

TOWN OF FRANKLIN

ZONING REGULATIONS

EFFECTIVE: JANUARY 2, 2025

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CHAPTER 1

TITLE, AUTHORITY & PURPOSE

- 1.1. **TITLE.** Regulations shall be known as the “Zoning Regulations of the Town of Franklin, Connecticut,” and herein referred to as “these regulations.”
- 1.2. **AUTHORITY.** These Regulations are prepared and adopted pursuant to the provisions of Chapter 124 of the General Statutes, 1958 Revision, as amended.
- 1.3. **PURPOSE.** The purposes of these Regulations are:
 1. to lessen congestion in the streets;
 2. secure safety from fire, panic, flood and other danger;
 3. to promote health and the general welfare;
 4. to provide adequate light and air;
 5. to facilitate the adequate provisions for transportation, water sewage, schools, parks and other public requirements.
 6. to protect historic, tribal, cultural, and environmental resources;
 7. to consider impacts to adjacent municipalities;
 8. to address disparities in housing needs and access to opportunities including employment and education;
 9. to promote efficient application review; and
 10. to affirmatively further the purpose of the Federal Fair Housing Act.

These Regulations are intended to reflect the objectives of the Plan of Development for the Town of Franklin, Connecticut, and are made with reasonable consideration as to the character of each zoning district and its peculiar suitability for particular uses and with a view toward conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

CHAPTER 2 DEFINITIONS

2.1 **DEFINITIONS.** Words used in the present tense include the future; singular words include the plural; and the word “**used**” means designed, intended or modified for use.

ACCESSORY USE OR BUILDING: A use or building on the same lot with, and of a nature directly related to but incidental or subordinate to, the principal use or building.

ACCESS STRIP: See Section 10.12

ACRE: Shall mean 43,560 square feet.

ADULT-USE CANNABIS ESTABLISHMENTS: Any of the following uses are considered Adult-Use Cannabis establishments per CGS 21a420 as amended: Cannabis Cultivator, Cannabis Delivery Service, Cannabis Food and Beverage Manufacturer, Cannabis Hybrid Retailer, Cannabis Micro-Cultivator, Cannabis Product Manufacturer, Cannabis Product Packager, Cannabis Retailer, and Cannabis Transporter.

AGE RESTRICTED HOUSING COMMUNITY: A residential housing development designed to provide housing and amenities predominantly for persons 55 years of age or older which complies with the requirements of Section 10.18 hereof.

ANTENNA: See Section 9.23.1

BASE FLOOD: See Section 9.14.10.a

BED & BREAKFAST OPERATION: See Section 10.17

BUILDABLE AREA: A contiguous area any part of which could contain an on-site septic system, a water supply well, or a building in compliance with the provisions of these regulations. **No more than 20%** of such area may consist of slopes **greater than 20%**.

BUILDING: A structure of walls, posts, columns or other device supporting a roof, and used for the housing, shelter, enclosure or support of persons, animals or property of any kind.

CAMPER UNIT: A self-propelled or portable unit, such as a camper bus, travel trailer, truck-mounted camper or other similar unit, originally designed and constructed or redesigned and reconstructed for recreation or other temporary shelter for one or more persons.

CARGO-TRIP: A round trip to and from the lot by a tractor semi-trailer combination, a truck trailer combination, or a truck having a gross weight of more than 18,000 pounds, which vehicle carries on either or both of the inbound or outbound legs of such round trip:

1. raw materials for use in the activity, or
2. Finished products from the activity.

CO-LOCATION: See Section 9.23.1

COMMISSION: The Planning and Zoning Commission of the Town of Franklin.

COMMON DRIVEWAY: See Section 9.22.

CORNER LOT: A lot which abuts the intersection of 2 or more streets.

DEVELOPMENT: Any construction or grading activities to improved or unimproved real estate, and includes but is not limited to the installation of required improvements and the disturbance of land related to the construction of a structure, installation of appurtenant utilities, and access from the existing or proposed public right-of-way.

DISTURBED AREA: An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

DWELLING, SINGLE-FAMILY: A detached dwelling unit, other than a mobile home, designed for occupancy by only one family.

DWELLING, TWO-FAMILY: A building containing two dwelling units and designed for occupancy by not more than two families.

DWELLING UNIT: A room or number of rooms connected together and forming a separate, independent housekeeping establishment for human habitation and containing independent cooking and sleeping facilities.

ELDERLY HOUSING: See Section 10.16

EROSION: Detachment and movement of soil or rock fragments by water, wind, ice or gravity.

EXCAVATION: The removal from any land premises within the Town of Franklin of earth, sand, gravel, clay, or other natural earth products in excess of **250 cubic yards** in a single calendar year, except as surplus material resulting from a bona fide construction, landscape or agricultural operation being executed on the premises.

FAMILY: One or more persons occupying a single dwelling unit, provided that no such family shall contain more than five persons unrelated to the others by blood or marriage.

FARM: Land consisting of **at least 5 acres** with buildings which are mainly used for and incidental to farming.

FARMING: The act of cultivation of land for the growing of vegetables, grains, grasses, trees, herbs, fruit, or other horticultural products; the raising of livestock,

farm animals and birds; the producing of milk, and other similar pursuits except that gardens, livestock or fowl grown mainly for home use and in accordance with these regulations shall not be classified as farming.

GRADING: Any removal, grubbing, filling, or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

GREEN HOUSE: See hoophouse.

HOME OCCUPATION: An accessory use of a dwelling which is conducted for compensation, provided:

- A. It is clearly secondary to the use of the dwelling for dwelling purposes but, where located in a residential zone, must be conducted completely within the dwelling;
- B. It does not change the residential character of the dwelling in any visible manner;
- C. It does not create objectionable traffic, noise, odor, vibrations, waste, or unsightly conditions
- D. noticeable off the premises;
- E. It does not create interference with radio and television reception in the vicinity and does not create a health or safety hazard;
- F. Not more than one person not residing on the premises is employed on the premises;
- G. Except for seasonal roadside produce stands, displays of articles for sale shall not be visible from the street and articles not made on the premises may not be sold on the premises;
- H. The total floor area occupied by such home occupation does not exceed 50% of the dwelling floor area above the basement;
- I. Off-street parking shall be adequate to accommodate all persons working at or patronizing the home occupation.

HOOPHOUSE OR GREENHOUSE: Any agricultural production facility which is used in the growing of plants or storage of any kind, will be considered a building (temporary or permanent), and must conform to current setback requirements.

HOTELS: A commercial establishment offering lodging, meals and other services to travelers and guests.

JUNKYARD: Any property or portion thereof used for the outside storage, keeping or abandonment of worked-out, cast-off, or discarded articles or materials, including two or more unregistered motor vehicles, ready for destruction or collected or stored for salvage.

LOT: A single tract, parcel or piece of land including the open spaces required by these regulations which is designated as a unit and is under common ownership and control.

LOT WIDTH: The distance between the side lot lines measured along the line perpendicular to the mean bearing of the side lot lines. Bearings of the side lot lines and the mean are to be expressed for this measurement as running rearward from the front corners of the lot.

LOWEST FLOOR: See Section 9.14.10.d

MANUFACTURED HOME: See Section 9.14.10.f

MEAN SEA LEVEL: See Section 9.14.10.e

MOBILE HOME: A structure originally designed and constructed or redesigned and reconstructed for year-round occupancy for one or more persons, equipped with or designed to be equipped with wheels for movement of the structure from place to place, and which:

A. Does not meet State Building Code and Federal construction and safety standards for manufactured or pre-fabricated homes, or

B. Has as its narrowest dimension a distance of less than **22 feet**. Manufactured homes wider than 22 feet are regulated as a single-family dwelling.

MOTOR VEHICLE: Any operable or inoperable wheeled or tracked vehicle, including trailers, which is or would be subject to registration by the State of Connecticut. This term does not include wheeled or tracked farm implements.

NURSERIES AND NURSERY STOCK OPERATIONS: Any operation which grows plants, etc., for retail or wholesale use.

PRINCIPAL BUILDING: A building containing the principal use of a property. In the case of a farm, the residence, if any, shall be the principal building.

QUARRYING: The process of removing rock by cutting or blasting.

REAR LOT: See Section 10.12

RECREATIONAL CAMPGROUND: A parcel of land used for the parking of camper units or the establishment of overnight living quarters, such as tents or other temporary shelters, and primarily occupied by family groups engaged in travel, recreation or vacation. Such recreational campground shall meet all applicable building and health code requirements before it is open to the public.

SPECIALIZED AGRICULTURAL USE: The use of a lot for intensive farming and farm-related activities that involve:

A. Processing or packaging of farm products or by-products produced on the premises;

- B. Shelter for more than 100 cattle or 1,000 fowl; or
- C. Retail sales of products raised, grown or processed on the premises, other than in a seasonal roadside farm produce stand.

START OF CONSTRUCTION: See Section 9.14.10.c

STREET: Consists of:

- A. an improved right-of-way accepted for public use by lawful procedure and suitable for vehicular travel; or
- B. a proposed street shown on a subdivision plan approved by the Commission.

STRUCTURE: A stand-alone or attached object, which requires location in or on the ground or attachment to an object in or on the ground. A structure (temporary or permanent) includes, but is not limited to, a pool, pool deck, porch, hoop house, house, shed, garage, or pergola. A fence or wall which is more than eight feet high shall also be considered a structure.

SUBSTANTIAL IMPROVEMENT: See Section 9.14.10.b

TEMPORARY STRUCTURE: Any structure that is not permanently constructed which is used for the storage of vehicles, equipment, etc., and generally consists of metal tubing and canvas or plastic covering.

THROUGH LOT: A lot which abuts 2 or more streets which do not intersect while abutting such lot.

TOWER: See Section 9.23.1

WIRELESS TELECOMMUNICATION FACILITY: See Section 9.23.1

WIRELESS TELECOMMUNICATION SERVICES: See Section 9.23.1

YARD: An open space unobstructed from the ground upward along the full length of a lot or street line between that line and the nearest point of any building or portion thereof. Subject to other applicable provisions of these regulations, access drives, parking areas and other such improvements may be located within required yards.

CHAPTER 3 ADMINISTRATION

- 3.1. **ENFORCEMENT:** These regulations shall be enforced by the Commission or its designated agent.
- 3.2. **ZONING PERMIT:** No building shall be erected, moved, structurally enlarged or changed to another use or any use established or changed in any area of the Town of Franklin without a zoning permit thereof from the Planning and Zoning Commission or its designated agent, issued in conformance with the provisions of these regulations. Nurseries and nursery stock operations will not be subject to Section 10.11; but must have an approved site plan with a master facility plan for the next **5 years** on file for the original operation and all future site plan revisions.
 - 3.2.1. The Zoning Enforcement Officer is empowered by the Commission to cause any building or land to be inspected and examined and to order, in writing the remedying of any condition found to exist therein or thereon in violation of any provision of these Regulations.
 - 3.2.2. Application for a zoning permit shall be made on a form provided for that purpose and obtainable from the Land Use Office. Applications for all uses shall be submitted in duplicate.
 - 3.2.3. Applications for zoning permits shall be submitted to the Land Use Office during normal business hours, together with a site plan as prescribed in Chapter 11 of these regulations. The Zoning Enforcement Officer is hereby authorized to issue permits, and approve site plans, for all uses permitted by right, when in the Zoning Enforcement Officer's judgement such proposed uses comply with the requirements of these regulations. The Commission shall act on all other applications, including special exceptions and any other application referred to it by the Zoning Enforcement Officer to resolve any question of interpretation or applicability of, or compliance with, these Regulations. The Commission may hold a public hearing on such application and site plan. Approval of a site plan shall be presumed unless a decision to deny or modify is rendered within 65 days after the date of receipt, except that such time period may be extended for one or more time periods not to exceed 65 days with the consent of the person who submitted such plan. A decision to deny or modify a site plan shall set forth the reasons for such denial or modification. A copy of any decision shall be sent by certified mail to the person who submitted such plan within **15 days** after such decision is rendered.
 - 3.2.4. A certificate of compliance shall be issued by the Zoning Enforcement Officer for all uses, without charge, upon completion of the work if the building or use complies with these Regulations and the application. No building or area shall be used for the purpose applied for until the certificate of compliance has been issued.

- 3.2.5. A certificate of compliance shall remain valid only so long as the building, the use thereof or the use of the land remains in full conformity with these regulations or of an amendment thereto.
- 3.2.6. After the effective date of these regulations the Commission shall issue, without charge, upon the request of the owner or occupant, a certificate of compliance for any legal non-conforming building existing on the effective date of these regulations.
- 3.2.7. A site plan shall become null and void with the expiration of the time periods stipulated by the Connecticut General Statutes. The time period begins at the date of approval and all work in connection with the site plan shall be completed within the time frames stipulated by the Connecticut General Statutes, as amended.
- 3.2.8. A permit shall not be issued for buildings or uses of land or buildings not clearly permitted by these Regulations in the various zoning districts. In any case where a use is alleged to be similar to a specified use permitted by these Regulations, its status shall be determined by the Commission by reference to the most clearly similar use or uses permitted by these Regulations, or it shall be declared that the use is not similar. When the status of a use has been so determined, such determination shall thereafter have general applicability to all uses of the same type.
- 3.3. **SPECIAL EXCEPTIONS AND ZONE CHANGES:** Applications for special exceptions, as listed in Sections 4.3, 5A.2, 5.3, 6.3, 7.3 and 8.3 of these regulations, and applications for a change in the Zoning Map or these regulations, are available from the Land Use Office.
- 3.3.1. The Commission shall conduct a public hearing on any application for a special exception or a change in zone boundaries or regulations. Such hearing shall commence within **65 days** after receipt of such application and shall be completed within **35 days** after such hearing commences. All decisions on such matters shall be rendered within **65 days** after completion of such hearing. The applicant may consent to one or more extensions of any period specified in this paragraph, provided the total extension of all periods shall not be longer than 65 days, or may withdraw such application. The Commission shall not be required to hear any petitions relating to the same changes, or substantially the same changes, more than once in a period of **12 months**.
- 3.3.2. Changes in these regulations or in zone boundaries shall be adopted only by a majority vote of ALL the members of the Commission. If a protest against a proposal is filed at or before a hearing with the Zoning Commission signed by the owners of **20%** or more of the area of lots included in such proposed change or of the lots within **500 feet** in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of **ALL** the members of the Commission.

3.3.3. Any applicant for a special exception or a change in zone boundaries shall, not less than ten days before the date on which a public hearing is scheduled on such application, send a notice to all owners of property within **500 feet** in all directions of the area involved in the application. The notice shall be sent with certificate of mailing, with return receipt directed to the Commission. The notice shall contain:

- A. A statement of the special exception or zone change sought;
- B. The street address or other information sufficient to identify the area involved in the application;
- C. The time, date, and place of the public hearing scheduled on such application; and
- D. A statement that the recipient of the notice may appear and be heard at such hearing, or may submit written comments to the Commission at or before the hearing.

3.3.4. Failure to provide mailed notice in accordance with Section 3.3.3 of these regulations shall not be deemed a procedural defect if:

- A. such owner or owners appear in person at the hearing of which notice was to have been given, or
- B. such owner or owners transmit to the Commission at or before such hearing a written, notarized statement, subscribed by such owner or owners, setting forth their knowledge of all of the specified items required by Section 3.3.3 to be included in such notice. Any owner which is a corporation, common interest, community owners' association, or similar entity may be represented by a duly authorized officer of such entity.

3.4. **TIME EXTENSION FOR WETLANDS REPORT.** Any application involving a lot or lots containing inland wetlands or watercourses must also be submitted to the Franklin Inland Wetlands and Watercourses Commission not later than the date of application to this Commission. If the time for a decision by this Commission on such application would elapse prior to **35 days** after a decision on such application by the Franklin Inland Wetlands and Watercourses Commission, the time period for a decision by this Commission shall be extended to **35 days** after the decision of the Franklin Inland Wetlands and Watercourses Commission.

3.5. **APPEALS AND VARIANCES.** Any person who alleges that there is an error in any order requirement, or decision made by the Zoning Enforcement Officer in the enforcement of these regulations may appeal such action to the Zoning Board of Appeals. Any person wishing to make a proposal that may not be consistent with the requirements of these regulations, may apply to the Zoning Board of Appeals for a variance, except that:

- A. a variance to permit a use not expressly allowed by these regulations may not be granted by the Zoning Board of Appeals, and

- B. any variance granted must conform to the requirements of Section 9.14.11 of these Regulations.

A variance does not constitute a zoning permit which must also be obtained before a building permit can be issued.

- 3.5.1. Application forms for appeals and variances are available from the Town Clerk. At or before the time of application to the Zoning Board of Appeals, any applicant for an appeal or variance must submit copies of such application, including any attached maps, plans, or other exhibits, as follows:
 - A. For appeals - one copy to the authority whose decision is being appealed,
 - B. For variances - one copy each to this Commission and to the Franklin Inland Wetlands and Watercourses Commission
- 3.6. **RECORDING.** No variance or special exception shall become effective until a copy thereof, certified by the Zoning Board of Appeals or this Commission, as appropriate, containing a description of the premises to which it relates and specifying the nature of such variance or special exception, including the zoning provision which is varied in its application or to which a special exception is granted, and stating the name of the owner of record, is recorded in the Town's land records. The Town Clerk shall index the same under the grantor's index under the name of the then record owner and the record owner shall pay for such recording.
- 3.7. **OTHER PERMITS.** A zoning permit indicates compliance with the provisions of these regulations. However, other permits may be required before the applicant can begin the related building or use, such as those concerned with driveways, wetlands, water and sewer facilities, fire protection, building code and health code. Determining what other permits are required and obtaining such other permits is the responsibility of the applicant.
 - 3.7.1. No building permit shall be issued by the Building Official for a building or use subject to these regulations without certification in writing from the Commission or its designated agent that such building or use is in conformity with these regulations or is a valid non-conforming use under these regulations.
- 3.8. **FEES.** Fees shall be charged for the issuance of zoning permits as set forth in the Town's Fee Ordinance. (see Appendix II)
- 3.9. **OTHER NOTICES.** The Commission shall, by certified mail, notify any municipality adjoining the Town of Franklin of any proposed project that:
 - A. Would be wholly or partially located within **500 feet** of such municipality, or
 - B. Would cause a significant portion of the traffic from such project to use such municipality's streets, or

- C. Would cause a significant portion of the sewage and/or drainage from such project to use and significantly affect the sewage and/or storm drainage systems of such municipality, or
- D. Would cause water runoff from the project site that would affect such municipality's streets or other property, or any private property within such municipality.

Such notice shall be sent within **7 days** of the Commission's receipt of the application, and no hearing shall be held on the application until such notice has been received. A representative from any such adjoining municipality shall be allowed to speak at any hearing on the application.

3.10. **PENALTIES.** The owner or agent of any building or premises where a violation of any provision of these regulations has been committed or exists, or the lessee or tenant of an entire building or premises where such violation has been committed or exists, or the agent, architect, builder, contractor or other person who commits, takes part, or assists in any such violation or who maintains any building or premises in which such violation exists, shall be subject to the penalties defined in Connecticut General Statutes, Section 8-12, and to any other remedies allowed by law.

3.11. **ZONING MAP.** The map entitled "Zoning Map, Franklin-Connecticut", is a part of these regulations. The Zoning Map shows the approximate boundaries and zoning designation for each district of the Town. Use and dimensional requirements for each district are found in these regulations.

