

A regular meeting of the Town/Village of Lima Planning Board was held on Wednesday, July 20, 2022, at 7:00 PM at the Lima Town Hall 7329 E Main Street, New York 14485

PRESENT: Chairman Wayne Childs, Vice Chairman Andrew Britton, Members Attorney Ericka Elliott arrived at (7:02) Doug Best, Paul Osborne, and Jake Button

ABSENT: Member George Gotscik

OTHERS: Town Board Liaison Honorable Mark Petroski, Village Attorney Matthew Lenahan and Secretary Sharon M. Knight, MMC/RMC

VISITOR: None

Chairman Childs called the meeting to order at 7:00 P.M. and led everyone in the Pledge of Allegiance.

RESOLUTION #12 APPROVAL OF MINUTES

On motion of Member Osborne, seconded by Member Best the following resolution was ADOPTED AYES 5 NAYS 0 ABSENT 2 George Gotscik and Ericka Elliott

RESOLVE to approve the minutes of March 16, 2022, as presented by e-mail and published on the Town of Lima website at townoflima-ny.org. and request they be placed in the Official Permanent Minute Book.

Vote of the Board: Ericka Elliott - Absent, George Gotscik – Absent, Doug Best - Aye, Paul Osborne- Aye, Jake Button- Aye, Vice Chairman Andrew Britton - Aye, Chairman Wayne Childs – Aye

DISCUSSION - PRESENTATION

Chairman Childs reviewed the following presentation with the Board:

Introduction ▪ Work on zoning code publishing solutions over 3,800 codes in 42 states ▪ APA Member for 7 years ▪ Attend 12+ APA events/ Year ▪ Speak at 6-8 APA events/ Year ▪ Delivered for credit sessions in New York in 2021 ▪ NYSTCA session on zoning code trends ▪ APA Upstate NY session on Innovative Zoning Code solutions

Agenda ▪ Why Consider Accessory Dwelling Units? ▪ ADU Types ▪ Pros and Cons ▪ Common Regulatory Barriers ▪ Zoning for Micro Housing

Accessory Dwelling Units - An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home

Accessory Dwelling Units - Also known as... ▪ Auxiliary Dwelling Units ▪ Secondary Suites ▪ “Mother-in-laws” ▪ “In-law suites” ▪ SDUs ▪ Multi-Generational Houses ▪ Granny Flat ▪ “In-law Unit”

Definitions:

Two units, one owner

- An ADU is, by definition, part of the same property as the main home.
- By definition, the ADU can't be bought or sold separately from the main home.
- This can create an unusual situation — a 2-unit property on a street that is zoned “single family residential.”
- Lima code currently does not allow ADUs

Illegal units exist

- Unpermitted ADUs appear to be more plentiful than legal ones
- These ADUs are hard to characterize because they are “off the record
- Promotes potentially unsafe living conditions 7

Why Consider ADUs?

- New York State is considering legislation to DIRECT local governments to create local ADU laws
 - S4547A is currently in committee
 - Referred to judiciary Jan 5, 2022
- It is better for Lima to have this conversation now
- Two states in the US have already take local control away regarding the ADU issue- CA and OR

Why Consider ADUs?

- Some of our neighbors have already incorporated ADUs into their zoning codes:
 - Town/ Village of Livonia
 - Village of Geneseo
 - Village of Honeoye Falls
 - Village of Perry
 - Town of East Bloomfield

Why the Demand?

- Anyone know of a 1-bedroom apartment for rent that would allow a dog?
- Anyone have any apartments coming up for rent? Before December 1st?
- Single Family Home prices SKYROCKETING
- Wages not keeping pace with COL
- Energy and maintenance costs of SFHs
- Residential Realities of Gen Z, Millennials
- Are having difficulty saving enough for home down payments
- Prefer close proximity to work/ recreation vs. traditional SFH's
- Prefer “low maintenance” lifestyle vs. traditional SFH ownership
- The Federal Bank of New York found that 41% or LESS of current renters believe that they will own a home one day.
- Lowest score since the survey began in 2014

Why the Demand?

