

GIANTS NECK BEACH ASSOCIATION

Incorporated 1941

East Lyme, Connecticut

ZONING REGULATIONS

Effective Date: December 1, 2004, as amended by revisions specified below:

Effective Date
of Revision

Provision Revised

Page No.

NOTE: As used within these Zoning Regulations, the terms "Board of Governors" and "Governing Board" are interchangeable and both refer to the governmental body elected by the Giants Neck Beach Association membership.

Whereas the Giants Neck Beach Association, acting pursuant to the provisions of the charter of said Association, and in accordance with the Zoning Enabling Act of the Connecticut General Assembly Act, did adopt Zoning Regulations, which regulations may be amended from time to time; and

Whereas said regulations and amendments have been a subject of study, and the following revision is designed to compile and codify all such regulations and amendments;

Now, therefore, the following Zoning Regulations as adopted by the Giants Neck Beach Association Board of Governors on May 30, 1987, are revised to reflect certain amendments effective from May 30, 1987 through and including December 1, 2004, the same to supersede all previous zoning regulations and amendments heretofore adopted.

To assist Association members in confirming that they have the most current version of the Zoning Regulations in the future, any changes enacted after December 1, 2004 will be noted in the chart on the preceding page, and the footer identifying the effective date will be changed on the relevant page(s).

ZONING REGULATIONS

CHAPTER I ZONE

ARTICLE 100 – SCOPE

SECTION 1001. Regulations regulating and restricting the height, number of stories and size of buildings and other structures, the minimum area of building lots, the percentage of the area of the lot that may be occupied, and the location and use of buildings, structures and land for residence, the height, size and location of advertising signs, establishing a residential district for said purposes, and providing for the enforcement of these regulations, and penalties for its violation, within the limits of the Giants Neck Beach Association, East Lyme, Connecticut.

ARTICLE 110 – RESIDENCE ZONE

SECTION 1101. Purposes. For the purpose of promoting the health, safety, and general welfare of the community, there shall be only one zone in the Giants Neck Beach Association called the Residence Zone.

SECTION 1102. Basic Requirements. These requirements are limited to changes in use, changes in the number of units, and exterior work that creates a new building or structure, or that alters the footprint of an existing building or structure. Other than changes in use and changes in the number of units, the GNBA Zoning Commission does not concern itself with interior changes, although the Town of East Lyme may require various permits for such work. For simple maintenance and repair such as re-roofing, door, window or gutter replacement with same-size items, house re-siding, or any such other minor jobs that do not alter the footprint of any existing building, residents may apply directly to the GNBA ZEO for approval. It is not necessary to wait for a once-a-month meeting of the full Zoning Commission for such approvals. The GNBA ZEO will report such approvals to the Zoning Commission at its next regular meeting.

SECTION 1103. The GNBA application must bear the signatures of a majority of the Zoning Commission, indicating conformance with all GNBA Zoning Regulations, before it is submitted to the Building Inspector of the Town of East Lyme for a building permit.

SECTION 1104. The completed application submitted in duplicate to the GNBA Zoning Commission must be accompanied by, or contain within it, a complete set of plans and/or specifications. This information shall describe a type of structure of appearance and construction in keeping with present structures in the vicinity and in conformance with these zoning regulations. A certified survey may be required.

SECTION 1105. Such signed GNBA application will be valid for one year and construction must be completed within 12 months from the date of the approved application, at which time the outside of the proposed structure must be completed and painted and the lawn of the property involved must be graded, seeded, and cleared of all building materials. Should extenuating circumstances prevent completion within the twelve months, an extension, in writing, may be requested from the Zoning Commission.

ARTICLE 120 – BUILDING ZONE MAP

SECTION 1201. The zone and the areas contained therein are shown on the Building Zone Map 6 found in the Town of East Lyme Municipal Building.

ARTICLE 130 – DEFINITIONS

For the purpose of interpretation and enforcement of these regulations, certain words contained herein shall be defined as follows:

SECTION 1301. Words in the present tense include the future; the singular number includes the plural and the plural includes the singular.

SECTION 1302. The words “occupied” or “used” include the words “designed, arranged or intended to be occupied or used.”

SECTION 1303. The word “shall” is mandatory.

SECTION 1304. The word “lot” includes the word “plot.”

SECTION 1305. Definitions:

Accessory Building: A subordinate building customarily incident to a principal dwelling on the same lot.

Boarding House: A dwelling other than a hotel where for compensation, meals or lodging and meals are provided.

