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Members of the public can use a telephone to call in, attend, listen and comment during the meeting. However, they will not be able to see any of the meeting participants. Each meeting will use a unique Meeting/Webinar ID. For the current meeting, the **meeting ID is 828 7379 8981**, the **passcode is 377930** and the **call in number is 646-558-8656**. The information can also be found using the link above.



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Members of the public who wish to view the meeting, but are not participating, can view a live stream on the City of Norwalk YouTube channel. This stream is delayed by approximately 20 seconds. Please find the information using the link above. The meeting recording and minutes will be posted on the City of Norwalk website within seven (7) days after the meeting.



Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting. For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time. Please email Brian Candela at bcandela@norwalkct.org to provide written public comment prior to the meeting.

COMMON COUNCIL ORDINANCE COMMITTEE **REGULAR MEETING**

December 21, 2021
7:00 p.m. – By Videoconference and Teleconference

AGENDA

- 1. ROLL CALL:**
- 2. PUBLIC HEARING (possible action on):**
- 3. PUBLIC HEARING DISCUSSION:**
- 4. PUBLIC COMMENT:**
- 5. ACCEPTANCE OF MINUTES:**
 - October 19, 2021 – regular meeting of the ordinance committee
- 6. OLD BUSINESS:**
 - Discuss and Vote on Chapter 45, Article IV – Outdoor Dining. Standards/Guidelines for outdoor dining.
- 7. NEW BUSINESS:**
 - Discuss and Vote on Chapter 45, Article II – Sale and Dispensing of Food and Drink, Section 21 – Definitions, Food-Handling Establishment
- 8. DISCUSSION ITEM:**
 - Discuss Chapter 55 – Demolition Delay
- 9. ADJOURNMENT:**

Draft Meeting Minutes

October 19, 2021

**City of Norwalk
Ordinance Committee
October 19, 2021**

ATTENDANCE

ATTENDANCE: Lisa Shanahan, Chair; David Heuvelman, Dominique Johnson, Tom Livingston, Kadeem Roberts, Tom Keegan

STAFF: Atty. Brian Candela

OTHERS: Chris Torre, Tree Warden, Peter Vitteretto, Audrey Cozzarin, Lawrence Losio, Paul Slotnick, Dr. Kipp

I. ROLL CALL

Ms. Shanahan called the meeting to order at 7:06
A quorum was present.

II. PUBLIC HEARING

Possible action on: Discuss and vote on Chapter 112 - Trees

Peter Viteretto changed section 112-7 part d, to modify the definition of when trees need to be replaced.

Audrey Cozzarin commented on how pleased she is with the proposed tree chapter, and hopes the city views older, larger trees as assets to the city of Norwalk.

Lawrence Losio has concerns about the definition of legacy trees and how they will be treated if they are on private property. In section 112-10 tree or shrub replacement, he suggests adding specificity for legacy trees if they are on city or private land.

III. PUBLIC HEARING DISCUSSION

Ms. Shanahan read an overview of the new ordinance of Chapter 12 - trees.

Mr. Livingston had some minor language changes to Chapter 12.

City of Norwalk
Ordinance Committee
Regular Meeting
October 19, 2021

Language was added to section 112-10 D about the removal and replacement of legacy trees and the difference between legacy trees on city vs. private property.

There was discussion about including language which gives the tree warden the power to enforce replacement or fines for trees that are damaged or altered by pruning.

The fines and fees were clarified.

Atty. Candela reviewed all the changes so everyone was aware of how the final document would appear.

****** MR. HEUVELMAN MOVED TO VOTE TO SEND CHAPTER 112 - TREES TO THE COMMON COUNCIL FOR THEIR NEXT MEETING ON OCTOBER 26, 2021.**

****** THE MOTION PASSED UNANIMOUSLY.**

IV. PUBLIC COMMENT

There was no public comment.

V. ACCEPTANCE OF MINUTES

****** MR. LIVINGSTON MOVED TO ACCEPT THE MINUTES FROM THE LAST MEETING.**

****** THE MOTION PASSED UNANIMOUSLY.**

VI. OLD BUSINESS

Ms. Shanahan thanked Mr. Roberts and Mr. Langella for their service to the committee.

VII. NEW BUSINESS

There was no new business.

