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PUBLIC DRAFT

ARTICLE 1: GENERAL

SECTION 1.1

TITLE.

1.1.1 Short Title.

These Regulations, as the same may be amended from time to time, shall be known and may be cited as the "Norwalk, Connecticut Zoning Regulations, and are referred to herein as "these Regulations".

SECTION 1.2

ENACTMENT & AUTHORITY.

These Regulations have been enacted by the Planning and Zoning Commission of the City of Norwalk pursuant to Chapter 125 of the Connecticut General Statutes.

SECTION 1.3

EFFECTIVE DATE; REPEAL.

1.3.1 Effective Date.

The Effective Date of these Regulations (the "Effective Date") shall be the date set forth in the motions for approval when they were adopted pursuant to Section 8.4.13, said date being on which they are adopted pursuant to Section 8.4.13.

1.3.2 Repeal.

A. Existing Zoning Ordinance.

The existing Zoning Regulations of the City (Ordinance No. _____, effective October 16, 1929, as amended) are hereby repealed as of the effective date hereof.

B. Continuing Effect.

Notwithstanding their repeal, the current Building Zone Regulations shall remain in effect to the extent necessary to implement the transitional provisions of Section 1.22, and if these Regulations or any portion thereof is invalidated by a court having jurisdiction over such matters, the current Building Zone Regulations or applicable portion thereof shall be substituted for any invalidated provisions. Binding rules, regulations,

standards, and requirements governing Planned Residential Developments (PRDs) or Commercial Planned Residential Developments (CPRDs) existing prior to the Effective Date and approved under prior ordinances or regulations shall continue with each such existing PRD or CPRD; however, Expansions, changes of Use, and other modifications to a PRD or CPRD not explicitly contained in the rules, regulations, standards, and requirements applicable to a PRD or CPRD existing immediately prior to the Effective Date shall be subject to the standards, procedures, and requirements of these Regulations.

SECTION 1.4

PLAN OF CONSERVATION AND DEVELOPMENT.

1.4.1 Adoption.

By action of the Planning and Zoning Commission and Common Council of the City of Norwalk, Connecticut, (the "City") has adopted the Plan of Conservation and Development.

1.4.2 Implementation.

The Plan of Conservation and Development and other City plans adopted by the Planning and Zoning Commission indicate desired Development of various Characters and intensities. These Regulations are intended to implement the Plan of Conservation and Development and such other City plans. Accordingly, the Plan of Conservation and Development and such other City plans shall be used in the application of these Regulations.

SECTION 1.5

PURPOSES, INTENT & OBJECTIVES.

1.5.1 General.

These Regulations have been adopted for the following general purposes:

A. Protection & Promotion.

To protect and promote the public health, safety, morals, comfort, convenience, and general welfare of the people and community;

B. Districts.

To divide the City into Zoning Districts restricting and regulating therein the location, construction, reconstruction, Alteration, and Use of Buildings, Structures, and land for Residential, business, Commercial, Industrial, manufacturing, and other specified uses;

C. Physical Character & Stability.

To protect the Character and maintain the stability of Residential, Commercial, and Industrial areas within the City's jurisdiction, and to promote the orderly and beneficial Development of such areas;

D. Light, Air, Privacy & Access.

To provide adequate light, air, privacy, and convenience of access to property;

E. Open Space.

To regulate the area of yards, courts and other open spaces for Buildings to provide adequate light and air and protect the health;

F. Building Lines & Locations.

To establish Building lines and the location of Buildings designated for Residential, business, Commercial, Industrial, manufacturing, or other uses within such lines;

G. Building Height & Bulk.

To regulate the Height and Bulk of Buildings and other Structures;

H. Standards.

To fix reasonable standards to which Buildings or Structures shall conform;

I. Prohibit Incompatible Uses & Physical Character.

To prohibit uses, Buildings, or Structures which are incompatible with the permitted uses or physical characteristics within specified Zoning Districts; and encourage the most appropriate use of land;

