EX#313-4

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Land Use Department

PRE-EXISTING NONCONFORMING USES

Ledyard Zoning Regulations

7.7 NON-CONFORMING USES, STRUCTURES, AND LOTS

7.7.1 Non-conforming Uses:

A. Any nonconforming use *lawfully existing* at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming use.

General Statutes § 8-2

(d) Zoning regulations adopted pursuant to subsection (a) of this section shall not:

…

4) (A) Prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations;

Caselaw

"A nonconforming use is merely an 'existing use' the continuance of which is authorized by the zoning regulations." *Melody v. Zoning Bd. of Appeals of Town of Glastonbury*, 158 Conn. 516, 519 (1969).

"A nonconformity is a use or structure prohibited by the zoning regulations but is permitted because of its existence at the time that the regulations are adopted." *Adolphson v. Zoning Bd. of Appeals of Town of Fairfield,* 205 Conn. 703, 710 (1988) (quoting Tondro, *Connecticut Land Use Regulation* (1979), at 70).

"[A] lawfully established nonconforming use is a vested right ... entitled to constitutional protection…." *O & G Indus., Inc. v. Plan. & Zoning Comm'n of Town of Beacon Falls*, 232 Conn. 419, 430 (1995)

"Regulation of a nonconforming use does not, in itself, abrogate the property owner's right to his nonconforming use.... A town is not prevented from regulating the operation of a nonconforming use under its police powers. Uses which have been established as nonconforming uses are not exempt from all regulation merely by virtue of that status. It is only when an ordinance or regulatory act abrogates such a right in an unreasonable manner, or in a manner not related to the public interest, that it is invalid." *Ammirata v. Zoning Bd. of Appeals of Town of Redding*, 65 Conn. App. 606, 613–14, *rev'd on other grounds*, 264 Conn. 737 (2003).

"The town … has the right, under its police powers, to require a land management plan although it cannot attenuate the scope of the plaintiffs' nonconforming use." *Ammirata*, 65 Conn. App. at 614.

"[W]e affirm the judgment of the trial court on the alternate basis that the requirement that the plaintiff obtain a [special] permit was a reasonable regulation of its nonconforming use under the town's police powers." *Taylor v. Zoning Bd. of Appeals of Town of Wallingford*, 65 Conn. App. 687, 698 (2001).