

CITY OF NORWALK
PLANNING & ZONING COMMISSION SPECIAL MEETING MINUTES
December 13, 2023

PRESENT: Louis Schulman, Chair; Nick Kantor; Mike Mushak; Galen Wells; Chapin Bryce; Ana Tabachneck (left the meeting at 6:18 and participated on Zoom); Richard Roina; Tammy Langalis; Jacquen Jordan-Byron; Darius Williams (on-line at 6:21 pm)

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Atty Mark Branse

I. CALL TO ORDER

Mr. Schulman called the meeting to order at 6:06 p.m. It should be noted that this meeting was held on Zoom.com with participants calling in, separately, as well as the Common Council Chambers at 125 East Avenue, Norwalk, CT.

II. ROLL CALL

Mr. Kleppin called the roll.

III. PUBLIC HEARINGS

a. #2023-19 R/M – Planning & Zoning Commission – Zoning text amendment for complete re-write of the zoning regulations and map amendment for complete rezoning of the entire city

Mr. Schulman noted that this could be the first of several meetings for a process that began two years ago for the re-write of the zoning regulations and zoning map. There may be changes on the proposed regulations based on these discussions. He reminded everyone that this was not the end of the process. There were items that they would not be acting on with this re-write including, affordable housing, workforce housing, resilience overlays, Merrit 7 overlay and others. These would be worked on at a later time. They would be coming back to the regulations to correct oversights or errors over the next six to eighteen months. Mr. Schulman thanked the staff as well as the commission for their patience and working weekly since the summer. He thanked the public for their advice and patience. He believed that this was a model of good government and would serve the city for many years. They would begin the discussion with items that were outstanding with an explanation from Mr. Kleppin and staff and then the commission would discuss. He seated Mr. Bryce since he will become a

regular member of the commission on January 1, 2024. He then introduced Atty Mark Branse, who had worked with the city on this project.

Mr. Kleppin thanked Mr. Branse for starting in the middle of the project, and realized that he should have included outside counsel since the beginning. Atty Branse gave the rules of the deliberations. He noted that they had a great deal of discretion and an appeal would be almost impossible to appeal. Once formal deliberations begin the alternate would remain, even if a regular member returns. Only seated members participate once deliberations begin. Alternates could not speak during deliberations. He also said that there would be fine-tunes to the regulations. He discussed the appeals process which would begin with the appellant showing standing. The regulations would still go into effect until a judge declared it otherwise. He discussed notifications to the public.

Ms. Tabachneck said that if she would not be seated she would listen to the meeting on Zoom so that she would be on mute. The commissioners could ask questions of staff and Atty Branse during deliberations only on information that had been presented and not new information. Ms. Tabachneck was told that if Mr. Williams did not appear at the meeting, she would be seated in his place. There was a further discussion of the appeals process.

At this point, Mr. Kleppin began a discussion with a table of properties which could be affected by the revised flood regulations. He explained how the budgets could be increased. He also explained why the city would not be able to get flood compliance with some of the options. He said that the last column was what other surrounding towns did, but that Greenwich was as stringent as Norwalk.

There was a discussion about the market value vs. assessed value. Ms. Langalis thought the chart should be re-worded. She also thought it should be a 5 year cumulative period and 50% threshold. Mr. Schulman suggested that the limits should be 10 years with a 25% threshold. There was a discussion about the worth of a house that has been made flood compliant vs. those that have not. There was a discussion about how to keep the costs equitable for those that cannot afford to lift their home, etc. There was a discussion about FEMA. There were concerns about the resident's safety. There was also a discussion about changing some of the terms of the flood requirements to give it more flexibility. They also reviewed a spreadsheet that Mr. Kleppin had provided to the commissioners. Mr. Schulman asked for the commissioners' opinions to it. They reviewed a 5 year cumulative period with a 25% threshold. There was a discussion about whether to use the assessed value or appraised value. The commissioners agreed to the compromise of a 5 year cumulative period with a 25% threshold.

Mr. Kleppin then discussed the East Avenue Village Transit Oriented District Zone (EVTZ) Point System as adopted prior to the proposed re-write of the regulations. Modifications had been proposed to it including some items that are no longer eligible as well as new items that qualify including a public restrooms, bike racks and repair stations. There was also a discussion about the width of the sidewalks in this area. Mr. Kleppin noted that the sustainability regulations may have to be revised in six months since they are fairly new and being tested. For building certifications, Mr. Kleppin said that he had worked with Steve Klocke, the chairperson of the Conservation Commission. There was also a discussion about rainwater retention. Atty Branse explained to the commissioners that some of the links were for reference to readers to get clarification.

There was then a discussion about the EV Level 3 Charging Station and parking spaces for the public. Mr. Kleppin said that battery storage had been struck out to be dealt with later. These would be public spaces on private property. The developers have to meet parking requirements before they can receive amenity points for additional charging stations. There were comments from the public including East Norwalk Neighborhood Association (ENNA) that had been added.

Mr. Kleppin then discussed rain gardens and roof-top solar panels. There was a discussion about the building footprint and floor area. There was also a discussion about public parking facilities. Under rent reduction, Mr. Kleppin said he had added an ENNA recommendation. He also discussed a map showing the boundaries of the EVTZ zone.

There was a review of language for construction methodology to be used in the regulations to meet sustainability requirements. There were three different methodologies. These are in addition to solar requirements. There was a discussion about how to determine if someone is qualified to make the determinations about what is certifiable.

There was a discussion about the Merritt 7 overlay. Mr. Schulman said that this should be moved to future discussions with them and not be discussed at this time.