- Aging in Place or Downsizing by Boomers and Gen X
- Movement away from nursing homes- return to pre-20th century norms- multigenerational homes
- Values changing regarding connections to family members and community
- 41% of Americans buying a home today are considering accommodating an older parent or an adult child
- 13 Why the Demand?
- Property Owner Economics
- Renting out a portion of one's property can provide them with the means to remain in their homes in times of rising costs and taxes
- Municipal Economics
- Allowing ADU's increases residential density W/O new development, supporting lower costs for services- water, sewer, fire protection, police, etc..

ADU Types:

Detached, Attached, Above Garage, Interior (Lower Level), Interior (Upper Level) and Garage Conversion

ADU Types

- Single room occupancy- shared kitchen/baths
- Students, younger, older, group home settings
- Efficiency units- Full kitchens, baths
- "Micro Units" < 400 sq. ft. – no official definition
- Stand alone structures, fully independent from primary residence

Pros and Cons ▪ PROs Cited

- Affordable housing options vs. SFH or Multi-family housing
- Accommodates lifestyle preferences and aging in place
- Makes primary home ownership more affordable
- Lowers costs of government services- concentrates infrastructure
- Creates more density and greater support for local businesses
- Supports "walkable" lifestyles- lower energy consumption
- Improves community engagement
- Reduces development stress on agricultural lands

Pros and Cons

- CONs Cited
- Neighbors did not sign up for this density when they bought
- Lower property values
- Parking problems

- Quality of life decline- noise, behavior
- Strain on services- water, sewer, trash collection
- Transient nature of neighbors
- Changing character of neighborhood

Pros and Cons

- Beware of ANYONE stating certainty of outcome regarding ADUs at this point in time- it is a relatively NEW development initiative, with little data proving anything PRO or CON. We only have anecdotes
- Portland, OR is the “ADU leader” in the USA, and only 1% of eligible lots in the city contain ADUs at this time

Common Regulatory Barriers

- Local building code compliance- sq. feet per occupant
- Zoning
- Minimum unit sizes (sq. ft.)
- Minimum lot area per unit
- Minimum off street parking requirements
- ADU as an allowable use in SFH residential districts
- Chassis-mounted tiny homes categorized as “RVs” may be prohibited outside of designated vehicle parks

Zoning for Micro Housing

- Remove ambiguity and establish clear use permissions
- Create a limited modification/exemption to existing regulations
- Requirement for use permits
- Use-specific standards- space, owner/ occupancy, utilities, common areas, parking
- May require related changes to the municipal code- e.g. accommodation for more non-automobile transportation modes such as golf carts, scooters, skateboards

The following links were also shared prior to the meeting for the Board’s review.

<https://www.planning.org/knowledgebase/accessorydwellings/>

<https://accessorydwellings.org/what-adus-are-and-why-people-build-them/>

<https://www.buildinganadu.com/what-is-an-adu>

There was a question-and-answer period and included but was not limited to the following:

These types of rentals currently exist. It’s illegal to currently have rental properties in a single-family home. They are Code Enforcement issues.

It was suggested to have the Village and Town work together on a new sign law.

All Board Members are not receiving the Association of Town's Newsletter and it was requested an updated list be provided.

Financial pressures felt within our community needs to be discussed.

There was a lengthy discussion of the Town of Geneseo having a college and Conesus Lake front properties.

Changing housing needs & how we may respond as a board in the future.

Further review is needed by individual Board members for continued discussions.

DISCUSSION – DRAFT PROPOSED VILLAGE/TOWN SIGN LEGISLATION

Village Attorney Lenahan was in attendance to answer questions of the following proposed sign law.

ARTICLE XIII: Signs and Billboards

§185-59: Purpose and Intent. A. The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards which may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space and curb the deterioration of the community's appearance and attractiveness. B. This chapter is intended to promote attractive signs which clearly present their visual messages in a manner that is compatible with their surroundings and with the historic character of the Village. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

§185-60: Definitions. As used in this chapter, the following terms shall have the meanings indicated: SIGN Any material, structure or device or part thereof composed of lettered or pictorial matter which is located out-of-doors or on the exterior of any building or indoors, as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person or business or cause when placed in view of the general public.

