ZONING REGULATIONS

TOWN OF HAMPTON
CONNECTICUT

October 14, 2016

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:

Date of Public Hearing	Date Revisions Adopted	Effective Date	Subjects
May 31, 1973	August 20, 1973	August 20, 1973	All
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
November 28, 2011	January 23, 2012	February 15, 2012	Uses and Structures in the RA-80 Zone Definitions Driveways Setbacks ZBA Administration
April 28, 2014	May 29, 2014	July 1, 2014	Business Zone Business-Industrial Zone, Definitions Prohibited Uses Height and Buildable Area Special Permits, Site Plans, Landscaping, Signs Access Management Lots & Nonconforming lots Division of Land
August 22 & September 26, 2016	September 26, 2016	October 14, 2016	Permitted uses in Business Zone (Gasoline sales) and associated Special Exception Regulations for Gasoline Sales

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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 Conservation and 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 Conservation and 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.

The use and cultivation of the ground for the production and harvesting of crops, including horticulture and forestry, and the breeding and management of livestock, fish, fowl and fur-bearing animals.

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.

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. See also Section 4.2.G.

Building

Any structure having a roof and intended for the shelter, housing or enclosure or persons, animals, materials, equipment, machinery or vehicles. 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 <u>not</u> 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 Store

A permanent structure for the year-round sale of raw and/or processed agricultural and horticultural products on a property of which at least 80,000 square feet is used for agriculture, subject to Section 6.22.D.

Farmers Market

A public market place where fresh foods are sold by the people who have grown, gathered, raised, caught or otherwise produced them. Crafts and other items can be sold at farmers markets as long as the total number of craft vendors does not exceed the total number of farmer vendors, subject to Section 6.22.E.

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.

Height

The vertical distance above the averaged existing grade of each side of a structure measured to the highest point of the structure.

Home Business

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, subject to Section 6.16. Retail uses are limited to the sale of: antiques; fine art made on the premises; crafts made on the premises. Boarding dogs as a home business is prohibited.

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.

Light Manufacturing

Light manufacturing establishments are characterized as generally compatible with adjacent commercial and residential uses. Such establishments do not generate greater noise, traffic, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation and other nuisance characteristics than permittable commercial uses. A light manufacturing operation is capable of operating in such a manner as to control the external effects of the manufacturing process, such as odors, vibrations, emissions, or other nuisance characteristics, through prevention or mitigation devices and conduct of operations within the confines of buildings.

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 for which a deed has been recorded in the Town of Hampton land records, either

(i) prior to the enactment of subdivision regulations on December 3, 1960 or

(ii) subsequent to the enactment of subdivision regulations of the Town and in conformance with all the zoning and subdivision regulations in force at the time a deed for said lot was recorded in the Hampton land records.

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, Non-Conforming

A lot of record that does not conform to the area, width or buildable area requirements 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, pursuant to Section 6.1.

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 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 and Professional
An office for recognized professionals, such as doctors, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, clergymen and others, who through specialized and extensive training and licensure are qualified to perform services of a professional, as distinguished from a commercial, 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.

Restaurant, Standard

Any establishment whose principal business is the sale of foods prepared from scratch ingredients on the premises and beverages to the customer in a ready-to-consume state, and whose method of operation is such that an employee takes the seated customer's order and serves the food and beverages at the same table or counter at which said items are consumed. It also means a cafeteria-type operation, provided foods and beverages are consumed on the premises and are not typically served in paper, plastic or other disposable containers.

Restaurant, Take-Out

Any establishment whose principal business is the sale of food that has been prepared from scratch ingredients on the premises to the customer in a ready-to-consume state and whose method of operation is such that customers order the product off site or at a counter on the premises and take the product off the site for consumption elsewhere.

Restaurant, Fast-Food

Any establishment whose business involves the sale of pre-prepared or rapidly prepared foods or beverages to the customer in a ready-to-consume state, and whose method of operation is such that customers normally order and obtain the product at a central location separate from the tables or counters used for consumption on site.

Roadside Stand

Sale of agricultural products grown on the premises, or on other property under same ownership, from a temporary stand, subject to Section 6.22.M.

Sign

An object that displays commercial or noncommercial messages by graphic representation consisting of either letters or pictorial symbols.

Sign Area

The surface upon which the sign copy is displayed or illustrated, not including structural supports. In the case of a sign painted directly on the wall, sign area is the area of the geometric figure(s) drawn closest to the edge of the letters or graphics.

Sign, Off-Premises.

Any sign that advertises or relates to a good, product, service or event that is offered, sold, traded, provided or conducted at a location or premises other than that upon which the sign is located. Off premises sign includes signs posted in the public right-of-way.

Small Engine Repair

The industry of servicing and repairing small machinery such as lawn mowers, chainsaws and other related equipment.

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 six 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.

Tea Room

A small restaurant in an owner-occupied single-family residential structure serving teas and other non-alcoholic beverages and cakes or other light refreshments to customers, subject to Section 6.22.N.

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

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:

A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following town limits shall be construed as following town limits;

D. Boundaries indicated as following railroad rights of way shall be construed to be midway between the rights of way.

E. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; 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.

F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E above shall be so construed. Distances not specifically indicated in the Zoning Map shall be

determined by the scale of the map.

G. 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

A. Area/Yard/Dimensional Requirements

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:

In feet, except as otherwise stated:

			Minimum					Maximum	
Zone	Lot Area	Lot Width	Front Yd	Side Yd/Agg SY	Rear Yd	Buildable Area		Height*	Coverage %
RA-80	80,000	200	50	20/50	50	50,000		35	12
B	50,000	150	75	25/50	50	0		40	25

* Excluding buildings related to agriculture.

B. Dwelling unit per lot of record

One dwelling per lot of record is allowed in all districts, except as provided within these Regulations.

C. Buildable Area

All building lots in the Residential Zone(s) shall contain at least 50,000 contiguous sq. ft. of soils classified as other than wetlands or shallow surface to bedrock, subject to Section 4.2.G.

D. Classification

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

A. Lots of Record

A single family dwelling/structure and accessory structures may be erected in any zone on a lot of record having an area, buildable area or width less than required by the Area/Yard/ Dimensions Schedule, provided:

1. 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 records prior to the effective date of Regulations which would otherwise make such building unlawful, and the owner of the lot shall not have owned, at any time since the effective date of this regulation on July 1, 2014, sufficient contiguous land to make a conforming lot or more nearly conforming lot.

2. All other requirements of the Area/Yard/Dimensional Requirements schedule are met.

B. 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.

C. 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.

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

E. 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.

F. Fences
Fences more than six and one-half feet in height shall be treated as structures. Fences at corners are subject to Section 4.2.E.

G. 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. (See Section 2.2.)

H. Building Height and Exceptions

1. Principal Buildings. Maximum height of principal buildings shall be as set forth in Section 4.1.

2. Accessory Buildings. Accessory buildings shall not exceed 25 feet.

3. Height of Structure with Ancillary Architectural Features. Ancillary architectural features may exceed the height limitation set forth in Section 4.1 if, in the determination of the Commission, such feature is necessary or customary and provided no portion of the feature is used for human habitation or occupancy. Such architectural features include spires, cupolas, towers, belfries, antennas, chimneys, flagpoles, water towers or tanks, silos and similar features. In granting a request for exceedance of the height limitation, the Commission may impose such conditions as it deems reasonable and necessary to protect the health, safety, and property values of adjacent lots.

4. Height limitations do not apply to buildings related to agriculture.

I. 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.

J. 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.

Lot and Yard Requirements (see rear lot requirements below)	**RA-80 Zone – Traditional Subdivision**	**RA-80 Zone – Conservation Subdivision**
Minimum Lot Area Single family dwelling Two family dwelling Single family dwelling with accessory detached unit Rear lots, single & two family	 80,000 square feet 80,000 square feet 80,000 square feet 80,000 square feet	 30,000 square feet 80,000 square feet 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

K. Agricultural Buildings Setbacks

Agricultural buildings 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 may be modified by the Commission upon request of the applicant if the Commission finds that (1) modification is warranted due to lot shape and size, and that (2) modification of these requirements shall not adversely impact surrounding land uses. These agricultural setbacks shall not restrict fencing for livestock.

L. Disability Access

Access ramps, landings and decks required for adequate access by disabled residents may encroach into the required yard setbacks to the extent necessary to meet the minimum requirements for such disability access.

M. Small Accessory Structures
Small accessory structures that are accessory to a residential use with an area of 200 square feet or less and height of no more than fourteen feet shall have a setback of at least fifteen feet from the side and rear property lines.

N. Satellite Dish Antenna
A zoning permit is required for a satellite dish antenna for communications signals reception as an accessory use, subject to the following:

1. Exemption from permit. No zoning permit is required for satellite dishes less than one meter (39.4 inches) in diameter, pursuant to the Code of Federal Regulations 47 Section 1.4000, as amended, except in the Hampton Hill Historic District.

2. Hampton Hill Historic District. A zoning permit is required for satellite dish antennas on properties within the Hampton Hill Historic District, as such District was designated by the National Park Service in 1982. Antennas in the Historic District shall be placed in the rear yard to minimize visibility from Main Street unless the applicant can demonstrate that 1) such rear location is significantly (at least 100%) more expensive than placement in the front of the house or 2) rear placement would prevent acceptable signal quality.