Building: A type of structure having a roof supported by columns or walls for the shelter of persons, animals, chattels, or property of any kind.

Building, height of: The vertical distance from the average ground level along the front wall of the building to the highest point of the roof or of the parapet, whichever is higher.

Building Line: A line parallel to a street at a distance equal to the required front yard.

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 open sides 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.

Catwalk, Boardwalk, and Patio: 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 any part of the existing ground at any point 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 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 open space requirements.

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 existing structure.

Coverage: The total area of all buildings and structures on a lot.

Day Care Center: Premises or portion thereof used as a place for the day care, guidance, and/or supervision for pay of a total of five or more persons not of common parentage.

Deck: An elevated, open, wooden or other material structure with no roof or overhead covering of any sort.

Family: Any number of individuals related by blood or marriage, living together as a single housekeeping unit. A group living together as a single housekeeping unit which has no more than three persons not related by blood or marriage may be considered a family for the purposes of these regulations.

Grade, Undisturbed: The grade of a building lot as it existed on the effective date of this regulation.

Home Occupation: Any use customarily conducted within a dwelling and carried on as a business by a member or members of the family residing on the premises which use is clearly incidental and secondary to the use for dwelling purposes and does not change the character of the property thereof, in connection with which:

1. There is no artificial light or display that will indicate from the exterior that the building is being utilized for any purpose other than a dwelling.
2. No equipment is used or stored except as is customary for purely domestic household purposes.

Junk yards: An area of land, with or without a building, used for, or occupied by, a deposit, collection or storage of discarded materials such as wastepaper, rags or sheet metal, used or leftover building materials, house furnishings, machinery, vehicles or parts thereof, and boats or parts thereof. A deposit or the storage on a lot of one or more wrecked or broken down or unregistered vehicles or parts of one or more such vehicles for one month or more shall be deemed a junk yard. A deposit or the storage on a lot of one or more such boats for two years or more shall be deemed a junk yard.

Living Space: That portion of a 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: A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by these regulations.

Lot, Depth: The mean horizontal distance between the street and rear lot lines measured in the median direction of the side lines of the lot.

Lot, Frontage: The distance between the side lot lines parallel to the street line at a distance from the street line equal to the required setback. For corner lots the required frontage shall be applicable to that street on which the principal building faces.

Lot lines: The lines bounding a lot as defined herein.

Lot, Through: A lot having frontage on two streets.

Lot, Width: The mean width of a lot measured at right angles to its depth.

Mobile Home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. This does not include recreational vehicles or travel trailers.

Nonconforming Use: Any lawful use of building or land existing at the effective date of these regulations, but not conforming to their requirements.

Open Space: That portion of a lot which is to be unoccupied by buildings or structures from the street line or other lot lines.

Outside Stairway: Any stairway which is not entered from and wholly contained within the dwelling itself.

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

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

Story: That portion of a building in which persons live, sleep, work or congregate between the surface of any floor and the surface of the floor directly overhead, except that the topmost story shall be that portion of a building in which persons live, sleep, work or congregate between the surface of the topmost floor and the ceiling or roof above.

Story, Half: A space under a sloping roof which has the principal lines of intersection of roof decking and wall face not more than four feet above the top floor level, and in which space not more than three-quarters of the floor area is finished off for use.

Street: A way dedicated to public use, maintained by the Town of East Lyme.

Street Line: The dividing line between the street and a lot.

Structure: Anything constructed or erected, the use of which requires permanent location on, under, or above the ground, or attachment to something having permanent location on the ground.

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 square feet.

Trailer: Any vehicle which is used or designed to be used as a residence, either with motor power or designed to be drawn by a motor vehicle, or which has been or may be mounted on wheels or inserted in the bed of a truck.

Yard, Front: An open space, unoccupied except as permitted by these regulations, across the width of the lot between the side lines of the lot, the depth being the minimum horizontal distance between the street line and the setback line.

Yard, Rear: An open space, unoccupied except as permitted by these regulations, extending across the full width of the lot, the depth being the minimum horizontal distance between the rear lot line and the rear wall of the principal building.

Yard, Side: An open space, unoccupied except as permitted by these regulations, between a side line of the lot and the nearest point of the side wall of the principal building, and extending from the rear yard to the front yard of the lot.

Variance: A modification to the terms of these regulations which may be granted in an individual case by the Board of Appeals where, owing to conditions especially affecting such a parcel but not affecting generally the district in which it is situated, a literal enforcement of these regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and public safety and welfare secured.

