CITY OF NORWALK

LAW DEPARTMENT

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SEAL OF THE CITY OF NORWALK
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INCORPORATED 1913

COMMON COUNCIL ORDINANCE COMMITTEE

REGULAR MEETING

July 17, 2018
7:00 p.m. – Room 231
Norwalk City Hall-125 East Avenue
Norwalk, CT

AGENDA

1.	ROLL CALL	
2.	PUBLIC HEARING (possible action on):	
3.	PUBLIC HEARING DISCUSSION	
4.	PUBLIC COMMENT	
5.	ACCEPTANCE OF MINUTES:	June 19, 2018
6.	OLD BUSINESS:	Innovation District
7.	NEW BUSINESS:	
8.	DISCUSSION ITEM:	Chapter12 Article I § 12-1 of the Ordinances of the City of Norwalk
9.	ADJOURNMENT	

Draft Meeting Minutes from 6/19/2018 Ordinance Committee Meeting

CITY OF NORWALK
ORDINANCE COMMITTEE
JUNE 19, 2018

ATTENDANCE: Eloisa Melendez, Chair; Michael Corsello; Thomas Livingston; Beth Siegelbaum; Doug Stern; Doug Hempstead; Chris Yerinides

STAFF: Brian Candela, Corporation Counsel

OTHERS: Tim Sheehan, Director, Redevelopment Agency; Broderick Sawyer, Fire Marshal

1. ROLL CALL

Ms. Melendez called the meeting to order at 7:04PM and called the roll. A quorum was present.

2. PUBLIC HEARING (POSSIBLE ACTION ON) LIQUOR LICENSE:

Ms. Melendez opened the public hearing at 7:04PM
Ms. Melendez closed the public hearing at 7:05PM

No one from the public commented.

3. PUBLIC HEARING DISCUSSION

Mr. Livingston suggested that under item 42A-6 section (A) to change "Application" to "Initial Application" and in section (B) to change "renewal inspection" to "additional renewal inspection"

****MR. LIVINGSTON MOVED TO APPROVE THE LIQUOR LICENSE AS AMENDED.**
**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Hempstead arrived at 7:08PM

4. PUBLIC COMMENT

No one from the public commented.

5 ACCEPTANCE OF MINUTES

May 15, 2018

In the attendance and throughout change "Kerry" to "Kary"

**** MR. LIVINGSTON MOVED TO APPROVE THE MINUTES AS AMENDED.**
**** THE MOTION PASSED UNANIMOUSLY.**

6. OLD BUSINESS- INNOVATION DISTRICT

Mr. Livingston asked for clarification on the application processing fee. Mr. Sheehan suggested a preliminary application fee because the concern is we are requiring the economic analysis be done and on a large scale project will cost a fairly significant amount of money, and before that is expended there should be some level of determination to as to whether the Common Council has any interest in the project at all. Mr. Livingston asked if he is suggesting that there is a separate fee. Mr. Sheehan said "no" and that he is suggesting there is a preliminary application fee that advances forward and then and there be a level of determination as to whether there is any support for the application. Mr. Corsello asked that the vehicle would be to advance it to the next step. Mr. Sheehan said that the pre-application would go through the approval process both with the Planning Committee, Ordinance Committee and then the Common Council. Mr. Hempstead said when a person is looking for something as a reward after meeting a certain criteria they should have some responsibility and cost associated with the application, and asked why the applicant wouldn't have to have enough supporting document so that the Common Council may say at that point to move forward. Mr. Livingston said that his concern is that the application fee may lead to the applicant to think they are approved. It was decided not include a preliminary application fee.

Mr. Livingston suggested adding a requirement that requires that any mixed use project that includes residential include a broad market analysis of what is needed in the city so that there is some control. Ms. Melendez agreed and said that keeping housing included is important but if there is ever a time that it is not needed anymore it would provide us the flexibility. Mr. Stern said that he also has a concern regarding mixed use and the idea of it being used, and if in addition to revitalizing a neighborhood that really needs it and if the specific goal is the furtherance of technology and health with the district he doesn't see how including potentially big sized development projects fits in with that, and it may be a tool that is needed later if market conditions change but he is not comfortable having the mixed use portion that includes the possibility of having large scale rental properties this proposal.