O. Gasoline Canopies and Dispensers
The outer dripline of gasoline canopies shall be exempt from front yard setbacks provided a minimum 20 foot wide landscape buffer from the State Highway edge of pavement is maintained and it does not impair traffic sightlines. The applicant must show evidence of obtaining a CT DOT landscape easement to satisfy this landscape buffer requirement prior to receiving Town approval. The base/vertical support of canopies, gasoline pumps, and related appurtenances shall be set back a minimum of 10 feet from front property line. *(Amendment effective October 14, 2016)*

4.3 Division or Conveyance of Land.

No lot or parcel of land, as defined in these Regulations, existing on the effective date of these Regulations, shall be divided which has the effect of creating a new parcel which will be non-conforming under the provisions of these Regulations. Similarly, no lot or parcel shall be decreased in size, by sale, gift, devise, descent or otherwise, so that it or any part of it will be non-conforming under the provisions of these Regulations.

ARTICLE 5 ZONING DISTRICT REGULATIONS

5.1 RA-80: Rural Residence and Agricultural Zone - minimum lot size 80,000 square feet.

A. Purpose

The land uses and development patterns fostered by these Regulations are intended to provide areas for residential and agricultural uses and structures and for open spaces that are suited to the environmental qualities of the land and that respect and enhance the rural and agricultural character of the Town of Hampton.

B. Uses and Structures Authorized by Zoning Permit

Land may be used and structures may be used, altered, or erected to be used for the following purposes provided a zoning permit is first obtained from the Planning and Zoning Commission or its designated agent, except as otherwise stated.

1. Primary Uses

   a. Residence. One single or two-family dwelling, including one mobile home as one dwelling unit, on a lot of record, subject to Section 6.6 Two-family dwellings and detached accessory dwelling units and Section 6.1.B Nonconforming Lots.

   b. Agriculture. See Section 2.2 Definitions.

   c. Community Residences: community residence for 6 or fewer mentally disabled persons; child-care residential facility for 6 or fewer children; and community residence for 6 or fewer persons receiving mental health or addiction services. No such residential facility established pursuant to Connecticut General Statutes Section 8-3e shall be sited within one thousand feet of any other such residential facility without the approval of the Planning and Zoning Commission pursuant to General Statutes Section 8-3f.

2. Accessory uses and structures

   A primary use must be permitted prior to establishment of an accessory use. Accessory uses and structures are subject to Section 6.21 Accessory Uses and Structures, Customary.

   a. One detached accessory dwelling unit, subject to Section 6.6 Two-family dwellings and detached accessory dwelling units.

   b. Customary accessory uses and structures: accessory uses and structures that are customarily associated with residential and agricultural uses in the region, subject to Section 6.21 Accessory Uses and Structures, Customary.

   c. Retail sale of fine 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. A zoning permit is not required.

   d. Roadside stands, as defined in Section 2.2. No zoning permit is required but the use shall be operated in compliance with Section 6.22.M Roadside Stands.

e. Home business as defined in Section 2.2, as accessory use to residential use, subject to Section 6.16, Home Businesses. Higher intensity home businesses are authorized by special permit.

f. Family day care home as defined by Connecticut General Statutes Section 7b-733 and in Section 2.2, as accessory to residential use.

g. Kennels as accessory to residential use, as defined in Section 2.2 and subject to Section 6.22.I Kennels.

C. Uses and Structures Authorized by Special Permit

Land may be used and structures may be used, altered, or erected for the following purposes provided a special permit is first obtained from the Planning and Zoning Commission. Uses and structures authorized by special permit may be approved only when the Commission determines that the standards in Section 6.18, Special Permits, and all other applicable regulations, have been met.

1. Primary Uses

   The following uses may be authorized as primary uses approved by a special permit.

   a. Cemeteries.

   b. Municipal, state, and federal government buildings.

   c. Public utilities installations for the public convenience and necessity.

   d. Educational, instructional, religious, and museum operations and facilities.

   e. Hunting and Fishing Clubs, subject to Section 6.22.H Hunting and fishing clubs.

   f. Outdoor recreational facilities and uses, subject to Section 6.22.L Outdoor Recreational Facilities and Uses. Prohibited outdoor recreational uses: racing, riding, or training facilities for: motorcycles, cars, trucks, all terrain vehicles or any motorized vehicles.

   g. Parks, nature centers, outdoor athletic facilities, municipal or nonprofit.

   h. Excavation and filling, subject to Section 6.5 Excavation and Filling.

   i. Horse facilities, subject to Section 6.22.G Commercial Boarding, Commercial Riding Arenas and Riding Schools.

2. Primary Uses limited to Route 6 in RA-80 Zone

   The following uses may be authorized by a special permit and are limited in the RA-80 Zone to properties with frontage on Route 6.

   a. Garden center and retail plant sales, subject to Section 6.22.F Garden Center and Retail Plant Sales.

b. Child day care center as defined by the Connecticut General Statutes Section 19a-77, subject to Section 6.22.B Child Day Care Center, Group Day Care Home.

c. Veterinary hospitals, subject to Section 6.22.O Veterinary Hospital.

d. Medical and professional offices as defined in Section 2.2, subject to Section 6.22.K Medical and Professional Office.

3. Uses Accessory to Residential

The following uses may be authorized by a special permit provided such use is accessory to a primary residential use established on the same property.

a. Home Business as defined in Section 2.2, as accessory use to residential use, subject to Section 6.16 Home Businesses. Some home businesses of low intensity may be authorized without a special permit.

b. Bed and breakfast establishments as defined in Section 2.2, Definitions.

c. Retail bakeries, subject to Section 22.A Bakeries.

d. Tearooms as defined in Section 2.2, subject to Section 22.N Tearooms.

e. Shops and storage facilities for contractors and tradesmen as a home business, subject to Section 6.17 Contractors and Tradesmen's Shops and Storage Facilities and Section 6.16, Home Business.

f. Group day care home as defined in CT General Statutes Section 19a-77, as amended, subject to Section 6.22.B Child Day Care Center, Group Day Care Home.

g. Large Nonresidential Structures with a footprint of 5000 square feet or greater, subject to Section 6.22. J Large Nonresidential Structures.

4. Uses Accessory to Agriculture

The following uses may be authorized by a special permit provided such use is accessory to a primary agricultural use established on the same property or on a contiguous property under same ownership.

a. Farm stores, year round, as defined in Section 2.2, subject to Section 6.X, Farm Stores in RA-80 Zone.

b. Large Nonresidential Structures with a footprint of 5000 square feet or greater, subject to Section 6.22.J Large Nonresidential Structures.

D. Uses and Structures Authorized by Site Plan approval.
Land may be used and structures may be used, altered, or erected for the following purposes provided a site plan is approved first by the Planning and Zoning Commission. Uses and structures authorized by site plan may be approved only when the Commission determines that the standards in Section 6.19 Site Plans, and all other applicable regulations, have been met.

1. Primary Uses
   The following may be authorized as primary use by site plan approval.

   a. Farmers Market.

2. Accessory Uses
   The following may be authorized as accessory use by site plan approval.

   a. Large Nonresidential Structures with a footprint of 2000 to 4999 square feet, subject to Section 6.22.J Large Nonresidential Structures.

5.2 BUSINESS (B) ZONE

A. Intent
To provide areas in which to conduct commercial activities, including retail and wholesale trade, services and light manufacturing, that enhance the economy of Hampton and are designed and operated in a manner that will at all times respect and protect the rural and historic character of the community; the quality of the air, water, and other natural resources ; and the safety and health of the public.

B. Permitted Uses
In a Business Zone, land and buildings may be used and buildings may be altered or erected to be used for the following purposes, providing a special permit and site plan approval are first obtained from the Planning and Zoning Commission. The site plan shall be prepared by a licensed landscape architect or architect, or other professional with demonstrated and equivalent site planning expertise that is found acceptable by a majority vote of the full Commission.

1. Sale of goods, retail and wholesale, except as set forth in Section 5.2.C, Prohibited Uses in the Business Zone.

2. Restaurants, standard and carry-out types (see Definitions Sec 2.2).

3. Service establishments: establishments providing a personal or business service to a consumer or customer, including financial institutions.

4. Offices, professional and general.

5. Automobile repair shops, with sale of vehicles as accessory use only.

6. Small engine repair shops (see Definitions Section 2.2).

7. Recreation facilities such as fitness centers, game arcades, martial arts instruction, yoga studio.

8. Pet grooming and training establishments, not to include overnight boarding.

9. Veterinary hospital, not to include boarding except as accessory to the veterinary hospital use.

10. Package liquor stores.

11. Self-storage business.

12. Healthcare facilities.

13. Child and adult day care facilities.

14. Studios: art, crafts, photography, graphics, etc.

15. Governmental services.

16. Schools and instructional facilities.

17. Public utilities, substations.

18. Light manufacturing establishments. (See Definitions Section 2.2)

19. Commercial Slaughterhouse.

20. Buildings, structures, and uses customarily accessory to permitted uses. Incidental take-out service of food and/or beverages shall be considered an accessory use to a standard restaurant and retail establishment.

