

#1-19R - Zoning Commission – Proposed amendments to Section 118-504 Central Business Design District (CBDD), Section 118-100 Definitions, Section 118-1050 Workforce Housing Regulation, Section 118-1220 Off Street Parking and Commercial and Industrial Schedule Part 1.

In addition to the sections identified below, any reference contained within the regulations to Central Business Design District (CBDD) shall be changed to Central Business District (CBD).

§118-100. Definitions

ARTIST WORKSPACE -- Space within an existing building, used for the creation, and ~~occasional~~ exhibition of artwork including but not limited to, painting, sculpture and print making. ~~Living quarters shall be prohibited in any artist workspace. [Added effective 10-27-2006]~~ rehearsal or teaching of any visual art or craft and occasional exhibition of artwork, including, but not limited to, painting, photography, sculpture, print making, video, film, and pottery, or of any performing art, whether for live or recorded performance, including music, dance, and theater, and accessory sales of such art.

ARTIST LIVE/WORKSPACE -- A building or any portion thereof used by a Certified Artist, as verified by the City of Norwalk, as both their Dwelling Unit and Artist Workspace.

BREW PUB -- A business establishment engaged in the manufacture, storage and bottling of beer, the retail sale of alcoholic liquor to be consumed on the premises, ~~which may include with~~ the sale of food, the retail sale from the premises of sealed bottles or other sealed containers of beer brewed on such premises for consumption ~~and/or distribution~~ off the premises, all in accordance with the Connecticut General Statutes Sec. 30-16 and 30-91. A brew pub shall ~~may~~ be equipped with a full kitchen, provide hot meals regularly and be issued a manufacturer's permit for a brew pub by the State of Connecticut Department of Consumer Protection – Liquor Division. [Added effective 9-28-2012]

HEIGHT OF BUILDING -- The vertical distance measured from the average elevation of the finished grade adjacent to the exterior walls of the building to the level of the highest point of the roof's surface, if the roof is flat, or to the mean level between the eaves and the highest point of the roof if any other type; ~~except that in the CBD, building height for properties located on the west side of West Avenue shall be measured in relation to the street center line with the highest elevation on which the lot fronts, and for properties located on the east side of West Avenue, building height shall be measured from the center line of West Avenue.~~ Where the finished grade is established by filling, the average elevation of any filled portions shall be measured from not more than three feet above the existing grade prior to any proposed development. EN3

~~HEIGHT OF BUILDING—DESIGN DISTRICT DEVELOPMENT PARK—In the case of a building located within a design district development park, as defined herein, building height shall be measured throughout the development park in relation to the centerline of West Avenue or, for properties located to the west of West Avenue, in relation to the centerline of the highest street on which the lot fronts. [Added effective 10-26-2007; amended effective 10-24-2014]~~

MANUFACTURING AND PROCESSING, BOUTIQUE -- The custom **fabrication** ~~manufacturing~~ of certain products by hand **by artisans or businesses** in limited quantities for distribution primarily to a local or regional market; including but not limited to: confections and other custom-made food **and beverage** items, ceramics, furniture, artwork including painting, printmaking and sculpture, and similar products.

MANUFACTURING AND PROCESSING, HEAVY – A use which involves the production of goods from raw materials or the assembly of finished products that may result in the need for considered access by large vehicles or vessels for transport and may require the storage of significant quantities of materials, both internally or externally, for processing on-site or for distribution to other locations.

MANUFACTURING AND PROCESSING, LIGHT -- A use involving the production of goods from raw materials or the assembly of finished products that will result in limited external effects, noise, and other by-products.

PUBLIC ART – All artwork that may or may not be an integrated part of a public right of way or facility or building, including but not limited to a drawing, painting, murals, fresco, mosaic, sculpture, photograph, work of calligraphy or work of graphic art or mixed media and other architectural embellishment or functional art created by an artist, artisan, or craftsperson that is made available to the public, provided that:

- a. Public Art does not mean landscape architecture or landscape gardening.
- b. May include temporary visual art, performances, installations, events and other temporary works.
- c. May possess functional as well as aesthetic qualities.

PUBLIC REALM – Publicly or privately owned property which is publicly accessible that may provide gathering space for cultural performances; linkages to other private or publically accessible spaces; and/or contains building elements or public art that are physically and/or visually accessible regardless of ownership. These places and elements can include, but are not limited to, drives, sidewalks, pedestrian ways, bikeways, bridges, plazas, nodes, squares, transportation hubs, gateways, parks, waterfronts, natural features, view corridors, landmarks and building interfaces.

STREET ACTIVATING – Non-residential activities that provide visual engagement between those in the street and those on the street-level floor of buildings. This can include, but is not limited to: retail displays, video displays or promotions, art studios, entertainment, visibility of manufacturing or fabrication, and any other uses that foster visual engagement with pedestrians.

§118-504. Central Business District.

A. Purpose and intent. The Central Business District contains two (2) zoning sub-districts, Central Business District (CBD) and Central Business District Water (CBD-W).

The CBD contains the West Avenue corridor, the Wall Street area which is considered the historic downtown for the City and a portion of U.S. 1 and Main Street. CBD zoning seeks to:

- (1) Provide a balance of uses and amenities that foster a vital economic, livable, innovative and cultural area and enhance its urban, aesthetic qualities.
- (2) Establish an urban fabric that is walkable, engaging and complimented by sustainable design, including landscaping, building construction and infrastructure.
- (3) Protect and enhance historic, cultural, economic and architectural resources.
- (4) Preserve, create and enhance pedestrian-oriented streets to reduce the number of automobile trips; minimize congestion, consumption of resources and air and noise pollution.
- (5) Encourage clean industrial uses, retail, entertainment, residential and office vitality and improve the quality of life for district residents, visitors and workers.
- (6) Provide quality public spaces, such as urban street corridors, by maintaining the physical continuity of the street edge created by buildings.
- (7) Bring most daily activities within walking distance, giving the elderly, young and disabled increased independence of movement.
- (8) Require public access to and along the waterfront when possible, except where a danger to the public exists due to water-dependent uses.
- (9) Incentivize adaptive reuse of the historic properties within the zone.
- (10) Maintain water dependent uses for properties abutting the Norwalk River.

The CBD-W is comprised mainly of waterfront uses along the west side of the Norwalk River. CBD-W zoning seeks to:

- (1) Maintain Norwalk River and upper harbor as a focal point.
- (2) Maintain water dependent uses for properties abutting the Norwalk River.
- (3) Require public access to and along the waterfront when possible, except where a danger to the public exists due to water-dependent uses.
- (4) Promote other uses which attract the public to the waterfront, such as restaurants, transient slip space and residential development.
- (5) Prioritize and preference to the siting of water-dependent uses which are compatible with the revitalization of the downtown area, such as recreational and commercial boating and fishing facilities and transient slip space.

B. Principal uses and structures:

- (1) In the Central Business District, 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. All uses and structures 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.

- (a) Adult Day Care Facilities.

- (b) Animal Care Center.
- (c) Artist workspace.
- (d) Banks and financial institutions (excluding drive-in facilities).
- (e) Boutique Manufacturing with or without an accessory retail use **or light manufacturing**, provided that:
 - i. **the total square footage does not exceed 15,000 SF.**
 - ii. all manufacturing activity, including the storage of all equipment, materials and products, shall occur inside the building and no outside storage of any kind is permitted.
 - iii. only manufacturing processes that comply with City standards relating to noise, light, dust and odors are permitted.
 - iv. the manufacturing operations will not generate excessive traffic volumes or truck traffic in excess of that typically occurring in the adjacent district or neighborhood; all loading activity shall occur during daytime hours only.
- (f) Brewpub.
- (g) Child day-care centers.
- (h) Clubs & Lodges.
- (i) Colleges, universities and schools, including business and trade schools, and studios.
- (j) Commercial recreation establishments.
- (k) Community centers, lodges and private clubs.
- (l) Congregate Housing.
- ~~(m) Design District Development Park, including two (2) or more of the following uses: retail stores, offices, restaurants, hotels and multifamily residences, subject to 118-504.B(3).~~
- (n) Government Agencies and charitable organizations.
- (o) Halfway houses, with no less than two hundred (200) square feet of living area per person. [Amended effective 6-29-1990]
- (p) Health clubs.
- (q) Healthcare facilities. [Added effective 10-26-2007].
- (r) Hotels, including extended stay hotels.
- (s) Mass Transit facilities.
- (t) Motor Vehicles Sales and service, provided that:
 - i. Such use shall be designed as an integral part of a structure containing one (1) or more other permitted uses.
 - ii. All vehicles shall be serviced within the structure and displayed, stored and parked within or behind the structure
- ~~(u)~~ Multifamily dwellings, provided that:
 - i. **provisions for bicycle storage or bicycle sharing are provided on-site.**
 - ii. **provisions for electric vehicle charging stations are provided on-site.**
 - iii. such dwellings are subject to the Workforce Housing Regulation in Article 101, Section 118-1050.
- (v) Museums, libraries and meeting halls.