CHAPTER II
USE REGULATIONS

ARTICLE 200 – RESIDENCE ZONE

FOR THE PURPOSE OF THESE REGULATIONS, THE GIANTS NECK BEACH ASSOCIATION IS ALL ONE ZONE: RESIDENTIAL.

ONLY THE FOLLOWING USES ARE PERMITTED ANYWHERE WITHIN THE LIMITS OF THE GIANTS NECK BEACH ASSOCIATION.

SECTION 2001. Single family dwellings, including carports and accessory buildings.

1. Provision shall be made for on-site parking of only those motor vehicles under the ownership or control of persons residing in the household. Not more than one 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 a rear yard.
2. All construction shall be limited to a maximum of two stories of living space.
3. No outside stairway shall be erected above the first floor of any building.

SECTION 2002. Accessory buildings and uses customarily incident to the foregoing single family dwellings, including but not limited to the following:

1. Private garage not exceeding 500 square feet.
2. Private greenhouse not exceeding 250 square feet; tool house, shed, or children's playhouse, none of which shall exceed 120 square feet.
3. Signs as specified in Section 5101.
4. A bathing or swimming pool, which shall be installed only in the rear yard.

SECTION 2003. No garage or accessory building shall be erected on any lot before the main dwelling is constructed.

CHAPTER III **LOT AND BUILDING REGULATIONS**

ARTICLE 300 – REQUIREMENTS

SECTION 3001. No building shall hereafter be erected or altered to exceed the height, or to occupy a greater percentage of lot area, or to have narrower or smaller front yards, rear yards, side yards, or courts than is required by Section 3004 of these regulations.

SECTION 3002. No building shall hereafter be erected or altered to house more than one family.

SECTION 3003. No dwelling shall hereafter be erected or altered to have floor areas for living quarters less than the minimum requirements contained in Section 3005 of these regulations.

1. In all dwellings, at least one-half of any second floor area qualifying for living quarters shall have a ceiling height of not less than seven feet.
2. Where upper floors qualify for living quarters, access to such floor shall be by a permanent, built-in stairway.
3. In computing the minimum floor area for living quarters, outside foundation measurements shall be used, except that utility rooms for heating space, garages, bay windows, outside vestibules, and open or closed porches or verandas shall not be included.
4. Where the first floor living quarters are on two levels, both levels may be counted in computing the area of the first floor provided that difference in the elevation of said levels does not exceed four feet.

SECTION 3004. LOT AND BUILDING REQUIREMENTS

RESIDENCE ZONE

Maximum Building Height:	2 stories or 28 feet																						
Minimum Lot Frontage:	80 feet for any allowable use																						
Minimum Lot Area:	8,000 square feet																						
Coverage:	The total area of all buildings and structures on a lot shall not exceed: <table><tr><td>Lots up to and incl. 5,000 sq. ft:</td><td>40%</td></tr><tr><td>Lots 5001 through 5,200 sq. ft:</td><td>39%</td></tr><tr><td>Lots 5201 through 5,400 sq. ft:</td><td>38%</td></tr><tr><td>Lots 5401 through 5,600 sq. ft:</td><td>37%</td></tr><tr><td>Lots 5601 through 5,800 sq. ft:</td><td>36%</td></tr><tr><td>Lots 5801 through 6,000 sq. ft:</td><td>35%</td></tr><tr><td>Lots 6001 through 6,200 sq. ft:</td><td>34%</td></tr><tr><td>Lots 6201 through 6,400 sq. ft:</td><td>33%</td></tr><tr><td>Lots 6401 through 6,600 sq. ft:</td><td>32%</td></tr><tr><td>Lots 6601 through 6,800 sq. ft:</td><td>31%</td></tr><tr><td>Lots 6,801 square feet or more:</td><td>30%</td></tr></table>	Lots up to and incl. 5,000 sq. ft:	40%	Lots 5001 through 5,200 sq. ft:	39%	Lots 5201 through 5,400 sq. ft:	38%	Lots 5401 through 5,600 sq. ft:	37%	Lots 5601 through 5,800 sq. ft:	36%	Lots 5801 through 6,000 sq. ft:	35%	Lots 6001 through 6,200 sq. ft:	34%	Lots 6201 through 6,400 sq. ft:	33%	Lots 6401 through 6,600 sq. ft:	32%	Lots 6601 through 6,800 sq. ft:	31%	Lots 6,801 square feet or more:	30%
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Roof Pitch:	Minimum of 4/12 (4 inches rise per foot of run)																						
Mandatory Open Spaces (see notes below):																							
Front Yard:	Minimum depth from street line: 20 feet to dwelling wall; 10 feet to first floor level deck edge; 16 feet to second floor level deck edge.																						
Side Yards:	Each side yard shall be a minimum of six feet or 15% of lot width, whichever is greater, except for corner lots.																						