At this point, they began a discussion of the Manresa overlay. Mr. Kleppin said that this was not approving any application at Manresa Island. He noted that if the applicant had developed this as a subdivision there would be more density than they are requesting in the overlay. The public access would also not be as much as what was proposed in the overlay. Mr. Kleppin also noted that the applicant was not as concerned with accessory uses at this time. There would also have to be discussions about the infrastructure and the causeway and increased flooding. The public had concerns about site remediation. Some of it could be removed by barge while others

could not. If it could not it would have to go out on the roads. Since they plan on developing $\frac{1}{3}$ of the site, there would be a lot less remediation than if the whole site was to be developed. The Connecticut Department of Energy and Environmental Protection (DEEP) will handle remediation.

There was a discussion about what would be allowed under a special permit. Atty Branse explained that under a special permit the commissioners had a high level of discretion. There was also a discussion about what language to delete from the proposed overlay. Mr. Kleppin suggested removing accessory uses.

Mr. Mushak said he did not think there should be any housing or development on this site. He reminded the commissioners that they could stop this development at this point. He had concerns about the amount of remediation that the site would need. The soil would have to be removed and sent to places like Pennsylvania or New York. There would be thousands of trucks moving through a low income, minority community. He did not believe that anyone would want to buy a house on this property. He discussed several studies done about Manresa Island and read from one of them. One of the purposes of the redevelopment is the removal of the power plant which is an eyesore. He then suggested another use for the property which was a mega yacht marina. Cove Marina's mega yacht docks are full all summer long. He also suggested a boat ramp and kayak rentals. He also suggested a Visitor Center for the McKinney Wildlife Refuge. He again expressed concerns about the remediation process and said he did not support the overlay and thought it would be a planning mistake. Mr. Mushak also read into the record what the Stuart B. McKinney National Wildlife Refuge is. He also spoke about the endangered species in this area but also about the importance of Manresa Island to these species. He thought it should be a part of the McKinney Wildlife Refuge and it should become a bird watching destination.

There was a discussion about the applicant submitting a subdivision application. There was also a discussion changing the zone which had not been advertised to the public so it could become problematic for the commission. Atty Branse said that it could not be zoned as open space or that nothing could be zoned in this area. There was a discussion about the purchase price. Mr. Mushak was concerned about the remediation and how that would affect the neighbors in South Norwalk. He said it would take years for this site to be remediated and developed. There was a discussion about what the overlay would do. There was a discussion about putting this Manresa Island overlay aside because it could be a discussion for several meetings. There was a discussion about the B zone designation. Mr. Mushak reminded others how in the past there were decisions made to purchase Calf Pasture Beach, Cranbury Park, etc. to have open space set aside.

Mr. Schulman said they would take a break and return to the meeting at 8:17 pm. He said they would begin with a review of the edits table.

Mr. Kleppin showed them comments on a table and explained that they had received them as part of the public hearings. The first one were comments from Atty Suchy about her client, Brian Terzian and what the modifications were. Mr. Mushak reminded the commissions about their importance to Norwalk's economy and environment. The next item was a comment from the Conservation Commission to allow EV Charging Apparatus in the front yard. There were also comments about vinyl siding and horizontal siding. There was also a discussion about the East Avenue Village District, especially about allowing some business uses, impervious surfaces and density. Mr. Baker discussed some other uses like retail and small restaurants. There was a discussion about zones not being updated to reflect the updated nomenclature. The next item was a comment from the Conservation Commission about street trees in the hospital and marine zones so the same language was added to these zones as well.

The next comment was about the Devine Brothers and O&G properties. Mr. Kleppin said that language would be added to the regulations to make these two properties legal. Mr. Mushak noted that allowing higher density in this area would replace these businesses, but in fact, it was to help them stay in business.

There was a discussion about the elimination or reduction of parking requirements from a letter from Sustainable Streets Norwalk. Mr. Baker discussed their two recommendations. It was noted that parking does not generate tax revenue. This allowed the developers to determine what amount of parking would work for their project. There was a discussion about a lack of parking near restaurants and small businesses. There was a discussion about recent federal legislation introduced which would limit corporate landlords from buying over a certain amount of properties. There was also a discussion about corporate hedge funds that are purchasing homes to make rentals. There was a discussion about walkability and street activation through lower parking minimums. The commissioners decided to reduce/eliminate parking in the CD-4 and CD-4W zone. There was a discussion about parking for townhomes. There was also a discussion about the use of public streets to find parking, similar to what happens in New York City. If townhomes have 1 spot for each townhome and someone has 2 cars, then they will have to look for a parking spot. The commissioners decided to allow a minimum of 1 parking spot.

The next items were similar to the previous parking exemption clarifications with Mr. Kleppin pointing them out. There was also a discussion about extended stay hotels and parking from a letter sent by Atty Adam Blank. Mr. Kleppin also discussed the email from Jason Little, representing the Gardella Brothers, regarding changes in the marine

commercial zone and buffer requirements. They decided to discuss this later in the meeting so Mr. Kleppin could find the regulation. There was then a discussion about curbing the proliferation of vape shops. Staff created a new use for Vape Shops, which would be similar to cannabis shops. There was also a discussion about waterfront clubs.

Mr. Kleppin said that there were objections to upzoning Cottage Street, including a petition. There was a lengthy conversation but most commissioners asked to keep the staff's language. There was a discussion about another townhouse development at Seabring Sans.

There was also a discussion about home daycares in the city. Due to a change in the state law about the age for children to start kindergarten, there could be an increase in children in daycare. There was a discussion as to the current regulations, but the commissioners decided to wait until early in the next year to take action. There were some comments where no action was necessary. Some comments about flood regulations and Manresa Island which they had previously discussed.

Mr. Kleppin spent some time discussing the recommendations of the CT DEEP letter dated December 5, 2023. There was a discussion about four properties that they were concerned with. They discussed how multi-family uses would incentivize water use as well. There was also a discussion about the ADUs and parking. Mr. Baker addressed some discrepancies about parking for ADUs. They would allow 1 parking spot for them. There was also a discussion about the WestCog letter. Mr. Baker noted that there was a clerical error.

