

BLACK POINT BEACH CLUB ASSOCIATION

ZONING REGULATIONS

As amended to November 1, 2018

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PURPOSE

These regulations are adopted for the purposes set forth in the General Statutes of the State of Connecticut, namely; to promote the health, safety and general welfare of Black Point Beach Club Association with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality; to protect the existing and potential public surface and ground drinking water supplies; to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision for the transportation, water, sewerage, parks and other public requirements.

SECTION I – DEFINITIONS

Accessory Buildings. – A detached subordinate building located on the same lot with the principal building and devoted to an accessory use, but not used for human habitation.

Accessory Use. – A use subordinate to and customarily incidental to the principal use of a lot or building and on the same lot.

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 Black Point Beach Club beach or other property.

Beach Front Lot. – All lots within the limits of the Association which abut the Reserved Beach, Niantic Bay or Long Island Sound.

Boat. – A watercraft propelled by oars, paddles, sails or engine.

Building. – Any structure with walls and a roof securely affixed to the land and entirely separated on all sides from any other structure and which is designed for the shelter, enclosure, or protection of persons, animals or chattels.

Building Height – The maximum height of any building structure shall be twenty-seven feet, measured from the grade plane to the mean roof height. In no case shall any peak or other building feature exceed thirty-eight feet when measured from the grade plane to that roof peak or other building feature, except chimneys may be of such height as regulated by the building code as amended time to time.

Building Line. – The line parallel to a street, side yard, and rear yard which establishes the minimum depth of front yard, side yard, and rear yard for the particular district as measured from the street right-of-way, side and rear property lines.

Deck. – An outdoor raised structure, above ground level, not enclosed by any roof or walls, but which may be enclosed by a low railing not exceeding 42 inches in height.

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Dwelling, One Family. – A detached building for or occupied by one (1) family.

Exterior Accessory Equipment. – All fixed heating, air conditioning, fuel storage, swimming pool filtering and pumping equipment (including but not limited Heat Pumps, surface mounted air conditioners, condensers, above ground gas storage tanks and swimming pools accessory pool equipment) that are not attached to the primary dwelling unit or an approved auxiliary building.

Family. – Any number of individuals related by blood. Marriage or adoption, living together as a single housekeeping unit, provided that any two (2) persons not related by blood or marriage may be considered a family.

Final Grading. – The final elevation of the ground surface after the completion of grading.

Floor Area.

- a. Net floor area shall be the actual occupied area above grade, not including accessory unoccupied areas, or thickness of walls.
- b. Gross floor area would include the total sum of all measurable floor area, where measurement is made from the outside dimension of the structure at the applicable floor levels, above grade, exclusive of attic area.

Front Lot Line. – The lot line on the street address of a lot. In cases when a property abuts multiple streets, the street address shall be the same as the front entrance of the single-family dwelling.

Garage.

- a. A structure designed principally for the shelter, enclosure or protection of vehicles.
- b. Attached Garage. – A garage that is part of a dwelling by being physically connected to it by means of a permanent structural connection other than pavement or fences.
- c. Detached Garage. – An accessory building which is not physically connected to a dwelling by means of any permanent structural connection other than pavement or fences.

Gazebo. An open accessory building not exceeding 144 square feet with a roof not exceeding 12 feet in height.

Grading. Any excavation, grubbing, filling (including hydraulic fill) or stockpiling of earth or any combination thereof, which results in a change of contour or elevation.

Grade Plane. A reference plane representing the average of the finished ground level adjoining the building of the exterior walls as measured at the corners. The lowest finished grade measured shall be no higher than the natural grade. (The Commission will not consider platforms built above the natural grade as a valid measuring point.)

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Gross Vehicle Weight Rating. The maximum recommended weight for a vehicle, including: the weight of the vehicle itself, fuel and other fluids, passengers, and all cargo.

Ground Level. An elevation not exceeding 2 inches above the final grade.

Housekeeping Unit. One or more rooms which are arranged, designed, or used as living quarters for only one (1) family and which have individual bathrooms and permanently installed kitchen facilities.

Lot. A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings customarily incidental to it.

Lot Line. The outside dimension of a lot as defined in these regulations.

Mobile Home. A dwelling of vehicular, portable design, built on a chassis and designed to be moved from one site to another and to be used without permanent foundation.

Motor Home. A vehicular unit designed to provide living quarters and necessary amenities which are built into an integral part of, or permanently attached to, a truck or van chassis.