Rear Yard:

Minimum depth: six feet.

Note 1. 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.

Note 2. No accessory building shall be placed closer than six feet from the rear lot line and must adhere to all side line requirements of these regulations. In the case of beach front property, any tool house or shed must be located at least 20 feet from the street line and adhere to all side line requirements.

On any lot adjoining the beach or waterfront, no dwelling shall be erected, altered, or added to, in such fashion that the building wall comes closer than 20 feet to the top of the bank, rocks, wall, or beach line of said lot nor closer than six feet to any side line, or closer than 20 feet to the street line. A separate garage on such a lot must stand a minimum of 10 feet from any street line and adhere to all side line regulations. No structure, other than the dwelling, which must be 20 feet, shall be erected within 10 feet of the top of the bank, rocks, or wall, or beach line.

The street line shall be defined as the front line.

Note 3. For the purpose of measurement, all eaves, overhangs (excluding gutters), and any other parts of a building, dwelling, or structure shall be included. The foundation line does not determine the set back.

Note 4. 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 6 foot open space requirement.

SECTION 3005. FLOOR AREA REQUIREMENTS

RESIDENCE ZONE

Type of Dwelling	Minimum First Floor	Floor Area Second Floor	2nd Floor Requiring 7ft. Ceiling Height
1 story	800		
1-1/2 story	700	350	175
2 story	500	500	

ARTICLE 310 – YARDS, SUPPLEMENTARY REGULATIONS AND EXCEPTIONS

SECTION 3101. No lot shall be reduced so that its area or dimensions shall be smaller than herein prescribed.

SECTION 3102. The area required in a court or yard shall be open from the base of such court or yard to the sky unobstructed except as follows:

1. Ordinary projections of window sills, belt courses, cornices, and other ornamental features to the extent of not more than six inches.
2. One bay window not supported by a foundation wall and including cornices or eaves appurtenant to such window may project or encroach into a yard to the extent of one and three-quarters feet, provided the length of such bay 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 feet to any lot line.
3. Provided a chimney cannot be located conformable with minimum side yard requirements, it may project not more than 24 inches into a side yard, but in no case shall it be less than four feet from 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 conformable with minimum rear yard requirements, it may project into the required minimum rear yard not more than six feet.
5. A deck, entrance steps, or entrance platform, must be open and may extend not more than 10 feet from the street line.
6. Existing porches may be enclosed and made part of the main dwelling. The existing porch roof line may not be raised.
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. No deck shall be allowed above the level of the flooring of the second floor level.
8. If any building, structure, deck, porch or the like is erected on concrete or other type piers, such piers and the area between ground level and the underside of the first floor sill plate must be covered with diagonal lattice or similar material approved by the Zoning Commission.

SECTION 3103. Fences may be erected for decorative purposes, provided they meet the following criteria:

1. Any fence shall be no higher than 42 inches from the ground and must be placed inside the lot line.
2. Only split rail or similar open-type fencing is permissible. Similar open type is defined as a minimum of 50% of the fencing must be visually open, not to include posts or structural supports.
3. Maximum allowable total length of fence shall not exceed 20% of the overall perimeter of the lot.
4. No chain link-type fence shall be allowed unless a proven hazardous condition exists.

5. 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 to be structures, subject to all zoning regulations.

SECTION 3104. Undisturbed Grade. Any addition of fill shall not alter the undisturbed grade measurement for 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 to, and approval of, the Zoning Commission.

ARTICLE 320 – HEIGHT EXCEPTIONS

SECTION 3201. There are no exceptions to height regulations.

CHAPTER IV NONCONFORMING USES OF LAND AND BUILDINGS AND STRUCTURES

ARTICLE 400 – NONCONFORMING USES

SECTION 4001. If any nonconforming building or structure or any building or structure containing a nonconforming use shall be damaged or destroyed by fire or other casualty, such building or structure may be restored and any such nonconforming use resumed to the extent that such building, structure, or use existed at the time of the casualty, provided that such restoration is started within a period of one year from such casualty and is diligently prosecuted to completion. For purposes of this paragraph, “restored” and “restoration” mean rebuilding the structure exactly as it previously existed, except for any modifications that would be allowed under GNBA Zoning Regulations in effect at the time restoration of the structure begins. Any such modification must be included in the restoration application to the Zoning Commission. In the event of failure to start such restoration within the one year period and to complete the same within 24 months thereafter, or within such additional period, not exceeding six months, as the Zoning Commission may grant upon written application to it, the right under this paragraph to restoration of such building or other structure and the right to resume any such nonconforming use shall be lost and terminated.