- A. AWNING SIGN. Any visual message incorporated into an awning attached to a building.
- B. COPY-CHANGE SIGN. Any sign on which the visual message may be periodically changed.
- C. DIRECTIONAL SIGN. A sign limited to providing information on the location of any activity, business or event.

D. FREESTANDING SIGN. Any sign not attached to or part of any building but separate and permanently affixed by any other means in or upon the ground. Included are pole signs, pylon signs and masonry wall-type signs.

E. ILLUMINATED SIGN. Any sign illuminated by electricity, gas or other artificial light from the exterior of the sign.

F. OFF-PREMISES SIGN. A sign unrelated to a business or a profession conducted or to a commodity or service sold or offered upon the premises where such sign is located.

G. PORTABLE SIGN. A sign designed to be movable and not structurally attached to the ground, a building, a structure or another sign, including but not limited to a "sandwich board" style sign. Portable Signs do not include trailers or signs on wheels or that are designed to be towed.

H. PROJECTING SIGN. A sign which is attached to a building wall or structure and which extends horizontally more than 15 inches from the plane of such wall or a sign which is perpendicular to the face of such wall or structure.

I. REPRESENTATIONAL SIGN. A three-dimensional sign built so as to physically represent the advertised product.

J. TEMPORARY SIGN. A sign related to a single activity or event having a duration of no more than 30 days.

K. WALL SIGN. A sign which is painted on or attached to the outside wall of a building, with the face of the sign in the plane parallel to such wall and not extending more than 15 inches from the face of such wall.

L. WINDOW SIGN. A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material or located inside within four feet of the window, but not including graphics in connection with customary window display of products.

M. SIGN DIRECTORY. A listing of two or more business enterprises, consisting of a matrix and sign components.

N. SIGN STRUCTURE. The supports, uprights, bracing and framework for the sign. In the case of a "sign structure" consisting of two or more sides where the angles formed between any two of the sides or the projections thereof exceed 30°, each side shall be considered a separate "sign structure."

O. SIGN SURFACE AREA. The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting a sign shall be excluded unless the structure is designed in a way to form an integral background for the display. Both faces of a double-faced sign shall be included as surface or area of such a sign.

PLANNING BOARD shall mean the Town of Lima/Village of Lima Joint Planning Board.

§185-61: Permits; Fees.

A. Except as otherwise provided, no person shall erect, alter or relocate any sign without first obtaining a permit from the Code Enforcement Officer. Subsequent to this initial application, no permit shall be required for a sign to be repainted or repaired.

B. Application procedure. Applications shall be made, in writing, to the Code Enforcement Officer on forms prescribed and provided by the Village and shall contain the following information:

(1) The name, address and telephone number of the applicant, the owner of the property, and any contractors retained to construct or install the sign;

(2) The location of the building, structure or land upon which the sign now exists or is to be erected.

(3) If a new sign is to be erected, elevation and plan drawings, to scale, should be included. In addition, a full description of the placement and appearance of the proposed sign should be included and should cover the following:

a. The location on the premises, specifically, its position in relation to adjacent buildings, structures and property lines.

b. The method of illumination, if any, and the position of lighting or other extraneous devices and a copy of the electrical permit related to the electrical connections.

c. The graphic design, including symbols, letters, materials and colors.

d. The visual message, text, copy or content of the sign.

(4) Written consent or a copy of the contract made with the owner of the property upon which the sign is to be erected, if the applicant is not the owner.

C. Permit. (1) Upon the filing of a completed application for a sign permit and the payment of the required fee, the Code Enforcement Officer shall submit the application and all supporting material to the chairperson of the Planning Board. Within ten business days, the chairperson shall notify the Code Enforcement Officer whether the Planning Board chooses to exercise jurisdiction over the application. If the Planning Board chooses to exercise jurisdiction over the application:

