

# ECONOMIC AND COMMUNITY DEVELOPMENT OF THE COMMON COUNCIL

125 East Avenue  
P.O. Box 5125  
Norwalk, CT 06856

**TO:** MEMBERS, ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE OF THE  
COMMON COUNCIL

**FROM:** JOHN KYDES, CHAIRMAN

**DATE:** JULY 1, 2022

**RE:** MEETING NOTICE

---

The next scheduled meeting of the Economic and Community Development Committee of the Common Council will be held on Thursday, July 7, 2022 at 7:00pm. To allow public access, anyone may access a meeting by telephone, Zoom, and/or the City of Norwalk YouTube channel. Specific instructions and links can be found at [www.norwalkct.org/meetings](http://www.norwalkct.org/meetings).



Members of the public can call in and listen to a meeting. They will not be able to speak or see any of the meeting participants. Each meeting will use a unique Meeting/Webinar ID. Please find the information using the link above.



Members of the public who wish to provide "live comments" will need to register in advance and 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 on by the host of the meeting during the public comment section. Please find the information using the link above.



Members of the public who wish to view the meeting, but are not participating, can view a live stream on the City of Norwalk YouTube channel. This stream is delayed by approximately 20 seconds. Please find the information using the link above. The meeting recording and minutes will be posted on the City of Norwalk 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. For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time. Please email Maritza Alvarado at [malvarado@norwalkct.org](mailto:malvarado@norwalkct.org) to provide written public comment prior to the meeting.

**ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE OF THE COMMON COUNCIL  
REGULAR MEETING  
JULY 7TH, 7:00PM  
AGENDA**

**CALL TO ORDER**

**ROLL CALL**

**PUBLIC PARTICIPATION**

**I. ADMINISTRATION**

**A.** Approval of the Minutes of June 2, 2022 Meeting.

**II. NEW BUSINESS**

**A. PLANNING AND ZONING**

1. Authorize the Mayor, Harry W. Rilling to execute all documentation and/or resolutions associated with the City of Norwalk's opt out of the State of Connecticut Parking Provisions of Public Act No. 21-29 (HB 6107).
2. Authorize the Mayor, Harry W. Rilling to execute all documentation and/or resolutions associated with the City of Norwalk's opt out of the State of Connecticut Accessory Dwelling Unit Provisions of Public Act No. 21-29 (HB 6107).
3. Authorize the Mayor, Harry W. Rilling, to execute any and all documentation to ratify and approve the Industrial Zones Study.

**III. OLD BUSINESS**

**ADJOURNMENT**

Members of the public can call in and listen to a meeting. They will not be able to speak or see any of the meeting participants. Each meeting will use a unique Meeting/Webinar ID. Please find the information using the link above.

Members of the public who wish to provide "live comments" will need to register in advance and 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 on by the host of the meeting during the public comment section. Please find the information using the link above.

Members of the public who wish to view the meeting, but are not participating, can view a live stream on the City of Norwalk YouTube channel. This stream is delayed by approximately 20 seconds. Please find the information using the link above. The meeting recording and minutes will be posted on the City of Norwalk 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. For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time. Please email Maritza Alvarado at [malvarado@norwalkct.org](mailto:malvarado@norwalkct.org) to provide written public comment prior to the meeting.

**CITY OF NORWALK  
ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE  
OF THE COMMON COUNCIL  
REGULAR MEETING  
VIA TELECONFERENCE  
JUNE 2, 2022**

ATTENDANCE: John Kydes, Chair; David Heuvelman; Thomas Keegan;  
Thomas Livingston; Lisa Shanahan; Barbara Smyth;  
Darlene Young

STAFF: Sabrina Church, Director Business Development and Tourism;  
Stephen Kleppin, Director of Planning and Zoning; Jessica  
Vonashek, Chief of Economic and Community Development

OTHERS: Nora Niedzielski Eichner, Common Council member; Brian  
Bidoli, Executive Director and Katie O'Leary, Norwalk  
Redevelopment Agency; Tod Kallenbach, DKA

## **CALL TO ORDER**

Mr. Kydes called the meeting to order at 7:00 p.m.

## **ROLL CALL**

Mr. Kydes called the Roll as indicated above.

Mr. Bidoli gave an overview of the Neighborhood Assistance Act Program. He added that the second public hearing is for the CDBG where they outline all of the spending. The good news is that they were able to accommodate everyone's top choice, but there was a 22% reduction.

## **PUBLIC HEARING ON THE 2022 NEIGHBORHOOD ASSISTANCE ACT PROGRAM**

<https://www.norwalkct.org/1709/Neighborhood-Assistance-Act-Tax-Credit-P>

Mr. Kydes opened the public hearing. There were no members of the public who wished to speak and he closed the public hearing.

## **PUBLIC HEARING ON THE 2022-2023 CDBG ANNUAL ACTION PLAN**

<https://www.norwalkct.org/1412/Community-Development-Block-Grant>

Mr. Kydes opened the public hearing. There were no members of the public who wished to speak and he closed the public hearing.

## **PUBLIC PARTICIPATION**

There were no members of the public who wished to comment this evening.

## **I. ADMINISTRATION**

A. Approval of the Minutes of May 5, 2022 Meeting.

The following correction was made to the minutes.

Add Mr. Livingston's name as an attendee.

