

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



**SPECIAL MEETING AGENDA
ZONING COMMISSION
MONDAY MAY 11, 2020 - 5:30 P.M.
VIRTUAL MEETING TO BE HELD ONLINE
Public Participation instructions below!
CITY OF NORWALK, CT**

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC HEARING

- a. #1-20R – Zoning Commission – Proposed amendments to establish a 12 month moratorium on certain uses in Industrial #1 zone including building material and storage yards, contractor's storage yards and single and two family dwellings

IV. REVIEW AND ACTION ON PENDING APPLICATIONS

- a. Action on Item III. a

V. EAST NORWALK TOD: East Norwalk TOD Presentation

VI. APPROVAL OF MINUTES: April 7, 2020 Special meeting

VII. COMMENTS OF DIRECTOR

VIII. COMMENTS OF COMMISSIONERS

IX. ADJOURNMENT

To allow Public Access, anyone may access this meeting by telephone, Zoom, and/or the City of Norwalk YouTube Channel. Specific instructions and links can be found at:

<https://www.norwalkct.org/1913/Meeting-Notices>

Telephone access (Listening only)

- Dial: (646) 558-8656
- Enter webinar ID: 991-8820-8512

The Public may register in advance for this meeting at:

- https://zoom.us/webinar/register/WN_e0-Ny6HCT1O7bWvquEz8tQ
- After registering, you will receive a confirmation email containing information about joining the meeting.

For those that wish to view, but are not participating, the Live Stream can be seen on the City of Norwalk YouTube channel: [norwalkct.org/youtube](https://www.norwalkct.org/youtube)

This meeting will also be recorded and a copy of the audio recording will be posted on the City's website within seven (7) days after the meeting.

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

NORWALK PLANNING COMMISSION
125 East Avenue
Norwalk, CT 06851



MEMORANDUM

March 13, 2020

TO: Zoning Commission, Louis Schulman, Chairman

FROM: Steve Kleppin, Planning & Zoning Director

RE: #1-20R – Proposed amendment to establish a 12 month moratorium on building material and storage yards, contractor's storage yards and single and two family dwellings in the Industrial #1 zone.

In response to a letter from Darlene Young, Common Council, regarding a moratorium on new contractor yards in the I1 zone, the attached amendment to the zoning regulations was prepared.

In addition to Ms. Young's letter, there is a pending study of the industrial zones as well as ongoing concern regarding the use and number of contractor yards in the I1 zone. Considering that, it might be prudent to put a pause on any new contractor yards until the study is complete and we can address the following:

- Where should the industrial boundaries be?
- Should contractor yards be allowed in all these areas?
- How can we better differentiate between materials processing yards and a location where commercial vehicles park?
- Are there better management tools to address the on-site processing?

I also mentioned my concern for allowing 1 and 2-family dwellings in these areas. I am not opposed to residential uses in these areas, but I don't think having standalone 1 and 2-family dwellings is the highest and best use of industrial land. For example, as part of the East Norwalk TOD study we are exploring allowing residential above commercial as long as the primary use of the property is for commercial purposes. This can also be accommodated in a live-work arrangement.

The moratoriums are amendments to the regulations and are defensible, provided the amendment is for a set period of time and for a stated purpose. In addition, the moratorium is throughout the zone and not specific to one area.

Mandatory Referrals:

As per the Connecticut General Statutes, the proposed amendments were referred to the Norwalk Planning Commission, the State CAM office and the Harbor Management Commission. No comment was received from Harbor Management, while the CAM office found the proposal consistent with the CCMA. The Planning Commission reviewed the amendment at their March 17, 2020 meeting and.....