Mr. Hempstead agreed and said rather than to mislead an applicant remove it and if the market changes the ordinance can be changed and added back in. He also asked if a study has been done in the uptown area. Mr. Sheehan said it the issue of multi-family is being looked at an a certain area shouldn't be isolated because the demands in that particular area and the need for housing in that particular area will be much greater and would need to look at multi-family across the entire city. Mr. Hempstead asked if within the last year if a study of the city has been done. Mr. Sheehan said that he believes that it is part of the POCD.

Mr. Sheehan said there are two points to keep in mind especially with the development that has happened in the corridor and we are seeing that market take hold, but the city has incentivized all of those projects and has put forward dollars into infrastructure to make those projects economically viable. He said the whole purpose of looking at the innovation district is to bring the jobs and living environment together into one unified geography so there is a synergy between the people who are living and working in the area. Mr. Hempstead said if housing units reach a saturation point in a particular geographic area, and at that point a certain amount of people need to be in jobs within that area and we don't seem to have that. Mr. Sheehan said on any of these uses you can't justify the economics by looking at just that geography and have to look at the entire city to determine whether a project is economically viable. Mr. Livingston said that he likes the idea of having flexibility to look at a project because we don't know what the future holds. Mr. Corsello said legislative gave us the ability to create an additional tool to encourage development and market conditions are such that we do not need to offer any incentives to developers, and he hopes that we never use it but if and when we use it we use if very judicially and it needs to be restricted. Ms. Melendez said that she agrees and that people want to live where they work and she doesn't feel comfortable taking rental units out because it may be needed and right now we still do.

Mr. Hempstead asked why we are forgiving for arts incentives for 10 years at 100%. Mr. Sheehan said this generated out of the Planning Committee and they wanted to emphasize the arts in the district and it being more of an attraction to the area, and in terms of the ordinance they are just examples of how the ordinance can be applied and if flexible and will be up to the Common Council to as to how it is applied.

Mr. Livingston suggested under the eligibility requirements for the applicants to be broadened to say any applicant or related entity that has debt owed to the City of Norwalk that the agreement not be granted.

Mr. Hempstead requested definitions for mixed and retail use.

Mr. Hempstead said that the State Statute has certain thresholds and asked what the ranges were that were applied to the proposed ordinance. Mr. Sheehan said it has to be compliant with the enabling Statute. Attorney Candela said that the Common Council will have discretion on any application that comes forward after they have done initial processing and go through economic analysis, and to provide all the documentation that the Council will need to determine whether the project is something that the Council would be interested in proceeding with.

Mr. Hempstead said the proposed ordinance states that the Board of Estimate and Taxation has 45 days to comment on it and asked what happens if they don't comment. There was discussion ensued and Mr. Corsello suggested including language that states if the Board of Estimate and Taxation does not respond within 45 days there will be no further opportunity to comment.

Attorney Candela said that he will make the proposed changes that were discussed and e-mail them to the committee members in advance of the next meeting.

7. NEW BUSINESS

There was no new business discussed.

8. DISCUSSION ITEM

Mr. Hempstead said he saw the legal opinion regarding Oak Hills Authority stating they were not covered under indemnification and said that it concerns him that there are authorities that are not covered. Attorney Candela said that he will speak with Mr. Coppola and report back at the next meeting.

9. ADJOURNMENT

**** MR. HEMPSTEAD MOVED TO ADJOURN**
**** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 8:20 PM

Respectfully submitted,

Dilene Byrd

Telesco Secretarial Services

Innovation District

Current Version of Ordinance
Current Version of Incentives
Current Version of Guidelines
Conn. Gen. Stats. §§ 12-65, 12-65b, 12-65h
Map of Incentive Boundary
Planning Committee Letter

Innovation District Tax Agreements

§99-1. Concept

It is hereby found and declared that the establishment of a Norwalk Innovation District (the "District") in the Wall Street and West Avenue area will assist in the revitalization of that area and diversify its economy as it relates to advanced health, science, design and technology. The District shall serve as an economic development tool by which partnerships between public and private institutions, businesses, and government will fuel future job growth. The District's concept is that collaboration and productivity result from proximity, and therefore job creation and innovation can be fostered through the intentional clustering of businesses, institutions, ideas and people.

§99-2. Objectives

The District's objectives include; leveraging area advantages, improving local industry research, growing, attracting and retaining new technology companies, securing a sufficient workforce and ensuring that those who work in the district, can live in the district.