Nonconforming. Any use of a building or lot, or any building or structure, lawfully existing as of the effective date of these regulations, but not conforming to these regulations as they pertain to the district in which the use, building or structure is located.

Open Space. That portion of a lot which is to be unoccupied by buildings or structures as determined by the setback of buildings or structures from the street right-of-way or other lot lines.

Patio. See Terrace

Pool. An artificially created or contained body of water designed or used for swimming, wading or bathing.

Pool Cabana. An accessory building designed for use or used in connection with a pool.

Pool Complex. A pool together with any above ground level apron or deck, pool cabana or other structure which is attached to or used in connection with such pool.

Setback. The minimum distance permitted between a structure and a designated lot line.

Shed. An accessory building designated for the shelter, enclosure or protection of tools, recreation equipment, swimming pool equipment, lawn maintenance equipment and the like.

Street Right-of-Way. A strip of land, owned by the Town of East Lyme or the Black Point Beach Club Association, 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

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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.

Structure. Anything constructed or erected, the use of which requires location, under or above the ground or attachment to something having location on the ground, provided patios, walkways and driveways constructed at ground level shall not be considered structures for the purposes of these regulations.

Terrace / Patio. A level, landscaped and / or surfaced area located at no more than 2” above grade with no roof and no structural supports other than subsurface materials.

Trailer. A vehicular device designed to be pulled by a motor vehicle as provided below:

- a. Boat Trailer – A trailer designed to store and transport a boat not exceeding 26 feet in length.
- b. Camping Trailer – A vehicle not exceeding a gross vehicle weight rating of 5,000 pounds which is designed to be used primarily as temporary living quarters for recreational, camping, travel, or seasonal use that does not have its own motor power but is mounted on or towed by another vehicle.
- c. Utility Trailer – A trailer, whether uncovered or enclosed, used for hauling materials, good or objects, provided that it shall not exceed 16 feet in length and it shall not have a gross vehicle weight rating of more than 2,600 pounds.

Variance. A modification to the requirements of these regulations which may be granted in an individual case by the Zoning Board of Appeals.

Yard, Front. An open space extending across the full width of a lot, lying between the front lot line of the lot and the principal building structure on the same lot.

SECTION II – JURISDICTION

Within the Black Point Beach Club Association, no lot, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these regulations. No lot shall be subdivided, conveyed or encumbered so as:

1. To make said lot non-conforming or more non-conforming to these regulations.
2. To make any use thereof, or any building or other structure thereon, non-conforming or more non-conforming.
3. To make any non-conforming building line, setback or open space more non-conforming.

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SECTION III – DISTRICTS

The area of the Black Point Beach Club Association is hereby divided into two districts and zones, they being a Residence District and a Business District.

Residence District

All the zoned area of the Black Point Beach Club Association except the business district as herein defined. This shall include all the land within the territorial limits of the Black Point Beach Club as described in a map made by Daboll & Crandall, received for filing May 27, 1931 and placed on file in the Town Clerk's Office in the Town of East Lyme, Connecticut.

Permitted Uses. – The following uses of buildings and/or land and no others are permitted in the residence district.

1. One single family detached. 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.
2. A clubhouse or community building owned by the Black Point Beach Club Association and a playground or other grounds used for recreational purposes and owned by the Black Point Beach Club Association.
3. Signs not more than six (6) square feet in area when placed in connection with the sale, rental, construction or improvement of the premises provided that there shall be only one (1) sign in connection with the premises.
4. Home Occupation Service or Profession – The operation of a home occupation, service or profession in the residence district shall be permitted subject to the following requirements:
 - a. Such home occupation, service or profession includes, but is not limited to the office or studio of an architect, artist, economist, engineer, insurance agent, lawyer, photographer, or real estate broker. Such uses as physician's offices, restaurants, tea rooms, funeral homes, barbershops, beauty parlors, tourist homes, animal hospitals, any activity which constitute the manufacture of goods or products for sale, and any uses which require more than incidental traffic of clients to the dwelling, shall not be deemed to be a home occupation, service or profession.
 - b. The total area devoted to the home occupation shall be located within the dwelling and shall not exceed twenty-five (25) percent of the floor area of the single-family

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dwelling. For the purposes of these regulations, a garage, attached or detached, cannot be used for a home occupation.