NORWALK PLANNING COMMISSION

125 East Avenue
Norwalk, Connecticut

MEMORANDUM

May 4, 2020

To: Zoning Commission
From: Bryan Baker, Land Use Planner
Subject: #1-20R - Zoning Commission - Proposed amendments to the Building Zone Regulations to establish a 12 month moratorium on certain uses in Industrial #1 zone including building material and storage yards, contractor's storage yards and single and two family dwellings

At their April 21, 2020 meeting, the Planning Commission voted on the following resolution:

BE IT RESOLVED by the Norwalk Planning Commission that #1-20R - Zoning Commission - Proposed amendments to the Building Zone Regulations to establish a 12 month moratorium on certain uses in Industrial #1 zone including building material and storage yards, contractor's storage yards and single and two family dwellings, dated February 6, 2020, be **APPROVED**.

BE IT FURTHER RESOLVED that the reasons for this action are to implement the Plan of Conservation and Development goals:

1. Chapter 3, Goal 2A.iii - *Study industrial zoning and update zoning and land use regulations to allow and encourage a wider set of uses in targeted industrial zones, focused on market opportunities in warehouse/logistics, brewing/distilling, artist/artisan uses, and other light industrial uses that do not have detrimental externalities on nearby areas; and*
2. Chapter 12, Goal 3A.ii - *Prepare a study to evaluate the industrial zoning districts against modern industrial requirements, market demand, future trends, and economic development goals. Create refined performance standards and update the use table (e.g., allow by-right warehouse and wholesale distribution facilities, boutique manufacturing, clean industry, etc.).*
3. Chapter 12, Page 239 - *No heavy industry or residential uses. Contractor yards for processing erodible material should be limited and held to strict performance standards if permitted.*

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Norwalk Zoning Commission.

Memorandum

January 30, 2020

To: Zoning Commission:

From: Steve Kleppin, Planning & Zoning Director

Re: Proposed Moratoriums in the I1 Zone



At your January 15th meeting we discussed the letter from Darlene Young, Common Council, regarding a moratorium on new contractor yards in the I1 zone. Considering the pending study of the industrial zones and the concern on the use and number of contractor yards in the I1 zone, it might be prudent to put a pause on any new contractor yards until the study is complete and we can address the following:

- Where should the industrial boundaries be?
- Should contractor yards be allowed in all these areas?
- How can we better differentiate between materials processing yards and a location where commercial vehicles park?
- Are there better management tools to address the on-site processing?

I also mentioned my concern for allowing 1 and 2-family dwellings in these areas. I am not opposed to residential uses in these areas, but I don't think having standalone 1 and 2-family dwellings is the highest and best use of industrial land. For example, as part of the East Norwalk TOD study we are exploring allowing residential above commercial as long as the primary use of the property is for commercial purposes. This can also be accommodated in a live-work arrangement.

The moratoriums are amendments to the regulations and are defensible, provided the amendment is for a set period of time and for a stated purpose. In addition, the moratorium is throughout the zone and not specific to one area.

I have attached the draft language for your review. Proposed language is in **red** type.

END

Date: 1/14/20
To: Steve Kleppin, Planning & Zoning Director
From: Darlene Young
Subject: Moratorium on Contractor Yards/Light Industrial Zones

As you and the Planning & Zoning Commissioners may know, South Norwalk is one of the oldest parts of Norwalk and was once the hub of industry with manufacturing, fishing and agriculture as its main commodities. In addition, South Norwalk was home to many families that worked in the City. Through the years, the area has experienced a series of economic losses as families and industry moved out of the area. Over time, the loss of industry and lack of any significant replacement, as is typical of this type decline, left parts of South Norwalk (Whistleville) and the people socioeconomically depleted and stigmatized. As a result, the area became a low-income, redlined and neglected neighborhood. This, unfortunately, made it easy to justify and maintain the area as a light industrial zone without neither consideration of the types of businesses placed there, nor their proximity to a residence and the impact on the neighborhood as a whole. Today, because of this long-term practice and process, there are upwards of 30 contractor yards nestled in just about every parcel of land available. In some instances, land that used to have homes on them have been allowed to convert to contractor yards. Many of these contractor yards along with other industrial properties operate without adequate buffers to shield surrounding families from their noise and unsightliness.

