

GIANTS NECK BEACH ASSOCIATION DRAFT ZONING REGULATIONS - June 14, 2024

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KEY **New** **Revised** **No change**

Remove in brackets [] *Revised bold and italics*

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SECTION 1 – PREAMBLE Revised

WHEREAS, the Zoning Commission of the Giants Neck Beach Association in the 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, 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 District 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.

SECTION 2 – JURISDICTION Revised

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 Giants Neck Beach Association, East Lyme Ct which were effective May 30, 1987, 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of said Regulations and the amendments thereto, insofar as they are consistent with these Regulations, are not repealed but are codified in these Regulations.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.

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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.
3. Within the Giants Neck Beach 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.

SECTION 3 – ADMINISTRATION AND ENFORCEMENT

Revised, amended

The provisions of these regulations shall be enforced by the Agent of the Zoning Commission of the Giants Neck Beach 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. New house construction, major renovations, and additions applications will follow site plan review procedures as outlined in Section X. **[ZEO not the Zoning Commission]**
2. No use of a lot may be made and no building or structure shall be constructed, erected, altered, expanded or extended 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 Giants Neck Beach 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 Giants Neck Beach Zoning Regulations for which the requirement for a zoning permit is waived: (1) Any modification, allowed under these Zoning Regulations, which is made entirely within the enclosed interior of an existing building in the residence district, (2) replacement of windows and doors, (3) re-shingling of roofs, and (4) residing of a structure.

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3. Violation of the zoning regulations of the Giants Neck Beach 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 Giants Neck Beach Association.
5. A zoning permit issued hereunder shall be valid for a period of [twelve (12)] **eighteen (18)** months 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] **six (6) months** without any additional fee. If the construction which is the subject of the zoning permit is not completed within said [twelve (12) month] **two (2) year** 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 17 – Schedule of Zoning Fees of these regulations. **Each six (6) month renewal will require an additional fee.**

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 4 – DEFINITIONS **New** **Revised** **No change**

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 Apartments are not allowed in GNBA, and the association voted to opt out of Public Act 21-29.

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 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.

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

Advertising Sign: means any surface or structure with characters, letters or illustrations applied there-to and displayed in any manner whatsoever outdoors for the purpose of advertising or giving information or to attract the public to any place, person, public performance, article, or merchandise, and which surface or structure is attached to, forms part of, or is connected with any building, or is fixed to the ground or to any pole, screen, fence.

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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, to produce a substantial change in appearance, character, or 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 Giants Neck Beach Association, that may be used for transportation purposes or for access to the Giants Neck Beach Association beach or other 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 Long Island Sound.

Billboard: See "Sign, Advertising".

Board: Wherever the term "Board" shall appear in these Regulations, it shall refer to the Giants Neck Beach Association Zoning Board of Appeals.

Boarding House: A dwelling, where for compensation, meals and lodging is provided.

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Board of Governors: The Board of Governors of the Giants Neck Beach Association is a municipal corporation having its territorial limits within the Town of East Lyme, Connecticut.

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

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, 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 and rain gutters.

Building Height: The maximum height of any building structure shall be twenty-eight feet, measured from the front wall to the highest point of the roof. In no case shall any peak or other building feature exceed twenty-eight feet when measured from the 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 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,

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required 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.

Carport: A portion of a dwelling, structurally and architecturally integrated with the design of the dwelling, used for the storage of not more than two private motor vehicles. A carport shall have a permanent floor and roof covering built as an integral part of the dwelling to which it is attached and shall be open on at least three sides, except that trellis work or other decorative work may be erected within the side to occupy not more than 50 percent of the otherwise open area. As an integral part of the dwelling, a carport shall be subject to the front, side, and rear yard requirements applicable to the dwelling. In no event shall a carport be constructed as an accessory building.

Canoes, Kayaks, and Paddle Boards: A non-motorized watercraft designed to be paddled by the operator.

[Catwalk] Ramps, Boardwalks, and Patios: A structure consisting of brick, patio block, slate, wood, or similar material **[except poured concrete]** that does not exceed eight (8) inches in overall height from the existing ground at any point *unless used for wheelchair access* and is not attached permanently to the ground or attached to something having a permanent location. As a separate part of the dwelling or any other structure, a [catwalk] *ramp* and /or boardwalk shall not be subject to the front, side, and rear yard requirements applicable to the dwelling, nor are such structures subject to the open space requirements.

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".

Chimney: Masonry or fire approved stainless steel; if masonry, must be brick or stone faced with tile flue liners; if stainless steel, must be boxed to blend with the existing structure.

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Club: Land, buildings, and facilities owned or operated by Giants Neck Beach 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 Giants Neck Beach 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.

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 8 inches or greater in height above the existing ground grade at any point of the construction to be considered a deck.

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".

