

GIANTS NECK BEACH ASSOCIATION

THE COMPLETE BOOK

CONTAINING:

CHARTER – Selected Excerpts

as adopted by the Connecticut Legislature

BYLAWS, ORDINANCES AND ZONING REGULATIONS

As Adopted by the Board of Governors
of the Giants Neck Beach Association

THIS EDITION INCORPORATES ALL REVISIONS ENACTED THROUGH JUNE 18, 2016.

Available for download at www.giantsneckbeach.org
Printed booklets available for \$10.00

GIANTS NECK BEACH ASSOCIATION

Incorporated 1941
East Lyme, Connecticut

EXCERPTS FROM CHARTER

The Charter of the Giants Neck Beach Association, a body politic and corporate, is contained in the following Special Acts of the Connecticut General Assembly: Special Act No. 399 (1941), Special Act No. 278 (1947), Special Act No. 471 (1951), Special Act No. 318 (1957), Special Act 173 (1959), and Special Act 15-1 (2015).

The following are excerpts from these Special Acts concerning the governing of the affairs of the Association.

PURPOSES

"The objects of said association shall be to provide for the improvements of the lands in said territory and for the health, comfort, protection and convenience of the inhabitants thereof."
(1941 S.A. No. 399, Section 3)

MEMBERS AND ELIGIBILITY FOR OFFICE

"Every individual, corporation, trust, partnership, limited liability company or other legal entity, who owns or who may hereafter become the owner of any land within said limits, while they continue to be owners of such land, shall automatically be a member of The Giants Neck Beach Association in the manner hereinafter provided. When the ownership of any land in the association is in the name of more than one individual, each co-owner shall be deemed a member of the association. When the ownership of any land is in the name of a corporation, trust, partnership, limited liability company, or other legal entity, said entity may designate a "member representative" by notifying the association secretary of such designation in writing. Each member or member representative and his or her legal spouse shall be eligible for any office in said association, provided they are at least part-time residents of any land within the limits of the association." (2015 S.A. No. 15-1, Section 16(b))

VOTING ELIGIBILITY

"Regardless of the form of ownership or the number of members who reside at a particular property, each property within the association shall have only one (1) vote to cast in association matters. When the ownership of any land in the association is in the name of more than one individual,

the co-owners shall be entitled to only one vote among them. If such co-owners disagree as to how the vote shall be cast, none of them shall vote. The association may accept the vote of any single co-owner as being the vote for a property, unless it has actual notice of a disagreement among the co-owners prior to the time of voting. The governing board and the association shall not be liable to any member or third party for accepting the vote of any owner or member representative designated as a member representative . . .” (2015 S.A. 15-1, Section 16(c))

GOVERNING BOARD

“At each annual meeting thereafter, the successors to the members of the governing board whose terms expire shall be elected for terms of two years.” (2015 S.A. 15-1, Section 17)

“Any vacancy in said board, occurring during the year, may be filled [by the vote of] a majority of the remaining members, and such member so appointed shall hold office for the unexpired portion of the term.” (1941 S.A. No. 399, Section 6)

OFFICERS

“Said governing board shall elect from among its members a president, one or more vice presidents, and other such officers as are deemed necessary. Said board shall appoint a secretary and a treasurer and define their duties. Neither of such appointees shall, necessarily, be a member of the board and both positions may be held by one person.” (1941 S.A. No. 399, Section 4)

MEETINGS

“Annual Meetings shall ... be held not later than September 8th in each ... year at such a time and place as the governing board shall direct and warn.” (1941 S.A. No. 399, Section 4)

“All ... meetings, annual or special, shall be warned by said governing board in the manner prescribed by it in rules or by-laws made by said board.” (1941 S.A. No. 399, Section 5)

“The governing board may, at its discretion, identify in the call of any regular or special association meeting matters on which a member or a duly authorized representative . . . may vote by absentee ballot. In addition, the governing board, at its discretion, may conduct a vote of the association purely by absentee ballot

as provided herein, provided that a meeting of the association has first been conducted to discuss the proposed vote.”
(2015 S.A. 15-1, Section 18(b))

“Members of the Governing Board may participate in meetings through the use of conference telephone, videoconference or similar communications equipment if all members participating in the meeting are able to hear and identify one another, provided that a quorum is physically present at the noticed meeting location. Participation in a meeting through the use of conference telephone, videoconference or similar communications equipment shall constitute presence in person at such meeting, except for purposes of determining a quorum. Any member so participating shall identify himself or herself each time he or she speaks.”
(2015 S.A. 15-1, Section 18(c))

