

**BLACK POINT BEACH CLUB ASSOCIATION
ZONING REGULATIONS - DRAFT JULY 2023**

August Comments including a review by Attorney Branse

Existing – New Roman Time *Proposed Italics & Bold* Deleted [in brackets]

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SECTION 1 – PREAMBLE

WHEREAS, the Zoning Commission of the Black Point Beach Club Association in Town of East Lyme has held hearings and given opportunity for all the citizens of said Association and other parties in interest to state their opinion thereon, and as a result of said studies and of its own knowledge and experience on said subjects, said Commission has reached certain conclusions and made certain recommendations for the most desirable use of land within said Association for residential, recreational, commercial, and other purposes, for the most desirable density of population in the several parts of said Association, for a system of public ways, for parks, playgrounds, and other public grounds, for the extent and location of various types of housing and other related matters beneficial to said Association.

NOW, THEREFORE, the Zoning Districts and Regulations herein set forth are hereby promulgated to establish a comprehensive plan to promote with the greatest efficiency and economy the coordinated development and growth of the Association and the general welfare and prosperity of its people; to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the over-crowding of land, and to preserve and protect the value thereof; to avoid undue concentration of population; to facilitate the adequate provision of transportation, parks and other public requirements and other purposes necessary or incidental thereto; and to attain all of the other goals and objectives as set forth in Connecticut General Statutes Section 8-2, as the same may be amended from time to time.

[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.]

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SECTION II – JURISDICTION

[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.]

2.1 ***Codification.*** *The Zoning Commission, acting under authority of Chapter 124, Section 8-3 of the Connecticut General Statutes, hereby amends and codifies the Zoning Regulations for the Black Point Beach Club Association, East Lyme Ct which were effective August 30, 1947, as amended, so that the same shall read as is set forth below. The provisions of said Regulations and the amendments thereto, insofar as they are consistent with these Regulations, are not repealed but are codified in these Regulations. Any and all provisions of said Regulations as amended which are inconsistent with these Regulations are hereby repealed, but such repeal shall not affect (a) any violation which occurred before the date as of which these Regulations (or any amendments thereof) were adopted or exists on such date, or (b) any penalty incurred, and any such violation may be prosecuted under said Regulations as amended.*

2.2 ***Scope of Controls.*** *After the effective date of these Regulations, all construction or development, and every alteration, enlargement, development or use of land, buildings, or structures, shall conform to the requirements of these Regulations, except as provided herein. Any provision of these Regulations which is substantially the same as that contained in earlier versions of these Regulations shall be deemed to be a continuation thereof, without any gap in coverage or jurisdiction.*

2.3 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.

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SECTION III – 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 *altered, expanded or extended* [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, (4) *installation of roof mounted solar panels, and* (5) 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 these Regulations and* 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

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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 *listed in Section XVI – Fees of these regulations* [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.

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Section IV - DEFINITIONS

Intent and General Rules of Construction. In the interests of clarity and brevity, the following terms shall, unless otherwise stated, have the meaning herein indicated for all purposes of these Regulations. Words used in the present tense shall include the future tense. When the context so requires, words in the masculine, feminine, or neuter gender shall include any gender, and words in the singular or plural shall include both singular and plural numbers. The underlined captions set forth in these Regulations are for convenience and reference only, and shall not be deemed to define or limit the provisions hereof or to affect in any way their construction or application.

Abutting. Separated by no intervening private property; properties separated by a public or private street shall be deemed to be abutting.

Accessory Apartment - a second, accessory dwelling unit that is located on the lot of or within a single-family home.

Accessory Building or Structure A building or structure, in addition to the principal building, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal building or on a contiguous lot under the same ownership. Any accessory building physically attached to a principal building shall be deemed to be a part of such principal building in applying the Bulk Regulations to such building.

[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, in addition to the principal use, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal use or on a contiguous lot under the same ownership.

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

Acre. An acre shall be defined for these Regulations as an area of 43,560 continuous square feet of land.

Alter, Alteration. As applied to a building or structure, means a change or rearrangement in the structural parts thereof, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to produce a substantial change in appearance, character, or

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construction; also means an enlargement, whether by increasing in height, coverage, volume or floor area. As applied to a use, means a change or enlargement in the character, area occupied by, intensity, or scope of the use, including, but not limited to, the extension of hours of operation, the addition of other activities, equipment, functions, or processes, or the extension into additional land or building area.

Association Right-of Way – A strip of land, owned by Black Point Beach Club Association, that [is granted, through an easement or other mechanism] *may be used* for transportation purposes *or* for access to the Black Point Beach Club beach or other [property] *association properties, in accordance with any ordinance or regulations adopted by the Board of Governors.*

Area of Special Flood Hazard means land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Awning. *A roof-like cover that is temporary and collapsible in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. The awning is not to extend into the setback.*

Base Flood Elevation (BFE) means the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement. *That portion of a building having its floor level partly or wholly below the adjacent finished grade, and which has, at any point, more than half its interior height measured from floor to rough ceiling above the finished grade of the ground adjoining the building. Compare to "Cellar". [Distinction between cellar and basement is for measuring building height, inhabitable floor area, etc.]*

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

Billboard. *See "Sign, Advertising".*

Board. *Wherever the term "Board" shall appear in these Regulations, it shall refer to the Black Point Beach Club Association Zoning Board of Appeals.*

Board of Governors. *The Board of Governors of the Black Point Beach Club Association a municipal corporation having its territorial limits within the Town of East Lyme, Connecticut.*

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

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Building. *Any structure having a roof and intended for shelter, housing or enclosure of persons, animals, or materials. The connection of two (2) or more buildings by means of a porch, breezeway, passageway, carport, or other such roofed structure shall be deemed to make them one building.*

[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, Accessory. *See "Accessory Building".*

Building Area/Building Coverage. *The area of the ground beneath a building (i.e., dripline), including the area of all covered porches, eaves, and similar roofed portions of the building, but excluding awnings.*

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] ***lowest natural or existing ground surface*** 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.

Building, Non-Conforming. *See "Non-Conforming Building".*

Building Official. *The Building Official, also known as the Building Inspector, of the Town of East Lyme.*

Building Permit. *A permit for construction issued by the Building Official pursuant to the East Lyme Building Code and these Regulations.*

Building, Principal. *See "Principal Building".*

Bulk. *The size and shape of buildings, structures and use areas and the physical relationships of their exterior walls or spatial limits with lot lines and other buildings, structures and uses; or with the other walls of the same building, or other portions of the same structure or use. Bulk also includes the relationship of buildings, structures and uses with all yards and open spaces required by these Regulations; and also includes provisions of these Regulations dealing with floor area ratio, building height, lot area per dwelling unit, lot frontage, lot width, required*

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yards, courts, usable open space, spacing between buildings on a single lot, length of building in a row, and all other similar provisions of these Regulations dealing with the relationship between land and the improvements or uses located, or to be located, thereon.