VIII. DISCUSSION ITEM

There were no new discussion items.

IX. ADJOURNMENT

**** MR ROBERTS MOVED TO ADJOURN THE MEETING.

**** THE MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 8:05.

Respectfully submitted,

Amy Chapple
Telesco Secretarial Services

Christoforides, Anastasia

From: Candela, Brian
Sent: Tuesday, October 26, 2021 2:42 PM
To: Christoforides, Anastasia
Cc: Candela, Brian
Subject: FW: tree ordinance

From: Peter Viteretto [<mailto:viteretto@heritagelandscapes.com>]
Sent: Tuesday, October 19, 2021 7:30 PM
To: Candela, Brian <bcandela@norwalkct.org>
Subject: tree ordinance

CAUTION: EXTERNAL Email: Don't open links or attachments from untrusted senders

Tree Severely that it is not likely to survive < add also that a tree has been altered such that it shall not be able to grow to its natural form and habit or that the tree does not reach it purpose for which it was interned in the location in which it is planted.

(This is to address pruning of trees such as pollarding or topping etc - the tree will live but be disfigured into the future)

Peter F. Viteretto, PLA, ASLA, Principal
ASLA Firm Award Honoree
CT office 203-858-9966
Mobile 203-858-6110
34 Wall Street, Norwalk, CT 06850
heritagelandscapes.com

Heritage Landscapes LLC
Preservation Landscape Architects & Planners

Chapter 45, Article IV
Outdoor Dining

§ 45-29. Definitions.

As used in this article, the following terms shall have the meanings indicated:

SPONSORING RESTAURANT -

OUTDOOR DINING — Any outdoor cafe, sidewalk cafe, eating area or any food service accessory to a restaurant.

§ 45-30. Location restricted; permit and guidelines.

- A. ~~A Sponsoring Restaurant~~ ~~restaurant may be permitted to offer~~ Outdoor Dining ~~may be allowed on any~~ private or public property ~~in the City of Norwalk~~ in accordance with the provisions of this chapter.
- B. Outdoor Dining may be permitted on lots, zoning lots, street faces, or yards directly adjacent to ~~thea s~~Sponsoring ~~[RRestaurant]~~[IS THERE A REASON THIS REFERS TO RETAIL ESTABLISHMENTS?]. Outdoor Dining may also be allowed on lots, zoning lots, street faces, or yards used for Outdoor Activities [WHAT DOES THIS MEAN?] directly contiguous to ~~thea s~~Sponsoring ~~RRestaurant~~, provided written permission is obtained from the owner of the lots, zoning lots, street faces, or yards and provided to the City of Norwalk.
- C. Permit; Outdoor Dining Guidelines and Standards.
- (1) Any ~~person-Sponsoring RRestaurant~~ proposing to operate Outdoor Dining on private or public property in the City of Norwalk shall first obtain a permit from the Director of Planning and Zoning or his, her, or their designee pursuant to the Norwalk Zoning Regulations. Such permit shall be renewed on an annual basis.
- (2) In addition to the permit required in subsection ~~BC~~.(1) above, any ~~person-Sponsoring RRestaurant~~ proposing to operate Outdoor Dining on private or public property in the City of Norwalk shall meet the provisions of this chapter and the requirements set forth in the Outdoor Dining Guidelines and Standards, as amended from time to time. ~~A copy of such Outdoor Dining Guidelines and Standards shall be made available on the City of Norwalk website or in the Office of Economic and Community Development.~~

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- (3) Outdoor Dining permits shall be issued for an annual operation period from April 1 to November 30.
- (4) The Director of Planning and Zoning or his, her, their designee, City may deny a permit or decline to renew a permit to operate Outdoor Dining if the proposed ~~operator~~ sSponsoring fRestaurant has a history of violations of any of the requirements governing Outdoor Dining set forth in this chapter, fails to correct any violations when duly noticed, violates the terms of the permit or Outdoor Dining Guidelines or Standards, or has had two or more violations of any provision of the Norwalk City Code within the two years immediately preceding the filing of the permit.

§ 45-31. Operation.