POWERS OF THE ASSOCIATION

"Said association may purchase, acquire or own real estate or any interest therein, and the governing board may enact such by-laws and ordinances as may be incident to and necessary for the functioning of such governing board in carrying out the powers with which it is vested, to prescribe the salaries or compensations of all officers and employees of said association and for the following purposes: ... to care for beaches and waterfronts; to keep the streets and all public places within the limits of said association quiet and free from noise; to regulate the parking of motor vehicles; to build, repair and improve ... piers, docks and breakwaters within the limits of said association; to require owners or lessors of land or buildings within the limits of said association to remove leaves and other inflammable material or obstructions from the highway adjacent to or in front of property owned, leased or occupied by them; to prevent the deposit upon the property within the limits of said association of any refuse, garbage or waste material of any kind which, in the opinion of said Board, may endanger the public health or safety or which may become a nuisance; to remove garbage, filth, nightsoil, ashes and other refuse matter within said limits, and to authorize such persons as the board may designate to make entry on any private property within said limits for the purpose of taking and removing all filth, garbage, ashes, nightsoil or any other offensive matters; to establish building lines; to protect any property from danger by fire, including the regulation of the number of cottages and structures that may be erected or placed on a single building lot within said limits; to zone the area within the limits of said association, thereby regulating and restricting the height, number of stories, size of buildings, percent of lot that may be occupied, the size of yards, courts and other open spaces, the location and use of buildings, structures and land for trade, industry, residence and other purposes, and establishing the boundaries of the districts for said purposes and providing penalties for violations of restrictions; to regulate the carrying on, within the limits of said association, of any business that will, in the opinion of

said board, be prejudicial to public health or dangerous to or constitute an unreasonable annoyance to those living or owning property in the vicinity thereof, which regulations shall be uniform for each class or kind of buildings or structures, or class of business; to regulate peddling as provided for in towns under the general statutes; to restrict the right of entry on the property of said association except upon the highways and to promote the planting of trees and shrubbery and other work leading to the improvement of the general appearance of the community. ...

... Said governing board may fix a penalty for each violation of any such by-laws, ordinances or regulations, and the penalties may be recovered in any action brought for the purpose in the name of The Giants Neck Beach Association before any court having jurisdiction, for the use and benefit of said association. No by-law or ordinance shall take effect until ten days after its passage nor until it shall have been posted on a signpost within the limits of the association, to be designated by the governing board, for at least seven days.”
(2015 S.A. 15-1, Section 19)

"The association may acquire by lease or purchase any part or all of the property, real or personal, of the Giants Neck Land and Improvement Company.”
(1951 S.A. No. 471, Section 1)

ASSESSMENT

“[T]he secretary of the association shall, in the manner directed by the association or the governing board, make an assessment list of all the real estate within the limits of said association as shall appear by the assessment list of the town of East Lyme ... and the list so prepared by the secretary shall correspond in description, amount and value of such real estate, with such town list. ...[S]uch list [unless revised by the Governing Board as provided by the Special Acts of the legislature], shall be adopted by said board and shall then be and constitute the assessment list for the association. . . . In addition to the annual general assessment referenced above, the Governing Board may, upon approval of the association voting at a regular or special meeting duly warned, enact special assessments to fund capital projects. The amount of any such special assessment may be made on any basis that is recommended by the governing board as necessary and proper given the nature of the project for which the assessment is being made, provided that such amount has been approved by the association at a regular or special meeting duly warned.”
(2015 S.A. 15-1, Section 20)

BUDGET AND TAX

"Said board of governors shall prepare and submit to said association, at each annual meeting, a budget and recommend a tax for the purpose of and based on such budget ... upon the assessment list of the association

then last completed or next thereafter to be completed, which budget and tax rate shall be posted on the signpost of said association not less than five days before such annual meeting....

... Said association, at any annual meeting, shall have the power to increase or decrease such budget and rate of taxation recommended by said board of governors.”

(1941 S.A. No. 399, Section 8)

“The rate of taxation so recommended by said board of governors shall be final unless increased or decreased by the association at such annual meeting or at any special meeting of the association called for the purpose.”

(1951 S.A. No. 471, Section 2)

“In the event a budget and tax rate are not adopted by the association at the annual meeting, necessary expenditures shall be made and the tax rate shall be set in the manner specified in sections 7-405 and 12-123 of the general statutes, until a budget and tax rate are approved by the association at a special meeting or until a budget and tax rate are adopted at the next annual meeting.”

(2015 S.A. 15-1, Section 20)

“The rate of taxation of the Giants Neck Beach Association shall not exceed eight (8) mills on the dollar.”

(1959 S.A. No. 173)

BYLAWS

ARTICLE 1 – MEETINGS

SECTION 1. The annual meeting of the Giants Neck Beach Association (“Association”) shall be held on the third Saturday in June each year (the “Annual Meeting”). The Governing Board shall hold an open meeting in July and August for all members of the Association (each, an “Association Member”) under regulations of Section 3.