Mr. Kleppin said that there was a clarification about a property which should be in the East Avenue Village District. There was also a discussion about 151-153 Ely Avenue. They reviewed the map as well. There was then a discussion about the cannon property in the Rowayton Village District becoming a part of the view corridor.

At this point, the commissioners returned to the comments about the email from Jason Little. They also discussed the Gardella property in the marine commercial zone. For live music, this is now an administrative approval so that an applicant comes to the staff with a noise report so they can issue it.

There was then a discussion about solar requirements.

Mr. Schulman said they would like to review the resolution which Mr. Kleppin said he would email to everyone so they could read it.

Before the vote, the commissioners took a 5 minute break and reconvened at 10:07 pm.

The commissioners read and reviewed the resolution. Mr. Kleppin said that one of the recommendations that came out of the Plan of Conservation and Development was that the zoning regulations should be rewritten.

Atty Branse recommended an earlier effective date and recommended that the table that they had reviewed during the meeting be Exhibit A.

There was a discussion about the effective date of February 19, 2024. Mr. Kleppin explained why they would like a later effective date to confirm that they are not publishing anything with errors. He also thought that many people were waiting to file applications under the new regulations.

WHEREAS the City adopted its Plan of Conservation and Development (Citywide Plan) effective December 5, 2019, as amended;

WHEREAS, the first “Immediate Implementation Strategy” in the 2019 Citywide Plan states: “Rewrite and modernize the zoning code to achieve the plan’s goals”;

WHEREAS, the City began the process of updating the regulations in July of 2021;

WHEREAS, the Commission conducted a public preview of the draft zoning regulations on April 4, 2023;

WHEREAS, the Commission conducted a public preview of the draft zoning map on April 12, 2023;

WHEREAS, the Commission conducted a public hearing to solicit feedback on the draft regulations on June 21, 2023;

WHEREAS, the Commission conducted a second public hearing to solicit feedback on the draft regulations on June 28, 2023;

WHEREAS, the Commission held numerous discussions on the public comments received during the hearings as well as other communications received, over the course of the summer and fall of 2023;

WHEREAS, the Commission referred the draft regulations and draft zoning map to the towns of Darien, New Canaan, Westport and Wilton, the CT Department of Health, WESTCOG, the Norwalk Harbor Management Commission, the Five Mile River Commission, the Norwalk First Taxing District, South Norwalk Electric and Water, and CT DEEP on October 31, 2023;

WHEREAS, the draft regulations and draft zoning map were posted at the Town Clerk’s office on November 21, 2023;

WHEREAS, Legal Notices were published in the Norwalk Hour on November 21, 2023 and November 28, 2023;

WHEREAS, comments were received by the Town of Westport, WESTCOG and CT DEEP;

WHEREAS, no comments were received from any other agency;

WHEREAS, the Commission considered the Comments raised by CT DEEP, as well as comments received from the Town of Westport and WESTCOG;

WHEREAS, the Commission conducted public hearing on the proposed regulations, as revised, on December 5th and December 6th, 2023;

WHEREAS, the public hearing was closed for in-person public comment on December 6th, but allowed written submittals to be received through December 8th, 2023 at 10 AM;

WHEREAS, the Commission conducted deliberations on all comments received on December 13th;

WHEREAS, the Commission concluded deliberations on December 13th, 2023;

**** MR. ROINA MOVED: THEREFORE, BE IT RESOLVED BE IT RESOLVED** by the Norwalk Planning and Zoning Commission, that application #2023-19 R/M – Planning & Zoning Commission – Zoning text amendment for complete re-write of the zoning regulations and map amendment for complete re-zoning of the entire city be approved, subject to the following modifications:

1. Section 1.21.2.B.7. shall be revised to the following:

a. *Notwithstanding anything else in this Section 1.21, in response to changing industry trends and needs, approved and properly permitted Uses, formerly within the Industrial No. 1 or Restricted Industrial Zone, may, through the granting of a Special Permit from the Commission:*

i. *Manufacture and sell new materials and products and use new techniques and methods to create such products, provided that any new materials or processes employed are not noxious, hazardous, or result in dust or noise that violates any provision of these Regulations or other City ordinance or State statute.*

ii. *Relocate existing buildings, material piles and machinery throughout their properties and may construct new structures, provided that:*

1. *Any new or relocated structure(s) proposed within a Flood Zone, must fully comply with all applicable Flood Zone regulations.*

2. *Any material relocated within a Flood Zone must also be stored such that they are flood compliant.*

3. *No relocation is closer than ten (10) feet to any property line.*

4. *Landscaping and Screening as required in these regulations.*

5. *Any Building(s) shall comply with all existing and applicable bulk and height standards.*

2. Table 4.3.1-C District Standards: Sub-Urban Single- and Two-Family Community District shall include the following revisions:

a. *Aluminum siding (**horizontally oriented only**) shall be **Permitted***

- b. Vinyl siding shall be **Permitted**
- 3. Table 4.3.1-D District Standards: General Urban Community District. Additional Standards for Village District Overlays in CD-3 on page 84 shall be revised to the following:
 - a. East Avenue Village District Overlay (O-EAVD)
 - i. **The maximum Impervious Surface Coverage in the O-EAVD is 60%.**
 - ii. **All multi-family Dwellings shall provide an open recreation area of not less than one hundred fifty (150) square feet per Dwelling Unit, which shall be located with due concern for the safety and convenience of the residents for whose Use it is intended. At least 50% of the minimum required recreation area shall be located outside on ground level and devoted exclusively to recreational activities and recreational equipment and facilities, such as play equipment, swimming pools, tennis courts and gardens. The recreation area shall be suitably screened with landscaping in accordance with Section 4.3.16 Private Landscape Standards.**
- 4. Table 4.3.1-D District Standards: General Urban Community District. Additional Standards for Village District Overlays in CD-3 on page shall include the following revisions:
 - a. The edits proposed in the Staff Memorandum dated November 30, 2023, regarding "...Modifications to the Sustainability Requirements & Modifications to the EVTZ Point System" included herein as "Exhibit A."
- 5. Table 4.3.1-E District Standards: General Urban – Water Community District: Rowayton Avenue Village District Overlay (O-RAVD) shall include the following revisions:
 - a. Existing 6. to be deleted and replaced with: **"6. Waterfront Lots are subject to Section 4.3.3.H and Section 6.10.4"**
 - b. ~~"7. Redeveloped properties located on the waterfront shall provide a twenty five (25) foot wide unobstructed public view corridor from the street to the water."~~
- 6. Table 4.3.1-G District Standards: Urban Center Community District shall include the following revisions:
 - a. Building Height*
 - i. Principal Building:
 - 1. 2 Story min.; 6.5 Stories max.; **except that the number of Stories shall not exceed 3.5 Stories max within fifty (50) feet of a property line that abuts the CD-2; or 4.5 Stories max within fifty (50) feet of a property line that abuts the CD-3.**

2. 4 Stories max for Washington St., Commerce St., and Maple St.
 3. **4 Stories max for Wall St., except that 5 Stories is Permitted subject to Special Permit.**
 4. 12 Stories max. for the Webster Street redevelopment block.
 5. 15 Stories max. for the O-MSVD.
7. Table 4.3.1-G District Standards: Urban Center Community District on page 121 shall include the following revision:
- a. **Drive-Through Locations: Not Permitted (NP) ~~in Rear Yard only.~~**
8. Table 4.3.1-I District Standards: Hospital Special District on page 142 and Table 4.3.1-M District Standards: Marine Commercial Special District on page 170, respectively, shall be revised to the following:
- a. Landscaping
 - i. **R 1 Tree per 50 ft. of frontage if Front Yard is greater than or equal to 15 ft. deep, planted in Front Yard; if Front Yard is greater than or equal to 10 ft, min of 30% of Front Yard must be landscaped in compliance with Section 4.3.16.**
9. Table 4.3.8.B Principal Building Types Specific Standards for Townhouses on page 210 shall be revised to include the following revision:
- a. **Number of Townhouses connected to other Townhouses: 3 min. ~~8 max.~~**
10. Table 4.3.9.A Building, Lot & Building Site Principal Uses shall be revised to the following:
- a. Insert new use on page 224 under the “Retail & Personal Service Uses” category entitled “**Vape Shop**” which shall be a use **Permitted with Limitations (PL) in the CD-3C, Special Permit Use with Limitations (SPU-L) in the CD-4, and Not Permitted (NP) in all other zones.**
 - b. Insert new use on page 227 under the “Marine” category entitled “**Industrial processing and storage facilities dependent on waterborne transportation for the supply of products**” which shall be a **Special Permit Use (SPU) within the CD-4W zone and Not Permitted (NP) in all other zones.**
11. Section 4.3.9.F.4. on page 265 shall be revised to add the following new limitations:
- a. **ca. Vape Shops shall be permitted in accordance with the applicable Use Table, subject to the following:**
 - i. **1) No Vape Shop shall be closer than one (1) mile from another Lot which contains another Vape Shop use. The distance shall be measured in a straight line from the**

- nearest legal Lot or Building Site Line of one Lot to the nearest legal Lot or Building Site Line of the other Lot.*
- ii. *2) Vape Shops shall post clear signage on the entrance(s) to their establishment that any person(s) under the age of eighteen (18) years old shall not enter the premises unless accompanied by a parent or legal guardian.*
 - iii. *3) Vape Shops shall not serve alcohol, have a “bring your own beverage” policy, or allow patrons to consume alcohol within their establishment.*
 - iv. *4) Vape Shops shall not display any e-nicotine delivery and/or vapor products within ten (10) feet of the façade glazing of their establishment.*
12. Section 4.3.12.B.6. on page 269 shall be revised to the following:
- a. *Within the CD-4 and CD-4W, Lots/Building Sites or Structures shall be exempt from meeting the minimum number of Vehicular Parking spaces found in Table 4.3.12.B-1 (Vehicular Parking Requirements) provided they are not listed on a local, state, or national historic inventory, or there is a Change in Use or Addition(s) to Structure(s) that are listed on a local, state, or national historic inventory.*
13. Illustration 4.3.12.B-2 (Washington Street Parking Exempt Area) and Illustration 4.3.12.B-3 (Wall Street Parking Exempt Area), including all references to these two Illustrations **shall be deleted.**
14. Section 4.3.12.B.13.a. on page 272 **shall be deleted.**
- a. ~~Accessory Dwelling Units; and~~
15. Table 4.3.9.A Building, Lot & Building Site Principal Uses on page 223 shall include the following revision:
- a. *Extended Stay Hotel: SPU in CD-3C and CD-4*
16. Section 4.3.9.F.4.ah. Extended Stay Hotel on page 256 **shall be deleted.**
17. Section 4.3.12.20.a on page 273 shall include the following revision:
- a. *Any development with twenty (20) or more parking spaces shall include electric vehicle charging stations, that are at a minimum, Level 2 chargers in at least ten percent (10%) of such parking spaces and EV-Ready in at least fifty percent (50%) such parking spaces. Any multifamily Development with less than twenty (20) parking spaces shall be EV-Capable in at least fifty (50%) of such parking spaces.*
18. Table 4.3.12.B-1 Vehicular Parking Requirements shall include the following revisions:
- a. *“Townhouse: 1 per Dwelling Unit”*
 - b. *“Extended Stay Hotel: 0.75 per guest room + 1 per each 2 employees on the premises at one time”*
 - c. *“Hotel: 1 per guest room + 1 per each 2 employees on the premises at one time”*

