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SECTION 6.1

GENERAL.

The following standards and requirements shall be complied with in addition to all other standards and requirements of the City Code and all other applicable City standards.

SECTION 6.2

GRADING, TREE REMOVAL, AND DRAINAGE.

6.2.1 General.

A. Purposes.

This Section is intended to control soil disturbance (including removal of trees and vegetative ground cover), Grading, and drainage changes associated with Building demolition, Building Construction, and Development in order to:

1. protect the public safety and general welfare;
2. prevent adverse impacts to other property due to erosion, sedimentation, and increases in stormwater runoff;
3. prevent sedimentation of Streets;
4. prevent sedimentation of public storm sewer and drainage systems;
5. reduce the risk of Flooding caused by increased runoff and sedimentation of drainage channels, wetlands, and Watercourses; and
6. protect water quality by reducing the risk of sediment pollution of reservoirs.

B. Removal of Trees or Vegetative Ground Cover.

The Commission finds that trees and other vegetative ground cover play an important role in controlling erosion by: protecting the soil surface from the impact of falling rain; holding soil particles in place;

enhancing the soil's capacity to absorb water; slowing the velocity of runoff; removing subsurface water between rain falls through the process of evapotranspiration; and improving infiltration rates.

Therefore, for purposes of this Section, clear-cutting or removal of trees and other vegetative ground cover, regardless of whether stumps and root systems are removed, shall be considered an erosion factor equivalent to Grading and other forms of soil disturbance, and references in this Section to soil disturbance and/or Grading shall include clear-cutting or removal of trees and vegetative ground cover.

C. Applicability.

Within the City of Norwalk, there shall be no excavation, Grading, clear cutting, or other soil disturbance (including removal of trees or vegetative ground cover) except as herein provided. The occurrence of any off-site sedimentation, Flooding, or erosion caused by excavation, Grading, clear cutting, and/or soil disturbance is prohibited and shall be grounds for enforcement action.

6.2.2 Permits, Standards, and Approvals.

A. Other Approvals May Be Required.

Any approval or exemption under this Section does not relieve any person from having to obtain any other approvals that may be required, such as for:

1. Regulated activities under the Norwalk Inland Wetlands & Watercourses Regulations;
2. Activities within a floodplain area;
3. Activities regulated by other local, state, or federal agencies.

B. Allowed Without Permit.

The following activities are allowed without a separate Zoning Permit, provided the proposed Use of the property otherwise complies with these Regulations, and no off-site sedimentation, Flooding, or erosion occurs. The Planning and Zoning Director may require a permit and compliance with Section 6.2.2.F in the event that any off-site sedimentation, Flooding, or erosion occurs as a result of these activities:

1. Farming.
2. Grading of less than 100 cubic yards of earth material;
3. Soil disturbance, Clear-cutting (including removal of vegetative ground cover) of 5,000 square feet in area or less;
4. Excavation, Grading and/or soil disturbance associated with specific plans for a subdivision, site plan, or special permit approved by the Commission, where the proposed excavation, Grading and/or soil disturbance is specified in such other approval.

C. Permitted by Zoning or Other Permit.

The following activities may be permitted by the Planning and Zoning Director provided: the proposed use of the property otherwise complies with these Regulations; the provisions of Section 6.2.2.E, 6.2.2.F, and 6.2.2.G are satisfied; and a Zoning Permit, a demolition permit, a Building permit, or a septic permit has been issued for such activity and the proposed excavation, Grading, and/or soil disturbance is specified in such permit:

1. Excavation or Grading of 100 to 1,000 cubic yards of earth material;
2. Soil disturbance, Clear-cutting (including removal of vegetative ground cover) of more than 5,000 square feet but less than 10,000 square feet in area;

3. Any excavation, Grading or soil disturbance (including removal of trees and vegetative ground cover) in connection with and clearly essential to:

- a. Construction or alteration of a Building or Structure (including the area of the Building or Structure plus the surrounding twenty-five (25) feet);
- b. Installation of Driveways, utilities or amenities (e.g., septic systems, utility service lines, swimming pools, Walls or fencing).

D. Permitted by Special Permit.

The following activities may be permitted provided the proposed Use of the property otherwise complies with these Regulations, and the Commission issues a Special Permit for the activity:

1. Excavation or Grading of more than 1,000 cubic yards of earth material;
2. Soil disturbance, Clear-cutting (including removal of vegetative ground cover) of 10,000 square feet in area or more.

E. Bonding and As-Built Plan.

1. Prior to the approval of any excavation or Grading of more than 200 cubic yards of material per acre of Lot area, and/or more than 5,000 square feet of soil disturbance and Clear-cutting (including removal of vegetative ground cover), the Commission or the Planning and Zoning Director may require that an erosion and sediment control bond, including site stabilization bond be provided in an acceptable form and in an amount to be set by the Commission or Planning and Zoning Director to insure the faithful performance of the work to be undertaken pursuant to the conditions of the permit.
2. Following the completion of excavation or Grading for a Development where a bond was required, the Planning and Zoning Director may require that the permit holder file a certified as-built plan with the Commission, showing the relationship

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between the approved plan and the actual Grading.

F. Permit Standards and Conditions.

1. The occurrence of any off-site sedimentation, Flooding, or erosion caused by excavation, Grading and/or soil disturbance is prohibited.

2. All allowed or permitted excavation, Grading, and soil disturbance activities shall be conducted with appropriate soil erosion and sediment control measures installed and maintained at all times until the site is fully stabilized. The Commission or the Planning and Zoning Director may require soil erosion and sediment control measures and project phasing as a condition to the issuance of any permit. Control measures may include (without limitation) silt fencing, hay bales, sediment barriers, mulch, temporary erosion control blankets, turf reinforcement mats, stone slope protection, or other soil stabilization measures set forth in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended, necessary to prevent off-site sedimentation, Flooding, and erosion.

3. All earth materials to be stockpiled on site shall be contained within a sediment control barrier.

4. All earth materials to be transported onto or off the site shall be covered to minimize flying dust or rock.

5. Truck access/egress to and from the site shall be conducted as to minimize danger to off-site traffic, and nuisance to surrounding properties. The Commission or the Planning and Zoning Director may require that tracking pads or dust-less Driveway aprons be utilized until the site is stabilized.

6. Grading shall not result in the creation of any stagnant water, sharp pits, depressions, soil erosion, drainage or sewerage problems or other conditions which would impair the use of the property or other

property in accordance with the Regulations.

7. Unless modified by the Commission through granting of a Special Permit, finished grades shall blend with existing grades at the property line and no grade change of one (1.0) foot or more shall occur:

a. In the One-Half (1/2) Acre and smaller Lot area zones, within five (5) feet of a side or rear Lot line, or

b. In the One-Acre and larger Lot area zones, within six (6) feet of a side or rear Lot Line where a retaining wall is installed and ten (10) feet otherwise.

8. Unless modified by the Commission through granting of a Special Permit, no Grading activity that increases the finished slope shall result in a finished slope in any filled or excavated area that exceeds:

a. A slope of four horizontal to one vertical (4:1) within the Yard setback.

b. A slope of three horizontal to one vertical (3:1) elsewhere.

ILLUSTRATION 6.2.2.F-1 SCHEMATIC FILL LIMITATIONS

“FILL” GRADING

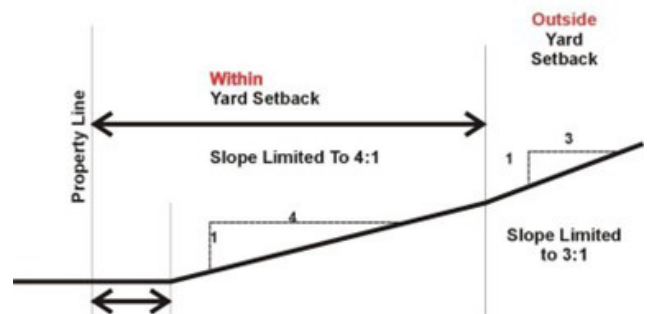
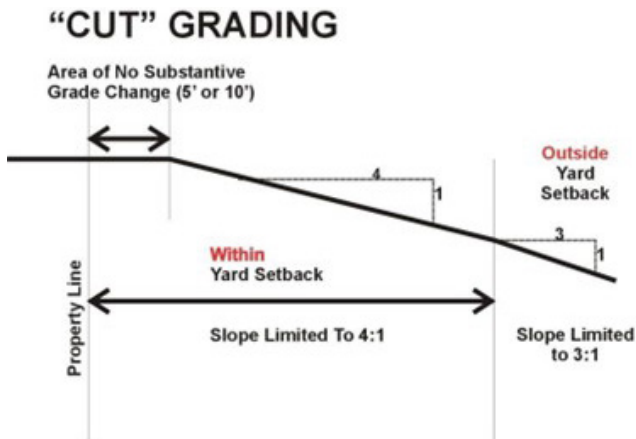


ILLUSTRATION 6.2.2.F-2 SCHEMATIC CUT LIMITATIONS



9. The Commission or the Planning and Zoning Director may allow Grading activity in excess of the foregoing standards within the Yard setback for one or more of the following reasons:

- a. For the installation or Construction of a berm, swale, level spreader, reverse slope bench or similar measures to better protect down-gradient parcels from stormwater runoff; or
- b. For Grading of a slope of up to three horizontal to one vertical (3:1) provided that the total grade change within the Yard setback is no greater than would otherwise be permitted.

