

SECTION 7.0 NONCONFORMING USES, BUILDINGS, STRUCTURES OR LOTS

7.1 NONCONFORMING USES

- 7.1.1** Any lawful use of the land, buildings or structures existing as of the date of adoption of these Regulations and located in a district in which it would not be permitted as a use under the provisions of these Regulations, is hereby declared to be a nonconforming use and shall be subject to the provision of this Section 7.1.

In addition, the provisions of this Section 7.1 and Sections 4.3 and 4.4 of these Regulations shall apply to any use or proposed use made nonconforming by the provisions of these Regulations for which use a bona fide application has been filed for, or building permit, special permit, special exception or variance has been issued prior to the date of adoption of these Regulations, provided construction begins and is completed and the use is fully established in accordance with the provisions of Sections 4.3 and 4.4 of these Regulations.

The provisions of this Section 7.1 shall also apply in the case of any existing or proposed use which is made nonconforming by any amendment to these Regulations subsequent to the date of adoption of these Regulations provided the use existed on the actual date of adoption of such amendment or for which use a bona fide application had been filed for or building permit, special permit, special exception or variance had been issued prior to the actual date of adoption of such amendment.

- 7.1.2 Change:** A nonconforming use may be changed only to a conforming use, except that the Planning and Zoning Commission may approve the change of a nonconforming use to another nonconforming use provided that it shall, following a duly advertised public hearing, find that the proposed use is more appropriate to the district than the existing nonconforming use; and, in permitting such change, the Commission may require appropriate conditions and safeguards in accordance with the provisions of these Regulations. Whenever a nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a nonconforming use.
- 7.1.3 Extension:** No nonconforming use shall be extended throughout a building or structure nor shall such a structure be enlarged or extended unless the use therein is changed to a conforming use. Structural alterations required by law or ordinance or such as may be required for safety are permitted.
- 7.1.4 Moving:** No conforming use of a building or structure may be moved to any other part of a parcel of land upon which the use was conducted as of the date of adoption of these Regulations, except those required by law or ordinance.
- 7.1.5 Restoration:** Any building or structure containing a non-conforming use, which has been destroyed or damaged by fire, explosion, act of God, or by public enemy may be restored only to the same dimensions, gross square foot area and cubic volume existing immediately prior to

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such damage or destruction and provided such restoration is commenced within six (6) months of such damage or destruction.

- 7.1.6 Discontinuance or Abandonment:** Any nonconforming use of land, building, or structure which has ceased by voluntary discontinuance for a period of one (1) year shall thereafter conform to the provisions of these Regulations, and any nonconforming use of land, building, or structure which has ceased by voluntary abandonment for a period of one (1) year shall thereafter conform to the provisions of these Regulations.

7.2 NONCONFORMING BUILDINGS OR STRUCTURES

- 7.2.1** Any lawful building or structure (whether or not it contains a nonconforming use) existing as of the date of adoption of these Regulations and not conforming to the provisions of the Regulations relating to height, floor area, percentage of lot coverage, required yards, parking facilities, density or bulk is hereby declared to be a nonconforming building or structure (whichever the case may be) and shall be subject to the provisions of this Section 7.2

The provisions of this Section 7.2 shall also apply in the case of any existing or proposed building or structure which is made nonconforming by any amendment to these Regulations subsequent to the date of adoption of these Regulations provided the building or structure existed on the actual date of adoption of such amendment or for which building or structure a bona fide application had been filed for or building permit, special permit, special exception had been issued prior to the actual date of adoption of such amendment.

- 7.2.2 Extension and alterations:** No extensions, structural alterations or changes shall be made in any nonconforming building or structure except those required by law or ordinance or such as may be required for safety or unless the enlargement or extension is conforming.

- 7.2.3 Restoration:** Any nonconforming building or structure which does not contain a nonconforming use and which has been destroyed or damaged by fire, explosion, act of God, or by public enemy may be restored in conformance with the now existing provisions of these Regulations or only to the same dimensions, gross square foot area, cubic volume, density, bulk and site location existing immediately prior to such damage or destruction and provided such restoration is commenced within six (6) months after such damage or destruction.

- 7.3** Nothing in these Regulations or this Section 7 shall be interpreted as authorization for or approval of the continuance of the use of land, building, structures or premises which such use(s) is in violation of the Zoning Regulations in effect up to the effective date of these Regulations.

7.4 EXISTING NONCONFORMING LOTS.

7.4.1 No Increase in Nonconformity. No lot or parcel shall hereafter be decreased in size, by sale, devise, descent, gift, or otherwise, so that it or any part of it, or so that any use, structure or building thereon, shall fail to comply with these Regulations or shall increase the extent of any nonconformity.

7.4.2 Use of Nonconforming Lots, Merger. Except as otherwise provided in these Regulations or as prohibited by Connecticut General Statutes Section 8-26a(b), whenever title to a legally nonconforming lot of record is vested in any person or persons who is or are at the same time the owner of any contiguous land, or whenever a legally nonconforming lot of record is used or developed in common with the use or development of contiguous land, the legally nonconforming lot of record and the contiguous land in common ownership or commonly used or developed, or so much of such contiguous land as will together with the legally nonconforming lot of record result in a conforming lot, shall be deemed merged into a single lot for zoning purposes and shall not thereafter be divided, transferred or improved in any manner which would re-create a nonconformity or increase or enlarge any nonconformity remaining after such merger.

The construction of a permitted building or structure, or the establishment of a permitted use, on a nonconforming Lot of Record shall conform to all applicable provisions of Section 6, District Requirements, other than Lot area and frontage; and shall also conform to all provisions of Section 6.4.2, Minimum Area of Buildable Land, of these Regulations.