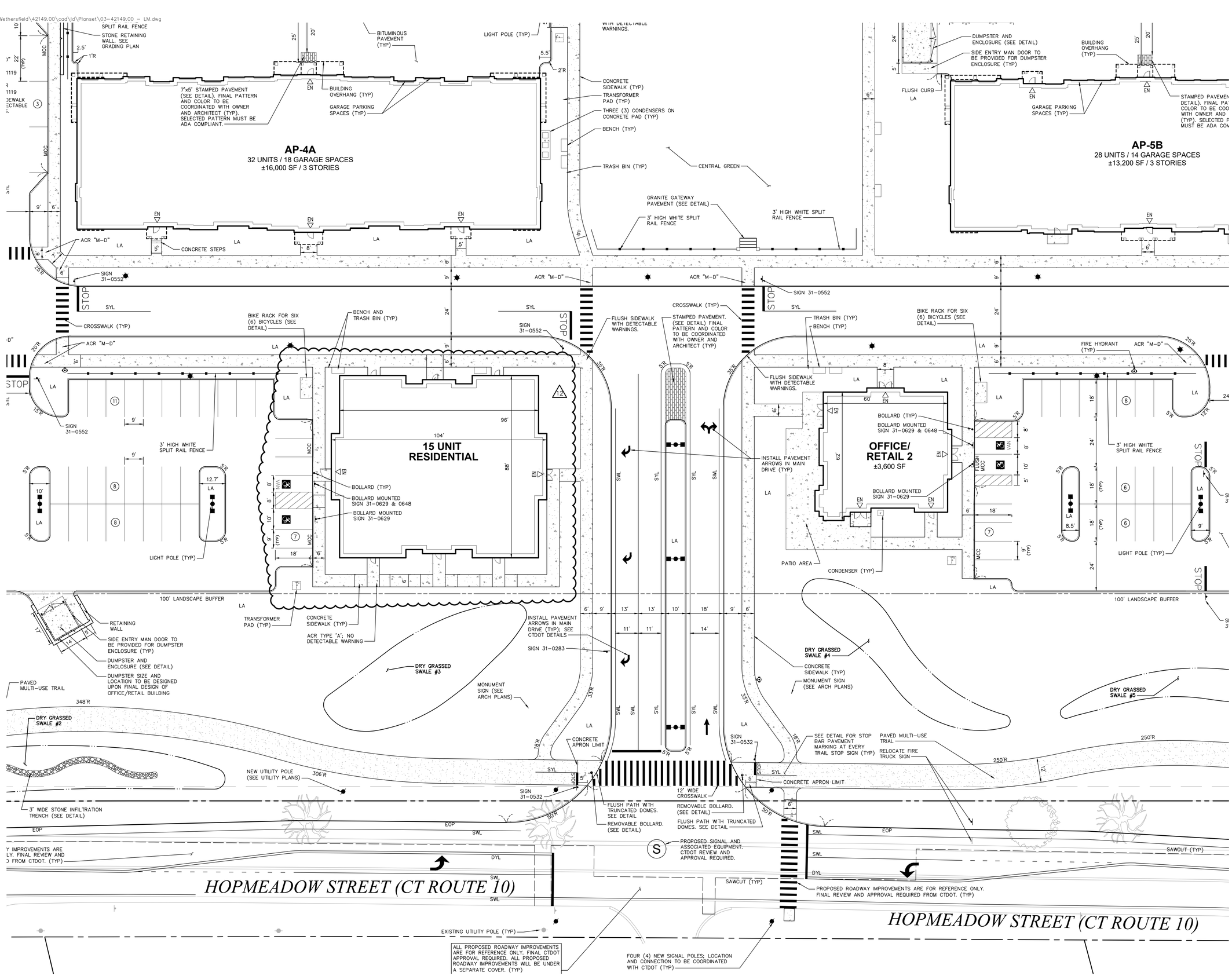

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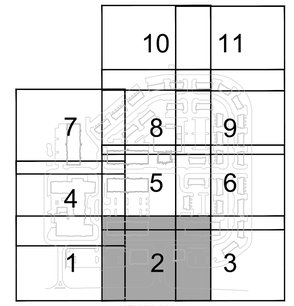

KEY PLAN

0 10 20 40 Feet

The Ridge at Talcott Mountain

200 Hopmeadow Street
Simsbury, Connecticut

No.	Revision	Date	Appvd.
1.	TOWN COMMENTS PROGRESS PRINT	5/10/17	
2.	OSTA STEP 2 COMMENTS	7/10/17	
3.	INTERIM FINAL PLANS	9/6/17	
4.	WPCA SUBMISSION	9/15/17	
5.	WPCA SUBMISSION	10/3/17	
6.	CONSTRUCTION	11/10/17	
7.	CLUB HOUSE FOOTPRINT	5/14/18	
8.	CLUB HOUSE AMENITY DESIGN	12/14/18	
12.	SITE PLAN MOD – 15 UNIT RESI.	11/11/21	

Designed by | Checked by

Issued for: Construction
Date: March 27, 2017

Drawing Title
Layout and Materials Plan 2

Drawing Number
C-4

Sheet 4 of 53

Project Number
42149.00

Town of Simsbury

933 HOPMEADOW STREET P.O. BOX 495 SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

RECEIVED
OCT 21 2021
TOWN OF SIMSBURY
PLANNING DEPARTMENT

TO: Zoning Commission

FROM: Laura Barkowski
Code Compliance Officer

DATE: 9/29/2021

SUBJECT: Legislative Update (Accessory Dwelling Units)

Public Act 21-29 established new provisions on the regulation of accessory dwelling units (ADUs). If the Commission chooses not to opt out by January 1, 2023, the Town will default to the standards as prescribed in PA 21-29. Below is a side by comparison of changes from what is currently allowed within the Zoning Regulations and new standards within PA 21-29.

CURRENT (SECTION 3.5.2)	LEGISLATIVE CHANGE (PA 21-29)
Attached ADUs require site plan approval Detached ADUs require Special Exception	Permitted as of right in any district that allows single family residence Decisions must be rendered within 65 days (*Applicant may consent to extensions*)
ADU shall not exceed 600 square feet or 25% of gross floor area of primary dwelling (whichever is less)	Must allow maximum ADU size of at least 1,000 sf or 30% of net floor area of principal dwelling (whichever is smaller) *Regulations may allow a larger net floor area
Shall not have separate utilities from primary dwelling	Shall not be *required* to be served by separate utilities
One ADU permitted for each lot	At least one ADU as of right in districts which allow accessory apartments
ADU shall be accessible from primary dwelling by an operable door (*attached ADU*)	Prohibited from requiring a passageway between ADU and primary dwelling
At least one off-street parking space dedicated to ADU	Not be required to have more than one parking spot or fees in lieu of

Additional considerations addressed by PA 21-29

- Prohibits requiring familiar, marital or employment relationship between occupants of ADUs and primary dwelling
- Prohibits minimum age for occupants
- Prohibits requiring periodic ADU permit renewals
- Prohibits being more restrictive for ADUs than principal dwellings with respect to setbacks, lot size, building frontage, coverage
- Prohibits placing a condition on a ADU to correct a non-conformity (structure or use)
- May not require fire sprinkler in ADU if not required in principal dwelling or otherwise determined by fire code
- May regulate the use of ADUs a short term rentals
- May regulate height, landscaping and architectural design so long as it does not exceed standards to single family dwellings

Not addressed by PA 21-29

- The current regulations require the property owner to reside in either the ADU or principal dwelling. This is not addressed and would require input from legal counsel.

Opting out

- Towns must opt out by January 1, 2023 or any current regulations that are non-complaint with PA 21-29 become null and void
- Must have Public Hearing to opt out
- Zoning Commission must state on record the reasons for opting out.
- Requires 2/3 vote from Zoning Commission **and** Board of Selectman to opt out

STATE OF CONNECTICUT

Substitute House Bill No. 6107

Public Act No. 21-29

AN ACT CONCERNING THE ZONING ENABLING ACT, ACCESSORY APARTMENTS, TRAINING FOR CERTAIN LAND USE OFFICIALS, MUNICIPAL AFFORDABLE HOUSING PLANS AND A COMMISSION ON CONNECTICUT'S DEVELOPMENT AND FUTURE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 8-1a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) "Municipality" as used in this chapter shall include a district establishing a zoning commission under section 7-326. Wherever the words "town" and "selectmen" appear in this chapter, they shall be deemed to include "district" and "officers of such district", respectively.

(b) As used in this chapter and section 6 of this act:

(1) "Accessory apartment" means a separate dwelling unit that (A) is located on the same lot as a principal dwelling unit of greater square footage, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations;

(2) "Affordable accessory apartment" means an accessory apartment that is subject to binding recorded deeds which contain covenants or

EXHIBIT 1

restrictions that require such accessory apartment be sold or rented at, or below, prices that will preserve the unit as housing for which, for a period of not less than ten years, persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income;

(3) "As of right" means able to be approved in accordance with the terms of a zoning regulation or regulations and without requiring that a public hearing be held, a variance, special permit or special exception be granted or some other discretionary zoning action be taken, other than a determination that a site plan is in conformance with applicable zoning regulations;

(4) "Cottage cluster" means a grouping of at least four detached housing units, or live work units, per acre that are located around a common open area;

(5) "Middle housing" means duplexes, triplexes, quadplexes, cottage clusters and townhouses;

(6) "Mixed-use development" means a development containing both residential and nonresidential uses in any single building; and

(7) "Townhouse" means a residential building constructed in a grouping of three or more attached units, each of which shares at least one common wall with an adjacent unit and has exterior walls on at least two sides.

Sec. 2. Section 8-1c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) Any municipality may, by ordinance, establish a schedule of reasonable fees for the processing of applications by a municipal zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands commission.

Such schedule shall supersede any specific fees set forth in the general statutes, or any special act or established by a planning commission under section 8-26.

(b) A municipality may, by regulation, require any person applying to a municipal zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands commission for approval of an application to pay the cost of reasonable fees associated with any necessary review by consultants with expertise in land use of any particular technical aspect of such application, such as regarding traffic or stormwater, for the benefit of such commission or board. Any such fees shall be accounted for separately from other funds of such commission or board and shall be used only for expenses associated with the technical review by consultants who are not salaried employees of the municipality or such commission or board. Any amount of the fee remaining after payment of all expenses for such technical review, including any interest accrued, shall be returned to the applicant not later than forty-five days after the completion of the technical review.

(c) No municipality may adopt a schedule of fees under subsection (a) of this section that results in higher fees for (1) development projects built using the provisions of section 8-30g, as amended by this act, or (2) residential buildings containing four or more dwelling units, than for other residential dwellings, including, but not limited to, higher fees per dwelling unit, per square footage or per unit of construction cost.

Sec. 3. Subsection (j) of section 8-1bb of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(j) A municipality, by vote of its legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectmen, may opt out of the provisions of this section and the [provision] provisions of subdivision (5) of subsection [(a)] (d) of section

8-2, as amended by this act, regarding authorization for the installation of temporary health care structures, provided the zoning commission or combined planning and zoning commission of the municipality: (1) First holds a public hearing in accordance with the provisions of section 8-7d on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said sections within the period of time permitted under section 8-7d, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered.

Sec. 4. Section 8-2 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) (1) The zoning commission of each city, town or borough is authorized to regulate, within the limits of such municipality: [, the] (A) The height, number of stories and size of buildings and other structures; (B) the percentage of the area of the lot that may be occupied; (C) the size of yards, courts and other open spaces; (D) the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, including water-dependent uses, as defined in section 22a-93; [,] and (E) the height, size, location, brightness and illumination of advertising signs and billboards, [. Such bulk regulations may allow for cluster development, as defined in section 8-18] except as provided in subsection (f) of this section.

(2) Such zoning commission may divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of this chapter; and, within such districts, it may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land. All [such] zoning regulations shall be uniform for each class or kind of buildings, structures or use of land throughout each district, but the regulations in one district may

differ from those in another district. [, and]

(3) Such zoning regulations may provide that certain classes or kinds of buildings, structures or [uses] use of land are permitted only after obtaining a special permit or special exception from a zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals, whichever commission or board the regulations may, notwithstanding any special act to the contrary, designate, subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values. [Such regulations shall be]

(b) Zoning regulations adopted pursuant to subsection (a) of this section shall:

(1) Be made in accordance with a comprehensive plan and in [adopting such regulations the commission shall consider] consideration of the plan of conservation and development [prepared] adopted under section 8-23; [. Such regulations shall be]

(2) Be designed to (A) lessen congestion in the streets; [to] (B) secure safety from fire, panic, flood and other dangers; [to] (C) promote health and the general welfare; [to] (D) provide adequate light and air; [to prevent the overcrowding of land; to avoid undue concentration of population and to] (E) protect the state's historic, tribal, cultural and environmental resources; (F) facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; [. Such regulations shall be made] (G) consider the impact of permitted land uses on contiguous municipalities and on the planning region, as defined in section 4-124i, in which such municipality is located; (H) address significant disparities in housing needs and access to educational, occupational and other opportunities; (I) promote efficient review of proposals and applications; and (J) affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 et

seq., as amended from time to time;

(3) Be drafted with reasonable consideration as to the [character] physical site characteristics of the district and its peculiar suitability for particular uses and with a view to [conserving the value of buildings and] encouraging the most appropriate use of land throughout [such] a municipality; [. Such regulations may, to the extent consistent with soil types, terrain, infrastructure capacity and the plan of conservation and development for the community, provide for cluster development, as defined in section 8-18, in residential zones. Such regulations shall also encourage]

(4) Provide for the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located, as designated by the Secretary of the Office of Policy and Management under section 16a-4a; [. Such regulations shall also promote]

(5) Promote housing choice and economic diversity in housing, including housing for both low and moderate income households; [, and shall encourage]

(6) Expressly allow the development of housing which will meet the housing needs identified in the state's consolidated plan for housing and community development prepared pursuant to section 8-37t and in the housing component and the other components of the state plan of conservation and development prepared pursuant to section 16a-26; [. Zoning regulations shall be]

(7) Be made with reasonable consideration for [their] the impact of such regulations on agriculture, as defined in subsection (q) of section 1-1; [.]

(8) Provide that proper provisions be made for soil erosion and

sediment control pursuant to section 22a-329;

(9) Be made with reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies; and

(10) In any municipality that is contiguous to or on a navigable waterway draining to Long Island Sound, (A) be made with reasonable consideration for the restoration and protection of the ecosystem and habitat of Long Island Sound; (B) be designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris on Long Island Sound; and (C) provide that such municipality's zoning commission consider the environmental impact on Long Island Sound coastal resources, as defined in section 22a-93, of any proposal for development.

(c) Zoning regulations adopted pursuant to subsection (a) of this section may: [be]

(1) To the extent consistent with soil types, terrain and water, sewer and traffic infrastructure capacity for the community, provide for or require cluster development, as defined in section 8-18;

(2) Be made with reasonable consideration for the protection of historic factors; [and shall be made with reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies. On and after July 1, 1985, the regulations shall provide that proper provision be made for soil erosion and sediment control pursuant to section 22a-329. Such regulations may also encourage]

(3) Require or promote (A) energy-efficient patterns of development; [,] (B) the use of distributed generation or freestanding solar, wind and other renewable forms of energy; [,] (C) combined heat and power; and (D) energy conservation; [. The regulations may also provide]

(4) Provide for incentives for developers who use [passive solar energy techniques, as defined in subsection (b) of section 8-25, in planning a residential subdivision development. The incentives may include, but not be] (A) solar and other renewable forms of energy; (B) combined heat and power; (C) water conservation, including demand offsets; and (D) energy conservation techniques, including, but not limited to, cluster development, higher density development and performance standards for roads, sidewalks and underground facilities in the subdivision; [. Such regulations may provide]

(5) Provide for a municipal system for the creation of development rights and the permanent transfer of such development rights, which may include a system for the variance of density limits in connection with any such transfer; [. Such regulations may also provide]

(6) Provide for notice requirements in addition to those required by this chapter; [. Such regulations may provide]

(7) Provide for conditions on operations to collect spring water or well water, as defined in section 21a-150, including the time, place and manner of such operations; [. No such regulations shall prohibit]

(8) Provide for floating zones, overlay zones and planned development districts;

(9) Require estimates of vehicle miles traveled and vehicle trips generated in lieu of, or in addition to, level of service traffic calculations to assess (A) the anticipated traffic impact of proposed developments; and (B) potential mitigation strategies such as reducing the amount of required parking for a development or requiring public sidewalks, crosswalks, bicycle paths, bicycle racks or bus shelters, including off-site; and

(10) In any municipality where a traprock ridge or an amphibolite ridge is located, (A) provide for development restrictions in ridgeline

setback areas; and (B) restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right: (i) Emergency work necessary to protect life and property; (ii) any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted pursuant to this section; and (iii) selective timbering, grazing of domesticated animals and passive recreation.

(d) Zoning regulations adopted pursuant to subsection (a) of this section shall not:

(1) Prohibit the operation of any family child care home or group child care home in a residential zone; [. No such regulations shall prohibit]

(2) (A) Prohibit the use of receptacles for the storage of items designated for recycling in accordance with section 22a-241b or require that such receptacles comply with provisions for bulk or lot area, or similar provisions, except provisions for side yards, rear yards and front yards; [. No such regulations shall] or (B) unreasonably restrict access to or the size of such receptacles for businesses, given the nature of the business and the volume of items designated for recycling in accordance with section 22a-241b, that such business produces in its normal course of business, provided nothing in this section shall be construed to prohibit such regulations from requiring the screening or buffering of such receptacles for aesthetic reasons; [. Such regulations shall not impose]

(3) Impose conditions and requirements on manufactured homes, including mobile manufactured homes, having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards or on lots containing such manufactured homes, [which] including mobile manufactured home parks, if those conditions and requirements are

substantially different from conditions and requirements imposed on (A) single-family dwellings; [and] (B) lots containing single-family dwellings; [. Such regulations shall not impose conditions and requirements on developments to be occupied by manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards which are substantially different from conditions and requirements imposed on] or (C) multifamily dwellings, lots containing multifamily dwellings, cluster developments or planned unit developments; [. Such regulations shall not prohibit]

(4) (A) Prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations; [or] (B) require a special permit or special exception for any such continuance; [. Such regulations shall not] (C) provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use; [. Such regulations shall not] or (D) terminate or deem abandoned a nonconforming use, building or structure unless the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property owner's intent to not reestablish such use, building or structure; [. Unless such town opts out, in accordance with the provisions of subsection (j) of section 8-1bb, such regulations shall not prohibit]

(5) Prohibit the installation, in accordance with the provisions of section 8-1bb, as amended by this act, of temporary health care structures for use by mentally or physically impaired persons [in accordance with the provisions of section 8-1bb] if such structures

comply with the provisions of said section, [.] unless the municipality opts out in accordance with the provisions of subsection (j) of said section;

(6) Prohibit the operation in a residential zone of any cottage food operation, as defined in section 21a-62b;

(7) Establish for any dwelling unit a minimum floor area that is greater than the minimum floor area set forth in the applicable building, housing or other code;

(8) Place a fixed numerical or percentage cap on the number of dwelling units that constitute multifamily housing over four units, middle housing or mixed-use development that may be permitted in the municipality;

(9) Require more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms, unless the municipality opts out in accordance with the provisions of section 5 of this act; or

(10) Be applied to deny any land use application, including for any site plan approval, special permit, special exception or other zoning approval, on the basis of (A) a district's character, unless such character is expressly articulated in such regulations by clear and explicit physical standards for site work and structures, or (B) the immutable characteristics, source of income or income level of any applicant or end user, other than age or disability whenever age-restricted or disability-restricted housing may be permitted.

(e) Any city, town or borough which adopts the provisions of this chapter may, by vote of its legislative body, exempt municipal property from the regulations prescribed by the zoning commission of such city, town or borough, [;] but unless it is so voted, municipal property shall be subject to such regulations.

[(b) In any municipality that is contiguous to Long Island Sound the regulations adopted under this section shall be made with reasonable consideration for restoration and protection of the ecosystem and habitat of Long Island Sound and shall be designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris in Long Island Sound. Such regulations shall provide that the commission consider the environmental impact on Long Island Sound of any proposal for development.

(c) In any municipality where a traprock ridge, as defined in section 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located the regulations may provide for development restrictions in ridgeline setback areas, as defined in said section. The regulations may restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right: (1) Emergency work necessary to protect life and property; (2) any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted under this section; and (3) selective timbering, grazing of domesticated animals and passive recreation.]

[(d)] (f) Any advertising sign or billboard that is not equipped with the ability to calibrate brightness or illumination shall be exempt from any municipal ordinance or regulation regulating such brightness or illumination that is adopted by a city, town or borough, pursuant to subsection (a) of this section, after the date of installation of such advertising sign or billboard. [pursuant to subsection (a) of this section.]

Sec. 5. (NEW) (*Effective October 1, 2021*) The zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the provision of subdivision (9) of subsection (d) of section 8-2 of the general statutes, as amended by this act, regarding limitations on parking spaces for dwelling units,

provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provision of said subsection within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provision of subsection (d) of section 8-2 of the general statutes, as amended by this act.

Sec. 6. (NEW) (*Effective January 1, 2022*) (a) Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, shall:

(1) Designate locations or zoning districts within the municipality in which accessory apartments are allowed, provided at least one accessory apartment shall be allowed as of right on each lot that contains a single-family dwelling and no such accessory apartment shall be required to be an affordable accessory apartment;

(2) Allow accessory apartments to be attached to or located within the proposed or existing principal dwelling, or detached from the proposed or existing principal dwelling and located on the same lot as such dwelling;

(3) Set a maximum net floor area for an accessory apartment of not less than thirty per cent of the net floor area of the principal dwelling, or one thousand square feet, whichever is less, except that such regulations may allow a larger net floor area for such apartments;

(4) Require setbacks, lot size and building frontage less than or equal to that which is required for the principal dwelling, and require lot coverage greater than or equal to that which is required for the principal dwelling;

(5) Provide for height, landscaping and architectural design standards that do not exceed any such standards as they are applied to single-family dwellings in the municipality;

(6) Be prohibited from requiring (A) a passageway between any such accessory apartment and any such principal dwelling, (B) an exterior door for any such accessory apartment, except as required by the applicable building or fire code, (C) any more than one parking space for any such accessory apartment, or fees in lieu of parking otherwise allowed by section 8-2c of the general statutes, (D) a familial, marital or employment relationship between occupants of the principal dwelling and accessory apartment, (E) a minimum age for occupants of the accessory apartment, (F) separate billing of utilities otherwise connected to, or used by, the principal dwelling unit, or (G) periodic renewals for permits for such accessory apartments; and

(7) Be interpreted and enforced such that nothing in this section shall be in derogation of (A) applicable building code requirements, (B) the ability of a municipality to prohibit or limit the use of accessory apartments for short-term rentals or vacation stays, or (C) other requirements where a well or private sewerage system is being used, provided approval for any such accessory apartment shall not be unreasonably withheld.

(b) The as of right permit application and review process for approval of accessory apartments shall require that a decision on any such application be rendered not later than sixty-five days after receipt of such application by the applicable zoning commission, except that an applicant may consent to one or more extensions of not more than an

additional sixty-five days or may withdraw such application.

(c) A municipality shall not (1) condition the approval of an accessory apartment on the correction of a nonconforming use, structure or lot, or (2) require the installation of fire sprinklers in an accessory apartment if such sprinklers are not required for the principal dwelling located on the same lot or otherwise required by the fire code.

(d) A municipality, special district, sewer or water authority shall not (1) consider an accessory apartment to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless such accessory apartment was constructed with a new single-family dwelling on the same lot, or (2) require the installation of a new or separate utility connection directly to an accessory apartment or impose a related connection fee or capacity charge.

(e) If a municipality fails to adopt new regulations or amend existing regulations by January 1, 2023, for the purpose of complying with the provisions of subsections (a) to (d), inclusive, of this section, and unless such municipality opts out of the provisions of said subsections in accordance with the provisions of subsection (f) of this section, any noncompliant existing regulation shall become null and void and such municipality shall approve or deny applications for accessory apartments in accordance with the requirements for regulations set forth in the provisions of subsections (a) to (d), inclusive, of this section until such municipality adopts or amends a regulation in compliance with said subsections. A municipality may not use or impose additional standards beyond those set forth in subsections (a) to (d), inclusive, of this section.

(f) Notwithstanding the provisions of subsections (a) to (d), inclusive, of this section, the zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds

vote, may initiate the process by which such municipality opts out of the provisions of said subsections regarding allowance of accessory apartments, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said subsections within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provisions of subsections (a) to (d), inclusive, of this section, except that, on and after January 1, 2023, no municipality may opt out of the provisions of said subsections.

Sec. 7. Subsection (k) of section 8-30g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(k) The affordable housing appeals procedure established under this section shall not be available if the real property which is the subject of the application is located in a municipality in which at least ten per cent of all dwelling units in the municipality are (1) assisted housing, (2) currently financed by Connecticut Housing Finance Authority mortgages, (3) subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income, (4) mobile manufactured homes located in mobile manufactured home parks or legally approved accessory apartments, which homes or

apartments are subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which, for a period of not less than ten years, persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income, or (5) mobile manufactured homes located in resident-owned mobile manufactured home parks. For the purposes of calculating the total number of dwelling units in a municipality, accessory apartments built or permitted after January 1, 2022, but that are not described in subdivision (4) of this subsection, shall not be counted toward such total number. The municipalities meeting the criteria set forth in this subsection shall be listed in the report submitted under section 8-37qqq. As used in this subsection, "accessory apartment" [means a separate living unit that (A) is attached to the main living unit of a house, which house has the external appearance of a single-family residence, (B) has a full kitchen, (C) has a square footage that is not more than thirty per cent of the total square footage of the house, (D) has an internal doorway connecting to the main living unit of the house, (E) is not billed separately from such main living unit for utilities, and (F) complies with the building code and health and safety regulations] has the same meaning as provided in section 8-1a, as amended by this act, and "resident-owned mobile manufactured home park" means a mobile manufactured home park consisting of mobile manufactured homes located on land that is deed restricted, and, at the time of issuance of a loan for the purchase of such land, such loan required seventy-five per cent of the units to be leased to persons with incomes equal to or less than eighty per cent of the median income, and either [(i)] (A) forty per cent of said seventy-five per cent to be leased to persons with incomes equal to or less than sixty per cent of the median income, or [(ii)] (B) twenty per cent of said seventy-five per cent to be leased to persons with incomes equal to or less than fifty per cent of the median income.

Sec. 8. Subsection (e) of section 8-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(e) (1) The zoning commission shall provide for the manner in which the zoning regulations shall be enforced, except that any person appointed as a zoning enforcement officer on or after January 1, 2023, shall be certified in accordance with the provisions of subdivision (2) of this subsection.

(2) Beginning January 1, 2023, and annually thereafter, each person appointed as a zoning enforcement officer shall obtain certification from the Connecticut Association of Zoning Enforcement Officials and maintain such certification for the duration of employment as a zoning enforcement officer.

Sec. 9. (NEW) (*Effective from passage*) (a) On and after January 1, 2023, each member of a municipal planning commission, zoning commission, combined planning and zoning commission and zoning board of appeals shall complete at least four hours of training. Any such member serving on any such commission or board as of January 1, 2023, shall complete such initial training by January 1, 2024, and shall complete any subsequent training every other year thereafter. Any such member not serving on any such commission or board as of January 1, 2023, shall complete such initial training not later than one year after such member's election or appointment to such commission or board and shall complete any subsequent training every other year thereafter. Such training shall include at least one hour concerning affordable and fair housing policies and may also consist of (1) process and procedural matters, including the conduct of effective meetings and public hearings and the Freedom of Information Act, as defined in section 1-200 of the general statutes, (2) the interpretation of site plans, surveys, maps and architectural conventions, and (3) the impact of zoning on the environment, agriculture and historic resources.

(b) Not later than January 1, 2022, the Secretary of the Office of Policy and Management shall establish guidelines for such training in collaboration with land use training providers, including, but not limited to, the Connecticut Association of Zoning Enforcement Officials, the Connecticut Conference of Municipalities, the Connecticut Chapter of the American Planning Association, the Land Use Academy at the Center for Land Use Education and Research at The University of Connecticut, the Connecticut Bar Association, regional councils of governments and other nonprofit or educational institutions that provide land use training, except that if the secretary fails to establish such guidelines, such land use training providers may create and administer appropriate training for members of commissions and boards described in subsection (a) of this section, which may be used by such members for the purpose of complying with the provisions of said subsection.

(c) Not later than March 1, 2024, and annually thereafter, the planning commission, zoning commission, combined planning and zoning commission and zoning board of appeals, as applicable, in each municipality shall submit a statement to such municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, affirming compliance with the training requirement established pursuant to subsection (a) of this section by each member of such commission or board required to complete such training in the calendar year ending the preceding December thirty-first.

Sec. 10. Section 7-245 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

For the purposes of this chapter: (1) "Acquire a sewerage system" means obtain title to all or any part of a sewerage system or any interest therein by purchase, condemnation, grant, gift, lease, rental or otherwise; (2) "alternative sewage treatment system" means a sewage treatment system serving one or more buildings that utilizes a method

of treatment other than a subsurface sewage disposal system and that involves a discharge to the groundwaters of the state; (3) "community sewerage system" means any sewerage system serving two or more residences in separate structures which is not connected to a municipal sewerage system or which is connected to a municipal sewerage system as a distinct and separately managed district or segment of such system, but does not include any sewerage system serving only a principal dwelling unit and an accessory apartment, as defined in section 8-1a, as amended by this act, located on the same lot; (4) "construct a sewerage system" means to acquire land, easements, rights-of-way or any other real or personal property or any interest therein, plan, construct, reconstruct, equip, extend and enlarge all or any part of a sewerage system; (5) "decentralized system" means managed subsurface sewage disposal systems, managed alternative sewage treatment systems or community sewerage systems that discharge sewage flows of less than five thousand gallons per day, are used to collect and treat domestic sewage, and involve a discharge to the groundwaters of the state from areas of a municipality; (6) "decentralized wastewater management district" means areas of a municipality designated by the municipality through a municipal ordinance when an engineering report has determined that the existing subsurface sewage disposal systems may be detrimental to public health or the environment and that decentralized systems are required and such report is approved by the Commissioner of Energy and Environmental Protection with concurring approval by the Commissioner of Public Health, after consultation with the local director of health; (7) "municipality" means any metropolitan district, town, consolidated town and city, consolidated town and borough, city, borough, village, fire and sewer district, sewer district and each municipal organization having authority to levy and collect taxes; (8) "operate a sewerage system" means own, use, equip, reequip, repair, maintain, supervise, manage, operate and perform any act pertinent to the collection, transportation and disposal of sewage; (9) "person" means any person, partnership,

corporation, limited liability company, association or public agency; (10) "remediation standards" means pollutant limits, performance requirements, design parameters or technical standards for application to existing sewage discharges in a decentralized wastewater management district for the improvement of wastewater treatment to protect public health and the environment; (11) "sewage" means any substance, liquid or solid, which may contaminate or pollute or affect the cleanliness or purity of any water; and (12) "sewerage system" means any device, equipment, appurtenance, facility and method for collecting, transporting, receiving, treating, disposing of or discharging sewage, including, but not limited to, decentralized systems within a decentralized wastewater management district when such district is established by municipal ordinance pursuant to section 7-247.

Sec. 11. Subsection (b) of section 7-246 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(b) Each municipal water pollution control authority designated in accordance with this section may prepare and periodically update a water pollution control plan for the municipality. Such plan shall designate and delineate the boundary of: (1) Areas served by any municipal sewerage system; (2) areas where municipal sewerage facilities are planned and the schedule of design and construction anticipated or proposed; (3) areas where sewers are to be avoided; (4) areas served by any community sewerage system not owned by a municipality; (5) areas to be served by any proposed community sewerage system not owned by a municipality; and (6) areas to be designated as decentralized wastewater management districts. Such plan may designate and delineate specific allocations of capacity to serve areas that are able to be developed for residential or mixed-use buildings containing four or more dwelling units. Such plan shall also describe the means by which municipal programs are being carried out

to avoid community pollution problems and describe any programs wherein the local director of health manages subsurface sewage disposal systems. The authority shall file a copy of the plan and any periodic updates of such plan with the Commissioner of Energy and Environmental Protection and shall manage or ensure the effective supervision, management, control, operation and maintenance of any community sewerage system or decentralized wastewater management district not owned by a municipality.

Sec. 12. Section 8-30j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) [At] Not later than June 1, 2022, and at least once every five years thereafter, each municipality shall prepare or amend and adopt an affordable housing plan for the municipality and shall submit a copy of such plan to the Secretary of the Office of Policy and Management, who shall post such plan on the Internet web site of said office. Such plan shall specify how the municipality intends to increase the number of affordable housing developments in the municipality.

(2) If, at the same time the municipality is required to submit to the Secretary of the Office of Policy and Management an affordable housing plan pursuant to subdivision (1) of this subsection, the municipality is also required to submit to the secretary a plan of conservation and development pursuant to section 8-23, such affordable housing plan may be included as part of such plan of conservation and development. The municipality may, to coincide with its submission to the secretary of a plan of conservation and development, submit to the secretary an affordable housing plan early, provided the municipality's next such submission of an affordable housing plan shall be five years thereafter.

(b) The municipality may hold public informational meetings or organize other activities to inform residents about the process of preparing the plan and shall post a copy of any draft plan or amendment

to such plan on the Internet web site of the municipality. If the municipality holds a public hearing, such posting shall occur at least thirty-five days prior to the public hearing. [on the adoption, the municipality shall file in the office of the town clerk of such municipality a copy of such draft plan or any amendments to the plan, and if applicable, post such draft plan on the Internet web site of the municipality.] After adoption of the plan, the municipality shall file the final plan in the office of the town clerk of such municipality and [, if applicable,] post the plan on the Internet web site of the municipality.

(c) Following adoption, the municipality shall regularly review and maintain such plan. The municipality may adopt such geographical, functional or other amendments to the plan or parts of the plan, in accordance with the provisions of this section, as it deems necessary. If the municipality fails to amend and submit to the Secretary of the Office of Policy and Management such plan every five years, the chief elected official of the municipality shall submit a letter to the [Commissioner of Housing] secretary that (1) explains why such plan was not amended, and (2) designates a date by which an amended plan shall be submitted.

Sec. 13. (*Effective from passage*) (a) There is established a Commission on Connecticut's Development and Future within the Legislative Department, which shall evaluate policies related to land use, conservation, housing affordability and infrastructure.

(b) The commission shall consist of the following members:

(1) Two appointed by the speaker of the House of Representatives, one of whom is a member of the General Assembly not described in subdivision (7), (8), (9) or (10) of this subsection and one of whom is a representative of a municipal advocacy organization;

(2) Two appointed by the president pro tempore of the Senate, one of whom is a member of the General Assembly not described in

subdivision (7), (8), (9) or (10) of this subsection and one of whom has expertise in state or local planning;

(3) Two appointed by the majority leader of the House of Representatives, one of whom has expertise in state affordable housing policy and one of whom represents a town with a population of greater than thirty thousand but less than seventy-five thousand;

(4) Two appointed by the majority leader of the Senate, one of whom has expertise in zoning policy and one of whom has expertise in community development policy;

(5) Two appointed by the minority leader of the House of Representatives, one of whom has expertise in environmental policy and one of whom is a representative of a municipal advocacy organization;

(6) Two appointed by the minority leader of the Senate, one of whom has expertise in homebuilding and one of whom is a representative of the Connecticut Association of Councils of Governments;

(7) The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to planning and development;

(8) The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to the environment;

(9) The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to housing;

(10) The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters

relating to transportation;

(11) Two appointed by the Governor, one of whom is an attorney with expertise in planning and zoning and one of whom has expertise in fair housing;

(12) The Secretary of the Office of Policy and Management;

(13) The Commissioner of Administrative Services, or the commissioner's designee;

(14) The Commissioner of Economic and Community Development, or the commissioner's designee;

(15) The Commissioner of Energy and Environmental Protection, or the commissioner's designee;

(16) The Commissioner of Housing, or the commissioner's designee; and

(17) The Commissioner of Transportation, or the commissioner's designee.

(c) Appointing authorities, in cooperation with one another, shall make a good faith effort to ensure that, to the extent possible, the membership of the commission closely reflects the gender and racial diversity of the state. Members of the commission shall serve without compensation, except for necessary expenses incurred in the performance of their duties. Any vacancy shall be filled by the appointing authority.

(d) The speaker of the House of Representatives and the president pro tempore of the Senate shall jointly select one of the members of the General Assembly described in subdivision (1) or (2) of subsection (b) of this section to serve as one cochairperson of the commission. The Secretary of the Office of Policy and Management shall serve as the other

cochairperson of the commission. Such cochairpersons shall schedule the first meeting of the commission.

(e) The commission may accept administrative support and technical and research assistance from outside organizations and employees of the Joint Committee on Legislative Management. The cochairpersons may establish, as needed, working groups consisting of commission members and nonmembers and may designate a chairperson of each such working group.

(f) (1) Except as provided in subdivision (2) of this subsection, not later than January 1, 2022, and not later than January 1, 2023, the commission shall submit a report to the joint standing committees of the General Assembly having cognizance of matters relating to planning and development, environment, housing and transportation and to the Secretary of the Office of Policy and Management, in accordance with the provisions of section 11-4a of the general statutes, regarding the following:

(A) Any recommendations for statutory changes concerning the process for developing, adopting and implementing the state plan of conservation and development;

(B) Any recommendations for (i) statutory changes concerning the process for developing and adopting the state's consolidated plan for housing and community development prepared pursuant to section 8-37t of the general statutes, and (ii) implementation of such plan;

(C) Any recommendations (i) for guidelines and incentives for compliance with (I) the requirements for affordable housing plans prepared pursuant to section 8-30j of the general statutes, as amended by this act, and (II) subdivisions (4) to (6), inclusive, of subsection (b) of section 8-2 of the general statutes, as amended by this act, and (ii) as to how such compliance should be determined, as well as the form and

manner in which evidence of such compliance should be demonstrated. Nothing in this subparagraph may be construed as permitting any municipality to delay the preparation or amendment and adoption of an affordable housing plan, and the submission of a copy of such plan to the Secretary of the Office of Policy and Management, beyond the date set forth in subsection (a) of section 8-30j of the general statutes, as amended by this act;

(D) (i) Existing categories of discharge that constitute (I) alternative on-site sewage treatment systems, as described in section 19a-35a of the general statutes, (II) subsurface community sewerage systems, as described in section 22a-430 of the general statutes, and (III) decentralized systems, as defined in section 7-245 of the general statutes, as amended by this act, (ii) current administrative jurisdiction to issue or deny permits and approvals for such systems, with reference to daily capacities of such systems, and (iii) the potential impacts of increasing the daily capacities of such systems, including changes in administrative jurisdiction over such systems and the timeframe for adoption of regulations to implement any such changes in administrative jurisdiction; and

(E) (i) Development of model design guidelines for both buildings and context-appropriate streets that municipalities may adopt, in whole or in part, as part of their zoning or subdivision regulations, which guidelines shall (I) identify common architectural and site design features of building types used in urban, suburban and rural communities throughout this state, (II) create a catalogue of common building types, particularly those typically associated with housing, (III) establish reasonable and cost-effective design review standards for approval of common building types, accounting for topography, geology, climate change and infrastructure capacity, (IV) establish procedures for expediting the approval of buildings or streets that satisfy such design review standards, whether for zoning or subdivision

regulations, and (V) create a design manual for context-appropriate streets that complement common building types, and (ii) development and implementation by the regional councils of governments of an education and training program for the delivery of such model design guidelines for both buildings and context-appropriate streets.