J. Restrict Noncomplying Changes.

To restrict such additions to, and alterations or remodeling of, existing Buildings or Structures as would not comply with the restrictions and limitations imposed hereunder;

K. Congestion, Parking & Loading.

To lessen congestion in the streets and to protect the public health, safety, convenience, and general welfare by providing for the parking of vehicles and for the loading and unloading of vehicles;

L. Protect Against Hazards.

To secure and provide protection against fire, explosion, noxious fumes, panic, and other hazards in the interest of the public health, safety, comfort, and general welfare;

M. Prevent Overcrowding.

To prevent overcrowding of land and undue concentration of Structures so far as is possible and appropriate in each District by regulating the use and bulk of Buildings in relation to the land surrounding them and the form and Character of Development;

N. Conserve Value.

To conserve the value of land and Buildings;

O. Provision of Services & Requirements.

To facilitate adequate provision of transportation, water, sewerage, schools, parks and other public requirements;

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P. Gradually Eliminate Nonconformities.

To provide for the gradual elimination of those Uses, Lots, Buildings, and other Structures which do not conform to the standards of the Districts in which they are respectively located;

Q. Define Powers & Duties.

To define and limit the powers and duties of the administrative officers and bodies as provided herein; and

R. Beneficial Use of Property.

To protect and in general allow for the beneficial uses of property.

1.5.2 Other Purposes and Objectives.

In addition to the purposes and objectives set forth in Section 1.5.1 above, these Regulations have been adopted for other purposes and objectives provided elsewhere in these Regulations and Connecticut General Statutes Section 8-2, as amended.

1.5.3 Interpretation of Regulations.

In the interpretation and application of these Regulations, the provisions hereof shall be held to be minimum requirements adopted for the purposes set forth in this Section 1.5.

SECTION 1.6 APPLICABILITY.

1.6.1 General.

These Regulations, the Zoning Map, and the standards and requirements of these Regulations, are applicable to and shall govern all Development, re-Development, Improvements, Buildings, Structures, Alterations,

Construction, Lots or Building Sites, Development Parcels, and Land Use within the jurisdiction of the City.

No Structure shall be Constructed or Altered, and none of the foregoing activities shall take place, except in accordance with the provisions of these Regulations.

1.6.2 Effect on Prior Regulations.

Except as otherwise expressly provided in these Regulations, these Regulations supersede and replace in its entirety the City Zoning Regulations that were in effect immediately prior to the Effective Date.

1.6.3 Exclusive & Mandatory.

These Regulations shall be the exclusive and mandatory Zoning Regulations for the City.

SECTION 1.7 RELATIONSHIP TO PRIVATE COVENANTS AND AGREEMENTS.

1.7.1 Effect of Chapter.

It is not intended by these Regulations to interfere with or abrogate or annul any Easement, or other agreement between parties; provided, however, that when these Regulations imposes a greater restriction upon the Use of Structures, Lots, Building Sites, Development Parcels, or other land, or upon the height of Structures, or requires larger Lots, Yards, or other Open Spaces than imposed or required by such Easement or agreement, the provisions of these Regulations shall control.

1.7.2 No Encroachment.

Except as otherwise expressly provided in these Regulations, no provision contained herein shall be construed as justifying the Encroachment of any Structure within any Street, or Internal Drive lines now or hereafter shown on any Plat filed in the office of the Town Clerk or any Sketch Plan or Site Plan.

SECTION 1.8 RELATIONSHIP TO OTHER LAWS, ETC.

1.8.1 Effect on Other Laws.

Nothing contained in these Regulations shall be taken to repeal, abrogate, annul or in any way impair or interfere with local, State, or Federal Building Code, Public Health Code, or any rules or regulations adopted or issued thereunder, or any other existing or future law, code, ordinance, regulation, or standard that is not in conflict with these Regulations.

1.8.2 Effect of Non-Conflicting Provisions.

Without limitation to Section 1.8.1, except as expressly superseded by these Regulations, the Existing Local Codes shall continue to be applicable, except where the Existing Local Codes are inconsistent with, or in conflict with, these Regulations.

