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Zoning Regulations
of the
Town of Hampton
Connecticut

History of Hampton Zoning Regulations

Hampton's Zoning Regulations were initially adopted in accordance with Chapter 124 of the Connecticut General Statutes by the Hampton Planning and Zoning Commission on July 31, 1972.

Subsequent revisions have been made as follows:

<u>Date of Public Hearing</u>	<u>Date Revisions Adopted</u>	<u>Effective Date</u>	<u>Subjects</u>
May 31, 1973	August 20, 1973	August 20, 1973	
October 6 & 7, 1977	October 11, 1977	October 11, 1977	All
October 12 & 30, 1995	October 30, 1995	December 1, 1995	All
September 24, 1996	September 24, 1996	October 15, 1996	Home occupations; sale of arts & crafts; driveways; signs; fences.
January 26, 1998	February 28, 1998	April 15, 1998	Special permits; site plans; landscaping
November 23, 1998	November 23, 1998	December 31, 1998	Telecommunications
November 28, 2005	November 28, 2005	January 1, 2006	Home occupations Accessory dwellings
July 31, 2008	July 31, 2008	July 31, 2008	Definitions; Conservation Subdivision Dimensional Requirements

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ARTICLE 1 AUTHORITY AND PURPOSE

1.1 Authority

The Hampton Planning and Zoning Commission, acting under the authority of Chapter 124 of the Connecticut General Statutes, hereby adopts the following regulations as the "Zoning Regulations of the Town of Hampton Connecticut."

1.2 Purpose

These regulations have been adopted in accordance with the provisions of Chapter 124 of the Connecticut General Statutes to meet statutory requirements and achieve the following purposes:

- A. To protect the public health, safety, convenience, welfare and property values of the residents and general public of Hampton, Connecticut.
- B. To lessen congestion in the streets.
- C. To secure safety from fire, panic, flood and other dangers.
- D. To promote health and the general welfare.
- E. To provide adequate light and air.
- F. To prevent the overcrowding of land.
- G. To avoid undue concentration of population.
- H. To facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements.
- I. To encourage the most appropriate use of land through consideration of district character, peculiar suitability for particular uses, and to conserve the value of buildings.
- J. To encourage the development of housing opportunities, including multifamily dwellings, consistent with soil types, terrain, and infrastructure capacity for all residents of Hampton and the Windham Planning Region.
- K. To promote housing choice and economic diversity.
- L. To protect agriculture, historic and archaeological sites and features, existing and potential surface and ground water drinking supplies, and other valuable natural and manmade resources.
- M. To provide for soil erosion and sediment control.
- N. To be consistent with the adopted Hampton Town Plan of Development.
- O. To preserve and protect the unique rural character of the Town of Hampton.

1.3 Plan Consistency

These regulations, including the Zoning District map, are made in accordance with the adopted Hampton Town Plan of Development and are consistent with the recommendations contained therein.

ARTICLE 2 RULES AND DEFINITIONS

2.1 **Rules**

A. Interpretation

In the construction and interpretation of these regulations, the rules and definitions contained in this Article shall be observed and applied, except where the context clearly indicates otherwise. Any reference to the Connecticut General Statutes shall mean as written or as amended. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinance, deed restrictions or covenants, the most restrictive, or that imposing the higher standards shall govern.

B. Basic Requirement

No building or structure shall be erected, constructed, structurally altered, enlarged, moved or maintained, nor shall any building, structure or land be used or be arranged, designed, or intended for any use other than is permitted in the Zoning District in which such building, structure or land is located, and in conformity with the regulations herein prescribed.

C. Word Usage

1. Words used in the singular shall include the plural, and the plural the singular; and words used in the present tense shall include the future.

2. The word "shall" is mandatory and not discretionary.

3. The word "may" is permissive.

4. The word "lot" shall include the words "plot", "piece" and "parcel".

5. The words "zone", "zoning district", and "district" have the same meaning.

6. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

7. The phrase "these regulations" shall refer to the entire zoning regulation.

8. The uses of land, buildings, or structures not clearly permitted in the various zoning districts are prohibited.

9. The phrase "zoning map" means the latest officially adopted zoning map of the Town of Hampton.

10. The "Town" means the Town of Hampton, Connecticut.

11. The "State" means the State of Connecticut.

12. The "Commission" means the Planning and Zoning Commission of the Town of Hampton.

2.2 Definitions

For the purpose of these regulations, the following terms, phrases and words shall have their meanings defined as set forth in this section. Other words used in these regulations shall have the meaning commonly attributed to them. Where questions arise the Connecticut General Statutes and current dictionaries of American English language shall apply, as determined by the Commission.

Accessory Building or Use

An accessory building or use is one subordinate and customarily incidental to the principal building and/or use on the same lot.

Affordable Unit, Affordable Housing

A dwelling unit(s) conveyed by a deed containing covenants and restrictions which requires that it be sold or rented at, or below, prices which will preserve it as affordable housing, as defined in the General Statutes, Section 8-39a, for persons and families whose income is less than or equal to 80 percent of the area median income, for at least 20 years after the initial occupation of the unit.

Agriculture/Farm

The cultivation of ground, including the harvesting of crops, rearing and management of livestock, tillage, husbandry, farming, horticulture and forestry.

Aquifer

A geologic unit capable of yielding usable amounts of water.

Barn

A farm accessory structure for the storage of grain or other agricultural tools, equipment or vehicles or the stabling of livestock.

Bed and Breakfast Accommodations

An establishment offering transient lodging accommodations to the general public operated by the home owner and occupant, with a maximum of 5 guest rooms, with the serving of meals limited to breakfast for guests.

Board

The Zoning Board of Appeals of Hampton, Connecticut.

Buffer Zone, Buffer Area or Buffer Strip

A strip of land free of any building, structure or use other than natural woody growth, landscaping, fencing or screening, designed to shield or block noise, lights or other annoyances.

Buildable Area

The contiguous area of a lot exclusive of wetland and watercourses, water bodies, detention areas and utility or drainage easements.

Building

Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, materials, equipment, machinery or vehicles and the term, "Building", shall include

any trailer, trailer coach or mobile home.

Camper, Camp Trailer, Camper Coach.

A wheeled conveyance for camping or recreational purposes, or clearly intended as an accessory vacation habitation, and not for permanent human habitation.

Campground

Any area devoted to or designated for the use of more than one temporary seasonal accommodation, such as more than one camp trailer, tent, or rental cottage.

Child Day Care Center

A facility providing daytime care or instruction for 13 or more children.

Club

A structure occupied by an organization of persons incorporated pursuant to the provision of the Membership Corporation Law or the Benevolent Orders Law which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain, and includes the establishment so operated. A "club" shall cater only to its members or guests accompanying them. A "member of a club" is a person who, whether as a charter member or admitted in agreement with the bylaws of the club, has become a bona fide member thereof, who maintains his membership in accordance with such bylaws and whose name and address are entered on the list of membership.

Commercial

Any use facilitating the barter, sale or exchange of things of value, of sale of services or exchange of services, and includes the storage of goods.

Commission

The Planning and Zoning Commission of the Town of Hampton, Connecticut.

Cultural Resources

Sites, structures, landscapes, and objects of some importance to a culture or community for scientific, traditional, religious, or other reasons.

District

A zoning district established by the provision of these Regulations.

Dwelling

A building or portion thereof designed or used exclusively for residential purposes as the living quarters for human occupants and containing dwelling units for one or more families with its own sanitary facilities for exclusive use. For the purpose of this regulation, no dwelling containing less than 500 square feet of living space for each family unit will be permitted.

Dwelling, Attached

A dwelling attached to one or more dwelling units by a continuous vertical party wall, without openings except for utilities, which walls extend from basement or cellar to roof.

Dwelling, Detached

A dwelling surrounded on all sides by yards and which does not have any roof, wall or floor in common with any other dwelling unit.

Dwelling, Multi-Family

A building containing separate dwelling units for three or more families.

Dwelling, Single-Family

A detached building used or designed exclusively as a dwelling for one family.

Dwelling, Two-family

One building arranged for two independent dwelling units.

Dwelling Unit

A room or group of rooms located within a building and forming a single habitable unit with complete facilities which are used for living, sleeping, cooking and eating, including kitchen and sanitary facilities.

Dwelling Unit, Accessory

A secondary dwelling unit established in conjunction with and subordinate to a single family detached dwelling unit.

Family

One or more related individuals, or not more than five unrelated individuals, living and cooking together as a single housekeeping unit.

Family Day Care Home

A single-family home caring for not more than six children, including the provider's own children not in school full-time, where the children are cared for not less than three nor more than 12 hours during a 24-hour period, where care is given on a regularly recurring basis, and where the principal provider of the service resides on the premises.

Farm

A tract of 80,000 square feet or more, used principally for agricultural activities, forestry, nursery or truck gardening, or for raising, keeping or sale of livestock, fowl, and fur bearing animals.

Floor Area

The sum of the gross horizontal interior areas of all floors contained within a structure, measured from the exterior face of outside walls or from the centerline of a common wall separating two structures. It shall not include areas below grade when devoted to the following uses: mechanical spaces, parking or storage (when related to the principal use of the building), but shall include all other below grade areas. Stairwells, open porches, balconies, garages or utility rooms shall not be included in determining a floor area.

Forestry

The science of developing, caring for, harvesting or cultivating forests, including the management of growth timber and cordwood.

Fur Bearing Animal

An animal such as mink, chinchilla or fox which is customarily bred and raised for the use of its pelt for clothing or decoration of clothing.

Group Day Care Home

An establishment which offers or provides a program of supplementary care to not less than seven nor more than twelve related or unrelated persons on a regular basis for a part of the 24 hours in one or more days in the week.

Home Occupation

A use or combination of uses which is clearly incidental and secondary to the residential use of the premises and conducted for profit within a dwelling, or within an accessory building on the same lot. Retail uses are limited to the sale of: antiques, fine art, and crafts made on the premises.

Junk

Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion.

Junk Yard

The use of any area of any lot, whether inside or outside a building, for the storage, keeping or abandonment of junk or scrap or discarded materials other than for officially recognized recycling center; or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, and includes any business and any other place of storage or deposit which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in the condition for legal use on the public highways.

Kennels

One pack or collection of dogs kept under one ownership on a single premise bred for show, sports or sale.

Kennel, Commercial

A kennel maintained as a business for boarding or grooming dogs, including a veterinary hospital boarding or grooming dogs for non-medical purposes.

Livestock

Animals other than usual household pets which are kept, raised or offered for sale on a farm, such as horses, donkeys, mules, cattle pigs, sheep, goats and poultry.

Lot of Record

A lot which was established and recorded in the Town land records:

A. Prior to April 29, 1971 or

B. Subsequent to the enactment of zoning and/or subdivision regulations of the Town and conformed to all the zoning and/or subdivision regulations applying to said lot at the time said lot was established and recorded in the Office of the Town Clerk; and

C. Conforms to current sanitary regulations.

Lot, Building

A parcel of land occupied, or intended to be occupied, by a building or a group of buildings including such open spaces as are provided herein, and having frontage on a public street.

Lot, Corner

A lot situated at the intersection of two streets which meet at an angle of not more than 135 degrees.

Lot, Interior (see Lot, Rear)

Lot, Rear

A parcel of land without frontage on a public street other than an access strip or right of

way.

Lot, Through

A lot having both front and rear yards abutting on a street.

Lot, Width of

The distance between the sidelines of lot measured along the front yard setback (building) line.

Manufacturing

The making, processing, fabrication or assembling of goods or wares by manual labor or by machinery.

Mobile home.

A manufactured unit constructed on a chassis and wheels and designed for permanent or semi-attachment to land that is equipped with complete plumbing, electrical and heating facilities. It does not include travel trailers, motor homes, camping trailers, or other vehicles or trailers designed for recreational and/or temporary use.

Motel

An establishment providing transient lodging accommodations to the general public for a consideration and which may provide additional services such as rooms for public assembly, the serving of food, and recreational facilities. "Motel" shall not include a multiple-family dwelling.

Non-Conforming Building or Structure

A building or structure of which the dimensions or location do not conform to all the applicable provisions of these Regulations, but which was legally existing at the effective date of the adoption of these Regulations or of any pertinent amendment thereto.

Non-Conforming Lot

A lot which does not conform to the acreage, dimensional or yard provisions of these Regulations but which was legally existing, in separate ownership from any other contiguous lot, at the effective date of the adoption of these Regulations or of any pertinent amendment thereto.

Non-Conforming Use

A use of land or of a structure which does not conform to the applicable use provisions of these Regulations but which was legally existing at the effective date of these Regulations or of any pertinent amendment thereto.

Nursery

Land or one or more greenhouses devoted to the commercial raising and sale of trees, plants, flowers or shrubs.

Office, General

A room, group of rooms or a building used primarily for conducting the affairs of a business, profession, service, industry or government but excluding any medical services and facilities related to the practice of medicine.

Office, Medical

A room, group of rooms or a building used primarily for conducting the affairs related to the practice of medicine but excluding any overnight facilities for patients.

Office, Professional

An office for recognized professionals, such as doctors, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, clergymen and others, who through training or experience are qualified to perform services of a professional as distinguished from a business nature.