(2) If the commission is unable to meet the January 1, 2022, deadline set forth in subdivision (1) of this subsection for the submission of the report described in said subdivision, the cochairpersons shall request from the speaker of the House of Representatives and president pro tempore of the Senate an extension of time for such submission and shall submit an interim report.

(3) The commission shall terminate on the date it submits its final report or January 1, 2023, whichever is later.

Approved June 10, 2021

RECEIVED
DEC 09 2021
TOWN OF SIMSBURY
PLANNING DEPARTMENT

Town of Simsbury

Office of Community Planning and Development - Zoning Commission Application

DATE: 12/9/21 FEE: $ CK #: APP #: 21-29

PROPERTY ADDRESS:

NAME OF OWNER: Simsbury Zoning Commission

MAILING ADDRESS: 933 Hopmeadow St.

EMAIL ADDRESS: TELEPHONE #

NAME OF AGENT: Michal Gliddon, Director of Planning

MAILING ADDRESS: 933 Hopmeadow Street

EMAIL ADDRESS: mgliddon@simsbury-ct.org TELEPHONE #

ZONING DISTRICT: N/A LOT AREA: N/A SQ FT/ACRES

Does this site have wetlands? ☐YES ☒NO Have you applied for a wetlands permit? ☐YES ☒NO

REQUESTED ACTION (PLEASE CHECK APPROPRIATE BOX):

☐ **ZONE CHANGE**: The applicant hereby requests that said premises be changed from zone _____ to zone _____.

☒ **TEXT AMENDMENT:** Please attach proposed changes, including Articles and Sections, and purposes.

☐ **SPECIAL EXCEPTION:** The applicant hereby requests a public hearing pursuant to Article _____, Section _____.

☐ **SITE PLAN APPROVAL**: The applicant hereby requests

☐PRELIMINARY ☐FINAL ☐SITE PLAN AMENDMENT

☐ **SIGN PERMIT**

☐ **OTHER (PLEASE EXPLAIN):** text amendment to Sections 3.4, 4.5, 5.5, and 17.4 of the Zoning Regulations. Amendment is in part for the addition of short-term rentals as a use in the regulations per submitted

*NOTE: Each application must fully comply with the requirements of the Zoning Regulations prior to receipt by the Commission. **Each application for zone change and/or special exception shall include a list of names and addresses of abutting property owners and all property owners within 100 feet of the subject site.***

A check payable to the Town of Simsbury must accompany this **original signed and dated** application. **Six (6) complete (folded) sets of plans and eleven (11) copies of the completed application and correspondence** must also be included. If you have a PDF of your plans, we would appreciate a copy of that sent to lbarkowski@simsbury-ct.gov, as well.

Signature of Owner *Date* *Signature of Agent* 12/9/21 *Date*

Telephone (860) 658-3245
Facsimile (860) 658-3206
www.simsbury-ct.gov
933 Hopmeadow Street
Simsbury, CT 06070

Town of Simsbury

933 HOPMEADOW STREET P.O. BOX 495 SIMSBURY, CONNECTICUT
06070

RECEIVED
DEC 09 2021
TOWN OF SIMSBURY
PLANNING DEPARTMENT

Date: November 30, 2021

To: Zoning Commission

From: Michael Glidden, CFM CZEO
Director of Planning and Community Development

Re: Short Term Rentals

As we discussed at the last meeting, the Board of Selectmen approved a short-term rental ordinance which will be effective in January 2022. The use short-term rental needs to be added to the regulations. Staff has prepared a definition of what is considered a short-term rental along with possible text for the regulations.

The commission needs to determine how these units will be regulated. Because a permitting process has been established thru the ordinance, staff is suggesting that the use be as-of-right in the residential zoning districts however this is a discussion that the commission needs to have.

Section 17.4 Definitions

Short-Term Rental: Any furnished living space rented by a person(s) for a period of one (1) to twenty-nine (29) consecutive days. A short-term rental must have separate sleeping areas established for guests and guests must have at least shared access to one (1) full bathroom and cooking area. Operation of a short-term rental requires a permit via town ordinance.

3.4 PERMITTED AND SPECIAL EXCEPTION USES

Residential - Principal Uses	**R-15**	**R-25**	**R-30**	**R-40**	**R-80**	**R-160**	**R-40OS**	**R-80OS**
Single family detached dwelling	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Open space development in accordance with Section 3.12	SE	SE	SE	SE	SE	SE	SE	SE
Rear Lot(s) in accordance with Section 3.5	SE	SE	SE	SE	SE	SE	NO	NO
Residential Accessory Uses	**R-15**	**R-25**	**R-30**	**R-40**	**R-80**	**R-160**	**R-40OS**	**R-80OS**
Short-Term Rentals	OK	OK	OK	OK	OK	OK	OK	OK

ZP = Zoning Permit

SE = Special Exception

OK = No permit necessary allowed within Zoning District

NO– Not allowed in Zoning District

4.5 PERMITTED AND SPECIAL PERMIT USES

SP- Site Plan, SE- Special Exception, NO- Not allowed

Business Permitted Uses	B-1	B-2	B-3	PO

Business Permitted Uses	B-1	B-2	B-3	PO
Residential uses if clearly accessory to the principal business use or if designed as part of a business complex, if the following apply: • Residential uses must be located above the principal use. • The total square footage of all residential uses does not exceed 40 percent of the total floor area of all uses. • The residential uses are constructed at the same time or after the development of the principal area, but never before. • Use is part of an approved site plan. • New residential uses in existing or rehabilitated commercial uses shall be considered a Special Exception and require a public hearing. Such uses shall conform to standards above.	SP	SP	SP	NO
Short-Term Rentals	SP	SP	SP	NO

5.5 PERMITTED AND SPECIAL PERMIT USES

SP- Site Plan, SE- Special Exception, NO- Not allowed

Industrial Permitted Uses	I-1	I-2
Short-Term Rentals	SP	SP

RECEIVED
NOV 15 2021
TOWN OF SIMSBURY
PLANNING DEPARTMENT

AARP Connecticut

Comments in support of accepting the accessory dwelling unit provisions of PA 21-29
Simsbury Zoning Commission
November 15, 2021

Dear Chairman Ryan and Members of the Simsbury Zoning Commission:

Thank you for the opportunity to submit comments in support of the accessory dwelling unit provisions of Public Act 21-29 (PA 21-29). AARP Connecticut believes that everyone should have the ability to choose how they live as they age, and we think that these provisions will provide older adults and people of all ages with new opportunities to find safe and affordable housing in their community.

A third of Americans, both homeowners and renters, pay more than what they can afford on housing, and one in four renters spends more than half of their income on housing.[1] When people spend increasingly high portions of their income on housing, it jeopardizes their ability to maintain their lifestyle and save for their futures as they age and in many cases results in the person/household being cost burdened or severely cost burdened.[2]

Accessory apartments, sometimes called accessory dwelling units, or ADUs, have potential to improve the lives of older adults, family caregivers, and people of all ages. According to Connecticut's most recent State Plan on Aging (2020), "Between 2010 and 2040, Connecticut's age 65 and older population is on pace to increase by 57%. However, the projected growth of the population between the ages of 20 - 64 is less than 2%, and the age 19 and under population is projected to decline by 7%."[3] As the demographics of our state undergo this unprecedented change, we need to make sure that our communities are able to quickly adapt to changing housing needs and preferences.

AARP's most recent Home and Community Preference Survey indicates that nearly seven in ten adults would like to remain in the community for as long as possible as they age, and 63% would like to stay in their current residence.[4] Accessory apartments are small houses or apartments that exist on the same property lots as a single-family residence but still provide separate living quarters, and because they tend to be smaller and more affordable than single-family houses, they can be a good housing option for older adults who want to downsize but still live in a neighborhood setting. Accessory apartments are also good options for individuals who want to live near a caregiver (with caregivers occupying either the accessory apartment or the main residence) or who want to use their property to generate extra income.

In addition, the COVID-19 pandemic has exposed the vulnerability of our older adults and has made us realize the importance of accessory apartments as they can provide a safe, comfortable alternative to other living situations. Accessory apartments can fill a number of roles that homeowners may never have needed before, like providing a place for your aging parent to live instead of a nursing home, or for your boomerang kid to come back to when they've lost their job, or for you to work remotely.[5]

People age 50-plus who would consider creating an accessory apartment say they would do so in order to:[6]

---

[1] https://www.businessinsider.com/how-much-rent-afford-2017-6

[2] Cost burden is defined as paying more than 30% of household income for housing (rent or mortgage, plus utilities). Severe cost burden is defined as paying more than 50% of household income for housing, available at: https://www.huduser.gov/portal/pdredge/pdr_edge_featd_article_092214.html

[3] https://portal.ct.gov/-/media/AgingandDisability/AgingServices/State-Plans/2021-2023-CT-State-Plan-on-Aging.pdf

[4] https://www.aarp.org/content/dam/aarp/research/surveys_statistics/liv-com/2018/home-community-preferences-survey.doi.10.26419-2Fres.00231.001.pdf

[5] https://www.nytimes.com/2021/02/05/business/accessory-dwelling-units-parents.html

[6] *ibid*

- Provide a home for a loved one in need of care (84%)
- Provide housing for relatives or friends (83%)
- Feel safer by having someone living nearby (64%)
- Have a space for guests (69%)
- Increase the value of their home (67%)
- Create a place for a caregiver to stay (60%)
- Earn extra income from renting to a tenant (53%)

An important component of Public Act 21-29 (PA 21-29) is that it allows construction of accessory apartments "by right." This still allows for local authorities to make sure that ADU construction is within zoning and building codes without prolonging the process of construction, but it creates fewer opportunities for obstruction from neighbors and organizations who are opposed to new housing in an established neighborhood. In this way, creating an accessory apartment would be like building or remodeling a home or building any accessory structure. AARP supports "by right" construction of accessory apartments because it reduces costs and red tape but still leaves certain checks and balances in place to ensure that the accessory apartment is appropriate. We would urge the Simsbury's Zoning Commission to not opt out of PA 21-29 and allow ADU construction "by right" and help provide more housing options to the residents of Simsbury.

We are also sharing with you a digital version of "The ABCs of ADUs", which is a primer for elected officials, policymakers, local leaders, homeowners, consumers and others, providing a 20-page introductory and best-practices guide for how towns, cities, counties and states can include ADUs in their mix of housing options.

We would like to thank the Zoning Commission for this opportunity to talk about the importance of ADUs and how it can help Simsbury's housing production keep pace with the demand for affordable and accessible housing. AARP Connecticut is committed to working with you to effectively address Simsbury's housing needs. If you have questions or wish to discuss these items further, please contact me at: adoroghazi@aarp.org or 860-597-2337.

Thank you for your consideration.

Anna Doroghazi
Associate State Director, Advocacy and Outreach
AARP Connecticut

Town of Simsbury

Office of Community Planning and Development - Zoning Commission Application

RECEIVED
NOV 30 2021
TOWN OF SIMSBURY
PLANNING DEPARTMENT

DATE: 11/30/2021 **FEE:** $ 240 **CK #:** _____ **APP #:** _____

PROPERTY ADDRESS: 200 Hopmeadow Street, Simsbury, CT 06070

NAME OF OWNER: SL Simsbury LLC

MAILING ADDRESS: 195 Morristown Road, Basking Ridge, NJ 07920

EMAIL ADDRESS: UgoOrsini@Silvermangroup.Net **TELEPHONE #** (973) 765-0100

NAME OF AGENT: T.J. Donohue, Jr., Killian & Donohue, LLC

MAILING ADDRESS: 363 Main Street, Hartford, CT 06106

EMAIL ADDRESS: tj@kdjlaw.com **TELEPHONE #** (860) 560-1977

ZONING DISTRICT: HFBC **LOT AREA:** 40 **SQ FT/ACRES**

Does this site have wetlands? ☐ **YES** ☑ **NO** Have you applied for a wetlands permit? ☐ **YES** ☐ **NO**

REQUESTED ACTION (PLEASE CHECK APPROPRIATE BOX):

☐ **ZONE CHANGE**: The applicant hereby requests that said premises be changed from zone _____ to zone _____.

☐ **TEXT AMENDMENT:** Please attach proposed changes, including Articles and Sections, and purposes.

☐ **SPECIAL EXCEPTION:** The applicant hereby requests a public hearing pursuant to Article _____, Section _____.

☐ **SITE PLAN APPROVAL**: The applicant hereby requests

☐ **PRELIMINARY** ☐ **FINAL** ☐ **SITE PLAN AMENDMENT pursuant to Article 5, Section J**

☐ **SIGN PERMIT**

☑ **OTHER (PLEASE EXPLAIN):** Type 3 Application under HFBC.
SEE ATTACHED.

NOTE: Each application must fully comply with the requirements of the Zoning Regulations prior to receipt by the Commission. ***Each application for zone change and/or special exception shall include a list of names and addresses of abutting property owners and all property owners within 100 feet of the subject site.***

A check payable to the Town of Simsbury must accompany this **original signed and dated** application. **Six (6) complete (folded) sets of plans and eleven (11) copies of the completed application and correspondence** must also be included. If you have a PDF of your plans, we would appreciate a copy of that sent to cvibert@simsbury-ct.gov, as well.

SL Simsbury LLC

Ugo Orsini
Construction Project Manager ***Date***

T.J. Donohue, Jr., Esq.
Signature of Agent ***Date***

Telephone (860) 658-3245
Facsimile (860) 658-3206
www.simsbury-ct.gov
933 Hopmeadow Street
Simsbury, CT 06070

11-30-2021 8406 CHECK 240.00

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KATHLEEN KUCHTA *v.* EILEEN R. ARISIAN
(SC 19730)

Palmer, McDonald, Robinson, D'Auria, Mullins and Kahn, Js.*

Syllabus

The plaintiff, the zoning enforcement officer for the city of Milford, brought an action against the defendant homeowner, seeking permanent injunctions ordering the defendant to remove three signs erected on her property and precluding her from occupying her residence until she obtained the certificate of occupancy required by the city's zoning regulations after renovations were made to her residence. The three signs expressed the defendant's dissatisfaction with her home improvement contractor and listed the lawsuits to which that contractor was purportedly a party. The defendant asserted as a special defense that the city lacked authority to regulate her signs pursuant to the statute (§ 8-2) authorizing a municipality to regulate the height, size, and location of "advertising signs" and billboards. During the pendency of the action, the defendant provided the necessary documentation to obtain the certificate of occupancy. Although the plaintiff determined that the documentation revealed that the renovations to the defendant's residence, as completed, violated city zoning regulations for maximum lot coverage, the plaintiff did not amend the complaint to include an allegation regarding that violation. The trial court concluded that, even though the defendant's signs violated the restrictions in the city's zoning regulations on height, size, and the number of signs, those signs were not advertising signs under § 8-2, as that term had been previously defined by this court, because they did not promote the sale of goods or services. Accordingly, the trial court determined that the city lacked the authority under § 8-2 to regulate them. In addition, the trial court denied the plaintiff's request to enjoin the defendant from occupying her residence until she obtained the required certificate of occupancy but determined that, due to the defendant's extreme delay in submitting the necessary documentation for that certificate, a civil penalty was justified. On the plaintiff's appeal from the trial court's judgment, *held*:

1. The trial court correctly determined that the city lacked authority to regulate the defendant's signs as advertising signs pursuant to § 8-2; this court, after undertaking a textual and historical examination of the meaning of the term "advertising signs" under the applicable rules of statutory construction, and after concluding that the relevant, contemporaneous definition of that term as used in § 8-2 was any form of public announcement intended to aid directly or indirectly in the sale of goods or services, in the promulgation of a doctrine or idea, in securing attendance, or the like, determined that the defendant's signs were not advertising signs within the meaning of § 8-2, as the defendant's message in her signs was not aimed at those types of public announcements, and no activity or enterprise of the defendant benefited by any action of the recipient of the signs' messages.
2. The trial court did not abuse its discretion in denying the plaintiff's request to enjoin the defendant from occupying her residence, even though she was in violation of the city's zoning regulations, on the ground that she did not secure a certificate of occupancy following the renovations to her residence; the trial court found that the factual circumstances did not support the extraordinary equitable remedy of a permanent injunction, as the defendant could do nothing more to secure that certificate because she had submitted the necessary documentation, the plaintiff's failure to follow the normal procedure for a zoning violation deprived the defendant of administrative remedies related to the ground on which the plaintiff had declined to issue the certificate, and, if the proper procedure had been followed, the plaintiff would have provided the defendant with notice of the violation as well as a cease and desist order, which, in turn, would have allowed the defendant to seek review by the city's zoning board of appeals.

Argued November 7, 2017—officially released July 24, 2018

Procedural History

Action to enjoin the defendant from violating certain zoning regulations of the city of Milford regulating, inter alia, the posting of signs, and for other relief, brought to the Superior Court in the judicial district of Ansonia-Milford, where Stephen H. Harris was substituted as the plaintiff; thereafter, the case was tried to the court, *Stevens, J.*; judgment in part for the plaintiff, from which the plaintiff appealed. *Affirmed.*

Scott T. Garosshen, with whom was *Karen L. Dowd*, for the appellant (plaintiff).

Eileen R. Becker, for the appellee (defendant).

McDONALD, J. "The outdoor sign or symbol is a venerable medium for expressing political, social and commercial ideas." (Internal quotation marks omitted.) *Metromedia, Inc.* v. *San Diego*, 453 U.S. 490, 501, 101 S. Ct. 2882, 69 L. Ed. 2d 800 (1981). The primary issue we must resolve in this case is whether General Statutes § 8-2,[1] which authorizes a municipality's zoning commission to regulate the height, size, and location of "advertising signs and billboards," permits a municipality to regulate signs erected on residential property that disparage a commercial vendor.

The plaintiff, the zoning enforcement officer for the city of Milford,[2] appeals from the judgment of the trial court denying the plaintiff's request for permanent injunctions ordering the defendant homeowner, Eileen R. Arisian, to remove signs on her property that were not in compliance with city zoning regulations and precluding the defendant from occupying the property until she obtained certain certificates required after home improvements had been made to her residence.[3] We conclude that the defendant's signs are not "advertising signs," and, accordingly, the trial court properly concluded that municipal regulation of such signs is outside the scope of the authority granted under § 8-2. We further conclude that the trial court properly exercised its discretion when it declined to issue an injunction precluding the defendant from occupying the subject premises.

I

We first address the plaintiff's challenge to the trial court's conclusion that the city's zoning commission lacked authority to regulate the defendant's signs as "advertising signs" under § 8-2. The following undisputed facts and procedural history are relevant to this issue.

The defendant contracted with Baybrook Remodelers, Inc., for certain home improvements. Evidently dissatisfied with Baybrook's performance, the defendant erected three signs on her property. One sign stated: "I Do Not Recommend BAYBROOK REMODELERS." Two signs contained the caption: "BAYBROOK REMODELERS' TOTAL LAWSUITS," with bar graphs underneath the caption reflecting the number of lawsuits to which the contractor purportedly was a party.

Thereafter, the plaintiff issued an order notifying the defendant that her signs violated city zoning regulations limiting the size, height, and number of signs per street line and ordering her to remove them.[4] See Milford Zoning Regs., art. V, §§ 5.3.3.3 (2) and 5.3.4.1. When the defendant still had not complied months later, the plaintiff commenced the present action, which sought to enjoin the defendant from maintaining the signs that did not comply with the zoning regulations. The defen-

dant asserted a special defense that the city lacked authority to regulate her signs under § 8-2.

The trial court denied the request for the injunction. The court found that the defendant's signs violated the restrictions on the size, height, and number of signs in the city's zoning regulations. The court nonetheless concluded that the city lacked authority to regulate the signs under § 8-2. It reasoned that the defendant's signs were not "advertising signs" as previously defined by this court because they did not promote the sale of goods or services. This appeal followed.

On appeal, the plaintiff asserts that an "advertising" sign, as that term is used in § 8-2 and as that term is commonly defined, means any sign that makes a public announcement. According to the plaintiff, this broad definition is proper because it more fully aligns with the stated purposes of the zoning enabling statute than the narrower one adopted by the trial court. The plaintiff further asserts that this broader definition is proper because a narrower definition may constitute content based regulation in violation of the first amendment to the United States constitution. We disagree.[5]

The meaning of the term "advertising signs" is a matter of statutory construction, to which well settled principles and plenary review apply. *Middlebury* v. *Connecticut Siting Council*, 326 Conn. 40, 48, 161 A.3d 537 (2017). "In seeking to determine that meaning, General Statutes § 1-2z directs us to first consider the text of the statute itself and its relationship to other statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of a statute shall not be considered. . . . When a statute is not plain and unambiguous, we also look for interpretive guidance to the legislative history and circumstances surrounding its enactment, to the legislative policy it was designed to implement, and to its relationship to existing legislation and common law principles governing the same general subject matter . . . ." (Internal quotation marks omitted.) *Gilmore* v. *Pawn King, Inc.*, 313 Conn. 535, 542–43, 98 A.3d 808 (2014).

In addition to these general principles, we must be mindful when construing § 8-2 that the grant of municipal authority to enact zoning regulations is in derogation of the common law. See *City Council* v. *Hall*, 180 Conn. 243, 248, 429 A.2d 481 (1980) ("as a creation of the state, a municipality has no inherent power of its own. . . [and] the only powers a municipal corporation has are those which are expressly granted to it by the state" [citations omitted]); see also *Schwartz* v. *Planning & Zoning Commission*, 208 Conn. 146, 153, 543 A.2d 1339 (1988) (zoning regulations and ordinances are in derogation of common law). As such, this grant of authority "should receive a strict construction and

is not to be extended, modified, repealed or enlarged in its scope by the mechanics of [statutory] construction." (Internal quotation marks omitted.) *Ugrin* v. *Cheshire*, 307 Conn. 364, 380, 54 A.3d 532 (2012).

We begin our analysis with the observation that there is no definition of "advertising signs" or "advertise" anywhere in the General Statutes that provides guidance in the present case. But see General Statutes § 20-206g (a) (defining " 'advertise' " for purposes of provision limiting advertisements by massage therapists by reference to inclusion of certain terms). However, as the trial court's decision in the present case reflects, this court has previously considered the meaning of this term.

In *Schwartz* v. *Planning & Zoning Commission*, supra, 208 Conn. 153–54, the defendant commission was attempting to apply its zoning regulations to preclude the display of an artistic, cylindrical metal sculpture erected in front of a shopping plaza. We concluded that the sculpture was not a "sign" as defined under the town of Hamden's zoning regulations, because, although it would attract the attention of passersby, it did not attract attention to a " 'use, product, service, or activity' " as provided under the regulation's definition. Id., 154. We also noted, however, that the defendant commission's expansive interpretation was not consistent with the authority granted to it under § 8-2 to regulate "advertising signs and billboards." Id., 154–55. The court first referenced dictionary definitions of "advertise" that it deemed most relevant: "to announce publicly esp[ecially] by a printed notice or a broadcast; [and] *to call public attention to esp[ecially] by emphasizing desirable qualities so as to arouse a desire to buy or patronize.*" (Emphasis added; internal quotation marks omitted.) Id., 155. The court then noted the lack of evidence to establish that the presence of the sculpture would "arouse the desire of passersby to patronize the merchants and services available there." Id.

Putting aside the question of whether this discussion of § 8-2 is dictum, as the plaintiff contends, we are not persuaded that the definition applied in *Schwartz* is dispositive of the issue in the present case because the court failed to engage in a comprehensive statutory analysis and overlooked governing rules of construction.[6] Accordingly, we now undertake the requisite analysis. See *State* v. *Patel*, 327 Conn. 932, 939, 171 A.3d 1037 (2017) (The court acknowledged prior case law addressing the matter before the court but concluded: "[W]e have never undertaken the necessary textual and historical examination to reach an informed conclusion. . . . Therefore, we now undertake such an examination, informed by settled factors that guide this process." [Citations omitted; footnote omitted.]).

In the absence of a statutory definition of "advertising signs," our starting point must be the common meaning

of the term, as reflected in the dictionary. See General Statutes § 1-1 (a) ("[i]n the construction of the statutes, words and phrases shall be construed according to the commonly approved usage of the language"); *Maturo* v. *State Employees Retirement Commission*, 326 Conn. 160, 176, 162 A.3d 706 (2017) (relying on dictionary definitions). However, the definition applied in *Schwartz*, as well as those relied on by both parties to the present case, suffers from two flaws. First, those definitions are not contemporaneous with the time when the grant of authority to regulate "advertising signs and billboards" was added to the zoning enabling statute. See *Maturo* v. *State Employees Retirement Commission*, supra, 176 ("[w]hen a term is not defined in a statute, we begin with the assumption that the legislature intended the word to carry its ordinary meaning, as evidenced in dictionaries in print at the time the statute was enacted"); see also *Sandifer* v. *U.S. Steel Corp.*, U.S. , 134 S. Ct. 870, 876, 187 L. Ed. 2d 729 (2014) ("[i]t is a fundamental canon of statutory construction that, unless otherwise defined, words will be interpreted as taking their ordinary, *contemporary*, common meaning" [emphasis added; internal quotation marks omitted]); see, e.g., id. (looking to dictionary definition at time of statute's enactment). Second, the parties rely exclusively on definitions of the verb "advertise," not the adjective "advertising," which is the operative form of the word used in the statute and which could have a different meaning.

The grant of municipal zoning authority to regulate "advertising signs and billboards" was added to the zoning enabling statute in 1931. Public Acts 1931, c. 29, § 42a; General Statutes (Cum. Supp. 1931) § 88c. Contemporaneous dictionaries provide a relevant definition of "advertise" that is consistent with the broad meaning advocated by the plaintiff. See Webster's New International Dictionary (2d Ed. 1934) p. 39 ("[t]o give notice to; to inform; to notify; to make known to; hence, to warn;—often with *of* before the subject of information; as, to *advertise* a man of his loss" and "[t]o give public notice of; to announce publicly, esp[ecially] by a printed notice; as, to *advertise* a sale; hence, to call public attention to, esp[ecially] by emphasizing desirable qualities, in order to arouse a desire to purchase, invest, patronize, or the like" [emphasis in original]); Funk & Wagnalls New Standard Dictionary of the English Language (1928) p. 42 ("[t]o give public notice or information, as of some thing desired, an entertainment, a place of business, etc.; publish; as, to *advertise* for a servant; to *advertise* extensively" [emphasis in original]). These definitions indicate that commercial advertising is perhaps the most common form of such expression, but not the only form under this broad meaning.[7]

The definition of "advertising," however, reflects a more specific meaning aimed at the purpose of this form

of expression. Webster's New International Dictionary, supra, p. 39, defines "advertising" as "[a]ny form of public announcement intended to aid directly or indirectly in the sale of a commodity, etc., in the promulgation of a doctrine or idea, in securing attendance, as at a meeting, or the like." See also Funk & Wagnalls New Standard Dictionary of the English Language (1946) p. 42 (defining "advertising" as "[t]he act of making known by public notice; by extension, the art of announcing or offering for sale in such a manner as to induce purchase"). These dictionaries reflect that, around 1931, "advertising" referred to the *promotion* of many subjects, of which commercial goods and services were perhaps the most common. Because the announcement is "intended to aid" the proponent, the definition implies that some benefit inures to the proponent through such promotion.[8] See, e.g., *People* v. *Hopkins*, 147 Misc. 12, 13–15, 263 N.Y.S. 290 (Spec. Sess. App. Pt. 1933) (The court concluded that a municipal ordinance prohibiting "advertising" trucks in the streets had been violated by a truck bearing messages offering a reward for the arrest of persons who had bombed a labor union's headquarters, and the following statements: "Please do not patronize Patio Albermarle Farragut Rialto. They employ a scab group." "We stand for decency in unionism . . . .").

When the meaning of "advertising" is linked with the meaning of "sign," there is further evidence that the broadest meaning of "advertise"—any public announcement —was not intended when this zoning authority was granted in 1931. The relevant contemporaneous definition of "sign" was "[a] lettered board, or other conspicuous notice, placed on or before a building, room, shop, or office to advertise the business there transacted, or the name of the person or firm conducting it; a publicly displayed token or notice." Webster's New International Dictionary, supra, p. 2334. As such, the definition distinguishes a sign as a means to advertise from a means to simply convey information to the public.[9]

By interpreting "advertising" consistently with its contemporaneous definition, we afford independent meaning to that term as well as to "sign." By contrast, the plaintiff's interpretation of advertising sign to mean any sign that makes a public announcement largely renders the term "advertising" superfluous.[10] It is a cardinal rule of construction that no word or phrase of a statute should be rendered superfluous. See, e.g., *Marchesi* v. *Board of Selectmen*, 309 Conn. 608, 615, 72 A.3d 394 (2013); *Lopa* v. *Brinker International, Inc.*, 296 Conn. 426, 433, 994 A.2d 955 (2010). Had the legislature intended to cast such a broad net, presumably it would have simply granted a municipality the authority to regulate "signs," as it has in other provisions of the General Statutes. See, e.g., General Statutes § 7-148 (c) (7) (vi) (granting municipality power to "[r]egulate and

prohibit the placing, erecting or keeping of signs . . . upon or over the sidewalks, streets and other public places of the municipality").

We also observe that the contemporaneous, narrower meaning of advertising better comports with related statutes and the history of the grant of regulatory authority. "Advertising signs" are the subject of several other statutes, some adopted prior to the amendment to the zoning statute in 1931, and some afterward. Prior to 1931, the legislature enacted a licensing (permit and fee) requirement for advertising signs, which was codified in a chapter of the General Statutes entitled "ADVERTISING SIGNS." Public Acts 1915, c. 314; General Statutes (1918 Rev.) tit. 25, c. 168. That scheme is currently codified at chapter 411 and is identically entitled. See General Statutes §§ 21-50 through 21-63. According to historical evidence, this requirement was aimed at controlling the proliferation of commercial advertising.[11] See J. Loshin, "Property in the Horizon: The Theory and Practice of Sign and Billboard Regulation," 30 Environs: Envtl. L. & Policy J. 101, 125–26 (2006) (case study of New Haven's treatment of signs and billboards); see also General Statutes (Cum. Supp. 1931) §§ 89c and 90c (prescribing conditions for erecting advertising signs and treating such signs as type of commercial or business structure).[12] However, exemptions to the licensing requirement reveal that the signs subject to the licensing requirements extended beyond purely commercial advertising to signs promoting other types of enterprises. See General Statutes § 21-55 (providing exemption for "advertising sign containing six square feet or less, from any town, city, borough, fire district or incorporated fire company, service club or church or ecclesiastical society in this state for any advertisement owned by it and advertising its industries or attractions and maintained at either public or private expense"); see also General Statutes (1918 Rev.) § 3024 (excluding signs less than four square feet); General Statutes (1918 Rev.) § 3029 (providing exception for "any town, city or borough for any advertisement owned by it and advertising its industries and maintained at either public or private expense"). Consistent with the contemporaneous meaning of "advertising," this exemption implies that advertising promotes something for the benefit of the proponent.

This meaning is also consistent with the interpretation given to a statute regulating advertising signs that was subsequently enacted. The legislature enacted a statute limiting placement of advertising signs and structures within a certain distance of highways. See General Statutes § 13a-123. This statute was originally enacted in 1959 and subsequently was amended in 1967 to ensure compliance with the federal Highway Beautification Act of 1965. See Public Acts 1959, No. 526, §§ 1–7, 9–11; Public Acts 1967, No. 632, § 1. Notably, the statute exempts signs bearing certain subject matter; all of the

specific examples cited conform to the promotional, beneficial definition of advertising previously cited, i.e., signs "pertaining to natural wonders and scenic and historical attractions," "advertising the sale or lease of the property," or advertising "activities conducted on the property on which they are located . . . ." General Statutes § 13a-123 (e) (1), (2) and (3). In *Burns* v. *Barrett*, 212 Conn. 176, 189, 561 A.2d 1378, cert. denied, 493 U.S. 1003, 110 S. Ct. 563. 107 L. Ed. 2d 558 (1989), this court considered the application of a regulation promulgated under § 13a-123, which elaborated on the exemption for signs advertising activities conducted on the premises where the sign is located. In rejecting a claim that the regulation applied to commercial speech only, the court addressed noncommercial advertising in a manner consistent with the promotional, beneficial definition set forth in the 1934 Webster's New International Dictionary: "We construe the regulation . . . to include . . . those [signs] relating to noncommercial as well as commercial activities located on the premises, such as those of a hospital, church, club, political organization or other noncommercial institution. For example, if some organization of veterans were located on the premises where the defendant has placed his sign concerning Vietnam veterans, the requisite relationship between the sign and activities conducted on the premises would exist. Such a noncommercial message could . . . be sponsored by a business conducted on the site of the sign for the purpose of advertising the business, since many advertisements contain statements of public interest not directly related to the wares sold by the sponsor but intended to attract attention or create good will for its benefit." Id.

Finally, we are mindful that, at the time the legislature added authority to regulate advertising signs and billboards and to this day, the zoning scheme sets forth broad purposes for zoning regulations. It provides in relevant part that such regulations "shall be designed to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements. . . ."[13] General Statutes § 8-2 (a); accord General Statutes (1930 Rev.) § 424. These purposes reflect safety and aesthetic concerns. The aforementioned interpretation of advertising undoubtedly advances these purposes. The mere fact that a broader interpretation of advertising might more fully accomplish these purposes does not permit us to ignore the meaning of the term compelled under the applicable rules of construction. We are obliged to construe the grant of authority narrowly, as it is in derogation of common-law property rights. See *Ugrin* v. *Cheshire*, supra, 307

Conn. 380; see also *Schwartz* v. *Planning & Zoning Commission*, supra, 208 Conn. 153 (zoning regulations and ordinances are in derogation of common law); *City Council* v. *Hall*, supra, 180 Conn. 248 (municipality limited to power granted by state). Such a narrow construction does not create an absurd result, as claimed by the plaintiff. The legislature rationally could choose to target the predominant source of the concern. See *Burns* v. *Barrett*, supra, 212 Conn. 184–85 (exception to prohibition on advertising signs within certain proximity of off-ramp to highway on basis of population density did not refute conclusion that regulation enhanced highway safety); see also *Metromedia, Inc.* v. *San Diego*, supra, 453 U.S. 511–12 (exclusion of on premises advertising from regulation does not undermine state's safety and aesthetic objectives; state could believe off premises advertising is more acute problem or on premises advertising is of greater value to public).

We agree with the plaintiff that any individual sign—regardless of the nature of the message it conveys—potentially could be a distraction to drivers and could raise safety concerns if it is too big, too tall, or placed in certain locations. Cf. *Burns* v. *Barrett*, supra, 212 Conn. 187 ("[B]illboard advertisements, both commercial and noncommercial, are distracting to motorists and threaten public safety in areas where vehicles travel at very high speeds. Indeed, noncommercial messages may be more distracting because they are usually more interesting."); see generally, e.g., *Kroll* v. *Steere*, 60 Conn. App. 376, 379, 759 A.2d 541 (considering regulation of twenty square foot piece of plywood with painting portraying two deer and captioned "Who Asked the Deer?"), cert. denied, 255 Conn. 909, 763 A.2d 1035 (2000). However, the plaintiff's construction would allow for the regulation of signs that plainly were not of the sort envisioned when the legislature added this grant of authority in 1931.

Undoubtedly, since the 1930s, signs reflecting purely personal expressions have gained popularity. It is not uncommon to pass a residence bearing a sign announcing a celebratory event (e.g., the birth of a child—"It's a Boy," the return of a loved one—"Welcome Home, Soldier"), a warning ("Drive Slowly—Children at Play"), or an expression of personal opinion. Although such signs may make a public announcement, we are hard pressed to characterize such expressions as advertising. To the extent that such signs may give rise to similar aesthetic and safety concerns as advertising signs, it is not up to this court to give the statute a broader meaning than the contemporaneous, common meaning intended by the enacting legislature. Cf. *Harris* v. *United States*, 536 U.S. 545, 556, 122 S. Ct. 2406, 153 L. Ed. 2d 524 (2002) (recognizing that court examines legislative intent in view of contemporaneous law, not subsequent developments in law that legislature could not have contemplated), overruled on other grounds by *Alleyne* v.

United States, 570 U.S. 99, 103, 133 S. Ct. 2151, 186 L. Ed. 2d 314 (2013). Subsequent legislatures could have adopted a definition to expand the scope of the statute to address modern developments and practices. They failed to do so, leaving us to apply settled rules of construction. Under those rules of construction, we are bound to apply the narrower definition, consistent with the contemporaneous definition.[14]

The plaintiff nonetheless asserts that the principle of legislative acquiescence supports the broad definition of public pronouncement. The plaintiff contends that the legislature should be presumed to know that many municipalities have promulgated zoning regulations that are broader than the narrow definition of "advertising signs" adopted by the trial court, and thus its failure to amend the statute evidences legislative support for these broader interpretations. The plaintiff cites no authority, however, and we are aware of none, that extends the principle of legislative acquiescence to presume the legislature's awareness of municipal legislation that has not been subjected to judicial scrutiny and that may vary in form among municipalities. Moreover, in light of our prior construction of § 8-2 in *Schwartz*, there would be no reason for the legislature to presume that any contrary municipal construction would withstand such scrutiny.

As a fallback position, the plaintiff asserts that we should adopt the broader public announcement definition because limiting "advertising signs" to those that promote goods, services, or activities might constitute improper content based speech discrimination in violation of the first amendment to the United States constitution.[15] See *Reed* v. *Gilbert*, U.S. , 135 S. Ct. 2218, 2231, 192 L. Ed. 2d 236 (2015) (restrictions on temporary signs on basis of classification of content are violation of first amendment). Admittedly, "[i]t is well established that this court has a duty to construe statutes, whenever possible, to avoid constitutional infirmities . . . ." (Internal quotation marks omitted.) *James* v. *Commissioner of Correction*, 327 Conn. 24, 42, 170 A.3d 662 (2017). However, "it is appropriate to place a judicial gloss on a statutory provision only if that gloss comports with the legislature's underlying intent. . . . When, as in the present case, however, such a gloss is not consistent with the intent of the legislature as expressed in the clear statutory language, we will not rewrite the statute so as to render it constitutional." (Citation omitted.) *State* v. *DeCiccio*, 315 Conn. 79, 150, 105 A.3d 165 (2014); accord *Clark* v. *Martinez*, 543 U.S. 371, 381–82, 125 S. Ct. 716, 160 L. Ed. 2d 734 (2005). Here, the evidence compels the conclusion that the legislature intended a narrower definition than the one advanced by the plaintiff. Moreover, the plaintiff's constitutional arguments rest on first amendment case law that developed decades after the statute was enacted.[16] See, e.g., *Metromedia, Inc.* v. *San Diego*, supra, 453 U.S. 505

("[p]rior to 1975, purely commercial advertisements of services or goods for sale were considered to be outside the protection of the [f]irst [a]mendment"). As the United States Supreme Court has noted, interpreting a statute to conform to subsequent developments in the law would improperly "embrace a dynamic view of statutory interpretation, under which the text might mean one thing when enacted and yet another if the prevailing view of the [c]onstitution later changed." *Harris* v. *United States*, supra, 536 U.S. 556.

