**Proposed *Additions in bold & italics,* deletions in [ brackets ]**

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**SECTION I – DEFINITIONS**

**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

***Class A-2 Survey  - A first survey or independent re-survey which conforms to the “Recommended Standards for Surveys and Maps in the State of Connecticut Adopted on September 24, 1992, effective January 1, 1993 by the Connecticut Association of Land Surveyors, Inc. ” and which has been prepared by a land surveyor licensed in the State of Connecticut; complies with the minimum detail requirements for urban land title surveys adopted by the American Land Title Association and American Congress on Surveying and Maps***

***Deck – An elevated attached floor structure, with no walls or roof, attached to a building, and 18 inches or greater in height above ground level.***

**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

***Raised Patio – An elevated structure constructed of any normal building material including but not limited to wood, stone, blocks, and soil that is eighteen (18) inches or greater at its highest point above the average ground level.***

**Structure**  Anything constructed or erected ***18 inches or greater***, 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”**] *18 inches or greater***, above grade with no roof and no structural supports other than subsurface materials. (Impossible standard to meet in New England with sloping land. Building Code – Deck requires to be elevated – not ground mounted)

***ADD Yard:******An open space, other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except for projections expressly permitted by Regulations.***

**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.

***Add Yard, Rear:******A yard extending across the full width of the lot between the rear-most portion of any building and the rear lot line, measured by the minimum horizontal distance between any building and the rear lot line****.*

***Add Yard, Side:******A yard between the side lot line and any building, extending on both sides of the lot from the front lot line to the rear lot line.***

**SECTION III – DISTRICTS**

***Association District***

***Permitted Uses. The following uses of buildings and / or land and no others are permitted in the Association District.***

1. ***Community Buildings / Club House***
2. ***Storage Buildings***
3. ***Recreational Facilities including but not limited to tennis court, basketball courts, ball fields, beaches, and playgrounds.***
4. ***Parking Areas***

***Association District includes 6 Sunset Avenue, 65 Nehantic Drive, 8 Whitecap Road, Old Black Point shoreline properties and access ways and East Shore Drive shoreline properties and access ways. Not included is the one-foot buffer strip on the permitter of the Association.***

**Business District**

**Residence District**

**SECTION IV – GENERAL REGULATIONS**

**SECTION IV 1. Wall, Fences, & Hedges**

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**] *36*** inches measured from the level of the street pavement within **[**ten**] *twenty*** 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.

**Notes AASHTO’s current standard of 3 ft for eye height.**

**Discuss minimum site distance of 80 feet of stopping distance needed at 15 miles per hour.**

**SECTION IV 1 3. Accessory Buildings *–*** No accessory building may be used as a dwelling, ***except those approved as an accessory apartment in Section V 2 b.***

**SECTION IV 1 10. Storage or parking of large vehicles *–*** No motor vehicles having a gross vehicle weight rating in excess of 10,000 pounds ***(Class 2)*** shall be parked or stored on a public or private property in the residence or business district except in the case of a commercial vehicle when temporarily engaged in providing a service directly related to the property where it is parked.

**SECTION V – DIMENSIONAL REQUIREMENTS**

**2. Accessory Builings**

1. **Detached Garage**
2. It may not be constructed before the principal building has been lawfully constructed on the lot;
3. It shall have a maximum building height of twenty (20) feet at mean roof height;
4. It shall occupy no more than ten (10) percent of the total area of the lot;
5. It shall have only one floor above the garage floor and that floor is to be used for storage only ***except those approved as an accessory apartment in Section V 2 b.***
6. 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.
7. It shall contain no toilets facilities ***except those approved as an accessory apartment in Section V 2 b.***
8. The conversion of a detached garage to an attached garage shall require a zoning permit.
9. 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 lines.

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

1. **Accessory Apartments MOVED FROM #9**

**1. Purpose and intent -** The intent of this regulation is to allow the creation of “as of right” accessory apartment regulation in accordance with recent legislation which revised CGS 8-2 through Public Act No. 21-29 in 2021. This section allows an accessory apartment within residential zones with the purpose of providing housing for the elderly, single persons, or small families. This regulation is designed to ensure that in creating an accessory apartment, the single-family character of the existing principal dwelling and the neighborhood shall be retained.