1.8.3 Compliance with Other Legal Requirements.

Without limitation to any other provision of the City Code, it shall be a condition to issuance of all Certificates of Occupancy and the Development, Construction, and Use of all Lots or Building Sites and Improvements in the City that all necessary federal, state, and City licenses and permits for the Use and operation of such land and Improvements shall have been validly obtained and remain at all times in full force and effect.

1.8.4 Compliance with City Code.

Reference is hereby made to the City Code, as amended. Without limitation to any other means by which a violation of any of the City Code, Inland Wetlands and Watercourses Regulations or Subdivision Regulations may be enforced, any such violation shall constitute a violation of these Regulations and may be enforced as such under **Article 8 (Administration, Procedures, and Enforcement)**.

SECTION 1.9 COMPLIANCE WITH CHAPTER.

Except for non-conformances allowed pursuant to Section 1.21 or as otherwise provided in these Regulations, all Development, re-Development, land, Lots, Building Sites, Development Parcels, Improvements, Structures, and all Uses, Construction, re-Construction, modifications, Alterations, raising, moving, extension, and enlargements thereof, and all parts thereof, and all Plans, Applications, requests, and submissions required or made under these Regulations, must comply with these Regulations and the applicable standards, requirements, and conditions of these Regulations, including without limitation (a) the provisions for the District in which the same or any part thereof are located on the Zoning Map, (b) any license, permit, approval, certification, or authorization issued pursuant to these Regulations, and (c) any applicable Plan approved or certified under these Regulations.

SECTION 1.10 DEVELOPMENT RESTRICTED WITHIN CERTAIN AREAS.

Notwithstanding anything to the contrary contained or implied in these Regulations, unless specifically approved by action of the Common Council, no Development shall occur within the bounds of any existing or future street, Internal Drive, Civic Space, or any other public facility shown in the Plan of Conservation and Development, the City Official Zoning Map, or other planning documents.

SECTION 1.11 RESTORATIONS & REPAIRS.

When any Building is declared unsafe by the Building Official or any other City staff having responsibility therefor, nothing in these Regulations shall prevent compliance with lawful requirements or strengthening or restoring the same to a safe condition.

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SECTION 1.12

DEFINED TERMS; CONSTRUCTION OF TERMS.

Certain capitalized terms used throughout these Regulations are defined in **Article 9 (Definitions)** and elsewhere in these Regulations. Such definitions are integral to these Regulations. Uncapitalized terms and terms not so defined shall be accorded their commonly accepted meanings unless otherwise provided in these Regulations. In the event of conflicts between the definitions in these Regulations and the definitions of the Existing Local Codes, those of these Regulations shall take precedence as applied to the application of these Regulations.

SECTION 1.13

TABLES, MAPS, PHOTOGRAPHS, IMAGES, ILLUSTRATIONS, FIGURES, GRAPHICS, DIAGRAMS, & DEPICTIONS.

1.13.1 Table & Map Standards / Requirements.

The standards and requirements of Tables herein and the adopted Zoning Map are integral parts of these Regulations.

1.13.2 Effect of Graphical Material.

A. Table Graphics.

The diagrams, photographs and illustrations in **Table 4.3.1-A-4.3.1-N (District Standards)**, **Table 4.3.7.A (Private Frontage Types)**, **Table 4.3.8.A (Principal Building Types Summary)**, **Table 4.3.8.B (Principal Building Types – Specific Standards)**, **Table 5.3.3-A (Civic Space Types – Summary)**, **Table 4.3.17.B.1 (Private Lighting Types)**, **Table 4.3.17.C.1 (Private Lighting Standards)** and **Table 5.2.3-B (Civic Space Types – Specific Standards)** are provided only to

indicate the general Character or placement of and/or reference to the various Districts and Civic Spaces, and elements thereof, shown thereon, and they shall have regulatory force and effect only to that extent.