Insofar as the plaintiff's argument can be construed as a direct constitutional challenge to a narrow construction of the statute, the relief that would be afforded to a proper party to make this claim—a person whose speech was restricted by the zoning regulations[17]—would be to strike down, limit, or refuse to apply the offending grant of authority, not to expand the reach of the statute to other forms of expression. See *State* v. *Williams*, 205 Conn. 456, 473, 534 A.2d 230 (1987) ("this court has the power to construe state statutes narrowly to comport with the constitutional right of free speech" and "[t]o avoid the risk of constitutional infirmity"); see also *Metromedia, Inc.* v. *San Diego*, supra, 453 U.S. 503, 513, 521 (striking down ordinance that permitted on premises commercial advertising but did not permit noncommercial messages).

For the foregoing reasons, we conclude that the phrase "advertising signs" under § 8-2 means any form of public announcement intended to aid directly or indirectly in the sale of goods or services, in the promulgation of a doctrine or idea, in securing attendance, or the like.

In light of that conclusion, it is apparent that the defendant's signs in the present case are not advertising signs. The defendant's message is not aimed at the sale of goods, the promulgation of a doctrine or idea, securing attendance, or the like. Nor is any activity or enterprise of the defendant benefited by any action of the recipient of the message. Rather, the defendant is expressing her personal, derogatory opinion of her home improvement contractor and citing prior lawsuits allegedly brought against the contractor to show that her unfavorable opinion is shared by others. Although she might obtain personal satisfaction if her sign deters other homeowners from hiring the named contractor, it is not the sort of benefit fostered by advertising as we have interpreted the term. Therefore, the trial court properly concluded that the city lacked authority to regulate the defendant's signs.

II

We next turn to the plaintiff's challenge to the trial court's decision denying the plaintiff's request for an injunction precluding the defendant from occupying her residence until she obtained a new certificate of

occupancy following the modifications to her residence. The plaintiff contends that the court improperly focused on why the defendant did not have a certificate of occupancy rather than whether she had the certificate required by the zoning regulations. We conclude that the trial court did not abuse its discretion in denying this request.

The record reflects the following additional undisputed facts and procedural history. City zoning regulations impose several obligations on a property owner having home renovations performed. The owner must submit an application and plot plan, reflecting the proposed changes to the property, to procure a zoning permit from the zoning enforcement officer. Milford Zoning Regs., art. VIII, § 8.5. Once renovations have been completed, the owner must submit an " 'as built' " certified plot plan, reflecting the actual work performed, to the zoning enforcement officer. Id., § 8.8. Only after doing so may the owner apply for a certificate of zoning compliance from the zoning enforcement officer and a certificate of occupancy from the building inspector. Id. A certificate of zoning compliance is a necessary prerequisite to a certificate of occupancy, and the zoning regulations prohibit occupation of a residence without a certificate of occupancy. Id., § 8.9.

In the present case, after the plaintiff received complaints concerning the defendant's signs about her home improvement contractor, the plaintiff reviewed the file pertaining to the defendant's property. That review revealed that the defendant had obtained two building permits for renovations to her residence, but had not subsequently filed the submissions to obtain a new certificate of occupancy. The plaintiff sent a letter to the defendant notifying her that she had not "turn[ed] in as-builts for the two permits that have not been inspected and ha[d] not yet received [c]ertificates of [z]oning [c]ompliance or [c]ertificates of [o]ccupancy," and ordering her to do so. Several months later, the plaintiff sent a second letter to the defendant, ordering her to "obtain [c]ertificates of [z]oning [c]ompliance and [c]ertificates of [o]ccupancy within ten . . . days of the date of this order or vacate the premises." When the defendant still did not comply with the orders, the plaintiff brought the present action, seeking an injunction precluding the defendant from occupying the premises and ordering her to immediately obtain a certificate of zoning compliance and a certificate of occupancy. The plaintiff also sought civil penalties under General Statutes § 8-12 for the defendant's failure to comply with the order to remedy the stated violations. The complaint simply alleged that the defendant was occupying the premises without a certificate of zoning compliance or certificate of occupancy and had failed to comply with orders to comply with city regulations, and the two orders were attached as exhibits.

Trial on the action did not take place until almost four years after the complaint was filed. The following events ensued during the intervening period. Three years after the plaintiff commenced the present action, the defendant provided an as built plot plan to the plaintiff. Both the initial plot plan and a subsequent one submitted by the defendant contained substantive errors. Nearly four years after the commencement of the action, the defendant submitted an adequate plot plan. The plaintiff reviewed the plot plan and determined that the renovations, as completed, violated city zoning regulations for maximum lot coverage. As a consequence, the plaintiff declined to issue a certificate of zoning compliance, and, in turn, the building inspector refused to issue a certificate of occupancy. The plaintiff did not amend the complaint to include an allegation regarding the zoning violation for lot coverage.

The trial court found that the defendant had violated the zoning regulations because she did not have the requisite certificate of occupancy, but it nonetheless declined to grant the plaintiff's request for injunctive relief. The court found that the defendant could do nothing more to secure the certificate. The trial court credited the defendant's testimony that she had relied on her contractor to submit the necessary paperwork. Although extremely tardy, the defendant had submitted the required as built plot plan. The court further noted that, because the plaintiff had not followed the normal procedure for a zoning violation, the defendant had been deprived of administrative remedies related to the ground on which the plaintiff had refused to issue the certificate, namely, noncompliance with maximum lot coverage. Had the proper procedure been followed, the plaintiff would have provided notice to the defendant of that violation as well as a cease and desist order, which in turn would have entitled the defendant to review by the zoning board of appeals. Although the trial court concluded that injunctive relief should not issue, it ordered the defendant to pay a civil penalty of $1000 due to the fact that it had taken her more than four years to submit a proper as built plot plan.

It is well settled that we review a decision of the trial court to deny injunctive relief for an abuse of discretion. *Waterford* v. *Grabner*, 155 Conn. 431, 434–35, 232 A.2d 481 (1967). "A decision to grant or deny an injunction must be compatible with the equities in the case, which should take into account the gravity and willfulness of the violation, as well as the potential harm to the defendant." *Bauer* v. *Waste Management of Connecticut, Inc.*, 239 Conn. 515, 527, 686 A.2d 481 (1996).

"In seeking an injunction pursuant to [General Statutes] § 8-12, the town is relieved of the normal burden of proving irreparable harm and the lack of an adequate remedy at law because § 8-12 by implication assumes that no adequate alternative remedy exists and that the

injury was irreparable. . . . The town need prove only that the statutes or ordinances were violated. . . . *The proof of violations does not, however, deprive the court of discretion and does not obligate the court mechanically to grant the requested injunction for every violation.*" (Citations omitted; emphasis added.) *Gelinas* v. *West Hartford*, 225 Conn. 575, 588, 626 A.2d 259 (1993).

In the present case, the trial court found that, even though the fact that the defendant was in violation of the zoning regulations because she did not have a certificate of occupancy, the factual circumstances did not support the "extraordinary equitable remedy" of a permanent injunction prohibiting the defendant from occupying her premises. In light of the reasons stated by the trial court, we cannot conclude that it abused its discretion by denying the requested injunctive relief.

The judgment is affirmed.

In this opinion the other justices concurred.

* The listing of justices reflects their seniority status on this court as of the date of oral argument.

[1] Although § 8-2 has been amended by the legislature several times since the events underlying the present case; see, e.g., Public Acts 2015, No. 15-227, § 25; those amendments have no bearing on the merits of this appeal.

[2] Kathleen Kutcha, the named plaintiff, was the Milford zoning enforcement officer when this case was commenced. While the case was pending before the trial court, Kutcha retired, and her successor, Stephen H. Harris, was substituted as the plaintiff.

[3] The plaintiff appealed to the Appellate Court, and we transferred the appeal to this court pursuant to General Statutes § 51-199 (c) and Practice Book § 65-1.

[4] Milford regulations place additional limitations on temporary signs that differ based on their content, including political signs, commercial advertising signs, and signs advertising cultural and civic events. See Milford Zoning Regs., art. V, § 5.3.3.4. These content based distinctions are not at issue in the present case.

[5] In addition to rebutting the plaintiff's argument directly, the defendant asserts that (1) even if the court were to adopt the plaintiff's broad definition of advertising signs, the city's regulations would exceed the city's authority because § 8-2 does not permit regulation of the number of signs and, (2) as an alternative ground for affirmance, application of the zoning regulations to the defendant would violate her first amendment rights. Because we conclude that § 8-2 does not authorize the city to regulate the defendant's signs, we do not reach these issues.

[6] We also observe that, in *Schwartz*, the court quoted two definitions, each of which conforms to one proposed by a party in the present case. See *Schwartz* v. *Planning & Zoning Commission*, supra, 208 Conn. 155. It appears that the court in *Schwartz* applied the narrower definition because its use of the phrase "arouse the desire"; id.; more closely hewed to the use of the phrase "attracting attention" in the town's zoning regulation. Id., 153.

[7] Consistent with the discussion in *Schwartz*; see footnote 6 of this opinion; modern dictionaries include a broad definition of "advertise," as well as a narrower one focused on the promotion of goods or services. See Merriam-Webster's Collegiate Dictionary (11th Ed. 2003) p. 59 ("to make something known to," "to make publicly and generally known," "to announce publicly esp[ecially] by a printed notice or a broadcast," and "to call public attention to esp[ecially] by emphasizing desirable qualities so as to arouse a desire to buy or patronize"); The Random House Dictionary of the English Language (2d Ed. 1987) p. 29 ("advertising" means "the act or practice of calling public attention to one's product, service, need, etc., esp[ecially] by paid announcements in newspapers and magazines, over radio or television, on billboards, etc."); The American Heritage Dictionary of the English Language (1978) p. 19 ("[t]o make public announcement of; especially, to proclaim the qualities or advantages of [a product or business] so as to increase sales"; "[t]o call the attention of the public to a product or business").

[8] When this meaning is ascribed to "advertising signs," it results in a meaning consistent with its companion term—"billboards." Although billboards predominantly display commercial messages, they also have been used to promote noncommercial messages, including political and religious messages. Indeed, although not common around the time period when the zoning statute was amended to add this authority, there is evidence that billboards were used to promote noncommercial causes at that time. See E. Berry, "The Call of the Billboard," The Atlantic, July 7, 2016, available at http://www.theatlantic.com/technology/archive/2016/07/the-call-of-the-billboard/490316/ (last visited July 13, 2018) (discussing existence of an "advertising agency of religious work" in 1908, which encouraged churches to erect religious signs to "meet the people [half way] with the Gospel message" [internal quotation marks omitted]).

[9] Modern definitions of "sign" reflect a similar distinction. See Webster's II New World College Dictionary (3d Ed. 2005) p. 1051 ("board, poster, or placard displayed in a public place to advertise, impart information, or give directions); Merriam-Webster's Collegiate Dictionary (11th Ed. 2003) pp. 1158–59 ("a display . . . used to identify or advertise a place of business or a product," "a posted command, warning, or direction," and "signboard"); Webster's Third New International Dictionary (2002) p. 2115 (a lettered board or other public display placed on or before a building . . . to advertise the business there transacted" and "a conspicuously placed word or legend [as on a board or placard] of warning . . . or other information of general concern"); see also Regs., Conn. State Agencies § 13a-123-2 (h) (defining " '[s]ign' " for purposes of Department of Transportation regulations as including "any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform").

[10] Insofar as the plaintiff contends that construing "advertising" to mean making the expression visible to the public would avoid rendering the term superfluous, we also observe that numerous dictionaries define "sign" in a manner to mean a public display. See footnote 9 of this opinion

[11] Contemporaneous case law from other jurisdictions is replete with evidence that the proliferation of commercial signs, especially billboards, raised significant aesthetic, as well as safety and health, concerns across the country, leading many jurisdictions to adopt similar legislation allowing for the regulation of advertising signs and billboards. See *Murphy, Inc.* v. *Westport*, 131 Conn. 292, 295–98, 40 A.2d 177 (1944) (comparing cases from other jurisdictions where regulation of advertising signs solely on basis of aesthetic concerns was deemed improper with those cases where regulations also based on public health or safety concerns were deemed proper); *General Outdoor Advertising, Co.* v. *Dept. of Public Works*, 289 Mass. 149, 171, 176, 182, 193 N.E. 799 (1935) (noting that, in addition to aesthetic concerns, advertising signs and billboards impact public safety because they can be dangerous to passersby if they fall into disrepair and are distracting, may negatively impact property values, and intrude upon passersby who would otherwise be able to avoid advertising in other mediums), appeal dismissed sub nom. *General Outdoor Advertising Co.* v. *Hoar*, 297 U.S. 725, 56 S. Ct. 495, 60 L. Ed. 1008 (1936); see also *Haller Sign Works* v. *Physical Culture Training School*, 249 Ill. 436, 443–46, 94 N.E. 920 (1911) (discussing cases from numerous jurisdictions where municipalities attempted to regulate advertising signs for purely aesthetic reasons). Scholars have traced the impetus for such regulation to the intrusion of unsightly commercial advertising, both from on premises signs and off premises billboards, after the turn of the twentieth century, as a result of the development of a national system of roads, the popular availability of automobiles, and industrial advances. See note, "Judging the Aesthetics of Billboards," 23 J.L. & Pol. 171 (2007) (collecting extensive scholarly and legal citations discussing rise of outdoor advertising and regulation thereof); see also J. Loshin, "Property in the Horizon: The Theory and Practice of Sign and Billboard Regulation," 30 Environs: Envtl. L. & Policy J. 101 (2006) (case study of New Haven's treatment of signs and billboards); see also J. Houck, Outdoor Advertising: History and Regulation (1969).

[12] See General Statutes (Cum. Supp. 1931) §§ 89c and 90c (authorizing appropriate town board, commission or official to establish "districts or zones within which no commercial or business structure or building, including advertising signs, may be erected" unless person, firm or corporation obtains license to erect "such a structure, building or sign, or any or all of them, within such zone"); General Statutes (Cum. Supp. 1931) § 92c (providing that these statutes did not "prevent any owner of land from advertising

on his land any business conducted or any products manufactured, produced or raised by him thereon").

[13] This statement of purpose predated the grant of zoning authority to regulate advertising signs and billboards, and was not originally included in the predecessor to § 8-2. See Public Acts 1925, c. 242, §§ 2 and 3. In 1947, the legislature moved this statement of purpose into the predecessor to § 8-2. See Public Acts 1947, No. 418, § 2.

[14] Our research has revealed only cases of recent vintage in which one jurisdiction adopted an expansive meaning of advertising signs for purposes of zoning regulations, consistent with the plaintiff's view. See *Lone Star Security & Video, Inc.* v. *Los Angeles*, 827 F.3d 1192, 1198–1200 (9th Cir. 2016) (adopting broad definition of "advertising" in context of mobile billboards in accordance with California law); *Showing Animals Respect & Kindness* v. *West Hollywood*, 166 Cal. App. 4th 815, 819–20, 83 Cal. Rptr. 3d 134 (2008) (same). There is no indication in these cases that the statutory provision was enacted during the 1930s or any indication that the courts considered any rule of construction requiring strict construction.

[15] The plaintiff appears to base his argument, in part, on the assumption that whether the expression is advertising under the narrower definition would depend on whether it expresses a positive or negative view of the subject. This assumption is flawed. A negative message could be advertising if it is intended to aid indirectly in the sale of a commodity or to advance another interest to the benefit of the proponent (e.g., a business disparaging or demeaning a competitor).

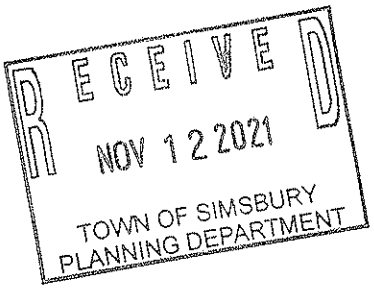
[16] Under the facts of the present case, we need not reach the question of whether certain types of political speech would be "advertising" or whether application of specific zoning regulations to that speech would violate the first amendment. In the interim, the legislature may wish to adopt a definition of "advertising signs" to make its views clear on this matter.

[17] The city is not being deprived of any constitutional right. See *Shaskan* v. *Waltham Industries Corp.*, 168 Conn. 43, 49, 357 A.2d 472 (1975) ("[t]he general rule is that a litigant may only assert his own constitutional rights or immunities").

Hollis Joseph

From: Glidden Michael
Sent: Friday, November 12, 2021 7:55 AM
To: Hollis Joseph
Subject: Fwd: In Favor of Public Act 21-29

Follow Up Flag: Follow up
Flag Status: Flagged



Mike Glidden CFM CZEO
Director of Planning and Community Development
Town of Simsbury
933 Hopmeadow Street
Simsbury, Connecticut
(860) 658 3252
mglidden@simsbury-ct.gov

Sent from my T-Mobile 5G Device
Get Outlook for Android

From: Austin Charles Serio <acs801@nyu.edu>
Sent: Monday, November 8, 2021 3:20:51 PM
To: Glidden Michael <mglidden@simsbury-ct.gov>
Subject: In Favor of Public Act 21-29

Yipi-wo Michael,

I hope all is well with you and yours! I wanted to reach out and send my support for Public Act 21-29. I believe ADUs are one example of zoning changes that Simsbury can make to increase the stock of affordable housing.

I was hoping I could voice my support via Zoom.

As an Indigenous advocate for the preservation of land, I was active in helping to preserve Meadowood from development due to the historic nature of the land. Much of the debate surrounding Meadowood pertained to the creation of new affordable housing within town. ADUs are an example of one change that can be made to increase affordable housing without increasing land usage, and decreasing the amount of forest cover.

Please let me know if there are next steps or any questions I can answer.

Pila:húk,
-Austin

RECEIVED
NOV 12 2021
TOWN OF SIMSBURY
PLANNING DEPARTMENT

November 11, 2021

To the Zoning Commission:

Thanks for this opportunity to support the adoption reforms of HB-6107/Public Act 21-29. My name is Barry Rahmy, and I live at 135 Old Canal Way in Weatogue.

From personal experience, and for the reasons listed below, I support the right of homeowners to create accessory apartments, a.k.a. accessory dwelling units (ADUs), and I am in favor of loosening restrictions which constrain ADU development. I believe that HB-6107/Public Act 21-29 does just that.

As ADUs are added, the town will benefit from an increase in property tax revenue. Their incremental nature will neither alter open space, increase sprawl, block sight lines, nor require the need for large increases in public utilities and town services.

While I am not a fan of short-term rentals such as Airbnb's, I do support the rights of homeowners to utilize their properties this way if they so choose, as long as they are regulated—and Simsbury seems to be on its way to doing just that. Similarly, the new law requires the town to regulate design standards of ADUs, and can even prohibit their use as short-term rentals.

Forty years ago, prior to owning a home in Simsbury, my wife and I rented in both Simsbury and West Simsbury. We have always wanted to live here, for ourselves and our now-grown children, and I am grateful that rental properties existed as an entry into town before we could afford to buy a house.

Now as a retiree, I still want to live and grow old in Simsbury—and a detached ADU may increase that possibility when I can no longer (or wish to!) vacuum our single-family home. And there are those who are now like I once was: aspiring to live here, but not yet able. An ADU can make that dream possible, too.

Please support the rights of current homeowners, and the creation of future ones, through the easing of restrictions on accessory apartments in Simsbury. Many thanks.

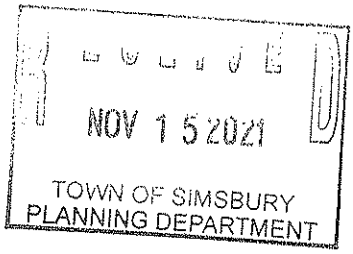
Sincerely,

Barry Rahmy

Hollis Joseph

From: Cheryl Cook <cooks.home@comcast.net>
Sent: Saturday, November 13, 2021 2:57 PM
To: Hollis Joseph
Subject: Public audience on P.A. 21-29

Follow Up Flag: Follow up
Flag Status: Flagged



H.B 6107 / Public Act 21-29 would zone more accessory dwelling units as-of-right, making this living option more accessible. It would also allow us to have ADUs that are up to 1,000 SQ FT (currently 600 square feet) or 30% of the main dwelling size (whichever is less).

This is a difficult decision. The desire to control zoning in our Town is strong. The town would like to be positioned to competitively attract the growing portion of the US population who is aging and over 65. As a member of the "sandwich" generation" I have an adult disabled child and an aging parent. Many of my friends have their previously independent adult children back home with them. Others are having to find space in their homes for an elderly parent. I have seen two successfully implemented ADUs in my neighborhood both housing aging parents. .

In adopting the proposed regulations the Town of Simsbury will enjoy the benefits of an expanded diversity of housing options and the ability to attract those currently unable to find and afford housing in our town.

That said, if you do decide to Opt Out, I hope you will consider changing the zoning regulations as they are today to better accommodate the changing needs of Simbury families. If there are aspects of P.A. 21-29 you cannot support, please consider revisiting those you do support. There is an opportunity here to craft a solution that improves on the current process and is tailored to Simsbury.

Thank you for your consideration.

Cheryl Cook

ZONING REFERRAL FORM

CRCOG CAPITOL REGION COUNCIL OF GOVERNMENTS
Working together for a better region.

FOR: NOTIFICATION OF REFERRALS BY ZONING COMMISSIONS

Please fill in, save a copy for your records and send with appropriate attachments by certified mail or electronically to: zoningref@crcog.org

FROM: ☑ Zoning Commission ☐ Planning and Zoning Commission ☐ City or Town Council (acting as Zoning Commission)	Municipality: Simsbury
TO: Capitol Region Council of Governments Policy Development & Planning Department 241 Main Street Hartford, CT 06106	Date of Referral: 12/13/2021

Pursuant to the provisions of Section 8-3b of the General Statutes of Connecticut, as amended, the following proposed zoning amendment is referred to the Capitol Region Council of Governments for comment:

NATURE OF PROPOSED CHANGE:

☐ Adoption of amendment of **ZONING MAP** for any area within 500 feet of another Capitol Region Municipality. **Attach map showing proposed change.**	☑ Adoption or amendment of **ZONING REGULATIONS** applying to any zone within 500 feet of another Capitol Region Municipality. **Attach copy of proposed change in regulations.**

THE CHANGE WAS REQUESTED BY: ☑ Municipal Agency: Simsbury ☐ Petition

DATE PUBLIC HEARING IS SCHEDULED FOR: 01/03/2021

MATERIAL SUBMITTED HEREWITH:

☑ Regulation Changes	☐ Map of Change	☐ Supporting Statements
☐ Public Notice	☐ Other (Specify):	

HAS THIS REFERRAL BEEN SUBMITTED PREVIOUSLY TO CRCOG?
☐ YES ☑ NO. IF YES, ON WHAT DATE:

(FOR USE BY CRCOG)	Name:
Date Received:	Title:
Sent certified/e-mail?	Address:
File Number	Phone:
	Email:

BY LAW, THE ZONING COMMISSION SHALL GIVE WRITTEN NOTICE OF ITS PROPOSAL TO THE REGIONAL COUNCIL OF GOVERNMENTS **NOT LATER THAN THIRTY DAYS** BEFORE THE PUBLIC HEARING TO BE HELD IN RELATION TO THE SUBJECT SUBDIVISION.
NOTICE SHALL BE MADE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED OR BY EMAIL TO zoningref@crcog.org.

CRCOG-2017

Town of Simsbury

Office of Community Planning and Development - Zoning Commission Application

RECEIVED
DEC 09 2021
TOWN OF SIMSBURY
PLANNING DEPARTMENT

DATE: 12/9/21 FEE: $ CK #: APP #: 21-29

PROPERTY ADDRESS:

NAME OF OWNER: Simsbury Zoning Commission

MAILING ADDRESS: 933 Hopmeadow St.

EMAIL ADDRESS: TELEPHONE #

NAME OF AGENT: Michal Glidden, Director of Planning

MAILING ADDRESS: 933 Hopmeadow street

EMAIL ADDRESS: mglidden@simsbury-ct.org TELEPHONE #

ZONING DISTRICT: N/A LOT AREA: N/A SQ FT/ACRES

Does this site have wetlands? ☐YES ☒NO Have you applied for a wetlands permit? ☐YES ☒NO

REQUESTED ACTION (PLEASE CHECK APPROPRIATE BOX):

☐ **ZONE CHANGE**: The applicant hereby requests that said premises be changed from zone _____ to zone _____.

☒ **TEXT AMENDMENT:** Please attach proposed changes, including Articles and Sections, and purposes.

☐ **SPECIAL EXCEPTION:** The applicant hereby requests a public hearing pursuant to Article _____, Section _____.

☐ **SITE PLAN APPROVAL**: The applicant hereby requests

☐PRELIMINARY ☐FINAL ☐SITE PLAN AMENDMENT

☐ **SIGN PERMIT**

☐ **OTHER (PLEASE EXPLAIN):** text amendment to Sections 3.4, 4.5, 5.5, and 17.4 of the Zoning Regulations. Amendment is to add for the addition of short-term rentals as a use in the regulations per submitted

*NOTE: Each application must fully comply with the requirements of the Zoning Regulations prior to receipt by the Commission. **Each application for zone change and/or special exception shall include a list of names and addresses of abutting property owners and all property owners within 100 feet of the subject site.***

A check payable to the Town of Simsbury must accompany this **original signed and dated** application. **Six (6) complete (folded) sets of plans and eleven (11) copies of the completed application and correspondence** must also be included. If you have a PDF of your plans, we would appreciate a copy of that sent to lbarkowski@simsbury-ct.gov, as well.

Signature of Owner *Date* *Signature of Agent* *Date* 12/9/21

Town of Simsbury

933 HOPMEADOW STREET 06070 P.O. BOX 495 SIMSBURY, CONNECTICUT

RECEIVED
DEC 09 2021
TOWN OF SIMSBURY
PLANNING DEPARTMENT

Date: November 30, 2021

To: Zoning Commission

From: Michael Glidden, CFM CZEO
Director of Planning and Community Development

Re: Short Term Rentals

As we discussed at the last meeting, the Board of Selectmen approved a short-term rental ordinance which will be effective in January 2022. The use short-term rental needs to be added to the regulations. Staff has prepared a definition of what is considered a short-term rental along with possible text for the regulations.

The commission needs to determine how these units will be regulated. Because a permitting process has been established thru the ordinance, staff is suggesting that the use be as-of-right in the residential zoning districts however this is a discussion that the commission needs to have.

Section 17.4 Definitions

Short-Term Rental: Any furnished living space rented by a person(s) for a period of one (1) to twenty-nine (29) consecutive days. A short-term rental must have separate sleeping areas established for guests and guests must have at least shared access to one (1) full bathroom and cooking area. Operation of a short-term rental requires a permit via town ordinance.

3.4 PERMITTED AND SPECIAL EXCEPTION USES

Residential - Principal Uses	**R-15**	**R-25**	**R-30**	**R-40**	**R-80**	**R-160**	**R-40OS**	**R-80OS**
Single family detached dwelling	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Open space development in accordance with Section 3.12	SE	SE	SE	SE	SE	SE	SE	SE
Rear Lot(s) in accordance with Section 3.5	SE	SE	SE	SE	SE	SE	NO	NO
Residential Accessory Uses	**R-15**	**R-25**	**R-30**	**R-40**	**R-80**	**R-160**	**R-40OS**	**R-80OS**
Short-Term Rentals	OK	OK	OK	OK	OK	OK	OK	OK

ZP = Zoning Permit

SE = Special Exception

OK = No permit necessary allowed within Zoning District

NO– Not allowed in Zoning District

4.5 PERMITTED AND SPECIAL PERMIT USES

SP- Site Plan, SE- Special Exception, NO- Not allowed

Business Permitted Uses	**B-1**	**B-2**	**B-3**	**PO**
Business Permitted Uses	**B-1**	**B-2**	**B-3**	**PO**
Residential uses if clearly accessory to the principal business use or if designed as part of a business complex, if the following apply: • Residential uses must be located above the principal use. • The total square footage of all residential uses does not exceed 40 percent of the total floor area of all uses. • The residential uses are constructed at the same time or after the development of the principal area, but never before. • Use is part of an approved site plan. • New residential uses in existing or rehabilitated commercial uses shall be considered a Special Exception and require a public hearing. Such uses shall conform to standards above.	**SP**	**SP**	**SP**	**NO**
Short-Term Rentals	**SP**	**SP**	**SP**	**NO**

5.5 PERMITTED AND SPECIAL PERMIT USES

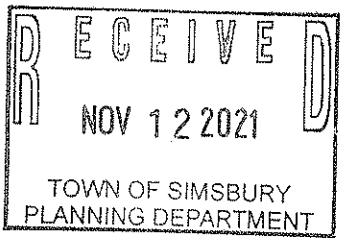
SP- Site Plan, SE- Special Exception, NO- Not allowed

Industrial Permitted Uses	**I-1**	**I-2**
Short-Term Rentals	**SP**	**SP**

Hollis Joseph

From: Diana Yeisley <yeisley2@comcast.net>
Sent: Thursday, November 11, 2021 4:17 PM
To: Hollis Joseph
Subject: Fwd: Public Hearing on ADUs Public Act 21-29

Follow Up Flag: Follow up
Flag Status: Flagged



Sent from my iPhone

Begin forwarded message:

From: Diana Yeisley <yeisley2@comcast.net>
Date: November 11, 2021 at 3:37:00 PM EST
To: mglidden@simsbury-ct.gov
Cc: tmunroe@simsbury-ct.gov, Espinal Jen <jespinal@simsbury-ct.gov>
Subject: Public Hearing on ADUs Public Act 21-29

Mike and the Simsbury Zoning Commission –

I am writing not only as the Chair of the Aging and Disability Commission for the Town of Simsbury, but as a parent of a young adult with a lifelong disability. I am in support of keeping the policies in Public Act 21-29 and not opting out of these important zoning policies. Please opt in to the new law that allows for expanded benefits of ADUs for both the homeowner and the town.

Simsbury's zoning for ADUs is far too restrictive for anyone to live with dignity and respect, especially those who would benefit most from these units and expanded allowance – The Aging and the Disability communities. Our town should be encouraging safe and appropriate housing options for our community and for many that means living in the home or in an accessory unit of the home. As the Simsbury population ages, the option to live close to relatives and family while maintaining a level of independence becomes crucial. Senior living options are often cost prohibitive and an ADU is often a desirable solution. For the disability population, safety and dignity are often the key driving factor for an appropriate living situation. Not everyone is suitable for a group home nor a fully independent living option. An ADU offers the safety and dignity of "independence" but with the oversight and familiarity of the family home. Disability housing options are extremely limited and funding for them is almost nonexistent. These members of our community deserve better. The important part being OUR COMMUNITY. Simsbury needs to be supporting everyone in our community so that their independence, respect, and dignity can be maintained. Seniors and people with disabilities who remain in our community are consumers – eating at our restaurants, shopping in our businesses; employees – working in our stores, businesses, and restaurants; taxpayers and our neighbors and friends. Providing the framework to allow them to remain in our town by OPTING IN to Public Act 21-29 is a win for all.

I implore you to consider ALL of Simsbury's population and community when voting on this matter. Yes to Public Act 21-29. Yes to Opting IN. Yes to making Simsbury accessible to all. YES to Simsbury being a community for all.

Sincerely,

Diana A. Yeisley
Chair
Town of Simsbury Aging and Disability Commission

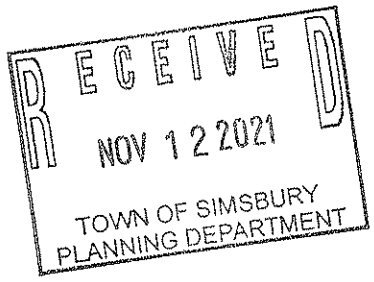
Mother to Carter Yeisley - 21 year old Simsbury resident with autism living at home

78 County Road
Simsbury, CT 06070
860-658-4475
Yeisley2@comcast.net

Hollis Joseph

From: Glidden Michael
Sent: Friday, November 12, 2021 12:04 PM
To: Hollis Joseph
Subject: Fwd: Public comment for 11/15 meeting

Follow Up Flag: Follow up
Flag Status: Flagged



Mike Glidden CFM CZEO
Director of Planning and Community Development
Town of Simsbury
933 Hopmeadow Street
Simsbury, Connecticut
(860) 658 3252
mglidden@simsbury-ct.gov

Sent from my T-Mobile 5G Device
Get Outlook for Android

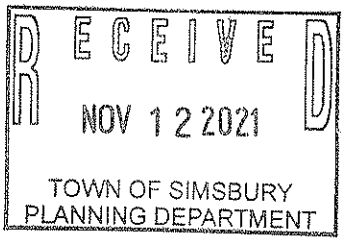
From: Liz P <thelizpeterson@gmail.com>
Sent: Friday, November 12, 2021 11:51:35 AM
To: Glidden Michael <mglidden@simsbury-ct.gov>
Subject: Public comment for 11/15 meeting

I am writing regarding Public Act 21-29 on the topic of accessory dwelling units. I am against this state legislation to be imposed on Simsbury and ask the board to vote against accepting it for our town. Our town has the ability to, and currently does, regulate ADUs. Keeping these zoning decisions local is important as there are facts and aspects of our community that are not the same as every other municipality in the state. Simsbury doesn't belong in a state legislated "one size fit all" box. Ceding this to state control is not in Simsbury's best interests.
Sincerely,
Elizabeth Peterson
32 Fox Den Rd.

Hollis Joseph

From: Glidden Michael
Sent: Friday, November 12, 2021 7:53 AM
To: Hollis Joseph
Subject: Fwd: Op out of Public Act 21-29

Follow Up Flag: Follow up
Flag Status: Flagged



Correspondence

Mike Glidden CFM CZEO
Director of Planning and Community Development
Town of Simsbury
933 Hopmeadow Street
Simsbury, Connecticut
(860) 658 3252
mglidden@simsbury-ct.gov

Sent from my T-Mobile 5G Device
Get Outlook for Android

From: ERIC BLEIMEISTER <ebleimeister@comcast.net>
Sent: Friday, November 12, 2021 7:28:25 AM
To: Glidden Michael <mglidden@simsbury-ct.gov>
Subject: Op out of Public Act 21-29

HI Mr Glidden
My wife and I, long time town residents, strongly disagree with this act, It will change the nature of small towns across the state. Please record BOTH of our opposition to this act

Sincerely,

Eric Bleimeister &
Michelle Bleimeister
cell: 860-466-0181

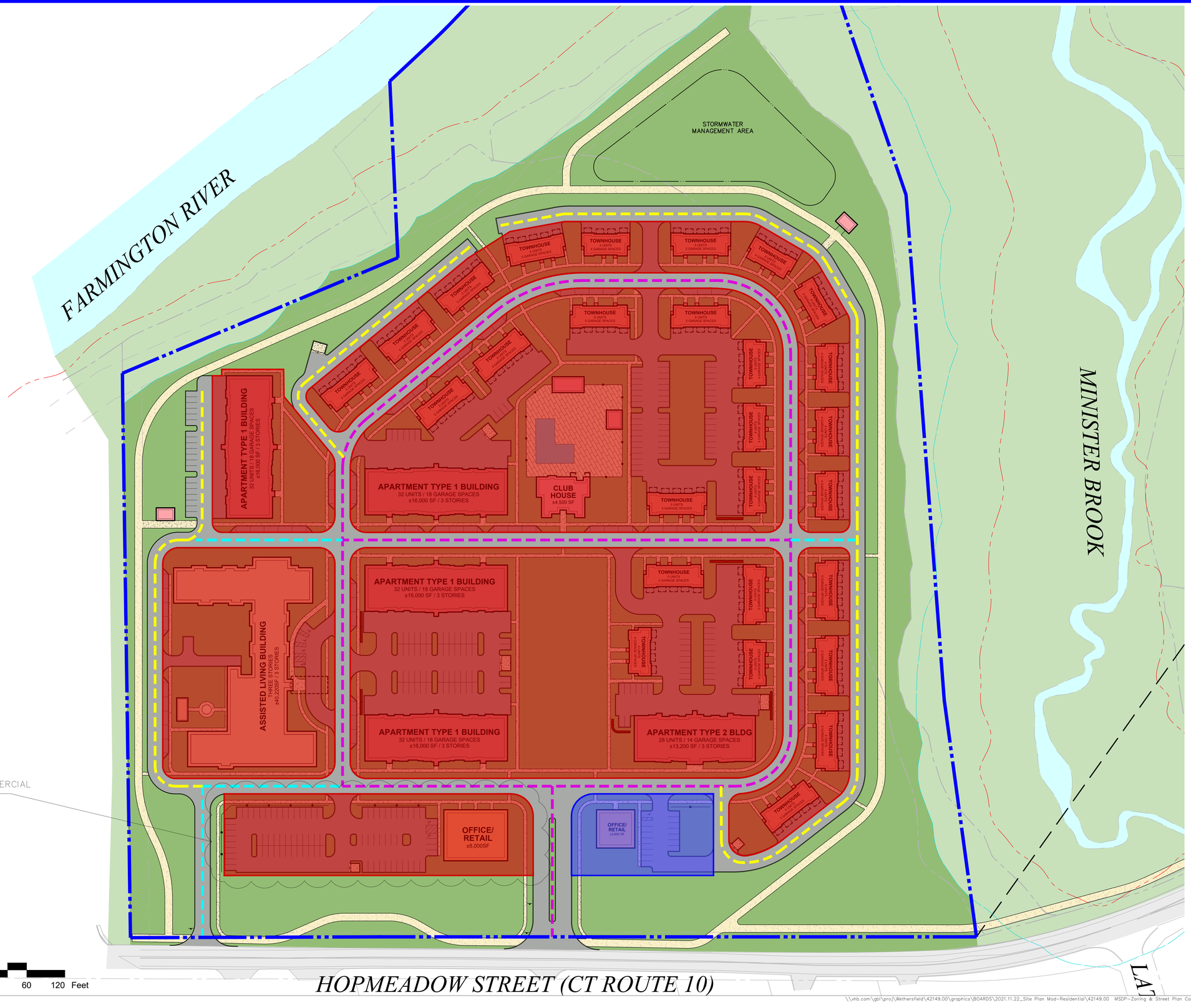
ebleimeister@comcast.net

200 Hopmeadow Street
Simsbury, Connecticut

Zoning & Street Classification - North Site

Legend

- NEIGHBORHOOD COMMERCIAL ZONE
- NEIGHBORHOOD TRANSITION ZONE
- STREET TYPE A
- STREET TYPE B
- ALLEY WAY

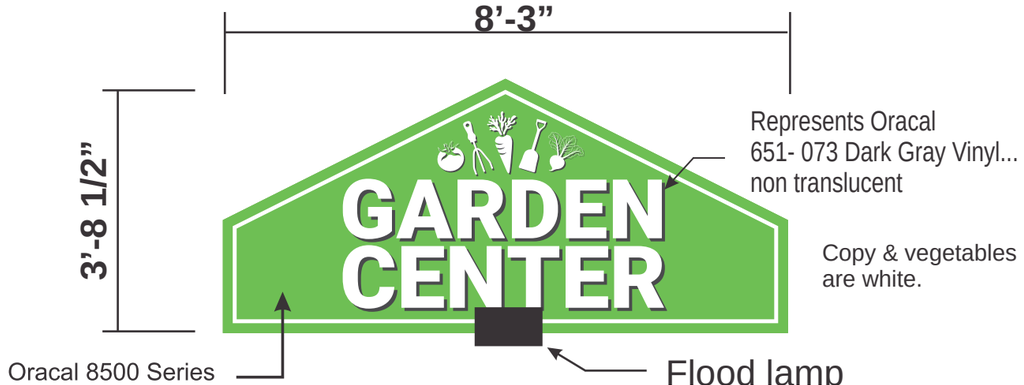


PROPOSED CHANGE FROM NEIGHBORHOOD COMMERCIAL ZONE TO NEIGHBORHOOD TRANSITION ZONE

0 60 120 Feet

Prepared for: Master Site Development Plan - Site Plan Modification
Date: November 2021

\\vhb.com\gbl\proj\Wethersfield\42149.00\graphics\BOARDS\2021.11.22_Site Plan Mod-Residential\42149.00 MSDP-Zoning & Street Plan Color Board.dwg



Proposed Sign (1)

30.59 Sq. Ft.

General Notes for Proposed Garden Center Sign

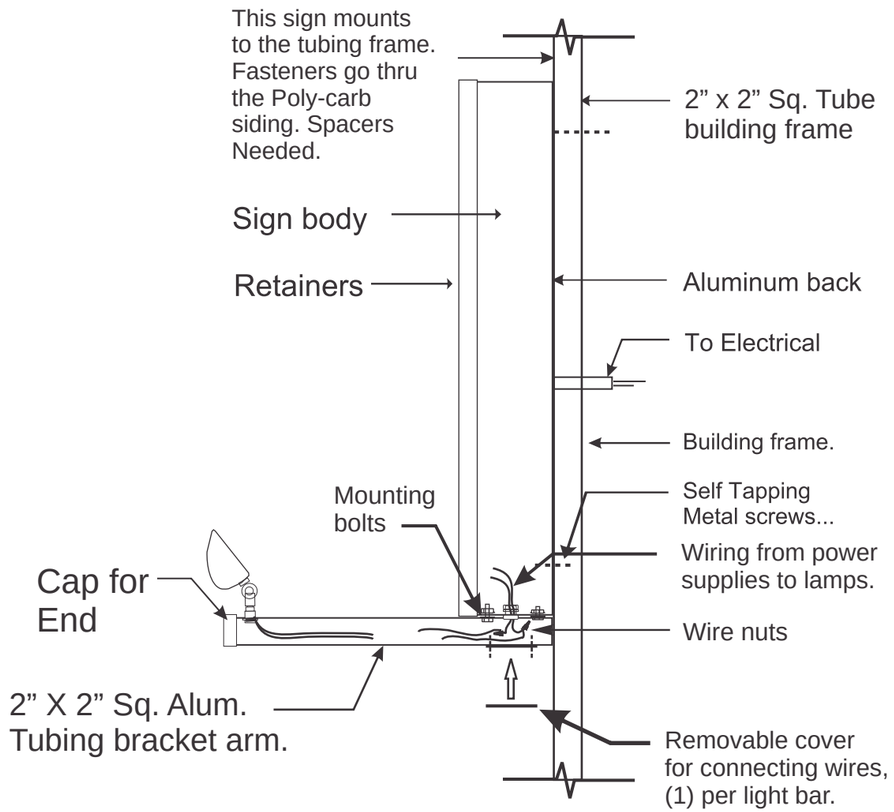
Cabinet is of Aluminum construction. with sheet aluminum fillers.