**2. Standards:**

a. An accessory apartment may be used for dwelling purposes provided that the property contains the required area and meets theconditionsnoted below and is on a conforming lot that is at least 8,000 square feet and has 60 feet of frontage. All accessory apartment construction is subject to the required yard and building heights of these Regulations, the ConnecticutBuilding Code, and the ConnecticutPublic Health Code.

b. An accessory apartment may have one or two bedrooms.

c. An accessory apartment may have a maximum net floor area for an accessory apartment of not less than thirty percent of the net floor area of the principal dwelling, or one thousand square feet, whichever is less, as long as the lot has the minimum of 8,000 square feet of area and 60 feet of frontage.

d. For accessory apartments which will be constructed within the existing single-family dwelling and accessory structures, a competent floor plan drawings of the dwelling and apartment, and suitable sketches, architectural drawings and/or photographs sufficient to show the character and extent of exterior building and façade construction including any alterations shall be submitted with the application.

e. For accessory apartments that will require construction of additions or accessory structures, the application will require a submission of an A-2 survey as one would for an addition or new house construction.

f. Detached Accessory Apartment: The exterior materials, roof form, and window spacing and proportions of the accessory dwelling unit shall be in harmony with those of the existing or proposed principal single family dwelling. For an accessory dwelling unit located within an existing garage or other outbuilding, the structure is not required to approximate the exterior features of the existing single-family dwelling, but any exterior modifications should be consistent with the architectural style of that structure unless the building is upgraded per the requirement for new structures.

g. The site plan shall demonstrate off street parking for a minimum of three (3) vehicles in the driveway or garage to accommodate both the principal dwelling and the accessory apartment of the premises and shall otherwise conform with Section 11 of these Regulations. **[**Each parking space and the driveway leading thereto shall be paved or shall have an all-weather surface. No parking space shall be located within the boundary of a street right-of-way.**] Delete**

h. Either the single-family dwelling or the apartment unit shall be permanently occupied by the owner of the premises. An affidavit of ownership signed by the owner(s) of the premises and affirming intent of an owner(s) to occupy either the single-family dwelling or accessory apartment in required at the time of application and will be filed in the Town Land Record.

i. In complying with the intent of Public Act 21-29 to provide housing, accessory apartments are prohibited from being used for short term rentals such as Air B&B, weekly or monthly rentals, and alike.

1. **Sheds**
2. It may not be constructed or erected before the principal building has been lawfully constructed on the lot.
3. It shall not exceed the dimensions of 160 square feet.
4. It shall be located on the lot so as to maintain the following setbacks from the lot lines.

**On a Beachfront Lot –** Twenty (25) 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, and for all other lot lines a shed under 100 square feet the setback from the lot line shall be 5 feet ***from the side yard lot line*** and have a maximum height of 12 feet to the peak. For shed with a square footage of 100 square feet to 160 square feet the setback shall be 10 feet ***from the side yard lot line*** with a maximum height of 14 feet to the peak. **Add**

**On All Other Lots** Fifty (50) feet from the front lot line, twenty (20) feet from any side street lot lines,and for all other lot lines shed under 100 square feet the setback from the side and rear lot line shall be 5 feet and have a maximum height of 12 feet to the peak. For shed with a square footage of 100 square feet to 160 square feet the setback shall be 10 feet ***from the side and rear lot line*** with a maximum height of 14 feet to the peak.

Note that if a proposed structure exceeds the roof height require for the structure size, the structure will require the more restrictive setback based on the height. **Add**

**Other Structures –** Except as otherwise provided herein, no structure ***18 inches or greater*** shall be constructed or erected upon any lot within the limits of the Association unless it meets the setback requirements for **[dwellings*] structures excluding fencing. Elevated patios above 18 inches above ground grade shall be a minimum of five (5) feet from the property line. Structure constructed shall follow the same side yard and rear yard separation as sheds. Structures under one hundred (100) square feet shall be at least five (5) feet from the rear and side property line and have a maximum height at the peak of twelve (12) feet. Structures between one hundred (100) square feet and one hundred and sixty (160) square feet shall be ten (10) feet from the rear and side property line and have a maximum height at the peak of fourteen (14) feet. Structures over one hundred and sixty square feet shall follow the standard side and rear yard setbacks.***

**Note - This would include pergolas or any other structure.**

**Exterior Accessory Equipment -** All Exterior Accessory Equipment shall meet the following requirements:

1. No accessory equipment shall be located in the front yard.
2. 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.
3. Accessory equipment shall be screened by evergreen plantings or [other materials] ***fencing*** acceptable to the Commission or its designee and shall be of sufficient height to obscure the equipment from view of the street.

**Note “other materials” is too vague – keep it simple**

**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.
4. 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 shall be combined into one lot on the land records.
5. 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.
6. Except as set forth in paragraph 8, a nonconforming building shall not be enlarged or extended, vertically or horizontally, unless:
7. Such extension or enlargement complies with the setback requirements of these regulations regardless of the existing setback lines of the nonconforming building except as noted below; and
8. 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.
9. 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.
10. 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 except as noted below.

11. Nonconforming structures exceptions.

1. No nonconforming dwelling shall be enlarged or extended unless the enlargement or extension conforms to the requirements of the district in which it is situated.