a. The application for permit will be decided at the next meeting of the Planning Board, as long as said meeting is not more than 45 days from the submission of the original application. The decision of the Planning Board to issue the permit or deny the application shall be communicated to the Code Enforcement Officer, who shall issue the permit or advise the applicant of the denial, as the case may be. The issuance of a permit shall not excuse the applicant from conforming to other applicable laws, ordinances and regulations. If the Planning Board chooses not to exercise jurisdiction over the application, or if more than 10 days elapses from the referral by the Code Enforcement Officer to the Planning Board with no response, or if more than 45 days have elapsed since the submission of the original application:

b. The Code Enforcement Officer shall decide whether to issue the permit or deny the application within 15 days. Any decision to issue the permit shall be based upon the Code Enforcement Officer's decision that the proposed sign is in compliance with all of the requirements of this chapter. The issuance of a permit shall not excuse the applicant from conforming to other applicable laws, ordinances and regulations.

(2) If erection of the sign authorized under any such permit has not commenced within six months from the date of the issuance, the permit shall become null and void, but may be renewed within 30 days prior to the expiration, for good cause shown, for an additional six months, upon application to the Code Enforcement Officer and payment of an additional amount equal to 1/2 of the original fee.

(3) Any application that is submitted in conjunction a project wherein site plan approval is required by the Village Code shall automatically be referred to the Planning Board for decision, and the Planning Board shall have the exclusive authority to approve or reject any application for a sign permit. The time frames outlined in Section (C)(2), above, shall not apply

to such an application and instead shall be governed by the timeframes applicable to site plan approval in the applicable zoning regulations.

(4) The Code Enforcement Officer and/or the Town of Lima/Village of Lima Joint Planning Board shall refer all sign permits within the Downtown Business District to the Historic Preservation Commission, for an advisory opinion. Such opinion shall be provided within 30 days of the referral, and is intended to promote signage that is keeping with the Downtown Business District's historic architecture.

D. Permit period and fees. A permit shall be in effect from issuance until the business ceases to operate or the sign is replaced. The permit fee shall be as set from time to time by resolution of the Village Board of Trustees and shall be kept by the Village Clerk at the Village offices.

§185-62: Exemptions; General Regulations.

A. Exempt signs. The following types of signs may be erected and maintained without permits or fees, provided that such signs comply with the general requirements of this chapter and other pertinent regulations:

- (1) Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection, when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by governmental agencies or religious or nonprofit organizations; not exceeding six square feet in area.
- (2) Flags and insignias of any government, except when displayed in connection with commercial promotion. (
- 3) On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, illuminated or not, and not exceeding four square feet per face and six feet in height. Business names and personal names shall be allowed, excluding advertising messages or logos.
- (4) Nonilluminated warning, "private drive," "posted" or "no trespassing" signs, not exceeding two square feet per face.
- (5) One on-premises sign, either freestanding or attached in connection with any residential building in any zoning district, for permitted professional offices or home occupations, not exceeding two square feet and set back at least 10 feet from the highway right-of-way. Such sign shall state the name and profession or vocation only. Illumination shall not produce a direct glare beyond the limits of the property line.
- (6) Numbers and nameplates identifying residents, mounted on a house, apartment or mailbox, not exceeding one square foot in area.
- (7) Private-owner merchandise sale signs for garage sales, yard sales, auctions and the like, not exceeding four square feet for a period not exceeding seven days.
- (8) Temporary, nonilluminated "for sale," "for rent" and real estate signs and signs of similar nature, concerning the premises upon which the sign is located; in a residential zoning district, one sign not exceeding four square feet per side; in a business or industrial zoning district, one sign not exceeding 50 square feet set back at least 15 feet from all property lines. All such signs shall be removed within three days after closing the sale or the effective date of the lease or rental of the premises.

(9) One temporary sign for a roadside stand selling agricultural produce grown on the premises in season, provided that such sign shall not exceed 16 square feet and shall be set back at least 10 feet from the public right-of-way. Said signs shall be removed within three days after the produce is no longer being offered for sale.

(10) Christmas holiday decorations, including lighting. These decorations are exempt from the provisions of this chapter and may be displayed in any district without a permit for the period from three days before Thanksgiving through the first full week in the following year.

(11) At gasoline stations: a. Integral graphics or attached price signs on gasoline pumps. b. Two auxiliary price signs per station, each not exceeding two square feet. c. One portable sign per station, not exceeding 12 square feet and four feet in height.