Face is 3/16” thick, flat Poly-carbonate with vinyl decoration.

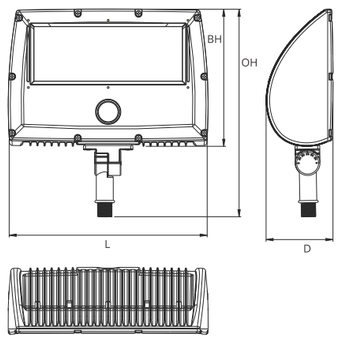
Sign is externally illuminated with flood lamp (1).

Power supplies are multi-volt & contained in cabinet,

Illumination is provided by internal LEDS.



End View: Garden Center Sign



Wattage	50W
L = Length (inches / mm)	10.75 / 280
D = Depth (inches / mm)	3.73 / 94.7
BH = Body Height (inches / mm)	7.64 / 194.1
OH = Overall Height (inches / mm)	11.57 / 293.8
Weight (lbs / kg)	10.36 / 4.7

Effective Projected Area (EPA) in ft²	
Configuration	
Wattage	
50	1.340

Floodlight Series (Medium)

FEATURES

- Color Temperatures: 4000K and
- CRI: 70
- Lumen Maintenance: L70=50,000 at 25 °C
- Operating Temperature Range: -40 °C to 40 ° C
- Durable All Aluminum Pressure Die Cast Housing
- Long Life Durable Powder Coat Finish (Custom colors are available upon request.)
- IP65 Rated (wet listed)
- Mounting: ½” NPT adjustable knuckle standard. Optional trunnion or tenon adapter available.

ELECTRICAL SPECIFICATIONS

- Two Universal Voltage Driver Options: 120-277V and 347-480V
- Power Factor > 0.90
- THD < 0.85
- Control Options: 0-10V Dimming Standard (Photocell Optional)

TESTS & CERTIFICATIONS

- ETL (to UL1598 standards)
- RoHS Compliant
- Design Lights Consortium (Premium)

UNDERWRITERS LABORATORIES INC. LISTED ELECTRIC SIGN

Signs to meet current NEC. codes.

Client:

TSC TRACTOR SUPPLY CO.

Location:

Simsbury, CT.

Project:

Proposed Wall Sign

Notes:

Dwg. Date:
11-8-21

Scale:
NTS.

Revisions: Date:

R1: Revised sign lighting to flood lamp. 11-23-21

Presented By:

TSR

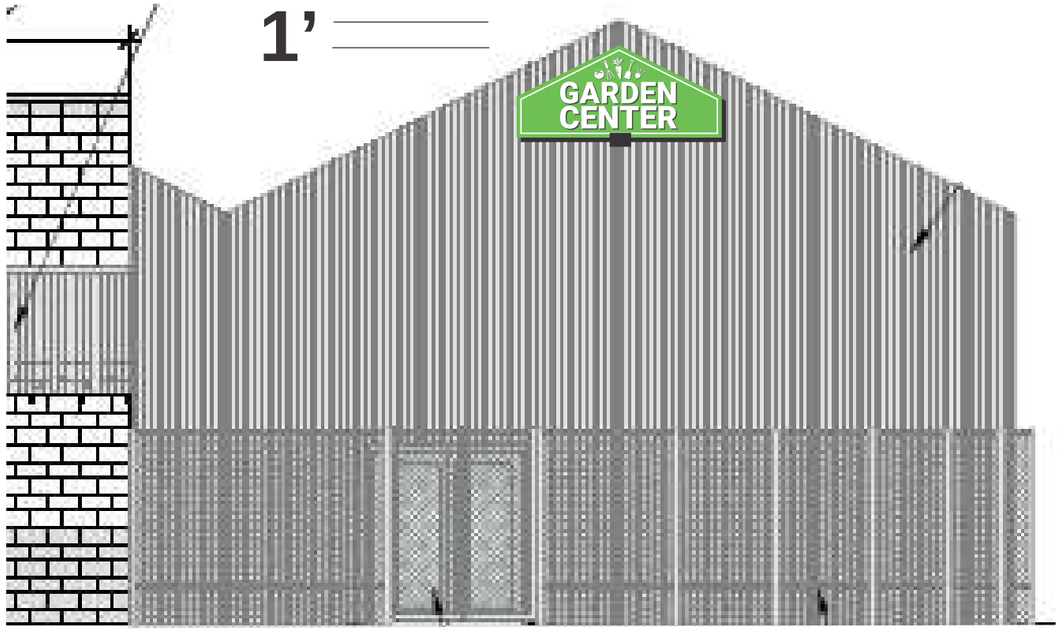
The Sign Resource, Inc.

P.O. Box 6215 Hickory, NC. 28603

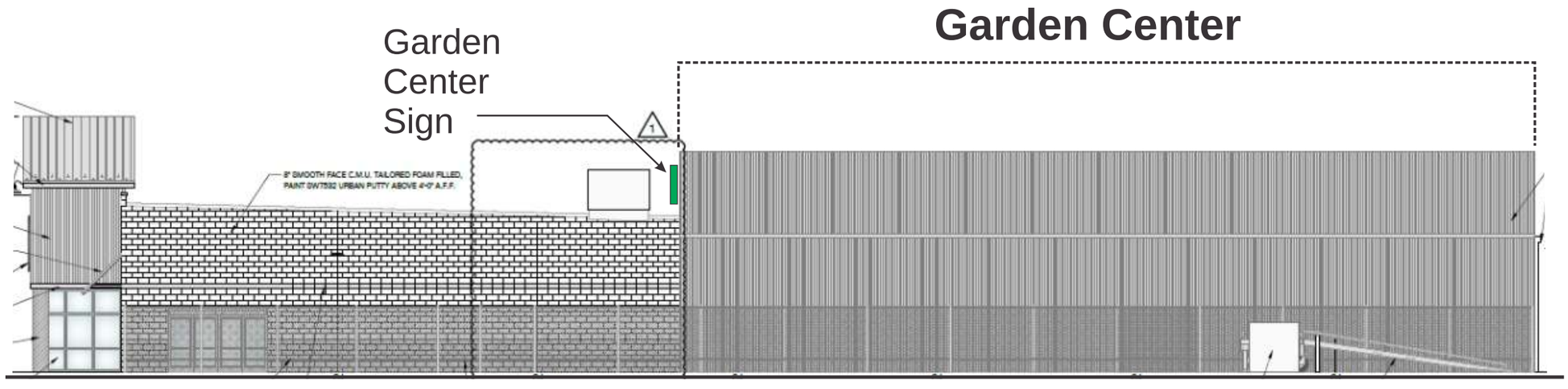
Ph. 727-669-6877 www.TSRFL.com

Note: This drawing is property of The Sign Resource, & shall not be reproduced without written permission

Dwg. Number: TS-8573 R1



Garden Center Elevation with Proposed Sign



Right Side Store Elvation

Client:

TSC TRACTOR SUPPLY CO.

Location:

Simsbury, CT.

Project:

Proposed Wall Sign

Notes:

Dwg. Date:
11-8-21

Scale:
NTS.

Revisions: Date:

Presented By:

TSR
The Sign Resource, Inc.
P.O. Box 6215 Hickory, NC. 28603
Ph. 727-669-6877 www.TSRFL.com

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Dwg. Number: TS-8591

IMLA Model Sign Code – 4th Rough Draft

This Model proposes a content neutral sign code developed based on the decision of *Reed v. Town of Gilbert, ___U.S.___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444, 25 Fla. L. Weekly Fed. S 383 (U.S. 2015)*. The sign code recognizes that government signs are government speech intended to ensure public safety. These government signs include those described and regulated in the Manual on Uniform Traffic Control Devices and signs that are necessary to identify properties and to implement the laws of the state. The skeleton of this Model derives from the Washington County, Oregon sign regulations which were found to be content neutral by the United States District Court for Oregon, Portland Division in *Icon Groupe, LLC v. Washington Cnty.,* 2015 U.S. Dist. LEXIS 67682 (D. Or. May 26, 2015).

This Model accepts at face value the Supreme Court's unanimous view that governments may regulate signs. In *City of Ladue v. Gilleo*, 512 U.S. 43, 48, 114 S. Ct. 2038, 2041-2042, 129 L. Ed. 2d 36, 42-43, (U.S. 1994) writing for a unanimous court Justice Stevens explained that "While signs are a form of expression protected by the Free Speech Clause, they pose distinctive problems that are subject to municipalities' police powers. Unlike oral speech, signs take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. It is common ground that governments may regulate the physical characteristics of signs -- just as they can, within reasonable bounds and absent censorial purpose, regulate audible expression in its capacity as noise. See, e. g., *Ward v. Rock Against Racism*, 491 U.S. 781, 105 L. Ed. 2d 661, 109 S. Ct. 2746 (1989); *Kovacs v. Cooper*, 336 U.S. 77, 93 L. Ed. 513, 69 S. Ct. 448 (1949)." In *Ladue,* the Court concluded that the City's regulation banning almost all residential signs went too far in restricting speech. At the same time the Court noted that its decision did not eliminate the city's ability to restrict some types of signs: "Nor do we hold that every kind of sign must be permitted in residential areas. Different considerations might well apply, for example, in the case of signs (whether political or otherwise) displayed by residents for a fee, or in the case of off-site commercial advertisements on residential property. We also are not confronted here with mere regulations short of a ban." *City of Ladue v. Gilleo*, 512 U.S. 43, 58, 114 S. Ct. 2038, 2045, 129 L. Ed. 2d 36, 49, (U.S. 1994). Thus, *Ladue* teaches us that governments may impose limits on some signs and impose regulations short of a complete ban.

In *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 507, 101 S. Ct. 2882, 2892, 69 L. Ed. 2d 800, 814-815 (U.S. 1981) a majority of the Justices of the Supreme Court concluded that a government could distinguish between commercial and non-commercial speech when regulating signs: "Finally, in *Central Hudson Gas & Electric Corp. v. Public Service Comm'n*, 447 U.S. 557 (1980), we held: 'The Constitution . . .

accords a lesser protection to commercial speech than to other constitutionally guaranteed expression. The protection available for a particular commercial expression turns on the nature both of the expression and of the governmental interests served by its regulation.' Id., at 562-563 (citation omitted). We then adopted a four-part test for determining the validity of government restrictions on commercial speech as distinguished from more fully protected speech. (1) The First Amendment protects commercial speech only if that speech concerns lawful activity and is not misleading. A restriction on otherwise protected commercial speech is valid only if it (2) seeks to implement a substantial governmental interest, (3) directly advances that interest, and (4) reaches no further than necessary to accomplish the given objective. Id., at 563-566.

"Appellants agree that the proper approach to be taken in determining the validity of the restrictions on commercial speech is that which was articulated in *Central Hudson*, but assert that the San Diego ordinance fails that test. We do not agree."

Despite concluding that San Diego's ordinance regulating billboard's survived the *Central Hudson* test, four members of the majority reached the conclusion that the city's ordinance was facially unconstitutional because it allowed commercial speech at certain locations where it prohibited non-commercial speech. "It does not follow, however, that San Diego's general ban on signs carrying noncommercial advertising is also valid under the First and Fourteenth Amendments. The fact that the city may value commercial messages relating to onsite goods and services more than it values commercial communications relating to offsite goods and services does not justify prohibiting an occupant from displaying its own ideas or those of others." *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 512-513, 101 S. Ct. 2882, 2895, 69 L. Ed. 2d 800, 818 (U.S. 1981)

Because *Metromedia* offers scant support for developing content based regulations of commercial signs, i.e., regulations that use the message to define whether the sign is commercial, this Model does not attempt to distinguish regulations of commercial versus non-commercial signs, but prohibits commercial signs in some locations. Arguments can be made and definitions constructed that could effectively allow or prohibit signs based on whether they are commercial versus non-commercial, but where commercial signs are allowed, Metromedia informs the conclusion that non-commercial signs must also be allowed.

Where this Model uses time limits or size limits, those should be considered as illustrative only and are not intended to form a part of the Model except for illustrative purposes.

ARTICLE ____. - SIGNS

DIVISION I. - GENERAL PROVISIONS

Findings, purpose and intent; interpretation.

(a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging

aesthetic quality in the design, location, size and purpose of all signs. This article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article which can be given effect without the invalid provision.

(b) Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the [governing body] or Board of [Adjustment, Appeals, Zoning Appeals].

Comment: *Adopters of sign laws should be careful to consider how special permits, variances and other limitations are applied to signs. First Amendment principles dealing with prior restraint of speech may come into play and would need to be addressed. As mentioned throughout the adopters of this Model should review it carefully with their attorney to be sure that they have a sound legal basis for adoption.*

(c) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.

(d) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

(e) These regulations distinguish between portions of the City/County/Town designed for primarily vehicular access and portions of the City/County/Town designed for primarily pedestrian access.

(f) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City/County/Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

(g) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

Comment: The previous sections (a) through (g) were taken directly from the Local Government Association of Virginia's Model Sign Code with only minor revisions if any and one Comment.

(h) These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by this State, the federal government or this City/County/Town. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

Section 1. Definitions.

1.1 Sign. A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, must not be considered a sign. Each display surface of a sign or sign face must be considered to be a sign.

1.1.1 Sign area:

1.1.1.1 the space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or

1.1.1.2 where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.

1.1.2.3 Sign face: The entire display surface area of a sign upon, against or through which copy is placed.

1.1.3 Electric. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

1.1.4 Flashing. Any illumined sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any moving illuminated sign, except digital billboards, must be considered a flashing sign.

1.1.5 Freestanding. A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs.

1.1.6 Government Sign. A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

***Comment**: This model recognizes, as did the Supreme Court in Reed v. Town of Gilbert, ___U.S. ___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444 (U.S. 2015), that the government must speak and in doing so is not regulated as private individuals under the First Amendment. While the Government often speaks directly, its speech can often be found in requirements of law that demand members of a community, residents and property owners to post notices to protect the rights afforded by the government. This form of speech finds protection in this Model in recognition of legal requirements that a property owner must post a property against trespassing, solicitors and others to enforce property rights and privacy; or where a property owner must warn of dangers on the property to protect public safety and limit liability such as warning of dangerous animals, high voltage, sinkholes, gun or weapon usage among other dangers. While these postings are sometimes voluntary, all are required by the government to be in a certain form and should constitute the government's speech (they would not be*

considered private speech under the axiom: actus me invito factus non est meus actus). Compelled speech generally finds little support under First Amendment analysis and in the cases decided by the Supreme Court. Nevertheless, compelled commercial speech such as warning labels on cigarette packaging and requirements imposed by the SEC on business communications affecting investors have been sustained. Here the types of compelled speech that fall within the government speech definition are forms of speech required by law to warn of dangers or to assert rights protected by the law. A community attempting to rely on these forms of compelled speech as with the rest of this Model should only do so after a full review and analysis by its attorney.

1.1.7 Ground Mounted. A sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.

1.1.8 Highway Sign. A Freestanding sign, Integral Sign or Flat Mounted Sign that is erected and maintained within the view of motorists who are driving on a highway.

1.1.9 Integral. A sign that is embedded, extruded or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

1.1.10 Marquee. A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

1.1.11 Original Art Display. A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include: mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

1.1.12 Outdoor Advertising. A sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

Comment: *This definition is content based under the literal interpretation of Reed v. Town of Gilbert as it requires one to determine from reading or looking at the sign if a product is being advertised that is not sold, manufactured or distributed on or from the premises. However, based on the concurring opinion of Justice Alito and the opinions of Justice Kagan and Justice Breyer, to say that a majority of the Court would reach the conclusion that defining "outdoor advertising" or "off premise" amounts to a content based restriction seems a stretch.*

1.1.13 Portable Sign. Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

1.1.14 Projecting. A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

1.1.15 Roof Sign. A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia.

DRAFT

1.1.16 Temporary. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time.

1.1.17 Flat Wall (Façade-Mounted). A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

1.1.18 Digital Billboard. A sign that is static and changes messages by any electronic process or remote control.

1.1.19 *Vehicle sign* means any sign attached to or displayed on a vehicle.

1.2 Prohibited Signs.

Signs are prohibited in all Districts unless:

1.2.1 Constructed pursuant to a valid building permit when required under this Code; and

1.2.2 Authorized under this Code.

1.2.3 A property owner may not accept a fee for posting or maintaining a sign allowed under Section 1.3.2 and any sign that is posted or maintained in violation of this provision is prohibited.

1.2.4 In residential zones or on property used for non-transient residential uses, commercial signs are prohibited.

Comment. *This provision 1.2.4 may limit home occupations and transient residential uses, so should be considered carefully if adopted. An alternative might be to provide "except for those properties on which a home occupation or a transient residential use has been approved."*

1.3 Authorized Signs.

The following signs are authorized under Section 1.2.2 in every District:

1.3.1 Although these regulations do not apply to signs erected, maintained or posted by the State, federal or this government, these regulations clarify that Government signs are allowed in every zoning district which form the expression of this government when erected and maintained and include the signs described and regulated in 1.3.1.1, 1.3.1.2 , 1.3.1.3 and 1.3.1 when erected and maintained pursuant to law.

1.3.1.1 Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.

Comment: *The Federal Highway Administration has established uniform standards for signs that regulate traffic or that are erected and maintained within road rights of way or adjacent property. These uniform standards are intended to be used by the owners of private property that is open to the public to reduce confusion and limit the risk of accident. While these signs are content specific they serve an extraordinarily important public function.*

1.3.1.2 Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Where required under this code or other law the identification must be on the curb and may be on the principal building on the property. The size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building and in no case larger than [***insert size limitation here***]. In cases where the building is not located within view of the public street, the identifier must be located on the mailbox or other suitable device such that it is visible from the street.

Comment: *The local government should establish a required dimensional limitation on identification signs based on the size of the structure and its distance from the public road if the structure is visible from the public road. The design and dimensions should conform to reasonable standards set to ensure that emergency responders can identify the property if necessary.*

1.3.1.3 Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property.

Comment: *As noted in Reed v. Town of Gilbert some content based signs are necessary to protect the public and are likely to survive strict scrutiny. Signs prohibiting trespassing or solicitors; warning of the dangers of "high voltage" or other hidden dangers may be required for a person to assert property rights or to protect a property owner from liability. A local government should establish dimensional limitations, quantity limitations and other regulations designed to ensure the purpose of the sign is furthered while protecting the aesthetics of the community and protecting traffic and other public safety goals.*

1.3.1.4 A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use and as provided in Section 1.3.7.

Comment: *Flags can be problematic. Most communities want to regulate them, to avoid the used car lots and other businesses that use multiple flags to attract attention. On the other hand, communities that adopt laws that restrict the flags face condemnation for restricting the American Flag. While an argument can be made that displaying the federal, state and local flags merely affirm the government's adoption of those symbols, a person may wish to express different views by using flags as speech. IMLA believes that if flags are allowed as provided in 1.3.1.4, they are not likely to be found to be government speech and restrictions on other flags are not likely to survive a challenge under a strict scrutiny analysis. For that reason, IMLA suggests limitations as described in Section 1.3.7.*

1.3.1.5 The signs described in Sections 1.3.1.1, 1.3.1.2 , and 1.3.1.3, are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, serving the requirements of emergency response and protecting property rights or the rights of persons on property.

1.3.2 Temporary Signs, Generally.

1.3.2.1 Temporary signs allowed at any time:

a) A property owner may place one sign with a sign face no larger than [two (2) square feet] on the property at any time.
b) A property owner may place a sign no larger than[8.5 inches by 11 inches][in one window on the property at any time.

1.3.2.2 One temporary sign per [0.25] acre of land may be located on the owner's property for a period of [thirty (30) days] prior to an election involving candidates for a federal, state or local office that represents the district in which the property is located or involves an issue on the ballot of an election within the district where the property is located per issue and per candidate Where the size of the property is smaller than [0.25] acres these signs may be posted on the property for each principal building lawfully existing on the property.

1.3.2.3 One temporary sign may be located on a property when:

a. the owner consents and that property is being offered for sale through a licensed real estate agent;

b. if not offered for sale through a real estate agent, when the sign is owned by the property owner and that property is offered for sale by the owner through advertising in a local newspaper of general circulation; and

c. for a period of [15 days] following the date on which a contract of sale has been executed by a person purchasing the property.

1.3.2.4 One temporary sign may be located on the owner's property on a day when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign in a Residential District on more than [two days in a year and the days must be consecutive] and may not use this type of sign in any [Commercial District] for more than [14 days in a year and the days must be consecutive]. For purposes of this Section 1.3.2.4 a year is counted from the first day on which the sign is erected counting backwards and from the last day on which the sign exists counting forward.

Comment: This Section offers an opportunity for signs for garage sales, yard sales and the like. Often the state regulates these types of activities by imposing time limits on how often they can be conducted. It might be possible to refer to those state laws to allow for the necessary signage, but without regulating content those signs could be used for other purposes as they may here. Should the community allow signs for other purposes? By allowing one temporary sign at all times, the community adopting this model does so. Thus, a person can post a notice of a birth, a special birthday, an anniversary, a wedding or other important event or choose to use the sign for other purposes entirely without any restriction being imposed on its content.

1.3.2.5 During the 40 day period December 1 to January 10, a property owner may place [insert number] temporary signs on the property and may use lights that do not exceed [ ] lumens as measured at the property line between the hours of 8AM and 10PM to decorate the property even if the lights might be arranged to form a sign.

1.3.2.6 A property owner may place and maintain one temporary sign on the property on [July 4].

1.3.2.7 A person exercising the right to place temporary signs on a property as described in this Section 1.3.2 must limit the number of signs on the property per[0.25 acre] at any one time to [2]plus a sign allowed in 1.3.2.1(b), or if the property is smaller than [0.25 acres] then no more than [2 signs] plus a sign allowed in 1.3.2.1(b) per principal building on the property.

Comment: *This restriction conflicts with the provisions in 1.3.2.2 which allows multiple signs based on the number of issues and candidates are on a ballot. The law post Reed will likely help to describe how these two rules can be effected. An option might be to amend this Section 1.3.2.7 to read: It is the intent of this Code to limit the aesthetic impact of signs on properties to prevent clutter and protect streetscapes thereby preserving property values and protecting traffic safety, the accumulation of signs adversely affects these goals, property values and public safety, accordingly a person exercising the right to place temporary signs on a property as described in this Section 1.3.2 must limit the number of signs on the property per[0.25 acre] at any one time to [2]plus a sign allowed in 1.3.2.1(b), or if the property is smaller than [0.25 acres] then no more than [2 signs] plus a sign allowed in 1.3.2.1(b) per principal building on the property unless a court having jurisdiction determines that additional signs must be permitted and then the signage must be limited to the fewest signs and the smallest accumulated sign area permissible under the court's determination.*

1.3.2.8 The sign face of any temporary sign, unless otherwise limited in this Section 1.3.2 must not be larger than [two (2) square feet].

Comment: Section 1.3.2 allows property owners to place temporary signs on their property during certain time periods and allows the property owner to select whatever message the owner chooses during those periods. This provision complies with both Reed v Town of Gilbert and City of Ladue v. Gilleo, 512 U.S. 43, 114 S. Ct. 2038, 129 L. Ed. 2d 36, 1994 U.S. LEXIS 4448, 62 U.S.L.W. 4477 (U.S. 1994) as it allows a property owner the ability to make use of the property for free expression but in a manner designed to reduce clutter and advance aesthetic interests of the community without any content based limitations.

1.3.3 For purposes of this Section (1.3) the lessor of a property is considered the property owner as to the property the lessor holds a right to use exclusive of others (or the sole right to occupy). If there are multiple lessors of a property then each lessor must have the same rights and duties as the property owner as to the property the lessor leases and has the sole right to occupy and the size of the property must be deemed to be the property that the lessor has the sole right to occupy under the lease.

1.3.4 Signs not in an enclosed building and not exposed to view from a street or public right of way, public place or other property such as those not visible to a person from a public right of way, public place or other property.

1.3.5 Flags as follows:

1.3.5.1 Single-family Zoning Districts. In a single-family zoning district, [two flags and one flag pole] per premises. Each flag must be a maximum of [15] square feet in area. The flag pole must be a maximum of [25] feet in height or no higher than the highest point of the principal building's roof, whichever is lower. [Flag poles must meet the minimum yard setback requirements for a principal building.]

1.3.5.2 Nonresidential Zoning Districts. In a non-residential zoning district, one flag per [25] feet of frontage on a right-of-way up to a maximum of [six flags and six flag poles] per premises. Each flag must be a maximum of [24] square feet in area. Flag poles must be a maximum of [50] feet in height but no higher than the highest point of the nearest principal building's roof on the premises. [Flag poles must meet the minimum yard setback requirements for a principal building or a minimum of ten feet whichever is more restrictive.]

Optional for Car lots:

1.3.5.3 Small flags at vehicle sales and service establishments. One small flag of no more than one square foot in area may be attached to vehicles on display for sale or rent at vehicle sales and service establishments. Such flag must be no higher than two feet above the height of the vehicle as if it were displayed at grade level.

1.3.6 Vehicle signs must be covered if the vehicle is parked on the same property for longer than [] hours so that the sign is not visible from a public way.

1.4 Permit required.

1.4.1 *In general.* A sign permit is required prior to the display and erection of any sign except as provided in section 1.4.6 of this Article.

1.4.2 *Application for permit.*

(1) An application for a sign permit must be filed with the [Code Official/Zoning Administrator] on forms furnished by that department. The applicant must provide sufficient information to determine if the proposed sign is allowed under this code and other applicable laws, regulations, and ordinances. An application for a temporary sign must state the dates intended for the erection and removal of the sign. An application for any sign must state the date when the owner intends to erect it and provide a bond sufficient to allow the City/County/Town to remove it if it is not properly maintained or if it is abandoned.

(2) The Code Official/Zoning Administrator or designee must promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application [within ---days after receipt]. Any application that complies

with all provisions of this code, the zoning ordinance, the building code, and other applicable laws, regulations, and ordinances must be approved.

3) If the application is rejected, the Code Official/Zoning Administrator must provide a list of the reasons for the rejection in writing. An application must be rejected for non-compliance with the terms of this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

1.4.3 *Permit fee.* A nonrefundable fee as set forth in the uncodified fee schedule adopted by the City/County/Town Council must accompany all sign permit applications.

1.4.4 *Bond*. The applicant must submit a bond in an amount and from an issuer approved by the Code Official to protect the City/County/Town from the cost of removing the sign should it no longer be allowed under the laws of the [county/city/town], state or federal government. If the permit is issued a condition of the permit must be that the bond is maintained and increased or decreased based upon the then current estimates of the costs of removal of the sign. If the sign is removed without cost to the City/County/Town the Code Official must release the bond but may execute upon it should the City/ County/Town be held responsible for or incur any cost in removing the sign.

1.4.5 *Duration and revocation of permit.* If a sign is not installed and a use permit issued within six months following the issuance of a sign permit (or within 30 days in the case of a temporary sign permit), the permit must be void. The permit for a temporary sign must state its duration, not to exceed 30 days unless another time is provided in this code or the zoning ordinance. The City/County/Town may revoke a sign permit under any of the following circumstances:

(1) The City/County/Town determines that information in the application was materially false or misleading;

(2) The sign as installed does not conform to the sign permit application;

(3) The sign violates this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance; or

(4) The Code Official/Zoning Administrator determines that the sign is not being properly maintained or has been abandoned.

1.4.6 *Permits not required.* A sign permit is not required for signs:

1. Described in Sections 1.3. with a total area of up to [thirty two (32) square feet and a maximum height of eight (8) feet];

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Comment: *The decision as to which signs should require a permit ought to be carefully considered based on considerations of staffing, control and enforcement. The issue discussed above regarding the total number of signs applies here as well to the total area limitations and the potential conflict addressed.*

2. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs must be removed no more than ten (10) days after their purpose has been accomplished; or
3. Minor signs when no more than [two per parcel]. Additional minor signs are permitted in certain districts with a permit.

1.4.7 *Appeals.* If the Code Official/Zoning Administrator denies a permit the applicant may appeal under [insert here the cite to the provision for appeals from decisions of the Code Official].

Comment. *This draft does not address the issue of prior restraint that may be affected by a denial of a permit and the requirement of a speedy appeal. This issue is being left to future drafts.*

1.5 Specific Sign Regulations by District

The following sign regulations must apply to all Use Districts as indicated.

1.5.1 Residential Districts

1.5.1.1 Scope:

This Section (1.5.1) must apply to all Residential Districts.

1.5.1.2 Size:

A. When a sign is authorized on a property, the sign must not exceed [two (2) square feet in area]. Where attached dwellings exist on a property the total square footage of signs must not exceed [two square feet per dwelling unit and must not exceed a total of twelve (12) square feet in area per structure].

B. For Residential Developments (including subdivision identification) the maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development must be controlled according to the following:

(1) Residential developments four (4) acres or less in area may have a sign or signs with a total area of no more than thirty-two (32) square feet.

(2) Residential developments over four (4) acres but less than forty (40) acres in area may have a sign or signs which have a total area of no more than forty-eight (48) square feet.

(3) Residential developments of forty (40) acres or more in area may have a sign or signs with a total area of no more than one hundred two (102) square feet.

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1.5.1.3 Location:

Permitted signs may be anywhere on the premises, except in a required side yard or within [ten (10) feet] of a street right-of-way.

1.5.1.4 Height:

The following maximum heights must apply to signs:

A. If ground-mounted, the top must not be over [four (4) feet above the ground]; and

B. If building mounted, must be flush mounted and must not project above the roof line.

1.5.1.6 Illumination:

Illumination if used must not be blinking, fluctuating or moving. Light rays must shine only upon the sign and upon the property within the premises.

1.5.1.7 The following signs are not allowed: Highway Signs, Portable Signs, Marquee Signs, Digital Billboard, Outdoor Advertising Sign, and Projecting Sign.

1.5.2 Commercial and Institutional Districts

1.5.2.1 Scope:

This Section (1.5.2) must apply to all [insert appropriate titles Commercial Districts and the Institutional District].

1.5.2.2 Number and Size:

For each lot or parcel a sign at the listed size may be authorized:

A. [insert name of district] signs must not exceed [thirty-five (35) square feet]. [For additional standards for the [insert name of district] District see Section [if additional standards apply insert here]].

B. [insert appropriate district titles here: Community Business District (CBD), General Commercial District (GC) and Rural Commercial District (R-COM)] signs must not exceed the following [area requirements based on the speed limit and number of traffic lanes of the adjacent public street:

Maximum Speed Limit	No. of traffic lanes	Max. Sq. Footage of sign
30 mph or less	3 or less	32 sq. ft.
35 mph or more	3 or less	50 sq. ft.
30 mph or less	4 or more	40 sq. ft.
35 mph or more	4 or more	72 sq. ft.

]

C. Two (2) or more lots or parcels having a combined linear frontage of [eighty-five (85) feet] may combine their sign areas allowed by Section 1.5.2.2 B. for the purpose of providing one

common free-standing or ground-mounted sign. The sign must not exceed [one hundred fifty (150) square feet].

D. Corner Lots:

Where a lot fronts on more than one street, only the square footage computed for each street frontage must face that street frontage.

E. If not otherwise regulated as to maximum sign area in this code, signs are governed by the following:[

Maximum Sign Area	Street Frontage
20 sq. ft.	85 ft. or less
25 sq. ft.	86-90 ft.
30 sq. ft.	91-99 ft.
35 sq. ft.	100 ft. or more

]

F. Commercial Center:

Signs used for Commercial Centers must be allowed as follows:

(1) [Only one (1) sign of one hundred fifty (150) square feet must be permitted for centers less than five (5) acres and greater than one (1) acre].

(2) [A maximum of two (2) signs of four hundred (400) square feet must be permitted for complexes for five (5) to fifty (50) acres].

(3) [A maximum of three (3) signs of four hundred (400) square feet must be permitted for complexes of more than fifty (50) acres].

(4) Individual businesses are allowed a face building mounted sign pursuant to Section 1.5.2.2 A. and B.

Comment: To be clear, the limits that are included are from one county's sign law and should not be used by others without thoughtful consideration as to the specific needs and values of the community.

G. Highway Signs:

Highway signs, [except/including Digital Billboards and Outdoor Advertising Signs], must be permitted only in the [insert appropriate district here, for example: General Commercial (GC) District]. Such signs must not exceed three hundred (300) square feet per face, nor must the face exceed a length of twenty-five (25) feet or a height, excluding foundation and supports, of twelve (12) feet. In determining these limitations, the following must apply:

(1) Minimum spacing must be as follows:

Type of Highway	Minimum space from Interchange (in feet)	Minimum space between signs on same side of Highway (in feet)

Interstate Hwy	500	1000
Limited Access (Freeway)	500	1000
Other Roads	None	500

2) For the purpose of applying the spacing requirements of Section (1) above, the following must apply:

(a) Distances must be measured parallel to the centerline of the highway;
(b) Measurements for the spacing between signs must be based on when the construction of the sign:
   i. Received final approval by the Code Official measuring from the first sign to have received that approval; or
   ii. If the Code Official has not given final approval to a sign that will be limited by the spacing requirement once it is constructed, then
      1)Measured from the first sign given a building permit that is not cancelled or void at the time of measurement; or
      2)When no permit has been issued that is still valid, measured from the first fully complete application for a building permit received by the Code Official that has not been cancelled or which is void; and
(c) A back-to-back, multiple signs on one freestanding pole, double-faced or V-type sign must be considered as one sign.

1.5.2.3 Location:

A. Flat Wall Signs may be located on any wall of the building.

B. Freestanding Signs must have a minimum clearance of eight (8) feet six (6) inches above a sidewalk and [fifteen (15)] feet above driveways or alleys.

C. One Freestanding or Ground-Mounted sign per lot or parcel except as provided in Section 1.5.1.2 B. and 1.5.2.2 F. may be located anywhere on the premises except as follows:

(1) A ground-mounted sign must not be located in a required side yard, rear yard or within five (5) feet of a street right-of-way.

(2) A freestanding sign must not be located in a required side or rear yard. A freestanding sign may project up to the street right-of-way provided there is a minimum ground clearance of [eight (8) feet six (6) inches] and provided the location complies with the Manual on Uniform Traffic Control Devices.

D. Marquee Signs or signs located on or attached to marquees must have a minimum clearance of not less than [eight (8) feet six (6) inches (8' 6")]. The maximum vertical dimension of signs must be determined as follows:

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Height above Grade	Vertical Dimension
8' 6" up to 10'	2' 6" high
10' up to 12'	3' high
12' up to 14'	3' 6" high
14' up to 16'	4' high
16' and over	4' 6" high

E. Wall signs must not extend above the top of a parapet wall or a roofline at the wall, whichever is higher.

F. Permitted highway signs, including digital billboards, may be allowed anywhere on the premises except in a required side yard, rear yard or within twenty (20) feet of a street right-of-way.