Many of these hardworking residents, of whom could be any of our grandparents who worked hard to get a leg up in life despite circumstances, are feeling dejected. Councilmember Dumas and I have been concerned about these conditions and voicing these opinions for some time. However, we are optimistic about P&Z's willingness to address these concerns that have negatively impacted South Norwalk residents for decades. In light of the new POCD (Part 5) and the continued development in South Norwalk, we urge the Zoning Commission to consider a moratorium on contractor yards and light industrial zone (special) permitting. The moratorium should be for a time period aligned with the completion of the city's planned industrial zone study and the implementation process of any new standards, regulations or ordinances. In addition, the creation of an industrial park should be on the table for consideration as well.

While we are under no illusions about the impetus for change in South Norwalk; we are hopeful that there has been a change of heart for inclusion and consideration for the people who live there. With this inclusion in mind, we ask that we work together to ensure that all residents will be able to enjoy a better quality of life in Whistleville/Old Well, where many have lived all their lives.

Thank you for your time and consideration.

#1-20R – Zoning Commission – Proposed amendments to establish a 12 month moratorium on certain uses in I#1 zone including building material and storage yards, contractor's storage yards and single and two family dwellings

118-700 B. Uses and structures.

- (1) (Principal uses and structures. In an Industrial No. 1 Zone, premises shall be used and buildings shall be erected which are used, designed or intended to be used for one (1) or ~~more of the~~ following uses and no other. Any use or structure having a gross floor area of twenty thousand (20,000) square feet or more or requiring fifty (50) parking spaces or more shall be permitted, subject to the provisions of § 118-1451, Site plan review. Properties located within the coastal zone boundary, shall be subject to coastal site plan review and all other requirements of § 118-1110 herein.
 - (a) Manufacture, processing or assembly of goods which are not noxious or offensive due to emission of noise, pollutants or waste.
 - (b) Warehouse, storage and wholesale distribution facilities, including package distribution facilities [Amended effective 4-29-2016]
 - (c) Transportation and bus storage terminals.
 - (d) Public utility supply and storage facilities.
 - (e) Building materials sale and storage yards, including contractor's storage yards, **subject to the following Moratorium on new contractor's storage yards:**
 - i. **Purpose – Whereas, there has been consistent concerns from residents regarding some of the activities which occur within contractor's storage yards, and, as a result of those concerns, the Zoning Commission has contracted for an independent study of the uses and activities within the City's Industrial Zones.**
 - ii. **The Commission, therefore, finds that a temporary moratorium is necessary on the approval of any new contractors storage yards, in order to allow the Commission time to have the study completed, review the study, and to possibly propose new regulations for these uses.**
 - iii. **Effective Date (Date of Publication) – Insert Date, 2020. The moratorium shall remain in effect for a period of twelve (12) months, unless extended prior to the expiration..**
 - iv. **Application – During the moratorium, no application for any new contractor's storage yards will be accepted. Applications for an expansion of any existing contractor's storage yards, shall be considered a new application.**
 - v. **Exclusions – This moratorium shall not apply to any complete application which has been submitted to the Commission prior to the effective date of this moratorium.**
 - (f) Offices, including medical offices, banks and financial institutions and contractor's offices. [Amended effective 1-26-2001; 5-29-2015]
 - (g) All principal uses permitted in the Marine Commercial Zone.