SECTION 2. Special meetings of the Association may be called by the Governing Board in accordance with Section 3.

SECTION 3. The Governing Board shall call and warn all meetings of the Association by posting notice on one or more official signboards located at conspicuous places within the territorial limits of the Association and in the town clerk’s office of the Town of East Lyme at least seven days before such meetings are to be held giving the time, place of the meetings, and the purpose for which they are called. Such notice shall also be sent to Association Members at their last known physical or email address. Association Members are responsible for notifying the Secretary of address changes, both email and U.S. mail.

SECTION 4. No fewer than 15 of the legal voters of the Association shall constitute a quorum for the transaction of business at any meeting of the Association and, if 15 voters shall not be present at such a meeting, the presiding officer may recess such a meeting from time to time until at least 15 voters shall be present or may adjourn the meeting.

SECTION 5. Any qualified Association Member shall be entitled to vote: 1) at any meeting of the members provided that he or she is actually present at the meeting; or 2) by absentee ballot as provided herein if such procedure is invoked for the vote at issue. The use of proxies, powers of attorney or other delegations of voting power are expressly prohibited.

SECTION 6. Upon a petition filed with the President and the Secretary of the Governing Board, signed by 15 Association Members, calling for a special meeting of the Association for any lawful purpose, the Governing Board shall, within 21 days, warn such a special meeting as provided in Article 1, Section 3.

SECTION 7. Association Members shall pay a fee for any application for changes to the Bylaws, Ordinances or Zoning Regulations of the Association that may require a public hearing.

SECTION 8. The Board of Governors shall hold a public hearing before amending Bylaws, Ordinances or Zoning Regulations. Any such public hearing shall be noticed in the same manner as the warning of meetings of the Governing Board in Section 3, except that public hearings to consider the amendment of Zoning Regulations shall be noticed in accordance with the provisions of the Connecticut General Statutes.

SECTION 9. In the event that a vote of the Association will be held purely through absentee ballot without a physical meeting, or if the Governing Board identifies matters in the call of a meeting on which a vote may be cast either in person or by absentee ballot, the following requirements apply:

- (i) The Governing Board shall notify the Association Members that the vote will be taken by ballot alone, or that a particular matter may be voted on by absentee ballot;
- (ii) For votes without a meeting, the Governing Board shall deliver a single paper or electronic ballot to the owner(s) of record of each property within the association, on which the one vote for that property shall be recorded;
- (iii) For votes that are allowed by absentee ballot, the Governing Board shall deliver a single paper or electronic ballot to the owner(s) of record of each property within the Association who so requests an absentee ballot, on which the one vote for that property shall be recorded;
- (iv) The ballot must set forth each proposed action or office to be filled and provide an opportunity to vote for or against the action or the candidate for office;
- (v) When the Governing Board delivers the ballots, it shall also (A) indicate the number of responses needed to meet the quorum requirements; (B) state the percentage of votes necessary to approve each matter; (C) specify the time and date by which a ballot must be delivered to the Association to be counted, which time and date may not be fewer than seven (7) days after the date the Governing Board delivers the ballot; and (D) describe the time, date and manner by which members wishing to deliver information to all members regarding the subject of the vote may do so;
- (vi) A ballot is not revoked after delivery to the Governing Board by death or disability or attempted revocation by the person that cast that vote, except that when co-owners disagree about who is entitled to cast the vote, then as noted above neither is allowed to vote and any votes cast shall be revoked;
- (vii) For votes without a meeting, approval by ballot pursuant to this section is valid only if the number of votes cast by ballot equals or exceeds the quorum required to transact business at a meeting of the Association; and
- (viii) For votes that are allowed by absentee ballot, approval of the matter is valid only if the number of votes cast by absentee ballot, plus the number of votes made at the meeting, equals or exceeds the quorum required to transact business at a meeting of the Association.

ARTICLE 2 – GOVERNING BOARD

SECTION 1. The property and affairs of the Association shall be under the care and management of the Governing Board (also referred to as the Board of Governors), which shall be comprised of seven members, all of whom shall be Association Members or Member-spouses.

SECTION 2. A term on the Governing Board shall be for two years and no board member shall be elected for more than three consecutive two-year terms. Board members shall be elected as outlined under Nominating Committee.

SECTION 3. Any vacancy in said board, occurring during the year, shall be filled by the vote of a majority of the remaining board members, and such board members so elected shall hold office for the unexpired portion of the term.

SECTION 4. A quorum of the Governing Board shall be four board members. If no quorum is present to vote, those in attendance may adjourn the meeting to a specified future date.

