

**THE TOWN OF HAMPSTEAD  
RESOLUTION NO. 2021-03**

A RESOLUTION BY THE TOWN OF HAMPSTEAD FOR THE PURPOSE OF ADOPTING THE AMENDED ZONING REGULATIONS ENTITLED "TOWN OF HAMPSTEAD ACCESSORY USES, BUILDINGS AND STRUCTURES (RESIDENTIAL DISTRICTS)" AS AMENDED BY THE HAMPSTEAD PLANNING AND ZONING COMMISSION ON JULY 28, 2021.

WHEREAS, the Hampstead Planning and Zoning Commission amended the regulations for Accessory Use Regulations in Residential Districts on July 28, 2021, and

WHEREAS, the Town Council agrees that these Regulations are necessary to protect public health, safety and welfare and maintain the quality of life in our residential neighborhoods.

NOW, THEREFORE, BE IT HEREBY resolved this 10<sup>th</sup> day of August, 2021, by the Town of Hampstead, that the zoning regulations entitled "Town of Hampstead Accessory Uses, Buildings and Structures (Residential Districts)" as amended by the Hampstead Planning and Zoning Commission on July 28, 2021" are hereby approved and adopted and that the Mayor and Council of the Town of Hampstead authorizing the Zoning Administrator to enforce these regulations.

Introduced this 10th day of August, 2021.

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Tammi Ledley  
Clerk to the Council

Adopted this 10th day of August, 2021 by a vote of 5 Council members in favor and 0 Council members opposed.

Effective this 10th day of August, 2021.

I hereby certify that Resolution Number 2021-03 is true and correct and duly adopted by the Mayor and Council of The Town of Hampstead.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK OF THE COUNCIL

## **Town of Hampstead Accessory Uses, Buildings and Structures (Residential Districts)**

**Accessory building:** A subordinate building located on the same lot as the principal building, and the use of which is customarily associated with and incidental to the use of the principal building. An accessory building shall not dominate a principal building in area, extent or purpose. An accessory building that is attached to and is an integrated part of (by location, materials and architectural design) a principal building shall be governed by the regulations of this chapter for principal buildings.

**Accessory structure:** A subordinate structure located on the same lot as the principal use, and the use of which is customarily associated with and incidental to the principal use.

**Accessory use:** A use incidental to and customarily associated with, the principal use of the lot.

1. **Location** - All accessory buildings and structures shall be located behind the front building line of the principal building. No detached accessory building or structure shall be located closer than ten (10) feet to any principal building or to any other accessory building or structure.
2. **Easements** - No accessory building or structure except for utility panels or boxes or moveable and temporary buildings or structures like small storage sheds shall be erected in any easement area.
3. **Height** - The height of all accessory buildings and structures shall conform to the height limits of the zoning district in which they are located. Accessory building and structures may not exceed the height of any principal building.
4. **Area** - For residential development in residential districts, the maximum total area of all accessory buildings or structures on any lot shall not exceed fifty (50) percent (50%) of the gross floor area of the principal building or one thousand (1000) square feet, whichever is greater. The maximum total area of all accessory buildings or structures shall not cover more than fifty (50) percent of the rear yard.
5. **Prohibitions** - No accessory building may be used for human habitation. Except for a pool house, no accessory building or structure in a residential single family district shall contain full bathroom facilities. Full bathroom facilities shall mean provision of a sink, toilet, and bathtub or shower.

### **Accessory uses**

A. **Garage, attached** - An attached garage shall meet the setbacks for a principal building in any zoning district. An attached garage may not be placed in a septic replacement area. A building permit is required.

B. **Garage, detached** - A detached garage shall be located in the rear yard no closer than ten (10) feet from the side lot line and no closer than five (5) feet from the rear lot line. Where a garage is facing a road or street, the setback for garage doors facing the road or street must be at least twenty (20) feet to provide a parking space. A detached garage may not be placed in a septic replacement area. A building permit is required.

C. **Carport** - An attached carport shall be treated as a deck consistent with Chapter 135-257 of the Hampstead Town Code, to wit, a carport may extend twenty-five (25) percent into a side or rear yard setback. If a carport extends into any required setback, such carport must remain open on three sides. A detached carport shall be treated as a detached garage. A building permit is required.

D. **Fences** - Fences are only allowed to be constructed within the property lines – a property owner may not extend their fence beyond their surveyed property lines. A building permit is NOT required.

