

FREQUENTLY ASKED QUESTIONS
About the
Proposed PLANNED AREA DEVELOPMENT (PAD)
Zoning Regulation

The Simsbury Zoning Commission will hold a public hearing to discuss and possibly adopt a Planned Area Development (PAD) Zoning Regulation on March 15, 2010 at 7 pm at Eno Memorial Hall. Some people have asked:

1. What areas of Town does the PAD apply to?
The PAD applies only to non-residential areas of Simsbury. This area constitutes about 10% of the entire town.

2. Is the PAD a “form-based code” such as was discussed in the recent planning charrette at the library?
The PAD is not a “form-based code” such as the one recently described for the Town Center. The form-based code for the Town Center area will be ready for review in a few months. This will also apply to the area known as the Simsbury Center Zone.

3. Why not apply a “form-based code” to all the other non-residential areas of Simsbury? What benefit is the PAD to residents?
A form-based code can only be applied to areas where a charrette type process has been performed and the area has been studied in much greater detail on a building by building level of detail. This is not economically feasible at this time as it would cost Simsbury residents about \$500,000 to perform this work. The PAD regulation is an intermediate step toward helping increasing the tax base without expending a large amount of money at this time. The PAD will also attract new innovative approaches to land use that are deemed desirable by the land use commissions.

4. What are the benefits of the PAD regulation approach?
One benefit is that the PAD regulation requires a landowner of a business or industrial property to come to the Zoning Commission to discuss his/her ideas about any proposed development well in advance of submitting any application. The Commission will then let the landowner know whether their idea is a good one and is worth further study, or that it is a poor idea which would be a waste of time and money to pursue. This will allow the land owner to decide whether to invest significant amounts of money to develop a detailed site plan and zone change application or not. This approach should save the landowner and the Town of Simsbury sizable amounts of time and money.

Another benefit is that the PAD requires a full public hearing before the PAD zone change could be adopted. This will give the public full review rights just as with any proposed zone change under Connecticut Law.

5. Are there other benefits as well?

There are a number of other benefits. The PAD allows for a measure of flexibility in the application process. This will encourage landowners to come forward with projects that may help increase the grand list and improve the benefits to taxpayers in Simsbury.

6. I understand the PAD is allowed to be applied to the Town Center. I thought we did the charrette to provide “form based” zoning for the Town center. Why is the PAD permitted in the Town Center?

The PAD is essentially a floating Zone. It is just one tool in the box of many zoning tools in the regulations. Just as there are a number of ways to accomplish any task, the PAD simply provides another possible means of securing good development in any of the areas it applies to. The PAD may be reviewed to see if it is the best tool for a particular development in a particular land use context. If it is the best tool the landowner is permitted to use it. If the Commission decides that there are other, better tools for a given site, then the landowner will be directed to use them.

7. How many other towns in CT have similar regulations?

At last count there were over 40 towns that had a similar type regulation. This is not a new or untried method of zoning regulation.

8. What if we find that the PAD regulation is not perfect and needs to be fixed?

The PAD, like any other Zoning Regulation can be amended if the need arises. Any amendment to any zoning regulation will need to have a full review and a full public hearing with notices to the public.

9. What if a developer brings in a development idea that we do not like?

Any proposal brought to the Town under the PAD will be subject to a complete public hearing and review by many land use boards and commissions. If you do not like a particular development you should come to the public hearing and make your feelings known to the Zoning Commission.

10. We can't tell what kind of application may come forward under the PAD. How can you guarantee that the only applications that come forward will be ones that the public likes? How can you predict that?

All schematic plans and application must come before many land use boards and commissions. There are several opportunities for public comment and input into any application that comes forward to either promote good ideas or to discard poor proposals. There is really very little ability under any type of regulation to predict with 100% certainty exactly what will be proposed. However the way the PAD is structured makes sure that every proposal is

fully discussed and voted on in public before it is adopted. In addition, the test for a zone change such as the PAD is a high bar to pass. The application would have to be very desirable in order to pass such scrutiny.

disc 19