

SECTION 582 ALEXANDER LAKE OVERLAY ZONING DISTRICT

DESCRIPTION OF DISTRICT

The Alexander Lake Zoning Overlay District ("ALZOD") shall consist of the area shown and designated as such on the Town of Killingly Zoning Map, as amended. Properties located within the ALZOD shall also be deemed to be located within the underlying zoning districts shown on the Zoning Map. Therefore, except as otherwise provided in these regulations, properties located within the ALZOD shall be subject to the regulations applicable to the underlying district.

PURPOSE OF DISTRICT

The area around and near Alexander Lake has been historically developed for residential and recreational uses in a unique pattern, not typical of or similar to other residential areas within the Town. As a result, most of the established uses within the ALZOD are nonconforming; that is, they do not conform to the use standards and criteria set forth in the Zoning Regulations for the underlying zoning districts. Nonconforming uses generally cannot be extended or expanded without a variance of the Zoning Regulations upon proof of legal hardship.

The ALZOD is being established to provide reasonable flexibility to the owners of those nonconforming uses to maintain and improve their property, while limiting the negative impact further development of those properties might otherwise have on the comprehensive plan of zoning, as reflected by the Zoning Regulations applicable to the underlying districts. These ALZOD regulations are not intended, and shall not be deemed, to convey any rights other than those expressly set forth herein, and shall not oblige the Town of Killingly to provide any additional public services or facilities to the ALZOD.

ADDITIONAL DEFINITIONS

The definitions set forth in section 310 of the Zoning Regulations shall be applicable to the ALZOD. In addition, the following definitions shall apply:

"Leased Tract" means one of the land areas shown and designated as a "Leased Tract" on the official ALZOD Zoning Map. It is the intention of these ALZOD regulations that only those areas specifically shown and designated as "Leased Tracts" on the official ALZOD Zoning Map be deemed to be "Leased Tracts" for the purposes of these regulations, regardless of whether other land areas in the ALZOD may also have been leased prior to the effective date of these regulations. "Leased Tracts" shall not be deemed to be "lots," as defined in Section 310 of these Zoning Regulations.

"Lessor" means the owner of the fee interest in any Leased Tract.

"Standard Leased Tract" shall mean a Leased Tract having all of the following characteristics as of the effective date of these ALZOD regulations: (i) the Leased Tract must contain at least 3,000 square feet of contiguous land; (ii) the Leased Tract must be served by public sewer and a sufficient quantity of potable water to adequately serve a single-family residence.

"Substandard Leased Tract" shall mean a Leased Tract does not meet one or more of the criteria for a Standard Tract.

PERMITTED USES

The following uses shall be deemed to be permitted Standard and Substandard Leased Tracts in the ALZOD:

(i) One single-family dwelling, provided that no other building or structure on the Leased Tract is used as a dwelling or a seasonal cottage or camp;

(ii) One seasonal cottage or camp (seasonal occupancy defined as occupancy only during the period from May 1 to November 1 in any year, and for no more than a total of 30 days during the period from November 2 in any year through April 30 of the following year), provided that no other building or structure on the Leased Tract is used as a dwelling or a seasonal cottage or camp;

(iii) Public utility substations and pump stations buildings, provided they meet the setback requirements set forth herein; and

(iv) Customary accessory structures located on the same Leased Tract as the principal structure.

No more than one principal building, structure, or use shall be deemed to be permitted on any Leased Tract.

MODIFICATION OF USES: LEASED TRACTS

Permitted uses existing on Leased Tracts in the ALZOD as of the effective date of these ALZOD regulations may be modified only in conformance with all of the following standards and criteria:

Permit Required

Any modification or alteration of such use shall require the issuance of a zoning permit. No such permit shall be issued unless the applicant provides proof of (i) the applicant's ownership of any building or structure to be modified or altered,

and (ii) the location of the boundaries of the Leased Tract. The proof required for (i) and (ii) above shall be the following:

- (a) a bill of sale showing ownership of the building or structure to be modified or altered.
- (b) a class "B" survey in those situations wherein the modification or alteration will result in a change in the "footprint" of (i.e., the ground area occupied by) the building or structure; and
- (c) proof of any taxes paid on the Leased Tract and on the building or structure during the preceding year.