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Dog Run: A dog run is a fenced off area in which a dog can be kept confined and get exercise.

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.

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 always maintained in good condition. [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.

Easement: A right, established by 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.

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.]

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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: One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel, boarding house, club, fraternity or sorority house *which are not permitted in GNBA*.

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".

Fence: A structure for enclosure or screening.

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

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

Flag Pole: A pole used for displaying a flag.

Flood (or Flooding): See Flood Hazard Regulations in the East Lyme Zoning 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

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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; (b) patios, terraces, unroofed open porches/decks, and outside uncovered steps.

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 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 garage which is not physically connected to a dwelling by means of any permanent structural connection other than pavement or fences.

Gazebo: An open accessory building not exceeding 180 square feet with a roof not exceeding 14 feet in height at the peak.

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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.)

Ground Grade: The natural elevation of the ground level in its 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.

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 childcare

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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.

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. Helistops are not permitted in Giants Neck Beach Association.

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.

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.

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. See prohibited uses.

Junkyard: 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 one (1) or more wrecked or unregistered boats, one (1) or more of wrecked or unregistered vehicles, or vehicles otherwise not in a

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condition for legal use on public highways, or parts of one (1) or more such vehicles, shall be deemed a junkyard. See prohibited uses.

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.] *Kennels are not permitted in GNBA.*

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

Living Space: The portion of the building above the basement in which persons may live, sleep, work or congregate, having a minimum ceiling height of seven feet with access via a permanent stairway.

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 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.

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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, 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.

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.

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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.

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 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.

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, driveways, 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 lattice.

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 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.

Porch: A covered entrance for a building, open or enclosed, out from the main building, having a separate roof and only one story.

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.

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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.

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.

Recreational Vehicles 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 motor home.

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.

GNBA Setbacks: The shortest horizontal distance measured perpendicular to a lot line from all eaves and overhangs of a building or structure to the 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.

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.

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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.

Solar Panel: a panel designed to absorb the sun's rays as a source of energy for generating electricity or heating. Solar panels are to be mounted with the contours of the roof and not to have rotating panels.

Street: An improved right-of-way or fee simple parcel of land dedicated 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, the Giants Neck Beach Association, or the Giants Neck Improvement Club, Inc, 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 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.

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

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conjunction with the cleaning-out or vacating of residential premises. The term "tag sale" shall include garage sale, yard sale, barn sale, attic sale, and any similar term or activity. Tag Sales are not allowed in Giants Neck Beach Association.

Terrace / Patio: A level, landscaped and / or surfaced area located less than eight (8) inches above existing ground grade at any point of the terrace construction with no roof and no structural supports other than subsurface materials. *Raised patios are to be at least six (6) feet from the property line.* Decks start at eight (8) inches.

Tool House or Shed: An accessory building or portion of a building used for the storage of tools and equipment, exclusive of motor vehicles, customarily used in the maintenance and upkeep of the premises on which the tool house or shed is located; such tool house or shed is not to exceed the size of [120] **180** square feet.

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.
- b. Camping Trailer – A vehicle 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. *Camping Trailers are not allowed in Giants Neck Beach Association except for a one-week period as allowed by the bylaws.*
- c. Utility Trailer – A trailer, whether uncovered or enclosed, used for hauling materials, goods 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.

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 those purposes. Eases enforcement.]

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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 or ocean.

Watercourse: Those areas designated and defined as watercourses by the East Lyme Inland Wetlands and Watercourses Agency, pursuant to its Regulations, as the same may be amended from time to time.

Waterfront – Ocean / Beach Properties that abut Long Island Sound.

Waterfront – River Properties that abut the Pattagansett River.

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

Wetland: See "Inland Wetland".

Windmill: A structure with sails or vanes that turn in the wind and generate power. Windmills are not permitted in Giants Neck Beach Association.

Yard, Required: An open space on the same lot with a Building having those minimum dimensions prescribed by these Regulations.

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 such building does not have its street

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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.

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SECTION 5 – DISTRICTS and BOUNDARIES

Residence District

All the zoned areas of the Giants Neck Beach Association shall include all the land within the territorial limits of the Giants Neck Beach Association as described in a map made by Daboll & Crandall, dated June 1922, received for filing in 1941, and placed on file in the Town Clerk's Office in the Town of East Lyme, Connecticut. See Book 2, Map 23

SECTION 6 PERMITTED USES

Permitted Uses shall be enforced by the agent of the Zoning Commission of the Giants Neck Beach 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 home.
 - b. Rental of the entire dwelling. Known as Short Term Rentals.
 - c. Accessory structures as permitted in these regulations.
 - d. 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.
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 8.6:
4. Community Buildings / Club House owned by the Giants Neck Beach Association or the Giants Neck Improvement Club Inc.
5. Storage Buildings owned by the Giants Neck Beach Association or the Giants Neck Improvement Club Inc but excluding accessways to the shoreline property.