§ 99-3. Definitions

(a) Office Use: A location, usually a building or portion of a building, where a company conducts its business.
(b) Mixed Use: Pedestrian-friendly development that blends two or more residential, commercial, cultural, institutional, and/or industrial uses.
(c) Retail Use: Business or firms engaged in offering goods and services directly to consumers.
(d) Manufacturing: Any business that uses components, parts or raw materials to make a finished good. These finished goods can be sold directly to consumers or to other manufacturing businesses that use them for making a different product.
(e) Light Manufacturing: Product production that is characterized by less capital-intensive and more labor-intensive operations. Products tend to be targeted toward end consumers rather than other businesses.
(f) Information Technology: All forms of technology used to create, store, exchange and utilize information in its various forms including business data, conversations, still images, motion pictures and multimedia presentations.
(g) Applicant: Any person or entity that has filed an application under this ordinance.
(h) Related Entity: Any corporation, limited liability company, shell company, partnership, sole proprietorship, joint venture, trust, estate, foundation, association, business, company or other organization, whether or not operated for profit, with respect to which an Applicant, or a relative of the same, has a substantial ownership interest in, is employed by, is an agent for or otherwise represents in any legal capacity.

§99-~~3~~4. Eligible Projects

Consideration of a potential negotiated tax agreement is extended to the following project types provided they evidence the project's furtherance of technology, science, health or design within the District:

(a) Office ~~u~~Use
(b) Mixed Use
(c) Retail ~~u~~Use
(d) Manufacturing ~~u~~Use
(e) Information Technology
(f) Light Manufacturing

§99-~~4~~5. Eligibility Requirements

From time to time eligibility requirements may be amended by the Common Council.

a. Any project located within the District that has previously obtained a foundation, building permit, or zoning approval prior to the adoption of the Ordinance ~~are~~ is not eligible.
b. Any ~~a~~Applicant or Related Entity that has debt owed to the City of Norwalk ~~or any related entity~~ including real or personal property taxes, parking fees or penalties, or permit fees or penalties are not eligible.
c. Any ~~a~~Applicant or Related Entity that ~~is~~ is not compliant with Norwalk City Code or has had a violation within the past 12 months ~~are~~ is not eligible.

§99-~~5~~6. Review Process

a. ~~Preliminary a~~Applications shall be submitted to the Norwalk Redevelopment Agency with an estimated application processing fee ~~– PROCESSING CONCERN (deposit)~~ on a form approved by the Common Council. The Redevelopment Agency's review of the application shall be forwarded to the Planning Committee of the Common Council. The Planning Committee shall advance the application materials to the Board of Estimate and Taxation (BET). The BET shall review the forwarded materials and provide its comments to the Planning Committee within forty five (45) days. If the BET does not provide comment within forty five (45) days, the application shall be deemed approved. Following the review by the BET, the ~~The~~ Planning Committee shall review all applications materials and determine application advancement to the Common Council for final action consistent with the limitations of subsection 5b.
b. The decision to grant, reject or re-structure any tax agreement shall be within the sole and exclusive discretion of the Common Council. The Common Council is under no obligation to approve any tax agreement application, nor will any application be granted that does not comply with CGS §§ 12-65b and 12-65h.

~~c. Applicants are required to sign a waiver on appeals upon entering the Agreement as the decision is based upon the sole discretion of the Common Council per CGS 12-65b and 12-65h. – LEGAL STAFF CONCERNS~~

~~d.~~c. If the tax agreement is approved, the fixed assessment period shall commence the first fiscal year following the issuance of a Certificate of Occupancy for the real property or air space which is the subject of the tax agreement.

~~e.~~d. Approved Projects are required to commence construction within six (6) months and shall be completed within 30 months of execution of the Agreement. Failure to comply with this schedule may result in termination of the Agreement by the Common Council.

§ 99-~~6~~7. Post-Award Compliance

If a successful ~~a~~Applicant during the term of the Agreement: (a) relocates its business from Norwalk; (b) becomes non-compliant with subsections 99-54b or 99-54c; (c) declares bankruptcy; (d) substantially reduces its operations on the subject property during the time of the Agreement, with substantially reduced "operations" meaning for purposes of this Ordinance, among other things, a reduction in square feet occupied within the facility by more than 20%, a reduction in workforce by more than 20%, a failure to construct upon additional phases of construction, and/or sale or lease of some or all of the property; and-/or in any other way fails to comply with the Agreement, this Ordinance and or C.G.S §~~s~~ 12-65b and 12-65h, the Common Council may terminate the Agreement and any tax incentive or other benefit granted to the successful ~~a~~Applicant under this program, the Agreement shall be deemed breached, and the successful ~~a~~Applicant shall be required to pay all assessments which were abated under the Agreement.