(12) Temporary directional signs for meetings, conventions and other assemblies. Said signs may not be displayed more than three days prior to said event, and said signs shall be removed within three days after the conclusion of said event.

(13) One sign, not exceeding six square feet in the residential districts or 16 square feet in the business districts, listing the architect, engineer, contractor and/or owner, on premises where construction, renovation or repair is in progress. Said signs shall be removed within three days of the completion of such work.

(14) Political posters, banners, promotional devices and similar signs, not exceeding four square feet in the residential districts or 16 square feet in the business districts, provided that: a. Placement shall not exceed 30 days, and a period of 11 months shall elapse between the last day of one period of showing and the first day of the next. b. The names and addresses of the sponsor and the person responsible for removal are identified.

(15) Portable "sandwich board" style signs that are limited to one per business, are not illuminated, do not exceed three feet in height and two feet in width, are brought in at the close of each business day, and are not located in the public right-of-way. \

B. Prohibitions.

(1) No off-premises signs shall be allowed other than as may permitted under the exempt signs provisions of Subsection A above.

(2) No sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights except to show time and temperature.

(3) No sign shall be internally illuminated.

(4) Representational signs are prohibited.

(5) No sign shall impair or cause confusion of vehicular or pedestrian traffic in its design, color or placement. No sign shall impair visibility for a motorist at a street corner or intersection by placement and location within 25 feet of the intersection of the street or highway lines.

(6) No sign or sign supports shall be placed upon the roof of any building.

(7) No advertising message shall be extended over more than one sign placed along a street or highway.

C. Sign permit required.

(1) Temporary signs. a. All signs of a temporary nature, except as otherwise provided by this chapter, shall be permitted for a period not exceeding six weeks prior to the activity or event nor exceeding three days after the activity or event. Such signs shall not exceed 16 square feet in business or industrial districts nor eight square feet in residential districts nor be attached to fences, trees, utility poles, rocks or other parts of a natural landscape nor be placed in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health,

safety and welfare of the general public. b. A cash deposit equal to the sign permit fee shall be deposited with the Village Clerk to insure removal of such signs upon expiration of the permit period. The Code Enforcement Officer, after seven days written notice to the permit holder to remove such signs and after the failure of the permit holder to do so, shall cause said signs to be removed, and the cash deposit shall be forfeited to help defray the cost of removal. The seven days' written notice provided herein shall be computed from the date of mailing said notice. Said notice shall be directed to the permit holder at the address provided to the Zoning Enforcement Officer on the permit application.

(2) Permanent signs. Within any zoning district, the following permanent signs may be erected; provided, however, that the provisions of this subsection shall not serve to expand the number of signs otherwise allowed pursuant to the next subsection on business and industrial districts:

a. Off-premises directional signs for the convenience of the general public and for the purpose of directing people to a business, activity, service or community facility may be erected, provided that such signs do not exceed 10 square feet per establishment nor total more than two such signs per establishment. The message shall be limited to name or identification, arrow or direction and distance. Advertising messages and logos shall be prohibited. Such signs shall be limited to major and collector streets.

b. A nonilluminated, single-sided real estate development sign, including industrial and commercial development, residential subdivision or construction sign denoting the architect, engineer and/or contractor, not exceeding 32 square feet in business and industrial districts nor 16 square feet in residential districts, may be erected on property being sold, leased or developed. Such sign shall be erected parallel to the fronting highway and set back a minimum of 35 feet from the property line or attached to the building face. Such sign shall be removed upon completion of the project and shall be in place for a period not exceeding two years.

c. Signs or bulletin boards customarily incident to schools, places of worship, libraries, museums, social clubs or societies may be erected on the premises of such institutions. One such sign or bulletin board not exceeding 16 square feet may be erected for each entrance on a different street or highway.

d. For multiple dwellings or apartment developments, one sign advertising availability of dwelling units, not exceeding 16 square feet, shall be permitted. One such sign shall be permitted for each entrance on a different street or highway.

e. Recreational areas, day camps, golf clubs and other similar facilities permitted by the Zoning Ordinance shall in all zones be permitted one sign not exceeding 16 square feet.

f. Signs necessary for identification, operation or production of a public utility, not exceeding 16 square feet, may be erected on the premises of such public utility.

