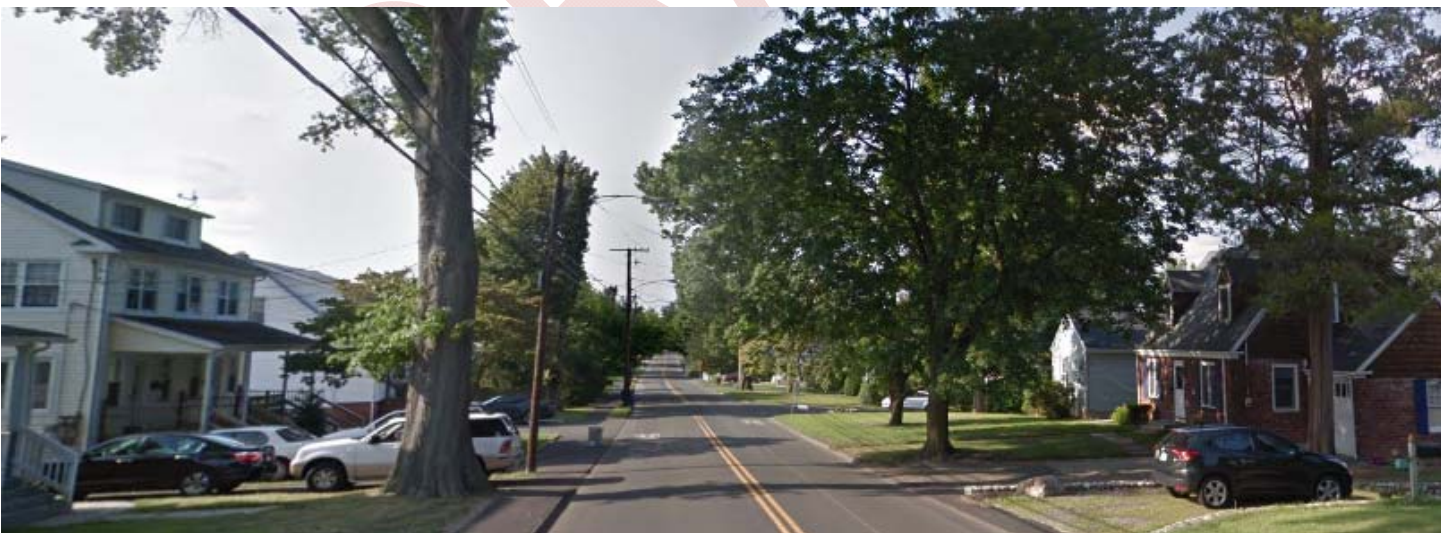


Norwalk

BUILDING ZONE REGULATIONS UPDATE Evaluation & Recommendations



DECEMBER 2019



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December 4, 2019

Louis Schulman, Chair
Zoning Commission
City of Norwalk
125 East Avenue
Norwalk, CT 06851

**Re: BUILDING ZONE REGULATIONS UPDATE
Evaluation & Recommendations Report**

Dear Mr. Schulman and Commission Members,

In September 2019, following a Request for Proposals, the City of Norwalk retained Planimetrics to undertake an evaluation of Norwalk's Building Zone Regulations in order to establish the framework for a comprehensive rewrite and reorganization. The evaluation included a process to reach out within the community to learn about people's experiences with, and aspirations for, the Building Zone Regulations,

This report summarizes that evaluation and the recommendations which resulted. This report is intended to provide a "road map" for the City and any future consultants / vendors with regard to a comprehensive rewrite and reorganization of the Building Zone Regulations.

Planimetrics was also asked to help the City in developing a budget for the comprehensive rewrite of the regulations. That information is included at the end of this report.

Planimetrics looks forward to helping the City review and discuss these recommendations and embarking on the process of reorganizing and rewriting the Building Zone Regulations in ways which will accomplish the overall goals of the City and support the City's vision for the future.

Sincerely,

Glenn Chalder, AICP
Planimetrics

1

INTRODUCTION

Overview

In 2019, the City of Norwalk started a process to comprehensively update the current Building Zone Regulations (Chapter 118 of the Norwalk Municipal Code). The first phase of this process was evaluating the current Building Zone Regulations and organizing recommendations to guide the actual rewrite and reorganization (anticipated to start in 2020).

This report summarizes the results of that evaluation and presents recommendations to be considered by the City and future consultants / vendors as part of the subsequent comprehensive update.

Purpose

The overall purpose of the rewrite and reorganization is to provide Norwalk with Building Zone Regulations which are easier to use because they are:

- Logically organized,
- Clearly written and expressed (including the use of graphics to explain concepts and illustrate key elements),
- Internally consistent, and
- Easily maintainable.

In addition, the rewrite and reorganization is intended to:

- Reflect City land use policies,
- Improve consistency with the City's new Plan of Conservation and Development and similar policy documents,
- Improve consistency with General Statutes and court decisions,
- Reflect "best practices" in land use regulation / administration, and
- Address provisions which are problematic or no longer relevant.

Overall, following the rewrite and reorganization, it is hoped that the Building Zone Regulations will to be laid out in a way that people can easily find the information they need and written so that information can be understood once it is found.

Process

The process used in conducting the evaluation and preparing the recommendations involved technical analysis by Planimetrics and various types of community engagement over a three-month period.

The technical analysis included:

- Reviewing the current Zoning Regulations,
- Reviewing the current Zoning Map,
- Reviewing the City's new Plan of Conservation and Development, and
- Reviewing other relevant City materials (municipal regulations, ordinances, etc.).

The community engagement process included:

- A meeting with the Zoning Commission to identify issues / concerns,
- Several meetings with Planning and Zoning Department staff to identify issues they have experienced with the Regulations and items which have generated confusion with applicants and Resident,
- Meetings with local departments and agencies also involved in the land use permitting and/or enforcement process,
- Meetings with attorneys, developers, engineers, and similar professionals who tend to use the Regulations more intensively and are likely familiar with regulatory provisions and procedures in other communities,
- A community-wide meeting to allow Resident to express their experiences, perceptions, and aspirations with regard to the Building Zone Regulations.

November 2019 Public Meeting



2

SUMMARY OF FINDINGS

The evaluation of the Building Zone Regulations revealed a number of issues and concerns. These issues and concerns have been organized below by theme. In a later chapter (Chapter 5 - Address Specific Issues), these issues and concerns are presented in the specific section of the recommended reorganization where they are applicable.

Organization of Regulations

- The current organization is not intuitive and does not lead people to the information they seek.
- While the regulations have gaps in the numbering system to allow for insertion of new sections, the *hierarchy* of the numbering system does not support the way that people tend to use zoning regulations.

User-Friendliness of Regulations

- Some regulations (such as signs) end up in multiple places and this causes confusion.
- Some zoning concepts are hard to describe in words (especially for inexperienced users) and this can cause confusion or lack of confidence.
- Important information maintained by other departments is not referred to in the regulations so people can be surprised if they do not know to look in other places.

Presentation of Regulations

- The regulations are presented in multiple places (City website and “eCode”) and this causes confusion.
- The “unofficial” regulations on the City website are presented in multiple parts which are not searchable by users.
- The lack of page numbers / section numbers on “pages” (printed and on-line) makes it difficult to answer questions on-line or by phone.
- The “official” regulations on eCode can be months out of date since the City arrangement with General Code provide for updates at certain times of the year (while amendments are available in an uncodified format upon adoption by the City, these amendments are somewhat hidden unless one knows to look for them).

Policies / Standards

- Some regulations seem to no longer make sense to enforcers and property owners / residents (such as parking in a residential front yard).
- Parking and other standards seem out of date with current practice.
- The City *would* benefit from regulations for important issues (storm-water / MS4 requirements, access management, pedestrian / bicycle facilities, etc.).
- The City *might* benefit from City-wide *design* standards / guidelines (hopefully, without slowing down the approval process).
- Whether the City *might* benefit from “form-based coding” in certain areas.
- Can more provision be made with regard to affordable housing

Administration

- Over the years, staff has maintained a list of “zoning interpretations” but this information has not been shared with users and has not been used to update the regulations.
- The lack of definitions and standards can introduce some discretion which Staff may be uncomfortable with.
- The process of obtaining a permit could be more clearly explained (or illustrated) for less experienced applicants and other participants in the land use process.
- Inter-department communication (including plan distribution / review / approval) does not seem coordinated to applicants and others involved in the land use process

Zoning Map

- Some zoning districts are not delineated on the Zoning Map.
- The labels on the zoning map (street names / zone district names) are not legible.
- The Zoning Map is not searchable by address.
- The number of zones and subtle distinctions between some of them does not appear user-friendly.

This is an overview of the information learned as part of the technical review of the Building Zone Regulations and comments received during the process. The detailed comments are presented in a later chapter (Chapter 5 - Address Specific Issues).

3

ORGANIZE INTUITIVELY

3.1 Organize Regulations For User-Friendliness

Like many ordinances, the way in which information in the Building Zone Regulations is organized and presented could be improved.

The organization of the Regulations is ***NOT*** intuitive for many people (especially inexperienced users) to be able to navigate to where they will find the information they seek. In addition to a clear and logical structure to the Regulations, it is also important to put provisions in one logical place. Regulation users (and administrators) are fearful of situations where a provision in an apparently unrelated section of the regulations negates what seemed like a fairly straightforward interpretation. To avoid this, people feel they have to read every page or section of the code and this is definitely not user-friendly.

For these reasons, it is important for the new Regulations to be made easier to navigate and use.

Building Zone Regulations On City Website

The screenshot shows the City of Norwalk website. The header features the Norwalk logo with the tagline 'The Sound of Connecticut'. Navigation links include Home, Residents, Business, Visitors, and City Government. A search bar is located in the top right corner. The main content area is titled 'Building Zone Regulations' and includes a note: 'The content within Norwalk's online zoning regulations is for informational purposes only. For copies of the Zoning Regulations amended to November 15, 2019 for questions regarding the zoning regulations, please contact the Planning and Zoning Department at (203) 854-7780.' A sidebar on the left contains links to various city services and information.

The current Building Zone Regulations are distributed into 25 articles (and 6 **separated** “schedules”). However, the organization (and hierarchy) of the various parts is muddled and is not particularly user-friendly:

Legend

The adjacent table has been color-coded to illustrate the dispersed location of related provisions using the following color codes:

-  **Regulatory basics - (use/interpretation)**
-  **Standards For Overall Zones**
-  **Standards For Specific Uses**
-  **Development Standards**
-  **Permitting / Administration**

Note that some comparatively minor or secondary topics (such as Article 40 Planned Residential Development) are treated at the same hierarchical level as the entire gamut of residential zones (Article 30).