Open Space

Land not occupied by a building or other roofed structures including landscaped recreational areas, conservation areas and park areas.

Package Liquor Store

Any store for the retail sale of alcoholic beverages in packages, bottles, or other containers for consumption off the premises.

Parking Area

An area other than a street used for the temporary parking of five or more automobiles.

Pet

An animal that is domesticated and ordinarily kept in the home for personal use or enjoyment.

Private

Confined to, or intended, only for the person or persons immediately concerned; not for the general public.

Public

Belonging, or available, to all the people.

Special Permit

A use which is subject to special regulations, which regulations may be more restrictive than those in effect for any particular zone. A special permit is considered a permitted use only when all of the requirements set forth for the particular special permit are met.

Stable

A place where horses are kept, ridden, boarded, bred, or housed.

Stable, Commercial

Livery, boarding or riding stables for more than three horses which may include facilities for showing and training horses.

Street

A public thoroughfare more than ten feet in width which has been dedicated to the public for public use and which affords principal means of access to abutting property.

Street, Accepted

A street which has become public by virtue of dedication to and formal acceptance by the Town of Hampton.

Street Line

The dividing line between the street and the lot. Where such line has not been established, it is deemed for purposes of these regulations to be a line parallel to and 25 feet distant

from the centerline of the traveled surface.

Structure

Anything constructed or erected, the use of which requires location on the ground or water or attachment to something having location on the ground or water. A structure shall be deemed to include, but not be limited to: buildings, swimming pools, tennis courts, towers, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, handicap ramps, signs, permanent awnings, ground-mounted antennas, ground-mounted solar panels and satellite dishes, and fences or walls more than six and one-half feet in height, other than retaining walls.

Trailer Park

Any parcel of land which is used or permitted to be used or designated for the use of more than one occupied trailer, trailer coach or mobile home.

Use

The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied and maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Use, Accessory

A use subordinate and customarily incidental to the principal use, structure or land and located on the same lot, or on a contiguous lot under the same ownership, with the principal use of building. An accessory use cannot be permitted until a principal use is established.

Use, Principal

The primary or predominant use of a lot, structure or building.

Wetland

Any land area, including submerged land, which consists of any of the soil types generally designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as it may be amended, of the Natural Resource Conservation Service of the U.S. Department of Agriculture. In the event of reasonable doubt as to any particular body of water's or area of land's classification as "wetland", the Hampton Inland Wetlands Commission shall determine whether the area in question is a wetland.

Yard

An unoccupied space on a lot, extended along the entire length of the lot lines.

Yard, Front, Minimum

The open unoccupied space required across the full width of a lot from the street line to the nearest edge of the principal building or any covered porch which projects from the principal building.

Yard, Rear Minimum

The open unoccupied space required across the full width of a lot between the rear-most structure and the rear lot line.

Yard, Side Minimum

The open, unoccupied space required between the sidelines of a lot and any building, and

extending from the minimum front yard to the minimum rear yard. The minimum side yard includes both a minimum for each side, and a minimum for the two sides combined.

ARTICLE 3 ZONING DISTRICTS

3.1 Zoning Districts

For the purposes of these regulations, the Town of Hampton, Connecticut is hereby divided into the following zoning districts:

- RA-80 Residence - Agricultural District
- B Business District
- B-I Planned Business - Industrial District

3.2 Zoning Map

The boundaries of all districts, as established herein, and amended from time to time are those shown on the Zoning Map, Town of Hampton, Connecticut, filed in the office of the Town Clerk, which map is part of these regulations. Any facsimile maps, including the one printed herewith, are not official and are for convenience only.

When, in accordance with the provisions of these regulations, changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be made on the Zoning Map immediately after the amendment has been approved by the Commission, together with an entry on the Zoning Map as follows: "As amended to (date)", such date to be that of the most recent amendment.

3.3 Zone Boundaries

Where uncertainty exists as to the boundaries of the districts as shown on the Zoning Map, the following shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following town limits shall be construed as following town limits;
4. Boundaries indicated as following railroad rights of way shall be construed to be midway between the rights of way;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated in the Zoning Map shall be determined by the scale of the map.
7. In cases of uncertainty, the Commission shall determine the location of the boundary.

ARTICLE 4 AREA AND YARD REGULATIONS

4.1 Schedule of Zone Requirements

1. All buildings erected or altered after the enactment of these Zoning Regulations shall conform to the requirements specified for the Zone in which the building is located as listed in the following schedule:

Minimum Area and Yard and Maximum Building Height Requirements:

Use District	Lot Area Sq. Ft	Lot Width Ft	Minimum				Buildable Area Sqft	Maximum	
			Front Yd Feet	Side Yd Min	Side Yd Agg	Rear Yd Feet		Building/Structure Ht.	Cov. % of lot
RA-80	80,000	200	50	20	50	50	50,000	50*	12
B	50,000	150	75	25	50	50	50,000	-	25
B-I	80,000	200	100	25	50	50	50,000	-	25

Footnotes:

* Excluding buildings related to agriculture.

2. One dwelling per lot of record allowed in all districts, except as provided for within these regulations.

3. All building lots shall contain at least 50,000 contiguous sq. ft. of soils classified as other than wetlands or shallow surface to bedrock. (See Article IV, Section 2, Par. 7).

4. The map entitled "U.S. Department of Agriculture Soil Conservation Service Survey of Windham County, Connecticut", issued December 1981 is incorporated as part of these regulations and shall be presumed to show the correct soil classification of land of the Town of Hampton. Appeal from that classification may be made to the Commission by an applicant based upon a detailed soil survey made by a Commission-approved professional soil scientist at the applicant's expense. Final decision rests with the Commission.

4.2 Exceptions to Area and Yard Requirements

1. Lots of Record

A single family dwelling and accessory buildings may be erected in any zone on a lot having an area or width less than required in the area schedule, provided:

a. Such lot shall have been recorded by deed or shall have been shown on a map approved by the Commission and filed in the town Clerk's office prior to the effective date of these regulations which would otherwise make such building unlawful, and the owner of the lot shall not own sufficient contiguous land to make a conforming lot or more nearly conforming lot.

b. All other requirements of the area and yard schedule are complied with.

2. Lots Adjacent to More Restrictive Zones

Where a lot adjoins a lot in a more restricted district, any adjoining side, front or rear yard shall conform to the minimum depths of said more restricted district except where a street intervenes.

3. Corner Lots

A corner lot shall maintain front yard requirements along one street and 65 percent of front yard requirements for the second street on its side. All accessory buildings shall maintain front yard requirements for both street frontages. The building line of a lot at the intersection of existing and new roads shall be at least 100 feet from the existing road.

4. Through Lots

A through lot shall maintain minimum front yard requirements along any street it adjoins.

5. Corner Visibility

On a corner lot, no planting, structure, fence, walls or other obstructions to vision more than three feet in height shall be placed or maintained within the triangular area formed by the intersection street lines and a straight line connecting points on said street lines, each of which points is 25 feet distant from the point of the intersection.

6. Fences

Fences more than six and one-half feet in height shall be treated as structures. Fences at corners are subject to Article IV, Section 2.5.

7. Buildable Area

All building lots shall contain at least 50,000 contiguous square feet of soils classified as other than wetlands or shallow surface to bedrock, as indicated in the U.S. Department of Agriculture, Natural Resource Conservation Service, "Soil Survey of Windham County", 12/81, or as amended. This publication is incorporated as part of these regulations and shall be presumed to show the correct soil classifications for land in the Town of Hampton. Appeals from that classification may be made to the Commission by an applicant based upon a detailed soil survey made by an approved professional soil scientist at the applicant's expense. Final decision rests with the Commission.

8. Building Height and Exceptions

Maximum height of principal buildings shall be 50 feet. Accessory buildings shall not exceed 25 feet. This height restriction may be waived by the Commission, upon written request by an applicant, for structural elements of principal and accessory uses permitted by these regulations which because of reasonable necessity and customary practice exceed such height, provided no portion of the structural element is used for human habitation. In granting such waiver the Commission may impose such conditions as it deems reasonable and necessary to protect the health, safety, property values of adjacent lots. Spires, cupolas, towers, belfries, antennas, chimneys, flagpoles, water towers or tanks, silos and similar features may be subject to such a waiver. Height limitations do not apply to buildings related to agriculture.

9. Setback Provisions

No proposed principal structure need have a front yard depth greater than the average depth of the existing principal structures within 400 feet on each side of the said proposed dwelling, on the same side of the street, within the same block, and the same district. The purpose of this regulation is to allow the siting of new structures in harmony with existing neighborhood siting patterns.

10. Dimension Requirements for Conservation Subdivision in the RA-80 Zone

The following requirements apply to lots developed in an approved conservation subdivision and supersede dimensional requirements provided elsewhere in these zoning regulations.

<u>Lot and Yard Requirements (see rear lot requirements below)</u>	<u>RA-80 Zone – Traditional Subdivision</u>	<u>RA-80 Zone – Conservation Subdivision</u>
Minimum Lot Area		
Single family dwelling	80,000 square feet	30,000 square feet
Two family dwelling	80,000 square feet	80,000 square feet
Single family dwelling with accessory detached unit	80,000 square feet	80,000 square feet
Rear lots, single & two family	80,000 square feet	60,000 square feet
Lot Width	200 feet	125 feet
Front Yard ¹	50 feet	30 feet
Rear Yard ^{1 2}	50 feet	30 feet
Side Yard ^{1 2}	20 feet 50 ft aggregate	20 feet
¹ Rear Lot Yard requirements	50 foot setback from all property lines	
² Rear Yard & Side Yard– storage sheds no larger than 80 sf. floor area	50 feet	10 feet
Lot Coverage of Structures, max.	12%	15%
Buildable Area	50,000 square feet	20,000 square feet and at least 100 ft. in width

ARTICLE 5 ZONING DISTRICT REGULATIONS

5.1 RA-80 Rural Residence - Agricultural Zone

Purpose: To provide suitable areas for residential and agricultural development appropriate to the environmental characteristics of the land and the rural character of the Town of Hampton.

Permitted Uses: Land and buildings may be used and buildings may be altered or erected to be used for the following purposes providing a permit is first obtained from the Planning and Zoning Commission or its agent:

- a. One single-family dwelling or one two-family dwelling. Two family dwelling is subject to Section 6.6. One mobile home may be used for one dwelling unit per lot, subject to the definition provided in Section 2.2.
- b. Agriculture & forestry.
- c. Uses, buildings, and structures accessory to permitted uses. A primary use must be permitted prior to establishment of an accessory use.
- d. Professional offices, home occupations and home day care for less than 5 clients.
- e. Farms, to include the production, processing and sale of agricultural products including animal husbandry or horticultural uses, under the following conditions:
 - (1) All structures except dwellings hereafter constructed shall be located not less than 75 feet from any street line and 100 feet from any dwelling on an adjacent lot, except that this requirement shall not restrict fencing for pastures for horses and cows.
 - (2) Commercial slaughtering, except animals raised on the premises, is prohibited.
- f. Retail sale of art and crafts, provided such sale is conducted within a building and held on no more than 6 calendar days per year on any lot.
- g. One accessory detached dwelling unit in addition to a single family dwelling per lot, with a maximum of two dwelling units on a lot, subject to Section 6.6.

Special Permit Uses: Land and buildings may be used and buildings may be altered or erected to be used for the following purposes, providing a special permit is first obtained from the Planning and Zoning Commission pursuant to Special Permit requirements, and provided the use is secondary or accessory to the principal residential use on the same property.

- a. Offices, home occupations, bed and breakfast establishments, day care/child care centers, landscape service, and shops and storage facilities for contractors and tradesmen in accordance with special regulations as a home occupation.
- b. A garden center, greenhouse, or nursery, including the sale of plants, whether grown on the premises or not, and related supplies and services.
- c. Seasonal roadside stands selling farm produce predominantly grown on the premises may be located in front of same in any zone, but shall provide safe entrance from and exit into the street, with adequate pickup, parking, and off-street loading space.
- d. Cemeteries.
- e. Public utilities installations needed for the public convenience and necessity.

- f. Municipal, state, and federal government buildings.
- g. Commercial kennels, animal grooming, animal training facilities, stables, riding schools and commercial chicken houses, veterinary hospitals and other commercial activities involving the raising and housing of animals in accordance with special regulations as a home occupation.
- h. Outdoor recreational uses, including country clubs and commercial seasonal campgrounds. Not permitted: racing/riding/training facilities for motorcycles, cars, trucks, all terrain vehicles or any motorized vehicles.
- i. Educational, instructional, religious, philanthropic, and charitable institutions.

5.2 B - Business Districts

Purpose: To provide areas in which to conduct retail and wholesale trade and services appropriate to the site characteristics of the land and the rural character of the community.

Permitted Uses: In a Business District, land and buildings may be used and buildings may be altered or erected to be used for the following purposes, providing a site plan approval is first obtained from the Planning and Zoning Commission.