Existing Canoes, Kavaks, and Paddle Boards – A *non-motorized* watercraft designed to be paddled by the operator.

Class A-2 Survey. *A first survey or independent re-survey which conforms to the standards as defined in the Regulation of State Agencies adopted pursuant to Conn. Gen. Stats. 20-300b, as amended and which has been prepared by a land surveyor licensed in the State of Connecticut.*

Cellar. *That portion of a building having its floor level partly or wholly below the adjacent finished grade, and which has, at no point, more than half its interior height measured from floor to rough ceiling above the finished grade of the ground adjoining the building. Compare to "Basement".*

Child Day Care Center/Services. *See "Day Care Center", "Group Day Care Home", and "Family Day Care Home".*

Club. *Land, buildings and facilities owned or operated by Black Point Beach Club Association for recreational, social, or athletic purposes. A "club" shall cater only to its members and sponsored guests. A "member of a club" shall be a person who is a member of the Association.*

Coastal High Hazard Area means the area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity waters, including but not limited to, hurricane wave wash or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone VE.

Commission. *The Zoning Commission of the Black Point Beach Club Association.*

Community Residence for Mentally Ill Adults. *See, the definition set forth in Connecticut General Statutes Section 19a-507a, as the same may be amended from time to time.*

Community Residence Facility *See, the definition set forth in Connecticut General Statutes Section 17a-220(5), as the same may be amended from time to time.*

Construction Trailers – Trailers designed to store equipment, materials, and supplies.

County Soil and Water Conservation District. *The County Soil and Water Conservation District of New London County.*

Debris. *The remains of something broken down or destroyed, something discarded, rubbish.*

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Deck. *An Accessory Structure consisting of one or more horizontal surfaces attached to and extending from the Dwelling and used for Accessory residential uses. A Deck may not be covered by any roof, permanent awning, or other surface, nor shall it be enclosed in any manner. It shall be 18 inches or greater in height above the existing ground grade at any point of the construction to be considered a deck.*

[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.]

Development. *Any man-made change to real estate, including but not limited to, the construction of buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations; but excluding the tilling of soil as part of a gardening operation.*

District. *See "Zone".*

Driveway. *Any access from a public highway used, designed, or intended to be used for vehicular ingress and egress to any building, structure, use or lot.*

Driveway, Common. *A driveway serving more than one (1) residential lot.*

Driveway, Loop. *A driveway intersecting the street at two (2) or more points and serving more than one (1) residential lot.*

Dumpster - a large trash receptacle designed to be hoisted and emptied into or towed away with a truck.

Dustless Surface. *For permanent uses: Adequately covered with concrete, asphalt, or bituminous products. For temporary uses: Screenings, stone, or gravel adequately treated with water, calcium chloride, or similar dust-inhibiting substances and maintained in good condition at all times. [Allows for other than paved parking lots, if desired.]*

Dwelling. *Any building designed and/or used for human habitation on closed solid foundation, using permanent weather-proof exterior materials, constructed with ceilings and walls finished on the interior with lath and plaster or some comparable material; with facilities which are used or intended to be used for living, sleeping, cooking and eating; connected to a safe water supply with adequate sanitary sewerage disposal facilities.*

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

Dwelling Unit. Any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one (1) family.

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Easement. *A right, established in Deed or other legal means, of one party to use a designated portion of a second party's land for a specific limited purpose.*

Enlargement, or to Enlarge. *Any addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. "To enlarge" is to make an enlargement. [A broad definition for the control nonconforming buildings.]*

Extend, or to Make an Extension. *An increase or amplification, as distinguished from establishment or inception. "Extension" shall be deemed to include any increase in the normal days or hours of operation, or any increase in the scope of services offered, of any non-conforming, non-residential use of land, buildings, or structures. [For control of nonconforming uses.]*

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. (a) Any number of individuals related by blood, marriage, civil union, or adoption, living together as a single housekeeping unit; or (b) A group of not more than three (3) persons, not so related by blood, marriage, or adoption, living together as a single housekeeping unit.

Family Day Care Home. *A dwelling in which care is provided for compensation to not more than six (6) children, including the provider's own children not in school full-time, where the children are cared for not less than three (3) nor more than twelve (12) hours during a twenty-four (24) hour period, and where care is given on a regularly recurring basis. "Family Day Care Home" does not include services which are (1) administered by a public or private school system which is in compliance with Connecticut General Statutes Section 10-188, (2) recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community-youth programs, (3) informal arrangements among neighbors or relatives in their own homes, (4) drop-in supplementary child care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently. "Family Day Care Home" includes "Family Day Care Home" as defined in Section 19a-77 of the Connecticut General Statutes, but does not include "Group Day Care Home" or "Child Day Care Center" as defined in said Section. See, the definition of "Home Occupation". [Must be defined because it must be allowed in residential zones per CGS.]*

Fence. *A structure for enclosure or screening, including a wall.*

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

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Fire Marshal. *The legally designated Fire Marshal of the Town of East Lyme or his authorized representative(s).*

Flood (or Flooding). See, Section IX (Flood Hazard Regulations).

Flood Insurance Rate Map (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Plain. Those areas subject to flooding at base flood as designated Zones AE and VE on the East Lyme Federal Insurance Rate Maps (FIRM) dated 07/18/2011, and the accompanying East Lyme Flood Insurance Study, as the same may be amended from time to time, and on file in the Office of the Town Clerk.

Floor Area, Gross. *The sum of the gross area (horizontal) of every floor of a building, as measured by the exterior faces of the walls or from the centerline of party or common walls separating two buildings, dwellings, or distinct and separate non-residential uses having no common exterior access. "Floor Area, Gross" shall include: (a) basement space; (b) attic space whether or not a floor has been laid, over which there is structural headroom of 7 feet or more; (c) floor space used for mechanical equipment with structural headroom of 7 feet or more; (d) roofed porches, breezeways, interior balconies and mezzanines; (e) any roofed-over space not located in a basement such as a garage or carport for off-street parking accessory to a dwelling. "Floor Area, Gross" shall not include: (a) cellar space; except that any such space used for a non-residential use shall be included for the purpose of calculating the required off-street parking spaces for such use; (b) elevator shafts and stairwells, accessory water tanks and cooling towers; and (c) patios, terraces, unroofed open porches/decks, and outside uncovered steps. [Note role of defined terms like awning, basement, cellar, etc.]*

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.]