SECTION 5. Members of the Governing Board are expected to attend all meetings. To be able to determine if a quorum will be present, those unable to attend are expected to notify the secretary in advance of the meeting. Three consecutive absences of a board member from Governing Board meetings will be considered sufficient grounds for the Board to declare a vacancy.

SECTION 6. In January of each year, the Secretary shall publish and notify Association Members of the regular meetings for the ensuing year.

ARTICLE 3 – OFFICERS

SECTION 1. The officers of the Association shall be elected from the members of the Governing Board at a meeting held immediately after or as soon as possible after the Annual Meeting. Such Officers shall include a President and a Vice President, referred to in these Bylaws and the GNBA Ordinances as the “President” and “Vice President,” respectively.

SECTION 2. It shall be the duty of the President to preside at all meetings of the Association and the Governing Board. The President shall have general supervision of the Association and authority in the name of the Association to enforce all regulations and ordinances of the Association where the Governing Board has determined that there is a violation. The President shall appoint all permanent and special committees whenever, in the opinion of the Governing Board, such committees are needed. Committees shall have no fewer than three and no more than five members, unless expressly authorized by the President. Membership on the Nominating Committee and the Zoning Commission must have the approval of the Governing Board.

SECTION 3. The Vice President shall perform the duties of the President in the absence or inability of the President to act. In the absence of both the President and the Vice President, the Governing Board members present at the meeting may nominate and elect a president pro tem.

SECTION 4. The Governing Board shall appoint a Secretary, who shall keep a record of the minutes of all meetings of the Association and the Governing Board, provide a copy to the town clerk of the Town of East Lyme within 48 hours following a meeting, and be prepared to make copies available upon request. The Secretary shall keep current at all times a list of Association Members with their last known physical and email addresses. The Secretary shall also perform other such duties as described in the Special Acts of the legislature, or as directed by the Governing Board. The Board may also from time to time appoint a recording secretary.

SECTION 5. The Governing Board shall appoint a Treasurer, who shall have charge of the collection and disbursement of all monies, and no payments shall be made by the Treasurer except on vouchers approved by the President, the Vice President, or the Chair of the relevant committee. The Treasurer shall, before the first of July in each year, render a tax bill to every Association Member, who is liable for taxes, for the amount of taxes due in accordance with the tax list. The Treasurer shall render a report to the Association at the annual meeting and a monthly report to the Governing Board showing all monies received and disbursed and the balance on hand at that time. The Treasurer shall be bonded by the Association, for the faithful performance of duties. The Treasurer shall also perform other such duties as required by the Special Acts of the legislature, the bylaws of the Association, and as directed by the Governing Board.

SECTION 6. The Governing Board may appoint a Registrar of Voters, who shall: (a) maintain a list of eligible voters within the Association, including any individuals appointed as Member Representatives pursuant to the Association Charter, and (b) oversee and ensure compliance with voting procedures.

ARTICLE 4 – FISCAL YEAR

SECTION 1. The fiscal year of the Association shall begin on the first day of July of each year. (General Statutes, Section 7-381)

ARTICLE 5 – ZONING COMMISSION

SECTION 1. The Zoning Commission shall consist of five regular and three alternate members appointed annually by the President with the approval of the Governing Board. All such regular and alternate Commission members shall be Association Members or Member-spouses. No member of the Governing Board shall serve simultaneously on the Zoning Commission.

SECTION 2. The Zoning Commission shall elect a Chairperson.

SECTION 3. The Zoning Commission secretary in January of each year shall publish and notify the Association Members of the regular Zoning Commission meetings for the ensuing year. If in any given month there are no applications or other business, the meeting may be cancelled.

SECTION 4. A quorum of the Zoning Commission shall be three members.

SECTION 5. There shall be a Zoning Enforcement Officer appointed by the President with the approval of the Governing Board. The Zoning Enforcement Officer shall ensure compliance with all Zoning Regulations and all decisions of the Zoning Commission. If compliance is not forthcoming, the Zoning Enforcement Officer shall inform the Zoning Commission Chairperson of the violation. If compliance is not forthcoming, the Zoning Enforcement Officer may issue a cease and desist order and shall inform the Zoning Commission Chairperson of the violation, who, in turn, shall report the violation to the Governing Board for appropriate action. A member of the Zoning Commission may serve as the Zoning Enforcement Officer.

SECTION 6. The Zoning Enforcement Officer shall have the right to enter any building under construction or upon any property for the purpose of inspecting the same or enforcing any provision of the Zoning Regulations.

SECTION 7. Should an application be denied by the Zoning Commission, the applicant may appeal to the Zoning Board of Appeals for a final decision.