- a. Retail and wholesale stores and trades including hotels, motels, tourist homes and restaurants (excluding drive-in or curbside service restaurants).
- b. Personal service shops or stores.
- c. Businesses and offices.
- d. Gasoline sales and automobile repair garages, volunteer fire and town garage storage and maintenance facilities.
- e. Automobile and boat sales.
- f. Funeral homes.
- g. Commercial recreation facilities such as indoor theaters, bowling alleys, fitness centers and similar places of public assembly.
- h. Printing establishments.
- i. Package liquor stores.
- j. Schools, libraries and child care facilities.
- k. Health care facilities.
- l. Any use permitted in RA-80 zone.
- m. Buildings, structures, and uses accessory to permitted uses.

5.3 B-I Planned Business Industrial Districts

- A. **Purpose:** To provide areas in which to carry out business and industrial activities appropriate to site characteristics and the rural character of the community in a planned business or industrial park setting.
- B. **Special Permit Uses:** Land and buildings may be used and buildings may be altered or erected to be used for the following purposes, providing a special permit is first obtained from the Planning and Zoning Commission.
- 1) Uses "a" through "k" permitted in a Business District.
 - 2) Wholesale business, storage warehouses, trans-shipment centers.
 - 3) Research
 - 4) Manufacturing, processing or assembly of goods.
- C. **Procedures:** Planned Business-Industrial districts may at any time following the effective date of this regulation be designated on the zoning map and may also be established by petition in accordance with the following procedure, and subject to the following limitations:
- 1) A petition to zone a Planned Business-Industrial district shall be submitted by the owner of the land, or by the holder of an option to buy, to the Commission.
 - 2) The petition shall be accompanied by those materials required by the site plan section.
 - 3) Notice of public hearing of the petition shall be given as provided in the General Statutes of the State of Connecticut.
 - 4) After a public hearing the Commission may approve, disapprove, or approve with modifications, the establishment of the district. No development plan shall be approved which is inconsistent with the town's plan of development, or which impairs the integrity of this ordinance or which does not fully safeguard the appropriate use of the land in the immediate neighborhood.
- D. **Prohibited Uses**
In all zones, any uses not specifically listed as permitted in these regulations are prohibited.
- E. **Permitted Uses**
Only those uses, buildings and structures specifically listed in these regulations as permitted are allowed in the Town of Hampton.

ARTICLE 6 SPECIAL REGULATIONS

6.1 Nonconforming Uses, Buildings or Structures

- A. **Purpose** -- Within the zoning districts established by these regulations or by amendments that may later be adopted there exist lots, uses and structures which were lawful at the time these regulations were adopted or amended but which would be prohibited, regulated or restricted under the provisions of these regulations or future amendments. Such lots, uses and structures are declared by these regulations to be nonconforming. It is the intent of these regulations that non-conformities shall not be enlarged upon, expanded or extended if such a change would increase the non-conformity nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone. It is the burden of the owner to provide sufficient documentation to demonstrate that such nonconforming use/structure/lot predated zoning regulations which prohibit such use/structure/lot.
1. Nonconforming uses are declared by these regulations to be incompatible with permitted uses in the district involved. After the effective date of adoption or amendment of these regulations, a nonconforming use, a nonconforming structure or a nonconforming use of a structure and land in combination shall not be extended or enlarged by the attachment to a building or land of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be prohibited generally in the district involved.
 2. To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of these regulations and upon which actual building construction has been carried on diligently. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.
- B. **Nonconforming lots** -- In any district, a principal building and customary accessory buildings may be erected on a lawful lot existing as of the effective date of adoption or amendment of these regulations. This provision shall apply even though such lot fails to meet the lot area and/or lot width requirements of the district in which such lot is located, provided that the yard dimensions and requirements other than those applying to lot area and/or lot width shall conform to the requirements of the district in which such lot is located.
- C. **Nonconforming uses** -- Where a lawful use exists at the effective date of adoption or amendment of these regulations, which use is no longer permitted under these regulations as adopted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. Such nonconforming use shall not be enlarged or increased, nor extended to occupy a greater floor area or area of land than was occupied at the effective date of adoption or amendment of these regulations.

2. Such nonconforming use shall not be moved in whole or in part to any portion of the land other than that occupied by such use at the effective date of adoption or amendment of these regulations.
3. If such nonconforming use is superseded by a permitted use, it shall thereafter conform to the requirements of the zone in which it is located, and the nonconforming use shall not thereafter be resumed.

D. Nonconforming structures -- Where a lawful structure exists at the effective date of adoption or amendment of these regulations which could not be built under the provisions of these regulations as enacted or amended by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Any nonconforming building or structure which does not contain a nonconforming use may have extensions, structural alterations or changes, provided that no other zoning regulations are violated or that the nonconformity is not increased in any manner.
2. If such nonconforming structure is damaged or destroyed by fire, explosion, act of God or by public enemy, it may be repaired or replaced to an extent which does not increase the nonconformity. Such repair or replacement shall commence within twelve (12) months after the damage or destruction occurs and shall be completed within twenty-four (24) months after commencement. If such repair or replacement is not accomplished within such time periods, the structure shall be reconstructed in conformity with the requirements of the zone in which it is located.
3. If such structure is moved for any reason for any distance whatsoever, it shall thereafter conform to the requirements of the zone in which it is located after it is moved.

E. Nonconforming uses of structures and land in combination ☐☐ Where a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of these regulations which is no longer permitted under the provisions of these regulations as enacted or amended, such lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Any existing structure devoted to such nonconforming use shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered in a manner which increases the nonconformity, except to change the use of the structure to a use permitted in the zone in which it is located.
2. Any nonconforming use of a structure may be extended throughout any part thereof which was manifestly arranged or designed for such use at the time of adoption or amendment of these regulations, but no such use shall be extended to occupy any land outside the structure.
3. A nonconforming use may be changed only to a conforming use. Whenever a nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a nonconforming use.
4. If such nonconforming use is superseded by a permitted use, it shall thereafter conform to the requirements of the zone in which it is located, and the nonconforming use shall not thereafter be resumed.

F. Repairs and maintenance

1. Ordinary repairs may be made or remodeling done to any structure devoted in whole or in part to a nonconforming use, provided that such work does not increase the nonconformity.
2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

- G. Uses under special permit provisions not nonconforming uses** -- Any use which is permitted by special permit in a district under the provisions of these regulations shall not be deemed a nonconforming use in such zone.

6.2 Performance Standards

Each land use or non-residential use permitted in Town shall meet the following performance standards:

- A. No dust, dirt, fly ash, or offensive smoke will be emitted into the air.
- B. No offensive odors or noxious, toxic or corrosive fumes or gases be emitted into the air.
- C. No unnecessary noise be transmitted outside the boundaries of the premises. Noise levels shall not exceed those described in the Regulations for Control of Noise in the State of Connecticut for stationary noise and Maximum Permissible Noise Levels for Vehicles in the State of Connecticut for Motor Vehicles.
- D. No vibration will be transmitted outside the boundaries of the premises.
- E. No radiation, heat, or glare will be transmitted outside of the building where it originates.
- F. None of the activities or business conducted within the premises will be hazardous nor have or cause any detrimental effect to adjacent property, nor that fire or explosion hazards will exist such as to produce dangerous exposure to adjacent property.
- G. No offensive, hazardous, or toxic wastes will be discharged onto the land or into any wetlands, stream, watercourse or storm drainage.

6.3 Interior and Rear Lots

A. Interior Lots

No building to be used in whole or in part as a dwelling shall be erected on any lot unless said lot abuts on a highway or street or unless there is provided for such a lot an unobstructed right of access at least twenty feet wide to a public highway adequate to accommodate fire apparatus or other emergency equipment. The lot line from which the right of access leads shall be considered the front line of the interior lot. Such interior lot shall conform to all requirements prescribed for the zone in which it is located. If, however, the area of such lot shall exceed twice the area requirements of the zone in which the rear area is located, such right of access to said area shall be at least 50 feet wide and no dwelling permit shall be issued for more than one building in the original rear area until all regulations for subdivisions have been complied with; this will allow the construction of a road within the 50 ft. right of way in case of future subdivision.

(Note: This requirement permits the use of irregularly shaped land parcels which may conform to all other requirements except that adequate road frontage cannot be provided.)

B. Rear Lots

1. No dwelling unit shall be erected on a rear lot unless there is provided space for a

useable driveway consisting of unobstructed access, owned in fee simple by the owner of the rear lot, at least 20 feet wide to accommodate fire apparatus or other emergency equipment.

2. The rear lot shall conform to all requirements prescribed for the zone in which it is located. The minimum lot area shall be computed as the area of the lot exclusive of the area of access. The lot line from which the access leads shall be considered the front line of the rear lot.
3. The access area shall be limited for the exclusive use of one dwelling unit on the rear lot and shall not be used for access to any other land or separate rear lot.
4. There shall be a limited number of rear lots allowed in any subdivision, no more than one-third of all lots. This same limit applies to a resubdivision of any past or present subdivision.
5. Nothing in these regulations is intended to prohibit the use of rear lots in existence prior to the adoption of this amendment.
6. Driveways shared by adjacent lots can be accommodated but must be shown on the site plan and a driveway agreement approved by the Commission filed on the land records.
7. Rear lot provisions are not intended to avoid new road construction. The maximum number of rear lots depends on the suitability of the land.

6.4 **Soil Erosion and Sediment Control**

A. Definitions -- As used in this Article, the following terms shall have the meanings indicated:

CERTIFICATION - A signed, written approval by the Commission (its designated agent or the Windham County Soil and Water Conservation District) that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

COUNTY SOIL AND WATER CONSERVATION DISTRICT - The Windham County Soil and Water Conservation District established under the Section 22a-315(a) of the General Statutes.

DEVELOPMENT - Any construction or grading activities to improved or unimproved real estate.

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

EROSION - The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

GRADING - Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

INSPECTION - The periodic review of sediment and erosion control measures shown on the certified plan.

SEDIMENT - Solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.

SOIL - Any unconsolidated mineral or organic material of any origin.

SOIL EROSION AND SEDIMENT CONTROL PLAN - A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

- B. Activities Requiring a Soil Erosion and Sediment Control Plan. A Soil Erosion and Sediment Control Plan (hereinafter called a Control Plan) shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.
- C. Exemptions. A single-family dwelling that is not a part of a subdivision of land shall be exempt from these Control Plan regulations.
- D. Plan Contents and Requirements.
 - 1. To be eligible for certification, a Control Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.
 - 2. Said plan shall contain, but not be limited to:
 - a. A narrative describing the development project and time schedule for:
 - 1. all major construction activities indicating the anticipated start and completion of development.
 - 2. creating and stabilizing of disturbed areas.
 - 3. grading operations.
 - 4. applying erosion and sediment control measures and facilities on the land.
 - b. Design criteria, construction details, detailed installation/application procedures and maintenance program.
 - c. A Site Plan map showing:
 - 1. existing and proposed topography.
 - 2. proposed area alterations.
 - 3. disturbed areas; identifying the extent of all proposed clearing and grading activities.
 - 4. location of and other detailed information concerning erosion and sediment control measures and facilities.
- E. Issuance of Denial of Certification.

The Commission, through its designated agent, shall either certify that the Control Plan complies with the requirements and objectives of this Section or deny certification when the development proposal does not comply with this Section. Nothing in this Section shall be construed as extending the time limits for the approval of any application under Chapters 124, 125A or 126 of the General Statutes. The Commission may require a

Professional Engineering certificate prior to approval of E & S plan.

F. Installation and Maintenance.

Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the Certified Control Plan. All control measures and facilities shall be maintained in effective condition to ensure compliance with the Certified Control Plan.

G. Inspection.

Municipal inspections during development shall ensure compliance with the Certified Control Plan and that control measures and facilities have been properly performed, installed and maintained.

1. In the case of a subdivision in which individual lots are to be sold and developed over a period of time, and in which the cumulative effect of developing all lots and related improvements will result in a disturbed area of more than one-half acre, said Certified Control Plan shall be submitted on a lot by lot basis to the designated agent for its review and approval prior to the issuance of a Zoning Permit for each lot. In addition, a note shall be added to the map for said subdivision, and in the deed for each lot, stating that no development shall take place on any lot until the control Plan for said lot has been approved by the designated agent.

H. Performance Bond.

1. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the Certified Control Plan, shall be required to be covered in a performance bond or other assurance acceptable to the Commission, the amount and form to be approved by the Commission. Upon request of the applicant, the Commission may waive the bond if it can be demonstrated that the potential for erosion and sedimentation is not significant.
2. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the Certified Control Plan, that are a condition of certification of any modified Site Plan shall also be required to be covered by a bond as per paragraph A above.

6.5 **Sand and Gravel Pits - Excavation and Grading**

A. Intent: The intent of this section is to insure that land used for any purposes permitted hereunder shall, during and after excavation, be maintained in such a way so as to prevent unusual dust conditions, erosion and sedimentation, or in any way adversely affect the environment or the health, safety and welfare of the residents and taxpayers of the Town of Hampton.

B. General: No earth, including loam, sand, gravel, clay or peat, shall be excavated and removed, graded or dumped on any parcel of land, except as authorized under exemptions or as authorized under an Application for permit granted by the Commission under the provisions of this section.

