



REGULAR MEETING – HARBOR MANAGEMENT COMMISSION AGENDA

**APRIL 23, 2025, 6:00 PM
BY ZOOM VIRTUAL MEETING**

To allow public access, anyone may access a meeting by telephone and/or Zoom, or a recording in the City of Norwalk YouTube channel. Specific instructions and links can be found at norwalkct.gov/meetings.



Members of the public may call in to participate. Callers will not be able to see the meeting participants. All participants will be muted upon entering the meeting. To speak, dial *9 on the phone and you will be called on by the host of the meeting during the public comment section. All speakers must state their name and address. Comments must be on a topic on the agenda, and are limited to three minutes. Anyone disrupting the orderly conduct of the meeting, including by using threatening, hateful, or sexually-explicit language, will be removed. Please find the information using the link above.



Members of the public who wish to provide "live comments" may also use the Zoom meeting platform. All participants will be muted upon entering the meeting. To speak, click the "raise your hand indicator" and you will be called by the host of the meeting during the public comment section. All speakers must state their name and address. Comments must be on a topic on the agenda, and are limited to three minutes. Anyone disrupting the orderly conduct of the meeting, including by using threatening, hateful, or sexually-explicit language, will be removed. Please find the information using the link above.



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 included into the record, they must be submitted by 12:00 p.m. the day of the meeting. Please email Amelia Williams at amelia.williams@norwalkct.gov with the subject line "Public Comment" to provide written public comment prior to the meeting.

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PUBLIC PARTICIPATION**
- IV. **ACCEPTANCE OF MINUTES**
 - A. **Regular Meeting: March 26, 2025**
- V. **APPLICATION REVIEW COMMITTEE**
 - A. **[POCD Amendment Referral](#) - Affordable Housing Action Plan**
 - B. **[CAM Referral - 36 Dock Road](#) - Demolish an existing house and construct a new single-family residence with associated site improvements adjacent to Village Creek**
 - C. **Text Amendment Referral - Zoning Regulation Text Amendment to Articles 4, 6, 8**

and 9

VI. REPORTS

A. Chairperson

B. Shellfish Commission

C. Staff

1. Harbor Master

2. Consultant

D. Committee

1. Mooring and Harbor Safety

2. Finance

3. Plans and Recommendations

4. Newsletter/Website

5. Water Quality

VII. ADJOURNMENT

Norwalk Planning & Zoning Commission

125 East Avenue
Norwalk, Connecticut

April 1, 2025

Memorandum

To: Mayor Harry Rilling; Planning & Zoning Commission – Galen Wells, Chairwoman; Connecticut Department of Energy and Environmental Protection (DEEP), Connecticut Department of Public Health, Norwalk Harbor Management Commission, Five Mile River Commission, Town of Darien, Town of New Canaan, Town of Westport, Town of Wilton, WestCOG

From: Bryan Baker, AICP, Principal Planner

Re: **#2025-08 R – Planning & Zoning Commission – Zoning Regulation Text Amendment to Articles 4, 6, 8 and 9 regarding changes to the flood hazard zone regulations for buffer areas and construction methodology for residential flood compliance; maximum building heights for the SD-LI and SD-HI zones; rear setbacks for the SD-MC zone; Frontage requirements for Watercourse Lots; requiring a site plan review application for changes in use that exceed a certain size; how Trade or Vocational Schools are permitted; changes to Indoor & outdoor storage of passenger motor vehicles, Motor Vehicle Storage, Warehouse and Warehousing uses; Workforce Housing incentives and income buffers; clarification on mailings required for public notice; amending the definitions of Story, Lowest Floor and Motor Vehicle Body Shop and adding definitions of Unfinished Area and Finished (Habitable) Area**

Please accept this letter as the statutorily required referral for amendments to the City of Norwalk's Zoning Regulations. The Norwalk Planning & Zoning Commission will be holding a public hearing on the following zoning regulations amendments at a meeting that is tentatively scheduled for _____.

The zoning map can be found here:

https://www.norwalkct.gov/DocumentCenter/View/32441/ApprovedZoningMap_Effective2_19_24

The existing Zoning Regulations can be found here: <https://norwalkct.gov/3445/New-Zoning-Regulations-Map>

For clarity:

- Each proposed revision will be under a separate page
- New/Proposed text is indicated in **red text**
- Deleted text is indicated as ~~struck-through text~~

1. Modify Section 6.9.5.C.1 which applies to construction within the Special Flood Hazard Zone to include the following amendments:

- a. Residential Construction.