Floor Area, Livable. *That portion of the Gross Floor Area on a Dwelling which is adequately provided with light and ventilation so as to be suitable for residential use and occupancy. "Floor Area, Livable" shall include: Finished basement or attic spaces and enclosed porches; but shall exclude: Garage space; cellar space; terraces/patios, unroofed open porches, steps, and similar*

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unenclosed or unfinished spaces; and stairways and halls serving more than one (1) dwelling unit.

Floor Area Ratio. *The Gross Floor Area in square feet of all buildings on a Lot, divided by the area of such Lot in square feet.*

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. – A [accessory building] *garage* which is not physically connected to a dwelling by means of any permanent structural connection other than pavement or fences. [Any accessory structure over 160 square feet shall be considered a garage and shall have a maximum height of 20 feet at mean roof height.]

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

Grade, Finished. The final elevation, upon the completion of development or construction, of the average ground level adjoining a building or other structure at all exterior walls or points of the foundation. “Finished grade” shall indicate that amount of grading customarily necessary for the construction of the subject building or structure, and not filling or excavation for the purpose of altering the require building height, achieving scenic views or vistas, or other purposes not customarily necessary to construction.

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

Ground Grade – Existing *The natural elevation of the ground level in it's natural state before construction, filling, or excavating.*

Governmental Services. *Any activity or use, carried out by a public agency or its duly authorized agents, such as police stations, refuse disposal areas, schools, pollution control plants, highway garages, town halls, town office buildings, fire departments, non-commercial ambulance and other emergency services, and other similar uses. [To avoid confusion about “public” as open to the public versus owner/operated by the public.]*

Gross Floor Area. *See "Floor Area, Gross".*

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.*

Group Day Care Home. *A use of land or buildings which offers or provides a program of supplementary care for compensation to not less than seven (7) nor more than twelve (12) related or unrelated children outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days in the week; "Group Day Care Home" does not include services which are (1) administered by a public or private school system which is in compliance with Connecticut General Statutes Section 10-188, (2) recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community-youth programs, (3) informal arrangements among neighbors or relatives in their own homes, (4) drop-in supplementary child care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently. "Group Day Care Home" includes "Group Day Care Home" as defined in Section 19a-77 of the Connecticut General Statutes but does not include "Family Day Care Home" or "Child Day Care Center" as defined in said Section. **[Must be defined because CGS apply for residential zones.]***

Health Officer. *The legally designated health authority of the Town of East Lyme or the authorized representative(s).*

Hedge. *A row of closely planted shrubs or low-growing trees forming a fence or boundary.*

Helistop. *A landing and take-off pad for the pickup and discharge of passengers by helicopter for the exclusive use of the owner of the lot upon which the helistop is located, and excluding passenger service to the general public. A Helistop shall be accessory to the principal use of the lot or building upon which it is located.*

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Home Occupation. Accessory uses conducted for compensation by the occupant(s) of a residential building or lot which complies with the provisions of Section VII.6 (Special Regulations) of these Regulations

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.]

Illegal Use of Land, Building or Structure. *Any use, whether of a building or other structure, or of a tract of land; or the erection of any building or structure, in/on which a violation of any provision of these Regulations has been committed or shall exist, or which use is not specifically listed as permitted in these Regulations. Such violation shall be determined as of the date of establishment of such use, as nearly as the same may be determined. [To distinguish from legal nonconforming use, building, etc.]*

Impervious Surface: *An area of a lot which has been improved in such a way as to be impenetrable by surface water. Such surfaces include, but are not limited to, roofs, paved areas (roads, driveways, parking lots, sidewalks, patios, etc.), and swimming pools.*

Inland Wetland. *Those areas designated and defined as inland wetlands by the East Lyme Inland Wetlands and Watercourses Agency, pursuant to its Regulations, as the same may be amended from time to time.*

Junk – *Any scrap, waste, reclaimable material, or debris.*

Junk Yard. *An area of land, with or without buildings, used, either as a principal or accessory use, or occupied by the outdoor storage of used or discarded materials such as wastepaper, rags, scrap metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without dismantling, processing salvage, sale or other use or disposition of the same. A deposit or the outdoor storage on a lot of two (2) or more wrecked or unregistered vehicles, or vehicles otherwise not in a condition for legal use on public highways, or parts of two (2) or more such vehicles, shall be deemed a junk yard.*

Kennel, Dog. *A place, open or enclosed, in which a total of three (3) or more pets, limited to dogs, are kept for breeding, boarding, grooming, or medical attention. [To distinguish from personal pets.]*

Livestock / Farm animals. *Includes such domestic animals as horses, cows, goats and sheep, poultry, or the like.*

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Lot. *One (1) or more contiguous parcels of land under unified ownership, and separately described in a Deed of record, which is occupied or capable of being occupied by one (1) principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by these Regulations, and which, in addition, meets the minimum area, width, and other applicable requirements of these Regulations for the zone in which such parcel is located, or is a legal non-conforming parcel, as defined in these Regulations. In the case of multiple or two-family dwellings, a group of buildings under the same ownership shall be considered as occupying the same lot. The term "lot" includes the terms "plot" and "parcel", but those terms do not include the term "lot".*

[**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 Area. *The area of a horizontal plane bounded by all lot lines.*

Lot, Corner. *A lot of which two (2) adjacent sides face a street or streets so that the interior angle of the intersection is less than one hundred thirty-five (135°) degrees, provided that the corner of any such intersection is not rounded by a curve having an inside radius greater than fifty (50') feet.*

Lot Coverage. *The ratio between the Building Area impervious surfaces and the gross area of the Lot.*

Lot Frontage, Lot Frontage Line. *The length of the shortest straight line between Side Lot Lines and located entirely within the Lot, and passing through any point(s) of the Front Lot Line. In the case of a Rear Lot, the Lot Frontage shall be measured at that point closest to the Street from which the Lot derives its principal access, at which point the minimum Lot Width for the subject zone is met.*

Lot Line. *Any boundary line of a Lot.*

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

Lot Line, Front. *That Lot Line being along the Street Line which that Lot abuts. In the case of Rear Lot, that Lot Line being closest to the Street from which the Lot derives its principal access.*

Lot Line, Rear. *The shortest single straight Lot Line which is roughly opposite of, and farthest from, the Front Lot Line, which line is at least the length of the minimum Lot Width required by these Regulations for the subject zone; or, if such line does not exist, the shortest straight line between Side Lot Lines which is roughly opposite of, and farthest from, the Front Lot Line,*

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which line is contained within the Lot and which is at least the length of the minimum Lot Width required by these Regulations for the subject zone.