G. No portion of a digital billboard must be located within two hundred and fifty (250) linear feet of the property line of a parcel with a residential land use designation or residential use that fronts on the same street and within the line of sight of the billboard face.

1.5.2.4 Height:

A. Ground-mounted signs must not exceed four (4) feet in height from ground level.

B. Freestanding signs must not exceed twenty-eight (28) feet in height from ground level.

C. Highway signs, including digital billboards, must not exceed thirty-five (35) feet in height from ground level.

1.5.2.5 Content:

A. Any of the signs pursuant to this Section (1.5.2) may be changeable copy signs.

B. The primary identification sign as allowed under 1.3.1.2 for each firm must contain its street number. The street number must be clearly visible from the street right-of-way.

1.5.2.6 Illumination:

Must be as provided in Section 1.4.6.

1.5.3 Industrial

1.5.3.1 Scope:

This Section must apply to the Industrial District.

1.5.3.2 Number and Size:

A. One (1) sign for each street frontage, each with a maximum area of five (5) percent of the total square footage of the face of the building facing that street frontage must be permitted.

B. One freestanding or ground-mounted sign not exceeding fifty (50) square feet per lot or parcel.

C. The maximum size and number of signs that the owner or owners of an Industrial Park development may erect and maintain at the entrances to the development must be controlled according to the following:

(1) A maximum of two (2) signs of three hundred (300) square feet per face must be permitted for industrial parks or complexes of less than ten (10) acres;

(2) A maximum of three (3) signs of four hundred (400) square feet must be permitted for complexes of ten (10) acres or more. More than three (3) signs may be approved through [a Type I procedure], provided the total sign area does not exceed twelve hundred (1200) square feet.

1.5.3.3 Location:

Must be as provided in Section 1.5.2.3.

1.5.3.5 Illumination:

Must be as provided in Section 1.5.6.

1.5.4 Agriculture District

1.5.4.1 Scope:

This Section must apply to the [insert appropriate language describing rural/agricultural and forestry areas] outside the [insert appropriate designation such as: Urban Growth Boundaries].

1.5.4.2 Size:

a. Signs other than highway signs must have a maximum area that does not exceed thirty-two (32) square feet per sign.
b. Highway signs must comply with Section 1.5.2.G

1.5.4.3 Location:

a. Signs other than highway signs must be at least twenty-five (25) feet from a right-of-way, and must be at least twenty-five (25) feet from an adjacent lot.
b. Highway signs must be
    a. at least twenty-five feet from a right of way and must be
    b. at least 250 feet from a residence on an adjacent property; and
    c. comply with the distance and spacing requirements of Section 1.5.2 G.

1.5.4.4 Illumination:

As provided in Section 1.5.6.

1.5.4.5 Maximum number of signs:

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Acreage	No. of Signs
0 – 20	2
21 – 40	3
41 – 60	4
61 & over	5

1.5.5 Supplemental Criteria in all Districts

1.5.5.1 Temporary Signs:

Temporary signs are subject to the following standards:

A. Must not on one property exceed a total of sixteen (16) square feet in area;

B. Must not be located within any right-of-way whether dedicated or owned in fee simple or as an easement;

C. Must only be located on property that is owned by the person whose sign it is and must not be placed on any utility pole, street light, similar object, or on public property;

D. Must not be illuminated except as allowed in 1.5.1.6 or 1.5.6 based on the District in which the sign is located; and

E. Must be removed within fourteen (14) days after the election, sale, rental, lease or conclusion of event which is the basis for the sign under 1.3.2 or if a different standard is required in Section 1.3.2 must be removed within the time period required by that Section.

1.5.5.2 Bench Signs:

On street benches provided:

A. The benches must not be higher than four (4) feet above ground;

B. Limited to fourteen (14) square feet in area;

C. The benches are not located closer than five (5) feet to any street right-of-way line;

D. Benches are located in a manner not to obstruct vision;

E. Must be included as part of the total permitted sign area of the premise on which it is located.

1.5.5.3 Integral Signs:

There are no restrictions on sign orientation including whether it is freeway-oriented. Integral sign must not exceed seventy-two (72) square feet per façade. Integral signs may be illuminated externally but must not be illuminated internally.

1.55.4 Private Traffic Direction:

Illumination of signs erected as required by the Manual on Uniform Traffic Control Devices must be in accordance with Section 1.5.6. Horizontal directional signs flush with paved areas are exempt from these standards.

1.5.5.5 Original Art Display

Original art displays are allowed provided that they meet the following requirements:

A. Located [designate where they are allowed such as: Urban Growth Boundary];

B. Must not be placed on a dwelling;

C. Must not extend more than six (6) inches from the plane of the wall upon which it is painted or to which it is affixed;

D. Must be no more than sixty-four (64) square feet in size, per lot or parcel;

E. Compensation will not be given or received for the display of the original art or the right to place the original art on site; and

F. Must not be illuminated.

1.5.6 Illumination

No sign must be erected or maintained which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:

1.5.6.1 No exposed reflective type bulb, par spot or incandescent lamp, which exceeds twenty-five (25) Watts, must be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.

1.5.6.2 When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing must not exceed three hundred (300) milliamperes rating for white tubing or one hundred (100) milliamperes rating for any colored tubing.

1.5.6.3 When fluorescent tubes are used for the interior illumination of a sign, such illumination must not exceed:

A. Within Residential districts:

Illumination equivalent to four hundred twenty-five (425) milliamperes rating tubing behind a Plexiglas face with tubes spaced at least seven inches, center to center.

B. Within land use districts other than Residential:

Illumination equivalent to eight hundred (800) milliampere rating tubing behind a Plexiglas face spaced at least nine (9) inches, center to center.

1.5.6.4 Digital billboards allowed pursuant to Section 1.5.2.2 G must:

A. Display only static messages that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement;

B. Not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of one hundred and fifty (150) feet;

C. Be equipped with a fully operational light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light;

D. Change from one message to another message no more frequently than once every ten (10) seconds and the actual change process is accomplished in two (2) seconds or less;

E. Be designed to either freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction; and

F. Not be authorized until the Code Official is provided evidence that best industry practices for eliminating or reducing uplight and light trespass were considered and built into the digital billboard.

1.5.7 Prohibited Signs

The following signs or lights are prohibited which:

1.5.7.1 Are of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;

1.5.7.2 Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation;

1.5.7.3 Have blinking, flashing or fluttering lights or other illuminating devices which exhibit movement, except digital billboards as permitted pursuant to this Code;

1.5.7.4 Are roof signs except as allowed in Section 1.5.5.4;

1.5.7.5 Are freeway-oriented signs except as allowed as Highway signs;

1.5.7.6 Would be an Original Art Display but does not have the permission of the owner of the property on which it is located or is graffiti; or

1.5.7.6 Are portable signs that do not comply with the location, size or use restrictions of this Code.

1.5.8 Procedures

Applications for a sign permit must be processed through [insert appropriate permitting procedure here].

1.5.9 Nonconformity and Modification

Except as provided in Section 1.5.9.2 of this Chapter, signs lawfully in existence on the date the provisions of this Code were first advertised, which do not conform to the provisions of this Code, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed or maintained must be regarded as nonconforming. Provided, however, a sign constructed during the period of time following the day on which the Supreme Court released its opinion in *Reed v. Town of Gilbert, ___U.S. ___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444 (U.S. 2015)* and the date the provisions of this Code were first advertised for adoption must not be considered a non-conforming sign unless it conformed to the regulations in effect on the day immediately preceding the release of the Supreme Court's decision in *Reed v. Town of Gilbert, ___U.S.___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444 (U.S. 2015)*.

Comment: This section attempts to address two issues common to regulation. 1. The race to vest – often a person who sees a regulation being proposed attempts to establish a vested right before the regulation can take effect where notice and public hearing are required. This race to vest often leads to a flurry of activity that can be difficult to process and allows uses that are considered undesirable to flourish while the government attempts to limit them. Allowing an ordinance to apply to properties based on the date it is first advertised provides a more fair solution allowing the government to provide public notice and give thoughtful contemplation to the issues involved rather than engaging in a race to adopt a measure before its utility is thwarted by a rash of construction and that insures the limited effect on individual property owners and the community as whole that the public process embraces. 2. The effect of a regulated business enjoying a period where there is no regulation due to a court decision. Clearly, the Supreme Court did not aim to eliminate sign regulation; it only sought to eliminate content based sign regulation. Rather than allow the decision in Reed v. Gilbert to extend authority beyond its intent, the Model limits the effect of an unregulated period by recognizing that signs constructed during that period do not deserve protection from the application of the law.

1.5.9.1 For the purpose of amortization, these signs may be continued from the effective date of this Code for a period not to exceed ten (10) years unless under a previous regulation the signs were to be amortized and in that case the amortization period must be as previously required or ten years whichever is less.

1.5.9.2 Signs which were nonconforming to the prior Ordinance and which do not conform to this Code must be removed immediately.

1.5.10 Compliance

Any sign which is altered, relocated, replaced or must be brought immediately into compliance with all provisions of this Code.

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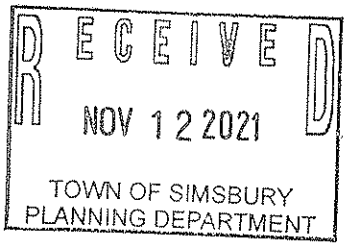
Hollis Joseph

From: Glidden Michael
Sent: Friday, November 12, 2021 7:53 AM
To: Hollis Joseph
Subject: Fwd: ADU reforms

Follow Up Flag: Follow up
Flag Status: Flagged



Mike Glidden CFM CZEO
Director of Planning and Community Development
Town of Simsbury
933 Hopmeadow Street
Simsbury, Connecticut
(860) 658 3252
mglidden@simsbury-ct.gov

Sent from my T-Mobile 5G Device
Get Outlook for Android

From: Jan Beatty <emmajbeatty@comcast.net>
Sent: Thursday, November 11, 2021 6:45:57 PM
To: Glidden Michael <mglidden@simsbury-ct.gov>
Subject: ADU reforms

Dear Mr. Glidden,

Please note that I am NOT in favor of Simsbury opting out of the new state-passed reforms on ADUs. It is time for these reforms.

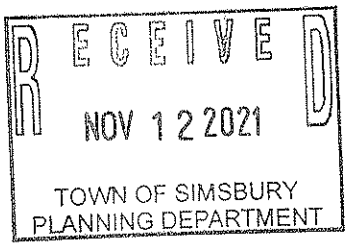
Thank you,

Janet Beatty
30 Woodhaven Drive
Simsbury, CT

Hollis Joseph

From: Glidden Michael
Sent: Friday, November 12, 2021 7:54 AM
To: Hollis Joseph
Subject: Fwd: Public act 21-29

Follow Up Flag: Follow up
Flag Status: Flagged



Mike Glidden CFM CZEO
Director of Planning and Community Development
Town of Simsbury
933 Hopmeadow Street
Simsbury, Connecticut
(860) 658 3252
mglidden@simsbury-ct.gov

Sent from my T-Mobile 5G Device
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From: Chefjlevy87@att.net <chefjlevy87@att.net>
Sent: Wednesday, November 10, 2021 2:04:55 PM
To: Glidden Michael <mglidden@simsbury-ct.gov>
Subject: Public act 21-29

Mr. Glidden and members of the Zoning Commission,

I am writing in regards to Public Act 21-29 concerning accessory dwelling units. I ask the commons to vote in favor of opting out of the standards required under this act. While I feel that our standards regarding ADU's could use some adjustment, I strongly feel any adjustments should be tailored to meet the needs and concerns of our town, and not based on a "one size fits all approach" handed down by legislators in Hartford. Furthermore our town had no voice in crafting these regulations as our State Representative, John Hampton was absent while this was negotiated and passed. I believe it is imperative that elected members of our community decide what if any changes are made to our zoning codes, not a group completely detached from our community. Please vote to opt our town out of this act. Thank you for your consideration and service to our town.

-Jason L. Levy

Sent from my iPhone

Hollis Joseph

From: Glidden Michael
Sent: Friday, November 12, 2021 11:49 AM
To: Hollis Joseph
Subject: Fwd: [Simsbury CT] Public Act 21-29 (Sent by Justin Crane, Cranejt@gmail.com)

Follow Up Flag: Follow up
Flag Status: Flagged

Mike Glidden CFM CZEO
Director of Planning and Community Development
Town of Simsbury
933 Hopmeadow Street
Simsbury, Connecticut
(860) 658 3252
mglidden@simsbury-ct.gov

RECEIVED
NOV 12 2021
TOWN OF SIMSBURY
PLANNING DEPARTMENT

Sent from my T-Mobile 5G Device
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From: Contact form at Simsbury CT <cmsmailer@civicplus.com>
Sent: Friday, November 12, 2021 10:40:43 AM
To: Glidden Michael <mglidden@simsbury-ct.gov>
Subject: [Simsbury CT] Public Act 21-29 (Sent by Justin Crane, Cranejt@gmail.com)

Hello mglidden,

Justin Crane (Cranejt@gmail.com) has sent you a message via your contact form (https://www.simsbury-ct.gov/users/mglidden/contact) at Simsbury CT.

If you don't want to receive such e-mails, you can change your settings at https://www.simsbury-ct.gov/user/263/edit.

Message:

Good morning Mr. Glidden and Zoning Commission Board,

I am contacting you about Public Act 21-29 which concerns accessory dwelling units. I strongly urge the commission vote to opt-out of the standards required in the act. They do not have the towns best interest in mind. There are parts of the act regarding ADU's that might be adjusted and tailored to the town if this is of strong importance to many other residents. However, seeing the one size fits all approach from Hartford does not fit our town I again recommend the board vote to opt-out of the current act. This bill lacks the voice of Simsbury with Representative John Hamptons absence during the crafting of this act. I believe residents of Simsbury should be in control of the changes made in the towns Zoning Laws. We are a strong community and

need to do what is best for its residents and family's while also preserving our towns interests for both future and current residents and family's. Please opt-out of Act 21-29.

Regards,

Justin Crane
17 Stockade Rd

RECEIVED
NOV 12 2021
TOWN OF SIMSBURY
PLANNING DEPARTMENT

To: ebutler@simsbury-ct.gov and mglidden@simsbury-ct.gov
From: kevinjkurian@gmail.com

Good evening everyone,

My name is Kevin Kurian and I'm a college student who went to Simsbury's public schools for 12 years as well as a representative of Holding the Door Open, a local group that's dedicated to racial equality within our town.

First, I want to thank the members of the Zoning Commission for holding this meeting so that town residents can share their thoughts on updating our accessory dwelling unit policy. It speaks well to your character as local leaders that you're giving residents a platform to speak on this issue. The very fact that we are having this meeting, and that towns have the choice to opt-out shows that this is not a state takeover of local zoning, but rather the recommendation of smart policy that will benefit our town's elderly community, environment, and residents with intellectual and developmental disabilities - as so many have mentioned via email and tonight.

In the interest of transparency, I'd like to preface my comment by saying that I was a volunteer for DesegregateCT and advocated for the legislation that is now Public Act 21-29. Because of this, I feel like I can offer a unique perspective on the policy specifics of what's being discussed today and why we should accept these moderate and common-sense reforms.

One of the most commendable points of these proposed changes is the increase in maximum size of ADUs - from 600 square feet or 25% of the primary dwelling unit to 1,000 square feet or 30% of the primary dwelling unit. Our current regulations have created an environment where people who need to live in ADUs in order to maintain an independent lifestyle while remaining close to caregivers, are made to cram into a 600 square feet living unit that's smaller than most studio apartments! These provisions will give more power to the homeowners to make decisions about what kind of unit best suits their property - that's personal liberty at its finest. By opting into these reforms, we will make sure that senior citizens and members of the I/DD community are housed with dignity and respect.

These ADU reforms will not radically change our zoning codes. Currently, attached ADUs are zoned as-of-right and merely require site plan approval. These reforms would treat detached ADUs - perhaps a converted garage - the same as attached ADUs. This seems like a reasonable reform. If a homeowner needs an ADU, for whatever reason, and they only have the capacity to create a detached unit, shouldn't they be treated the same as someone who has an attached ADU?

There are a lot of good-faith concerns about what this will do for parking in our town. First, it's essential to remember that this will not restrict parking supply, as Simsbury would still be able to require one parking spot per ADU. More importantly, perhaps, we should remember the fact that many elderly occupants of ADUs won't need a car, so we'll all still have the liberty to park where we'd like. The restriction that the town may not require more than one parking spot per ADU is a wise one. How many ADU occupants are even likely to have more than one car, or have the need of more than one parking spot?

It's essential to remember that these reforms explicitly say that the town should regulate the use of ADU short-term rentals as well as the height, landscaping, and architectural design of these units.

Sometimes, in discussions like these, the real question in discussion can get lost in the weeds. Today, I think we're talking about how these reforms can make our town more inclusive and accessible, for people of all ages and abilities. I strongly urge the Zoning Commission to support these common-sense reforms, and I stand opposed to any form of opt-out.

Hollis Joseph

From: nkodak@comcast.net
Sent: Friday, November 12, 2021 8:42 AM
To: Hollis Joseph
Subject: Public comment for Monday Zoning Commission Public Hearing

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,
I'm submitting public comment to be read at Monday night's public zoning commission public hearing regarding ADUs.

H.B 6107 / Public Act 21-29 would zone more accessory dwelling units as-of-right, making this living option more accessible. It would also allow us to have ADUs that are up to 1,000 SQ FT (currently 600 square feet) or 30% of the main dwelling size (whichever is less).

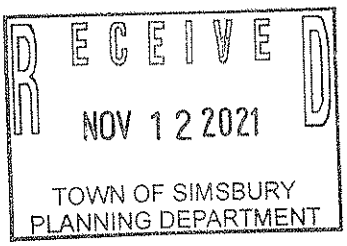
OPTING OUT of this legislation seems like a Town overreach for private property owners. It sends a message that our town is unwilling to make progress for inclusive housing. The town will not be positioned to competitively attract the growing portion of the US population who is aging and over 65.

To be clear, OPTING IN to this legislation will benefit:
1) **Young adults** - college graduates, graduate students, adults working in or near Simsbury
2) **Adults with disabilities** - allowing them to live independently near family in housing drastically lower cost than group homes, assisted living, or private aides.
3) **Seniors / retirees** wishing to live independently near family in more affordable housing. Note that the US Census projects this will be one of the largest growing demographics.
4) **Homeowners** wishing to house family members or rent an ADU for extra income.
5) The **Town of Simsbury** who will enjoy life-giving benefits of expanded diversity of residents and ability to attract those currently unable to find and afford housing in our town.
6) Our **local environment** by building housing on existing lots and not sprawling into undeveloped land.

Supporting these ADUs as of right sends a message that tour town is willing to make progress for inclusive housing. I ask the Zoning Commission to OPT IN to this legislation.

Thank you. Respectfully,

Nicole Kodak
Resident



DEC 9 2021 PM4:01
ISH MUNROE, TOWN CLK

Town of Simsbury

933 HOPMEADOW STREET P.O. BOX 495 SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

AGENDA
PLANNING COMMISSION – REGULAR MEETING
TUESDAY, December 14, 2021 at 7:00 PM
The public meeting will be web-based on Zoom at:
https://us06web.zoom.us/j/2574297243

Watch meetings LIVE and rebroadcast on Comcast Channels 96, 1090, Frontier Channel 6071 and LIVE streamed or on-demand at www.simsburytv.org

I. CALL TO ORDER
1. Pledge of Allegiance

II. ROLL CALL
1. Appointment of Alternates

III. APPROVAL OF MINUTES
1. Minutes for regular meeting on November 9, 2021

IV. ELECTION OF OFFICERS

V. APPROVAL OF PROPOSED 2022 PLANNING COMMISSION SCHEDULE

VI. NEW BUSINESS
1. Referral Application 21-29 from the Zoning Commission- Short Term Rental Regulations

VII. OLD BUSINESS
1. Applications
   a. None

VIII. ADJOURNMENT

PLEASE NOTIFY JOSEPH HOLLIS AT 860-658-3292 OR JHOLLIS@SIMSBURY-CT.GOV WITH YOUR AVAILABILITY TO ATTEND THIS MEETING.

Hollis Joseph

From: Glidden Michael
Sent: Monday, November 22, 2021 9:52 AM
To: Hollis Joseph
Subject: FW: ADU's

Follow Up Flag: Follow up
Flag Status: Completed

From: Rev. Kevin Weikel <kweikel@fccsimsbury.org>
Sent: Friday, November 19, 2021 11:09 AM
To: Glidden Michael <mglidden@simsbury-ct.gov>
Subject: ADU's

Good morning,

I've written a brief message to be read by the town clerk at the December 6th meeting. Thank you.

I am writing to support the expansion of ADU's in Simsbury. I believe it is important to speak up when a policy change can benefit the well-being of vulnerable populations. 1,000-foot ADU's would greatly enhance the lives of the elderly, members of the intellectually and developmentally disabled community, and young adults, giving members of these groups more livable space. ~Rev. Kevin Weikel, First Church of Christ, Simsbury

_____

Rev. Kevin L. Weikel
(aka "Rev Kev")
Senior Associate Pastor

First Church, Simsbury
United Church of Christ
689 Hopmeadow Street
Simsbury, CT 06070
860-651-3593 x103
http://fccsimsbury.org

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

REED ET AL. *v*. TOWN OF GILBERT, ARIZONA, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 13–502. Argued January 12, 2015—Decided June 18, 2015

Gilbert, Arizona (Town), has a comprehensive code (Sign Code or Code) that prohibits the display of outdoor signs without a permit, but exempts 23 categories of signs, including three relevant here. "Ideological Signs," defined as signs "communicating a message or ideas" that do not fit in any other Sign Code category, may be up to 20 square feet and have no placement or time restrictions. "Political Signs," defined as signs "designed to influence the outcome of an election," may be up to 32 square feet and may only be displayed during an election season. "Temporary Directional Signs," defined as signs directing the public to a church or other "qualifying event," have even greater restrictions: No more than four of the signs, limited to six square feet, may be on a single property at any time, and signs may be displayed no more than 12 hours before the "qualifying event" and 1 hour after.

Petitioners, Good News Community Church (Church) and its pastor, Clyde Reed, whose Sunday church services are held at various temporary locations in and near the Town, posted signs early each Saturday bearing the Church name and the time and location of the next service and did not remove the signs until around midday Sunday. The Church was cited for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on the signs. Unable to reach an accommodation with the Town, petitioners filed suit, claiming that the Code abridged their freedom of speech. The District Court denied their motion for a preliminary injunction, and the Ninth Circuit affirmed, ultimately concluding that the Code's sign categories were content neutral, and that the Code satisfied the intermediate scrutiny accorded to content-neutral regulations of speech.

Held: The Sign Code's provisions are content-based regulations of

Syllabus

speech that do not survive strict scrutiny. Pp. 6–17.

(a) Because content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *E.g., R. A. V.* v. *St. Paul*, 505 U. S. 377, 395. Speech regulation is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g., Sorrell* v. *IMS Health, Inc.*, 564 U. S. ___, ___–___. And courts are required to consider whether a regulation of speech "on its face" draws distinctions based on the message a speaker conveys. *Id.,* at ___. Whether laws define regulated speech by particular subject matter or by its function or purpose, they are subject to strict scrutiny. The same is true for laws that, though facially content neutral, cannot be " 'justified without reference to the content of the regulated speech,' " or were adopted by the government "because of disagreement with the message" conveyed. *Ward* v. *Rock Against Racism*, 491 U. S. 781, 791. Pp. 6–7.

(b) The Sign Code is content based on its face. It defines the categories of temporary, political, and ideological signs on the basis of their messages and then subjects each category to different restrictions. The restrictions applied thus depend entirely on the sign's communicative content. Because the Code, on its face, is a content-based regulation of speech, there is no need to consider the government's justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny. Pp. 7.

(c) None of the Ninth Circuit's theories for its contrary holding is persuasive. Its conclusion that the Town's regulation was not based on a disagreement with the message conveyed skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of "animus toward the ideas contained" in the regulated speech. *Cincinnati* v. *Discovery Network, Inc.,* 507 U. S. 410, 429. Thus, an innocuous justification cannot transform a facially content-based law into one that is content neutral. A court must evaluate each question—whether a law is content based on its face and whether the purpose and justification for the law are content based—before concluding that a law is content neutral. *Ward* does not require otherwise, for its framework applies only to a content-neutral statute.

The Ninth Circuit's conclusion that the Sign Code does not single out any idea or viewpoint for discrimination conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints

is a "more blatant" and "egregious form of content discrimination," *Rosenberger* v. *Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829, but "[t]he First Amendment's hostility to content-based regulation [also] extends . . . to prohibition of public discussion of an entire topic," *Consolidated Edison Co. of N. Y.* v. *Public Serv. Comm'n of N. Y.*, 447 U. S. 530, 537. The Sign Code, a paradigmatic example of content-based discrimination, singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter.

The Ninth Circuit also erred in concluding that the Sign Code was not content based because it made only speaker-based and event-based distinctions. The Code's categories are not speaker-based—the restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. And even if the sign categories were speaker based, that would not automatically render the law content neutral. Rather, "laws favoring some speakers over others demand strict scrutiny when the legislature's speaker preference reflects a content preference." *Turner Broadcasting System, Inc.* v. *FCC*, 512 U. S. 622, 658. This same analysis applies to event-based distinctions. Pp. 8–14.

(d) The Sign Code's content-based restrictions do not survive strict scrutiny because the Town has not demonstrated that the Code's differentiation between temporary directional signs and other types of signs furthers a compelling governmental interest and is narrowly tailored to that end. See *Arizona Free Enterprise Club's Freedom Club PAC* v. *Bennett*, 564 U. S. ___, ___. Assuming that the Town has a compelling interest in preserving its aesthetic appeal and traffic safety, the Code's distinctions are highly underinclusive. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town when other types of signs create the same problem. See *Discovery Network*, *supra,* at 425. Nor has it shown that temporary directional signs pose a greater threat to public safety than ideological or political signs. Pp. 14–15.

(e) This decision will not prevent governments from enacting effective sign laws. The Town has ample content-neutral options available to resolve problems with safety and aesthetics, including regulating size, building materials, lighting, moving parts, and portability. And the Town may be able to forbid postings on public property, so long as it does so in an evenhanded, content-neutral manner. See *Members of City Council of Los Angeles* v. *Taxpayers for Vincent*, 466 U. S. 789, 817. An ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—*e.g.,* warning signs marking hazards on private property or signs directing traffic—might also survive strict scrutiny. Pp. 16–17.

Syllabus

707 F. 3d 1057, reversed and remanded.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, ALITO, and SOTOMAYOR, JJ., joined. ALITO, J., filed a concurring opinion, in which KENNEDY and SOTOMAYOR, JJ., joined. BREYER, J., filed an opinion concurring in the judgment. KAGAN, J., filed an opinion concurring in the judgment, in which GINSBURG and BREYER, JJ., joined

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 13–502

CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE THOMAS delivered the opinion of the Court.

The town of Gilbert, Arizona (or Town), has adopted a comprehensive code governing the manner in which people may display outdoor signs. Gilbert, Ariz., Land Development Code (Sign Code or Code), ch. 1, §4.402 (2005).[1] The Sign Code identifies various categories of signs based on the type of information they convey, then subjects each category to different restrictions. One of the categories is "Temporary Directional Signs Relating to a Qualifying Event," loosely defined as signs directing the public to a meeting of a nonprofit group. §4.402(P). The Code imposes more stringent restrictions on these signs than it does on signs conveying other messages. We hold that these provisions are content-based regulations of speech that cannot survive strict scrutiny.

[1] The Town's Sign Code is available online at http://www.gilbertaz.gov/departments/development-service/planning-development/land-development-code (as visited June 16, 2015, and available in Clerk of Court's case file).

I

A

The Sign Code prohibits the display of outdoor signs anywhere within the Town without a permit, but it then exempts 23 categories of signs from that requirement. These exemptions include everything from bazaar signs to flying banners. Three categories of exempt signs are particularly relevant here.

The first is "Ideological Sign[s]." This category includes any "sign communicating a message or ideas for noncommercial purposes that is not a Construction Sign, Directional Sign, Temporary Directional Sign Relating to a Qualifying Event, Political Sign, Garage Sale Sign, or a sign owned or required by a governmental agency." Sign Code, Glossary of General Terms (Glossary), p. 23 (emphasis deleted). Of the three categories discussed here, the Code treats ideological signs most favorably, allowing them to be up to 20 square feet in area and to be placed in all "zoning districts" without time limits. §4.402(J).

The second category is "Political Sign[s]." This includes any "temporary sign designed to influence the outcome of an election called by a public body." Glossary 23.[2] The Code treats these signs less favorably than ideological signs. The Code allows the placement of political signs up to 16 square feet on residential property and up to 32 square feet on nonresidential property, undeveloped municipal property, and "rights-of-way." §4.402(I).[3] These signs may be displayed up to 60 days before a primary election and up to 15 days following a general election. *Ibid.*

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[2] A "Temporary Sign" is a "sign not permanently attached to the ground, a wall or a building, and not designed or intended for permanent display." Glossary 25.

[3] The Code defines "Right-of-Way" as a "strip of publicly owned land occupied by or planned for a street, utilities, landscaping, sidewalks, trails, and similar facilities." *Id.,* at 18.

The third category is "Temporary Directional Signs Relating to a Qualifying Event." This includes any "Temporary Sign intended to direct pedestrians, motorists, and other passersby to a 'qualifying event.'" Glossary 25 (emphasis deleted). A "qualifying event" is defined as any "assembly, gathering, activity, or meeting sponsored, arranged, or promoted by a religious, charitable, community service, educational, or other similar non-profit organization." *Ibid.* The Code treats temporary directional signs even less favorably than political signs.[4] Temporary directional signs may be no larger than six square feet. §4.402(P). They may be placed on private property or on a public right-of-way, but no more than four signs may be placed on a single property at any time. *Ibid.* And, they may be displayed no more than 12 hours before the "qualifying event" and no more than 1 hour afterward. *Ibid.*

B

Petitioners Good News Community Church (Church) and its pastor, Clyde Reed, wish to advertise the time and location of their Sunday church services. The Church is a small, cash-strapped entity that owns no building, so it holds its services at elementary schools or other locations in or near the Town. In order to inform the public about its services, which are held in a variety of different loca-

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[4]The Sign Code has been amended twice during the pendency of this case. When litigation began in 2007, the Code defined the signs at issue as "Religious Assembly Temporary Direction Signs." App. 75. The Code entirely prohibited placement of those signs in the public right-of-way, and it forbade posting them in any location for more than two hours before the religious assembly or more than one hour afterward. *Id.,* at 75–76. In 2008, the Town redefined the category as "Temporary Directional Signs Related to a Qualifying Event," and it expanded the time limit to 12 hours before and 1 hour after the "qualifying event." *Ibid.* In 2011, the Town amended the Code to authorize placement of temporary directional signs in the public right-of-way. *Id.,* at 89.

tions, the Church began placing 15 to 20 temporary signs around the Town, frequently in the public right-of-way abutting the street. The signs typically displayed the Church's name, along with the time and location of the upcoming service. Church members would post the signs early in the day on Saturday and then remove them around midday on Sunday. The display of these signs requires little money and manpower, and thus has proved to be an economical and effective way for the Church to let the community know where its services are being held each week.

This practice caught the attention of the Town's Sign Code compliance manager, who twice cited the Church for violating the Code. The first citation noted that the Church exceeded the time limits for displaying its temporary directional signs. The second citation referred to the same problem, along with the Church's failure to include the date of the event on the signs. Town officials even confiscated one of the Church's signs, which Reed had to retrieve from the municipal offices.

Reed contacted the Sign Code Compliance Department in an attempt to reach an accommodation. His efforts proved unsuccessful. The Town's Code compliance manager informed the Church that there would be "no leniency under the Code" and promised to punish any future violations.

Shortly thereafter, petitioners filed a complaint in the United States District Court for the District of Arizona, arguing that the Sign Code abridged their freedom of speech in violation of the First and Fourteenth Amendments. The District Court denied the petitioners' motion for a preliminary injunction. The Court of Appeals for the Ninth Circuit affirmed, holding that the Sign Code's provision regulating temporary directional signs did not regulate speech on the basis of content. 587 F. 3d 966, 979 (2009). It reasoned that, even though an enforcement

officer would have to read the sign to determine what provisions of the Sign Code applied to it, the "'kind of cursory examination'" that would be necessary for an officer to classify it as a temporary directional sign was "not akin to an officer synthesizing the expressive content of the sign." *Id.*, at 978. It then remanded for the District Court to determine in the first instance whether the Sign Code's distinctions among temporary directional signs, political signs, and ideological signs nevertheless constituted a content-based regulation of speech.

On remand, the District Court granted summary judgment in favor of the Town. The Court of Appeals again affirmed, holding that the Code's sign categories were content neutral. The court concluded that "the distinctions between Temporary Directional Signs, Ideological Signs, and Political Signs . . . are based on objective factors relevant to Gilbert's creation of the specific exemption from the permit requirement and do not otherwise consider the substance of the sign." 707 F. 3d 1057, 1069 (CA9 2013). Relying on this Court's decision in *Hill* v. *Colorado*, 530 U. S. 703 (2000), the Court of Appeals concluded that the Sign Code is content neutral. 707 F. 3d, at 1071–1072. As the court explained, "Gilbert did not adopt its regulation of speech because it disagreed with the message conveyed" and its "interests in regulat[ing] temporary signs are unrelated to the content of the sign." *Ibid.* Accordingly, the court believed that the Code was "content-neutral as that term [has been] defined by the Supreme Court." *Id.,* at 1071. In light of that determination, it applied a lower level of scrutiny to the Sign Code and concluded that the law did not violate the First Amendment. *Id.*, at 1073–1076.

We granted certiorari, 573 U. S. ___ (2014), and now reverse.

II

A

The First Amendment, applicable to the States through the Fourteenth Amendment, prohibits the enactment of laws "abridging the freedom of speech." U. S. Const., Amdt. 1. Under that Clause, a government, including a municipal government vested with state authority, "has no power to restrict expression because of its message, its ideas, its subject matter, or its content." *Police Dept. of Chicago* v. *Mosley*, 408 U. S. 92, 95 (1972). Content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *R. A. V.* v. *St. Paul*, 505 U. S. 377, 395 (1992); *Simon & Schuster, Inc.* v. *Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 115, 118 (1991).

Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g., Sorrell* v. *IMS Health, Inc.*, 564 U. S. ___, ___–___ (2011) (slip op., at 8–9); *Carey* v. *Brown*, 447 U. S. 455, 462 (1980); *Mosley*, *supra,* at 95. This commonsense meaning of the phrase "content based" requires a court to consider whether a regulation of speech "on its face" draws distinctions based on the message a speaker conveys. *Sorrell*, *supra,* at ___ (slip op., at 8). Some facial distinctions based on a message are obvious, defining regulated speech by particular subject matter, and others are more subtle, defining regulated speech by its function or purpose. Both are distinctions drawn based on the message a speaker conveys, and, therefore, are subject to strict scrutiny.

Our precedents have also recognized a separate and additional category of laws that, though facially content neutral, will be considered content-based regulations of speech: laws that cannot be "'justified without reference to

the content of the regulated speech,'" or that were adopted by the government "because of disagreement with the message [the speech] conveys," *Ward* v. *Rock Against Racism*, 491 U. S. 781, 791 (1989). Those laws, like those that are content based on their face, must also satisfy strict scrutiny.

B

The Town's Sign Code is content based on its face. It defines "Temporary Directional Signs" on the basis of whether a sign conveys the message of directing the public to church or some other "qualifying event." Glossary 25. It defines "Political Signs" on the basis of whether a sign's message is "designed to influence the outcome of an election." *Id.,* at 24. And it defines "Ideological Signs" on the basis of whether a sign "communicat[es] a message or ideas" that do not fit within the Code's other categories. *Id.,* at 23. It then subjects each of these categories to different restrictions.

The restrictions in the Sign Code that apply to any given sign thus depend entirely on the communicative content of the sign. If a sign informs its reader of the time and place a book club will discuss John Locke's Two Treatises of Government, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke's followers in an upcoming election, and both signs will be treated differently from a sign expressing an ideological view rooted in Locke's theory of government. More to the point, the Church's signs inviting people to attend its worship services are treated differently from signs conveying other types of ideas. On its face, the Sign Code is a content-based regulation of speech. We thus have no need to consider the government's justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny.

C

In reaching the contrary conclusion, the Court of Appeals offered several theories to explain why the Town's Sign Code should be deemed content neutral. None is persuasive.

1

The Court of Appeals first determined that the Sign Code was content neutral because the Town "did not adopt its regulation of speech [based on] disagree[ment] with the message conveyed," and its justifications for regulating temporary directional signs were "unrelated to the content of the sign." 707 F. 3d, at 1071–1072. In its brief to this Court, the United States similarly contends that a sign regulation is content neutral—even if it expressly draws distinctions based on the sign's communicative content—if those distinctions can be "'justified without reference to the content of the regulated speech.'" Brief for United States as *Amicus Curiae* 20, 24 (quoting *Ward, supra*, at 791; emphasis deleted).

But this analysis skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of "animus toward the ideas contained" in the regulated speech. *Cincinnati* v. *Discovery Network, Inc.,* 507 U. S. 410, 429 (1993). We have thus made clear that "'[i]llicit legislative intent is not the *sine qua non* of a violation of the First Amendment,'" and a party opposing the government "need adduce 'no evidence of an improper censorial motive.'" *Simon & Schuster, supra,* at 117. Although "a content-based purpose may be sufficient in certain circumstances to show that a regulation is content based, it is not necessary." *Turner Broadcasting System, Inc.* v. *FCC*, 512 U. S. 622, 642 (1994). In other words, an

innocuous justification cannot transform a facially content-based law into one that is content neutral.

That is why we have repeatedly considered whether a law is content neutral on its face *before* turning to the law's justification or purpose. See, *e.g., Sorrell*, *supra,* at ___–___ (slip op., at 8–9) (statute was content based "on its face," and there was also evidence of an impermissible legislative motive); *United States* v. *Eichman*, 496 U. S. 310, 315 (1990) ("Although the [statute] contains no explicit content-based limitation on the scope of prohibited conduct, it is nevertheless clear that the Government's asserted *interest* is related to the suppression of free expression" (internal quotation marks omitted)); *Members of City Council of Los Angeles* v. *Taxpayers for Vincent*, 466 U. S. 789, 804 (1984) ("The text of the ordinance is neutral," and "there is not even a hint of bias or censorship in the City's enactment or enforcement of this ordinance"); *Clark* v. *Community for Creative Non-Violence*, 468 U. S. 288, 293 (1984) (requiring that a facially content-neutral ban on camping must be "justified without reference to the content of the regulated speech"); *United States* v. *O'Brien*, 391 U. S. 367, 375, 377 (1968) (noting that the statute "on its face deals with conduct having no connection with speech," but examining whether the "the governmental interest is unrelated to the suppression of free expression"). Because strict scrutiny applies either when a law is content based on its face or when the purpose and justification for the law are content based, a court must evaluate each question before it concludes that the law is content neutral and thus subject to a lower level of scrutiny.