1. **Privacy Fence** - Privacy fences must be located behind the front building line and may not exceed six (6) feet in height. The Town recommends the fence be placed away from the property line so maintenance can be performed from both sides of the fence. Privacy fences must be constructed of wood or a wood-like material or a poly-vinyl material. The Planning & Zoning Commission must approve chain link or wire fences.

a. **Primary front yard (corner lots)** - The Planning and Zoning Commission may designate one front yard of any corner lot the primary front yard. Privacy fences are prohibited in any primary front yard. Decorative fences may be placed in any primary front yard in accordance with Section D.2. of these regulations.

b. **Secondary front yard (corner lots)** - Where the Planning and Zoning Commission has designated a primary front yard, all remaining front yards shall be considered secondary front yards. A privacy fence may be placed in a secondary front yard under the following conditions:

i. The privacy fence placed shall be placed a minimum of fifteen feet (15') from the interior edge of any sidewalk or twenty feet (20') from the interior edge of any curblines, whichever distance is greater. The area between the privacy fence and the sidewalk or curb shall be considered a "buffer yard." The Planning and Zoning Commission may require a larger buffer yard when deemed necessary.

ii. The property owner shall be required to present a landscaping plan for the buffer yard to the Planning and Zoning Commission for approval. The property owner shall be responsible for maintaining all approved plantings. If the property owner removes a privacy fence from a secondary front yard, he or she may apply to the Commission for permission to remove the plantings.

2. **Decorative Fence** - Decorative fences may be located in any yard or setback area and may not exceed three (3) feet in height except for a 50 percent open fence which may be four (4) in height. (Modified January 11, 2004) Decorative fences shall be constructed of stone, wood, poly-vinyl, or iron.

E. **Storage Shed** (less than [100] 150 square feet) - A storage shed less than [100] 150 square feet in size may be located in a side or rear yard. The shed shall be at least three (3) feet from a

side lot line and three (3) feet from a rear lot line. A shed may not be placed in a septic replacement area. A building permit is NOT required for a storage shed less than [100] 150 square feet.

F. **Storage Shed** ([100] 150 square feet or more) - A storage shed of [100] 150 square feet or more shall be located only in the rear yard. The shed shall be at least ten (10) feet from a side lot line and ten (10) feet from a rear lot line. A shed may not be placed in a septic replacement area. A building permit is required for a storage shed of [100] 150 square feet or more.

G. **Swimming Pool** - A private swimming pool may be located only in the rear yard. The pool, the decking, pool filter and pump, and storage buildings must be at least ten (10) feet from any side or rear property line. In the case of a corner lot or multiple frontage lot, the pool cannot be located in the street yard setback. A private swimming pool may not be placed in a septic replacement area. These regulations do not apply to temporary [(e.g. inflatable)] inflatable swimming pools without metal frames that are removed seasonally. A building permit is required for a non-temporary swimming pool.

H. **Greenhouse or gazebo** - A freestanding greenhouse or gazebo may be located only in the rear yard. The structure shall be at least ten (10) feet from a side lot line and five (5) feet from a rear lot line. A building permit is required.

I. **Ball Courts** - Ball courts are not permitted on lots of less than one (1) acre. The court shall be at least ten (10) feet from a side lot line and five (5) feet from a rear lot line. Any fence around the court may be over six (6) feet in height, provided it is not within any required minimum yard setback for the principal building in a residential district. A building permit is NOT required.

J. **Solar energy systems** - Solar energy systems are allowed as an accessory use in all residential zoning districts. Passive or building-integrated solar systems are exempt from the requirements of this section and shall be regulated like any other building element or appurtenance. The minimum lot size for a ground-mounted solar energy system is 10,000 square feet. In residential districts, ground-mounted solar energy systems shall be limited to the rear yard. Ground-mounted solar energy systems and all appurtenant equipment shall be at least fifteen (15) feet from any lot line and may not be placed in any easement area. Roof-mounted solar collectors shall be flush-mounted on pitched roofs. Solar collectors may be bracket-mounted on flat roofs. Ground-mounted solar energy systems shall not occupy more than twenty-five (25) percent of the rear yard. All solar energy systems shall use colors that blend with the color of the roof [of] or other structure. Reflection angles from collector surfaces shall be oriented away from neighboring windows. Where necessary, screening may be required to reduce glare. All electrical feeder lines shall be installed underground within the interior of the parcel. A building permit is required.

K. **Decks and Patios** – If attached to or directly adjoining the main building, a one-story open deck or a patio without a roof may extend into the required rear yard not more than 50% of the minimum required yard depth (e.g., if a rear yard is 40 feet from the main building to the rear property line, a deck or patio may extend out into the yard a maximum of 20 feet). A building permit is required.

L. Shipping, Storage and Cargo Containers - The permanent use of any shipping, storage or cargo container as an accessory building, storage building, or living unit is strictly prohibited.

Shipping, storage or cargo containers may be used for temporary housing of equipment and materials during construction projects or during a residential move with an approved Town of Hampstead Temporary Use Permit.

**Exceptions** - Any exception to these regulations shall only be granted by the Hampstead Board of Zoning Appeals under the determination standard of a zoning variance. The property owner shall bear all costs of a hearing to grant such an exception.

**Note:** No deck, porch, carport, or other projection shall be allowed in any easement area