SECTION 8. Each application to the Zoning Commission shall be accompanied by the appropriate application fee, in accordance with a Schedule of Fees to be adopted by the Governing Board and amended periodically in its discretion, which at a minimum should cover anticipated expenses to be incurred by the Zoning Commission in processing the application.

ARTICLE 6 – ZONING BOARD OF APPEALS

SECTION 1. There shall be a Zoning Board of Appeals elected at the annual Association meeting. The Zoning Board of Appeals shall consist of five regular and three alternate members, all of whom shall be Association Members or Member-spouses. The alternates shall be designated to act in the place of regular members who may be absent or excused because of a conflict of interest. No member of the Governing Board or Zoning Commission shall serve simultaneously on the Zoning Board of Appeals.

SECTION 2. Initially one member and one alternate shall be elected for a one-year term, two members and one alternate elected for a two-year term, and two members and one alternate shall be elected for a three-year term. Thereafter, each member and alternate as required shall be elected for a three-year term.

SECTION 3. Interim vacancies shall be filled by action of the Governing Board.

SECTION 4. Members of the Zoning Board of Appeals shall elect a Chairperson as soon as possible after the Annual Meeting. A Secretary other than a member of the Zoning Board of Appeals shall be appointed and shall keep a permanent record of the proceedings of the board meetings showing the vote of each member upon each question or, if absent or failing to vote, shall record same. If the Chairperson shall be excused because of a conflict of interest, a temporary chairperson shall be selected from the remaining members.

SECTION 5. The meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times as the board may determine. A petition to the Zoning Board of Appeals must receive at least four affirmative votes to be approved. A quorum shall be in accordance with State statutes.

SECTION 6. Decisions of the Zoning Board of Appeals will be governed by the Connecticut General Statutes. The powers and duties of the Zoning Board of Appeals shall include:

- a. To hear and decide appeals where it is alleged that there is a question of interpretation of any order, requirement, or decision made by the Zoning Commission or the Zoning Enforcement Officer.
- b. To hear and decide all matters including special exceptions provided for by the specific terms of the zoning ordinance or regulation.
- c. To determine and vary the application of the Zoning Regulations in harmony with their general purpose and intent and 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 the Zoning Regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare preserved.

SECTION 7. Each application to the Zoning Board of Appeals shall be accompanied by the appropriate application fee, in accordance with a Schedule of Fees to be adopted by the Governing Board and amended periodically in its discretion, which should at a minimum cover expenses anticipated to be incurred by the Zoning Board of Appeals in processing the application.

ARTICLE 7 – COMMITTEES

SECTION 1. The President shall appoint all permanent and special committees whenever, in the opinion of the Governing Board, such committees are needed. All committees shall be advisory to the Governing Board and may not act for the Governing Board unless expressly authorized by the Governing Board to do so.

SECTION 2. Committees shall have no fewer than three and no more than five members unless expressly authorized by the President.

SECTION 3. Nominating Committee:

- a. A Nominating Committee composed of three Association Members or Member-spouses, appointed by the President with the approval of the Governing Board, shall present, in the call to the Annual Association Meeting, a slate of names of eligible members to fill the number of vacancies on the Governing Board and a slate of names of eligible members to fill the vacancies on the Zoning Board of Appeals.
- b. Each slate, with the terms to be served, shall be presented to the Association membership at the Annual Meeting.
- c. Nominations from the floor shall be in order provided that the nominee has agreed to allow his or her name to be placed in nomination.
- d. Members of the Governing Board and members of the Zoning Board of Appeals shall be elected by those present and voting as authorized herein, provided a quorum is present.

ORDINANCES

ARTICLE 1 -- DWELLINGS

SECTION 1. No person, firm, or corporation shall use, rent, or lease any garage, trailer, or tent for dwelling or living purposes within the territorial limits of the Giants Neck Beach Association (also referred to herein as “GNBA” and “Association”).

SECTION 2. No house trailer or recreational vehicle may be parked within the territorial limits of the Association except in the driveway of a dwelling and for a period not to exceed one week provided that said vehicle shall not be parked in such a manner as to create a safety hazard or cause a public nuisance.

ARTICLE 2 – TRAFFIC LAWS

SECTION 1. Operators of any motor vehicle upon any road within the territorial limits of the Giants Neck Beach Association shall obey all traffic regulations and are subject to fines for violation thereof in accordance with Article 10, Paragraph 1.b.

ARTICLE 3 – GARBAGE AND SANITATION

- SECTION 1.**
- a. Garbage is defined to be all waste, animal, fish, fowl, fruit, or vegetable matter.
 - b. Rubbish is defined to be all other refuse.