- A. A sSponsoring fRestaurant operating Outdoor Dining shall meet all applicable local and state laws and regulations, including, but not limited to, applicable health, building, and zoning laws and regulations.
- B. The cost, design, construction, and maintenance of Outdoor Dining facilities shall be the sole responsibility of the sSponsoring fRestaurant.
- C. Any damage done to the public right-of-way, sidewalk, ~~or curbing, or any other City property~~ by the sSponsoring fRestaurant or its patrons shall be repaired promptly by the sSponsoring fRestaurant at its expense. Such repairs shall meet the applicable standards established by the Department of Public Works. No hooks, fasteners, or holes shall be made or affixed to the public right-of-way, sidewalk, or curbing by the sSponsoring fRestaurant.
- D. Outdoor Dining shall extend no further than the actual street frontage of the sSponsoring fRestaurant [or, in the case of dining on directly contiguous property, the contiguous property,] unless approved by the Planning and Zoning Department.
- E. The sSponsoring fRestaurant shall provide not less than four contiguous feet of sidewalk clear of obstructions

~~between the Sponsoring Restaurant and the Outdoor Dining~~ to allow unimpeded pedestrian traffic, provided, however, that at street corner intersections, there shall be a minimum of eight feet of unobstructed sidewalk.

- F. Outdoor Dining shall not be located in front of, or otherwise obstruct, police, fire department, or other first responder access to, any building or property, or to any fire protection feature, including, but not limited to, any and all fire hydrants.
- G. Outdoor dining shall not be located in front of, or obstruct, ADA access or an active driveway, manhole, or active utility access point, nor shall it impede surface drainage, as determined by the Department of Public Works.
- H. Access for all roadway users and pedestrians shall be maintained during the set-up and removal of Outdoor Dining appurtenances.

§ 45-32A. Fines and Revocation

~~A. This section governs the initiation of enforcement actions, the issuance of fines for violations of this chapter, and the imposition of penalties for violations of this chapter.~~

~~B.A.~~ Any person violating any provision of this ordinance shall be subject to the following penalties:

- (1) Any violation of the requirements of this ordinance shall be subject to a fine of \$250.00 for each violation. Each day that a violation exists shall constitute a separate violation of this ordinance. No more than one fine shall be imposed in any one twenty-four hour period.
- (2) The Director of Planning and Zoning or his, her, their designee, City reserves the right to revoke a permit for failing to adhere to this chapter and/or the -Outdoor Dining Guidelines or Standards. ~~The City will reinstitute the permit once the violation has been corrected.~~
- (3) Any aggrieved person may file an appeal to the Superior Court for the Judicial District of

Stamford/Norwalk.

§ 45-32B. Temporary suspension of Outdoor Dining permit

The Director of Planning and Zoning or his, her, their designee. ~~City~~ reserves the right to order the temporary suspension of the operation of Outdoor Dining at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. These situations include, but are not limited to, festivals, parades, marches, road races, severe weather events, repairs to the street or sidewalk, or any other emergencies occurring in the area. ~~If required, the permittee~~ In such event and if deemed necessary for the health, safety, or welfare of the City and its residents, the sSponsoring rRestaurant shall, at its cost, remove and store all be responsible for the removal and storage of Outdoor Dining appurtenances ~~in connection with~~ for the duration of such suspension. To the extent possible, the Sponsoring Restaurant permittee shall be given prior ~~written~~ notice of the time period during which the operation of Outdoor Dining will not be permitted by the City, but failure to give such notice shall not affect the right of the City to prohibit Outdoor Dining operation at any particular time.

CITY OF NORWALK, GUIDELINES AND STANDARDS FOR OUTDOOR DINING 2022 DINING SEASON, APRIL 1, 2022 TO NOVEMBER 30~~1~~, 2022

Introduction

Building on Norwalk's ongoing commitment to support restaurants and small business, guidelines and standards for outdoor dining have been updated to better meet the needs of diners, restaurateurs, and businesses across the city. The 2022 Outdoor Dining Program will incorporate many of the successful initiatives from the prior year's program, such as streamlined permitting and outdoor patios on neighboring properties, with proper approvals.

[You can apply for outdoor dining here.](#)

If you have specific questions related to your application and permit, please contact the Planning and Zoning Department at 203.854.7780

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Getting your Outdoor Dining Permit

Permits are required for all outdoor dining, including dining that will take place on private and public land. If you have previously been approved for Outdoor Dining via a Site Plan approval you DO NOT need to apply for a yearly Outdoor Dining Permit. If you are unsure of your status or if that scenario applies to you, please contact the Planning and Zoning Department at 203.854.7780. Applicants need to apply for an outdoor dining permit from the Planning and Zoning Department. [You can apply for outdoor dining here.](#)

What is needed for a permit?