Draft Incentives 5/25/18 (current)

Innovation District Tax Agreement Examples Using CGS 12-65b and 12-65h

The Planning Committee of the Common Council reviewed the examples below of how a tax agreement could be structured using CGS 12-65b and 12-65h for a business or development that furthers the application of technology, science, health or design in the Innovation District. The information below is informational only as the final structure of any tax agreement ultimately is at the sole discretion of the Common Council per the statutory reference above. All tax agreement benefits are conditioned upon an improvement that results in an increased tax valuation.

- *Real Estate Development Incentive:*
  Housing, Office, Retail, Permanent Residential, Light Manufacturing, Information Technology, or Indoor Recreation Facilities Development: The tax increment is exempted up to 50% for not more than 10 years for development projects that have street frontage on main arterials that reserve not less than 5% of their developable square footage as highly activated public realm, dedicate 5% of any required workforce housing units to people employed within the district and commits not less than 5% of their gross floor area to health, science, design or technology uses. Eligible projects are valued at not less than $10 million.

- *The Skilled Job Creation Tax Credit:*
  A real estate tax exemption may be provided to a commercial property owner for the space occupied by a business that creates new or adds to the number of skilled jobs in the District. An eligible full-time job, spends a minimum of 60% of their time in the District and has a starting salary of $50,000 or more annually. Applicants must commit to maintaining business operations in the District for five years and maintain staffing levels during the term of the tax agreement.

- *District Commercial Preservation Incentive:*
  A significant part of the area contains a Historic Preservation District as designated by the Connecticut State Historic Preservation Office (SHPO). To enhance such properties, a special valuation for improvements of: (a) at least $3 million will have a 0% increment value for no more than 7 years; (b) at least $500,000 will have a 0% increment value for no more than 2 years; or (c) at least $25,000 will have a 50% increment value for no more than 3 years. Eligible properties, would include those as defined by the Norwalk Common Council, are designated as contributing properties to the Wall Street Historic District, buildings in the District that are located within the National Register and any building deemed by the Norwalk Historic Commission as having local historical significance. Rehabilitation cost must equal or exceed 25% of the current assessed value of the property, exclusive of land value, prior to rehabilitation.

- *Small Business Incentive:*
  A real estate tax agreement may be provided to a commercial property owner for small businesses and entrepreneurs that are newly locating, improving or expanding in the

Innovation District. Such businesses that have an improvement that results in an increased tax valuation not less than $25,000 can be eligible for a full exemption of the property tax associated with their lease and any personal property tax associated with the business: (a) a period of 7 years or less for evidenced investments of $3 million or more (b) a period of 2 years or less for investments between $500,000 and under $3 million. An exemption not more than 50% of the tax increment for a period of no more than 3 years can be applied to improvements between $25,000 – and under $500,000. Primary conditions include evidencing a minimum of three full time non-related employees that spend a minimum of 60% of their time in the District at the point of opening and maintaining employment levels during the term of the tax agreement and the occupied space cannot exceed 10,000 square feet. Similarly, for small businesses already located in the District, additions of three or more new employees would entitle them to the same tax benefit with the same restrictions.

- *B Corp Tax Incentive:* This incentive allows all sustainable businesses creating jobs in the District to fully exempt their tax obligations for their real estate for the first five years if there is a real estate improvement that results in an increased tax valuation not less than $25,000. The B Corp business must have upon opening and maintain at least two non-related employees for the full term of the tax agreement, the employees must work in the District 60% of the time and the corporation lease cannot exceed ten thousand square feet.

- *Sustainability Incentive:*
  <u>New Construction or Rehabilitation:</u> Any real estate development project that is designed to meet LEED Green Building Rating System gold certificate or other equivalent certification (such as Living Building certification and others) and does not exceed 70% of the energy use allowed by the state energy code for new construction are exempt up to 50% of the increment for up to 10 years on housing, office, retail, permanent residential, light manufacturing, information technology, or indoor recreation facility uses. Projects that qualify may also be eligible for tax credits equivalent to a percentage of allowable costs based on the type of project and the LEED Rating achieved under the state Green Building Tax Credit Program.