19. Section 6.2.2.B on page 319 shall be revised to the following:
- a. *“The following activities are allowed without a separate Zoning Permit, provided the proposed Use of the property otherwise complies with these Regulations, and no off-site sedimentation, Flooding or erosion occurs. The Planning and Zoning Director may require a permit and compliance with Section 6.2.2.F. in the event that any off-site sedimentation, Flooding, or erosion occurs as a result of these activities:*
 - i. *Farming.*
 - ii. *Grading of less than 50 cubic yards of earth material.*
 - iii. *Soil disturbance, Clear-cutting (including removal of vegetative ground cover) of 1,000 square feet in area or less.*
 - iv. *Excavation, Grading and/or soil disturbance associated with specific plans for a subdivision, site plan, or special permit approved by the Commission, where the proposed excavation, Grading and/or soil disturbance is specified in such other approval.”*
20. Section 6.2.2.C on page 319 shall be revised to include the following revisions:
- a. *1. Excavation or Grading of 50 to 1,000 cubic yards of earth material;*
 - b. *2. Soil disturbance, Clear-cutting (including removal of vegetative ground cover) of more than 1,000 square feet but less than 10,000 square feet in area;*
21. Section 6.9 Flood Hazard Zone Overlay
- a. *Revise the entirety of the section to remove and replace all references to Base Flood Elevation plus one (1.0) foot with **Base Flood Elevation plus two (2.0) feet.***
22. Section 6.10 Coastal Area Management Overlay
- a. *Insert new Section “6.10.4” to codify the Landscape Protection and Visual Impacts Staff Memorandum dated 11/3/2023, as modified based on the updated zones nomenclature and to include the Cannon Triangle Green at the corner of Rowayton Avenue and Wilson Avenue under the Applicability section of the document, included herein as “Exhibit B.”*
23. Section 6.11.2.A on page 346 shall be revised to the following:
- a. *“Unless demonstrated by the Applicant that the proposed Use(s) or Building Construction makes it unfeasible, **all new Construction, including Parking Structures, and Parking Lots, as well as alterations of existing buildings where the entire existing roof deck or roof assembly is being replaced, with an area of five thousand (5,000) square feet or greater, shall at a minimum, provide a sustainable roofing zone covering the usable roof area. The***

sustainable roof must include a solar photovoltaic system generating at least 4kW, a green roof system, a cool roof system, or a combination thereof. If the Applicant indicates that this is unfeasible, the City may seek, at the Applicant's expense, review from a third-party architect or engineer, to evaluate the proposal. All new Construction, with a footprint of five thousand (5,000) square feet or greater shall also include stormwater management strategies identified in Section 6.11.2.C and the LID Site Planning and Design Strategies in the City of Norwalk Drainage Manual and Low-Impact Development Appendix of the latest Connecticut Stormwater Quality Manual, unless demonstrated by the Applicant that is unfeasible."

24. Section 6.12.4.3 on page 349 shall include the following revision:

a. *"Except for Municipal projects, all new, non-Residential Construction, exceeding twenty-five thousand (25,000) square feet shall pay an inclusionary zoning fee..."*

25. Sections 8.4.5.N and 8.4.8.G, respectively, shall include the following revision(s):

a. *Except for Buildings designated as historic under a Local, State or National inventory, any proposed Building containing a Footprint of 5,000 square feet or more or a Floor Area of 20,000 square feet or more, shall either:*

i. *Demonstrate that the construction methodology is certifiable as:*

1. *75% or more of the Development's stormwater is retained on-site through Low Impact Development (LID) practices, and either*

a. *LEED Silver, or*

b. *Enterprise Green Communities, or*

c. *National Green Building Standard Silver.*

ii. *Demonstrate that the construction methodology is certifiable as:*

1. *Passive House/PHIUS/EnerPHit, or*

2. *LEED Zero, or*

3. *Enterprise Green Communities Plus, or*

4. *Zero Energy Ready Homes, or*

5. *Living Building Challenge.*

iii. *Provide seventy-five percent (75%) or more of the building's energy usage be obtained from the Development and retain seventy-five percent (75%) or more of the Development's stormwater on-site through Low Impact Development (LID) practices.*

Documentation from a qualified professional, confirming compliance with the requirements for any of the programs listed in this section must be provided prior to obtaining a Zoning Certificate of Compliance.

26. Section 9.3

a. Insert new definition for “**Delivered Energy**” to be defined as the following:

i. *The amount of energy consumed at the point of sale (e.g., that enters a home, building, or establishment) without adjustment for any energy loss in the generation, transmission, and distribution of that energy. As such, it is the sum of fossil and renewable fuels (e.g., biomass or fuel wood) and purchased electricity. Delivered energy is sometimes referred to as “site” energy.*

b. Revise definition of “**Market Value**” to:

i. *The market value, as related to Substantial Improvement and Substantial Damage, is determined by the Tax Assessor’s appraised value of the Structure (excluding land value) prior to the start of the initial repair or improvement, or in the case of a Substantial Damage, the value of the Structure prior to the Substantial Damage occurring.*

c. Revise definition of “**Substantial Improvement**” to:

i. Any repair, reconstruction or improvement of a Structure, *taking place during a five (5) year period*, in which the cumulative cost equals or exceeds twenty-five percent (25%) of the Market Value of the Structure. This term includes Structures that have incurred “Substantial Damage,” regardless of the actual repair work performed. For the purpose of this definition, “substantial improvement” is considered to occur when the first Alteration of any wall, ceiling, floor or other structural part of the Building or Structure commences, whether or not that alteration affects the external dimensions of the Structure. The term does not, however, include either:

1. (1) any project for improvement of a Structure to comply with existing state or local health, sanitary or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. (2) any Alteration of a Historic Structure, provided that the Alteration will not preclude the Structure’s continued designation as a Historic Structure.