**\*\* MR. KEEGAN MOVED TO APPROVE THE MINUTES AS CORRECTED  
\*\* MOTION PASSED WITH ONE (1) ABSTENTION (MR. HEUVELMAN)**

## **II. NEW BUSINESS**

### **A. PLANNING AND ZONING**

#### **1. Review of the Industrial Zone Study.**

Mr. Kleppin gave a PowerPoint presentation. He said they went through the concerns, based on conversations and made changes that reflected the comments and concerns. He recommended changing the zoning on the new South Norwalk school site and the parcel below to D-Residence.

Mr. Kleppin presented the neighborhood business uses for as of right uses and special permit uses.

Ms. Niedzielski Eichner said that she and others have concerns about the South Norwalk school site. Mr. Kleppin said there has been a lot of discussion and said he is very respectful of the District B representatives and holds them in high regard. Ms. Young thanked Ms. Niedzielski Eichner for voicing her concerns. She said they have been talking about this and everyone knows her and Ms. Revolus' position on this. She said they need to have a conversation with the consultants about the issue. Mr. Kydes said that will take place next week. Ms. Young encourage all members of the Common Council to hear what the consultants have to say.

Ms. Smyth said that she understands how complicated this is, but with the announcement of the school, a lot of them are committed to making this a good community minded school. She asked for a second look to be sensitive to the concerns. Ms. Young said they need to find a solution. It needs to be intentional and ensures all of the children have a safe route to school. Mr. Kydes said he hopes they find a way through this.

### **B. BUSINESS DEVELOPMENT AND TOURISM**

**\*\* MR. KEEGAN MOVED TO AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE ALL DOCUMENTS TO RENEW THE CONTRACT FOR MARKETING SERVICES BETWEEN THE CITY OF NORWALK AND DORENBURG KALLENBACH ADVERTISING, LLC FOR ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000).  
ACCT: 01-37-80 5258**

Mr. Kallenbach gave a presentation of the marketing campaign and their social and digital strategies. Mr. Heuvelman asked if they get feedback about where people go and if they get feedback from the business owners. Mr. Kallenbach said they can pinpoint specific attractions and he and the staff work with the businesses.

**\*\* MOTION PASSED UNANIMOUSLY**

#### C. ECONOMIC AND COMMUNITY DEVELOPMENT

**\*\* MS. SHANAHAN MOVED TO AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE A CONTRACT FOR LANDSCAPING SERVICES BETWEEN THE CITY OF NORWALK AND METICULOUS LANDSCAPING NOT TO EXCEED ONE HUNDRED AND EIGHTY THOUSAND DOLLARS (\$180,000) EVERY YEAR FOR THE NEXT 3 YEARS.**

**ACCT: 0923-3720-5777-C0806**

**ACCT: 0922-3710-5777-C0703**

**ACCT: 01-37-20-5258**

Ms. Vonashek reviewed the request and said that the current contract with Meticulous Landscaping expires at the end of the month. An RFP was posted for a new contract and they received one response and that was from Meticulous. She reviewed the details of the contract. Mr. Kydes commented that having only one respondent is a concern.

**\*\* MR. KYDES MOVED TO AMEND THE CONTRACT TO ONE (1) YEAR INSTEAD OF THREE (3) YEARS**

Ms. Vonashek said the scope of work has increased and the cost increase is justified. She added that they have done a very good job.

Mr. Livingston said this is a contractor who has done a good job and is asking for a three-year contract. He said he will not support the amendment.

Ms. Young said the lack of response might stem from prior experience with the Norwalk Redevelopment Agency. She said that minority business owners had negative experiences with them and that may be why there were no other responses. There had been negative responses between the local business owners and the Norwalk Redevelopment Agency.

Ms. Vonashek said the RFP went out in early May and was up for three weeks. Mr. Heuvelman noted that this is late in the season for a landscaper.

**\*\* THE AMENDMENT FAILED**

**\*\* THE MOTION PASSED WITH ONE (1) VOTE IN OPPOSITION (MR. KYDES)**

#### **D. REDEVELOPMENT AGENCY**

**\*\* MR. HEUVELMAN MOVED TO ADVANCE THE SUBMITTED APPLICATIONS TO THE COMMON COUNCIL FOR THEIR APPROVAL AT THE JUNE 14, 2022 COMMON COUNCIL MEETING FOR THEIR INCLUSION IN THE 2022 CONNECTICUT NEIGHBORHOOD ASSISTANCE ACT PROGRAM.**

Ms. O’Leary described the tax credit program and said they received 20 applications this year.

**\*\* MOTION PASSED UNANIMOUSLY**

**\*\* MR. LIVINGSTON MOVED TO ADVANCE THE FINAL CDBG PY48 ANNUAL ACTION PLAN (AAP) TO THE COMMON COUNCIL FOR ITS APPROVAL AND TO AUTHORIZE THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS ASSOCIATED WITH THE SUBMISSION OF THE PY48 AAP TO HUD AND ALL DOCUMENTS CONSISTENT WITH THE APPROVED PY48 AAP.**

It was noted that this was a little delayed due to HUD not releasing the fund allocation. Any public comment will be presented at the June 28<sup>th</sup> meeting of the Common Council.

**\*\* MOTION PASSED UNANIMOUSLY**

### **III. OLD BUSINESS**

Ms. Vonashek said that as part of the MLK Corridor project, cameras were installed to monitor areas of high dumping.

**\*\* MS. SHANAHAN MOVED TO SUSPEND THE RULES TO ADD AN ITEM TO THE AGENDA**

**\*\* MOTION PASSED UNANIMOUSLY**

**\*\* MS. SHANAHAN MOVED TO AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO A POLE AGREEMENT AND OTHER DOCUMENTS WITH EVERSOURCE ENERGY**

**\*\* MOTION PASSED UNANIMOUSLY**

Ms. Vonashek said there are a lot of cameras already installed on SNEW poles, but they will work with Eversource to get the cameras up quickly.

