chapter.

### ~ 305-12. District descriptions.

- A. Residential districts. Districts designated for residential use, RR, RS, R-1, R-2 and R-3, are limited to dwellings and the uses normally associated with residential neighborhoods. Such uses include schools, churches and parks. The specific purposes of each of the districts is as follows:
- (1) The RR Rural Residential District is designated land of such character which would create an atmosphere of a countryside environment. Such land area may be serviced with municipal water and/or sewer; however, such area will permit rural land uses. Such land area will preserve the natural characteristics of the region and establish an aesthetically pleasing environment which will preserve the natural topography, panoramic views and other pleasing residential qualities<sup>2</sup>.
  - (2) The RS Single-Family Residential District is designated as an area of predominantly preexisting single-family homes. The purpose of this district is to preserve the single-family character of the neighborhood without more intensive residential uses or nonresidential uses.
  - (3) The R-1 Low-Density Residential District is designated for land which is or may be serviced with municipal facilities. The density of families per acre and the character of development should provide the pattern for most of the residential development occurring outside the central portion of the City of Franklin.
  - (4) The R-2 High-Density Residential District is designated for land where not only central water and sewer facilities are available but that is nearest to municipal and business facilities.
  - (5) The R-3 One-, Two- and Three-Family Residential District is designated to encompass already developed residential neighborhoods in the city which are characterized by predominantly one-, two- and three-family homes. The purpose of the district is to preserve the residential character of the neighborhood without more intensive multifamily uses or businesses.
- B. Business and commercial district. This district is designated for business and limited to business and certain residential uses by special exception. By establishing a compact district for such uses, better fire protection, police protection and utilities may be provided.

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

Generally, industrial uses are excluded in order to reduce the hazards caused by extensive truck and rail movements normally associated with such uses. However, research, industrial uses and certain light industrial uses are permitted by special exception if they are of such a nature that they do not cause any hazards and if they meet the specific requirements set forth in this chapter.

- (1) The B-1 Low-Density Business and Commercial District permits high-value business, commercial and restricted residential uses. The purpose of this district is to encourage the growth of this type of use in the proximity of key locations and major municipal highways.<sup>3</sup>
  - (2) The B-2 High-Density Business and Commercial District is to encourage the growth of high-value business, commercial and restricted residential uses within a compact area known as the "Franklin Downtown Section." The existing lot sizes, uses and city services available allow for a higher density within this district.
- C. Industrial district. A district designated for industry provides suitable space for existing industries and their expansion as well as for future industrial development. Performance standards, parking specifications and yard regulations are set forth in this chapter in order to ensure safe industrial development that is compatible with adjacent uses. The specific purposes are as follows:
- (1) The I-1 Industrial District promotes the establishment of high-value industrial installations in a campus arrangement in locations accessible to the highway, transportation and public utilities.
  - (2) The I-2 Light Industrial District is designated to promote the establishment of such installations as research and development and other light industrial uses which will not disturb or endanger neighboring properties.
- D. Conservation District. The district designated for conservation, "C," is limited to low-density residential, agriculture and certain other open land uses. The purpose of this district is to prevent intensive development of land that is unsuitable for development because of lack of municipal utilities, unsuitability of soil, steepness of slope or periodic flooding.
- E. Lake Protection District. The LP Lake Protection District is an environmentally sensitive area surrounding Webster Lake and in which development activities must be closely regulated to preserve the water quality of the lake.

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<sup>3</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

### ~ 305-13. Permitted uses and special exceptions.

The permitted uses and special exceptions for each district are shown on the following table entitled "Permitted and Special Exceptions Use Table." Uses given in the following categories shall be according to the common meaning of the term or according to definitions given in Article III.

Uses designated "P" on the table shall be permitted as a matter of right.

Uses designated "SE" shall be permitted only as a special exception granted by the Board of Adjustment in accordance with the provisions of ~ 305-4.

A use with no letter designation shall not be allowed in that district.

**Permitted and Special Exceptions Use Table  
Franklin, New Hampshire**

[amended 9-14-1978 by Ord. No. 98-4; 7-1-1996 by Ord. No. 96-5; 12-1-1997 by Ord. No. 97-3; 12-20-2000 by Ord. No. 00-6; 3-1-2004 by Ord. No. 10-04; 2-7-2005 by Ord. No. 07-05; 11-07-2005 by Ord. No. 03-06; 05-01-2006 by Ord. No. 09-06; 11-05-07 by Ord. No. 12-08; 09-12-11 by Ord. No. 06-12; 04-2-12 by Ord. No. 10-12]