21. Gasoline Sales in accordance with Section 6.24 (*Amendment effective October 14, 2016)*

C. Prohibited Uses in the Business Zone

The following uses are expressly prohibited in the business zone.

1. All activities and uses cited in Section 5.3 Prohibited Uses in All Zones.

2. Funeral homes.

3. Gambling/betting facilities.

4. Keeping of livestock and other farm animals, except where there is an existing use of a structure as a single family dwelling on the effective date of this regulations revision.

5. *(DELETED)*

6. Taverns and other alcohol service not associated with a standard restaurant.

7. Drive-through window, defined as a window and associated driveway provided at any establishment or structure for the purpose of providing service or goods to a customer in a vehicle.

8. Fast-food restaurant.

9. Sale of vehicles, except as accessory to vehicle repair shops.

5.3 Prohibited Uses in All Zones

In all zones, any use not specifically listed as permitted in these Regulations is prohibited. The following uses are expressly prohibited in all zones.

A. Junkyards as defined in Section 2.2.

B. Racing, riding, and training facilities for motorcycles, cars, trucks, all terrain vehicles, or any motorized vehicles.

C. For-profit solid waste and for-profit recycling facilities. Solid waste facilities shall be as defined by the Connecticut General Statutes Section 22a-207, as amended.

D. Commercial slaughterhouse: slaughtering of animals not raised on the premises.

E. Commercial kennels as defined in Section 2.2 that are not a part of a veterinary hospital.

5.4 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 structures may be erected on a nonconforming lot provided that the owner of the lot shall not have owned, at any time since the effective date of adoption or amendment of this regulation, sufficient contiguous land to make a conforming lot or more nearly conforming lot. This provision shall apply even though such lot fails to conform to the lot area, buildable area, and/or lot width, requirements of the district in which such lot is located, provided that the yard dimensions 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 and activity shall meet the following performance standards:

A. Release to the air
No dust, dirt, fly ash, smoke other than from brush or legal sources, offensive odors, or noxious, toxic or corrosive fumes or gases shall be emitted into the air.

B. Noise
No unnecessary noise shall be transmitted outside the boundaries of the premises. Noise levels shall not exceed those described in the Connecticut Regulations of State Agencies for Control of Noise Section 22a-69-1 to 22a-69-7.4.

C. Vibrations
No vibration will be transmitted outside the boundaries of the premises.

D. Safety
None of the activities or businesses conducted within the premises shall be hazardous or 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.

E. Discharges to land and water
No offensive, hazardous, solid or toxic wastes shall be discharged onto the land or into any wetlands, stream, watercourse or storm drainage.

F. Outdoor Lighting
The intent of this section is to: permit uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night; curtail and reverse degradation of the nighttime environment and the night sky; minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary; conserve energy.

1. Residential Lighting. Outdoor residential lighting shall be directed onto the premises on which it is located and shall not cast direct lighting or glare off premises. Illumination of adjacent premises shall be minimized.

2. Non-Residential Lighting. Outdoor lighting for non residential activities shall:
   a. Not exceed what is needed in order to conduct a legal activity on the subject property for user safety and site security. The Commission may require that the applicant submit expert testimony to demonstrate compliance with this regulation.
   b. Utilize shielded or cut-off fixtures so as to direct all illumination onto the premises and prevent off-site illumination. A cut-off fixture directs light down, not sideways nor upward, with the light source completely enclosed in the fixture. Fixtures shall be selected from the list approved by the International Dark Skies Association at http://www.darksky.org or shall be equivalent.
   c. Utilize motion sensitive lighting and alarm systems in lieu of all-night lighting, except that the Commission may waive this requirement if it finds that all-night lighting is needed for security AND will not cause illumination of adjacent residential and undeveloped properties in the RA-80 Zone
   d. Utilize free standing fixtures placed on poles that are low enough to keep light from spreading where it is not needed, typically not to exceed 20 feet in height.

e. Not operate when the facility or activity is not operating, except the minimum needed for security purposes.

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 or 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 Erosion and Sedimentation 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 Excavation and Filling of Sand, Gravel and Other Earthen Materials

A. Intent

The intent of this section is to ensure that land used for any purpose permitted hereunder shall, during and after excavation or filling and grading, be maintained so as to prevent unusual dust conditions, erosion and sedimentation, harm to ground or surface water, or adverse impact to the environment and the health, safety and welfare of the residents of Hampton.

B. General

No earth, including loam, sand, gravel, stone, clay or peat, shall be excavated and removed, and no material shall be placed on any parcel of land, except as authorized by a special permit granted by the Commission under the provisions of this section, unless exempted under Section 6.5.D, Exemptions, below.

C. Fill Material

No material shall be placed on any lot in any volume that is not clean fill. Clean fill is defined as earthen materials consisting only of soil, stones, or rocks, or a mixture of these, which are raw materials excavated from a borrow pit, earth or gravel bank, mine or quarry, or from a residential property composed of two or fewer dwelling units and not affected by a release of petroleum products, oils, chemicals, or any other polluting substance. Clean fill includes uncontaminated concrete but does not include concrete with rebar.

D. Exemptions

The following activities are exempted from the provisions of this Section and the requirement to obtain a permit:

1. Excavation and removal of no more than 500 cubic yards of sand and gravel from a parcel in any 12 month period.

2. Importing no more than 300 cubic yards of clean fill to a parcel in any 12 month period.

3. Grading, earth removal and the deposit of no more than 1000 cubic yards of clean fill that is in direct connection with the construction and development of buildings, foundations, roads, driveways, storm sewers, utility services, fences or walls, swimming pools, or other activity for which a zoning permit is required.

4. Excavation of gravel by a landowner on his own property for his own use and not for sale, only when written notice has been given to the Zoning Official. An erosion control plan for this activity is required if the disturbed area is greater than one-half acre, subject to the requirements of Section 6.4, Soil Erosion and Sediment Control.

E. Application

Application for a special permit shall be submitted to the Zoning Official and shall include the following:

1. Maps and Plans; A map, prepared by a licensed surveyor and engineer at the A2 survey level, of the area to be excavated or filled, at a scale of not more than one hundred feet to the inch, showing:
   a. Existing and proposed land contours at a vertical contour interval of not greater than five feet. On less than one 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; the estimate shall be based on test holes or other on-site investigation.
   d. Existing ground cover.
   e. The location of the property and the boundaries of the area within which the excavation is to be conducted.
   f. Abutting property owners' name.;
   g. Streets, highways, access ways, and rights-of-way giving access to or through the property.
   h. An estimate of the number and type of trucks and other machinery and equipment to be used and their locations on the site.
   i. Proposed hours of operation.
   j. Sections or stages of operations and estimated duration of each.
   k. Proposed truck access and a safety plan for managing traffic to and from the excavation site.
   l. A detailed sediment and erosion control plan for each phase of the operation for the duration of the operation, including the site restoration stage.

2. Site Restoration Plan. A comprehensive site restoration plan, in graphic and narrative form, which describes the measures that will be taken to restore and return the site to a biologically productive state, including the final grading plan, a plan for managing stormwater, and a detailed plan for permanent revegetation of the site.

F. Procedure

The applicant shall notify all landowners by certified mail that an application has been submitted pursuant to requirements for a special permit. Within sixty-five days after the receipt of a completed application meeting the requirements of section E above, the Commission shall hold a public hearing. The Commission shall approve, modify and approve or disapprove the application. Failure to submit additional information requested by the Commission under section E within the period for action on the application shall be grounds for disapproval of the application.

G. Standards

After public hearing, the Commission may grant the application for the excavation and removal, grading, or filling upon a determination that the application demonstrates compliance with the following standards and conditions:

1. The premises shall be excavated and graded in conformity with the approved plan and as required by all applicable regulations.
2. 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 Section 6.2, Performance Standards.
3. Each applicant shall maintain general liability insurance with a limit of not less than $1,000,000.00 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.
4. Only portable processing machinery shall be used on the approved site, and it shall be located at least one thousand (1000) feet from any property or street line. Such machinery shall be removed from the premises upon the completion of the excavation. Rock crushing is prohibited.
5. At all stages of the operation, proper drainage shall be provided to avoid stagnant water, erosion, excessive runoff, silting of streams and damage to public property and public streams.
6. Truck access to the site shall be so arranged as to minimize danger to traffic on adjacent public streets and nuisance to nearby residents.
7. Hours of operation are limited to Monday through Saturday between 7AM and 5PM, major holidays excluded.
8. No excavation which is below the grade of any abutting highway or property shall occur within one hundred (100) feet of the boundary line of such highway or property.
9. A gate shall be provided and shall be locked while not in active operation for the duration of the activity, including site restoration, and shall be maintained until the Zoning Official approves its removal.
10. The Commission and its agents shall 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.
11. 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 (a) typically no steeper than 1 to 3 (vertical to horizontal) and under no circumstances steeper that 1 to 2; (b) sufficient to ensure adequate drainage, free from pooling; (c) physically stable under all climatic conditions; (d) capable of supporting a perennial vegetative cover. Such slopes may begin at the property line.
    b. Adequate drainage ways of gradual contour shall be provided as needed.
    c. All debris and loose boulders of one 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. Depth of arable soil shall be sufficient to support permanent vegetative cover and in no case less than 6 inches. The topsoil (A horizon) layer shall be at least 2 inches deep.

e. The area shall be seeded with a perennial grass or other suitable vegetative cover, mulched with straw or fresh cut hay, and maintained until the ground shall be completely stabilized, there exists no danger of erosion, and the vegetation has been permanently established, as determined by the Commission.

f. The foregoing provisions concerning grading, cover and seeding shall not apply to areas of ledge nor to boulders larger than one cubic yard existing prior to excavation or exposed during excavation.

