

Sponsor: *Administration*

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 16-770

RURAL BUSINESS ZONE USE REGULATIONS

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, USE REGULATION SCHEDULE PART I THROUGH PART VII**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following **additions** to §185, Attachment 2 through Attachment 8 Use Regulations Schedule Part I through Part VII:

185 Attachment 2
USE REGULATION SCHEDULE
PART I

Symbols in the Use Regulations Schedule shall mean the following:

- Y = A permitted use.
N = An excluded or prohibited use.
BA = A use authorized under special permit from the Board of Appeals.
PB = A use authorized under special permit from the Planning Board.
P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

	District													
	RRI RRII RVI RVII	SFRIII	SFRIV	GRV	NC	<u>RB</u>	CI	CII	DC	B	I	LI	O	
Principal Uses														
1. Agriculture, horticulture and floriculture														
1.1 Nursery, greenhouse	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	N	Y	Y	N	Y	
1.2 Produce stand¹	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	Y	N	Y	
1.3 Other, parcel of 5 or more acres	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	Y	Y	Y	
1.4 Other, parcel under 5 acres:														
a. With swine or fur-bearing animals for commercial use	N	N	N	N	N	<u>N</u>	N	N	N	N	N	N	N	
b. With other livestock or poultry	Y²	Y²	N	N	N	<u>N</u>	N	N	N	N	N	N	N	
c. With no livestock	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	Y	N	Y	
1.5 Garden Center, Retail or Wholesale	PB	PB	PB	PB	PB	<u>PB</u>	PB	Y	N	Y	PB	PB	PB	

NOTES:

- For sale of produce raised or grown on the premises by the owner or lessee thereof.
- Provided that any building or structure is at least 100 feet from the nearest street or property line.

185 Attachment 3
USE REGULATION SCHEDULE
PART II

Symbols in the Use Regulations Schedule shall mean the following:

- Y = A permitted use.
N = An excluded or prohibited use.
BA = A use authorized under special permit from the Board of Appeals.
PB = A use authorized under special permit from the Planning Board.
P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

Principal Uses	District													
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	<u>RB</u>	CI	CII	DC	B	I	LI	O
2. Commercial														
2.1 Adult entertainment establishment	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N ²	N	N
2.2 Animal kennel, hospital	BA	BA	BA	BA	BA	BA	<u>N</u>	BA	BA	N	BA	BA	BA	BA
2.21 Animal day care, training	BA	BA	BA	BA	BA	BA	<u>N</u>	BA	BA	N	BA	BA	BA	BA
2.22 Animal grooming	BA	BA	BA	BA	BA	BA	<u>N</u>	Y	BA	Y	BA	BA	BA	BA
2.3 Office, excluding office parks:														
a. Bank or credit union	N	N	PB	PB	PB	PB	<u>N</u>	Y	Y	Y	Y	Y	Y	Y
b. Medical or dental	PB	PB	PB	PB	PB	PB	<u>N</u>	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP
c. Professional	PB	PB	PB	PB	PB	PB	<u>N</u>	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP
d. Clerical, or administrative	N	N	N	PB	PB	PB	<u>N</u>	Y ⁶	Y	Y	Y	Y	Y	Y
2.4 Funeral home, undertaking	N	N	N	N	N	P/SP	<u>N</u>	P/SP	P/SP	P/SP	P/SP	N	N	N
2.5 Hotel, motel	N	N	N	N	N	N	<u>N</u>	PB	PB	Y	PB	PB	PB	PB
2.6 Motor vehicle, boat, farm implement sales; rental and leasing:														
a. With repair service	N	N	N	N	N	N	<u>N</u>	N	PB	N	N	N	N	N
b. Without repair service	N	N	N	N	N	N	<u>N</u>	N	PB	N	PB	N	N	N
c. Other	N	N	N	N	N	N	<u>N</u>	N	PB	N	N	N	N	N
2.7 Motor vehicle service, repair:														
a. Auto body, painting, soldering, welding	N	N	N	N	N	N	<u>N</u>	N	PB	N	N	PB	N	N
b. Filling or service station	N	N	N	N	N	N	<u>N</u>	PB	PB	N	PB	PB	N	N
c. Other	N	N	N	N	N	N	<u>N</u>	PB	PB	N	PB	PB	N	N
2.8 Parking														
a. Parking facility	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
b. Off-street parking	N	N	N	N	N	N	<u>N</u>	N	N	PB	N	N	N	N
2.9 Restaurant, bar	N	N	N	N	N	N	<u>N</u>	P/SP ³	P/SP	P/SP ³	P/SP	PB	N ⁴	PB