3.11.1. All district boundaries shown on said zoning map are intended to follow the center lines of streets or lines drawn parallel to and at specified distances from street center lines, unless otherwise specifically shown thereon.

3.11.2. Where a district boundary divided a lot of record at the time such boundary line is adopted, the regulations for the less restricted portion of any such lot may extend not more than **30 feet** into the more restricted portion provided that the lot has frontage on a street in the less restricted district.

CHAPTER 4

R-80 RESIDENTIAL DISTRICT

- 4.1 **PURPOSE.** This district includes most of the good building land in the Town, and much of the current farmland. The regulations for this district are intended to preserve the natural attractiveness and rural character of the Town.
- 4.2 **PERMITTED USES.** The following uses are permitted by right in this district:
- 4.2.1. Farming and forestry activities, and accessory buildings and uses.
 - 4.2.2. Single family dwellings. Two-family dwellings established in accordance with the provisions of Section 9.11.
 - 4.2.3. Home occupations.
 - 4.2.4. Cemeteries.
 - 4.2.5. Parks, playgrounds and other recreational or conservation areas, except recreational campgrounds or other facilities providing overnight accommodations.
 - 4.2.6. Nurseries, nursery stock growing and other related operations.
- 4.3 **SPECIAL EXCEPTIONS.** The following uses are permitted provided they meet the conditions of Chapter 10 of these Regulations:
- 4.3.1. Temporary religious or entertainment gatherings, such as festivals, bazaars or fairs.
 - 4.3.2. Excavations and associated processing.
 - 4.3.3. Utility structures.
 - 4.3.4. Equipment storage areas.
 - 4.3.5. Specialized agricultural uses.
 - 4.3.6. Fraternal organizations and social clubs.
 - 4.3.7. Rear lots.
 - 4.3.8. Repealed, Effective January 15, 2007, Left Blank Intentionally
 - 4.3.9. Religious, educational or governmental uses.
 - 4.3.10. Auctions.
 - 4.3.11. Elderly housing.
 - 4.3.12. Wireless telecommunication facilities.

4.3.13. Age Restricted Housing Community.

4.3.14. Timeshares.

4.4 **DIMENSIONAL REQUIREMENTS.** The following dimensions are required for all uses in the R-80 district:

4.4.1. Minimum lot size: **80,000 square feet.**

4.4.2. Minimum frontage on a street: **200 consecutive feet.**

4.4.3. Front yard: **75 feet**, as measured from the centerline, or **50 feet** from the street right-of-way line, whichever is greater.

4.4.4. Side and rear yards: **25 feet.**

4.4.5. Minimum lot width: **200 feet.**

4.4.6. Minimum buildable area: an area of not less than **40,000 square feet**, which is rectangular in shape with a minimum dimension of **100 feet.**

4.4.7. Nurseries, nursery stock growing and other related operations shall provide the boundary of abutting residential use properties on the nursery side and shall be suitably planted with an evergreen buffer to effect a dense growth satisfactory to the Commission.

4.4.8. Additional Dimensional Requirements for an Age Restricted Housing Community are contained in Section 10.18 of these Regulations.

CHAPTER 5

R-120 RESIDENTIAL DISTRICT

- 5.1 **PURPOSE.** This district principally contains lands with natural resource constraints on development, including steep slopes, wetlands and areas of rock outcrops and shallow-to-bedrock soils. Thus, lot sizes should be large in order that the appropriate buildable area can be found on any given lot.
- 5.2 **PERMITTED USES.** The following uses are permitted by right in this district:
- 5.2.1. Farming and forestry activities, and accessory buildings and uses.
 - 5.2.2. Single family dwellings; Two-family dwellings established in accordance with the provisions of Section 9.11.
 - 5.2.3. Home occupations.
 - 5.2.4. Cemeteries.
 - 5.2.5. Parks, playgrounds and other recreational or conservation areas, except recreational campgrounds or other facilities providing overnight accommodations.
 - 5.2.6. Nurseries, nursery stock growing and other related operations.
- 5.3 **SPECIAL EXCEPTIONS.** The following uses are permitted provided they meet the conditions of Chapter 10 of these Regulations:
- 5.3.1. Temporary religious or entertainment gatherings, such as festivals, bazaars or fairs.
 - 5.3.2. Excavations and associated processing.
 - 5.3.3. Utility structures.
 - 5.3.4. Equipment storage areas.
 - 5.3.5. Specialized agricultural uses.
 - 5.3.6. Fraternal organizations and social clubs.
 - 5.3.7. Rear lots.
 - 5.3.8. Repealed, Effective January 15, 2007, Left Blank Intentionally
 - 5.3.9. Religious, educational or governmental uses.
 - 5.3.10. Auctions.
 - 5.3.11. Wireless telecommunication facilities.

- 5.4 **DIMENSIONAL REQUIREMENTS.** The following dimensions are required for all uses in the R-120 district:
- 5.4.1. Minimum lot size: **120,000 square feet.**
 - 5.4.2. Minimum frontage on a street: **250 consecutive feet.**
 - 5.4.3. Front yard: **75 feet**, as measured from the centerline, or **50 feet** from the street right-of-way line, whichever is greater.
 - 5.4.4. Side and rear yards: **25 feet.**
 - 5.4.5. Minimum lot width: **250 feet.**
 - 5.4.6. Minimum buildable area: an area of not less than **40,000 square feet**, which is rectangular in shape with a minimum dimension of **100 feet.**
 - 5.4.7. Nurseries, nursery stock growing and other related operations shall provide the boundary of abutting residential use properties on the nursery side and shall be suitably planted with an evergreen buffer to effect a dense growth satisfactory to the Commission.

CHAPTER 5A
PLANNED RECREATIONAL DEVELOPMENT DISTRICT

5A.1 **PURPOSE.** The intent of this district is to allow for mixed residential/recreational districts within the Town while protecting the natural resource base and rural character of the community. This district is a floating zone. The applicant must apply to the Commission for a zone change to have a specific tract of land designated as being in a Planned Recreation Development District, and shall demonstrate the suitability of the site for the uses in the zone.

5A.2 **DEFINITIONS:**

COMMON INTEREST COMMUNITY: Real property described in a declaration with respect to which a person, by virtue of his ownership of a unit, is obligated to pay for a share of real property taxes on, insurance premiums on, maintenance of, improvement of, or services or other expenses related to, common elements, other units or any other real property other than that unit described in the declaration but shall not include any permanent residences.

CONDOTEL: A condotel is an assemblage of units within a common interest community that are operated collectively as an inn with a registration desk, cleaning service and other customary features and amenities. The units may be individually owned but shall not include any permanent residences. Unit owners have the option to place their unit in the inn's rental program where it is rented out like any other suite to paying guests.

FLEX GOLF COURSE: A golf course which includes 9 to 18 holes, which may also have multiple tee boxes and different fairway approaches per hole and designed to permit the maximum flexibility in play style and play time.

5A.3 **SPECIAL EXCEPTIONS.** The following uses are permitted provided they meet the conditions of Chapter 10 of these Regulations:

5A.3.1. Golf course communities.

5A.3.2. Golf courses.

5A.3.3. Wireless telecommunication facilities.

5A.4 **DIMENSIONAL REQUIREMENTS.** The minimum tract size in this district shall be 300 contiguous acres.

5A.4.1. The minimum lot size for a single-family dwelling or two-family dwelling: 40,000 square feet, if public water and sewer is provided; 80,000 square feet otherwise. The minimum lot area for an inn or clubhouse shall be 80,000 square feet. All lots shall contain no uses other than those accessory to the golf course, dwellings, clubhouse, or inn itself. Multiple principal buildings and/or uses shall be permitted on a single lot provided they are governed as a common interest community or similar arrangement satisfactory to the Commission.

5A.4.2. Notwithstanding the provisions in Sections 10.12 and 9.7, minimum frontage for those accessory uses requiring dedicated lot areas shall be **200 feet** on a street or private road, and minimum frontage for the development tract shall be **250 feet** on a street.

5A.4.3. Front yard: **75 feet**, as measured from the centerline or **50 feet** from the street right-of-way line, whichever is greater.

5A.4.4. Side and rear yards: **25 feet**.

5A.4.5. No more than **25%** of the tract may be used for residential development.

5A.4.6. The Commission may waive Section 9.22.7 provided all provisions in Sections 9.22.4, 9.22.5 and 9.22.6 are complied with.

CHAPTER 6
C-1 RETAIL COMMERCIAL DISTRICT

- 6.1 **PURPOSE.** This district is intended to provide locations for commercial establishments in each part of the Town. Permitted establishments would be those providing convenience goods and services that meet the daily needs of the nearby residents, thus lessening the need for long trips to purchase everyday necessities.
- 6.2 **PERMITTED USES.** The following uses are permitted by right in this district:
- 6.2.1. Farming and forestry activities, and accessory buildings and uses.
 - 6.2.2. Single family dwellings.
 - 6.2.3. Home occupations.
 - 6.2.4. Retail businesses, such as grocery stores, drug stores, apparel stores, variety stores, eating and drinking establishments, antique shops and sporting goods stores.
 - 6.2.5. Business services, such as banks and other financial institutions, real estate and insurance offices, business and professional offices.
 - 6.2.6. Personal services, such as barbershops, beauty salons and dry cleaning establishments.
 - 6.2.7. Repair services, such as radio, television, appliance and plumbing shops, upholstery shops and shoe repair shops.
 - 6.2.8. Nurseries, nursery stock growing and other related operations.
- 6.3 **SPECIAL EXCEPTIONS.** The following uses are permitted provided they meet the conditions of Chapter 10 of these Regulations:
- 6.3.1. Automotive sales, service and repairs, provided all principal repair operations are conducted in a building.
 - 6.3.2. Religious, educational or governmental uses.
 - 6.3.3. Drive-in eating establishments.
 - 6.3.4. Temporary religious or entertainment gatherings, such as festivals, bazaars or fairs.
 - 6.3.5. Excavations and associated processing.
 - 6.3.6. Laundries or laundromats.
 - 6.3.7. Mixed uses as described in Section 10.10 of these regulations.

6.3.8. Fraternal organizations and social clubs.

6.3.9. Repealed, Effective January 15, 2007, Left Blank Intentionally

6.3.10. Auctions.

6.3.11. Printing.

6.3.12. Wireless telecommunication facilities.

6.4 **DIMENSIONAL REQUIREMENTS.** The following minimum dimensions are required for all uses in the C-1 zone:

6.4.1. Minimum lot size: **100,000 square feet.**

6.4.2. Minimum frontage on a street: **250 feet.**

6.4.3. Front yard: **75 feet**, as measured from the centerline, or **50 feet** from the street right-of-way line, whichever is greater.

6.4.4. Side and rear yards: **25 feet.**

6.4.5. Minimum lot width: **250 feet.**

6.4.6. Maximum lot coverage by buildings, loading and storage areas and all paved areas: **65%** of the area of the lot, exclusive of wetlands and slopes in excess of **1 foot of rise in 2 feet of run.**

6.4.7. Nurseries, nursery stock growing and other related operations shall provide the boundary of abutting residential use properties on the nursery side and shall be suitably planted with an evergreen buffer to effect a dense growth satisfactory to the Commission.

CHAPTER 7
C-2 MIXED COMMERCIAL & LIGHT INDUSTRIAL DISTRICT

- 7.1. **PURPOSE.** This district is intended to provide locations for a variety of economic activities. These are the areas of Franklin that are most accessible by truck or rail and are therefore more attractive to commercial and industrial developers than less accessible areas of the Town. Such development will provide job opportunities for local residents and broaden the Town's tax base.
- 7.2. **PERMITTED USES.** The following uses are permitted by right in the C-2 district:
- 7.2.1. All uses permitted under Section 6.2, except residential uses.
 - 7.2.2. Wholesale sales.
 - 7.2.3. Automotive sales, service and repair provided all principal repair operations are conducted in a building.
 - 7.2.4. Warehousing, indoor storage and truck terminals.
 - 7.2.5. Light manufacturing activities, including assembling and processing, provided they meet the provisions of Section 9.4 of these Regulations and provided all such activities are conducted within buildings.
 - 7.2.6. Printing and publishing, veterinary hospitals.
 - 7.2.7. Laboratories.
 - 7.2.8. Nurseries, nursery stock growing and other related operations.
 - 7.2.9. Wireless telecommunication facilities other than towers.
- 7.3. **SPECIAL EXCEPTIONS.** The following uses are permitted provided they meet the conditions of Chapter 10 of these Regulations:
- 7.3.1. Excavations and associated processing.
 - 7.3.2. Hospitals, religious, educational or governmental uses.
 - 7.3.3. Temporary religious or entertainment gatherings, such as festivals, bazaars or fairs.
 - 7.3.4. Mixed uses as described in Section 10.10 of these Regulations.
 - 7.3.5. Fraternal organizations and social clubs.
 - 7.3.6. Repealed, Effective January 15, 2007, Left Blank Intentionally
 - 7.3.7. Auctions.
 - 7.3.8. Wireless telecommunication towers.

7.3.9. Hotels.

7.4. **DIMENSIONAL REQUIREMENTS.** The following dimensions shall be required for all uses in the C-2 district:

7.4.1. Minimum lot size: **100,000 square feet** without public sewers; **60,000 square feet** with public sewers.

7.4.2. Minimum lot frontage on a street: **200 feet**.

7.4.3. Minimum front yard: **100 feet**, as measured from the centerline of the street, or **75 feet** from the street right-of-way line, whichever is greater.

7.4.4. Side and rear yards: **25 feet**, except that the Commission may require an additional **25 foot** buffer strip where the property abuts a residential use or district. Where such buffer strip is required, both it and the adjacent required minimum yard shall be suitably planted with evergreens to effect a dense growth satisfactory to the Commission.

7.4.5. Maximum lot coverage by buildings, loading and storage areas and all paved areas: **65%** of the area of the lot, exclusive of wetlands and slopes in excess of **1 foot of rise in 2 feet of run**.

7.4.6. Minimum lot width: **200 feet**.

7.4.7. Nurseries, nursery stock growing and other related operations shall provide the boundary of abutting residential use properties on the nursery side and shall be suitably planted with an evergreen buffer to effect a dense growth satisfactory to the Commission.

CHAPTER 8

INDUSTRIAL DISTRICT

- 8.1. **PURPOSE.** This district adjoins the Norwich Industrial Park and should be developed in harmony with the Park. The purpose of this district is to take advantage of the availability of the public utilities and reserve the land for uses that will return the greatest benefit to the Town of Franklin. Site plans for proposed uses in this district must show that the proposed use will be compatible in design and location with the ultimate development of the district.
- 8.2. **PERMITTED USES.** The following uses and accessory buildings and uses thereto are permitted by right in the Industrial District:
- 8.2.1. Warehousing, storage and truck terminals.
 - 8.2.2. Manufacturing, processing and assembly plants and provided all such activities are conducted within buildings.
 - 8.2.3. Laboratories, research laboratories, printing and publishing.
 - 8.2.4. Business and professional office buildings and clinics.
 - 8.2.5. Retail sales in conjunction with products manufactured on the premises.
 - 8.2.6. Public utility power plants as public utility buildings and substations.
 - 8.2.7. Manufacture and treatment of rubber products.
 - 8.2.8. Woodworking shops.
 - 8.2.9. Hotels, motels, inns and restaurants; health, recreation and entertainment centers; studios for movie, recording, television and radio production.
 - 8.2.10. Accessory uses; garages, storage buildings, power plants, recreational, commissary and clinical facilities, off-street parking.
 - 8.2.11. Manufacture, compounding, processing, packing of such products as candy, drugs, perfumes, pharmaceutical toiletries and food products, except the rendering or refining of fats and oils.
 - 8.2.12. Manufacture, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials:

Aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, rubber, tin, tobacco, wood (excluding saw mill, prohibited as planing mill), tars, and paint not involving a boiling process.
 - 8.2.13. Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by gas or electricity.

- 8.2.14. Manufacture of commercial signs, billboards, and other advertising structures.
- 8.2.15. Repealed, Effective January 15, 2007, Left Blank Intentionally
- 8.2.16. Franchise new car dealerships.
- 8.2.17. Wireless telecommunication facilities other than towers.
- 8.3. **SPECIAL EXCEPTIONS.** The following uses are permitted provided they meet the special conditions of Chapter 10 of these Regulations:
 - 8.3.1. Radio and television transmitters and related equipment.
 - 8.3.2. Repealed, Effective January 15, 2007, Left Blank Intentionally
 - 8.3.3. Auctions.
 - 8.3.4. Elderly housing.
 - 8.3.5. Heliports and related service facilities.
 - 8.3.6. Foundry casting, light-weight non-ferrous metal, not causing noxious fumes or odor; glass and plastic manufacture.
 - 8.3.7. Wireless telecommunication towers.
 - 8.3.8. Age Restricted Housing Community.
 - 8.3.9. Certain Adult-Use Cannabis Establishments.
- 8.4. **DIMENSIONAL REQUIREMENTS.** The following dimensions shall be required for all uses in the Industrial District:
 - 8.4.1. Lot size: each separate building site or lot must contain at least **40,000 square feet**.
 - 8.4.2. Minimum frontage on a street: **150 feet**.
 - 8.4.3. Front yard: **100 feet**, as measured from the centerline of the road.
 - 8.4.4. Side and rear yards: minimum **25 feet**.
 - 8.4.5. Maximum lot coverage: **50%** for buildings; **75%** for all uses, including buildings, storage, parking, loading and docking areas. All projects shall comply with the State DEP's 2004 Connecticut Stormwater Quality Manual, as amended.
 - 8.4.6. Minimum lot width: **150 feet**.
 - 8.4.7. Additional Dimensional Requirements for an Age Restricted Housing Community are contained in Section 10.18 of these Regulations.

- 8.5. **LANDSCAPING.** A continuous landscaped buffer strip on the site not less than **25 feet** wide shall be provided along the boundary line of any rear yard or front yard. Such landscaped buffer strip shall be suitably seeded to grass and planted with appropriate landscape material or left in its natural state and maintained in good appearance. No structures, with the exception of an approved freestanding business identification sign meeting the current zoning regulations for the use and district, shall be located within the required landscape buffer strip.
- 8.6. **BUILDING REQUIREMENTS.** The exteriors of all structures are to harmonize with the rest of the District. To insure harmony, exterior walls of all structures shall be finished with brick or stone masonry, or other durable and substantial material.
- 8.7. **SANITARY SEWER CONNECTION.** Any use emitting sewage must be connected to the public sanitary sewer system installed in this district upon:
- A. the establishment of such use; or
 - B. the completion of sewer lines and other fixtures such that the public sewer system is available for use in any road or portion of road fronted on by the lot containing such use, whichever shall last occur.
- 8.8. **PROHIBITED USES.** In addition to those uses prohibited in Section 9.4 et seq., the following uses are also prohibited in the Industrial District:
- 8.8.1. Blast furnaces, foundries, metal fabricating plants, rolling mills, boiler works, drop forges, planing mills, oil refining, cement or block factories.
 - 8.8.2. Teletracks.
 - 8.8.3. On-street parking, abandoned motor vehicles on private property.
 - 8.8.4. Garden apartments, town houses, residential group buildings, residential uses, including residential uses for watchman/caretaker.
 - 8.8.5. Garbage and refuse incineration not originating on the lot of a principal building except by the Town, as special exception.
 - 8.8.6. Storage or treatment of ash or other similar materials causing dust; uses that are dangerous, hazardous, noxious, etc.
 - 8.8.7. No loading dock shall be on the same side of a building as any required front yard on the building's lot unless such docks are not visible to a public street or abutting property in separate ownership as a result of the site's size, topography, and/or other factors that taken together or individually will provide four season total visual screening.
 - 8.8.8. No animals or livestock shall be kept on any lot except upon prior written approval of the Commission:
 - A. for security purposes; or

- B. for their use in a research and development program to be conducted on such lot.
- 8.8.9. No materials, supplies, or products shall be stored or permitted to remain on a lot outside a permanent structure without prior written approval of the Commission or its agents pursuant to the authority granted under section 3.2.3. Approval of outside storage will be granted only where storage is screened from view by a masonry wall, plantings, or other appropriate screening **6 feet** in height, rising at least **2 feet** above the stored material, whichever is higher, and said type of screening shall be used only upon the written approval of the Commission.
- 8.8.10. Slaughter houses, stockyards or feeding pens.
- 8.8.11. PZC may, in its sole discretion, permit more than one use and/or structure on a parcel or parcels located within an industrial zone, as long as the lot or lots are under singular ownership or control and as long as the overall project meets the bulk requirements for the district taken as a whole. Regardless of the ownership of the buildings, leases or other such private arrangements, for purposes of zoning compliance, the Commission's approval shall take precedence.