- (w) Offices, including medical offices.
- (x) Parks, playgrounds and open space.
- (y) Personnel and business Service Establishment.
- (z) Places of worship.
- (aa) Printing establishments.
- (bb) Manufacturing and storage facilities dependent on waterborne transportation for the supply of products.
- (cc) Public recreation facilities.
- (dd) Research and development facilities.
- (ee) Retail stores and personal and business service establishments.
- (ff) Restaurants and taverns (excluding drive-in facilities).
- (gg) Theaters and auditoriums, including cultural arts and entertainment facilities.

(2) Special Permit uses and structures:

- (a) In order to encourage the preservation of structures contributing to positive aspects of community character, the Commission may, by Special Permit, allow a minimum area or dimensional requirement, (such as yard setback or parking requirement) or a maximum requirement, (such as maximum floor area) to be exceeded, provided:
 - i. The subject structure(s) are listed on a local, state or national historic inventory;
 - ii. The extent of the requirement to be exceeded or reduced shall not exceed twenty five (25) percent and is clearly identified on the application presented to the Commission;
 - iii. A narrative, prepared by a Historic Architect, shall be submitted with the application describing in detail the proposed work to be done to the exterior of the historic structure. The Historic Architect shall be qualified for "Historic Architecture" as listed under 35 CFR Part 61 of the Secretary of Interior's Professional Qualification Standards and submit proof of same;
 - iv. The Commission shall refer the application to the Historical Commission for review and recommendations, who may refer the application to the State Historic Preservation Office (SHPO) for comment. If the Historical Commission does not endorse the application, a 2/3 majority vote of the Zoning Commission is required for approval;
 - v. Any Special Permit granted by the Commission shall only remain effective so long as the subject structure(s) is preserved and maintained as the principal structure on the property;
 - vi. If building materials are proposed to be substituted and modernized, the method and degree of preservation maintains the character, aesthetic and architecture of the historic building;
 - vii. Any deviation from the standards approved by the Commission shall be restricted to the minimum amount deemed necessary to encourage preservation of the historic structure(s); and
 - viii. The Commission and Redevelopment Agency determines that:
 - a. the structure(s) in question contributes to community character or possesses a degree of historic significance (which may be evidenced by its age, architectural uniqueness, or cultural value).
 - b. if preserved, the structure would represent a cultural benefit to the community, and,

- c. the structure in question requires some measure of regulatory relief to allow for its preservation.

(b) In order to encourage and foster the growth of arts within the district, the Commission may, by Special Permit, allow Artist Live/Work spaces with a building height bonus of ten (10) feet, provided:

- i. they are part of a rehabilitation, preservation or addition to an existing structure listed on a local, state or national historic inventory.
 - ii. The Commission shall refer the application to the Arts Commission for review and consideration. If the Arts Commission does not endorse the application, a 2/3 majority vote of the Zoning Commission is required for approval.
 - iii. each unit is consistent with the provisions of the Housing Code, Fire Marshal Code and Building Code.
 - iv. units are at least seven hundred fifty (750) square feet in size.
 - v. retail sales of art produced on-site that does not take place more than twelve (12) hours per week as an allowable accessory use.
 - vi. Artist Live/Work spaces are subject to workforce housing requirements.
 - vii. the use, including storage of materials or products, shall occur only within an enclosed building.
- v. all noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare or other effect shall comply with City standards relating to noise, light, dust and odors.

(c) Boutique Manufacturing, with or without an accessory retail use, or light manufacturing, provided that:

- i. the total square footage is greater than 15,000 SF.
- ii. all manufacturing activity, including the storage of all equipment, materials and products, shall occur inside the building and no outside storage of any kind is permitted, unless the Commission makes an affirmative finding that there will be no adverse impacts on neighboring properties and the equipment, materials and products cannot be stored indoors and are essential to the operation of the business.
- iii. only manufacturing processes that comply with City standards relating to noise, light, dust and odors are permitted.
- iv. the manufacturing operations will not generate excessive traffic volumes or truck traffic in excess of that typically occurring in the adjacent district or neighborhood; all loading activity shall occur during daytime hours only.

(d) ~~Municipal~~ Off-street structured parking facilities.

(3) In the Central Business District-W, 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. All uses and structures 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.

- (a) Boat-building facilities and marine supply stores.
- (b) Industrial processing and storage facilities dependent on waterborne transportation for the supply of products.
- (c) Marinas.

- (d) Multifamily dwellings, including elderly housing.
 - (e) Parks, open space and public recreational facilities.
 - (f) Recreational and commercial fishing facilities.
 - (g) Restaurants and taverns (excluding drive-in facilities).
 - (h) Retail establishments.
- (4) Special Permit uses and structures. The following uses shall be permitted by Special Permit in CBD-W in accordance with the provisions of § 118-1450:
- (a) Business service establishments, as defined in Article 10, § 118-100. [Added effective 4-29-1994]
 - (b) Clubs and lodges.
 - (c) Congregate housing.
 - (d) Day-care centers.
 - (e) Halfway houses, with no less than two hundred (200) square feet of living area per person. [Amended effective 6-29-1990]
 - (f) Offices, including government agencies and charitable offices, up to six thousand (6,000) square feet of gross floor area, and including medical offices. [Amended effective 5-28-1993; 9-25-2009]
 - (g) Places of worship. [Added effective 7-24-2015]
 - (h) Public utilities.

(6) ~~Design Development Parks:~~

~~A design district development park shall be permitted in Subarea B the CBD, subject to the following criteria: [Amended effective 10-28-2016; 10-27-2017]~~

- ~~(a) Such design district development park shall be a mixed-use project consisting of two (2) or more parcels in accordance with a design district development park master plan the limits of which are indicated on a survey detailing the lot area, floor area, residential density and parking for each parcel as shown on a zoning information table which:

 - ~~i. Is approved by the Commission and subsequently filed on the Norwalk Land Records; and~~
 - ~~ii. Any subsequent modification or change to the approved lot area, floor area, residential density and/or parking as depicted on the survey will require review and approval by the Commission; and~~~~
- ~~(b) A maximum floor area ratio of 2.0 as may be increased by bonus based upon the total acreage within the design district development park or a defined portion thereof. Bonus height or bonus floor area from one parcel or parcels may be transferred to another parcel or parcels within the design district development park, subject to approval by the Commission; and~~
- ~~(c) Multifamily dwellings shall require 500 square feet of lot area per dwelling unit based upon the total acreage within the design district development park or a defined portion thereof. A defined recreation area of one hundred fifty (150) square feet per dwelling unit shall be provided within the design district development park. [Added effective 10-26-2007]~~
- ~~(d) The mixture of uses in a design district development park shall include a minimum of twenty-five thousand (25,000) square feet of theater, bowling alley, or other form of commercial recreation establishment use and a minimum of seventy thousand (70,000) square feet of active **personal service establishment**, retail and/or restaurant uses based on a design district development park of 15.5 acres maximum; and [Amended effective 10-27-2017]~~