185 Attachment 3
USE REGULATION SCHEDULE
PART II (Continued)

District																
Principal Uses	RRI	RRII	SFR/III	SFR/IV	GRV	NC	<u>RB</u>	CI	CII	DC	B	I	LI	O		
	RVI	RVII														
2.10 Shopping center	N	N	N	N	N	N	<u>N</u>	PB	PB	N	PB	N	N	N		
2.11 Storage facility	N	N	N	N	N	N	<u>N</u>	N	PB	N	N	N	N	N		
2.12 Tattoo parlor/body-piercing studio	N	N	N	N	N	N	<u>N</u>	N	N	N	N	PB	N	N		
2.13 Tourist home	PB	PB	P/SP	P/SP	P/SP	P/SP	<u>N</u>	P/SP	P/SP	N	P/SP	N	N	N		
2.14 Office park	N	N	N	N	N	PB	<u>N</u>	PB	PB	N	PB	PB	N	Y		
2.15 Other retail sales, services																
a. General	N	N	N	N	N	N	<u>N</u>	P/SP	P/SP	P/SP	P/SP	N ^d	N ^d	N ^d		
b. Personal	N	N	N	N	N	P/SP ⁵	<u>N^d</u>	P/SP	P/SP	P/SP	P/SP	N ^d	N ^d	N ^d		
c. Other	N	N	N	N	N	N	<u>N</u>	P/SP	P/SP	P/SP	P/SP	N ^d	N ^d	N ^d		
2.16 Vehicular service establishment	N	N	N	N	N	N	<u>N</u>	PB	PB	PB	PB	N	N	N		
2.17 Trade center	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	P/SP	PB		
2.18 Catering	PB	PB	PB	PB	PB	PB	<u>N</u>	PB	PB	PB	PB	Y	Y	N		
2.19 Function Hall	PB	N	PB	PB	PB	PB	<u>N</u>	PB	PB	PB	PB	Y	Y	N		
2.20 Psychic services/fortune-telling	N	N	N	N	N	PB	<u>N</u>	N	N	N	N	PB	N	N		
2.21 Bed-and-breakfast	PB	PB	P/SP	P/SP	P/SP	P/SP	<u>N</u>	P/SP	P/SP	P/SP	P/SP	N	N	N		
2.22 Country Store	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	N	<u>Y</u>	<u>PB</u>	<u>Y</u>	<u>Y</u>	N	<u>Y</u>	N	<u>N</u>	<u>N</u>		

NOTES:

1. If any part of a principal use is considered a VSE (see § 185-3, Definitions), the requirements for VSE must be met.
2. Except as permitted by a special permit within the Adult Use Overlay District as described in § 185-47.
3. Except BA if involving live or mechanical entertainment.
4. Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule, Part VII, Accessory Uses.
5. Establishments are limited to a maximum gross building footprint of 2,800 square feet.
6. Not allowed on sidewalk level in multilevel development.