Lot Line, Side. *Any Lot Line not a Front Lot Line or a Rear Lot Line extending directly or indirectly from the Front Lot Line.*

Lot, Non-Conforming. *See "Non-Conforming Lot".*

Lot, Rear. *See Rear Lots.*

Lot of Record. *A lot for which a Deed has been recorded in the Office of the Town Clerk of the Town of East Lyme, which lot met the requirements of these Regulations and of the East Lyme Subdivision Regulations, as the same were in force at the time of such recording.*

Lot, Through. *A Lot, other than a Corner Lot, having frontage on two (2) or more Streets. [Definition needed if they are to be regulated differently from other lots.]*

Lot Width. *The minimum distance between the Lot Side Lines, measured at any point between the Lot Frontage Line and the Lot Rear Line.*

LPG Tanks *Liquefied Petroleum Gas Tanks used for heating, cooling, and cooking.*

Manufacturing. *Any process whereby the nature, size, or shape of articles is changed or where articles are assembled or packaged in quantity.*

Mobile Manufactured 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. Also known as a recreational vehicle.*

Non-Building Use. *A Principal Use of land to which the Buildings on the Lot, if any, are Accessory; such as, a Trailer, Junkyard, Public Parking Lot, a Flea Market, or open storage yard for materials.*

[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.]*

Non-Conforming Building or Structure. *A building or structure legally existing on the effective date of these Regulations, which met all requirements of the Zoning Regulations then in force, if any there were, on said effective date, but does not meet the current requirements of these*

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Regulations; or a building or structure legally existing on the effective date of any amendment hereto which caused such building or structure to cease to meet the requirements of these Regulations.

Non-Conforming Lot. *A Lot of Record, subject to the requirements of Section IX of these Regulations.*

Non-Conforming Use. *The actual use of land, buildings, or premises which is not a use permitted by these Regulations for the zone in which such use is occurring, but which was legally existing and conformed to all requirements of the Regulations then in force, if any, on the effective date of these Regulations or on the effective date of any amendment hereto which caused the use to cease to meet the requirements of these Regulations. See Section 9.2 (Non-Conforming Uses).*

Nursery Schools. *See "Day Care Center".*

Occupy. *To take possession or enter upon for the purpose of using. When applied to a trailer, to use for sleeping and dwelling purposes.*

Open Space (as applied to Bulk and Yard Requirements). *An unoccupied space open to the sky on the same lot as the subject building or structure.*

[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.]

Parcel. *Any contiguous piece of land, including one or more contiguous lots of record, unified under the same ownership, whether or not every said piece of land was acquired at the same time; excluding, however, any parcel which is a "lot", as that term is defined in these Regulations.*

Park. *An area set apart for recreation of the Association members and guest, to promote its health and enjoyment, and owned and operated by the Association.*

Parking Lot. *A Lot on which the principal use is the storage of registered motor vehicles with Parking Space(s) available to Association members and their guest.*

Parking, Off-Street. *Parking space(s) as required by these Regulations which is/are located outside a public Street right-of-way.*

Parking Space. *A space or the parking of a motor vehicle within a public or private parking area.*

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Patio See Terrace

Paved Area. *An area covered with an impervious material such as concrete, asphalt, or bituminous concrete to be used for the storage, passage, or conveyance of motor vehicles or pedestrians, including, but not limited to, streets, parking lots, driveways, loading areas, sidewalks, or impervious surface drainage swales.*

Pergola. *Structure used as an outdoor living space that has vertical post or pillars supporting an open roof of beams, cross rafters, and sometimes lattic.*

Person. *An individual, firm, partnership, joint venture, association, club, corporation, estate, trust, receiver, syndicate, or other entity or combination thereof.*

Personal Water Craft (Jet Ski/ Sea-Doo)– a recreational watercraft propelled by engine that is ridden like a motorcycle by one or more people

Pets *Domesticated animals such as dogs, cats, caged birds, and pets exclusively housed inside such as aquarium fish, hamster, turtles, and the like, but excluding livestock or farm animals.*

Plan of Conservation and Development: *That document or documents adopted by the Planning Commission under the authority of Conn. Gen. Stats. §8-23, as the same may be amended from to time and including, but not limited to, the Town’s Municipal Coastal Program. Sometimes referred to as a Master Plan.*

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 cabanas shall have a maximum size of 160 square feet and shall not exceed 14 feet to the peak.

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.

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.

Premises. *A Lot or Parcel and all Buildings, Uses and Structures located thereon.*

Principal Building. *That single building, or inter-related group of buildings, in which is conducted the principal use of the lot on which the building is situated.*

Principal Use. *The primary purpose or function for which a premises is used, designed, or intended to be used.*

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Public. *Used or controlled exclusively by any department or branch of a governmental unit; excluding clubs, associations, and other private entities which may serve a public purpose. Compare to Governmental Service.*

Re-subdivision *shall mean a change in the map of an approved or recorded subdivision or re-subdivision if such change: Diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such a map.*

Retaining Wall. *A wall designed to hold back earth materials.*

Right-of-Way. *A servitude imposed by law or by convention, and by which one has a right to pass through the real property of another.*

Sailboats and Catamarans – Boats designed to be propelled primarily by *wind using* sails, wings, or other devices.

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.

[Sheds that are under 100 square feet have a setback of five feet from the side and rear yard property line and a maximum height of 12 feet to the peak. For sheds with a square footage of 100 square feet to 160 square feet the setback shall be 10 feet from the side and rear property line and have a maximum height of 14 feet to the peak.]

Short Term Rentals - Short-term rental means *the use of* a dwelling unit, or portion thereof, that is offered or provided to a *transient* guest by a short-term rental owner or operator for a fee. Commonly referred to as vacation rentals.

Sign. *Any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term "sign" shall include sculptures and similar works of art designed or intended to attract the attention of the general public to commercial or residential premises.*

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Sign, Directly Illuminated. *Any Sign designed to give forth any artificial light directly or indirectly through any transparent, reflective, translucent or similar material, from a source of light contained within, upon, or otherwise structurally integrated into such Sign; but not including a “channel” letter in which the light source is concealed within the rear side of a hollow, opaque letter mounted on a wall, with the letter silhouetted against the halo of the reflected light.*

Sign, Indirectly Illuminated. *A Sign illuminated by a light source which is remote from the sign structure and so shielded that no direct rays therefrom are visible elsewhere than on the Sign Face, or the area immediately around it, but in no event visible off the Lot where said Sign is located. If such shielding is defective or fails to conform to the criteria of this definition, such Sign shall be deemed to be a Directly Illuminated Sign.*

Sign, Temporary. *Any Sign which is intended to advertise community or civil projects, construction projects, real estate for sale or lease, or other special events of a temporary nature, and erected on a temporary basis.*

Story. *That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.*

Street. *An improved right-of-way or fee simple parcel of land dedicated [and accepted by the Town or the State of Connecticut] for the purpose of public travel by lawful procedure and suitable for vehicular travel; or a proposed street shown on a subdivision plan approved by the Commission in accordance with the applicable provisions of the East Lyme Subdivision Regulations.*

Street Line. *The line separating a street from the abutting non-public property.*

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 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 which is constructed or erected and the use of which requires more or less permanent location on ground or water areas or attachment to something having permanent location on ground or water areas, not, however, including wheels and designed or intended to be mobile; an edifice or a building of any kind; any production or piece of work, artificially built up or composed of parts and joined together in some definite manner, including signs, vending*

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machines, fences or walls, a wharf or dock, an above-ground tank, or a detached solar panel or satellite dish. A structure shall not include a flagpole, dog houses, ornamental well, patios, walkways, and driveways constructed at ground level.