  <u>Use of Alternative Energy Sources:</u> Any project that uses over 50% of renewable (or green) energy sources may exempt up to 50% of their increment for a maximum of 10 years on housing, office, retail, permanent residential, light manufacturing, information technology, or indoor recreation facility uses. The exemption may increase as the renewable energy source use increases within the project on a matching basis. For example, if a project uses 70% renewable energy sources the increment may be exempted up to 70%.

  <u>Design Elements:</u> Any project that incorporates a green roof, a storm water management system, includes reflective surfaces to mitigate the heat island effect, or any other design elements that are deemed sustainable, may exempt up to 25% of their increment for a

maximum of 10 years on housing office, retail, permanent residential, light manufacturing, information technology, or indoor recreation facility uses.

All sustainable elements must result in an increased property valuation of not less than $25,000 or be included within a new construction project.

- *Arts Incentive for New Construction:* Projects that have residing artists or artisans occupying space that is open to the public may exempt up to 100% of their tax obligations for their real estate for up to 10 years.

The Planning Committee recommended a cap of $15 million in tax incentives be considered for the first five years of the ordinance and that Common Council consider further caps every five years thereafter. The cap amount can be altered by the Common Council if deemed necessary and in the interests of the City. The program structure will be economically evaluated by an independent party at the end of the five year period and a formal recommendation to the Common Council will be submitted.

Guidelines 5/14/18 (current).

Innovation District Incentive Program Guidelines

1. **Eligibility**

   (a) The following projects are deemed eligible for Innovation District tax incentive consideration:

   a. Office use
   b. Mixed use
   c. Retail use
   d. Manufacturing use
   e. Information Technology
   f. Light Manufacturing

   (b) Projects that have previously obtained a foundation, building permit, or zoning approval prior to the adoption of the Innovation District Ordinance are not eligible.

2. **Application Submittal:**

   (a) Applications shall be submitted to the Norwalk Redevelopment Agency with an estimated application processing fee (deposit) on a form approved by the Common Council.

3. **Application Review:**

   (a) Once the Redevelopment Agency has determined that the application is complete, the application and the recommendation of the Redevelopment Agency shall be forwarded to the Planning Committee of the Common Council. The Planning Committee shall advance the Redevelopment Agency materials to the Board of Estimate and Taxation (BET). The BET shall review the Redevelopment Agency materials and provide its comments to the Planning Committee within forty-five (45) days. The Planning Committee shall review all materials, recommendations and comments and determine whether the application shall advance to the Common Council for final action.

   (b) After review of an application as provided in subsection (a) above, an application reviewed favorably by the Common Council will contain an authorization for the Mayor to enter into the agreement with the applicant.

4. **General Provisions:**

   (a) The decision to grant or reject any application under the Innovation District Ordinance shall be within the sole and exclusive discretion of the Common Council. The

Common Council is under no obligation to approve any application, nor will any application be granted that does not comply with CGS 12-65b and 12-65h. The Planning Committee of the Common Council will review every application and determine those that proceed to the Common Council for action with the recommendation of the Redevelopment Agency and the comments of the Board of Estimate and Taxation.

(b) The City assessor shall determine the assessment of real property or air space and /or the personal property and any and all improvements constructed or to be constructed on the real property which is the subject of the agreement.

(c) The Redevelopment Agency shall take in all applications and conduct an economic and innovation capacity assessment of all applications that the assessor has determined involve valuations greater than five million ($5,000,000) dollars.

(e) The Common Council, may in its sole discretion, offer to enter into an Agreement with an applicant for an abatement of taxes for a lesser percentage and /or of fewer years than authorized by the state statute(s).

(f) Projects are required to commence construction within six (6) months and shall be completed within thirty (30) months of execution of the tax Agreement with the City. Failure to comply with this schedule may result in termination of the tax Agreement by the Common Council.

(g) If the valuation of an applicant's project exceeds $5,000,000 and during the term of the tax Agreement with the City it: (a) relocates its business from Norwalk; (b) becomes delinquent in taxes or fees; (c) declares bankruptcy; (d) substantially reduces its operations on the subject property during the time of the Agreement, with substantially reduced "operations" meaning a reduction in square feet occupied within the facility by more than 20%, a reduction in workforce by more than 20%, a failure to construct additional phases of construction, and/or sale or lease of some or all of the property; and /or in any other way fails to comply with the Agreement, then the Common Council shall terminate the Agreement and any tax incentive or other benefit enjoyed by the applicant under this program and the Agreement shall be immediately forfeited and the applicant shall be required to pay all taxes it was assessed but were abated pursuant to the tax Agreement with the City. Every Agreement shall contain a provision to this effect.