- c. No one who is not a resident of the single-family dwelling shall be employed or otherwise engaged in the home occupation at that address.
- d. No sign, display or advertising of the home occupation on the lot shall be permitted.
- e. No outside storage associated with the home occupation shall be permitted.
- f. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced, no health or safety hazard shall be created, and no interference with radio or television reception in the neighborhood shall be produced by the home occupation.
- g. Before any home occupation, service or profession in the residence district may be initiated, a Home Occupation Zoning Application must be submitted to the Zoning Enforcement Officer with the requisite fee, and approval.

Business District

The Business District of the Black Point Beach Club Association shall consist of lots 722 and 723 as described on the map (map made by Daboll & Crandall, received for filing May 27, 1931 and placed on file in the Town Clerk's office in the Town of East Lyme, Connecticut) and is located at the northwest corner of Sunrise Avenue and Nehantic Drive.

The following uses of buildings and/or land and no others are permitted in the business district:

- 1. Any building or use permitted in a residence district.
- 2. Post Office.
- 3. Retail store excluding:
 - a. Store selling alcoholic beverages.
 - b. Store offering for use more than three (3) electronic video games or other coin operated amusement devices.

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SECTION IV – GENERAL REGULATIONS

These regulations shall apply in all districts:

1. **Junk Materials & Debris** - Lots and yards shall be kept completely free from trash, rubbish, unregistered motor vehicles, unstacked fire wood, unstacked building materials or other items which are unsightly.
2. **Tents and Temporary Buildings** - No tents or temporary buildings shall be erected or placed upon the property, provided that the placement of pup tents for causal or temporary use shall not be prohibited and the placements of party tents or canopies for social occasions shall not be prohibited, provided such placement shall not last longer than seven consecutive days and complies with all applicable requirements of the Department of Public Safety and the Building Code of the Town of East Lyme which requires permits in some instances. No building or structure shall be erected on a lot prior to the erection of a dwelling. Mobile homes and motor homes will not be permitted on any lot.
3. **Boats, Boat Trailers, Camping Trailers, or Utility Trailers** - One (1) of the following may be stored on a lot:
One unoccupied boat not exceeding 26 feet in length and its trailer, OR
One unoccupied camping trailer, OR One utility trailer
Except that any such items listed above, shall:
 - a. 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 15th and June 1st, while boats are being prepared for the season. During this period, boats are allowed forward of the front setback building line.
 - b. All boats, boat trailers, camping trailers, or utility trailers shall be licensed and registered as required by Connecticut State law. Any of the above items that are unregistered shall be considered junk under these regulations and prohibited for storage in any area of the Black Point Beach Club Association.
 - c. Not to extend into a public area or right-of-way, not to obscure any view which may cause danger to vehicular or pedestrian traffic on a public street or an Association right-of-way. The Zoning Enforcement Officer has the duty to determine if the placement may cause danger and has the authority to order the object(s) removed.
 - d. 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.

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4. **Pets** - 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.
5. **Wall, Fences, & Hedges**
 - a. No wall, fence, or other structure shall be erected, and no hedge, tree or other obstruction shall be maintained on a lot which may cause danger to vehicular or pedestrian traffic on a public street, including an Association right-of-way, by obscuring the view. For the purposes of this section, no wall, fence or other structure and no hedge or other shrubbery shall be permitted to be higher than 42 inches measured from the level of the street pavement with ten feet of an intersection of streets, including intersections of streets and Association rights-of-ways, measured from the beginning of the street pavement at the intersection.
 - b. Notwithstanding minimum lot dimensions as set forth in these regulations and except as provided in Section 5a of these regulations, walls and fences not exceeding six feet in height may be erected in any district along, or within five feet of, the lot line provided that there is compliance with all other regulations and applicable building codes and that said wall or fence shall be located within the lot line of a lot.
6. **Sanitation** – No sewage shall be discharged into Long Island Sound. No cess-pool, earth closet or privy may be built, nor can any outside toilets be erected.
7. **Farm Animals Prohibited** – There shall not be constructed or maintained within the limits of the Association any cow or horse stable, pigsty, slaughter house, chicken coops, or any structure to house prohibited animals.
8. **Satellite Dishes and Antennas** - There shall not be constructed or maintained within the limits of the Association any microwave or satellite dish type antenna having a diameter or other dimension which exceeds eighteen inches. Standard VHF rooftop television antennas are permitted.
9. **Accessory Buildings** – No accessory building may be used as a dwelling.
10. **Storage or parking of large vehicles** – No motor vehicles having a gross vehicle weight rating in excess of 10,000 pounds shall be parked or stored on a public or private property in the residence or business district except in the case of a commercial

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vehicle when temporarily engaged in providing a service directly related to the property where it is parked.