CHAPTER 9

SUPPLEMENTARY REQUIREMENTS

- 9.1. **SUPPLEMENTARY REQUIREMENTS.** These requirements of this section apply to more than one zoning district or to specific uses or conditions, regardless of where they occur.
- 9.2. **ONE USE PER LOT.** No lot shall contain more than one principal building or use, except as otherwise permitted by these regulations.
- 9.3. **PERMITTED USES.** No building or use shall be permitted to locate within the Town of Franklin unless it is a use, or is similar to a use, listed as permitted by right or as a special exception in these regulations. In any case where a use is alleged to be similar to a specified use permitted by these Regulations, its status shall be determined by the Commission by reference to the most clearly similar permitted use, or it shall be declared that the use is not similar. When the status of a use has been so determined, such determination shall thereafter have general applicability to all uses of the same type.
- 9.3.1 Municipally owned water and sewer facilities, such as pump stations, treatment and control facilities, and the like, reasonably necessary to provide adequate water supply and sewerage systems, are permitted as of right in all zones, subject to site plan approval from the Planning and Zoning Commission. Such approval may be granted notwithstanding the fact that such use and associated structures do not meet other regulations concerning lot size, frontage, yard, lot width, buildable area, or other dimensional requirements.
- 9.4. **PROHIBITED USES.** The following uses are expressly prohibited in the Town of Franklin:
- 9.4.1. Any activity which produces unreasonable noise, odors, vibrations, fumes, electrical interference, or other noxious effects considered objectionable to the residents of the area.
- 9.4.2. Manufacture of explosives.
- 9.4.3. Industrial waste disposal or processing area.
- 9.4.4. Junkyard, refuse disposal area other than the official Town refuse disposal facility.
- 9.4.5. Commercial distillation of bones, rendering reduction or refining of fat or other animal matter.
- 9.4.6. Any use which transmits:
- A. lighting glare into any residential zone; or
 - B. lighting glare in a manner which endangers the public health and safety, or

C. radiant heat perceptible beyond the boundaries of the lot from which it originates.

9.4.7 Repealed, Effective January 15, 2007, Left Blank Intentionally

9.4.8 RESERVED.

9.4.9 The quarrying of stone or rock is prohibited in all zoning districts except as surplus material resulting from site preparation for an approved permitted use or special exception.

9.5 **WATER AND SEWER SYSTEMS.** All storm drainage systems shall be completely separate from any sanitary sewer system or installation. Owners of properties used for industrial purposes may be required to provide preliminary treatment of waste material prior to discharge into any public sanitary sewer system, if deemed necessary by the Commission, the operators of such sewer system, or the State Department of Environmental Protection.

9.6 **RESERVED:**

9.7 **FRONTAGE.** No principal building other than an agricultural building shall be permitted on a lot that does not have frontage on and direct access to a street. Frontage on a cul-de-sac will be measured along the extension of the road through the cul-de-sac as though the cul-de-sac did not exist, and the road simply continued to the full road length. Unless the plan indicates otherwise, such road extension shall be assumed to lead from the entry to the cul-de-sac through its center to the opposite rim. Required frontage may not be measured along the end of such extended road, and side lot lines should be perpendicular to such road extension rather than radial to the cul-de-sac. No commercial or industrial use shall be permitted to occupy a lot fronting only on a proposed street until, from the nearest intersection with an existing street to such lot, such street has been paved and any required drainage has been installed.

9.8 **ACCESSORY USES AND BUILDINGS (TEMPORARY OR PERMANENT).** Such uses are permitted in all districts provided they conform to all of the requirements of these Regulations.

9.9 **HEIGHT RESTRICTIONS.** No building shall exceed **35 feet** in height, except that the Commission may permit a building higher than **35 feet** if it determines that such building will not constitute a safety hazard or be visually inconsistent with the general character and appearance of the surrounding area.

9.10 **LOT WIDTH.** The required minimum lot width for any zone shall be met at both the rear line of the required front yard and at all points to the rear of the required front yard at least to that point at which the area of the lot in front of the lot width line:

A. Includes all of the principal building and all attached structure; or

- B. Is at least the minimum area required for such lots in that zone, whichever standard is greater.

Lot width from the street line to the rear of the required front yard shall be not less than:

1. the actual lot width at the front corners, or
2. the required minimum lot width, whichever standard is lesser.

9.11 **CONVERSION OF RESIDENCES.** A building used for residential purposes and located in an R-80 or R-120 district may, with permission of the Commission, be converted so as to include a total of two dwelling units, provided the following conditions are met:

9.11.1. The building is at least **10 years** old and structurally capable of being converted to accommodate the additional dwelling unit in a safe and healthy manner.

9.11.2 The lot is capable of meeting the dimensional requirements of the district in which it is located, except that the lot shall contain at least **80,000 square feet**.

9.11.3 Off-street parking in the form of either a garage or suitably-surfaced and drained parking area behind the building line shall be provided at the ratio of **2 spaces** per dwelling unit.

9.11.4 Each dwelling unit shall include complete kitchen facilities and a private bath.

9.11.5 Water supply and sewage facilities shall be certified as adequate by the Local Health District, Connecticut Department of Public Health, or Connecticut Department of Energy and Environmental Protection, as appropriate.

9.12 **ANIMALS.** Horses, cattle, sheep and goats shall not be kept on any lot containing less than **80,000 square feet**. For each such animal more than one, the lot shall contain an additional $\frac{1}{2}$ **acre**, except that no limit shall apply to farms, as defined in Chapter 2. Such animals shall be restrained by a fence or other suitable enclosure to prevent their wandering from the lot on which they are kept.

9.13 Repealed, Effective January 15, 2007, Left Blank Intentionally

9.14 **SPECIAL FLOOD HAZARD AREA (SFHA) REQUIREMENTS.** The SFHA includes all areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated July 18, 2011, and accompanying Flood Insurance Rate Maps (FIRM), dated July 18, 2011, and other supporting data applicable to the Town of Franklin, and any subsequent revisions thereto, are adopted by reference and declared to be a part of these regulations. Since mapping is legally adopted by

reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The area of the special flood hazard includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of Franklin or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Town of Franklin, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Franklin.

The following requirements are intended to reduce the threat to public safety and loss of property values resulting from periodic flooding and to ensure eligibility for continued participation by the Town of Franklin in the National Flood Insurance Program. In cases where conflicts occur between the requirements of the underlying zoning district and these SFHA requirements, the more restrictive provision shall control. The following regulations apply within the SFHA:

9.14.1 A zoning permit shall be required for all development (as defined in Section 9.14.10) within the SFHA. All applications for zoning permits or special exceptions for new development shall include with such applications base flood elevation data for that portion of the development located within the SFHA on the Town's FIRM. The Commission shall utilize flood elevation data on the FIRM, or, where this is not available, the Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other development in the SFHA, meet the standards of these Regulations. In the event that data from sources other than the FIRM are utilized, the Commission shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of the flood more than one (1) foot at any point.

9.14.2 Within the SFHA:

- A. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the base flood elevation; and
- B. All new construction and substantial improvements of non-residential structures shall have the lowest floor, including basement, elevated or flood-proofed to or above the base flood elevation, provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic loads and the effect of buoyancy.

A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction and shall certify that the design methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certifications shall be provided to the Building Official.

- C. Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.
- D. Compensatory Storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

- E. Portion of Structure in Flood Zone. If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
 - F. Structures in Two Flood Zones. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.
- 9.14.3 New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
- A. Provided a minimum of 2 openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - B. The bottom of all openings shall be no higher than one foot above grade; and
 - C. Openings may be equipped with screens, louvers, valves, or other covering or devices provided they permit the automatic flow of floodwaters in both directions; and
 - D. Electrical, plumbing, and other utility connections are prohibited below the base flood level; and
 - E. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- 9.14.4. Prior to issuing a zoning permit for new development within the SFHA, the Commission shall review plans for such development to determine that it will be consistent with the need to minimize flood damage within the flood prone area, and to determine whether proposed development and building sites will be reasonably safe from flooding, and that:

- A. New construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure, shall be constructed with materials and utility equipment resistant to flood damage, and shall be constructed by methods and practices that minimize flood damage; and
- B. On-site waste disposal systems are located to avoid impairment to them or contamination from them during flooding; new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system; new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters; and
- C. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
- D. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

9.14.5 Any manufactured home (including a recreational vehicle) to be placed or substantially improved, shall be elevated so that the lowest floor is above the base flood elevation. This includes a manufactured home located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. It shall be placed on a permanent foundation which itself is securely anchored so that it will resist floatation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. It shall be installed using methods and practices which minimize flood damage, providing adequate access and drainage, piling foundations (when used) no more than ten(10) feet apart, and reinforced of any piers more than six (6) feet above ground level. Recreational vehicles placed on sites within a SFHA shall be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

9.14.6 Within the floodway, as shown on the FIRM, or as determined under section 9.14.1 above, all encroachments (including fill, new construction, substantial improvements to existing structures, and other development)

are prohibited unless it has been demonstrated by a Connecticut registered professional engineer, with supporting technical data, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any (0.00 feet) increase in flood levels within the community during the occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design. No manufactured home shall be placed within the area of the floodway.

When base flood elevations have been determined within Zone AE on the community's FIRM, but a regulatory floodway has not been designated, the Commission must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.

- 9.14.7 Applicants for developments within the SFHA on the Town's FIRM shall submit with their applications assurances that the flood-carrying capacity is maintained within any altered or relocated portion of any watercourse.
- 9.14.8 The Commission shall notify, in riverine situations, adjacent communities and the Connecticut Department of Energy and Environmental Protection (Inland Water Resources Division), prior to approving any alteration or relocation of a watercourse, and shall submit copies of such notices to the Federal Emergency Management Agency
- 9.14.9 The Zoning Enforcement Officer shall record the elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, or the elevation to which such structures have been flood-proofed, in accordance with Section 9.14.2, above, and shall advise the applicant that additional federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- 9.14.10 For the purposes of this section of these regulations relating to SFHA requirements, the following definitions shall apply:

BASE FLOOD: A flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE): The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING: See definition for "Structure".

COST: As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

DEVELOPMENT: Means any man-made change to improved or unimproved real estate, including, but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavating, or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

ELEVATED BUILDING: A non-basement building-

- i. built to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water, and
- ii. adequately anchored so as not to impair the structural integrity of the building during a base flood.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction or facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before December 1, 1981, the effective date of the floodplain management regulations adopted by the community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The federal agency that administers the National Flood Insurance Program (NFIP).

FINISHED LIVING SPACE: As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from either overflow of inland or tidal waters, or the unusual and rapid accumulation/runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP: An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the insurance risk premium zones applicable to a community.

FLOOD INSURANCE STUDY: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE OR FACILITY: A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

HISTORIC STRUCTURE: Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR: The top surface of the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access, or storage, in an area other than a basement area is not considered a building's lowest floor. Such enclosed area must be designated in accordance with the definition of "elevated buildings" and Section 9.14.3 of these Regulations.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE: As related to substantial improvement and substantial damage, the market value of the structure shall be determined by the appraised value of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

MEAN SEA LEVEL: The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on Franklin's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION: Structures for which the "start of construction" commenced on or after December 1, 1981, the effective date of the floodplain management regulations adopted by The Town of Franklin and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading of the pouring of concrete pads) is completed on or after December 1, 1981, the effective date of the floodplain management regulation adopted by the community.

RECREATIONAL VEHICLE: A vehicle which is:

- (i) built on a single chassis, and
- (ii) four hundred (400) square feet or less when measured at the largest horizontal projection, and
- (iii) designed to be self-propelled or permanently towable by a light duty truck, and
- (iv) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA (SFHA): The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A and AE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

START OF CONSTRUCTION: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall,

ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home or other man-made facilities or infrastructures. New construction, substantial improvements, and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 (fifty) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a one-year period, in which the cumulative costs equals or exceeds 50 (fifty) percent of the market value of the structure. The market value of the structure should be either the appraised value of the structure prior to the start of the initial repair or improvement, or, in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of a building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

VARIANCE: A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

VIOLATION: Failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

- 9.14.11 Variances shall not be granted within any designated floodway if any increase in flood levels during the base flood discharge would result from such variance. Any applicant to whom a variance is granted within a floodplain or floodway (in whole or in part) shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for each \$100 of insurance coverage. The Commission shall maintain records of all appeal actions with respect to parcels in whole or in part

within the floodplain or floodway and shall report any variances to the Federal Emergency Management Agency in its biennial report.

- 9.15 **PARKING.** All off-street parking spaces shall consist of not less than **200 square feet** per vehicle with a width of 10 feet and a length of **20 feet** and a combined area of parking and maneuvering space of **300 square feet**. All parking spaces, loading facilities and access roadways shall have adequate all-weather surfacing treated to inhibit dust, adequate drainage, and shall allow free and safe movement of all vehicles customarily using the facility. Commercial parking areas/driveways must be constructed of a durable material (asphalt, concrete, pavement millings, or other material approved by the Commission) with the travel way to be a minimum of 24 feet wide for two-way traffic and a minimum of 16 feet wide for one-way traffic and comply with the Franklin Road and Driveway ordinances. Expansion of an existing parking area shall be approved by the Commission. The following parking space requirements shall be met:
- 9.15.1 Residential – 2 spaces per dwelling unit with 2 or more bedrooms; 1 space per dwelling unit with 1 bedroom or accessory dwelling unit.
 - 9.15.2 Hospital – 1.2 spaces per bed.
 - 9.15.3 Auditorium or theater – 0.33 spaces per seat.
 - 9.15.4 Restaurant – 0.33 spaces per seat.
 - 9.15.5 Industrial use – 0.66 spaces per employee.
 - 9.15.6 Church – 0.33 spaces per seat.
 - 9.15.7 College or University – 0.5 spaces per student.
 - 9.15.8 Retail/commercial use – 1 space per 200 square feet of gross floor area.
 - 9.15.9 Office – 1 space per 300 square feet of gross floor area.
 - 9.15.10 Shopping Center – 5.5 spaces per 100 square feet of gross leasable area.
 - 9.15.11 Hotels or Motels – 1 space per room plus 0.5 spaces per employee.
 - 9.15.12 Elementary or Junior High School – 2 spaces per classroom.
 - 9.15.13 Senior High School – 0.2 spaces per student plus 1 space per employee.
 - 9.15.14 Nurseries – 1 space per employee.
- 9.16 **LOADING SPACE.** Every commercial, industrial, wholesale and hospital use, or addition thereto, must maintain at least one paved off-street loading space of not less than **10 feet** in width, **50 feet** in length, and **14 feet** vertical clearance. For each wholesale and industrial building there shall be one such off-street loading space for every **40,000 square feet** of floor area or portion thereof, excluding

basements. For other uses not specifically listed, the same requirement as for the most similar use shall apply. Upon sufficient demonstration that the unique attributes of the use and/or uses in combination do not require the number and/or size of loading stalls required herein, the Commission may, in its sole judgment, reduce the number and size of required stalls by up to 50% of the number and size required, with the express exception of the required vertical clearance.

9.17 CORNER OR THROUGH LOTS. On a corner or through lot:

- A. Frontage, front yard, and lot width requirements shall be met for all street frontages; and
- B. Where the lot line at any street intersection is rounded, the midpoint of the arc shall be considered a front corner for the purposes of measuring frontage and lot width; and
- C. No fence, wall, hedge or other structure or planting more than **2-1/2 feet** in height above the street elevation shall be erected, placed or maintained within the triangular area formed by any intersecting street right-of-way lines and a straight line adjoining said street lines at points which are **50 feet** distant from the point of intersection, measured along said street lines.

9.18 AUCTIONS & TEMPORARY RELIGIOUS OR ENTERTAINMENT ACTIVITIES.

Notwithstanding the provisions of Chapter 10 of these Regulations, the Commission may, after review of an application permit, auctions, whether commercial or non-commercial, temporary fairs, shows, festivals or other entertainment or religious activities that occur on a regular basis to be conducted as permitted uses on lots determined by the Commission to be permanently and adequately equipped with water and sewage facilities, parking areas, safe access, a structure that can be used for dispensing emergency medical treatment, and provided that an adequate buffer exists to minimize the adverse effects that such activity might have on adjacent residential properties. The Commission may require, as a condition of approval, that other measures be taken to ensure public health and safety and that insurance is obtained, where appropriate, to safeguard the Town from liability.

9.19 MOBILE HOME DURING CONSTRUCTION OF DWELLING. A permit to occupy a mobile home may be issued for one year under the following conditions:

- 9.19.1 Such permit shall be issued to the owner of a parcel on which his private dwelling is to be constructed, altered or reconstructed.
- 9.19.2 The mobile home shall not be moved onto the property until a building permit has been issued for such building construction.
- 9.19.3 The mobile home, before occupancy, shall be connected to permanent water supply and sewage disposal system that will serve the completed dwelling.