B. Illustrations, Figures, & “Illustrative” Material.

All graphical and tabular depictions entitled “Illustration” or “Figure”, or denoted as “illustrative” are provided for illustrative, explanatory purposes only and are not regulatory.

C. Certain Illustrations.

The illustrations in **Table 5.2.6 (Public Planting)**, **Table 5.2.5 (Public Lighting Types)**, and **Table 4.3.17.B.1 (Private Lighting Types)** are provided only as an approximation of the Planting Types and Lighting Types shown and they shall have regulatory force and effect only to that extent.

1.13.3 Conflict Between Metrics.

Where in conflict, numerical metrics shall take precedence over graphic metrics.

SECTION 1.14

PREPARATION & ADOPTION OF ZONING MAP.

1.14.1 Conformance with Article 2.

Each Zoning Map, Zoning Map amendment, and any proposed Zoning Map or Zoning Map amendment must conform to the requirements of **Article 2 (Zoning Map)**.

1.14.2 Preparation.

The Zoning Map for the City that shall be applicable upon the Effective Date of these Regulations shall be prepared by or on behalf of the City and adopted simultaneously with these Regulations.

SECTION 1.15 DETERMINATION OF STANDARDS.

The Planning and Zoning Commission has established the standards in these Regulations and, upon approval of the Zoning Map or any amendment thereof, such standards are applicable to the City.

SECTION 1.16 ADMINISTRATION.

Except as otherwise expressly provided herein, these Regulations shall be administered by the Planning and Zoning Director, as more specifically provided in Section 8.2.1 hereof.

SECTION 1.17 APPLICATIONS.

1.17.1 Application, Approval and Issuance Required.

No Development, re-Development, Improvement, Construction, re-construction, or Alteration of or on any Structure, Lot, Building Site, Development Parcel, or other land shall occur without prior submission of all completed Applications, and obtaining all approvals, permits, and certifications, as applicable, pursuant to **Article 8 (Administration, Procedures, and Enforcement)**.

1.17.2 Building Permits

An application for issuance of a Building Permit shall be processed, reviewed, and acted upon in accordance with City Code Chapter 26 (Building Code) and applicable state law; provided that no Building Permit shall be issued unless and until all certifications and approvals required pursuant to these Regulations have been issued or granted, as applicable in accordance with **Article 8 (Administration, Procedures, and Enforcement)**.

1.17.3 Ordinary Maintenance / Repair Exempt

No Zoning Permit or Site Plan Application, approval or issuance is required for Ordinary Maintenance or Repair of an existing Structure.

SECTION 1.18 SPECIAL PERMITS, VARIANCES, & SPECIAL EXCEPTIONS.

1.18.1 Special Permits.

A Special Permit may be granted by the Planning and Zoning Commission in accordance with Section 8.4.8.

1.18.2 Variances.

Variances may be granted by the Zoning Board of Appeals pursuant to Section 8.4.9.

1.18.3 Special Exceptions.

A Special Exception may be granted by the Zoning Board of Appeals pursuant to Section 8.4.9.

SECTION 1.19 APPEALS.

Appeals from written decisions or determinations made by the Planning and Zoning Director under these Regulations may be taken in accordance with Section 8.4.12.

SECTION 1.20 VIOLATIONS.

Penalties for and enforcement of any violation of these Regulations shall be as provided in Section 8.5.

Any violation of previous zoning regulations or zoning regulations will continue to be a violation under these Regulations and be subject to penalties and enforcement under these Regulations unless the Use, Development, or activity complies, in its entirety, with the provisions of these Regulations.

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The prosecution of violations which occurred under previous ordinances or regulations shall continue until resolved.

SECTION 1.21 NONCONFORMITIES.

1.21.1 General.

A. Purpose; Continuation.

1. The purpose of this Section 1.21 is to permit to continue Nonconformities that legally existed prior to the Effective Date of these Regulations or other Zoning Change, but to strictly limit the extent to which Nonconformities may be established, Expanded or Altered. This Section 1.21 is intended to bring Nonconforming Uses into conformity with these Regulations as quickly as the fair interests of the parties and applicable law will permit.

