

Mayor Wood suggested Councilman Orlans and Councilman Igleheart meet with staff to draft their proposed amendments, which could then be proposed as an amendment at the next reading of this text amendment.

6. RZ09-06 Text Amendment to the Roswell Zoning Ordinance Section 15.2.8 regarding tree pruning. First Reading. *Presented by Brad Townsend, Planning and Zoning Director*

Planning and Zoning Director Brad Townsend stated this is an amendment to the Roswell Zoning Ordinance Section 15.2.8, related to tree planning regarding tree pruning and “topping” of trees. Mr. Townsend displayed a photograph which illustrated what staff is trying to avoid regarding tree pruning. He explained that the Legal department originally drafted language included in paragraphs (subsections) (a) and (b). Mr. Townsend stated subsection (c) was added “To help apply this Section only to lots of less than an acre in size, zoned residential, single family, or duplex.” He further stated that when the three sections are taken together, section (a) provides a standard in which a tree prune can actually be pruned properly; section (b) defines “topping” and that it cannot be done “anywhere” on the tree. Mr. Townsend stated “Section (c) provides the standard in dealing with the residential lots of acre or less.”

Council comment:

Councilman Dippolito noted that this ordinance had been amended to actually incorporate these standards; the ordinance has been in effect for a long time and never changed. He explained that during discussions with the Legal department, staff recommended a change for an allowance regarding lots under an acre in size within a residential area, so that this ordinance does not become a burden for the average homeowner. He noted this was a concern previously expressed by Council and members of the community.

Mayor Wood commented that he considered himself to be an average homeowner and commercial property owner, and supported the distinction between commercial and residential properties, and was comfortable with this restriction on commercial properties. On residential properties, the Mayor stated he believed the logic was if the tree could be cut down, why worry about imposing ordinances on trimming it. When it comes to the distinction between whether it is one acre or more or one acre or less, he wondered why we would be saying to the property owner who own five or ten acres, that he cannot trim his trees and is under a separate set of regulations. Mayor Wood inquired about the logic that a separate set of regulations applies for the property owner who has five or ten acres.

Councilman Dippolito stated the ordinance for cutting down trees contains the same language regarding the acreage. The thought process was to use the same language for the pruning that is currently used for the cutting down of trees “to make all things equal.”

Mayor Wood stated he understood the reason the property owner, who had more than one acre, was told that he was not permitted to cut down trees because the city was experiencing clear cutting prior to development. The Mayor noted that he was very much in support of the ordinance regarding clear cutting but when it comes to trimming trees, he did not understand the same reasoning there; we are not having a problem with someone who owns ten acres trimming all of his trees, it has never been a problem. Mayor Wood stated that as a property owner of ten acres, he either cuts it down or lets it go. He said he understood how this ordinance developed but as far as an affective reasoning behind it, he did not see a reason why a property owner who has ten acres and actually has a lot of tree canopy, and is doing more to support tree canopy than the average citizen, is going to be under more restrictive rules when trimming

his trees, than the average home owner. Clear cutting is not an issue. He did not understand why somebody with two, five, or ten acres is under a different set of rules than the average homeowners who consider themselves average homeowners with lots of trees.

Councilman Dippolito asked what the Mayor proposed. Mayor Wood answered that when it comes to trimming, he would suggest that residential property owners are not subject to the trimming rules and regulations, commercial properties are subject.

Councilwoman Henry stated that she did not have any issue with that because she did not have any issues with people trimming their dogwoods or other non-specimen trees but wanted specimen trees to be protected from pruning which would eventually kill that tree. Councilwoman Henry asked if it would be possible to delineate specimen trees from all other trees as far as pruning on residential property.

Mayor Wood suggested that it would be necessary to follow this ordinance if pruning specimen trees, whether on one acre or fifty acres. Councilwoman Henry agreed. Mayor Wood noted that Councilwoman Henry's point was a good one because specimen trees are special.