- (e) ~~A “defined portion” of the design district development park shall mean two or more separate real estate parcels, pursuant to the Tax Assessor’s Map, that are grouped together as one development parcel within the design district development park for purposes of calculating floor area and residential density right; and~~
- (f) ~~A resolution of approval and site plan that has been approved by the Commission and referenced in its resolution of approval, shall be recorded on the Land Records. The site plan shall include the sharing rights among the various properties within the design district development park by way of a zoning information table.~~
- (5) Uses which are not permitted in Subsection B(1) and (2) above shall not be permitted by variance in the Central Business District.
- (6) **The following** accessory uses and structures which are incidental to and customarily associated with the principal use of the premises shall be permitted:
- (a) Outdoor refuse collection and recycling receptacles; provided that they are located behind the front setback and screened from public view and from adjacent properties with a six (6) foot high fenced enclosure or year-round landscaped screening, subject to zoning inspector approval. Outdoor storage shall be prohibited.
 - (b) Where permitted by the Commission, entertainment in the form of live music, as accessory to a restaurant use, provided that all windows and doors shall remain closed while the entertainment is underway, except for the normal passage of people into and out of the premises **and a sound engineering report is provided that demonstrates that the noise levels are in conformance with the noise ordinance.**
 - (c) Rooftop mechanical equipment, including all heating, ventilation and air conditioning (HVAC) units, provided that all rooftop equipment is set back a minimum of ten (10) feet from the edge of the roof and fully screened with architecturally compatible screening.
 - (d) Commercial communication antennas, when located on an existing building or structure, provided that it complies with the applicable height limitation, except that antennas mounted on existing buildings which meet or exceed the height limitation now applicable may extend above the existing building height by no more than fifteen (15) feet. In addition, the color of the building shall be incorporated into the design of the antenna.
 - (e) Rooftop Gardens.
 - (f) Green Roofs.
 - (g) Outdoor dining, street vendors and kiosks shall be permitted and shall be exempt from parking requirements from April 1st to November 1st when located within 1,000 feet of a municipal parking facility, subject to the annual renewal of required zoning approval and to permission by required city agencies. [Amended effective 10-26-2007; 9-30-2011]
- (7) The height, bulk, location and use of all buildings in existence at the time of adoption of this section, which do not conform to this section and any subsequent revisions, are hereby declared to be legally nonconforming and are subject to §118-800, nonconformities, except as modified where necessary to conform to the Flood Hazard Zone and coastal area management provisions of these regulations. The owners of such property shall document by A-2 Survey or other means the height, bulk, location and use of the building as it had previously existed.

C. Lot and building requirements:

All development, ~~including developments within a Design Development Park~~, and building changes in the Central Business District must comply with the Design Guidelines set forth in Central Business Design Guidelines, which accompany the West Avenue/Wall Street Redevelopment Plan dated ~~March 13, 2019, or hereafter amended~~. In addition, all developments, ~~including developments within a Design Development Park~~, are subject to sustainability review by the Redevelopment Agency. See the Schedule Limiting Height and Bulk of Buildings, Central Business District, and all other applicable sections of these regulations, and in addition:

- (1) Cupolas, towers and spires, where not used for habitable space and where not exceeding one percent (1%) of the building area, shall be exempt from the height regulations herein, subject to the approval of the Commission.
- (2) ~~On all arterial roads and on Burnell Boulevard, Commerce Street and Isaac Street, as well as the first twenty five feet on any street intersecting an arterial road(s) or the three additional streets, a portion, as approved by the Commission, of the street-level-floor, fronting the street, must contain a street-activating use. This requirement does not apply to a change in use in an existing building whose street-level is 18" above or below the street-level grade.~~
- (3) ~~All street-level uses on arterial roads and the following streets: Burnell Boulevard, Commerce Street and Isaac Street, streets shall have pedestrian access to an abutting street(s) and provide a welcoming external and active street presence, regardless of whether there is an internal opening to a through block arcade or there is an internal opening to a building or development.~~
- (4) ~~All developments fronting on all arterial roads and the following streets: Burnell Boulevard, Commerce Street, Isaac Street and Maple Street, as well as the first twenty five (25) feet of any intersecting side street, as measured from the building corner, shall provide sidewalks with a minimum width of seven (7) feet, which includes a two foot snow shelf and maintains a five (5) foot clearance at all times from any obstruction. Permanent obstructing features, including utilities shall be limited and approved by the Commission and Redevelopment Agency. Any sidewalk area constructed on private property may be counted toward the required public realm.~~
- (5) Open space shall include natural and landscaped areas, pedestrian plazas, courtyards, walkways, recreation areas and the like. Such open space shall be permitted on the roof of a structure.
- (6) ~~Required or provided Public Realm space(s) shall express Norwalk's traditional New England culture, while serving a diverse, multi-cultural population. Public Realm space(s) shall be consistent with the definition of Public Realm in Article 118-100 of the regulations. The Public Realm space shall be safe, comfortable and respond effectively to the regional climate and surrounding environment.~~
- (7) Buildings listed on the Norwalk Historical Resources Inventory are hereby declared to be in compliance with the height and bulk requirements of this section. External building modifications to such structures shall conform to the guidelines set forth in the Norwalk Business District Design Guidelines.
- (8) ~~All setbacks required by these regulations shall be a minimum of ten (10) feet per story, thirty foot maximum, where development abuts or is directly across the street from a residential use in a residence zone, except that no setbacks shall be required where the abutting property is within a limited access highway or railroad right of way and in a Design District Development Park, a setback of five (5) feet shall be required for multi-family structures that do not exceed four (4) stories and 45 feet. [Added effective 8-30-2002; Amended effective 10-26-2007, 9-26-2014]~~
- (9) Municipal off-street parking structures are exempt from all lot and bulk and height requirements, but not from the applicable design guidelines.

- (10) New developments and additions to structures located in Subarea C that abut the navigable portion of the Norwalk River (south of Wall Street), must contain a water dependent use as defined in CGS 22a-93(16), result in no net loss of existing waterfront use and shall provide public access adjacent to water which is a minimum of fifteen (15) feet wide. Such public accessways shall be in the form of landscaped walks, esplanades, boardwalks or piers of suitable design to encourage active use by the public and shall be dedicated as such in the deed to the property. Access from the street to the water shall be provided subject to Commission approval. Where access along the waterfront would, in the determination of the Commission, expose the public to hazardous conditions, the Commission may consider alternative forms of access to be provided. In addition, the public access shall be considered a public amenity for purposes of eligibility for FAR amenity bonuses.
- (11) The Commission may exempt retail and restaurant uses in Subarea C that abut the navigable portion of the Norwalk River (south of Wall Street), from the average rear setback of twenty-five (25) feet as long as a fifteen-foot minimum public accessway is maintained and the facilities are available for public use.
- (12) Historic structures listed on a local, state or national historic inventory, or properties developed for residential use, including mixed-use developments that do not exceed ten (10) units, are exempt from the recreation area requirement and/or the public realm requirement.
- (13) Properties developed for residential use, including mixed-use developments, greater than ten (10) units, but do not exceed thirty forty (40) units, are, in whole or in part, exempt from the recreation area requirement and/or the public realm requirement provided that an in-lieu fee of such requirement(s) be paid to the downtown public spaces fund of the city and that such fees shall be utilized solely for the acquisition, design and improvement of public parks and open spaces within the Central Business Design District, in an amount determined by the following formula:

The total square footage required for public realm space times \$225 square foot (value of public benefit) times 2.5% (FTA circular 9400.1A)

~~Properties developed for residential use may be exempt from the recreation area requirement, in whole or in part, subject to an in-lieu fee to be paid to the downtown public spaces fund of the city. Such fees shall be utilized solely for the acquisition, design and improvement of public parks and open spaces within the Central Business Design District, in an amount determined by the following formula:
The amount of area in square feet required for recreational space [one hundred fifty (150) square feet times number of dwelling units] times twenty dollars (\$20.) times the Engineering News Record (ENR) Cost Index on the effective date of Commission or Zoning Board of Appeals approval divided by the ENR Cost Index of October 1, 1987.~~

The amount of area in square feet required for recreational space [one hundred fifty (150) square feet times number of dwelling units] times twenty dollars (\$20.) times the Engineering News Record (ENR) Cost Index on the effective date of Commission or Zoning Board of Appeals approval divided by the ENR Cost Index of October 1, 1987.