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To obtain an outdoor dining permit, you will need to submit the following:

1. A completed Outdoor Dining permit application. [You can apply for outdoor dining here.](#)
2. A to-scale site plan showing the area intended for outdoor dining or seating, the proposed seating configuration, a description and the location of the physical barrier fencing, and the ingress and egress to the outdoor dining area. In addition, the plan shall also include the dimensions of the seating area and any potential projection onto the municipal roadway, street, or parking lot. The site plan must show ADA access with at least four feet clearance from all obstacles, including fire hydrants, water access points, trees, street trees, street furniture, parking meters, trash receptacles and benches. This does not need to be a certified architectural drawing. [Please see examples of accepted plans here.](#)
3. If the proposed outdoor dining area includes a contiguous neighboring building/storefront sidewalk or walkway, a written authorization to engage in such outdoor activities is required from the owner. This must be included with your application.
4. Proof of adequate insurance, naming the City of Norwalk as an additional insured. This insurance policy shall be effective for the duration of the permit (April 1 to November 30~~1~~). Insurance may be no less than one million dollars (\$1,000,000.00) per incident/occurrence and two million dollars (\$2,000,000.00) aggregate.

Commented [VJ3]: Link to be activated at a later date.

Commented [VJ4]: Need to add plan link at a later date.

**CITY OF NORWALK, GUIDELINES AND STANDARDS FOR OUTDOOR DINING
2022 DINING SEASON, APRIL 1, 2022 TO NOVEMBER 30~~1~~, 2022**

5. If applicable, liquor liability insurance in the minimum amount of one million dollars (\$1,000,000.00).
6. Workers' compensation insurance in such amount as required by law.
7. A completed and signed indemnification agreement, in a form approved by Norwalk's [Risk Manager Corporation Counsel](#). The applicant must indemnify and hold the City of Norwalk harmless from any and all claims, costs, and damages as a result of the applicant's use of the outdoor dining space.
8. A five-thousand-dollar (\$5,000.00) bond in the form of a certified check shall be required to insure the removal of the outdoor dining and fencing at the end of the season and the restoration, if any, of the roadway, street, or other public property.
9. In event alcoholic beverages are to be sold, the following shall be presented:
 - a. A copy of a valid and current liquor permit from the State Liquor Commission; and
 - b. An application for a patio liquor permit signed by the Director of Planning and Zoning, the Fire Chief or Fire Marshal, and the Health Department. [You can access the application here.](#)

Commented [VJ5]: Link to be activated at a later date.

~~10. Before receiving formal and final approval of the permit for use of public property, the applicant shall execute a license agreement with the City of Norwalk.~~

Please note:

- The permit shall be for the exclusive use of the sponsoring retail establishment. The sponsoring retail establishment cannot assign or transfer this permit to any other party.
- For tents, a separate permit is required from the [Building and Code Department/Fire Marshal](#). Please see below section, "Tent – Rules and Regulations." [You can apply for a tent permit here.](#)

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How will my permit be circulated to the different departments?

Before the application is submitted to the Planning and Zoning Department for final approval, the applicant's design plan shall be submitted and approved by the following: (a) Chief of Operations and Public Works, (b) the Chief Building Official, (c) the Police Chief, (d) the Fire Chief or Fire Marshal, (e) the Director of Health, ~~and~~ (f) a duly authorized representative of Transportation, Mobility and Parking, ~~and~~ (g) the Risk Manager. This is completed automatically by the online system. Should any changes or modifications be required, the respective department will reach out to the applicant. It is important that with your application you include a valid and frequently monitored email address and phone number for this purpose.