(h) No Agreement entered into, pursuant to the Innovation District tax incentive ordinance, may be assigned, transferred, or sold without the express, written approval from the Norwalk Common Council.

(i) No agreement shall be executed by the Common Council until it is approved by Corporation Counsel as to form and legality.

(j) Every Innovation District tax Agreement shall be recorded in the Land Records of the City of Norwalk.

Connecticut General Statutes Annotated
Title 12. Taxation (Refs & Annos)
Chapter 203. Property Tax Assessment (Refs & Annos)

C.G.S.A. § 12-65

§ 12-65. Agreements fixing assessments on multifamily housing

Currentness

Any municipality acting through its board of selectmen, town council, court of common council or other governing body shall have the power to enter into a written agreement with a taxpayer fixing the assessment of real estate to be used for a housing project consisting of three or more housing units to be constructed or rehabilitated, provided: (a) The real estate to be used for said housing project is in a redevelopment area, community development area or neighborhood strategy area, included (1) in a redevelopment plan approved by a redevelopment agency pursuant to section 8-127, (2) in an urban renewal project authorized by a redevelopment agency pursuant to section 8-141 or (3) in a community development plan approved by the municipality under sections 8-169a to 8-169j, inclusive; (b) the term of such agreement shall not exceed fifteen years from the date of the completion of the housing project or completion of rehabilitation of the housing project or sixteen years from the date of the agreement, whichever is the shorter period; (c) the assessment agreed on for the real estate plus future improvements shall not be less than the assessment as of the last regular assessment date of the real estate without such future improvements. If the municipality claims that the taxpayer is not complying with the terms of such agreement, the municipality may bring an action in the superior court of the judicial district in which the municipality is located to force compliance with such agreement; but a mortgagee may loan its money in reliance on such agreement and nothing herein contained shall be construed to permit the municipality to increase the assessment during the aforesaid period beyond the amount agreed on.

Credits

(1949 Rev., § 1739; 1957, P.A. 163, § 25; 1963, P.A. 615, § 1; 1969, P.A. 335; 1978, P.A. 78-280, § 2, eff. July 1, 1978; 1979, P.A. 79-589, § 1, eff. June 28, 1979; 1988, P.A. 88-280, § 10.)

Notes of Decisions (2)

C. G. S. A. § 12-65, CT ST § 12-65
The statutes and Constitution are current with enactments of Public Acts enrolled and approved by the Governor on or before June 6, 2018 and effective on or before June 6, 2018.

End of Document

Connecticut General Statutes Annotated
Title 12. Taxation (Refs & Annos)
Chapter 203. Property Tax Assessment (Refs & Annos)

C.G.S.A. § 12-65b

§ 12-65b. Agreements between municipality and owner or lessee of real property or air space fixing the assessment of such property or air space

Effective: October 1, 2016

Currentness

(a) Any municipality may, by affirmative vote of its legislative body, enter into a written agreement, for a period of not more than ten years, with any party owning or proposing to acquire an interest in real property in such municipality, or with any party owning or proposing to acquire an interest in air space in such municipality, or with any party who is the lessee of, or who proposes to be the lessee of, air space in such municipality in such a manner that the air space leased or proposed to be leased shall be assessed to the lessee pursuant to section 12-64, fixing the assessment of the real property or air space which is the subject of the agreement, and all improvements thereon or therein and to be constructed thereon or therein, subject to the provisions of subsection (b) of this section. For purposes of this section, "improvements to be constructed" includes the rehabilitation of existing structures for retail business use.

(b) The provisions of subsection (a) of this section shall only apply if the improvements are for at least one of the following: (1) Office use; (2) retail use; (3) permanent residential use in connection with a residential property consisting of four or more dwelling units; (4) transient residential use in connection with a residential property consisting of four or more dwelling units; (5) manufacturing use; (6) warehouse, storage or distribution use; (7) structured multilevel parking use necessary in connection with a mass transit system; (8) information technology; (9) recreation facilities; (10) transportation facilities; (11) mixed-use development, as defined in section 8-13m; or (12) use by or on behalf of a health system, as defined in section 19a-508c.