- 9.19.4 Such permit may be issued for not more than one year, and may be renewed only provided the foundation, first floor, and first floor walls and ceilings shall have been constructed before the renewal is granted. The renewal of such permit shall be for a period not to exceed one year.
- 9.19.5 The plot plan filed with application for the dwelling building permit shall show, in addition to information required for building construction, the proposed location of the mobile home, water supply, and sewage system and such plot plan shall become a part of the application for a permit.
- 9.19.6 The mobile home shall not be occupied after the dwelling is occupied, and the failure to remove the mobile home from the premises within **60 days** after occupancy of the dwelling shall be considered a violation of these Regulations.
- 9.19.7 The Commission shall require a bond or other surety in an amount or value of \$1,000 to assure conformance with these Regulations.
- 9.20 **SEASONAL ROADSIDE FARM PRODUCE STAND.** Such a stand, whether permanent or portable, is permitted in any district provided it shall not be larger than **300 square feet** and shall be set back at least **50 feet** from the travel portion of the roadway and **50 feet** from any intersection, and provided it is not operated for more than **7 months** in any calendar year. A permit, without fee, shall be required from the Commission each year that the stand is to be operated.
- 9.21 **YARD SALES.** Yard sales, garage sales, tag sales and the like are permitted in any district provided there are no more than 3 sales in any calendar year on a lot and provided each such sale lasts no longer than **3 consecutive days**.
- 9.22 **COMMON DRIVEWAYS.** A common driveway is any driveway, right-of-way, or other land passage suitable for vehicular travel, other than a street, which is used for access to more than one lot.
- 9.22.1 No common driveway shall be established in the Town of Franklin after February 1, 1988 unless it conforms with these Regulations.
- 9.22.2 A site plan shall be required for each development proposal involving the creation of one or more common driveways. Such site plan shall be according to the standards of, and in the form of, a Class A-2 survey, as well as meeting the standards of Chapter 11 of these Regulations. Such site plan shall include, for each common driveway proposed, one sheet showing only the common driveway and those lots proposed to use it. In case of conflict between these standards, the stricter standard shall apply. Such site plan shall show the location, dimensions, grade, and surfacing details of the proposed common driveway, in addition to other requirements of these Regulations.
- 9.22.3 Each common driveway must lie in a right-of-way of at least **25 feet** in width, which right-of-way shall not be counted as part of any lot for purposes of determining such lot's frontage, area, width, coverage or required yards. If 2 rear lots are to share the driveway, then the right-of-

way must be at least **40 feet** wide, with at least **20 feet** of width owned together with each rear lot. Further, at least one corner of each common driveway at each intersection with a public road shall be marked with a concrete monument. All other common driveway corners must be marked by monuments, iron pins or iron pipes.

- 9.22.4 Each common driveway shall have a travel surface at least **16 feet** wide, surfaced with gravel, pavement, or other material deemed suitable by the Commission, having a grade not less than **1%** nor more than **15%** slope. There shall also be a shoulder on each side of at least **3 feet** in width at the same grade as the travel surface, but having a downward slope from the travel surface outward of not less than **5%** nor more than **10% slope**. Drainage shall be provided, of a design adequate to handle a 100-year storm.
- 9.22.5 For each common driveway, there shall be recorded in the Land Records of the Town of Franklin, a Declaration of Covenants or other instrument which:
- A. shall bind owners of each lot using such driveway, and their successors-in-interest, to the provisions of such instrument; and
 - B. shall establish a permanent right-of-way in favor of each such lot, which easement shall run with title to such lots; and
 - C. shall clearly and reasonably apportion among such lots and their owners 100% of both the liability for injury or damage occurring on such common driveway or its right-of-way, and also the duty and costs of repairing and maintaining such common driveway to the standards established by the approved site plan; and
 - D. shall establish in each lot and its owners the right to bring civil actions as necessary to compel the owners of the other lots to carry out their obligations under such instrument, or to collect damages for their failure to carry out such obligations. Such instrument shall be submitted for review to the Commission as part of the application for such common driveway as that the Commission may timely determine such instrument's compliance with these provisions.
- 9.22.6 Failure to construct, repair, or maintain any common driveway in compliance with these Regulations and/or the provisions of the site plan approved therefore, shall be deemed a violation of these Regulations.
- 9.22.7 No common driveway may be used as access to more than 4 lots. No more than 2 of such lots may be front lots, nor more than 2 of them rear lots. Any front lot which abuts any common driveway and:
- 1. is part of the same development proposal which creates the common driveway, or
 - 2. is in common ownership with the common driveway at the time such common driveway is created, shall be required to connect its driveway

to at least one abutting common driveway and not to the road or roads on which such lot fronts.

9.23 **WIRELESS TELECOMMUNICATION FACILITIES.** The intent of this section and its subsections is to permit the location of wireless telecommunication facilities (including towers and antennae) in accordance with the 1996 Federal Telecommunications Act while protecting neighborhoods and minimizing adverse visual and operational effects through careful design, siting, and screening. Its specific objectives are:

- A. To encourage use of non-residential buildings and structures, such as water storage tanks.
- B. To encourage joint use of new or existing facilities.
- C. To avoid potential damage to adjacent properties from tower failure through careful engineering and siting of towers.
- D. To accommodate the need for wireless telecommunication towers and antennae while regulating their location and number.
- E. To protect historic and residential areas from potential adverse impacts of wireless telecommunications facilities.
- F. To encourage suitable design measures to minimize adverse visual effects of wireless telecommunication facilities.
- G. To reduce the number of tower and/or antennae needed in the future.

9.23.1. **DEFINITIONS.** The following terms are used throughout these provisions:

- A. **ANTENNA:** A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip, panel and dish antennae.
- B. **CO-LOCATION:** Locating wireless telecommunication facilities of more than one provider on a single site.
- C. **TOWER:** A structure intended to support equipment used to receive or transmit electromagnetic waves. Examples include self-supporting lattice, guyed, and monopole.
- D. **WIRELESS TELECOMMUNICATION FACILITY:** The equipment and structures, including towers and antennae, involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.
- E. **WIRELESS TELECOMMUNICATION SERVICES:** Services associated with the transmission and/or reception

of wireless telecommunications. These services may include, but are not limited to, cellular, personal communication services, specialized mobile radio, and paging.

9.23.2. **LOCATION PREFERENCE AND PRIORITIES.** The following types of locations for wireless telecommunication facilities are listed in order from most preferred to least preferred. All permit applications for such facilities shall demonstrate why any locations having a higher priority cannot be used for the proposed facility,

- A. On an existing structure such as a non-residential building/façade, water tower/tank, utility pole, steeple, clock or bell tower, monument, billboard, chimney, bridge, grain elevator, and/or silo.
- B. On an existing or approved tower.
- C. On a new tower to be erected on or within ¼ mile of the site of an existing tower which is to be removed.
- D. On a new tower located on property occupied by one or more existing towers.
- E. On a new tower located in a commercial or industrial zone.
- F. On a new tower located in a residential or planned recreation zone.

9.23.3. **SITE PLAN REQUIREMENTS.** All permit applications for a wireless communication facility shall meet the site plan requirements set forth in Chapter 11 of these regulations. In addition, the following information, where applicable, shall be submitted for each such application. The Commission may require independent engineering/technical review of submitted materials at the applicant's expense:

- A. A map indicating the service area of the proposed wireless telecommunication facility, a map indicating the extent of the provider's existing and planned coverage within the Town of Franklin, and a map indicating the search radius for the proposed facility site, including the location of tall structures within ¼ mile of the proposed site.
- B. A report from a licensed telecommunication systems engineer indicating why the proposed site is necessary to satisfy its function in the applicant's proposed wireless telecommunication facility system.

- C. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.
- D. Details of all proposed antenna and mounting equipment including size and color.
- E. Elevations of all proposed shielding and details of material including color.
- F. An elevation of all proposed equipment buildings, boxes or cabinets and details of all proposed fencing including color.
- G. Tower base elevation and height of tower.
- H. A design drawing, including cross section and elevation, of all proposed towers. A description of the tower's capacity, including the number and type of antennae it can accommodate as well as the proposed location of all mounting positions for co-located antennae and the minimum separating distances between antennae. The design shall indicate how the tower will collapse without encroaching upon any adjoining property if failure occurs.
- I. A report from a licensed telecommunication systems engineer indicating that the proposed facility will comply with federal communications commission radio frequency emission standards and that the installation will not interfere with public safety communications.
- J. All proposed landscaping, if appropriate, with a list of plant materials.
- K. Proposed access to the site.

9.23.4. **ADDITIONAL SPECIAL EXCEPTION REQUIREMENTS.** In addition to the requirements of section 9.23.3, an application for a special exception for a wireless telecommunication facility shall include the following:

- A. A view shed analysis showing all areas from which any proposed tower would be visible, and if requested by the Commission, a simulation of the proposed site in order to help the Commission determine the visual impacts associated with the proposal.
- B. Documentation prepared by a licensed telecommunication systems engineer that no other existing or planned tower or other structure can accommodate the applicant's antenna. For tall structures located within ¼ mile radius of the proposed site, documentation that the owners of these locations have been contacted and have denied

permission to install the antenna on these structures for other than economic reasons.

- C. Proximity of any proposed tower to residential structures.
- D. Nature of uses on adjacent and nearby properties within 1,000 feet.
- E. Surrounding topography within 1,000 feet of any proposed tower at contour intervals not exceeding **10 feet**.
- F. Design of any proposed tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

9.23.5. **GENERAL REQUIREMENTS.** The following provisions shall apply to all permit applications (special exception or by right) for proposed wireless telecommunications facilities:

- A. The tower and/or antenna shall be erected to the minimum height necessary to satisfy the technical requirements of the telecommunications facility. Documentation of the minimum height needed, prepared by a licensed telecommunications engineer, shall accompany an application. The Commission may require the submission of propagation modeling results to facilitate its review of tower height. The tower or antenna may exceed the height limitation of Section 9.9 of these Regulations to the extent supported by the documentation supplied.
- B. A tower must comply with the setback requirements of the zone in which it is located, or set back from all property lines a distance equal to the height of the tower, whichever is greater. In addition, it must be located **500 feet** from any dwelling unit located in a residential zone.
- C. A wireless telecommunication facility may be considered as either a principal or accessory use. The minimum lot area for the construction of a new tower shall be that of the zone in which it is located. More than one tower may be permitted on a lot if all setbacks, design, and landscaping requirements are met for each tower. A wireless telecommunications facility may be located on leased land as long as there is adequate access to the site for service vehicles, and such access is documented in a deed easement presented to the Commission.
- D. All towers in residential or planned recreation zones shall not exceed **150 feet** in height and shall be a monopole design unless otherwise modified and approved by the Commission. The Commission may require that a monopole be designed and treated with architectural

materials so that it is camouflaged to resemble woody tree with a single trunk and branches on its upper part, or other suitable art form/sculpture as determined by the Commission.

- E. Towers not requiring federal aviation administration paintings or markings shall be painted a non-contrasting blue, green, or other neutral color.
- F. No lights or illumination shall be permitted unless required by the federal aviation administration. All utilities installed on the site to service the tower and/or antenna shall be placed underground unless above-ground installation is specifically permitted by the Commission.
- G. No signs or advertising shall be permitted on any tower or antenna, except no trespassing, warning, and ownership signs are permitted at ground level.
- H. The proposed support structure shall be required to accommodate a minimum of 3 users unless it is determined to be technically infeasible based upon information submitted by the applicant and verified by the Commission. These users shall include other wireless communication companies, and local police, fire, and ambulance companies.
- I. A proposed tower shall be designed and constructed to all applicable standards of the American National Standards Institutes, as amended.
- J. The Commission may require the use of Section 16-50AA of the Connecticut General Statutes to promote tower sharing.
- K. All ancillary buildings, such as equipment cabinets and sheds, associated with wireless telecommunication facilities shall comply with the following:
 - i. each building shall not contain more than **150 square feet** of gross floor area or be more than **8 feet** in height.
 - ii. Each building shall comply with the setback requirements of accessory buildings for that zoning district in which it is located.
 - iii. If located on the roof of a building, the ancillary structure shall be designed to blend with the color and design of the building to the extent possible.
 - iv. All ground level buildings, boxes, or cabinets shall be surrounded by a chain link or comparable fence and

shall be landscaped so as to blend in with surrounding properties.

- L. All attempts shall be made to co-locate a proposed antenna on existing towers, buildings or other structures before a new tower may be approved
- M. Panel antennae shall not exceed **60 inches** in height by **24 inches** in width; whip antennae shall not exceed **48 inches** in height; and dish antennae shall not exceed **36 inches** in diameter.
- N. Facilities mounted on a building shall be of a material or color, which matches the exterior of the building and shall blend into the existing architecture to the extent possible.
- O. Façade-mounted antennae shall not protrude above the building structure and shall not project more than 3 feet beyond the wall or façade.
- P. Roof mounted antennae:
 - i. shall not change the height of the building.
 - ii. Shall not exceed the highest point of the rooftop by more than **10 feet**.
 - iii. Shall be set back from the roof edge a minimum of **10 feet** or **10%** of the roof width, whichever is greater.
 - iv. Shall not occupy more than **25%** of the roof area in residential or planned recreational zones, and **50%** in all other zones.

9.23.6. **REVIEW STANDARDS.** In addition to other appropriate review standards found in these regulations, the Commission shall consider the following in reviewing applications for wireless telecommunication facilities:

- A. Detailed analysis of alternative sites, structures, access, and antennae as provided by the applicant. Particular attention will be placed upon the location preferences set forth in Section 9.23.2 of these Regulations.
- B. Detailed propagation and antenna separation analysis relative to tower height.
- C. Tower sharing or co-location to facilitate the telecommunication needs of municipalities and other entities in order to reduce the need to construct additional towers. The Commission reserves the right to require the applicant to utilize the provisions of Section 16-50AA of the Connecticut General Statutes to achieve tower sharing.

- D. Assessment of tower structure type.
- E. Assessment of design characteristics and architectural treatments that mitigate, reduce, or eliminate visual impacts on adjacent areas.
- F. If located on a property listed with the National Register of Historic Places, preservation of the historic and/or architectural character of the landscape or any structure.
- G. Consideration of future use or re-use of the site, with provisions for facility removal and site restoration.
- H. For special exception applications, the criteria set forth in Section 10.2 of these Regulations.

9.23.7. **ABANDONMENT.** A wireless telecommunication facility not in use for **12 consecutive months** shall be removed by the facility owner at their expense. This removal shall occur within 90 days of the end of such **12 month period**. The Commission may require a bond or other surety satisfactory to the Commission to guarantee removal, which shall be reviewed and renewed every **2 years**. If there are 2 or more users of a single tower, this provision shall not become effective until all users cease utilizing the tower.

9.24 **AMATEUR RADIO STATIONS.** In consideration of the public benefit obtained from such stations during natural disasters and other emergencies, any holder of a valid amateur radio station license issued by the Federal Communications Commission may establish and maintain an antenna and other equipment necessary to the operation of such a station as an accessory use to such holder's home or place of business in any zone upon the following conditions:

9.24.1 The following definitions shall apply to Section 9.24 and its subsections:

ANTENNA: The construct of wires or metal rods used in the sending and receiving of electromagnetic waves by federally licensed amateur radio or citizens band radio operators.

ANTENNA SUPPORT STRUCTURE: Any structure, mast, pole, tripod, or tower utilized for the purpose of supporting one or more antennae.

ANTENNA HEIGHT: The overall vertical length of the antenna and its support structure above grade, including the height of any building upon which the structure may be mounted. For any retractable antenna or support structure, the length shall be measured when fully retracted.

9.24.2 No person shall install, construct, or increase the height of any antenna without first obtaining a zoning permit. Any application for such permit shall be accompanied by a site plan which shall contain, in addition to the other requirements of these Regulations, proof of valid Federal license, a location plan for the antenna support structure, and the manufacturer's specifications and construction details, if any, for the antenna support structure. An antenna and its support structure must be removed from the property:

1. within two years after the expiration or revocation of the required federal license, or
2. within thirty days after the transfer of the property to owners or tenants who lack such a license.

9.24.3 Antenna support structures must be constructed from aluminum, galvanized steel or equally weather resistant steel. They may be mounted on the ground, utility poles or buildings. All ground mounted support structures more than 35 feet high shall be mounted in concrete, and all support structures shall be erected in such a manner so as to withstand a minimum wind velocity of 80 M.P.H.(impact pressure of 25 pounds per square foot). Galvanized steel shall be at least 1/8 inch thick; other structural steel shall be at least ¼ inch thick. All support structures shall be grounded, such grounding to consist of one ground rod at least 5/8 inch in diameter and eight feet in length, connected with a conductor of at least #8 gauge copper or its conductive equivalent. Any manufacturer's grounding requirements that are more stringent than these requirements shall be followed.

9.24.4 Ground mounted antenna structures may only be erected in the rear or side yard. For any type of mounted, the antenna height shall not exceed the shortest distance from the support structure base to any overhead utility line or property line. No antenna shall extend into or over any public right-of-way, nor over any property line without the written consent of all legal owners of the abutting property.

9.24.5 An amateur radio antenna may be mounted on a support structure used for wireless telecommunication or other authorized transmission facilities if such structure meets the requirements of these regulations. An amateur radio antenna support structure may be used by other transmission facilities only if such facilities would be allowed at the location if the amateur radio facility were not there.

9.25 **CONSTRUCTION HOURS.** No construction, reconstruction, demolition, excavation, earth-product processing, grading, or similar activity shall be allowed between the hours of sunset and 7:00 a.m., except for disaster

relief or other emergency work authorized by the First Selectman.

9.26 **RESERVED**

9.27 **HEIGHT OF PRIVACY FENCES:** Any fence of any height that is used for privacy (stockade) shall not affect sight lines of any vehicles from a road or driveway and may be subject to approval from the Franklin Building Official.

9.28. **TEMPORARY HEALTHCARE STRUCTURES:** The Franklin Zoning Enforcement Officer is hereby authorized to grant permits for Temporary Healthcare Structures meeting the requirements of this sub-section and the Connecticut General Statutes. A Temporary Healthcare Structure is a portable, residential structure intended for occupancy by a mentally or physically impaired person requiring caregiver assistance, and which meets all requirements of Public Act 17-155, as amended.

9.28.1. All definitions conform to definitions contained in Public Act 17-155 and the Connecticut General Statutes, as amended.

9.28.2. A Temporary Healthcare Structure shall be allowed as an accessory use in any single-family residential zoning district (R-80 and R-120), on a lot with a single-family detached dwelling, that is owned by a caregiver or mentally or physically impaired person, provided such Temporary Healthcare Structure is used as his or her residence after obtaining a zoning permit.

9.28.3. In making an application under this sub-section, the applicant shall provide written notice of the zoning permit application, by certified or registered mail, to each person appearing of record as an owner of property, which abuts the property upon which the Temporary Healthcare Structure is proposed to be installed. The notice shall be sent not later than three (3) business days after the permit applications are submitted to the required Town departments.

9.28.4. A zoning permit fee of \$50.00 shall be submitted with an application for a Temporary Healthcare Structure, along with a plot plan of the property in application, depicting the location of existing structures, the proposed Temporary Healthcare Structure, distances to property lines, and delineation of emergency vehicle access to the Temporary Healthcare Structure. A letter from the Town Sanitarian or Local Health District attesting to the suitability of the proposed method of water supply and sewage disposal shall also be submitted. An annual permit renewal fee of \$25.00 shall be required which shall involve an inspection by the Planning & Commission or its agent to determine compliance with the requirements of this sub-section and Public Act 17-155. Notwithstanding the provisions of Chapter 11, an application for a

Temporary Healthcare Structure does not require a formal Site Plan.

9.28.5. The Planning & Zoning Commission or its agent may revoke a Temporary Healthcare Structure permit if the permittee violates any provisions of this sub-section or Public Act 17-155,

9.28.6. A Temporary Healthcare Structure installed pursuant to this section shall be removed not later than one-hundred and twenty (120) days after the mentally or physically impaired person no longer occupies the structure or no longer qualifies as mentally or physically impaired. The applicant shall submit a bond in the amount of \$25,000 prior to the issuance of a permit, in order to ensure compliance with this sub-section.

9.29 **ACCESSORY DWELLING UNIT (ADU)** The Franklin Zoning enforcement Officer is hereby authorized to grant permits for Accessory Dwelling Units (ADUs) meeting the requirements of this sub-section and the Connecticut General Statutes. An ADU is a separate dwelling unit that A) is located on the same lot as a principal dwelling unit of greater square footage, B) has cooking facilities, and C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations, and which meets all requirements of Public Act 21-29, Section 6, subsections (a) through (d), inclusive, as amended.