All new Construction, Substantial Improvements, and repair to Structures that have sustained Substantial Damage which are Residential Structures shall have the bottom of the **Lowest Floor** ~~lowest floor, including Basement,~~ elevated two (2) feet above the Base Flood Elevation (BFE). Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated two (2.0) feet above the BFE. **Any level below the Lowest Floor shall be Unfinished Area.**

- c. Fully Enclosed Areas Below the Base Flood Elevation **Plus Two (2) Feet** of Elevated Buildings.

All new Construction, Substantial Improvements, or repair to Structures that have sustained Substantial Damage that include fully enclosed areas formed by a foundation and other exterior Walls shall have the ~~lowest floor~~ **Lowest Floor** elevated to two (2) feet above the Base Flood Elevation (BFE). The elevated Building shall be designed ~~to preclude finished living space~~ **as Unfinished Area** below the ~~lowest floor~~ **Lowest Floor** and be designed to allow for the entry and exit of Flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing), **except where dry flood-proofing is allowed per Section 6.9.5.C.1.b.** Designs for complying with this requirement must either be certified by a registered professional engineer or architect, **within the State of Connecticut**, as meeting the requirements of ASCE 24 Section 2.6.2.2., or meet the following minimum criteria listed in Sections (1)-(8) below:

- (5) The area ~~cannot~~ **shall not** be used as finished living space **Finished (Habitable) Area and shall be an Unfinished Area.** ~~Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, Building access or limited storage.~~ Access to the enclosed area shall **not exceed** ~~be~~ the minimum necessary to allow for the parking of vehicles (Garage door) or limited storage of maintenance equipment used in the connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation;
- (6) All interior Walls, floor, and ceiling materials located below two (2) feet above the BFE shall be **in accordance with the definition of Unfinished Area** ~~unfinished and flood damage-resistant in accordance with FEMA Technical Bulletin 2, Flood Damage-Resistant Requirements.~~

2. Modify Section 6.9.5.D.1 which applies to construction within the Special Flood Hazard Zone to include the following amendments:

- 1) All new Construction, Substantial Improvement and repair to Structures that have sustained Substantial Damage shall be located at least **fifteen (15)** ~~twenty-five (25)~~ feet landward of the **Coastal Jurisdiction Line** reach of the mean high tide, **except for the following:**
 - a. Existing Residences being raised to comply with Section 6.9.5.C.1 **provided that there is no increase in Massing.**
 - b. Interior renovations to a Principal Building.
 - c. Pools, provided that they are at least ten (10) feet landward of the Coastal Jurisdiction Line.
 - d. Docks.
 - e. Public access requirements as required within these Regulations.
 - f. Civic Districts.
 - g. Water-dependent Uses and Marine & Vessel Uses within Table 4.3.9.A

3. Modify a portion of Table 4.3.1-L and M (SD-LI and SD-HI) to the following:

(SD-LI)

Ceiling Height	
Principal Building	1) Shall May not exceed 15 ft. from finished floor to finished floor, except that the first floor must be a minimum of 20 ft., not to exceed 30 ft. 2) When Abutting a residential Zoning District, each Story beginning with the third floor shall be setback at least ten (10) feet from the Story below. 3) A Special Permit shall be required for Structure(s) with a Total Height exceeding 65 ft.

(SD-HI)

Ceiling Height	
Principal Building	1) Shall not exceed 15 ft. from finished floor to finished floor, except that the first floor must be a minimum of 20 ft. min. ground floor, not to exceed 40 ft. 2) When Abutting a residential Zoning District, each Story beginning with the third floor shall be setback at least ten (10) feet from the Story below. 3) A Special Permit shall be required for Structure(s) with a Total Height exceeding 65 ft. and/or for a Structure(s) with a first floor height exceeding 30 ft.

4. Modify a portion of Table 4.3.1-N (SD-MC) to the following:

Setbacks	
Principal Building	
Front Setback, Principal Frontage	5 ft. min
Front Setback, Secondary Frontage	5 ft. min
Side Setback, per Side	5 ft. min
Rear Setback	25 ft. from the coastal jurisdiction line mean high water, which area must be dedicated for public Use and water quality Improvements; except that the Rear Setback may be reduced by the Planning and Zoning Commission where the proposed Use preserves and enhances water-dependent uses or where the reuse of existing Building and Structures is considered to be consistent with the purposes of the District.

Setbacks	
Accessory Building	
Front Setback, Principal Frontage	25 ft. min
Front Setback, Secondary Frontage	25 ft. min
Side Setback, per Side	5 ft. min
Rear Setback	25 ft. from the coastal jurisdiction line mean high water, which area must be dedicated for public Use and water quality Improvements; except that the Rear Setback may be reduced by the Planning and Zoning Commission where the proposed Use preserves and enhances water-dependent uses or where the reuse of existing Building and Structures is considered to be consistent with the purposes of the District.