- (14) Developments and entitlements, previously approved as part of a Design District Development Park or as a Commission approved project in an approved Redevelopment Plan, which were granted: 1) bonus amenities; 2) a reduction in the total number of parking spaces required, beyond any reductions otherwise permitted in the regulations, 3) contain spaces that do not conform to the minimal dimensional standards for parking stalls, and/or 4) exceed the Schedule Limiting Height and Bulk of Buildings, but were compliant with the Zoning Regulations at the time of approval, are hereby declared to be in compliance with the current Zoning Regulations. Modification to an existing development or entitlement, as outlined above, is permitted, provided the standard being modified complies with the current Zoning Regulation. Said modification shall not require full compliance with current Zoning Regulation standards other than the standard being modified and shall not trigger comprehensive review of the underlying development or entitlement.

D. Amenity incentive provisions.

- (1) Eligibility criteria. A project shall be eligible to receive a bonus of additional floor area and/or building height, **subject to the Schedule Limiting Height & Bulk of Buildings for the CBD Zone**, if space is provided within the project for public amenities, improvements or facilities set forth herein subject to approval by the Commission and to the project's compliance with the provisions of this section, including the following criteria:
- (a) The overall design of the project and the specific amenities proposed are appropriate to the site, consistent with the design guidelines and contribute to the improvement of the downtown pedestrian environment.
 - (b) The applicant records a covenant on the land records which ensures the continuous operation and maintenance of the amenity and that such covenant shall run with the land. The applicant, or the City of Norwalk, or other entity will be responsible for the continuous operation and maintenance of the amenity. The amenity, once designated, may only be changed with the approval of the Commission. [Amended effective 10-26-2007]
 - (c) The project conforms to all other provisions of these regulations.
 - (d) The amenity must be clearly identified as a facility available for public use.
- (2) Amenity specifications. The following site amenities are hereby deemed to be mutually exclusive and cumulative:
- (a) Atrium: a continuous, open space enclosed within a structure which extends a minimum of two (2) stories in height without obstruction and admits substantial amounts of natural daylight from transparent overhead skylights and windows which comprise at least fifty percent (50%) of the enclosing ceiling and walls. The atrium must be within thirty (30) feet of a public right-of-way or plaza, be clearly designated as open to the public during business hours common to the area, provide a minimum of one (1) linear foot of seating space per thirty (30) square feet of atrium floor area and have minimum horizontal dimensions of twenty-five (25) feet. In addition, the atrium must be contiguous with retail store frontages along at least fifty percent (50%) of its perimeter.
 - (b) Child day-care center: a facility located within the project or on an adjacent Central Business Design District lot which provides child-care programs on an ongoing basis, has a maximum area of ten thousand (10,000) square feet and for which a minimum five-year lease agreement has been secured prior to the issuance of a certificate of occupancy for the project. The facility should be provided to the day-care operator at nominal rental rates to permit its services to be affordable to a wide range of working families.

- (c) Fountain/water feature: a fountain, cascade, stream or other water display, which is a minimum of ~~five hundred 250~~ **500** sf, located in an unenclosed, publicly accessible space and is maintained in operating condition throughout the year, except when weather conditions prohibit such operation.
- (d) Green Infrastructure: green roofs, solar panels, rain gardens or other collection means, geothermal, pervious paving, LEED Silver construction or its equivalent, or other acceptable industry practices.
- (e) Pedestrian plaza: a continuous open space no more than three (3) feet above or below the center-line elevation of the street and abutting a designated pedestrian right-of-way, which is open to the public at all times, provides a minimum of one (1) linear foot of seating space per thirty (30) square feet of plaza and has a minimum street frontage and horizontal width of twenty-five (25) feet and a maximum area of ~~three thousand (3,000)~~ **five thousand (5,000)** square feet. At least twenty percent (20%) of the plaza area shall be landscaped with shrubbery and trees, and the remaining area shall be hard-surfaced pavements which conform to the streetscape standard. The applicant shall demonstrate that the plaza has adequate sun exposure and that it will be available for use by properly licensed street vendors. The Commission may exempt waterfront esplanades from street frontage requirements if adequate access from the street to the esplanade is provided.
- (f) Public Art: works of art which are permanently on display and available for public viewing, interaction and enjoyment. The determination of whether a particular work of art is appropriate and eligible for an amenity bonus shall be at the discretion of the Zoning Commission and Redevelopment Agency in consultation with the Arts Commission.**
- (g) Public parking facilities: parking spaces provided in excess of those required for the approved project and dedicated for use by the general public for short-term (transient) parking. These spaces should be located on the level of a parking garage closest to the street and/or primary entrance to the projects and should be clearly designated as available for public parking.
- (h) Sidewalk arcade: a continuous space covered by a permanent overhead roof which extends along the facade of a building twelve (12) feet above the average grade of an adjacent public right-of-way or plaza and, if enclosed, has a minimum of eight-foot wide entrances located no more than twenty-five (25) feet apart along the length of the arcade. The arcade must be contiguous with retail store frontages along at least seventy-five percent (75%) of its length.
- (i) Through-block arcade: a continuous enclosed space which runs through a structure connecting a public street to another public street, parking garage or open space at the rear of the structure. The arcade must be open to the public during business hours common to the area, have a minimum width of fifteen (15) feet and be contiguous with retail store **or restaurant** frontage along at least fifty percent (50%) of its length. [Amended effective 6-26-2015]
- ~~(h) Wider sidewalks: A wider sidewalk, public and/or private, with a minimum width of fifteen feet (15') as measured from curb to building front, with limited obstructing permanent features which conforms to the Norwalk Business District Design Guidelines streetscape standards, is designed to facilitate pedestrians, and is open to the public seven (7) days a week. [Added effective 10-26-2007; Amended effective 2-26-2016]~~

- (3) Amenity schedule: A proposed site amenity which complies with the standards set forth above shall be eligible for bonus floor area **as set forth in the following table:**

Public Amenity	Bonus Floor Area*
Atrium	6:1
Day Care Center	6:1
Fountain/Water Feature	5:1
Green Infrastructure Roofs w/in DDP	2:1
Pedestrian Plaza	2:1 4:1
Public Art	10:1
Public Parking Facility	4:1
Sidewalk Arcade	2:1
Through-Block Arcade	8:1
Waterfront Public Access	2:1

*Bonus floor area is measured as a ratio indicating the square feet of permitted development (exceeding the as-of-right FAR) for each qualifying square foot of amenity. The **amenity(s) must have a minimum value of \$225/square foot of bonus floor area times 2.5% (FTA circular 9400.1A).**

and/or height as set forth in Table 1: Schedule of Bonus Factors. (Amended effective 2-26-2016)

Table 1: Schedule of Bonus Factors

Public Amenity	Bonus Floor Area*	Height Bonus (stories/feet)
Atrium	6:1	1/12
Day Care Center	6:1	2/24
Fountain/Water Feature	5:1	
Green Roofs w/in DDP	2:1	
Pedestrian Plaza	4:1	
Pedestrian Plaza w/in DDP	2:1	2/24
Public Parking Facility	4:1	1/12
Sidewalk Arcade	2:1	
Through Block Arcade	8:1	2/24
Wider Sidewalks	2:1	

*Bonus floor area is measured as a ratio indicating the square feet of permitted development (exceeding the as-of-right FAR) for each qualifying square foot of amenity. , subject to FAR and height caps for each subarea:

**Within DDP, bonus height in a design district development park shall be setback a minimum of eighty feet (80') from the borders of the design district development park, including from all development park property lines adjacent to or across the street from a residence zone, and the floor area of The additional stories provided by the height bonus shall not exceed the bonus floor area. [Added effective 10-26-2007]

E. Off-street parking and loading requirements. See §§ 118-1200 through 118-1260, except that:

- (8) Properties developed for multifamily residential use may submit a written request to utilize the transit oriented development (TOD) parking requirements shown in Section 118-700 D.(2) to allow one (1) parking space per studio dwelling unit, one (1) parking space per one (1) bedroom dwelling unit and two (2) parking spaces per two (2) bedroom or larger dwelling unit provided that the amount of parking spaces provided shall in no event be less than an average of 1.30 parking spaces per dwelling unit; subject to the submittal of a Parking Management Plan and to Commission review and approval. [Added effective 10-24-2014] G. Sign regulations. See §§ 118-1290 through 118-1295 of the regulations.