C. Exemptions/Permitted Uses: The provisions of this Section and the requirements to obtain a permit shall not apply to the following cases:

1. Excavation, removal and/or importing of less than 500 cubic yards in any 12 month

- period.
2. Necessary excavation, grading, and earth removal in direct connection with the construction on the premises of buildings, foundations, roads, driveways, storm sewers, utility services, fences or walls, swimming pools and for which any required application for a CERTIFICATE OF ZONING COMPLIANCE has been approved;
 3. The excavation of gravel by a landowner on his own property for his own use and not for sale, and when written notice has been given to the Zoning Enforcement Officer.
- D. Application: Application for a CERTIFICATE OF ZONING COMPLIANCE shall be submitted to the Zoning Enforcement Officer and shall be accompanied by the following:
1. Maps and Plans; A map, certified by the applicant to be correct, of the area for which permission to excavate is sought, drawn to a scale not more than one hundred (100) feet to the inch showing:
 - a. On one (1) or more acres, existing and proposed land contours at a vertical contour interval of not greater than five (5) feet. On less than one (1) acre, interpolations of the ten foot contours of The United States Geological Survey may be used;
 - b. Existing and proposed drainage, water courses and water boundaries;
 - c. An estimate of the type, origin and amount of material to be imported or removed;
 - d. Existing ground cover;
 - e. An accurate sketch of the tract within which excavation is to be conducted showing the location of the property and the boundaries of the area within which the excavation is to be conducted;
 - f. Abutting property owners' names;
 - g. Streets, highways, access ways, or rights-of-way giving access to or through the property.
 - h. An estimate of the number and type of trucks and other machinery to be used and their location on the site and hours of operation.
 - i. Sections or stages of operations;
 - j. Proposed truck access to the excavation site;
 2. Statement: An explanation of the manner in which the operation will be conducted and a statement, signed by the applicants, that they have read the requirements of this regulation and that they will conform to the provisions of the regulations and to conform to the provisions of the regulation and to such conditions as may be imposed by the Commission under the provisions of Section 5, in order to insure the safe and sanitary conduct of the operation.
 3. The application fee is per town ordinance.
- E. Procedure: Upon receipt, the Zoning Enforcement Officer shall transmit the application and accompanying maps, plans and documents to the Commission. The applicant shall notify all abutting landowners, by certified mail, that an application has been submitted under section 5, Sand and Gavel Pits. Within sixty-five (65) days after the receipt of a completed application meeting the requirements of Paragraph 3, the Commission shall hold a public hearing. The Commission shall approve, modify and approve or disapprove the application. The grounds for disapproval of an application shall be stated in the records of the Commission. Failure to submit additional information requested by the Commission under Paragraph 3, within the period for action of the application, shall be grounds for disapproval of the application.

- F. Approval: After the public hearing the Commission may grant the application for the excavation and removal, or grading or dumping if it shall find that the following standards and conditions will be met:
1. The premises shall be excavated and graded in conformity with the approved plan;
 2. The proposed excavation or grading shall be conducted as required by the regulation and approved by the Commission;
 3. Only portable processing machinery shall be maintained on land occupied by the applicant, and crushing equipment shall not be located within six hundred (600) feet of any property or street line and such machinery shall be removed from the premises upon the completion of the excavation;
 4. Proper measures shall be taken to minimize nuisance of noise, to prevent dust from leaving the property and to comply with the standards set forth in Article V-Use Regulations, Section 4-Permit Procedure, #4, items A, B, D, E, F, K;
 5. Each applicant shall obtain and maintain liability insurance with a limit of not less than \$100,000.00 as to personal injury and \$10,000.00 as to property damage and shall furnish a certificate of insurance to the Commission. In the event of the cancellation of such insurance, any permit issued hereunder shall terminate;
 6. At all stages of the work proper drainage shall be provided to avoid stagnant water, erosion, excessive runoff, silting of streams and damage to public property and public streams;
 7. Truck access to the site of work shall be so arranged as to minimize danger to traffic on adjacent public streets and nuisance to nearby residents;
 8. No excavation which is below grade of any abutting highway of property shall occur within one hundred (100) feet of the boundary line of such highway or property;
 9. The Commission, or its agents, shall at all times have reasonable access to the premises to be excavated for the purpose of inspection and determination of compliance with this regulation and the plans and conditions of approval;
 10. Upon completion of the work authorized, the area of excavation of disturbed ground shall be restored as follows:
 - a. The area shall be evenly re-graded to slopes not in excess of 1 to 4 (vertical to horizontal) and yet with sufficient pitch to insure adequate drainage of the area, so that stagnant pools of water will be avoided. Such slopes may begin at the property line;
 - b. Adequate drain ways of gradual contour shall be provided as needed;
 - c. All debris and loose boulders of one (1) cubic yard or less in size shall be buried or removed from the site;
 - d. A layer of arable soil, which shall be free from large stones, shall be spread over the entire area.
 - e. The area shall be then seeded with a perennial grass or other suitable vegetation cover and maintained until the ground shall be completely stabilized and there exists no danger of erosion, as determined by the Commission;
 - f. The foregoing provisions concerning grading, cover and seeding shall not apply to areas of ledge existing prior to excavation or exposed during excavation, nor to boulders larger than one (1) cubic yard;
- G. Time Limit: Each permit issued under the provisions of this regulation shall be valid for a one (1) year or a shorter period of time as may be requested by the applicant; and each

such permit, upon application made at least fourteen (14) days before the expiration of the prior term, shall be renewed by the Commission annually after expiration of the initial term, provided that there's no violation of the initial term. Upon the death of the owner, the permit shall continue in effect as long as the successor permittee indicates his willingness to be bound by the terms of the application and provides a prescribed permit bond.

- H. Bonding: A performance bond in a form and amount approved by the Commission shall be posted prior to commencement of activity. At least a portion of such bond shall be cash.
- I. Return of the Bond: Upon the completion of any operation for which a permit bond is issued upon application, as herein provided, in conformity with the terms set forth in such application, the applicant may request the Commission for return of the permit bond, and upon said Commission being satisfied that the operation has been completed in compliance with the provisions named therein, but otherwise said permit bond shall remain in full force and effect.
- J. Amendment: If during the conduct of the work or restoration of the site, special circumstances unforeseen at the time of the application approved are encountered, the applicant may apply in writing to the Commission to amend the conditions under which the permit was granted. In processing any application for amendment, the Commission shall follow the procedures set forth in section 4.

6.6 Two family dwellings and detached accessory dwelling units

- A. Intent. The intent of this regulation is to provide a range of housing opportunities, including affordable housing units, in Hampton, and to enable property owners to stay in their homes through various life stages.
- B. Approval. The applicant shall submit a site plan for approval of a two family dwelling or a detached accessory dwelling unit by the Zoning Official.
- C. Units per lot in the residential zone. There shall be no more than two dwelling units per lot in the RA-80 Zone, either 1) one primary and one accessory dwelling unit OR 2) one two-family dwelling.
- D. Compliance with uses and dimensional requirements for the zone. The single-family residence with accessory dwelling unit and the two-family dwelling shall comply with the requirements of the use district in which such dwelling is located and shall also comply with the applicable building height, building area, and yard requirements, unless as otherwise stated in this Section.
- E. Residence Requirement. When the second dwelling unit is a detached accessory dwelling unit, the owner must reside in one of the two dwelling units. Prior to issuance of a Certificate of Zoning Compliance and Occupancy for a detached dwelling unit, notice of the residence requirement shall be filed in the land records.

- F. Design. A two family dwelling is a single building arranged for two independent dwelling units. A detached accessory dwelling unit may take the form of a cottage or similar dwelling, or it may be constructed within a detached accessory building such as a garage. Each dwelling unit, whether attached or detached, shall have its own, permanent provisions for living, sleeping, eating, cooking, and full bath which are not shared with the residents of the other dwelling unit on the lot. Only one of the dwelling units on the lot may be a mobile home.
- G. Detached Accessory Unit Floor Area. A detached accessory dwelling unit shall be the secondary use of the lot, and its livable area shall not exceed 1000 square feet or 33% of the combined area of the living space in the principal and the accessory units, whichever is less. A detached accessory unit shall be exempt from the minimum floor area requirement provided in Article 2 Section 2.2 "Dwelling."
- H. Lot Area. The area requirement for a detached accessory dwelling unit on a lot is 80,000 s.f., minimum.
- I. Driveway. One driveway cut onto the road shall service both dwelling units.
- J. Parking. Sufficient parking for both dwelling units and a turnaround shall be provided on the lot. Parking areas shall be provided that are consistent with the appearance of a residential lot in the zone. These shall be shown on the site plan submitted for the zoning permit and shall be maintained as approved in perpetuity.
- K. Sanitary facilities. The Northeast District Department of Health must submit written approval of facilities for both units prior to issuance of a zoning permit for the dwelling units.
- L. Approval not related to future subdivision. Approval of a detached accessory dwelling unit in no way shall provide a basis for future subdivision of the subject lot if such subdivision would create nonconformity of the lot(s) or structures on the lot(s).
- M. Campers, camp trailers, camper coaches and hauling trailers as defined herein shall be excluded from the provisions of these regulations which allow the use of a mobile home for permanent occupancy as a dwelling unit.

6.7 Off Street Parking and Loading

- A. Off-street parking shall be required for all permitted uses in an amount sufficient to prevent congestion of any public street. All business and industrial uses shall provide off-street parking surfaced with a dust-less material and having bumper or wheel guards where needed. The following table lists minimum spaces required. Where a particular use is not listed the Commission shall be guided by the nature, intensity of use, projected attendance, number of residents, clients, customers or employees, reference documents, and the experience of similar uses elsewhere. The Commission may reduce or defer the minimum parking space requirement where it can be demonstrated that fewer spaces are needed.

B. On any lot which is hereafter developed for business, industrial, or hotel or institutional use, there shall also be provided adequate space suitably located on the lot for the loading and unloading of goods and materials. In determining adequacy and suitability of location, the Commission shall be governed by the nature of the use, the volume of vehicular and pedestrian movement which passes the premises and the location of the principal building in relation to the street. Loading space must be located on the same lot as the principal use.

C. Commercial Vehicles in Residential Districts

Not more than one commercial vehicle for each dwelling unit may be habitually parked or garaged on a lot in a Residence District except as permitted under Home Occupation regulations. Such vehicles shall be limited to one ton in weight. Agricultural use is not restricted by this provision.

Not more than one unregistered motor vehicle, or one recreational vehicle, for each dwelling may be habitually parked on a lot outside of a garage and such parking shall be restricted to the rear of the principal building.

**Off Street Parking
Minimum Parking Space Requirements:**

Type of Use and Space Requirements:

<i>Type of Use</i>	<i>Minimum Number of Spaces</i>
One-Family & Two-Family Residences	2 per family unit (driveway may be included.)
Three-Family or more Residence	1 per family unit
Lodging, rooming or boarding house, fraternity or or sorority house or dormitory	1 per each 2 guests or persons residing there and not less than 1 per each 3 employees
Buildings and open stands for display of agriculture products frontage	1 per each 5 feet of building
Funeral Home	1 per each 5 seats
Home Occupation	2 per dwelling unit plus additional as per Commission.
Retail Business	1 per each 100 sq. ft.
Office Building	1 per 3 employees
Hospitals: Convalescent & Rest Homes	1 per 4 beds & 1 per each 3 employees
Hotels, Motels	1 per each guest room or suite and 1 per each 3 employees
Restaurants, including Drive-In Type	1 per 4 patrons & 1 per each 3 employees
Private Recreational Facilities	1 per each 4 members

Note: 1. In all non-residential uses, at least one space for handicapped parking shall be provided for up to twenty employees, guests, or users and one space for every twenty thereafter.

2. Minimum dimensions of parking bay = 9' x 18' + maneuvering space; and in all non-residential uses, spaces for handicapped parking shall be 14' x 20'.
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6.8 Energy Efficiency (Including Solar Provisions)

Where Commission approval is required for a land use activity, applicants shall demonstrate to the Commission that their pending proposal has considered, to the degree physically and economically possible, the utilization of the physical environment and natural energy sources, such as solar orientation, to help heat, cool or illuminate the proposed use and accordingly minimize a dependence on fossil fuels and mechanical equipment. Potential impacts on neighboring properties shall also be evaluated. Factors to be considered include: roadway, lot and building orientation, natural and manmade topographic features, soil and subsoil characteristics, existing and proposed vegetative cover, and shadow patterns on neighboring properties. Wherever feasible:

- building orientation and design should maximize south facing walls;
- an east-west orientation should be considered for streets and private access roads;
- building height and bulk and landscaping improvements should minimize shadow patterns on adjacent properties; and
- walls and accessory structures should be located in areas that will not diminish south wall exposure.
- septic systems shall be placed on the south side of the principal structure. The intent is to provide an open, treeless area on the south side of the structure to maximize solar warming.

6.9 Commercial Forest Activities/Timber Harvesting/Logging

Purpose: To regulate forestry uses in accordance with state statutes.