District ----->	RR	RS	R-1	R-2	R-3	B-1	B-2	I-1	I-2	C	LP
<b>Residential Uses</b>											
Single-Family Dwelling	P	P	P	P	P	SE				P	P
Two-family dwelling				P	SUP	P	SE				
Multifamily dwelling				SUP	SUP	SUP					
Manufactured Housing (Individual Lots) <sup>1</sup>			P							P	
Manufactured Housing Park & Subdivision <sup>1</sup>			SUP								
Family Apartment	SE	SE	SE	SE	SE	SE				SE	SE
Seasonal Conversion	SE	SE	SE	SE	SE					SE	SE
Bed-and-Breakfast Establishment	SUP		SUP	SUP	SUP	SUP				SUP	SUP
Hotel						P	P				
Cluster Development	SUP		SUP							SUP <sup>2</sup>	
<b>COMMERCIAL USES</b>											
Commercial School						P	P				
Funeral Home			SUP	SUP	SUP	P	P				
Home Occupation-	See Section 305-25										
Indoor Recreation and Amusement						SUP	SUP				
Outdoor Recreation										SUP	
Sexually Oriented Business						SUP					
Inside Storage Warehouse						P	P	P	P		
Bulk Fuel Sale and storage						SUP		SUP	SUP		
Motor Vehicle Oriented Business						SUP <sup>5</sup>		SUP			
Outside Storage						SUP <sup>6</sup>	SUP	P <sup>7</sup>	P		
Personal and Professional Service						P	P	P	P		
Personal Convenience Service						P	P				
Tattoo Parlor/Body Piercing Parlor						P					
Restaurant/Eating & Drinking Establishment						P	P	SUP			
Retail Business						P	P				
Shopping Center						P					
Wireless Communications Facility [Amended 5-1-06 by Ord. No. 09-06]	SUP					SUP	SUP	SUP	SUP	SUP	
<b>INDUSTRIAL USES</b>											
Gravel Pit								SE		SE	
Manufacturing/Heavy Industry								P			
Light Industry						SUP	SUP	P	P		
Supply Yard						SUP	SUP	SUP			

District ----->	RR	RS	R-1	R-2	R-3	B-1	B-2	I-1	I-2	C	LP
<b>PUBLIC/INSTITUTIONAL USES</b>											
Day-Care Center	SE <sup>4</sup>		SE <sup>4</sup>	SE <sup>4</sup>	SE <sup>4</sup>	SE <sup>4</sup>	SE <sup>4</sup>	P <sup>3</sup> /SUP	P <sup>3</sup> /SUP	SE <sup>4</sup>	SE <sup>4</sup>
Cemetery	SUP		SUP	SUP						SUP	
Church	SUP		P	SUP	SUP	SUP				SUP	
Hospital/Clinic			SUP	SUP	SUP	P	P			SUP	
Nursing Home						SUP	SUP	SUP	SUP	SUP	
Independent Living facility						SUP	SUP	SUP	SUP	SUP	
Assisted Living facility						SUP	SUP	SUP	SUP	SUP	
Residential/Sheltered Care Facility						SUP	SUP	SUP	SUP	SUP	
Research Laboratory						SUP		P			
Private Club						SUP				SUP	
Private School						SUP	SUP				
Essential Services	P	P	P	P	P	P	P	P	P	P	P
<b>AGRICULTURE &amp; RECREATIONAL USES</b>											
Stables/livestock barn/kennels	P									P	
Farming	SE									P	
Plant Nursery/greenhouse	SUP					P				SUP	
Veterinary Clinic			SUP			SUP	SUP			SUP	
<b>RECREATION</b>											
Nightclub						SUP	SUP				
Commercial Recreation						P				SUP	
Golf Course	SUP									SUP	

**NOTES:**

<sup>1</sup>See -- 305-6, Manufactured housing standards.

<sup>2</sup>Excluding that area contained in the watershed of Webster Lake, as shown on the Dufresne-Henry plans dated October 1981.

<sup>3</sup>Provided that the day-care center or nursery school is directly associated with the industry it is serving and is for the use of its employees only.

<sup>4</sup> For daycares with 10 or more children you must apply to the Planning Board for a special Use Permit.

<sup>5</sup> Motor Vehicle Oriented Businesses in the B-1 zoning district must be associated with a building of no less than 750 square feet in size.

<sup>6</sup> Outside Storage/Supply yard in the B-1 district must be associated with a building of no less than 750 square feet in size.

<sup>7</sup> Outside Storage/Supply Yard in the I-1 district must be associated with a building of no less than 1500 square feet in size.

