

SECTION 520

NONCONFORMING USES

Section 520.1 Nonconforming uses. Any lawful use of land existing at the time of adoption of these regulations which is not allowed under the terms of these regulations may be continued, subject to the following conditions:

Manufactured home parks containing fewer than thirty (30) manufactured homes, however, may be expanded by special permit up to a maximum total of thirty (30) manufactured homes for the entire park. Any manufactured home park containing thirty or more homes shall not be expanded. (Amend. of 10/19/87)

Any nonconforming use which is damaged or destroyed by natural disaster or any other means out of the control of the owner may be rebuilt if the reconstruction is begun within one year of the destruction and the restored building occupies the same amount of floor area as did the original building.

Any nonconforming use may be sold or otherwise transferred. (Amend. Of 11-10-80; Amend. Of 4-13-87, sec. 2).

Section 520.1.1 Nonconforming mobile homes.

Expansions of mobile home parks in existence on the effective date of these amendments may be allowed by special permit, however. Section 520.5 concerning cessation of use shall apply, as well as the following conditions:

- Expansions shall not increase the total number of mobile homes situated within the mobile home park to more than thirty (30).
- The mobile home park site shall be at least five (5) acres in size.
- All mobile home parks shall be licensed by the Connecticut Real Estate Commission as per Chapter 412 of the General Statutes, as amended, and shall conform to the requirements of the State Building Code, the State Health Code, the Fire Safety Code and all applicable Town Ordinances and regulations.
- All roads and related drainage facilities within a mobile home park expansion, and roads and related drainage facilities common to the proposed expansion and the existing park, shall be constructed in accordance with the design standards and procedures, as stated in the Killingly Subdivision Regulations, effective May 11, 1977, as amended.
- In addition to the requirements of Section 720.1.1, the site plan shall show the location, square footage, setback lines and dimensions of all mobile home spaces and shall portray the entire park site.
- Safe pedestrian and bicyclists' circulation shall be provided such to safely inter-link the site's facilities with the dwelling units, and to safely interlink the development with the adjoining neighborhood.

- Where solid waste disposal services are to be provided, all stations shall be screened and shown on the site plan.
- In the event regular public passenger transportation is available to residents of the development, a shelter shall be provided by the applicant at a location convenient to said residents and readily serviceable by the public passenger transportation operator.
- The applicant shall furnish the Commission with a detailed written description of the proposed development's landscaping plan, such to include a schedule for completion of all landscaping elements. The landscaping plan shall be visually portrayed on the site plan.
- In cases of proposed expansions of three or more mobile homes, the applicant's site plan shall show proposed grade contours at two (2) foot or one (1) foot intervals, and the elevation at all corners and control points of all parking facilities shall likewise be shown.
- The site plan shall show vegetative or other physical controls which will serve to restrict motorists from traveling on landscaped areas and further restrict vehicular parking to designated parking areas.
- Parking shall be restricted to designated areas which are removed from the development's principal access streets.
- The Commission may waive Section 720.1.2 where it pertains to the architectural plans of proposed mobile homes.
- Each mobile home space which is to be served by a subsurface septic system shall be approved by the District Department of Health, and written approval for each such space shall accompany the application. The location of all test holes shall be shown on the site plan.
- The applicant shall make every effort to upgrade any nonconforming elements of the existing park to the requirements for mobile home park expansions as per this Section.
- All facilities common to the existing park and proposed expansion shall conform to the standards and requirements for such facilities as per this section.
- No such expansion shall be permitted in the Flood Hazard District.
- Public open spaces may be required by the Commission in amount and locations it considers proper and reasonable for parks and playgrounds. Where required by the Commission, such an area shall be at a rate of not more than 10% of the total area of the mobile home park, but not less than 10,000 square feet. This land shall be adequately prepared to serve the intended purposes.
- Where the proposed mobile home park expansion adjoins a residential zone, save when the adjoining property constitutes an approved mobile home park expansion, a buffer strip at least 20 feet in width containing planted screening shall be provided. "Planted screening" shall be construed to mean a strip of trees and shrubs, or wooden fences, stone walls and the like, as defined in Article III of these regulations.
- Zoning permits shall be required for the placement of a mobile home on an approved mobile home space, and for the placement or replacement of a mobile home in any mobile home park in existence on the effective date of this section, however, Section 520.5 concerning cessation of use shall apply.

- All mobile home spaces shall front on a street which has been constructed in accordance with the design standards of the Killingly Subdivision Regulations, as amended, or shall front on an improved town road.
- For each space minimum lot frontage shall be 35'.
- For each space minimum setback from side lines shall be five (5) feet.
- For each space minimum setback from the rear line shall be ten (10) feet.
- For each space minimum setback from the street line shall be twenty-five (25) feet.
- There shall be a minimum clearance of fifteen (15) feet between mobile homes. Each mobile home shall be located on its space at least ten (10) feet from all public sidewalks and roads.
- The minimum mobile home space size shall be 6,000 square feet, however, the applicant is cautioned that where subsurface septic systems are planned, larger sites may be required in order to meet the requirements of the District Department of Health. Each lot shall be defined by semi-permanent markers.
- No mobile home shall be placed on any approved mobile home space if the setback or the dimensional requirements of this section will be violated.
- No mobile home or accessory structure shall have a setback less than 25 feet from the boundary line of the park, save when the adjoining property constitutes an approved mobile home park expansion, in which case the aforementioned setback shall apply.
- Two (2) off-street parking spaces shall be required for each mobile home space.
- Maximum mobile home space coverage with impervious surfaces, including the mobile home, shall be 25%.
- Each mobile home shall be placed on a foundation or concrete slab.
- The applicant shall specify the manner in which street maintenance, street lighting and garbage collection shall be provided.
- Section 770 shall apply.
- Mobile homes shall be used for residential purposes only.
- Each mobile home shall be skirted with appropriate materials, expressly excluding cardboard, polyethylene, and the like; skirting must be made of fire resistant material, there shall be ventilation of at least one square inch of vent space per square foot of floor space in the unit; provision must be made to permit any possible gas leaks to escape into the atmosphere by ventilation at both the top and bottom of the skirting so that natural gas which rises and liquid propane which settles, can escape; there shall be vents on each side of the mobile home for proper cross ventilation; Skirting vented by design shall not be required to have additional vents; there shall be adequate access in all mobile home skirting for inspection of utilities and all utility maintenance; there shall be adequate provision in the skirting for frost heave.
- Zoning permits shall be required for the replacement of mobile homes on individual lots or in mobile home parks in existence (on the effective date of the mobile home amendments). Such permits may be issued, provided:
- Mobile homes shall be used for residential purposes only.