G. Drainage Standards.

1. All Development and land disturbance activities shall be in compliance with the 2004 Connecticut Stormwater Quality Manual and the City of Norwalk's 2017 Drainage Manual, as amended.
2. A Drainage Analysis, in accordance with the City's 2017 Drainage Manual, Section 1.6, as amended, shall be submitted to the City for review. The report shall describe how zero increase in rate of runoff is met through the design.
3. In accordance with Section 2.0 and Section 2.7 of the City's 2017 Drainage Manual, the Natural Resources Conservation Service (NRCS) method

shall be used for zero increase computations, LID feature design, and groundwater recharge analysis.

a. The Rational Method shall be used for all drainage system designs with a watershed up to 200 acres in size and without storage. Proprietary software systems such as Hydraflow or HydroCAD can be utilized for analysis as long as all supporting computations are submitted to the City for review.

4. The NRCS Method shall be used for overall site hydrology and peak flow comparison including LID design. Postdevelopment storm drainage systems shall be sized to provide for zero increase in runoff up to the 50, 10, 4, 2, and 1 percent annual chance rainfall event using the TR 20 or TR 55 method. Programs such as TR 20 and HEC HMS or proprietary software such as Hydraflow or HydroCAD can be utilized for analysis as long as all supporting computations are submitted to the City for review.

5. The City may require a drainage maintenance plan for all improvements constructed.

SECTION 6.3 IMPORT/EXPORT OF EARTH MATERIALS.

6.3.1 Purpose.

This Section is intended to control the importation and exportation of earth materials (such as loam, topsoil, humus, sand, gravel, clay, stone or quarry stone) in order to protect the public safety and general welfare while allowing for normal and customary Construction practices.

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6.3.2 Permitting.

A. By Right.

1. Importation and exportation of earth material for the purpose of site Development in conjunction with Construction or Alteration of a Building or Structure is permitted provided such activity is conducted in accordance with:

- a. The standards of this Section, and
- b. Plans submitted as part of the Zoning Permit and Building Permit issued for the Construction or alteration of the Building or Structure.

2. Importation and exportation of earth material for the purposes of landscaping is permitted provided such activity involves less than 200 cubic yards of material per acre of Lot Area and the standards of this Section are complied with.

B. Permitted by the Planning and Zoning Director.

Importation and exportation of less than 1,000 cubic yards of earth material per acre of Lot area is permitted for other purposes with approval of a Zoning Permit by the Planning and Zoning Director provided the standards of this Section are complied with.

C. Permitted by the Commission.

Unless permitted by Section 6.3.2.A or 6.3.2.B the importation or exportation of earth material shall only occur with the approval of a Special Permit by the Commission.

SECTION 6.4

SOIL EROSION & SEDIMENT CONTROL.

6.4.1 Purpose.

The purpose of these Regulations is to help minimize soil erosion and sedimentation that occurs as a result of the Construction of Residential, Industrial and commercial Development. Rapid changes in land Use to nonagricultural and urban Uses have accelerated soil erosion and sediment deposition, resulting in water pollution and damage not only to aesthetic values and wildlife but to sewers, roads, stream channels and water bodies.

6.4.2 Soil Erosion & Sediment Control Plan.

A. Plan Required.

A Soil Erosion and Sediment Control Plan shall be submitted with any Application for Development when the disturbed area of such Development is cumulatively more than one-half (1/2) acre.

B. Exemptions.

A Single-Family Dwelling that is not part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

C. Requirements.

1. DPW's 2017 Drainage Manual, Section 8: Soil and Erosion Controls requirements shall be required in addition to the requirements in this Section.
2. To be eligible for certification, a Soil Erosion and Sediment Control Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology. The 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (DEEP Bulletin 34), as amended, describes the principles, methods and practices necessary for

certification. Alternative principles, methods and practices may be used with prior approval of the Planning and Zoning Commission.

3. Said plan shall contain, but not be limited to:

a. A narrative describing:

- (1) The Development.
- (2) The schedule for Grading and Construction activities, including:
 - (a) Starting and completion dates.
 - (b) Sequence of Grading and Construction activities.
 - (c) Sequence for installation and for Application of soil erosion and sediment control measures.
 - (d) Sequence for final stabilization of the project site.
- (3) The design criteria for proposed soil erosion and sediment control measures and stormwater management facilities.
- (4) The construction details for proposed soil erosion and sediment control measures and stormwater management facilities.
- (5) The installation and/or Application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.
- (6) The operations and maintenance program for proposed soil erosion and sediment control measures and stormwater management facilities.

b. A Soil Erosion and Sediment Control Plan map at a scale of at least forty (40) feet to one (1) inch shall show:

- (1) The location of the proposed Development and Adjacent properties.

(2) The existing and proposed topography, including soil type, Wetlands and Watercourses.

(3) The existing Structures on the Lot/Building Site, if any.

(4) The proposed area Alterations, including cleared, excavated, filled or graded areas, and proposed Structures, utilities, Streets and, if applicable, new Lot Lines.

(5) The location of and design details for all proposed soil erosion and sediment control measures and stormwater management facilities.

(6) The sequence of Grading and Construction activities.

(7) The sequence for installation and/or Application of soil erosion and sediment control measures.

(8) The sequence for final stabilization of the Development site.

4. Any other information deemed necessary and appropriate by the Applicant or requested by the Planning and Zoning Commission or its designated agent.

D. Standards.

1. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (DEEP Bulletin 34), as amended. Soil Erosion and Sediment Control Plans shall result in a Development that minimizes erosion and sedimentation during Construction, is stabilized and protected from erosion when completed and does not cause off-site erosion and/or sedimentation.

2. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Planning and Zoning Commission may grant

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exceptions when requested by the Applicant if technically sound reasons are presented.

E. Certification.

1. The Commission, or its designated agent, shall either certify that the Soil Erosion and Sediment Control Plan, as filed, complies with the requirements and objectives of the regulations or deny certification when the Development proposal does not comply with these Regulations.
2. Nothing in these Regulations shall be construed as extending the time limits for the approval of any Application under the provisions of Chapters 124, 126 of the Connecticut General Statutes.
3. Prior to certification, any plan submitted to the City may be reviewed by the Fairfield County Soil and Water Conservation District which may make recommendations concerning such plan, provided that such review shall be completed within thirty (30) days of the receipt of such plan.
4. The Planning and Zoning Commission shall forward a copy of the Development proposal to the Conservation Commission, or other review agency or consultant, for their review and comment within thirty (30) days of the receipt of the plan.

F. Compliance.

1. Any person engaged in Development activities who fails to file a Soil Erosion and Sediment Control Plan in accordance with these Regulations or who conducts a Development activity, except in accordance with the provisions of a certified plan shall be deemed in violation of these Regulations.
2. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified Site Plan may be required to be covered in a financial guarantee approved as to form and financial institution by the Commission or Corporation Counsel and submitted

prior to the Start of Construction in accordance with and the provisions specified in Article 8. Such financial guarantee shall be released only after all Improvements are complete and are in satisfactory condition. If not satisfactory, within sixty-five (65) days of release request, a written explanation shall be provided to the Applicant detailing the outstanding work that must be completed before such financial guarantee or portion thereof may be released.

3. Site Development shall not begin unless the Soil Erosion and Sediment Control Plan is certified and those control measures and facilities in the plan scheduled for installation prior to site Development are installed and functional.
4. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
5. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

G. Inspection.

Inspection shall be made by the Planning and Zoning Commission, or its designated agent, during Development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Planning and Zoning Commission may require the permittee to verify, through progress reports, that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

SECTION 6.5 SEWAGE SYSTEM.

6.5.1 General.

All connections to local collector and regional sewage systems shall be designed in accordance with local wastewater treatment standards. A licensed professional engineer shall design the site collection

system and obtain the approval of same from all applicable local authorities prior to Site Plan approval.

6.5.2 Sanitary Waste Disposal Plan.

For any Lot or Building Site which is to be served, and is capable of being served, by an operational public sanitary sewer line prior to occupancy, the Site Plan shall depict the sewer lateral and other engineering information suitable to determine that connection to an operational sanitary sewer line is feasible. In addition, the Applicant shall provide evidence from the Norwalk Water Pollution Control Authority that it is capable of providing sanitary sewer service to the subject site. If the Applicant proposes to utilize a community sewerage system, as defined in CT General Statutes Section 7-245, a report from the Norwalk Water Pollution Control Authority indicating that all requirements of CT General Statutes Section 7-246f have been satisfied shall be provided.

SECTION 6.6 UTILITIES.

6.6.1 General.

All Uses and Development must have access to potable water whether via private well or municipal water source, private septic system or municipal sewer, electricity, natural gas, cable television and high speed internet service. All utility systems, including electric, telephone, television cable, etc., shall be placed underground for new construction except in CD-3L, CD-3S, and CD-3. The design of these systems shall be coordinated by the Applicant with the utility entity responsible for their maintenance. Concurrence of the design indicated on the Site Plan shall be obtained by the Applicant prior to final approval.

6.6.2 Water Supply; Certificate for Community Wells.

The location and design of the proposed water supply systems shall be provided, including design calculations,

materials specifications, hydrostatic testing procedures, and flow testing procedures. In accordance with Section 8-25a of the CT General Statutes, as amended by Public Act 84-330, any Development providing water by means of a "Water Company," as that term is defined in the CT General Statutes Section 16-262m(a), shall provide to the Commission/Board a certified copy of a Certificate of Public Convenience and Necessity issued for the Development by the Connecticut Department of Public Health. No application for Special Permit/Exception involving such a water company shall be deemed complete without said Certificate, unless the Applicant shall provide a resolution of the Norwalk Common Council waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers. The Commission/Board may approve an Application which has obtained a Phase I-A or I-B Certificate, with the condition that no Certificate of Zoning Compliance for construction or occupancy shall be granted until the final Certificate is approved.

SECTION 6.7 TRAFFIC CIRCULATION.