H. Duration of permit.

A permit issued under the provisions of this regulation shall be valid for two years. Upon submittal of a written request made at least 60 days before the expiration of the current term, the permit shall be renewed by the Commission provided the operation is found by the Commission to be compliant with the conditions of its permit and these Regulations. Failure to renew the permit or to maintain the required bond shall result in termination of the permit to operate upon action by the Commission. Termination shall immediately trigger commencement of restoration of the site by the permittee according to the approved restoration plan.

I. Bonding

1. Performance Bond Posted. The applicant shall post a performance bond in a form and amount approved by the Commission. The bond shall be sufficient to restore the land to an environmentally satisfactory condition with regard to such factors as revegetation, soil replacement, and grading. It shall be posted prior to commencement of activity and shall be maintained for the duration of the operation, including during site restoration. A portion of the bond, and in no case less than 10%, shall be cash in order to provide for any immediate measures needed to control and repair damage from erosion and sedimentation or other imminent damage, both on and off premises.

2. Maintenance Bond. Upon the completion of site restoration for any operation for which a performance bond has been posted, the applicant may request that the Commission return the permit bond. Upon a finding by the Commission that the operation has been completed and the land restored in compliance with the provisions named herein, the Commission may release the bond provided that the permittee has provided a maintenance bond for site maintenance for a one year period.

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. The operation must at all times comply with the permit issued.

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, except 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 square feet, 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 shall 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 shall in no way 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. Exclusions

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

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 table below lists minimum spaces required. For a use that 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. Loading

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 Business regulations. Such vehicles shall be limited to one ton in weight. Agricultural use is not restricted by this provision.

D. Additional Parking Requirement for Unregistered and Recreational Vehicle.

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:

Type of Use	**Minimum** *Number of Spaces*

One-Family & Two-Family Residences2 per family unit (driveway may	2 per family unit (driveway may be included)
Three-Family or more Residence	1 per family unit
Lodging, rooming or boarding house, fraternity /sorority house, dormitory	1 per each 2 guests or persons residing there and not less than 1 per 3 employees
Buildings and open stands for display of 1 per each 5 feet of building agriculture products	1 per each 5 feet of building, 1 for each 2 employees
Funeral Home	1 per 5 seats
Home Business	2 per dwelling unit plus additional as per Commission
Hotels, Motels	1 per each guest room or suite and 1 per each 3 employees
Hospitals: Convalescent and Rest Homes	1 per each 4 beds and 1 per each 3 employees
Industrial Buildings	1 per each 4 employees on any one shift
Office Building	1 per each 3 employees
Private Recreational Facilities	1 per each 4 members
Restaurants, including drive-in	1 per 4 patrons and 1 per each 3 employees
Retail Business	1 per each 100 square feet

Notes:

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 feet x 18 feet plus maneuvering space. In all non-residential uses, spaces for handicapped parking shall be 14 feet x 20 feet.

6.8 Energy Efficiency (Including Solar Provisions)

Where Commission approval is required for a land use activity, applicants shall demonstrate to the Commission that its 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:

A. Building orientation and design should maximize south facing walls.

B. An east-west orientation should be considered for streets and private access roads.

C. Building height and bulk and landscaping improvements should minimize shadow patterns on adjacent properties.

D. Walls and accessory structures should be located in areas that will not diminish south wall exposure.

E. 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 DEEP]

6.10 Flood Hazard Areas

A. Purpose

The purpose of this Regulation is 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 Hall.

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 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 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 or Flood Insurance Officer 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 shall be provided for proposals greater than 50 lots or five acres, whichever is the lesser, for that portion within the Flood Plain District.

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 Wetlands Commission.

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 by the Flood Insurance Officer 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 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. Compliance Confirmation

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 and/or Inland 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 for authorized primary structures, major additions, major land disturbing activities or any other development activity where, in the opinion of the Zoning Enforcement Officer, 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 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 within 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 Driveways

A. Paved Apron
New driveways or relocation of existing driveways leading onto or off a town road shall have a paved apron installed in accordance with Town ordinance.

B. Stormwater
Driveways shall be designed and constructed to minimize runoff onto Town property. Staff shall require certification from a professional engineer to assure compliance with this requirement when a driveway is constructed unless no stormwater is delivered to Town property.

C. Line of Sight
Driveways shall be designed and maintained so as to provide a line of sight that is adequate for the speed limit at the respective location according to American Association of State Highway and Transportation Officials/AASHTO standards.

6.14 Landscaping, Screening, Buffer Areas

A. Intent
The intent of this section is to protect and enhance Hampton's beauty; natural, historic and cultural resources; and property values. The following standards are intended to: provide protection from off-site noise; screen views of intensive or commercial activities from less intensively zoned properties; protect the quality of water, soil and other natural resources; reduce heat, glare and dust; and beautify developed properties so as to enhance economic values and quality of life.

B. 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 maintain vegetative cover so as to minimize storm water runoff and protect water quality. The requirements of this section apply to the area between the edge of the road 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 plantings required as a part of an approved site plan which are adjacent to parking areas and driveways shall be protected from damage by curbs or other barriers.

4. Existing vegetation. If located so as to fulfill the intent and requirements of this section, existing vegetation may be credited towards compliance with these regulations.

C. 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 on nearby properties. A buffer area:

a. Is required where a lot with nonresidential or multifamily (more than two units) residential development is adjacent to, or directly across the road from, a residential zoned property; and

b. May be required where a lot with nonresidential or multifamily (more than 2 units) residential development is adjacent to a lot with residential use at the time of application for development, if the Commission finds, by a majority vote, that the impact of the proposed development will significantly depreciate the value of the residential property.

2. Standards. The buffer area shall comply with the following standards:

a. Buffer width. The minimum width of the buffer area is 50 feet. Where lot size and shape or existing structures make it infeasible to comply with the minimum width required, the Commission may, by a majority vote, reduce this requirement if it finds that the modified width meets the intent of these regulations.
b. Plantings. The buffer area shall be planted with evergreen species of such type, height, spacing, and arrangement so as to effectively screen the activity on the lot from the neighboring residential area within 5 years of planting, as determined by a licensed arborist or landscape architect. At a minimum, the planting shall consist of two rows of trees planted twenty feet apart on center with staggered arrangement. Trees shall be eight feet in height at time of planting. Non-evergreen plantings may be included to supplement evergreen planting, but not to take its place.
c. 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.
d. Existing Screening. Where the Commission finds that existing topography and/or landscaping provide adequate screening, the Commission may reduce the planting and/or buffer area requirements.

D. Street Tree Program

1. Intent. The intent of this section is to provide deciduous trees for shade along roads in order to mitigate excessive heat and glare and to preserve and enhance the historic pattern of a deciduous canopy over roads.

2. Standards. A street tree shall be provided for each 50 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 three

inch diameter at breast height and ten feet high at the time of planting. Species shall be selected according to site suitability, including and not limited to environmental, aesthetic, buffer and spatial considerations. Acceptable tree species shall be selected from the most recent list of recommended species prepared by the University of Connecticut in "Recommended Street Trees for Connecticut" or other similar publication approved by the Commission, with preference for native species.

E. Landscaped Parking Areas

1. Intent. The intent of this section is to reduce heat build-up on pavement, increase infiltration of stormwater into the ground, renovate stormwater before it leaves the site, and establish standards that will guide development so as to achieve the stated intent set forth for the Business Zone in Section 5.2.

2. Interior Landscaping

   a. General Requirements. A parking area with ten or more parking stalls shall have landscaped islands marking each end of rows of vehicle spaces and intermediate islands at intervals of not more than ten vehicle spaces. Such planting islands shall be no less than 8 feet by 18 feet long. Each island shall be planted with ground cover or grass and shall contain a tree of at least 3 inch diameter at breast height and 8 feet high.

   b. Requirements for Shade. A parking area with twenty or more parking stalls shall be planted so as to provide shade over 35% of its area within 15 years of planting.

      1. The shading requirement applies to all surfaces on which a vehicle can drive and all parking stalls, but does not apply to: garages or enclosed parking stalls; truck loading areas that are separate from the vehicle parking area; vehicle sales display areas; vehicle repair parking and related vehicle storage areas.

      2. The tree shading plan shall be prepared by a licensed arborist or landscape architect and shall be based upon the expected crown dimensions 15 years from time of planting.

      3. A parking area that predates this regulation and is expanded shall be required to conform to the requirement over the expanded area, only.

      4. Required trees shall be maintained for the life of the facility.

      5. Modification. The Commission may approve the modification of the location of the interior landscaping by a majority vote if it finds that such landscaping can be located elsewhere on the lot to better achieve the purpose of this section.