~~G. Sign Regulations. See §§ 118-1290-1295 of the regulations.~~

~~H. The Central Business Design District shall not apply to buildings for which a zoning permit has been issued or Commission approval granted prior to October 1, 1987. Such buildings may be completed in accordance with plans filed with the Zoning Inspector or Commission prior to such date.~~

Amend Section 118-1050, Workforce Housing Regulation, by adding new text and revising the existing text for the specific uses shown below, to read as follows:

A. Purpose and intent. It is recognized that a shortage of affordable workforce housing exists in Norwalk for persons of moderate income; that such shortage is detrimental to the public health, safety and general welfare and to economic development; and that existing housing programs, by themselves, are insufficient to meet the needs of the workforce and moderate-income households. The purpose of this regulation is to provide for a full range of workforce housing options, with a priority given to ownership housing, and to increase the supply of workforce housing units affordable to persons of moderate incomes by encouraging the construction of such housing units within specified multifamily and mixed use developments. It is intended that private developers who construct developments with moderately priced workforce housing units pursuant to these regulations will realize a reasonable profit therefrom.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

WORKFORCE HOUSEHOLD -- A household with an annual income which does not exceed eighty percent (80%) or, where required, sixty percent (60%) or one hundred percent (100%), of the State of Connecticut Median income, as adjusted for family size, as published by the United States Census Bureau and periodically updated by the U. S. Department of Housing and Urban Development (HUD). Household eligibility determinations shall be made in accordance with the income criteria in Section 8-30g-8 of the regulations of Connecticut State Agencies.

WORKFORCE HOUSING UNIT -- A dwelling unit occupied by a workforce household where the maximum sales price or rent shall be restricted in perpetuity for the life of the unit in accordance with the maximum housing payment calculations as described in Section 8-30g-8 of the regulations of Connecticut State Agencies.

RESALE -- Any transfer of original ownership interest in a workforce housing unit to a new owner other than an original owner's spouse or co-owner.

C. Regulations for Workforce Housing.

(1) **Applicability:** The workforce housing regulation shall apply to all multifamily and mixed-use developments in the following zones:

- Central Business District (CBD)
- Commercial Planned Residential Development
- Executive Office Zone
- Business No. 1 Zone
- Business No. 2 Zone
- D Residence Zones
- Golden Hill Village District
- Hospital Zone
- Industrial Zone No. 1
- Light Industrial Zone No. 2
- Marine Commercial Zone
- Neighborhood Business
- Reed-Putnam Design District
- Rowayton Avenue Village District
- SoNo Station Design District (SSDD)
- South Norwalk Business District
- Restricted Industrial
- Washington Street Design District

- (2) ~~For~~ Developments of twenty (20) or more dwelling units shall designate ~~in accordance with these workforce housing regulations. Where required by these regulations, applicable developments shall provide~~ a minimum of ten percent (10%) of the total number of units, rounded up to the nearest whole number, as workforce housing units, affordable to ~~workforce~~ households, in accordance with Section 8-30g-8 of the regulations of Connecticut State Agencies, ~~as delineated below~~; except that, developments of twelve (12) or more units in the **CBD and SSDD** shall designate a minimum of ten percent (10%) of the total number of dwelling units as workforce housing units, provided that:
- a) Any three-bedroom dwelling unit, designated as a workforce housing unit, complying with §118-1050 C(2)A, may count each three-bedroom unit as two workforce housing units for purposes of complying with the ten percent (10%) requirement for the zone, provided that the aggregate number of three-bedroom dwelling units in such a development that are counted as two affordable dwelling units shall not exceed the aggregate number of non-affordable three-bedroom dwelling units in such development **and the remaining workforce housing units are proportional to the overall unit mix within the development**; and
 - b) A minimum of ten percent (10%) of the total number of dwelling units, rounded up to the nearest whole number, shall be affordable to households earning no more than sixty percent (60%) of the state median income; or,
 - c) A minimum of ten percent (10%) of the total number of dwelling units, rounded up to the nearest whole number, shall be affordable to households earning no more than eighty percent (80%) of the state median income. In addition, a one (1) percent fee, based on residential construction cost, shall be paid to the city of Norwalk and placed into a fund to be used to construct affordable housing for individuals of lower income levels or families whose annual income does not exceed 60% of the state median income. Developments that utilize this provision are not required to provide more than one parking space per dwelling unit and may reduce recreation space to 100 square feet per unit. (Added effective 4-27-2018)
- (3) The workforce housing units shall be offered for sale or rent to workforce households, or to a municipal agency or a nonprofit housing agency, who shall offer the workforce housing units to workforce households, in accordance with the following priority designations:
- (a) Existing tenants displaced by the proposed new development or the immediate past tenants that previously occupied any of the properties where existing housing units are to be removed. (Added effective 2-26-2016)
 - (b) Employees of the City of Norwalk and the Norwalk Board of Education; Residents of the City of Norwalk who have resided in the City of Norwalk a minimum of one (1) year prior to the issuance of a certificate of occupancy; and Persons employed in the City of Norwalk.
 - (c) All others.
- (4) The annual income of workforce households shall be reviewed and certified by the Commission, or its designee, in accordance with a procedure established in advance and approved by the Commission.
- (5) The Commission, or its designee, shall maintain a list of eligible workforce households in each category. Applicants shall be selected by lottery, conducted in accordance with a procedure established in advance of said lottery and approved by the Commission.
- (6) The Commission, or its designee, shall exhaust all qualified applicants in a given category of priority before proceeding to a lower category of priority.
- (7) The selected workforce household shall reside in the designated workforce housing unit.
- (8) Workforce housing units for sale shall not exceed the maximum purchase price as calculated in accordance with the maximum housing payment calculations in set-aside developments as per Section 8-30g-8 of the regulations of Connecticut State Agencies, as adjusted for family size.

- (9) Workforce housing units for rent shall not exceed the maximum monthly rent as calculated in accordance with the maximum housing payment calculations in set-aside developments as per Section 8-30g-8 of the regulations of Connecticut State Agencies, as adjusted for family size. However, within the **CBD and SSDD**, should household earning increase after initial tenancy, such unit shall be considered to be in compliance with the provisions of this regulation, provided eligible household income does not exceed eighty (80) percent of state median income.

D. Bonus Provisions.

- (1) Where the workforce housing units are located in one of the zones listed below and constructed on the same site and as an integral part of a new market rate development, the Commission shall allow an increase in the permitted number of dwellings (density) by not more than twenty percent (20%), provided that such bonus units shall comply with the bonus unit criteria shown below: (Amended effective 4-27-2018)

- Central Business Design District
- South Norwalk Business District
- Washington Street Design District
- Reed-Putnam Design District

Density Bonus Provisions	Maximum Household Income Criteria	Ratio of Bonus market rate units to Bonus workforce units
Up to Additional 20% bonus density	60% of State Median Income	2 market rate: 1 workforce unit
	80% of State Median income	1.5 market rate: 1 workforce unit

- (2) Once the above criteria is met, the Commission shall allow an increase in the permitted number of dwellings (density) by an additional ten percent (10%), up to thirty percent (30%) maximum, provided that the bonus units may comply with the bonus unit criteria shown below:

Density Bonus Provisions	Maximum Household Income Criteria	Ratio of Bonus market rate units to Bonus workforce units
Additional 10%	100% of State Median income	1 market rate: 1 workforce unit

- (3) In developments where such bonus units are proposed, the Commission shall modify the yard, building area and floor area ratio requirements of the zone in which the property is located, up to a maximum of ten percent (10%) and, permit one (1) additional story, solely where the applicant has demonstrated and the Commission determines that such modifications will not adversely affect adjacent properties or the public health, safety and welfare.

E. Additional standards.

- (1) Workforce Housing Affordability Plan: Workforce housing units shall be reasonably dispersed throughout the development and shall contain, on average, the same number of bedrooms and the same quality of construction as the other units in the development, as detailed in an Affordability Plan submitted by the applicant. Such plan may allow for equity sharing.

For properties located in the CBD or SSDD, the plan should include a reference to the one (1) percent fee, based on residential construction cost, that is paid to the City of Norwalk, and placed into a fund to be used exclusively for the construction or rehabilitation of affordable housing for individuals of lower income levels or families whose annual income does not exceed sixty percent (60%) SMI.

- (2) Workforce housing units shall be developed simultaneously with or prior to the development of the other units.