Organization Of Current Building Zone Regulations

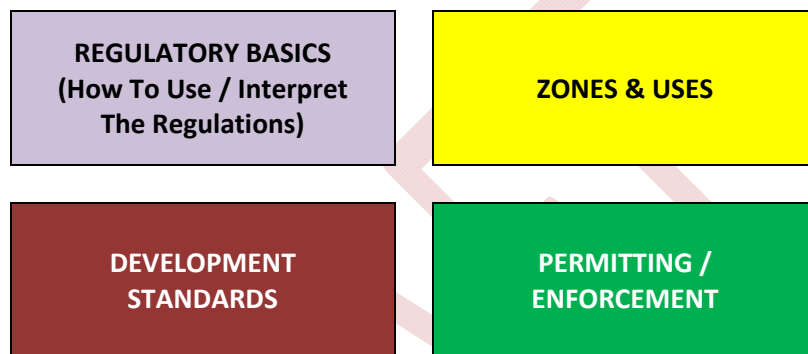
ARTICLE		Primary	Secondary
Article 10	Definitions		
Article 20	Zone Designations		
Article 30	Use Regulations Controlling Residence Zones		
Article 40	Planned Residential Developments		
Article 41	Conservation Developments		
Article 42	Accessory Apartments		
Article 43	Waterfront Clubs		
Article 44	Hospital Zone		
Article 50	Use Regulations Controlling Business Zones		
ARTICLE 60	Research And Development Zone		
Article 70	Use Regulations Controlling Industrial Zones		
ARTICLE 75	Mixed-Use Developments		
ARTICLE 76	Commercial Planned Residential Developments		
Article 80	General Regulations	??	??
ARTICLE 90	Supplementary Regulations For Residence Zones		
ARTICLE 100	Suppl. Regs For Business & Industrial Zones		
Article 101	Workforce Housing Regulations		
Article 110	Flood Hazard Zone		
Article 111	Coastal Zone		
ARTICLE 112	Soil Erosion And Sediment Control Regulations		
ARTICLE 113	Excavation And Fill Regulations		
ARTICLE 120	Off-Street Parking And Loading Regulations		
Article 121	Sign Regulations		
Article 130	Automobile Trailer Park Regulations		
ARTICLE 140	Administration And Enforcement		
	<i>Schedules for size of lot and height / bulk of buildings</i>		

Since it is not clear what “General Regulations” includes, everyone feels they have to read this Section

The fact that the information is not intuitively organized means people need to look through all article headings and/or text to find what they seek. In addition, some important, regularly consulted information is not located within the body of the Regulation (such as the schedules for size of lot and height / bulk of buildings) or is “buried” can be a drawback of the current organization.

To enhance user-friendliness, the updated ordinance could follow a revised outline, such as the preliminary version that follows. **This tentative outline should be re-evaluated and refined as the ordinance drafting process proceeds.**

Since most users of Building Zone Regulations are likely to want information related to one of four distinct themes, the revised outline could be organized around those themes:



Possible Reorganization Of Building Zone Regulations

REGULATORY BASICS (How To Use / Interpret The Regulations)
Introduction
Definitions
ZONES
Residential Zones / Uses
Business Zones / Uses
<ul style="list-style-type: none"> • Design Districts • Village Districts
Industrial Zones / Uses
Other Zones / Districts
USE SPECIFIC PROVISIONS
Residential-Related Uses (cons. developments, acc. apartments, etc.)
Uses Other Than Residential (waterfront clubs, commercial PRD, etc.)

(continued from previous page)

STANDARDS

Development Standards)

- Sign Regulations
- Off-Street Parking And Loading Regulations
- Excavation And Fill Regulations
- New Provisions (As Warranted)

Special Standards)

- Provisions Relative To Bulk / Area Regulations
- Nonconformities

PERMITTING / ENFORCEMENT

Permitting Procedures

Enforcement Procedures

APPENDICES

Application Checklists

Interpretations

Roles & Responsibilities:

- Zoning Inspector
- Zoning Commission
- Board Of Appeals

Additional detail regarding the potential organization is contained in a later chapter (Chapter 5 - Address Specific Issues).

Again, this tentative should be re-evaluated and refined as the ordinance drafting process proceeds.

4

CONFIGURE HELPFULLY

Aids To Navigation

Navigating a complex document (such as a set of zoning regulations) can be facilitated by using numbering conventions that make it easier for users to "find their bearings" when reading the ordinance.

One helpful approach can include hierarchical section headings (repeating numbers in the headings) so that they are seen as being logically connected to higher order headings. This approach provides guidance for users attempting to navigate among sections or subsections as well as understanding their applicability.

Nested formatting (where lower level text is indented from the text it is subservient to) is also an important formatting component. Indented text should be used to reinforce the hierarchical nature of ordinance sections and subsections. Word processing software can be set up to follow this hierarchy automatically if desired.

So that people understand the regulations, the new Regulations should be configured to make them easier to understand.

4.1 Revise Numbering System

The numbering system in the current Regulations is configured as follows:

Article (##)	(two+ digit number)
Section (§118-###)	(ordinance #118 plus three+ digit number)
A.	
(1)	
(a)	(increasing indent and repeat of letter / number sequence)

As part of the rewrite and reorganization, it will be important to ***change the numbering system*** in a material way in order to avoid confusion with historical records and interpretations. The numbering system should reinforce the overall reorganization of the Regulations and provide for functionality, long-term maintenance, and adaptability of the Regulations to address future issues which may arise. The heading system should also employ distinct typefaces for articles, divisions, sections and subsection titles.

Chapter (X)	(Roman numeral)
Section (##.###)	(Arabic equivalent of Roman numeral plus number)
#.#.A.	(Chapter # plus section # plus capital letter)
1.	
a.	
(1)	
(a)	(Repetition of (letter) / (number) sequence)

A final numbering system can be established as part of the rewrite and reorganization process.

4.2 Provide Visual Aids For Navigation

Overall

- Prominently present Chapter / Article / Section numbering and titles to aid in navigation.
- Within the overall presentation, present clickable “tabs” in the margin for regulation sections in order to aid in navigation and in understanding hierarchy.
- Use clear formatting for headings to aid in understanding hierarchy.
- Provide “click links” to related information.

Specific To Print Layout (PDF)

- Provide Article/Section numbering and titles in the header on each page
- Consider using the outside of the page for clickable “tabs”
- Provide generous white space on a page
- Use a legible font size
- Consider ways to start new sections / subsections on new pages

Specific To On-Line Layout (HTML / XML)

- Provide Article/Section numbering and titles on the screen (and which changes as the user scrolls between sections)
- Consider using the outside of the page for “clickable tabs”

Print / PDF Layout

<p>C</p> <p>Recognizing that outdoor lighting design is a complex and inexact process dependent upon a number of independent factors such as: the availability of suitable landscaped areas or structures for installing luminaires; the location of existing poles and/or mounting walls; the non-conforming nature of existing lighting, which may be improved as a result of proposed modifications; and the fact that strict adherence to the above recommended maintained horizontal and vertical illuminance levels may be impractical, the Town Planner and Zoning Enforcement Officer may jointly allow for flexibility in the outdoor lighting plan, provided that the applicant submits evidence to support the need for flexibility and that the proposed lighting addresses any concerns to the extent practical. If there is disagreement on any issue between the staff and the applicant, the plan will be referred to the Commission for consideration as a Site Plan Modification.</p> <p>3.2.4 Lighting Plans</p> <p>Site plans shall include lighting plans with the following information:</p> <p>A</p> <p>The following measures of maintained horizontal illuminance (in footcandles) shall be calculated separately for both exclusive vehicle areas (i.e. access drives and loading areas) and shared vehicle and/or pedestrian areas (e.g. parking lots, sidewalks, courtyards, pedestrian plazas, etc.):</p> <p>(1) maximum,</p>	<p>LAND</p> <p>SITE DEVELOPMENT</p> <p>SINGLE-FAMILY RESIDENTIAL ZONES</p> <p>BUSINESS ZONES</p> <p>PROFESSIONAL ZONE</p>
--	---

Color-coded margin boxes which hyperlink to other chapters

4.3 Add Hyperlinks For Navigation

The utility of zoning regulations can be enhanced by providing hyperlinks directly in a document to take people where they may want to go:

- “Pop-up” boxes on the screen which are tied to the definition of a term
- Internal hyperlinks which take you to a related section of the document (parking requirements for example)
- External hyperlinks which take you to a related document located elsewhere (such as DPW specifications, a map of areas where different lighting specifications apply, or the Coastal Area Management statutes).

Internal and External Hyperlinks

The screenshot shows a document titled "Section 4.5" with a table of contents on the right. The table of contents includes categories like "IN PRODUCTION", "INTERPRETATION AND DEFINITIONS", "SITE DEVELOPMENT", "SINGLE-FAMILY RESIDENTIAL ZONES", "BUSINESS ZONES", and "PRIORITY ZONE". The main text contains several paragraphs with hyperlinks. Three callout boxes on the left point to specific hyperlinks: "Hyperlink to a defined term" points to "(b) One additional dwelling unit...", "Hyperlink to another section of the Regulations" points to "(6) There shall be no exterior storage...", and "Hyperlink to an external document" points to "(a) the lot shall be at least twice the area requirement...".

[Alt]+[←] to return to previous view Section 4.5

(b) One additional dwelling unit may be allowed if the Commission finds that the intensified use is appropriate for the building, site, and neighborhood, and that the site and building meet zoning and other relevant code requirements. More than one additional unit may be allowed if an additional amount of land is available on the site, equal to the minimum lot size requirement for each additional unit.

(5) The lot must conform to the minimum area requirements of the underlying zone.

(6) There shall be no exterior storage of material and no other exterior indication of the major home-based business or professional office, except for signs in accordance with Section 3.7.8G.

(7) Off-street parking shall be required as per Section 3.3, except that for multi-family uses, the Commission may permit a 25 percent reduction in parking spaces if justified by proximity to shopping, mass transit, etc.