11. Handicapped Access – Notwithstanding any other provisions of these regulations which would prohibit such a structure, the Zoning Enforcement Officer 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 hinderance or danger to the 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 permitted for a period of two years but can be automatically renewed by the Zoning Enforcement Officer, provided the circumstances initially requiring the handicapped access still exists. 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 Zoning Enforcement Officer, whichever is sooner.

12. Construction Activities – No construction or construction related activities including, but not limited to, land clearing, excavation, the installation of footings or foundations, the erection of structures, and the siding or roofing of such structures, shall commence prior to 8:00 AM nor conclude later than 6:00 PM on any day.

13. Grading of Property – Final grading of an entire lot shall not exceed one (1) foot of vertical rise or decline per every ten (10) feet of horizontal distance when measured from the existing street elevation of the front lot line and shall not increase or decrease water runoff to adjacent properties. This measurement does not include approved retaining walls and terraces.

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SECTION V – DIMENSIONAL REQUIREMENTS

1. Dwellings – No dwelling shall be constructed within the limits of the Association unless it meets the following requirements:

- a. The lot on which it is constructed must have an area of at least 8,000 square feet.
- b. The lot on which it is constructed must have at least sixty (60) feet of frontage on a street.
- c. It shall have a maximum building height (as defined in these regulations) not to exceed twenty-seven (27) feet.
- d. It shall have no more than two (2) floors of living space (above grade).
- e. It shall have a net floor area of not less than 1,200 square feet.
- f. The dwelling, in combination with all accessory buildings, pool complexes and other structures shall not occupy more than thirty-five (35%) percent of the total area of the lot, provided that steps accessing a dwelling shall not be considered for the purposes of this limitation. Terraces and patios as defined in these regulations shall not be considered as structures for determining lot coverage. The dwelling shall be located on the lot so as to maintain the following setbacks from the street lines:
 1. Beach Front Lots - Twenty-five (25) feet from the lot lines on the bank of the beach or the beach wall, Fifteen (15) feet from all other lot lines.
 2. All Other Lots -Twenty (20) feet from the front lot line, Fifteen (15) feet from all other lot lines.

Compliance with required setbacks from lot lines shall be determined by measurement from the closest exterior side of the dwelling, including any deck, provided that architectural projections such as roof overhangs, bay windows, chimneys, sills, cornices, etc., which do not constitute living space shall be permitted into the setback areas as herein provided for up to two (2) feet.

2. Accessory Buildings – Except as otherwise expressly provided in these regulations, no more than two accessory buildings, of which not more than one may be a garage and not more than one may be a shed, shall be constructed on any buildable lot within the limits of the association, provided that such accessory building must meet the following requirements:

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a. Detached Garage

1. It may not be constructed before the principal building has been lawfully constructed on the lot;
2. It shall have a maximum building height of twenty (20) feet;
3. It shall occupy no more than ten (10) percent of the total area of the lot;
4. It shall have only one floor above the garage floor and that floor is to be used for storage only.
5. It shall be located on the lot not less than ten feet from the dwelling or any accessory building at the point at which the two structures are closest.
6. It shall contain no toilets facilities.
7. The conversion of a detached garage to an attached garage shall require a zoning permit.
8. It shall be located on the lot so as to maintain the following setbacks from the lot lines:

On A Beachfront Lot - Twenty-five (25) feet from the lot line on the bank of the beach or the beach wall; Fifteen (15) feet from the rear lot line along the street; Fifteen (15) feet from the side lot line.

On All Other Lots - Twenty (20) feet from the front lot lines: Fifteen (15) feet from the side lot line.

b. Shed

1. It may not be constructed or erected before the principal building has been lawfully constructed on the lot.
2. It shall not exceed the dimensions of 8 feet x 10 feet x 12 feet.
3. It shall be located on the lot so as to maintain the following setbacks from the lot lines.

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On a Beachfront Lot - Fifty (50) feet from the lot line on the bank of the beach or beach wall. Twenty (20) feet from the street line, Fifteen (15) feet from the lot line fronting any Association right-of-way, Five (5) feet from all other lines

On All Other Lots Fifty (50) feet from the front lot lines, Twenty (20) feet from any side street lot lines, Five (5) feet from all other lot lines.