- (3) Workforce Housing Deed Restrictions: In order to maintain workforce housing units as affordable in perpetuity for workforce households, the following restrictions shall apply:
- (a) Workforce housing units for sale shall be restricted by title to require that, in the event of any resale by the owner or any successor, the resale price shall not exceed the then maximum sales price for said workforce housing unit, as determined in accordance with Subsection C(8) above or the sum of the original purchase price and the cost of any documented fixed improvements made by the owner, whichever is greater.
 - (b) Workforce housing units for rent shall be restricted by title to require that the rents for said units shall not exceed the maximum rent as determined in accordance with Subsection C(9) above.
- (4) Where these regulations result in a fraction, the result shall be rounded up to the nearest whole number.

F. Location of workforce units.

- (1) Workforce housing units shall be built on the same site as the proposed development, as provided herein. [Amended effective 2-27-2015]

G. Fee-In-Lieu Payment

- (1) Alternative method of Compliance: Pursuant to an application for a Special Exception, the Commission shall allow an alternative method of satisfying the workforce housing requirement, including the payment of an appropriate in-lieu housing fee.
- (2) The workforce housing unit requirement may be satisfied, in whole or in part, through the payment of a "Fee-in-lieu" cash contribution to a City of Norwalk fund, or other Commission approved non-profit or for-profit organization dedicated to affordable housing initiatives. Off-site workforce housing units created with such funds shall be maintained as affordable in perpetuity and in the same manner as on-site workforce housing units. The cash contribution to be provided shall be calculated based on the applicable State of Connecticut median income, as periodically revised, and on the unit (bedroom) size as described in the Affordability Plan, and on the following criteria:
- (a) Units affordable to households earning sixty percent (60%) of the applicable median income shall require a cash contribution not less than three hundred and seventy percent (370%) of the State Median Income*
 - (b) Units affordable to households earning eighty percent (80%) of the applicable median income shall require a cash contribution not less than two-hundred and seventy percent (270%) of the State Median Income*
 - (c) Units affordable to households earning one hundred percent (100%) of the applicable median income shall require a cash contribution not less than two-hundred and twenty percent (220%) of the State Median Income*

Sample 2006 cash contribution for a workforce housing unit:

Units for households @ 60% of state median income: $\$81,000 \times 370\% = \$299,700$

Units for households @ 80% of state median income: $\$81,000 \times 270\% = \$218,700$

Units for households @ 100% of state median income: $\$81,000 \times 220\% = \$178,200$

- (3) Where the contribution is targeted to assist an identified off-site project providing affordable workforce housing, the Commission shall condition the issuance of certificates of occupancy for the development project with the completion of the off-site workforce housing units and/or establish other reasonable performance conditions necessary to insure

that the off-site work force housing units will be built in a timely manner.

- (4) The in-lieu fee shall be paid according to the following schedule:
- (a) Twenty-five percent (25%) prior to the issuance of a building permit.
 - (b) Twenty-five percent (25%) prior to the renting or sale of twenty-five percent (25%) of the dwellings.
 - (c) Fifty percent (50%) prior to the renting or sale of fifty percent (50%) of the dwellings.

Bonus Density for Multifamily Development by Zoning District

Zone	Existing Density for Multifamily Development	Density with bonus
SoNo Station Design District	87 units/acre 500 sf of lot area per dwelling unit	10% 95 units/acre 20% 104 units/acre 30% 113 units/acre
South Norwalk Business District	26 units/acre 1,650 sf of lot area per dwelling unit	10% 29 units/acre 20% 32 units/acre 30% 34 units/acre
Central Business Design District	87 units/acre 500 sf of lot area per dwelling unit 54 units/acre 800 sf of lot area per du Subareas A/B 33 units/acre 1,300 sf of lot area per du Subarea C	10% 95 units/acre 20% 104 units/acre 30% 113 units/acre 10% 60 units/acre Subareas A & B 37 units/acre Subarea C 20% 65 units/acre Subareas A & B 40 units/acre Subarea C 30% 71 units/acre Subareas A & B 43 units/acre Subarea C
Washington Street Design District	No density limit: 600 sq ft of building area devoted to such uses	
Reed-Putnam Design District	62 units/acre 700 sf of lot area Subarea D 29 units/acre 1,500 sf of lot area Subareas C & E	10% 69 units/acre Subarea D 32 units/acre Subareas C & E 20% 75 units/acre Subarea D 35 units/acre Subareas C & E 30% 81 units/acre Subarea D 38 units/acre Subareas C & E

Link to DECD Affordable Housing Appeals Act Regulations:

<http://www.ct.gov/ecd/cwp/view.asp?a=1095&Q=307632&PM=1#g8>

Amend Article 120, Section 118-1220 Off-Street Motor Vehicle Parking Requirements by adding new text and revising the existing text for the specific uses shown below, to read as follows:

Use	Parking Requirement
<p>(3) Multi-Family Residence Amended effective 7-11-1980; 1-16-1987; 5-18-2001</p>	<p>1) 1.3 parking spaces per dwelling unit; 2) for mixed use developments, the greater of 1.3 parking spaces per residential unit or the aggregate, after applying any applicable mixed-use reductions listed in §118-1220E, of the total required parking spaces for commercial uses and residential units parked at 1 space per unit.</p>
<p>(3) Residence (other) (Amended effective 1-11-1978; 9-29-1978) Planned residential development Planned residential development, elderly Congregate housing (Added effective 7-25-1980) Commercial planned residential development (Added effective 1-16-1987) Housing for the elderly (Amended effective 7-30-99) Artist Live/Work Space</p>	<p>2 parking spaces per dwelling unit 1 parking space per 2 dwelling units 1 parking space per 4 dwelling units 1.5 parking spaces per studio or 1-bedroom dwelling unit; 2.0 parking spaces per 2-bedroom or larger dwelling unit (A dwelling unit with 4 or more rooms shall count as 2 bedrooms.) 1 parking space per unit 0.5 parking spaces per unit</p>
<p>(6) Auditoriums, stadiums, theaters, and places of assembly</p>	<p>1 parking space per 5 seats, based on the maximum seating capacity, except that in the CBD, no parking is required provided the property is within 1,000' of a municipal parking facility.</p>
<p>(#) Libraries</p>	<p>No parking is required provided the property is within 1,000' of a municipal parking facility</p>
<p>(12) Retail stores (a) Retail stores, including personal and business service establishments, and retail accessory to boutique manufacturing (b) Retail furniture stores (c) Nail Salons (d) Retail home improvement stores</p>	<p>1 parking space per 200 square feet of active commercial floor area, except that in the CBD and SSDD, 1 parking space per 1,000 square feet of active commercial area. 1 parking space per 400 square feet of gross floor area 1 parking space for each chair or station 1 parking space per 350 square feet of gross floor area</p>

- E. Where one (1) establishment has two (2) or more distinct uses, each such use shall be measured separately for the purpose of determining the number of parking and loading spaces required. However, for mixed-use projects, the parking required for one use may be met in part by the parking provided for another use where it can be sufficiently demonstrated to the satisfaction of the Commission that the two uses have different peak hours, in accordance with the following criteria:

MIXED USE PARKING OVERLAP CRITERIA

		Reduction in parking requirement
Office	Residential	50%
Office	Hotel	50%
Office	Theater	50%
Office	Retail	30%
Office	Restaurant	30%
Residential	Retail	25%
Residential	Restaurant	10%
Retail	Restaurant	10%

Note: Must reduce the larger by the percent listed, but no more than the number provided by the lesser.
 For purposes of the mixed-use overlap, office includes medical office.

A use which occurs predominantly during the weekday and daytime hours shall not be changed to a use which does not occur predominantly during the weekday and daytime hours. Parking facilities for mixed use developments shall not limit the use of or place any restrictions on the shared parking spaces and shall not reserve or restrict the use of any parking spaces for specific office or retail tenants or residential units. (Added effective 10-26-2007; amended effective 12-21-2007)

In addition to the mixed use parking overlap criteria above, the Commission may, by Special Permit, allow a mixed-use project, to reduce up to an additional ten percent (10%) of the parking required under these regulations, provided that:

- i. the total square footage of the development exceeds 250,000 SF;
- ii. more than 500 parking spaces are required as part of the development;
- iii. the development, has three (3) or more distinct uses; and
- iv. it is demonstrated to the satisfaction of the Commission that the nature of the development, or its uses and the factors which determine parking demand, result in fewer parking spaces to meet actual parking needs than required by these regulations.