3. Perimeter Landscaping. A landscaped area shall be provided along the perimeter of any parking area. The landscaped area shall have a minimum depth of ten feet; be planted to grass, ground cover or shrubs; and include at least one tree of at least three inch diameter at breast height, ten feet in height, for every fifty feet along the perimeter of the parking area. The Commission may permit the placement of the perimeter landscaping area elsewhere on the lot if it finds that such placement better achieves the intent of this section.

6.15 Signs

A. Signs in Residence-Agricultural Zones

The following signs are authorized as accessory uses in Residence--Agricultural Zones and shall be permitted as follows:

1. Directional signs: directional signs not to exceed three feet long and six inches wide subject to any applicable State Traffic Commission requirements. No permit is required.

2. Identification signs: one sign stating the name of the land or building on which displayed, or of the owner or lessee thereof, and of his profession or activity, unlit with area not to exceed eight square feet. No permit is required.

3. No trespassing signs: no trespassing signs or other signs indicating the private nature of premises, unlit, with area not to exceed two square feet. No permit is required.

4. Temporary signs: signs for sale or lease of premises where displayed; construction under way; farmer's market; seasonal sale of produce. Signs shall be unlit with area not to exceed eight square feet. One sign per frontage is allowed. Signs shall be removed when the activity has terminated. No permit is required.

5. Town, church, and school identification signs and bulletin boards, unlit, with area not to exceed sixteen square feet. One sign and one bulletin board are allowed per facility. A zoning permit is required with approval by the Commission or its designated staff.

6. Signs for Conditional Uses in RA-80 Zone: signs for conditional uses in the RA-80 Zone approved under Section 6.22, Conditional Uses, shall: utilize overhead and downward pointing, external illumination only; not exceed 8 square feet, except that the Commission may authorize a sign of up to twelve square feet if the applicant can demonstrate that the sign would not be otherwise visible due to high speed traffic and/or the width of the road right-of-way. A zoning permit is required with approval by the Commission.

B. Signs in Business Zones

The following signs are authorized as accessory uses in Business Zones and shall be permitted as follows:

1. Approvals. A zoning permit is required following approval by the Commission except as otherwise stated in Section 6.15.B.3.a, RA-80 Zone Signs in the Business Zone.

2. Standards. The Commission shall find the proposed sign in conformance with the standards set forth in Section 6.19.C, Site Plan Objectives as well as any other standards set forth in this section.

3. Illumination. Sign illumination fixtures shall be external and downward pointing with no light directed upward into the sky. Fixtures shall be fully shielded and meet the standards of the International Dark-Sky Association. Illumination shall be the minimum needed to read the sign from the road.

4. Permitted Signs.

a. RA Zone Signs in the Business Zone. Any sign permitted in a Residence-Agriculture Zone may be authorized in the Business Zone. Permit approval procedures are as set forth in Section 6.15.A.

b. Wall Signs - signs that are affixed to or painted on the wall of the business.

1. Area. The eligible sign area is eight percent of the wall facing the road. Where a building fronts on two roads, the Commission may approve two wall signs to enhance visibility to passersby.

2. Maximum size. No wall sign shall exceed sixty square feet.

3. Letter size. Individual letters shall not exceed eighteen inches in height except the Commission may authorize larger letters if the applicant can demonstrate that they are necessary to achieve visibility of the signage from Route 6.

4. Multiple businesses. Where there are multiple business within a building, each business shall have a proportionate share of the eligible sign area based upon the length of the facade occupied by the business.

c. Freestanding Signs. For each lot, one freestanding sign is allowed:

1 Area: not to exceed thirty two square feet. A double-faced sign is counted as one sign.

2. Height: not to exceed eight feet from grade.

3. Location. The sign shall be located so it does not impede safety, obstruct traffic, or diminish the line of sight of passersby.

d. Window Signs

1. Definition. A regulated window sign is a sign located within a window and plainly visible from the exterior of the building.

2. Illumination. Window signs shall not be illuminated, except as stated in (6), below.

3. Permits. No permit is required except as stated in (6), below.

4. Coverage Area. The maximum area of a window that may be covered by a window sign is 25% or twenty-four square feet, whichever is less.

5. Number. There shall be no more than four window signs per building face.

6. Internally illuminated and neon signs in window. One small, internally illuminated or neon sign may be installed in a window facing Route 6, with area not to exceed six square feet, to be illuminated during business hours only. A zoning permit issued by the Zoning Officer is required.

7. Location. Window signs may be placed in first floor windows only.

e. Temporary Signs

1. One temporary grand opening sign for a new business may be placed for a period not to exceed 42 days; not to exceed 24 square feet; upon approval by the Zoning Officer.

2. One temporary business promotion sign: not to exceed 24 square feet; displayed for a period not to exceed 14 days; no more than six times each calendar year; upon approval by the Zoning Officer.

C. Prohibited Signs (all zones)

1. Signs, or advertising devices that flash, move, wave, or shimmer, except for time and temperature displays and "open" flags that have no other letters.

2. Off-premises signs, except for directional signs in compliance with these Regulations.

3. All signs not expressly permitted are prohibited.

D. Exempted Signs

1. Noncommercial flags, including "open" flags.

2. Signs stating hours of operation, building address, phone number, identity of manager, not to exceed two square feet.

3. Official public notices required by local, state of federal law.

4. Signs not visible from an off-premises location.

5. Political signs associated with public elections and referenda.

6.16 Home Businesses

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 business 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. Notice to abutters shall be provided by the applicant at least 7 days before the hearing.

C. Administration

1. Duration. A permit for a home business 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 business is proposed to continue.

D. Standards

Approval of a home business 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 business shall not be visible from adjoining properties or streets.

9. There shall be no retail sales other than that of: antiques; fine art and crafts produced on premises from raw materials by the business.

10. Vehicles for the home business 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 business, 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 business, 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 that 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 business, exclusive of buildings used, shall not exceed 5% of the total lot area.

6.17 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 business, by special permit, provided:

A. That such use is secondary to the use of the premises for residential purposes, AND

B. No goods, tools, material or equipment shall be visible from adjoining properties or streets, AND

C. The use of a shop shall be incidental to the work of such tradesman off the premises.

6.18 Special Permits

There are certain uses, identified in these Regulations as approved by special permit only, which may be necessary or desirable to the Town, but which may be detrimental in certain locations. For such uses, the Commission must evaluate the impact of each proposed use upon neighboring uses and upon the Town as a whole in determining its appropriateness in the proposed location. Pursuant to the Connecticut General Statutes Section 8-2, these Zoning Regulations authorize the Commission to grant a special permit for these certain uses of land and structures only upon a finding by the Commission that a proposed use or structure meets the standards formulated to protect public health, safety, convenience and property values.

A. Special Permit Administration

1. Applicability. In all cases in which these Regulations require approval by special permit, no zoning permit shall be issued by the Zoning Official until the special permit and a site plan have been approved by the Commission.

2. Application Requirements. Applications for a special permit shall be made in writing and shall include:
   a. A completed application form and fee.
   b. A statement describing the proposed use or uses.
   c. A location map with USGS quad as base map.
   d. A sketch plan indicating the boundaries of the property and all site development, including and not limited to: the location and height of all structures, the location of all outdoor uses of the property, the location and arrangement of parking and loading spaces; the location and description of all open spaces, vegetation, screening, and buffer areas.
   e. Architectural information regarding building appearance, including building elevations, materials, size and scale, and location on the lot.
   f. Such other information as the Commission may require to determine compliance with the intent of these Regulations.

3. Public Hearing. The Commission shall conduct a public hearing on all applications for special permit in accordance with the General Statutes of the State of Connecticut.

4. 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 property, 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.

5. 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 followed by the applicant and/or owner.

6. Amendments or Modifications. Applications for special permit amendments or modifications shall be made in the same manner as the original application. However, amendments or modifications which are found to be of a minor nature and 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.

7. 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.

B. 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.

1. 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 zone 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.

2. Traffic Circulation and Access Management. That the proposed use: shall not create conditions which are hazardous, inconvenient or incongruous with any residential zone nor conflict with the normal traffic of the neighborhood; shall be designed to reduce vehicular movements so as to promote energy efficiency; and shall promote bicycling and nonvehicular traffic.

3. 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 6.2, Performance Standards.

4. Consistency with Plan of Conservation and Development. That the proposed activity is consistent with Hampton's Plan of Conservation and Development.

5. Architectural Accord. That the proposed development shall be respectful of and harmonious with the rural and historic qualities of the surrounding neighborhood with regard to building scale, style, materials, and spatial arrangement on the lot.

6.19 Site Plans

A. Site Plan Administration

1. Applicability. Site plan review and approval by the Commission shall be required as set forth in these Regulations, except as noted below, before any zoning permit is issued for: any building; any use; any 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. Site plan approval is required following approval of a special permit. No Certificate of Site Plan Compliance shall be given unless all construction and development conforms to the Plan as approved by the Commission or its staff.

2. Exemption. Pursuant to Section 5.1.B, Uses and Structures Authorized by Zoning Permit, primary uses and structures in the RA-80 Zone, and their associated accessory uses and structures, shall be authorized by the approval of a zoning permit and are exempted from site plan requirements.

3. 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.

4. Recording of Plans. The Commission may require that site plans, which bear the seal of all contributing design professionals, shall be recorded in the Hampton Land Records when the Commission finds the approved plan to be of significant increase in the amount of development, traffic, or activity on the lot.