[This section reserved for future use. Awaiting regulations being developed by CT DEP]

6.10 Flood Hazard Areas

A. Purpose: To protect the public's health, welfare and safety by preventing or minimizing flood damages and in conjunction with the requirements of the National Flood Insurance Program, all proposed development within designated flood hazard zones A1 through A15 and unnumbered A zones (see Section 10.4) shall require prior authorization from the Planning and Zoning Commission. Dependent on the nature and location of the proposed development, minor land disturbing activities, proposed accessory structures and minor additions may be authorized through the issuance of Zoning Permits, while major land disturbing activities, proposed primary structures and major additions shall necessitate special permit approval of the Commission. This regulation also formally recognizes the current Town's Flood Insurance Program, and Flood Insurance Rate Maps.

For the purpose of this regulation, all definitions shall be in accordance with those contained in the current National Flood Insurance Program Rules and Regulations, which are available in the Hampton Town Office.

B. Procedure: Prior to the commencement of any development in designated flood hazard

zones A1 through A15 and unnumbered A zones, an application with accompanying information shall be submitted to the Commission for its review. Application shall only be received at a regular meeting of the Commission or submitted to its agent. To promote expedient review, applications should be filed in the Planning Office at least seven (7) days prior to a regular meeting for analysis and placement on the agenda. Upon receipt of the application, the Commission shall review the proposal and determine whether special permit approval or zoning permit authorization is appropriate. Prior to this determination, all proposals under this regulation shall be considered special permit applications.

If the proposal involves a minor land disturbing activity, accessory structure or minor addition which is clearly consistent, the Commission may authorize the Zoning Enforcement Officer (ZEO) to issue a Zoning Permit. All other proposed activities shall require special permit approval and a public hearing date shall be established. After conducting the public hearing, the Commission shall complete its review and approve, approve with modification, or disapprove the application.

All statutory time requirements for special permit applications shall be followed. Enforcement shall be in accordance with the appropriate sections of the Connecticut General Statutes and the Hampton Zoning Regulations. In riverine situations, the Commission shall notify the Hampton Inlands and Wetlands Commission, adjacent communities and the State coordinating officer prior to any alteration or relocation of a watercourse. Copies of such notification shall be submitted to the Federal Insurance Administrator.

- C. Application Requirements: It is recommended that the Zoning Enforcement Officer (ZEO) or Flood Insurance Officer (FIO) be contacted for assistance in determining what information may be required by the Commission. Whereas all applications are initially considered special permits, the application requirement of Article VI Section 15 - Special Permits shall be followed. At a minimum, all applications shall include a site plan showing property lines, existing and proposed contours, existing and proposed structures and flood elevations, base flood information, appropriate engineering certifications, appropriate construction plans and other data necessary to review accurately the proposal with respect to approval criteria. Specific base flood elevation data (see Section 10.4) shall be provided for proposals greater than 50 lots or five (5) acres, whichever is the lesser, for that portion within the Flood Plain District.

Please note that any necessary permits from those government agencies from which approval is required by Federal or State law should be obtained prior to submission to the Hampton Planning and Zoning Commission and Inland and Wetlands Commission (IWC).

- D. Flood Hazard Zones / Base Flood Information: For the purposes of this regulation, designated Flood Hazard Zones shall be those depicted on the Town's current Flood Insurance Rate Maps (FIRM) as further defined by flood elevation data.

For zones A1 through A15, base flood information (100 years flood information) shall be obtained from the Town's Flood Insurance Officer. For unnumbered A zones, base flood information shall be obtained from the best available sources. The specific source, detail and accuracy of base flood elevation data for proposals in unnumbered A zones shall be dependent on the proposed action, its location and sources of Federal, State and other data available. Depending on the proposal, required data could be met with general community recollection of past flooding elevations or, as particular circumstances warrant, detailed flood elevation studies coordinated with Corps of Engineers (COE) by the Flood Insurance Officer (FIO) can be required by the Commission.

- E. Approval Criteria: In reviewing and authorizing any development in designated flood hazard zones A1 through A15 and unnumbered A zones, the Planning and Zoning Commission and the Inlands and Wetlands Commission shall determine that the public's health, welfare and general safety have been protected and that the following specific criteria have been met to the Commission's satisfaction:
1. That all other necessary permits have been received from those government agencies from which approval is required by Federal or State law.
 2. That all appropriate approval criteria from Article VI Section 15 - Special Permits of this regulation have been complied with.
 3. That all new construction and substantial improvements of residential structures, including prefabricated buildings and mobile homes, shall have the lowest floor, including the basement, elevated to or above the base floor (100 year flood level).
 4. That all new construction and substantial improvements of non-residential structures shall have the lowest floor, including the basement, elevated to or above the base flood level (100 year flood level), or be flood proofed to or above the base flood level. Where flood proofing is used in lieu of elevation, a registered professional engineer or architect shall certify that the flood proofing methods used are adequate to withstand the forces associated with the base flood and that the proposed flood proofing complies with the standards contained in the National Flood Insurance Program Rules and Regulations. Such certification shall be submitted with the application.
 5. That all development proposals, including utilities and drainage, are located and designed to be consistent with the need to minimize flood damage. More specifically:
 - a. All public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage.
 - b. New or replacement water supply systems and/or sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - c. On-site waste disposal systems shall be located out of flood elevations to avoid impairment to them or contamination from them during flooding. Wetland set-back shall apply.
 - d. Adequate drainage shall be provided to reduce exposure to flood hazards and access to proposed developments shall not be impaired due to flood hazards.
 6. That the flood carrying capacity is maintained with any altered or relocated portion of any watercourse. Engineering certification shall be submitted with the application.
 7. The new construction, including prefabricated buildings and mobile homes, and substantial improvements are designed and anchored to prevent flotation collapse or lateral movement and constructed with flood resistant materials and methods. The placement of mobile homes and subdivisions shall meet the location, anchoring and other construction standards and evacuation requirements contained in the National Flood Insurance Program Rules and Regulations.
 8. If the proposal involves development within the designated floodway, as depicted on the Town's current Flood Insurance Rate Maps, as further defined by the Town's Flood Insurance Program, the criteria listed below shall also apply. Said floodway has been designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.
 - a. Development or encroachment, including fill, which would result in any increase in flood levels during the base flood discharge, shall not be permitted.
 - b. Mobile homes shall be prohibited within the floodway.
 9. If the proposal involves development within Zones A1 through A15, and a floodway has not been identified, no new construction, substantial improvements to existing

structures, or other development (including fill) shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any one point.

- F. Prior to the issuance of any Certificate of Use and Compliance for any approved development activities in designated flood hazard zones A1 through A15 and unnumbered A zones, the Zoning Enforcement Officer (ZEO) and/or Inlands and Wetland Agent shall determine that approved plans and elevations requirements have been met. To verify compliance, "as built" plans prepared by a registered professional engineer or land surveyor shall be submitted to the Zoning Enforcement Officer (ZEO) for authorized primary structures, major additions, major land disturbing activities or any other development activity where, in the opinion of the Zoning Enforcement Officer (ZEO), certifications are necessary. Where flood proofing measures have been utilized or watercourses altered, appropriate "as built" or "as constructed" certifications from a registered professional engineer or architect shall be submitted to the Zoning Enforcement Officer (ZEO) and Building Official.

- G. Variance Procedures: Any applicant may request a variance of these standards from the Hampton Zoning Board of Appeals coordinated with the Zoning Enforcement Officer and the Flood Insurance Officer. Standard ZBA application and processing requirements shall be met. Additionally, variance applicants shall be notified that approval to construct a structure below base flood levels will increase risks to life and property and will result in greatly increased premium rates for flood insurance. A record of all variance actions shall be maintained in the Town Office and reported annually to the Federal Insurance Administrator. All variances shall meet the following standards:
 - 1. Variances may be issued without regard to the standards of this section for the reconstruction, restoration and rehabilitation of structures on the National Register of Historic Places or the State Inventory of Historic Places.
 - 2. Variance shall not be granted with any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - 3. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 4. Variances shall be granted only upon:
 - a. A showing of good and sufficient cause.
 - b. A determination that failure to grant the variance would result in undue hardship to the applicant.
 - c. A determination that the granting of a variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisances or conflicts with existing local laws or ordinances.

6.11 River and Streambelt Corridors

- A. Purpose: To set aside corridors of open space along rivers and streams to protect water quality and wildlife habitats, provide open space, green ways, and wildlife corridors and to preserve the rural character of the community.

[Awaiting regulations being developed by CT DEP]

Setbacks for new construction of buildings and structures intended to be:

100 feet minimum from Little River

25 feet minimum from other rivers and streams.

6.12 Aquifer Protection District

The Aquifer Protection District is an Overlay Zone which exists in addition to and overlapping one or more of the other use districts. The purpose of the Aquifer Protection District is to assure that the use of land, buildings and other structures and site development within its boundaries are conducted in a manner that protects the public health and the usability of the groundwater supply resource and prevents degradation of the quality of the groundwater. The Aquifer Protection District is defined as follows: That land colored green in the Town of Hampton on the U.S. Geological Survey Map entitled *Ground Water Yields for Selected Stratified Drift Areas in Connecticut, 1986*.

A. Permitted Uses:

Within the Aquifer Protection District, land, buildings and other structures may be used as regulated for the underlying district, with the exceptions given below.

B. Prohibited Uses:

1. Disposal of solid and liquid wastes to the ground in sanitary landfills or dumps of any kind.
2. Septage lagoons and the disposal or spreading of septage on the ground.
3. Disposal of toxic substances or hazardous waste materials to the ground, including wetlands, surface water and groundwater.
4. In-ground storage tanks, pipelines or distribution systems for gasoline, fuel oil, solvents, herbicides, or other hydrocarbons, fuels or chemicals.
5. Any activity which involved the manufacture, use, generation, storage, or transportation of toxic substances or hazardous materials in quantities greater than that for normal, single household use, except that agriculture for food production is exempt.
6. Sanitary wastewater disposal to on-site septic systems in an Aquifer Protection District shall not average more than 350 gallons per acre per day. Septic systems for multifamily residences shall be approved by the Connecticut Department of Environmental Protection as consistent with maintenance of the quality of groundwater in the Aquifer Protection District.
7. Road Salt storage.
8. Gasoline service stations.
9. Fuel oil dealers.
10. Dry Cleaners.
11. Automotive repair garages.
12. Furniture stripping businesses.
13. Electronic circuit manufacturing.

6.13 **Elderly Housing**

Upon receipt of a proper application, the Commission shall issue a permit for special exception to allow elderly housing in zoning district subject to the following requirements:

- A. Definitions: Elderly housing shall mean development of dwelling (1) designed exclusively to be occupied and to meet specific requirements and designed standards suitable for occupancy for one or more handicapped or elderly persons at least one of whom is at least 62 years of age or over; and (2) which shall conform in design, structure and plan to the requirements of state and/or federal programs providing for housing for the elderly and shall include a signed and sealed certified statement from the owner, the project architect and engineers that such housing conforms to the state and/or federal agency program requirements for elderly housing, and shall be funded by such agency. Housing for elderly persons may include accessory buildings and facilities, such as community halls and laundry rooms.

- B. **Parcel size** Not less than six (6) contiguous acres.
- C. **Density** Maximum density of development on the parcel shall be determined by applicable public health, safety and building code requirements, but in no case shall exceed four (4) units per acre. No more than 10% of the units in the development shall be two bedroom units. Buildings may be clustered on the parcel.
- D. **Units per building** There shall be not more than six dwelling units per building.
- E. **Floor Area** Each dwelling unit shall have not less than five hundred (500) square feet of floor area and not more than seven hundred fifty (750) square feet of floor area.
- F. **Parking** A minimum of one and one-half parking spaces shall be provided for each dwelling unit. Parking areas shall be landscaped to separate them from adjacent properties.
- G. **Utilities** All on-site utilities shall be underground.
- H. **Setbacks** Rear and side yard building setbacks shall be no less than seventy-five (75) feet. Buildings shall be separated from one another according to building code requirements. Structures should be clustered together.
- I. **Water and Sewage** All water supply and sewage disposal facilities shall be designed by a Sanitary Engineer registered in the State of Connecticut conforming to state sanitary code.
- J. **Height of Buildings** No building may exceed two stories.
- K. **Open Space** A minimum of 20% of the parcel shall be set aside as open space and/or recreation area for the use of the residents of the dwellings. The 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. Units and other structures shall be buffered from adjacent properties with open space and landscaping.
- L. **Lot Coverage** The total ground area coverage of the parcel by buildings, parking areas and other impervious surfaces shall not exceed 50 percent of the total parcel area.
- M. **Driveways** All driveways in elderly housing developments shall meet or exceed the specifications of town roads.

6.14 Driveways

New driveways or relocation of existing driveways leading onto or off a town road shall have a paved apron in accordance with town ordinance. Driveways shall be designed and constructed to minimize runoff onto Town property.

6.15 Landscaping, Screening, Buffer Areas

Intent. The purpose of this section is to enhance the appearance, natural beauty and historic landscape of the Town and to protect property values. These standards are intended to: reduce excessive heat, glare and dust; to provide privacy from noise and screen views of intensive or commercial activities from less intensively zoned properties; to prevent erosion of soil and excessive runoff of water; and to protect water quality.