L. Municipal parking in Norwalk Center. [Added effective 12-24-1992]

- (1) No off-street parking shall be required for a change of use within an existing structure provided the structure is no more than (1,000) one thousand feet of a municipal parking facility, as measured along a public right-of-way.
- (2) Additions to structures listed on a local, state or national historic inventory are exempt from providing parking provided that:
 - a. A narrative, prepared by a Historic Architect, shall be submitted with the application describing in detail the proposed work to be done to the exterior of the historic structure. The Historic Architect shall be qualified for "Historic Architecture" as listed under 35 CFR Part 61 of the Secretary of Interior's Professional Qualification Standards and submit proof of same;
 - b. The proposed revisions are consistent with the Secretary of the Interior Standards for Rehabilitation, numbers 9 and 10, or as amended:

“New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.”

“New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired”;

- d. The proposed number of stories does not exceed four (4);
 - e. The lot area does not exceed one quarter (1/4) acre;
 - f. Any additions proposed above an existing structure is sufficiently set back from the existing façade so the addition does not detract from the existing façade and there is a clear delineation between the existing façade and the addition;
 - g. The Commission shall refer the application to the Historical Commission for review and recommendations, who may also refer the application to the State Historic Preservation Office for comment. If the Historical Commission does not endorse the application, a 2/3 majority vote of the Zoning Commission is required for approval;
 - h. The Commission determines the structure(s) in question contribute to community character or possesses a degree of historic significance (to be evidenced by its age, architectural uniqueness, or cultural value);
 - i. The proposed development complies with the bulk and height requirements in Schedule Limiting Height and Bulk of Buildings.
- (3) For **all new construction** on properties with street frontage on West Avenue, Belden Avenue, Wall Street and Main Street, the principal use and structure shall be located between the street line of the above-mentioned streets and all parking facilities. Underground parking facilities, the roofs of which are less than three (3) feet above the center-line elevation of the street, shall be exempt from this requirement. Properties with street frontage other than those noted shall provide a ten-foot buffer between all parking facilities and the street line.
- (4) Parking areas and structures located in ~~Subarea C~~ **CBD-W** shall be set back twenty-five (25) feet from the mean high-water mark and shall be suitably landscaped to provide an appropriate transition between the public accessway and parking facilities.
- (5) The required amount of loading may be met on the same lot where the use occurs or on an adjacent lot, subject to approval by the Commission.
- (6) Wherever possible, vehicle access to parking and loading facilities shall be confined to less active, secondary streets and shall utilize a minimum of curb cuts. [Amended effective 10-26-2007]
- (7) A minimum ten-foot buffer is required for at-grade parking areas which abut a residence zone. Parking structures shall be subject to Subsection D(2) herein.
- (8) For mixed-use projects, twenty percent (20%) of the parking required for the residential use may be met by the parking provided for the nonresidential use. However, where it can be sufficiently demonstrated to the satisfaction of the Commission that a nonresidential use occurs predominantly during the weekday and daytime hours, for example, offices, then up to fifty percent (50%) of the parking required for the residential use may be met by the parking provided for such nonresidential uses. A use which occurs predominantly during the weekday and daytime hours shall not be changed to a use which does not occur predominantly during the weekday and daytime hours.
- (9) **By a 2/3's vote, the Commission may, by Special Permit, allow** automated parking ~~shall be permitted~~ for developments requiring two hundred (200) parking spaces or more and located entirely within the CBD, ~~Subarea A~~, subject to approval by the Commission. [Added effective 8-29-2008]

- (7) ~~In a Design District Development Park, the Commission may reduce up to thirty percent (30%) of the parking required under these regulations where it can be sufficiently demonstrated to the satisfaction of the Commission that the nature of the Park or its use and the factors which determine parking demand result in fewer parking spaces to meet actual parking needs than required by these regulations. The Commission, in making this determination shall take into account the number of on-street parking spaces existing or being provided on public streets within or immediately adjoining the development park. In a Design Development Park, parking structure where more than half the spaces are designed for multifamily residential uses, the Commission may permit a portion of the parking stalls to be reduced in length provided that there are no obstructions to the flow of traffic, public safety is not impacted and the parking layout complies with the standards shown below: [Added effective 10-26-2007, amended effective 1-29-2016]~~
- ~~(a) At least seventy five percent (75%) of the parking stalls shall comply with the dimensions required for full-size vehicles; and~~
 - ~~(b) Not more than ten percent (10%) shall be parking stalls that are reduced in length to eighteen (18) feet; and~~
 - ~~(c) Not more than fifteen percent (15%) shall be parking stalls that are reduced in length to seventeen (17) feet; and~~
 - ~~(d) Not more than five percent (5%) shall be parking stalls that are reduced in length to fifteen (15) feet and such stalls shall have signs placed in appropriate locations indicating PARKING FOR COMPACT VEHICLES ONLY.~~
- (10) ~~When the off-street parking requirement cannot be physically met on the subject property, they for any change of use within an existing structure or for additions of less than one thousand (1,000) square feet, where the subject property is located within an area defined as "Municipal Parking Permit Fees Required" as shown on a map entitled "Designated Properties for Fees in Lieu of Parking," may be met in whole or in part by utilizing fee-in-lieu of parking as outlined in §118-1222 and obtaining annual parking passes at a municipal parking facilities, subject to the following conditions:~~
- ~~(a) One (1) parking pass is obtained for each required space.~~
 - ~~(b) The subject site is within the CBD Zone and no more than (600 1,000) six hundred one thousand feet of a municipal parking facility, as measured along a public right-of-way. Not more than twenty five percent (25%) of the spaces in the Isaacs Street, Leonard Street, Main and High Street or the Wall Street Municipal Lots or the Yankee Doodle Municipal Garage are utilized to meet such off-street parking requirements and that such spaces are within~~
 - ~~(c) The applicant property owner shall present to the Zoning Officer proof that the appropriate number of annual parking permits have been obtained, or if the use is temporary, that six month permits have been obtained.~~
 - ~~(d) Prior to receiving a zoning approval, the applicant shall sign an affidavit guaranteeing that the same number of parking spaces will be renewed annually as long as the use exists and shall establish an escrow account in an amount equivalent to three (3) years of such parking fees. Should the use be terminated prior to the end of the three-year period, a prorated balance shall be returned to the applicant.~~
- (11) **Curb-Cut Reduction Credit - The Commission may, by Special Permit, permanently grant a property a reduction of one (1) on-site parking space for each on-street public parking space added through the removal and or reduction of curb-cuts, provided the Commission makes affirmative findings that the proposed development will result in a significant community benefit such as:**
- (a) consolidation of two or more parcels into a meaningful master plan,**

- (b) excellence in design which enhances the pedestrian experience and overall streetscape (such as avoiding driveways interrupting the sidewalk), and/or
- (c) other meaningful public amenities.

~~N. Library Parking Requirements~~

~~(1) No off-street parking shall be required for a municipal library, where the subject property is located within six hundred feet (600') of a municipal parking lot. [Added effective 11-28-2003]~~

Amend 118-1222. Payment in lieu of parking. [Added effective 2-27-1987; amended effective 7-28-2000; amended effective 11-28-2008; amended effective 4-30-2010]

A. Purpose. Within the Central Business District and South Norwalk Business District, when the off-street parking requirement cannot be physically met on the subject property, they may be met in full or in part by the payment of a fee-in-lieu of parking to the city. Such payments will allow the City of Norwalk to acquire land, finance, design, construct and carry out capital repairs and perform other necessary and desirable actions to provide municipal off-street parking facilities in the designated area.