- (c) Propane gas storage of more than thirty thousand (30,000) gallons and natural gas storage of more than thirty thousand (30,000) cubic feet, other than public utilities.
- (d) Asphalt and concrete plants and recycling operations and rock crushing/processing facilities.
- (e) Motor vehicle storage and junkyards.
- (f) Solid waste transfer stations, recycling and composting centers and related facilities.
- (g) Commercial recreation establishments.
- (h) Hotels.
- (i) Adult day care centers. [Added effective 8-31-2001]
- (j) Helicopter landing sites, as an accessory use to a principal permitted use, subject to special permit review and to the following restrictions: the landing site shall be a minimum of 300 feet from a residence zone and flight operations shall be restricted to the hours of 7:00 am to 7:00 pm only. [Added effective 9-28-2001]
- (k) Animal care centers, provided that the use is fully enclosed within a structure located on a lot a minimum of two acres in size, that the location of the use is located a minimum of one hundred and eighty (180) feet from a residential use as certified by a licensed surveyor and that adequate provisions are made to control noise and odors emanating from the facility, subject to approval by the Zoning Commission. [Added effective 6-28-2002, amended effective 10-26-2012]
- (l) Multifamily dwellings, including mixed use developments, provided that: [Added eff. 7-27-2012; amended effective 10-24-2014; 2-27-2015; 4-13-2018; 5-25-2018]
 - i. The subject property is located within the designated areas shown on the map entitled "Designated Properties for Transit Oriented Development at the East Norwalk Railroad Station"
 - ii. Maximum height does not exceed 6 stories and 62 feet above base flood level; and
 - iii. (Residential density does not exceed 800 square feet of lot area per dwelling unit; and
 - iv. A minimum of ten percent (10%) the total number of units shall comply with Section 118-1050 Workforce Housing Regulation; and
 - v. There is a defined recreation area of not less than one hundred fifty (150) square feet per dwelling unit shall be provided and located with due concern for the safety and convenience of the residents for whose use it is intended

118-700 B. Uses and structures.

- (1) (Principal uses and structures. In an Industrial No. 1 Zone, premises shall be used and buildings shall be erected which are used, designed or intended to be used for one (1) or more of the following uses and no other. Any use or structure having a gross floor area of twenty thousand (20,000) square feet or more or requiring fifty (50) parking spaces or more shall be permitted, subject to the provisions of § 118-1451, Site plan review. Properties located within the coastal zone boundary, shall be subject to coastal site plan review and all other requirements of § 118-1110 herein.
 - (a) Manufacture, processing or assembly of goods which are not noxious or offensive due to emission of noise, pollutants or waste.
 - (b) Warehouse, storage and wholesale distribution facilities, including package distribution facilities [Amended effective 4-29-2016]
 - (c) Transportation and bus storage terminals.
 - (d) Public utility supply and storage facilities.
 - (e) Building materials sale and storage yards, including contractor's storage yards, **subject to the following Moratorium on new contractor's storage yards:**
 - i. **Purpose** – Whereas, there has been consistent concerns from residents regarding some of the activities which occur within contractor's storage yards, and, as a result of those concerns, the Zoning Commission has contracted for an independent study of the uses and activities within the City's Industrial Zones.
 - ii. The Commission, therefore, finds that a temporary moratorium is necessary on the approval of any new contractors storage yards, in order to allow the Commission time to have the study completed, review the study, and to possibly propose new regulations for these uses.
 - iii. **Effective Date (Date of Publication)** – *Insert Date*, 2020. The moratorium shall remain in effect for a period of twelve (12) months, unless extended prior to the expiration..
 - iv. **Application** – During the moratorium, no application for any new contractor's storage yards will be accepted. Applications for an expansion of any existing contractor's storage yards, shall be considered a new application.
 - v. **Exclusions** – This moratorium shall not apply to any complete application which has been submitted to the Commission prior to the effective date of this moratorium.
 - (f) Offices, including medical offices, banks and financial institutions and contractor's offices. [Amended effective 1-26-2001; 5-29-2015]

- (g) All principal uses permitted in the Marine Commercial Zone.
- (h) Retail stores, personal and business service establishments, including restaurants and taverns.
- (i) Printing establishments.
- (j) Municipal sewage treatment facilities.
- (k) Research and development facilities.