A. **General Requirements.** The following shall apply to any use in all zoning districts:

1. Vegetative Cover. Any portion of a property which is not used for the location of buildings, structures, accessory uses, parking and loading or other permitted use shall have vegetative cover so as to minimize storm water runoff and protect water quality. The requirements of this section include the area between the edge of the street and the front property line as well as the subject property.
2. Maintenance. Trees, shrubs and other plants required by these regulations as a part of an approved site plan shall be maintained in a healthy, growing condition. Any required landscaping not in healthy condition shall be replaced by the property owner during the next planting season.
3. Protection of plantings. Trees, shrubs and other plants required as a part of an approved site plan which are adjacent to parking areas and driveways shall be protected by curbs or other barriers from damage by vehicles.
4. Existing vegetation. If located so as to fulfill the intent and requirements of this section, existing vegetation shall be credited towards compliance with the regulations.
5. Alternative locations. Where lot size or shape or existing structures make it infeasible to comply with these requirements, the Commission may permit landscaping in planter boxes or locations elsewhere on the lot.

B. Buffer Area

1. Intent. The purpose of the buffer area is to minimize the impact of noise, lights, and appearance associated with nonresidential and dense residential development. A buffer area shall be required where a lot with nonresidential or multifamily residential development is adjacent to, or directly across a Town street from, any lot. Such buffer area shall comply with the following standards:
2. Buffer width. The minimum width of buffer areas shall be 50 feet.
3. Modifications. Where lot size and shape or existing structures make it infeasible to comply with the minimum widths required above, the Commission may modify the width requirements provided the buffer area meets the intent of these regulations.
4. Plantings. The buffer area shall be of evergreen planting of such type, height, spacing, and arrangement as, in the judgment of the Commission, shall effectively screen the activity on the lot from the neighboring residential area. At a minimum, the planting shall consist of trees six feet in height planted at intervals of ten feet on center. Non-evergreen plantings may be included to supplement evergreen planting, but not to take its place.
5. Structural Buffers. An earthen berm, wall, or fence, with location, height, design, and materials approved by the Commission, may be substituted for any portion of the required planting and/or buffer area.
6. Existing Screening. Where the existing topography and/or landscaping provide adequate screening, the Commission may modify the planting and/or buffer area requirements.

D. Street Tree Program

1. Intent. The intent of this section is to provide shade trees along streets in order to mitigate against excessive heat and glare and to preserve and enhance the historic pattern of street trees in the Town.
2. Standards. A street tree shall be provided for each 75 foot interval, or fraction thereof, of frontage along all streets. Lots with residential development only, that are not part of a subdivision, shall be exempt from this requirement. At a minimum, such trees shall be one and one-half inch caliper and six feet high at the time of planting. Acceptable species are honey locust, red maple, pin oak, sycamore, and other species approved by the Commission.

E. Landscaped Parking Area.

1. Interior Landscaping. All uses required to provide 20 or more off-street parking spaces shall have at least ten square feet of interior landscaping within the paved portion of the parking area of each parking space. Islands shall be required to indicate and assure safe and efficient channelization of both pedestrian and vehicular traffic and to separate the major access ways through the parking area from parking aisles. Each separate landscaped area shall contain a minimum of 50 square feet, shall have a minimum dimension of six feet, shall be planted with grass, ground cover or shrubs, and shall include at least one deciduous tree of at least one and one-half inch caliper, six feet in height.
2. Perimeter Landscaping. A landscaped area shall be provided along the perimeter of any parking area except where the parking area adjoins a parking area on an abutting lot. The landscaped area shall have a minimum dimension of ten feet, shall be planted to grass, ground cover or shrubs, and shall include at least one deciduous tree of at least one and one-half inch caliper, six feet in height, for every fifty feet along the perimeter of the parking area.

6.16 Signs

- A. The following signs are permitted as accessory uses in Residence Agricultural districts:
 1. Directional signs which meet State Traffic Commission requirements and are no more than three feet long and six inches wide.
 2. One unlit sign up to four square feet in area giving the name of the land or building on which displayed, or of the owner or lessee thereof, and of his profession or activity.
 3. No trespassing signs or other signs indicating the private nature of premises, up to two feet square in area.
 4. Non-illuminated temporary signs up to eight square feet in area pertaining to sale or lease of premises where displayed, or construction under way, or seasonal sale of produce.
 4. Town, church or school identification signs and bulletin board, up to a total of 16 square feet.
- B. The following signs are permitted as accessory uses in Business District and Planned Business-Industrial district.
 1. Any sign permitted in a Residence District.
 2. Signs relating to a business, and attached to or painted on the wall of such business behind the building line up to 1.5 square feet in area for all such signs, for each foot of frontage actually occupied by the building or business.
 3. Other signs relating to the business occupying the premises up to 32 square feet of sign for each property.
 4. Maximum height shall be 8 feet.

6.17 Kennels

- A. Kennels, as per CGS 22-327, are allowed as an accessory use to any residence on a lot of 800,000 square feet, or larger.
- B. Commercial Kennels, as per CGS 22-327, are allowed in commercial zones by right; they are allowed in residence zones by special permit with a minimum of 10 acres. Maximum number of animals, no more than 20 adult dogs in residential zones.
- C. Pet shop allowed by right in commercial zones.
- D. Grooming facility allowed by right in commercial zones; allowed by special permit in residence zones as a home occupation. No boarding allowed without commercial kennel permit.
- E. Animal training facilities by special permit only. Allowed only in RA zones. Minimum acreage required: 20 acres. Training facilities, buildings, animal runs and trails must be buffered from adjacent property and uses by at least 100 feet on all sides. Hours and days

of operation will be regulated by the Commission. Use of live ammunition, and any other dangerous or noise producing devices which can be heard off the premises will also be prohibited or restricted by the Commission.

- F. The owner is to live on the property used for kennel, commercial kennel, or training facility in any residential zone.

6.18 Home Occupations

- A. Authority. Activities as defined in Article 2.2 are permitted in residential districts provided a permit has been obtained prior to commencement of the activity.

- B. Permits. A permit may be obtained either from the zoning official or by special permit from the Commission. If the resident is not the owner, a letter identifying and authorizing the proposed home occupation shall be submitted by the owner as part of the permit application.

1. Approval by Zoning Official. The zoning official may issue a permit for activities which: 1) Are conducted entirely within the dwelling; 2) Require no change in the outside appearance of the property, except for a sign, AND 3) generate no more activity than typical residential use.
2. Approval by the Commission. All activities not approved by the Zoning Official shall require approval by special permit from the Commission, with notice to abutters to be given by the applicant at least 7 days before the hearing.

- C. Administration.

1. Duration. A permit for a home occupation is valid for one year.
2. Renewal. Renewal of the permit requires reapplication in writing by the permittee in a form prescribed by the Commission. Review and approval will be granted by the zoning official except in the case of an intensification or expansion of the activity, in which case Commission approval is required.
3. Change in operator or in ownership of property. The permit is valid for the permittee and property owner at time of approval only. Change of the operator or in ownership requires a new permit if the home occupation is proposed to continue.

- D. Standards. Approval of a home occupation shall be granted only under the following conditions:

1. The activity is clearly secondary to the use of the premises for residential purposes.
2. The activity shall occupy no more than 50% of the finished floor area of the house, or an accessory building of no more than 1200 s.f., or a combination of the two; but shall not exceed 1200 s.f. of total space. However, the Commission may permit a greater area upon a finding that:
 - a. The proposed activity could not operate without a greater area, AND
 - b. All other requirements and standards are met.
3. The activity does not change the residential/agricultural character of the property or neighborhood. The Commission may require screening and buffers to achieve this standard.
4. The activity shall not result in objectionable noise, lights, odors, vibrations, obnoxious or unsightly conditions noticeable from off the premises, or interfere with radio or television reception.
5. The activity shall not generate traffic measurably greater than that of a usual residential use.
6. The activity shall not create a health or safety hazard. Approval of such activity by the Northeast Health District, Fire Marshal, and Building Official shall be submitted in writing as part of the permit application.
7. The proposed activity shall be conducted by a resident with no more than two non-

- resident employees.
8. Outside storage of materials associated with the home occupation shall not be visible from adjoining properties or streets.
 9. There shall be no retail sales other than that of antiques, fine art, or crafts produced on premises from raw materials by the occupation.
 10. Vehicles for the home occupation shall be restricted as follows:
 - a. Number of vehicles per lot shall be limited to:
 - 1) On lots smaller than 80,000 square feet, two vehicles for the home occupation, one of which can have greater than 15,000 lb gross vehicle weight.
 - 2) On lots of 80,000 square feet or more, three vehicles for the home occupation, one of which can have greater than 15,000 lb gross vehicle weight.
 - b. For this subsection 6.18.D.10 only, the definitions shall be as provided in the Connecticut General Statutes Section 14.1 as amended.
 11. Parking shall be provided which is safe, does not interfere with the flow of traffic, and does not interfere with the residential character of the property or neighborhood.
 12. The area of the lot devoted to the home occupation, exclusive of buildings used, shall not exceed 5% of the total lot area.

6.19 Contractor's and Tradesmen's Shops and Storage Facilities

Shop and storage use for contracting and building tradesmen such as plumbers, electricians, contractors, painters, etc. may be permitted as an accessory use to a home occupation, by special permit, provided (1) that such use is secondary to the use of the premises for residential purposes, (2) no goods, tools, material or equipment shall be visible from adjoining properties or streets, and (3) the use of a shop shall be incidental to the work of such tradesman off the premises.

6.20 Special Permits

6.20.1 Special Permit Administration

- A. Applicability. In all cases in which these Regulations require approval by special permit, no zoning permit shall be issued by the Zoning Official except after approval of the special permit and approval of a site plan by the Commission.
- B. Application Requirements. Applications for a special permit shall be made in writing and shall include:
 1. A statement describing the proposed use or uses.
 2. A location map with USGS quad as base map.
 3. A sketch plan indicating the boundaries of the property, the location and height of all structures and property, the location and height of all structures and outdoor uses of the property, the location and arrangement of parking and loading spaces, the location and description of all open spaces, screening, and buffer areas.
 4. Application fee.
 5. Such other information as the Commission may require to determine compliance with the intent of these Regulations.
- C. Public Hearing. The Commission shall hold a public hearing on all applications for special permit in accordance with the General Statutes of the State of Connecticut.
- D. Notice of Public Hearing. Before a public hearing is held, the applicant shall present proof that notice has been mailed at least 10 days before the scheduled hearing, directed to each of the owners of record of lots located within 500 feet from the boundaries of the

subject properties, as such owners and addresses appear on the last completed Assessor's Grand List. In addition, a sign, provided by the Zoning Official, shall be posted in a conspicuous location on each affected frontage for at least 10 days before the hearing.

- E.. Revocation. Any authorized special permit shall be subject to revocation by the Commission if any conditions or safeguards imposed by the Commission upon buildings, structures, land, or uses for said permit are not strictly adhered to by the applicant and/or owner.
- F. Amendments or Modifications. Applications for special permit amendments or modifications which are necessitated by site conditions or which are deemed to be in the public interest shall be made in the same manner as the original application. However, amendments or modifications which are found to be of a minor nature or which do not materially alter the special permit as determined by the Commission may be authorized after Commission approval only, in lieu of another public hearing.
- G. Time Period and Expiration. In approving a special permit, the Commission may set or impose time periods or limits on the permit or require periodic renewal of the permit without a public hearing. In the event an appeal is taken from the Commission's approval of a special permit, then the time period shall commence on the date of final resolution or disposition of such litigation. Expired special permits shall be considered null and void.

6.20.2. **Special Permit Objectives.**

In evaluating a special permit, the Commission shall take into consideration the health, safety, and welfare of the public in general, and the immediate neighborhood in particular, and may prescribe reasonable conditions and safeguards to insure the accomplishment of the following objectives.

- A. Harmony with Development. That the proposed use is of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
- B. Traffic Circulation. That the proposed use shall not create conditions which are hazardous or inconvenient or incongruous with any residential district or conflict with the normal traffic of the neighborhood.
- C. Impact on Environment. That the proposed use shall not have a negative impact on any environmental area or natural resources on or adjacent to the site or within the neighborhood. The applicant shall demonstrate compliance with Section 18.2, Performance Standards.
- D. Consistency with Plan of Conservation and Development. The Applicant shall demonstrate and the Commission shall find that the proposed activity is consistent with the Plan of Conservation and Development for the Town of Hampton.

6.21 **Site Plans**

6.21.1 **Site Plan Administration**

- A. Applicability. Site plan review and approval by the Commission shall be required, except as noted below, before any zoning permit is issued for any building or use or expansion in size or other alteration of any building or change in use of any building including accessory structures which enlargement or alteration or change of use results in a more

intensive use of a property than prior to such action.

More intensive use includes: additional residential units, additional employees, additional clientele or customers, additional floor space for sales or service, or additional required parking. No Certificate of Site Plan Compliance shall be given unless all construction and development conforms to the plan as approved by Commission or its Agent.

Site plan approval is required following approval of a special permit.