[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.]**

***Subdivision.** The definition of the term "subdivision" as used in these Regulations shall be the same as that term is defined in the East Lyme Subdivision Regulations.*

***Tag Sale.** The temporary use of land or the buildings thereon for the purpose of the public sale of personal household goods by the owner or resident thereof in conjunction with the cleaning-out or vacating of residential premises. In no way does the term "tag sale" encompass the sale of any goods brought to the premises for the purpose of public sale except where more than one (1) family may cooperatively enter into such a sale at one (1) location. The term "tag sale" shall include garage sale, yard sale, barn sale, attic sale, and any similar term or activity. Compare to Flea Market. [Allows for regulation.]*

Terrace / Patio A level, landscaped and / or surfaced area located **[at no more] less** than [2"] 18" above *existing ground* grade *at any point of the terrace construction* with no roof and no structural supports other than subsurface materials. **Decks start a 18 inches.**

***Town.** The Town of East Lyme, a municipal corporation having its territorial limits within the Town of East Lyme, County of New London, and State of Connecticut.*

***Tract.** See "Parcel".*

Trailer A vehicular device designed to be pulled by a motor vehicle as provided *with the conditions* 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 *twenty-six feet* [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.

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Use. *Any purpose for which a building, structure, or premises may be designed, arranged, intended, maintained, or occupied; or, any activity, occupation, business, or operation actually carried on in a building or other structure or on a lot or parcel. [Note “designed, arranged for” so you don’t have to prove that an illegal use is actually being employed for that purposes. Eases enforcement.]*

Use, Non-Conforming. *See "Non-Conforming Use".*

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

Wall. *A vertical exterior surface of a building or structure, continuous vertical structure that encloses or divides an area of land.*

Watercourse. *Those areas designated and defined as watercourses by the [town] Inland Wetlands and Watercourses Agency, pursuant to its Regulations, as the same may be amended from time to time.*

Week. *A week is defined as an interval of exactly seven days.*

Wetland. *See "Inland Wetland". [Towns with tidal wetlands will need to distinguish.]*

Yard, Required. *An open space on the same lot with a Building having those minimum dimensions prescribed by these Regulations. [Some towns use “setback” instead of “yard.” Either works as long as you are consistent.]*

Yard, Minimum Required Front. *A Yard between any Principal Building and the Lot Frontage Line, extending the full width of the Lot between the Lot Side Lines, measured by the minimum horizontal distance between any such Building and the Lot Frontage Line; or, in the case of a Corner Lot, a similar Yard extending along all streets. At no point shall the required Front Yard be less than the Lot Width required for the subject zone.*

Yard, Minimum Required Rear. *A Yard between any Principal Building and Rear Lot Line, extending the full width of the Lot between the Lot Side Lines, measured by the minimum horizontal distance between any such Building and the Rear Lot Line; or, in the case of a Corner Lot, a similar Yard extending across the side of the Lot opposite the Street on which the principal building has its street address, or is otherwise the designated front of the Lot.*

Yard, Minimum Required Side. *A Yard between the Side Lot Line and any Principal Building, extending on both sides of the Lot from the Front Lot Line to the Rear Lot Line; or, in the case of a Corner Lot, a similar Yard extending across the side of the Lot opposite the Street on which*

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such building does not have its street address, or is otherwise not the designated front of the lot. Any Yard not a Rear Yard or a Front Yard shall be deemed to be a Side Yard.

***Zone.** An area within which certain uses of land and buildings are permitted, certain others are prohibited, and certain others are designated as uses requiring a Special Exception or Special Permit from the Commission or the Board; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being identical for all property located within the zone to which they apply.*

SECTION V – DISTRICTS and BOUNDARIES

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

Residence District

All the zoned area of the Black Point Beach Club Association except the business *and association* 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.

Business District

The Business District of the Black Point Beach Club Association shall consist of lots 722 and 723 as described on the 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.

Association District

Association District includes the following lots as described on the 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.

6 Sunset Avenue – lots 1059 – 1065 plus the land identified as “Woodland Park and Playground”,

65 Nehantic Drive – lots 738 – 740, presently the “Tennis Courts”

8 Whitecap Road – lots 270 – 272, presently the “Parking Lot”

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Beach Properties identified as “Reserved Beach” and Parcel ID 5.11 / 71 and 5.2 / 67 by the Town of East Lyme Assessor,

Old Black Point Road shoreline property identified as Parcel ID 5.1 / 7 by the Town of East Lyme Assessor,

Access ways east of East Shore Drive identified as Billow Road, Bellaire Road, Nehantic Drive, Cahill Way, White Cap Road, Sea Breeze Road, Seaview Avenue, Sea Crest Avenue, Sea Spray Avenue, Saltaire Avenue, Brightwater Road, Osprey Road, and Blue Heron Road.

Access way between Sea View Avenue and Sea Crest Avenue, east of Sunset Avenue.

Included is the one-foot buffer strip on the perimeter owned by the Association on the Association boundaries. Moved from residential district.

SECTION VI PERMITTED USES

Permitted Uses 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.

Permitted Uses – Residential District – The following uses of buildings and/or land and no others are permitted in the residence district *upon the issuance of a zoning permit by the Zoning Enforcement Officer.*

1. a. One single family [detached] *dwelling as an accessory residential use only on the second floor.*
 - b. Accessory apartments as regulated in Section VII.1.
 - c. *Rental of the entire dwelling for a period of not less than one week at a time. Known as Short Term Rentals.*
 - d. *Accessory structures as permitted in these regulations.*
 - e. ***Family Day Care Home and Group Day Care Home***
2. 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.

