

## SECTION I-DEFINITIONS

### CURRENT

#### Building Height

The vertical distance from the average height of the highest and lowest point of the center of the street parallel to the *front lot line* of the property to the highest point of flat or mansard roofs, including the top of the parapet, or to the mean level between the eaves in the ridge for gable, hip or gambrel roofs.

### PROPOSED

#### Building Height

The vertical distance from the average height of the highest and lowest point of the center of the street parallel to the *front lot line* of the property to the highest point of flat or mansard roofs, including the top of the parapet, or to the mean level between the eaves **and** the ridge for gable, hip or gambrel roofs. (See Figure I-BH)

### CURRENT

#### Dwelling, One Family.

A detached *building* [designed] for or occupied by one (1) *family*.

### PROPOSED

#### Dwelling, One Family.

A detached *building* for or occupied by one (1) *family*.

### PROPOSED

#### Street Right-of-way

A strip of land, owned by East Lyme, that is granted, through an easement or other mechanism for transportation purposes, such as a street. Additional land abutting the paved street may also be reserved for the purposes of maintenance or expansion of existing services with the right-of-way and is considered part of the right-of-way.

### PROPOSED

#### Association Right-of-way

A strip of land, owned by Black Point Beach Club Association, that is granted, through an easement or other mechanism for transportation purposes for access to the BPBC beach or other property.

### SECTION III- PERMITTED USES

#### CURRENT

1. One single *family* detached *dwelling*. Furnishing of meals or lodging for compensation, (i.e. the use of a *dwelling* or *building* as a hotel, motel, boarding house or restaurant), is prohibited in this zone. The rental of an entire *dwelling* for a permitted use for periods of not less than one week is permitted in this zone.

#### PROPOSED

1. One single *family* detached *dwelling*. Furnishing of meals or lodging for compensation, (i.e. the use of a *dwelling* or *building* as a hotel, motel, boarding house or restaurant), is prohibited in this zone. The rental of an entire *dwelling* for a permitted use for a period of less than one week is prohibited in this zone.

#### CURRENT

- 4.b. The total area devoted to the home occupation shall be located within the dwelling and shall not exceed twenty-five (25) per cent of the *floor area* of the single *family dwelling*.

#### PROPOSED

- 4.b. The total area devoted to the home occupation shall be located within the dwelling and shall not exceed twenty-five (25) per cent of the *floor area* of the single *family dwelling*. For the purposes of these regulations, a garage, attached or detached, cannot be used for a home occupation.

## SECTION IV-GENERAL REGULATIONS

### CURRENT

2b. One of the following may be stored on a *lot*:

- one unoccupied *boat* not exceeding 26 feet in length and one *boat trailer*, OR
- one unoccupied *camping trailer*, OR
- one *utility trailer*

except that any such *utility trailer*, *boat* or *camping trailer* shall be located within the *setback* requirements on any side of the lot located on a street. This subsection shall not prohibit the storage of *boats* not exceeding 16 feet in length nor *boats* designed to be propelled solely by oar or paddle.

The keeping of pets shall be restricted to caged birds (canaries, parakeets, etc.) cats and dogs. All local and state ordinances, laws and regulations shall be complied with in the keeping of pets.

### PROPOSED

2b. One of the following may be stored on a *lot*:

- one unoccupied *boat* not exceeding 26 feet in length and one *boat trailer*, OR
- one unoccupied *camping trailer*, OR
- one *utility trailer*

except that any such *utility trailer*, *boat* or *camping trailer* shall be located behind the front setback building line. The only exception is the period between April 15<sup>th</sup> and Memorial Day, while boats are being prepared for the season. During this period, boats are allowed forward of the front setback building line. This subsection shall not prohibit the storage of *boats* not exceeding 16 feet in length nor *boats* designed to be propelled solely by oar or paddle.

3. The keeping of pets shall be restricted to caged birds (canaries, parakeets, etc.) cats and dogs. All local and state ordinances, laws and regulations shall be complied with in the keeping of pets.

### CURRENT

1B. Landings and Stairs Within Setback Areas

No roof or other overhead *structure* shall be constructed above stairways

### PROPOSED

1B. Landings and Stairs Within Setback Areas

d. No roof or other overhead *structure* shall be constructed above stairways

## SECTION IV-GENERAL REGULATIONS

### CURRENT

10. Temporary ramps to permit wheelchair or other handicapped access to a *dwelling* or *accessory building* shall not be considered *structures* subject to *setback* requirements when the period of the placement of such temporary ramps does not exceed 180 days.