**ADJOURNMENT**

There was no further business and the meeting was unanimously adjourned at 8:34 p.m.

Respectfully submitted,

Rosemarie Lombardi  
Telesco Secretarial Services

# Norwalk Planning & Zoning Commission

125 East Avenue  
Norwalk, Connecticut



## MEMORANDUM

June 29, 2022

**TO:** Common Council  
**FROM:** Bryan Baker, Principal Planner  
**RE:** Opting Out of the Parking Provisions of Public Act No. 21-29

The State of Connecticut passed Public Act No. 21-29 (HB 6107) which revised Section 8-2 of the Connecticut General Statutes which pertains to Zoning. Included in the legislation is a maximum number of parking spaces that can be required by a municipality for multifamily developments. Below is a summary of the maximum parking requirement:

*Zoning regulations adopted pursuant to subsection (a) of this section shall not:*

- *Require more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms*

The parking provisions of the bill took effect on October 1, 2021, but provides the ability for a municipality to opt out, which is done through the following process:

- 1) The Planning & Zoning Commission, by a two-thirds vote, may initiate opting out, proved that:
  - a. The Commission holds a public hearing regarding opting out;
  - b. The Commission affirmatively decides to opt out;
  - c. The Commission states the reasons for opting out on the record;
  - d. Notice is published in the paper of such decision;
  - e. After which, the municipality's legislative body, by a two-thirds vote, may complete the process of opting out

## Parking Background

In 2019, Planning & Zoning updated the minimum parking requirement for multi-family developments in coordination with the new Central Business District regulations. The minimum number of parking spaces was reduced to 1.3 parking spaces per dwelling unit regardless of the number of bedrooms. Furthermore, the workforce housing regulations allow for the minimum number of parking spaces required to be reduced to 1 parking space per dwelling unit provided that 10% of the dwelling units are provided to tenants earning no more than 80% of the state median income and a 1% construction cost fee is paid into the city's affordable housing trust fund.

In reviewing how the parking maximums established by PA 21-29 compared to our existing parking minimums, it seems to be a mixed result on which developments would benefit from each standard, but the overall differences are relatively minor. For example:

- The Pinnacle development at 467 West Avenue provided 393 dwelling units; 6 studios, 213 one-bedroom, 149 two-bedroom and 25 three-bedroom units
  - o At 1.3 spaces per dwelling unit (current standard) 511 parking spaces are required
  - o At 1 space per studio or one-bedroom and two spaces per two-bedroom or more (PA 21-29) 567 parking spaces could be required
  - o With the workforce housing parking reduction, 393 parking spaces are required
- 10 Monroe Street provided 150 dwelling units; 46 studios, 72 one-bedroom, 30 two-bedroom and 2 three-bedroom units
  - o At 1.3 spaces per dwelling unit, 195 parking spaces are required
  - o Under PA 21-29, 182 parking spaces could be required
  - o With the workforce housing parking reduction, 150 parking spaces are required
- 93 Winfield Street provided 11 dwelling units; all two-bedroom units
  - o At 1.3 spaces per dwelling unit, 15 parking spaces are required
  - o Under PA 21-29, 22 parking spaces could be required
  - o With the workforce housing parking reduction, 11 parking spaces are required

To summarize, developments that provided a higher number of two-bedroom or more units benefit more under the current parking standard, developments that provide a higher number of studios and one-bedroom units would benefit more under the maximum parking requirements set forth in PA 21-29 and all developments benefit from our workforce housing parking reduction.

### **Staff Recommendation**

Staff does agree with the goal of PA 21-29 to reduce the number of parking spaces required for multifamily developments to reduce rent and impervious surface but given the status of our current zoning regulation re-write which contemplates further reducing parking requirements near train stations, and parking reductions through the workforce housing regulations, Staff recommends that the city opt out.

### **At their June 15, 2022, meeting, the Norwalk Planning & Zoning Commission made the following decision:**

*\*Whereas the regulatory limitations regarding maximum parking of Public Act No. 21-29 became effective on October 1, 2021; and*

*\*Whereas Public Act No. 21-29 allows a municipality to opt out of the regulatory limitations regarding maximum parking requirements; and*

*\*Whereas the Planning & Zoning Commission published public notices of the public hearing date on June 3, 2022, and June 9, 2022; and*

*\*Whereas the Planning & Zoning Commission held a public hearing on June 15, 2022; and*

**THEREFORE, BE IT RESOLVED** that the Norwalk Planning & Zoning Commission has affirmatively opted out of the maximum parking provisions of Public Act No. 21-29 for the following reasons:

- 1) That the city is in the process of re-writing the zoning regulations; and
- 2) That the existing parking standard of 1.3 parking spaces per unit, regardless of the number of bedrooms per unit, is an appropriate minimum parking requirement as evidenced by recent developments providing less parking under the existing standard than they would under Public Act No. 21-29; and
- 3) That the city is contemplating reducing the minimum parking requirements in transit-oriented areas further; and
- 4) That the parking maximum as set forth in Public Act No. 21-29 may negatively impact the ability of the city to collect funds for the affordable housing trust fund;

**BE IT FURTHER RESOLVED** that the notice of this action is forwarded to the Common Council to complete the process of opting out;

**BE IT FURTHER RESOLVED** that the effective date of this action is June 24, 2022.

# Norwalk Planning & Zoning Commission

125 East Avenue  
Norwalk, Connecticut



## MEMORANDUM

June 29, 2022

**TO:** Common Council  
**FROM:** Bryan Baker, Principal Planner  
**RE:** Opting Out of the Accessory Dwelling Unit Provisions of Public Act No. 21-29