3. Landings and Stairs Within the Setback Areas

Exterior landings and stairways to exterior doors which are constructed within the setback areas as defined in this section shall be consistent with the following requirements, and no further deviation from such setbacks areas shall be permitted unless expressly authorized by a variance granted by the Zoning Board of Appeals:

- a. Landings shall not exceed the dimensions of four (4) feet by four (4) feet.
- b. Stairways shall not extend into a side or rear setback area more than three (3) feet, nor into a front setback area more than six (6) feet.
- 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 the stairway.

4. Pools, Pool Cabanas and Pool Complexes – No pool, pool cabana or pool complex, shall be constructed or erected upon any lot within the limits of the Association unless it meets the following requirements:

- a. It may not be constructed or erected before the principal building has been lawfully constructed upon such lot.
- b. A pool cabana shall not exceed the dimension of eight (8) feet by ten (10) feet by twelve (12) feet.
- c. For the purposes of this subsection, any above ground, movable pool exceeding the dimension of eight (8) feet by eight (8) feet or eight feet in diameter shall be required to meet the setback requirements for the sheds.
- d. It shall be located on the lot so as to maintain the following setbacks from the lot lines:

On a Beachfront Lots - Twenty-five (25) feet from the lot line on the bank of the beach or beach wall; Fifteen (15) feet from all other lot lines.

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On All Other Lots - Twenty (20) feet from the front lot lines; Fifteen (15) feet from all other lines.

5. **Other Structures** – Except as otherwise provided herein, no structure shall be constructed or erected upon any lot within the limits of the Association unless it meets the setback requirements for dwellings.
6. **Exterior Accessory Equipment** - All Exterior Accessory Equipment shall meet the following requirements:
 - a. No accessory equipment shall be located in the front yard.
 - b. No accessory equipment shall extend into the setback line more than three (3) feet but in no case shall the extension into the setback be closer than five (5) feet from the property line.
 - c. Accessory equipment shall be screened by evergreen plantings or other materials acceptable to the Commission or its designee and shall be of sufficient height to obscure the equipment from view of the street.
7. **Underground LPG Tanks** (added 9/1/2012) - LPG tanks are regulated by the State, as such the placement shall be approved by the ZEO and the covers (of the underground LPG tanks) may not be more than one (1) foot above grade and must be screened from the street.
8. **Portable Storage Containers (PODS) Requirements**
 - a. In the event of a fire, storm, major reconstruction of a home, or moving a temporary permit may be issued for the placement of a “Portable Storage Container”.
 - b. “Portable Storage Container” means any container designed for the temporary storage of personal property, which is typically rented to owners or occupants of property for their storage use and which is delivered and/or removed by truck or trailer.
 - c. No person shall place a portable storage unit on private property without first obtaining a zoning permit from the Black Point Beach Club Association Zoning Enforcement Officer. There is no fee for the permit.
 - d. Only one unit is permitted on the property and the size of any portable storage container shall not exceed sixteen (16) feet in length by eight (8) feet in width by eight (8) feet in height.

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- e. The portable storage container has to be located at least five (5) feet from any property line. Location shall not obscure any view which may cause danger to vehicular or pedestrian traffic on a public street or an Association right-of-way. The Zoning Enforcement Officer has the duty to determine if the placement may cause danger and has the authority to order the Portable Storage Container relocated.
- f. The use of the portable storage container is temporary and a permit shall be issued for a period of one (1) year. The owner may apply for an extension if an unusual hardship can be demonstrated.
- g. Any portable storage container shall be free of dents, rust and/or graffiti and shall be maintained in good condition.