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3. 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 *in Section VII.6:*

Permitted Uses – Business District The following uses of buildings and/or land and no others are permitted in the business district *upon the issuance of a zoning permit by the Zoning Enforcement Officer.*

1. Any building or use permitted in a residence district.
2. [Post Office.]
3. Retail store [excluding:] **limited to the following:** *Grocery, Deli, Real Estate Office, Insurance Office, Finance Office, Art & Antique Shop, & Bakery.*

The following are prohibited:

- a. Store selling alcoholic beverages *except for what is allowed under a Grocery Beer Permit under the Connecticut General Statutes but specifically excluding onsite consumption.*
- b. Store offering for use more than three (3) electronic video games or other coin operated amusement devices.
- c. *Sale of Cannabis Products*

Permitted Uses in the Association District *The following uses of buildings and / or land and no others are permitted in the Association District upon the issuance of a zoning permit by the Zoning Enforcement Officer.*

1. *Community Buildings / Club House owned by the Black Point Beach Club Association.*
2. *Storage Buildings owned by the Black Point Beach Club but excluding accessways to the shoreline property.*
3. *Recreational Facilities including but not limited to tennis courts, basketball courts, ball fields, beaches, docks, jetties, and playgrounds owned by the Black Point Beach Club.*
4. *Parking Lots owned by the Black Point Beach Club.*
5. *Gazebos, Pergolas, Temporary Tents, and any outdoor accessory structures.*

SECTION VII PROHIBITED USES

Accessory Buildings – No accessory building may be used as a dwelling *unless approved as provided in Section VII.1.*

Commented [MKB1]: Permitted by what procedure? ZEO Zoning Permit? Site Plan Review? Special Permit? There is no right or wrong answer, but we need to specify.

Commented [JV2R1]: ZEO permits all applications - No SPR or Sp Ex

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Junk Materials & Debris - Lots and yards shall be kept completely free from trash, rubbish, unregistered motor vehicles, unstacked firewood, unstacked building materials or other items which are unsightly.

Junk Yards

Livestock / Farm Animals Prohibited – There shall not be constructed or maintained within the limits of the Association any cow or horse stable, pigsty, slaughterhouse, chicken coops, beehives or any structure to house, *contain, or enclose such farm* [prohibited] animals

Lodging 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 *all* zones. The rental of an entire dwelling for a permitted use for a period of less than one week is prohibited in [this] *all* zones.

Manufacturing

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.

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 vehicle when temporarily engaged in providing a service directly related to the property where it is parked. *No motorhome shall exceed twenty-six feet when stored on a residential property.*

SECTION VIII – GENERAL REGULATIONS

These regulations shall apply in all districts:

1. Accessory Apartments

- a. 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.

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b. Standards:

1. An accessory apartment may be used for dwelling purposes provided that the property contains the required area and meets the conditions noted 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 Connecticut Building Code, and the Connecticut Public Health Code.
2. An accessory apartment may have one or two bedrooms.
3. 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.
4. For accessory apartments which will be constructed within the existing single-family dwelling and accessory structures, [a competent] *professionally prepared* 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.
5. 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.
6. 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; *and exterior corrugated or sheet metal wall surfaces shall not be permitted.* 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.
7. 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 (*two vehicles*) and the accessory apartment (*one vehicle*) 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

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an all-weather surface.] No parking space shall be located within the boundary of a street right-of-way.

8. 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.

9. 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.

2. Boats, Boat Trailers, Camping Trailers, Motorhomes, or Utility Trailers –

Only one (1) of the following may be stored on a lot at any one time:

One boat not to exceed 26 feet in length, OR

One camping trailer, OR one utility trailer.

Such items listed above, shall comply with the regulations below:

- a. All boats, **boat trailers**, camping trailers, *motorhomes* or utility trailers shall be licensed and registered as required by Connecticut State law. Any of the above items that are unregistered according to state law shall be considered junk under these regulations and prohibited from storage in any area of the Black Point Beach Club Association.
- b. Camping Trailers *and motorhomes* shall not be used as living quarters within the confines of the Black Point Beach Club Association and shall not *exceed twenty -six feet in length* [exceeding a gross vehicle weight rating of 5,000 pounds].
- c. Utility Trailer – A trailer, whether uncovered or enclosed, shall not exceed 16 feet in length and it shall not have a gross vehicle weight rating of more than 2,600 pounds.
- d. Any such utility trailer, camping trailer, boat, or other watercraft exceeding sixteen (16) feet shall be located behind the front setback building line. Boats exceeding sixteen (16) feet are allowed forward of the front setback building line between April 15th and June 1st, while boats are being prepared for the boating season: *provided* however, *that* boats moved forward shall not extend into a public area or right-of-way, and are not to obscure any view which may cause danger to vehicular or pedestrian traffic on a public street or

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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.

3. **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. During the period between November 1st and April 1st, construction may commence at 7:00 am Monday through Friday. Saturday and Sunday hours are still 8:00 am to 6:00 pm.
4. **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.
5. **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.

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6. **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 *livable* 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.
 - 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.
7. **Pets** - The keeping of pets shall be restricted to caged birds (canaries, parakeets, etc.), *pets exclusively housed inside such as aquarium fish, hamster, turtles, and the like*, cats and dogs. All local and state ordinances, laws and regulations shall be complied with in the keeping of pets.

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8. Portable Storage Containers (PODS) and Dumpster, and Construction Trailer Requirements

- a. In the event of a fire, storm, major reconstruction of a home, or moving *in or out of a dwelling* a temporary permit may be issued for the placement of a “Portable Storage Container” and / or Dumpster, and / or Construction Trailers.
- 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. “Dumpster” - a large trash receptacle designed to be hoisted and emptied into or towed away with a truck.
- d. “Construction Trailers” – Trailers designed to store equipment, materials, and supplies, *or serve as a temporary construction office.*
- e. No person shall place a portable storage unit, dumpster, or construction trailer 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. Application can be combined with the application of any zoning permit.
- f. Only one of each - being one portable storage unit, one dumpster, one construction trailer is permitted on the property at one time. The maximum 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. The maximum size of any dumpster shall not exceed 30 yards (twenty-two (22) feet in length by eight (8) feet wide by six (6) feet in height).
- g. The portable storage container, dumpster, and / or construction trailer has to be located at least five (5) feet from any property line. Location(s) is to be designated on a site plan by the applicant. 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] *authority* to determine if the placement may cause danger and has the authority to order the Portable Storage Container relocated.
- h. The use of the portable storage container, dumpster, and or construction trailer is temporary and a permit shall be issued for a period of one (1) year or until the project is

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complete if shorter than one year. The owner may apply for an extension if unusual [hardship] *circumstances* can be demonstrated.