The State of Connecticut passed Public Act No. 21-29 (HB 6107) on June 10, 2021 which revised Section 8-2 of the Connecticut General Statutes which pertains to Zoning. Included in the legislation are requirements and limitations for how accessory apartments or accessory dwelling units (ADUs) can be regulated by a municipality. Below is a summary of the requirements and limitations:

*Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, shall:*

- 1) *Designate locations or zoning districts within the municipality in which accessory dwelling units are allowed, provided at least one accessory dwelling unit shall be allowed as of right on each lot that contains a single-family dwelling and no such access;*
- 2) *Allow accessory dwelling units to be attached to or located within the proposed or existing principal dwelling, or detached from the proposed or existing principal dwelling;*
- 3) *Set a maximum net floor area for an accessory dwelling unit of not less than thirty percent of the net floor area of the principal dwelling, or one thousand square feet, whichever is less;*
- 4) *Require setbacks, lot size and building frontage less than or equal to that which is required for the principal dwelling;*
- 5) *Provide for height, landscaping and architectural design standards that do not exceed any such standards as they are applied to single-family dwellings;*
- 6) *Be prohibited from requiring (A) a passageway between any such accessory dwelling unit and any such principal dwelling, (B) an exterior door, except as required by building or fire code, (C) any more than one parking space for any such accessory dwelling unit, (D) a familial, marital or employment relationship between occupants of the principal dwelling and accessory dwelling unit, (E) a minimum age for occupants of the accessory dwelling unit, (F) separate billing of utilities, or (G) periodic renewals for permits for accessory dwelling units*

The accessory dwelling unit provisions of the bill take effect on January 1, 2023, unless a municipality opts out, which is done through the following process:

- 1) The Planning & Zoning Commission, by a two-thirds vote, may initiate opting out, proved that:
  - a. The Commission holds a public hearing regarding opting out;
  - b. The Commission affirmatively decides to opt out;

- c. The Commission states the reasons for opting out on the record;
- d. Notice is published in the paper of such decision;
- e. After which, the municipality's legislative body, by a two-thirds vote, may complete the process of opting out

### **Accessory Dwelling Unit Background**

ADUs help to provide affordable housing for both the property owner as well as the tenant by allowing the owner to monetize their property by collecting rental income which is likely less expensive than rent at an apartment building. Accessory dwelling units can also be used to house seniors and younger family members nearby which helps aging in place, retaining youth and preventing displacement.

Norwalk's existing ADU regulations were written in 1984 with one revision having been made in 1986. The regulation is not achieving its goal of providing additional rental housing given that we only have approximately 259 ADUs on the books in the almost four decades that they have been permitted. Therefore, the passing of PA 21-29 and the current zoning regulation re-write provides a good opportunity to revise the existing ADU regulations to reflect the current housing needs of Norwalk.

Staff has begun to write draft ADU regulations with the goal to increase the number of ADUs by:

- 1) Allowing detached accessory dwelling units (DADUs);
- 2) No longer requiring the single-family residence to have been in existence for at least three years before being eligible for an ADU;
- 3) No longer requiring that all minimum lot dimensions be met for a property to be eligible for an ADU; and
- 4) No longer requiring additional lot size for B Zone properties;
- 5) Only limiting the maximum size of the ADU to 700 square feet.

A common concern that is mentioned when discussing ADUs, and in particular DADUs, is increasing density and changing the character of single-family neighborhoods. The existing zoning regulations already permit ADUs in all the single-family zones in Norwalk, meaning that DADUs will not change the density from what is already permitted. It is likely that any new ADUs will be added in over a long period of time as there are many considerations that go into constructing an ADU. For example, a homeowner must evaluate the expenses of financing the construction, increase in property tax/mortgage/insurance rates and maintenance against what could reasonably be collected in rent. Regarding single-family character, DADUs are not uncommon structures or features in residential communities. Furthermore, PA 21-29 removed the term "character" from being an allowed regulatory standard for zoning regulations, so ADUs cannot be prohibited on the premise of not being in character with single-family neighborhoods.

Although Staff finds that most of the requirements of PA 21-29 would be beneficial to Norwalk, some further minor restrictions are recommended which would ultimately require Norwalk to opt

out of the legislation. Discussed below is Staff's recommendation and explanation for why the city should opt out, as well as the working draft of new ADU regulations.

### **Staff Recommendation**

It is Staff's recommendation that the Common Council complete the opt out process from subsections (a) to (d) of Public Act No. 21-29 regarding the allowance of ADUs. The reasons for opting out are the following:

- 1) In ongoing discussions with the Planning & Zoning Commission regarding the **maximum size** of an ADU, the consensus seems to be that a maximum of 700 square feet which is the existing maximum size, is more appropriate. By restricting the maximum size to less than what is permitted by PA 21-29, opting out is required;
- 2) In ongoing discussions with the Planning & Zoning Commission regarding **setbacks** for an ADU, the consensus seems to be that a DADU should have a greater front setback requirement so that it is not located closer to the front property line than the single-family residence and buffered from neighboring properties. By establishing setbacks that are greater than what is required for a single-family residence per PA 21-29, opting out is required;
- 3) In ongoing discussions with the Planning & Zoning Commission regarding the **maximum height** of an ADU, the consensus seems to be that permitting a maximum height of a DADU that is the same as what is allowed for a single-family residence is not preferred. By restricting the maximum height of an ADU to less than what is allowed for a single-family residence, and therefore less than what is permitted by PA 21-29, opting out is required;
- 4) In ongoing discussions with the Planning & Zoning Commission regarding **architectural design** for an ADU, some sort of architectural design standard is desired for a DADU to resemble the single-family dwelling on the property. There are different thresholds of architectural design review to be considered, such as prescriptive zoning text, prohibiting certain structures and/or site plan review applications for architectural review of DADUs. Because Norwalk does not have architectural design standards for single-family residences, opting out is required;
- 5) In ongoing discussions with the Planning & Zoning Commission regarding **periodic renewals** for permits for ADUs, Staff believes that it is good practice to continue to require that affidavits be filed annually with the city stating that the owner of the property continues to reside on the property. The purpose of verifying that the property owner resides on the property is to prevent absentee/corporate landlordism from reducing homeownership in Norwalk. The city does not require a new permit to be submitted or fee paid, but to err on the side of caution, opting out would be required to continue the practice of requiring an annual affidavit to be submitted by a property owner with an ADU.

Below is the resolution that was passed by the Planning & Zoning Commission as well as a draft resolution for consideration by the Common Council.

**At their June 15, 2022, meeting, the Norwalk Planning & Zoning Commission made the following decision:**

*\*Whereas the regulatory limitations regarding accessory dwelling units of Public Act No. 21-29 became effective on January 1, 2022; and*

*\*Whereas Public Act No. 21-29 allows a municipality to opt out of the regulatory limitations regarding accessory dwelling units by January 1, 2023; and*

*\*Whereas the Planning & Zoning Commission published public notices of the public hearing date on June 3, 2022, and June 9, 2022; and*

*\*Whereas the Planning & Zoning Commission held a public hearing on June 15, 2022; and*

**THEREFORE, BE IT RESOLVED** that the Norwalk Planning & Zoning Commission has affirmatively opted out of the accessory dwelling unit provisions of Public Act No. 21-29 for the following reasons:

- 1) That the city is in the process of re-writing the zoning regulations; and
- 2) That Staff has begun to draft accessory dwelling unit regulations that reflect most of the goals of Public Act No. 21-29; and
- 3) That the Commission finds that most of the limitations in regulating accessory dwelling units included in Public Act No. 21-29 are acceptable provided that some additional restrictions are established, ultimately requiring opting out; and
- 4) That the additional restrictions are in relation to:
  - a. The maximum size of an accessory dwelling unit being less than what is allowed by Public Act No. 21-29; and
  - b. The required front yard setback being greater than what is allowed under Public Act No. 21-29; and
  - c. The maximum height of a detached accessory dwelling unit be less than what is allowed by Public Act No. 21-29; and
  - d. That an architectural design standard exist for a detached accessory dwelling unit which is greater than what is required by Public Act No. 21-29; and
  - e. That periodic renewals be required for accessory dwelling units which differs from what is prescribed by Public Act No. 21-29; and

**BE IT FURTHER RESOLVED** that the notice of this action is forwarded to the Common Council to complete the process of opting out;

**BE IT FURTHER RESOLVED** that the effective date of this action is June 24, 2022.

Draft resolution of the Norwalk Common Council:

The Common Council of the City of Norwalk met on \_\_\_\_\_ and adopted the following resolution by a vote of \_\_\_\_ to \_\_\_\_:

1. Be it resolved that the Common Council of the City of Norwalk has affirmatively opted out of the accessory apartment provisions of Public Act No. 21-29

**ARTICLE 10, Definitions****§ 118-100. Definitions.**

ACCESSORY DWELLING UNIT – a Dwelling Unit having habitable space not greater than 30% of the Principal Building or 700 square feet, whichever is less, which shares ownership and utility connections with the Principal Building; it may or may not be within an Accessory Building.

**ARTICLE 42, Accessory Dwelling Units [Added effective 6-4-1982]****§ 118-420. Accessory Dwelling Units. [Amended effective 1-27-1984; 9-26-1986; x-xx-2022]****A. Purpose and intent.**

- a. The intent of this regulation is to encourage the creation of accessory dwelling units in existing single-family zones for the purpose of providing rental housing for the elderly, single persons and small families. Accessory dwelling units are further intended to enable the viability of Norwalk's single-family zones.

**B. General.**

- a. Accessory dwelling units shall be permitted on properties in the AAA, AA, A and B Residence Zones and may be attached to or detached from a single-family dwelling provided that:
  - i. The accessory dwelling unit is located on the same lot as a single-family dwelling.
  - ii. A property shall be limited to one (1) accessory dwelling unit.
  - iii. The owner of the property must reside on the premises.
  - iv. The minimum rental duration shall be no less than six (6) continuous months.
  - v. Properties utilizing public sewer and/or water shall be subject to approval by Norwalk WPCA and the local water authority. Properties utilizing private water and/or septic systems shall be subject to approval by the Norwalk Health Department.

**C. Location and yards.**

- a. The location of a **detached** accessory dwelling unit shall be as follows:
  - i. Front setback: The same as permitted by Section 118-230. Schedule limiting height and bulk of buildings and size of lot. Residential. City of Norwalk. Part 1, provided that the accessory dwelling unit is not located closer to the front property line than the single-family dwelling;
  - ii. Side and rear setback: 10' minimum, except that detached structures in existence prior to the effective date of these regulations and that are within

the side and/or rear setback are permitted to be used as an accessory dwelling unit provided that all other standards under Article 42, Accessory Dwelling Units, are met.