The Court of Appeals and the United States misunderstand our decision in *Ward* as suggesting that a government's purpose is relevant even when a law is content based on its face. That is incorrect. *Ward* had nothing to say about facially content-based restrictions because it involved a facially content-*neutral* ban on the use, in a

city-owned music venue, of sound amplification systems not provided by the city. 491 U. S., at 787, and n. 2. In that context, we looked to governmental motive, including whether the government had regulated speech "because of disagreement" with its message, and whether the regulation was "'justified without reference to the content of the speech.'" *Id.,* at 791. But *Ward*'s framework "applies only if a statute is content neutral." *Hill*, 530 U. S., at 766 (KENNEDY, J., dissenting). Its rules thus operate "to protect speech," not "to restrict it." *Id.,* at 765.

The First Amendment requires no less. Innocent motives do not eliminate the danger of censorship presented by a facially content-based statute, as future government officials may one day wield such statutes to suppress disfavored speech. That is why the First Amendment expressly targets the operation of the laws—*i.e.,* the "abridg[ement] of speech"—rather than merely the motives of those who enacted them. U. S. Const., Amdt. 1. "'The vice of content-based legislation . . . is not that it is always used for invidious, thought-control purposes, but that it lends itself to use for those purposes.'" *Hill, supra,* at 743 (SCALIA, J., dissenting).

For instance, in *NAACP* v. *Button*, 371 U. S. 415 (1963), the Court encountered a State's attempt to use a statute prohibiting "'improper solicitation'" by attorneys to outlaw litigation-related speech of the National Association for the Advancement of Colored People. *Id.,* at 438. Although *Button* predated our more recent formulations of strict scrutiny, the Court rightly rejected the State's claim that its interest in the "regulation of professional conduct" rendered the statute consistent with the First Amendment, observing that "it is no answer . . . to say . . . that the purpose of these regulations was merely to insure high professional standards and not to curtail free expression." *Id.,* at 438–439. Likewise, one could easily imagine a Sign Code compliance manager who disliked the Church's

substantive teachings deploying the Sign Code to make it more difficult for the Church to inform the public of the location of its services. Accordingly, we have repeatedly "rejected the argument that 'discriminatory . . . treatment is suspect under the First Amendment only when the legislature intends to suppress certain ideas.'" *Discovery Network,* 507 U. S., at 429. We do so again today.

2

The Court of Appeals next reasoned that the Sign Code was content neutral because it "does not mention any idea or viewpoint, let alone single one out for differential treatment." 587 F. 3d, at 977. It reasoned that, for the purpose of the Code provisions, "[i]t makes no difference which candidate is supported, who sponsors the event, or what ideological perspective is asserted." 707 F. 3d, at 1069.

The Town seizes on this reasoning, insisting that "content based" is a term of art that "should be applied flexibly" with the goal of protecting "viewpoints and ideas from government censorship or favoritism." Brief for Respondents 22. In the Town's view, a sign regulation that "does not censor or favor particular viewpoints or ideas" cannot be content based. *Ibid.* The Sign Code allegedly passes this test because its treatment of temporary directional signs does not raise any concerns that the government is "endorsing or suppressing 'ideas or viewpoints,'" *id.*, at 27, and the provisions for political signs and ideological signs "are neutral as to particular ideas or viewpoints" within those categories. *Id.*, at 37.

This analysis conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints—or the regulation of speech based on "the specific motivating ideology or the opinion or perspective of the speaker"—is a "more blatant" and "egregious form of

content discrimination." *Rosenberger* v. *Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829 (1995). But it is well established that "[t]he First Amendment's hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic." *Consolidated Edison Co. of N. Y.* v. *Public Serv. Comm'n of N. Y.*, 447 U. S. 530, 537 (1980).

Thus, a speech regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter. *Ibid.* For example, a law banning the use of sound trucks for political speech—and only political speech—would be a content-based regulation, even if it imposed no limits on the political viewpoints that could be expressed. See *Discovery Network, supra,* at 428. The Town's Sign Code likewise singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter. Ideological messages are given more favorable treatment than messages concerning a political candidate, which are themselves given more favorable treatment than messages announcing an assembly of like-minded individuals. That is a paradigmatic example of content-based discrimination.

3

Finally, the Court of Appeals characterized the Sign Code's distinctions as turning on "'the content-neutral elements of who is speaking through the sign and whether and when an event is occurring.'" 707 F. 3d, at 1069. That analysis is mistaken on both factual and legal grounds.

To start, the Sign Code's distinctions are not speaker based. The restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. If a local business, for example, sought to put up

signs advertising the Church's meetings, those signs would be subject to the same limitations as such signs placed by the Church. And if Reed had decided to display signs in support of a particular candidate, he could have made those signs far larger—and kept them up for far longer—than signs inviting people to attend his church services. If the Code's distinctions were truly speaker based, both types of signs would receive the same treatment.

In any case, the fact that a distinction is speaker based does not, as the Court of Appeals seemed to believe, automatically render the distinction content neutral. Because "[s]peech restrictions based on the identity of the speaker are all too often simply a means to control content," *Citizens United* v. *Federal Election Comm'n*, 558 U. S. 310, 340 (2010), we have insisted that "laws favoring some speakers over others demand strict scrutiny when the legislature's speaker preference reflects a content preference," *Turner,* 512 U. S., at 658. Thus, a law limiting the content of newspapers, but only newspapers, could not evade strict scrutiny simply because it could be characterized as speaker based. Likewise, a content-based law that restricted the political speech of all corporations would not become content neutral just because it singled out corporations as a class of speakers. See *Citizens United, supra*, at 340–341. Characterizing a distinction as speaker based is only the beginning—not the end—of the inquiry.

Nor do the Sign Code's distinctions hinge on "whether and when an event is occurring." The Code does not permit citizens to post signs on any topic whatsoever within a set period leading up to an election, for example. Instead, come election time, it requires Town officials to determine whether a sign is "designed to influence the outcome of an election" (and thus "political") or merely "communicating a message or ideas for noncommercial purposes" (and thus "ideological"). Glossary 24. That obvious content-based

inquiry does not evade strict scrutiny review simply because an event (*i.e.,* an election) is involved.

And, just as with speaker-based laws, the fact that a distinction is event based does not render it content neutral. The Court of Appeals cited no precedent from this Court supporting its novel theory of an exception from the content-neutrality requirement for event-based laws. As we have explained, a speech regulation is content based if the law applies to particular speech because of the topic discussed or the idea or message expressed. *Supra,* at 6. A regulation that targets a sign because it conveys an idea about a specific event is no less content based than a regulation that targets a sign because it conveys some other idea. Here, the Code singles out signs bearing a particular message: the time and location of a specific event. This type of ordinance may seem like a perfectly rational way to regulate signs, but a clear and firm rule governing content neutrality is an essential means of protecting the freedom of speech, even if laws that might seem "entirely reasonable" will sometimes be "struck down because of their content-based nature." *City of Ladue* v. *Gilleo*, 512 U. S. 43, 60 (1994) (O'Connor, J., concurring).

III

Because the Town's Sign Code imposes content-based restrictions on speech, those provisions can stand only if they survive strict scrutiny, "'which requires the Government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest,'" *Arizona Free Enterprise Club's Freedom Club PAC* v. *Bennett*, 564 U. S. ___, ___ (2011) (slip op., at 8) (quoting *Citizens United*, 558 U. S.*,* at 340). Thus, it is the Town's burden to demonstrate that the Code's differentiation between temporary directional signs and other types of signs, such as political signs and ideological signs, furthers a compelling governmental interest and is narrowly tai-

lored to that end. See *ibid.*

The Town cannot do so. It has offered only two governmental interests in support of the distinctions the Sign Code draws: preserving the Town's aesthetic appeal and traffic safety. Assuming for the sake of argument that those are compelling governmental interests, the Code's distinctions fail as hopelessly underinclusive.

Starting with the preservation of aesthetics, temporary directional signs are "no greater an eyesore," *Discovery Network*, 507 U. S., at 425, than ideological or political ones. Yet the Code allows unlimited proliferation of larger ideological signs while strictly limiting the number, size, and duration of smaller directional ones. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town while at the same time allowing unlimited numbers of other types of signs that create the same problem.

The Town similarly has not shown that limiting temporary directional signs is necessary to eliminate threats to traffic safety, but that limiting other types of signs is not. The Town has offered no reason to believe that directional signs pose a greater threat to safety than do ideological or political signs. If anything, a sharply worded ideological sign seems more likely to distract a driver than a sign directing the public to a nearby church meeting.

In light of this underinclusiveness, the Town has not met its burden to prove that its Sign Code is narrowly tailored to further a compelling government interest. Because a "'law cannot be regarded as protecting an interest of the highest order, and thus as justifying a restriction on truthful speech, when it leaves appreciable damage to that supposedly vital interest unprohibited,'" *Republican Party of Minn.* v. *White*, 536 U. S. 765, 780 (2002), the Sign Code fails strict scrutiny.

IV

Our decision today will not prevent governments from enacting effective sign laws. The Town asserts that an "'absolutist'" content-neutrality rule would render "virtually all distinctions in sign laws . . . subject to strict scrutiny," Brief for Respondents 34–35, but that is not the case. Not "all distinctions" are subject to strict scrutiny, only *content-based* ones are. Laws that are *content neutral* are instead subject to lesser scrutiny. See *Clark*, 468 U. S., at 295.

The Town has ample content-neutral options available to resolve problems with safety and aesthetics. For example, its current Code regulates many aspects of signs that have nothing to do with a sign's message: size, building materials, lighting, moving parts, and portability. See, *e.g.,* §4.402(R). And on public property, the Town may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner. See *Taxpayers for Vincent*, 466 U. S., at 817 (upholding content-neutral ban against posting signs on public property). Indeed, some lower courts have long held that similar content-based sign laws receive strict scrutiny, but there is no evidence that towns in those jurisdictions have suffered catastrophic effects. See, *e.g., Solantic, LLC* v. *Neptune Beach*, 410 F. 3d 1250, 1264–1269 (CA11 2005) (sign categories similar to the town of Gilbert's were content based and subject to strict scrutiny); *Matthews* v. *Needham*, 764 F. 2d 58, 59–60 (CA1 1985) (law banning political signs but not commercial signs was content based and subject to strict scrutiny).

We acknowledge that a city might reasonably view the general regulation of signs as necessary because signs "take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation." *City of Ladue*, 512 U. S., at 48. At the same time, the presence of certain

signs may be essential, both for vehicles and pedestrians, to guide traffic or to identify hazards and ensure safety. A sign ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses—well might survive strict scrutiny. The signs at issue in this case, including political and ideological signs and signs for events, are far removed from those purposes. As discussed above, they are facially content based and are neither justified by traditional safety concerns nor narrowly tailored.

* * *

We reverse the judgment of the Court of Appeals and remand the case for proceedings consistent with this opinion.

It is so ordered.

SUPREME COURT OF THE UNITED STATES

No. 13–502

CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE ALITO, with whom JUSTICE KENNEDY and JUSTICE SOTOMAYOR join, concurring.

I join the opinion of the Court but add a few words of further explanation.

As the Court holds, what we have termed "content-based" laws must satisfy strict scrutiny. Content-based laws merit this protection because they present, albeit sometimes in a subtler form, the same dangers as laws that regulate speech based on viewpoint. Limiting speech based on its "topic" or "subject" favors those who do not want to disturb the status quo. Such regulations may interfere with democratic self-government and the search for truth. See *Consolidated Edison Co. of N. Y.* v. *Public Serv. Comm'n of N. Y.*, 447 U. S. 530, 537 (1980).

As the Court shows, the regulations at issue in this case are replete with content-based distinctions, and as a result they must satisfy strict scrutiny. This does not mean, however, that municipalities are powerless to enact and enforce reasonable sign regulations. I will not attempt to provide anything like a comprehensive list, but here are some rules that would not be content based:

Rules regulating the size of signs. These rules may distinguish among signs based on any content-neutral criteria, including any relevant criteria listed below.

Rules regulating the locations in which signs may be

placed. These rules may distinguish between free-standing signs and those attached to buildings.

Rules distinguishing between lighted and unlighted signs.

Rules distinguishing between signs with fixed messages and electronic signs with messages that change.

Rules that distinguish between the placement of signs on private and public property.

Rules distinguishing between the placement of signs on commercial and residential property.

Rules distinguishing between on-premises and off-premises signs.

Rules restricting the total number of signs allowed per mile of roadway.

Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.*

In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. See *Pleasant Grove City* v. *Summum*, 555 U. S. 460, 467–469 (2009). They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.

Properly understood, today's decision will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives.

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*Of course, content-neutral restrictions on speech are not necessarily consistent with the First Amendment. Time, place, and manner restrictions "must be narrowly tailored to serve the government's legitimate, content-neutral interests." *Ward* v. *Rock Against Racism*, 491 U. S. 781, 798 (1989). But they need not meet the high standard imposed on viewpoint- and content-based restrictions.

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[June 18, 2015]

JUSTICE BREYER, concurring in the judgment.

I join JUSTICE KAGAN's separate opinion. Like JUSTICE KAGAN I believe that categories alone cannot satisfactorily resolve the legal problem before us. The First Amendment requires greater judicial sensitivity both to the Amendment's expressive objectives and to the public's legitimate need for regulation than a simple recitation of categories, such as "content discrimination" and "strict scrutiny," would permit. In my view, the category "content discrimination" is better considered in many contexts, including here, as a rule of thumb, rather than as an automatic "strict scrutiny" trigger, leading to almost certain legal condemnation.

To use content discrimination to trigger strict scrutiny sometimes makes perfect sense. There are cases in which the Court has found content discrimination an unconstitutional method for suppressing a viewpoint. *E.g., Rosenberger* v. *Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 828–829 (1995); see also *Boos* v. *Barry*, 485 U. S. 312, 318–319 (1988) (plurality opinion) (applying strict scrutiny where the line between subject matter and viewpoint was not obvious). And there are cases where the Court has found content discrimination to reveal that rules governing a traditional public forum are, in fact, not a neutral way of fairly managing the forum in the interest of all

speakers. *Police Dept. of Chicago* v. *Mosley*, 408 U. S. 92, 96 (1972) ("Once a forum is opened up to assembly or speaking by some groups, government may not prohibit others from assembling or speaking on the basis of what they intend to say"). In these types of cases, strict scrutiny is often appropriate, and content discrimination has thus served a useful purpose.

But content discrimination, while helping courts to identify unconstitutional suppression of expression, cannot and should not *always* trigger strict scrutiny. To say that it is not an automatic "strict scrutiny" trigger is not to argue against that concept's use. I readily concede, for example, that content discrimination, as a conceptual tool, can sometimes reveal weaknesses in the government's rationale for a rule that limits speech. If, for example, a city looks to litter prevention as the rationale for a prohibition against placing newsracks dispensing free advertisements on public property, why does it exempt other newsracks causing similar litter? Cf. *Cincinnati* v. *Discovery Network, Inc.*, 507 U. S. 410 (1993). I also concede that, whenever government disfavors one kind of speech, it places that speech at a disadvantage, potentially interfering with the free marketplace of ideas and with an individual's ability to express thoughts and ideas that can help that individual determine the kind of society in which he wishes to live, help shape that society, and help define his place within it.

Nonetheless, in these latter instances to use the presence of content discrimination automatically to trigger strict scrutiny and thereby call into play a strong presumption against constitutionality goes too far. That is because virtually all government activities involve speech, many of which involve the regulation of speech. Regulatory programs almost always require content discrimination. And to hold that such content discrimination triggers strict scrutiny is to write a recipe for judicial management

of ordinary government regulatory activity.

Consider a few examples of speech regulated by government that inevitably involve content discrimination, but where a strong presumption against constitutionality has no place. Consider governmental regulation of securities, *e.g.,* 15 U. S. C. §78*l* (requirements for content that must be included in a registration statement); of energy conservation labeling-practices, *e.g.,* 42 U. S. C. §6294 (requirements for content that must be included on labels of certain consumer electronics); of prescription drugs, *e.g.,* 21 U. S. C. §353(b)(4)(A) (requiring a prescription drug label to bear the symbol "Rx only"); of doctor-patient confidentiality, *e.g.,* 38 U. S. C. §7332 (requiring confidentiality of certain medical records, but allowing a physician to disclose that the patient has HIV to the patient's spouse or sexual partner); of income tax statements, *e.g.,* 26 U. S. C. §6039F (requiring taxpayers to furnish information about foreign gifts received if the aggregate amount exceeds $10,000); of commercial airplane briefings, *e.g.,* 14 CFR §136.7 (2015) (requiring pilots to ensure that each passenger has been briefed on flight procedures, such as seatbelt fastening); of signs at petting zoos, *e.g.,* N. Y. Gen. Bus. Law Ann. §399–ff(3) (West Cum. Supp. 2015) (requiring petting zoos to post a sign at every exit "'strongly recommend[ing] that persons wash their hands upon exiting the petting zoo area'"); and so on.

Nor can the majority avoid the application of strict scrutiny to all sorts of justifiable governmental regulations by relying on this Court's many subcategories and exceptions to the rule. The Court has said, for example, that we should apply less strict standards to "commercial speech." *Central Hudson Gas & Elec. Corp.* v. *Public Service Comm'n of N. Y.*, 447 U. S. 557, 562–563 (1980). But I have great concern that many justifiable instances of "content-based" regulation are noncommercial. And, worse than that, the Court has applied the heightened

"strict scrutiny" standard even in cases where the less stringent "commercial speech" standard was appropriate. See *Sorrell* v. *IMS Health Inc.*, 564 U. S. ___, ___ (2011) (BREYER, J., dissenting) (slip op., at ___). The Court has also said that "government speech" escapes First Amendment strictures. See *Rust* v. *Sullivan*, 500 U. S. 173, 193–194 (1991). But regulated speech is typically private speech, not government speech. Further, the Court has said that, "[w]hen the basis for the content discrimination consists entirely of the very reason the entire class of speech at issue is proscribable, no significant danger of idea or viewpoint discrimination exists." *R. A. V.* v. *St. Paul*, 505 U. S. 377, 388 (1992). But this exception accounts for only a few of the instances in which content discrimination is readily justifiable.

I recognize that the Court could escape the problem by watering down the force of the presumption against constitutionality that "strict scrutiny" normally carries with it. But, in my view, doing so will weaken the First Amendment's protection in instances where "strict scrutiny" should apply in full force.

The better approach is to generally treat content discrimination as a strong reason weighing against the constitutionality of a rule where a traditional public forum, or where viewpoint discrimination, is threatened, but elsewhere treat it as a rule of thumb, finding it a helpful, but not determinative legal tool, in an appropriate case, to determine the strength of a justification. I would use content discrimination as a supplement to a more basic analysis, which, tracking most of our First Amendment cases, asks whether the regulation at issue works harm to First Amendment interests that is disproportionate in light of the relevant regulatory objectives. Answering this question requires examining the seriousness of the harm to speech, the importance of the countervailing objectives, the extent to which the law will achieve those objectives,

and whether there are other, less restrictive ways of doing so. See, *e.g., United States* v. *Alvarez*, 567 U. S. ___, ___–___ (2012) (BREYER, J., concurring in judgment) (slip op., at 1–3); *Nixon* v. *Shrink Missouri Government PAC*, 528 U. S. 377, 400–403 (2000) (BREYER, J., concurring). Admittedly, this approach does not have the simplicity of a mechanical use of categories. But it does permit the government to regulate speech in numerous instances where the voters have authorized the government to regulate and where courts should hesitate to substitute judicial judgment for that of administrators.

Here, regulation of signage along the roadside, for purposes of safety and beautification is at issue. There is no traditional public forum nor do I find any general effort to censor a particular viewpoint. Consequently, the specific regulation at issue does not warrant "strict scrutiny." Nonetheless, for the reasons that JUSTICE KAGAN sets forth, I believe that the Town of Gilbert's regulatory rules violate the First Amendment. I consequently concur in the Court's judgment only.

SUPREME COURT OF THE UNITED STATES

No. 13–502

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ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE KAGAN, with whom JUSTICE GINSBURG and JUSTICE BREYER join, concurring in the judgment.

Countless cities and towns across America have adopted ordinances regulating the posting of signs, while exempting certain categories of signs based on their subject matter. For example, some municipalities generally prohibit illuminated signs in residential neighborhoods, but lift that ban for signs that identify the address of a home or the name of its owner or occupant. See, *e.g.*, City of Truth or Consequences, N. M., Code of Ordinances, ch. 16, Art. XIII, §§11–13–2.3, 11–13–2.9(H)(4) (2014). In other municipalities, safety signs such as "Blind Pedestrian Crossing" and "Hidden Driveway" can be posted without a permit, even as other permanent signs require one. See, *e.g.*, Code of Athens-Clarke County, Ga., Pt. III, §7–4–7(1) (1993). Elsewhere, historic site markers—for example, "George Washington Slept Here"—are also exempt from general regulations. See, *e.g.*, Dover, Del., Code of Ordinances, Pt. II, App. B, Art. 5, §4.5(F) (2012). And similarly, the federal Highway Beautification Act limits signs along interstate highways unless, for instance, they direct travelers to "scenic and historical attractions" or advertise free coffee. See 23 U. S. C. §§131(b), (c)(1), (c)(5).

Given the Court's analysis, many sign ordinances of that kind are now in jeopardy. See *ante*, at 14 (acknowledging

that "entirely reasonable" sign laws "will sometimes be struck down" under its approach (internal quotation marks omitted)). Says the majority: When laws "single[] out specific subject matter," they are "facially content based"; and when they are facially content based, they are automatically subject to strict scrutiny. *Ante*, at 12, 16–17. And although the majority holds out hope that some sign laws with subject-matter exemptions "might survive" that stringent review, *ante*, at 17, the likelihood is that most will be struck down. After all, it is the "rare case[] in which a speech restriction withstands strict scrutiny." *Williams-Yulee* v. *Florida Bar*, 575 U. S. ___, ___ (2015) (slip op., at 9). To clear that high bar, the government must show that a content-based distinction "is necessary to serve a compelling state interest and is narrowly drawn to achieve that end." *Arkansas Writers' Project, Inc.* v. *Ragland*, 481 U. S. 221, 231 (1987). So on the majority's view, courts would have to determine that a town has a compelling interest in informing passersby where George Washington slept. And likewise, courts would have to find that a town has no other way to prevent hidden-driveway mishaps than by specially treating hidden-driveway signs. (Well-placed speed bumps? Lower speed limits? Or how about just a ban on hidden driveways?) The consequence—unless courts water down strict scrutiny to something unrecognizable—is that our communities will find themselves in an unenviable bind: They will have to either repeal the exemptions that allow for helpful signs on streets and sidewalks, or else lift their sign restrictions altogether and resign themselves to the resulting clutter.*

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*Even in trying (commendably) to limit today's decision, JUSTICE ALITO's concurrence highlights its far-reaching effects. According to JUSTICE ALITO, the majority does not subject to strict scrutiny regulations of "signs advertising a one-time event." *Ante*, at 2 (ALITO, J., concurring). But of course it does. On the majority's view, a law with an exception for such signs "singles out specific subject matter for

Although the majority insists that applying strict scrutiny to all such ordinances is "essential" to protecting First Amendment freedoms, *ante*, at 14, I find it challenging to understand why that is so. This Court's decisions articulate two important and related reasons for subjecting content-based speech regulations to the most exacting standard of review. The first is "to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail." *McCullen* v. *Coakley*, 573 U. S. ___, ___–___ (2014) (slip op., at 8–9) (internal quotation marks omitted). The second is to ensure that the government has not regulated speech "based on hostility—or favoritism—towards the underlying message expressed." *R. A. V.* v. *St. Paul*, 505 U. S. 377, 386 (1992). Yet the subject-matter exemptions included in many sign ordinances do not implicate those concerns. Allowing residents, say, to install a light bulb over "name and address" signs but no others does not distort the marketplace of ideas. Nor does that different treatment give rise to an inference of impermissible government motive.

We apply strict scrutiny to facially content-based regulations of speech, in keeping with the rationales just described, when there is any "realistic possibility that official suppression of ideas is afoot." *Davenport* v. *Washington Ed. Assn.*, 551 U. S. 177, 189 (2007) (quoting *R. A. V.*, 505 U. S., at 390). That is always the case when the regulation facially differentiates on the basis of viewpoint. See *Rosenberger* v. *Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829 (1995). It is also the case (except in nonpublic or limited public forums) when a law restricts "discussion of an entire topic" in public debate. *Consolidated*

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differential treatment" and "defin[es] regulated speech by particular subject matter." *Ante*, at 6, 12 (majority opinion). Indeed, the precise reason the majority applies strict scrutiny here is that "the Code singles out signs bearing a particular message: the time and location of a specific event." *Ante*, at 14.

Edison Co. of N. Y. v. *Public Serv. Comm'n of N. Y.*, 447 U. S. 530, 537, 539–540 (1980) (invalidating a limitation on speech about nuclear power). We have stated that "[i]f the marketplace of ideas is to remain free and open, governments must not be allowed to choose 'which issues are worth discussing or debating.'" *Id.*, at 537–538 (quoting *Police Dept. of Chicago* v. *Mosley*, 408 U. S. 92, 96 (1972)). And we have recognized that such subject-matter restrictions, even though viewpoint-neutral on their face, may "suggest[] an attempt to give one side of a debatable public question an advantage in expressing its views to the people." *First Nat. Bank of Boston* v. *Bellotti*, 435 U. S. 765, 785 (1978); accord, *ante*, at 1 (ALITO, J., concurring) (limiting all speech on one topic "favors those who do not want to disturb the status quo"). Subject-matter regulation, in other words, may have the intent or effect of favoring some ideas over others. When that is realistically possible—when the restriction "raises the specter that the Government may effectively drive certain ideas or viewpoints from the marketplace"—we insist that the law pass the most demanding constitutional test. *R. A. V.*, 505 U. S., at 387 (quoting *Simon & Schuster, Inc.* v. *Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 116 (1991)).

But when that is not realistically possible, we may do well to relax our guard so that "entirely reasonable" laws imperiled by strict scrutiny can survive. *Ante*, at 14. This point is by no means new. Our concern with content-based regulation arises from the fear that the government will skew the public's debate of ideas—so when "that risk is inconsequential, . . . strict scrutiny is unwarranted." *Davenport*, 551 U. S., at 188; see *R. A. V.*, 505 U. S., at 388 (approving certain content-based distinctions when there is "no significant danger of idea or viewpoint discrimination"). To do its intended work, of course, the category of content-based regulation triggering strict scrutiny must

sweep more broadly than the actual harm; that category exists to create a buffer zone guaranteeing that the government cannot favor or disfavor certain viewpoints. But that buffer zone need not extend forever. We can administer our content-regulation doctrine with a dose of common sense, so as to leave standing laws that in no way implicate its intended function.

And indeed we have done just that: Our cases have been far less rigid than the majority admits in applying strict scrutiny to facially content-based laws—including in cases just like this one. See *Davenport*, 551 U. S., at 188 (noting that "we have identified numerous situations in which [the] risk" attached to content-based laws is "attenuated"). In *Members of City Council of Los Angeles* v. *Taxpayers for Vincent*, 466 U. S. 789 (1984), the Court declined to apply strict scrutiny to a municipal ordinance that exempted address numbers and markers commemorating "historical, cultural, or artistic event[s]" from a generally applicable limit on sidewalk signs. *Id.*, at 792, n. 1 (listing exemptions); see *id.*, at 804–810 (upholding ordinance under intermediate scrutiny). After all, we explained, the law's enactment and enforcement revealed "not even a hint of bias or censorship." *Id.*, at 804; see also *Renton* v. *Playtime Theatres, Inc.*, 475 U. S. 41, 48 (1986) (applying intermediate scrutiny to a zoning law that facially distinguished among movie theaters based on content because it was "designed to prevent crime, protect the city's retail trade, [and] maintain property values . . . , not to suppress the expression of unpopular views"). And another decision involving a similar law provides an alternative model. In *City of Ladue* v. *Gilleo*, 512 U. S. 43 (1994), the Court assumed *arguendo* that a sign ordinance's exceptions for address signs, safety signs, and for-sale signs in residential areas did not trigger strict scrutiny. See *id.*, at 46–47, and n. 6 (listing exemptions); *id.*, at 53 (noting this assumption). We did not need to, and so did not, decide the

level-of-scrutiny question because the law's breadth made it unconstitutional under any standard.

The majority could easily have taken *Ladue*'s tack here. The Town of Gilbert's defense of its sign ordinance—most notably, the law's distinctions between directional signs and others—does not pass strict scrutiny, or intermediate scrutiny, or even the laugh test. See *ante*, at 14–15 (discussing those distinctions). The Town, for example, provides no reason at all for prohibiting more than four directional signs on a property while placing no limits on the number of other types of signs. See Gilbert, Ariz., Land Development Code, ch. I, §§4.402(J), (P)(2) (2014). Similarly, the Town offers no coherent justification for restricting the size of directional signs to 6 square feet while allowing other signs to reach 20 square feet. See §§4.402(J), (P)(1). The best the Town could come up with at oral argument was that directional signs "need to be smaller because they need to guide travelers along a route." Tr. of Oral Arg. 40. Why exactly a smaller sign better helps travelers get to where they are going is left a mystery. The absence of any sensible basis for these and other distinctions dooms the Town's ordinance under even the intermediate scrutiny that the Court typically applies to "time, place, or manner" speech regulations. Accordingly, there is no need to decide in this case whether strict scrutiny applies to every sign ordinance in every town across this country containing a subject-matter exemption.

I suspect this Court and others will regret the majority's insistence today on answering that question in the affirmative. As the years go by, courts will discover that thousands of towns have such ordinances, many of them "entirely reasonable." *Ante*, at 14. And as the challenges to them mount, courts will have to invalidate one after the other. (This Court may soon find itself a veritable Supreme Board of Sign Review.) And courts will strike down those democratically enacted local laws even though no

one—certainly not the majority—has ever explained why the vindication of First Amendment values requires that result. Because I see no reason why such an easy case calls for us to cast a constitutional pall on reasonable regulations quite unlike the law before us, I concur only in the judgment.

Rick Brush and Suzanne Gordon
4 Elliott Drive
Simsbury, CT 06070
rrbrush@gmail.com

RECEIVED
NOV 15 2021
TOWN OF SIMSBURY
PLANNING DEPARTMENT

To: Simsbury Zoning Commission (jhollis@simsbury-ct.gov)
cc: Michael Glidden (mglidden@simsbury-ct.gov)
From: Rick Brush and Suzanne Gordon
Date: November 15, 2021
Subject: Opt in to Public Act 21-29 Concerning Accessory Apartments (ADUs) and Parking Standards in Simsbury

Good evening, Simsbury Zoning Commission,

As Simsbury residents since 2002, we are adding our voices to the many community members speaking out in support of CT Public Act 21-29, which provides easier, fairer and more equitable paths to accessory apartments, also known as accessory dwelling units or ADUs.

We strongly urge the Zoning Commission to stand together in affirming Simsbury's full support of this important statewide legislation. It is good for our town and it was passed through a fair and democratic process by state legislators acting on behalf of the people who elected them. We ask that you "opt in" and vote against any application to opt out of this legislation.

You'll hear from many Simsbury neighbors tonight about the significant benefits of these new regulations. For example:

- Expanding "naturally affordable" housing without sprawl that threatens our environment;
- Helping our loved ones to live close by while maintaining their independent lifestyle, whether it's grandparents, recent college grads or family members living with intellectual and developmental disabilities;
- And allowing homeowners to increase their income and their wealth by boosting resale values.

Let it not be lost in this discussion, which can get rather technical and impersonal, that what we are really talking about are homes. Let's remove barriers and expand opportunities for people of all ages, incomes, abilities, races and ethnicities to call Simsbury home.

This decision alone will not completely address our need for affordable housing. But it is a worthy and consequential step that sends a message to current and prospective residents that Simsbury is open, inclusive and welcoming to all.

Hollis Joseph

From: Glidden Michael
Sent: Monday, November 15, 2021 8:53 AM
To: Hollis Joseph
Subject: FW: [Simsbury CT] Public Act 21-29, Please opt out. (Sent by Rosemary Smith, Vasalisa1 @yahoo.com)

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED
NOV 15 2021
TOWN OF SIMSBURY
PLANNING DEPARTMENT

From: Contact form at Simsbury CT <cmsmailer@civicplus.com>
Sent: Wednesday, November 10, 2021 4:47 PM
To: Glidden Michael <mglidden@simsbury-ct.gov>
Subject: [Simsbury CT] Public Act 21-29, Please opt out. (Sent by Rosemary Smith, Vasalisa1@yahoo.com)

Hello mglidden,

Rosemary Smith (Vasalisa1@yahoo.com) has sent you a message via your contact form (https://www.simsbury-ct.gov/users/mglidden/contact) at Simsbury CT.

If you don't want to receive such e-mails, you can change your settings at https://www.simsbury-ct.gov/user/263/edit.

Message:

Mr. Glidden and members of the Zoning Commission,

I am writing in regards to Public Act 21-29 concerning accessory dwelling units. I ask the commission to vote in favor of opting out of the standards required under this act. While I feel that our standards regarding ADU's could use some adjustment, I strongly feel any adjustments should be tailored to meet the needs and concerns of our town, and not based on a "one size fits all approach" handed down by legislators in Hartford. Furthermore our town had no voice in crafting these regulations as our State Representative, John Hampton was absent while this was negotiated and passed. I believe it is imperative that elected members of our community decide what if any changes are made to our zoning codes, not a group completely detached from our community.

Please vote to opt our town out of this act. Thank you for your consideration and service to our town.

I used the words of another citizen in town, it is exactly how I feel and many others feel. This would ruin our town, absolutely ruin it.

Hollis Joseph

From: Glidden Michael
Sent: Monday, November 15, 2021 3:13 PM
To: Hollis Joseph
Subject: FW: In support of public hearing act 21-29 on ADUs

RECEIVED
NOV 15 2021
TOWN OF SIMSBURY
PLANNING DEPARTMENT

From: Shannon Knall <s.knall@me.com>
Sent: Saturday, November 13, 2021 1:14 AM
To: Glidden Michael <mglidden@simsbury-ct.gov>
Cc: Dave Ryan <d_ryan@comcast.net>; Barkowski Laura <lbarkowski@simsbury-ct.gov>; Michael Doyle <mike@littledoyle.com>; Bruce Elliott <bruceelliott8@gmail.com>; Kevin Gray <kevin.gray@comcast.net>; Anne Erickson <anne.d.m.erickson@gmail.com>; Diane Madigan <kyle51597@comcast.net>
Subject: In support of public hearing act 21-29 on ADUs

Dear Zoning Commission

I have a 20 year old son with autism. Do you know him? Do you know his needs? Do you know the support services at the state...which don't exist...to support him when he is no longer eligible for state services? Have you ever had to place your vulnerable child outside of your community? If not...why would you inhibit this process>

As a mother and advocate for an adult with autism, I can answer questions...have you asked? Alternately, I have been asked for a 300sq ft compromise on ADUS....have you every lived in 300 sq feet?

Currently, Simsbury allows ADUs in all residential zones. However, detached ADUs(think detached garages which have been converted into living spaces) require a public hearing in Simsbury, while attached ADUs do not. Also, the size limitation of 600 square feet or 25% of the gross area structure(whichever is smallest) make it difficult for ADUs of any size to be accessible for families in town. When you factor in the size of kitchens and bathrooms - which I figure is around 100 square feet - it goes to show how Simsbury's zoning laws make ADUs pretty cramped! For comparison, the average studio apartment is around 1,000 square feet! And both Avon and Farmington have significantly more reasonable size limitations. Fortunately, Public Act 21-29 makes the size limitation 1,000 square feet or 30% of the gross area structure(whichever is less). This will ensure that people who live in ADUs can do so in comfort!

As an example, I will not be able to build a place of residence for my son...ON MY OWN PROPERTY....Which essentially says, my disabled son is not welcome in our town. I know that perspective will be rationalized, but that doesn't make it untrue. Simsbury will not be a place where the disabled are welcome.

In addition to the benefits offered to possible residents, ADUs help homeowners, too. One study shows that ADUs boost the resale value of homes by up to 50%! They also help protect the

environment, because we would be building housing where it already exists instead of pushing more apartments and developments into our forests and farmlands.

The Board of Selectmen recently voted to create a Subcommittee on Affordable Housing in the Spirit Council. We were happy to see this happen but the effects of such an organization will not be felt for many more months. The reforms in Public Act 21-29 are more immediate, so it's essential that the option to build ADUs in our town is expanded. And the formation of such a subcommittee was not the will of the organization advocating for affordable housing. Many who have been working on this issue for years feel that this creates yet another defunct government organization....which leaves the reality to actual people.

The point we really want to make is that if you're building a living unit for someone in your family who really needs it, or if you're building a rental unit because you need the extra cash, the last thing you want to be worrying about is government red tape and bureaucracy. This is a small change we can make that (*makes lives easier.*) will benefit so many people in town.

Although I have resigned from the Zoning Commission, I am sure that there is no doubt among members of my support of CT legislation around ADUs. Further, the comments of the Chair, and his tokenism around minorities living in town in our March zoning meeting were alarming, and create further doubt about his motivation to do right by ALL Simsbury residents. Hoping Simsbury will vote to support people like my son Jack, and their place in our community. I will certainly be watching.

Shannon Knall

Sent from my iPad

Town of Simsbury

933 HOPMEADOW STREET P.O. BOX 495 SIMSBURY, CONNECTICUT 06070

Date: November 30, 2021

To: Zoning Commission

From: Michael Glidden, CFM CZEO
Director of Planning and Community Development

Re: Short Term Rentals

As we discussed at the last meeting, the Board of Selectmen approved a short-term rental ordinance which will be effective in January 2022. The use of short-term rentals needs to be added to the regulations. Staff has prepared a definition of what is considered a short-term rental along with possible text for the regulations.

The commission needs to determine how these units will be regulated. Because a permitting process has been established through the ordinance, staff is suggesting that the use be as-of-right in the residential zoning districts however this is a discussion that the commission needs to have.

Short-Term Rental: Any furnished living space rented by a person(s) for a period of one (1) to twenty-nine (29) consecutive days. A short-term rental must have separate sleeping areas established for guests and guests must have at least shared access to one (1) full bathroom and cooking area. Operation of a short-term rental requires a permit via town ordinance.