SECTION 2. All garbage, as defined in Section 1.a., must be placed in containers provided or authorized by the Town of East Lyme and all recycled items shall be managed according to East Lyme Rules and Regulations. All trimmings and brush are to be disposed of by removal or placement in compost piles, which piles shall cover no more than twenty-five square feet, shall be no more than three feet high and shall be appropriately screened from neighboring properties. Trimmings, brush and lawn cuttings may not under any circumstances be deposited upon any property owned or leased by GNBA or Giants Neck Improvement Club (“GNIC”), or upon any beach or in any pond, stream, or other body of water within the territorial limits of the Association, including the Long Island Sound.

SECTION 3. Persons having custody or control of premises from which garbage or rubbish is intended for collection must provide that the same is placed at the side of the road in such containers and bundles as described herein and in such a manner that said containers and bundles do not constitute a travel or health hazard or nuisance of any sort.

SECTION 4. Every effort should be made to place containers at the curb the night before the scheduled collection and, after collection, to remove them from the side of the road as soon as possible.

SECTION 5. No rubbish of any kind or garbage of any sort shall be thrown or placed on any street, sidewalk, beach, or vacant lot or in any creek or lake within the territorial limits of the Association.

SECTION 6. No person or persons shall leave any rubbish or garbage so exposed to the elements as to make said rubbish or garbage obnoxious or a menace to public health.

ARTICLE 4 – RESTRICTIONS ON COMMERCIAL USE

SECTION 1. No business shall be established or carried on in a residence or building or from any residence or building, or on or from the land of any right of way, or upon any dock, or upon any raft or boat adjacent to any lot and accessible therefrom, within the territorial limits of the Association for any purpose unless it is a home occupation as defined in Article 130, Section 1305 of the Zoning Regulations.

SECTION 2. The Governing Board may regulate any home occupation (as defined in Article 130, Section 1305 of the Zoning Regulations) that is an unreasonable annoyance to those in the neighborhood of said home occupation or that is dangerous or prejudicial to the public health.

SECTION 3. No garage, tag, or yard sale shall be held or carried on within the territorial limits of the Association.

SECTION 4. It shall be unlawful for an owner or lessor of a residence located within the territorial limits of the Association to rent such residence to a sorority, fraternity, or club group of a similar nature. No such group shall occupy a residence in the territorial limits of the Association.

SECTION 5. Owners are fully responsible for the actions of their renters as those actions pertain to the adherence to the Giants Neck Beach Association Bylaws and Ordinances. All tenants shall be provided with copies of the Bylaws and Ordinances of the Association and all written leases shall incorporate said Bylaws and Ordinances by reference. Any Giants Neck Beach Association fine unpaid by a tenant or guest shall be the obligation of the Owner of the property.

ARTICLE 5 – USE OF ASSOCIATION PROPERTY

SECTION 1. The beaches, right of ways, and other lands within the territorial limits of the Giants Neck Beach Association are for the use of the members of the Association, their families, guests, and renters exclusively. Use of such areas by others is forbidden.

ARTICLE 6 – MOTOR VEHICLES AND PARKING

SECTION 1. a. It shall be unlawful for any vehicle to obstruct or interfere with traffic. Except as provided below, no vehicle shall be parked upon any marginal land, right of way, or roadway within the territorial limits of the Association. Violation will be subject to a fine or other penalty as provided herein.

A vehicle under custody or control of a property owner may be parked on the strip of marginal land located between the paved road surface and that owner's adjacent property line. Should two property owners overlap such a piece of marginal land, neither may park on such overlapped piece.

b. Permission may be granted by the President or his/her designee for temporary parking on Association property for special occasions.

SECTION 2. No lot, improved or unimproved, within the territorial limits of the Association, shall be used primarily as a parking space for automobiles or other vehicles. No vehicles shall be parked overnight on Association property.

SECTION 3. Any vehicle parked in violation of these Ordinances is subject to ticketing and/or towing at the owner's expense, including fines as may be established from time to time by the Board of Governors pursuant to Article 10, Paragraph 1.b.

ARTICLE 7 – PROPERTY MAINTENANCE

SECTION 1. All unimproved property shall be cut and cleared annually. Should any property owner fail to comply with this requirement, the Governing Board shall notify him/her of such neglect. If, within 15 days from the date of such notice, the situation has not been corrected then the Governing Board may arrange to have it cleared at the expense of the offending owner.

SECTION 2. All property within the territorial limits of the Association must be maintained in compliance with all applicable regulations and ordinances of the Town of East Lyme, and must be painted and kept orderly in a manner conforming to the surrounding area.