(8) Any building addition proposed in conjunction with an application for a conversion shall not exceed 150 square feet, except that the Commission may allow larger additions within the CBD and WBD, as delineated in the Plan of Conservation and Development, provided that it complies with the following:

(a) the lot shall be at least twice the area requirement of the zone;

(b) the building after conversion does not cover more than 25 percent of the lot;

(c) any units within entirely new construction shall adhere to these design requirements:

(i) outside access - as per Section 13.2.4A(1);

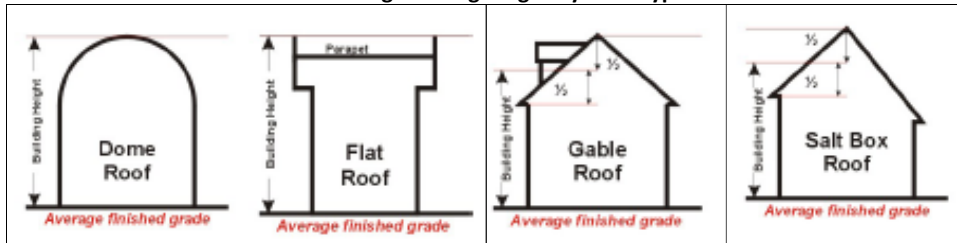
(ii) overhead protection over door - as per Section 13.2.4A(2);

TABLE OF CONTENTS
IN PRODUCTION
INTERPRETATION AND DEFINITIONS
SITE DEVELOPMENT
SINGLE-FAMILY RESIDENTIAL ZONES
BUSINESS ZONES
PRIORITY ZONE

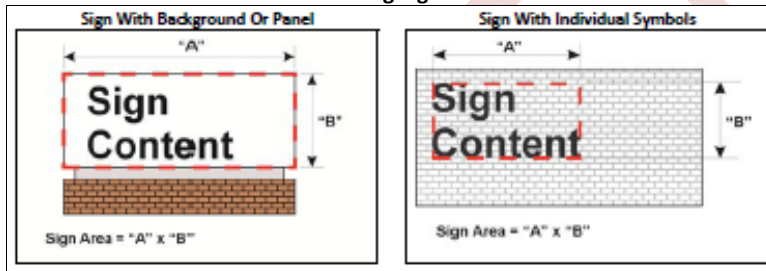
4.4 Use Illustrations / Graphics

The new regulations should contain illustrations and graphics—instead of just long passages of text—to help convey the meaning of regulatory concepts. Graphics should be used to enhance the document’s visual appearance and improve its usability.

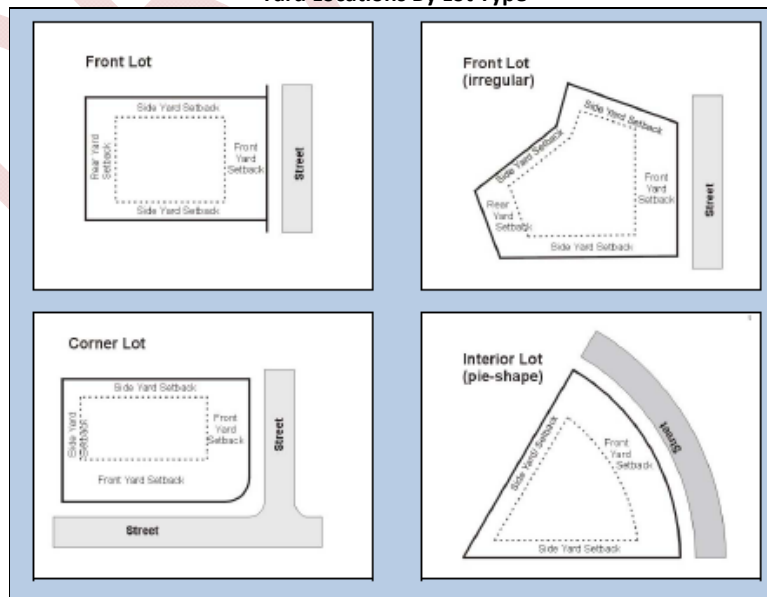
Measuring Building Height By Roof Type



Measuring Sign Area



Yard Locations By Lot Type



4.5 Group Related Definitions Together


Some zoning concepts can be hard for a user to fully understand if the explanation of those concepts is not well organized. Organizing related terms together in the definitions section can go a long way to helping people understand how the regulations will be applied and enforced.


Principal and Accessory

Principal and Accessory

BUILDING, PRINCIPAL - A building in which is conducted the primary or principal use of the lot on which said building is situated.

USE, PRINCIPAL - The primary purpose for which land, water or a building or structure is designed, arranged or intended or for which it is or may be occupied or maintained.

Principal Use (Residential) 

Principal Building (Dwelling) 

ACCESSORY BUILDING OR STRUCTURE - A supplemental building or structure, the use of which is subordinate or incidental to that of the principal building or structure and which is located on the same lot or a contiguous lot under the same ownership.

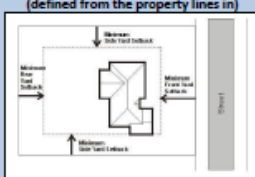
ACCESSORY USE - A use of land, or of all or a portion of a building or structure, which is subordinate or incidental to the principal use of the land, building or structure and which is located on the same lot as the principal use or on a contiguous lot under the same ownership.

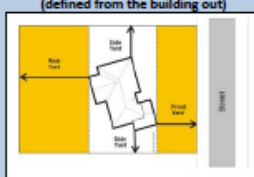
Yard Versus Setback

Yards Versus Setbacks

SETBACK - A distance perpendicular to a lot line determined by the minimum yard requirements of these Regulations, behind which buildings and structures may be legally erected.

BUILDING LINE - A line parallel to a street at a distance equal to the required front yard setback or at a greater or lesser distance when so indicated in these Regulations or otherwise legally established by the Town.

Setbacks (defined from the property lines in) 

Yards (defined from the building out) 

YARD - The area between the principal structure and a lot line. Any measurement shall be taken at right angle from the lot line to the nearest point of the structure.

YARD, FRONT - The area extending across the full width of a lot and lying between the front lot line and the principal structure on the same lot.

4.6 Use Tables / Charts

A number of regulation provisions can be more clearly and efficiently presented by using tables or charts. This will help avoid redundancies, inconsistencies, and internal conflicts and improve clarity.

Table For Permitted Uses

D. Institutional	Residential A	Residential A-1	Residential A-2
1. Convalescent or nursing home or home for the aged	x	SUP	SUP
2. Place of worship open to the public	SUP	SUP	SUP
3. Nonprofit institution	x	SUP	SUP
4. Private museum	x	SUP	SUP
5. Governmental uses and public service uses such as firehouse, library, etc.	SUP	SUP	SUP
6. Public or private school (not including business or trade schools), nursery, dancing school or riding school, conservatory for music or other arts	x	SUP	SUP
E. Recreational			
1. Golf course or country club	x	SUP	x
2. Public or quasi-public camp provided a minimum boundary buffer of 50 feet shall be provided to camping areas	x	SUP	x
3. Membership club, outdoor recreation provided the property shall contain at least 400 square feet of land per member	x	SUP	x
4. Commercial swimming club	x	SUP	x
F. Utility / Infrastructure			
1. Public utility lines, substations and buildings in accordance with Section 3.5 of these Regulations	SUP	SUP	SUP
2. Wireless telecommunications in accordance with Section 8.3		See	See

Table For Dimensional Requirements

A. Density	Residential A	Residential A-1	Residential A-2
1. Maximum Density (lots per acre of buildable area on the parcel)	0.70	0.70	0.70
B. Lot Area / Frontage			
1. Minimum Lot Area (Square Feet)	40,000	40,000	20,000 (sewer) 40,000 (septic)
2. Minimum Contiguous Buildable Area (Square Feet)	40,000	40,000	20,000
3. Minimum Lot Frontage (Feet)	175	175	125
C. Setbacks – Buildings / Structures			
1. Minimum Front Setback (Feet)			
a. Principal Structure	50	50	50
b. Accessory Structure greater than 200 SF (but not permitted in front yard unless in rear half of lot)	50	50	50
c. Accessory Structure up to 200 SF (but not permitted in front yard unless in rear half of lot)	50	50	50
2. Minimum Side Setback (Feet)			
a. Principal Structure	25	25	15
b. Accessory Structure greater than 200 SF	25	25	15
c. Accessory Structure up to 200 SF	25	25	10
3. Minimum Rear Setback (Feet)			
a. Principal Structure	40	40	40
b. Accessory Structure greater than 200 SF	25	25	25
c. Accessory Structure up to 200 SF	25	25	10
D. Setbacks – Parking Area			
1. Minimum Side Setback (Feet)	10	10	5
2. Minimum Rear Setback (Feet)	10	10	10

4.7 Integrate “Interpretations” Into The Code

Over the years, Staff has maintained a list of “interpretations” of the Building Zone Regulations so that they have a record of how the Regulations have been applied in the past. This helps to ensure that everyone is “on the same page” in terms of administering and enforcing the Regulations.

The reasons for the interpretations may be due to lack of clarity on how the regulation is worded or a unique situation which is not particularly applicable to most other properties in Norwalk.

As part of the rewrite and reorganization of the Building Zone Regulations, the interpretations should be incorporated into the Regulations to the extent possible. This can involve rewording the original text to remove the ambiguity which led to need for written interpretation or provide clarity so that the interpretation is no longer needed.

In the future, Staff should maintain a list of interpretations (especially with adoption of a new set of Regulations). These interpretations should:

- Be shared with the Commission so they are aware of some of the issues which arise,
- To the extent possible, be shared on the City website so that people can see if there are any interpretations which address the situation they may be considering, and
- Then, on a regular basis, be part of a package of updates to the Regulations to incorporate the interpretations.