5. Expiration. The site plan shall expire according to the requirements of Connecticut General Statues Section 8-3.

6. Modifications. Application for site plan modifications or changes to an approved site plan shall be made in the same manner as the original application. The Zoning Official may approve minor 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.

7. 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 1) be notified of the request, 2) be given the opportunity to review those site development items which fall within their jurisdictions, and 3) make a report of the site's acceptability and compliance. Improvements which have not been completed 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.

8. As-Built Plans. The Commission or its staff may require that as-built plans, prepared by a licensed professional engineer or surveyor as appropriate, be submitted prior to issuance of a Certificate of Site Plan Compliance. As-builts shall be required as follows:
   a. As a condition of site plan approval where the development is of a major scale or atypical or intensive nature.
   b. Where the size of the site in relation to the proposed development warrants accurate measurement of the placement of structures.
   c. 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.

B. Site Plan Application Contents

1. General. Each application for site plan approval shall be submitted on a form prescribed by the Commission and shall be accompanied by a site plan map, the fee, and all other information needed to determine compliance with these regulations.

2. Site Plan Information. A site plan shall provide the information needed by the Commission to review the application for compliance with the requirements of these regulations. Typically, it shall include the following information:

   a. General Information
      1. Name and address of applicant and owner of record.
      2. Written description of the proposed use(s).
      3. Date, north arrow, numerical and graphic scale.

4. A table or chart indicating 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.
5. A plan depicting the boundaries and site features is required. 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 plan shall be drawn at a scale of 1 inch = 20 ft. unless an alternative scale is approved.

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

c. 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. The deed for the subject property, including any easements, shall be submitted.

d. 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.

e. Parking, Loading, Circulation. Location, arrangement, and dimensions of parking spaces, aisles, driveways, fire lanes, entrances, ramps, loading areas, pedestrian walkways, entrances, and exits.

f. 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 diameter at breast height (dbh) which are not in woods, and location of existing trees over 24 inches dbh in the woods.

g. Signs and Lighting. Location, size, height, and plans of all existing and proposed signs and outdoor lighting.

h. Utilities. Location and design of existing and proposed sewage disposal, water supplies, refuse collection areas, other above and below ground utilities.

3. Solid Waste and Hazardous Materials Plan. A plan for legal management of all hazardous materials and hazardous and solid waste on the site shall be submitted as part of the site plan application. The plan shall: identify all hazardous materials and wastes generated or stored on site; state how and where such materials and wastes shall be stored on site; state how and when hazardous materials and hazardous/solid wastes shall be removed from the site; state the proposed destination of wastes to be removed from the site. The applicant shall demonstrate that the hazardous materials and wastes shall be managed so as to prevent release of waste, pollution, and environmental degradation.

4. Architectural Plans. Architectural drawings for information and not for construction purposes, showing proposed buildings and structures in elevation and floor plans, building materials, roof design, architectural details, and building uses.

5. Other Information. Any other information needed to determine compliance with these Regulations.

C. 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:

1. 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.

2. Public Safety. That all buildings, structures, uses, equipment, or material are accessible for fire and police protection.

3. Traffic Access. That proposed traffic accessways: do not create traffic hazards; are adequate and not excessive in number and width; are adequate in grade, alignment, and visibility; promote bicycling and nonvehicular modes of transportation.

4. 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 for ingress to and egress from the property.

5. Screening and Landscaping. 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 14, Landscaping, Screening, Buffer Area.

6. 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.

7. 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.

8. 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 and historically significant historical and cultural features.

9. 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.

10. Architecture. That the proposed development shall be in general harmony with the surrounding neighborhood structures with regard to: structure height, proportions and scale; style; roof design; window and door treatments; building projections such as porches, dormers, etc.; architectural details; building materials; and the spatial relationships of structures on the lot.

6.20. WIRELESS TELECOMMUNICATIONS FACILITIES

A. 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.

B. Definitions

For the purpose of this section, the following definitions 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.

C. 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.

D. 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.

E. 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.

6.21 Accessory Uses and Structures, Customary

Accessory uses and structures that are customarily associated in the Windham region with a legal primary use are authorized. A legal primary use of a lot shall be established prior to establishment of a customary accessory use or structure, and a zoning permit is required for accessory structures unless stated otherwise herein. Accessory uses and structures include and are not limited to: garage; storage building for goods associated with residential and agricultural activities; animal shelters; swimming pool; playground equipment for children; solar energy panels; satellite dish antenna, subject to Section 4.2 ; keeping of farm animals and pets; and parking of vehicles, subject to Section 6.7.

6.22. Conditional Uses in the RA-Zone.

The following uses are subject to all provisions of these Zoning Regulations and as specifically provided in this section.

A. Bakeries.

Retail bakeries are authorized as accessory to a residential use in the RA-80 Zone by special permit, subject to the following:

1. Parking Area.
    a. The parking area for the retail bakery shall consist of no more than four dedicated parking spaces that are visible from the road and from the adjacent properties. Any additional parking shall be landscaped or buffered from off-premises view. The parking area surface shall be constructed and maintained for all-weather use.
    b. A dedicated turnaround shall be provided on site.
    c. The line-of-sight of the driveway shall at all times meet the minimum established standards for the ambient rate of traffic at this location.
    d. The parking area and driveway to the bakery shall be located no closer than 100 feet to an adjacent property, except the Commission may reduce this amount if it finds that there will be little or no impact to adjacent properties.

2. Signage. Signage shall not exceed the standards for the underlying zone. External, overhead, downward pointing sign illumination that is in keeping with the rural residential character of the neighborhood may be used provided it is turned off no more than one hour after the bakery is closed.
3. Hours of operation. Hours of operation shall be protective of the welfare and quality of life of the underlying rural-residential zone and shall be established based on the impact of the operation on nearby residences and uses. The proposed hours of operation shall be submitted as part of the application, and the approved hours shall not be extended without prior approval of the Commission.
4. Outdoor Lighting. Outdoor lighting fixtures shall be in keeping with the residential character of the neighborhood. See Section 6.2, Performance Standards.
5. Waste Collection. A waste collection area shall be designated on the site plan. Any dumpster or rolloff container shall be screened from view off site and shall be placed to the side or rear of the building. Containers shall have sufficient capacity to be fully closed at all times. Waste pickup shall be sufficient to prevent unsanitary conditions. There shall be no litter at any time.

B. Child Day Care Center, Group Day Care Home

Child Day Care Centers are authorized as a primary use in the RA-80 zone on Route 6 only by special permit. Group Day Care Homes may be authorized in the RA-80 Zone by special permit as an accessory to residential use. They are subject to the conditions below.

1. Outdoor play. The Commission may restrict the outdoor play area hours of use and require a setback from property lines, depending on the impact of the designated outdoor play area to neighboring properties. The Commission may require landscaping to minimize the impact to surrounding residential uses.
2. Parking and drop-off areas. Parking and drop-off areas shall be designed and built to assure safety and with due regard for the rural residential character of the neighborhood.
3. Outdoor lighting. Outdoor lighting fixtures shall be in keeping with the residential character of the neighborhood. See Section 6.2, Performance Standards (F) Outdoor lighting.
4. Licensing. The operation shall comply with all state and local permit requirements and standards. A current copy of the State license shall be kept on file in the Town of Hampton Zoning Department.
5. Waste Collection. A waste collection area shall be designated on the site plan. Any dumpster or rolloff container shall be screened from view off site and shall be placed to the side or rear of the building. Containers shall have sufficient capacity to be fully closed at all times. Waste pickup shall be sufficient to prevent unsanitary conditions. There shall be no litter at any time.

C. Educational, instructional, religious, and museum operations and facilities, non-municipal

Educational, instructional, religious, and museum operations and facilities, non-municipal, are authorized as a primary use by special permit in the RA-80 Zone, subject to the following:

1. Buffer. No building or parking area shall be located within 100 feet of a side or rear property line, including temporary parking during special events, except the Commission may reduce this requirement if it finds that there will be no impact to adjacent properties. The Commission may require landscaping within the 100 foot buffer and along the road to minimize the impact to the neighborhood.
2. Site plan. The Commission may require that the site plan is prepared by a licensed landscape architect.
3. Waste Collection. A waste collection area shall be designated on the site plan. Any dumpster or rolloff container shall be screened from view off site and shall be placed to the side or rear of the

building. Containers shall have sufficient capacity to be fully closed at all times. Waste pickup shall be sufficient to prevent unsanitary conditions. There shall be no litter at any time.

D. Farm Stores

Farm stores as defined in Section 2.2 are authorized as an accessory use in the RA-80 Zone by special permit, subject to the following:

1. Building Area. The farm store building shall not exceed 1200 s.f.
2. Product Origin. At least three-fourths of gross sales shall be Connecticut grown agricultural goods.
3. Parking. Off street parking on an all-weather surface shall be provided on the premises.
4. Buffer. A 50 foot buffer shall be provided along the side and rear property lines in which no activity shall take place, and no parking or store shall be sited within 100 feet of an off-premises dwelling. The Commission may require landscaping within the buffer to minimize impact to adjacent properties.
5. Waste Management. A plan for waste management shall be submitted as part of the application. Solid waste as defined by the Connecticut Department of Energy and Environmental Protection shall not accumulate on site.
6. Waste Collection. A waste collection area shall be designated on the site plan. Any dumpster or rolloff container shall be screened from view off site and shall be placed to the side or rear of the building. Containers shall have sufficient capacity to be fully closed at all times. Waste pickup shall be sufficient to prevent unsanitary conditions. There shall be no litter at any time.