9.29.1 All definitions conform to definitions contained in Public Act 21-29 and the Connecticut General Statutes, as amended.

9.29.2 One (1) ADU shall be allowed as an accessory use in any single-family residential zoning district (R-80 and R-120), on a lot with a single-family detached dwelling.

A. ADUs may be attached to or located within the proposed or existing dwelling, or detached from the proposed or existing principal dwelling and located on the same lot as such dwelling.

B. Maximum net floor area for an ADU is one thousand square feet or less than thirty per cent of the net floor area of the principal dwelling, whichever is less.

C. ADUs must conform to the dimensional requirements of the underlying zoning district.

D. ADUs must conform to applicable building code requirements.

9.29.3 A zoning permit fee as determined by the Town of Franklin fee ordinance shall be submitted with an application for an ADU, along with a plot plan of the property in application, depicting the

location of existing structures, the proposed ADU, distances to property lines, and delineation of emergency vehicle access to the ADU. A letter from the Town Sanitarian or Local Health District attesting to the suitability of the proposed method of water supply and sewage disposal shall also be submitted. Notwithstanding the provisions of Chapter 11, an application for an ADU may require additional information as required by the ZEO.

CHAPTER 10

SPECIAL EXCEPTIONS

- 10.1 **SPECIAL EXCEPTION.** All special exceptions shall be in accordance with the procedural requirements of Sections 3.3 and 3.6 of these Regulations, the dimensional requirements of the zoning district in which they are proposed, and the conditions of this Chapter. All applications for special exception shall submit a site plan as prescribed in Chapter 11 of these Regulations.
- 10.2 **GENERAL EVALUATION CRITERIA.** In evaluating an application for a special exception, the Commission shall determine that the following general conditions are met:
- 10.2.1 The proposed use will not create or substantially aggravate vehicular and pedestrian traffic safety problems.
 - 10.2.2 The proposed use will not have substantial degrading effects on the value of surrounding property.
 - 10.2.3 The proposed use will not substantially affect environmental quality in an adverse manner.
 - 10.2.4 The ability of surrounding property to develop consistent with the prevailing zoning classification will not be substantially impaired.
 - 10.2.5 Public utilities and storm drainage features are adequate to serve the proposed use.
 - 10.2.6 The kind, size, location and height of building and other structures, the nature and extent of landscaping, and the location of driveways, parking and loading areas will not substantially hinder or discourage the appropriate use of adjoining property.
- 10.3 **FESTIVALS.** Permits for temporary religious or entertainment gatherings, such as festivals, bazaars, or fairs, shall be limited to **30 days**, although one extension of not more than **30 days** may be granted by the Commission. Provisions satisfactory to the Commission shall be made for safe access and traffic control, off-street parking, water supply, sewage disposal and emergency medical treatment for those attending the activity.
- 10.4 **GRADING AND EXCAVATION.** Grading may be conducted in any zone without a permit, subject to the requirements of Section 11.4, unless the activity is also an excavation as previously defined. Excavation may be permitted by the Commission provided the detrimental effects of the activity are minimized and provided the future usefulness of the premises is assured when the excavation is completed. The quarrying of stone or rock and associated drilling and/or blasting is prohibited in all zoning districts except as surplus material resulting from site preparation for an approved permitted use or special exception.

Permits for excavation shall not be issued for periods exceeding one year and may be renewed only if it can be shown that the character of the surrounding

area has not changed sufficiently during the preceding permit period so as to make a continuation of such use detrimental to the public health, safety and general welfare, and that the operation is being conducted in compliance with these Regulations.

Excavation permits may be renewed without a further public hearing provided that:

- A. The excavation does not extend beyond the area shown:
 - i. when the special exception was first approved; or
 - ii. at the most recent renewal hearing, if any;
- B. The required bond remains adequate to ensure conformity with the permit conditions and with These Regulations,
- C. At the end of such renewal term, more than **5 years** shall have passed since the most recent public hearing on the granting or renewal of the excavation permit,
- D. Any areas to be restored by the end of the most recent permit term have been satisfactory restored,
- E. If the excavation is in a residential zone, the renewal will not allow the excavation to continue beyond **5 years** from the date of original approval of the excavation permit, and
- F. For any permit renewal beginning **5 or more years** after the initial granting of the permit, the Commission may require the site plan to include a plan for the reclamation of all areas disturbed or to be disturbed by the excavation together with an estimate of the time required to complete the excavation, and the Commission may require certain areas of the excavation to be restored to a satisfactory condition as set forth in Section 10.4.3 during each permit renewal period thereafter. No excavation permit may be granted or renewed for longer than:
 - a. **5 years** from the date of original approval in residential zones, or
 - b. **10 years** from the date of original approval in all other zones; however, this provision shall not prevent a new application for excavation on the same site.

Processing of materials may be allowed as an accessory permitted use to any excavation permit in any zone upon the following conditions:

- (a) Any processing permit shall be issued or renewed as a separate permit from the underlying permit and shall be for a term not longer than the term of the underlying permit. Such permit shall set forth specific processes, such as washing, screening or crushing, that shall be allowed under such permit, and no other processing may be done. The site plan shall show the location of all processing equipment and of

any structures or other measures intended to reduce dust and/or noise emissions.

- (b) The processing operation must conform to all conditions imposed by these Regulations upon excavations and other grading activities. In addition, the Zoning Enforcement Officer shall be allowed to inspect each processing site at least once in each calendar year to confirm compliance with these regulations.
- (c) The processing operation must conform to any special conditions placed on the underlying permit to, unless specifically exempted by the Commission.
- (d) The processing operation must not emit sound in excess of the levels permitted by applicable Connecticut Department of Energy and Environmental Protection (DEEP) regulations or by Town noise regulations, whichever shall be lower. The Commission may require any applicant for renewal of a processing permit to conduct on-site testing for sound levels at the applicant's expense prior to any hearing or other consideration of such renewal. This testing shall be done during operating hours and using a selection of materials representative of this to be processed during the renewal term. The person or firm conducting such sound testing must be approved prior to such testing by this Commission or by the DEEP if the DEEP is also involved in such testing pursuant to its own jurisdiction. The Commission must be notified of the testing date in writing at least **one week prior** to such testing date, and any or all Commission members may observe such testing.
- (e) No equipment used in the processing operation may be located closer than **1,000 feet** from any building used for residential purposes under any circumstances. No equipment used in the processing operation may be located closer than **2,000 feet** from any building used for residential purposes, unless:
 - i. all owners of such building consent in writing to the location of such equipment at a lesser distance, or
 - ii. the proposed processing site is entirely within the C-2 zone, or
 - iii. it is demonstrated to the Commission's satisfaction that a lesser separating distance would produce sound emissions in that direction of a least **5 decibels** lower on the a-weighted scale than applicable noise regulations required, and would do so without causing the emission of impermissible sound levels in any other direction.
- (f) No equipment used in the processing operation may be located within 50 feet of any property line, unless the adjoining property is in common ownership with the processing site.

- (g) No materials shall be brought onto the site and processed unless it is demonstrated to the Commission's satisfaction:
 - i. that such materials are needed to make a usable or marketable product from the materials excavated from the site,
 - ii. for excavations, that such materials shall not exceed **25%** of any end product of such processing,
 - iii. that the processing of such materials shall not emit odors, dust or noise in excess of that emitted by the processing of materials excavated from the site or by the other operations of the nursery use, and
 - iv. that the excavation or nursery site is in a C-2 zone.

The owner or operator of any processing operation attached to an excavation use shall submit to the Commission at least once in every calendar-year quarter, a report showing the amount of materials excavated, processed, imported to the site, and exported from the site during the previous quarter or since the period reported in the most recent prior such report.

- (h) In residential zones, the Commission may require tree plantings or other physical screening or sound attenuation methods to minimize visual and aural impacts on nearby properties.
- (i) Processing shall be prohibited:
 - i. on Saturdays, Sundays and legal holidays, and
 - ii. between the hours of 4:30 p.m. and 8:30 a.m.

The following additional conditions must be met by all excavations:

- 10.4.1. Such operations must not be conducted between the hours of sunset and 7:00 a.m., except for disaster relief or other emergency work authorized by the First Selectman.
- 10.4.2. The site plan shall show that adequate measures are to be taken to guard against erosion and sedimentation both during and after excavation.
- 10.4.3. At the conclusion of the operation or of any substantial portion thereof, the whole disturbed area must be covered with not less than four inches of topsoil and seeded with a suitable cover crop, unless it is shown on the plan that the condition of the area will be at least comparable to the condition prior to the operation.
- 10.4.4. Before a permit for excavation is issued, the applicant must post a bond in a form satisfactory to the Commission and made payable to the Treasurer of the Town of Franklin in an amount approved by the

Commission as sufficient to guarantee conformity with the provisions of the permit and of these Regulations.

10.4.5. No removal shall take place within **20 feet** of a property line unless the finish grade will be the same as the grade of the adjoining property along the property line.

The following additional conditions must be met by all grading activities:

10.4.6. No bank may exceed a slope of one foot vertical rise in two feet of horizontal distance unless in ledge where the finished slope may be on 1-1/2 to one.

10.4.7. No activity within **20 feet** of a property line shall create and leave uncorrected for more than **24 hours** a slope greater than 2:1 at any time during or after the operation.

10.4.8. Where any disturbed area shall have a depth of **10 feet** or more and creates a slope of more than 2:1, there shall be a substantial fence at least **6 feet** in height with suitable gates and such fence shall be located **15 feet** or more from the edge of the disturbed area.

10.4.9. Provisions shall be made to minimize dust from blowing onto neighboring properties.

10.4.10. Locations for access roads, stock piling and equipment storage shall be selected so as to minimize adverse effects on surrounding properties.

10.5 **UTILITIES.** Utility structures and equipment storage facilities must not be detracting from the character of the area in which they are located. The Commission may require fencing, planting strips or other landscaping features to assure visual harmony with the surrounding area.

10.6 **AUTOMOTIVE SALES AND SERVICE.** No structure, parking or storage area, driveway or advertising sign associated with any type of automotive sales or automotive service or repair establishment or drive-in eating establishment shall be located closer than **50 feet** from the property line of any existing residential use. Automotive sales or automotive service and repair establishments and drive-in eating establishments shall not be located closer than **500 feet** from any property containing a school, church or public library. The Commission may require planting strips to visually separate such uses from nearby residential uses.

10.7 **DRIVE-IN RESTAURANTS.** Drive-in eating establishments shall have a minimum of **10** off-street parking spaces.

10.8 **CHURCHES, SCHOOLS AND GOVERNMENT USES.** Religious, educational or governmental uses shall not be located where they are likely to impede the eventual complete and orderly development of a C-1 or C-2 district. These uses may be permitted in C-1 or C-2 districts only if it can be shown, to the satisfaction of the Commission, that vehicular and pedestrian traffic generated by these uses

will not conflict with or be endangered or disturbed by such traffic from existing and future uses in the district.

10.9. **LAUNDRIES.** Laundries and laundromats shall be connected to a public sewer system.

10.10. **MIXED USES.** A lot in a C-2 district which contains a single-family dwelling as of November 15, 1978, may be used for non-residential uses in addition to the established residential use, provided all other requirements for the zone are complied with. A lot in a C-1 zone may be used for a single-family dwelling and one or more permitted non-residential uses, provided all other requirements of the zone are complied with.

10.10.1. The Commission may permit more than one permitted non-residential use to be conducted on a single lot in the C-1 or C-2 district provided the lot and the buildings thereon remain in single ownership, and provided all other requirements of the zone are complied with.

10.10.2. Any proposal to add to the number of uses incorporated in any mixed use shall require a new special exception hearing. Any proposal to change one use to another within a mixed use may be granted by the Zoning Enforcement Officer and the Commission Chairman, jointly, without action by the Commission provided:

- A. that the applicant has certified in writing, such writing to be verified by the Local Health District, Connecticut Department of Public Health, or Connecticut Department of Energy and Environmental Protection, as appropriate, that the proposed use shall not discharge any material into the septic system not suitable for such septic system,
- B. that the Local Health District, Connecticut Department of Public Health, or Connecticut Department of Energy and Environmental Protection, as appropriate, has verified in writing that the average quantity of material computed to be discharged by the proposed use, in combination with the average septic discharge of all other uses discharging to the septic system, shall not exceed **80%** of the authorized capacity of the septic system,
- C. that the parking required for such proposed use by these Regulations, in combination with the parking requirements for all other uses occupying the parking area, shall not exceed the capacity of such parking area,
- D. the proposed use in a use, or part or all of a category of use (for example, Business Services) previously allowed as a part of the mixed use,
- E. the proposed use would require no changes to the site plan for the lot, and

- F. such change of use would not violate any special conditions imposed on the mixed use by previous special exceptions and remaining in effect at the time of the proposed change of use. Should either the Zoning Enforcement Officer or the Commission Chairman be unable or unwilling to approve any such proposal, for any reason, such proposal must be referred to the Commission for action.

10.11. **SPECIALIZED AGRICULTURAL USES.** The Commission will determine the following:

- 10.11.1. Any building will be designed or adequately screened to present an appearance that is consistent with the area.
- 10.11.2. Roads and intersections providing access to the use or building will be adequate to provide safe and uncongested movement of traffic.
- 10.11.3. All plans for the storage and disposal of wastes shall be consistent with regulations of the Franklin Inland Wetlands and Watercourse Commission and the Connecticut Departments of Public Health and Energy and Environmental Protection.
- 10.11.4. No building or any waste storage or treatment area shall be located closer than **225 feet** from a street center line or **300 feet** from any other property line, except that the distance may be reduced to **100 feet** when the adjoining property is a state open space or land physically unsuitable for building purposes, as determined by the Commission.

10.12. **REAR LOTS.** A “**rear lot**” is defined as a lot which:

- A. has less public road frontage than the amount required for lots in the zone or zones in which the lot is located at the time such lot is created, and
- B. has access to a least one public road through at least one access strip.

An “**access strip**”, as used herein, shall mean a strip of land at least 25 feet wide connecting a rear lot with a public road and over which lies a right of access between such lot and such road, ownership of such right running with title to the rear lot. The following additional conditions must be met for this special exception:

- 10.12.1. Notwithstanding the provisions of Section 10.1, a rear lot need not to meet frontage requirements for its zone. However, all other zone requirements must be met. No access strip nor any land used for access to another lot may be used in determining compliance with such zone requirements. The lot boundary from which an access strip leads shall be considered a front boundary of such lot.

10.12.2. A site plan shall be required for each development proposal involving the creation and/or development of rear lots. Each such site plan shall contain separate sheets showing each rear lot by itself in detail. Such site plan shall be according to the standards of, and in the form of, a Class A-2 survey, as well as meeting the standards of Chapter 11 of these Regulations. In case of conflict between these standards, the stricter standard shall apply. Such site plan shall include both the rear lot and any access strip. Further, one rear lot corner abutting the access strip and one access strip corner abutting the public road shall be marked by a concrete monument. All other rear lot and access strip corners must be marked by monuments, iron pins, or iron pipes.

10.12.3. The principal use of any rear lot must be a single-family dwelling. Conversions otherwise allowed under Section 9.11 may not be made on a rear lot. A rear lot must have an area at least twice the minimum size zones, except for the access strip. If the access strip leads to a public road through any non-residential zone, and is not a common driveway, then the Commission may require that the access strip intersect such road at least **150 feet** from any other driveway or road intersection with such road.

10.12.4. An access strip for a rear lot may be;

- A. a portion of land in common ownership with the rear lot, or
- B. a common driveway.

In either case, the driveway established in the access strip must be constructed by the applicant to the standards required of a common driveway. No access strip may be used by more than **2** rear lots. All lots abutting the access strip must meet front yard requirements with respect to it as if it were a public road. No rear lot access strip shall be created within **300 feet** of another rear lot access strip, or within **100 feet** of any other driveway, as measured along the public sideline.

10.12.5. Any front lot which abuts any access strip and which;

- A. is part of the same development proposal which creates such access strip, or
- B. is in common ownership with the access strip at the time it is created, shall be required to connect its driveway to at least one such access strip and not to the road or roads on which it fronts.

10.12.6. No zoning or building permit may be issued for a use on a rear lot until the required corner markings are placed, and the legal status of the access strip is made to conform with these Regulations and the requirements of the special exception granted, as shown on the land records of the Town of Franklin.

- 10.13. **HELIPORTS.** No landing area or airstrip used for the landing, take-off, or warming-up of helicopters may be located closer than **500 feet** from any residential zone or use. Any lot containing such landing area or airstrip shall have a buffer of trees not less than **100 feet** wide along any lot boundary abutting a residential zone or use.
- 10.14. **GOLF COURSE COMMUNITY.** A golf course community shall include a clubhouse and may contain the following: public or private golf course, clubhouse with full restaurant facilities; single- and two-family dwellings, parking lots, swimming pools, tennis courts, garages and cart paths.
- 10.14.1. There must be a minimum distance of **150 feet** as measured from the centerline of each fairway to a public road or private dwelling.
- 10.14.2. All parking must be internally located on the site.
- 10.14.3. A secondary access for emergency vehicles only shall be provided.
- 10.14.4. A minimum of one parking space per club member shall be provided. Additional 15 parking spaces must be provided if the facility is open to the general public. These provisions shall be in addition to other applicable parking requirements in these Regulations.
- 10.14.5. An application for a golf course community must include:
- A. A comprehensive development plan for the entire Planned Recreation Development District (PRDD) within which it is proposed to be located.
 - B. A standard 18-hole golf course occupying at least 150 acres of the tract and having a total length of at least 6,500 yards as measured from the rear-most tee areas and calculated in a manner approved by the United States Golf Association. The Commission may permit an alternative golf course design in the form of a flex golf course, with a minimum of 9 holes and with multiple tee boxes and different approaches to simulate a standard 18-hole course, provided that the total length is at least 3,250 yards and that the additional acreage required to construct a standard 18-hole course is set aside for future expansion of the course. Tees, greens, and landing areas must be located a minimum of 150 feet from any structure occupied as a residential dwelling on property located exterior to the golf course or golf course community, as of the date of filing of an application for a golf course or golf course community and a minimum of fifteen (15) feet from any property line of the golf course property. The application shall contain a certification from the golf course architect that the layout of the proposed golf course shall not create a safety hazard on any adjoining real property to the application parcel.

- C. A comprehensive management plan for water use, runoff control, irrigation, pest management and fertilizer and other chemical use.

An application for a golf course community may include:

- D. A driving range, practice areas, and maintenance, operation and storage buildings.
 - E. Exercise rooms and equipment, tennis and/or squash courts, swimming pools, fishing ponds, playgrounds, and/or an arcade.
 - F. A clubhouse which may contain locker rooms, a restaurant, and/or grill and banquet facilities.
 - G. An inn containing not more than 250 rooms for overnight guests. The inn may include a health spa, exercise rooms, meeting rooms, restaurant and/or banquet facilities for not more than 500 people. An inn may be operated as a condotel, governed as part of a common interest community, provided that permanent residency shall be prohibited, and occupancy of any conveyed suite shall be limited to 28 days per calendar year and 6 days per stay.
 - H. Retail businesses associated with or supporting the recreational uses such as pro shops, sports equipment and clothing, and/or health and fitness products. Retail uses shall not exceed 20,000 square feet of floor space and shall be contained in either or both of the clubhouse or inn structures.
 - I. Golf practice and simulation facilities.
 - J. Dwellings consisting of one or two residential units per building. The dwelling units shall be operated as a condotel, governed as part of a common interest community, provided that permanent residency shall be prohibited, and occupancy of any conveyed residential unit shall be limited to 28 days per calendar year and 6 days per stay.
- 10.14.6. In addition to the other site plan requirements of these Regulations, the PRDD development plan shall comply with the following:
- A. All tract utilities shall be located underground.
 - B. The plan shall contain a traffic study by a qualified traffic engineer that shall address existing and future traffic volumes, traffic accident history, peak hour projections, maximum traffic at full development, any necessary improvements to abutting public roads, adequacy of access to the nearest state highway,

compliance with any State Traffic Commission requirements for the project, and any other matter relevant to the traffic flow to, from, and within the tract.