CITY OF NORWALK, GUIDELINES AND STANDARDS FOR OUTDOOR DINING
2022 DINING SEASON, APRIL 1, 2022 TO NOVEMBER 30th, 2022

Building out and maintaining Outdoor Dining

1. The cost, design, construction, and maintenance of outdoor dining shall be paid for by the sponsoring retail establishment.
2. Outdoor dining may be located on public sidewalks in front of, adjacent to or abutting the indoor restaurant which operates the outdoor dining. Outdoor dining may be located on public sidewalks in front of, adjacent to or abutting a neighboring building/storefront and/or area, given the sponsoring retail establishment obtains written authorization to engage in such outdoor activities from the owner and provides a copy of the authorization to the Planning and Zoning Department, as part of the application.
3. Outdoor dining shall extend no further than the actual street frontage of the operating restaurant, unless approved by the Planning and Zoning Department.
4. Each outdoor dining space shall include a continuous physical barrier. This physical barrier shall separate the patrons, guests, and invitees of the sponsoring retail establishment and the traveled portions of the street. At all times a clear sight distance is required for all vehicles and access to crossings. Detail of the physical barrier fencing must be provided in the application.
5. Outdoor dining shall not be located in front of, or obstruct, fire department access to any buildings or fire protection feature required for fire suppression activities, including but not limited to any and all fire hydrants. Please note a four foot clearance is required from all obstacles including, but not limited to trees, street trees, street furniture, parking meters, trash receptacles and benches.
6. Outdoor dining shall not be located in front of, or obstruct, an active driveway, manhole or active utility access point. Outdoor dining shall not impede surface drainage.
7. The outdoor dining physical barriers shall not interfere with access for first responders.
8. Tables, chairs, and all other furnishings or accessories may be left in place overnight during seasonal operation but shall be removed from the sidewalk and stored indoors whenever outdoor dining is not in seasonal operation. It shall be the responsibility of the licensee to secure furnishings and accessories that are left in place overnight. All furniture and accessories for outdoor dining must be removed in advance of a major storm and/or weather event based on notification from the City of Norwalk.
9. Outdoor dining shall be at the same elevation as the public sidewalk and any exceptions must be approved by the Planning and Zoning Department. Paint, carpeting, artificial turf, platforms, or other surfaces of any kind must be approved by the Planning and Zoning Department.

**CITY OF NORWALK, GUIDELINES AND STANDARDS FOR OUTDOOR DINING
2022 DINING SEASON, APRIL 1, 2022 TO NOVEMBER 30~~1~~, 2022**

10. No sign shall be allowed at any outdoor dining area except for the name of the establishment on an awning or umbrella fringe. One menu board sign may be displayed within the area of the outdoor dining, mounted on an easel or other easily removable fixture. The sign shall not exceed six square feet.
11. Awnings shall be adequately secured and retractable and have been permitted. Umbrellas over tables must be adequately weighted.
12. Access for all roadway users and pedestrians shall be maintained during the set-up and removal of outdoor dining appurtenances.
13. For information on tents for outdoor dining, please see section "Tents – Rules and Regulations."

Hours of Operation, Noise and Entertainment

1. Hours of operations for outdoor dining located outside of the Washington Street Design District shall be from 7:00 a.m. to 9:00 p.m. Sunday through Wednesday, and from 7:00 a.m. to 11:00 p.m. on Thursday, Friday, Saturday, and night before federal and state holidays. See, City Code §§ 68-3 and 68-5 for noise related regulations in the City of Norwalk.
2. Hours of operations for outdoor dining located within the Washington Street Design District shall be from 7:00 a.m. to 10:00 p.m. Sunday through Wednesday, from 7:00 a.m. to 11:00 p.m. on Thursday, on 7:00 a.m. to 1:00 a.m. Friday, Saturday, and night before federal and state holidays. See, City Code §§ 68-3 and 68-5 for noise related regulations in the City of Norwalk. All entertainment must be approved through the local and state process. At this time, the City is not allowing outdoor entertainment within the Washington Street Design District, except by special event permit only.

General Outdoor Dining Rules and Regulations

Any Outdoor Dining permit granted by Norwalk, shall be subject to the following rules and regulations below. The City of Norwalk's Planning and Zoning Department shall enforce the terms and conditions of any permit issued pursuant to terms referenced below.

1. All outdoor dining must provide ADA access with at least four feet clearance from all obstacles, including fire hydrants, water access points, trees, street trees, street furniture, parking meters, trash receptacles and benches. The minimum width of the sidewalk must be four (4) feet to allow unimpeded pedestrian traffic. At street corner intersections, there shall be a minimum of 9 (eight) feet of unobstructed sidewalk.