185 Attachment 4
USE REGULATION SCHEDULE
PART III

Symbols in the Use Regulations Schedule shall mean the following:

- Y = A permitted use.
N = An excluded or prohibited use.
BA = A use authorized under special permit from the Board of Appeals.
PB = A use authorized under special permit from the Planning Board.
P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

Principal Uses	District													
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	<u>RB</u>	CI	CH	DC	B	I	LI	O
3. Industrial, utility														
3.1 Bus, railroad station	N		N	N	N	N	<u>N</u>	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP
3.2 Contractor's yard														
a. Landscape materials storage and distribution	N		N	N	N	N	<u>N⁷</u>	N	N	N	N ⁷	P/SP	N	N
b. Other	N		N	N	N	N	<u>N</u>	N	N	N	N ⁷	P/SP	N	N
3.3 Earth removal														
a. Earth removal, commercial ^{3,5,6}	N		N	N	N	N	<u>N</u>	BA	BA	N	BA	BA	BA	BA
b. Earth removal, other ^{3,4}	BA		BA	BA	BA	BA	<u>BA</u>	BA	BA	BA	BA	BA	BA	BA
c. Rock quarrying	N		N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
d. Washing, sorting and/or crushing or processing of materials	N		N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
e. Production of concrete	N		N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
f. Production of bituminous concrete	N		N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
3.4 Lumberyard	N		N	N	N	N	<u>N</u>	N	N	N	N	PB	N	N
3.5 Manufacturing and Processing:														
a. Biotechnology ¹	N		N	N	N	N	<u>N</u>	N	N	N	N	Y	N	Y
b. Light	N		N	N	N	N	<u>N</u>	PB	PB	PB	PB	S/SP	N	PB
c. Medium	N		N	N	N	N	<u>N</u>	N	N	N	N	P/SP/	N	N
d. Heavy	N		N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
3.6 Printing, publishing:														
a. Under 5,000 square feet	N		N	N	N	N	<u>N</u>	P/SP	P/SP	P/SP	P/SP	P/SP	N ⁴	P/SP
b. Over 5,000 square feet	N		N	N	N	N	<u>N</u>	N	N	N	P/SP	P/SP	N	PB
3.7 Public utility	P/SP		P/SP	P/SP	P/SP	N	<u>N</u>	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP
a. Electric power plant	N		N	N	N	N	<u>N</u>	N	N	N	N	BA	N	N
3.8 Research and development:														
a. Biotechnology ¹	N		N	N	N	N	<u>N</u>	N	N	N	N	PB ²	N	PB ²
b. Others	N		N	N	N	N	<u>N</u>	N	N	N	P/SP	P/SP	N	P/SP
3.9 Solid waste facility	N		N	N	N	N	<u>N</u>	N	N	N	N	BA	N	N
3.10 Warehouse, distribution facility	N		N	N	N	N	<u>N</u>	N	N	N	N	PB	N	N ⁷
3.11 Wholesale office, salesroom:														
a. With storage	N		N	N	N	N	<u>N</u>	N	P/SP	N	P/SP	P/SP	N	N ⁷
b. Without storage	N		N	N	N	N	<u>N</u>	P/SP	P/SP	P/SP	P/SP	Y	N ⁷	N ⁷
3.12 Conference center	N		N	N	N	N	<u>N</u>	N	PB	N	PB	PB	P/SP	PB

NOTES:

- Subject to § 185-42.
- Biotechnology uses are permitted in the portions of the Industrial District and Office District which are in the Biotechnology Uses Overlay District.
- See § 185-23, specifically, § 185-23A, Exemptions.
- See § 185-44, "Administration and enforcement," for general special permit filing information, and § 185-23, Earth removal regulations, for specific filing information.
- Any commercial earth removal is not permitted within a Water Resource District.
- See § 185-3 for "commercial earth removal" definition.
- Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule, Part VII, Accessory Uses.