- C. All parking requirements applicable to the golf course and all of the accessory uses shall be met within the tract. In addition to other parking requirements, there shall be provided 100 parking spaces for the golf course, plus an overflow parking area of a size deemed reasonable by the Commission after taking into account all of the uses to be developed within the tract. Internal access ways other than public highways shall meet construction requirements for common driveways, except for cart paths, maintenance roads and other travel ways wholly within the golf course and not leading to occupied structures.
- D. There must be 2 means of egress from the tract from all occupied structures. The second means of access may be a road intended for use only during emergencies and generally meeting the standards for common driveways, except for design variations which may be permitted by the Commission for fairway crossings or similar points of conflicting land use. Access to such emergency egress may be controlled by a gateway or similar barrier, but a lockbox or similar device approved by the Fire Marshal and readily accessible to fire or other emergency personnel must be provided to open such gate or barrier.
- E. The golf course design and construction must minimize impact on wetlands and watercourses and the clearing of native vegetation and trees. It shall make maximum use of the existing topography and drainage ways and shall avoid unnecessary mass regrading. Rough and fairway areas shall make maximum use of existing landforms and indigenous vegetation consistent with the needs of a modern golf course.
- F. The tract shall be allowed those signs allowable to a mixed use.
- G. The plan shall include a schedule for the construction of the various improvements and an indication if the development will be constructed in phases. The golf course shall be considered a required principal use of any golf course community. No other principal or accessory use may be occupied or used until the golf course is complete with the exception of the final stabilization of the golf course turf.
- H. The plan shall contain a list of all other town, state or federal permits that will be required for the development.
- I. At least 50% of the tract shall be reserved as permanent open space and shall be designated as such on the approved

development plan. Wetlands, tees, greens, fairways and undeveloped areas between fairways may be included in this calculation. The impervious coverage of the tract shall not exceed 20%. The impervious coverage of any internal lot shall not exceed that allowed in the C-2 zone.

- J. If a public water supply is provided, the plan must include provisions for the construction, maintenance, and operation of such water supply that shall conform to the requirements of the Connecticut Department of Public Health services and to the requirements of whichever of the Southeastern Connecticut Water Authority or the Norwich Department of Public Utilities, as shall contain the planned water supply within its service area.
- K. Any inn or dwelling operated as a condotel under Sections 10.14.5 (G) or (J) shall, each calendar year, prepare a record of occupancy and provide a copy of said record to the Commission to demonstrate compliance with the applicable occupancy limitations no later than February 1st of each year.

10.14.7. In addition to any other requirements of these Regulations, the management plan shall comply with the following:

- A. Provisions shall be made for the on-site storage of rainfall and surface runoff so as to minimize the impact on abutting properties. There must be a water irrigation system, which shall comply with industry standards and shall be certified as meeting such standards by the golf course designer.
- B. The plan shall provide for an integrated pest management and course maintenance system, to include types and rates of typical golf course fertilizers, pesticides, and other chemical applications. It shall require annual testing of surface water flowing off the site at specified locations, and/or ground water at specified well sites as set forth in the management plan. The plan shall set forth the chemical concentrations allowed by the Connecticut Department of Energy and Environmental Protection and shall describe the procedures to follow if such concentrations are near or exceed the allowable limits. While any chemical concentrations approach or exceed the limit, monitoring well testing shall be done as often as twice per month until corrected, or as may be required by the Department of Energy and Environmental Protection. All test results shall be provided upon completion to the Zoning Enforcement Officer. Activities within the tract shall not affect the quality or quantity of water available to wells on adjacent properties. All testing shall be done by a qualified testing laboratory and at the expense of the tract owner.

- 10.15. **AUCTIONS.** For any auction, provisions satisfactory to the Commission shall be made for safe access and traffic control, off-street parking, water supply, sewage disposal and emergency medical treatment for those attending the activity. Permits for auctions may be granted for no more than one day, except for a regularly-recurring activity permitted under Section 9.18. Court-ordered auctions, such as foreclosures, shall be permitted without a hearing upon proof of satisfactory provision of site requirements contained in this section, and the date of such auction may be changed as directed by the court.
- 10.16. **ELDERLY HOUSING.** The term “elderly housing” shall refer to residential dwelling units which:
- A. are restricted to occupancy by one or more persons who are either handicapped and/or at least **62 years** of age, provided that, in the case of a married couple, only one of the marriage partners are handicapped and/or at least **62 years** of age, and
 - B. conforms in design structure and plan to the requirements of applicable State and/or Federal programs providing for housing for the elderly.

Plans for such units may contain a signed and sealed statement from the owner, project architect, and project engineers certifying that the project conforms to such state and/or federal requirements. Elderly housing may include accessory buildings and facilities, such as a community hall and laundry rooms. The following regulations shall apply to all elderly housing projects:

- (a) The project must create not less than **20 dwelling units**, and the project land and improvements must remain in common ownership. The applicant shall, prior to approval, execute a covenant with the Town of Franklin in form and content acceptable to this Commission, to be recorded in the land records, and providing that the land and improvements included in the project shall be devoted solely to elderly housing and appropriate accessory use thereto for a term of not less than **50 years** after the date of final approval of such project by this Commission. The project lot must contain at least **120,000 square feet** and have at least **250 feet** of frontage.
- (b) The provisions of Section 9.2 notwithstanding, there may be more than one principal building per parcel, spaced not less than **25 feet** apart so as to allow room for light, air, and emergency vehicles. The Commission may require additional separation as necessary to maximize the solar energy use capability.
- (c) There shall not be more than **4 dwelling units** per building.
- (d) Each dwelling unit include complete kitchen facilities and a private bath.
- (e) All on-site utilities shall be underground.
- (f) All buildings shall be connected to public water and sewer lines, if available, in a manner that shall conform to the State sanitary code. If public water is not available, the applicant must provide a water system approved by the public water system or entity holding the Exclusive Service Area in the location of the

proposed facility, and the Connecticut Department of Public Health. If public sewers are not available, the applicant must provide a septic system designed, sealed and approved by a certified sanitary engineer, and approved by the Local Health District, Connecticut Department of Public Health, or Connecticut Department of Energy and Environmental Protection, as appropriate.

- (g) A minimum of **5%** of the project parcel shall be set aside as open space and/or recreation area for the use of the residents of the dwellings. This area set aside for such use shall be free of wetland soil types and shall be suitable for uses such as picnic areas, garden plots, recreation areas, or other appropriate uses.
- (h) The total ground area coverage of the parcel by buildings, loading and storage areas shall not exceed **50%** of the total parcel area.
- (i) All driveways in the project shall conform to the standards for common driveways and must be paved.
- (j) Since the intent of this regulation is to provide housing for the elderly of the Town of Franklin, all elderly housing projects shall include in their tenant selection procedures and guidelines satisfactory provisions giving priority over all other applicants to those persons **62 years** of age or more who have maintained a residence in the Town of Franklin for the **3 years** prior to the time of each
- (k) person's evaluation as a potential tenant, and who have personally occupied such residence for at least **6 months** of each of these **3 years**. Such priority shall also include the spouses of such persons, if any.
- (l) The Commission may waive or modify these requirements and the associated parking requirements in Section 9.15 as part of the Special Exception approval for elderly housing projects that meet all of the following criteria: (1) the project owner is a nonprofit organization; (2) at least 50% of the units are affordable housing with income and rent limits in accordance to Connecticut General Statute Sec. 8-39a. "affordable housing" defined; (3) restrictions are recorded on the Land Records maintaining the affordability for at least 30 years; and (4) the project site is in the Industrial District.

10.17. **BED & BREAKFAST OPERATIONS.** (Adopted February 13, 1996) The purpose of this provision is to allow for the offering of overnight accommodations and meals to travelers for a fee in residences in any area where the home and site have characteristics which lend themselves to an "Inn" type setting. It is not the intent of this section to permit bed & breakfast establishments in conventional residential development settings in town.

- (a) A "**bed & breakfast operation**" is defined as an owner-occupied dwelling having 4 or fewer guestrooms, without separate kitchen facilities, in which overnight accommodations and meals are provided to travelers, for a fee, and for not more than **7 days** in one month.
- (b) The operations of a bed & breakfast use shall require a zoning permit, issued by the Planning and Zoning Commission, for a period of **2 years**. It must be renewed for additional **2-year** periods.

- (c) The Commission may permit, after a site plan review, a bed & breakfast operation in any residence located in any zone if the proposal complies with the purpose and definition as stated above, and provided the following conditions are met:
- (1) The operation shall be an accessory use of an owner-occupied residence as defined by, and inclusive of all requirements of the zoning regulations. It is not to be used as a place of residence for other than the property owner.
 - (2) The proposed building shall have a minimum of **2,200 square feet** and must have a floating date of **5 years**. Minor additions of not more than **10%**, or **200 square feet**, may be added to the existing dwelling, for accommodations.
 - (3) No more than **50%** of the floor area of the building shall be used for guest sleeping accommodations.
 - (4) The occupancy of each guestroom shall not exceed 4 individuals.
 - (5) The lot size shall be a minimum of **60,000 square feet**.
 - (6) Written certification shall be obtained from the Local Health District, the public water system or entity holding the Exclusive Service Area in the location of the proposed bed & breakfast operation, the Connecticut Department of Public Health, and/or Connecticut Department of Energy and Environmental Protection that plans for the water supply and sewage disposal systems are adequate to support the intended use.
 - (7) The operations shall meet all applicable building, health, and fire code requirements.
 - (8) Off-street parking spaces shall include at least **2 spaces** for the residents of the property and one for each guestroom. Parking shall be behind the front building line.
 - (9) The Commission may require fencing, earth berms, evergreen vegetation or other buffers to reduce visual conflicts with neighboring uses.
 - (10) Bed & breakfast operations shall be permitted no more than one suitable freestanding sign to identify the property, provided said sign does not exceed **6 square feet** as measured on one side, contains no lighting, with the exception of indirect spotlighting, and which shall be specifically reviewed and subject to approval as part of the site plan review for its consistency and compatibility with the area in which the bed & breakfast is located.
 - (11) The Commission may waive one or more of the site plan requirements when it is satisfied that the information is not necessary to make an informed decision on the application.

10.18 **AGE RESTRICTED HOUSING COMMUNITY.** The purpose of this provision is to promote the development of housing for older persons (age 55 or older) within either (i) a common interest community created pursuant to the provisions of Connecticut General Statutes Section 47-200 Et. Seq. or (ii) pursuant to an arrangement (leasehold or otherwise) in which all of the land in the community is owned by a single entity responsible for the maintenance of the community for the benefit of its residents. The development of communities to meet the specialized needs of this age group shall be designed in a manner which is sympathetic to the surrounding neighborhood and sensitive to the ability of the site and infrastructure to accommodate the project. The age restricted housing community shall be designed to promote mobility and socialization of residents with each other and throughout the community, provide appropriate facilities and amenities, as noted herein, for the intended community, and provide for a variety of common and shared spaces. The development shall encourage open space development patterns to preserve meaningful open space. The site and buildings in an age restricted housing community shall be designed in order to render all units capable of being easily converted to provide for handicapped accessibility to the individual unit if needed in the future.

Age restricted housing communities approved under Section 10.18 of these Regulations cannot be modified or amended to delete the community entry requirements therefor contained in Section 10.18.3.18 of these Regulations and the Zoning Board of Appeals of the Town of Franklin shall have no power or authority to vary such community entry requirements.

10.18.1 **Application.** All applications for age restricted housing communities shall comply with the requirements of Sections 10.1, 10.2 and 11 of these Regulations. Applications may be submitted for phased developments; provided, however, that (i) a conceptual master plan for the remainder of the community is submitted as an integral component of the special exception application and (ii) each proposed phase of the phased community can be constructed, operated and maintained without the development of any subsequent phase.

10.18.2 **Contents of the Application.** An application for an age restricted housing community shall include:

10.18.2.1 A special exception application form as prescribed by the Commission.

10.18.2.2 A site plan review checklist on a form prescribed by the Commission.

10.18.2.3 A site plan which complies with the requirements of Section 11 of these Regulations and contains all additional data and information required by Section 10.18 of these Regulations.

10.18.2.4 A drainage report and drainage area map prepared and certified by a licensed professional engineer.

- 10.18.2.5 A draft of all covenants and restrictions applicable to the age restricted housing community. These covenants must provide assurances that the community entry requirements of Section 10.18.3.18 hereof will be adhered to. All covenants and restrictions submitted to and approved by the Commission in conjunction with a special exception application for an age restricted housing community shall be filed for record in the Franklin, Connecticut Land Records.
- 10.18.2.6 Typical front, side and rear elevations of structures to be erected in the age restricted housing community. The exterior architectural elevations of all buildings in an age restricted housing community shall be subject to approval by the Commission. The Commission shall utilize the following parameters in reviewing and approving the architectural design in an age restricted housing community in order to encourage appropriate architectural character and prevent excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings or structures:
- (i) Buildings shall have variation in rooflines to add visual interest. Roofs must have at least two of the following features: overhanging eaves, sloped roofs and two or more roof planes.
 - (ii) Building faces shall present a clear, well-defined and balanced facade.
 - (iii) Predominant exterior building materials must be of high quality. These include brick, wood, sandstone, textured siding provided the appearance of the siding is consistent with the above-enumerated materials.
 - (iv) Facade colors must be of "low reflectance" subtle, neutral or earth tone colors.
 - (v) The architectural character of the buildings shall create an appearance consistent with traditional New England style architecture.
- 10.18.2.7 If the age restricted housing community is being developed in phases, a phasing plan, in conceptual form portraying the full build-out of the project. Phased projects shall be designed in such a manner that each phase of the age restricted housing community can be developed without dependence upon any subsequent phase thereof.

10.18.2.8 Verification from a municipal sewer service provider that the community is authorized to interconnect to a municipal sewer system.

10.18.2.9 An agreement from a municipal authority or public instrumentality formed to operate public or community water systems agreeing to either (i) provide a public water supply for the community or (ii) own and operate a community water system for the community permitted in accordance with the procedures set forth in Section 16-262n of the Connecticut General Statutes.

10.18.3 **Development Standards.**

10.18.3.1 Internal community roads shall be owned and maintained by the community owner or an association of community owners in the event that the community is a common interest community pursuant to Section 47-200 et. seq. of the Connecticut General Statutes. Internal community roads shall be a minimum of twenty-two (22') feet in width (or such greater width as the Commission may determine) and shall be constructed in accordance with the construction details for public streets contained in the Town of Franklin Road Ordinance, including the public improvement specifications contained and/or referred to therein.

10.18.3.2 Public water and municipal sewer shall serve the entire community. The total number of units in the age restricted housing community shall not exceed the capacity of the wastewater treatment facility to provide wastewater treatment service to the community and adequately accommodate the flows generated by the community as set forth in the agreement to provide service submitted in conjunction with an application for special exception approval for an age restricted housing community pursuant to the requirements of Section 10.18.2.8 of these regulations. All costs associated with the extension of public sewers to the community shall be paid by the project developer. The developer shall be responsible for all costs associated with the extension of a potable water supply to the community and for obtaining all approvals required for said extension from the Franklin Water Pollution Control Authority, State of Connecticut Department of Public Health and/or the State of Connecticut Public Utility Control Authority. All utilities in an age restricted housing community shall be underground installations.

10.18.3.3 The minimum application parcel(s) lot size for an age restricted housing community shall be one hundred fifty (150) acres.

- 10.18.3.4 The maximum density for an age restricted housing community shall be four (4) dwelling units per acre.
- 10.18.3.5 There shall be no more than four (4) dwelling units per building in an age restricted housing community.
- 10.18.3.6 Primary access to such age restricted housing community must be from an arterial or collector street or highway located within the Town of Franklin, Connecticut.
- 10.18.3.7 The following accessory uses and buildings exclusively serving the residents of the age restricted housing community may be included with the approval of the Commission:
- a. Swimming pools and tennis courts.
 - b. Community center.
 - c. Golf course which complies with the requirements of Sections 10.14.1, 10.14.2, 10.14.4, 10.14.5(C), 10.14.6(B), 10.14.6(C), 10.14.6(E), 10.14.6(G), 10.14.6(H), 10.14.6(J), 10.14.7(A) and 10.14.7(B) of these Regulations.
 - d. Off-street parking for recreational vehicles.
 - e. Community maintenance building.
 - f. Shared parking facilities located within one hundred (100') feet of the units served.
 - g. Neighborhood commercial development to provide goods and services, including, but not limited to, drugstores, laundry facilities, beauty salons, convenience goods and services and professional services, primarily to residents of the age restricted housing community subject to the following parameters:
 - i. The gross square footage of such neighborhood commercial development, in the aggregate, shall not exceed eight thousand (8,000) square feet.
 - ii. Such neighborhood commercial development shall provide goods and services of a nature primarily intended to satisfy the needs of residents within the age restricted housing community.

- iii. Any such neighborhood commercial development shall be set back not less than one hundred fifty (150') feet from any exterior property line of the age restricted housing community and three hundred fifty (350') feet from any single family residence on an adjoining property.
- iv. Such neighborhood commercial development shall be screened on all applicable sides from adjoining residential uses exterior to the age restricted housing community in such a manner as to blend in with surrounding properties.

h. Other similar accessory uses acceptable to the Commission.

10.18.3.8 Each building shall not be located closer than twenty-five (25') feet from any other building measured in a straight line between the nearest points of the building.

10.18.3.9 No outside storage or clothes, or drying devices shall be provided unless completely screened from view of any adjoining property or public street. Refuse containers shall be screened from view and provided in sufficient number to accommodate refuse from the community residents in a sanitary and odorless manner. All accumulated refuse shall be removed from the community not less that one (1) time each week.

10.18.3.10 Each age restricted housing community shall provide a community/recreational building for the exclusive benefit of community residents which shall contain not less than the greater of (i) two thousand (2,000) square feet or (ii) ten (10) square feet for each unit in the community. The community/recreational building shall be constructed, and a Certificate of Occupancy granted therefor by the Building Official of the Town of Franklin not later than the construction of ten (10%) percent of the maximum number of units in the age restricted housing community.

10.18.3.11 No building containing a dwelling unit or related facility shall be located within seventy-five (75') feet of any property line or within one hundred fifty (150') feet of any existing residential structure on any adjoining lot except in the case of individual, single family detached units. If the Commission finds that it will enhance the project and not adversely affect neighboring properties, the Commission may reduce the setbacks; provided, however, that any such reduction shall not be to a setback less than that required pursuant to the provisions of the bulk regulations for the underlying zone.