5. *Modify Section 4.3.3.D Watercourse Lots/Building Sites to the following:*

Within all Districts **the CD-3, CD-3W, CD-4, CD-4W, and SD-MC** and the Civic District, each Lot or Building Site that abuts both a Street or Internal Drive, and a Watercourse **and are a Residential (except for Single-Family Detached Dwelling, Two-Family Detached Dwelling, or Townhouse), Lodging, Office, Commercial, Civic, and/or Institutional Use(s) as listed within Table 4.3.9.A must provide a Private Frontage Type along each Frontage in accordance with Section 4.3.7.** ~~have Frontage along both, and the Frontage regulations shall apply to both Frontages.~~ **Maximum Setbacks from the Frontage along the Watercourse shall not apply. The minimum Frontage buildout shall not be required to exceed 40% along the Frontage adjacent to the Watercourse.**

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6. *Modify Section 4.3.9.C. Uses to the following:*

1. In addition to the Use standards in Table 4.3.9.A (Building & Lot Principal Uses) and Table 4.3.9.D (Building, Lot & Building Site Accessory Uses);
 - a. Any proposed Building with a Footprint of five thousand (5,000) square feet or more or a gross Floor Area of twenty thousand (20,000) square feet or more shall be subject to Section 8.4.5, Site Plan Review, unless a Special Permit is required in which case the Building is subject to Section 8.4.8, Special Permits.
 - b. **Any change in Use with a gross Floor Area of twenty thousand (20,000) square feet or more shall be subject to Section 8.4.5, Site Plan Review, unless a Special Permit is required in which case the Use is subject to Section 8.4.8, Special Permits.**

7. Modify Table 4.3.9.A Building, Lot & Building Site Principal Uses to include the following:

Principal Use	CD -1L	CD -1M	CD -1S	CD -2	CD-3	CD-3W	CD-3C	CD-4	CD-4W	SD -H	SD -IC	SD-LI	SD-HI	SD -MC	C V
Trade or Vocational School	NP	NP	NP	NP	SPU ± PL	SPU ± PL	SPU ± PL	SPU ± PL	SPU ± PL	SP U PL	NP	SPU ± PL	SPU ± PL	NP SP U	N P P L

cl. Trade or Vocational Schools shall be permitted in accordance with the applicable Use Table, subject to the following:

- (1) Training or educational programs shall be certified by the State of Connecticut, ~~subject to the following requirements:~~
 - a. ~~Shall have a minimum lot size of fifteen thousand (15,000) square feet;~~
- (2) Use of a ~~technical school~~ **Trade or Vocational School** shall be limited to members of trade or profession enrolled in apprenticeship and upgrading programs as defined in **Chapter 557, Part Ia, Section 31-22m to 31-22q of** the Connecticut General Statutes ~~Annotated Title 31, Section 31-51a to 31-51e, as amended.~~
- (3) ~~Shall require approval of a Special Permit pursuant to Section 8.4.8.~~

8. *Modify Table 4.3.9.A Building, Lot & Building Site Principal Uses and Table 4.3.9.D Building, Lot & Building Site Accessory Uses to include the following:*

TABLE 4.3.9.A BUILDING, LOT & BUILDING SITE PRINCIPAL USES															
Principal Use	CD -1L	CD -1M	CD -1S	CD -2	CD -3	CD -3W	CD -3C	CD -4	CD -4W	SD -H	SD -IC	SD-LI	SD-HI	SD -M C	C V
Indoor & outdoor storage of passenger motor vehicles	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	SPU ±	NP	NP	NP
Motor Vehicle Storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	SPU	SP	NP	NP
Warehouse	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	PL	PL	NP

TABLE 4.3.9.D BUILDING, LOT & BUILDING SITE ACCESSORY USES															
Accessory Use	CD -1L	CD -1M	CD -1S	CD -2	CD -3	CD -3W	CD -3C	CD -4	CD -4W	SD -H	SD -IC	SD-LI	SD-HI	SD -M C	C V
Warehousing	NP	NP	NP	NP	PL	PL	PL	PL	PL	NP	NP	PL	PL	PL	PL

cn. **Warehouse shall be permitted in accordance with the applicable Use Table, subject to the following:**

- A Site Plan Review, pursuant to Section 8.4.5, shall be required in accordance with Section 4.3.9.C and/or when on a Lot or Building Site that abuts a residential Zoning District..**
- A Special Permit, pursuant to Section 8.4.8, shall be required for a Warehouse Use and/or Structure that exceeds twenty thousand (20,000) square feet in gross Floor Area.**
- Motor Vehicle Storage is Permitted within a Warehouse, provided that:**
 - There is no on-site motor vehicle repair which requires a K-7 license from the Connecticut Department of Motor Vehicles.**
 - There is no retail or wholesale sales of motor vehicles or motor vehicle parts.**

co. **Warehousing shall be permitted in accordance with the applicable Use Table, subject to the following:**