Interpretations

Policies and Interpretations of Norwalk Building Zone Regulations			
Category	Section	Question	Policy & Interpretation
1F & 2F uses in Bus #2 zones	118-522	What schedule prevails for 1F & 2F residences in Business #2 zones?	The C Residence schedules would apply
A-B Line at Manresa Power plant	Zoning Map	What is the A-B line?	The A-B line was established on January 18, 1993 by the Zoning Commission to regulate the development of the Manresa Island Power plant by CLAP. It requires that all development occur south of the A-B line and that the power plant stack shall not exceed 350 feet in height. (see map of AB line on file at Town Clerk's office)
Accessory apartments	118-420	Can a principal dwelling be expanded to accommodate accessory apt?	Yes, but an accessory apartment cannot expand the principal dwelling by more than 150 sq ft, however, the principal dwelling can be extended by any size as long as it doesn't contain the accessory apartment
Accessory apartments	118-420	Can accessory apbs. be located on the 2nd floor?	Accessory apartment can be located in full second story addition per Zoning Board of Appeals decision Lewis on Braybourne Drive
Accessory apartments	118-420	Can common hall space be used in computing minimum apt size when the space is required to access bathroom?	No. Accessory apartment space must be exclusive to the apartment, the apartment cannot share hall space with principal dwelling in order to access the bathroom; see 30 Van Ness St where attic and basement storage space were excluded
Accessory apartments	118-420	When does the 3 yr. provision toll?	Accessory apartments can be located in new additions only after three years from date of issuance of a final certificate of zoning compliance (C2C)
Accessory apartments	118-420	Should attic/basement space adjacent to & accessible only from accessory apt be used in calculating minimum size?	No. Many apbs. have separate & remote storage areas i.e. garage space allocated to them which do not affect size of apt. (see 6/19/92 decision where we said common hall space cannot be included)
Accessory apartments	118-420	Can accessory apartment be created by enclosing an existing deck?	No. Accessory apartments cannot expand the principal dwelling by more than 150 sq ft (can only enclose a deck if 150 sq ft or less is enclosed)
Accessory structure (tool shed)	118-610	Can a shed partially in setback be enlarged and converted to a studio?	Yes, however new construction must comply and no home occupation permitted (see Haverd'11 Logan Pl and 277 East Av.) However, this does not mean that a 1 family can go to a 2 family in same situation without ZBA approval.
Accessory structure	118-610	What is height limit of accessory structure?	Same interpretation as applies to a building, see definitions and 118-610(4), 15 ft height limit to midpoint between peak and eaves.
Accessory structure (water feature or pool)	118-610	When does a landscape feature such as a fountain/wedding pool become an accessory structure requiring a zoning permit?	A landscape water feature or wedding pool is considered a structure if it extends below the existing grade by 2 feet or more, then it must meet accessory structure setbacks and a zoning permit must be issued.
Accessory structure	118-610	Do boat lifts need a zoning permit?	Yes, boat lifts are considered to be a structure and must meet setbacks so a permit must be issued
Accessory structure	118-610H	Can an accessory structure have a gambrel or mansard roof?	Yes, as long as the height of the structure does not exceed 15' to the midpoint between the roof peak and the eaves as measured from the average grade around the structure. (Note: see #1-07R related accessory height regulation adopted 07 July 27, 2007)
Accessory uses	118-503	Can US Surgical have beauty shop within bldg. to serve their employees?	Yes, a separate zoning approval is required specifying that it is accessory to the primary use and for employees only
Accessory uses	Article 30	Can a museum have a pizza/bakery shop as an accessory use in residence zone?	Yes, the use is considered accessory to the special permit use, must receive approval of Zoning Commission.
Antennas (commercial communication)	118-610	Are radio tower antennas subject to accessory or principal building height?	Neither, they are similar to flag poles since they are not commercial, the commercial antennas regs don't apply, must be setback 50% of height of antenna.
Antennas (commercial communication)	Various	Where is the height measured from to determine compliance w/15' rule?	Antennas may be up to 15 feet above any existing part of a structure including up to 15' above a mechanical penthouse (see 200 CT Ave Givello bldg.)
Apartments	118-522	Can apt go above an existing business in a Bus#2 zone?	Yes, regs should not be viewed so narrowly as to reach an impractical result, since D zone allows 1,2, & MF, no reason why one apt can't be allowed
Average grade	118-100	When filing to meet average grade, what is maximum height of 8'?	Cannot fill more than 3 feet above the existing grade PRIOR to any proposed development, cannot be narrow strip and must have a reasonable slope. (See #16-06R revised Bldg height definition)
Awning signs	118-1294	When computing sign area, should area of awning be included along with lettering?	No, an awning is considered part of the wall, as long as it serves as a functional awning, it is not backlit & conforms to setbacks, then sign area is computed same as a wall sign (Note: see Gateway Computer settlement for details ZBA file #09-03-05-00)
Awning signs	118-501	Are awnings permitted over setbacks in WSDOT?	Yes, must be approved by Redevelopment Agency, then DPW must issue an encroachment permit, signs must comply with sign regulations of zoning permit.
Buffer strips	118-1000	Are buffer strips required for buildings on split-zoned lots?	Yes, a buffer strip a minimum of 10% of lot width, need not exceed 30', is required, if lot is split-zoned, buffer shall be located to rear and/or side of buildings closest to residence zone (Note: see ZBA action on Sports Authority 444 CT Ave #97-07-10-06 for details)
Building Area	118-100	What is included in building area calculations?	The building as it is viewed in shadow from above (including canopies, balconies, etc) and all building accessories (including transformers, dumpsters, AC units, garages, sheds, above ground pools, etc)
Building height Average finished grade	118-100	Where do we measure height when building is located directly above seawall?	Height is measured from the average elevation of the finished grade adjacent to the exterior walls of the building and in this case where the exterior wall is within the water, the measurement should be taken from the mean high water (MHW) line (see 22 Shegark Rd.)
Building Height	118-100	Where do you measure height if property fronts on 2 streets?	Height is measured from the average elevation of the finished grade adjacent to the exterior walls of the building (deleted reference to centerline elevation of higher street in July 2007). Stories are measured from the average elevation of the finished grade adjacent to the exterior wall of the street facade and, when lot fronts on two streets, may continue to use the higher street as the "street facade". (see definition of height of building and story both revised 07 July 27, 2007)
Ceiling definition	118-100	What is definition of ceiling as it relates to # of stories?	"The overhead inside lining of a room" or finished ceiling, if no finished ceiling then bottom of the floor above (not bottom of joists) will be used (see 1995 memo)
Certification (registered engineer) Christmas trees	118-1100 & 1451	What info is needed to comply w/ingineer's certification requirements? Are there any zoning regs that apply to the sale of Christmas trees?	All certifications must be stamped or sealed AND signed by licensed engineer or architect, can use term "substantially in accordance" with the plans approved by Zoning Commission. No, Christmas tree sales are traditionally an unregulated activity.
Commercial vehicles over one ton	Article 30	How do we determine when a vehicle is over one ton?	The DMV refers to Branham reference book or to the manufacturer's certificate of origin, on file at DMV in Westfield (must file request to get info)
Council setbacks	Charter	Do the Common Council setbacks still apply?	No, except for CT, Main & Westport Ave, the Common Council repealed the Council setbacks on October 15, 1989 and clarified that the setback lines established in the Zoning regulations would apply in the future. The Council adopted a grandfather clause for existing buildings and allowed for buildings to be rebuilt if damaged by accident or natural disaster (see rolled up maps for setbacks on CT, Main & Westport Ave)

5

ADDRESS ISSUES SPECIFICALLY

This section of the report summarizes initial recommendations regarding the scope and direction of the update of Norwalk Building Zone Regulations. The intent is to provide a sense of the general direction to be pursued in the update, not to identify the specifics of every needed or proposed change.

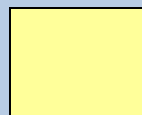
After review and acceptance by the City, the report can serve as a foundation for preparation of the new Building Zone Regulations.

This following sections outline:

- Existing sections in the current Building Zone Regulations which are relevant to the possible new organization / structure.
- Recommendations for issues to be addressed as part of the rewrite / reorganization.
- Other issues identified during the evaluation process which may require more input / feedback from the Zoning Commission before they are included in this rewrite / reorganization.

The recommendations in the report are intended to serve as the starting point for discussion, prior to beginning the rewriting and reorganization work. Recommendations can and should be revised and tailored in response to local reviews and issues encountered as the project proceeds.

It is important to note that many of the issues identified in this report are commonplace with older regulations since many provisions reflect the issues, tools, and knowledge available at the time.



In the remainder of this section of the report, items considered “high priority” by Planimetrics are highlighted in a bold font in a yellow box.

5.1 Update Introductory Provisions

Relevant Existing Sections

Overall Recommendations	Origin
1. Create a separate section for legislative authority.	Planimetrics
2. Create a separate section for legislative purposes (currently in Section 210).	Planimetrics
3. Remove listing of specific zones (and number of zones) and simply refer to the zones as enumerated in the Regulations.	Planimetrics
4. Remove listing of specific flood panel numbers since these may change in the future	Planimetrics
5. Break out provisions in Section 220 to clarify how regulations will be applied: <ol style="list-style-type: none"> a. Prohibited if not clearly permitted. b. Maximum limitation unless clearly meant to be a minimum. c. In the event of conflict ... 	Planimetrics

- Zoning Districts / Boundaries (§210)
- Application Of Regulations (§220)
- Validity Of Ordinance / Effective Date (§1470 / §1480)

For Further Discussion	Origin
6. None	

Relevant Existing Sections

- Use of Words / Terms (§100)

5.2 Update Use Of Words / Terms

Overall Recommendations	Origin
1. Remove standards from definitions (see rooming house, contractor yard, etc.)	Planimetrics Power Users
2. Add graphics and illustrations to help explain regulatory interpretation (such as how to measure average grade, etc.)	Planimetrics
3. Group related terms together to enhance understanding of concepts (such as principal / accessory, yards / setbacks, etc.)	Planimetrics
4. Review wording of all definitions for clarity and intent.	Planimetrics Power Users
5. Expand definitions, as appropriate, to provide a comprehensive listing of zoning-related terms.	Staff Planimetrics
6. Refer to other information sources for definitions not in the Regulations (such as General Statutes, Building Code, Black’s Law Dictionary, Illustrated Development Definitions, etc.).	Staff Planimetrics
7. Review whether it makes sense for zoning definitions to be consistent with regulations of other departments to address these consistently (rooming houses, illegal housing units, etc.)	Other Agencies
Specific Recommendations	
8. Add a table identifying what building / site features count to coverage / setbacks / etc.	Planimetrics
9. Provide clear definitions of uses and parameters for making a Staff decision so discretion does not come into play on an administrative action	Staff
10. Add a definitions of terms used (such as “structure”, “mean high water”, etc.)	Planimetrics Staff
11. Consider using the phrase “building coverage” versus “building area” and rewording since seems to include overhangs and other minor projections	Planimetrics
12. Revisit the definition of “dwelling unit” since it is unclear and may present an issue	Power Users
13. Look at how average grade is measured and whether clarification is needed or an alternative approach (such as Greenwich) is warranted	Power Users
14. Definition of lot width seems confusing and would benefit from an illustration.	Other Agencies

For Further Discussion	Origin
15. Place all definitions in the definitions section (see “signs, flood zone, cluster housing in Island Conservation, etc.)	

5.3 Update Provisions For Residential Zones

Relevant Existing Sections

Overall Recommendations	Origin
1. Review existing zoning districts to eliminate or replace zoning districts that do not contribute to achieve the [POCD] vision.	POCD 12.H.3.A
2. Eliminate referential language in which uses in one zone refer to uses in another zone	POCD 12.H.3.A
3. Revisit the location and intent of the “Residence D” zone and the extent multi-family is allowed.	Staff
4. Review actual lot sizes in the residential zones to ensure the zoning designation reflects the prevailing lot sizes (and reduces non-conformities)	Planimetrics Power Users
5. Clearly indicate which uses are allowed as principal uses and which are allowed as accessory uses	Planimetrics
Principal Uses	
6. List uses in each zone or provide use table (relying on a reference uses allowed in other zones is not user-friendly).	Planimetrics Power Users
7. Evaluate the uses allowed in the different zoning districts– are the distinctions still relevant?	Power Users
8. Evaluate whether there are opportunities to move uses from Special Permit approval (Commission with Public Hearing) to Site Plan Approval (Commission) or Zoning Permit (Staff)	Power Users Planimetrics
9. Where there is a conflict between residential and industrial uses / zones, should the zoning district be industrial or residential?	Commission
10. Address the issue of short-term rentals (AirBnB) of entire houses as a lodging business without the owners on-site (i.e., a “principal” use).	Resident
11. Explore innovative housing types such as cottage communities, and create zoning and design standards	POCD 4.F.1.C
Accessory Uses – Parking / Driveways	
12. Revisit why the City prohibits parking on the driveway “on a residential lot in the front yard”– every other town in the state seems to allow it? (§1220.J) Parking in the front yard of a residential driveway is problematic and many people cannot comply (Staff cannot issue a zoning permit for something else if the parking is a violation) Fix the regulations which do not make sense	Resident Power Users Other Agencies Planimetrics Staff
13. Revisit why the Regulations should specify residential driveway width, surface requirements, etc.	Resident
14. Consider allowing contractor vehicles to be parked overnight at homes while still protecting neighborhoods.	Resident