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6. Recreational Facilities including but not limited to tennis courts, basketball courts, ball fields, beaches, docks, jetties, and playgrounds owned by the Giants Neck Beach Association or the Giants Neck Improvement Club Inc.

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SECTION 7 – 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 eighty (80) feet of frontage on a street.
- c. **Building Height:** The maximum height of any building structure shall be twenty-eight feet, measured from the front wall to the highest point of the roof. In no case shall any peak or other building feature exceed twenty-eight feet when measured from the 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. See Appendix B
- d. It shall have no more than two (2) floors of living space (above grade).
- e. No outside stairway shall be erected above the first floor of any building.
- f. Roof Pitch – Minimum of 4/12 pitch. (4 inches rise per foot of run)
- g. The dwelling, in combination with all accessory buildings, pool complexes and other structures shall not occupy more than the coverage percentage allowed 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 as listed in Section VII 4 Setbacks.

2 Accessory Buildings: Except as otherwise expressly provided in these regulations, a garage, a shed, a gazebo, a pool cabana, pergola, or other such accessory buildings can be constructed on any buildable lot within the limits of the association, provided that such accessory building must have a minimum of 4/12 roof pitch and meet the following requirements:

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a. Detached Garage

1. It may not be constructed before the principal building has been lawfully constructed on the lot.
2. It shall not exceed 500 square feet.
3. It shall have a maximum building height of twenty-eight (28) feet to the peak.
4. It shall have only one floor above the garage floor and that floor is not to be used as an accessory structure. It is for storage purposes only.
5. It shall contain no toilets facilities.
6. The conversion of a detached garage to an attached garage shall require a zoning permit.

b. Greenhouse

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 [250] **180** square feet.
3. Shall not exceed a height of **14 feet** to the peak.

c. Shed, Tool House, Playhouse 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 [120] **180** square feet.
3. Shall not exceed a height of [twelve (12)] **fourteen (14)** feet to the peak.

d. Pools

1. Pools shall be installed only in the rear yard.
2. Setbacks for pools shall be as would a be for a structure.

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- e. **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:
1. A pool cabana shall not exceed the dimension of [160] **180** square feet or a roof height of 14 feet to the peak and located on the lot as with all buildings.
 2. 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.
- f. **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 other buildings.
- g. **Cupolas:** On any structure a cupola or cupolas may be 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.
- h. **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 be closer than six (6) feet from the property line.
 3. Accessory equipment shall be screened by evergreen plantings or fencing acceptable to the Zoning Enforcement Officer and shall be of sufficient height to obscure the equipment from view of the street.
- i. **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.
- j. **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

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LPG tanks) may not be more than one (1) foot above grade and must be screened from the street.

k. Solar Energy Collection Panels

[Purpose – This article regulates the location of solar energy collection panels, and similar structures to minimize nuisances to owners of adjoining properties, ensure the safety of the public through proper installation of such structures, and protect the public from unsightly and obtrusive structures and conditions which potentially may impair enjoyment of property, conservation of property values, and the quality of life within the Association. *Very subjective – who decides it is unsightly or obtrusive – neighbors who hate each other?*

Permit – No solar energy collection panel or similar structure, except common tubular television antenna, shall be built, erected, or modified until an application for a building (*zoning*) permit by the GNBA Zoning Commission. Any person applying for such permit shall furnish plans, drawings, and specifications as the Zoning Commission may require to adequately show the proposed location, elevations, dimension, construction, mounting, and screening. *International building code / East Lyme Building Official reviews specifications. A Zoning Commission or ZEO is not qualified.*]

[Solar Energy Collection Panels – All solar panels must be attached to the primary dwelling and shall follow the general contour lines of the building structure.]

Recommended Change – K. Solar Energy Collection Panels – All solar panels require a zoning permit must be attached to the roof of the primary dwelling or accessory structure and shall follow the general contour lines of the building roofline. Rotating solar panels that follow the sun are not permitted. Delete the rest.

3 Lot Coverage

Maximum Lot Coverage	30%	6801 sq ft or more
	31%	6601 to 6800 sq ft
	32%	6401 to 6600 sq ft
	33%	6201 to 6400 sq ft

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34%	6001 to 6200 sq ft
35%	5801 to 6000 sq ft
36%	5601 to 5800 sq ft
37%	5401 to 5600 sq ft
38%	5201 to 5400 sq ft
39%	5001 to 5200 sq ft
40%	up to 5000 sq ft