- d. Insert new definition “**Vape Shop**” to be defined as the following:
 - i. *A Retail Use that devotes at least twenty five percent (25%) of its Floor Area to the sale and display of electronic nicotine delivery system and vapor products (“E-Cigarettes”) as defined by the Connecticut General Statutes, regardless of whether the use is required to obtain an electronic nicotine delivery system certificate of dealer registration from the Connecticut Department of Health and/or Connecticut Department of Consumer Protection.”*
 - e. Revise definition of “**Waterfront Club**” to:
 - i. *A private club providing significant water-related recreation, such as swimming, boating, marinas, docks, beach and/or pool access and which has adopted a membership policy that is inclusive of all communities and especially encourage the membership of Black and indigenous people of color and/or other ethnic groups that are identified as minorities, Women, members of the LGBTQIA+ community, Veterans, people with different physical and neurological abilities and members of our diverse faith based communities.*
27. That applicable sections be revised to incorporate the proposed modifications by Planning & Zoning Staff in the Staff Memorandum dated November 29, 2023, regarding “...Gardella, MC Zoned Modifications” included herein as “Exhibit C.”
28. That the zoning map include the following revisions:
- a. That the property at 7 Smith Street (District 1, Block 57, Lot 4) currently shown as Civic District be zoned as CD-3 and O-EAVD.
 - b. That the properties located at 151 Ely Avenue (District 2, Block 67, Lot 1), 153 Ely Avenue (District 2, Block 67, Lot 2), and 0 Laura Street (District 2, Block 67, Lot 25) currently shown as CD-2 be zoned as CD-3, respectively.

Said modifications are in response to testimony received at the public hearings which the Commission concludes raised valid issues and constructive suggestions that should be reflected in the final document.

BE IT RESOLVED that the reasons for these actions are to implement the Citywide Plan:

- 1. Chapter 4, Goal 1, that “Norwalk has a neighborhood and housing strategy that maintains a variety of neighborhood types and housing choices through a variety of mechanisms.”

- The policy to *“Support housing policies that provide housing for Norwalk’s households across a range of preferences and household incomes.”*
- The policy to *“Support housing policies that promote higher-density housing near existing and future employment centers.”*
 - i. Strategy B., *“Maintain the predominantly single-family character of established single-family neighborhoods.”*
 - 1. Action ii., *“As part of a rewrite of the zoning code, establish transition design standards for commercial and mixed-use areas in corridors on the edges of traditional single-family neighborhoods.”*
 - ii. Strategy C., *“Promote diverse housing types, such as townhouses, condos, live-work units, and rental apartments in Norwalk’s urban core, at transit-oriented locations and in mixed-use clusters on major corridors, in village districts when appropriate, and through redevelopment.”*
 - 1. Action i., *“Continue to encourage the development of vibrant transit-oriented districts within walking distance of the South Norwalk, East Norwalk, and Merritt 7 train stations.”*
 - 2. Action ii., *“Explore adding live-work units, artist/artisan housing, and townhouses as part of the residential mix in Norwalk Center, including use of underused historic buildings and storefronts.”*
 - 3. Action iii., *“Encourage redevelopment in mixed-use clusters, including housing of suburban-style commercial land uses along major corridors such as Route 1.”*
 - 4. Action iv., *“Identify potential markets for downsizing by empty-nesters and aging seniors who want to stay in Norwalk and encourage housing for that market.”*
 - 5. Action v., *“As part of a zoning re-write, explore innovative housing types such as cottage communities, and create zoning and design standards.”*
 - iii. Strategy D., *“Seek solutions to provide sufficient safe and affordable housing for low-income and very low-income residents.”*
 - 1. Action ii., *“Continue to meet or exceed the state’s 10% goal for affordable housing.”*
 - 2. Action iii., *“Continue the inclusionary zoning program.”*
- 2. Chapter 4, Goal 2, to *“Incorporate healthy lifestyles in city design and improvements.”*
 - Strategy A., *“Incorporate health metrics into planning and project evaluation.”*
 - i. Action iii., *“Support improvements and design standards that encourage walking and biking access to city and neighborhood destinations, such as village retail areas, parks, and schools.”*

3. Chapter 6, Goal 1, that *“Norwalk protects its most important historic resources and encourages adaptive reuse of historic sites to maintain and enrich the city’s character.”*
 - Strategy C., *“Improve Village District historic design standards and consider creating additional Village Districts.”*
 - i. Action i., *“Strengthen existing Village District design standards to clearly identify the unique design elements or historic features that establish the context for renovations and new construction.”*
 - ii. Action ii., *“Study the potential for additional village districts. See Chapter 14, Goal 2, Strategy A for potential locations.”*
 - Strategy D., *“Revise zoning and development regulations to promote preservation and adaptive reuse of historic structures.”*
4. Chapter 6, Goal 2, that *“Norwalk has a thriving arts and culture community.”*
 - Strategy B., *“Designate an Arts and Culture District in Norwalk Center.”*
 - i. Action ii., *“As part of the zoning rewrite, amend zoning to allow for incubator and fabrication space, as well as live/work.”*
5. Chapter 6, Goal 3, that *“Norwalk is known for its public art and public arts programming.”*
 - Strategy A., *“Create consistent funding for public art and public arts programming.”*
 - i. Action ii., *“As part of the zoning rewrite, include provision of public art among elements for which developers of commercial and mixed-use buildings can receive incentives.”*
6. Chapter 7, Goal 1, that *“Norwalk aims to have the best city park and recreation system in Connecticut.”*
 - Strategy A., *“Develop a parks, open space, and recreation system plan, including a management plan, that emphasizes connectivity and promotes healthy lifestyles.”*
 - i. Action vii., *“As part of the zoning rewrite, create an “Open Space” zoning category and rezone all park and conservation land that is permanently protected.”*
7. Chapter 8, Goal 2, that *“Norwalk reduces greenhouse gas emissions consistent with state goals.”*
 - Strategy A., *“Establish and implement a plan and program to reduce greenhouse gas (GHG) emissions and promote renewable energy.”*
 - i. Action ii., *“Require electric vehicle charging stations in new large private developments.”*
8. Chapter 8, Goal 3, to *“Protect and manage Norwalk’s sensitive environmental resources and its inland and coastal waters to enhance water quality, wildlife habitat, biodiversity, public health, and enrichment of community character.”*