- AAA Residence Zones (§310)
- AA Residence Zones (§320)
- A Residence Zones (§330)
- B Residence Zones (§340)
- C Residence Zones (§350)
- D Residence Zones (§360)

Accessory Uses – Accessory Living Units	Origin
15. Review provisions for accessory apartments since some standards seem outdated and appear to conflict with other provisions (i.e., location of dormer wall, etc.).	Planimetrics
16. Why do you have to live in a house for three years to get an accessory apartment? People may need it now.	Power Users
17. Make more provision for accessory living units (“granny pods”).	Resident
Accessory Uses – Other	
18. Create a hierarchy for home-based businesses since many people (and couples) simply work out of their home these days or operate a small business out of their home.	Resident
19. Re-examine whether the parking requirements for some home-based businesses are excessive or even necessary.	Resident
Bulk / Area Standards	
20. Add area / bulk requirements “in-line” with zoning code text (a separate table for Staff use can be prepared and maintained and offered to the public but would not be the official or only version.	Planimetrics
21. Eliminate aggregate / percentage setbacks on residential lots which have a disproportionate effect on some lots and seems punitive (the phrase “need not exceed” is not clear but could be eliminated if aggregate / percentage setbacks are not used)	Planimetrics Other Agencies
22. Perhaps the regulations should have lesser side yard setbacks for small sheds (already have for rear yards)	Power Users

For Further Discussion	Origin
23. Why is a tenant change in a mixed use building in the Residence D zone require ZBA approval?	Power Users
24. The conflict between industrial uses in residential zones needs to be addressed (could address through flexible buffer requirements, modification of non-conforming uses, etc.)	Commission
25. Prevent helicopter landings and use of drones in residential zones.	Resident
26. Lots in some areas are non-conforming – could coverage and setbacks be based on the area of the lot or same for all?	Power Users
27. Simplify measurement of building height in residential zones by only using feet since the determination of number of stories can be problematic (basement, cellar, half-story, dormer) –might also simplify issues in shoreline areas with flood elevations	Staff
28. Consider allowing front yard encroachments for <u>open</u> porches	Power Users

5.4 Update Provisions For Business Zones

Overall Recommendations	Origin
1. Review existing zoning districts to eliminate or replace zoning districts that do not contribute to achieve the [POCD] vision. Can the number of business zones be simplified or reduced? They may not reflect the directions the City is going in.	POCD 12.H.3.A Planimetrics Power Users Staff
2. Eliminate referential language in which uses in one zone refer to uses in another zone	POCD 12.H.3.A
3. The existence of a Business 1 and a Business 2 zone should be revisited to ensure there are meaningful reasons for two zones	Power Users
4. Is the Marine Commercial district still relevant to Norwalk's waterfront?	Power Users
Principal Uses	
5. List uses in each zone or provide use table (relying on a reference uses allowed in other zones is not user-friendly).	Planimetrics Power Users
6. Review the uses allowed in the different zoning districts– are the distinctions still relevant? Update the types of uses listed to reflect current best practices.	Planimetrics Power Users
7. Modernize use classifications and simplify and collapse uses into a logical, well-defined use classification system.	Planimetrics
8. Seek opportunities to move uses from Special Permit approval (Commission with Public Hearing) to Site Plan Approval (Commission) or Zoning Permit (Staff)	Power Users
9. Figure out how best to accommodate small businesses in Norwalk that residents and businesses rely on (including contractor yards) while protecting neighborhoods.	Resident
10. Along major corridors such as Route 1, encourage redevelopment in mixed-use clusters, including housing, of suburban-style commercial land uses.	POCD 4F.1.C
11. Included new mixed-use clusters with housing on Route 1 and other arterials as part of the inclusionary zoning program	POCD 4.F.1.D
12. Amend zoning to allow for incubator and fabrication space larger than the 3,000 SF for "boutique industrial" operations	POCD 6.F.2.B
13. Amend zoning to allow for ... live/ work space	POCD 6.F.2.B
14. Include provision of public art among elements for which developers of commercial and mixed-use buildings can receive incentives	POCD 6.F.3.A

Relevant Existing Sections

- Central Business District (§ 504)
- South Norwalk Business District (§ 520)
- Business 1 Zone (§ 521)
- Business 2 Zone (§ 522)
- Executive Office Zone (§ 503)
- Marine Commercial Zone (§ 505)
- Neighborhood Business Zone (§ 510)
- Hospital Zone (§ 440)
- Research and Development Zone (§ 600)
- Reed-Putnam Design District (§ 502)
- Washington Street Design District (§ 501)
- SoNo Station Design District (§ 506)
- East Avenue Village District (§ 500)
- Rowayton Avenue Village District (§ 530)
- Silvermine Tavern Village District (§ 531)
- Golden Hill Village District (§ 532)

Bulk / Area Standards	
15. Add area / bulk requirements “in-line” with zoning code text (a separate table for Staff use can be prepared and maintained and offered to the public but would not be the official or only version.	Planimetrics
Village Districts	
	Origin
16. Are the “village districts” in compliance with statutory requirements?	Other Agencies
17. Review the configuration and boundaries of village districts to see if modifications are appropriate.	Power Users
18. Strengthen existing Village District design standards to clearly identify the unique design elements or historic features that establish the context for renovations and new construction	POCD 6.F.1.B
19. Would like for the village district regulations / procedures to be more effective in those areas	Other Agencies
Transitions	
20. Establish transition design standards for commercial and mixed-use areas in corridors on the edges of traditional single-family neighborhoods	POCD 4.F.1.B

For Further Discussion	Origin
21. Why do the regulations require that buildings on Connecticut Avenue be 2-story – has this worked out well?	Power Users
22. Could a Planned Development District approach (site plan approval through a zone change process) help retail areas adapt?	Power Users
23. Seems redundant to require a Special Permit for uses in village districts – which is more important, the use or the design?	Power Users
24. Evaluate whether the occupancy limitations in the Research and Development Zone can be effectively monitored and enforced (people/acres, events per year, hours/event, etc.)	Planimetrics

5.5 Update Provisions For Industrial Zones

Relevant Existing Sections

- Industrial Zone 1 (\$700)
- Light Industrial Zone 2 (\$710)
- Restricted Industrial Zone (\$711)

Overall Recommendations	Origin
1. Review existing zoning districts to eliminate or replace zoning districts that do not contribute to achieve the [POCD] vision.	POCD 12.H.3.A
2. Revisit the Restricted Industrial 1 zone and whether it is still relevant and appropriate for the areas where it exists.	Other Agencies
Principal Uses	
3. List uses in each zone or provide use table (relying on a reference uses allowed in other zones is not user-friendly).	Planimetrics Power Users
4. Review the uses allowed in the different zoning districts– are the distinctions still relevant? Update the types of uses listed to reflect current best practices.	Planimetrics Power Users
5. Update zoning and land use regulations to allow and encourage a wider set of uses in targeted industrial zones	POCD 3.F.2.A
6. Identify uses, locations and land areas needed to accommodate, “clean” industrial growth	POCD 3.F.3.A
7. Evaluate whether off-street parking should be permitted as a principal use.	Planimetrics
8. Evaluate whether single family and multifamily residences should be permitted in the Industrial 1 zone (and by extension in the Light Industrial 2 zone).	Planimetrics
9. Seek opportunities to move uses from Special Permit approval (Commission with Public Hearing) to Site Plan Approval (Commission) or Zoning Permit (Staff)	Power Users
10. Figure out how best to accommodate small businesses in Norwalk that residents and businesses rely on (including contractor yards) while protecting neighborhoods.	Resident
Bulk / Area Standards	
11. Add area / bulk requirements “in-line” with zoning code text (a separate table for Staff use can be prepared and maintained and offered to the public but would not be the official or only version).	Planimetrics
Transitions	
12. The conflict between residential uses in industrial zones needs to be addressed. Address through flexible buffer requirements, modification of non-conforming uses, etc.?	Commission

For Further Discussion	Origin
13. None	

Relevant Existing Sections

- Flood Hazard Zone (§1100)
- Coastal Zone (§1110)
- Island Conservation Zone (§300)

5.6 Update Provisions For Other Zones

Flood Hazard Zone Recommendations	Origin
1. Amend regulations for new construction and renovations valued at half or more of appraised value to be consistent with the 2018 State requirement for two feet of elevation above Base Flood Elevation	POCD 9.F.5.A
Coastal Zone Recommendations	
2. Within the Coastal Management Area, maintain a [requirement for a] water dependent use	POCD 9.F.2.A
3. Zoning in the coastal area (and especially waterfront sites) should encourage the retention / expansion of water dependent uses and not contribute to their removal	Other Agencies
4. Within the Coastal Management Area, establish zoning and urban design standards for areas with water dependent uses that enhance compatibility with adjacent uses.	POCD 9.F.3.A
5. Within the Coastal Management Area, review zoning, adjacent uses, screening and site practices, and transportation	POCD 9.F.3.A
6. When reviewing proposed projects within the Coastal Management Area, facilitate public direct or visual access to coastal, harbor and river waters.	POCD 9.F.4.A
7. Promote the reduction of impervious surfaces and the use of green infrastructure and Low Impact Development practices within the Coastal Management Area	POCD 9.F.2.A
8. Seek ways to expand public access in coastal areas.	Resident
Island Conservation Zone Recommendations	
9. None	Planimetrics
Other Recommendations	
10. Create an "Open Space" zoning category and rezone all park and conservation land that is permanently protected	POCD 7.F.1.A
11. Create a section for aquifer protection areas with a reference to the separate regulations	Other Agencies

For Further Discussion	Origin
12. Should Norwalk increase permitted height in "V" flood zones since houses are getting squeezed from above and below	Power Users
13. [Prepare] zoning measures and standards that promote ... adaptation to coastal impacts of climate change.	POCD 9.F.5.A

5.7 Update Provisions For Specific Uses

Residential-Related Recommendations	Origin
1. How can the regulations provide for more housing options (affordable housing, low-income housing, senior housing, workforce housing)	Commission
2. Make more provision for affordable housing as part of new development (inclusionary zoning) – existing residents are getting priced out.	Residents
3. Would be helpful to have <i>City-wide</i> housing affordability requirements since can differ in different areas at the present time (and extend housing affordability to more areas of Norwalk)	Other Agencies
4. Require all development (including residential projects with less than 20 units as well as business and industrial) to provide for affordable housing	Residents
5. Increase affordability requirement from 10% to 20% and include units at 60% of AMI	Resident
6. Is the inclusionary zoning requirement fairly applied / administered?	Power Users
7. Residents have expressed concerns over the amount of multi-family housing being built	Staff
8. Ensure the “conservation development” regulations produce the outcomes the City wants , fully consider environmental constraints, do not increase development on marginal lands, and result in meaningful open space set asides	Other Agencies
9. Consider using a density tied to “buildable land” (excluding wetlands and watercourses) to guide development of a “conservation development”	Planimetrics
10. Clear up the provisions about where Planned Residential Developments are permitted (not allowed in some areas since 1991?)	Planimetrics