10.18.3.12 The maximum coverage of all buildings on the lot shall not exceed twenty (20%) percent.

10.18.3.13 Building height shall not exceed thirty-two (32') feet.

10.18.3.14 Parking shall comply with the requirements of Section 9.15 of these regulations. For purposes hereof, garage units allocated to each dwelling unit in the common interest community shall be counted towards the satisfaction of the parking requirements.

10.18.3.15 Street lighting shall be provided on all streets within the age restricted housing community spaced at intervals consistent with the requirements of a new subdivision street pursuant to the road ordinance of the Town of Franklin. The restrictions and covenants for the age restricted housing community shall provide that the costs of street lighting shall be borne by the community owner(s).

10.18.3.16 If stormwater runoff from the age restricted housing development will exceed the capacity of downstream structures or create the potential for flooding hazards to person or property, the Commission may require that the age restricted housing community be designed to accommodate a zero (0%) percent increase in peak runoff during the 25 year design storm event.

10.18.3.17 Community entry requirements.

- a. Each unit must be occupied by at least one (1) resident who is 55 years of age or older.
- b. No unit shall be occupied by any individual who has not attained the age of 22 years.
- c. In the event that an age restricted housing community contains a component thereof, specifically designated in the special exception application as "Housing For The Elderly"; then, and in such event, the entry requirements for such component of the age restricted housing community shall be as provided in Section 10.16(A) of these Regulations; and the "Housing For The Elderly" component thereof shall be developed in accordance with the density requirements of Section 10.18 of these Regulations.
- d. The community documents shall contain covenants insuring that community entry requirements are maintained for all units in the community.

- e. The community manager is responsible for submitting verification of compliance with the community entry requirements to the Town of Franklin Zoning Official on an annual basis.

10.19 **HOTELS:** The purpose of this provision is to allow for the development of hotels in the C-2 Mixed Commercial & Light Industrial District subject to the following requirements:

- 10.19.1 Such facility may include restaurants, retail stores and recreation facilities that are subordinate to the main hotel use.
- 10.19.2 Such facility shall have a minimum of 200 feet of frontage on one of the following State highways: Routes 32, 87 or 207.
- 10.19.3 Such facility may exceed the height requirement as referenced in Section 9.9 of these regulations when the additional building height is necessary to create a roof line that is consistent with New England architecture acceptable to the Commission. The maximum height allowed shall not exceed 48 feet.
- 10.19.4 Hotel structures shall not contain more than three habitable floors and shall meet all applicable State building and fire codes.
- 10.19.5 Hotels permitted under this section shall be serviced by approved sanitary and water systems.

10.20 **TIMESHARES:** The purpose of this provision is to allow for the development of Timeshares in the Residential R-80 District by Special Exception subject to the following requirements:

- 10.20.1 Timeshares are defined as an arrangement whereby vacationers purchase time to use a property as a vacation venue under a Timeshare Agreement
- 10.20.2 Timeshares shall not be construed to be full time residences
- 10.20.3 Timeshares shall maintain a 150 feet side and a 150 feet rear setback from adjoining residential property lines
- 10.20.4 Timeshares shall have a maximum allowed density of up to 12 units per acre
- 10.20.5 Timeshares shall have no more than 12 units per building
- 10.20.6 Time share buildings shall not exceed a height of 48 feet
- 10.20.7 The minimum application parcel(s) lot size for a Timeshare Development shall be one hundred fifty (150) acres

- 10.20.8 Such facility shall have a minimum of two hundred feet (200 feet) of frontage on one of the following State Highways: Routes 32, 87, or 207
- 10.20.9 Timeshares permitted under this section shall be serviced by municipal sanitary and municipal water systems
- 10.20.10 All off-street parking spaces shall consist of not less than 200 square feet per vehicle with a width of 10 feet and a length of 20 feet and a combined area of parking and maneuvering space of 300 square feet. All parking spaces, loading facilities and access roadways shall have adequate all-weather surfacing treated to inhibit dust, adequate drainage, and shall allow free and safe movement of all vehicles customarily using the facility with the number of parking spaces at a minimum of one space per timeshare unit.
- 10.20.11 The maximum coverage of all buildings on the lot shall not exceed 20%

10.21 **ADULT-USE CANNABIS ESTABLISHMENTS:** The purpose of this provision is to allow for the development of certain adult-use cannabis establishments in the Industrial (I) District by Special Exception.

10.21.1 **Adult-Use Cannabis Definitions:** For the purpose of this section, all terms referred to herein shall be defined and used in accordance with Section 21a-420 of the Connecticut General Statutes as amended from time to time. Selected definitions are included below for ease of reference:

- a) **CANNABIS.** Marijuana as defined in Section 21a-240, C.G.S.
- b) **CANNABIS ESTABLISHMENT.** A producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter.
- c) **CANNABIS PRODUCT.** Cannabis that is in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption. Cannabis product does not include the raw cannabis plant.
- d) **CULTIVATOR.** A person engaged in the cultivation, growing and propagation of the cannabis plant.
- e) **DELIVERY SERVICE.** A person that is licensed to deliver cannabis from (A) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in section 21a-408, or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to chapter

368v that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.

- f) DISPENSARY FACILITY. A place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit under CGS Sec. 21-a408 et seq. as may be amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended.
- g) FOOD AND BEVERAGE MANUFACTURER. A person, excluding a producer, whose license permits them to own and operate a place of business that acquires cannabis and creates food and beverages.
- h) HYBRID RETAILER. A person that is licensed to purchase cannabis and sell cannabis, cannabis products and medical marijuana products.
- i) MICRO-CULTIVATOR. - A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner
- j) PRODUCER. A person that is licensed as a producer pursuant to section 21a-408i of the general statutes and any regulations adopted thereunder
- k) PRODUCT MANUFACTURER. A person, excluding a producer, that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type and who may sell or transfer cannabis and cannabis products to laboratories, research programs and cannabis establishments.
- l) PRODUCT PACKAGER. A person that is licensed to package and label cannabis and cannabis products.
- m) RETAILER. A person, excluding a dispensary facility that is licensed to purchase cannabis and cannabis products from producers, cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis and cannabis products to consumers and research programs.
- n) SECURITY AND ACCESS PLAN. A written security plan to prevent and detect diversion, theft or loss of cannabis.
- o) TRANSPORTER. A person licensed to transport cannabis between cannabis establishments, laboratories and research programs.

10.21.2 The following adult-use cannabis establishments are allowed by special permit in the Industrial (I) District: cultivator, micro-cultivator, product manufacturer, cannabis food and beverage manufacturer, and cannabis product packager. All other adult-use cannabis establishments shall be prohibited in all zoning districts.

10.21.3 Requirements for adult-use cannabis establishments.

- a) All activities related to adult-use cannabis establishments shall be located within an enclosed permanent building and may not be in a trailer, cargo container, motor vehicle, or other similar non-permanent enclosure.
- b) Marijuana plants, products, and paraphernalia shall not be clearly visible to a person from the exterior of the facility. No outdoor storage of cannabis or cannabis products shall be permitted.
- c) There shall be no on-site consumption of cannabis.
- d) The following shall be included in any application for an adult-use cannabis establishment:
 - i. Hours of operation
 - ii. Security and access plan
 - iii. Proposed signage
 - iv. Odor management – monitoring and mitigation
- e) State of Connecticut license shall be obtained and filed on the Town of Franklin land records prior to beginning operation.

CHAPTER 11

SITE PLAN REQUIREMENTS

- 11.1. **APPLICABILITY.** Any application for a zoning permit for any use shall be accompanied by a site plan.
- 11.2. **PURPOSE.** The site plan is intended to provide the Commission or its agent acting pursuant to the authority granted under section 3.2.3 of the regulations with information that will enable it to determine that the proposed activity shall be arranged in a manner that is consistent with these Regulations and that enhances the health, safety and welfare of the citizens of Franklin, and that it shall be of such character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values in the neighborhood, to preserve and protect historic features, natural resources, and the appearance and beauty of the community, to avoid undue traffic congestion, and to ensure against the erosion of soil and the sedimentation of streams and water bodies.
- 11.3. **CONTENTS.** The site plan shall be prepared by a registered professional engineer or architect and shall cover the entire property where the use is proposed, drawn at a scale of one inch equals more than **50 feet**, and shall clearly show the property boundaries, existing and proposed structures, the locations of driveways, parking areas, wetlands and watercourses, trees and forested areas, walkways, landscaping, buffer strips, fences, water supply, sewage disposal facilities, paved areas, drainage features, signs and lighting. Contour lines shall be drawn with **2 foot** intervals for sites **80,000 square feet** or larger. Where regrading is proposed, the existing and proposed grades will be shown. The site plan shall include a soil erosion and sedimentation plan as prescribed in Section 11.4, below, and shall also include a declaration, signed and sealed by the plan preparer, that such preparer has read the Town of Franklin Zoning Regulations and that the plan, in the preparer's opinion, meets the requirements of these Regulations. A detailed statement of use shall be submitted as part of a site plan application which describes the type of activity/business proposed, days and hours of operation, and number of employees. All municipal utility improvements must be shown and approved as part of the development site plan. For proposed activity/encroachment within a State highway right-of-way, Connecticut Department of Transportation approval documentation must be submitted prior to Commission action on the application. Temporary office/construction trailers used during the construction or renovation of a property must be shown on a site plan and promptly removed upon completion of construction or renovation.
- 11.3.1 The Commission may, upon written request by the applicant, waive one or more of the site plan ingredient requirements if the applicant can show, to the satisfaction of the Commission, that the information is not needed to reach a decision on the application. The Zoning Enforcement Officer may waive site plan requirements for single and two-family dwelling and accessory uses thereto.
- 11.3.2 A certified mylar copy of an approved site plan shall be filed with the Town Clerk within ninety (90) days of receiving approval from the

Commission or Zoning Board of Appeals, as appropriate, prior to the issuance of any building, zoning, or other permits.

11.4. **EROSION AND SEDIMENT (E&S) CONTROL PLAN.** Whenever plans for the proposed development show that it will result in the disturbance of more than ½ acre of land, the applicant will submit an E & S control plan that presents, in mapped and narrative form, the measures to be taken to control erosion and sedimentation both during and after construction. The E & S plan shall be based on “Connecticut Guidelines for Soil Erosion and Sediment Control”, available from the Council on Soil and Water Conservation of the Connecticut Department of Energy and Environmental Protection.

11.4.1. The E&S Control Plan shall include the following:

- A. A description of the project and a schedule of the major activities to be constructed on the land.
- B. Locations of areas to be stripped of vegetation.
- C. Location of areas to be regraded and contour data indicating existing and proposed grades.
- D. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features and the like.
- E. Seeding, sodding, or revegetation plans and specifications for all unprotected or unvegetated areas.
- F. Location, design and timing of structure control measures, such as diversions, waterways, grade stabilization structures, debris basins, and the like. The narrative shall indicate design criteria used in the design of control measure.
- G. A description of procedures to be followed to maintain sediment control measures.
- H. The plan shall show the words: **EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF THE FRANKLIN PLANNING AND ZONING COMMISSION ON** (date),” and a space for the signature of the Chairman or Secretary of the Commission.

11.4.2 After review of the E&S Control Plan by the Commission or its designee, the Commission shall vote to certify that the plan is in compliance with these Regulations. (A vote of the Commission to approve a site plan shall imply certification of the E&S plan as well).

11.4.3 The Commission, through its members, agents and consultants, shall periodically inspect construction projects for which site plans have been approved to verify that E&S controls are consistent with the certified plan.

11.5. **DRAINAGE.**

- A. Any lot of which more than **50%** of its area, exclusive of wetlands, will be covered by buildings or impermeable surfaces, shall be provided with a drainage system designed so as to limit the discharge of runoff to a rate not greater than the rate of runoff which would have been created by **50%** coverage of said lot during a **50-year storm**. This provision shall also apply to changes in existing site plans which increase the lot coverage above **50%**.

- B. Failure to clean or otherwise maintain drainage structures set forth in approved site plans, or otherwise required by these Regulations, so that such structures operate as designed, shall be a violation of these Regulations. The owner or owners of the property on which such drainage structures are located shall be responsible for such cleaning or maintenance, unless such responsibility has been vested in some other party by easement or other agreement approved by this Commission and recorded in the land records of the Town of Franklin.

- 11.6 **BOND.** The Commission may require the applicant to post a bond with surety or similar instrument to ensure the timely and adequate completion of any site improvements that will be conveyed to or controlled by the Town of Franklin, and the implementation of any erosion and sediment controls required during construction activities as provided for by Section 8-3(g)(1) of the Connecticut General Statute, as amended. Such bond shall be in a form and amount satisfactory to the Commission, the Town Treasurer, and Town Attorney.

CHAPTER 12

SIGNS

12.1. Findings, Purpose and Scope

12.1.1. The Town of Franklin has determined:

The Town of Franklin has maintained a system of sign regulations governing the location, size and number of signs that can be erected in the Town. These regulations are intended to create a legal framework for a balanced system of signage to improve and enhance the Town of Franklin=s interests in promoting public safety, preventing traffic hazards, and creating an aesthetically pleasing community. The Town finds that signs provide an important medium through which individuals may convey a variety of messages. However, left unregulated, signs can become a threat to public safety as a traffic hazard and a detriment to property values and the Town=s overall public welfare as an aesthetic concern.

As a result of its comprehensive sign regulations, and in particular its restrictions on the height, area and location of signage, the Town of Franklin presents an aesthetically pleasing environment and provides for traffic substantially free of unsafe diversions.

It is not the intention of the Town and its enforcement efforts to interpret, restrict or regulate the messages contained on signage in the Town.

12.1.2. The purpose of this Chapter is to regulate the number, location, size, illumination, type, and use of signs within the Town in order to promote the public health, safety and welfare; to maintain, enhance and improve the environment of the town by preventing visual clutter that is harmful to traffic safety and the appearance of the community; to balance the rights of persons to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs; and to ensure the fair and consistent enforcement of sign regulations, while providing for effective means of communication, consistent with constitutional guarantees. This Chapter does not regulate, nor is it intended to regulate, the message displayed on any sign, building design, or any display not defined as a sign.

12.1.3 It is hereby declared unlawful for any person, corporation or entity to construct, place, install, alter, change, maintain, use or to permit the construction, placement, installation, alteration, change, maintenance, or use of any sign contrary to or in violation of the provisions of this Chapter.

12.1.4 For the purposes of this Chapter the following definitions shall apply:

Sign; Any natural or artificial structure, object, device, light or display which is used to announce, advertise, identify, or attract attention to any object, product, institution, organization, business, service, or location by any means, including but not limited to letter, number, banner, flag, insignia, device, designs, symbols, fixtures, colors, illumination or logo,

and which is attached to the exterior of a building or structure or upon the ground, or suspended from a structure natural or artificial, or permanently applied or attached to the interior surface of a window and intended to be viewed from the outside. A flag [maximum forty-five (45) square feet per flag and no more than three (3) per parcel] or any one insignia (maximum forty-five (45) square feet) of any governmental agency shall not be considered a sign within the purpose of this regulation.

Sign, Area Measurement; The total square footage area within the continuous perimeter enclosing the limits of writing, representation, emblem, symbols, logos, or other display on a sign, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, but not including any supporting framework, bracing or structures, provided that there is no written advertising copy on such framework bracing or structures and where such area does not exceed 20% of the total sign area. When any sign permitted under this Chapter has two (2) faces placed back to back against each other, or where the interior angle formed by the two sign faces is sixty (60) degrees or less, and the sign faces are visible from opposite directions, the total surface area for such sign is the surface area of only the larger of the two (2) sign faces.

Sign, Canopy; A sign painted, stamped, perforated, or stitched or otherwise applied on or attached to a canopy, or valance of an awning, or marquee.

Sign, Directional; A sign which indicates the distance or direction, or both, to a place of business or other premises indicated on the sign.

Sign, Ground; A sign supported by one or more upright poles, columns, or braces placed on the ground and not attached to any building or structure.

Sign, Mail Box; A sign painted, stamped, perforated, or stitched or otherwise applied on or attached to a mail box.

Sign, Motion; A sign which has movement produced either mechanically or electrically, giving the effect of steady movement, or a sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

Sign, off-site advertising; A sign that is not accessory to a use located on the lot.

Sign, on-site; A sign identifying or directing attention to an activity, product, service, business, commercial establishment, commodity or entertainment that is conducted, sold, rented, offered, or provided on the same lot and is accessory to a use located on the same zoning lot where the sign is located.

Sign, Roof; Any sign erected upon, against, or directly above a roof or roof eave, or on top or above the parapet, or on a functional architectural appendage above the roof or roof eave.

Sign, Traffic; A sign intended to control vehicular or pedestrian circulation or other similar movements (ie. stop signs, one-way sign, do not enter sign, etc.)

Sign, Wall; A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms a the background surface of the sign and which does not project more than 12 inches from such a building or structure.

Sign, Window; A sign that is applied or attached to the exterior or interior of a window or located in such a manner within a building that it can be seen from the exterior of the structure through a window.

12.2 GENERAL SIGN REGULATIONS. All Signs shall conform to the following:

- 12.2.1 No sign or its illuminator shall, because of its size, shape or method of illumination, be permitted to confuse or obstruct the view or effectiveness of any traffic sign or signal or in any way result in a hazard to the safe and efficient flow of traffic.
- 12.2.2 Off-site advertising signs are prohibited except as provided in 12.5.7.
- 12.2.3 Motion Signs are prohibited. No sign shall be equipped with flashing or intermittent lights, lights of varying intensity, exposed neon lights, or moving parts.
- 12.2.4 The light source of an illuminated sign shall be shaded so as not to be viewed from off the premises.
- 12.2.5 No part of any sign shall project more than five (5) feet above the ground in the R-80 and R-120 zoning districts, or twenty-five (25) feet in any other zoning district except as limited by Section 12.2.9.
- 12.2.6 A zoning permit must be obtained for any sign exceeding thirty-two (32) square feet in size unless the design and location of such sign is shown on a site plan approved by the Commission, in which case it shall be governed by the applicable provisions of these Regulations.
- 12.2.7 Sign area measurement is the total square footage area within the continuous perimeter enclosing the limits of writing, representation, emblem, symbols, logos, or other display on a sign, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, but not including any supporting framework, bracing or structures, provided that there is no written advertising copy on such framework bracing or structures and where such area does not exceed twenty (20) percent of the total sign area. When any sign permitted under Section 12 has two

faces placed back to back against each other, or where the interior angle formed by the two sign faces is sixty (60) degrees or less, and the sign surfaces are visible from opposite directions, the total surface area for such sign is the surface area of only the larger of the two sign faces.

- 12.2.8 No part of a sign mounted on a building shall project above the highest point of the roof or parapet of the structure to which it is attached, and rooftop signs are prohibited.
- 12.2.9 No sign or sign structure above a height of two and a half (2.5) feet shall be erected or maintained within fifteen (15) feet of the intersection of the right-of-way lines of two streets, or of a street intersection with a railroad right-of-way except for Town of Franklin and Connecticut Department of Transportation street signs and traffic signs.
- 12.2.10 Registered and unregistered vehicular signs are prohibited when the vehicle is used primarily for the purpose of advertising display, such as vehicles parked or displayed arbitrarily and persistently in a manner primarily intended to be viewed from a public right-of-way.
- 12.2.11 Directory signs for civic, fraternal, religious, service or similar groups are permitted within 500 feet of the Franklin town line, on Town or State property with the consent of the government agency having authority over such property, provided the signs are clustered and each organization has no more than one individual sign, not exceeding two (2) square feet in area.
- 12.2.12 It is not the intention of the Town of Franklin and its enforcement efforts to interpret, restrict, or regulate the content contained on signage in Franklin.