E. Farmers Markets

Farmers Markets as defined in Section 2.2 are authorized as a primary use in the RA-80 Zone by site plan approval from the Commission, subject to the following:

1. Frequency. The market shall take place no more than two days per week.
2. Location. The market area and associated parking shall be a minimum of 200 feet from an off-premises dwelling
3. Hearing and notice. The Commission may require that a public hearing is conducted if it finds that there may be significant impact to neighboring properties based on the location and scale of the operation. If a public hearing is required, the applicant shall provide notices with proof of notice of the pending hearing to property owners within 200 feet of the subject parcel.
4. Waste. The market property shall be maintained in a litter-free condition with provisions made for trash and sanitation. A plan for management of waste shall be submitted with the application.
5. Infrastructure. There shall be no permanent installation made on the site to service the market. Tables and other display equipment shall be removed at the end of the market hours.
6. Sign. An unlit sign of up to 16 square feet may be placed on the premises.
7. Product origin. Participants may sell a limited amount of goods produced by others, not to exceed one third of goods offered as measured by gross sales.
8. Access and Traffic Safety . Safe entrance from and exit to the street shall be provided, with adequate pickup, parking, and loading space . The line of sight shall at all times meet the minimum established standards for the ambient rate of traffic at this location.

F. Garden Center and Retail Plant Sales

Garden centers and retail plant sales businesses are authorized as a primary use in the RA-80 Zone on Route 6 by special permit, subject to the following:

1. Location. The property shall have frontage on Route 6.
2. Access. Access shall be provided from Route 6 unless the Commission finds that access from a local road shall provide safer access without adverse impact to the neighborhood. State DOT approval shall be provided as part of the application submittal.

3. Lot area. The minimum lot area is 80,000 square feet.
4. Buffer. A 50 foot buffer shall be provided along the side and rear property lines in which no activity shall take place. The Commission may require landscaping within the buffer to minimize impact to adjacent properties.
5. Parking Area. An all weather surface shall be provided.
6. Retail products. Garden centers may offer for sale: plants, garden-related products, and Connecticut grown garden produce.
7. Structures. Architectural plans, including elevations, floor plans, and details on siding and windows, shall be provided for any structures or additions to structures proposed to be constructed on the premises that will be used as a part of the operation.
8. Waste Management. A plan for waste management shall be submitted as part of the application. Solid waste as defined by the Connecticut Department of Energy and Environmental Protection shall not accumulate on site.
9. Waste Collection. A waste collection area shall be designated on the site plan. Any dumpster or rolloff container shall be screened from view off site and shall be placed to the side or rear of the building. Containers shall have sufficient capacity to be fully closed at all times. Waste pickup shall be sufficient to prevent unsanitary conditions. There shall be no litter at any time.

G. Horse Facilities: Commercial Boarding, Riding Arenas and Riding Schools

Horse Facilities including commercial boarding of more than 6 horses, riding arenas and riding schools are authorized by special permit in the RA-80 Zone, subject to the following conditions:

1. Buffer and setbacks. Dedicated exercise areas, paddocks and buildings sheltering animals shall be located a minimum of 100 feet from side and rear property lines. Riding arena structures shall be a minimum of 200 feet from side and rear property lines.
2. Sanitation. Stalls, pens and exercise areas shall be maintained in a sanitary condition in compliance with the Connecticut Public Health Code, with provision made for discharge of wash water and management of manure. Waste storage areas shall be located a minimum of 100 feet from any property line. A narrative waste management plan shall accompany the application.
3. Stormwater. A plan for stormwater management that recharges the water to the ground shall be provided by a professional engineer.
4. Parking Areas. No parking area shall be located within 100 feet of a side or rear property line, including during special events.
5. Landscaping. The Commission may require landscaping to minimize the impact to the neighborhood.
6. Events management. A zoning permit is required prior to any major event, defined as an event with attendance planned for more than 50 persons. The applicant shall submit a plan demonstrating that parking, traffic, sanitation and public safety have been addressed. There shall be no more than 6 major events per year.
7. Noise. Sound from any sound system shall not constitute a nuisance to area residential properties, and noise levels shall comply with Regulations for noise in Section 6.2 and as promulgated by the Connecticut Department of Energy and Environmental Protection.
8. Public Safety. The applicant shall submit written approval by the Fire Marshal.
9. Temporary structures. The use of temporary buildings, trailers, or tents for the stabling of horses is prohibited except as a part of a permitted major event.
10. Lighting. See requirements in Section 6.2 Performance Standards.
11. Waste Collection. A waste collection area shall be designated on the site plan. Any dumpster or rolloff container shall be screened from view off site and shall be placed to the side or rear of the building.

Containers shall have sufficient capacity to be fully closed at all times. Waste pickup shall be sufficient to prevent unsanitary conditions. There shall be no litter at any time.

H. Hunting and Fishing Clubs

Hunting and fishing clubs are authorized by special permit in the RA-80 Zone, subject to the following:

1. Buffer. No building or parking area shall be located within 100 feet of a side or rear property line, including temporary parking during special events.
2. Landscaping. The Commission may require landscaping within the 100 foot buffer and along the road to minimize the impact to the neighborhood.
3. Waste Management. A plan for management of solid waste on site shall be provided as part of the application submittal.

I. Kennels

Kennels as defined in Section 2.2 are authorized as accessory to a residential use in the RA-80 Zone, subject to the following:

1. Area. Lot size shall be a minimum of 80,000 square feet.
2. Residence Requirement. The kennel operator shall reside on site.
3. Separating Distances. Outdoor kennels shall be located at least 50 feet from a property line and 100 feet from an off-premise residence.
4. Sanitation and waste management. Stalls, pens and exercise areas shall be maintained in a sanitary condition in compliance with the Connecticut Public Health Code, with provision made for discharge of wash water and management of all wastes. A plan for management of solid waste on site shall be provided as part of the application submittal.
5. Commercial kennels. Commercial kennels are prohibited in the RA-80 Zone.

J. Large Nonresidential Structures

In order to prevent degradation of the rural character and adverse impact to adjacent properties, nonresidential structures, including agricultural structures, may be permitted in the RA-80 Zone as follows: (1) nonresidential structures with a footprint of 2000 to 4999 square feet may be permitted by site plan approval and (2) nonresidential structures with a footprint of 5000 square feet or greater may be permitted by special permit. Large nonresidential structures are subject to the following, as well as any other applicable requirements:

1. Greenhouses.
    a. Calculation of footprint. For the purpose of this section, the footprint of greenhouse(s) shall be determined by the aggregate footprint of all greenhouses on the parcel.
    b. Removal of Greenhouse sheeting The sheeting on greenhouses constructed of plastic/ poly sheeting or film shall at all times remain firmly fastened to the structure or shall be removed and legally disposed.
2. Setback. The Commission may require a setback of up to 200 feet from the property lines in order to minimize the visual impact to the neighborhood, based on an evaluation of the structure's size and architectural properties and its visibility to neighboring properties.
3. Landscaping. The Commission may require landscaping to minimize the visual impact of the structure to neighboring properties.
4. Notice. Applicants shall (1) submit evidence that notice of the public hearing has been provided to property owners within 500 feet of the property at least 7 days in advance of the hearing, and (2) shall display a sign giving notice of the hearing on the property frontage for 10 days in advance of the hearing.

5. Stormwater. A plan for stormwater management that recharges the water to the ground shall be provided by a professional engineer.
6. Drawings and details. Architectural plans, including elevations, floor plans, and details on siding and windows, shall be provided for any large nonresidential structures or additions to structures proposed to be constructed on the premises.
7. Ridgelines. Large nonresidential structures shall be sited so as not to break the views of the ridgeline of the Little River Valley.

K. Medical and Professional Offices

Medical and professional offices are authorized as a primary use on Route 6 in the RA-80 Zone by special permit, subject to the following:

1. Location. The property shall have frontage on Route 6.
2. Access. Access shall be provided from Route 6 unless the Commission finds that access from a local road shall provide safer access without adverse impact to the neighborhood. State DOT approval of the access shall be submitted as part of the application.
3. Lot area. The minimum lot area is 80,000 square feet.
4. Building area. The building floor area shall not exceed 5,000 square feet.
5. Buffer. A 50 foot buffer in which no activity shall take place shall be provided along the side and rear property lines. The Commission may require landscaping within the buffer to minimize impact to adjacent properties.
6. Site Plan. The site plan shall be prepared by appropriate professionals including a licensed landscape architect.
7. Parking Area. The parking area shall be located generally to the side and rear of the building.
8. Waste Collection. A waste collection area shall be designated on the site plan. Any dumpster or rolloff container shall be screened from view off site and shall be placed to the side or rear of the building. Containers shall have sufficient capacity to be fully closed at all times. Waste pickup shall be sufficient to prevent unsanitary conditions. There shall be no litter at any time.