For Further Discussion	Origin
11. Encourage preservation of historical buildings (and prevent demolition).	Resident
12. Would like for regulations to encourage or require the retention of historic structures (including adaptive reuse where appropriate)	Other Agencies

Relevant Existing Sections

Residential

- Accessory Apartments (§ 420)
- Planned Residential Developments (§ 400)
- Conservation Developments (§ 410)
- Workforce Housing Regulation (§ -1050)
- Automobile Trailer Park Regulations (§ 1300)
- Mixed-Use Developments (§ 750)

Business / Industrial

- Commercial Planned Residential Developments (§ 760)
- Garages And Service Stations In Bus. / Ind. Zones (§ 1010)
- Liquor Outlets In Bus. / Ind. Zones (§ 1020)
- Adult Use Establishments (§ 1030)

Other

- Waterfront Clubs (§ 430)
- Special Uses (§ 830)

Relevant Existing Sections

- Sign Regulations (§1290)
- Off-Street Parking And Loading Regulations (§1200)
- Soil Erosion And Sediment Control Regulations (§1120)
- Excavation And Fill Regulations (§1130)

5.8 Update Development Standards Section

Signage-Related Recommendations		Origin
1. Revisit sign regulations given recent Court decisions (USSC = Reed v Gilbert, CTSC = Kuchta v Arisian).		Planimetrics Staff
2. Simplify / update sign regulations and consolidate in one place		Planimetrics Staff
3. Review the sign regulations to ensure they are doing what we want them to do.		Commission
4. Signage regulations seem overly complicated (internal signs on sites, etc.).		Power Users Planimetrics
Parking-Related Recommendations		Origin
5. The parking regulations should be reviewed and the standards “right-sized” – especially since standards vary by zoning district		Planimetrics Power Users
6. Adjust parking requirements ... and parking ratios for non-residential and multifamily land uses.		POCD 10.G.2.A
14. Consider parking maximums in walkable urban core areas where alternative transportation is available.		POCD 10.G.2.A
7. Revisit the lower parking requirements in TOD areas since many households still have two cars.		Resident
15. Implement parking recommendations for the Wall Street area from the parking plan		POCD 10.G.2.A
16. Discourage provision of parking above the minimum required.		POCD 10.G.2.A
8. Promote ... shared parking agreements ...		POCD 10.G.2.A
9. Promote [parking lot] design strategies that reduce stormwater runoff, increase compatibility with street trees, and add visual interest to streets		POCD 10.G.2.A
10. Update parking regulations to allow for permeable surfaces (don't limit to just asphalt).		Other Agencies
11. Require electric vehicle charging stations in new large private developments.		POCD 8.F.2.A
12. Add reference (and click link) to DPW roadway / infrastructure standards		Planimetrics
Erosion / Sediment Control Recommendations		Origin
13. Erosion and sediment control regulations are not consistently enforced with regard to airborne, and wind-blown material.		Other Agencies

Excavation / Fill Recommendations	Origin
17. Re-examine provisions related to bringing fill onto residential property.	Resident
18. Can the regulations require a permit from zoning or DPW but not both?	Staff
19. Rock crushing seems to fall through the cracks and now material is being brought to Norwalk to be crushed	Other Agencies
NEW - Design-Related Recommendations	Origin
20. Wish we had City-wide design standards or design guidelines (have some provisions in design districts, village districts, and for redevelopment parcels)	Staff
21. It would be great to have a City-wide Design Manual even if done separately and then woven into the Regulations later)	Power Users
22. Provide links in the regulations to design guidelines in certain areas (Reed-Putnam, SoNo TOD, Washington Street, etc.)	Planimetrics
14. How do we enhance the beauty of architecture in the City?	Commission
15. The City should devote more attention to the materials being used for buildings being constructed.	Resident
23. Worried that a City-wide design review process would add time to the approval process – how can it be done quicker	Power Users
24. There can be a conflict between approving plans quickly and the desire to spend more time to get good design outcomes	Staff
16. How do you accomplish design review with an administrative approval?	Power Users
25. Strengthen existing Village District design standards.	POCD 12.H.2.A
26. Revise zoning to include basic urban design standards to ensure distinct, walkable villages	POCD 12.H.2.A
17. Include place-making and functional design standards in the requirements for non-residential and mixed-use development.	POCD 12.H.3.A
18. Improve the public realm within village districts and activity centers with design standards for sidewalks, street trees, pedestrian lighting, bicycle racks, seating, signage and public art.	POCD 12.H.2.A
19. Create zoning with design standards to achieve desired outcomes for commercial and mixed-use projects as redevelopment occurs	POCD 12.H.2.B
27. [Investigate ways to]: <ul style="list-style-type: none"> • Eliminate large expanses of parking as the principal feature of street frontage. • Require parking at the side or rear of new buildings. If frontage parking is necessary because of dimensional constraints, limit it to one aisle with ample landscaping 	POCD 10.G.2.A

NEW – Landscaping	Origin
20. Add a section consolidating landscaping / buffering provisions.	Planimetrics
21. Use a dimensional (rather than a percentage) buffer as the base-line requirement.	Planimetrics
22. Include requirements for tree protection, replacement, and planting in urban design requirements for new developments	POCD 8.F.3.D
NEW – Access Management	Origin
23. It is time to codify access management provisions	Other Agencies
24. Implement access-management techniques in commercial and mixed-use areas, ... especially ... in major corridors like Route 1 and Main Street/Main Avenue.	POCD 10.G.1.C
NEW – Pedestrian / Bicycle Circulation	Origin
25. Add a section containing pedestrian / bicycle provisions.	Planimetrics
26. Support ... design standards that encourage walking and biking access to city and neighborhood destinations, such as village retail areas, parks, and schools	POCD 4.F.2.A
27. Seek ways to address the lack of sidewalks on Connecticut Avenue.	Resident
28. Revise site plan review and mixed-use development standards and design guidelines to incorporate multimodal transportation considerations	POCD 10.G.1.C
29. [Require] attractive, secure bicycle parking, with signage, at both public and private facilities.	POCD 10.G.2.A
30. Add reference (and click link) to DPW sidewalk standards	Planimetrics
NEW – Illumination	Origin
31. Add a section on illumination	Planimetrics
32. Add reference (and click link) to DPW regulations for street-lighting standards	Planimetrics
NEW – Stormwater Management	Origin
33. Add a section codifying drainage standards (and integrating MS4 requirements into the zoning regulations)	Other Agencies
34. Promote the reduction of impervious surfaces and the use of green infrastructure and Low Impact Development practices	POCD 9.F.2.A
35. Drainage designs get referred to the Department of Public Works (DPW) for technical issues that Planning and Zoning staff then end up enforcing	Staff
36. Add reference (and click link) to DPW drainage standards	Planimetrics
37. Throughout the Regulations, separate the “stormwater drainage” requirements from the “sewer” requirements.	Planimetrics

NEW - Form-Based Coding	
38. [As directed], develop ... the a hybrid code that includes conventional zoning where continuity is desired and appropriate, and incorporate aspects of form-based zoning for mixed-use and non-residential areas	POCD 12.H.3.A
28. It may be time for Norwalk to consider a “form-based code”	Power Users
29. Form-based coding might help solve some of the use conflicts which occasionally crop up, especially in the “downtown and the urban area”	Power Users
30. Maybe a form-based code would be a good approach in Downtown, Connecticut Avenue, and Westport Avenue	Power Users
31. Supports a form-based code with a floor-area ratio limit for the Downtown area and let the market dictate uses	Power Users
32. Not sure if they are ready for “form-based coding” yet	Staff
33. Consider “form-based coding” (which typically provides clear and objective design and development standards) as a way to produce better development designs while avoiding a more lengthy and/or less predictable approval process.	

For Further Discussion	Origin
39. None	

Relevant Existing Sections

- General Provisions Relative To Bulk / Area Regulations (§ 810)
- Nonconformities (§ 800)
- Uses Subject To Moratorium (§820)

5.9 Establish A Special Standards Section

Recommendations	Origin
1. Consolidate dimensional exceptions in this section (currently in Section 810)	Planimetrics
2. Regulations would benefit from a clearer delineation of when a non-conformity can be intensified (and what that means) versus expanded (and what that means)	Power Users
3. Should allow non-conforming uses and buildings to expand through a Special Permit process	Power Users

For Further Discussion	Origin
4. Consider allowing expansion / modification of a non-conforming use / building by Special Permit administered by the Zoning Commission	Planimetrics

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5.10 Administration / Permitting / Enforcement

Relevant Existing Sections

Regulation Recommendations	Origin
1. Update, reorganize, and clarify procedural provisions to be consistent and easy to understand.	Planimetrics Commission
2. Review and update the “Standards for Special Permits” (Section 1450.C).	Planimetrics
3. Rewrite the Zoning Ordinance to reflect contemporary best practices in administration and user-friendliness and to be consistent with the POCD	POCD 12.H.3.A
4. Adopt guidelines and standards, with required findings to guide decision making that will help achieve the vision and goals of the [POCD]	POCD 12.H.1.A
5. Seek ways to simplify the change of use process (allow with parking on-site if within a certain percent or allow changes within classes of uses)	Power Users
6. Clarify (or rename) the concept of “hardship” used by the Zoning Board of Appeals so it is better understood.	Resident
7. Even though the regulations contain prohibitions on use variances in a number of sections, they still seem to get granted	Power Users
8. Revisit provisions / timeframes with regard to abandonment given recent statutory changes	Planimetrics
Process Recommendations	
9. Inter-department communication is not well-coordinated and it would be great if it could be.	Power Users Other Agencies Resident
10. The process for plan distribution / review / approval is not coordinated so even though everything seems to eventually get worked out, it doesn’t work efficiently.	Other Agencies
11. Would be great if there was a coordinated permit process	Power Users Other Agencies
12. Seek to reduce the actual (or perceived) complexity of the approval process.	Power Users Resident Planimetrics
Enforcement Recommendations	
13. Investigate “best practices” in terms of enforcement and make recommendations	Commission
14. Enforcement seems to be an on-going issue raised by some residents (too much / too little)	Commission
15. Improve enforcement of the Regulations.	Residents
16. Enforcement is challenging when the underlying regulations don’t always make sense.	Other Agency

- Site Plan Review (§1451)
- Special Permits (§1450)
- Application For Zoning Change (§1440)
- Enforcement, Violations And Penalties (§1460)