Maximum Lot Coverage **5000 sq ft or less = 40%**

5001 sq ft to 6800 sq ft = 35%

6801 sq ft or greater = 30%

4 Setbacks – Mandatory Open Spaces

- a. **Front Yard** – Minimum depth from the street property line: Twenty (20) feet to the dwelling wall; ten (10) feet to the first-floor level deck edge; sixteen feet (16) feet to the second-floor level deck edge.
- b. **Side Yard** – Each side yard shall be a minimum of six (6) feet or 15% of the lot width, whichever is greater, except for corner lots.
- c. **Corner Lots** – On each corner lot, the side yard on the street side of said corner lot shall be the same minimum depth as is required for the front yard.
- d. **Lots adjoining beach or waterfront** – No dwelling shall be erected, altered, or added to, in such fashion that the building wall comes closer than twenty (20) feet to the top of the bank, rocks, wall, or beach line of said lot. The dwelling shall be no closer than six (6) feet to any side yard line, or closer than twenty (20) feet to the street line. A separate garage or any other structure shall not be erected closer than 10 feet from the top of the bank, rocks, wall, or beach line of said lot. The street line shall be defined as the front line.
- e. **Accessory Buildings** – No accessory building shall be placed closer than six (6) feet from the rear lot line and must adhere to all sideline requirements of these regulations. In the case of beach front property, any tool house or shed must be located at least twenty (20) feet from the street line and adhere to all sideline requirements.
- f. **Measuring** – For the purpose of measurement, all eaves, overhangs (excluding gutters), and any other parts of a building, dwelling, or structure

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shall be included when determining the setback. The foundation line does not determine the setback.

- g. **Rear Setback** – No dwelling, including any rear porch, shall be erected closer than (20) feet to the rear property line, except that for properties whose rear line is not adjacent to any other residential lot, beach, waterfront, or clubhouse property, there shall be no rear yard setback other than the six (6) foot open space requirement.

h. **Building Projections**

1. Ordinary projections of windowsills, belt courses, cornices, and other ornamental features are not to extend more than six (6) inches.
2. One bay windows not supported by a foundation wall and include cornices or eaves appurtenant to such windows may project or encroach into a yard to extend no greater than one and three quarters (1.75) feet, provided the length of the window is not greater than one-third the length of the enclosed side of the building and provided the window does not project closer than four (4) feet to any lot line.
3. Provided a chimney cannot be located to conform with the minimum side yard requirements, it may project not more than twenty-four (24) inches into a side yard, but in no case shall it be less than four feet the side lot line, nor shall it encroach the required minimum side yard on the street side of a corner lot.
4. Provided a hatchway cannot be located in conformance with the minimum rear yard requirements, it may project into the required minimum rear yard no more than six (6) feet.
5. A deck, entrance steps, or entrance platform, must be open and may extend not more than 10 feet from the street line. *The area maybe covered but not enclosed.*
6. [Existing porches may be enclosed and made a part of the main dwelling. The existing porch roof line may not be raised.] *Do we want to keep this? Contradicts 5 above. Remove*
7. An open upper-level deck may be constructed over the existing first level porch of the dwelling, but no higher than the second-floor level.

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- 8. If any building, structure, deck, porch or like is erected on a concrete or other type piers, such piers and the area between the ground level and the underside of the first-floor sill plate must be covered with diagonal lattice or similar material approved by the Zoning Enforcement Officer.**

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SECTION 8 – GENERAL REGULATIONS

1. Boats or Utility Trailers –

- a. All boats 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 GNB Association. *Each property is allowed to store two boats but only one may be over twelve (12) feet in length.*
- b. Utility Trailer – A trailer, whether uncovered or enclosed, *shall not exceed sixteen (16) feet in length and it shall not have a gross vehicle weight rating of more than 2,600 pounds.*

2. **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 *Monday thru Friday, Saturday 8:00 AM to 1 PM. No construction work is permitted on Sundays. No commercial work shall occur on Memorial Day, July 4th, and Labor Day.*

3. **Fences and Walls** Fences may be erected for decorative purposes, provided they meet the following criteria:

- 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.*
- b. Any fence *or wall* shall be no higher than 42 inches from the ground and must be placed inside the lot line.
- c. Only split rail or similar open-type fencing is permissible. A similar open type is defined as a minimum of 50% of the fencing must be visually open, not including the posts of structural supports.
- d. The maximum allowable total length of the fence *and / or walls* shall not exceed [20%] *50%* of the overall perimeter of the lot.

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- e. No chain link-type fence shall be allowed unless a proven hazardous condition exists.
 - f. Dog runs must be limited to no more than six feet in height [and must be constructed of chain link fencing] Dog runs will be considered structures, subject to all zoning regulations. **Remove Chain link requirements.**
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.
- Existing Undisturbed Grade** Any addition of fill shall not alter the undisturbed grade measurements for the purposes of construction. The undisturbed grade of a lot may not be changed. No more than ten (10) cubic yards of fill shall be added or redistributed per year on a lot without application, and approval of, the Zoning Commission.
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 activities 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. *No traffic or customer business is allowed to park on the streets or public ways. Customer visits shall be between 8 am and 6 pm.*
 - 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.
 - 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 Giants Neck Beach 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 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

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project is complete if shorter than one year. The owner may apply for an extension if unusual 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 [twenty-four (24)] *thirty-two (32) 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 or Externally 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.