- b. The location of an **attached** accessory dwelling unit shall be as follows:
  - i. The same as permitted by Section 118-230. Schedule limiting height and bulk of buildings and size of lot. Residential. City of Norwalk. Part 1.
- D. Height limits.
  - a. The maximum height of a **detached** accessory dwelling unit shall be as follows:
    - i. 15 feet when located 20 feet or less from a side or rear property line;
    - ii. 20 feet when located more than 20 feet from a side and rear property line.
  - b. The maximum height of an **attached** accessory dwelling unit shall be as follows:
    - i. The same as permitted by Section 118-230. Schedule limiting height and bulk of buildings and size of lot. Residential. City of Norwalk. Part 1.
- E. Maximum size.
  - a. Attached and detached accessory dwelling units shall not exceed 700 square feet in floor area.
- F. Design standards.
  - a. An accessory dwelling unit, whether attached or detached, shall be designed to maintain the architectural design, style and appearance of the existing single-family dwelling located on the property.
- G. Prohibited structures.
  - a. Mobile homes, recreational vehicles, travel trailers, shipping containers, storage containers and any other wheeled or transportable structures shall not be used as an accessory dwelling unit.
- H. Parking.
  - a. Three (3) off-street parking spaces shall be provided: two (2) spaces per principal dwelling and one (1) space per accessory dwelling unit. Such parking shall comply with all applicable sections of Article 120, Off-Street Parking and Loading Regulations.
- I. Procedure for approval.
  - a. Applications for accessory dwelling units shall be subject to approval by the Zoning Enforcement Officer.
  - b. A certificate in the form of an affidavit which verifies **that the owner continues to reside on the premises**, the minimum rental duration and all other conditions met at the time of the original application remain unchanged shall be submitted to the Zoning Enforcement Officer by January 31 of each year.

Examples of DADUs:



*Credit: Morgan Law, Architect*



*Credit: Cast Architecture*



*Credit: MyKabin, LLC*



**TO: THE ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE OF THE NORWALK  
COMMON COUNCIL**

**FROM: STEVE KLEPPIN, DIRECTOR OF PLANNING AND ZONING**

**DATE: JULY 1, 2022**

**SUBJECT: THE INDUSTRIAL ZONES STUDY AND THE NEW SCHOOL SITE CONSIDERATIONS**

---

### **Introduction**

Since 2018, the City has prioritized and invested heavily in planning efforts to best illustrate how we should plan for future growth and development. Some past initiatives include the East Norwalk TOD study, the South Norwalk TOD study, and the Citywide Plan or POCD. These plans have identified goals and priorities, based on public input, which have then informed a multitude of City investments as well as private investment throughout multiple neighborhoods within the City that has contributed to positive growth and outcomes for the community.

The Economic and Community Development team has been thoroughly involved in deploying capital funding, grant funding, and planning initiatives through its multiple departments to support the overall interests of the Council, community, and City as a whole. Over the past few years, its departments have deployed millions of dollars in programming for street improvements, focused on safety for all users, planning initiatives, and business investments. The approach to do this work has been collaborative, working with the departments within the Economic and Community Development team, as well as other city departments such as Public Works, the Health Department, the Police Department, and others.

Following up on our discussion from the June meeting, this memo provides some context and discussion options as well as provides some background justification to support the proposed zoning recommendations. In addition, it provides context and background on how the recommendations will foster the highest and best outcomes for the City, just as the department has done in past initiatives through collaborations between multiple City departments and the community at large.

### **The Industrial Zones Study & POCD Consistency, Goals, and Objectives**

Maintaining industrial land and expanding commercial growth were important considerations and discussion points within the Citywide Plan. This consideration holds true as many potential businesses and tenants have a desire for industrial space and its characteristics based on

market trends. While the Citywide Plan may not foresee all potential changes and outcomes, such as a new school campus, maintaining flexibility is important to realize other POCD goals such as ensuring the City's educational system is a community strength.

The Industrial Zones Study had three principal tasks:

1. Ensure there was adequate land left for future economic growth in the City,
2. Identify the types of businesses that could be successful, and Norwalk should target,
3. Reduce or remove conflicts between land uses that historically have been inappropriately located.

Retaining industrial zoned land was one of the principal goals of the Industrial Zones study and is recognized as a goal within the Citywide Plan. This goal was the justification cited when the City and Common Council allocated funds to conduct the Industrial Zones Study. To support these goals, we need to strike a balance between neighborhood improvement and economic growth which bolsters Norwalk economically and sustainably.

There are numerous factors to consider when thinking about the broader needs of the City, while also improving the neighborhood around the new school site:

1. Can you and/or how do you change the uses of some of the properties?
2. How do you reduce the impacts from the commercial uses, including truck traffic in the area?
3. What infrastructure and traffic improvements are needed prior to the school becoming operational?
4. How do we incentivize commercial uses for these properties that will result in positive change on those properties?

The following study and the information in this memo aim to answer these questions.