**CITY OF NORWALK, GUIDELINES AND STANDARDS FOR OUTDOOR DINING
2022 DINING SEASON, APRIL 1, 2022 TO NOVEMBER 30th, 2022**

2. Furnishings for outdoor dining shall consist solely of moveable tables, chairs, and decorative accessories. Furnishings must be kept in a state of good repair and in a clean and safe condition at all times, including adjacent to the physical barriers separating patrons, guests and invitees from the travel way. The outdoor dining area shall be swept and cleaned daily.
3. The sponsoring retail establishment shall be solely responsible for the security of all tables, chairs, and other personal property at all times. At any time, the City of Norwalk has the right to move and/or relocate furniture and accessories that are placed in the right of way.
4. Any damage done to the public right-of-way, sidewalk, or curbing by the sponsoring retail establishment or by its patrons shall be repaired promptly by the sponsoring retail establishment at its expense. No hooks, fasteners, or holes shall be made or affixed to the public right-of-way, sidewalk or curbing by the sponsoring retail establishment in the outdoor dining area. All installations into the public right of way require necessary permits.
5. In the event of a public necessity or emergency where access to street, sidewalk or adjacent building is impaired for any reason, outdoor dining shall be temporarily moved by the sponsoring retail establishment and/or emergency responders. All costs associated with the relocation of the outdoor dining furniture and/or accessories, or any damage incurred to the outdoor dining furniture or accessories, in the event of a public emergency or otherwise, shall solely be borne by the sponsoring retail establishment.
6. The sponsoring retail establishment shall be solely responsible for removing and storing all tables, chairs, and other personal property from the outdoor dining area least twelve (12) hours, or as otherwise directed by the City of Norwalk, prior to the National Weather Service predicted time of arrival of any storm event involving wind gusts in excess of forty-five (45) miles per hours, snow falls in excess of two (2) inches and/or flooding.
7. Outdoor heaters, busking stations, trash receptacles, food preparation stations, and music shall not be permitted in the outdoor dining area. Exceptions must be approved by the Planning and Zoning Department.
8. Outdoor consumer bars are not permitted for outdoor dining areas.
9. Alcohol may only be served with food, regardless of the time and day of service.
10. Smoking of any kind is prohibited in all outdoor dining areas, without exception.
11. No animals are allowed in outdoor dining areas, except for certified service animals.

Commented [VJ7]: Need guidance on additional accessories, flags, lighting, etc.

**CITY OF NORWALK, GUIDELINES AND STANDARDS FOR OUTDOOR DINING
2022 DINING SEASON, APRIL 1, 2022 TO NOVEMBER 30~~1~~, 2022**

12. No cooking will be permitted in the outdoor dining area and no food may be kept in outdoor service areas.

Norwalk may deny an outdoor dining permit or renewal if the sponsoring retail establishment has a history of violations of any of these regulations, failed to correct any violations when duly noticed, or has any tax delinquencies.

Failure to adhere to these rules, regulations and restrictions shall result in a fine as well as a revocation of the permit until such time that the violation has been corrected. If a retail establishment has three violations in a six (6) month period, the permit will be pulled for the remainder of the outdoor dining season.

Tent - Rules and Regulations

An application to erect a tent requires the completion of a permit. [You can apply for a tent permit here.](#)

Tents over x square feet will require a physical inspection from the Fire Marshal, or his/her designee, and the Chief Building Official, or his/her designee, prior to use.

Any tent permit granted by Norwalk, shall be subject to the following rules, regulations, and restrictions:

1. All rules and regulations related to general outdoor dining are applicable to activities that take place under the erected tent.
2. No heaters under the tent.
3. No cooking under the tent.
4. No smoking, fireworks or open flames of any kind shall be permitted in any tent.
5. No flammable liquids or gases shall be brought into any tent, including fire pits or decorative heating devices.
6. No smoking sign shall be posted.
7. Fire extinguishers are required.
8. All tent poles shall be secured to the ground with ground driven stakes or x (if on concrete/asphalt). Tents can not be tied to fire apparatus or infrastructure.
9. Where required, the Fire Marshal, or his/her designee, and/or the Chief Building Official, or his/her designee, shall inspect to be sure that capacity, location, and size of any tents are to code, with at least two (2) means of egress with suitably marked exit signs.
10. All tents will have a clearance of 6'8", as outlined by ADA requirements. Sidewalk clearance, from the legs and supports of the tent, and clearance to other obstacles must be at least four (4) feet.