Signs for the sale of one car or boat may not exceed two (2) square feet.

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.

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SECTION 9 PROHIBITED USES

Accessory Buildings: No accessory building may be used as a dwelling.

Helistops:

Junk Yards, 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. The storage of one or more vehicles that are wrecked, broken down, or unregistered or parts of such vehicle(s) for one month or more shall be deemed a junk yard. The storage on a lot of one or more boats for two years or more shall be deemed a junk yard.

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 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 short-term rental is permitted.

Manufacturing:

Mobile homes, Motor Homes, Camping Trailers, and Recreational Vehicles are not allowed on any lot except for a one-week period as allowed in the bylaws.

Quonset Huts and other metal containers for residential or storage purposes

Sanitation: No sewage shall be discharged into Long Island Sound. No cesspool, earth closet or privy may be built, nor can any outside toilets be erected. Port-o-lets for construction projects and special events are permitted on a temporary basis.

Storage Containers except temporarily for permitted construction projects.

Storage or parking of large vehicles: No motor vehicles having a gross vehicle weight rating in excess of one ton shall be parked or stored on a public or private property in the residence except in the case of a commercial vehicle when temporarily engaged in providing a service directly related to the property where it is parked. Commercial vehicle which does not exceed a capacity of one ton may be parked on said premises provided said commercial vehicle is parked either in a garage or in the rear yard.

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Windmills

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SECTION 10 – SITE PLAN REVIEW

A.0. Intent. To aid the Zoning Enforcement Officer and the Zoning Board of Appeals in determining the conformity of a proposed building, use or structure with provisions of these Regulations.

A.1. Site Plan Approval. In addition to those uses, land, buildings or structures for which a Site Plan Approval is specifically required by these Regulations, any use of land, buildings, or structures, or any alteration or expansion of such use, or the erection, extension, or alteration of any building or structure, for which a Certificate of Zoning Compliance required under these Regulations shall require Site Plan Approval pursuant to these Regulations. The Board of Governors may, by resolution, prescribe application forms and fees.

A.2. Required Information for Site Plan Approval. The following information shall, at a minimum, be provided by any applicant for Site Plan Approval:

A. Site Plan A site plan, which shall conform to the following requirements, and contain the following information:

1. Property/Boundary Survey. A boundary survey prepared and sealed by a Connecticut Registered Land Surveyor, which survey shall be prepared pursuant to the Regulations of Connecticut State Agencies minimum standards for Surveys and Maps. Said survey shall include the dimensions of the subject property, and its acreage or square footage.

2. Location Map. A location map, at a scale of one-inch equals 1,000 feet, showing the location of the site in relation to existing roads which would assist the Commission and the public to orient themselves to the site and its boundaries.

3. General Information:

a) The name and address of the applicant, property owner of record, the name of the development, and the names of the owners of record of all adjacent properties;

b) The name, address and professional seal of each design professional responsible for, or participating in, the design of the site;

c) The assessor's map and lot numbers for the subject property and the properties within fifty (50) feet of the perimeter of the site;

d) The date of the site plan, a north arrow, and the scale of the plan;

e) A description of any existing deed restrictions, covenants, easements, rights of way, or similar encumbrances which run with the land, including the identity of the dominant and servant estates, the volume and page of the East Lyme Land Records where the same are recorded, and the date upon which they will expire, if any;

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4. Site Features, Existing. On the site, and within ten (10') feet of the perimeter of the site:

- a) All existing uses of land including uses not requiring buildings or structures, such as outside storage; property lines, streets, utility lines, ledge outcrops, specimen trees, major tree or shrub areas, and other significant features of the site, both natural and manmade;
- b) Wetlands and watercourses as defined by the Regulations of the East Lyme Inland Wetlands and Watercourses Commission; the high-water level of areas covered by water (such as lakes, rivers, streams, ponds, swamps, marshes and the like);
- c) Areas having slopes in excess of twenty (20%) percent;
- d) Flood hazard areas as designated on the most current Federal Flood Insurance Rate Map for the Town of East Lyme, and the rate map designation for such areas;
- e) Existing structures and their uses, general type of construction, height, and the like;
- f) The location of all existing wells, existing septic systems, public water supply lines, and sewer lines, and other public or private utilities;
- g) Existing monuments, iron pins, and other boundary indicators;
- h) The soil classifications, as per the US Soil Conservation Service / New London County Coding of Soil Types;
- i) Existing contours of the land at intervals of two (2) feet, or less, certified to Class T-3 or T-2 vertical accuracy where the topography of the site and the area around it cannot be otherwise accurately and fairly represented.
- j) Existing roads, paths, major and unique natural, scenic, historic, and open space features.