2. Except as otherwise provided in these Regulations, a Use, Building, Structure, Lot, or Sign that legally existed immediately prior to a Zoning Change, may be continued as a legal Nonconformity in accordance with the provisions of this Section 1.21.

3. Uses, Structures, Lots, or Signs that previously were legal Nonconformities, but which become conforming because of the adoption of these Regulations, shall no longer be considered Nonconformities provided that all applicable provisions of these Regulations are complied with.

B. Burden Proof; Presumption of Legal Existence.

1. The burden of establishing the legal status of a Nonconformity shall be on the owner of property on which the purported Nonconformity exists.

2. A Nonconforming Lot, Structure, Building, or a Use of land, Building, or Structure shall be deemed

to have existed before the Effective Date of these Regulations or amendments thereto if:

a. The parcel of land was recorded as a legal building Lot in the Norwalk Land Records; or

b. A Zoning Permit has been issued or Planning and Zoning Commission approval granted and work shall be completed according to approved plans.

3. A Use permitted in a District by Special Use Permit, in accordance with the provisions of Sections 4.3.9 and 8.4.8, is deemed to be a conforming Use in such District provided that a Special Use Permit is issued in respect of a specific parcel.

C. Nonconformity Not Grounds for Variance.

The presence of a Nonconformity shall not, in itself, be considered grounds for the issuance of a Variance for any property.

1.21.2 Nonconforming Uses, Nonconforming Buildings & Nonconforming Structures.

A. Applicability.

This Section applies to Nonconforming Uses, Nonconforming Buildings, and Nonconforming Structures.

B. Effect of Certain Changes.

1. Except as otherwise provided in this Section 1.21.2, Nonconforming Use, Nonconforming Building, or Nonconforming Structure shall be changed, Altered, Enlarged, increased, or extended to occupy more land than that occupied thereby prior to a Zoning Change, nor shall it be moved in whole or in part to any other portion of the Lot or parcel of land occupied thereby at such time or to any other Lot or parcel of land.

2. No Nonconforming Use shall be Extended or Enlarged by Variance.

3. A Nonconforming Use which has been changed to a conforming Use shall not thereafter be changed to a Use not permitted in the District in which it is located without losing the legal status of such Nonconforming Use.

4. If a Nonconforming Use of land or a Building or Structure is discontinued and abandoned for a continuous period of one (1) year, the legal status of such Nonconforming Use shall be lost and thereafter the Use of such land, Building or Structure must be used in conformance with the with these Regulations; except where the intent to continue such Nonconforming Use can be demonstrated to the satisfaction of the Planning and Zoning Director notwithstanding the discontinuation of such Use of Land, Building or Structure.

5. Notwithstanding Section 1.21.2.B.1:

a. Where a change of Use would create new Setbacks, any Structure which lawfully existed before such change shall be rendered legally Nonconforming.

b. A change in occupancy or ownership shall not, by itself, constitute a change of Use.

c. A Nonconforming Building or Nonconforming Structure may be Enlarged or Altered if the result would be an increase in the extent to which the Nonconforming Building or Nonconforming Structure conforms to these Regulations.

d. A Nonconforming Building or Nonconforming Structure may be Enlarged or Altered, provided that the Enlargement or Alteration conforms to these Regulations.

e. A change of Use from a single-family residence to a two-family residence shall be permitted provided that any alteration conforms to these Regulations, including off street Parking

requirements.

f. A Nonconforming Building or Nonconforming Structure may be moved without the loss of its legal status if, as a result of the move, the Building or Structure or Use thereof, conform to these Regulations (unless the move results in the Use being one permitted in the District in which it is moved).

g. A Nonconforming Use of land or a Building or Structure may be changed to another Nonconforming Use without losing the legal status of such Nonconforming Use:

(1) Provided that a Special Exception as per Section 8.3.3.A.2.b(2) is granted by the Zoning Board of Appeals upon a finding that:

(a) The proposed Use is equally appropriate or more appropriate to the District as the existing Nonconforming Use; and

(b) The proposed Use will have the same impact or a lesser impact upon the surrounding area as the existing Nonconforming Use; and

(2) Further provided that the cost of structural Alterations to a Building or Structure changed to a new Nonconforming Use shall not exceed twenty-five percent (25%) of the assessed value of the existing Building or Structure.