SECTION 4001.1. In the event of unsafe conditions in a structure discovered during the construction of a previously received approved building permit application, complete rebuilding may be allowed without regard to set back, heights, etc. *providing the structure is reconstructed to its exact original shape, form, location, etc. except for any approved change that was allowed in the previously approved building permit application.* This is not to apply to a complete demolition of a structure, except for Article 400, Section 4001. A complete demolition requires a Demolition or Wrecking permit and strict adherence to all current GNBA Zoning Regulations for the replacement structure as to set backs, heights, land coverage, etc. If a modification in the approved building permit application is desired because of discovered unsafe conditions, all work must stop until the desired modification is approved by the Zoning Commission.

SECTION 4002. No lot shall at any time be divided or conveyed, except as a whole, provided, however, that any portion of a lot may be conveyed to the owner or owners of any adjoining lot.

SECTION 4003. Nothing in the Giants Neck Beach Association Zoning Regulations shall prevent the construction of a single permitted building or a single permitted use of a single lot under separate ownership which prior to the adoption of these Regulations or any additions or changes, and continuously thereafter was established as a separate lot under separate ownership by deed or approved subdivision plan recorded in the land records of the Town of East Lyme. If one person or group of persons owns two or more contiguous parcels, those parcels shall be deemed merged into one lot for purposes of these regulations and cannot thereafter be sold separately or divided except in conformity with these regulations.

SECTION 4004. A nonconforming building/structure other than a dwelling may not be enlarged or extended in any way. A nonconforming dwelling may be enlarged or extended as follows:

1. Exterior walls that violate setback requirements may only be expanded vertically. This vertical expansion does not apply to a porch or former porch incorporated into the dwelling.
2. Exterior walls that meet setback requirements may be expanded, extended, or vertically increased provided all other zoning regulations are met.

CHAPTER V
SPECIAL REGULATIONS

ARTICLE 500 – ACCESSORY BUILDINGS

SECTION 5001. No accessory building shall be occupied for residential purposes on any lot.

ARTICLE 510 – SIGNS

SECTION 5101. Signs placed in connection with the sale of property may be two feet by three feet in size. Signs for rental of the property or for the sale of one car or one boat may not exceed 300 square inches in size. No other signs are permitted.

ARTICLE 520 – PROHIBITED USES

SECTION 5201. Within the Giants Neck Beach Association, no lot shall be used or occupied for any of the following purposes: junk yard, motor vehicle junk yard, or boat junk yard.

SECTION 5202. No mobile home shall be erected or used on any lot in the Giants Neck Beach Association.

SECTION 5203. No day care center shall be allowed in the Giants Neck Beach Association.

SECTION 5204. No radio tower, wind powered generator, satellite earth station antenna, or similar structure shall be built, erected, or modified in the Giants Neck Beach Association. A TV satellite antenna not exceeding 24 inches in diameter may be attached to the main structure on the property provided all front, side and rear setbacks are observed.

SECTION 5205. No cow or horse stable, or chicken or other fowl shelter may be constructed within the territorial limits of the Giants Neck Beach Association.

ARTICLE 530 – SOLAR ENERGY COLLECTION PANELS

SECTION 5301. Purpose. This article regulates the location of solar energy collection panels, and similar structures to minimize nuisances to owners of adjoining properties, insure 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.

SECTION 5302. 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 permit is approved by the GNBA Zoning Commission. Any person applying for such a permit shall furnish plans, drawings, and specifications as the Zoning Commission may require to adequately show proposed location, elevations, dimensions, construction, mounting, and screening.

SECTION 5303. 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.

CHAPTER VI GENERAL REGULATIONS

ARTICLE 600 – GENERAL REGULATIONS

SECTION 6001. East Lyme Zoning Regulations. The Giants Neck Beach Association is a corporate beach association by special act of the Connecticut State Legislature. These ordinances and regulations are adopted in accordance with proper legislative authority granted to a corporate beach association. The zoning regulations of the Town of East Lyme shall apply except where they are in conflict with those of the Giants Neck Beach Association.