Credits

(1971, P.A. 471, §§ 1, 2; 1973, P.A. 73-477; 1975, P.A. 75-575, § 1, eff. July 7, 1975; 1977 P.A. 77-138, § 1, eff. May 12, 1977; 1977 P.A. 77-586, § 2, eff. July 5, 1977; 1979, P.A. 79-78, § 1, eff. May 3, 1979; 1982, P.A. 82-414, § 1, eff. June 7, 1982; 1985, P.A. 85-573, § 1; 1990, P.A. 90-219, § 13; 1992, May Sp.Sess., P.A. 92-15, § 4; 1994, P.A. 94-157, § 3; 1997, P.A. 97-235, § 1, eff. June 24, 1997; 1998, P.A. 98-207; 2001, P.A. 01-125, § 1; 2003, P.A. 03-19, § 25, eff. May 12, 2003; 2013, P.A. 13-246, § 1; 2014, P.A. 14-174, § 5; 2015, June Sp.Sess., P.A. 15-5, § 240, eff. June 30, 2015; 2016, May Sp.Sess., P.A. 16-3, § 32.)

C. G. S. A. § 12-65b, CT ST § 12-65b
The statutes and Constitution are current with enactments of Public Acts enrolled and approved by the Governor on or before June 6, 2018 and effective on or before June 6, 2018.

End of Document

Connecticut General Statutes Annotated
Title 12. Taxation (Refs & Annos)
Chapter 203. Property Tax Assessment (Refs & Annos)

C.G.S.A. § 12-65h

§ 12-65h. Agreements between municipality and owner or lessee of real property or air space containing a manufacturing facility or a wholesale and retail business fixing the assessment of personal property

Effective: October 1, 2014

Currentness

Any municipality may, by affirmative vote of its legislative body, enter into a written agreement with any party owning or proposing to acquire an interest in real property in such municipality, or with any party owning or proposing to acquire an interest in air space in such municipality, or with any party who is the lessee of, or who proposes to be the lessee of, air space in such municipality in such a manner that the air space leased or proposed to be leased shall be assessed to the lessee pursuant to section 12-64, upon which is located or proposed to be located a manufacturing facility, as defined in subdivision (72) of section 12-81, or a wholesale and retail business, as defined in subdivision (54) of section 12-81, fixing the assessment of the personal property located in the facility that is the subject of the agreement, (1) for a period of not more than seven years, provided the increase in the assessed value of such personal property in such facility or wholesale and retail business is not less than three million dollars, (2) for a period of not more than two years, provided the increase in the assessed value of such personal property in such facility or wholesale and retail business is not less than five hundred thousand dollars, or (3) to the extent of not more than fifty per cent of such increased assessment, for a period of not more than three years, provided the increase in the assessed value of such personal property in such facility or wholesale and retail business is not less than twenty-five thousand dollars.