5. Site Features, Proposed. On the site, and for any area off the site where any alteration whatsoever is proposed:

- a) Any change whatsoever to any of the existing features depicted on the site plan in accordance with the preceding paragraph, including, but not limited to: proposed uses of land, including uses not requiring a structure or building;
- b) The location, dimensions, square footage (both ground floor and total), height, and type of construction of all buildings or structures, including fences, walls, signs, lighting fixtures, flagpoles, and the like;
- c) The location of any proposed water, sewer, and electrical lines.
- d) Any regrading, excavation, filling, and the volumes of material to be brought onto or removed from the site;

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- e) The percentage of building coverage, combined building and paved area coverage;
- f) Alterations in property boundaries, easements, utilities, and the like;
- g) The location of any roads, curbs, sidewalk, driveway, parking and loading area(s) paths, and similar improvements;
- i) In any site plan requiring the erection of any structure, grading, drainage work, paving or other improvement, those aspects of the plan shall be prepared, signed, and sealed by a Connecticut Registered Professional Engineer.
- l) The height, bulk, use and location of all buildings; typical floor plans or other plans for the use of interior spaces of proposed buildings; the exterior appearance of proposed buildings, including a minimum of two exterior elevations, designation of materials, colors, and textures of exterior finishes, roofing, trim, and the like; location of heating, air conditioning, ventilation, and similar equipment; and special exterior features, such as building or roof lighting, roof drainage/gutters, and features of the interior of the building designed to be capable of being seen from the exterior. A rendering consisting of a minimum of two exterior elevations shall be submitted.

B. Soil Erosion and Sediment Control for Land Development: See Section 12

F. Inland Wetlands and Watercourses. No application for Site Plan Approval shall be deemed complete without the submission of a certified copy of a motion for approval of an Inland Wetlands permit as issued by the East Lyme Inland Wetlands and Watercourses Commission, provided such a permit shall be required under regulations adopted by said Commission. Any plans submitted to the Zoning Commission shall conform, in all relevant respects, to those plans submitted to the Inland Wetlands and Watercourses Commission as the same were approved, or modified and approved, by said Commission.

G. Coastal Site Plan Review Required - All buildings, uses and structures fully or partially within the coastal boundary as defined by Section 22a-94 of the Connecticut General Statutes and as delineated on the Coastal Boundary Map for the Town of East Lyme shall be subject to the coastal site plan review requirements and procedures in Section 22a-105 through 22a-109 of the Connecticut General Statutes.

Coastal Site Plan Review Exemptions - Construction of an individual single family residential structure except in or within one hundred feet (100) of the following coastal resource areas as defined by Section 22s-93(7) of the Connecticut General Statutes: tidal wetlands, coastal bluffs and escarpments, beaches and dunes;

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H. Flood Hazard Areas: Please review Section 15 of the East Lyme Zoning Regulations pertaining to Flood Hazard Areas.

I. General Provisions. Any of the foregoing plans, reports, and evaluations may be presented on one or any number of separate sheets or documents, depending upon the complexity of the application. It shall be the duty of the applicant, however, to provide plans and other documents which incorporate all of the above information and demonstrate compliance with all of the requirements and criteria of these Regulations, in a way that is clear and comprehensible to the Commission and its staff. All plans shall contain the words “Approved by the Giants Neck Beach Association Zoning Commission” with a designated place for the signature of the Chairman or Secretary of the Commission and the date of signing. The applicant shall submit no less than five (5) copies of all plans, reports, and other documents enumerated above, together with such application forms and fees as the Commission may, by resolution, prescribe.

A.3 Site Plan Review Application Procedure

A. Applicants shall submit two (2) full size copies of the Site Plan, and one set of the architectural drawings, the required fee (to the Giants Neck Beach Association), and a completed application form to the Commission’s Zoning Enforcement Officer. If available, electronic pdf copies shall also be supplied. The date of receipt shall be within thirty-five (35) days after such submission to the Zoning Enforcement Officer.

An application to be complete must include: 1) application form; 2) fee; 3) all Site Plans required by this Section, and all supporting documentation required therein. If the application is not complete, the Zoning Enforcement Officer may deny it without prejudice and require a new application, including fee, to be submitted.

C. The Zoning Enforcement Officer shall at its discretion have any plans reviewed by consultants, employees, governmental bodies or their agents for comments and recommendations.

D. In the case of Site Plan Review, approval shall be presumed unless a decision to deny or modify is rendered within 65 days after the date of receipt as defined by Section 8-7d Connecticut General Statutes, as amended and revised. Extensions may be granted in accordance with State Statute.