6.7.1 General.

Development shall not negatively impact the traffic conditions of the surrounding roadway system and shall organize Streets or Internal Drives, as applicable, and vehicular and pedestrian ingress and egress in a well-defined system in order to avoid conflicts.

6.7.2 Vehicular Circulation Plan.

Portions of the Site Plan relating to location and design of ingress and egress traffic control, arrangement of Parking and Loading Space, and internal circulation shall be referred to the Department of Public Works for review, and no Plan for a Development Parcel shall be approved without consideration of the recommendations of the Department of Public Works. It shall also be referred to the Transportation, Mobility,

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and Parking Department for comment, as long as what is proposed does not violate City standards, any other comments are not binding. Additional conditions and safeguards on such matters may be included by the Decision-Making Authority.

6.7.3 Stable Traffic Flow.

For Uses requiring a Special Permit, the Planning and Zoning Commission shall not approve Developments which fail to maintain stable traffic flow unless provision has been made for the Improvement of inadequate conditions.

1. "Stable traffic flow" shall mean that site-generated traffic shall not adversely affect pedestrian or vehicular safety, conflict with the pattern of highway circulation, increase Vehicle Miles Traveled (VMT), or increase traffic congestion to a level of service (LOS) considered unacceptable by the Commission.

6.7.4 Vehicular Access Location.

A vehicular access location shall consist of such entrance and exit Driveway and/or Internal Drive openings so designed and located so as to minimize hazardous ingress and egress.

SECTION 6.8

STREETSCAPE REPAIRS, REPLACEMENTS & IMPROVEMENTS.

6.8.1 Applicability.

This Section applies to all Development other than Buildings, Lots, or Building Sites within a Development Parcel.

6.8.2 Streetscape Repairs, Replacements & Improvements.

Prior to the issuance of any Certificate of Occupancy for a Building or Improvement, the following Streetscape

Improvements, repairs, or replacements shall be provided by the Lot or Building Site owner with respect to each Building or Improvement and the Streetscape that Enfronts the applicable Lot or Building Site:

A. Damage Repair.

Any walkway, planter well or planter strip, street light or curb that exists in the Public Frontage or Street Adjacent to the applicable Lot prior to commencement of Construction of such Building or Improvement and which is damaged during such Construction shall be repaired so that it is in at least as good condition as it was in prior to such damage or shall be replaced.

B. Absent Elements.

If the Public Frontage Adjacent to the applicable Lot does not include a Street, planter, Street trees or Street lights, any such absent element shall be provided by the applicable Lot or Building Site owner in accordance the following standards and requirements:

1. If there is no sidewalk, a sidewalk shall be constructed along the entire Front Lot or Building Site Line, which sidewalk must match any existing sidewalk Enfronting an Adjacent Lot or Building Site, or if there is none, must conform to City regulations.
2. If there is no planter strip or plant well, planting accommodations shall be constructed along the entire Front Lot or Building Site Line, which planting accommodations must match any existing planter strip or plant well Enfronting an Adjacent Lot, or if there is none, must conform to City regulations.
3. If there is no tree within the Frontage Adjacent to the Lot or Building Site, one or more trees shall be installed along the Front Lot or Building Site Line, which tree(s) must meet the tree shape, spacing, and size standards of City regulations.

4. If there is not sufficient right-of-way area for all or any of the required Streetscape repairs, replacements, or Improvements as set forth in this Section 6.8, such element or elements shall be provided within the Lot or Building Site Adjacent to the right-of-way and the property owner must grant a perpetual non-exclusive easement for public use of such elements.

5. Each Streetscape repair, replacement or Improvement made pursuant to this Section 6.8 must comply with the rules, regulations, and requirements of the City that are applicable and in effect from time to time in respect of such element, so that it qualifies, or would qualify if within the public right-of-way, for dedication to the City.

SECTION 6.9 FLOOD HAZARD ZONE OVERLAY.

6.9.1 Statutory Authorization, Finding of Fact, Purpose and Objectives.

A. Statutory Authorization.

The Legislature of the State of Connecticut has in Title 7, Chapter 98, Section 7-148(c)(7)(A) and in Title 8, Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Norwalk, Connecticut, does ordain as follows:

B. Finding of Fact.

The flood hazard areas of the City of Norwalk are subject to periodic Flood inundation which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for Flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

The City of Norwalk has voluntarily participated in the National Flood Insurance Program (NFIP) since April 24, 1978. The NFIP is founded on a mutual agreement between the federal government and each participating community. Local, state and federal governments must share roles and responsibilities to meet the goals and objectives of the NFIP. Property owners are able to receive federally-subsidized Flood insurance only if the community enacts and enforces the minimum floodplain regulations required for participation in the NFIP.

C. Statement of Purpose.

It is the purpose of this regulation to regulate floodplain development, promote public health, safety, and general welfare, and minimize public and private losses due to Flood conditions in specific areas by provisions designed:

1. To protect human life and health, and prevent damage to property;
2. To minimize expenditure of public funds for costly Flood control projects;
3. To minimize the need for rescue and relief efforts associated with Flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions and other economic disruptions;
5. To minimize damage to public facilities, infrastructure and utilities located in the floodplain;
6. To help maintain a stable tax base by providing for the sound use and development of Flood hazard areas in such a manner as to minimize Flood damage;
7. To insure that potential buyers are notified that property is in a Flood hazard area;

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8. To prevent increases in Flood heights that could further increase Flood damage;

9. To ensure that those who occupy the Flood hazard areas assume responsibility for their actions; and

10. To discourage Development in a floodplain if there is any practicable alternative to locate the activity, Building, Use or Structure outside of the floodplain.

D. Objectives.

In order to accomplish its purposes, this regulation includes objectives, methods and provisions that:

1. Restrict or prohibit Uses which are dangerous to health, safety and property due to Flood or erosion hazards, or which result in damaging increases in erosion or in Flood heights or velocities;

2. Require that Uses vulnerable to Floods, including facilities that serve such Uses, be protected against Flood damage at the time of initial Construction;

3. Control the Alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of Flood waters;

4. Control filling, Grading, dredging and other Development which may increase erosion or Flood damage; and

5. Prevent or regulate the Construction of barriers or obstructions which will unnaturally divert Flood waters or which may increase Flood hazards to other lands.

6.9.2 Definitions.

Terms used in this Section 6.9 are defined within **Article 9 (Definitions)**.

6.9.3 General Provisions.

A. Areas to which this Regulation Applies.

This regulation shall apply to all Special Flood Hazard Areas (SFHA) within the City of Norwalk, Connecticut.

B. Basis for Establishing the Special Flood Hazard Areas (SFHA).

The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for the City of Norwalk, dated October 16, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated October 16, 2013 and accompanying Flood Insurance Rate Maps (FIRM), dated October 16, 2013 (Panel 09001C0393G), July 8, 2013 (Panels 09001C0529G, 09001C0531G, 09001C0532G, 09001C0533G, 09001C0534G, 09001C0537G, 09001C0541G, 09001C0542G) and June 18, 2010 (Panels 09001C0389F, 09001C0391F, 09001C0392F, 09001C0394F, 09001C0526F, 09001C0527F), and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive, until such time as a map amendment or map revision is obtained from FEMA.

The SFHA includes any area shown on the FIRM as Zones A, AE, AO, AH, Coastal AE and VE, including areas designated as a Floodway on a FIRM. Zones VE and Coastal AE are also identified as Coastal High Hazard Areas.

SFHAs are determined utilizing the Base Flood Elevations (BFE) provided on the Flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

C. Structures Already in Compliance.

A Structure or Development already in compliance with this regulation shall not be made non-compliant by any Alteration, modification, repair, reconstruction or Improvement and must also comply with other applicable local, state, and federal regulations. No Structure or land shall hereafter be located, extended, converted, modified or structurally Altered without full compliance with the terms of this regulation and other applicable regulations.

D. Abrogation and Greater Restrictions.

This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation.

In the interpretation and application of this regulation, all provisions shall be: 1) considered as minimum requirements; 2) liberally construed in favor of the governing body, and; 3) deemed neither to limit nor repeal any other powers granted under State statutes.

F. Warning and Disclaimer of Liability.

The degree of Flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger Floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or Uses permitted in such areas will be free from Flooding and Flood damages. This regulation shall

not create liability on the part of the City of Norwalk or by any officer or employee thereof for any Flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The City of Norwalk, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the City of Norwalk.

G. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable.

6.9.4 Administration.

A. Designation of the Local Administrator.

The Director of Planning & Zoning is hereby appointed to administer, implement and enforce the provisions of this regulation.

B. Certification.

Where required under this regulation, a registered professional engineer or architect shall certify that the design and methods of Construction are in accordance with accepted standards of practice for meeting the provisions of this regulation. Such certification must be provided to the Director of Planning & Zoning.

C. Establishment of the Flood Management Section of the Zoning Permit.

The Flood management section of the Zoning Permit must be completed in conformance with the provisions of this regulation prior to the

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commencement of any Development activities.

D. Permit Application Procedures.

A Zoning Permit is hereby established for all Construction and other Development to be undertaken in Special Flood Hazard Areas in this community. Prior to any Development activities, application for a Zoning Permit shall be made to the Director of Planning & Zoning on forms provided and may include, but not be limited to, plans in duplicate drawn to scale showing, at a minimum, the property lines and location of the parcel; the nature, location, dimensions, and elevations of the area in question; limit and extent of the 100-year floodplain, the limit of moderate wave action (LiMWA) boundary line, floodway boundary line and Base Flood Elevation(s); existing and proposed Structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required to be submitted to the Director of Planning & Zoning:

1. Application Stage

The applicant shall provide at least the following information, where applicable. Additional information may be required on the permit application form.