1. EXCLUDED FROM THIS PROHIBITION ARE:
2. Additions of a second story to one-story single-family dwellings unless an application for an accessory apartment under Section V 9 is approved.
3. Conversions of single-family one-and-one-half story dwellings to two-story dwellings, either by means of dormers or upward extensions of existing sidewalls.
4. Conversions to two stories of one-story appendages to two-story single-family dwellings.
5. Construction of an addition that fills in a section of the **[**house**] *single******family home*** when two adjacent exterior walls are already non-conforming.
6. Construction of an addition ***to the single-family home*** that extends the existing nonconformity as long as the extension does not exceed twenty percent of the existing length of the structure and does not extend into the front or rear yard setbacks. This extension can be used only one time on a property.
7. ***The intent of this regulation is to allow flexibility for the primary single-family home and not to be used for detached accessory structures.***

c. NONE OF THE FOREGOING ADDITIONS, EXTENSIONS, OR CONVERSIONS SHALL:

1. Extend beyond the perimeters of the existing buildings except as noted in #4 or #5 above.

2. Exceed the vertical projection limits specified elsewhere in these regulations.

3. Alter the single-family status of the dwellings.

4. Result in a separation of less than 15 feet from the sidewalls of any other dwelling.

5. Result in the nonconformity being constructed no closer than five feet from the property line.

6. Result in construction that exceeds the coverage limit thirty-five (35) percent of all structures on the property.

d. Nothing shall prevent the construction of additions to single family detached residential dwellings provided that the following conditions are met:

1. No lot within the scope of these provisions may contain more than one dwelling.

2. The dwellings are used solely as private residences, except for approved "Home Occupations” and the proposed additions shall likewise be designed for such use. (For purposes of this regulation, single-story, accessory attached and detached garages shall be considered residential additions.)

e. All application for construction under this section will require an A-2 survey to demonstrate the exact location of the existing structure, the proposed addition(s), and the location of the closest neighboring structure(s).

Minor accessory structures that are one-hundred and sixty (160) square feet or less may not require an A-2 survey if property lines and corner pins can be identified on the property to verify the proposed location of the structure. The final decision if survey is needed is at the discretion of the Zoning Enforcement Officer.

**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.
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.
6. ***SITE PLAN REVIEW REQUIREMENTS FOR NEW HOUSES AND MAJOR ADDITIONS AND RENOVATIONS. Major additions/structures are generally considered to be 400 square feet or greater,***

***A-2 SURVEY / PLOT PLAN REQUIREMENTS FOR ZONING PURPOSES -MINIMUM REQUIREMENTS***

***1. \_\_\_ Project title, property owner and property address (including map and lot).***

***2. \_\_\_ Date of plans and any revisions***

***3. \_\_\_ North arrow and source of datum***

***4. \_\_\_ Bench mark and vertical datum***

***5. \_\_\_ Scale (horizontal and vertical on profiles).***

***6. \_\_\_ Map references***

***7. \_\_\_ Full boundary (including metes and bounds), lot area, and building setback lines.***

***8. \_\_\_ Wetlands limits and flood zone limit and elevations.***

***10.\_\_\_ Abutting topography, and buildings if needed.***

***11.\_\_\_ Abutting property owners***

***12.\_\_\_ Existing and proposed topography***

***14.\_\_\_ Existing buildings (dimensions/finished floor elevations).***

***15.\_\_\_ Proposed buildings (dimensions/finished floor elevations, top of foundation elevations).***

***16.\_\_\_ Proposed driveway/off street parking with elevation, grade, apron area, surface treatment, width, and clearance.***

***17.\_\_\_ Existing and proposed utilities (water lines & sewer line including the***

***mains in the street)***

***18.\_\_\_ Existing and proposed easement areas***

***19.\_\_\_ Footing drain inverts, outlet, and separation***

***20.\_\_\_ Erosion and sediment control plan***

***21.\_\_\_ Land surveyor and Professional Engineer with original seal and signature.***

***22.\_\_\_ Plans drawn at 1” = 20’;***

***AS-BUILT REQUIREMENTS FOR NEW HOME CONSTRUCTION AND MAJOR ADDITIONS***

***\*\* Prior to the issuance of any Certificate of Zoning Compliance, the property owner shall provide a plan accurate to the Standards of A-2 Classification as defined in the Code of Practices for Standards of Accuracy of surveys and maps adopted September 26, 1996 as amended by the Connecticut Association of Land Surveyors, Inc.***

***Said plan shall show all required setbacks and boundary lines and the locations of all new construction and other important features, including but not limited to, new buildings, structures, parking areas, sewer systems lines, water lines, wetlands, flood plains and other information required to determine compliance with these Regulations. Such plan may not be required for any small addition to an existing single-family residential building or structure, or for any permitted residential accessory building or structure unless required by submitting an application under Section VI for non-conforming lots.***