

3. RZ09-17, Text Amendment to Article 22, Section 22.7 of the Roswell Zoning Ordinance regarding nonconforming signs (First Reading)

Councilmember Price introduced the item. Planning and Zoning Director Brad Townsend stated this is a proposed text amendment to the nonconforming section of the sign code. The amendment would remove dismountable material as a material that is allowed to be substituted; it also includes wording not to allow structural changes dealing with technology for a nonconforming sign. Mr. Townsend stated the Planning Commission reviewed this proposed text amendment. The proposed text amendment was redrafted as the Planning Commission requested. Mr. Townsend stated staff recommended approval.

City Attorney David Davidson stated this proposed text amendment arose out of litigation in which short comings in the City's sign ordinance were presented. This proposed text amendment will address those issues.

City Attorney David Davidson conducted the first reading of AN ORDINANCE TO AMEND ARTICLE 22, SIGNS, OF THE ZONING ORDINANCE OF THE CITY OF ROSWELL stating it is hereby ordained by the Mayor and Council of the City of Roswell, Georgia, pursuant to their authority as follows:

1.

Article 22, Signs, Section 22.7 Nonconforming Signs, of the Zoning Ordinance of the City of Roswell, Georgia is hereby amended by deleting subsections (a) in its entirety and substituting therefore a new subsection (a) to read as follows:

(a) a nonconforming sign shall not be replaced by another nonconforming sign including face material except that the substitution or interchange of poster panels or painted boards on nonconforming signs shall be permitted. All nonconforming signs shall be maintained in a safe manner and in good repair.

2.

Article 22, Signs, Section 22.7 Nonconforming Signs is further amended by deleting subsection (b) in its entirety and substitution therefore a new subsection (b) to read as follows:

(b) Minor repairs and maintenance of nonconforming signs shall be permitted. However, no structural repairs, structural changes and/or changes in the size, shape or technology currently being used on the sign shall be permitted except to bring the sign out if its nonconforming condition and into compliance with the requirements of this Article. To the extent that this section is alleged to conflict with O.C.G.A. § 32-6-83 or the Georgia Constitution, this section shall be deemed to provide affected parties the minimum protections provided by O.C.G.A. §32-6-83 and the Georgia Constitution as both may be amended from time to time.

Mr. Davidson stated that if approved, this would be the first reading of the ordinance.

Motion: Councilmember Price moved to approve **RZ09-17, Text Amendment to Article 22, Section 22.7 of the Roswell Zoning Ordinance regarding nonconforming signs (First Reading)**. Councilmember Dippolito seconded.

Council comment:

Councilmember Price requested assurance from Mr. Davidson that the comments made by Planning Commission member Susan Baur were addressed, and also that there were no other sections which needed changes for congruency. Mr. Davidson replied "Ms. Baur was addressing subsection (c) in the same section which has to do with signs that are damaged. That section basically says they can restore

the sign; they cannot make any changes to it. I think she is addressing the second sentence in there which is basically the same language that was in subsection (b), that we are changing. But in subsection (c) that language does not need to be in there but it is not a problem that it is there. All it allows is for restoration of a sign; it does not allow for any changing of the sign.” Councilmember Price asked if there could be appropriate wording to reduce redundancy before the second reading. Mr. Davidson explained that the wording is not really redundant. It was rewritten to stress that there will not be any structural repairs or change in the shape or size if the sign is damaged; it is not really pertinent, but stresses that no changes to the sign will be allowed, only restoration of the sign.

Mayor Wood asked if this extra language would make the Council’s intent clearer if it was up to a judge’s interpretation. Mr. Davidson replied that the extra language is not addressed in this ordinance. The two subsections which this proposed ordinance addresses are (a) and (b). Ms. Baur’s comments related to subsection (c), which is not addressed in this ordinance. Mr. Davidson stated the language is fine as it is, but the second sentence could be removed if Council preferred. Councilmember Price noted she wanted to be certain the problem was addressed, and also certain that it was not compounded. Mr. Davidson replied that the proposed language would take care of the issue. Councilmember Price thanked Mr. Davidson.

Mayor Wood invited public comment. No comments from the public were made. No further discussion by Council.

The motion passed unanimously.