- a. Base Flood Elevation (BFE) for the site in question as determined in the FEMA Flood Insurance Study (FIS) or Flood Insurance Rate Map (FIRM). The FIS flood profiles provide more accurate BFE data than the FIRM. The extent of the 100-year floodplain, limit of moderate wave action (LiMWA), and Floodway must be depicted with a boundary line on any Site Plans and shown in relation to existing and proposed Structures or Development;
- b. Elevation in relation to mean sea level of the proposed lowest floor, including Basement, of all new Construction, Substantial Improvements or repairs to Structures that have sustained Substantial Damage;

c. Elevation in relation to mean sea level to which any non-residential new Construction, Substantial Improvements or repair to Structures that have sustained Substantial Damage will be dry Floodproofed;

d. Description of the extent to which any Watercourse will be Altered or relocated as a result of the proposed Development. Computations by a registered professional engineer must be submitted that demonstrate that the Altered or relocated segment will provide equal or greater conveyance than the original stream segment. The Applicant must submit any maps, computations or other materials required by the Federal Emergency Management Agency (FEMA) in order to officially amend or revise the Flood Insurance Rate Map. The Applicant must pay any fees or other costs assessed by FEMA for this purpose. The Applicant must also provide assurances that the conveyance capacity of the Altered or relocated stream segment will be maintained;

e. A statement and supporting documentation (all costs of project, market value of Structure, etc.) verifying that the proposed Alterations to an existing Structure meets or does not meet the criteria of the Substantial Improvement and/or Substantial Damage definition. If a Development meets the definition of Substantial Improvement and/or Substantial Damage, the Structure must be brought into compliance with all floodplain regulations as if it were new Construction;

f. Where applicable the following certifications by a registered professional engineer or architect are required, and must be provided to the Director of Planning & Zoning. The design and methods of Construction must be certified to be in accordance with accepted standards of practice and with the provisions of Section 6.9.5.C

(1) Non-Residential Floodproofing must meet the provisions of Section 6.9.5.C.1.b;

(2) Fully enclosed areas below the Base Flood Elevation (BFE) must meet the minimum design criteria in Section 6.9.5.C.1.c;

(3) No (0.00) increase in Floodway water surface elevations are allowed. Any Development in a Floodway must meet the provisions of Section 6.9.5.F;

(4) Breakaway Walls must meet the design criteria specified in Section 6.9.5.D.9 and 6.9.5.D.10; and

(5) Structural anchoring must meet the design criteria specified in Section 6.9.5.D.4 and 6.9.5.D.5.

2. Construction Stage

Upon completion of the applicable portion of Construction, the Applicant shall provide verification to the Director of Planning & Zoning of the following as is applicable:

a. Lowest floor elevation shall be verified for:

(1) A Structure in Zones A, AE, AO or AH is the top of the lowest floor including Basement);

(2) A Structure in Zones VE and Coastal AE is the lowest horizontal structural member (excluding pilings or columns);

(3) A non-Residential Structure that has been dry Floodproofed is the elevation to which the Floodproofing is effective. (Note: For insurance purposes, a dry Floodproofed, non-Residential Structure is rated based on the elevation of its lowest floor unless it is Floodproofed to one (1) foot above the BFE.);

b. Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make

said corrections required hereby, shall be cause to issue a stop-work order for the project.

E. Duties and Responsibilities of the Local Administrator.

The authority of the Director of Planning & Zoning shall include, but not be limited to:

1. Review all Applications for completeness, particularly with the requirements of Section 6.9.4.D.1.

2. Review all Applications to determine whether the proposed Development and Building Sites will be reasonably safe from Flooding.

3. Review all Applications to assure that the permit requirements of this regulation have been satisfied.

4. Obtain, record and maintain the elevation (in relation to mean sea level) of the lowest floor (including Basement) of all new Construction, Substantial Improvement or repair to a Structure that has sustained Substantial Damage.

5. Obtain, record and maintain the elevation (in relation to mean sea level) to which all new Construction, Substantial Improvement or repair to a Structure that has sustained Substantial Damage has been Floodproofed.

6. In Coastal High Hazard Areas (VE and Coastal AE Zones), obtain, record and maintain the elevation of the bottom of the lowest horizontal structural member for all new Construction, Substantial Improvement or repair to a Structure that has sustained Substantial Damage.

7. When Floodproofing is utilized for a particular Structure, the Director of Planning & Zoning may require certification from a registered professional engineer or architect, in accordance with Section 6.9.5.C.1.b.

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8. Where interpretation is needed as to the exact location of boundaries of the special Flood hazard area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Director of Planning & Zoning may make the necessary interpretation utilizing any data available to render a decision. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this regulation.

9. Require the Applicant to provide Base Flood Elevation data for all proposed Development, including Manufactured Home Parks.

10. In Coastal High Hazard Areas (VE and Coastal AE Zones), certification shall be obtained from a registered professional engineer or architect that the Structure is designed to be securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash, in accordance with Section 6.9.5.D.

11. In Coastal High Hazard Areas (VE and Coastal AE Zones), the Director of Planning & Zoning may review plans for adequacy of Breakaway Walls, in accordance with Section 6.9.5.D.

12. All records pertaining to the provisions of this regulation may be obtained and maintained in the office of the Director of Planning & Zoning for public inspection.

13. Upon completion of the permitted development and prior to issuance of a Certificate of Occupancy (CO), necessary as-built surveys (prepared by a Connecticut Licensed Professional as per Connecticut State Statutes) and engineering and architectural certifications shall be provided to the Director of Planning & Zoning demonstrating compliance with the approved plans and standards set forth in Section 6.9.4.D.

6.9.5 Provisions for Flood Hazard Reduction.

A. General Standards.

In all Special Flood Hazard Areas (SFHAs) the following provisions are required:

1. New Construction, Substantial Improvements, and repair to Structures that have sustained Substantial Damage shall be constructed using methods and practices that minimize Flood damage.

2. New Construction, Substantial Improvements, and repair to Structures that have sustained Substantial Damage shall be constructed with materials and utility equipment that are Flood-damage resistant and conform to the provisions of FEMA Technical Bulletin 2, Flood Damage-Resistant Material Requirements. This includes, but is not limited to, flooring, interior and exterior Walls, Wall coverings and other materials installed below the Base Flood Elevation plus one (1.0) foot.

3. New Construction, Substantial Improvements, and repair to Structures that have sustained Substantial Damage shall be anchored to prevent flotation, collapse or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

4. New Construction, substantial Improvements, and repair to Structures that have sustained Substantial Damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent Use or facility.

5. The bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, appliances, fixtures and components, HVAC duct work and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a Structure shall be elevated one (1.0) foot above the Base Flood Elevation (BFE). This includes, but is not limited to, furnaces, oil or propane tanks,

air conditioners, heat pumps, hot water heaters, ventilation duct work, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes. Systems, fixtures, equipment and components shall not be mounted on or penetrate through Breakaway Walls intended to fail under Flood loads. Connections or other equipment that must be located below the BFE plus 1.0 foot elevation are permitted only when no other elevation alternative is available and provided they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the Base Flood event. Electrical wiring systems that must be located below the BFE plus 1.0 foot shall conform to the standards for wet locations.

6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of Flood waters into the system and discharges from the system into Flood waters.

8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during Flooding.

9. In all Flood zones, underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the Base Flood. In VE and Coastal AE zones, above-ground storage tanks which are located outside or inside of a Structure must be elevated one (1.0) foot above the Base Flood Elevation (BFE). Where elevated on platforms, the platforms shall be cantilevered from or knee braced to the Building or shall be supported on elevated foundations that conform to the standards for the particular Flood zone as described in Section 6.9.5.C.

In A and AE zones, above-ground storage tanks which are located outside or inside of a structure shall be elevated one (1.0) foot above the Base Flood Elevation (BFE) or shall be securely anchored to prevent flotation, collapse or lateral movement under conditions of the Base Flood. Anchored tanks must have the top of the fill pipe located at least one (1.0) foot above the BFE and have a screw fill cap that does not allow for the infiltration of Flood water.

10. In any portion of a Watercourse that is Altered or relocated, the Flood carrying capacity must be maintained. Notify Adjacent communities and the Connecticut Department of Energy and Environmental Protection (DEEP), Land and Water Resources Division prior to any Alteration or relocation of a Watercourse.

11. If any portion of a Structure lies within the Special Flood Hazard Area (SFHA), the entire Structure is considered to be located within the SFHA and must meet the Construction requirements of the Flood zone. The Structure includes any structurally attached Additions, Garages, Decks, Porches, sunrooms, patios or any other Structure attached to the main Structure.

12. If a structure lies within two (2) or more Flood zones, the Construction standards of the most restrictive zone apply to the entire Structure (i.e., VE zone is more restrictive than AE zone; Structure must be built to the highest BFE). The Structure includes any structurally attached Additions, Garages, Decks, Porches, patios, sunrooms, or any other Structure attached to the main Structure.

13. Compensatory Storage. The water holding capacity of the floodplain, except those areas that are tidally influenced, shall not be reduced. Any reduction caused by filling, new Construction or Substantial Improvements involving an increase in footprint to the Structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless Easements

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have been gained from Adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for Flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of Flood water at each elevation, up to and including the 100-year Flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

14. Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, Encroachments resulting from filling, new Construction or Substantial Improvements involving an increase in footprint of the Structure, are prohibited unless the Applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such Encroachments shall not result in any (0.00 feet) increase in Flood levels (Base Flood Elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in Flood stage or flood velocity.