All uses, including special permit uses, permitted in the C Residence Zone. [Amended effective 1-26-2001; 7-24-2015], **except that new single and two family dwellings are subject to a moratorium.**

- i. **Purpose** – Whereas, the Citywide Plan has indicated a need to retain land for future commercial and industrial development, and, as a result of that determination, the Zoning Commission has contracted for an independent study of the uses and activities within the City's Industrial Zones.
- ii. The Commission, therefore, finds that a temporary moratorium is necessary on the approval of any new single and two family dwellings within the I1 Zone, in order to allow the Commission time to have the study completed, review the study, and to possibly propose new regulations for these uses.
- iii. **Effective Date (Date of Publication)** – *Insert Date*, 2020. The moratorium shall remain in effect for a period of twelve (12) months, unless extended prior to the expiration.
- iv. **Application** – During the moratorium, no application for any new single or two family dwellings in the I1 Zone will be accepted.
- v. **Exclusions** – This moratorium shall not apply to any complete application which has been submitted prior to the effective date of this moratorium.

(l) Off-street parking facilities.

(m) Oil or petroleum storage facilities of twenty thousand (20,000) gallons or less, propane gas storage of thirty thousand (30,000) gallons or less and natural gas storage of thirty thousand (30,000) cubic feet or less.

(n) Indoor contractor parking facility, subject to submittal of environmental impact statement certified by a licensed civil or environmental engineer. [Added effective 3-29-2013, amended effective 12-19-2014]

(o) Brew Pub/Distillery [Added effective 11-15-2019]

(2) Special Permit uses and structures. The following uses shall be permitted by Special Permit in accordance with the provisions of § 118-1450, Special Permits, and shall comply with the Schedule Limiting Height and Bulk of Buildings, Commercial and Industrial, EN53 and any additional standards set forth herein:

- (a) Municipal utility plant or storage yard, as defined herein, oil and petroleum storage facilities of more than twenty thousand (20,000) gallons. [Added effective 9-27-2002]
- (b) Gasoline stations and the sale and service of motor vehicles, subject to § 1181010.
- (c) Propane gas storage of more than thirty thousand (30,000) gallons and natural gas storage of more than thirty thousand (30,000) cubic feet, other than public utilities.
- (d) Asphalt and concrete plants and recycling operations and rock crushing/processing facilities.
- (e) Motor vehicle storage and junkyards.
- (f) Solid waste transfer stations, recycling and composting centers and related facilities.
- (g) Commercial recreation establishments.
- (h) Hotels.
- (i) Adult day care centers. [Added effective 8-31-2001]
- (j) Helicopter landing sites, as an accessory use to a principal permitted use, subject to special permit review and to the following restrictions: the landing site shall be a minimum of 300 feet from a residence zone and flight operations shall be restricted to the hours of 7:00 am to 7:00 pm only. [Added effective 9-28-2001]
- (k) Animal care centers, provided that the use is fully enclosed within a structure located on a lot a minimum of two acres in size, that the location of the use is located a minimum of one hundred and eighty (180) feet from a residential use as certified by a licensed surveyor and that adequate provisions are made to control noise and odors emanating from the facility, subject to approval by the Zoning Commission. [Added effective 6-28-2002, amended effective 10-26-2012]
- (l) Multifamily dwellings, including mixed use developments, provided that: [Added eff. 7-27-2012; amended effective 10-24-2014; 2-27-2015; 4-13-2018; 5-25-2018]
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 - iv. A minimum of ten percent (10%) the total number of units shall comply with Section 118-1050 Workforce Housing Regulation; and
 - v. There is a defined recreation area of not less than one hundred fifty (150) square feet per dwelling unit shall be provided and located with due concern for the safety and convenience of the residents for whose use it is intended



CITY OF NORWALK Planning & Zoning

CERTIFICATION OF ZONING COMPLIANCE
THIS CERTIFICATE IS FOR ZONING ONLY

FINAL ZONING: ☒

CONDITIONAL:

OWNER'S NAME: ROBERT A & MAURID TRUSTEES SCHWARTZ

JOB LOCATION: 55 CONCORD ST

Zone: I1

D/B/L: 2-82-14-0

PROJECT: Off street parking facility for "Petro Home Services" - 17 oil trucks (max). #3-18SPR/#6-18CAM *All Conditions Apply*

THIS WILL CERTIFY COMPLETION OF THIS PROJECT IN COMPLIANCE WITH ZONING REGULATIONS.