E. A decision to deny or modify a Site Plan Review shall set forth the reasons for which such denial or modification is required to conform with the Regulations.

A.4 Criteria for Decision. In reviewing the application for site plan approval, the Commission shall consider the following criteria:

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A. Complete Application. The application shall contain all information required by this Section, and the number of copies required, and said information shall be prepared by people possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Zoning Enforcement Officer to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet these criteria shall be grounds for denial without prejudice to future, complete applications.

B. Compliance with Regulations. The application shall conform in all respects with these Regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with these Regulations. Further, the application shall conform to the East Lyme Inland/Wetlands and Watercourses Commission; the Public Health Code, as evidenced by a report of the Health Director or an authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations.

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SECTION 11 – NONCONFORMING USES, BUILDINGS AND LOTS

Any lawful use of a building lot existing as of May 30, 1987, 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 May 30, 1987 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 purpose of complying with the Zoning Regulations, the lots shall be considered merged for zoning purposes.
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 Giants Neck Beach Association Zoning Regulations may be 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 this Section 11, a nonconforming building shall not be enlarged or extended, vertically or horizontally, unless 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 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.

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EXCLUDED FROM THIS PROHIBITION ARE:

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 ten (10) feet from the property line.
- c. The coverage of any roof constructed above a landing shall not exceed the dimensions of six (6) feet by six (6) feet 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 12 - 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 13 – ZONING BOARD OF APPEALS

1. There shall be a Zoning Board of Appeals (Board) which shall be appointed by the Board of Governors of the Giants Neck Beach 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 Board 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 Board shall include consideration of the following issues:
 - b. The extent to which the applicant has demonstrated that exceptional shape, size, topography or other unique characteristics of the site requires a variance from a literal enforcement of the Zoning regulations.
 - c. Whether the exceptional difficulty or unusual hardship claimed has been created by the owner or the person or persons requesting the variance.
 - d. 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.
 - e. Whether the applicant has shown that there is no reasonable alternative other than to grant the requested variance(s).
 - f. Whether economic hardship is the only basis for requesting the variance.
 - g. 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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- h. The Board will send a notice of the requested variance or Zoning Enforcement Officer appeal and the time and date of the hearing at which it will be heard to all owners whose property is within one hundred (100) 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 as well as the Giants Neck Beach Association address.**
- i. To adopt such rules and procedures as may be necessary to carry out these regulations.**
- j. Notwithstanding the foregoing powers, no variance shall be granted which will permit in any district a use which is not permitted in that district.**
- k. 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.**
- l. 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.**
- m. 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.**

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- n. The Board 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.

- o. Subject to the requirements of the Connecticut General Statutes pertaining to zoning appeals, an appeal to the Board 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 Board of Governors of the Association.

SECTION 14 – 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 15 – 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 16 – EFFECTIVE DATED

The most recent amendments to these regulations were adopted on December 1, 2004, by the Zoning Commission of the Giants Neck Beach Association as authorized by law after a public hearing held and becoming effective on December 1, 2004.

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SECTION 17 GNBA ZONING APPLICATION FEES

Purpose of Zoning Application Fees: Zoning application fees are collected to cover the expenses of the Zoning Commission. These expenses include supplies necessary for the Zoning Commission, the salaries for the Zoning Enforcement Officer and the Secretary.

Determining the Zoning Application Fee: The Zoning Enforcement Officer with a complete set of plans. The Zoning Enforcement Officer will determine the appropriate application fee based on the plans submitted.

<u>Value of Construction</u>	<u>Zoning Fee</u>
Less than \$1,000	\$50.00
\$1,001 to \$10,000	\$75.00
\$10,001 to \$25,000	\$150.00
\$25,001 to \$50,000	\$300.00
\$50,001 to \$100,000	\$450.00
\$100,001 or more	\$600.00

**Should consider 2k, 3k, 4k, 5k, 6k or greater fees
Add \$100 for every \$100,000 or portion of value over
(\$200K += \$700, \$300K += \$800, \$400K += \$900, etc.)**

Additional Application Fee Schedule

- 1. 1 year extension after 12 months of previously approved zoning application. \$50.00 Change extension cost to ½ the value of the original zoning fee. Extension is after 2 years if the revision is accepted.**
- 2. Updated zoning application to amend previously approved zoning application. Cost of construction of amended item.**
- 3. Work commencing prior to obtaining a zoning approval.**
 - 1. Value less than \$1,000 – Extra \$50.00 plus the application fee.**
 - 2. Value between \$1,001 to \$10,000 – Extra \$75.00 plus the application fee.**
 - 3. Value over \$10,001 – Extra \$100.00 plus the application fee.**

Zoning Board of Appeals Applications - \$150.00 Needs to be increased – public hearing notices to the New London Day could exceed \$500 - \$750 recommended.