3.4 PERMITTED AND SPECIAL EXCEPTION USES

Residential - Principal Uses	**R-15**	**R-25**	**R-30**	**R-40**	**R-80**	**R-160**	**R-40OS**	**R-80OS**
Single family detached dwelling	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Open space development in accordance with Section 3.12	SE	SE	SE	SE	SE	SE	SE	SE
Rear Lot(s) in accordance with Section 3.5	SE	SE	SE	SE	SE	SE	NO	NO
Residential Accessory Uses	**R-15**	**R-25**	**R-30**	**R-40**	**R-80**	**R-160**	**R-40OS**	**R-80OS**
Short-Term Rentals	OK	OK	OK	OK	OK	OK	OK	OK

ZP = Zoning Permit

SE = Special Exception

OK = No permit necessary allowed within Zoning District

NO– Not allowed in Zoning District

4.5 PERMITTED AND SPECIAL PERMIT USES

SP- Site Plan, SE- Special Exception, NO- Not allowed

Business Permitted Uses	B-1	B-2	B-3	PO

Business Permitted Uses	B-1	B-2	B-3	PO
Residential uses if clearly accessory to the principal business use or if designed as part of a business complex, if the following apply: • Residential uses must be located above the principal use. • The total square footage of all residential uses does not exceed 40 percent of the total floor area of all uses. • The residential uses are constructed at the same time or after the development of the principal area, but never before. • Use is part of an approved site plan. • New residential uses in existing or rehabilitated commercial uses shall be considered a Special Exception and require a public hearing. Such uses shall conform to standards above.	**SP**	**SP**	**SP**	**NO**
Short-Term Rentals	**SP**	**SP**	**SP**	**NO**

5.5 PERMITTED AND SPECIAL PERMIT USES

SP- Site Plan, SE- Special Exception, NO- Not allowed

Industrial Permitted Uses	I-1	I-2
Short-Term Rentals	**SP**	**SP**

MACK V
DEVELOPMENT, LLC

Letter of Authorization

Project Name: Tractor Supply Co.

Project Location: 1603 Hopmeadow St, Simsbury, CT 06070

Permit Issuing Agency: Town of Simsbury CT

I, Mark C. D'Addario, property owner of the above noted property do hereby authorize
Printed Name
The Sign Resource, Inc and/or any authorized representative of The Sign Resource, Inc (Arnco Signs) to submit for and receive Sign/Building permits and related electrical permits as required for new signage at the above-noted property. Furthermore, any authorized representative of The Sign Resource Inc (Arnco Signs) may sign documents required to obtain such permits in my stead, including variance paperwork as needed.

The authority provided above is strictly related to the permits outlined above and such authority shall cease immediately upon approved final inspections for the project described above. Additionally, the authority provided above is not relevant to any other project or matter without a separate and additional Letter of Authorization document being provided.

I have placed my notarized signature or mark below to allow such authorization.

Mark C. D'Addario
Property Owner / Authorized Representative Signature

Member
Title

Property Owner Address: 93 North Main St West Hartford, CT 06107

Property Owner Phone (860) 729-6812 Property Owner Facsimile: N/A

The foregoing instrument was acknowledged before me on the 30 day of November, 2018 by Mark C. D'Addario, who is personally known to me / who provided CTDL as identification and who did / did not take an oath.

State of Connecticut

County of Hartford

Kris Lucke
Notary Signature

KRIS LUCKE
Notary Public, State of Connecticut
My Commission Expires Jan. 31, 2024
Notary Stamp/Seal

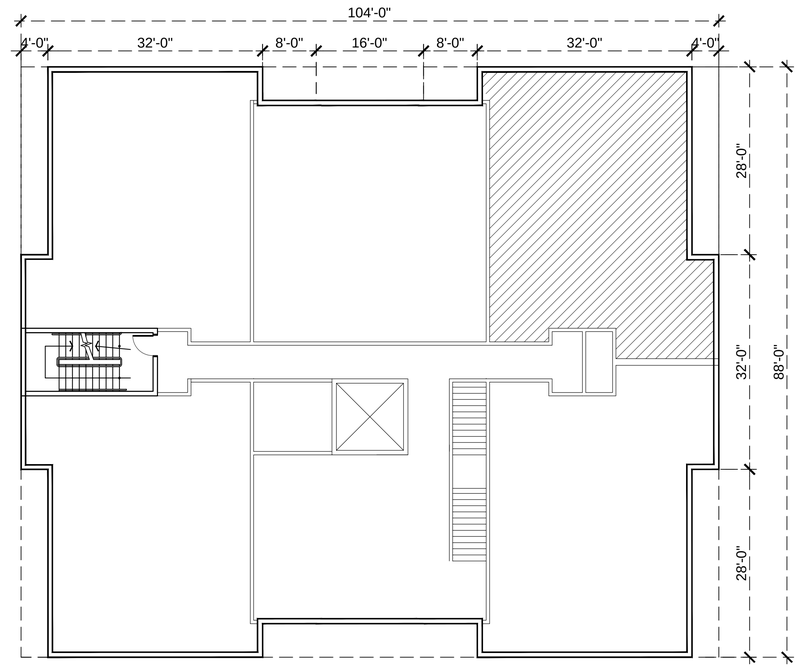
1 TYPICAL SIDE ELEVATION
SCALE : 1/8" = 1'-0"

2 TYPICAL FRONT ELEVATION
SCALE : 1/8" = 1'-0"

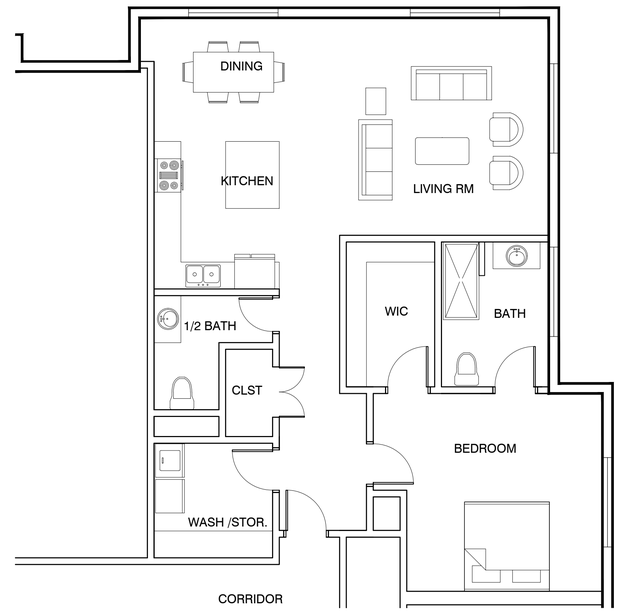
1. S-1 - SIDING 1
   - 1.1. HARDIE PLANK 8"
   - 1.2. COLOR: LIGHT MIST
2. S-2 - SIDING 2
   - 2.1. HARDIE PANEL VERTICAL SIDING
   - 2.2. COLOR ARCTIC WHITE
3. RF-1 - ROOF 1
   - 3.1. GAF TIMBERLINE
   - 3.2. COLOR: WEATHERED WOOD
4. RF-2 - ROOF 2
   - 4.1. STANDING SEAM
   - 4.2. MATCH EXISTING
   - 4.3.
5. ST-1 - STONE 1
   - 5.1 PRECAST STONE
   - 5.2 CENTURION STONE
6. ST-2 - STONE 2
   - 6.1 CENTURION STONE
   - 6.2 MATCH EXISTING
7. TR-1 - TRIM 1
   - 7,1 AZEK
   - 1.1. COLOR WHITE

3 MATERIALS LIST

4 EXISTING TALCOTT MOUNTAIN BUILDING
SCALE : NTS



5 2ND FLOOR PLAN: KEY PLAN
SCALE : 3/32"=1'-0"



6 TYPICAL PLAN: UNIT PLAN
SCALE : 3/32"=1'-0"

15 UNIT RESIDENTIAL BUILDING

THE RIDGE AT TALCOTT MOUNTAIN
200 HOPMEADOW STREET, SIMSBURY, CONNECTICUT 06089

F.J. RAWDING, A.I.A. - ARCHITECTS - PLANNERS

STAMP: NJ LIC. NO. A08917
FRANK J. RAWDING, A.I.A.

DATE 11/29/2021

A1

PROPOSED BARN RESIDENCES

THE RIDGE AT TALCOTT MOUNTAIN

-HOPMEADOW ST -SIMSBURY-CT

FJRAWDING A.I.A.
141 MORRIS STREET, MORRISTOWN NJ 07901

Simsbury, CT

The Silverman Group

NOVEMBER 29 2021

A 01

1 :: **SIDE 1 ELEVATION**

scale: 1/4"=1'-0"

1 :: **SIDE 2 ELEVATION**

scale: 1/4"=1'-0"

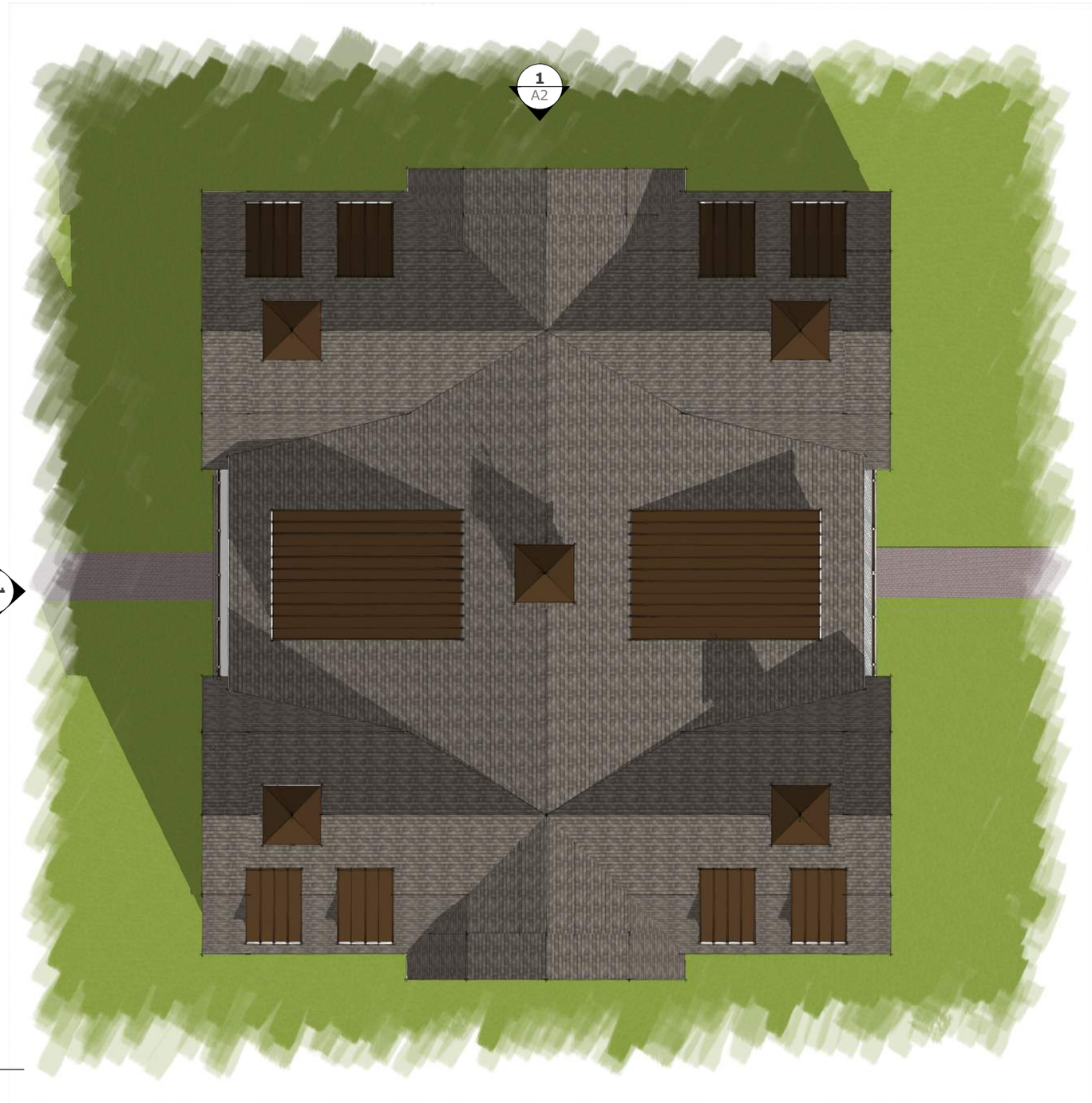
FJRAWDING A.I.A.
141 MORRIS STREET, MORRISTOWN NJ 07901

Simsbury, CT

The Silverman Group

NOVEMBER 29 2021

A 03



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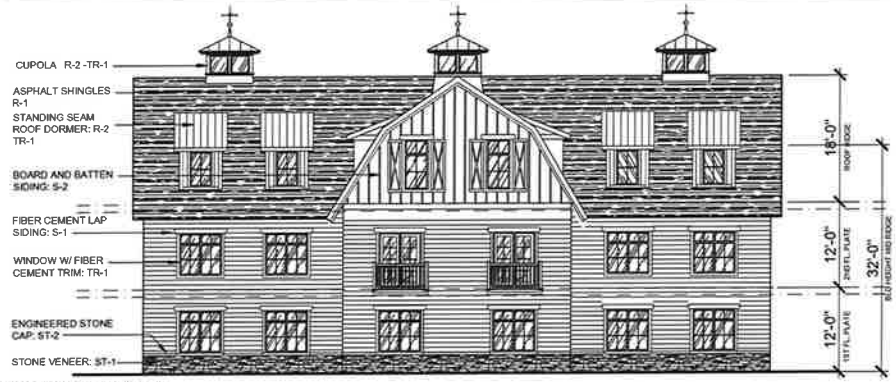

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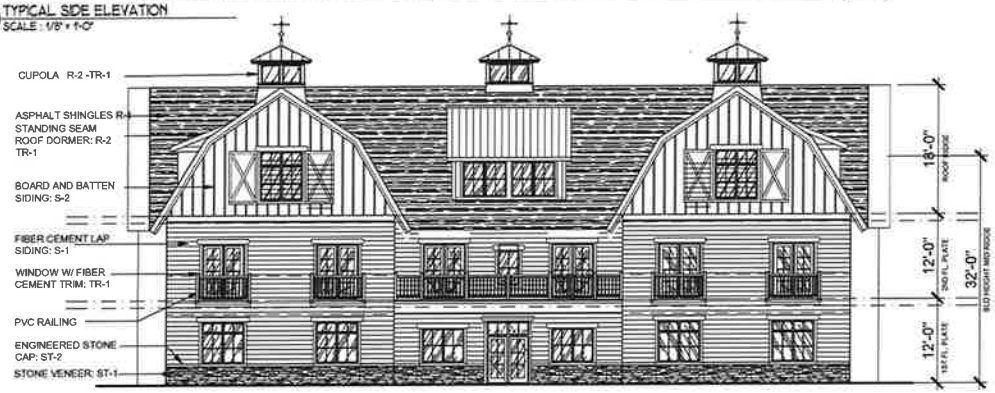
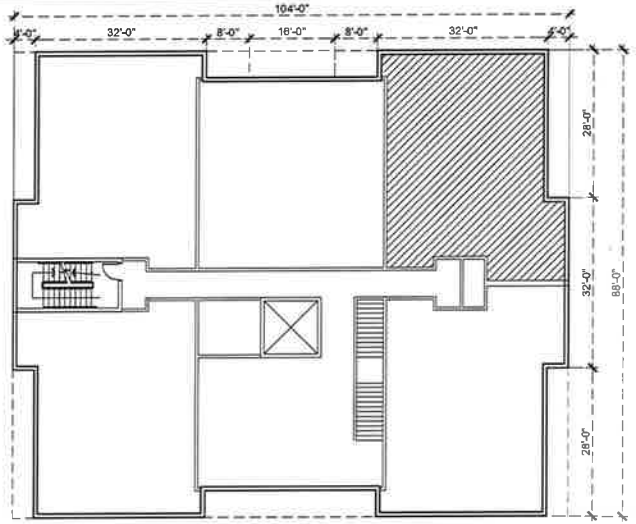


2 TYPICAL FRONT ELEVATION
SCALE : 1/8" = 1'-0"

1. S-1 - SIDING 1
   - 1.1. HARDIE PLANK 8"
   - 1.2. COLOR: LIGHT MIST
2. S-2 - SIDING 2
   - 2.1. HARDIE PANEL VERTICAL SIDING
   - 2.2. COLOR ARCTIC WHITE
3. RF-1 - ROOF 1
   - 3.1. GAF TIMBERLINE
   - 3.2. COLOR: WEATHERED WOOD
4. RF-2 - ROOF 2
   - 4.1. STANDING SEAM
   - 4.2. MATCH EXISTING
   - 4.3.
5. ST-1 - STONE 1
   - 5.1 PRECAST STONE
   - 5.2 CENTURION STONE
6. ST-2 - STONE 2
   - 6.1 CENTURION STONE
   - 6.2 MATCH EXISTING
7. TR-1 - TRIM 1
   - 7.1 AZEK
   - 1.1. COLOR WHITE

3 MATERIALS LIST

4 EXISTING TALCOTT MOUNTAIN BUILDING
SCALE : NTS



5 2ND FLOOR PLAN: KEY PLAN
SCALE : 3/32"=1'-0"

6 TYPICAL PLAN: UNIT PLAN
SCALE : 3/32"=1'-0"

15 UNIT RESIDENTIAL BUILDING

THE RIDGE AT TALCOTT MOUNTAIN
200 HOPMEADOW STREET, SIMSBURY, CONNECTICUT 06089

F.J. RAWDING, A.I.A. - ARCHITECTS - PLANNERS

FRANK J. RAWDING, A.I.A.

A1

PROPOSED BARN RESIDENCES

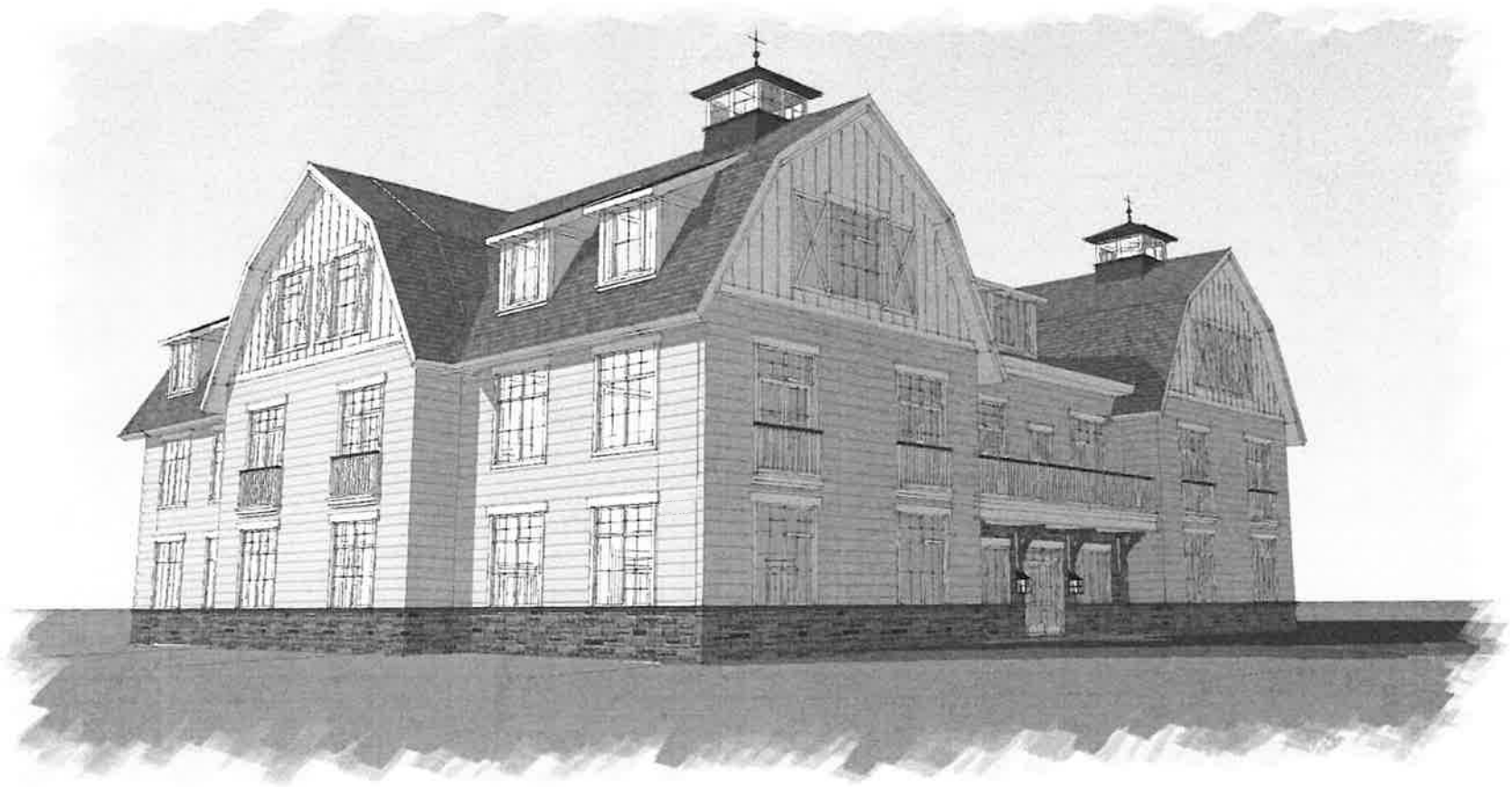
THE RIDGE AT TALCOTT MOUNTAIN

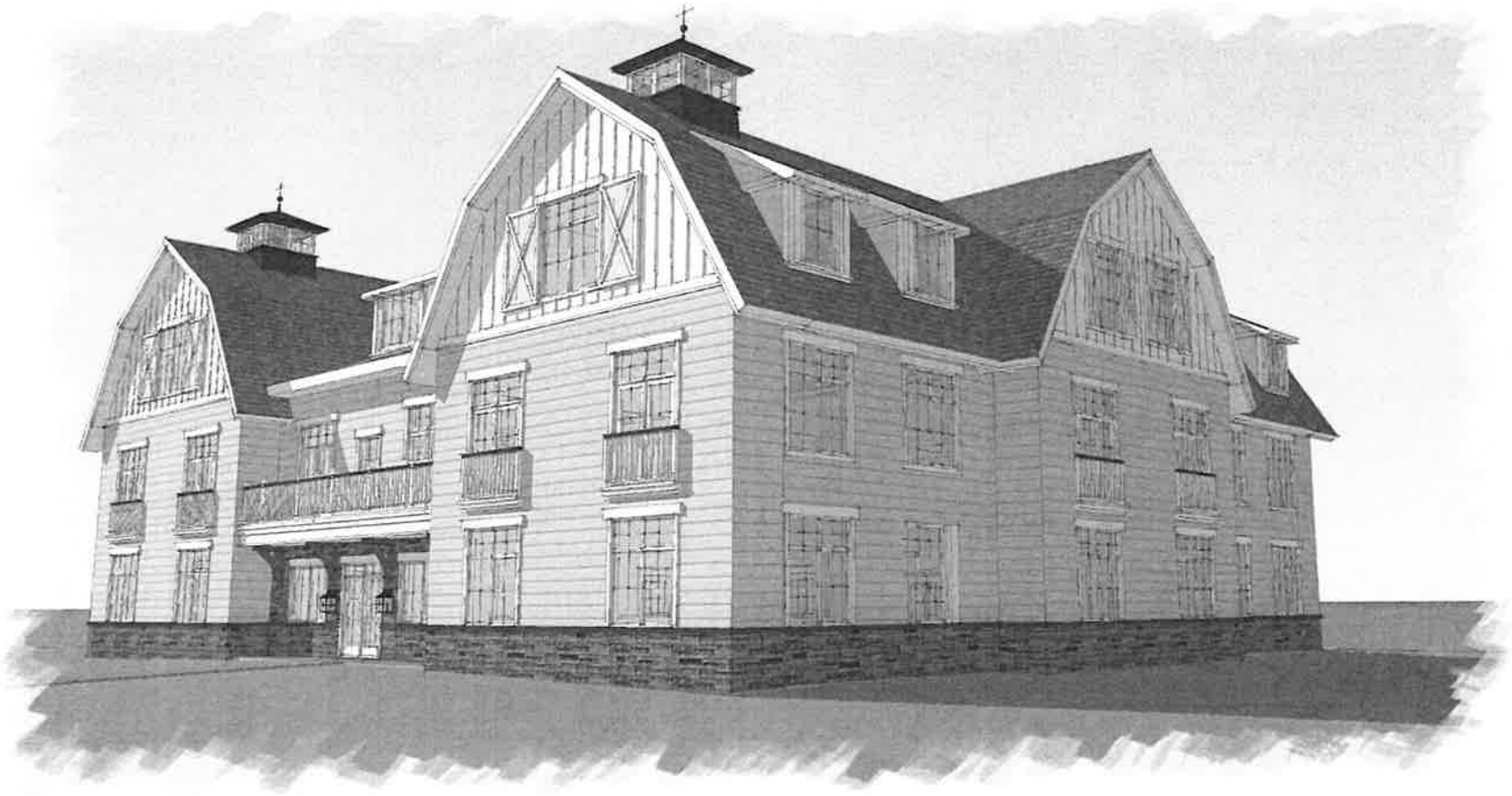
-HOPMEADOW ST -SIMSBURY-CT

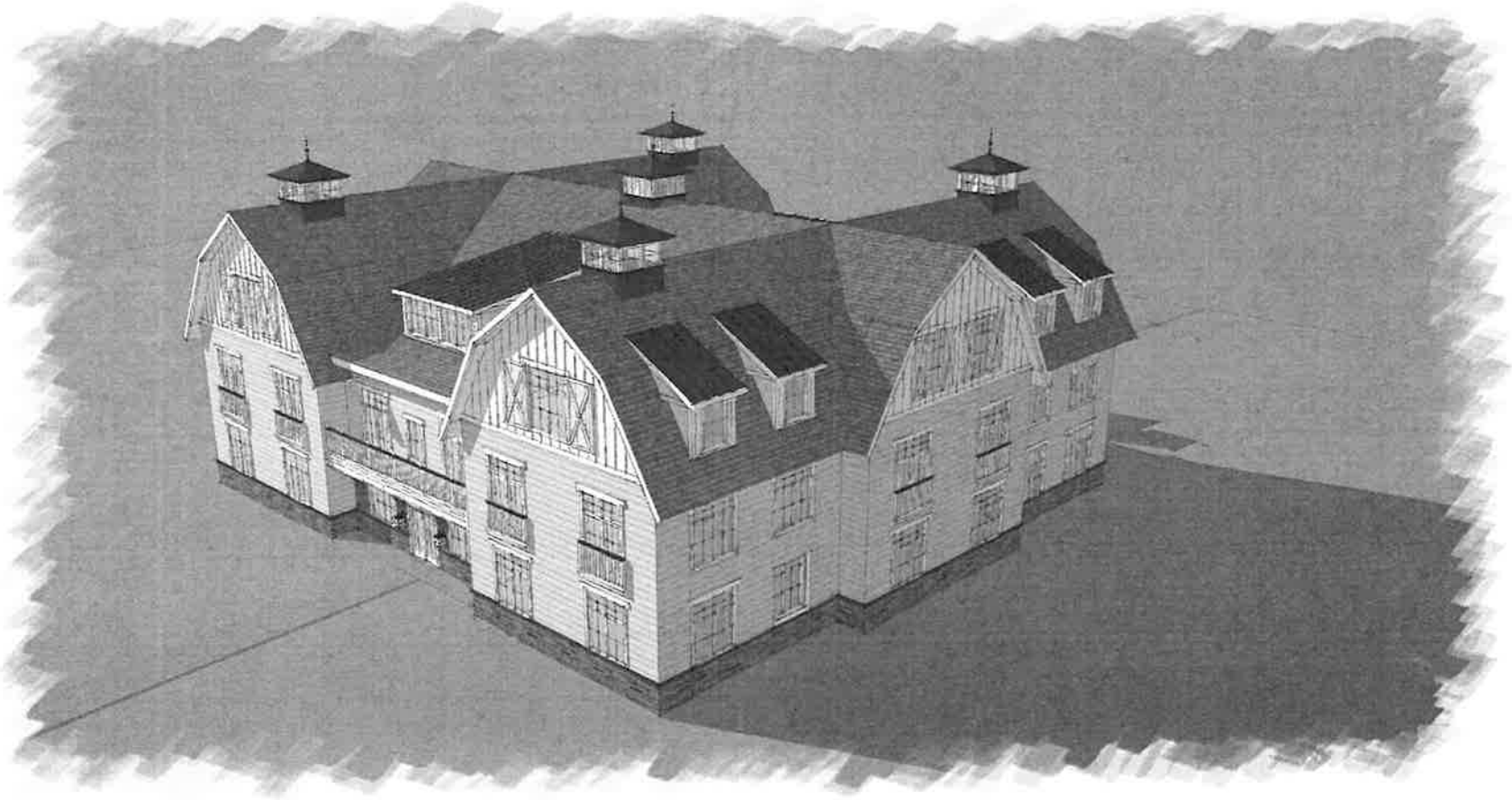
1 SIDE 1 ELEVATION

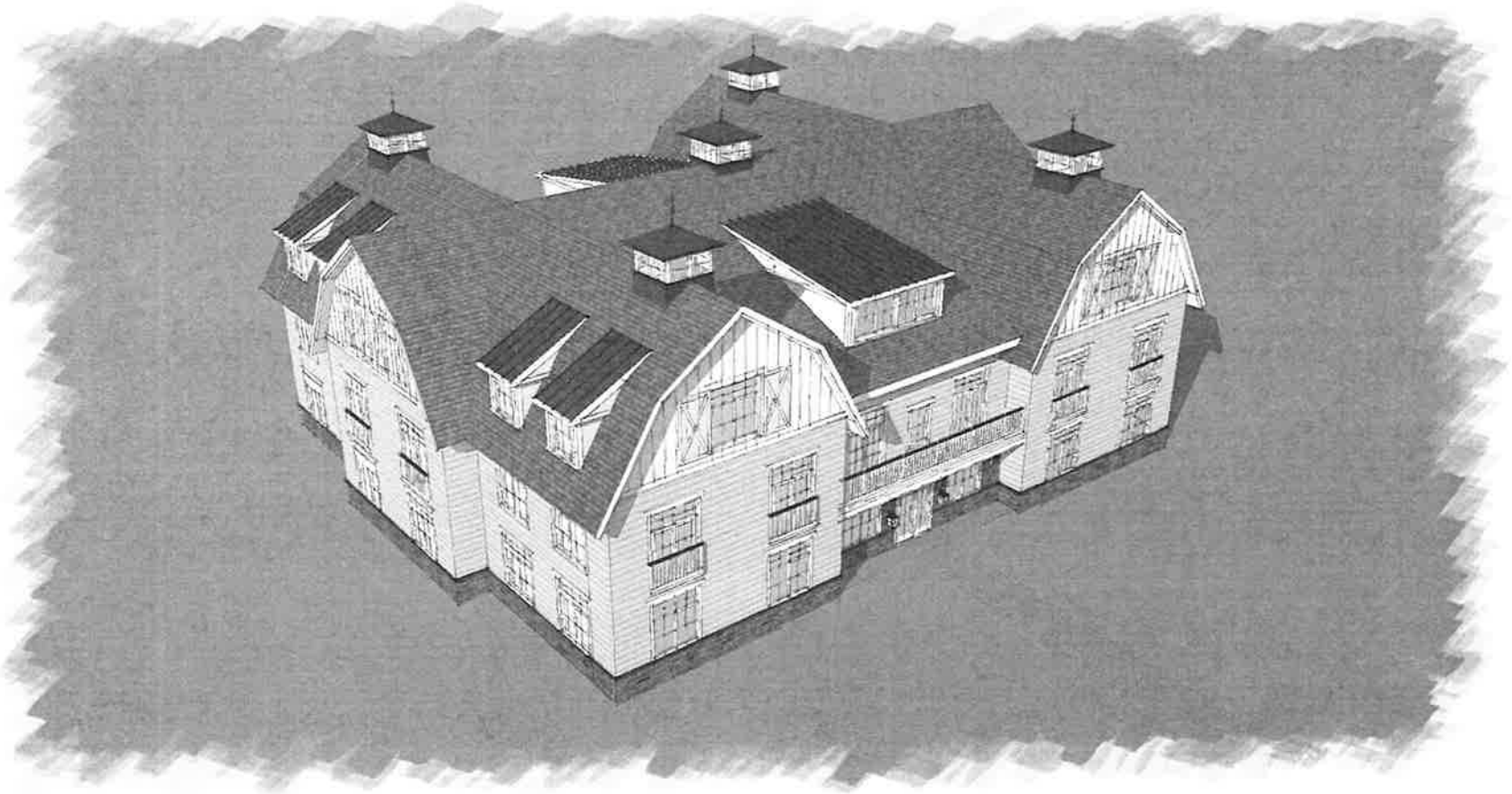
scale: 1/4"=1'-0"

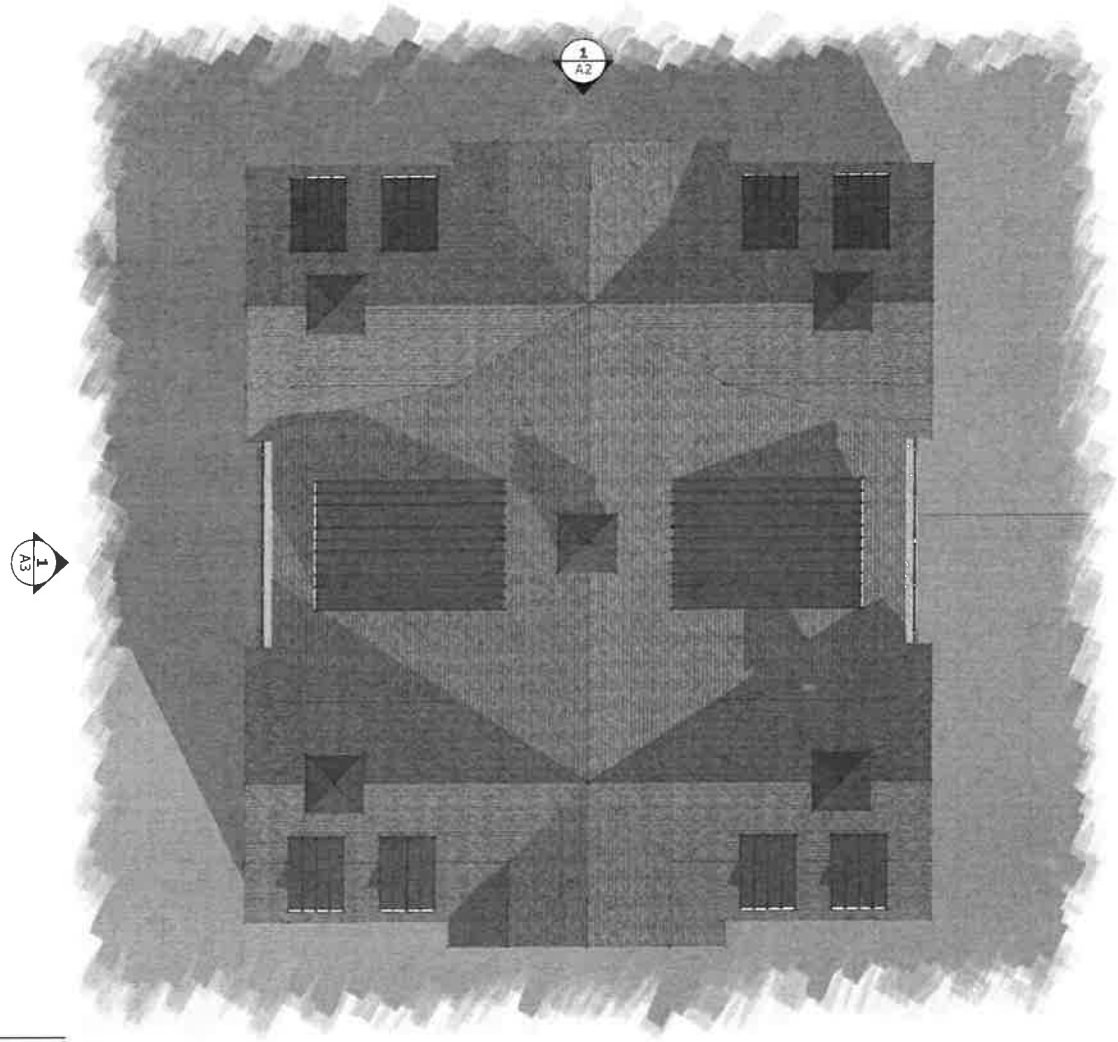
1 SIDE 2 ELEVATION
scale: 1/4"=1'-0"











1 :: ROOF PLAN
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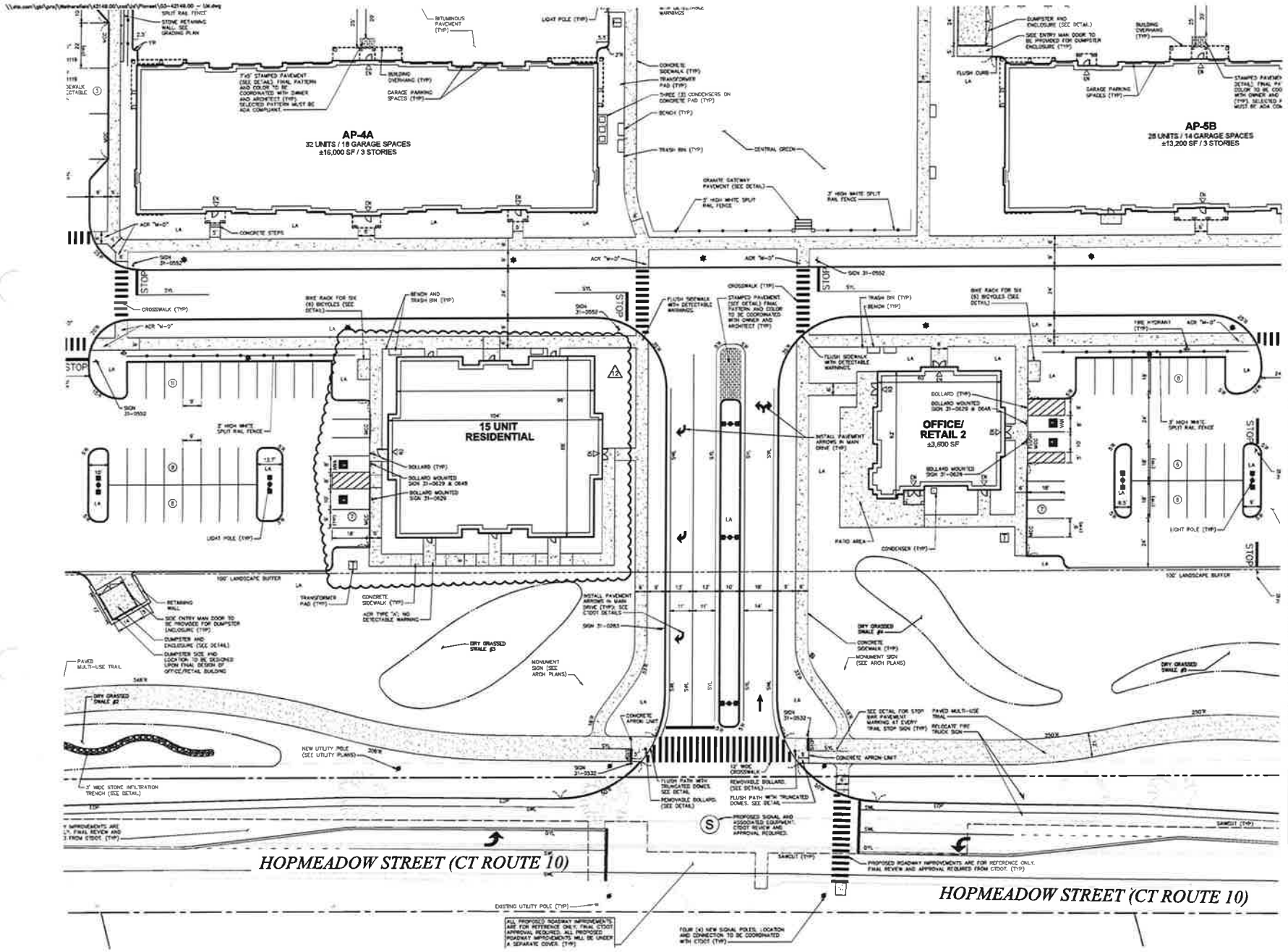