ARTICLE 8 -- ANIMALS

- SECTION 1.**
- a. No dog or other animal shall be allowed within the territorial limits of the Giants Neck Beach Association unless vouched for by some member of the Association or his/her renter(s), which person(s) shall be responsible for any damage or nuisance caused by said animal. No person owning, keeping, or having in charge any animal shall permit it to run at large, but every animal shall be contained on its property or leashed. No animal shall be allowed on any beach from May 1 to October 1. No person responsible for any animal shall allow it to create a nuisance by persistent barking, whining, or other behavior.
 - b. A nuisance is also defined as fecal droppings by a dog or other animal within the territorial limits of the Giants Neck Beach Association. The owner of the animal is responsible for the removal of the droppings by "pooper scooper" or other means. Fines will be levied by the President or his/her designee in accordance with Article 10, Paragraph 1.b.
 - c. The President or his/her designee is authorized to file a complaint with the Animal Control Officer of East Lyme for any violation of Section 22-364 of the Connecticut statutes and the owner is subject to a fine for each such violation in accordance with Article 10, Paragraph 1.b.

ARTICLE 9 – QUIET ENJOYMENT AND PUBLIC SAFETY

- SECTION 1.**
- a. No person shall cause any excessive or offensive noise on any street, right of way, or bathing beach.
 - b. Any construction, repair work, or other activity generating significant noise shall not commence before 8 a.m. and shall end at 6 p.m. unless authorized by the President or his/her designee.
 - c. Lawn mowing, hedge trimming and other noise-generating yard maintenance shall not commence before 8 a.m. and shall end at dusk.
 - d. No radios or other forms of audio amplifications are to be used on Association beaches except with headsets that restrict the sound to the wearer of the headset.

SECTION 2. No person shall make, ignite, or maintain any uncontained fire within the territorial limits of the Giants Neck Beach Association. Notwithstanding the foregoing, there shall be no fire allowed on any Association beach or other property owned by GNBA/GNIC except with the express, advance written permission of the President or his/her designee.

SECTION 3. No person shall place or maintain any building materials on any street, right of way, or public area without permission of the President or his/her designee.

SECTION 4. No person shall change into a bathing suit or from a bathing suit into clothing or dress or undress in any automobile or other vehicle or on any property within the territorial limits of the Association except in dwellings, bath houses, or other buildings provided for that purpose.

SECTION 5. Use of the beaches is restricted to members of the Association, their guests, and renters. Between 10 p.m. and 6. a.m., there shall be no bathing, sleeping or gatherings on any of the Association beaches.

SECTION 6. No person shall discharge any firearm within the territorial limits of the Association.

SECTION 7.

- a. Non alcoholic beverages, snacks and ice cream are permitted on the beaches. Alcoholic beverages and ice chests/coolers are not permitted. No glass containers of any kind are allowed on the beaches. It will be the responsibility of each member, renter or guest to remove his/her garbage from the beach each day as he or she leaves the beach.
- b. Smoking is prohibited on all GNBA beaches.

SECTION 8.

- a. All watercraft must be removed from the beaches by December 1 of each year and may not be returned to the beach overnight until April 1.
- b. All watercraft on the beach must be marked with the name of the owner unless authorized by the President or his/her designee.

SECTION 9. All boating/watercraft of any kind are prohibited on the upper and lower ponds.

SECTION 10. No person shall operate any drone or unmanned aerial vehicle for personal use within the territorial limits of the Association without the prior written permission of the President or his/her designee.

ARTICLE 10 -- ENFORCEMENT

SECTION 1.

- a. Any person who violates any ordinance or regulation shall be notified of the violation by the President or his/her designee, including any security guard or Zoning Enforcement Officer. If the violation is not corrected, the offender shall be fined as outlined in Section 1.b.

- b. Any person who violates any ordinance or zoning regulation shall be fined in accordance with the attached fine schedule, which may be amended from time to time by the Governing Board in its discretion. Each day that any violation continues shall constitute a separate offense.

SECTION 2. Any person aggrieved by any ruling issued by the Governing Board, shall give notice of same to the Governing Board.

SECTION 3. The Governing Board may, at its discretion, in a specific case and after public notice, hear and decide appeals where it is alleged that there has been an error in any ruling.

The Governing Board shall have the authority to vary any ordinance or ruling, without prejudice, in special cases in harmony with its general purpose and intent so that justice may be done. This authority shall be exercised in a manner to secure the public health, safety, and welfare solely in instances where there are practical difficulties or unnecessary hardships in carrying out the strict letter of the law.

ORDINANCES AND REGULATIONS CONCERNING ANCHORAGE IN AND USE OF GIANTS NECK HARBOR AND BEACHES

The area designated a SPECIAL ANCHORAGE on National Oceanic and Atmospheric Administration Chart No. 13211 is subject to these ordinances and regulations, as are all beaches that are under the governing control of the Association.