B. Standards for Watercourses without Established Base Flood Elevations, Adopted Floodways, and/or Flood Mapping.

1. The Director of Planning & Zoning may require Base Flood Elevation (BFE) data be provide with any application for new Construction, Substantial Improvement, repair to Structures which have sustained Substantial Damage or other Development in Zone A without a FEMA-published BFE (un-numbered A Zone). **A registered**

professional engineer must determine the BFE in accordance with accepted hydrologic and hydraulic engineering practices and document the technical methods used. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval. The Director of Planning & Zoning may obtain, review and reasonably utilize any BFE and Floodway data available from a federal, state or other source, including data developed for subdivision proposals, as criteria for requiring that new Construction, Substantial Improvements, repair to Structures which have sustained Substantial Damage or other Development in un-numbered A Zones on the community's Flood Insurance Rate Map (FIRM) meet the standards in Section 6.9.4.D and Section 6.9.5.C. If no BFE can be determined, the lowest floor, including basement, must be elevated to three (3) feet above the highest Adjacent grade next to the Structure.

2. When BFEs have been determined within Zone AE on the community's FIRM but a regulatory floodway has not been designated, the Director of Planning & Zoning may require that no new Construction, Substantial Improvements, repair to Structures which have sustained Substantial damage or other Development, including fill, shall be permitted which will increase the water surface elevation of the Base Flood more than one (1.0) foot at any point within the community when all existing and anticipated Development is considered cumulatively with the proposed Development.

3. The Director of Planning & Zoning may request Floodway data of an applicant for Watercourses without FEMA-published Floodways. When such data is provided by an Applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory Floodway based on the principle that the Floodway must be able to convey the waters of the Base Flood without increasing the

water surface elevation more than one (1.0) foot at any point within the community.

4. The Director of Planning & Zoning may obtain, review, and reasonably utilize any BFE and Floodway data available from a federal, state or other source, as criteria for requiring that new Construction, Substantial Improvements, repair to Structures which have sustained Substantial Damage or other Development in any area of potential, demonstrable or historical Flooding within the community meet the standards in Section 6.9.4.D and Section 6.9.5.C.

C. Specific Standards.

1. Construction Standards in Special Flood Hazard Areas (SFHA), Zones A and AE.

a. Residential Construction.

All new Construction, Substantial Improvements, and repair to Structures that have sustained Substantial Damage which are Residential Structures shall have the bottom of the lowest floor, including Basement, elevated one (1.0) foot above the Base Flood Elevation (BFE). Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.

b. Non-Residential Construction.

All new Construction, substantial Improvements, and repair to Structures that have sustained substantial damage which are commercial, Industrial, or non-Residential Structures shall:

(1) Have the bottom of the lowest floor, including Basement, elevated one (1.0) foot above the Base Flood Elevation (BFE);

(2) In lieu of being elevated, non-Residential Structures may be dry Floodproofed to one (1.0) foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the Structure below the required

elevation are watertight with Walls substantially impermeable to the passage of water, and provided that such Structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the Construction, and shall certify that the design and methods of Construction are in accordance with acceptable standards of practice for meeting the provisions of this Section. Such certification shall be provided to the Director of Planning & Zoning on the FEMA Floodproofing Certificate, Form 81-65.

(3) Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.

c. Fully Enclosed Areas Below the Base Flood Elevation of Elevated Buildings.

All new Construction, Substantial Improvements, or repair to Structures that have sustained Substantial Damage, whether Residential or non-Residential, that include fully enclosed areas formed by a foundation and other exterior Walls shall have the lowest floor elevated to one (1.0) foot above the Base Flood Elevation (BFE). The elevated Building shall be designed to preclude finished living space below the lowest floor and be designed to allow for the entry and exit of Flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect as meeting the requirements of ASCE 24 Section 2.6.2.2, or meet the following minimum criteria listed in Sections (1)-(8) below:

(1) Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area

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of not less than one (1) square inch for every one (1) square foot of enclosed area subject to Flooding. The enclosed area is measured on the exterior of the enclosure Walls. These hydraulic openings must be located on at least two (2) different exterior Walls of each enclosed area. If the Structure has more than one (1) enclosed area, openings must be installed in the exterior Walls of each enclosed area so that Flood waters can enter directly from the outside;

(2) The bottom of all openings shall be no higher than one (1.0) foot above the higher of either the final interior grade or floor elevation, or the finished exterior grade Adjacent to the outside of the foundation Wall. At least one (1) entire side of the Structure's fully enclosed area must be at or above grade. Fill placed around the foundation Walls must be graded so that the elevation inside the enclosed area is equal to or higher than the Adjacent outside elevation on at least one (1) side of the Building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a Residential Structure, including the slab of a crawlspace, must be set equal to the outside finished grade on at least one (1) side of the Building;

(3) The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of Flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of Flood waters into and out of the enclosed area. Other coverings may be designed and certified by a registered professional engineer or approved by the Director of Planning & Zoning;

(4) Openings shall not be less than three (3) inches in any direction in the plane of the Wall;

(5) The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, Building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (Garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation;

(6) All interior Walls, floor, and ceiling materials located below one (1.0) foot above the BFE shall be unfinished and flood damage-resistant in accordance with FEMA Technical Bulletin 2, Flood Damage-Resistant Requirements.

(7) Electrical, plumbing, HVAC duct work, machinery or other utility equipment and connections that service the Structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washer and dryer hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE plus one (1.0) foot. Utilities or service equipment located in this enclosed area, even if elevated to one (1.0) foot above the BFE in the space, may subject the structure to increased Flood insurance rates.

(8) A Residential Building with a structurally attached Garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections 6.9.5.C.1..c(1)-(7). A Garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be

designed to allow for the automatic entry and exit of Flood waters in both directions. Flood openings or vents are required in the exterior Walls of the Garage or in the Garage doors. Garage doors that must be manually opened do not meet the Flood vent opening requirements in Section 6.9.5.C.1.c.(1)-(3). In addition to the automatic entry of Flood waters, the areas of the Garage below BFE plus one (1.0) foot must be constructed with Flood damage-resistant materials per the requirements of FEMA Technical Bulletin 2. Garages attached to non-Residential Structures must also meet the aforementioned requirements or be dry Floodproofed as per the requirements of Section 6.9.5.C.1.b.

D. Construction Standards in Coastal High Hazard Areas, Zones VE and Coastal AE.

Located within the Special Flood Hazard Areas (SFHA) are areas designated as Coastal High Hazard Areas. These areas have additional Flood hazards associated with wave wash, erosion scour, and high wind. Therefore, the following provisions shall apply:

1. All new construction, Substantial improvement and repair to structures that have sustained Substantial Damage shall be located at least twenty-five (25) feet landward of the reach of mean high tide.
2. All new Construction, Substantial Improvement and repair to Structures that have sustained Substantial Damage shall be elevated so that the bottom of the lowest horizontal structural member (excluding pilings, pile caps, and columns) is elevated at least one (1.0 foot) above the Base Flood Elevation (BFE), with all space below the lowest horizontal supporting member open and free of obstruction so as not to impede the flow of water. Basement floors that are below ground on all sides are prohibited.
3. The bottom of all electrical, plumbing, machinery or other utility equipment that service the Structure must be elevated one (1.0) foot above the BFE and cannot be located below the Structure. Any service equipment that must be located below the BFE must be Floodproofed to prevent water from entering during conditions of Flooding. Electrical, mechanical and plumbing system components are not to be mounted on or penetrate through Walls designed to breakaway under Flood loads.
4. All new Construction, Substantial Improvement and repair to Structures that have sustained Substantial Damage shall be securely anchored on pilings or columns.
5. All pilings and columns and the attached Structures shall be anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all Building components. The anchoring and support system shall be designed with wind and water loading values required by applicable State or local Building codes.
6. A registered professional engineer or architect shall develop structural specifications and plans for the Construction and shall certify that the design, specifications and plans for Construction are in accordance with acceptable standards and are in compliance with the provisions contained in Sections 6.9.5.D.1 - 6.9.5.D.4.
7. There shall be no fill used for structural support. Minor Grading and the placement of minor quantities of non-compacted fill shall be permitted for landscaping and drainage purposes under and around Buildings, and for support of parking slabs, pool decks, patios and walkways installed at current grade. The fill must wash out from storm surge, thereby rendering the Building free of obstruction, prior to generating excessive loading forces, ramping effects, or wave deflection. The Director of Planning & Zoning may approve design plans for landscaping/

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aesthetic fill only after the Applicant has provided an analysis by a registered professional engineer, architect and/or soil scientist, which demonstrates that the following factors have been fully considered: (1) Particle composition of fill material does not have a tendency for excessive natural compaction; (2) Volume and distribution of fill will not cause wave deflection to Adjacent properties; and (3) Slope of fill will not cause wave run-up or ramping.

8. There shall be no Alteration of sand dunes that would increase potential flood damage.

9. Prior to Construction, plans for any Structures that will have breakaway walls, lattice work or insect screening must be submitted to the Director of Planning & Zoning for approval.

10. Non-supporting Breakaway Walls, lattice work or mesh screening shall be allowed below the Base Flood Elevation provided it is not part of the structural support of the Structure and is designed so as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the Structure on which it is to be used and provided the following design specifications are met: (1) Design safe loading resistance of each Wall shall not be less than ten (10) pounds per square foot or more than twenty (20) pounds per square foot; or (2) If more than twenty (20) pounds per square foot, a registered professional engineer or architect shall certify that the design Wall collapse would result from a water load less than that which would occur during the Base Flood event, and the elevated portion of the Building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all Building components prior to or during the collapse of such Wall. Enclosures of 300 square feet or more are subject to increased insurance premiums.