6. Notwithstanding anything else in this Section 1.21, Commercial Recreation establishments, that were approved and properly permitted, located on properties formerly within the Industrial No. 1 or Restricted Industrial Zone, are considered conforming Uses within the SD-HI and SD-LI Zones and are exempt from Section 1.21.2 of these Regulations.

7. Notwithstanding anything else in this Section 1.21, approved and properly permitted Uses formerly

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within the Industrial No. 1 or Restricted Industrial Zone, may, in response to changing industry trends and needs, manufacture and sell new materials and products and use new techniques and methods to create such products; provided that, any new materials or processes employed, are not noxious, hazardous, or result in dust or noise that violates any provision of these Regulations or other City Code or State statute. Such new products, materials, methods and techniques shall constitute an expansion of a legally Nonconforming Use and such intensifications can only be granted by the Commission through the approval of a special permit. Further, approved and properly permitted Uses formerly within the Industrial No. 1 or Restricted Industrial Zone, may relocate existing Buildings, material piles and machinery throughout their properties and may construct new Structures; provided that:

- a. Any new or relocated Structures proposed within a Flood zone must fully comply with all applicable Flood zone regulations,
- b. Any material relocated within a Flood zone must also be stored such that they are Flood compliant,
- c. No relocation is closer than ten (10) feet from a property line,
- d. A vegetative Screen is placed between the properties, and
- e. Any Buildings shall comply with all applicable Bulk and Height standards.
- f. Failure to adhere to the requirements of these Regulations may result in the revocation of the special permit by the Commission, following notice to the property owner and an opportunity to be heard.

C. Damage or Destruction.

If any Nonconforming Building or Nonconforming Structure or any Building or Structure used for a legal

Nonconforming Use, which legally existed prior to a Zoning Change and which is damaged or destroyed by Flood, explosion, wind, earthquake or other natural disaster, involuntary fire, war, riot, or insurrection, such Structure or Building may be reconstructed provided that there is no increase in the extent of such nonconformity.

D. Repair, Maintenance, or Compliance.

Notwithstanding any other provision of these Regulations, the following shall not result in the loss of the legal status of a Nonconforming Building, Nonconforming Structure, or Nonconforming Use of either:

1. Ordinary and routine maintenance, repair, replacement of nonbearing walls, roofs, fixtures, wiring or plumbing, or stabilization or restoration to a safe condition of any part of a legally existing Nonconforming Building, Nonconforming Structure, or Nonconforming Use of either; or
2. Any work required by the codes, ordinances, or regulations of the City or ordered by any City official charged with protecting the public health, safety and welfare, provided that such work does not enlarge or extend the Nonconformity.

E. Continuation of Special Permit Use, Use Permitted by Right with Limitations, or Special Exception.

Whenever prior to a Zoning Change any legally existing Use has been permitted as a Special Permit Use, Use Permitted by Right with Limitations Standards, or a Special Exception, which Zoning Change has not resulted in such Use being rendered Nonconforming, such authorization shall be continued subject to any time period approved for said Special Permit Use, Use Permitted by Right with Limitations Standards, or Special Exception.

1.21.3 Nonconforming Lots.

A. Created by Plat.

1. A parcel of land constituting a legal building Lot that is recorded in the Norwalk Land Records before a Zoning Change, which Lot is in separate ownership from abutting Lots and does not conform to these Regulations, may, without losing its legal status, be improved in accordance with these Regulations, provided that the dimensional standards and minimum Open Space requirements that were applicable at the time of subdivision are met.

