

# AGENDA ITEM SUMMARY SHEET

## City of Rollingwood

Meeting Date: October 16, 2024

**Submitted By:**

Staff

**Agenda Item:**

Discussion and possible action on an amendment to the Code of Ordinances regarding residential landscape and tree canopy management

**Description:**

The CRCRC approved the attached recommendations regarding residential landscape and tree canopy management and sent their recommendations on to the Planning and Zoning Commission. At the Planning and Zoning Commission meeting on October 2, these recommendations were approved (by a 7-0 vote) to be sent on to the City Council with the understanding that this would ultimately come back before the Planning and Zoning Commission through the Public Hearing process before it can be adopted. In this approval, the Planning and Zoning Commission asked for the following considerations:

- Consider simplifying the language if possible
- Have this recommended language reviewed by a certified arborist at some point before adoption **This is in process.**
- Consider the challenges in getting Board of Adjustment approval and whether the City Council would have any ideas on alternative policies that would still discourage removal of heritage trees.
  - o The following was discussed as an alternative to requiring that an applicant go to the BOA to remove a heritage tree: *In the case that a heritage tree poses a safety issue, upon the recommendation of a third-party arborist hired by the homeowner, and so accepted by the city arborist, the city arborist may grant the removal of the tree. This would still include a replacement tree requirement.*

Additionally, legal has noted that if a special exception provision is placed in the code, there must be specific criteria that need to be met in order for the Board of Adjustment to grant the special exception.

At the September 18, 2024 City Council Meeting Council Member McDuffee made a recommendation that the fine language be amended in Section 107-378 (b) to include a \$2000 fine for any offense, and to remove language referring to a \$500 fine.

Since the P&Z reviewed and sent this document on to Council at their October 2 meeting, the draft ordinance for this item has been amended slightly to correct a few typos and code

reference errors, as well as to correct the placement of one of the newly added subsections. No substantial changes have been made.

**Action Requested:**

- Review the draft ordinance and considerations provided by the P&Z above and direct staff as to whether to incorporate those recommendations in the draft.
- Review the legal recommendation regarding special exceptions and previous discussion regarding the amount of the find and provide direction to staff as to whether to incorporate these into the draft.
- Provide direction to staff as to next steps for this draft ordinance. The options could include sending it through the public hearing process or bringing it back with changes for additional review.

**Fiscal Impacts:**

No significant fiscal impacts anticipated at this time.

**Attachments:**

- Draft recommendations in ordinance format approved by CRCRC and approved by P&Z to be sent to the City Council for next steps