SECTION VI - SOIL AND EROSION CONTROL REGULATIONS

- 1. INTENT – To minimize polluted stormwater runoff from construction sites and prevent it from carrying sediment into the streets, drainage systems, and eventually to Long Island Sound.
- 2. STANDARDS - Erosion, Sediment, and Runoff Control Standards.
 - a. No site plan shall be approved which will cause erosion, flooding, or sedimentation to run off the property. Stormwater runoff control shall be accomplished in accordance with proper civil engineering practice. Developers, construction site operators, and contractors shall maintain erosion and sediment control measures that are consistent with the 2002 Guidelines for Soil Erosion Sediment Control, as amended, the Connecticut Stormwater Quality Manual, and all stormwater discharge permits issued by the Connecticut DEEP.
 - b. Site plans submitted shall include soil erosion and sediment control plans depicted on the plans and shall include a narrative explaining the sequence of construction, measures to be implemented, and person(s) responsible for the control measures. Contact number(s) of the individual(s) responsible for the control measures shall be included on the plans. Consideration shall be given runoff reaching adjoining properties, streets, and catch basins.
 - c. Enforcement – The individual(s) responsible shall be required to inspect the site weekly and after each storm occurrence of one (1) inch or more of rain within a twenty-four (24) hour period. The Zoning Enforcement Officer may require additional measures if the installed measures have the potential to fail. The individuals will install these measure

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within forty-eight (48) hours of notice from the Zoning Enforcement Officer. In the case that the measures installed have failed, it will be the responsibility of the individual(s) responsible to remove sediment from the adjoining properties, streets, and catch basins within forty-eight (48) hours of the failure.

SECTION VII – NONCONFORMING USES, BUILDINGS AND LOTS

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

1. Except as hereinafter provided in this Section, a nonconforming use shall not be enlarged or extended.
2. A nonconforming use may not be changed to another nonconforming use.
3. If any nonconforming building or structure is destroyed by fire, flood or other casualty, or is intentionally razed or demolished, it may be restored or replaced by a building or structure having the same nonconforming features as the building or structure destroyed or razed provided such restoration or replacement is started within one year of such razing, demolition or destruction and diligently pursued to completion.
4. A nonconforming use which ceases for any reason for a continuous period of more than one (1) year, or is changed to a conforming use, shall not thereafter resume.
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 the ownership of the nonconforming lot, own any adjoining or contiguous lot. When lots are joined, for the purposes 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.
6. The owner of two (2) or more adjoining or contiguous lots may, upon approval by the Board of Governors of the Association, re-subdivide those nonconforming lots to create one (1) or more conforming lots.
7. Except as set forth in paragraph 8, a nonconforming building shall not be enlarged or extended, vertically or horizontally, unless:

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8. Such extension or enlargement complies with the set back requirements of these regulations regardless of the existing setback lines of the nonconforming building; and
9. Such extension or enlargement complies with all other provisions of these regulations pertaining to the type of building being extended or enlarged as relates to height, dimensions and number of floors.
10. Any open portion of a nonconforming dwelling having a roof and existing as of February 5, 1991 may be enclosed so to form a portion of the interior of the dwelling.
11. The roofline immediately over actual occupied area above grade, not including accessory unoccupied areas, in a nonconforming dwelling may be changed, providing the overall height of the structure is not increased.

SECTION VIII – ADMINISTRATION AND ENFORCEMENT

The provisions of these regulations shall be enforced by the Agent of the Zoning Commission of the Black Point Beach Club Association, who shall be known as the Zoning Enforcement Officer.

1. It shall be the duty of said Zoning Enforcement Officer to receive applications for zoning permits and said Officer is hereby given the power and authority to approve those applications found to be in conformity with the provisions of these regulations, to reject those found not to be in compliance with these regulations, and to otherwise enforce the provisions of these regulations.
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) re-shingling of roofs and (4) residing of a structure.

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3. Violation of the zoning regulations of the Black Point Beach Club Association shall be penalized in accordance with the provisions of Section 8-12, Chapter 124 of the Connecticut General Statutes as amended.
4. The Zoning Enforcement Officer has no obligation to issue any permit or certification under these regulations unless the application therefore is accompanied by the application fee as such is determined by the Board of Governors of the Black Point Beach Club Association.
5. A zoning permit issued hereunder shall be valid for a period of twelve (12) month from the day that it is issued, except that the Zoning Enforcement Officer, in his/her discretion, shall have the authority to extend this period for not more than forty-five (45) days without any additional fee. In the event that the construction which is the subject of the zoning permit is not completed within said twelve (12) month period as so extended by the Zoning Enforcement Officer, the permittee may extend the zoning permit for one additional period of six (6) month upon the submission an application therefor accompanied by the applicable fee as provided in Subsection 4 of this section. Failure to complete the construction which is the subject of the extended zoning permit within the period so extended will require a new application for a new zoning permit which will be subject to all zoning regulations then in effect at the time the new permit is granted.