Councilman Dippolito inquired with Mr. Townsend as to whether this ordinance has restrictions related to specimen trees, if that is as far as cutting down trees, not being allowed to cut down specimen trees under any situation; how does that apply as the ordinance is written to the pruning of trees. Councilman Dippolito suggested that staff take Council's comments since this is the first reading and return with revisions unless Mr. Townsend could quickly find the specific section of the code. Mr. Townsend said "It starts out with no specimen tree as defined in this article shall be removed except in accordance with a lot of conditions. In essence, nothing is going to touch it, related to that." Councilman Dippolito replied that would be as far as removal but not pruning. Mr. Townsend agreed. Mr. Townsend further stated there is no language except what is now being proposed as the standard is which the property owner could prune; it is not clearly identified in the pruning section, one way or another. Councilman Dippolito said he thought Council was saying they would be willing to give some leeway to pruning but want to protect specimen trees and want to limit the restrictions to commercial properties. Mr. Townsend indicated he understood. Mayor Wood stated "Generally, restrictions on commercial properties; specimen trees, all properties." Councilman Dippolito agreed. Mr. Townsend indicated that he understood.

Councilman Orlans asked Mr. Townsend if the situation arose on commercial property, which then went to court and caused the need for this. Mr. Townsend stated he did not recall. City Attorney David Davidson said he thought it was residential; a tree company hired by the property owner basically cut off a third of the top of a tree.

City Attorney David Davidson conducted the first reading of **AN ORDINANCE AMENDING ROSWELL ZONING CODE SECTION 15.2.8 REGARDING PRUNING** stating the Municipal Court of the City of Roswell has declared Section 15.2.8 of the Roswell Zoning Code unconstitutional because it is impermissibly vague and ambiguous. Therefore, in order to rectify the foregoing, the Mayor and Council of the City of Roswell, pursuant to their authority, do hereby adopt the following ordinance: 1. The existing Section 15.2.8 of the Roswell Zoning Code is hereby repealed. 2. A new Section 15.2.8 of the Roswell Zoning Code is hereby adopted to read as follows:

Section 15.2.8 Pruning

- (a) To prevent long-term harm to the health of trees or their structure, all pruning of trees within the City of Roswell must be done in accordance with the International Society of Arboriculture Standards entitled "ANSI A300 Standards." A copy of the ANSI A300 Standards is attached to Article 15 as Section 15.7.3, Appendix D-ANSI A300 Standards, and is incorporated herein by reference as though fully stated.
- (b) "Topping," defined as removal of more than one-third of the leaves and branches of a tree measured from the lowest branch on the trunk of the tree to the top of the tree, is prohibited.
- (c) ~~The foregoing provisions~~ Subsection (a) of this Section shall not apply to a lot of less than one (1) acre in size and which contains, or is zoned and platted for purposes of constructing, a detached single-family residence or duplex.

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

Councilman Dippolito moved to approve the first reading **RZ09-06 Text Amendment to the Roswell Zoning Ordinance Section 15.2.8 regarding tree pruning with staff to consider the comments from Council.** Councilwoman Wynn seconded the motion. The motion passed unanimously.

7. RZ09-07 Text Amendment, changeable copyboard signage. First Reading. Presented by Brad Townsend, Planning and Zoning Director.

Planning and Zoning Director Brad Townsend stated this text amendment deals with the sign code as it relates to changeable copy signage and control of light emitting diodes (LED) as a light source. Mr. Townsend provided photograph examples of signs that would not be permitted as part of this proposed text amendment and those which would be permitted; he also provide examples of signs lit by LED but covered so that the light source is not viewed. He said other exemptions relate to gas station pricing signs and time and temperature signs. Mr. Townsend noted that staff recommends approval of the first reading of this proposed text amendment.

City Attorney David Davidson conducted the first reading of ***ORDINANCE TO AMEND THE CITY OF ROSWELL SIGN ORDINANCE REGARDING CHANGEABLE COPYBOARD AND CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS WITHIN THE CITY OF ROSWELL*** stating that the Mayor and Council have determined that serious safety questions have been raised by the Federal Highway Administration (FHWA), National Highway Traffic Safety Administration (NHTSA), and others with respect to changeable electronic variable message signs; pursuant to their authority, the Mayor and Council adopt the following ordinance:

1.

Article 22, of the *City of Roswell Zoning Ordinance, Signs*, Section 22.1 *Definition*, is amended by adding new definitions to read as follows:

Changeable Copy Board sign: A sign on which copy or sign panels may be changed, such as boards with changeable letters or changeable pictorial panels.

Changeable Electronic Variable Message sign: A programmable sign that provides changing information.