L. Outdoor Recreational Facilities and Uses

Outdoor recreational facilities and activities are authorized as a primary use in the RA-80 Zone by special permit, subject to the following:

1. Site Plan. The site plan shall be prepared by appropriate professionals including a licensed landscape architect.
2. Buffer. A buffer of at least 100 feet in which no activity shall take place shall be provided along the side and rear property lines. This requirement may be modified by the Commission if it finds that the adjoining properties will be sufficiently buffered by a lesser width due to qualities of the subject and adjoining property. Landscaping of the buffer may be required to minimize impact to the surrounding properties.
3. Hours of Operation. Hours of operation shall be protective of the welfare and quality of life of the underlying rural-residential zone and shall be established based on the impact of the operation on nearby residences and uses. Proposed hours of operation shall be submitted as part of the application, and the approved hours shall not be expanded without prior approval of the Commission.
4. Health District. Approval by the District Health Department shall accompany the application.

M. Roadside Stand

Roadside stands are authorized in the RA-80 Zone, subject to the following:

1. Grown on site. Sale of agricultural products grown on the premises, or on other property under same ownership, is authorized from a temporary roadside stand.
2. Temporary structure. The stand structure shall be removed when not in use.
3. Access. Safe entrance from and exit to the street shall be provided, with adequate pickup, parking, and loading space.
4. Lighting. Lighting is prohibited.
5. Permit. No zoning permit is required.
6. Signage. A temporary sign, non-illuminated, of up to 8 square feet, may be displayed. See Section 6.15.A.4.
7. Road maintenance. The roadside stand shall at no time interfere with road maintenance, including snow plowing.

N. Tea Room

Tea rooms are authorized as accessory to a residential use in the RA-80 Zone by special permit, with the exception that commercial teas given on a property up to six times in a calendar year for no more than 24 guests shall be permitted as a home business under Section 6.16. Tea rooms are subject to the following requirements.

1. Parking.
    a. Area. Any parking area located in the front of the residence shall consist of no more than five spaces. Additional parking shall be located to the side of and/or rear of the residence and shall be landscaped or otherwise buffered from off-premises view. The parking area surface shall be constructed and maintained for all-weather use.
    b. A dedicated turnaround shall be provided on site.
    c. The line-of-sight of the driveway shall at all times be maintained to meet established standards for the ambient rate of traffic at the proposed location.
    d. The parking area and driveway to the tea room shall be located no closer than 100 feet to an adjacent property, except the Commission may reduce this requirement if it finds that there will be little to no impact to adjacent properties.
2. Signage. Sign area shall not exceed the standard for the underlying zone. External, overhead, downward pointing sign illumination that is in keeping with the rural residential character of the neighborhood may be used provided it is turned off by 6pm.
3. Hours of operation. Tea rooms may operate only between 11am and 5pm.
4. Outdoor Lighting. See requirements in Section 6.2 Performance Standards. Exterior illumination may be used only when the business is in operation.
5. Seating. Seating shall be provided for no more than 24 patrons.
6. Health District. Health District approval shall be submitted with the application.
7. Waste Collection. A waste collection area shall be designated on the site plan. Any dumpster or rolloff container shall be screened from view off site and shall be placed to the side or rear of the building. Containers shall have sufficient capacity to be fully closed at all times. Waste pickup shall be sufficient to prevent unsanitary conditions. There shall be no litter at any time.

O. Veterinary Hospital

Veterinary hospitals are authorized as a primary use in the RA-80 Zone on Route 6 by special permit, subject to the following:

1. Location. The property shall have frontage on Route 6.

2. Access. Access shall be provided from Route 6 unless the Commission finds that access from a local road shall provide safer access without adverse impact to the neighborhood. State DOT approval shall be submitted with the application.
3. Setback. A building, run, pen, or other structure or enclosure intended for indoor or outdoor occupancy shall be a minimum of 100 feet from a property line and 200 feet from an off-premise dwelling.
4. Outdoor exercise areas and kennels. The Commission may limit the hours during which animals may be placed outdoors in order to protect the neighborhood from noise.
5. Waste Management. A plan for waste management, including biohazards and drug disposal, shall be submitted as part of the application. All animal waste shall be enclosed in a leak-proof enclosure designed to prevent the escape of odor or access by insects or other pests. Such enclosure shall be emptied regularly and legally disposed of so as to control odor or risks to the public health. Approval of the facility by the local health district shall be submitted with the application.
6. Waste Collection. A waste collection area shall be designated on the site plan. Any dumpster or rolloff container shall be screened from view off site and shall be placed to the side or rear of the building. Containers shall have sufficient capacity to be fully closed at all times. Waste pickup shall be sufficient to prevent unsanitary conditions. There shall be no litter at any time.

P. Box Containers

Box containers may be used as storage sheds or for other accessory residential/agricultural uses in the RA-80 Zone by approval of the Commission, subject to the following conditions:

1. The container does not change the residential/agricultural character of the property or neighborhood.
2. The container cannot be seen off-premises.
3. The container complies with setback requirements.

6.23 Access Management.

A. Intent

The intent of this section is to enhance safety for vehicular, pedestrian, and cycling traffic, and to promote walking, cycling and energy efficiency. The benefit and feasibility of vehicular, pedestrian, and bicycle connections between the subject parcel and adjacent parcels, both in the present and future, shall be considered in site plan design.

B. Curbcuts

The number and width of curbcuts shall be minimized, and the extent of pavement shall be the least needed to accommodate traffic.

C. Business Zone Requirements.

1. Current connections. The applicant shall demonstrate that interior connection to adjacent parcels has been evaluated and incorporated into the site plan where such connection can fulfill the intent of this section.

2. Future connections. The site plan design shall protect the feasibility of making such future interior connections.
3.

6.24 Gasoline Facility Requirements (*effective October 14, 2016)*

Gasoline sales are allowed by Special Permit in the Business Zone subject to the following standards:

1. Retail sale of gasoline and/or diesel shall be located with frontage access on a State Highway.

2. Retail sale of gasoline and/or diesel shall not have more than three pumps (6 dispensers).

3. The retail store associated with gasoline sales shall be limited to 3,000 square feet.

4. Any canopy associated with gasoline sales shall have a sloped roof (including gable, mansard and hip type) and traditional New England architectural features such as fascia, soffit, and cornice. The canopy and retail building shall complement one another and design approval shall be at the discretion of the Planning & Zoning Commission.

5. No gasoline and/or diesel-filling facility shall be located within a 500 foot radius of any existing residentially zoned house structure. The distance shall be measured from the approximate center of the gasoline and/or diesel dispenser area.

6. Limits of outside illumination associated with gasoline sales shall be demonstrated by a lighting specialist and be in compliance with recommendations in "Guidelines for Good Exterior Lighting Plans" prepared by The Dark Sky Society, 2009 as amended. Any additional light spillage caused by the proposed facility at side and rear property lines shall be limited to 0.5 foot-candles. Hours of operation related to outside lighting shall be limited to 5:00 AM to 10:00 PM.

7. Waste Collection: A waste collection area shall be designated on the site plan. Any dumpster or rolloff container shall be screened from view off site and shall be placed to the side or rear of the building. Containers shall have sufficient capacity to be closed at all times. Waste pickup shall be sufficient to prevent unsanitary conditions. There shall be no litter at any time.

8. The applicant shall be required to submit its Stormwater Pollution Prevention Plan to the Town as evidence of best management practices in place to protect water resources. In addition, the applicant's site plan shall meet recommendations in the CT DEP 2004 Stormwater Quality Manual.

9. There shall be no products displayed in the front yard or side yard or side street yard, if any, except that automobile products such as lubricating oil customarily sold for retail as part of the operation of the station may be displayed on the pump islands, and coin operated dispensing machines for soft drinks, milk, ice and the like may be located in the front yard or side street yard, if any, if such machines are situated immediately adjacent to the principal building on the lot, and provided further that there shall be a maximum of two (2) such machines per frontage.

ARTICLE 7 ADMINISTRATION

7.1 Zoning Enforcement

A. The Zoning Enforcement 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 Enforcement 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 zoning permit can be issued. Such plot plan must be reviewed by the Zoning Enforcement 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 Enforcement 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 Enforcement Officer's order.

2. If the violator fails to comply with the order of the Zoning Enforcement 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 Enforcement 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 Enforcement 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 ZBA, 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 Enforcement 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 ZBA 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 ZBA shall hold public hearings on all appeals, requests for exceptions, applications for variances and any other matters to which it is assigned by the Connecticut General Statutes.
2. Applications shall be submitted to the office of the Zoning Enforcement Officer for transmittal to the ZBA. The application shall be accompanied by a true and accurate list of property owners

within 500 feet from any boundary of the property which is subject to the application.

3. The applicant shall notify each of the property owners by certified mail no later than five days prior to the hearing and shall present the return receipts to the ZBA.
4. Every application for variance from the Use Regulations and Special Regulations, as distinguished from dimensional regulations, shall be transmitted to the Planning and Zoning Commission, and, on or before the public hearing held by the ZBA on such application for variance, the Planning and Zoning Commission shall make a report with recommendations thereon, such report to be a part of the record of the case.
5. All determinations of the ZBA shall be made in accordance with the objectives of these Regulations and in harmony with the purpose and intent expressed in Article 1 of these Zoning Regulations.

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 Planning and Zoning 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.