EFFECTIVE: 04/24/2020

ZONING INSPECTOR

N.B. OCCUPANCY OF THIS BUILDING IS NOT PERMITTED UNTIL A CONSTRUCTION CERTIFICATE OF OCCUPANCY IS ISSUED BY THE BUILDING INSPECTOR.

BUILDING PERMIT NUMBER: B19-1081



PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS

**ZONING COMMISSION
CERTIFICATION OF IMPROVEMENTS**

SUBJECT: #3-18SPR/#6-18CAM
Petro Home Services
55 Concord Street

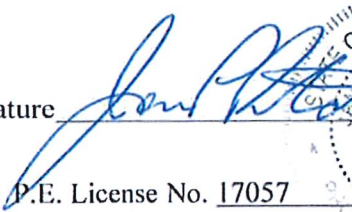
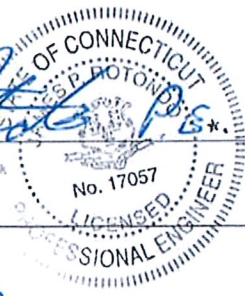
This is to certify that the above referenced project has been constructed in accordance with the plans approved by the Zoning Commission, entitled Proposed Parking Facility, 55 Concord Street, Norwalk, CT dated 4/12/2018 and revised to 5/16/2018, and in accordance with the City of Norwalk, Connecticut, Department of Public Works Roadway Standards, dated May 1982 and amended to January 2017; the State of Connecticut, Department of Transportation Standard Specifications for roads, Bridges, Facilities, and Incidental Construction - Form 816, dated 2004 and amended January 2016; and Department of Public Works Ordinances- Chapters 90 through 99, dated May 10, 1988; and the City of Norwalk, Connecticut, Department of Public Works Drainage Manual, dated May 1983 and revised to June 1, 2017; where applicable and as updated.

James P. Rotondo, PE
Godfrey Hoffman Hodge, LLC

Signature

Conn. P.E. License No. 17057

Date



4/24/2020

MERCHANTS
BONDING COMPANYTM

MERCHANTS BONDING COMPANY (MUTUAL) P.O. BOX 14498, DES MOINES, IA 50306-3498
PHONE: (800) 678-8171 FAX: (515) 243-3854

BOND

Bond No. CT5163127

KNOW ALL PERSONS BY THESE PRESENTS:

That we, Pat Munger Construction Co. Inc,
of Branford, State of Connecticut, as Principal,
and Merchants Bonding Company (Mutual), a corporation duly licensed to do business in the State of
Connecticut, as Surety, are held and firmly bound unto
City of Norwalk - Zoning Commission, Obligee, in the penal
sum of Fifteen Thousand (\$15,000.00) DOLLARS.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas, the Principal has been licensed as
Sedimentation & Erosion Controls and Tree Protection
by the Obligee.

NOW THEREFORE, if the Principal shall faithfully perform the duties and in all things comply with the laws
and ordinances, including all Amendments, appertaining to the license or permit applied for, then this obligation
to be void, otherwise to remain in full force and effect for a period commencing on the 17th day of
May, 2019, and ending on the 17th day of May,
2020, unless renewed by Continuation Certificate.

This bond may be terminated at any time by the Surety upon sending notice in writing to the Obligee and to the
Principal, in care of the Obligee or at such other address as the Surety deems reasonable, and at the expiration of
thirty-five (35) days from the mailing of notice or as soon thereafter as permitted by applicable law, whichever is later,
this bond shall ipso facto terminate and the surety shall thereupon be relieved from any liability for any subsequent
acts or omissions of the Principal.

No right of action shall accrue on this bond to or for the use of any person or corporation other than Obligee
named herein.

Dated this 17th day of May, 20 19

Pat Munger Construction Co. Inc
Principal

Countersigned (if required):

Principal

By: N/A

Merchants Bonding Company (Mutual)

By [Signature]
Craig H Meeker Attorney-in-Fact