- i. Any portable storage container shall be free of dents, rust and/or graffiti and shall be maintained in good condition.
9. **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.
10. **Signage** - 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 *and subject to the following conditions.*
Dynamic Signs and Internally Illuminated Signs: No signs shall be of the type that moves, rotates mechanically or is internally illuminated by a light source, which visibly flashes, oscillates, pulsates, or otherwise automatically changes in intensity or color.

External Illumination: Indirectly illuminated Signs - Any sign which includes external illumination shall be arranged so that all light is concentrated on the sign with down splash lighting and there shall be no direct light cast on the street, sidewalk, or adjacent property. Lighting is to be mounted directed downward onto the Sign Face, and not upwards from the ground or from the sides of the Sign.
11. **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.
12. **Wall, Fences, & Hedges**

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- 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 within 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 VII.12.a 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.

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SECTION IX – 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 at mean roof height *and a maximum height of thirty-eight feet (38) from the lowest natural of existing grade. See Appendix B*
- d. It shall have no more than two (2) floors of living space (above grade).
- e. **BUILDING HEIGHT REGULATION FOR STRUCTURES IN AREAS OF SPECIAL FLOOD HAZARD OR COASTAL HIGH HAZARD AREAS**
 1. When a proposed structure that is in a Special Flood Hazard or Coastal High Hazard Areas is required to have the lowest floor elevated to one (1.0) foot above the base flood elevation as determined by the East Lyme Building Official, the following exceptions apply to the building height:
 2. The maximum height of any building structure shall be twenty-five feet, measured from the base flood elevation to the mean roof height. In no case shall any peak or other building feature exceed thirty-six feet when measured from the base flood elevation 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. *See Appendix C*
- 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, patios, **and decks without a roof** 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:

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1. Beach Front Lots - Twenty-five (25) feet from the lot lines *on the side of a beach front lot which faces* [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 (2) accessory buildings, of which can be a combination of two structures (a garage, a shed, a gazebo, a pool cabana, *pergola*, or other such accessory buildings) and be constructed on any buildable lot within the limits of the association, provided that such accessory building must meet the following requirements:

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 at mean roof height;
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 *unless approved as an accessory apartment*.
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 *unless approved as an accessory apartment*.
7. The conversion of a detached garage to an attached garage shall require a zoning permit.

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8. It shall be located on the lot to maintain the following setbacks from the lot lines:

On A Beachfront Lot - Twenty-five (25) feet from the lot line on *the side of the lot facing* 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.

b. Shed, *subject to the following*;

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 160 square feet.

3. It shall be located on the lot to maintain the following setbacks from the lot lines.

On a Beachfront Lot – Twenty (25) feet from the lot line *the side of the lot facing the* [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 *property*, and for all other lot lines a shed under 100 square feet the setback from the 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 with a maximum height of 14 feet to the peak.

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 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 with a maximum height of 14 feet to the peak.

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

c. 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:

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1. It may not be constructed or erected before the principal building has been lawfully constructed upon such lot.
2. A pool cabana shall not exceed the dimension of 160 square feet [and] *or a roof height of* 14 feet to the peak.
3. For the purposes of this subsection, any above ground, movable pool not exceeding the dimension of eight (8) feet by eight (8) feet or eight (8) feet in diameter shall be required to meet the setback requirements for the sheds *in the proceeding section*.
4. 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.

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

- d. **Other Accessory 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 sheds. *See Section VIII.b of these Regulations.*
- e. **Cupolas** - On any structure a cupula or cupolas maybe constructed as long as the base(s) do not exceed two (2) inches per *lineal* foot of ridgeline *upon which cupola s mounted*. The height shall not exceed three times the length of the base at the ridge line and measured to the peak of the cupola. This is not intended to include weathervanes and decorative features.
- f. **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.

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3. Accessory equipment shall be screened by evergreen plantings or [other materials] *fencing* acceptable to the [Commission or its designee] *Zoning Enforcement Officer* and shall be of sufficient height to obscure the equipment from view of the street.

g. Permanent Outdoor Installations – Outdoor Installations such as barbeque grills, bars, and fire pits that are not portable shall meet the setback requirements for that District.

h. Underground LPG Tanks - 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.

SECTION X – 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 *considered merged for zoning purposes* [combined into one lot on the land records] .

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5. The owner of two (2) or more adjoining or contiguous lots may, upon *review of an A-2 survey following the mapping criteria of the East Lyme Subdivision Regulations and demonstrating the proposed lot lines conform to the Black Point Beach Club Association Zoning Regulations* may be [approval] approved by the Board of Governors of the Association, *acting as the Planning Commission, and* re-subdivide those nonconforming lots to create one (1) or more conforming lots.
6. Except as set forth in Section IX.11, a nonconforming building shall not be enlarged or extended, vertically or horizontally, unless:
 - a. Such extension or enlargement complies with the set back requirements of these regulations regardless of the existing setback lines of the nonconforming building except as noted below; and
 - b. 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, *coverage* dimensions and number of floors.
 - c. 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.
 - d. The roofline immediately over [actual occupied] *livable floor* 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.
7. Nonconforming structures exceptions.
 - a. 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.
 - b. EXCLUDED FROM THIS PROHIBITION ARE:
 1. Additions of a second story to an *existing* one-story single-family dwelling, *provided that the building height does not exceed the maximum in the district.*

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2. Conversions of single-family one-and-one-half story dwellings to two-story single-family dwelling, either by means of dormers or upward extensions of existing sidewalls.
3. Conversions to two stories of one-story appendages to two-story single-family dwellings *provided that the building height does not exceed the maximum in the district.*
4. Construction of an addition that fills in a section of the single-family dwelling when two adjacent exterior walls are already non-conforming *but no closer to a lot line than those two adjacent exterior walls.*
5. Construction of an addition 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 setback *lines*. This extension *exception* can be used only one time on a property.
6. *Exceptions under Section IX.7 apply only to the principal single-family dwellings and not accessory detached buildings.*
7. *Structure exceptions for an accessory apartment is permitted only when used in the principal building and not 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] *building height limits* specified elsewhere in these regulations.
3. Alter the single-family status of the dwellings *unless approved as provided in Section VII.1.*
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.

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

d. [Nothing shall prevent the] Construction of additions to *nonconforming* single-family [detached residential] dwellings *may be approved* provided that the following conditions are met:

1. No lot within the scope of these provisions may contain more than one dwelling *unless approved as an accessory dwelling as provided in Section VII.1.*

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). *See Appendix A for mapping requirements.*

Minor accessory structures that are [one-hundred and sixty (160)] *two hundred (200)* 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.