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vhb
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Suite 200
Wethersfield, CT 06109
860.807.4300

The Silverman Group
SL Simsbury, LLC
788 Morris Turnpike
Short Hills, NJ 07078

	10	11
7	8	9
4	5	6
1	2	3

KEY PLAN

0 10 20 40 Feet

The Ridge at Talcott Mountain

200 Hopmeadow Street
Simsbury, Connecticut

1. TOWN COMMENTS PROGRESS PRINT	3/10/17
2. DOT & STEP 2 COMMENTS	3/10/17
3. INTERIM FINAL PLANS	3/8/17
4. HPCA SUBMISSION	8/15/17
5. HPCA SUBMISSION	10/3/17
6. CONSTRUCTION	11/10/17
7. CLUB HOUSE FOOTPRINT	8/24/18
8. CLUB HOUSE AMENITY DESIGN	12/14/18
12. SITE PLAN MOD – 15 UNIT RES.	11/11/21

Construction March 27, 2017

Layout and Materials Plan 2

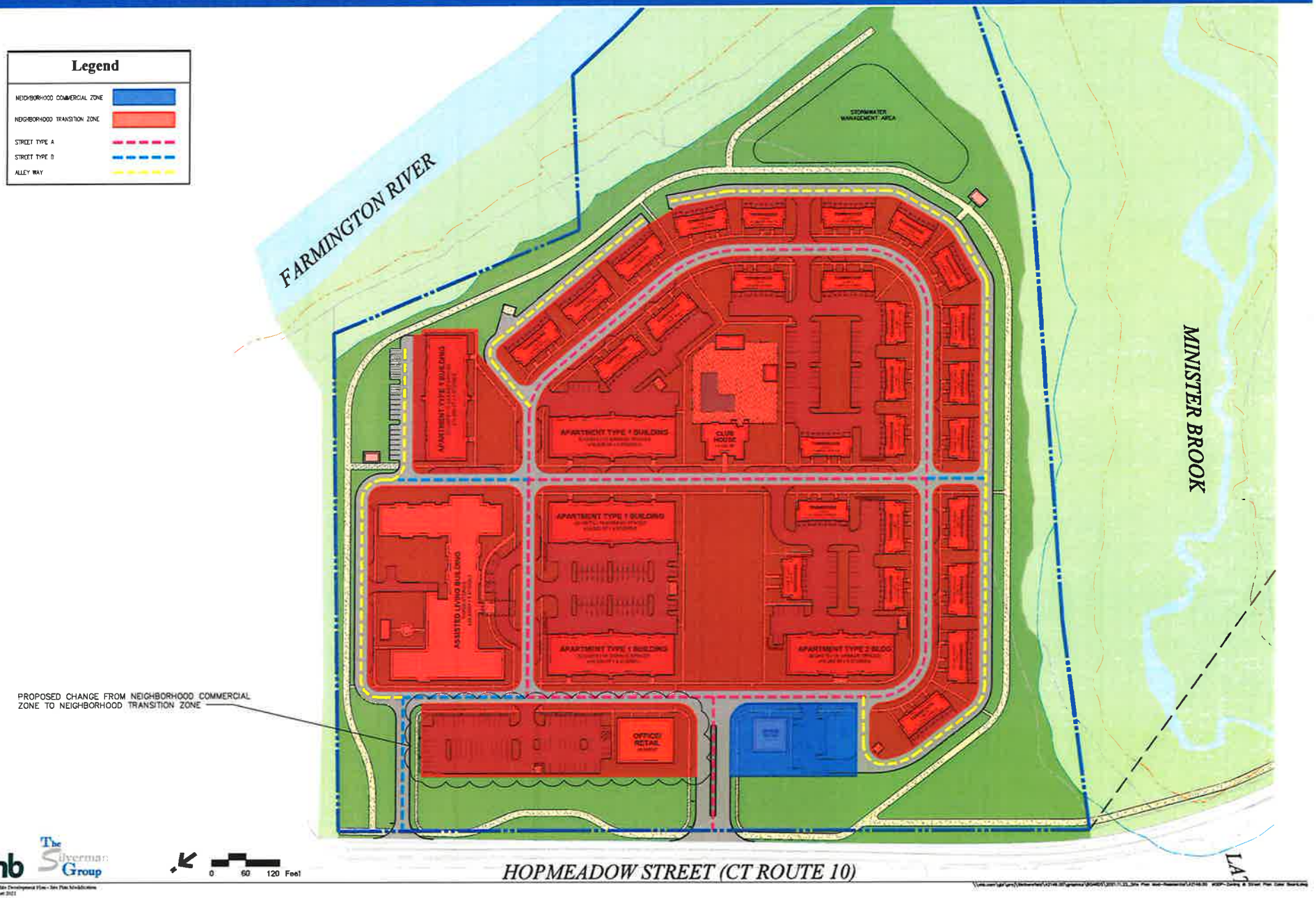
C-4

Sheet 4 of 53

Project Number 42149.00

200 Hopmeadow Street
Simsbury, Connecticut

Zoning & Street Classification - North Site



vhb The Silverman Group

Town of Simsbury

933 HOPMEADOW STREET P.O. BOX 495 SIMSBURY, CONNECTICUT
06070

Date: **December 2, 2021**

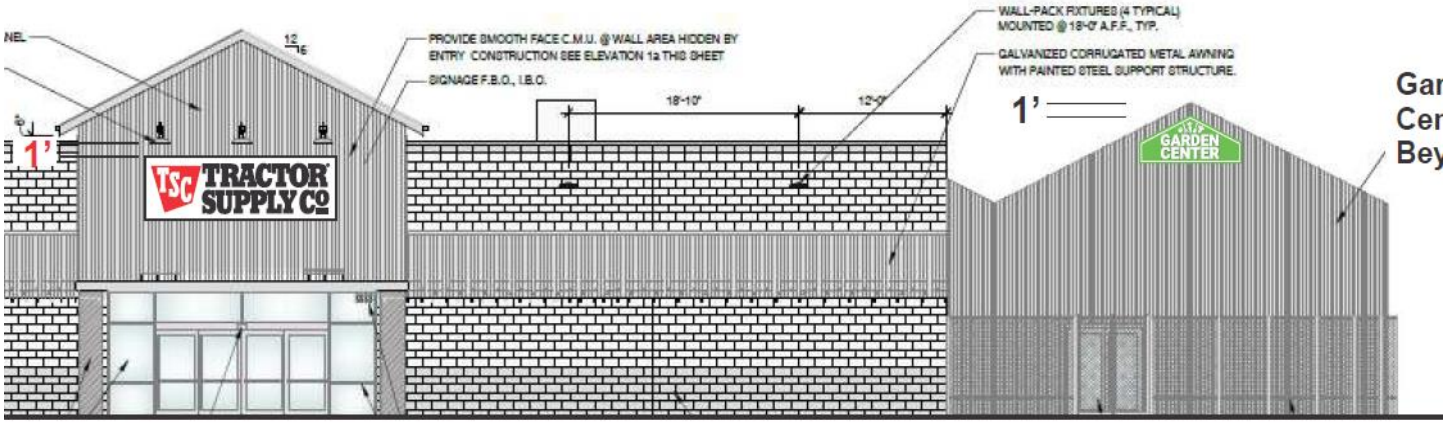
To: **Design Review Board**
Simsbury Zoning Commission

From: **Michael Glidden CFM CZEO**
Director of Planning and Community Development

Re: **Application# 21-28** – of Mack V Development LLC, Applicant; Marc R. Cohen, Agent; Sign Permit Application pursuant to Section 9 of the Simsbury Zoning Regulations related to the construction of an externally lit sign on the property located at 1603 Hopmeadow Street (Assessor's Map H02, Block 403, Lot 002B) Zone B-2.

Summary of Sign Plan

Tractor Supply proposed an additional sign for garden center. The original plans did not have signage at the garden center. Below is a copy of the revised sign plan:



The light will be externally lit. The total area of the sign conforms to the zoning regulations.

Staff Comments

Staff inquired whether the garden center's sign color could match the logo for tractor supply. The applicant indicated that tractor supply preferred to keep the floor scheme separate for the garden center.

A draft motion in the affirmative has been prepared for discussion purposes. Please see attached "A" for language.

Attachment "A"
Simsbury Zoning Commission
Monday December 6, 2021

A motion to approve **Application# 21-28** – of Mack V Development LLC, Applicant; Marc R. Cohen, Agent; Sign Permit Application pursuant to Section 9 of the Simsbury Zoning Regulations related to the construction of an externally lit sign on the property located at 1603 Hopmeadow Street (Assessor's Map H02, Block 403, Lot 002B) Zone B-2.

Sign Plan approval is subject to the following conditions:

1. Sign is to be externally lit
2. An administrative zoning permit is required for the sign's installation.

KILLIAN & DONOHUE, LLC
ATTORNEYS AT LAW
363 MAIN STREET
HARTFORD, CONNECTICUT 06106-1846

TELEPHONE (860) 560-1977
FACSIMILE (860) 249-6638

T.J. Donohue, *Of Counsel*
tj@kdjlaw.com

November 30, 2021

Mr. Mike Glidden, CFM
Planning & Land Use Department
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT 06070

RE: SL Simsbury Application for Type 3 Application under HSFBC (North) with Simsbury Zoning Commission

Dear Mike:

This letter is to respectfully file and submit a Type 3 application for the property at 200 Hopmeadow Street, Talcott Ridge and includes:

1. Site plan from VHB – C-4 dated 11/22/21.
2. Graphic from VHB showing the proposed zone change from NC to NT – Revised dated November 2021 is Attached.
3. Select pages from the MSDP that are proposed to be changed -complete MSDP with appendices be prepared and submitted after approval.
4. The architectural plans with heights depicted as defined by the regulations together with elevations and detail.

We look forward to working with you. Please be in touch with me if you need anything further.

Thanks for all of your help in this matter.

Very truly yours,

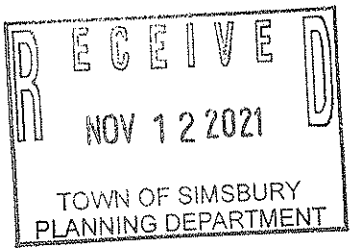
Thomas J. Donohue, Jr.
Of Counsel

RECEIVED
NOV 30 2021
TOWN OF SIMSBURY
PLANNING DEPARTMENT

Hollis Joseph

From: Glidden Michael
Sent: Friday, November 12, 2021 7:54 AM
To: Hollis Joseph
Subject: Fwd: Opting Out of Public Act 21-29

Follow Up Flag: Follow up
Flag Status: Flagged



Mike Glidden CFM CZEO
Director of Planning and Community Development
Town of Simsbury
933 Hopmeadow Street
Simsbury, Connecticut
(860) 658 3252
mglidden@simsbury-ct.gov

Sent from my T-Mobile 5G Device
Get Outlook for Android

From: Tammy Woychowski <wychowski@comcast.net>
Sent: Thursday, November 11, 2021 2:17:30 PM
To: Glidden Michael <mglidden@simsbury-ct.gov>
Subject: Opting Out of Public Act 21-29

Dear Mr. Glidden,

I write to you today to urge you to **Opt out of Public Act 21-29**.
I strongly believe in local control of zoning and land use regulations and encourage you not to strip away this control from us, the hometown taxpayers. Please do not surrender local control over zoning and land use under pressure from Hartford. We want to have a say in how our town develops.

Respectfully submitted,
Tammy Woychowski

29 Overlook Terrace
Simsbury, CT 06070

Elevation: Proposed Wall Sign
NTS. **Sq. Ft.= 82.65**

Illumination provided by Gooseneck lamps... provided by others.

General Materials:

Construction

Flexible fabric face with graphics, stretched over face frame.

Face frame is 2” x 2” Sq. Aluminum tubing, with vertical & horizontal tube framing where needed per sign size.

Sign frame is fastened directly to wall corrugated metal surface or flat block surfaces if installed on building side using thru bolts, lag bolts or concrete anchors as needed.

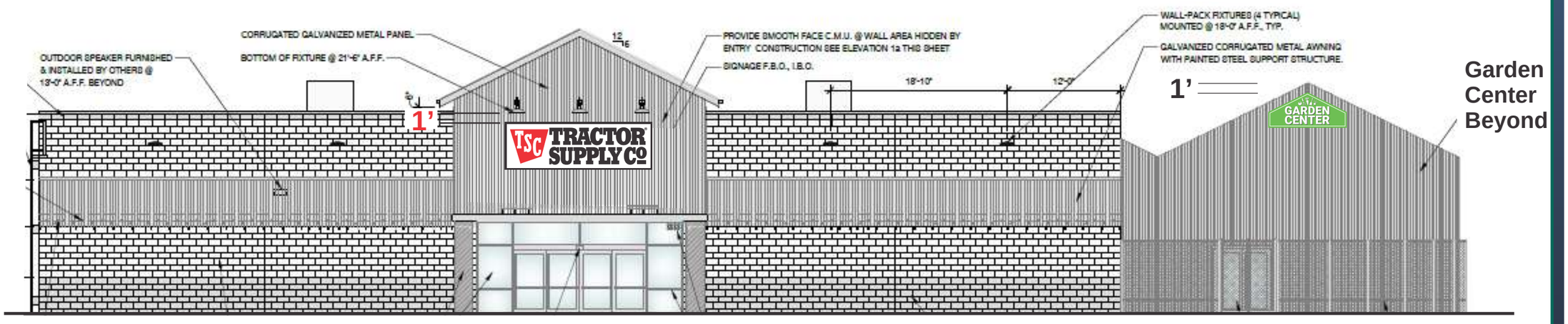
Illumination will be provided by Gooseneck lamps from above that will be provided by others.

Colors & Face Specifications

Frame, & face retainers / covers are finished High Gloss Black.

Face Material...product as follows...

Substrate-Descrip:	*3M Panagraphics 3 flexible substrate. Translucent media with Polyester scrim Embedded in a White Pigmented Vinyl.
Finish:	Smooth front surface, with white semi-gloss finish.
Thickness:	27 mil.
Lettering & Trapezoid colors	Logo Bkgd: Series: 3M / Gerber 230-33 Red. Logo copy White. Lettering: Series 3M / Gerbers 220-22 Black. Registration Mark to match lettering.



Storefront Elevation with Proposed Signs

Client:

TSC TRACTOR SUPPLY Co

Location:

Simsbury, CT.

Project:

Proposed Wall Sign

Notes:

Dwg. Date:
11-11-21

Scale:
NTS.

Revisions: Date:

Presented By:

TSR
The Sign Resource, Inc.
P.O. Box 6215 Hickory, NC. 28603
Ph. 727-669-6877 www.TSRFL.com

Note: This drawing is property of The Sign Resource, & shall not be reproduced without written permission

Dwg. Number: TS-8571

DEC 17 2021 AM10:13
RISH MUNROE, TOWN CLK

Town of Simsbury

933 HOPMEADOW STREET 06070 P.O. BOX 495 SIMSBURY, CONNECTICUT

AMENDED AGENDA
ZONING COMMISSION – REGULAR MEETING
MONDAY, DECEMBER 20, 2021 at 7:00 PM
The meeting will be web-based on Zoom
https://zoom.us/j/2574297243
Meeting ID: 257 429 7243

Watch meetings LIVE and rebroadcast on Comcast Channels 96, 1090, Frontier Channel 6071 and LIVE streamed or on-demand at www.simsburytv.org

I. CALL TO ORDER

1. **Appointment of Alternates**

II. APPROVAL OF MINUTES of the December 06, 2021 regular meeting minutes

III. PUBLIC HEARING

1. **Applications**

1. **Application# 21-24 –** of the Simsbury Zoning Commission, Applicant; Michael Glidden CFM CZEO, Agent; application for a text amendment to the Zoning Regulations to opt out of Public Act 21-29 concerning accessory dwelling units and parking standards in Simsbury.
2. **Application #21-29 –** of the Simsbury Zoning Commission, Applicant; Michael Glidden CFM CZEO, Agent; application for a text amendment to Sections 3.4, 4.5, 5.5, and 17.4 of the Zoning Regulations amendment for the purpose of establishing short-term rentals as a use in the regulations per submitted. (Public Hearing scheduled for 01/03/2022)

IV. OLD BUSINESS

1. **Applications**

1. **Application# 21-24 –** of the Simsbury Zoning Commission, Applicant; Michael Glidden CFM CZEO, Agent; application for a text amendment to the Zoning Regulations to opt out of Public Act 21-29 concerning accessory dwelling units and parking standards in Simsbury.

V. NEW BUSINESS

1. **Applications**

1. **Application# 21-27 –** of SL Simsbury LLC, Applicant; T.J. Donohue, Jr., Killian & Donohue, LLC, Agent; Type 3 application pursuant to the Hartford Form Based Code related to changing the commercial zone to residential and constructing a 15-unit residential building on the property located at 250 Hopmeadow Street (Assessor's Map F17, Block 154, Lot 009-3-2) Zone HS-FBC.
2. **Application# 21-28 –** of Mack V Development LLC, Applicant; Marc R. Cohen, Agent; Sign Permit Application pursuant to Section 9 of the Simsbury Zoning Regulations related to the construction of an externally lit sign on the property located at 1603 Hopmeadow Street (Assessor's Map H02, Block 403, Lot 002B) Zone B-2.

VI. GENERAL COMMISSION BUSINESS

1. **Short Term Rental Regulations**
2. **Sign Regulations Update**
3. **Gift Basket Retailer Liquor Permit** - ZEO Referral for Determination on Processing

VII. ELECTION OF OFFICERS

VIII. ADJOURNMENT

PLEASE NOTIFY JOSEPH HOLLIS AT 860-658-3292 OR JHOLLIS@SIMSBURY-CT.GOV WITH YOUR AVAILABILITY TO ATTEND THIS MEETING.

How to join us on Zoom for the Public Meeting:

1. Join us on the web: https://zoom.us/j/2574297243
2. Join us by phone: +1 646 558 8656
3. Written communications may be emailed to jhollis@simsbury-ct.gov by 12:00pm December 20, 2021 to have the comments read into the record at the meeting.

How to view application materials:
Visit: https://www.simsbury-ct.gov/zoning-commission

TRISH MUNROE, TOWN CLK

Town of Simsbury

933 HOPMEADOW STREET P.O. BOX 495 SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

LEGAL NOTICE
TOWN OF SIMSBURY
ZONING COMMISSION – REGULAR MEETING

The Zoning Commission of the Town of Simsbury will hold a Public Hearing at a Regular Meeting to be held on Monday, January 3, 2021, for the Simsbury Town Offices, 933 Hopmeadow Street, Simsbury, Connecticut via Zoom Meeting ID: 257 429 7243

1. **Application #21-29** of the Simsbury Zoning Commission, Applicant; Michael Glidden CFM CZEO, Agent; application for a text amendment to Sections 3.4, 4.5, 5.5, and 17.4 of the Zoning Regulations amendment for the purpose of establishing short-term rentals as a use in the regulations per submitted.

At this hearing, interested persons may appear via Zoom and be heard on the issues or written communications may be emailed to jhollis@simsbury-ct.gov by 12:00 p.m. on January 3, 2021 to have their comments read into the record at the hearing. A copy of the above is on file in the Office of the Simsbury Planning Department, 933 Hopmeadow Street, Simsbury Connecticut, for public inspection.

David Ryan, Chairman

HARTFORD COURANT: PLEASE PUBLISH THIS ON TUEDAY, DECEMBER 21, 2021 and TUESDAY DECEMBER 28, 2021; ZONE ONLY FOR THE FARMINGTON VALLEY EDITION. INVOICE: SIMSBURY ZONING COMMISSION acct #CU00254391

Town of Simsbury

933 HOPMEADOW STREET P.O. BOX 495 SIMSBURY, CONNECTICUT 06070

Subject to Approval

ZONING COMMISSION - REGULAR MEETING MINUTES
MONDAY, DECEMBER 6, 2021
The public hearing was web-based on Zoom at https://zoom.us/j/2574297243
Meeting ID: 257 429 7243

I. CALL TO ORDER - Chairman Ryan called the meeting to order at 7:00 pm.

1. **Appointment of Alternates**: Diane Madigan was appointed as an alternate

Present: David Ryan, Kevin Gray, Diane Madigan, Bruce Elliott, Anne Erickson, Donna Beinstein, Melissa Osborne, Michael Glidden, Jeff Shea, Tom Daly, Luke Florian, Bart Bovee

Absent: None

II. APPROVAL OF MINUTES of the November 15, 2021 regular meeting minutes

Mr. Elliott noted on line 130 was his last time serving should be deleted. Chairman Ryan stated on line 44 Jan. 2022 should be changed to 2023. Line 46 the word verdict should be changed to motion. Mr. Gray made motion to approve the meeting minutes as modified. Ms. Erickson seconded.

MOTION: All in favor, no opposed, no abstentions. (6-0-0)

III. PUBLIC HEARING

1. **Applications Continued**

    1. **Application# 21-24 –** of the Simsbury Zoning Commission, Applicant; Michael Glidden CFM CZEO, Agent; application for a text amendment to the Zoning Regulations to opt out of Public Act 21-29 concerning accessory dwelling units and parking standards in Simsbury for a period of one year effective November 15th, 2021.

Mr. Glidden informed the Commission that the only new public comment received for this meeting was from Rev. Kevin Weikel. Chairman Ryan read the comment to the commission in support of ADUs stating "I am writing to support the expansion of ADU's in Simsbury. I believe it is important to speak up when a policy change can benefit the well-being of vulnerable populations. 1,000-foot ADU's would greatly enhance the lives of the elderly, members of the intellectually and developmentally disabled community, and young adults". Ms. Beinstein noted that the expansion of ADUs would be positive for the Town of Simsbury and mentioned that the current limitations of 600sqft or 25% of the size of the house

on the property penalized smaller houses limiting them to potentially unusable sizes. Ms. Beinstein recommended the percentage limitation be removed for the reasons previously stated and that the 600sqft limit be changed to 800sqft. Ms. Osborne proposed the Commission change the regulations to reflect tying the size of detached ADUs to the zone. Chairman Ryan noted the Commission should continue the public hearing until the next meeting to allow any party that wanted to speak, the opportunity to do so. Mr. Gray stated that the Commission should hold off on making a motion until they have a solidified a draft motion. Ms. Erickson expressed agreement with what the other Commission members said due to the fact that the language in the Public Act could mislead the public in thinking the Commission is opposed to the expansion of ADU's in the Town when opting out would allow the Commission to tailor the regulations to specifically align with the Town's vision. Additionally, Ms. Erickson was in support of Ms. Osborne's comment on tying the size of detached ADUs to the different zones within Simsbury. Mr. Gray made a motion to continue the public hearing until the next meeting. Ms. Beinstein seconded.

MOTION: All in favor, no opposed, Mr. Elliott abstained due to a loss of connection prior to the vote being called. (5-0-1)

2. **Application# 21-26 –** of the Simsbury Zoning Commission, Applicant; Town of Simsbury, Agent; Special Exception pursuant to section 6.3 for development in the floodplain related to parking lot improvements, ADA accessory improvements, and associated drainage improvements for the property located at 22 Iron Horse Blvd (Assessor's Map H09, Block 226 Lot 003A). Zone FP. New plans provided.

Mr. Gray read the application to the Commission. Mr. Gray noted the Town of Simsbury is the applicant for application 21-26. Mr. Shea presented the application citing the need for the improved ADA accessibility, the lower maintenance of the parking facilities, and the improved water quality of the property. Mr. Daly of SLR described to the Commission the existing conditions of the parking lot and the proposed plan for the site. Plan highlights included the removal of the islands near the entrance to the parking lot and replacing them with flush pavers to allow for better accessibility for emergency services. Bike racks would be installed in two locations in the parking lot. The plans also included the addition of a new crosswalk, the reorganization of the handicap parking spaces which allowed for a total of 24 spaces and the installation of a walkway across the field providing handicapped mobility and seating for events. Mr. Daly explained the lack of existing storm water management on the site and how the proposed water quality basins would greatly improve the quality of the water entering the surrounding wetlands. The plan called for two additional permeable paver strips to be constructed in the lot, with drainage flowing through an oil-water separator to aid in the improvement of water quality over the existing lot design. Mr. Daly presented the impacts the project would have on the floodplain storage with the project having a net positive value. The Commission debated the addition of a crosswalk, the location of paved surface for the project, and the ebb and flow of traffic. The Commission was in agreement that the project would greatly improve the site for not only the performing arts center, but the Town as a whole. After receiving no public comment on application 21-26, Mr. Gray made a motion to close the public hearing. Ms. Madigan seconded.

MOTION: All in favor, no opposed, no abstentions. (6-0-0)

IV. OLD BUSINESS

1. **Applications**

1. **Application# 21-23 –** of the Iron Horse LLC and Co-Owner of Freedom Property LLC, Applicant; Luke Florian Agent; application for a site plan amendment pursuant to 4.2 of

the Simsbury Center Code for the conversion of a motel to an apartment complex located at 969 Hopmeadow Street (Assessor's Map H08, Block 116 Lot 041).

Mr. Florian presented the application changes to the Commission. Mr. Bovee provided explanation for the increase to the parking lot size for the property as well as the variance that was required. Mr. Bovee continued to describe the types of parking spaces offered in the proposal, the use of a dumpster enclosure, and a 6 foot high retaining wall to be built on the site. The traffic flow for the lot was discussed. Mr. Bovee explained the storm water management plan for the property including the use of a shallow storm water management detention area and the use of existing catch basins. Chairman Ryan inquired about the photometric plan submitted and whether or not the Town engineer's comments had been addressed. Mr. Shea described the Town's concerns including the use of lighting that was consistent with the Town's street profile and the retaining wall design. Mr. Bovee stated the retaining wall would be pre-engineered and would be adequate for the use. Mr. Shea inquired about the color scheme of the retaining wall. Mr. Bovee noted the retaining wall would blend well with the surrounding background on the property. Mr. Gray inquired about the total impervious surface after the additional parking area was constructed. Mr. Florian described the possibility of the use of solar energy on the site as his team was taking the redevelopment costs into consideration. Mr. Gray inquired about the lighting strategy for the parking lot. Mr. Glidden stated the property has existing stand-alone lighting features that are consistent with the center aesthetic. The Commission asked about the design for the proposed carport. Mr. Florian stated the carport would be consistent with the architecture of the building. The outer facade of the building was discussed. Mr. Bovee stated the imperious coverage would be increased from 45-48 percent to 65 percent and a net zero increase in runoff for the site. Mr. Glidden noted the regulations required 10% open space for coverage. Ms. Erickson inquired about the number and scope of the bedrooms in the proposed plan. Mr. Florian stated the plan includes 4 studio and 21 one-bedroom apartments. Mr. Florian noted the one bedroom layouts would range from 450 – 720sqft. Mr. Gray made a motion to approve application 21-23 with the general conditions of 1.) An administrative zoning permit being required 2.) A pre-construction meeting to be scheduled between the applicant and applicable staff before the work begins 3.) Erosion and sediment control measures are to be reviewed and approved by the code compliance officer prior to work with the applicant required to provide 24 hour notice for scheduling an erosion and sediment control inspection 4.) The Commission authorizes staff to act on their behalf concerning minor modifications or changes to the plan as it relates to landscaping, grading, lighting, and utility layout requests for modification are to be made in writing and improved by staff prior to implementation in the field. Ms. Erickson seconded.

MOTION: All in favor, no opposed, no abstentions. (6-0-0)

2. **Application# 21-24 –** of the Simsbury Zoning Commission, Applicant; Michael Glidden CFM CZEO, Agent; application for a text amendment to the Zoning Regulations to opt out of Public Act 21-29 concerning accessory dwelling units and parking standards in Simsbury for a period of one year effective November 15th, 2021.

The Commission made a motion to continue the public hearing for application 21-24 until the next regularly scheduled meeting as stated above.

V. NEW BUSINESS

1. **Applications**

1. **Application# 21-26 –** of the Simsbury Zoning Commission, Applicant; Town of Simsbury, Agent; Special Exception pursuant to section 6.3 for development in the floodplain related to parking lot improvements, ADA accessory improvements, and associated drainage improvements for the property located at 22 Iron Horse Blvd (Assessor's Map H09, Block 226 Lot 003A). Zone FP. New plans provided.

Chairman Ryan recommended that the Commission rearrange the agenda items to move application 21-26 to the first item under old business for consideration. Mr. Elliott made a motion to move application 21-26 to the next agenda item for consideration. Mr. Gray seconded.

MOTION: All in favor, no opposed, no abstentions. (6-0-0)

Mr. Glidden summarized the criteria the Commission needs to review for flood plain management. Mr. Gray made a motion to approve application 21-26 aligned with the draft motion proposed in the staff report for the application. Mr. Elliott seconded.

MOTION: All in favor, no opposed, no abstentions. (6-0-0)

2. **Application# 21-27 –** of SL Simsbury LLC, Applicant; T.J. Donohue, Jr., Killian & Donohue, LLC, Agent; Type 3 application pursuant to the Hartford Form Based Code related to changing the commercial zone to residential and constructing a 15-unit residential building on the property located at 250 Hopmeadow Street (Assessor's Map F17, Block 154, Lot 009-3-2) Zone HS-FBC.
3. **Application# 21-28 –** of Mack V Development LLC, Applicant; Marc R. Cohen, Agent; Sign Permit Application pursuant to Section 9 of the Simsbury Zoning Regulations related to the construction of an externally lit sign on the property located at 1603 Hopmeadow Street (Assessor's Map H02, Block 403, Lot 002B) Zone B-2.

Mr. Glidden informed the Commission that application 21-27 and 21-28 were scheduled to go before the Design Review Board, however the meeting was cancelled and staff proposed the Commission table both applications until the next zoning commission meeting. Mr. Elliott made a motion to table both applications until the next regularly scheduled meeting. Ms. Madigan seconded.

MOTION: All in favor, no opposed, no abstentions. (6-0-0)

VI. GENERAL COMMISSION BUSINESS

1. **Approval of Proposed 2022 Zoning Commission Schedule**

Chairman Ryan noted the meeting on November 7th be removed due Election Day being on the 8th. Ms. Beinstein made a motion to accept the proposed schedule with the appropriate corrections. Ms. Erickson seconded.

MOTION: All in favor, no opposed, no abstentions. (6-0-0)

2. **Short Term Rental Regulations**

Mr. Elliott discussed the ordinance and the necessity of the regulations. The Commission deliberated the process for proposing the short term rental regulations. Mr. Glidden explained the draft regulations he prepared for the Commission. Mr. Elliott inquired about the insurance requirements to operate a short term rental as they were absent in the draft. Chairman Ryan proposed the Commission schedule a public hearing in January for the short term rental regulations. Mr. Gray made a motion to schedule a public hearing on the first regularly scheduled meeting in January. Ms. Erickson seconded.

MOTION: All in favor, no opposed, no abstentions. (6-0-0)

Chairman Ryan noted the short term rental ordinance would be attached to the minutes for the meeting for reference.

3. **Sign Regulations Update**

Chairman Ryan discussed the sign regulations including internally illuminated signs on route 44. Mr. Glidden stated he could draft a regulation that would allow internally illuminated signs in parcels that are zoned B-3 and located within 750ft of Albany turnpike. Chairman Ryan proposed the Commission hold a public hearing on the regularly scheduled meetings in February.

VII. ADJOURNMENT

Mr. Gray made a motion to adjourn the meeting. Ms. Madigan seconded.

MOTION: All in favor, no opposed, no abstentions. (6-0-0)

Chairman Ryan adjourned the meeting at 8:34pm.

PLEASE NOTIFY JOSEPH HOLLIS AT 860-658-3292 OR JHOLLIS@SIMSBURY-CT.GOV WITH YOUR AVAILABILITY TO ATTEND THIS MEETING.

How to join us on Zoom for the Public Meeting:
1. Join us on the web: https://zoom.us/j/2574297243
2. Join us by phone: +1 646 558 8656
3. Written communications may be emailed to jhollis@simsbury-ct.gov by 12:00pm December 6, 2021 to have the comments read into the record at the meeting.

How to view application materials:
Visit: https://www.simsbury-ct.gov/zoning-commission

Town of Simsbury

933 HOPMEADOW STREET P.O. BOX 495 SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

TO: **Zoning Commission**

FROM: **Laura Barkowski**
Code Compliance Officer

DATE: **12/14/2021**

SUBJECT: **Home Occupation Determination**

The office has received a State of CT application for gift basket retailer liquor permit. The applicant is a resident of the Town and intends to run this as a home business from her residence on East Weatogue Street. This would be a web based gift basket business with the Applicant, Lisa Hamel as the sole managing member. Please see attached description of business. According to the Simsbury Zoning Regulations a Home Business is considered an "as of right" use. Factors in considering a Home Businesses include:

a. Only residents of the dwelling may have their workplace at the residence
b. The business may not negatively affect the character of the neighborhood
c. No exterior evidence of the business can be seen from public right of way or abutting properties
d. No outdoor storage of any materials, merchandise, equipment, or machinery relative to the use, occurs at the property associated with the operation of the business
e. Activities that create noise greater than 75 decibels, measured at the property line, or that result in noxious odors, are prohibited.
f. No outside lighting, beyond normal residential safety lights, is permitted
g. No visitors may park on the street, and parking for visitors shall be limited to two spaces
h. Manufacturing, warehousing and inventory storage are prohibited
i. Arts and craft activities are permitted to produce goods for sale, on or off the property
j. Retail showrooms and display areas are prohibited, except arts and crafts permitted under paragraph

A Home Based Service Business may be authorized by the Zoning Enforcement Officer for a period of 5 years. If the owner leaves the property the permit expires. As stated in the Regulations in considering whether to authorize such a permit, the Zoning Commission shall consider the following factors:

a. Only residents of the dwelling may have their workplace at the residence.
b. The nature of the service rendered. All services must be legal, and they must be of low enough intensity that they are customary and incidental accessory uses to the property as a residence.
c. The business may not negatively affect the character of the neighborhood.

d. No exterior evidence of the business can be seen from public right of way or abutting properties.
e. Any material, merchandise, equipment or machinery relative to the use, and stored outdoors, must not be visible from adjacent properties or from the public right-of-way.
f. Activities that create noise greater than 75 decibels, measured at the property line, or that result in noxious odors, are prohibited.
g. No outside lighting, beyond normal residential safety lights, is permitted.
h. No visitors may park on the street, sufficient off-street parking to support home business and residence.
i. Retail showrooms and display areas are prohibited.
j. There shall be no effect on neighborhood traffic.
k. In the main residence, no more than 25% of the floor space may be devoted to accessory use.

Alcoholic Uses or the sale of alcoholic beverages may be permitted by Special Exception and considered on an individual case basis. Regulations state the following factors should be considered with respect to the proposed liquor outlets:

A. The need for the proposed use in the proposed location
B. The existing and future character of the general neighborhood in which the use is proposed.
C. Traffic which is likely to be generated by the proposed use
D. Safeguards necessary to protect adjacent property and the neighborhood in which the use is proposed.

This is the first gift basket retailer liquor permit that I have received and I am seeking guidance from this Commission on which category, if any, the Commission feels this belongs in.

Town of Simsbury

Office of Community Planning and Development - Zoning Commission Application

DATE: 11/30/21 FEE: $ 240.00 CK #: _____ APP #: _____

PROPERTY ADDRESS: 1603 Hopmeadow

NAME OF OWNER: Mack V Development LLC

MAILING ADDRESS: 93 North Main St West Hartford CT

EMAIL ADDRESS: _____ TELEPHONE # 860 729-6812

NAME OF AGENT: Marc R Cohen

MAILING ADDRESS: 1133 South Broad St Wallingford CT 06492

EMAIL ADDRESS: ArncoMarc@gmail.com TELEPHONE # 203 494-7429

ZONING DISTRICT: _____ LOT AREA: _____ SQ FT/ACRES

Does this site have wetlands? ☐ YES ■ NO Have you applied for a wetlands permit? ☐ YES ☐ NO

REQUESTED ACTION (PLEASE CHECK APPROPRIATE BOX):

☐ **ZONE CHANGE**: The applicant hereby requests that said premises be changed from zone _____ to zone _____.

☐ **TEXT AMENDMENT:** Please attach proposed changes, including Articles and Sections, and purposes.

☐ **SPECIAL EXCEPTION**: The applicant hereby requests a public hearing pursuant to Article _____, Section _____.

☐ **SITE PLAN APPROVAL**: The applicant hereby requests

☐ PRELIMINARY ☐ FINAL ☐ SITE PLAN AMENDMENT pursuant to Article 5, Section J

☐ **SIGN PERMIT**

☐ **OTHER (PLEASE EXPLAIN)**: Sign permit

This is to add a sign reading Garden Center to the previously approved sign plan The Garden Center sign will be 3'-8 1/2" x 8'-3". It will be externally illuminated by one external LED fixture (see dwg). The sign will have Garden Center in white copy with a background field that is Lime Tree Green.

NOTE: Each application must fully comply with the requirements of the Zoning Regulations prior to receipt by the Commission. ***Each application for zone change and/or special exception shall include a list of names and addresses of abutting property owners and all property owners within 100 feet of the subject site.***

A check payable to the Town of Simsbury must accompany this **original signed and dated** application. **Six (6) complete (folded) sets of plans and eleven (11) copies of the completed application and correspondence** must also be included. If you have a PDF of your plans, we would appreciate a copy of that sent to lbarkowski@simsbury-ct.gov, as well.

see attached

Signature of Owner *Date*

12/1/21

Signature of Agent *Date*

Telephone (860) 658-3245
Facsimile (860) 658-3206
www.simsbury-ct.gov
933 Hopmeadow Street
Simsbury, CT 06070