- Warehousing shall only be Accessory to the following Use(s):**

- a. Cannabis Delivery Service; Cannabis Food & Beverage Mfg.; Cannabis Transporter; Manufacturing & Processing, Boutique; Manufacturing & Processing, Light; Brew Pub/Distillery; Boat-Building facility; Boat repair and service facility; Commercial fishing facility; Finfish and shellfish processing plant; Harbor/Port Facility; Marina; Ship Chandlery; Shipyard; Research and Development Facility; Municipal Utility Plant or Storage Yard; Warehouse
- 3. A Site Plan Review, pursuant to Section 8.4.5, shall be required in accordance with Section 4.3.9.C and/or when on a Lot or Building Site that abuts a residential Zoning District.

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9. *Modify Section 6.12.4 Regulations for Workforce Housing to include the following:*

14. If a Workforce Household within a designated Workforce Housing Unit realizes an increase in income, such that they exceed 80% state median income based on family size, the occupant of the Workforce Housing Unit may remain within that Dwelling Unit upon annual recertification, so long as their income does not equal or exceed 90% state median income; provided that at least 12% of the City's total Dwelling Units are (1) assisted housing, (2) currently financed by Connecticut Housing Finance Authority mortgages, or (3) subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of income, where such income is less than or equal to 80% state median income.
15. In addition to the requirements in Articles 6.12.4.1 and 6.12.4.2, any Zoning Permit for the Construction of multifamily or mixed-use Developments containing ten (10) or more Dwelling Units may increase the maximum allowed Density by five (5%) percent, rounded up to the nearest whole number, provided that:
 - a. the annual income for the Families in the additional units is between 80 – 90% of state median income, and
 - b. the additional units are deed-restricted in perpetuity and occupied by Families whose annual income is between 80 – 90% of state median income, and
 - c. the additional units are subject to the same annual reporting requirements as Workforce Units as required within the Affordability Plan.
 - d. provided that at least 12% of the City's total Dwelling Units are (1) assisted housing, (2) currently financed by Connecticut Housing Finance Authority mortgages, or (3) subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as
 - e. housing for which persons and families pay thirty per cent or less of income, where such income is less than or equal to 80% state median income.
 - f. provided that at least 12% of City's total Dwelling Units meet or exceed the criteria in Connecticut General Statute, 8-30g(k), as amended.

10. *Modify Section 8.4.4.D.6 to include the following:*

6. For mailed notice, in addition to other requirements that may be required for the specific procedure, the following shall be required:
 - a. All letters shall be sent by the Applicant using ~~certified~~ U.S.**P.S.** Mail, with a Certificate of Mailing-**Firm**.

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11. *Modify Section 9.3 Defined Terms, to include the following:*

Unfinished Area: An enclosed area that is used only for the parking of vehicles, building access or storage purposes and that does not meet the definition of a Finished (Habitable) Area. Drywall used for fire protection is permitted in Unfinished Areas.

Finished (Habitable) Area: An enclosed area having more than twenty (20) linear feet of finished interior walls (paneling, etc.) or used for any purpose other than solely for parking of vehicles, building access or storage.

Story: a level within a Building, being that portion between the surface of any floor and the surface of the floor next above it; if there is no floor above it, then the space between the floor and ceiling next above it; unless that space is a Half Story. The number of Stories shall be measured from the Finished Grade along the Principal Frontage of a Structure and/or Building.

- (1) A Basement is a Story when the ceiling height is more than three (3) feet above the Finished grade measured along the Principal Frontage of the Structure and/or Building; except that, within the Special Flood Hazard Area, the lowest level is not a Story provided that:
 - a. It is uninhabitable space **Unfinished Area** and can only be used for Parking or storage; and
 - b. More than 50% of the floor **-to-ceiling** height is below the Base Flood Elevation.
- (2) For Structures on pilings within the Special Flood Hazard Area, the area between the ground and the floor next above it shall not count as a Story, provided that more than 50% of the Existing Grade is below the Base Flood Elevation.

Lowest Floor: the lowest floor of the lowest enclosed area (including Basement); except **within a Special Flood Hazard Area**, an ~~unfinished~~ **Unfinished Area** or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a Building's lowest floor.

12. *Modify Article 9, Definitions, to include the following:*

Motor Vehicle Body Shop: premises or a portion of a premises used for the adjustment, painting, replacement of parts, or body repair of Motor Vehicles, **including incidental storage for fewer than sixty (60) days of Motor Vehicles that are being adjusted, painted, parts replaced, or body repaired.**

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