SECTION IX – ZONING BOARD OF APPEALS

1. There shall be a Zoning Board of Appeals which shall be appointed by the Board of Governors of the Black Point Beach Club Association which shall have the following powers and duties:
 - a. To hear and decide on all matters, including an application for a variance, upon which is required to pass by the specific terms of these regulations or of any statute. The Zoning Board of Appeals may vary the application of the Zoning Regulations when it determines that such action is in harmony with their general purpose and intent, with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel, but not affecting generally the district in which it is situated, a literal enforcement of such regulation would result in an exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured by granting the variance. In making a determination on a variance, the Zoning Board of Appeals shall include consideration of the following issues:

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1. The extent to which the applicant has demonstrated that exceptional shape, size, topography or other unique characteristic of the site requires a variance from a literal enforcement of the Zoning regulations.
2. Whether the exceptional difficulty or unusual hardship claimed has been created by the owner or the person or persons requesting the variance.
3. Whether the variance requested will adversely affect the neighborhood and whether they will be in harmony with the purpose and intent of the Zoning Regulation.
4. Whether the applicant has shown that there is no reasonable alternative other than to grant the requested variance(s).
5. Whether economic hardship is the only basis for requesting the variance.
- b. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the agent of the Black Point Zoning Commission or any official in charge with the enforcement of the regulations.
- c. To adopt such rules and procedures as may be necessary to carry out these regulations.
- d. Notwithstanding the foregoing powers, no variance shall be granted which will permit in any district a use which is not permitted in that district.
- e. The Zoning Board of Appeals shall not be required to hear any application for the same variance for a period of six (6) months after a decision by the Board or by a court of competent jurisdiction on an earlier application for said variance.
- f. Subject to the requirements of the Connecticut General Statutes pertaining to zoning appeals, an appeal to the Zoning Board of Appeals must be filed with the Zoning Enforcement Officer and the Chairperson or Secretary of the Zoning Board of Appeals within thirty (30) days after the date of the action being appealed together with the applicable fee which will be determined from time to time by the Zoning Commission of the Association, provided that an application for a variance to construct a ramp to permit wheelchair or other handicapped access to a dwelling or accessory building shall not be subject to a fee.
- g. The Zoning Board of Appeals will send a notice of the requested variance of the property and the time and date of the hearing at which it will be heard to all owners

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whose property is within fifty (50) feet of any lot line from the property being considered for a variance. Notice to the landowners will be sent to the address used for tax collection as well as the Black Point address.

SECTION X – AMENDMENTS

The Zoning Commission may from time to time, after public notice of a hearing, amend, change or repeal these regulations or districts as provided by statute.

SECTION XI – VALIDITY

Should any section or provision of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof.

SECTION XII – EFFECTIVE DATE

The most recent amendments to these regulations have been adopted on September 21, 2018 by the Zoning Commission of the Black Point Beach Club Association as authorized by law after a public hearing held on August 25, 2018 and becoming effective on November 1, 2018.

Previous amendments to these regulations were adopted on August 18, 2012 by the Zoning Commission of the Black Point Beach Club Association as authorized by law after a public hearing held on August 18, 2012 and becoming effective on September 12, 2012.

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SCHEDULE OF ZONING FEES

Zoning Permit Application for use, construction or alteration valued at \$1,000 or less	\$45
Zoning Permit Application for use, construction or alteration valued at more than \$1,000 but less than \$2,500	\$75
Zoning Permit Application for use, construction or alteration valued at \$2,500 or more but less than \$10,000	\$150
Zoning Permit Application for use, construction or alteration valued at \$10,000 or more but less than \$50,000	\$300
Zoning Permit Application for use, construction or alteration valued at \$50,000 or more but less than \$100,000	\$450
Zoning Permit Application for use, construction or alteration valued at \$100,000 or more	\$600
Home Occupation Application	\$10
Zoning Permit Extension Application	\$250
Appeal to Zoning Board of Appeals – Alleging Error	\$450
Application to Zoning Board of Appeals for a Variance	\$450
All other activities requiring Zoning Enforcement Officer activity for an individual property not previously specified, e.g. location of above ground propane tanks	\$45

When any use, construction, erection or modification requiring a zoning permit is commenced Prior to obtaining a zoning permit approved by the Zoning Enforcement Officer, the fee for making application for a zoning permit shall be three (3) times the amount otherwise applicable this section.

Please mail your completed application and permit fee to the Zoning Enforcement Officer at the following address: Zoning Official, Black Point Beach Club Association, P.O. Box 715, Niantic, CT 06357