2. If two (2) or more adjoining parcels of land are in single ownership and are recorded in the Norwalk Land Records as separate legal building Lots before a Zoning Change, and if one (1) or more of the Lots does not conform to these Regulations, then such Lot or Lots shall be considered to be an undivided parcel for the purpose of these Regulations, and no portion of said parcel shall be used or sold so as to diminish conformance with these Regulations, except as may be granted by Special Exception by the Zoning Board of Appeals.

B. Created by Deed, etc. Prior to Subdivision Regulation.

A Lot that existed immediately prior to a Zoning Change and was created by deed or other means prior to being in the City or prior to the initial adoption of applicable subdivision regulations, which Lot does not meet the dimensional standards of the applicable District under these Regulations, may, without losing its legal status, be Developed in accordance with the Uses permitted in the applicable District under these Regulations, provided that it meets as closely as possible the dimensional standards of the applicable District and meets all other applicable requirements of these Regulations.

C. Creation of Nonconforming Lot by Merger of Legal Nonconforming Lots.

Two or more legally existing Lots may be merged to create a Lot or Building Site that more closely meets the requirements of these Regulations, which resulting Lot shall be a legal Nonconforming Lot if it does not meet the requirements of these Regulations.

D. Vertical Expansion

A vertical Expansion of that portions of a Nonconforming Building or Structure which constitutes an Encroachment, other than as to Height, shall not be deemed to be an increase in Nonconformity.

E. Governmental Acquisition Not to Render Lot Nonconforming.

Governmental acquisition of a portion of a Lot, which results in a reduction in area, setbacks, or dimensions below that required by these Regulations shall not render the Lot Nonconforming.

1.21.4 Nonconforming Signs.

A. General.

Existing signs of a size and type not permitted in the District in which they are situated or which do not conform the provisions of these Regulations are Nonconforming Signs under this Section. No Nonconforming Sign shall be Altered or changed in any way unless it is made to conform to these Regulations. A change in text shall not be deemed to be a change, provided that the letter size complies with the sign regulations described herein. A change shall not include the changes on a theater marquee, changeable copy (manual) sign, gas pricing sign, bus shelter advertising nor copy on billboards and shall not include normal maintenance activities. No signs described above shall be relocated, unless such relocation results in eliminating or reducing the nonconformity.

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B. Repair of Nonconforming Signs.

Signs may be repaired or replaced provided that there is no increase in nonconformity.

SECTION 1.22 TRANSITION RULES

1.22.1 Applicability.

The following transitional regulations will resolve the status of properties with pending or approved applications at the time of adoption of these Regulations.

1.22.2 Pending Applications.

A. Complete Application without Final Action.

Any Application filed with the Planning & Zoning Director shall be reviewed in accordance with the provisions of these Regulations in effect on the date the Application was determined to be complete.

B. Failure to Comply with Procedural Requirements.

If the Applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application may be denied on that basis and subsequent applications shall be subject to the requirements of these Regulations.

C. Re-application.

Any re-application after the Effective Date of these Regulations must meet the standards and requirements of these Regulations.

D. Applicant Waiver.

An Applicant with a pending application may waive review available under the prior zoning regulations through a written letter to the Planning & Zoning Director and request review under the provisions of these Regulations.

E. Timely Submission of Information.

Applicants who have submitted complete applications as provided above shall comply with all requests for further information and submit all necessary revisions of submitted Plans in a timely manner. A delay of more than ninety (90) days in submission of information or revisions requested shall be grounds for denial of the Application, with loss of all fees paid. Any new Application must then conform to the provisions of these Regulations.

1.22.3 Approved Proposals.

Zoning Permits that have been issued, and Site Plans, Variances, Special Permits, and Special Exceptions that have been approved, which are valid immediately prior to the Effective Date of these Regulations, shall remain valid until their expiration date, where applicable.