185 Attachment 5
USE REGULATION SCHEDULE
PART IV

Symbols in the Use Regulations Schedule shall mean the following:

- Y = A permitted use.
N = An excluded or prohibited use.
BA = A use authorized under special permit from the Board of Appeals.
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P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

Principal Uses	District													
	RRI RVI	RRII RVII	SFRIII	SFRIV	GRV	NC	<u>RB</u>	CI	CII	DC	B	I	LI	O
4. Institutional														
4.1 Cemetery	Y		Y	Y	N	N	<u>N</u>	N	N	N	N	N	N	N
4.2 Hospital	N		N	N	N	N	<u>N</u>	N	PB	N	PB	N	N	N
a. Medical Marijuana Treatment Facility	N		N	N	N	N	<u>N</u>	N	N	N	N	Y ⁴	N	N
b. Medical Marijuana Testing Facility	N		N	N	N	N	<u>N</u>	N	N	N	N	Y ⁴	N	N
4.3 Charitable institution	N		N	N	PB	PB	<u>N</u>	Y	Y	PB	N	N	N	N
4.4 Correctional facility	N		N	N	N	N	<u>N</u>	N	N	N	N	BA	N	N
4.5 Library, museum, art gallery	N		Y	Y	Y	N	<u>N</u>	Y	Y	Y	Y	N	N	N
4.6 Lodge, social nonprofit1	N		N	N	N	N	<u>N</u>	Y	Y	Y	Y	N	N	N
4.7 Public use	Y		Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	N ³	N	N ³
a. Municipal public safety	Y		Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	Y	Y	Y
4.8 Religious or educational use:														
a. Exempt from zoning prohibition ²	Y		Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	Y	Y	Y
b. Dormitories	N		Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	N	N	N

NOTES:

- But not including any use, the principal activity of which is one customarily conducted as a business.
- See MGL c. 40A, § 3.
- Except for municipal public safety.
- Medical Marijuana Treatment Facilities and Testing Facilities are permitted in portions of the Industrial Zone which are in the Medical Marijuana Use Overlay District, see §185-49.

185 Attachment 6
USE REGULATION SCHEDULE
PART V

Symbols in the Use Regulations Schedule shall mean the following:

- Y = A permitted use.
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BA = A use authorized under special permit from the Board of Appeals.
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P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

Principal Uses	District													
	RR RV	RRII RVII	SFR III	SFR IV	GRV	NC	RB	CI	CII	DC	B	I	LJ	O
5. Recreational														
5.1 Indoor commercial amusement, recreation, assembly ¹														
a. General	N	PB	PB	PB	PB	PB	N	Y	Y	PB	Y	N	N	N
b. Concentrated	N	N	N	N	N	N	N	PB	Y	PB	Y	N	N	N
5.2 Golf course and/or club, public or private	PB	PB	PB	N	N	N	N	N	N	N	N	N	N	N
5.3 Movie theater	N	N	N	N	N	N	N	Y	PB	Y	PB	N	N	N
5.4 Outdoor commercial amusement, recreation														
a. Light	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N
b. General	PB	PB	PB	PB	PB	N	N	Y	Y	N	Y	Y	N	N
c. Concentrated	N	N	N	N	N	N	N	N	PB	N	PB	N	N	N
5.5 Equestrian center	BA	BA	N	N	N	N	N	N	N	N	N	N	N	N
5.6 Public recreation	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	N	N	N
5.7 Automatic amusement device arcades	N	N	N	N	N	N	N	N	Y	N	N	N	N	N
5.8 Health club	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N ²	Y

NOTES:

1. Provided that the building is so insulated and maintained as to confine noise to the premises and the structure is located not less than 100 feet from a residential district boundary.
2. Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule Part VII, Accessory Uses.

185 Attachment 7
USE REGULATION SCHEDULE
PART VI

Symbols in the Use Regulations Schedule shall mean the following:

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P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

Principal Uses	District															
	RRI	RRII	SFRIII	SFRIV	GRV	NC	<u>RB</u>	CI	CII	DC	B	I	LI	O		
	RVI	RVII														
6. Residential																
6.1 Multifamily or apartment	N ¹	N	N	N	PB ³	PB ⁴	N	PB ³	N	Y ^{5,6}	N	N	N	PB ^{7,8}		
6.2 Single-family	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N		
6.3 Two-family																
a. New	N	N	N	Y ²	Y ²	Y ²	N	Y	Y	N	N	N	N	N		
b. By conversion	BA	BA	BA	BA	Y	Y	N	BA	Y	BA	N	N	N	N		