11. Areas enclosed by Breakaway Walls shall

contain hydraulic flood vents per the requirements of Section 6.9.5.C.1.c.

12. If Breakaway Walls, lattice work or insect screening are utilized, the resulting enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, Building access, or limited storage. Enclosures of 300 square feet or more are subject to increased insurance premiums.

13. Any Alteration, repair, reconstruction, or Improvement to a Structure shall not enclose the space below the lowest floor except with Breakaway Walls, lattice work, or insect screening as provided for in 6.9.5.D.8 and 6.9.5.D.9 of this Section.

14. To protect the Building envelope, an exterior door shall be installed at the top of the stairs that provides access to the lowest (habitable) floor of the Structure.

15. The base of a chimney or fireplace shall not extend below the BFE plus one (1) foot. When vertical support is required, a chimney or fireplace shall be vertically supported on pile or column foundations embedded at least as deep as the rest of the Structure foundation or deeper where needed to support the chimney against water and wind loads. The chimney and fireplace system shall be designed to minimize transfer of water and wind loads to the Structure or Structure foundation.

E. Manufactured (Mobile) Homes and Recreational Vehicles (RVs).

The placement of mobile homes and Manufactured Homes shall be prohibited in Flood hazard areas A, AE, shaded X, and VE. This prohibition includes placement outside of a Manufactured Home Park or Subdivision, in a new Manufactured Home Park or Subdivision, in an existing Manufactured Home Park or Subdivision, in an expansion to an existing Manufactured Home Park or Subdivision, or in an existing Manufactured Home Park or Subdivision on which a Manufactured

Home has incurred Substantial Damage as a result of a Flood, provided that the replacement of one mobile home with another one in a Mobile Home Park shall be permitted. Recreational vehicles placed on sites within Zones A, AE and VE shall: (1) be on the site for fewer than one hundred eighty (180) consecutive days; and (2) be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.)

F. Floodways.

Located within Special Flood Hazard Areas (SFHA) are areas designated as Floodways on the community's Flood Insurance Rate Maps (FIRM) or Flood Boundary and Floodway Maps (FBFM). Since the Floodway is an extremely hazardous area due to the velocity of Flood waters which carry debris, potential projectiles and has erosion potential, no Encroachments, including fill, new Construction, Substantial Improvements, repairs to Substantially Damaged Structures and other Developments shall be permitted unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that Encroachments shall not result in any (0.00 feet) increase in Flood levels during occurrence of the Base Flood discharge published by FEMA. Buildings and Structures meeting the standard above and located in whole or in part in the Floodway shall be designed and constructed in accordance with ASCE 24. Fences in the Floodway must be aligned with the flow and be of an open design.

6.9.6 Design Standards for Subdivision Proposals.

If a proposed Subdivision is located in a Special Flood Hazard Area (SFHA) the following requirements shall apply:

1. All subdivision proposals shall be consistent with the need to minimize Flood damage;
2. All Subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize Flood damage;
3. All Subdivision proposals shall have adequate drainage provided to reduce exposure to Flood hazards; and
4. The Director of Planning & Zoning may require the Applicant to provide BFE data for all subdivision proposals as per Section 6.9.4.E.13. In all special Flood hazard areas where Base Flood Elevation (BFE) data is not available, the Applicant shall provide a hydrologic and hydraulic engineering analysis performed by a registered professional engineer that generates BFEs for all subdivision proposals and other proposed Development, including Manufactured Home Parks and Subdivisions.

6.9.7 Variance Procedures.

A. Establishment of Variance Process.

1. The Zoning Board of Appeals, as established by the City of Norwalk, shall hear and decide appeals and requests for Variances from the requirements of this regulation.
2. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Director of Planning & Zoning in the enforcement or administration of this regulation.
3. Any person aggrieved by the decision of the Zoning Board of Appeals or any person owning land which Abuts or is within a radius of one hundred (100) feet of the land in question may appeal within fifteen (15) days after such decision to the State Superior Court of Stamford, as provided in Section 8-8 of the General Statutes of Connecticut.

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B. Specific Situation Variances.

1. Buildings on a Historic Register.

Variances may be issued for the reconstruction, rehabilitation or restoration of Structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally-adopted historic district without regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the Structure losing its historical designation.

2. Functionally Dependent Use or Facility.

Variances may be issued for new Construction and Substantial Improvements and other Development necessary for the conduct of a functionally dependent Use or facility provided the Structure or other Development is protected by methods that minimize Flood damage, creates no additional threat to public safety and meet all the requirements of Section 6.9.7.D.

3. Floodway Prohibition.

Variances shall not be issued within any designated floodway if any increase in flood levels during the Base Flood discharge would result.

C. Considerations for Granting of Variances.

In reviewing such applications for Variances, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulation and the items listed below Sections 6.9.7.C.1-11. Upon consideration of these factors and the purposes of this regulation, the Zoning Board of Appeals may attach such conditions to the granting of Variances as it deems necessary to further the purposes of this regulation.

1. The danger that materials may be swept onto

lands causing injury to others;

2. The danger to life and property due to Flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to Flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;

6. The availability of alternative locations not subject to Flooding or erosion damage for the proposed Use;

7. The compatibility of the proposed Use with existing and anticipated Development;

8. The relationship of the proposed Use to the comprehensive plan and floodplain management program for that area;

9. The safe access to the property in times of Flood for ordinary and emergency vehicles;

10. The heights, velocity, duration, rate of rise and sediment transport of the Flood waters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after Flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and Streets and bridges.

D. Conditions for Variances.

1. Variances shall only be used upon a determination that the Variance is the minimum necessary to afford relief considering the Flood hazard; and in the instance of a historical Building, a determination that the Variance is the minimum necessary as

not to destroy the historic Character and design of the building and result in the loss of historic designation of the Building. Variances pertain to a piece of property and are not personal in nature. A properly issued Variance is granted for a parcel of property with physical characteristics so unusual that complying with the regulation would create an exceptional hardship to the Applicant or the surrounding property owners. Those characteristics must be unique to that property and not be shared by Adjacent parcels. For example, economic or financial hardship is not sufficient cause for a Variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one's neighbors.

2. Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the Variance would result in exceptional hardship, and; (iii) a determination that the granting of a Variance will not result in increased Flood heights, additional threats to public safety, extraordinary public expense, creation of nuisance, damage the rights or property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances, or regulations. Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall qualify to meet Section 6.9.7.D.1 above. Claims of hardship based on the Structure, on economic gain or loss, or on personal or self-created circumstances are not sufficient cause for the granting of a Variance.

3. No Variance may be issued within a regulatory Floodway that will result in any increase in the 100-year flood levels. A Variance may be issued for new Construction, Substantial Improvements and other Development necessary for the conduct of a "functionally dependent Use" provided that there is good and sufficient cause for providing relief; and the Variance does not cause a rise in the 100-year Flood

level within a regulatory Floodway. The Structure and other Development must be protected by methods that minimize Flood damages.

4. Any Applicant to whom a Variance is granted shall be given written notice that the Structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation (BFE), and that the cost of Flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 6.10 COASTAL AREA MANAGEMENT OVERLAY.

6.10.1 Statement of Authority and Purpose.

1. The purpose of this Section is to implement the Connecticut Coastal Management Act, Chapter 444 of the Connecticut General Statutes, as amended, and the goals and policies therein.

2. The Connecticut Coastal Management Act, also known as Sections 22a-90 to 22a-111, inclusive, of the Connecticut General Statutes, as amended, establishes the Connecticut coastal boundary, defines coastal resources, coastal site plans, adverse impacts on coastal resources and Water-dependent Uses and specifies the requirements and procedures for municipalities to follow in preparing coastal programs and conducting coastal site plan reviews.

6.10.2 General Requirements.

A. Coastal Area Management.

1. All references to the "coastal boundary" refer to the Coastal Boundary Map, Norwalk, Connecticut, scale one (1) inch equals six hundred (600) feet, adopted by the Planning and Zoning Commission June 18, 1980, as amended, a copy of which is on file with the Town Clerk.

2. All references to the "Coastal Area Management

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Overlay” refer to the area of Norwalk within the coastal boundary and landward of the mean high-water mark.

B. Coastal Site Plans Required.

1. Uses Permitted.

The Coastal Area Management Overlay permits such Residential and non-Residential Development and Uses as are permitted and in the same manner as in the underlying District, provided the coastal site plan review, if required, determines that the potential adverse impacts for the proposed Development or Use on both coastal resources and future water-dependent Development activities meet the goals and policies of the Connecticut Coastal Management Act, as amended.