- Each mobile home shall be skirted with appropriate materials, expressly excluding cardboard, polyethylene, and the like; skirting must be made of fire resistant material, there shall be ventilation of at least one square inch of vent space per square foot of floor space in the unit; provision must be made to permit any possible gas leaks to escape into the atmosphere by ventilation at both the top and bottom of the skirting so that natural gas which rises and liquid propane which settles, can escape; there shall be vents on each side of the mobile home for proper cross ventilation; skirting vented by design shall not be required to have additional vents; there shall be adequate access in all mobile home skirting for inspection of utilities and all utility maintenance; there shall be adequate provision in the skirting for frost heave.
- Each mobile home shall be placed on a foundation or concrete slab.
- Such zoning permits shall be issued for mobile homes which are replacing mobile homes which on the effective date of these amendments were occupying the proposed site of said replacement mobile home only, or shall be issued for mobile homes which are replacing a mobile home, on its site, for which a zoning permit has been previously issued.
- When a mobile home is replaced by a mobile home, as per the requirements of this section, the mobile home that has been replaced shall be permanently removed from that lot within sixty (60) days of the occupancy of the replacement mobile home. (Amend. Of 9-12-83).
- In the event that a lot containing a nonconforming mobile home has constructed on it a conforming residential building, said mobile home shall be permanently removed from the lot within sixty (60) days of the date of issuance of a Certificate of Occupancy for the conforming residential building. (Amend. of 9-12-83).

Section 520.2 Nonconforming structures.

Any building or structure in existence at the time of these regulations housing a permitted use which does not comply with the minimum area, frontage, or other dimensional requirements of these regulations shall be considered a nonconforming structure. Such structures may continue to be used, subject to the following conditions:

- Any nonconforming structure which is damaged or destroyed by natural disaster or any other means out of the control of the owner may be rebuilt to the same floor area as existed prior to the destruction, provided such reconstruction does not exceed the nonconformity of the structure in any way and such reconstruction commences within one year of the structure's destruction;
- Any nonconforming structure may be sold or otherwise transferred (Amend. of 3-14-88).

520.3 Nonconforming Lots.

Any unbuilt lot existing and lawful on the effective date of these Zoning Regulations, or as amended, may be sold or used as a building lot subject to these regulations, provided all yard setbacks for the zoning district in which said lot is located are met, and approval is obtained from the Northeast District Department of Health for a subsurface sewage disposal system, where applicable. Any unbuilt lot in a subdivision approved by the Planning and Zoning Commission and filed with the Town Clerk prior to the adoption of these regulations may be used as a building lot for a period of 5 years after the effective date of these regulations without conforming to these regulations.

520.3.1 Nonconforming contiguous lots.

Where two or more nonconforming, unbuilt, contiguous lots of less than the required minimum lot area are held in single or common ownership, whether or not separately acquired or shown on Assessor's Aerial maps, such lots shall be combined and replotted on said maps so as to be more nearly in conformity with the minimum required lot area, and shall not be sold separately.

520.3.2 Nonconforming and conforming contiguous lots.

Where any nonconforming, unbuilt lot of less than the required minimum lot area lies contiguous with a large conforming lot held in single or common ownership by the same owner(s), such nonconforming lot shall be enlarged, replotted on Assessor's Aerial Maps, and made conforming wherever sufficient land area is available, without creating or retaining a nonconforming lot. The change of lot lines may require subdivision approval.
Amend. of 2/9/87, Effective 2/16/87

520.4 Change in plans.

To avoid undue hardship nothing in these Regulations shall be deemed to require a change in the plans, construction or designated use of any structure for which a required building permit has been issued prior to the effective date of adoption or amendment of these regulations provided actual construction, which is defined as the placing of construction materials in a permanent position and fastening in a permanent manner, was begun no later than six months after such effective date and diligently prosecuted to completion within one year following such effective date. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such activity shall be deemed actual construction provided that work shall be carried on diligently.

520.5 Cessation of use.

No nonconforming use which shall have been discontinued by reason of abandonment for a continuous period of one year shall thereafter be resumed or be replaced by any other nonconforming use or nonconforming actual use. (Amend. of 11-10-80)

520.6 Moving.

No nonconforming use or structure shall be moved to another part of a lot or outside the lot, unless the result of such moving is to reduce or eliminate its nonconformity.

520.7 Change.

Any nonconforming use, actual use, or structure may be changed to a conforming use, actual use, or structure. Any nonconforming use, actual use, or structure may by special permit be changed to another nonconforming use, actual use, or structure, provided such change is found to be more nearly conforming to these regulations. No nonconforming use, actual use, or structure, if once changed to conform or more nearly conform to these regulations as provided above, shall thereafter be changed so as to be less conforming again. (Amend. 11-10-80)