D. Business and industrial districts.

(1) Permanent sign provisions.

a. The total number of permitted signs on a single business or industrial lot shall not exceed three, of which only one may be freestanding. To the extent that the business or lot allows for public access through the rear of the building or lot, a fourth sign, not exceeding 12 square feet, shall be allowed for the rear of the building.

b. The total cumulative area of all signs permitted on such lot shall be calculated at the rate of one square foot of sign area per linear foot of building front, plus 1/4 square foot per linear foot of setback of the principal building on the property, whichever is less, but in no case in excess of 150 square feet.

c. A minimum total sign area of 20 square feet shall be permitted any use, regardless of building frontage.

d. Where groups of four or more contiguous stores are located together in a shopping center or where a lesser number of stores total not less than 20,000 square feet of gross leasable area, one common freestanding sign denoting the name of the shopping facility shall be permitted, not exceeding 100 square feet [50 square feet per side] and with a bottom panel not less than eight feet above grade. All other signs shall be attached to buildings, on a wall, projecting or soffit-type and coordinated in material, shape, lettering, color and/or decorative elements. The total sign area permitted for the entire shopping center shall be calculated at the rate of one square foot of sign per foot of building front, plus 1/4 square foot per foot of each store's setback, but in no case to exceed 350 square feet. e. Illuminated signs which indicate the time, temperature, date or similar public service information shall not exceed 32 square feet and shall not employ less than 60% of the total sign area, each side, for said public service information. f. Illuminated signs shall be turned off when the business they advertise is closed.

(2) Gasoline service stations, notwithstanding any other provision of this code, shall be allowed:

a. One freestanding sign; b. One fuel canopy with graphic displays on not more than three sides; c. Two price, product, or promotional signs each, not exceeding 12 square feet or six square feet per side if double-sided, if located on the pump island or the canopy; and d. Fascia signage not to exceed 100 square feet per road frontage. All such signs as indicated herein shall be subject to the permit process.

(3) Portable signs. A new business or a business in a new location, awaiting installation of a permanent sign, may utilize a portable sign for a period of not more than 60 days or until installation of a permanent sign, whichever occurs first. Such a portable sign must meet all the construction standards of the municipality. A separate permit for such a portable sign shall be required.

E. Nonconforming signs.

(1) In the event that a sign lawfully erected prior to the effective date of the chapter does not conform to the provisions and standards of this chapter, then such sign may continue in use until replaced or until the sign no longer advertises an existing business conducted or product sold on the premises upon which such sign is located, or until the sign becomes poorly maintained through lack of repair and maintenance.

(2) A nonconforming sign shall not be enlarged altered, enlarged, rebuilt, extended, or relocated unless such action is to make such nonconforming sign conforming to these provisions.

(3) Any maintenance and repair of a nonconforming sign shall not cost more than 50% of the current depreciated value of the sign as of the date of alteration or repair nor alter more than 50% of the physical square footage of the sign; otherwise, a permit for a conforming sign under these provisions must be obtained.

(4) Any nonconforming sign under this code which was also nonconforming under the last code shall be removed, at the owner's expense. The Code Enforcement Officer shall give written notice to the named owner of the land upon which it is located, who shall remove the sign within six months days from the date of the notice. If the sign is not removed or repaired within said time period, the Code Enforcement Officer may remove or repair the sign and assess the owner for all costs incurred for such service.

F. Removal of signs.

- (1) Any sign existing on or after the effective date of this chapter which no longer advertises an existing business conducted or product sold on the premises upon which such sign is located shall be removed.
- (2) If the Code Enforcement Officer shall find that any sign regulated by this chapter is not used, is abandoned, unsafe, insecure or is a menace to the public, the Code Enforcement Officer shall give written notice to the named owner of the land upon which it is located, who shall remove or repair the sign within 30 days from the date of the notice. If the sign is not removed or repaired within said time period, the Code Enforcement Officer shall revoke the permit issued for such sign and may remove or repair the sign and assess the owner for all costs incurred for such service.
- (3) The Code Enforcement Officer may require the removal or repair, at the owner's expense, of any sign that is poorly or improperly maintained.
- (4) The Code Enforcement Officer may cause any sign which is a source of immediate danger to persons or property to be removed immediately and without notice.