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Please mail your completed application and permit fee to the Zoning Enforcement Officer at the following address: Giants Neck Beach Association, PO Box 226, Niantic, CT 06357 or call the Zoning Enforcement Officer to arrange dropping off the application. Checks are to be made out to the Giants Neck Beach Association.

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

Major additions/structures are 200 square feet or greater

A-2 SURVEY / PLOT PLAN 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. ___ Benchmark 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 limits and elevations.
9. ___ Existing and proposed topography, including on adjacent properties on 10 ft from the PL
10. ___ Abutting property owners
11. ___ Existing buildings (dimensions/finished floor elevations).
12. ___ Proposed buildings (dimensions/finished floor elevations, top of foundation.
13. ___ Proposed driveway with elevation, grade, apron area, width, and sight line.
14. ___ Existing and proposed utilities (water & sewer lines to the mains in the street)
15. ___ Footing drain inverts, outlet, and separation
16. ___ Erosion and sediment control plan
17. ___ Existing and proposed easement areas
19. ___ Land surveyor with original seal and signature.

Zoning Statistics:	Required/Allowed	Proposed
Building Height:	_____	_____
Lot size/ Frontage:	_____	_____
Front Setback:	_____	_____
Sideyard Setback:	_____	_____
Rear yard Setback:	_____	_____
Lot Coverage:	_____	_____

***** 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.

**GIANTS NECK BEACH ASSOCIATION
DRAFT ZONING REGULATIONS - June 14, 2024**

APPENDIX B BUILDING HEIGHT DIAGRAM

GIANTS NECK BEACH ASSOCIATION DRAFT ZONING REGULATIONS - June 14, 2024

Appendix C – Dimensional Chart

Minimum Lot Size - 8000 square feet

Minimum Frontage – 80 feet

Maximum Building Height – 28 feet to the peak

Roof pitch minimum – 4 / 12 – 4 inches in rise per foot of run

Front Yard Setback – 20 feet 1st Floor, 16 feet to 2nd floor or deck

Side Yard Setback – 6 feet or 15% of lot width, whichever is greater.

Rear Yard Setback – 20 feet - Buildings and porches, 6 feet when no residential lot, beach, waterfront, or club house property.

Rear Yard Accessory Structure – 6 feet, Beach front – 20 from the wall, beach, waterfront, 20 feet from the street.

* Beach / Waterfront Lots - Twenty (20) feet from the lot lines on the side of a beach front lot which faces the bank of the beach or the beach wall, Six feet from the side yards, 20 feet from the street line.

*Beach / Waterfront Lots Garages – 10 feet from the street line

Corner lots, both are considered front yards.

Garage not to exceed 500 sq ft.

Green House not to exceed [250] 180 sq ft.

Sheds, tool house, playhouse not to exceed [120] 180 sq ft.

Fences – not higher than 42 inches, 50% transparency, only [20%] 50% of the perimeter in total length. Dog runs are considered structures, no more than six feet in height.

Accessory Equipment: shall not be in the front yard extend into the setback line no closer than six (6) feet from the property line.

Pools - Front Yard Setback – 20 ft, Side Yard Setback – 15 ft, Rear Yard Setback – 15 ft

Except portable pools under 8 ft x 8ft or under 8 ft in diameter.

Maximum Building Height Garage – 28 feet at the peak when measured from the street side

Maximum Building Height Accessory Structure – 14 feet to the peak

GIANTS NECK BEACH ASSOCIATION DRAFT ZONING REGULATIONS - June 14, 2024

Draft adapted from recently approved Black Point Beach Club Association zoning regulations. BPBCA Regulations were drafted with the assistance of Attorney Mark Branse of Halloran and Sage LLP and his model zoning regulations.

Goal of regulation revision.

Update the regulations to be in conformance with the Connecticut General Statutes. It has been almost 20 years since the last revision.

Expand the definition section to match regulation terms.

Organize to provide better flow.

Add sections to review erosion control, discuss dumpster and POD use, and review what similar communities are reviewing.

Eliminate regulations that are contrary to the Connecticut General Statutes, are contradictory as written, or could be considered vague or subjective.

Examples – Child Day Care is required in residential zones.

Minimum square footage for a resident was eliminate but the courts in the 1980's – East Hampton minimum 1000 sq ft

A non-conforming structure that is destroyed by fire, flood, or other means does not have to be rebuilt within one year.

Solar Panels – who decides what is unsightly. There are no architectural review boards or historic district commission. Less is better.

Eliminate the fall back to the East Lyme zoning regulations. Someone could twist us in a knot with that discussion and cherry pick what they want.

Add Site Plan Review Section for Single Family Home Construction