- Strategy A., *“Incorporate green infrastructure and non-structural solutions to manage stormwater to improve water quality and quantity.”*
 - i. Action ii., *“Apply LID and green infrastructure requirements of the Drainage Manual to both new and retrofit of government and private property.”*
 - ii. Action iv., *“Encourage and allow alternatives to impervious surfaces in the zoning code and development standards.”*
 - Strategy C., *“Collaborate with nonprofits and others to further protect environmental resources.”*
 - i. Action ii., *“Continue working with the Manresa Association to establish open space on the Manresa peninsula and maintain a water dependent use.”*
 - Strategy D., *“Continue to maintain and increase the shade tree canopy in Norwalk.”*
 - i. Action iv., *“As part of the rewrite of the zoning code, include requirements for tree protection, replacement, and planting in urban design requirements for new developments.”*
9. Chapter 9, Goal 2 that *“Environmental resources within and adjacent to the coastal management area are protected and enhanced.”*
- Strategy A., *“Promote protection of coastal environmental resources in planning and regulatory processes.”*
 - i. Action i., *“Advocate to preserve the northern section of Manresa Island (92 acres) as conservation area.”*
 - ii. Action ii., *“Advocate for reduced stormwater pollution impacts on the Norwalk River and adjacent areas.”*
 - iii. Action iii., *“Promote the reduction of impervious surfaces and the use of green infrastructure and Low Impact Development practices within the Coastal Management Area to the maximum degree feasible along with maintaining a water dependent use.”*
 - iv. Action iv., *“Protect coastal environmental resources to help defend against coastal flooding and storm surge.”*
10. Chapter 9, Goal 3 that *“Water-dependent uses continue to operate and expand in Norwalk harbor and on the coast.”*
- Strategy A., *“Establish development patterns that continue to include space for water-dependent uses.”*
 - i. Action i., *“As part of the zoning rewrite, establish zoning and urban design standards for areas with water dependent uses that enhance compatibility with adjacent uses.”*
 - ii. Action ii., *“Preserve the locations for water dependent uses on the waterfront.”*
 - iii. Action iii., *“Explore expansion of water dependent economic development opportunities.”*
11. Chapter 9, Goal 4 that *“The public has access to the harbor and coast.”*
- The policy to *“Enhance public access to the water.”*

- i. Strategy A., *“Promote public access to the harbor and coast where feasible, safe, and environmentally appropriate.”*
 1. Action i., *“Facilitate public direct or visual access to coastal, harbor and river waters when reviewing proposed projects.”*
 2. Action ii., *“Plan for Liberty Square to have a publicly-accessible use when it is no longer used for staging for the Walk Bridge project.”*
 3. Action iii., *“Seek public access to the coast in disposition plans Manresa Island.”*
12. Chapter 9, Goal 5 that *“Norwalk plans for and adapts to climate change.”*
 - Strategy A., *“Prepare a Climate Change Vulnerability Assessment and plan for future adaptation.”*
 - i. Action iii., *“Amend regulations for new construction and renovations valued at half or more of appraised value to be consistent with the 2018 State requirement for two feet of elevation above Base Flood Elevation.”*
 - ii. Action iv., *“As part of a zoning rewrite and the vulnerability assessment, write and adopt zoning measures and standards that promote effective adaptation to coastal impacts of climate change.”*
13. Chapter 10, Goal 1 that *“Norwalk has a comprehensive and balanced transportation system, with safety and multimodal accessibility the top priority of citywide transportation planning.”*
 - Strategy B., *“Provide roads that serve the needs of Norwalk residents and commerce, and that facilitate safe and convenient access to transit, bicycle facilities, and pedestrian facilities.”*
 - i. Action i., *“Make land use decisions that support walking, bicycling, and public transit use.”*
 - ii. Action ii., *“Design road space for all users as feasible and appropriate for the context.”*
 - Strategy C., *“Make multimodal transportation a high priority by promoting pedestrian access, bicycle use, and transit options within Norwalk and to surrounding communities.”*
 - i. Action ii., *“Integrate Complete Streets principles into street design guidelines, standards, and other construction guides.”*
 - ii. Action vii., *“As part of the zoning rewrite and corridor plans, revise site plan review and mixed-use development standards and design guidelines to incorporate multimodal transportation considerations.”*
 - Strategy D., *“Expand Norwalk’s pedestrian and bicycle networks.”*
 - i. Action iii., *“Encourage pedestrian-friendly design features in street improvement projects.”*
14. Chapter 10, Goal 2 that *“The city has attractive and convenient parking facilities that fit the context and accommodate emerging technologies.”*