- B. Exemption. Site plan approval shall not be required for any detached single family dwellings or any uses accessory thereto, such as private garage or storage shed.
- C. Waiver. The Commission may waive site plan approval requirements if the construction or alteration or change of use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review.
- D. Administrative Site Plan Approval. The Zoning Agent may approve modifications to site plans where there are no significant changes in the intensity of use, building footprint, traffic circulation, public safety, and impact on surrounding areas.
- E. Application. Each application for site plan approval shall be submitted on a form prescribed by the Commission and shall be accompanied by 3 copies of a site plan and the fee.
The Commission may waive the submission of specific information identified in Section 6.21.2 and of the A2 survey where it finds that it can determine compliance with the Regulations without such information.
- E. Bond. The Commission, in approving a site plan, may require as a condition of approval that the applicant post satisfactory bond in order to assure completion of, and full compliance with, all proposed improvements, not including buildings, shown on the approved application and site plan. Upon written request of the applicant and satisfactory completion of the site work, the Commission or its agent shall release any bond posted. The Commission shall consider no more than 2 partial bond released, but at all times the remaining bond shall be sufficient to cover the remaining work.
- F. Recording of Plans. The Commission may require that site plans, which bear the seal of a Connecticut registered Professional Engineer and/or Land Surveyor, shall be recorded in the Hampton Land Records. Such requirement shall be made where the Commission finds the approved plan to be of significant increase in the amount of development, traffic, or activity on the lot.
- G. Expiration. The site plan shall expire according to the requirements of Connecticut General Statutes Section 8-3.
- H. Modifications. Application for site plan modifications or changes to an approved site plan shall be made in the same manner as the original application.
- I. Certificate of Site Plan Compliance. No Certificate of Occupancy may be issued until the applicant has received a Certificate of Site Plan Compliance. When minor site work cannot be completed because of weather or other pertinent reason, a conditional Certificate of Site Plan Compliance may be issued for a period not to exceed 180 days, providing satisfactory bond shall be posted with the Town in an amount sufficient to complete the site work. Upon receipt of a request for Certificate of Site Plan Compliance, the Wetlands Agent, Sanitarian, Public Works Department and Fire Marshal

may be 1) notified of the request, 2) be given the opportunity to review those site development items which fall within their jurisdiction, and 3) make a report of the site's acceptability and compliance. Improvements which have not been made will be noted and bond estimates made where appropriate. A request for Certificate of Site Plan Compliance must be made at least 10 days before a Certificate of Occupancy is requested from the Building official.

- K. **As-Built Plans.** The Commission or its Agent may require that as-built plans, prepared by a licensed professional engineer or survey as appropriate, be submitted prior to issuance of a Certificate of Site Plan Compliance. As-builts shall be required as follows:
1. As a condition of site plan approval where the development is of major scale or atypical or intensive nature as to merit it.
 2. Where the size of the site in relation to the proposed development warrants accurate measurement of the placement of structures.
 3. Where compliance could not otherwise be determined.
- As -built plans shall be accompanied by a statement certifying that the work has been completed as shown on the approved plan.

6.21.2 **Site Plan Contents.** A site plan shall include the following:

A. **General Information**

1. Name and address of applicant and owner of record.
2. Date, north arrow, numerical and graphic scale.
3. Written description of the proposed use(s).
4. A table or chart indicate the proposed, required, and existing number/amount of uses, lot area, lot width, yards, building height, coverage, floor area, parking spaces, landscaping, and open spaces.

C. **Location Map.** A scale map at 1:1000 showing the boundaries of the subject property and all property and streets within 1000 ft. of the subject property, all lot lines, and zone boundaries.

D. **Plan.** The plan shall be drawn at a scale of 1 inch = 20 ft. unless an alternative scale is approved. A class A2 survey of boundaries and site features is required. As a part of any waiver of the A2 requirement, the Commission shall specify whether the applicant shall submit a professionally prepared plan or a scale drawing only, depending on the scope of the proposed activity.

The contents of a site plan shall include:

1. **Property Description.** Parcel boundaries, existing and proposed easements, existing and proposed contours at 2 foot intervals within and extending 100 feet beyond the activity area, location of all existing woods and fields, wetlands, watercourses, rock outcrops, stonewalls, other significant features, any flood zones.
2. **Structures and Uses.** All existing and proposed structures and uses, including and not limited to buildings, signs, fences, walls, external lighting, dumpsters, utilities. Show location, design, and height.
3. **Parking, Loading, Circulation.** Location, arrangement, and dimensions of parking spaces, aisles, driveways, fire lanes, entrances, ramps, loading areas, pedestrian walkways, entrances, and exits.
4. **Open Space and Landscaping.** Open space size, arrangement, and use; landscaped areas and buffers, including location, size, design, and planting materials; location of existing trees over 12 inch caliper which are not in woods, and location of existing trees over 24 inches in the woods.
5. **Signs and Lighting.** Location, size, height, and plans of all existing and proposed signs and outdoor lighting.

6. Utilities. Location and design of existing and proposed sewage disposal, water supplies, refuse collection areas, other above and below ground utilities.
 7. Hazardous Materials and Wastes. A list of all hazardous materials and waste to be on site. Hazardous materials/wastes are as defined by the federal Environmental Protection Agency and Connecticut Department of Environmental Protection. The applicant shall demonstrate that the hazardous materials/wastes shall be managed so as to prevent pollution or environmental degradation, including the following:
 - a. Identification and quantities of any hazardous materials on site.
 - b. Provisions for treatment, storage and disposal, including any outdoor storage.
 - c. Location of loading docks.
 - d. Provision for containment of spills.
- E. Architectural Plans. For information only and not for construction purposes, architectural drawings showing proposed buildings and structures in elevation and schematic floor plans, including windows, doors, siding type, and uses where applicable.
- F. Other Information. Any other information needed to determine compliance with these Regulations.

6.21.3 Site Plan Objectives.

In reviewing a site plan, the Commission shall consider the public health, safety, and welfare of the public in general and the immediate neighborhood in particular, and may prescribe reasonable conditions and safeguards to accomplish the following objectives:

- A. Town Plan of Conservation and Development. That the proposed site plan is in general conformance with the Plan of Conservation and Development; however, the Plan shall not take precedence over specific Zoning Regulations.
- B. Public Safety. That all buildings, structures, uses, equipment, or material are accessible for fire and police protection.
- C. Traffic Access. That no proposed traffic accessways create traffic hazards; are adequate and not excessive in number and width; and are adequate in grade, alignment, and visibility.
- D. Circulation and Parking. Adequate off-street parking and loading are provided to prevent on-street congestion; that the interior circulation system is designed to provide safe and convenient access to all structures, uses, and parking spaces; that parking areas have suitable bumper guards, guard rails, islands, crosswalks, speed bumps, or other safety devices needed to protect life and property; provisions are made for safe pedestrian movement within and adjacent to the property.
- E. That parking and service areas are suitably screened year-round from the view of adjacent residential districts and public rights-of-way, that existing vegetation is protected to the greatest extent possible, and that the landscaping meets the provision of Article 6, Section 15.
- F. Lighting. That all exterior lighting be designed to illuminate the activity area on site only, without illumination of adjacent property, the sky, or features on site which do not need illumination for safety purposes or identification of the site.
- G. Public Health. That the proposed activity has been designed so as to protect the property from adverse air, water, or land pollution and shall preserve and enhance the environmental quality of the surrounding neighborhood and of the Town.
- H. Environmental Features. That the development of the site will preserve sensitive land features such as steep slopes, wetlands and watercourses, and large outcroppings; will not disturb or will enhance sensitive biological habitats; and will preserve scenic views or historically significant historical or cultural features.
- J. Neighborhood Character. That the proposed activity will be in general harmony with the

character of the surrounding neighborhood and will not be hazardous or otherwise detrimental to the appropriate and orderly development or use of any adjacent land or structure.

6.22 WIRELESS TELECOMMUNICATIONS FACILITIES

6.22.1 Purpose

It is the purpose of this section to provide guidelines for the selection of sites for wireless telecommunications facilities while at the same time providing for the continued health, safety, and welfare of the residents of the Town of Hampton. These regulations are intended to minimize impact to residential and commercial zoned property and to developed residential and commercial neighborhoods, and to protect community assets including natural features, historic and cultural resources, recreational sites, and views and vistas.

6.22.2 Definitions. For the purpose of this section, the definitions provided below shall apply:

Antenna. A device used to receive or transmit electromagnetic waves. Examples include whip, panel and dish antenna.

Colocation. The location of wireless communication facilities on an existing tower, building or other structure.

Fall Zone. The area or location within which a tower or mounted antenna would fall, slide or settle in the event the tower or antenna is blown from its support structure, collapses, or is otherwise dislodged from its foundation or mounting.

Telecommunication. The science and technology of communication by electronic transmission of impulses, as by telegraphy, cable, telephone, radio or television.

Tower. A structure designed to support equipment used to receive and/or transmit electromagnetic waves. Design types include lattice (guyed or self-supporting) and monopole. **Tower, height.** The overall height above the ground elevation at the base of the tower. This height shall include the tower plus any antenna or other appurtenances. The ground elevation shall mean the actual or approved elevations of the property at the time of application.

Wireless telecommunication. Equipment and structures involved in receiving or transmitting electromagnetic waves through space for the purposes of communications.

Wireless telecommunication services. Wireless telecommunication services include television, radio, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services marketed to the general public.

Wireless telecommunication facility. The equipment, structures and associated land area involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

6.22.3 Applications For Telecommunication Facilities

1. Approvals. A special permit is required.
2. Information Required

Applications shall include a site plan with supplemental drawings and documents to locate and

detail the following features, in addition to the requirements of any other applicable regulations.

- a. subject parcel(s) boundaries and topography shown at 2 ft. intervals.
- b. setback requirements.
- c. property ownership of subject and all abutting and across-the-street parcels, including across Town boundaries.
- d. lease area dimensions and location (where applicable).
- e. access, including location, construction details.
- f. structures within 500 ft. of installation area and within 200 feet of access drive.
- g. utilities installation, including power backup equipment.
- h. equipment cabinets or buildings, including siding materials, elevations.
- i. tower specifications, including dimensions, elevations and cross sections, materials and color, tower anchorage including soils information, grounding for lightning protection.
- j. tower fall zone analysis prepared by a Professional Engineer licensed in the State of Connecticut.
- k. lighting, of tower and equipment area on ground.
- l. antenna specifications, including dimensions, color, materials, mounting equipment, mounting location on support structure.
- m. landscape/screening plan, location and specifications.
- n. location map, using USGS quadrangle as a base map.
- o. map showing provider's planned coverage in Hampton and nearby towns, including existing, proposed and approved wireless telecommunication towers and sites.
- p. electromagnetic emissions information, prepared by a Professional Engineer licensed in the State of Connecticut.
- q. fencing and gates, location and construction details.
- r. map of search radius for proposed facility, with supporting explanation of selection process/elimination of alternative sites
- s. impact on views, not limited to Hampton only.
- t. compliance with FAA requirements.
- u. lightning protection equipment.

6.22.4 Standards

The proposed wireless telecommunication facility shall be designed to meet the following standards:

1. Locational Preferences, by Zoning District and Colocation/ Proximity to Other Tower Locations (most preferred to least preferred):
 - a. Colocation on existing/approved structures such as towers, buildings, utility poles, etc., with preference ranked as follows: first to business zones, then residential zones.
 - b. New towers in business zones, with preference to sites adjacent to or within proximity of existing tower locations.
 - c. New towers on Town land not excluded by other restrictions. Wooded sites are preferred to open land.
 - d. New towers in residential zones. Wooded sites are preferred to open land.

Where the proposed location is on a new tower in a residential zone, the applicant shall describe the efforts and measures taken to pursue locations in a higher preference location and why such location was not technologically, legally, or economically feasible. The Commission may require the independent review of such efforts and measures to pursue alternative locations by a mutually agreed upon independent consultant, with cost of such review to be borne by the applicant.

The Commission may require free colocation of communications equipment used by the Town on any tower.

2. Setbacks from property lines. The minimum setbacks shall be:
 - a. Telecommunications Towers
 - Residential zones: 400 feet from all property lines.
 - Business zones: 100 feet from all property lines.
 - b. Equipment cabinets, buildings, and related structures
 - Residential zones: 50 feet from all lot lines.
 - Business zones: requirements of the zone.
3. Height.
 - a. Maximum height. All wireless telecommunication towers or rooftop-mounted equipment or structures shall not exceed the minimum height necessary to provide the proposed service and address the colocation provisions of these Regulations. Maximum total height is 199 feet.
 - b. Height near historic district. No tower exceeding 80 ft. in height shall be located within 1000 feet of the boundary of an historic district.
4. Electromagnetic emissions. The proposal shall comply with FCC standards for non-ionizing electromagnetic emissions. The Commission may require the periodic submittal of reports in order to assure ongoing compliance with FCC emissions standards.
5. Interference. The proposed facility shall not cause interference with existing or proposed public safety communications.
6. Signage and lighting. Towers shall exhibit no signage, advertising or lighting except as may be required by the FAA. On-site warning signs not affixed to the tower may be authorized and required by the Commission.
7. Visual impact. Preferred sites shall be those with least visual impact on the surrounding area. Impact shall be evaluated by:
 - a. the extent of the area over which a tower and antenna can be seen
 - b. the size of the proposed tower and antenna
 - c. visibility in visually sensitive areas, including views and vistas of: ridge lines; Pine Acres Lake; valley of the Little River; and historic districts, either state or federally designated. Where the proposed location is visible in a sensitive area, the applicant shall describe the efforts and measures taken to pursue alternative locations and why such location was not technologically, legally, or economically feasible.
8. Property Values. The applicant shall demonstrate that the proposed facility will not significantly depreciate neighborhood property values. The Commission may require that a mutually agreed upon independent consultant review the impact on property values, with cost of such review to be borne by the applicant.
9. Utilities. Utilities shall be installed underground unless it can be demonstrated that such installation is not feasible due to site conditions such as ledge or steep topography.
10. Generators. Electrical generators, both temporary and permanent, shall be contained within structures and shall comply with all State and local noise regulations.
11. Fall zone. The design shall provide for tower collapse without encroachment on existing structures or adjacent property, unless the Commission makes a finding that such requirement is not necessary to protect the public safety or property values on the adjacent property.
12. Style and Color to Blend. Towers and antenna shall be of such style and color as to blend with their surroundings, except as otherwise required by the FAA.
13. Screening. A plan for screening of the installation, including landscaping and fencing, shall

mitigate the impact of the installation on surrounding land uses, unless such requirement is waived by the Commission due to a finding that there will be no negative impact on surrounding properties.