NOTES:

1. Except PB in RVI District. (See § 185-38.)
2. Lot area must be at least 25% greater than that required for a single-family dwelling.
3. No more than one dwelling unit per 1,000 square feet of lot area may be permitted.
4. No more than one dwelling unit per 3,000 square feet of lot area may be permitted.
5. All dwelling units shall be located on floors above the street level floor.
6. No more than one dwelling unit per 2,000 square feet of lot area will be permitted; additional dwelling units may be allowed by Special Permit from the Planning Board.
7. All multi-family residential developments require a minimum of 5-acres.
8. No more than one dwelling unit per 3,000 square feet of lot area will be permitted.

185 Attachment 8
USE REGULATION SCHEDULE
PART VII

Symbols in the Use Regulations Schedule shall mean the following:

Y = A permitted use.

N = An excluded or prohibited use.

BA = A use authorized under special permit from the Board of Appeals.

PB = A use authorized under special permit from the Planning Board.

P/SP = Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more than 15,000 gallons per day.

District														
	RRI RV I	RRII RV II	SFRIII	SFRIV	GRV	NC	RB	CI	CII	DC	B	I	LI	O
Principal Uses														
Accessory Uses														
A1 Boarding	N		Y	Y	Y	Y	N	Y	Y	N	N	N	N	N
A2 Contractor's yard	N		N	N	N	N	N	N	N	N	Y	Y	N	N
a. Landscape materials storage and distribution														
A3 Home occupation (See § 185-39B.)	N		N	N	N	Y ³	Y ³	N	N	N	Y	Y	N	N
A4 Manufacture, assembly, packing of goods sold on premises	N		N	N	N	Y ¹	Y	Y ¹	Y	Y	Y	N	N	N
A5 Off-street parking (See § 185-39C.)	Y		Y	Y	Y	Y	N	Y ¹	Y ¹	Y ¹	Y	Y	N	Y ¹
A6 Professional office, studio (See § 185-39A.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
A7 Restaurant, bar	N		N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
A8 Retail sale of nonagricultural products manufactured, warehoused or manufactured, warehoused or distributed on or from premises	N		N	N	N	Y	N	Y	Y	Y	Y	Y ²	N	Y ²
A9 Scientific use in compliance with § 185-37	BA		BA	BA	BA	BA	N	BA	BA	BA	Y	Y	Y	Y
A10 Signs (See § 185-20.)	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
A11 Single-family dwelling for personnel required for safe operation	Y		Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y
A12 Other customary accessory uses	Y		Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
A13 Other retail sales, services	N		N	N	N	Y	N ⁴	Y	Y	Y	Y	Y	Y	Y
A13.1 Animal grooming	BA		BA	BA	BA	BA	N	Y	BA	Y	BA	BA	BA	BA
A14 Operation of not more than 5 automatic amusement devices	N		N	N	N	N	N	N	Y	Y	Y	Y	N	N
A15 Warehouse/distribution facility	N		N	N	N	N	N	N	Y	N	Y	Y	N	Y
A16 Wholesale office, salesroom														
a. With storage	N		N	N	N	N	N	Y	Y	Y	Y	Y	N	Y
b. Without storage	N		N	N	N	N	N	Y	Y	Y	Y	Y	Y ³	Y
A17 Catering	N		N	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y
A18 Function hall	N		N	PB	PB	PB	N	Y	Y	Y	Y	Y	Y	Y

NOTES:

1. But N if occupying more than 50% of the floor area occupied by the principal use and not more than five persons employed on the premises in the DC District and C1 District and not more than 10 persons in the CII District and O District.
2. Provided that no more than 25% of the total floor space is used for display or retailing.
3. Such uses shall be restricted to seasonal operations only.
4. Accessory retail sales within a Country Store, as defined in §185-3, shall not exceed 50% of the establishment's floor area open to the public.

The foregoing Zoning By-law amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2016

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Teresa Burr
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk