

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, March 21, 2023 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on the Demolition Delay Ordinance. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by March 17, 2023.

Chapter 55. Demolition Delay

§ 55-1. Purpose.

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 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.

§ 55-2. Definition.

- A. "Demolition," "Demolish," or "Demolished" means any wrecking activity directed to the disassembling, dismantling, dismembering, and/or razing of the exterior of any building or structure or part thereof. The term shall not be construed to prevent the ordinary maintenance or repair of any building or structure or part thereof that does not involve a change in the design thereof, including, without limitation, the replacement of windows, doors, siding, or roof.
- B. "Part thereof" means fifty percent or more of a building or structure, as measured on ground level and above, as determined by the Chief Building Officer.
- C. "Historic Property" means any individual building, structure, object, or site that is listed on the state or national register of historic places. significant in the history, architecture, archaeology and culture of the State of Connecticut, City of Norwalk, or the nation.

§ 55-3. Permit required.

No person shall Demolish any building, structure, or part thereof without first obtaining a permit 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.

§ 55-4. Permit requirements for certain structures.

If the building, structure, or part thereof to be Demolished is (a) at least 50 years old, (b) listed on the Historic Norwalk Resources Inventory, as amended from time to time, or (c) ~~is a Historic Property,~~ then no permit shall be issued except in compliance with the provisions of this chapter and Section 29-406 of the Connecticut General Statutes, as amended.

§ 55-5. Application procedure.

Any application to the Chief Building Official for a permit to Demolish any building, structure, or part thereof pursuant to the provisions of § 55-4 shall be subject to the following procedure:

A. The application for a Demolition permit shall include the following information:

- (1) Common name, if any, and actual street address of the building, structure, or part thereof to be Demolished;
- (2) The name, address and telephone number of the owner(s) of the building, structure, or part thereof to be Demolished;
- (3) The age of the building, structure, or part thereof to be Demolished;
- (4) The square footage or dimensions of the building, structure, or part thereof to be Demolished;
- (5) One or more current photographs of the building, structure, or part thereof to be Demolished showing the affected area(s);
- (6) The reasons for requesting a Demolition permit;
- (7) A brief description of the proposed reconstruction or replacement for the building, structure, or part thereof to be Demolished; and
- (8) The names and addresses of the owners of all properties that abut or are within a radius of one hundred feet of any portion of the property on which adjoining and [immediately adjacent across the street] from the building, structure, or part thereof to be Demolished is situated, according to an attached copy of the pertinent portion of the current assessor's map.

B. Within 10 days following the initial submission of an application for a Demolition permit, the applicant shall:

- (1) deliver a copy of such application by certified mail and electronic mail to the Norwalk Historical Commission, the 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 such application(s);
 - (2) deliver copies of a notice of intent to Demolish (the "Notice") to the owners of all properties that abut or are within a radius of one hundred feet of any portion of adjoining and [immediately adjacent across the street] from the property on which the building, structure, or part thereof to be Demolished is situated via registered or certified mail; and
 - (3) Post in a conspicuous location on the property on which the building, structure, or part thereof to be Demolished 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.
- C. Within 14 days following the initial submission of the application for a permit to Demolish, 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 delivery requirements under § **55-5B** have been satisfied and attaching thereto a copy of the Notice, as well as evidence of mailing as required under subsection B(2) above. Upon filing the certification statement, the application is deemed filed. If any delivery requirement is not complied with, the Chief Building Official shall reject the application as incomplete.
- D. In the event that a written acknowledged objection is filed with the Chief Building Official and the Norwalk Historical Commission within 21 days after filing the certification statement as required by § **55-5C**, the Chief Building Official shall not issue the permit until [180/120] days after the application is deemed filed or such earlier date that such objection is withdrawn or deemed to be withdrawn by the party filing same. The sole basis for such objection shall be that the building, structure, or part thereof proposed to be Demolished is ~~not~~ architecturally or historically significant. If no such written objection is filed within 21 days after the filing of the certification statement, the Chief Building Official may issue the Demolition permit, provided that all other applicable requirements have been complied with.
- E. The Norwalk Historical Commission may on its own initiative, and shall at the request of the applicant, hold a public hearing on any application to which an objection has been filed and at such hearing shall make a determination as to whether the building, structure, or part thereof proposed to be Demolished is architecturally or historically significant. In the case of a request by an applicant, such hearing shall be held within 21 30 days after the date of such request. If the Norwalk Historical Commission determines that the building, structure, or part

thereof proposed to be Demolished is not architecturally or historically significant, the objection shall be deemed withdrawn. If the building, structure, or part thereof proposed to be Demolished is determined to be architecturally or historically significant, the Norwalk Historical Commission may issue recommendations on alternatives to Demolition to the ~~applicant~~Chief Building Official.

- F. In no event shall the issuance of a Demolition permit be delayed for more than [120180] days from the date the application is deemed filed.

§ 55-6. Demolition by Neglect.

Throughout the Demolition delay period imposed under § 55-5, the owner of record of the building, structure, or part thereof proposed to be Demolished shall secure and maintain such building, structure, or part thereof in a manner that minimizes the risk of water penetration, vandalism, fire, or other significant damage and otherwise complies with Section 29-408 of the Connecticut General Statutes, as amended. Partial Demolition, including the removal of windows, doors, roofing, or any other building material, is expressly prohibited during the Demolition delay period, except to extent required by law or permitted by the Chief Building Official.

§ 55-7. Exceptions.

This chapter shall not apply to: (1) any structure determined to be unsafe by the Chief Building Official according to the State of Connecticut Basic Building Code or as defined as a Hazardous Building under § 26-11 of the Norwalk Code; (2) any structure that is less than 400 square feet in size; (3) the lifting of a building, structure, or part thereof to comply with regulations of the Federal Emergency Management Agency (FEMA) or the City of Norwalk governing coastal flooding, provided such lifting does not involve a change in design of such building, structure, or part thereof; or (4) any structure determined to be a threat to public health by the Director of Health; ~~or (5) any structure that is exempt under the provisions of Section 29-402(c) of the Connecticut General Statutes, as amended.~~

§ 55-8. Violation and fines; Lapse of permit.

- A. In addition to any other penalties and remedies provided by law, aAny person who violates any provision of this chapter shall be fined \$250 per day, with each day of such violation constituting a separate violation. -All fines imposed under this chapter shall be collected and made payable to the City of Norwalk. The total amount of all fines imposed on a person under this chapter for a single violation shall not exceed the lesser of [\$30,000 45,000-or, in the case of the unauthorized Demolition of building, structure, or part thereof, 10% of the assessed value of such building, structure or part thereof.]

B. Any unpaid fine pursuant to this chapter shall constitute a lien upon the real estate against which the fine was imposed. Such lien shall be recorded on the Norwalk Land Records and shall only be satisfied upon the execution of the appropriate legal document between the homeowner, the City, and any other necessary parties.

C. The Chief Building Official is authorized to institute any and all actions or proceedings, in law or in equity, as they may deem necessary or appropriate to obtain compliance with the requirements of this chapter or to prevent a threatened violation thereof.

~~B.~~ If ~~if~~ a Demolition is not commenced within six months after issuance of a permit, such permit shall be deemed null and void unless extended by the City, in which case such permit shall not be extended for more than additional six months.

§ 55-9. Appeal.

Any person aggrieved by any order or decision under this chapter may, within ten days of such order or decision, appeal therefrom to the Superior Court for the Stamford/Norwalk judicial district.

§ 55-~~109~~. Report of Chief Building Official.

The Chief Building Official shall issue an annual report to the Mayor, the Common Council, and the Norwalk Historical Commission concerning the number of Demolition applications filed, the number of applications subject to this chapter, the number of applications that were objected to, and whether the buildings, structures, or parts thereof subject to such applications were actually Demolished.

Dated at Norwalk, Connecticut this 27th day of February 2023.

ATTEST: Irene 7. Dixon
Irene Dixon, City Clerk

THE HOUR: Please publish once on Friday, March 10, 2023