**~ 305-14. Lot and yard requirements. [Amended 7-15-1998 by Ord. No. 98-5; 12-20-2000 by Ord. No. 00-7; Amended July 2004; Amended 04-03-06 by Ord. No. 07-06; Amended 04-06-15 by Ord. No. 12-15]**

- A. The minimum lot area, minimum lot area per dwelling unit, minimum frontage of lot, minimum depth of front yard and minimum width of each side yard for each district shall be as shown on the following table: **[Amended 8-2-2004 by Ord. No. 01-05]**

NA - Not Allowed

NR - No Regulation

	RR	RS	R-1	R-2	R-3	B-1	B-2	I-1	I-2	C	LP
<b>Minimum Lot Area (sq. ft. in thousands)</b>											
Off-lot city sewer and water	65.5	15	20	10	15	10	NR	40	40	225	108.9
Off-lot city sewer or water	65.5	20	30	15	20	20	NR	100	100	225	108.9
On-lot sewer and water	87	40	40	40	40	30	NR	100	100	225	108.9
<b>Minimum Lot Area Per Additional Dwelling Unit (sq. ft. in thousands)</b>											
Off-lot city sewer and water	NA	NA	20	5	7.5	5	2	NA	NA	NA	NA
Off-lot sewer or water	NA	NA	30	15	20	15	NA	NA	NA	NA	NA
On-lot sewer and water	NA	NA	40	30	30	40	NA	NA	NA	NA	NA
<b>Minimum Lot Frontage<sup>1</sup> (feet)</b>											
	225	100	150	100	100	80	75	80	80	400	200
<b>Minimum Front Yard Depth (feet)</b>											
	40	30	40	20	15	15	20 <sup>1</sup>	50 <sup>2</sup>	25	50	50
<b>Minimum Side Yard Width (feet)</b>											
	25	25	20	15	15	15	NR	25 <sup>2</sup>	25	25	50
<b>Minimum Depth From Building to Rear Lot Line (feet)</b>											
	25	25	20	15	15	20	20	50 <sup>2</sup>	40	25	50

**NOTES:**

<sup>1</sup>Maintain front lot lines in developed areas.

<sup>2</sup> When a proposed building in the I-1 Zoning District would abut an industrial zoned lot, then the setbacks for the front, rear and side yards are reduced to 20 feet, 20 feet and 15 feet respectively. If the proposed building abuts a residential use or residentially zoned land, then the setbacks shall be as shown on the table. **[Amended 5-1-06 by Ord. No. 09-06]**

- B. Lots which abut on more than one street shall provide the required frontage and front yard setback along the street upon which the principal structure faces.
- C. All structures, whether attached to the principal structure or not and whether open or enclosed, including porches, carports, balconies or platforms, above normal grade level shall not project into any minimum front, side or rear yard setback requirements.
- D. All properties that abut any waterbody, such as lakes, rivers, etc., must comply with the New Hampshire Shore Line Protection Act, on the water side of such property, as identified in RSA 483-B.

**~ 305-15. Height regulations.**

- A. No structures shall exceed 35 feet in height above average ground level unless approved by the Board of Adjustment. The Board may authorize a variance to the height regulations in any district if:
  - (1) All front, side and rear yard depths are increased one foot for each additional foot of height and fire protection is adequately provided for; or,
  - (2) The structure is any of the following and does not constitute a hazard to any established airport: television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, silos, cooling towers, ornamental spires and towers, chimneys, elevator bulkheads, smokestacks, conveyors, flagpoles and unoccupied industrial processing structures.
- B. Height regulations for essential services transmission and distribution system structures. No essential services transmission system structure shall exceed 50 feet in height above ground unless approved by the Zoning Board of Adjustment.

**~ 305-16. Cluster residential development. [Amended 10-02-06 by Ord. No. 04-07]**

- A. Purposes and Objectives:
  - (1) Encourage flexibility in the design of an alternative to a conventional subdivision.
  - (2) Promote the more efficient use of the land.
  - (3) Protect and preserve important environmental or scenic characteristics of the property.
  - (4) Encourage the protection of valuable farm or forest land, or historic structures and properties.
  - (5) Provide for a development option that is more economic for both the developer and the City of Franklin through the reduction in the amount of overall infrastructure to maintain.
- B. Permitting
  - (1) Pursuant to RSA 674:21.II, an property owner and/or developer shall file an application with the Planning Board for a Special Use Permit in order to be permitted to construct a cluster development. All permitting shall be consistent with the Board's Subdivision Regulations.
  - (2) The paragraph above notwithstanding, the Board reserves the right, through RSA 674:21.II and the Franklin Master Plan, to require that a development be built as a cluster. In making the determination that a cluster is the appropriate way to develop a specific parcel of land, the Board shall take into account, and make findings consistent with, the following as applicable and appropriate:
    - a. The site contains significant stands of trees or other important vegetative characteristics that are worthy of protection.