### **Nonconformities/Eminent Domain**

The proposed rezoning removes several of the uses that are objectionable to residential neighbors; and while some remain, others like contractor yards are proposed to become Special Permit uses versus Site Plan uses. It is important to mention that though some of these uses may be considered undesirable, many are necessary and provide jobs for members of the Norwalk community. *The below highlighted uses are either no longer permitted or are required to become special permit uses.*

#### **I1 Site Plan Uses Currently Allowed**

---

Brewpub/Distillery

Building Materials Storage Yard

Contractor's Yard

Distribution

#### **I1 Site Plan Uses Proposed**

---

Brewpub/Distillery

Building Materials Storage Yard

Commercial Vehicle Storage

Indoor Contractor Facility

Indoor Contractor Parking Facility

Manufacturing

Municipal Sewage

Offices

Printing Establishment

Public Utility supply & storage

Retail/Personal Svc

Storage (self-storage)

Transportation & Bus Storage

Warehousing

### **I1 Special Permit Uses Currently Allowed**

---

Adult Day Care

Animal Care Center

Asphalt/concrete plants

Commercial Recreation Establishments

Gasoline station/motor vehicle sales

Helicopter landing site (accessory use)

Hotel

Motor vehicle storage & junk yard

Multi-family Dwelling (east Norwalk station)

Municipal utility plant or storage yard

Propane gas storage

Solid Waste Transfer Station

Manufacturing (all)

Municipal Sewage

Printing Establishment

Public Utility supply & storage

Research & Development Facilities

Transportation & Bus Storage

Warehousing

### **I1 Special Permit Proposed**

---

Animal Care Center

Concrete plants

Distribution Facilities

Earth Processing & Contractor Yards

Indoor Rock Crushing

Municipal utility plant or storage yard

Oil & Petroleum Storage Facilities

Propane gas storage

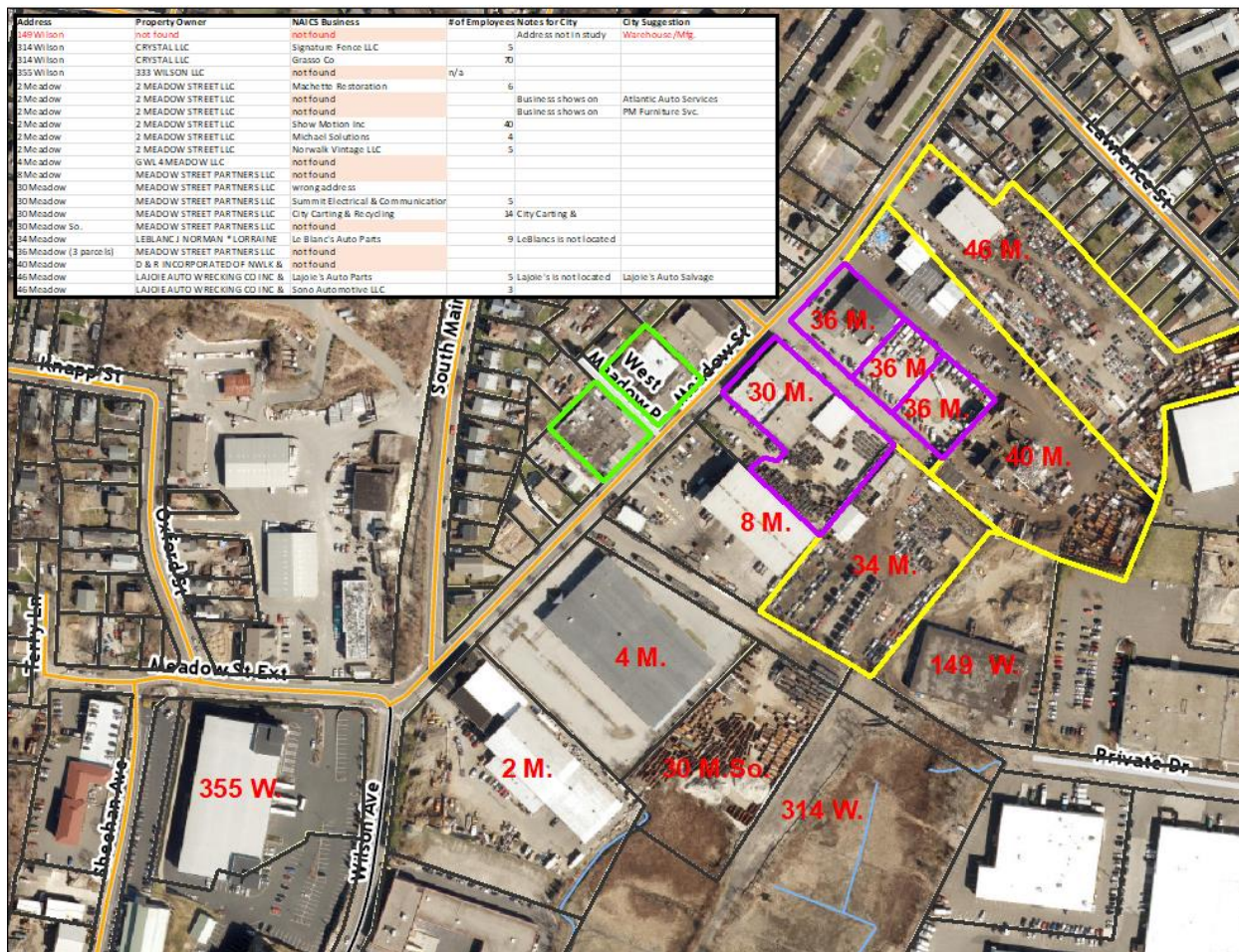
Solid Waste Transfer Station

Structures exceeding 65' in height

Regardless of whether the area remains in the I1 Zone, or it is rezoned to something else, ALL the existing uses can continue to operate in perpetuity, regardless of whether the ownership changes or not. Purchasing the properties or seeking them through eminent domain are probably not realistic options considering the high cost of industrially zoned land. In addition, it is possible that there could be environmental issues on many of these sites, based on the nature of the businesses, which makes redevelopment to residential or many other uses potentially more expensive deeming them undesirable. It is financially possible that higher density residential could work in this location, but the density would have to be significant enough to cover the land acquisition and any remediation costs. In shorter terms, simply not allowing a use will not automatically make current uses disappear. The process takes time and significant investment.