Credits

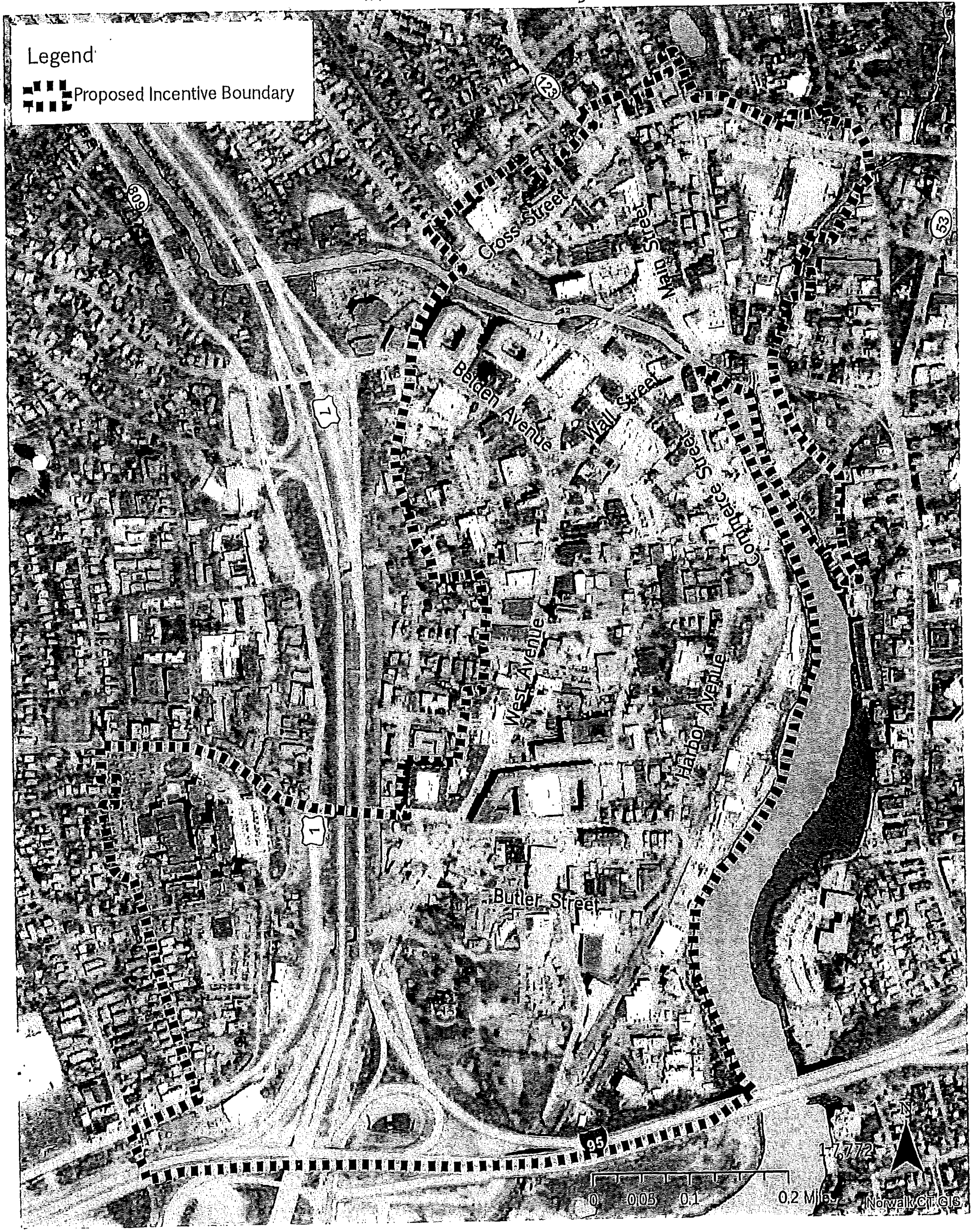
(1992, May Sp.Sess., P.A. 92-15, § 5; 2001, P.A. 01-125, § 2; 2014, P.A. 14-174, § 6.)

Notes of Decisions (2)

C. G. S. A. § 12-65h, CT ST § 12-65h
The statutes and Constitution are current with enactments of Public Acts enrolled and approved by the Governor on or before June 6, 2018 and effective on or before June 6, 2018.

End of Document

Exhibit A: Wall Street - West Avenue Proposed Incentive Boundary



THE PLANNING COMMITTEE OF THE COMMON COUNCIL
125 East Avenue
P.O. Box 5125
Norwalk, CT 06856

ordinance cover Letter 5/9/18

May 9, 2018

Ms. Eloisa Melendez, Chair
Ordinance Committee of the Common Council
Norwalk City Hall
125 East Avenue
Norwalk, CT. 06856

Dear Councilwoman Melendez:

On Thursday, May 3, 2018, the Planning Committee voted unanimously to favorably advance to the Ordinance Committee of the Common Council the attached draft ordinance for its consideration and to undertake the requisite implementation actions. The proposed ordinance grants to the City of Norwalk via its legislative body the ability to use the powers conveyed to it by the State of Connecticut under CGS 12-65b and 12-65h within the Norwalk Innovation District geography (see attached map). Such statutory authority allows the City via its legislative body to enter into a written agreement with any party owning or proposing to acquire an interest in real property located in this area, or with any party owning or proposing to acquire an interest in air space in this area, or with any party who is the lessee of, or who proposes to be the lessee of, air space in this area at its sole discretion.

The Planning Committee has determined the need to introduce the potential for tax incentives to this area based on its primary census tract 437 demographics which indicate that the median income is below 80% of the area median income, it has a poverty rate in excess of 20%, it reflects persistent blight and it lacks the residential population and jobs required to economically sustain traditional urban commerce that makes urban centers successful and vibrant.

The proposed ordinance was reviewed by the Ordinance Committee staff prior to its referral. It outlines the Innovation District planning concept, states the intended planning objectives, eligible projects and review process. The Planning Committee encourages the Ordinance Committee and its staff to fully consider the proposed ordinance and to offer any meaningful modifications to it as the Committee proceeds with the requisite implementation actions.

Sincerely,

John T. Kydes
Common Council President

Attachments
CC: Brian McCann, Assistant Corporation Counsel.
Brian Candela, Assistant Corporation Counsel