### PROPOSED

10. Handicapped Access - Notwithstanding any other provision of these regulations which would prohibit such a structure, the ZEO may issue a temporary permit for a handicap access ramp to a residential structure under the following conditions:

- a) said access shall be of such size and configuration to involve the least amount of conflict with these regulations which would otherwise be applicable. There will be no roof, roofing, or shelter associated with the structure.
- b) such size, location, and configuration shall not be a hindrance or danger to public welfare or safety.
- c) request for handicapped access ramps shall include a written statement detailing the reason(s) why such ramp is required.
- d) said temporary ramp shall be for a period of two years, but can be automatically renewed by the ZEO, provided the circumstances initially requiring the handicapped access still exist. When such circumstances cease to exist, the access will be removed by the end of the permit period or within sixty (60) days of notice to remove from the ZEO, whichever is sooner.

## SECTION V – DIMENSIONAL REQUIREMENTS

### CURRENT

#### 1B. Landings and Stairs Within Setback Areas

- c. The coverage of any roof constructed above a landing shall not exceed the dimensions of the landing, and the landing beneath a roof shall not subsequently be enclosed.
- c. No roof or other overhead *structure* shall be constructed above stairways.

### PROPOSED

#### 1B. Landings and Stairs Within Setback Areas

- c. The coverage of any roof constructed above a landing shall not exceed the dimensions of the landing, and the landing beneath a roof shall not subsequently be enclosed.
- d. No roof or other overhead *structure* shall be constructed above stairways

## SECTION VI-NONCONFORMING USES, BUILDINGS AND LOTS

### CURRENT

Any lawful use of a **building lot** existing as of September 1, 2003 may be continued subject to the following conditions:

### PROPOSED

Any lawful use of a **building lot** existing as of September 1, 2010 may be continued subject to the following conditions:

### CURRENT

5. Any permitted use may be made of, and any permitted **building** may be constructed on, a **nonconforming lot** provided that as of August 2, 1980 and continuously thereafter the legal owners of record of the **nonconforming lot** did not, at any time during their ownership of the **nonconforming lot**, own any adjoining or contiguous **lot**.

### PROPOSED

5. Any permitted use may be made of, and any permitted **building** may be constructed on, a **nonconforming lot** provided that as of August 2, 1980 and continuously thereafter the legal owners of record of the **nonconforming lot** did not, at any time during their ownership of the **nonconforming lot**, own any adjoining or contiguous **lot**. **When lots are joined, for the purpose of complying with the Zoning Regulations, the lots need not be combined into one lot on the land records. The interior lot lines, where the lots abut, have no zoning significance relative to setback requirements for any building located on the so joined property.**

### CURRENT

(ii) The roofline immediately over actual occupied areas above grade, not including accessory unoccupied areas, in a nonconforming dwelling may be changed, providing the overall height of the structure is not increased.

### PROPOSED

(ii) The roofline immediately over actual occupied areas above grade, not including accessory unoccupied areas, in a nonconforming dwelling may be changed, providing the overall height **and volume** of the structure is not increased.

## SECTION VII-ADMINISTRATION AND ENFORCEMENT

### CURRENT

2. No use of a *lot* may be made and no *building* or *structure* shall be constructed, erected or modified within the limits of the Association unless and until the owner of the *lot* in question obtains a permit signed by the Zoning Enforcement Officer of the Black Point Beach Club Association evidencing that such use, *building*, *structure* or modification complies with these regulations or is a valid *nonconforming* use, *building* or *structure* under these regulations.

### PROPOSED

2. No use of a *lot* may be made and no *building* or *structure* shall be constructed, erected or modified within the limits of the Association unless and until the owner of the *lot* in question obtains a permit signed by the Zoning Enforcement Officer of the Black Point Beach Club Association evidencing that such use, *building*, *structure* or modification complies with these regulations or is a valid *nonconforming* use, *building* or *structure* under these regulations.

The Following modifications shall be deemed to be in compliance with the BPBC Zoning Regulations for which the requirement for a zoning permit is waived: (1) Any modification, allowed under these Zoning regulations, which is made entirely within the enclosed interior of an existing Building in the residence district, (2) replacement of windows and doors, (3) reshingling of roofs and (4) residing.