§185-63: Construction Standards.

A. General.

- (1) All signs installed after the effective date of this chapter shall have attached to the sign a nameplate giving the sign permit number and the name and address of the owner, person or corporation responsible for the general requirements and maintenance as outlined in this chapter.
- (2) All freestanding signs shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of surface area.
- (3) All signs, including wall-mounted and projecting signs, shall be securely anchored and shall not swing or move in any manner.
- (4) All signs, sign finishes, supports and electric work shall be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose supports, braces, guys and anchors.
- (5) All projecting, freestanding or wall signs shall employ acceptable safety material.
- (6) All signs shall be painted and/or fabricated in accordance with generally accepted standards.

B. Specific regulations of sign types. The following are descriptions of signs varying in construction and type which shall comply with the additional conditions set forth herein:

- (1) Wall signs. a. Wall signs shall not extend beyond the ends or over the top of the walls to which attached and shall not extend above the level of the second floor of the building. b. Wall signs shall not extend more than nine inches from the face of the buildings to which attached, except that copy-change signs may extend 15 inches therefrom. c. Any part of a sign extending over pedestrian traffic areas shall have a minimum clearance of seven feet six inches. d. Copy-change wall signs shall be permitted on theaters only.
- (2) Projecting signs. a. Projecting signs shall not have more than two faces. b. The exterior edge of a projecting sign shall extend not more than five feet from the building face or 1/3 the width of the sidewalk, whichever is less. c. No part of a projecting sign shall extend into vehicular traffic areas, and any part extending over pedestrian areas shall have a minimum clearance of seven feet six inches. d. Projecting signs shall not extend above the level of the second floor of the buildings to which attached or in any case be higher than 12 feet. e. No projecting sign shall be closer than 15 feet to the corner of a building located at a street intersection.

(3) Freestanding signs. a. In residential zones, no freestanding sign shall be located less than 15 feet from the front property line nor less than five feet from the side property line. No freestanding sign may be located less than 50 feet from any other freestanding sign. b. If for any reason the property line is changed at some future date, any freestanding sign made nonconforming thereby must be relocated within 90 days to conform to the minimum setback requirements. c. Except as otherwise provided herein, no freestanding sign shall be more than 20 square feet per side for a double-faced sign. d. No freestanding sign shall be more than 12 feet in height above finished grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including supporting structures. e. Freestanding signs under which a pedestrian walkway or driveway passes must have a ten-foot vertical clearance. f. Masonry wall-type signs shall not exceed four feet in height and shall not be placed so as to impair visibility for motorists

(4) Other signs. a. Window signs. 1. Any window sign(s) shall not cover more than 50% of the square footage of the window on which it is located. b. Sign directories. 1. Sign directories shall contain identification of and direction to several business enterprises but shall contain no promotional advertising. c. Awning signs. 1. No sign shall project from an awning. 2. Awning graphics may be painted or affixed flat to the surface of the front or sides and shall indicate only the name and/or address of the enterprise or premises. 3. Awning graphics shall be a single line of lettering not exceeding six inches in height but, if over three inches in height, shall be debited against the permitted wall sign surface area

§185-64: Design Guidelines.

- A. Signs should be designed to be compatible with the surroundings and appropriate to the architectural and historic character of the buildings on which they are placed. Sign panels and graphics should relate with, and not cover, architectural features and should be in proportion to them.
- B. Signs should be appropriate to the types of activities they represent.
- C. Layout should be orderly, and graphics should be of simple shape, such as a rectangle, circle or oval.
- D. No more than two typefaces should be used on any one sign or group of signs indicating one message.
- E. The number of colors used should be the minimum consistent with the design.
- F. Illumination should be appropriate to the character of the sign and surroundings.
- G. Groups of related signs should express uniformity and create a sense of harmonious appearance

§185-65: Appeals and Variances.