- The policy to *“Promote shared parking strategies, transportation demand management programs, right-sized parking requirements to optimize the amount of new parking needed.”*
 - The policy to *“Promote design standards to ensure parking blends into the urban environment and minimizes negative visual and physical impacts.”*
 - i. Strategy A., *“Provide the right amount of motor vehicle and bicycle parking in commercial and employment centers and at railroad stations to support vibrant economic activity but more than necessary.”*
 - 1. Action i., *“Right-size parking requirements and parking ratios for non-residential and multifamily land uses.”*
 - 2. Action ii., *“Discourage provision of parking above the minimum required.”*
 - 3. Action iii., *“Add attractive, secure bicycle parking, with signage, at both public and private facilities.”*
 - 4. Action iv., *“Eliminate large expanses of parking as the principal feature of street frontage.”*
 - 5. Action vi., *“Promote and organize shared parking agreements where there are adjacent underutilized private parking areas and complementary land uses.”*
15. Chapter 12, Goal 1 that *“General principles guide land use decision making.”*
- The policy to *“Promote urban design guidelines for walkability for development in urbanized parts of Norwalk.”*
 - The policy to *“Implement transit-oriented design (TOD) guidelines promoting density, walkability, and mix of uses for development near transit stations (rail and high-frequency bus).*
 - The policy to *“Protect natural and environmental resources and neighborhood character for development in suburban areas of Norwalk.”*
16. Chapter 12, Goal 2 that *“Neighborhood and corridor activity centers have urban design standards that promote walkability.”*
- The policy to *“Support greater walkability and improved design standards in village districts.”*
 - The policy to *“Provide a mixed-use neighborhood activity center (i.e., village district, commercial corridor redevelopment, traditional downtown) within a safe, comfortable walking or bicycling distance of all residents.”*
 - The policy to *“Support mixed-use redevelopment along commercial corridors.”*
 - i. Strategy A., *“Support local centers of activity in neighborhoods.”*
 - 1. Action i., *“Strengthen existing Village District design standards.”*
 - 2. Action ii., *“Study the potential for additional village districts or “neighborhood centers” with local commercial activity.”*

3. Action iii., *“Improve the public realm within village districts and activity centers with design standards for sidewalks, street trees, pedestrian lighting, bicycle racks, seating, signage and public art.”*
- ii. Strategy B., *“Promote high-quality redevelopment along major corridors.”*
 1. Action iv., *“Study commercial corridors to identify priority activity centers for mixed-use zoning and clustered redevelopment.”*
 2. Action v., *“As part of the zoning code rewrite, create zoning with design standards to achieve desired outcomes for commercial and mixed-use projects as redevelopment occurs.”*
17. Chapter 12, Goal 3 that *“The user-friendly zoning ordinance is consistent with the future land use map and achievement of the vision and goals of the POCD.”*
 - The policy to *“Support revision of the zoning ordinance to promote desired development and design patterns.”*
 - The policy to *“Support permit streamlining for projects with desired characteristics.”*
 - i. Strategy A., *“Modernize the Zoning Ordinance and the development approval process to achieve the goals of the POCD.”*
 1. Action i., *“Rewrite the Zoning Ordinance to reflect contemporary best practices in administration and user-friendliness and to be consistent with the POCD.”*
 2. Action ii., *“Review existing zoning districts to eliminate or replace zoning districts that do not contribute to achieve the Norwalk Tomorrow vision.”*
 3. Action iii., *“Include place-making and functional design standards in the requirements for non-residential and mixed-use development.”*

BE IT FURTHER RESOLVED that the effective date of this action shall be February 19, 2024.

Ms. Wells seconded.

Mr. Mushak thanked the staff for their hard work, patience and their responses to the public. He thanked everyone that worked on it, including other commissions in the city, especially since it was over a 2 year process.

Mr. Kleppin thanked the commissioners and their families. The commissioners thanked Mr. Schulman for his leadership.

Louis Schulman; Nick Kantor; Mike Mushak; Galen Wells; Chapin Bryce; Richard Roina; Tammy Langalis; Jacquen Jordan-Byron; Darius Williams approved.

No one opposed.

No one abstained.

Ms. Jordan-Byron said thank you to Mr. Mushak and that they would miss him. He said he would attend the Planning & Zoning meetings. He thought all of the commissioners and staff had a passion to make Norwalk a safer place to live, work and play. It had been a pleasure to serve.

Mr. Baker thanked Diana Palmentiero for taking the minutes. They thanked Atty Branse for his work on the project.

Ms. Tabachneck said it had been an impressive process to see all of the work by the staff and the input from the public. She asked if there could be a way to be more inclusive for zoning changes for those members of the public who did not have attorneys who could advocate on their behalf. She also wanted to continue the dialogue on residential parking passes and daycare.

Mr. Baker showed the commissioners the 2024 calendar so that they could approve it.

**** MS. LANGALIS MOVED TO APPROVE the 2024 Planning and Zoning Commission calendar of meetings.**

Mr. Williams seconded.

Louis Schulman; Nick Kantor; Mike Mushak; Galen Wells; Chapin Bryce; Richard Roina; Tammy Langalis; Jacquen Jordan-Byron; Darius Williams approved.

No one opposed.

No one abstained.

Mr. Schulman thanked the staff and noted that he had worked closely with the Planning and Zoning Department staff. It had been an enormous undertaking for them. He also thanked Mr. Mushak for his service on the Planning & Zoning Commission.

IV. COMMENTS OF DIRECTOR

There were no comments from Mr. Kleppin.

V. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

VI. ADJOURNMENT

Ms. Jordan-Byron made a Motion to Adjourn.

Ms. Langalis seconded.

**Louis Schulman; Nick Kantor; Mike Mushak; Galen Wells; Chapin Bryce;
Ana Tabachneck; Richard Roina; Tammy Langalis; Jacquen Jordan-Byron;**

Darius Williams approved.

No one opposed.

No one abstained.

The meeting was adjourned at 10:31 p.m.

Respectfully submitted,

Diana Palmentiero