2. Administration of Coastal Site Plan Review.

a. Whenever a Building, Structure, or Use is to be located fully or partially within the Coastal Area Management Overlay, the application for Zoning Permit, Special Permit, Site Plan Review, Subdivision or Re-subdivision, Special Exception, Zoning Variance or a proposed municipal project under Sec. 8-24 CGS, shall be accompanied by an application for Coastal Site Plan review upon the form provided. Review of a coastal site plan under the requirements in the CAM Act shall supersede any review requirements by the City and shall be in addition to any applicable Zoning Regulations of any Special District exercising zoning authority under special act.

b. Coastal Site Plan Review applications shall provide:

- (1) A plan in accordance with subsections 11(c) and 12(b) of the Connecticut Coastal Management Act;
- (2) A description of the entire project with appropriate plans, indicating project location, design, timing and method of Construction;
- (3) An assessment of the capability of the built

and natural resources to accommodate the proposed Use, Development or activity;

(4) An assessment of the suitability of the project for the site;

(5) An evaluation of the potential beneficial and adverse impacts of the project;

(6) A description of the proposed methods and actions to mitigate adverse effects on coastal resources;

(7) Reasons why the adverse impacts of the proposed Development, or Use are acceptable;

(8) A statement of how such Development, or Use is consistent with the goals and policies of the Connecticut Coastal Management Act; and

(9) A Soil Erosion and Sediment Control Plan.

c. The Commission may require for the review of Coastal Site Plans:

(1) the Applicant to provide additional environmental assessment of the proposal by a professional with expertise in environmental assessment of coastal resources;

(2) an independent peer review by a professional with expertise in environmental assessment of coastal resources, as described in Article 1.25 of these regulations;

(3) adequate mitigation of adverse impacts; and

(4) feasible, less environmentally damaging alternatives, including, but not limited to,

(a) relocation of a Structure to a more landward location,

(b) elevation of a Structure,

(c) restoration or creation of a coastal habitat,

(d) shoreline restoration utilizing living shoreline techniques to provide shoreline

protection and managing coastal resources and habitat,

(e) establishment of a protective vegetated Buffer Adjacent to coastal resources,

(f) reasonable mitigation measures and techniques, including, but not limited to:

- provisions for upland migration of on-site tidal wetlands,
- replenishment of the littoral system and the public beach with suitable sediment at a frequency and rate equivalent to the sediment removed from the site as a result of the proposed structural solution,
- or removal of existing shoreline Flood and erosion control Structures.

d. Application Requirements:

(1) An application shall include the application form provided by the Commission and such information as prescribed by this section and any other information the Commission may reasonably require. Application forms may be obtained in the office of the Planning & Zoning Department.

(2) The application shall be signed by the Applicant and, if the Applicant is not the owner, the owner of the property. If the Applicant is unable to obtain the signature of the owner, the Applicant may submit a letter of authorization signed by the property owner.

(3) Notification of Neighbors: All Applicants shall notify the owners of land that adjoins the subject parcel no later than ten (10) days after such application is submitted. Mailings shall be evidenced by a certificate of mailing that shall be submitted by the applicant to the Commission on or before the date of the Commission's action on such application. The name of the owners shall be taken from the latest Tax Assessor records. When a

condominium is located across the Street, or Abuts the subject proposal notification may be sent to the condominium association in lieu of the individual unit owners.

(4) A fee shall accompany the application in accordance with the Schedule of Fees, effective as of the date of the application, to be paid by the Applicant at time of submission of application.

(5) Legal notice fees shall be the responsibility of the Applicant, who will be billed for the payment of legal notice fees directly by the publisher of such notice. Applications for special permit or Variance shall be exempt from these fees.

3. General procedures for review, consideration, and action on coastal site plans.

a. Public Hearing. The Commission may hold a public hearing, at its discretion, on any coastal site plan. Notice of the time and place of the hearing shall be given in accordance with Sections 8-3c and 8-7d of the Connecticut General Statutes, as amended. The Commission shall hold a public hearing on the following coastal site plan applications:

(1) Activities requiring any other Zoning Permit, review or approval for which a public hearing is required by General Statute or these regulations.

(2) Any change in Use of an existing Water-Dependent Use.

b. Considerations for Decision. The Commission shall review the application in accordance with the Connecticut Coastal Management Act, as amended, to determine whether the potential adverse impacts of the proposed Development, Use or activity on both coastal resources and future water-dependent Development activities are acceptable. The review shall consider:

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(1) the characteristics of the site, including location and condition of all coastal resources;

(2) the potential effects, both beneficial and adverse, of the proposed activity on Adjacent coastal systems and coastal resources;

(3) the potential effects, both beneficial and adverse, of the proposed activity on future water-dependent Development opportunities;

(4) the potential impact of a rise in sea level, coastal flooding and erosion patterns on both coastal resources and coastal Development;

(5) preservation of the dynamic form and integrity of coastal resource systems, including but not limited to minimization of Alteration of current flows, depth, slope, natural erosion and sedimentation, biological communities and habitat; and

(6) the goals and policies of the Connecticut Coastal Management Act, as amended, and identification of any conflicts between the proposed Development, Use or activity and any goal or policy of the act.

c. Decision, Duration and Conditions of Approval. The Commission shall approve, approve with conditions, modify or disapprove a coastal site plan in accordance with the time periods specified in Section 8-7d of the Connecticut General Statutes, as amended.

In approving the application, the Commission shall set an effective date and may attach such conditions to the coastal site plan as shall ensure compliance with the requirements of the Coastal Management Act, as amended.

Any Extension or Alteration of an existing Structure or Use permitted by coastal site plan review which substantially changes its Character or intensity shall require a new coastal site plan review.

As a condition to a coastal site plan approval, the Commission may require a financial guarantee

to secure compliance with any modifications required as a condition of approval. A financial guarantee for any modifications required by the Commission shall be posted by Applicant approved as to form and financial institution by the Commission or Corporation Counsel at any time before completing all site plan modifications, public Improvements or utilities. The financial guarantee shall be released only after all Improvements are complete and are in satisfactory condition. If not satisfactory, within sixty-five (65) days of release request, a written explanation shall be provided to the Applicant detailing the outstanding work that must be completed before such financial guarantee or portion thereof may be released.

All Structures and Uses in the Coastal Area Management Overlay, unless exempt under Section 6.10.3 of this Section, shall comply with coastal site plan review requirements in Sections 22a-105 through 22a-109 of the Connecticut Coastal Management Act, as amended, in addition to complying with the other requirements of these regulations.

6.10.3 Exemptions.

1. The following Uses and Structures may be exempt from coastal site plan review:

a. Gardening, grazing and the harvesting of crops.

b. Construction, Addition or Alteration of a detached Single-Family Dwelling or detached Building accessory to a Single-Family Dwelling except when such new Construction of a Dwelling, of Additions of one thousand (1,000) square feet or more, or new Construction of a detached Accessory Building of one thousand (1,000) square feet or more is in or within one hundred (100) feet of the following coastal resource areas as defined by Section 22a-93(7) of the Connecticut General Statutes, as amended: tidal wetlands, coastal bluffs and escarpments, beaches and dunes or coastal waters.

c. Minor Additions to existing Buildings or detached Accessory Buildings consisting of less than one thousand (1,000) square feet, except when such Addition or detached Accessory Building is in or within fifty (50) feet of the following coastal resources as defined by Section 22a-93(7) of the Coastal Management Act as amended: tidal wetlands, coastal bluffs and escarpments, beaches and dunes or coastal waters;

d. Installation of new or modification to existing docks on a residential property except when landward components of such docks exceed thirty (30) square feet.

e. Construction of new or modification to existing Structures incidental to the enjoyment and maintenance of Residential property including walks, Terraces, Driveways, elevated decks, swimming pools, tennis courts, and detached Accessory Buildings of less than one thousand (1,000) square feet except: (1) where the proposed Construction or modification is in or within fifty (50) feet of the following coastal resources as defined by Section 22a-93(7) of the Connecticut General Statutes: tidal wetlands, beaches and dunes, coastal bluffs and escarpment, or coastal waters; or (2) where access along a public beach may be affected.

f. Construction of new or modification of existing on-premise structures including Fences, Walls (provided they do not meet the definition of shoreline flood and erosion control structure found in Section 22a-109(c) of the Connecticut General Statutes), pedestrian walks and Terraces, underground utilities, essential electric, gas, telephone, water and sewer service lines, septic systems, and other services, Signs and other minor Structures except: (1) where any of the work or associated activities will occur within fifty (50) feet the following coastal resources as defined by Section 22a-93(7) of the Connecticut General Statutes: tidal wetlands, beaches and dunes, coastal bluffs and escarpments, or coastal

waters; or (2) where access along a public beach may be affected.

g. Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife, and other coastal land and water resources, except those activities that meet the definition of a shoreline flood and erosion control structure as defined in Section 22a-109(c) of the Connecticut General Statutes.

h. Interior modifications to Buildings.

i. Minor changes in the use of a Building, Structure, or property except (1) those changes occurring on property Adjacent to or Abutting coastal waters or (2) changes from a Water-Dependent use to a non-Water-Dependent Use.

2. Exemptions under Subdivision E (1) shall not be deemed to exempt any Uses or Structures from any other application, review or approval that is required by the Building Zone Regulations.

SECTION 6.11 SUSTAINABILITY.

6.11.1 Statement of Purpose.

It is declared that a desire is present in Norwalk for sustainable Development to protect the public health, safety and welfare for current and future generations.

Solar Panels, shading of Facade Glazing, and/or natural drainage to be used on a Lot or Building Site shall comply with these provisions. Other sustainable technologies and systems may be considered by the Planning and Zoning Commission.

6.11.2 Solar Energy and Natural Drainage.

A. Requirements.

Unless demonstrated by the Applicant that the proposed Use(s) or Building Construction makes it unfeasible, all new Construction, including Parking

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Structures and Parking Lot, with an area of twenty-five thousand (25,000) square feet or greater, shall at a minimum, have at least 25% of that area contain Solar Panels, a Green Roof or a Blue Roof. If the Applicant indicates that this is unfeasible, the City may seek, at the applicant's expense, review from a third party architect or engineer, to evaluate the proposal. All new Construction with a footprint of twenty-five thousand (25,000) square feet or greater shall also include stormwater management strategies identified in Section 6.11.2.C and the LID Site Planning and Design Strategies in the City of Norwalk Drainage Manual and Low-Impact Development Appendix of the latest Connecticut Stormwater Quality Manual, unless demonstrated by the Applicant that it is unfeasible.