All applicants shall also be required to submit proof of compliance with all other applicable provisions of these regulations.

Period of Use

Seasonal uses may be converted to year-round uses on Leased Tracts under the conditions set forth in this section. A zoning permit is required for such conversion. Before any such permit is issued for a Leased Tract that is not served by a public water supply, the applicant must provide a certificate of potability from the Northeast District Department of Health as to the water supply for the principal structure. The applicant must also provide a certificate, approval, permit, or other assurance from the Northeast District Department of Health, the Connecticut Department of Environmental Protection, or the Connecticut Department of Health Services that any subsurface sewage disposal system intended to serve the year-round use will be adequate for such use without risk to public health or safety.

Setbacks

Minimum setbacks shall be as follows:

Side Yard 6 feet

Rear Yard 15 feet

Front Yard 10 feet

Front yard setback for leased tracts fronting on a public road shall be in accordance with the requirements of the underlying zone. (Effective: 7/13/92)

Front and side yard setbacks shall be measured from the boundaries of the Leased Tract. Rear yard setbacks shall be measured either from the boundary of the Leased Tract or from the closest point of the lake water's edge (at lake elevation 251 feet), as appropriate.

Building Height

The maximum height of buildings and structures shall be 35 feet above average grade at the foundation.

Leased Tract Coverage

Coverage of Leased Tracts shall not exceed the lesser of (i) 50% or (ii) 6,000 square feet. Leased Tract coverage shall be determined in the same manner as lot coverage under section 310 of the Zoning Regulations.

Open Decks and Porches

Any open decks and/or porches attached to the principal structure shall conform to the development standards for principal structures in the ALZOD.

MODIFICATION OF USES: NONCONFORMING LOTS

Existing uses on nonconforming lots of record in the ALZOD may be modified to the same extent and in the same manner as existing uses on Leased Tracts under the preceding section of these ALZOD regulations.

NEW PRINCIPAL STRUCTURES: LEASED TRACTS

One principal building or structure may be erected, constructed, or placed on a Leased Tract only if there is no other principal building or structure on the Leased Tract.

One principal building or structure may be erected, constructed, or placed on a Substandard Leased Tract only if (i) the Leased Tract is 3,000 square feet or larger; (ii) there is no other principal building or structure on the Leased Tract; and (iii) the Northeast District Department of Health, the Connecticut Department of Environmental Protection, or the Connecticut Department of Health Services issues a written certificate, approval, permit, or other assurance that a subsurface sewage disposal system can be safely established and used on the Leased Tract without risk to public health or safety.

NEW PRINCIPAL STRUCTURES: NONCONFORMING LOTS

The owner of any nonconforming lot of record located in the ALZOD and containing no principal building or structure shall be entitled to construct, erect, or

place one principal building or structure on such lot, provided all of the other requirements of these ALZOD regulations are met, and further provided that the owner submits proof that the lot was in existence and of record as of the effective date of these ALZOD regulations.

MERGER

Any two or more adjacent Leased Tracts which, as of the effective date of these ALZOD regulations, are leased by the same person or persons and do not have a principal building or structure shall be deemed to have merged as of that date into a single Leased Tract. Only one principal building or structure may thereafter be permitted on the entire merged Leased Tract.

ACCESS

The provisions of Section 620.3 of the Zoning Regulations, entitled "Structures to have access," do not apply to structures located on Leased Tracts in the ALZOD. However, the Commission encourages the widening of the private streets serving the Leased Tracts to a minimum of 16 feet to provide additional safety.

APPLICATION OF STANDARDS

If, and to the extent that, any proposed new building, structure, or use, or modification of an existing building, structure, or use, may be erected, constructed, placed, or made in the ALZOD in conformance with the standards and criteria for the underlying zoning district, expressly excluding lot coverage provisions, such standards and criteria shall be applied. The less restrictive standards and criteria of these ALZOD regulations shall be applied only when those of the underlying district, expressly excluding lot coverage provisions, cannot be met.

APPLICATION OF OTHER REGULATIONS

The provisions of these ALZOD regulations do not limit, excuse, or obviate any requirements that may exist under other regulations, such as the Killingly Inland Wetlands and Watercourses Regulations.

Note: Map of ALZOD filed in the Town Clerk's Office September 1, 1992 (HF-178A).

Amend. approved April 6, 1992