For Further Discussion – User-Friendliness	
17. Seek ways to improve public notice of pending applications. <i>Could consider on-site signs.</i>	Resident
18. Seek ways to improve public access to application materials. <i>Could post application materials <u>more clearly</u> on City website in a user-friendly way.</i>	Resident
19. Seek ways to have all application forms on-line (including a zoning permit form)	Planimetrics
20. Seek ways to accept on-line payments for permits	Planimetrics
21. Review / revise application forms to support new regulations	Planimetrics
22. Would be great if applications were logged and the permit process could be tracked on-line by applicants	Power Users
23. Regulations might benefit from a flowchart showing how to navigate them (from permitted use to dimensional standards to development standards (parking, landscaping, etc.) to permitting)	Commission
24. Consider creating flowcharts (with disclaimer).	Power Users Planimetrics
For Further Discussion – Checklists	
25. Create checklists and similar materials to inform residents, property owners, developers, and others about the land use guidance, regulatory system, and permitting process in Norwalk. Develop these materials to accompany an updated zoning code and make them available in digital and printed form.	POCD 12.H.1.A
26. Develop a user-friendly system of checklists for boards, commissions, and departments to use to compare proposals with the goals of the POCD.	POCD 13.F.2.A
27. Would be great if there was a common checklist of application requirements <i>Update and maintain checklists for common applications.</i>	Power Users Planimetrics
For Further Discussion – Master Plan Approvals	
28. For larger scale and/or longer term projects, it would be helpful of there was a process for approval of a master plan with follow-up approval of detailed site plans	Power Users
29. Maybe a “planned development district” approach could be a way to address unique situations	Power Users
30. May not be too interested in Planned Development Districts (site plan approval through a zone change process)	Staff

For Further Discussion – Regulation Changes	Origin
31. Changes to the regulations seem to be a constant. Are there ways to reduce the number of text amendments?	Commission
32. People apply for regulation changes when variances or Special Permits or another site-specific tool is not available to enable their proposals	Power Users
33. Applicants apply for text changes that seem minor but the impact on all the other properties in a zone isn't always clear. Should an impact report be required for map / text changes?	Commission Staff
34. Explore the pros and cons for the city and for applicants of requiring financial impact analysis on new special permit applications, regulations, zoning amendments, and zoning map changes.	POCD 12.H.3.A
For Further Discussion – Permit Processing	Origin
34. Investigate ways to streamline / simplify the approval process including whether it might be possible to: <ul style="list-style-type: none"> • Establish a “permit coordinator” position responsible for coordinating department activities and expediting permits • Create a “critical path” process whereby new applications are “scoped” for the inter-relatedness of reviews and those reviews (Wetlands, Health, DPW, WPCA, Fire Marshal, Planning and Zoning, Building) are sequenced to reduce the time period involved (i.e., simultaneous when possible rather than sequential) 	Planimetrics
For Further Discussion – Other	Origin
35. Would like for City Historical Commission to be notified when applications involve buildings / structures more than 50 years old	Other Agencies
36. Fixing the regulations will be great but having the staff to administer and enforce the regulations (in all departments) is also needed	Power Users
37. Revisit Section 1410.A.2.a. given court rulings regarding the change of a zone by other than a legislative action.	Planimetrics

5.11 Update Zoning Map

Recommendations	Origin
<p>1. Use a GIS map with “colored” zone designations to make the zoning map easier to visualize and interpret.</p> <p>Color code zoning districts based on “color families” (such as land use codes rather than uncoordinated colors) to make the zoning map easier to visualize and interpret.</p> <p>Label zoning districts at a legible size since most people cannot print / plot the map at 36” X 48”</p> <p>Make legend readable</p>	<p>Planimetrics</p>
<p>2. Create a zoning map to reflect the new regulations.</p>	<p>POCD 12.H.3.A</p>
<p>3. Investigate ways to make the zoning map searchable by address</p>	<p>Planimetrics</p>
<p>4. Add all overlay zones (to map or using insets):</p> <ul style="list-style-type: none"> • “coastal area” boundary • aquifer protection areas 	<p>Planimetrics Other Agencies</p>
<p>5. Revisit the configuration of zoning districts on the Zoning Map</p>	<p>Resident</p>

5.12 Overall Comments / Other Issues

Recommendations	Origin
1. The Regulations need a major house-cleaning to take of 30 years of haphazard amendments (incorrect cross-references, etc.)	Power Users
2. Board / commission members might benefit from regular training / refreshers	Power Users
3. The regulations should start to think about how current and future technologies will affect development: <ul style="list-style-type: none"> • autonomous cars (parking elsewhere, staging areas for autonomous car pickups and drop-offs), • parking for ride-share apps, • solar arrays over parking lots, etc. 	Power Users
4. How could the regulations be configured to address climate change issues?	Commission Resident
5. Regular multi-board meetings (Zoning, Planning, Redevelopment, ZBA, etc.) might help boards to be “on the same page”	Power Users
6. Regulations would benefit from precise and concise language so people know what is required	Power Users
7. Review the use of “modification”, “waiver” and similar language to see if modifications are required to address the “Mackenzie / Santarciero” court cases.	Planimetrics
8. Investigate ways to hide “Editors Notes” or keep them separate.	Planimetrics

6

PRESENT USEFULLY

Days Gone By

Historically, zoning codes were printed booklets available for purchase from City Hall. This was a product of the technologies available at the time and was widely accepted.

However, the printed booklet:

- Could go out of date over time,
- Necessitated a phone call or an office visit to see if the regulations were up-to-date and a trip to City Hall to get a new book, and
- was only searchable by navigating through the document (or reading every provision).

While rewriting and reorganizing the Building Zone Regulations will be the initial focus, how they are presented at the completion of this process (and in the future) is just as important.

6.1 Focus On A Digital Approach To The Regulations

As for many communities, Norwalk's Building Zone Regulations are available online. This is important in the digital age because:

- The most current Regulations can be available 24/7/365.
- The Regulations can be searchable both externally (Google and other search engines) and internally from within the Regulations.
- The Regulations can be downloaded in several formats (Word / PDF / screenshots) to serve the needs of the user.
- The Regulations can take advantage of on-line functionality (click links internally and to other documents, etc.).

As society becomes more paperless every day, the Building Zone Regulations should be configured as a digitally-based document.

However, this does not mean that the Regulations will only be available on-line. Rather, it means that the full functionality of the Regulations should be available online but that people can print out a PDF version or purchase a printed version at City Hall should they so choose.

6.2 Choose One Digital Portal

While the City's Building Zone Regulations are available on-line at the present time, there are some challenges apparent with the current digital approach:

- The “**official**” regulations are hosted by General Code LLC, a private vendor used by the City to maintain and host City ordinances and regulations).
- An “**unofficial**” version of the regulations is on the City website but:
 - There is no click link on the City website to the “official” version of the Regulations.
 - The City website version is broken up into 16 separate sections (since that is how staff maintains it) and is not easily searchable
 - It does not contain page numbers or page headings to help people navigate through the document.
 - It uses a separate Table of Contents (with no page numbers) so that people can use it as a “Berlitz Guide” to the section they need to open to find the information they are looking for.
- While Staff updates the Building Zone Regulations as changes are adopted by the Commission, it can take weeks or months for General Code to update the “official” online Code with recent zoning amendment (even though there is an “amendments” tab, it is not readily apparent).

The following recommendations are intended to address these issues:

1. Continue to use the General Code website as the hosting site for the “official” version of the Regulations.
2. Turn the City website on the Regulations into a portal which links to the “official” version of the Regulations.
3. Work with General Code to accelerate the speed of codifying revisions adopted by the Commission and/or highlight the presence of amendments in affected sections.
4. Work with General Code to present an on-line overview of the organization of the Regulations.

Zoning Hub Alternatives

There is another company called “Gridics” which offers a similar map based approach to the zoning map and regulations. They also offer additional functionality in terms of buildout analyses of individual parcels which have proven to be of interest in other locations. More information is available here:

<https://www.gridics.com/>

A custom solution could be created to integrate the zoning text and the zoning map but much of the framework is already being provided by General Code.

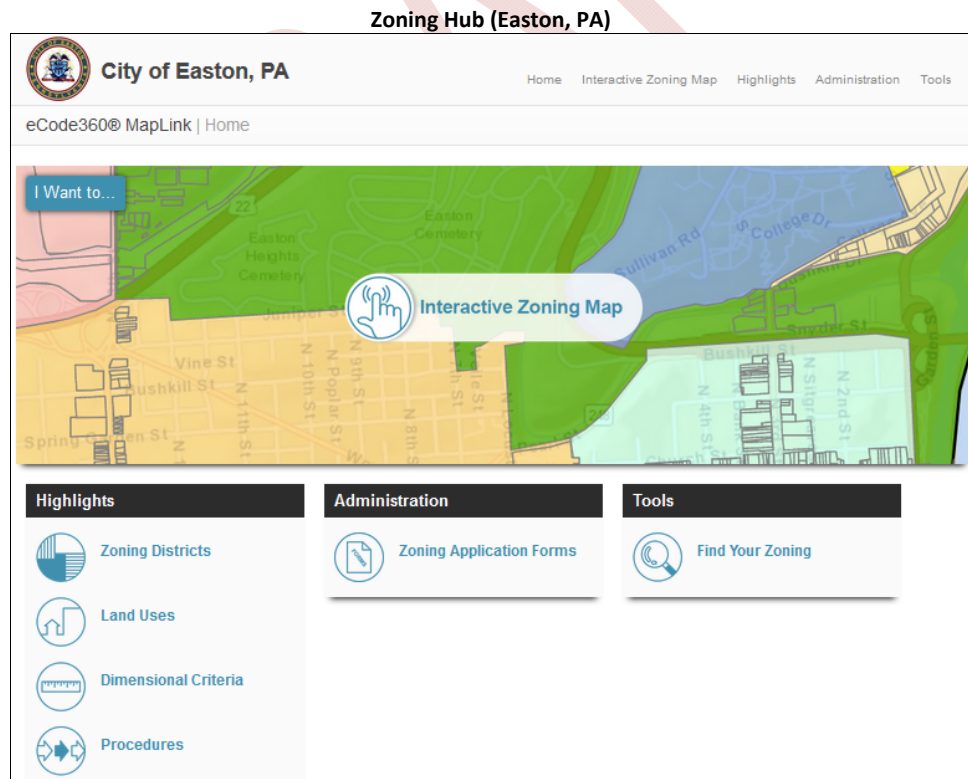
6.3 Use The Zoning Map To Serve Up The Text

General Code is now offering a code hosting service called “Zoning Hub” where the approach to the Building Zone Regulations starts with a map, rather than a book of text.

Since all property in Norwalk is zoned, most zoning inquiries relate to what can be done with a particular property. Zoning Hub facilitates that process since people can enter in a street address or scan over the map to click on a property they are interested in. This allows for a large scale map with a searchable address bar.