~~The purpose of this regulation is to allow land uses within the Norwalk and South Norwalk business-district to meet the off-street parking requirements, in full or in part, by the use of municipal parking-facilities, subject to the payment of an in-lieu parking fee to the city. Such payments will allow the City of Norwalk to acquire land, finance, design, construct and carry out capital repairs and perform other-necessary and desirable actions to provide municipal off-street parking facilities in the designated area.~~

B. Applicability. By a 2/3's vote, the Commission may, by Special Permit, allow for a permanent reduction of all or a portion of the parking spaces required, provided the applicant pays a fee-in-lieu-of the required parking spaces, provided that:

- (1) Funds collected from such payments shall be deposited and used solely in accordance with the provisions of Section 8-2c of the Connecticut General Statutes and hereafter ~~may be amended from time to time.~~
- (2) ~~The Commission may, upon written application, may permit the payment of a fee by an applicant who is the owner or developer of a designated property, as defined below, for the purposes set forth in Subsection A hereof, subject to the following:~~
- (3) ~~A payment of a fee in lieu of parking shall apply only to new construction. ,additions to existing buildings of one thousand (1,000) square feet or greater, and to changes in use not eligible to use municipal parking facilities as described in § 118-1220L, 118-1220M and 118-501E [Added effective 12-24-1992; 7-28-2000]~~
- (4) ~~Payment of a fee in lieu of parking shall be limited to certain properties within 1,000 feet from a municipal parking facility. designated by the Commission as being within a reasonable walking-distance of a municipal parking facility or land designated for use as a municipal parking facility. The designated properties are shown on a map entitled "Designated Properties for Fees in Lieu of Parking," as such map may hereinafter be amended.~~
- (5) Any off-street parking requirement met in this manner shall constitute a covenant running with the land such that a change in ownership shall not require payment of an additional fee, **aside from required annual parking passes.** [Amended effective 12-24-1992]
- (6) **One (1) parking pass is obtained for each required space and not more than 25% of the space in a municipal lot are utilized to meet such off-street parking requirements.**
- (7) **The property owner shall present to the Zoning Officer proof that the appropriate number of annual parking permits have been obtained.**

- (8) Prior to receiving a zoning approval, the applicant shall sign an affidavit guaranteeing that the same number of parking spaces will be renewed annually as long as the use exists and shall establish an escrow account in an amount equivalent to three (3) years of such parking fees. Should the use be terminated prior to the end of the three-year period, a prorated balance shall be returned to the applicant.
- (9) Properties that are within 1,000 feet of a municipal parking facility may not obtain a variance from the ~~In the event that the~~ Zoning Board of Appeals. ~~grants a variance for all or a portion of the required parking spaces of any designated property, such variance shall be granted only upon the condition that the applicant make payment to the City of Norwalk in accordance with the provisions of this section for the varied number of spaces.~~
- (10) The Commission shall conduct an annual review of the use of fee-in-lieu, in conjunction with the Norwalk Parking Authority to evaluate the effectiveness of the regulation and the structure of the fee.

C. ~~Establishment of a special fund.~~ The fee shall be determined as follows:

(1) The payment of fee in lieu of parking for new construction shall be determined by the following formula: Payment in Lieu of Parking Fee

- (a) No. of spaces X ~~\$20,000 X ENR* Cost Index;~~ or on effective date of Zoning or Zoning Board of Appeals Approval ENR* Cost Index on July 19, 2000

(2) The payment of fee in lieu of parking for a change in use requiring more parking shall be determined by the following formula:

- (a) No. of spaces X ~~\$15,000 X ENR* Cost Index;~~ or

*NOTE: ENR means the publication Engineering News Record.

(3) ~~Funds collected from such payments shall be deposited and used solely in accordance with the provisions of Section 8-2c of the Connecticut General Statutes, as may be amended from time to time. [Amended effective 11-28-2008]~~

D. Conditions of payment.

Article 120: Off-street Parking & Loading regulations

- (1) One hundred percent (100%) of the payment due for each designated property choosing to utilize this regulation shall be made to the City of Norwalk prior to the issuance of a **building zoning** permit to the applicant. The city may accept twenty-five percent (25%) of the payment prior to the issuance of a building permit and the balance prior to the issuance of a certificate of occupancy at the discretion of the Commission.
- (2) Funds paid to the City of Norwalk as a fee in lieu of parking shall not be refundable for any reason.
- (3) Nothing herein shall be deemed to require the city to undertake the acquisition, construction, expansion or development of any particular off-street public parking facility.

Amend Schedule Limiting Height & Bulk of Buildings & Size of Lot by revising the schedule for Central Business District (CBD), as follows:

Central Business District	REVISED CRITERIA	
MAXIMUM HEIGHT	<p>6 stories, 75 ft, except that:</p> <ol style="list-style-type: none"> 1. Through the granting of a special permit and approval from the Redevelopment Agency, Building height and number of stories on West Avenue may be increased to: <ol style="list-style-type: none"> a. 7 stories, 85 ft. provided that a minimum of two (2) stories are comprised of commercial uses. b. 8 stories, 100 ft, provided that a minimum of three (3) stories are comprised of commercial uses. c. 10 stories, 120 ft. for hotels. 2. Commerce St., Isaac St. & Wall St., shall not exceed 4 stories, 55 ft: except that developments may be built to 5 stories, 65 ft, provided 2 amenity bonus provisions are included, as approved by the Commission and Redevelopment Agency. 3. Belden Ave, Burnell Blvd, Cross St, Main St, North Ave & Smith St, shall not exceed 4 stories, 55 ft.; except that developments may be built to 6 stories, 75 ft, provided 3 amenity bonus provisions are included, as approved by the Commission and Redevelopment Agency. 	
ADDITIONAL HEIGHT STANDARDS	<p>Any stories above the fourth floor, when fronting on a street, must be setback at least ten (10) feet from the fourth floor building façade.</p> <ol style="list-style-type: none"> 1. The upper story facades, commencing at either the third, fourth or fifth floor, must be set back a minimum of ten (10) feet from the second floor building façade. However, through the granting of a special permit, the Commission may eliminate the 10-foot upper story setback requirement provided they make an affirmative finding that: <ol style="list-style-type: none"> a. the proposed design will provide for excellence in design which enhances the pedestrian experience and overall streetscape; and b. due to the location and/or design of the proposed use and the size of existing neighboring structures, no neighboring property will be adversely impacted by such structure. 2. When abutting a residential use in a residential zone, or a religious use, any story above the fourth floor shall be set back a minimum of 20 feet from the property line. 3. In a Special Flood Hazard Area, height shall be measured above Base Flood Elevation in the manner described in §118-1100. 	
MINIMUM HEIGHT	2 stories or 30 feet for buildings within 200 feet of a public street.	
MINIMUM SIZE OF PLOT	AREA	10,890 SF
	WIDTH	50 feet
MINIMUM YARDS	FRONT	None
	SIDE	None
	AGG SIDE	None

	REAR	10 feet
MAXIMUM FRONT YARD		10 feet from the property line or from the edge of any public improvements required as part of the development
MAXIMUM BUILDING AREA		90% for buildings with a minimum of 15% open space, provided that, in mixed use developments, a minimum 20% open space is required, of which a minimum of 10% must be devoted to Public Realm Uses
RECREATION AREA		150 sq ft per dwelling unit may include balconies, courtyards, indoor recreational facilities, landscaped roofs and outdoor recreational areas
RESIDENTIAL DENSITY		1 dwelling per 500 sq ft of land area
FLOOR AREA RATIO		3.0, except that: a. 4.0 for hotels, through the granting of a special permit b. 4.0 for buildings greater than 6 stories, through the granting of a special permit, provided that a minimum of three (3) stories are comprised of commercial uses c. No FAR shall apply for properties fronting Wall St., provided that a property containing a structure listed on a local, state or national historic inventory is not merged with any abutting parcels
For properties where the principal ground floor use (comprising at least 75% of the lot width) is a theater or auditorium for use by cultural arts and entertainment or a library, 4.0		

§ 118-1294. Signs in business and industrial zones. [Amended effective 9-13-1985; 3-14-1986; 12-27-1991; 1-29-1993; 9-28-2001; 10-27-2006; 10-29-2010]

The following signs and those permitted in § 118-1293 shall be permitted on each property with buildings thereon. All other signs are expressly prohibited.

B. Wall signs. All wall signs shall comply with the following requirements:

- (3) Window signs. Window signs, located within first floor (street level) uses, shall not exceed 25% of the glass, with the remainder of the glass being transparent. Each unit of occupancy above the first floor may display a sign on the inside of one (1) window serving such unit, provided that such sign shall not exceed four (4) square feet in area and shall be computed in the total sign area.