8. NONCONFORMING LOTS

Legally nonconforming lots 79 feet or less in width: In the case of any *legally nonconforming* lot 79 feet or less in width, the minimum combined width of both side yards and the minimum width of the narrowest side yard shall be respectively as follows;

LOT WIDTH	COMBINED WIDTH OF SIDE YARDS	MINIMUM WIDTH OF NARROWEST SIDE YARD
UNDER 40 feet	16 feet	8 feet
40 feet to [49] <50 feet	18 feet	9 feet
50 feet to [59] <60 feet	20 feet	10 feet
60 feet to [69] <70 feet	24 feet	12 feet
70 feet to [79] <80 feet	28 feet	14 feet

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Note that the side yard is measure at the proposed construction area and not the front property line.

9. NONCONFORMING LOTS – LOT DEPTH

Legally nonconforming lots 65 feet or less in depth: In the case of any *legally nonconforming* lot 65 feet or less in depth, the minimum front yard and the minimum rear yard shall be respectively as follows;

	MINIMUM	MINIMUM
LOT DEPTH	FRONT YARDS	REAR YARD
UNDER 40 feet	11 feet	5 feet
40 feet to [49] <50 feet	11 feet	10 feet
50 feet to [59] <60 feet	15 feet	10 feet
60 feet to 65 feet	15 feet	15 feet

Note – The front and rear yard is measured at the proposed construction area.

10. LANDING 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 setback areas shall be permitted unless expressly authorized by a variance granted by the Zoning Board of Appeals:

- a. Landings in the setback area shall not exceed the dimensions of six (6) feet by six (6) feet.
- b. Stairways and landings shall not extend into a side or rear setback area less than five (5) feet from the property line, nor into a front setback area less than five (5) feet from the property line.
- 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.

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SECTION XI - 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 measures 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.

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SECTION XII – 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:
 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 Beach Club Association Zoning Commission or any official in charge with the enforcement of the regulations.

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- c. The Zoning Board of Appeals will send a notice of the requested variance *or Zoning Enforcement Officer appeal* [of the property] and the time and date of the hearing at which it will be heard to all owners whose property is within fifty (50) feet of any lot line from the property being considered for a variance *or appeal*. Notice to the landowners will be sent to the address *shown on the current Grand List of the Town of East Lyme* [used for tax collection] as well as the Black Point address.
- d. To adopt such rules and procedures as may be necessary to carry out these regulations.
- e. Notwithstanding the foregoing powers, no variance shall be granted which will permit in any district a use which is not permitted in that district.
- f. *In accordance with Connecticut General Statutes Section 8-6a, whenever an application for a variance is joined with an appeal of any order, requirement or decision of the Zoning Enforcement Officer, the Board shall decide the issues presented in the appeal before considering the variance application.*
- g. *The Board shall hold a public hearing, close such hearing, and render its decision on any application within the time limits imposed by Section 8-7d of the Connecticut General Statutes. The Board may reverse or affirm wholly or partly or may modify any order, requirement or decision appealed from, and make such order, requirement or decision as in its opinion should be made. When acting on an appeal from a decision of the Zoning Enforcement Officer, the Board shall have all the powers of such Officer, but only in accordance with Connecticut General Statutes '8-7, and only to the extent that the Board's actions deal directly with the subject of such appeal. Such order, requirement or decision, and any grant of any variance, may be subject to such conditions and restrictions as appear necessary to the Board in order to ensure that the granting of the application or petition shall be in harmony with the purposes of these Regulations, as set forth in the Preamble to these Regulations, and as set forth in Section 8-2 of the Connecticut General Statutes. In granting any variance, the Board shall describe specifically the exceptional difficulty or unusual hardship on which its decision is based, and why the granting of the variance is in harmony with the purposes of these Regulations.*

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- h. *Any variance or exception in the use of buildings or land which is granted by the Board shall be placed upon the Land Records of the Town of East Lyme by recording a copy of the variance with the Town Clerk or as otherwise provided by the Connecticut General Statutes as amended.*

- i. 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.

- j. 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 *or decision* 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]. *Existing regulations now allow ramps – no variance needed.*

SECTION XIII – 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 XIV – 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 XV – EFFECTIVE DATE

The most recent amendments to these regulations have been adopted on October 9, 2021 by the Zoning Commission of the Black Point Beach Club Association as authorized by law after a public hearing held on October 9, 2021 and becoming effective on December 1, 2021

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Previous amendments to these regulations have been adopted on October 30, 2020 by the Zoning Commission of the Black Point Beach Club Association as authorized by law after a public hearing held on October 17, 2020 and becoming effective on December 1, 2020.

Previous amendments to these regulations have been adopted on August 16, 2019 by the Zoning Commission of the Black Point Beach Club Association as authorized by law after a public hearing held on August 16, 2019 and becoming effective on November 1, 2019.

Previous 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 but less than \$150,000	\$600
Zoning Permit Application for use, construction or alteration valued at \$150,000 or more but less than \$200,000	\$750
Zoning Permit Application for use, construction or alteration valued at \$200,000 or more. Add \$150 for every \$100,000 or portion of value (\$200K += \$900, \$300K += \$1050, \$400K += \$1200, etc.)	
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	\$600
All other activities requiring Zoning Enforcement Officer activity for an individual property not previously specified, e.g. location of above ground propane tanks	\$45

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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, 6 Sunset Avenue, Niantic, CT 06357 or call the Zoning Enforcement Officer to arrange dropping off the application at the Club House drop box on the side of the building.

Checks are to be made out to the Black Point Beach Club Association.

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**APPENDIX A - SITE PLAN REVIEW REQUIREMENTS FOR NEW HOUSES
AND MAJOR ADDITIONS AND RENOVATIONS.**

Major additions/structures are [160] **200** 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). Plans drawn at 1" = 20'*
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. ___ *Existing and proposed topography, including topography and buildings on adjacent properties for 15 feet from the property line.*
11. ___ *Abutting property owners*
12. ___ *Existing buildings (dimensions/finished floor elevations).*
13. ___ *Proposed buildings (dimensions/finished floor elevations, top of foundation elevations).*
14. *Proposed driveway/off street parking with elevation, grade, apron area, surface treatment, width, and clearance.*
15. *Existing and proposed utilities (water lines & sewer line including the mains in the street)*
16. *Footing drain inverts, outlet, and separation*
17. *Erosion and sediment control plan*

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18. *Existing and proposed easement areas*

19. *Land surveyor with original seal and signature.*

**AS-BUILT REQUIREMENTS FOR NEW HOME CONSTRUCTION AND MAJOR ADDITIONS OVER
[160] 200 SQUARE FEET**

**** 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**

**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.**

APPENDIX B BPBCA BUILDING HEIGHT DIAGRAM

**APPENDIX C BPBCA BUILDING HEIGHT DIAGRAM IN SPECIAL FLOOD HAZARD OR COASTAL
HIGH HAZARD AREAS**