1. Definitions:

"Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water.

"Motorboat" where used in these regulations includes every vessel propelled by machinery, whether or not such machinery is the principal source of propulsion.

"Waterskiing" means the act of towing a person or persons by means of a line, or lines, secured to a motorboat.

"Committee" means the Harbor Management Committee of the Giants Neck Beach Association.

2. No person shall operate any vessel in a reckless or negligent manner so as to endanger the life, limb or property of any person.

3. To protect swimmers at the West Beach,

- a. no motorboat may be launched from any part of West Beach, and
- b. motorboats may approach no nearer than 200 feet to the West Beach.

4. Two Main Beach swimming areas are designated by float lines perpendicular to the beach at the eastern and western ends of the main beach.

All vessels are prohibited from operating in these designated swimming areas, as well as in the area immediately east of the easternmost float line; this area is also designated as a swimming area.

5. Within the harbor, vessels may be operated ONLY:

- a. from the beach between the two westernmost swim float lines, and
- b. in the area south of the swimming area marker buoys, as shown on Attachment "A" in the 3/27/84 letter of approval from the DEP (see map on last page of this section).

- c. Boats may be walked through the water in the swimming area to the boat launching area.
 - d. Replacement of boat poles in the boat access area must have approval of the Harbor Management Committee.
 - e. Swimming is restricted in the boat launching areas. Swimmers who swim in those areas do so at their own risk.
 - f. In the marked areas, every vessel shall have careful regard to the existing circumstances and conditions, and in no case shall the speed of any vessel exceed 5 miles per hour or create a wake.
6. Channels provided for entering and leaving the harbor shall be kept clear at all times and shall not be used for any other purpose.
 7. Each owner and operator of any vessel operating, entering, mooring, or departing from the limits of the Special Anchorage Area, shall be responsible for the safe operation and mooring of the vessel and shall be liable for any damage or injury caused by such vessel. Said owner shall be responsible for removing his damaged boat and/or the debris from any damaged boat from any Association beach or marginal land.
 8. Mooring equipment (including but not limited to anchors, ground tackle, buoys, mooring lines or cables) shall be furnished and maintained by the owner; shall be adequate for securing the vessel and preventing dragging; and must also be inspected by the East Lyme Harbor Master or his appointee before being used. Mooring equipment must be registered with the East Lyme Harbor Master each year and is subject to inspection, at owner's cost, every two years.
 9. The owner of any vessel using the harbor shall be responsible for the conduct of all persons using, visiting or occupying such vessel.
 10. The owner and operator of any vessel using the harbor shall not permit any garbage, oil, sludge, refuse matter, or waste material of any kind to fall, be thrown, deposited or discharged overboard while the vessel is in the harbor.

The toilet facilities of any vessel which empty into the water shall not be used while such vessel is in the harbor.

11. Beaches, docks, piers, walks or rights of way shall not be used as storage space for any gear, equipment or supplies. Small boats may be placed against the seawall and must be identified in accordance with Article 9, Section 9.b. of the GNBA Ordinances.
12. No vessel shall be hauled up on the bathing beach for cleaning, painting, or scraping; however, emergency repairs sufficient to remove such vessel from the harbor may be permitted when, in the opinion of the Committee, such repairs are necessary.

13. No sign, placard, or commercial display of any kind, excluding signs reading "For Sale," may be attached to or exposed from any vessel within the SPECIAL ANCHORAGE area.
14. No "hard" floats will be permitted in the mooring areas.
15. All harbor areas are SPECIAL ANCHORAGE areas and restricted speed zones in these areas for motorboats will be in accordance with Connecticut State Law.

Water-skiing is not permitted within the limits of these areas.

16. No person shall erect a pier, dock, float, boat post, mooring, or similar fixed or floating structure or impediment whatsoever for use in connection with boating, fishing, bathing, or other related purposes upon the beaches or other marginal land along the waterfront or in the Nehantic Ponds within the territorial limits of the Association.

The Governing Board may direct, by written notice, the relocation or removal of any pier, dock, float, boat post, mooring, etc. upon the beaches or marginal lands.

17. Neither the Giants Neck Beach Association nor any of its committees shall be responsible for injury or damage caused by any vessel.
18. Only members of the Association shall be eligible to use the Giants Neck Beach Association dock and to apply for mooring privileges. Persons using the Association dock must conform to the Rules and Regulations of the dock committee. Persons using the private dock are responsible for observing the Rules and Regulations of the private dock association.
19. All motorboats must be registered in accordance with state statutes and regulations.
20. Boat owners are responsible for providing the registration number and description of the boat and position of mooring to the Chairperson of the Dock and Harbor Management Committees each year.

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:
	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%

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.