**CITY OF NORWALK, GUIDELINES AND STANDARDS FOR OUTDOOR DINING
2022 DINING SEASON, APRIL 1, 2022 TO NOVEMBER 30th, 2022**

Other Outdoor Dining Programs

The City of Norwalk may from time to time introduce new Outdoor Dining programs. Newly introduced programs will be accompanied by guidelines and standards and have a separate permitting process.

DRAFT

Discuss and Vote on
Chapter 45, Article II – Sale and
Dispensing of Food and Drink
Section 21 – Definitions
Food-Handling Establishment

PROPOSED ORDINANCE REVISION

§ 45-21 Definitions.

The following definitions shall apply to this ordinance:

FOOD-HANDLING ESTABLISHMENT

Shall include restaurants, food stores, bakeries, markets, catering food services, itinerant food vending and food or beverage vending machine operations. Food-handling establishment shall not include a "cottage food operation" having a valid license issued by the Commissioner of Consumer Protection in accordance with Conn. Gen. Stat. § 21a-62a, et seq., as amended.

Discuss Chapter 55 - Demolition Delay



Memorandum

To: Ordinance Committee

From: Laura Kenny, Senior Planner, Planning & Zoning

Date: 11/18/21

Subject: Demolition Delay Ordinance Extension

Existing Conditions

Currently, the City of Norwalk has a 120 Day Demolition Delay Ordinance. This delay can be implemented when a building, structure, or exterior part of a building that is at least 50 years old is set to be demolished. During this time, interested parties can put forth appropriate development alternatives to demolition such as finding new purchasers who intend to retain the building's architectural significance or provide another reasonable alternative to demolition.

Proposal

The Historical Commission is proposing to extend the Demolition Delay Ordinance from 120 days to 180 days. They are also requesting that several definitions, taken from the State's model Demolition Delay Ordinance be added to the local ordinance.

Why

Local municipalities such as Stamford and Westport both utilize a 180 day demolition delay ordinance, finding it to be the most effective form of the ordinance. Due to the number of properties in Norwalk, paired with the volunteer nature of many interested parties, and extension of the delay will allow those working part time of preservation efforts to provide effective solutions to the proposed demolitions. The increasing development interest in Norwalk has only exacerbated the need for this extension. As seen in Stamford, development interest in the area has resulted in an increase in demolition of historically significant properties. To preserve the significant history in Norwalk, it is important for the City to get ahead of any proposed demolitions and preserve the sense of place created by these historic properties.

Definitions from the State's model Demolition Delay Ordinance have been added to clarify the local procedure. Questions related to these definitions have come up in the past, creating a grey area within the local ordinance. The addition of these definitions will allow the ordinance to effectively protect historical properties in Norwalk, as it was originally intended to.

Chapter 55

DEMOLITION DELAY

GENERAL REFERENCES

Building Code — See Ch. 26.

Historic Commission — See Ch. 57A.

Historic District — See Ch. 56.

§ 55-1. Permit required.

No person shall demolish any building, structure or part thereof without first obtaining a permit for the particular demolition undertaking from the Chief Building Official. Such permit shall be issued except as otherwise provided in this chapter and pursuant to Section 29-406 of the Connecticut General Statutes, as amended.

In addition to complete demolition of a building or structure, the following actions shall require a demolition permit under this chapter:

A. Removal of a roof for the purpose of: raising the overall height of a roof; rebuilding the roof to a different pitch; or adding another story to a building.

B. Removal of one or more exterior wall(s) or partition(s) of a building.

C. Gutting of a building's interior to the point where exterior features (windows, doors, etc.) are impacted.

D. Removal of more than 25% of a structure's overall gross square footage as determined by the Chief Building Official.

E. The lifting and relocating of a building on its existing site or to another site.

F. The delay or withholding of maintenance on a building or structure in such a way as to cause or allow a significant loss of architectural integrity or structural stability

§ 55-2. Permit requirements for certain structures.