14. Fencing. The Commission may require the installation of a gate or special fencing where it determines that such features are necessary to reduce the risk of injury to the general public.

15. Location on municipal property. No tower shall be located on municipally owned and designated open space or recreation land unless such use is reviewed by the Inland Wetlands Commission.

16. Proximity to school, playground. No commercial wireless telecommunication site shall be located within 1000 feet of a playground or school attended primarily by persons under 18 years of age.

17. Historic District. No tower shall be located within a federally or state designated historic district.

18. Colocation. Any proposed tower shall be designed in all respects to accommodate the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional comparable antenna if the tower is between 50 and 100 feet in height. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights. The applicant shall demonstrate that there is sufficient area available on the ground to accept the placement of equipment cabinets and buildings for such colocation.

19. Access.

a. Design. The access from a public road shall be designed so as to have the least possible disturbance of the ground, with minimized grading and impervious surfaces and provision for long term erosion control.

b. Location. In a residential zone, access shall be from an arterial street. This requirement may be waived by a majority vote if the Commission makes a finding that there is no possible access from an arterial street and the proposed location meets all other standards more nearly than any other location. Access shall not cross an approved building lot in a residential zone.

c. Setbacks. In a residential zone, driveways shall not be located within 50 feet of side or rear property lines.

6.22.5 Abandonment And Removal

1. Period of Nonuse. A wireless telecommunication site not in use for 12 consecutive months shall be removed by the service facility owner.

2. Period for Removal. Removal shall occur within 90 days of the end of the 12-month period.

3. Restoration. Upon removal, the site shall be restored to its previous appearance and, where appropriate, revegetated to blend with the surrounding area.

4. Bond. The Commission may require that a bond be submitted to assure compliance with this section.

ARTICLE 7 ADMINISTRATION

7.1 Zoning Enforcement

A. The Zoning Officer of the Town of Hampton shall be appointed by the Commission and

shall be the administrative official charged with the enforcement of these regulations.

- B. The Zoning Officer
 - 1. Shall not issue any permit, certificate, or extension thereof unless the same complies with these regulations.
 - 2. May cause any building, land or use to be inspected, and may order in writing, any person to correct or abate any condition violating these regulations.
 - 3. Shall keep on file a full and accurate record of all applications, permits, certificates and other records required by these regulations or pertaining to his services.
- C. A plot plan showing location and dimensions of lots and structures shall be required to show conformity with these Zoning Regulations before any building permit can be issued. Such plot plan must be reviewed by the Zoning Officer prior to issuance of a building permit by the Building Inspector.
- D. The Commission, in addition to other remedies, may institute legal action to prevent, correct, or abate any condition it finds violating these regulations.
- E. Application for a zoning permit or any extension thereof shall be accompanied by a fee payable to the Town of Hampton, such fee to be determined by the Hampton Planning and Zoning Commission and posted in the Town Office.
- F. All zoning permits and variances shall expire one year after the date of issue or grant unless substantial construction shall have been started within the year and be diligently pursued to completion.
- G. Procedure for Zoning Violations
 - 1. Where the Zoning Officer finds a condition in violation of these regulations, and orders in writing the correction of the violation, any person served with such order to discontinue must comply within ten days of receipt of the Zoning Officer's order.
 - 2. If the violator fails to comply with the order of the Zoning Officer within ten days, he shall be subject to a fine of \$250.00 payable to the Treasurer of the Town of Hampton, plus legal and court fees.
 - 3. Continued violations shall result in continued fines of \$100.00 for each day the violation continues, and willful offense may result in higher fines and/or imprisonment as provided for in the General Statutes of the State of Connecticut.
 - 4. Any person served by an order of the Zoning Officer has recourse to the Zoning Board of Appeals followed by the Superior Court, as provided for in the General Statutes of the State of Connecticut.

7.2 **Certificate of Zoning Compliance**

- A. No land shall be occupied or used and no building hereafter erected or altered or moved shall be occupied or used in whole or part for any purpose until a certificate of compliance has been issued by the Zoning Officer stating that the use of the land or building complies with all provisions of these Regulations. Such a certificate is required for any change or extension of a use. The certificate of compliance may be applied for at the same time as the certificate of occupancy or thereafter, and if approved shall be issued within 10 days after notification by the permittee that the land or building is ready for occupancy. This regulation shall not affect the moving of a portable accessory building within the boundaries of the lot on which it is located.
- B. A record of all certificates shall be kept on file and copies shall be made available to the public upon request.

7.3 **Fees**

Fees shall be payable to the Town of Hampton for any zoning permits or applications as provided in state statutes or as superseded by a fee ordinance adopted by the Town.

7.4 **Board of Appeals**

A. Powers and Duties.

A Board of Appeals, hereinafter called the Board, shall be formed and shall serve as provided by the General Statutes of the State of Connecticut and shall have the following powers and duties;

1. Adopt such rules and regulations for the conduct of its business as may be deemed necessary to carry out these regulations.
2. Hear and decide appeals where it is alleged that there is error in any order or decision made by the Zoning Officer.
3. Authorize in specific cases variances from the terms of these regulations where by reason of exceptional slope, size or topography of the lot or other exceptional situation or condition of the building or land, exceptional difficulty or unnecessary hardship would result to the owners of said property from a literal enforcement of the regulation. Before any variance is granted, the Board must make a written finding in its minutes as part of the record in the case:
 - a. That special circumstances, described in detail, exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - b. That relief can be granted without detriment to the public welfare or impairment to the integrity of these regulations.
 - c. That the special circumstances do not result from the actions of the applicant.
 - d. That such identified hardship not be strictly financial.
4. Decide requests for special exceptions in the cases specified in this regulation or in the General Statutes of the State of Connecticut.

B. Procedure.

1. The Board shall hold public hearing on all appeals, requests for exceptions, and applications for variances and shall publish a notice of said hearing in a newspaper of general circulation within the Town in accordance with the General Statutes of the State of Connecticut.
2. Every application for variance from the Use Regulations and Special Regulations as distinguished from the Area Regulations shall be:
 - a. Immediately transmitted to the Commission, and on or before the public hearing held by the Board on such application for variance, the Commission shall make a report with recommendations thereon, such report to be a part of the record of the case.
 - b. Accompanied by a true and accurate list of property owners within 200 feet from any boundary of the property which is subject to the application.
 - c. The petitioner shall notify each of the property owners by registered mail no later than five days prior to the hearing and shall present the return receipts to the Board.
3. All determinations of the Board shall be made in accordance with the objectives of these regulations and in harmony with the purpose and intent expressed in Article 1, Section 1, thereof.

7.5 **Amendments**

These regulations, including the Zoning Map which is a part hereof, may be amended or repealed as provided in the Connecticut General Statutes either on the initiative of the Commission or by application.

- A. Any application for amendment shall be filed with the Commission, which may act on it only after due notice and a public hearing as required by Connecticut General Statutes.
- B. The application shall be on a form provided and shall be prepared and submitted in accordance with rules for submission adopted by the Commission and all information required therein shall be provided and certified correct by the applicant.
- C. The application shall be accompanied by a fee as specified in the municipal land use application fee schedule ordinance.

7.6 Separability and Validity

If any chapter, section, subsection, paragraph, sentence, clause, or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the chapter, section, subsection, paragraph, sentence, clause or provision so adjudged invalid, and the rest and remainder of these regulations, as they shall now or hereafter exist, shall be deemed to continue to be valid and effective. If any provision of these regulations is adjudged to be invalid as such provision applies to a particular building, other structure, or lot, the effect of such decision shall be limited to that particular building, other structure or lot, and the general application of such provision to other buildings, structure or lots shall not be affected.

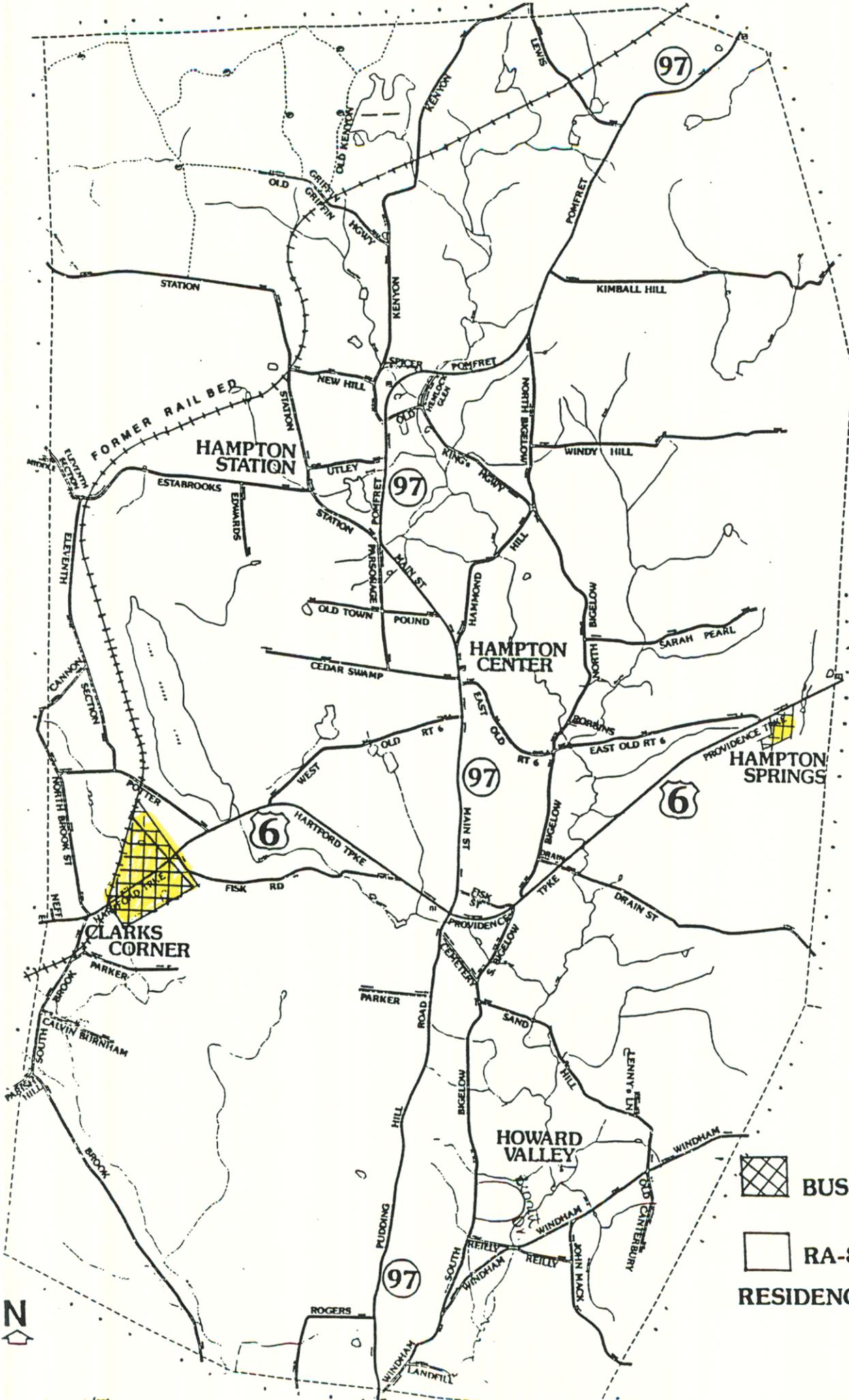
7.7 Effective Date

These regulations, and any amendment or change hereto, shall be in full force and effect from the date established by the Commission in accordance with the Connecticut General Statutes.

7.8 Repeal

The Zoning Regulations of the Town of Hampton, Connecticut previously adopted, and all amendments thereto, are repealed coincident with the effective date of these Regulations.

TOWN OF HAMPTON, CONNECTICUT ZONING DISTRICT MAP



 BUSINESS
 RA-80
 RESIDENCE-AGRICULTURE