12.3 Permits

12.3.1 Permits Required: Except as provided elsewhere in these Regulations, it shall be unlawful for any person to post, display, substantially change, or erect any sign authorized by this Chapter without first having obtained a Zoning Permit as prescribed in **Section 3.2** of these Regulations. The cost of a Zoning Permit for a sign shall be established pursuant to the separately adopted Fee Schedule.

12.3.2 Contents of Permit Application: An application for a Zoning Permit under this Chapter shall include the following information:

- a. An accurate plan showing the proposed location of the sign on the subject property in relation to property lines, existing signs, and principal buildings and other site improvements, if any.
- b. An accurate elevation drawing of the proposed sign and the supporting structure or building facade intended to receive the sign, showing the sign dimensions, area, and height above finished grade,

and proposed location of the sign in relation to the building facade and roof line.

- c. The property address, the name and address of the property owner, and, if the applicant is not the property owner, the written consent of the owner or his/her agent to the placement and maintenance of the proposed sign.
- d. The name, address, phone number and license number of the sign contractor, if any.
- e. The aggregate area of all existing signs on the lot.
- f. The type of construction, sign supports, and any mechanical or electrical details as required by the applicable building code.
- g. Whether the proposed sign is an on-site or an off-site sign.
- h. The proposed method of illumination.

12.3.3 Permit Procedures, Appeals, Variances: The procedures for applying for a Zoning Permit for a sign, including the time for decision by the Zoning Officer and appeals from a denial of a permit, are set forth in Chapter 3 of these Regulations. The specific procedures for seeking a variance for a sign are set forth in **Section 3.5** of these Regulations.

12.3.4 Repair and Replacement of Permitted Signs: A sign which conforms to the standards of this Section may be repaired by repainting, replacement of lettering and accompanying symbols, and repair of structural supports, and such repainting, replacement and repair shall not be considered a substantial change requiring a Zoning Permit within the meaning of this Section, provided that the outside dimensions, location, height and illumination of the sign are not changed.

12.3.5 Signs Exempt from Permit Requirements: The following signs do not require a Zoning Permit, but must comply with all standards of this Chapter and all other provisions of the Regulations:

- a. Wall signs that are not illuminated and have a sign area of four (4) square feet or less in all Residential Districts per Section 12.5.
- b. Mail Box Signs that are not illuminated and have a sign area of two (2) square feet or less in all Districts.
- c. Flags with a maximum area of 45 square feet and no more than three per lot.
- d. Signs installed flush with or on the interior of a window and designed for viewing from the outside of the premises. However, such signs shall not exceed ten (10) percent of the available area of each window.

- e. No Trespassing signs, not more than one (1) per fifty (50) linear feet of property boundary and not to exceed a sign area of two (2) square feet.
- f. Traffic Signs erected by the Town of Franklin or the Connecticut Department of Transportation.

12.4 RESIDENTIAL ZONING DISTRICT SIGNS. The following signs are permitted in the residential zoning districts:

- 12.4.1 One sign, not exceeding two (2) square feet for the purpose of identifying the occupant of the residence.
- 12.4.2 One sign, not exceeding six (6) square feet and set back at least ten (10) feet from any property line, advertising where approved in connection with a home occupation.
- 12.4.3 One temporary sign of a contractor, builder, painter, or other artisan or a sign offering the premises for sale or lease, provided it shall not exceed six (6) square feet in size and be set back at least ten feet from any property line and shall only be posted during the period that such premises is offered for sale or lease.
- 12.4.4 One sign identifying an approved permitted use or special exception not over sixteen (16) square feet in area.

12.5 PLANNED RECREATION DEVELOPMENT, C-1 RETAIL COMMERCIAL, C-2 MIXED COMMERCIAL & LIGHT INDUSTRIAL, AND INDUSTRIAL ZONING DISTRICT SIGNS. Signs are permitted in these zoning districts as follows:

- 12.5.1 No sign shall be closer than ten (10) feet from any street right-of-way or property line, and no sign shall affect the sight lines of any entrance onto a street.
- 12.5.2 No sign located within fifty (50) feet of a street right-of-way shall be larger than thirty-two (32) square feet in area. For signs located more than fifty (50) feet from a street right-of-way, see Section 12.5.4 below.
- 12.5.3 No free-standing sign shall exceed thirty-two (32) square feet in area, except as provided in 12.5.7.
- 12.5.4 A sign on a wall or canopy or attached to a building may exceed thirty-two (32) square feet in area, provided the building is at least fifty (50) feet from any street right-of-way and the sign does not exceed twenty (20) percent of the area of the wall on which it is mounted, but in no case shall any sign exceed two hundred (200) square feet in area.
- 12.5.5 Each non-residential lot shall have no more than one permanent sign, except that two signs are permitted where the total combined area of the signs does not exceed the limits described in Sections 12.5.2, 12.5.3, and 12.5.4, above.

12.5.6 In any commercial or business complex or building containing two or more activities, each individual use may have a sign, not exceeding twelve (12) square feet in area, attached to or projecting from the building, provided that such signs do not project more than ten (10) feet from the building. In addition, a commercial or business complex may have a directory sign no more than eight (8) feet wide, consisting of one sign no more than four (4) feet high identifying the complex and individual signs no more than two (2) feet high identifying the individual activities.

12.5.7 A. Any commercial or industrial use having a driveway entrance only to a town street and not to a state highway may establish an off-site business directional sign at any or all street intersections along the most direct route from a state highway to such use's driveway. Such sign shall not exceed one (1) foot in height nor four (4) feet in length and may be printed on the sides with the following:

1. The use's name or logo
2. An arrow pointing down the street leading to the use, and
3. A statement of the distance to the use's driveway expressed in feet or miles.

The Zoning Enforcement Officer must determine that the placement of any such signs shall not be more than fifty (50) feet from the street intersection and shall not interfere with minimum safe sight line distances before such placement is approved.

12.5.7 B. All off-site business directional signs at any one intersection and pointing down the same street shall share the same signpost or bracket. If any such sign is placed on a corner lot with the consent of the owner or owners thereof,

1. It may share the same post or bracket with any other signs permitted to be placed by such owner or owners, and
2. It shall not be counted as part of the area or number of signs allowed to such owner or owners.

Such off-site business directional signs may be placed within the town right-of-way with the consent of the Board of Selectmen upon such terms and conditions as the Board of Selectmen may establish. Upon termination of a business, the sign for that particular business shall be promptly removed.

In total, such off-site business directional signs may not exceed twelve (12) feet in height and eight (8) feet in width.

12.5.8 No more than two (2) flags or banners per business, maximum twenty-five (25) square feet per flag or banner are permitted. Flags must be placed at least ten (10) feet from the edge of the roadway pavement and on the property which contains the commercial or industrial use. The flags

of any nation, state, town, club, service, or military organization are exempt from any restrictions contained in these regulations.

12.5.9 A portable sign is a sign that is not affixed to a building, structure, or the ground. A portable sign shall meet the following standards:

1. It shall not exceed twelve (12) square feet in area.
2. It shall be designed to prevent movement by high winds.
3. It must be placed at least ten (10) feet from the edge of the roadway pavement and on the property which contains the commercial or industrial use.
4. A maximum of two (2) portable signs per business is permitted.

12.6 SIGNS PERMITTED ON MUNICIPAL PROPERTY. The provisions of this Section shall apply to any lots owned by the Town of Franklin. It shall exclude street rights-of-way owned by the Town, unless otherwise stated. Any municipal property may be used for the signs permitted by any and all, or any Combination, of the following subsections:

12.6.1 One free-standing sign, not exceeding thirty-two (32) square feet, identifying the lot or its principal use. Where there is more than one entrance to a municipal property, there may be one such sign erected at each entrance.

12.6.2 One sign, not exceeding twelve (12) square feet, mounted on any municipal building, identifying the name or principal purpose of such building. Where there is more than one entrance to a municipal building, there may be one such sign erected at each entrance. Any such sign shall not project more than ten (10) feet from the building.

12.6.3 One sign, either free-standing or mounted on a building, not exceeding thirty-two (32) square feet, with removable panels or lettering, to be used for publicizing upcoming activities at the site, or other municipal events.

12.6.4 Any free-standing sign permitted by this Section must be at least ten (10) feet from any property line other than a street right-of-way. Any such sign may be closer than ten (10) feet to an abutting street right-of-way, or intrude within such right-of-way, provided that:

1. Any right-of-way intrusion is approved by the Franklin Board of Selectmen, for a Town-owned street, or by the Connecticut Department of Transportation, for a State owned street; and
2. The Commission determines that such sign placement will not interfere with traffic flow or with minimum safe sight line distances.

CHAPTER 13

NON-CONFORMING USES, BUILDINGS, STRUCTURES & LOTS

13.1 NON-CONFORMING USES, BUILDINGS, AND STRUCTURES. Any use, building, or structure lawfully existing at the time of the effective date of these Regulations which is not in conformity with the provisions of these Regulations shall be deemed a legal non-conforming use, building, or structure and shall be permitted to continue in accordance with the following regulations.

A. Mobile Home Replacement. Any mobile home existing as a legal non-conforming use after the effective date of these Regulations may be replaced on the same lot provided:

1. The new unit is no larger than the unit being removed, unless the new unit is built in compliance with federal mobile manufactured construction and safety standards, as amended, in which case such new unit may be larger.
2. All of the dimensional requirements of these Regulations can be met, or the new unit is no more non-conforming to such dimensional requirements than the unit being removed.

B. Non-Conforming Uses. A non-conforming use shall be permitted to continue provided it is not expanded. If the non-conforming use is abandoned without intent to re-establish, the legal non-conforming status of the use shall be deemed abandoned and the non-conforming use may not be re-established (see Subsection B.1.below). No non-conforming use may be changed except to a conforming use or a use considered by the Commission to be less objectionable than the existing use (see Subsection B.2. below). No non-conforming use shall, if changed to a conforming use, revert back to a non-conforming use.

1. Abandonment by Non-Use or Change of Use. Any non-conforming use shall lose its legal non-conforming status and shall thereafter conform to these Regulations if said use is abandoned, or if it is altered to a conforming use. For any non-conforming use which has ceased operation or existence for any period of time, the Zoning Enforcement Officer may require evidence that the use was in fact carried on, or that there was no intent to abandon the use, prior to the issuance of a Certificate of Zoning Compliance or Cease and Desist Order. Refusal to grant such Certificate by the Zoning Enforcement Officer, or the issuance of a Cease and Desist Order in relation to the use in question, may be appealed by any aggrieved party to the Zoning Board of Appeals, as provided by State statutes.
2. Change from One Non-Conforming Use to Another. Any non-conforming use may be replaced with another non-conforming use as a Special Exception in accordance with Chapter 10 (Special Exceptions) of these Regulations, provided that the Commission finds that such replacement use is consistent with public health, safety and welfare, that such replacement use creates no greater impact on the property, the neighborhood, adjacent properties and zones, in terms of parking,

volumes and types of traffic, hours of operation, exterior appearance of the building, structure, or lot, and all Special Exception General Evaluation Criteria in Section 10.2 of these Regulations are met.

C. **Non-Conforming Buildings or Structures.** A non-conforming building or structure shall be permitted to continue in existence provided that it not be enlarged or expanded unless the enlargement or expansion is in complete compliance with the Zoning Regulations. Non-conforming buildings or structures may be repaired and maintained provided that any non-conforming aspects of the building or structure are not expanded. A non-conforming building or structure which is demolished without the intent to rebuild shall be deemed to have lost legal non-conforming status and any new construction must conform to the Zoning Regulations (see Subsection C.1. below). A non-conforming building or structure damaged or destroyed by fire, explosion, accident, or natural disaster shall be permitted to be reconstructed unless the owner makes clear an intention to abandon the building or structure.

1. **Abandonment by Demolition.** Any non-conforming building or structure shall lose its legal non-conforming status and any new construction shall thereafter conform to these Regulations if said building or structure is demolished, or if it is altered to a conforming building or structure. For any non-conforming building or structure which has been demolished, either wholly or partially, the Zoning Enforcement Officer may require evidence that an intent to rebuild was continuously extant, prior to the issuance of a building permit. Refusal to grant such permit by the Zoning Enforcement Officer, or the issuance of a Cease and Desist Order in relation to the building or structure in question, may be appealed by any aggrieved party to the Zoning Board of Appeals, as provided by State statutes.

D. **Non-Conformity through Variance.** Any non-conformity granted by virtue of a variance from the Zoning Board of Appeals may continue in perpetuity, provided that (1) the non-conformity is not expanded, and (2) all conditions of the variance are upheld, including those enumerated in Appendix I of the Zoning Regulations ('Rules of the Franklin Zoning Board of Appeals').

13.2 NON-CONFORMING LOTS. Any lot of record which does not meet the area, buildable area, lot frontage, and/or lot width requirements of the district in which it is located, may be used for the purposes permitted in that district, provided the yards requirements for uses in that district can be met. This provision shall not apply to any lot which, on or after the effective date of any regulation herein which causes such lot to be non-conforming with respect to these Regulations, abuts any lot or lots in the same ownership which have been:

1. combined by deed with such lots, or
2. used in whole or in part in common with such lot.

CHAPTER 14 **SEPARABILITY**

Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

CHAPTER 15 **EFFECTIVE DATE**

These regulations were originally effective on **January 2, 1975**, amended and superceding the Zoning Ordinance of the Town of Franklin adopted August 1966. These amended Regulations are effective February 1, 1988. Further amendments to these Regulations were:

Adopted April 4, 1989 - effective April 7, 1989;

Adopted August 15, 1989 – effective August 19, 1989;

Adopted May 21, 1990 – effective May 25, 1990;

Adopted May 7, 1991 – effective May 10, 1991;

Adopted June 18, 1991 – effective June 21, 1991;

Adopted August 17, 1993 – effective August 21, 1993;

Adopted October 19, 1993 – effective October 23, 1993;

Adopted November 9, 1993 – effective November 13, 1993;

Adopted January 18, 1994 – effective January 24, 1994;

Adopted February 13, 1996 – effective February 20, 1996;

Adopted October 21, 1997 – effective October 28, 1997;

Adopted April 21, 1998; - effective May 11, 1998;

Adopted November 17, 1998 – effective November 24, 1998;

Adopted October 19, 1999 – effective November 7, 1999;

Adopted September 26, 2000 – effective October 16, 2000;

Adopted January 30, 2001 – effective February 19, 2001;

Adopted April 16, 2002 – effective May 2, 2002;

Adopted May 30, 2002 – effective June 19, 2002;

Adopted June 11, 2002 – effective June 26, 2002;

Adopted December 19, 2006 - effective January 15, 2007;

Adopted April 17, 2007 – effective May 15, 2007;

EFFECTIVE DATE (cont)

Adopted February 19, 2008 – effective March 19, 2008;

Adopted March 18, 2008 – effective April 18, 2008;

Adopted April 15, 2008 – effective June 5, 2008

Adopted October 19, 2010 – effective November 16, 2010

Adopted May 17, 2011 – effective June 15, 2011

Adopted December 20, 2011 – effective January 15, 2012

Adopted September 20, 2016 – effective October 15, 2016

Adopted January 17, 2017 – effective January 23, 2017

Adopted April 18, 2017 – effective May 18, 2017

Adopted October 17, 2017 – effective November 18, 2017

Adopted June 19, 2018 – effective August 1, 2018

Adopted January 15, 2019 – effective February 19, 2019

Adopted June 21, 2022 – effective August 1, 2022

Adopted October 18, 2022 – effective November 1, 2022

Adopted September 19, 2023 – effective October 3, 2023

Adopted December 17, 2024 – effective January 2, 2025

APPENDIX I
RULES OF THE
FRANKLIN ZONING BOARD OF APPEALS

1. An appeal under Connecticut General Statutes, Section 8-6(1) must be brought to this Board within **35 days** after the decision appealed from was rendered. If a proper application, including the hearing fee, is received by the Board within this **35 day** period, the hearing on the matter may be convened after the **35 day** period has expired. (Adopted April 27, 1982)
2. As of August 30, 2008, the fee for appeals to this Board will be **\$250.00** to offset the cost of the required public notices. (See Appendix II)
3. All appeal applications must be accompanied by a site plan which clearly shows the lot boundaries and the owners of abutting parcels, the location and size of existing structures and the proposed work, other relevant site features, and the distances between structures, boundaries, and other features. This plan may be hand-sketched rather than professionally engineered, but it must be signed by the applicant. The Board Chairman will sign the plan if it is approved by the Board and, if requested, a copy of the plan carrying both signatures will be given to the applicant. (Adopted June 22, 1982)
4. Any applicant for a special exception, appeal or a zoning variance shall, not less than **10 days** before the date on which a public hearing is scheduled on such application, send a notice to all owners of property within **500 feet** in all directions of the area involved in the application. The notice shall be sent by certified mail, with return receipt directed to the Zoning Board of Appeals. The notice shall contain:
 - A. a statement of the special exception, appeal or zoning variance sought; and
 - B. the street address or other information sufficient to identify the area involved in the application; and
 - C. the time, date and place of the public hearing scheduled on such application; and
 - D. a statement that the recipient of the notice may appear and be heard at such hearing, or may submit written comments to the Zoning Board of Appeals at or before the hearing.

The Zoning Board of Appeals may waive failure to send certified mail notice to any owner or owners to whom such notice is required by the above, only if:

1. such owner or owners appear in person at the hearing of which notice was to have been given; or
 2. such owner or owners transmit to the Zoning Board of Appeals at or before such hearing a written, notarized statement, subscribed by such owner or owners, setting forth their knowledge of all of the specific items required by the above to be included in such certified mail notice. Any owner which is a corporation, common interest community owners' association, or similar entity, may be represented by a duly authorized officer of such entity. (Adopted September 27, 1994)
5. As of June 22, 1982, the following conditions will be made a part of all variances granted. These conditions may be amended by vote of the Board in a specific case.
- A. The variance will not take effect until it is recorded in the Land Records of the Town of Franklin, Connecticut.
 - B. The variance is granted on the Basis of the site plan submitted to the Board. Any changes in the plan which alter the size or location of the proposed work will invalidate the variance.
 - C. The variance is contingent on:
 1. obtaining a zoning permit for the proposed work within one year after the date on which the variance is granted, and
 2. keeping said permit valid, within the terms of Franklin Zoning Regulation 3.2.7, until the completed work is issued a certificate of compliance.
 - D. The variance will be permanently vested in the property upon issuance of the certificate of compliance, and shall continue in force until such time as:
 1. the completed work and the varied zoning regulation are brought into conformity with each other, or
 2. the completed work is so damaged or destroyed as to be unusable, and it is not restored to usable condition within one year after the date of damage, or
 3. the variance is released to the Town of Franklin by deed of all the then-current owners of the property. (Effective June 22, 1982)

APPENDIX II
Amended Ordinance – Schedule of Fees
on the Processing of Planning, Zoning, Zoning Board of
Appeals, Subdivision, & Wetlands Applications

1. Please see the Town Website, Board of Selectmen, Ordinances, "Amended Ordinance on the Schedule of Fees on the Processing of Planning, Zoning, Zoning Board of Appeals, Subdivisions, & Wetlands Applications"

www.franklinct.com

Or Contact the Town of Franklin Land Use Office at **860.642.7352 Ext-17**