- A. Any person aggrieved by a decision of the Code Enforcement Officer and/or the Town of Lima/Village of Lima Joint Planning Board relative to the provisions of this chapter may appeal such decision, in writing, to the Zoning Board of Appeals, as provided for in the Village Code.
- B. In granting any variance from the provisions of this chapter, the Zoning Board of Appeals must find that the variance is necessary for the reasonable use of the land or buildings, that granting the variance is in harmony with the general purposes and intent of this chapter, that such will not be injurious to the neighborhood character or otherwise detrimental to the public welfare

and that denial of the variance would result in practical difficulty or unnecessary hardship to the applicant.

C. If a sign for which a variance has been granted hereunder is not erected within one year from the date of the issuance of said variance, or if a sign for which a variance has been granted hereunder is removed for a continuous period of one year, the variance for said sign shall be deemed abandoned and of no further effect.

§185-66: Penalties for Offenses.

A. Any person, firm or corporation, whether as owner, lessee, agent or employee, who proceeds to erect, re-erect, construct or structurally alter any sign without first applying for and obtaining the necessary permit or who in any other way violates any provision of this chapter shall be guilty of an offense punishable by a fine not exceeding \$100 for the first violation and \$200 for a second, or subsequent violation. Each week's continuous violation shall constitute a separate additional violation. \

B. In case of a violation of this chapter, the municipality and its officers may, in addition to any other remedies specifically conferred by law or ordinance, institute any appropriate proceedings to prevent unlawful erection, construction, reconstruction, alteration or use of any sign not in compliance with this chapter.

§185-67: Interpretations; Conflict with Other Provisions.

A. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare. It is not intended to interfere with, abrogate or annul other rules, regulations or ordinances, provided that, whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted regulations, rules or ordinances, the most restrictive or those which impose the highest standards, shall govern.

§185-68: Warning; Disclaimer of Liability.

A. The provisions of this local law shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm, or corporation erecting or owning a sign from any personal injury or property damage resulting from the placing of the sign, construction, maintenance, or removal of any sign. Nor shall this provision be construed as imposing any liability on the Village of Lima or any of its officers, agents, or employees by reason of the approval of any sign, materials, or devices under these provisions.

Board discussion continued regarding the draft law that was based on the Village Board's request to mirror the Town of Mt. Morris, recommendations of this Planning Board, and additional considerations of the Village Board. The Town of Lima currently has the most restricted and outdated code in the area. A lot of the brand-new parts were added to exercise jurisdiction and to speed up the process for those submitting applications seeking approval of signs. There are a lot of plaza regulations, although we only have one plaza. Maybe creating a Planning Unit District for plazas would be beneficial while refraining from spot zoning. Discussion included multiple measured restrictions and the benefit of the use of tables. It was questioned if any of the signs would include address numbers of the street name. In the Planning Board's recommendations, it included review of the County Sign Code, a new portion for permanent directional signs, as well as the language used for gas stations found in the Town of Dansville.

Recommended changes include but are not limited to the following:

Eight to twelve feet high would include an enormously wide sign and a thorough review and changes are needed to dimensional requirements as drafted.

Christmas decorations will be changed to seasonal decorations to avoid 1st Amendment content regulation issues (*Reed vs. Town of Gilbert*).

Gas station - no need for four-sided sign but liked provisions for promotional signage on islands.

The use of table rather than reading text is recommended see Honeoye Falls law.

Discussed the lack of window signage and coverage limits - need to see inside the stores - for security purposes.

Village Attorney Lenahan thanked the Board for their input and continued review of the proposed draft law. He will provide a new draft within the next few days, and it's hopeful the Planning Board will have a final recommendation at their next meeting.

DISCUSSION – CURRENT ISSUES – CODE ENFORCEMENT – NEXT STEPS

It was questioned if the recent addition to Fanatics required Planning Board review and new parking minimums are being reduced and/or eliminated in many communities.

The meeting adjourned by motion of Member Osborne and seconded by Member Elliott at 7:27 P.M.

Respectfully submitted by:

Sharon M. Knight, MMC/RMC, Secretary