The map below indicates the effects of the proposed rezoning on this section of Meadow Street. The parcels outlined in yellow would become legally nonconforming, while the parcels

outlined in purple would become Special Permit uses verse Site Plan Uses. *Note: the green outlined parcels on the west side of Meadow Street, are legally nonconforming commercial uses, that operate within a residential zone.*



## **School Considerations & Development**

Taking into consideration the significant investment of time and funding the City has allocated for the new South Norwalk school, we understand the need to ensure that the students who attend the school have safe access to the campus, no matter what mode of transportation is used. We also know that many of the existing uses in the Meadow Street area are also not desirous of the neighborhood community. The Economic and Community Development team and more specifically the Transportation, Mobility, and Parking Department with this in mind has focused directly on this area to ensure the safest environment for our student population and the increased traffic that will be in the area. The collaboration of City departments on this study has informed the overall end resulting document that you see today.

In looking at the land uses within proximity to the school site, Meadow Street is predominantly heavy industrial on the east side of the street from Meadow Street Extension, north to Lajoie's (ending at #48 Meadow Street). The west side is a mix of residential and industrial uses from

Meadow Street extension, north to Novak Street, including some legally nonconforming commercial uses.

To avoid pedestrian conflict, the City can consider placing crossing guards at the intersections of Meadow Street and Meadow Street Extension and Meadow Street and Novak Street, to direct pedestrians from Meadow Street and onto Novak Street to avoid this section of road. The City could also consider seeking the removal of truck access on Oxford, Novak, and Knapp Street to avoid conflicts with pedestrians.

### **City as an Applicant**

It is important to note that the City is bound to the same development standards as any other applicant. If road and infrastructure improvements are necessary for the completion of the project, the applicant would have to complete them as a part of their approval. Below are some recent projects that were approved or are pending with the Planning & Zoning Commission which were asked to conduct road improvements:

- 10 Monroe St.: Intersection and lane adjustments at Monroe Street and South Main Street.
- Wegmans (CT Ave.): Purchase of additional property to align a key access point to an existing signalized intersection.

The City will have to consider whether the sidewalk network is adequate to support the development and the Economic and Community Development team will work together with other City departments to ensure the success in this common goal. The following are some questions that the City will need to address with the schools development.

1. Are there missing sections of sidewalks to be completed?
2. Are there crosswalks or intersection improvements needed?
3. Can modifications to road lanes be made to calm traffic?

### **Plan Recommendations Relevant to Subject Area**

So how do we realize positive change for the area while accommodating the needs of the school and expanding the business potential for the City? Recognizing the legal rights of the existing businesses and the desire to bring about positive change for the area, the Plan provides incentives for property owners to reconsider alternate uses for their properties. The incentives include increased number of stories for buildings, reduction in the amount of required parking and flexibility in uses and approval.



Figure 37. Brooklyn Navy Yard Building 127 (Brooklyn, NY)



Figure 38. Raymond Flynn Marine Industrial Park (Boston, MA)



Figure 39. Pennovation Works (Philadelphia, PA)



Figure 40. Farm Fresh RI Food Hub (Providence, RI)

The images above are indicative of the plan's aspirations. Appendix C of the Plan, provides an analysis of the potential impacts should the City be fortunate to obtain a different dynamic in terms of the proposed uses, focusing on job growth. As you can see from the examples provided, there are significant advantages in terms of job growth and in terms of the impacts, or lack of impacts, the proposed uses will have on the neighborhood if the City rethinks the types of uses allowed. While these uses remain predominantly commercial, the impacts on the neighborhood are significantly less than many of the current uses.

So how do we bring this to fruition? First, enact changes to the regulations that allow this type of development to potentially occur. Second, the City needs to proactively seek these types of businesses through marketing and through cooperation with the State of CT Department of Economic and Community Development, AdvanceCT, and through such programs such as CTNext.

An alternate option is to downzone this section of Meadow Street to the proposed Industrial No. 2, which is less intensive than Industrial No. 1. This change would result in other # 30 Meadow and the properties listed as #36 Meadow Street becoming legally non-conforming. Industrial No. 2 also allows additional uses, including residential, provided the primary and ground floor uses remain a commercial use. The full list of allowed Industrial No. 2 uses can be found at: [12-Changes-2322 \(norwalkct.org\)](https://www.norwalkct.org/12-Changes-2322)

## **Overall Summary**

In South Norwalk, the proposed changes result in an approximately 75% reduction in the amount of Industrial 1 zoned land and an approximately 25% overall reduction in industrial zoned land overall. The plan seeks to rectify, over time, many of the land-use conflicts that occur based on uses that have been permitted where they are not appropriate or are allowed without enough consideration of the abutting users.

There are potentially other options available to the City such as eminent domain, purchasing the properties in the area the City finds objectionable or downzoning the areas to something like residential. However, in our opinion, this is directly contradictory to the goals of the Citywide Plan and are contrary to the long term needs of the City. We believe there are ways to accommodate the commercial needs of the City while allowing South Norwalk to thrive, including the proposed school becoming a source of pride for the entire City.

The Economic and Community Development team remains committed to working collaboratively, as we have in the past, to provide a holistic approach to supporting resident and student safety, an enhanced quality of life for all residents, as well as support to businesses across the City.

**ACTION: Authorize the Mayor, Harry W. Rilling, to execute any and all documentation to ratify and approve the Industrial Zones Study.**