When the building, structure or exterior part thereof to be demolished is at least 50 years old (hereinafter referred to as the "building or structure"), then no permit shall be issued except in compliance with the provisions of this chapter in addition to Section 29-406 of the Connecticut General Statutes, as amended.

§ 55-3. Application procedure.

Any application to the Chief Building Official for a permit to demolish any structure, pursuant to the provisions of § 55-2, shall be subject to the following procedure:

A. The application for a demolition permit shall include the following

information: address of building or structure to be demolished; name and address of owner(s) of the structure to be demolished; age of the building or structure; square footage to be demolished; current photograph of building or structure and the names and addresses of the owners of all properties adjoining the property on which the building or structure to be demolished is located, according to an attached copy of a pertinent portion of the current assessor's map.

- B. Within 10 days of the initial submission of an application for a permit to demolish a building or structure, the applicant shall:
- (1) Publish in a local newspaper having general circulation in the City of Norwalk a notice of intent to demolish (hereinafter referred to as the "notice").
 - (2) Mail copies of such notice to the owners of all properties adjoining the property on which the structure to be demolished is situated.

- (3) Mail **or electronically mail** copies of the notice to the Norwalk Historical Commission, Executive Director of Planning and Zoning and any individual, firm, corporation, organization or other entity which has requested, in writing, from the Chief Building Official, copies of any such notices filed pursuant to this chapter.
 - (4) Post in a conspicuous location on the property on which the building or structure is situated a sign at least 24 inches by 36 inches in size visible from the nearest street or other accessway adjoining the property. Such sign shall include copy of the notice and shall contain the word "demolition" in capital letters no less than two inches in height. The sign required hereunder shall remain posted on the property if the permit is issued until the completion of all demolition activities authorized by the permit.
 - (5) Within 14 days after the initial submission of the application, the applicant shall file with the Chief Building Official a statement verified under oath on a form approved by the Chief Building Official certifying that all of the notice requirements of this chapter have been complied with and attaching thereto a copy of the notice and evidence of publication. **Along with a copy of the noticing, the application should include a letter of receipt from the Historical Commission.** Upon filing the certification statement, the application is deemed filed. If any notice requirement is not complied with, the Chief Building Official shall reject the application as incomplete.
- C. In the event that a written, acknowledged objection, stating the reasons for opposing demolition is filed with the Chief Building Official within 21 days after filing the certification statement as required by § 55-3, above, the Chief Building Official shall not issue the permit until **180** days after the application is deemed filed. If no such written objection is filed, the Chief Building Official may issue the demolition permit, provided that all other requirements have been complied with.
- D. In no event shall the issuance of a demolition permit be delayed, if its application has not been withdrawn, for more than **180** days from the date the application is deemed filed.

§ 55-4. Exceptions.

This chapter shall not apply to any structure determined to be unsafe by the Chief Building Official according to Section 12.0 of the State of Connecticut Basic Building Code or as defined as a hazardous building under § 26-11 of the Norwalk Code. This chapter shall also not apply to any structure that is less than 400 square feet in size.

§ 55-5. Purpose.

- A. The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the City of Norwalk, to establish a procedure whereby owners of buildings with significant historic characteristics will be informed of the economic, tax, aesthetic and

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other benefits of historic preservation and to further the preservation, rehabilitation and reuse of architecturally significant buildings and structures by providing adequate time for all parties to consider and put forth appropriate development alternatives to demolition, including attempts to find a purchaser who will retain or remove such historic or architecturally significant building or structure or who will present some other reasonable alternative to the last resort of demolition.

- B. The Norwalk Historical Commission may hold a public hearing on any application to which an objection has been filed and may issue recommendations on alternatives to demolition to the Chief Building Official.

§ 55-6. Violation and fines; lapse of permit.

- A. In addition to other penalties and remedies provided by law, each violation of the provisions of this chapter shall be punishable by a fine of not more than \$100, with each day of such violation constituting a separate violation.
- B. If demolition is not commenced within six months after issuance of a permit, the Chief Building Official shall declare the permit null and void.

§ 55-7. Report of Chief Building Official.

The Chief Building Official shall issue an annual report to the Mayor, the Common Council, and the Historical Commission concerning the number of demolition applications filed, the number of applications subject to Chapter 55, the number of applications that were objected to and whether these buildings and structures were actually demolished.