Once a property is selected, the most relevant portions of the Building Zone Regulations (permitted uses, setback requirements, etc.) are presented on screen. It is possible that this might quickly answer three-quarters of the questions might typically have with regard to zoning. In addition, there is the ability to link to the full Code itself for people who desire more information.

1. Norwalk should investigate the use of “Zoning Hub” as a way to present the new Building Zone Regulations.



6.4 Seek To Refine General Code's Presentation

Since General Code has hosted the City's Building Zone Regulations for some time, it would appear to make sense to continue what working relationship with an approach which seeks to:

1. Accelerate the time period between regulation adoption by the Commission and "publishing" on the eCode site.
2. During the time period between regulation adoption by the Commission and "publishing" on the eCode site, highlight the availability (and applicability / location) of amendments more prominently.
3. Seek ways to remove "Editor's Notes" (used only by General Code) from the on-line presentation of the Building Zone Regulations.
4. Highlight more prominently the ability to download the Building Zone Regulations as a Word file, a PDF file, and any other options which are available (also add a direct link from the City website to this functionality).
5. Offer up a pre-published PDF file with page numbers and page headings so that Staff and users can look at the same document at the same time.

Possible Alternative(s)

This section of the Report recommends continuing with the current code arrangement with General Code and enhancing it with the "ZoningHub" option.

As an alternative, the City could host the updated Building Zone Regulations and maintain them over time. This would shorten the time for the on-line version to reflect any amendments adopted by the Commission.

The City could also configure a GIS application to present a searchable zoning map which would then serve up permitted uses and dimensional standards as part of the screen presentation.

Both options would take Staff time to maintain and implement but the overall approach could be refined over time.

7

NEXT STEPS

7.1 Visualize A Schedule

While there are about seven months from submittal of this report to the anticipated start of the rewrite and reorganization of the Building Zone Regulations, an overall schedule will be important to stay on track.

The following schedule is suggested:

	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Review / Discuss Report								
Finalize Update Process								
Finalize Funding								
Finalize Scope For RFQ								
Issue RFQ								
Accept Proposals								
Select Consultant								
Finalize Agreement								
Kick-Off Meeting With ZC								

7.2 Review / Refine Update Program

The Zoning Commission should review this report to set the stage for the actual regulation update. The Commission may wish to add items to (or remove items from) the “overall recommendations” or move some items from “for further discussion” into the “overall recommendations. The overall intent of laying the recommendations out this way was to provide a roadmap for the Commission and the selected consultant on the update.

Some items noted “for further discussion” (such as the discussion of a form-based code) could have a meaningful impact on the budget / schedule and so these issues would need to be resolved in the near term.

The review process could involve:

- The Zoning Commission and staff,
- Other local boards, commissions, agencies and departments, and/or
- The community as a whole (a listening session).

This process should be completed by February 2020 in order to keep on track for commencing the update on or about July 1, 2020.

7.3 Finalize Update Process

The rewrite and reorganization of the Building Zone Regulations may take 12 to 24 months to complete. During this timeframe, the Zoning Commission will need to have regular meetings to process applications and conduct other business.

In addition, during this period, there will need to be special meetings dedicated to the regulation update in order for the consultant to have an opportunity to present work materials to the City to get comments and feedback.

The options available for consideration might include:

- A. **Full Zoning Commission** - The full Zoning Commission adds in another meeting per month (or other time period) to meet with Staff and the consultant to review and refine work products (and discuss issues) as the regulations are assembled.

In this scenario, the Zoning Commission will serve as the steering committee, act as a "sounding board" for the Building Zone Regulations update and provide high-level guidance and oversight to help ensure that various perspectives and opinions are considered. Using the Zoning Commission should reap considerable dividends in terms of members' expertise and familiarity with the new regulations.

- B. **Zoning Commission Subcommittee** - The Zoning Commission establishes a subcommittee of its members to meet regularly with Staff and the consultant to review and refine work products (and discuss issues) as the regulations are assembled. The recommended regulations would then come back to the full Commission for review and adoption.

In this scenario, the subcommittee would keep the full Zoning Commission up to date at regular meetings. The full commission will stay involved to some degree and the subcommittee should reap dividends in terms of members' expertise and familiarity with the new regulations.

- C. **Ad Hoc Committee** - The Zoning Commission establishes a committee comprised of some of its members and community members. This Committee would meet regularly with Staff and the consultant to review and refine work products (and discuss issues) as the regulations are assembled. The recommended regulations would then go back to the full Commission for review and adoption.

In this scenario, the newly-formed Committee would oversee the project. The committee members on the Zoning Commission would regularly report back on the process and the progress. The full commission will stay involved to some degree and the members of the committee should reap dividends in terms of expertise and familiarity with the new regulations.

- D. **Staff-Managed Process** - The Zoning Commission directs Staff to work with the consultant to prepare and refine work products and report back to the Zoning Commission at major milestones (such as the four major themes of Regulatory Basics, Zones & Uses, Development Standards, and Permitting / Enforcement).

Staff could enlist other City departments as a technical advisory group to provide detailed input and feedback on draft work products. The work could also be aided by focus groups involving “power users” (individuals who are regular users of the Building Zone Regulation), property owners, builders, developers, civic leaders, neighborhood advocates and others who could be invited to participate in small group listening sessions during the project.

Once all sections were received and refined, they would be consolidated into the recommended regulations and go to the full Commission for review and adoption.

- E. **“Clerk Of The Works” Process** - The Zoning Commission could also elect to proceed with a “clerk of the works” type process where a third party consultant would help Staff and the Commission keep the process on track. The “clerk of the works” would work with Staff and the consultant to prepare and refine work products and report back to the Zoning Commission at major milestones.

The role of the “clerk of the works” would primarily be to represent the interests of the City in terms of managing the scope / schedule / budget and overseeing preparation of the Building Zone Regulations.

While this approach would add cost, it would also free up Staff and the Commission to focus on other issues while providing for coordinated project management.

Regardless of which of the above options is selected, it is essential that the community be kept informed about the project and given opportunities to provide comment and input. The City’s website should serve as a key portal for sharing information about the project, including the posting of documents and the announcement of project meetings and events. Beyond the website, City staff and the consultant team should work in other ways to “get the word out” about the project and—once new draft regulations are ready—to educate property owners and residents about the proposed changes and the ways they may be affected.

Once a complete draft of the new Building Zone Regulations has been prepared, open houses, workshops or other meeting formats should be used to initiate the public review of the draft regulations.

Later, the Zoning Commission will hold a public hearing as part of the adoption process. The public should be encouraged to attend these meetings and hearings.

Deciding on the preferred process is important since a consultant will base their pricing, in part, on the number of meetings involved and there can be quite a bit of variation in the options presented above.

This decision should be made by February 2020 in order to keep on track for commencing the update on or about July 1, 2020.

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7.4 Finalize Funding

The funding for the rewrite and reorganization of the Building Zone Regulations will occur with the 2020-21 fiscal year. At this time, it is estimated that the major cost elements of the update should be allocated as follows:

Component	FY 20-21	FY 21-22	Total
Basic Building Zone Regulations Work By Consultant	\$80,000	\$20,000	\$100,000
Adjustment (if any) due to selected update process	\$TBD	\$TBD	\$TBD
eCodification By General Code (final \$ depends on complexity)	\$0	\$15,000	\$15,000
Preparation For Zoning Hub	\$0	\$5,000	\$5,000
Allowance For Printing / Delivery	\$10,000	\$10,000	\$20,000
Legal Review (Corp. Counsel)	\$0	\$0	\$0
Contingency	\$10,000	\$10,000	\$20,000
SUBTOTAL	\$100,000 +	\$60,000 +	\$160,000 +
Supplemental Allowance For Form-Based Coding (if desired)	\$TBD	\$TBD	\$TBD
TOTAL	\$100,000 +	\$60,000 +	\$160,000 +

These are estimates based on experience with similar work and discussions with potential consultants.

Note that there will also be on-going costs associated with some items:

- Zoning Hub – estimated at \$5,000 per year
- General Code – hosting of Zoning Regulations (included in City Clerk budget)
- General Code – incorporating regulation updates / changes – currently less than \$5,000/year but could go higher if City requests quicker turn-around or other enhanced services

If the Statements of Qualifications submitted to the City are higher than budgeted above, the amount suggested above for FY 21-22 can be adjusted to address the final contract amount negotiated between the City and its preferred consultant(s).

7.5 RFP/ RFQ Process

The City will need to undertake a process to request submittals from consultants and select their preferred vendor. There are two main types of processes used by municipalities for inviting and selecting consultants:

- **Request For Proposal (RFP)** – The consultant selection is generally made on the basis of the proposed price based on a Scope of Work proposed by the Consultant or the municipality.
- **Request For Qualifications (RFQ)** – The consultant selection is generally made on the basis of the qualifications and experience of the Consultant.

However, this Scope of Work could be complicated by the desire to incorporate form-based coding (as part of this project or at some time in the future) and whether it would be advantageous for the City to work with one consultant for both components or to retain the ability to hire separate consultants for each.

It is recommended that the Commission consider issuing a Request For Qualifications with the following requirements:

- Consultants shall submit statements of qualifications and experience demonstrating their ability to perform this type of specialized work. Such statements may be for either or both components of the Scope of Work (basic rewrite/organization and/or form-based code). For each component, information shall be submitted on projects of a similar nature completed within the past five years. For each component, references shall be submitted on projects of a similar nature. This information shall be used by the Commission to select one or more consultants with the appropriate qualifications and experience to perform this specialized work.
- Consultants shall also be required to submit a proposed Scope of Work, Schedule and Price Proposal for whichever component(s) they wish to be considered for. Pricing shall be provided for each component if the Consultant were selected individually for that component and then a combined price if the Consultant were selected to provide both.

In terms of intermediate and final work products, it is recommended that the Request For Qualifications specify the following:

- All intermediate work products shall be delivered to the City in PDF format suitable for email distribution and for posting on the City website
- Graphics shall be delivered to the City in JPG format (or other format acceptable to the City) with unrestricted permission for use
- Final text products shall be delivered to the City in Microsoft Word format suitable for maintenance by the City in the future (or other format acceptable to the City)
- Intermediate and final reports shall be provided to the City in the number of printed copies requested (allocated to the printing / delivery allowance)

The RFQ should be widely distributed and might include:

- The American Planning Association (APA).
- APA Chapters such as Connecticut, Massachusetts, Rhode Island, New York Metro, New Jersey, Pennsylvania, etc.
- Congress For The New Urbanism
- Form-Based Codes Institute

With regard to the overall schedule:

- The scope for the RFQ should be finalized by the end of February
- The RFQ should be issued at the beginning of March so that submittals can be received by the end of March and the interview / selection process can occur in April
- This will leave May and June for finalization of the agreement with the City's purchasing and legal departments
- The kickoff meeting could then be scheduled after July 1 (the start of the new fiscal year)

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ACKNOWLEDGMENTS

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