B. Solar Energy.

1. Roof mounted Solar Panels shall comply with the following standards:
 - a. The total square footage shall not exceed the total area of roof surface of the Building to which the Solar Panel system is attached.
 - b. To the extent possible Solar Panels shall be parallel to the roof surface.
 - c. In Historic Districts, roof mounted Solar Panel location shall be referred to the Historic District Commission for Review.
 - d. Signage or writing of any kind is not permitted on any portion of the system, other than required manufacturer plates and safety labeling.
2. Freestanding Solar Panels shall comply with the following standards:
 - a. Unless located on a Parking Structure or Parking Lot, Freestanding Solar Panels shall be located in the Rear Yard and meet Accessory Building Setbacks.
 - b. Maximum Height shall not exceed the

allowable Height of an Accessory Building, in the District.

c. All panels must be constructed of non-reflective materials, or treated with an anti-reflective material.

d. Freestanding Solar Panels must be encircled by a security Fence or Wall a minimum of six feet (6') tall, with a vegetative Screen provided outside the security fence meeting the Screening standards of these Regulations.

C. Natural Drainage

As required in A, stormwater management strategies identified in the LID Site Planning and Design Strategies in the City of Norwalk Drainage Manual and Low-Impact Development Appendix of the latest Connecticut Stormwater Quality Manual shall be incorporated. Acceptable design solutions include the Use of bio-retention areas and basins, green roofs, infiltration planters, permeable surfaces, rain barrels, rain gardens, and bioswales and the minimization of impervious surfaces, minimization of curbing and collection, with the following considerations:

1. Rain Gardens and Bioswales should be installed to infiltrate runoff from parking lots, Streets, Plazas and other impervious surfaces.
2. Where vegetative solutions are not feasible, porous concrete or porous asphalt should be specified for Sidewalks, Parking Lots, and Plazas to infiltrate stormwater. These surfaces shall be maintained.
3. Buildings with green roofs should be equipped with roofs of shallow 4-inch soils and drought-tolerant plants. Buildings approved for intensive green roofs may hold soils deeper than four inches (4") and larger plants and trees.
4. Balconies should be equipped with planter boxes designed to capture runoff from the balcony.
5. Green walls, if provided, shall be restricted to non-invasive species.

6. Cisterns may be used to capture and recirculate stormwater from Buildings. Cisterns shall comply with all other regulations and be reviewed by the Planning and Zoning Director.

7. Planter boxes should be bottomless, flow-through boxes with native plants, placed next to Buildings and designed to capture Building runoff. They may be placed in courtyards or Adjacent Sidewalks with runoff sent to them via French drains or hidden pipes.

6.11.3 Shading of Glazing.

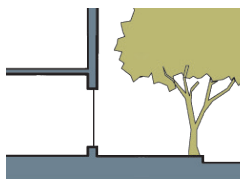
A. General Requirements.

1. Southern facing windows should be shaded during summer months.
2. Shading should not interfere with walkability in mixed use areas by blocking views into Shopfronts nor should they compromise safety by removing "eyes on the street."

B. Methods.

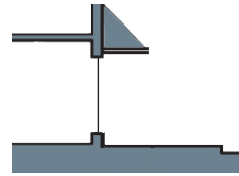
Shading of Glazing shall be provided through one of the following methods:

1. **Trees.** Mature deciduous trees, grown in favorable conditions, can shade glazing, especially for one (1) to three (3) Story Buildings. While trees can provide shading of lower Stories of Buildings over three (3) Stories, their impact on reducing energy consumption in these taller Buildings is minimal.

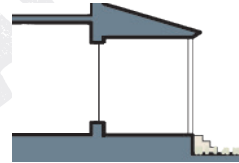


2. **Awnings.** Awnings provide levels of shading similar to trees, in that they have more impact on energy use of shorter Buildings. Awnings are particularly helpful for Shopfronts, reducing reflections in the windows and providing shelter for

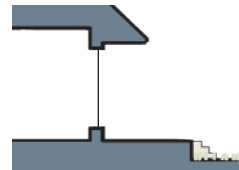
window-shoppers. Some types of Awnings can be retracted in winter months to provide daylighting.



3. **Porches.** Porches, Galleries, and Arcades provide significant shading of windows on the ground floor. Balconies and double Galleries can provide shading for upper Story Facade Glazing. See **Table 4.3.7.A (Private Frontage Types).**



4. **Roof overhang.** Providing an appropriate roof overhang is a common method for providing shading of Facade Glazing. In most climates, the overhang should be designed to shade the angle of the sun during summer months, while allowing the sun to penetrate the glass during the winter months.

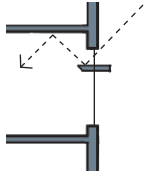


5. **Exterior shades.** Exterior shades can be utilized in extreme circumstances on the upper floors of the Building. Use of exterior shades on lower floors can result in a hostile pedestrian environment. See options above for more appropriate lower floor shading devices. Louvered exterior shades can also be used to provide a friendlier Facade.

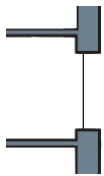


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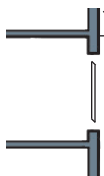
6. Light shelf. Interior and exterior light shelves can be utilized to divert the rays of the sun from penetrating the Facade Glazing directly, while providing indirect daylighting.



7. Deep windows. Setting windows in deep frames is a traditional method for providing shading of Facade Glazing. The depth of the window can reduce the amount of light penetrating the window in summer months, while permitting lower sun angles to light and warm the interior during colder months. Deep windows may also add to visual interest and three-dimensionality on a Facade.



8. Double skin. Use of a double skin can provide unique passive heating and cooling opportunities. The cavity between the two Building skins allows for trapped, solar heated air to be circulated into the interior space during winter months. During summer months, the cavity provides protection from solar heat gain on the interior to reduce cooling needs. Additionally, windows on the interior can be open without exposure concerns, such as wind and rain, and for safe nighttime cooling. Use of responsive controls also can optimize the thermal performance of this system.



SECTION 6.12

WORKFORCE HOUSING.

6.12.1 Purpose and Intent.

It is recognized that a shortage of affordable housing exists in Norwalk for persons of low and 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. 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. In addition, fees collected pursuant to this regulation will assist in the Development of housing designated to individuals or families of lower income levels, whose annual income does not exceed 60% of the state median income. 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.

6.12.2 Authority.

This Section is adopted under the authority of Section 8-2i of the Connecticut General Statutes and is consistent with the requirements of Section 8-30g.

6.12.3 Definitions.

For definitions of Workforce Household, Workforce Housing and Resale see **Article 9 (Definitions)**.

6.12.4 Regulations for Workforce Housing.

1. All Zoning Permits for the Construction of multi-family or mixed-use Developments containing three (3) to nine (9) Dwelling Units, shall either include one (1) Workforce Housing Unit, affordable

to households, earning no more than eighty percent (80%) of the state median income or be accompanied by an inclusionary zoning fee of ten dollars (\$10.00) per one thousand dollars (\$1,000) of Residential Construction cost, to be paid into a fund to be used to construct rehabilitate or repair affordable housing for individuals or families whose annual income does not exceed 60% of the state median income.

2. All Zoning Permits for the Construction of multi-family or mixed-use Developments containing ten (10) or more Dwelling Units shall designate:

a. A minimum of ten percent (10%) of the total number of Dwelling Units as Workforce Housing Units, affordable to households, earning no more than sixty percent (60%) of the state median income; or,

b. A minimum of ten percent (10%) of the total number of dwelling units as Workforce Housing Units, affordable to households earning no more than eighty percent (80%) of the state median income. In addition, these Applications shall be accompanied by an inclusionary zoning fee of ten dollars (\$10.00) per one thousand dollars (\$1,000) of residential construction cost to be paid into a fund to be used to construct rehabilitate or repair affordable housing for individuals or families of lower income levels, 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

3. All new, non-Residential Construction, exceeding twenty-five (25,000) square feet or more, shall pay an inclusionary zoning fee of ten dollars (\$10.00) per one thousand dollars (\$1,000) of Construction cost to be paid into a fund to be used to construct rehabilitate or repair affordable housing for individuals or families of lower income levels, whose annual income does not exceed 60% of the state median income.

4. Dwelling Units within Multi-Family or Mixed-Use Developments, in existence as of 5.16.21, that do not contain designated workforce units and are proposing additional Dwelling Units shall comply with Sections 6.12.4.1 and 6.12.4.2 for all proposed new Residential Construction and all Dwelling Units constructed after 5.16.21.

5. Any three-bedroom Dwelling Unit, designated as a Workforce Housing Unit, complying with Sections 6.12.4.1 and 6.12.4.2, may count each three-bedroom unit as two Workforce Housing Units for purposes of complying with the ten percent (10%) requirement, 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 market-rate three-bedroom Dwelling Units in such Development.

6. The Workforce Housing Units shall be offered for sale or rent to Workforce Households, or to a municipal agency or a non-profit 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.

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.

7. The annual income of Workforce Households shall be reviewed and certified by the Planning and Zoning Commission, in accordance with a procedure established in advance and approved by the Commission.

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8. The Commission 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.

9. The Commission shall exhaust all qualified Applicants in a given category of priority before proceeding to a lower category of priority.

10. The selected Workforce Household shall reside in the designated Workforce Housing Unit.

11. 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.

12. 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, 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.

6.12.5 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.

2. For properties utilizing the one (1%) percent fee, based on residential Construction cost, that is

paid to the City of Norwalk, shall be 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.

3. Workforce Housing Units shall be developed simultaneously with or prior to the Development of the other Dwelling Units within the Development

4. 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 6.12.4.11 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 6.12.4.12 above.

5. Where these Regulations result in a fraction, the result shall be rounded up to the nearest whole number.

6.12.6 Location of Workforce Units.

Workforce Housing Units shall be built on the same site as the proposed Development, as provided herein.