1.22.4 Effect of Regulations on Approved PRDs and CPRDs.

Any Use, Plan, Structure, or Lot that was lawfully approved as a Planned Residential Development (PRD), Commercial Planned Residential Development (CPRD), or portion thereof, with binding regulations and standards under the provisions of previous Zoning Regulations shall continue as such subject to the conditions and standards established by the applicable approved Plans.

SECTION 1.23 VESTED PROPERTY RIGHTS.

Vesting of Property Rights with respect to the approval of any Application shall be governed by applicable State and Federal law.

SECTION 1.24 PROFESSIONAL EXPENSES.

1.24.1 Purposes.

The City incurs significant expenses related to professional consultant review of Plans and land use and Development applications. For such reviews, the expertise of professional consultants may be necessary to assist the Planning and Zoning Director, City staff, and Decision-Making Authorities in making a determination in compliance with law. Therefore, the Planning and Zoning Director, the Planning and Zoning Commission, the Zoning Board of Appeals, and other City staff involved in the review of Plans and such Applications to require Applicants to reimburse the City for the reasonable expenses of professional consultants, such as architects, engineers, planners, attorneys, surveyors, or other experts, that are retained for such assistance. These expenses shall be in addition to any fee required by other law, regulation or resolution of the City.

1.24.2 Consultant Reviews.

A. Expense.

The expense of such professional consultants shall be in accord with fees usually charged for such services in the Norwalk area and pursuant to a contractual agreement of the City and such consultant. All such charges shall be paid by the City upon submission of a City voucher.

B. Reimbursement.

The Applicant shall reimburse the City for the cost of such services in accordance with the procedures described in Sections 1.24.2.C and 1.24.2.D.

C. Evidence of Payment.

Evidence of payment of all professional consultant review fees shall be provided by the City Comptroller to the Decision-Making Authority, the Planning and Zoning Director, or other City Staff having review or decision-making responsibility for the Application.

D. Payment as Condition to Issuance / Action.

Full payment of such fees shall be a condition of issuing any permit or certification or taking any final action pursuant to these Regulations.

SECTION 1.25 PERFORMANCE GUARANTEES.

1.25.1 Security for Payment & Performance of Obligations and Completion of Improvements.

To ensure compliance with these Regulations and any conditions imposed under these Regulations, the City may require that a cash deposit, certified check, irrevocable letter of credit, or other security acceptable to the City and securing the owner's or developer's payment and performance of all obligations to the City and completion of all Improvements which are to be owned or controlled by the City or any erosion and sediment control measures during construction (each, a "Performance Guarantee"), covering the estimated costs of Improvements, payment, performance, and/or compliance be deposited with the Planning and Zoning Department and shall be subject to approval by Corporation Counsel. The Performance Guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project.

1.25.2 Condition of Performance Guarantee.

Any Performance Guarantee provided pursuant to Section 1.25.1 shall be conditioned upon the property owner's or developer's payment or performance of all obligations to the City and completion of all required Improvements described therein enumerated in the approved Plan or plat approval in a manner satisfactory to the City, and said Improvements must be functioning properly for a period of one year from their completion. In default thereof, said Performance Guarantee shall be forfeited, and the City shall be entitled to the full

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amount thereof as necessary to satisfy the owner's or developer's obligations to the City, complete the required Improvements, and/or to replace or repair any Improvements that are not functioning properly. If any amount of money remains after the City has satisfied such obligations, completed such work, and replaced or repaired any non-functioning Improvements, such excess security shall be returned to the surety or person putting up the required bonds.

SECTION 1.26 AMENDMENT.

These Regulations may be amended from time to time in accordance with Section 8.4.13.

SECTION 1.27 SEPARABILITY.

In case any provision of these Regulations shall be held invalid or unenforceable by a court of competent jurisdiction, it shall not affect any other Article, Section or provision hereof and the remainder of these Regulations shall be deemed valid and effective and remain in full force and effect.

If any court of competent jurisdiction shall adjudge invalid the application of any provision of these Regulations to a particular property, Building, or other Structure, such judgment shall not affect the application of said provision to any other property, Building, or Structure not specifically included in said judgment.

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