- b. The site contains existing wetland areas that contributes to and is associated with Webster Lake, or the Pemigewasset, Winnepesaukee, or Merrimack Rivers, and which would be impacted through the development of a conventional project.
- c. There are existing drainage and stormwater management problems that would be aggravated through a conventional project.
- d. Overall water quality issues will be enhanced with the development of a cluster project as opposed to a conventional subdivision.
- e. There are existing viewsapes, both from, and into, the property, that would be enhanced through a cluster project and degraded with a conventional project.
- f. There are important agricultural soils on the site or the property is home to existing agricultural activity that should be protected.

C. Permitted Density and Density Calculation

- (1) The density shall be determined consistent with the formula outlined in Appendix 3 of this Ordinance. The number of lots shall not exceed the final number determined through this calculation.
- (2) If the property on which a cluster subdivision is proposed is divided by a zoning district boundary, and a cluster project is allowed in both zones, then the overall density calculation shall utilize the lot area and frontage requirements for the respective zones.
- (3) If the property on which a cluster subdivision is proposed is divided by a zoning district boundary and a cluster project is not allowed in one of the zones, the density of the overall cluster project shall be calculated using the formula in Appendix 3 and the minimum lot size and frontage requirement for the zone where clusters are permitted.

D. Design and Project Requirements

In designing the proposed cluster development, the applicant and the design engineer shall meet the following requirements:

- (1) The land on which a cluster subdivision is proposed must be at least 15 acres.
- (2) No less than 66% of the total land area shall be maintained as common open land. The common open space may be used for the continuation of existing agricultural purposes, for public or private recreational purposes if approved by the Board, or as protected conservation land. The planned uses and purposes of the common open space shall be presented as part of the application package and will be reviewed and discussed by the Board during the hearing process. For any non-agricultural open space areas, a pedestrian walkway shall be incorporated into the design.



- (3) At least 66% of the common open space must be of comparable quality for topography, slope, and wetlands to the land being developed. It is not the intended purpose of a cluster project to protect essentially unusable land.
- (4) All land not used for house lots, roadway areas, utilities, and drainage systems shall be permanently protected as common open space.
- (5) The common open space shall not be further subdivide or developed in any way.
- (6) The common open space shall be owned and controlled by either a home owners association, the City of Franklin through the gifting of the land and the acceptance of the gift by the City Council, or a non-profit organization or similar type of land trust.
- (7) The common open space, no matter what ownership mechanism is utilized, shall be protected through easements approved by the Board and the City. Item 5 above notwithstanding, the easement documents may allow for limited development such as farm buildings or a common-use building to be used by the residents in the homeowners association. Any such limited development requires approval by the Board.
- (8) Each lot within the cluster subdivision shall have reasonable access to the common open space, but need not directly abut said land.
- (9) The design of the roadway, drainage and stormwater, and related features of the cluster subdivision shall be done in conformance with the Franklin Subdivision Regulations.
- (10) The design of the proposed roadways and house lots shall, to the greatest extent possible, protect existing features such as stone walls, wetlands and watercourses [including natural drainage corridors]. If existing stonewalls are disturbed, the Board reserves the right to require that the walls be re-built in another location on the property.
- (11) Each individual lot within the cluster development shall have an area no less than 15,000 square feet.
- (12) A buffer zone of undisturbed vegetation shall be placed around the cluster project. Along the property's frontage the buffer zone shall be 100 feet in depth. Along the side and rear property lines, the buffer zone shall be 75 feet in depth. If the Board determines that the existing vegetation is of a nature that additional plantings are necessary to buffer the project, the applicant shall submit a landscaping plan during the course of the public hearing, and the Board will consider said plan in their deliberations on the project. The land area of the buffer zone can be included in the calculation of the area for the protected open space. The Board reserves the right to modify the buffering requirement through the Special Use Permit process if the purposes and objectives of the cluster provision would be compromised by strict adherence to the buffer requirements above. In making a determination on the buffering of the project, the Board shall consider the shape, topography or natural features of the property.
- (13) If a community water or sewage disposal system is proposed, the Board may allow some or all of the system to be placed on the common open space as long as the

system(s) does not substantially change the character of the land in question and the maintenance of the system will not further compromise the lands character in the long-term.

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Appendix 3 of the Zoning Ordinance

Cluster Density Calculation

The density for a proposed cluster development shall be initially calculated though the preparation of a conceptual conventional subdivision plan. This conceptual plan shall:

1. Show the number of lots that can be developed utilizing all of the applicable sections of the zoning ordinance and the lot size and design criteria of the Subdivision Regulations.
2. Demonstrate that all roadways shown on this conceptual plan conform to the subdivision regulations, including, but not limited to, width of the right-of-way and maximum allowed grades.

Once the Board approves the conceptual conventional plan, the applicant may add up to 10% of the conventional lots to the allowed total of cluster lots. Numbers may be rounded up to the next whole number. For example:

Conceptual Conventional Plan = 24 lots  
10% = 2.4 lots  
Add 3 lots to the number of allowed lots

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27 Lots allowed.